Northern Plains leads suit over Keystone XL

Trump pipeline uses old data to gain permit

The Keystone XL pipeline, rejected by the Obama Administration in 2015 for not being in the national interest, was approved by the Trump Administration on March 24.

This Canadian-owned pipeline, carrying Canadian tar sands oil, would cross both the Missouri and Yellowstone Rivers within Montana, along with hundreds of smaller rivers and streams.

The Keystone XL’s threat to water and land all along its route is why Northern Plains recently filed suit against the Trump Administration’s approval of the pipeline.

Northern Plains is challenging the permit approval along with a coalition of other organizations; the lawsuit is based on the outdated and incomplete information used in its Environmental Impact Statement (EIS) to determine the project’s threat to the water, land, and communities that

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Mourning good bills lost

Saying “good riddance” to the bad

HB 34  HB 296
HB 215  SB 201
HB 284  SB 330
Agriculture complements conservation

The snow is turning to rain, the sun is still out at 6 p.m., and my Instagram feed is peppered with adorable new calves. A wet spring has arrived in Montana, which is great news for many of our ranching and farming members.

Ranchers are traditionally some of the best stewards of the land. On average, they do more for water, grasslands, and wildlife conservation than any other property owners in the West.

A professor of mine recently reiterated this fact during a lecture, and some of my classmates were vocally skeptical of such a claim. It’s understandable, I guess. For a number of decades, the dominant narrative in some environmental circles was that only certain types of human use of the land are compatible with conservation. Ranching was considered so resource-intensive that “good” environmentalists eschewed meat and leather.

This is a shame because conservation works best when pursued in concert with community, partnerships, traditional knowledge, and broadmindedness. Ranchers, farmers, and landowners tend to spread good ideas among each other. So should the rest of us.

Whether it’s building healthy, biodynamic soils, installing wildlife-friendly fencing, or fighting the GMO-seed takeover, many Montana farmers and ranchers are pushing sustainability in important and significant ways. Instead of keeping good ideas quarantined to a private reserve and banning all human interaction with the land, these communities spread conservation practices and ensure a continued ethic of land stewardship.

We’re all better off when our water is protected, when livestock are raised in ways that preserve important grasslands, and when healthy soils lock in excess carbon.

I marvel at all the important work that’s yet to be accomplished. I’m not just talking about agricultural conservation… I’m thinking of making the transition to clean energy, and to an economy that thinks of the next generation (what a rancher might call “looking beyond our own fence lines”). That work will be achieved when ranchers, college kids, native communities, researchers, and labor unions find areas of common ground and combine forces. These coalitions require diligence, respect, and flexibility—it’s not as simple as finding your own choir and sticking to the same tunes.

When I was much younger, I used to think that environmentalism necessarily entailed participation in some kind of purity contest, the rules of which were defined by the group you associated with. But, as Paul Hawks told us a generation ago, “Equality means we tolerate differences among us and don’t shun those who don’t agree 100 percent with everyone else on everything.”

This is how we’ll accomplish that important work ahead. It’s how a group of inspired people started this organization, by bringing together ranchers and farmers, business people and workers, homemakers and academics.

Northern Plains Resource Council members have always known that sustainability and conservation are community pursuits.

Supporting Northern Plains means more than just passing a certain piece of legislation or challenging a particular project; it’s about reaching across fence lines and building a stronger Montana for everyone.

– Kate French
Northern Plains Chair
Bill Hand comes home to Montana

Bill Hand is a wonderful dichotomy. You’d be hard pressed to find someone as strongly rooted in Montana, and even less likely to find someone more widely traveled. That seeming conflict is the product of a dual upbringing: a family that was part rancher and part military.

Bill’s grandfather founded the town of Volborg, Montana (named after Bill’s grandmother), about 40 miles south of Miles City. The family ranch he settled would become a home base for Bill and his brothers.

Wherever they were stationed, though, the boys spent their summers on the ranch. Many of his formative years were in Montana, including time in Baker, Miles City, and Billings, but Bill would end up completing high school in Manila, Philippines.

Wherever they were stationed, though, the boys spent their summers on the ranch, “When we were in country, we were at the ranch. It was where we all came back to.”

Globe-trotting career

Bill laughs as he recalls, “My mother, who grew up on the ranch, was scared to death that we would want to run the ranch, so she wouldn’t allow us to go to Montana State (University).” Instead, he and his brothers went off to his mother’s preferred college – Clemson University – in South Carolina where they all studied agriculture.

After graduating, Bill’s career was consistent with his upbringing – it was a career on the move. By the time he retired, Bill had worked as an economic consultant for agriculture and other international development in 42 different countries.

But wherever Bill went, he never shook Montana from his heart; a plan to move back to Montana was always on the horizon. “I always knew – I just always knew this was where I was going to end up, some way or another.”

Bill decided on southern Stillwater County, finding a home in Nye in 2006. He’s still likely to be on the road, but now it’s often traveling the state as a leader of Northern Plains. Bill is a key part of our work to create a better agriculture future for Montanans as part of the Northern Plains Agriculture Task Force.

More local foods

“I am so excited about all of the activities that are now a part of local food, everything from increased use of Montana-raised meat in our schools and institutions to the growth of our food cooperatives. I want to see more local food production across the state, and have more of our very good quality food available to people in Montana.”

Bill does all of this out of a strong sense of community involvement. He’s a leader in his Northern Plains affiliate, serving as President of Stillwater Protective Association and as a member of the Good Neighbor Agreement Task Force, where he helps protect his local community from the impacts of hard rock mining.

“I’m very proud to be a part of the grassroots effort of Northern Plains. It represents something that is pretty vital to our communities, and our American way of life. People look for ways to get involved, and Northern Plains and Stillwater Protective Association certainly provide that opportunity.”

– Bill Hand

What will your life legacy be?

Most people would like to make a lasting contribution toward a better world, but don’t know how. Planned gifts, made during life or through the donor’s estate, will carry on the donor’s name and memory and enhance Northern Plains’ ability to provide a cleaner, more sustainable future for generations.

A well-structured planned gift offers you:

- Significant tax benefits;
- Increased income for life;
- The ability to make a larger gift than otherwise possible;
- The opportunity to establish a permanent memorial in your name or that of someone else.

