Inside:
- A word from our Chair...Page 2
- People of the Plains – Jean and Floyd Dahlman.......3
- GNA at critical point over future mine waste sites.......4
- Rancher welcomes new methane-waste rules..........5
- Net metering, Colstrip among 2017 legislation to watch.....5
- Annual Meeting: Grazing, coal bankruptcy, awards........6-10
- 2016 resolutions..................8-9
- Legislative coverage........11-13
- Oil & gas board passes neighbor notification rule....14
- BLM coal ruling protects surface owners in swaps.....15
- Northern Plains supports stream protection rule.......15
- Trouble with President Trump’s department nominees.....16
- Obama-era natural-resource reforms face repeal.........17
- Local First Montana...............17
- Bad news for last proposed coal export facility...........18
- Council Roundup..................19
- Helping preserve Northern Plains’ history...............20

Stillwater Mine sold; GNA stays

Stillwater Mining’s East Boulder mine, where the company wants to build a new tailings impoundment.

Below: The Hertzler Ranch impoundment on the Stillwater River side of the mine.

See story on Page 4

Good Neighbor Agreement a voice for landowners

In the late 1990s, after years of confrontation, Northern Plains members forced Stillwater Mining Company, the only producer of platinum and palladium in North America, to the negotiating table.

The vision was to create a legal agreement that would protect local communities, economies, and the environment until the mines eventually close.

A year of negotiation resulted in the Good Neighbor Agreement, a historic document that has served communities in Stillwater

Continued on Page 4

Clean energy, safe rails top legislation

We’re hopeful that our legislation to enable Property Assessed Clean Energy (PACE) in Montana will successfully pass this year’s Legislature with bipartisan support. We also are pushing for a study of Montana’s capacity to respond to spills of hazardous materials being transported through the state.

PACE helps people overcome the existing “financing gap” for energy efficiency upgrades by making it easier for people to finance the up-front cost of upgrades to existing buildings. This will save property owners money on their utilities over the long term.

See the full stories on Pages 11 and 12.
The power of speaking up: Now is the time

There are many ways for citizens to be politically engaged beyond Election Day and beyond signing campaign checks. We see these calls to action in our inboxes every day. Click here to email your local representative. Call your senator today. Sign this online petition. And all those actions (the calls, the letters, the petitions), they’re important, but we can feel detached from the political process and the people who make important decisions about our lives.

So what’s the antidote?

The truth is that nothing is more effective than reaching out directly and participating in person. Talking with legislators and stepping up to testify at hearings can be the most effective thing a citizen can do in this current political climate.

Before I joined Northern Plains, I thought only highly trained professionals were capable of changing politicians’ minds or engaging in meaningful conversation with elected officials. However, personal stories and local perspectives still change minds in legislative chambers.

The first time I testified at the Montana Legislature, I kept thinking to myself “Why don’t they get a professional to do this? I’m not going to convince anyone.” My hands were shaking almost as much as my voice as I read straight from my paper at the committee hearing.

It took a few years before I realized that my rough performance was genuine in a way that polished lobbyists can’t imitate, and that sincerity matters to most politicians. It’s funny to think of inexperience and nerves as an asset, but they can be when you’re speaking from the heart.

However, the recipe doesn’t stop at sincerity. We need grassroots organizations to amplify citizen voices, to coordinate our efforts into lasting power. Northern Plains helps by training citizen lobbyists, equipping them with incisive facts, and keeping members informed throughout the legislative process.

And if you want to advance the causes of clean energy, small scale agriculture, and our environmental legacy, there’s no better time to do it than our upcoming Lobby Day. We held one already on Jan. 25 seeking a study of hazardous materials transportation safety in the state.

We'll be advocating for solar and wind energy (via PACE) on either Feb. 13 or 16 (We’ll have that nailed down soon.)

Our priority bills – improving emergency response for hazardous material spills (like oil trains) and making it easier for Montanans to install renewable energy projects and upgrade energy efficiency (PACE legislation) – are common-sense, positive pieces of legislation that would make a big difference for Montana’s future. We can be proud to lead the drive for enacting these bills.

I think the most surprising thing about lobbying is that it’s not as nerve-wracking as you anticipate. When you speak up with others, when you join forces at the Legislature, the energy is like a flame that catches and spreads from person to person. You remember that this is what democracy is all about.

– Kate French, Northern Plains Chair

The Plains Truth

The Plains Truth is published by Northern Plains Resource Council. Northern Plains members receive The Plains Truth as one of the benefits of membership. The Plains Truth is available as an online newsletter. Go to www.northernplains.org to sign up or unsubscribe.

Memberships

$500 - Riders of the Big Sky $50 - Range Rider
$200 - Bottom Line Rider $40 - General Member
$100 - Rough Rider $35 - Living Lightheartedly

Endowment

The Northern Plains Endowment is a permanent fund established to help sustain Northern Plains’ work into the future. If you want to make a donation, a memorial gift, or a bequest to this fund, please contact the Northern Plains office.
Dahlmans split civic, ranch duties

Five miles east of Forsyth, and a mile north of Interstate 94, is a hand-built log home surrounded by some of the most productive dryland in eastern Montana. It’s where Jean and Floyd Dahlman have been building their soil for just over 30 years on Floyd’s family ranch along the Yellowstone River.

“It’s an authentic existence, ground zero. We’re doing something useful and challenging, a life that is not for those who want to make a lot of money,” explained Jean.

Jean and Floyd met in high school, but started dating after their 25th class reunion in Miles City in the 1980s. They were both teachers – in Denver and Whitefish respectively – but both still had strong roots in eastern Montana.

Jean grew up a “city girl” in Miles City, the oldest of eight kids. Her father was a lawyer for farmers and ranchers, so Jean had always admired farm living. Floyd, on the other hand, grew up working for his father on the farm and couldn’t wait to get off of it. He went to Western Montana College for his teaching degree but, when his father got sick, he came back to take over the operation, and the debt that came with it.

Giving back to community

Jean is gregarious and active in many social circles, while Floyd spends more time on his land than at meetings. Yet, neither can avoid being civically involved. Floyd was appointed by Jon Tester to the state Farm Service Agency board in 2008. He used to serve on the Administrative Council of Western SARE (Sustainable Agriculture Research and Education), helping fund innovative agriculture projects in the West.

Committed to eastern Montana

Floyd and Jean share a deep land ethic and commitment to eastern Montana. Floyd remembers when he used to have 50 neighbors in the same area where he now has five. The “fencerow-to-fencerow, bigger is better” narrative squeezed out most of their neighbors, but it never made sense to the Dahlmans. They maintain their long-term, holistic approach to agriculture: Floyd’s been using cover crops and rotational grazing for almost 30 years, they pay attention to the soil health and the ecosystem where they are, and they haven’t bought a new truck since Floyd’s dad passed away.

Jean readily admits that she’s never been a big part of the operation, as she spent her career as an English teacher in Forsyth (where she still substitute teaches).

Jean remembers reading about Northern Plains’ formation in the Denver Post in the 1970s, including a quote from Wally McRae. She sent a check right away to support the place for which she cared so deeply.

Jean has spent innumerable hours lobbying in Helena and Washington, D.C., organizing meetings and summits, and many other tasks to strengthen our work. “When you read the mission, how could you not be involved? It addresses our future and livelihood so directly. How could you not be?”

– Jean Dahlman

Deb Muth makes sure money is there when action needed

Deb Muth has long had a concern about all the chemicals in food and water, and the health of her growing family. That’s a big reason she joined Northern Plains 18 years ago.

“I realized the importance of becoming a Monthly Sustainer was to be ready to support the most urgent campaign work. My husband and I want to put our money where our hearts are, and with Northern Plains, we’ve found that home team support.”

Many Monthly Sustainers express similar sentiments on supporting and giving regularly to a truly grassroots organization.

Becoming a Monthly Sustainer is easy and convenient. When you give monthly, your donation can go toward our most immediate work. It helps with prompt response to issues and reduces our administration costs from renewal letters. We love our Monthly Sustainers!

Being a Monthly Sustainer also helps if you have a busy schedule as Deb does; it’s one less thing to worry about. Deb serves as the Vice Chair of Northern Plains affiliate Carbon County Resource Council. She is also a Board Representative for the Western Organization of Resource Councils, and Assistant Treasurer on the Northern Plains Board. Deb is Secretary of the Ag Task Force, and serves on the Organization and Finance Task Force.

Join Deb as a Monthly Sustainer! You can do it on Northern Plains’ website, northernplains.org, or you can call Caleb at 406-248-1154 or email caleb@northernplains.org.

– Maggie Zaback

– Sarah FitzGerald
LAND AND WATER

GNA put to test as mines expand

The sale of Stillwater Mine comes at a critical time for the Good Neighbor Agreement. Stillwater Mining Company (SMC) is running out of space to store tailings and waste rock, two byproducts of mining. At the same time, SMC is considering developments that will increase production, which means more traffic and more waste to deal with.

The problem with all of this stems from the fact that their waste rock and tailings carry residue from explosives, which contain high concentrations of nitrogen. Even at low levels, nitrogen can harm fish populations and, at moderate levels, can make water unsafe to drink, particularly for pregnant women.

To keep nitrogen from ever contaminating water, new waste storage facilities must be built to keep polluted water from seeping into the river. These storage facilities are massive, holding an immense amount of waste material (6.3 million tons for one tailings storage facility), with walls rising higher than all but a couple buildings in Montana.

With that much material, and all the nitrogen it contains, the safety and engineering of these facilities is of prime importance, and the use of appropriate technology requires careful consideration and planning. Northern Plains members working on the Good Neighbor Agreement are demanding that SMC take extra steps in evaluating these new

Mine
Continued from Page 1

and Sweet Grass counties for 17 years by maintaining water quality, limiting traffic, and reducing other impacts from mining. Ensuring that the Agreement couldn’t be shed was paramount in negotiations, so it was written to bind any successors of Stillwater Mining Company.

Thus, on Dec. 9, 2016, when Stillwater Mining Company announced its sale to Sibanye Gold, the news was met with confidence that the Good Neighbor Agreement wasn’t going anywhere.

“This news reaffirms our dedication to the protection of our communities and the water quality of Stillwater and Sweet Grass counties,” said Jerry Iverson, an original negotiator of the Agreement, “For over two decades and through multiple ownership changes, we’ve advocated for best management practices at the Stillwater mines. We are more committed than ever to stand up for Montanans and work in the best interest of our communities.”

Sibanye Gold diversifying

Sibanye Gold, a South African mining company making its first move into North America, is one of the world’s top 10 producers of gold. Its purchase of Stillwater Mining is part of an effort to diversify into the platinum market.

Sibanye Gold representatives met with Northern Plains on Dec. 12 in Columbus. Neal Froneman, Sibanye CEO, praised the Agreement during the meeting, saying he hoped Sibanye “can honor the Good Neighbor Agreement in law and spirit.” He also emphasized Sibanye’s commitment to best environmental practices. How a far-removed Board of Directors responds to Northern Plains’ participation will have to be sorted out.

The exact changes resulting from Sibanye’s ownership remain to be seen but, like Stillwater Mining Company’s major transitions in the past, the Good Neighbor Agreement will remain resilient.

– Cameron Clevidence

Northern Plains volunteers test for water quality during regular sampling of organisms near mine operations in the East Boulder River, above, and Stillwater River. They check for the presence of nitrates from blasting, storage facilities and undergo a feasibility study to evaluate waste storage technologies that are potentially safer.

– Cameron Clevidence

Northern Plains members currently involved in the Good Neighbor Agreement:

Stillwater Oversight Committee
Bill Hand - Nye
Burt Williams - Nye
John Beers - Nye
Charles Sangmeister - Nye

East Boulder Oversight Committee
Paul Hawks - Melville
Jerry Iverson - Big Timber
Michael Drye - Big Timber
Walt Snodell - McLeod

Technology Committee
Charlie French - Big Timber
Norm Tjeltveit - Absarokee
Richard Parks - Gardiner
Bakken-area rancher welcomes new methane-waste standards

A Wyoming judge recently rejected efforts to block new standards by the Bureau of Land Management (BLM) that would reduce the waste of natural gas on federal and tribal lands.