A well-structured gift offers Northern Plains:

- A measure of security for an uncertain future;
- A long-term relationship with you;
- An enhanced capability to work for what’s important to you.

Please call Steve Paulson at 406-248-1154.

Why I’m a Monthly Sustainer

Northern Plains is working on things important to me, particularly on water quality issues and kinds of decisions the state makes that affect water quality.” On becoming a Monthly Sustainer... “It’s easy, it’s great because you don’t have to think about it anymore or get renewals all the time.”

– Richard Parks of Gardiner

Join Richard as a Monthly Sustainer! Just contact Caleb Lande to set up your monthly giving at 406-248-1154 or caleb@northernplains.org
Remember when the Bakken was booming? Our Glendive members do. Landowners, farmers, and ranchers in Dawson County still contend with an unpleasant reminder: radioactive oil waste, and no protections to go with it.

Twenty-nine miles northwest of Glendive, the Oaks Disposal facility is the first (and so far, only) radioactive oil waste disposal business in both Montana and North Dakota. But the facility was sited when North Dakota laws prohibited radioactive waste — and before Montana had any laws to govern it at all. Today, the facility’s been up and running for three years — and local landowners around Oaks are still waiting for the protections they deserve.

But there’s good news. We’re on the brink of achieving formal rules that would protect local landowners from the threat posed by radioactive oil waste to their land, water, and livelihoods. Our members in Dawson County worked hard to achieve that rulemaking, and have dogged the Department of Environmental Quality throughout the whole process.

There’s still work to be done. With draft rules comes a comment period, public hearings, and ever more opportunities to make the case for strong protections that benefit landowners, and keep water safe and viable for agricultural production.

HOW YOU CAN HELP

Want to help us keep up the drumbeat for radioactivity protections, and fight for eastern Montana? Attend a public hearing on the draft radioactivity rules (we’ll let you know when!), write a letter to the editor of your local newspaper, or send in a comment on the rules when they come out. Contact Caitlin at 406-248-1154 or caitlin@northernplains.org to find out more or to get involved.

“Water is the lifeblood of our farms and ranches,” said Seth Newton, a Northern Plains member and rancher downstream from Oaks Disposal. “And eastern Montana is not North Dakota’s dumping ground.”

– Caitlin Cromwell

Rancher Seth Newton collects radioactive waste that spilled onto a county road by a truck that was on its way to Oaks Disposal. Area ranchers says such spills are common from trucks carrying waste from North Dakota.

National animal ID hearing set for Billings

Disease Traceability rule concerns ranch groups

The USDA has announced seven hearings across the country to reopen rulemaking over an ill-considered proposal that was put to bed over four years ago: the National Animal Identification System (NAIS).

In 2009 the USDA attempted to create a mandatory animal identification system to track livestock from birth to death with new tagging or microchips so that diseased livestock could be traced back to their ranch of origin. But some states such as Montana already have an effective traceback system — branding. The final rule was a compromise that allowed states to develop appropriate systems for tracing animals.

Disease prevention is critical to the livestock industry, but this rule has emerged again as an effort by the big meatpackers to push liability and costs onto ranchers. Many disease problems originate in packing plants, but this Animal Disease Traceability (ADT) rule would serve to shift liability to the producer.

As in 2009, many independent livestock producers in Montana oppose a mandatory National Animal Identification System. Although new language is not yet proposed, it will likely mimic the previous proposal, which would have put a heavy financial and bureaucratic burden on producers, and violated private property rights via inspection measures.

The Western Organization of Resource Councils, along with R-CALF, the South Dakota Stockgrowers Association, and the Farm and Ranch Freedom Alliance, sent a letter to the USDA asking it to halt further action for expanding the ADT rule.

The letter made the point that “the USDA received a clear message from United States cattle producers that the NAIS program — which this expanded ADT plan appears to mimic — was not acceptable. We do not see any changes in the cost-benefit to producers and we do not see evidence that producers’ feelings toward an expanded ADT program have changed in any way.”

– Maggie Zaback
GAINING GROUND

Working the Legislature since 1973

Northern Plains members have been filling the halls of the Legislature since 1973, when our organization was just a year old.

As much as things change, they also stay the same. These photos were snapped at a Northern Plains rally in the Capitol during the 1991 session. The issue? A dump planned to contain garbage from Minnesota was being proposed for the Miles City area. Fortunately, grassroots leaders from around the state poured into Helena, and staged an action to shut the proposal down.

Some of the people have changed (and, remarkably, some have not!). But we’re still the same scrappy organization. We stand up for our land, our communities, and for justice, in the face of industry lobbyists and bad ideas.

This work is never easy, but it never fails to make a difference. From 1973 to 1991 to 2017, Northern Plains members have earned a reputation for credibility and tenacity. Thank you!

— Caitlin Cromwell

Keystone XL

Continued from Page 1

would be crossed by the pipeline.

The Trump Administration based its approval of Keystone XL on a January 2014 EIS. Since then, we’ve learned through experience – including two recent pipeline spills in the Yellowstone River – that the danger of oil spills into our water are far greater than the EIS assumes.

We’ve also seen the escalating risk to our safety from climate change, which the EIS significantly underestimated.

Of particular concern is the impact that Keystone XL could have to the water supply in northeast Montana. If constructed, Keystone XL would cross the Missouri River just downstream of the Fort Peck Dam.

The crossing is 77 miles upstream of the water intake for the Assiniboine and Sioux Rural Water Supply System’s (ASRWSS) Wambdi Wahachanka “Eagle Shield” water treatment plant. The treatment plant brings clean water to 30,000 people in northeastern Montana where groundwater is seriously contaminated, and where most private systems fail to meet safe drinking water standards.

The 2014 EIS assumed that a leak in Keystone XL on the Missouri would only impact surface water for up to 10 miles downstream. Given our recent experience with oil leaks on our rivers, we know the impacts of such an event can spread much further. Still, the Assiniboine and Sioux Rural Water Supply System was not seriously considered in the EIS.

— Hannah Hostetter

HISTORY PROJECT IS ONGOING

Northern Plains members hold a “Lonesome Dove Not the Lonesome Dump” rally at the Capitol in 1991 to protest a proposed 1,000-acre landfill near Miles City to backhaul garbage on empty coal trains from the Midwest.