“This is good news for people living in oil country,” said Pat Wilson, a rancher from Bainville and member of Northern Plains. “Flaring, venting, and leaking are extremely short-sighted practices that waste an important resource, and pose serious threats to our health. The BLM standards are a much-needed set of protections for rural Montanans, and the judge’s decision will allow them to go into effect as planned.”

Finalized in November 2016, and set to take effect on Jan. 17, the BLM standards will require oil and gas producers to take common-sense measures to limit the flaring, venting, and leaking of natural gas from federally leased onshore oil and gas wells. In doing so, the standards would reduce the waste of natural gas, protect the health of Montanans, and provide a fair return on public resources for U.S. taxpayers, tribes, and states.

Montana opposed

Opponents of the standards, including Montana Attorney General Tim Fox, requested a preliminary injunction against the protections, which, if granted, would have put the standards on hold during litigation. On Jan. 17, however, Judge Scott Skavdahl of the U.S. District Court for the District of Wyoming denied that request, meaning that the rules went into effect as planned.

“It strikes close to home for us,” Wilson added. “Our ranch sits amid extensive oil and gas development, and we live with the impacts of that. My wife started to develop some severe respiratory difficulties right around the time that the Bakken boom cropped up. Now, we spend part of every year in New Mexico, in large part because of her health. And it’s made a huge difference for her. In Bainville, she uses her inhaler two or three times a day. Where we live in New Mexico, she might use it three or four times over the course of the winter.”

Methane waste widespread

Flaring, venting, and leaking are widespread practices among oil and gas producers. Between 2009 and 2014, oil and gas producers on public and tribal lands vented, flared, and leaked about 375 billion cubic feet of natural gas – or enough to supply about 5.1 million households for a year. This pollution not only affects human health; it also worsens climate change. In the short term, methane is about 84 times more potent than carbon dioxide as a greenhouse gas. About one-third of all methane pollution in the United States is estimated to come from oil and gas operations.

The BLM standards are an important step toward reducing waste, protecting Montana’s clean air, increasing the health of Montanans, and providing a fair return on public resources for U.S. taxpayers, tribes, and states.

Trans-Pacific Partnership ill-conceived trade deal dies

The Trans-Pacific Partnership had been hanging over the heads of Montanans for nearly a decade. A trade deal written in secrecy and aiming to hand over vast powers to international corporations, TPP was approved by Congress for “Fast Track” authority in June of 2016. It looked sure to pass that same Congress later in the year.

However, due to the groundswell of opposition from organizations like Northern Plains, the tide began to shift. People organized and stood up for their democratic sovereignty in the face of this well-orchestrated corporate power grab.

Feeling the overwhelming pressure of public opinion, each of the top four vote-getters in the 2016 presidential election took positions opposing the TPP.

Now the Trans-Pacific Partnership is off the table, and it’s because people came together and gave politicians no other choice.

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 serve your particular interests.

Please call Steve Paulson at 406-248-1154.
Keynote speaker gives beef its due

Writer/rancher says grazing essential to healthy ecosystem

“The animal impact is essential for ecosystem function.” Such was the claim of keynote speaker Nicolette Hahn Niman at the Northern Plains’ Annual Meeting, Nov. 18-19.

Hahn Niman came to speak to us from her ranch in Northern California. She’s the author of two notable books: Righteous Porkchop (2009) and Defending Beef (2014).

Before marrying a rancher, she served as senior attorney for the Waterkeeper Alliance, running their campaign to reform the concentrated production of livestock and poultry. As a lawyer for the Alliance, she fought against the livestock industry, but then she learned that a lot depended on how livestock production was done, and her perspective about her role in the world shifted. “Beef needed a good lawyer.”

In her book Defending Beef as well as her presentation to the Northern Plains audience, Hahn Niman wanted to combat certain myths about beef production:

- Myth: That overgrazing has destroyed the American West;
- Myth: Beef is far too water intensive for our water-stressed state/world;
- Myth: Beef is a leading cause of climate change.

In fact, grassfed beef is a less water intensive option, and good grazing practices are in fact a helpful component of carbon sequestration via healthy soil. She argues that cattle are necessary to the restoration and future health of this planet and its people.

More people need to be looking at how we can create optimal grazing, because “beef has the potential to be a net positive.” Best practices are site specific, but definitely involve density and movement such as is taught by Allan Savory. Savory’s theory proposes that ruminants like antelope and bison — and now cows — create healthy grasslands when they’re kept by predators in tight “mobs” and constantly moved place to place, digging up the grass and leaving a steady stream of manure. Those grasslands thrive, preventing erosion of topsoil, which is one of our worst global environmental crises, sequestering massive amounts of carbon, and producing dense, nutrient-rich food from marginal lands.

And try to find a better source of iron, zinc, and B-12! Beef is healthy for us, and healthy for the planet – if done right.

– Olivia Stockman Splinter

Arizona organization leads way for local economies

Did you know that for every $10 million spent at local businesses, 110 jobs are created or sustained? If that same money was spent at a chain store, we’d only see 50 jobs sustained, or at Amazon just 14 jobs.

The Annual Meeting featured interactive video presentations of Kimber Lanning, Founder and Executive Director of Local First Arizona. Local First Arizona has transformed the way the economy works in Arizona, and built an inclusive economy that retains and recruits young professionals rather than exports them.

Common campaign rhetoric in Montana often points to the challenge of keeping our young talent around, developing good paying jobs, and making Montana a great place to live, but then our politicians resort to natural resource extraction as the solution. Local First Arizona has put a new lens on this problem.

Lanning explained why local businesses matter and how building a sense of place is essential to a strong local economy, keeping young people around, and attracting high-paying jobs. “I can go to an Applebee’s anywhere and have the same experience and think, well (insert town) wasn’t that special. But it’s the local restaurants and businesses in the cool old buildings that make people think, wow, this place is unique.”