This blast from the past was brought to you by the Northern Plains History Project, an ongoing effort to capture the stories, memories, fights, and faces that made up Northern Plains’ first 50 years.

For more information, contact Caitlin by calling 406-248-1154 or email caitlin@northernplains.org

1991 “Lonesome Dove Not the Lonesome Dump” protesters rally in the Rotunda of the state Capitol. We passed the Montana Mega-Landfill Act, which is still intact today.
Trump issues executive order to overturn action on climate

Obama-era reforms being eliminated

On March 28, President Trump issued a sweeping executive order seeking to roll back years of progress combating climate change. The order included immediate actions, and also directed federal agencies to work longer-term to roll back climate protections.

Immediate actions

The order had direct consequences. It revoked federal guidelines for looking at climate change in considering the impacts of projects like mines. It rescinded orders urging federal agencies to reduce their carbon dioxide output and to help communities strengthen their resilience against climate change. Trump also rescinded a finding that climate change is a national security threat (even though his own Secretary of Defense considers climate change to be one).

The order also repealed the three-year pause on federal coal leasing. While existing coal reserves and exceptions to the pause were designed to keep any mines from closing down, the pause prevented the government from signing new multi-decade lease contracts until loopholes were closed to prevent taxpayers from being cheated by undervalued coal leases. That safeguard is now gone.

Long-term actions

Mostly, though, the order started the process of unwinding Obama-era rules and protections that were established over years and cannot simply be repealed overnight, including:

- Directing the EPA to roll back the Clean Power Plan (CPP): The CPP is Obama’s cornerstone climate policy, regulating carbon pollution from power plants. In order to roll this back, the Trump EPA must go through the same process that Obama’s EPA went through to write it. This could take years, and will include opportunities for public involvement. We will keep you informed.
- Directing the BLM and EPA to allow more oil and gas waste: Obama’s EPA and BLM required oil and gas drillers to stop wasting taxpayer-owned methane by venting and flaring it instead of capturing and selling it to consumers. Trump directed these agencies to review and rewrite the rules to allow this methane waste again. As with the Clean Power Plan, Trump cannot just order this and, as with the CPP, we will fight this every step of the way.
- Rewriting/gutting the “social cost of carbon”: Working over six years, mathematicians, scientists, and a dozen federal agencies developed a formula to assign a dollar value to the cost of carbon dioxide pollution (taking into account the economic impact of droughts, fires, etc.). They settled on a central estimate of $36/t, a cost that helps justify regulations to reduce pollution. Quantifying that cost helps direct planning and permitting decisions that reduce carbon pollution.

Welcome to the bad old days.

Trump budget would slash environmental protections

President Trump’s budget blueprint for the coming fiscal year would slash the Environmental Protection Agency by 31%, taking the agency’s budget down to its lowest level in 40 years. Trump’s proposed cuts are greater than any previously proposed by congressional Republicans.

Here are a few of the proposed cuts to the EPA:

- Trump’s proposal includes cutting back roughly a third on grants that help states monitor public water systems.
- It would reduce EPA’s civil and criminal enforcement spending by almost 60%, taking teeth out of air and water protections.
- It would largely eliminate regional clean-up programs.
- It would impose a 45% cut on the Superfund program, which oversees sites like the Berkeley Pit.
- It would cut the Brownfields program by 30%, reducing help for towns trying to redevelop former industrial sites.
- The proposal would basically eliminate funding for vehicle emissions testing.
- It would basically repeal climate and efficiency initiatives like the Energy Star program for energy-efficient appliances and buildings, as well as the SmartWay program, which helps companies with logistics to reduce pollution from their operations.

Because citizens like you raised voices in opposition, the Trump Administration didn’t believe it could accomplish these things through Congress. Therefore, most of them will be done through rulemaking, involving opportunities for public input and challenge. We’ll be there with you every step of the way to push back and protect our air, water, and climate.

BOTTOM LINE

Call Senators Tester, (202) 224-2644, and Daines, (202) 224-2651, and let them know that you support full EPA funding to ensure protection for Montana’s land, air, and water (including the ability to enforce those protections), cleanup of Superfund sites, and funding for public water systems and other programs that reduce pollution.

- Svein Newman

Trump’s proposal includes cutting back roughly a third on grants that help states monitor public water systems.
Shorty after President Trump’s inauguration, some United States senators introduced a resolution to use the Congressional Review Act to repeal the Bureau of Land Management's Methane and Waste Prevention Rule. Finalized late in the Obama Administration, the rule limits methane waste and flaring from coal mining.

According to a recent State of the Rockies poll, 84% of Montanans support this common-sense rule. By requiring modern technology and infrastructure, the methane rule protects taxpayers by making sure resources belonging to the American public are not necessarily burned off or lost directly into the air. Doing so protects the health of Montanans living near oil development from unnecessary air pollution caused by the byproducts of flaring and leaks.

Due to pushback from citizens, repeal sponsors were unable to secure enough votes in the Senate to remove this important protection. Thank you for your work to help protect it!

– Svein Newman

Congress repeals coal mining water protections

In February, President Trump signed a resolution passed by Congress under the Congressional Review Act that repeals the national Stream Protection Rule. The rule had been adopted by the United States Office of Surface Mining Reclamation and Enforcement (OSMRE) to protect streams and other waterways from damage due to coal mining.

The Stream Protection Rule placed reasonable safeguards to stop pollution and waste from coal mines from getting into our waters, restore mine-impacted streams, and monitor water quality downstream from mines.

The protections took seven years of work and input from thousands of stakeholders to craft and fine-tune. They were repealed by the House after only one hour of floor debate. They were repealed by the Senate the next day. Senator Jon Tester voted to keep the Stream Protection Rule, while Senator Steve Daines voted to remove it.

Because the resolution was passed using the Congressional Review Act, it also bars OSMRE from ever creating substantially similar new protections in the future.

– Svein Newman

Sights set on coal, oil & gas loophole at taxpayer expense

Last year, the Interior Department’s Office of Natural Resources Revenue closed an accounting loophole that allowed coal and oil/gas companies to dodge royalty payments when developing publicly owned minerals.