Local First Arizona does grassroots organizing around local business development and local economies. Similar to Northern Plains, they build relationships in communities, speaking with locals and local businesses, working on policy solutions, and creating change. They do much more than promote local businesses, though. Local First Arizona programs range from collaboration between local businesses, to business training, to policy change, to community empowerment programs.

Local First Arizona has transformed development in Phoenix to focus more on “placemaking.”

Lanning concluded, “Imagine your favorite community, and your favorite place there. Okay, did anyone imagine a six-lane intersection with giant parking lots and big box stores? If that’s not what makes us love our place, why do we keep building it?”

– Maggie Zaback

See related story on Page 17
Unions, conservationists seek solutions as coal jobs disappear

One-industry town in New York points a way to recovery

Many of the largest coal companies in the country are either going through bankruptcy or recently emerged from it. We wanted to know what that means for those companies, for the future of coal mining, and for the communities where coal is mined.

The Annual Meeting’s first panel, moderated by Beth Kaeding, featured WORC coal bankruptcy expert Dan Cohn and Western New York AFL-CIO Field Coordinator Peter de Jesus.

Cohn kicked off the day with background information about the recent wave of coal company bankruptcies. While coal companies have relied on blaming federal regulation, the coal industry was hardest hit by declining natural gas prices, the internalized costs of mining and transport, and the hubris of coal executives who took on loads of debt at the height of the coal market.

According to an analyst from Jefferies LLC (a global investment firm), “the problems [with the coal industry] started with a wave of mergers and acquisitions.” The analyst added, “In two decades covering the mining industry, these were some of the most regrettable transactions we had ever seen.”

According to Cohn, many coal companies are emerging from bankruptcy, but it is unlikely that the industry will rebound. Companies can restructure, cut costs, and sell assets, but they can’t change factors like pressure from natural gas and renewables, rising operating costs as unmined coal gets deeper, or Chinese prioritization of domestic coal.

In the case of coal bankruptcies, cost-cutting often means cutting pensions and disability checks and throwing out collective bargaining agreements, leading many to wonder what all this means for workers.

Peter de Jesus saw the writing on the wall in Tonawanda, N.Y., a town where the major employer was a coal-fired power plant that was losing money. De Jesus knew that the school district stood to lose about $3 million a year in tax revenue if the plant were to close, so the AFL-CIO and the Clean Air Coalition began assembling a just transition plan and building a coalition to protect the community. Built on a foundation of trust, hard work, and understanding, the coalition secured $30 million in grant funding for the town.

Though the power plant closed in August of 2015, the coalition is working to clean up and redevelop the site, make up for the revenue lost by the town and school district, and diversify the economy of the community. Tonawanda is a great example for communities that are reliant on the coal industry and facing the declining market. Markets change over time. Communities and governments that adapt are the ones that, in the end, will succeed.

Rural ‘frontier’ unprepared for hazardous spills

Marshai Rothe, state training officer at Montana’s Department of Emergency Services, opened the oil and gas panel at this year’s Annual Meeting with a description of the challenges involved in responding to major disasters in this vast state of ours.

“We’re not even rural,” he told the room. “Rural is Ohio, where you have a farm and 50 people per square mile.”

Eastern Montana, by contrast, is closer to “frontier,” said Rothe, meaning that responding quickly to disasters can be a formidable task for volunteer fire departments and other local emergency responders.

This year’s oil and gas panel covered the challenge and more, beneath the broad umbrella of a larger issue: the transport of crude oil and other hazardous material across Montana’s rails and roads. Rothe spoke alongside Northern Plains member Jeannie Brown, who lives within 300 feet of the rail line in Belgrade, and Rep. Denise Hayman, D-Bozeman, who is sponsoring a study bill on oil and hazardous material transport in the 2017 Legislature.

Why this issue – and why now? As Brown reminded us, the number of trains and trucks carrying hazardous materials through Montana has risen sharply in recent years. That surge in traffic has created a corresponding surge in major rail accidents and other hazardous materials incidents. Montanans like Brown are worried. “I’m really concerned about a derailment or fire,” she told the audience, “and I’d like to see us doing more to address that.”

Rep. Hayman’s study bill would be a step toward solving some of those concerns. The bill comes on the heels of a 2015 audit, conducted by the legislative audit division, that evaluated how well our rail safety system is working—and whether we’d be prepared in the event of a major incident.

The short answer is: we’re not. The state’s inspection program, according to the audit, is “not adequate,” our statewide emergency planning is “absent,” and our hazardous materials response capability is lacking or weak in “a large portion of the state.”

Tackling problems of this size and scope requires time. That’s why Rep. Hayman’s bill calls for an interim study of our hazardous materials transport system. An interim study would put hard numbers and tangible solutions to some of the gaps outlined in the audit, and help us think through what “systems need to be put in place” to better protect residents of rail-line communities, railway workers, and emergency responders alike.

— Ella Smith

— Caitlin Cromwell

See related story on Page 13

Coal panelists Dan Cohn, left, of the Western Organization of Resource Councils and Peter de Jesus, a labor leader from western New York.

Denise Hayman  Jeannie Brown  Marshai Rothe
2016 RESOLUTIONS

Passed by the Northern Plains membership at the Annual Meeting on Nov. 18, 2016

COAL RECLAMATION BONDING

Resolution No. 2016 – 1

Introduced by Ellen Pfister at the request of the Coal Task Force

A RESOLUTION OF THE MEMBERS OF NORTHERN PLAINS RESOURCE COUNCIL CONCERNING THE CONTEMPORANEOUS RECLAMATION OF COAL MINES.