Prior to closing the loophole, energy companies were allowed to sell public resources to shell companies or wholly owned subsidiaries at discounted prices, pay royalties off of that sale price, then turn around and actually sell the coal, oil, or gas to the real buyer without paying the royalty on the real sale price, pocketing the difference.

The Interior Department received more than 210,000 public comments in support of closing this loophole, which one economic analysis found would lead to hundreds of millions of dollars in new annual revenue for states.

Because of public outcry from people like you, attempts to re-open the loophole in Congress have been blocked, but President Trump and Secretary Zinke are considering opening it back up administratively.

– Svein Newman

WHAT'S NEXT?

Before being repealed by Congress, the Stream Protection Rule was targeted in a lawsuit by Murray Energy and others. Northern Plains and other organizations, represented by Earthjustice, intervened in federal court to defend the rule.

While Congress has dismantled the rule, Murray Energy is also seeking to overturn an agreement between the Office of Surface Mining Reclamation and Enforcement and the U.S. Fish and Wildlife Service to protect wildlife species and habitat near coal mining. Northern Plains, Earthjustice, et al. continue to defend that agreement in court.

TAKE ACTION

After Trump’s inauguration, the Interior Department announced that it was beginning rulemaking to consider opening this loophole back up to ensure corporate subsidies and prevent taxpayers from getting their fair share out of publicly owned minerals.

They are accepting comments until May 4. E-mail armand.southall@onrr.gov and let him know that existing rules should be kept and companies should pay their fair share when mining taxpayer-owned minerals. Please reference Regulation Identifier Number (RIN) 1012–AA20 in your comments.
2016 a year of successes

You and your fellow Northern Plains members sure deserve a pat on the back, a tip of the hat, and a hearty handshake for everything you’ve made possible in 2016! Together, we achieved long-sought successes against coal projects that would have wrecked good ranchland and ruined ground water. At the same time – together – we laid groundwork for a just and sustainable economy built on healthy farms and ranches and clean, renewable energy.

COAL

TONGUE RIVER RAILROAD

COAL EXPORTS

Tongue River Railroad

Without determined and sustained opposition, the Tongue River Railroad (TRR) would have been built years ago, cutting family farms and ranches apart for a project that served no one but coal interests.

Our 34 years of work on the financial docket of the Surface Transportation Board (STB) finally paid off in the STB’s ruling that dismissed the TRR’s permit application on April 26, 2016.

Northern Plains’ on-the-ground work, including the testimony and comments of many members, helped stop the proposed coal export terminal at Cherry Point, Washington (one of the TRR’s ultimate destinations).

Early in 2016, our office became the temporary home of a totem pole, made by Lummi carvers from Puget Sound and sent as a gift to the Northern Cheyenne to underscore solidarity in fighting coal exports. Northern Plains is proud to be its caretaker until the Northern Cheyenne have a permanent home for the beautiful, 22-foot cedar carving.

Otter Creek

Our persistent pressure kept Arch Coal from getting rubber-stamp approval for the Otter Creek mine project. Struggling to answer Northern Plains’ detailed technical critique, Arch failed to submit information requested by Montana Department of Environmental Quality to complete its permit application. Arch declared Chapter 11 bankruptcy in January 2016 and, in March, announced it was suspending work on its permit request for the Otter Creek mine.

Federal coal program

In January 2016, Interior Secretary Sally Jewell announced a moratorium on new coal leasing to allow Interior to conduct an Environmental Impact Statement (EIS) on the federal coal leasing program. Federal coal policies have long short-changed taxpayers while serving to subsidize coal companies.

Northern Plains had chipped away at the Department of the Interior for many years to reform the corrupt and broken federal coal program.

We sent speakers to five of the six coal program hearings nationwide, collaborating with groups in other parts of the country for a strong showing. We also generated more than 500 comments on that EIS.

Sadly, the Trump Administration and new Interior Secretary Ryan Zinke have taken steps to end reform efforts and restore the badly broken system.
HOMEGROWN PROSPERITY

Northern Plains organized a new Homegrown Prosperity Task Force to develop strategies for diversifying local economies, including the transition away from corporate agriculture and fossil fuels, and to integrate work on clean energy and agriculture.

We held a Homegrown Prosperity Conference to explore how we can build a more diverse and resilient economy that creates prosperity for all Montanans. We brought in speakers from across the country as well as local practitioners to speak to a diverse crowd in Billings.

At our 2016 Annual Meeting, we hosted speaker Peter De Jesus, an official of the AFL-CIO from Buffalo, New York, who told attendees how a small community in that area dealt with the closure of a coal-fired power plant there.

OIL AND GAS

Our members, with allies from nearby states, testified to get the EPA and BLM to cut back on discharges of dangerous methane from drilling sites.

We arranged for 27 Montanans to travel to Spokane, where they testified against the proposed Tesoro Savage oil export terminal planned for Vancouver, Washington. We also generated comments from Montanans.

Carbon County Resource Council members worked with the County Planning Board, which subsequently approved CCRC’s proposal to protect rural landowners who live near oil and gas development (setbacks, bonding, water impacts, and county infrastructure).

We organized a canvass last summer and fall that went door-to-door in Miles City, Livingston, Culbertson, Bainville, Browning, Cut Bank, Whitefish, and Billings to inform and to hear from people living near railroad tracks where volatile Bakken oil is transported. Canvassers also recruited new members and registered new voters.

We convinced the Montana Board of Oil and Gas Conservation to adopt a rule giving legal notification to landowners who live within ¼ mile of a proposed oil or gas well. This would give adjacent landowners the opportunity to ask questions and submit comments on such projects prior to permitting. (The 2017 Legislature then acted against these landowner protections, watering down the rule, and reducing the distance requirement for notification.)

Early in 2016, we submitted recommendations for radioactive oil waste disposal rulemaking to the Solid Waste Division of the Montana DEQ, which has indicated its intention to finalize rules by the end of 2017.

GOOD NEIGHBOR AGREEMENT

Our members persuaded Stillwater Mining Company (SMC) to include an option for renewable energy in its five-year contract with Park Electric Co-op. Beginning in 2018, the primary energy source for SMC’s smelter will be hydroelectric rather than coal-fired power.

In October, SMC began to collect polluted water running off the waste rock pile near Nye and treat it for the first time in the 30-year history of the mine.