WHEREAS, successful coal mine reclamation is vital to the restoration of water quantity, water quality, plant life, wildlife, and the agricultural productivity of mined lands; and

WHEREAS, water is a critical and rare resource in the semi-arid West; and

WHEREAS, working rural lands are important to the economy and culture of Montana; and

WHEREAS, the federal Surface Mining Control and Reclamation Act (SMCRA) calls for the "contemporaneous reclamation" of mined lands, but a lack of definition or enforcement for this requirement means that reclamation lags behind mining; and

WHEREAS, reclamation completion at Powder River Basin coal mines is exceptionally low, with only 1% of mined lands in Montana certified as fully reclaimed by the federal Office of Surface Mining; and

WHEREAS, the economic fragility of the coal industry increases the risk of sudden mine closures, thus, leaving large amounts of mined lands un-reclaimed; and

WHEREAS, coal mines in Montana are chronically under-bonded and many mines in Wyoming are self-bonded, creating significant taxpayer liabilities and increasing the risk that adequate reclamation may never occur; and

WHEREAS, an increase in active coal mine reclamation has the potential to create significant additional jobs.

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF NORTHERN PLAINS RESOURCE COUNCIL, IN ANNUAL MEETING ASSEMBLED:

That Northern Plains Resource Council will continue to work to ensure that coal companies actively reclaim mined lands in a timely manner.

AND, BE IT FURTHER RESOLVED:

That Northern Plains Resource Council supports the elimination of coal company self-bonding and supports efforts to ensure that all coal mines are fully bonded and that bond-release is an incentive to spur reclamation.

AND, BE IT FINALLY RESOLVED:

That Northern Plains Resource Council believes that federal statute should clearly define “contemporaneous reclamation” and should institute a standard that ensures that the contemporaneous reclamation of mined lands is enforced and requires that reclamation occur at a pace consistent with or in advance of mining.

GOLD MINES

Resolution No. 2016- 2

Introduced by Catherine Logan at the request of Yellowstone Bend Citizens Council and Bear Creek Council

A RESOLUTION OF THE MEMBERS OF NORTHERN PLAINS RESOURCE COUNCIL

SUPPORTING THE ADMINISTRATIVE MINERAL WITHDRAWAL OF APPROXIMATELY 31,000 ACRES OF PUBLIC LAND SURROUNDING TWO PROPOSED GOLD MINES ON THE NORTHERN BORDER OF YELLOWSTONE NATIONAL PARK

WHEREAS, the northern gateway to Yellowstone National Park passes through Park County's Paradise Valley and the town of Gardiner, Montana, which have outstanding recreational and scenic resources that support viable and sustainable tourism-based businesses and economies; and

WHEREAS, two separate gold mines are proposed for this area and would impact thousands of acres of public land that is considered critical and important wildlife habitat for numerous wildlife species as well as being in headwater tributaries of the Yellowstone River; and

WHEREAS, both mining companies plan to extract the gold from sulfide-bearing rock that, when exposed to air and water, can react to form sulfuric acid and result in acid-mine drainage, which can contaminate waterways used for agriculture and is highly toxic to soils, fish, and other aquatic life; and

WHEREAS, Park County’s economy and the livelihoods of its residents depend on recreation and tourism-based businesses that provide 2,700 jobs and an estimated $196 million in non-resident tourism revenues in 2014 alone, and this economic vitality could be severely harmed by large-scale mining operations in the area.

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF NORTHERN PLAINS RESOURCE COUNCIL, IN ANNUAL MEETING ASSEMBLED:

That Northern Plains Resource Council joins with more than 250 local businesses in the northern Yellowstone gateway area in opposing these gold mining proposals and calling upon the U.S. Forest Service and the Secretary of the Interior to initiate a 20-year administrative mineral withdrawal of these public lands from mining.

PROPERTY ASSESSED CLEAN ENERGY

Resolution No. 2016 – 3

Introduced by Mary Fitzpatrick at the request of the Clean Energy Task Force

A RESOLUTION OF THE MEMBERS OF NORTHERN PLAINS RESOURCE COUNCIL IN SUPPORT OF PROPERTY ASSESSED CLEAN ENERGY (PACE).

WHEREAS, the least costly energy is the energy we do not use; and

WHEREAS, installing energy efficiency upgrades, water conservation measures, and/or distributed renewable energy reduces energy use and saves consumers money, thus making businesses more profitable and leaving individuals with more disposable income; and

WHEREAS, improving the energy efficiency of our buildings is a strong economic development strategy for local communities; and

WHEREAS, increasing the installation of energy efficiency upgrades and/or distributed renewable energy will create jobs and grow local businesses, creating stable, family-wage jobs across Montana; and

WHEREAS, it is a tried-and-true form of local government financing to allow owners of agricultural, commercial, industrial, and residential real estate to enter into written contracts to impose assessments on their property to repay the financing for permanent improvements fixed to the property; and

WHEREAS, financing energy and water efficiency projects through contractual assessments (“PACE financing”) further enhances essential government purposes, including but not limited to, economic development, reducing energy consumption and costs, and conserving water resources; and

WHEREAS, the financing for PACE projects comes largely from the private sector (banks, credit unions, and other financial institutions), making PACE a public-private partnership that addresses significant infrastructure needs in our communities; and

WHEREAS, working on PACE-enabling legislation would benefit Northern Plains Resource Council by building our relationships with organized labor, engineering firms, contractors, suppliers of building materials, financing institutions, local governments, and local economic

NEW OFFICERS

At the 2016 Annual Meeting, Northern Plains members elected the following officers to the Board of Directors.