We commissioned a ground water study at the Stillwater Mine, laying the basis for a comprehensive ground water program with strict requirements for water quality.

Our Good Neighbor Agreement Task Force worked with SMC to redesign their initial plans for the mining portal at Benbow, developing a safer, smaller, and more reclaimable design.

AGRICULTURE

We developed a detailed plan for promoting soil practices that change the conventional agricultural paradigm. We also:

Provided presentations and workshops on Continued on Page 10
Successes
Continued from Page 9

- Hired a soil “fellow” for a six-month research project to identify the policy barriers to healthy soil and help develop a strategy to reform policy and create incentives to build healthy, carbon-absorbing soil.
- Held a “Soil Summit” in Billings to provide information and expertise to ag producers on soil health, improving rangeland, and capturing carbon from the air.
- Sponsored the Local Food Challenge, an online event that helped individuals, businesses, and institutions increase their local food purchases.
- Brought Nicolette Hahn Niman, author of Defending Bred: The Case for Sustainable Beef Production as the keynote speaker for our Annual Meeting.

Clean Energy

- Much of our renewable energy work in 2016 focused on how farms and ranches can take advantage of the sun and wind. We made contact with officials from three rural electric co-ops to explore ways that farmers and ranchers can use renewable energy in their operations and how the co-ops can facilitate that transition.
- We co-sponsored workshops in Miles City and Big Timber on the use of solar energy in ag operations. Affiliate Central Montana Resource Council hosted a Lewistown seminar on rural solar energy use.

2017 Legislature

Legislature tries to subsidize Arch Coal, Otter Creek mine

Under state law, if a private company receives a lease for taxpayer-owned coal, the company has 10 years to obtain a mining permit. After 10 years pass and no permit has been obtained, the lease is forfeited. This “due diligence” requirement is intended to prevent speculation and to keep mining companies from locking up agricultural lands indefinitely. However, Sen. Tom Richmond (R-Billings) tried to remove that requirement with Senate Bill 235 to allow Arch Coal to hang onto its Otter Creek lease even after the 10-year deadline.

To educate more people about Property-Assessed Clean Energy (PACE) and its potential as a driver of renewable energy and new jobs, we brought Minnesota entrepreneur and state legislator Jeremy Kalin to talk about how PACE was implemented in that state.

Building Our Strength

Northern Plains added a large new solar array at Home on the Range, cutting our electric purchases to almost zero.

We increased our capacity for online outreach, and also began a weekly blog, offering opportunities for our members to reach out with information on our issues.

We launched the Northern Plains History Project and, in 2016, began collecting oral histories. Much more to come in the next couple years!

Your gifts, your time, your creativity, and your sheer will have built us into an organization capable of sustaining work on important issues, even if that work takes decades.

This success shows the strength of people who show up, who work together, and who won’t surrender. Thank you!

Steve Paulson

Other bills of interest...

Oil and gas neighbor notification

Senate Bill 93, sponsored by Sen. Tom Richmond (R-Billings) undermines the Board of Oil and Gas Conservation rules that require drillers to notify owners of homes and occupied buildings, such as offices, hospitals, and schools within 1,320 feet of a proposed oil or gas well. This bill lowers the notification distance to 990 feet and does not include notification for buildings that are not private residences (like schools, hospitals, businesses). SB 93 passed both the Senate and the House and is on the Governor’s desk. Northern Plains requested that the Governor make an amendatory veto to the bill to raise the notification distance in SB 93 to 1,320 feet.

Hazardous materials transport safety

House Bill 296, sponsored by Rep. Denise Hayman (D-Bozeman) would have convened a task force to study the gaps in Montana’s hazardous materials transportation response and preparedness. The bill would have set up a process to make recommendations for improvements to funding and training that would make transporting hazardous materials – like crude oil – on Montana’s rails and roads safer for our first responders. HB 296 was tabled by the House State Administration Committee.

Hannah Hostetter
As the 2017 legislative session draws to a close, we find ourselves reflecting on the past four months, considering the decisions we made, and evaluating our successes and failures.

No matter how things scored out in the end, we can’t help but leave the Legislature with a deep sense of pride; pride in a state that makes government accessible to all and pride in an organization that puts the voices of affected Montanans at the forefront.

We talk a lot about Montana’s “unique quality of life,” but we don’t just mean clean air, clean water, and an appreciation for the great outdoors. Here in Montana, we enjoy a distinct and special amount of access to our elected officials, a chance for one person to create change. Here in Montana, we ask our citizens to speak up, to come together, to get organized, and to exercise their power. Here it is possible for a scrappy organization started by a group of determined ranchers to grow into a legislative powerhouse with a reputation for effective organizing.

Because of the emails, the calls, and especially the trips to Helena, we killed a lot of bad bills and we worked to pass productive legislation. So while it can be difficult to feel accomplished coming out of a session where we didn’t pass our proactive legislative priorities, we should remember all that we accomplished together. Thank you!

– Ella Smith

At least 57 Northern Plains members traveled to Helena as citizen lobbyists this session. Every session we have at least two Lobby Days for our priority legislation. This year started with a lobbying training day in Billings on Jan. 14.

Members and staff for our first Lobby Day, at right, gather at the Capitol Jan. 25. They urged legislators to pass a resolution to study the impacts of oil trains traveling through Montana and the preparedness of first-responders for handling hazardous-material tanker explosions and derailments.

Some of the members and staff at our second Lobby Day, Feb. 16, are shown above. They talked to legislators about clean energy bills such as net metering and Property-Assessed Clean Energy (PACE).

We also want to thank our many hosts for the overnight trips, most of whom are members of Sleeping Giant Citizens Council.

These Northern Plains members answered our call to make a trip to Helena to lobby legislators on key bills. Some made more than one trip. Thank you!

Julie Holzer
Alma Winberry
Edward Barta
Jeanne Brown
Becky Grey
Bob Filopivich
Mary Catherine Dunphy
Harold Hoem
Jan Hoem
Laura Keating
Grant Kubesh
Melissa Bertalino
Julie Holzer
Alma Winberry
Edward Barta
Jeanne Brown
Becky Grey
Bob Filopivich
Mary Catherine Dunphy
Harold Hoem
Jan Hoem
Laura Keating
Grant Kubesh
Melissa Bertalino
Ed Gulick
Linda Heding
Richard Lamplugh
Mary Strickroth
Mary Laporte
Lynn Gardner
Carol Mick
Becky Mitchell
Janet McMillan
Deb Muth
Richard Parks
Tom Platt
Robert
Rasmussen
Jim Baerg
Ben Reed
Rita Rozier
Eric Schmidt
Wade Sikorski
Elise Strong
Carol Nash
Tom Tschida
Lonnie Turner
Beth Williams
Joan Kresich
Ed Gulick
Connie Keogh
Nicole Divine
Donna Onstott
Jack Heckles
Jim Vernon
Vicki Sielaff
Carson Taylor
Beth Kaeding
Mark Fix
Dan Cottrell
Gary Matson
Clint McRae

Let us know if we missed you and we’ll mention you in the next Plains Truth.
**RIP: Where did our key bills end up?**

**Committee tabled the bill.**

- **HB 34**
  - INCREASING NET METERING CAP FOR PUBLIC BUILDINGS - sponsored by Rep. Daniel Zolkov (R-Billings), would increase the net metering cap for government buildings to 250kW/hr. The House Energy, Technology, and Federal Relations Committee tabled the bill.

- **SB 201**
  - ALLOW FOR AGGREGATE NET METERING - sponsored by Sen. Jeddedia Hinke (R-Bozeman), would allow for aggregate net metering in Montana. This would make it possible for Montanans with multiple meters on their property, like many farmers and ranchers, to apply their net metering credits to multiple meters.

- **SB 32**
  - ELIMINATE COMMUNITY RENEWABLE ENERGY PROJECT REQUIREMENT - sponsored by Sen. Keith Regier (R-Kalispell), would eliminate the Community Renewable Energy Project (CREP) requirement from Montana’s Renewable Resource Standard (RRS). The CREP requirement within the RRS is not able to function as intended, but some relatively small changes will make it easier to qualify and are a good solution to the problems with the requirement, which is why we oppose the bill.

- **SB 78**
  - DISMANTLING NET METERING - sponsored by Sen. Keith Regier (R-Kalispell), would establish a new rate class for net metering customers and require a monthly service charge, effectively dismantling net metering. This unfair rate structure would only serve utilities’ monopolies and undercut clean energy producers.

- **SB 330**
  - PROVIDE FOR PROPERTY-ASSESSED CLEAN ENERGY FINANCING - sponsored by Sen. Chas Vincent (R-Libby), would enable Property Assessed Clean Energy (PACE) financing in Montana. PACE is a simple and effective way to finance energy efficiency, renewable energy, and water conservation upgrades to buildings. PACE would save Montanans money, and improve Main Street Montana. The Senate Energy and Telecommunications Committee voted to table the bill. SB 330 was taken from the table in committee and passed through 7-6. It then passed the Senate 31-19 and was transmitted to the House Natural Resources Committee. The House Natural Resource Committee tabled the bill.

- **HB 215**
  - REVISE OIL AND GAS TAX LAW - sponsored by Rep. Mary Ann Dunwell (D-Helena), would reform Montana’s Oil and Gas Tax Holiday, which only requires a 0.5% production tax on wells in their first 18 months of production (when most production occurs). Instead, HB 215 would require a 4.5% production tax during the first 18 months, which is still lower than our neighboring states of Wyoming and North Dakota.

- **HB 284**
  - REVISE FUNDING FOR FOOD AND AGRICULTURE DEVELOPMENT CENTERS - sponsored by Rep. Dennis Lenz (R-Billings), would appropriate additional revenue to the Montana Food and Agricultural Development Program, which serves a valuable and much needed investment into rural ag communities throughout Montana.

- **HB 296**
  - STUDY ON MONTANA’S HAZARDOUS MATERIALS RESPONSE AND PREPAREDNESS - sponsored by Rep. Denise Hayman (D-Bozeman), will convene a task force study in order to determine the gaps that exist in Montana’s hazardous materials transportation response and preparedness. The bill intends to solve the inefficiencies – in funding and training – that exist for our first responders and address the safety issues in transporting oil by rail and other hazardous materials on our roads and railways.

- **SB 337**
  - ELIMINATE THE BOARD OF ENVIRONMENTAL REVIEW (BER) - sponsored by Sen. Duane Ankeny (R-Colstrip), would severely limit the ability of the public to participate in the permitting processes of proposed mines. Northern Plains successfully opposed the Otter Creek Mine at the BER, leading to the eventual suspension of the permit application by Arch Coal.

- **SB 327**
  - REVISE VOLUME FOR EXEMPT WATER RIGHTS - sponsored by Rep. Brad Hamlett (D-Cascade), HB 546 was tabled by the House Natural Resources Committee.

- **IN LIMBO**
  - **SB 93**
    - LOWERING LANDOWNER NOTIFICATION OF DRILLING - sponsored by Sen. Tom Richmond (R-Billings), would undermine Board of Oil and Gas Conservation rules requiring oil and gas operators to notify owners of homes and occupied buildings, such as offices, hospitals, and schools, within 1,320 feet of a proposed oil or gas well. This bill would lower the minimum notification distance to 660 feet and remove notification for schools, hospitals, or other occupied buildings that are not private residences of drilling proposals.

  - **SB 93** passed the Senate and House and was awaiting action by the Governor at press time.

  - **SB 154**
    - REPEAL NET METERING INCENTIVES - sponsored by Sen. Mike Lang (R-Malta), would repeal the alternative energy production credit and make net metering systems ineligible for the alternative energy system credit. This would only increase general fund revenue by about $120,000 per year. (To put this in context, the oil and gas tax holiday resulted in $265 million in lost revenue for the state from 2008 to 2014.) The Legislature is again moving tax incentives for the oil and gas industry while repealing the meager incentives that exist for net metering.

  - **SB 154** passed the Senate and House and was awaiting action by the Governor at press time.

  - **SB 235**
    - REVIVAL OF OTTER CREEK COAL LEASE - sponsored by Sen. Tom Richmond (R-Billings) would allow coal leases on state lands to be extended. If this bill were to pass, the Otter Creek coal lease would never expire, and Arch Coal could try to breathe new life into the proposed Otter Creek Mine and Tongue River Railroad at any time.