Chair – Kate French, Bozeman
Vice Chair – Becky Mitchell, Billings
Secretary – Ed Gulick, Billings
Treasurer – Jeanie Alderson, Birney
Assistant Secretary – Cindy Webber, Big Timber
Assistant Treasurer – Deb Muth, Red Lodge

At-large Board members:
Janet McMillan, Greenough
Walter Archer, Olive
Morgan Pett, Miles City
Alaina Buffalo Spirit, Lame Deer

WHEREAS, the economic fragility of the coal industry increases the risk of sudden mine closures, thus, leaving large amounts of mined lands un-reclaimed; and

WHEREAS, the federal Surface Mining Control and Reclamation Act (SMCRA) calls for the "contemporaneous reclamation" of mined lands, but a lack of definition or enforcement for this requirement means that reclamation lags behind mining; and

WHEREAS, reclamation completion at Powder River Basin coal mines is exceptionally low, with only 1% of mined lands in Montana certified as fully reclaimed by the federal Office of Surface Mining; and

WHEREAS, the economic fragility of the coal industry increases the risk of sudden mine closures, thus, leaving large amounts of mined lands un-reclaimed; and

WHEREAS, the federal Surface Mining Control and Reclamation Act (SMCRA) calls for the "contemporaneous reclamation" of mined lands, but a lack of definition or enforcement for this requirement means that reclamation lags behind mining; and

WHEREAS, reclamation completion at Powder River Basin coal mines is exceptionally low, with only 1% of mined lands in Montana certified as fully reclaimed by the federal Office of Surface Mining; and
Archer, Mitchell win annual honors

Walter Archer of Olive was named the winner of the 2016 Bob Tully Spirit Award. A Past Chair of Northern Plains, Walter has worked on task forces, and served as a Northern Plains representative to the Western Organization of Resource Councils. In presenting the award, Charles Sangmeister observed that Walter is “a soft spoken individual with unshakable strength who grounds us in wisdom and truth.”

In receiving the award, Walter said, “It’s a great honor. I did know Bob Tully and he was always someone I looked up to. He was always concise and had a sense of humor about how he approached things, and I always appreciated that.”

The 2017 Mary Donohue Tell It Like It Is Award was awarded to Becky Mitchell of Billings, a past Treasurer and Chair of Yellowstone Valley Citizens Council, and newly elected Vice Chair of Northern Plains. Wade Sikoski, who presented the award, noted that “Becky Mitchell is a woman for all seasons, who tells it like it is out of genuine concern for the Earth, for her community, and for the organization she loves.”

In her acceptance, Becky said, “Thank you so much, this is such an incredible group of people and I am so honored to be one of you and to work with you and to call you family and friends.”

The award for greatest percentage of new members in an affiliate went to Yellowstone Bend Citizens Council. The award for the greatest number of new members in an affiliate went to Yellowstone Valley Citizens Council. In accepting the award for YVCC, Larry Bean, YVCC Chair observed, “It’s hard to talk about YVCC and Northern Plains without attracting somebody.”

Members learn basic social media skills

As part of Northern Plains’ ongoing commitment to member skill development, the 2016 Annual Meeting featured two simultaneous trainings on social media. The first was a basic introduction to various social media platforms, how they work, and how members can engage in them. The second dealt with getting more out of social media, especially as a tool for social change.

From an introduction to popular Twitter hashtags on Northern Plains issues, to examining analytics and social psychology research on the types of Facebook posts that get the most traction, the training was designed to help members better understand the “why” and “how” of social media in order to better achieve their goals.

2016 RESOLUTIONS, CONTINUED

WHEREAS mobilizing farmers and ranchers and rural communities and all actors in soil management to implement soil health practices suited to local conditions and national issues with the aim of conserving or increasing the carbon content of soils;

WHEREAS action and collaboration with all actors in the agricultural and land-management sectors will enable the policies and the appropriate funding to go to soil health measures.

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF NORTHERN PLAINS RESOURCE COUNCIL, IN ANNUAL MEETING ASSEMBLED:

That Northern Plains Resource Council (NPRC) fully support the “4 per 1000: Soils for food security and climate” Initiative.

AND, BE IT FURTHER RESOLVED:

That Northern Plains supports strengthening our public policies, research, our tools and our actions to foster sustainable and inclusive agricultural and rural development that provides for the implementation of practices that enhance carbon storage in agricultural soils.
The newly renovated Northern Hotel welcomed more than 175 Northern Plains members at the 2016 Annual Meeting, Nov. 18-19. The new location had some spatial changes, e.g., the silent auction was split between two rooms. A bright, sunny lobby had a comfortable lounge and large window for plenty of light.

A highlight of this Annual Meeting was the food selection – the local food did not disappoint. From a lunchtime taco bar to Saturday dinner pork chops, many components of the meal supported Montana farmers and ranchers.

In addition to the engaging speakers, attendees enjoyed an entertaining Theatre of the West. Ben Reed and Mary Fitzpatrick featured their talents with original songs and guitar. “Goldie & Gilda” offered comedic relief. And Clint McRae honored his promise by wearing his kilt while toasting the defeat of the Tongue River Railroad. Northern Plains staff followed up with adaptations of Sweet Caroline, Satisfaction, and Wrecking Ball:

“But that car came in like a wrecking ball
Came crashing through our board room wall
Speeding slightly faster than a crawl
To our bike rack, may you rest in peace.”

The Annual Meeting was a time of learning, friendship, and celebration.

– Sarah FitzGerald

PACE speaker lights path to clean energy, jobs

E nginey efficiency upgrades save property owners more in utility savings than they cost over the long term, but the upfront costs associated with these upgrades can be a challenge for many of Montana’s families and businesses.

Jeremy Kalin, a businessman and former Minnesota state legislator, founded his company Eutectics in 2010 to address this financing gap. Eutectics is a mission-driven company with the goal of accelerating the transition to a more sustainable energy economy by mobilizing private capital to help people finance energy improvements on their homes and businesses.

“Throwing tax credits and rebates at the problem hasn’t worked,” said Kalin. Energy efficiency upgrades are the obvious first step toward a sustainable energy future, but how do we pay for the upgrades? Eutectics promotes Property Assessed Clean Energy as the solution. “When people save energy, they save money,” he said. And those energy savings can provide the cash flow for financing needed upgrades.

PACE allows property owners to finance energy efficiency, water conservation, and renewable energy projects for existing buildings. These upgrades are funded by banks, secured through a special assessment on the property, and paid back on the annual property taxes over a term of up to 20 years. But the first step is passing PACE-enabling legislation.

Kalin was the chief author of Minnesota’s PACE legislation, passed in 2010. Minnesota’s young PACE program has so far seen 60 projects undertaken, providing 270 construction jobs, retaining/creating 91 jobs, and accumulating nearly three million dollars in annual energy savings since the first financed project in 2012.