  - **SB 235** passed the Senate and House and was awaiting action by the Governor at press time.

  - **SB 337**
    - ELIMINATE THE BOARD OF ENVIRONMENTAL REVIEW (BER) - sponsored by Sen. Duane Ankeny (R-Colstrip), would severely limit the ability of the public to participate in the permitting processes of proposed mines. Northern Plains successfully opposed the Otter Creek Mine at the BER, leading to the eventual suspension of the permit application by Arch Coal.

  - **SB 337** passed the Senate and House and was awaiting action by the Governor at press time.
Clean energy tallies losses and a win

For the first time, electricity generated from the sun and wind is now less expensive than electricity from coal and natural gas. No longer do we have to advocate for clean energy from a moral perspective, because it makes sense based solely on economics.

And that’s why the clean energy economy is growing exponentially, creating new jobs at 20% year over year!

Clean energy not only creates jobs in our communities and helps people save money on utilities, but also builds a more secure energy future for our communities in the face of ever-increasing utility prices.

Doesn’t this sound like a win-win for everyone involved? It is!

There’s only one group that doesn’t win – big corporations like utilities — and they are our biggest foes in advancing clean energy in Montana.

Big banks and party politics kill PACE

Despite the breadth of the coalition we built in support of Property-Assessed Clean Energy (PACE) – which included cities, counties, contractors, the AFL-CIO, a credit union, affordable housing developers and a senior center – the PACE bill (SB 330) was killed in a House committee on a party-line vote.

One big reason for our defeat was the opposition from the Montana Bankers Association. Even though some individual Montana banks were interested in lending to clean energy projects (especially commercial PACE), the MBA spread fear about residential PACE.

Bank industry lobbyists, to the surprise of some listeners, expressed concern about whether consumers are sufficiently protected with PACE. But their real concern was about being repaid fully in the case of foreclosure and their ability to bundle your mortgage with others and sell them on the secondary market.

Our other opponents were the Montana Association of Counties and the Montana Association of County Treasurers, who questioned whether counties and treasurers should play a role in facilitating private financing for energy improvements to buildings.

It was a shame, really, because Montana banks stand to benefit from lending to PACE projects, and county tax rolls stand to benefit as property values are increased by PACE improvement projects. Moreover, PACE would have been completely voluntary for counties, lenders, and property owners.

Though the PACE bill had a Republican sponsor – Sen. Chas Vincent (R-Libby) – the Republican leadership on the House side turned PACE into a political football because the Governor favored the bill. The bill was assigned to a “kill committee” and was tabled on a party-line vote, despite passing the Senate 31-19 with bipartisan support.

This decision will cost Montana homeowners and building owners money and cost our whole state a good number of jobs that these energy improvement projects would have created. PACE is an economic opportunity that the House leadership, unfortunately, decided to scuttle.

Utilities oppose energy freedom

Just as in previous legislatures, NorthWestern Energy was the biggest opponent of customers’ right to generate clean energy on their own property using solar panels or a wind turbine through “net metering,” joined by the state’s other investor-owned utility, MDU.

All attempts at expanding net metering, no matter how modest, and including those that had bipartisan support from the interim committee, were tabled. We again saw proposals to destroy net metering, but were able to withstand the worst attacks in committee and thanks to Governor Bullock’s vetoes.

Utilities’ opposition to net metering is based on the fear that they will reap less profit if you and I can generate our own energy and don’t have to buy as much power from the utilities.

Our one success was a small, gradual one — and the impact is still to be seen. HB 219, sponsored by Rep. Zach Brown (D-Bozeman), will require a cost-benefit analysis of net metering before April 1, 2018 with NorthWestern Energy’s next rate case. This would be a key step forward and help resolve the ongoing disagreement about the costs and benefits of net metering to utilities and their customers.

Northern Plains Resource Council supported HB 219 because the bill states that the Public Service Commission (PSC) can create minimum information requirements for the study in order to inform the data-gathering and analysis required from the utility. The PSC will then review the cost-benefit analysis presented by the utility, provide opportunity for public involvement, and determine whether a new rate class is needed for net-metered customers. This is the normal process for such a study.

This bill will also protect current net-metered customers in the event that the PSC decides to establish a separate rate class for homeowners who have already installed rooftop solar systems.

– Alicia Petry

WHAT’S NEXT?

[Elect different people who will actually represent everyday Montanans, not big corporations like utilities and banks.]

[Build power among local, independent businesses to counter-balance corporate power at the Legislature.]

[Pursue energy efficiency and clean energy solutions that don’t depend on the Legislature to give us what we want:]

- Pass municipal clean energy policies and initiatives;
- Make rural electric co-ops more willing to allow their members to use renewable energy and create innovative on-bill financing programs for energy efficiency;
- Implement projects that demonstrate how clean energy works today.
COUNCIL ROUNDUP

GNA dives deep into tailings dam

Concerns over a new tailings dam on the East Boulder River came to a head in January, as Northern Plains members held a special meeting with the Stillwater Mining Company Board of Directors.

The recent Mount Polley (British Columbia, 2014) and Bento Rodrigues (Brazil, 2015) disasters have demonstrated that tailings dams can fail with catastrophic consequences. To prevent failure, the dam being proposed by Stillwater Mining Company – which would be among the tallest man-made structures in Montana – must be thoroughly vetted by professional engineers, and it should be proven that they’re using the best possible technology.

Our members knew that Stillwater had not yet reached that point in evaluating the new facility design, but the company had plans to push it forward. At the January meeting, the company agreed to undergo a more thorough vetting of the facility, teaming with professional engineers of our own, to better evaluate the design. They’ve also agreed to look more deeply into potential alternatives to traditional tailings storage, which may be safer and less harmful to the environment.

Over the next six months, members and our expert consultants will be working to get SMC to develop the best solution for communities downstream of this proposed tailings dam.

– Cameron Clevidence

Bear Creek wary of annual bison hunt

More than 50 residents gathered in Jardine for the 30th Annual Jardine Ski Run, hosted by Bear Creek Council. Local businesses donated prizes, and the Gardiner Market, Chico Hot Springs, and Rick Lamplugh sponsored the event.

Bear Creek Council is also active in the Interagency Bison Management Program (IBMP) conversations. IBMP is a multi-agency effort to address concerns with bison management and brucellosis around Yellowstone National Park. Many local residents have concerns about safety because the annual bison hunt takes place near many homes and businesses in the valley.

– Maggie Zaback

Fostering a culture of local food

The Yellowstone Valley Citizens Council is working to build a culture of local foods in the Billings area.

YVCC hosted its second annual Food Film Festival in partnership with Art House Cinema & Pub on three Tuesdays in March. The theatre was packed – we sold out two of the three nights.

Films included: Seed: The Untold Story; 10 shorts from Real Food Films and the documentary FarmHer; and Just Eat It: A Food Waste Story.

On Earth Day, April 22, YVCC hosted two farm tours, one at the Hollenbeck Ranch near Molt (sheep, cattle, and goats) and another at the Charter Ranch near Shepherd (cattle and using worm compost as a way to build healthy soil). The tours were in collaboration with Good Earth Market’s annual Earth Day Celebration.

– Alicia Pettys

FOOD FILM FESTIVAL: YVCC member Cori Hart, above, talks about local foods projects at the Art House & Pub in Billings. Below, Laura Keating and Katie Sutton welcome attendees.
9th Circuit mulls Bull Mountain coal

Last year, Northern Plains filed suit against the Bureau of Land Management for approving a federal coal lease in the Bull Mountains north of Billings.

The lawsuit was due to the BLM’s failure to take a hard look at the mine’s impacts, and for failing to consider ways to mitigate those mining impacts on landowners, area water resources, and wildlife. Northern Plains members in the area have sought lease stipulations designed to protect the long-term viability of the area, one potential outcome of the suit.

In April, the BLM and Signal Peak Energy, which operates the mine, filed their briefs. Northern Plains filed in response. The case will now move to oral arguments.

– Svein Newman

Yellowstone Bend plans year’s goals

Yellowstone Bend Citizens Council is looking forward!

In April, members sat down for a strategic planning session and decided on objectives for the year ahead. YBCC is eager to get to work promoting clean energy and energy efficiency projects in and around Livingston!

YBCC members continue to push for Property Assessed Clean Energy (PACE) in Montana! Members have traveled to Helena throughout the session to testify in support of PACE-enabling legislation, as well as other proactive clean energy bills.

– Sydney Ausen

Cottonwood forms local food panel

Cottonwood Resource Council has formed a Local Food Committee. Members are planning ways to generate participation in the 2017 Local Food Challenge in Big Timber.

CRC’s May meeting will feature a special presentation on a Carbon Fee and Dividend as a tool to reduce carbon pollution.

– Hannah Hostetter

CMRC starts year with a full schedule

On April 12, Central Montana Resource Council sponsored a public informational meeting on the Judith Musselshell Rural Water Project.

Central Montana Regional Water Authority project manager Monty Seely and Great Western engineer Bob Church gave a progress report on the $85 million project which would supply water to 7,500 new water users in nine Montana communities.

CMRC members will meet with the Judith Basin Conservation District Board on May 2 to discuss soil health and also landowner protections vis-à-vis oil and gas drilling.

Recently, CMRC members made presentations to three Lewistown nonprofits to let them know about NorthWestern Energy’s USB grant program which funds solar installations on public and nonprofit buildings. Additionally, 90 people attended the Feb. 22 workshop promoting Fergus Electric Co-op’s Community Solar project.

– Ella Smith

Stillwater County dithers over zoning

The Stillwater County Commissioners held their first public meeting on Stillwater Protective Association’s oil and gas related Citizen-Initiated Zone since members submitted the petition in November of 2015.

The Commissioners called the meeting to evaluate whether they should dismiss the petition in favor of county-wide zoning where oil and gas rules could also be considered.

During the meeting, where 23 citizens showed their support of the zoning petition and none came in opposition, the Commissioners decided to delay a decision on the zoning petition until they had validated all of the signatures. The County guaranteed to finish that process by early August.

– Cameron Clevidence

Sleeping Giant broadening visibility, dedicates solar panels

It’s been a busy winter for Sleeping Giant Citizens Council. The Legislature was in session from January through April, and members in Helena lobbied to help pass good bills and kill bad ones, testified in hearings, wrote letters to the editor, and made calls to their senators and representatives in support or opposition to particular bills.

Sleeping Giant has been working hard to recruit newly active community members and increase its visibility in Helena. Sleeping Giant recently coordinated the installation of a 50 kW solar array on the Lewis & Clark Library, and dedicated the array at a ceremony attended by more than 75 people.

– Ella Smith

CMRC promotes compost project

Heading into gardening season, Carbon County Resource Council is working with the Red Lodge Area Food Partnership Council and the City of Red Lodge to begin planning for a community compost project.

In April, CCRC members traveled to Cody, Wyoming, to tour Shoshone River Farms, a community-supported agriculture co-op that purchases compost from the City of Cody.

– Sydney Ausen

Despite the snow, solar panels are installed on the Lewis & Clark Library in Helena.
Upcoming must-do’s

Montana special congressional election to replace Rep. Ryan Zinke

THURSDAY

May 25

YVCC Summer Celebration
Sunday afternoon, July 16
Hannaman’s Blind Dog Ranch
South of Laurel

For information, call Alicia at 406-248-1154 or email alicia@northernplains.org

Wild & Scenic Film Festival
Friday, Sept. 8
Babcock Theatre
Downtown Billings

For information, call Sarah at 406-248-1154 or email sarah@northernplains.org

Northern Plains 46th Annual Meeting
Nov. 10-11
Doubletree by Hilton Hotel
Downtown Billings

For information, call Sarah at 406-248-1154 or email sarah@northernplains.org

**Make change happen**

Principles of Community Organizing (POCO)
July 19-22
Home on the Range
Billings

The training by the Western Organization of Resource Councils will teach you to become an effective leader in your community with tested organizing and fundraising skills.


“**It was great information and training. I use what I learned nearly every day.”**

– Molly Richard, Louisiana

**Soil Crawl**

Get Down and Dirty
June 10

Join us for the soil crawl! The training by the Western Organization of Resource Councils will teach you to become an effective leader in your community with tested organizing and fundraising skills.