Kalin has been involved in the drafting of Montana’s PACE legislation and will continue to be consulted in the development and implementation of Montana’s PACE program – that is, if the 2017 Legislature passes PACE-enabling legislation.

Northern Plains Past Chair Mary Fitzpatrick of Billings outlined how our members can help ensure the 2017 Legislature enables PACE. Calls to legislators, she said, are a powerful way to ensure that representatives take note of public support for a bill.

“They get those messages and they want those messages” she said.

– Sydney Ausen
Clean, affordable energy is key to Montana’s future

PACE financing a public-private win-win solution

The 2017 Montana Legislature is off to a roaring start. We’re hopeful that our legislation to enable Property Assessed Clean Energy (PACE) in Montana will successfully pass this year with bipartisan support.

PACE helps people overcome the existing “financing gap” for energy efficiency upgrades by making it easier for people to finance the up-front cost of upgrades to existing buildings that will save the property owner money on their utilities over the long term.

Broad support

PACE has already been enabled in 33 other states. Montana has many PACE supporters in addition to Northern Plains, namely Governor Bullock and members of the PACE Jobs Coalition, which Northern Plains organized. This broad coalition includes:
- First Interstate Bank;
- Missoula Federal Credit Union;
- AFL-CIO;
- Yellowstone Electric;
- Ace Electric;
- Air Controls;
- Homeword;
- Neighborworks Montana;
- HROC;

Private financing key

The coalition stands in support of PACE because it is a solution where private financing from Montana banks can help people save money on utilities, expand local businesses, create jobs, and increase the economic vitality of communities across Montana.

While our organizing efforts over the past nine months have garnered significant support for PACE and enabled us to move some potential opponents, opposition remains.

NorthWestern Energy opposed

One opponent which does not come as a surprise is NorthWestern Energy. The company is expected to oppose PACE because it would finance renewable energy. With its existing concerns about net metering, NorthWestern fears that PACE would greatly increase the number of its customers who declare independence from utility bills and generate their own clean energy.

The Montana Bankers Association also has some concerns which are being addressed with changes to the draft legislation, including adding additional consumer protections, existing mortgage lender consent for all PACE projects, and making Residential PACE a junior lien vis-à-vis the mortgage rather than senior lien.

How you can help

Want to help us bring PACE to Montana? Attend our Clean Energy Lobby Day in February (we will let you know which day - Feb. 13 or 16), write a letter to the editor of your local newspaper, or contact your legislators and encourage them to support PACE. We will keep you informed on the progress of the PACE bill.

– Alicia Pettys
Net metering a hot issue again

Five bills in hopper

The debate continues over the policy called “net metering” that allows customers of investor-owned utilities to install solar arrays or wind turbines to generate energy for their own use, and receive fair compensation for any excess energy they return to the grid.

However, there is much more agreement among all sides after the 18-month Energy and Telecommunications Interim Committee (ETIC) study of net metering in 2015-16, which resulted in five committee bills that are now moving through the Legislature.

The first big hearing was in the House Energy, Technology and Federal Relations (ETFR) Committee on Jan. 9. Two ETIC committee bills, House Bill 34 and HB 52, were sponsored by Rep. Daniel Zolnikov, R-Billings, who is also the ETFR Committee Chair.

Neither bill has been voted on at press time.

Thank you to everyone who is calling, writing, and testifying in support of Montana’s clean energy future. Together, you are making a difference!

House Bill 52

HB 52 would grandfather existing net metering customers if there is any future change in the net metering rates or law. The bill would provide fairness to customers who signed a contract under the current law, and ensures that utilities will act in good faith.

Testimony on HB 52 was unanimous in support, with even NorthWestern Energy testifying in favor.

Many Northern Plains members testified. Rosa Reller of Helena explained that she and her husband installed a 2.3 kW system in order to “pre-purchase our energy in anticipation of retirements and fixed income.” She said it would be unfair and harmful to change rates on her and others who have installed systems. “We spent our hard-earned money based on the payback as it is today under the current rates.”

House Bill 34

HB 34, another ETIC committee bill, would increase the amount of clean energy that public buildings can net meter from 50 kilowatts (kW) to 250 kW. While testimony was 5:1 in support of HB 34, NorthWestern Energy and Montana Dakota Utilities (MDU) opposed the bill.

Proponents spoke to the cost-saving potential to taxpayers if we allow public buildings to access economies of scale with on-site renewable energy like solar and wind. Bob Filipovich of Helena explained that the 49kW solar array being installed on Lewis and Clark County Library will only offset 15% of the library’s usage. That means 250 kW would still only power 75% of their energy needs.

A University of Montana student lobbyist echoed that message, explaining that the university uses 4.5 megawatts (MW) of power. The current net metering cap is so small it limits them from even making a dent with clean energy.

NorthWestern Energy and MDU are opposed because of the same “cost-shift” argument, claiming net metered customers don’t pay their fair share for use of the grid, while proponents countered that the investor-owned utilities are just worried about losing sales. Bill sponsor Rep. Zolnikov spoke in favor of competition in the face of a monopoly utility.

Defensive bills

These were not the only net metering bills that have been heard in committee. Senate Bill 1 and SB 7, both introduced by Sen. Pat Connell) would require all new net metered customers who do not use net metering systems” and would strike the phrase stating that net metering is “in the public interest.”

Opponents, including Northern Plains, testified that this bill is redundant because the PSC already has authority to assess and implement any necessary rate changes for net metered customers.

On the horizon

SB 78, introduced by Sen. Keith Regier, R-Kalispell would dismantle net metering by reducing the rate at which future net metered customers are credited for excess energy sent onto the grid from “full retail rate” to the “wholesale power rate” which averages $0.04 – cutting compensation by two-thirds – and would require an additional monthly service charge. The ETIC studied this issue and didn’t propose a bill because they didn’t have the data to support any kind of change. Northern Plains opposed this bill at first hearing on Jan. 26.

We’ll keep you informed of these bills’ progress.

– Alicia Pettys

We spent our hard-earned money based on the payback as it is today under the current rates.

– Rosa Reller, Helena

LOBBY DAYS

On Jan. 25, Northern Plains members journeyed to Helena where they urged lawmakers to study Montana’s response and preparedness for dealing with spills of hazardous materials.

We’ll be going back to Helena on either Feb. 13 or 16 to lobby in favor of PACE, a funding mechanism to help Montanans make energy efficiency, water conservation, and renewable energy upgrades to their homes and businesses.

Join us!

– Ella Smith

CITIZEN LOBBYIST TRAINING: Northern Plains members, from left, Katelynn Essig of Red Lodge, the Rev. Stacey Siebrasse of Billings, and Tom Tschida of Bridger practice being citizen lobbyists at a Northern Plains training Jan. 14. About 30 members attended the free Northern Plains training at Home on the Range. A Lobby Day was held Jan. 25 in Helena; another is planned for either Feb. 13 or 16.

2017 LEGISLATURE

The Plains Truth Winter 2017 Page 12
Study would look at preparedness for hazardous materials incidents

If a train carrying oil or other hazardous materials derailed in your community, what kind of response would local officials be able to mount?

Spurred by concerns about the volume of crude oil being transported through our communities by rail, a 2015 legislative audit examined this topic. The audit identified serious gaps in Montana’s ability to prevent train derailments and to support local emergency responders who would be first on the scene in the event of a derailment involving hazardous materials.

One in five Montanans live in an evacuation zone for an oil train derailment, and many of our local emergency responders are under-resourced in both equipment and training to respond to a hazmat event. This is especially true in our rural areas.

Railways aren’t the only potential problem because hazardous materials are routinely transported on Montana’s roads.

This past year, Northern Plains’ Oil and Gas Task Force has reached out to fire fighters and other emergency responders in rail communities across the state to discuss their concerns and capacity to respond to a hazardous materials event. In addition to risks presented by oil trains, emergency responders expressed concerns over other hazardous materials transported on railways, highways, and interstates.

In response to these concerns and the findings of the audit, Rep. Denise Hayman, D–Bozeman, has requested a study bill in 2017 to look into hazardous materials transportation policies that would protect Montana’s residents and our first responders.

House Bill 296 would establish a hazardous materials response and preparedness task force. This task force would be comprised of a combination of legislators from both sides of the aisle and members of regional and local emergency response teams. Its objective would be to examine and develop recommendations on:

- The adequacy of state railroad inspections;
- Reporting needed to track hazardous emergency response capacity across the state;
- Resources needed to respond to a hazardous materials derailment in rural areas in less than six hours;
- Other topics that could reduce the risk of a rail to roadway accident involving hazardous materials.

Recommendations on these three topics would be presented to the State Administration and Veterans Affairs Interim Committee by Sept. 15, 2018.

Rep. Hayman’s bill is a necessary first step toward ensuring that first responders in Montana have the training and resources to protect the communities where they serve from hazmat events.

Northern Plains members lobbied in support of this bill during our Lobby Day on Jan. 25. – Hannah Hostetter

Why phone trees, calling your legislators matter

This year, we have more than 300 members participating in our 2017 legislative phone tree!

When a good bill needs support to pass, or a bad bill needs to be blocked, one of the most effective ways to reach a legislator is by calling and leaving a message.

Our phone tree participants have each agreed to call a handful of members, who in turn call a combination of members and their legislators, so that a dozen calls multiply into hundreds of calls to legislators.

These messages keep legislators accountable – it’s hard to ignore 30 messages on a desk all advocating for the same action. When you can’t physically make it to Helena, your voice still carries important weight.

Email Olivia at olivia@northernplains.org or call 406-248-1154 if you haven’t signed up for a phone tree yet. – Sarah FitzGerald

TAKING ACTION, STAY INFORMED

- If you missed our first Lobby Day on Jan. 25, join us for our second Lobby Day, either Feb. 13 or 16 TBD, on Property Assessed Clean Energy, Call 406-248-1154 to sign up.
- Phone your legislators at 406-444-4800.
  Leave a message from 7:30 am to 5 p.m. weekdays and 8 a.m. till about noon on Saturdays. You may leave messages for up to five individual legislators or one legislative committee per call.
- Email your legislators using the form: http://leg.mt.gov/css/Sessions/65th/legwebmessage.asp
- Write to your legislators:
  Rep. [Name]
  House of Representatives
  State Capitol
  P.O. Box 200400
  Helena, MT 59620-0400
  Sen. [Name]
  Montana Senate
  State Capitol
  P.O. Box 200500
  Helena, MT 59620-0500
- Get more information on the legislative website: leg.mt.gov
- Find your legislator: http://leg.mt.gov/css/find/a/legislator.asp
- Look up a bill: http://laws.leg.mt.gov/legprd/law2003w$startuP...SESS=20171
- Go to www.northernplains.org under “Legislature,” then “2017 Bills,” to follow the Bills We Support and Bills We Oppose. Also check the tab for a list of who is on which legislative committees.
- Click “Fact Sheets” or “Our Work” on our website for talking points.
- Read your Northern Plains electronic and hard-copy Legislative Bulletins.
- Be on a legislative phone tree, when action is needed now! Call Olivia at 406-248-1154 or email olivia@northernplains.org
- Follow us on Facebook and Twitter @norplains
- Write a letter to the editor of your paper.

Gov. Steve Bullock
Office of the Governor
P.O. Box 200801
Helena MT 59620-0801
Phone: 406-444-3111
Email form: http://governor.mt.gov/Home/Contact/shareopinion
Website: governor.mt.gov
State oil and gas board passes rule to notify neighbors of drilling plans

At its December meeting, the Montana Board of Oil and Gas Conservation voted 4-3 to adopt a rule requiring oil and gas operators to notify landowners within ¼ mile (1,320 feet) of a proposed oil or gas well.

With the adoption of this rule, neighboring landowners will have to be notified before wells are permitted so neighbors have the opportunity to comment on projects while they are still in the planning phase. Prior to the Dec. 14 decision, landowners adjacent to an oil and gas lease received no notice of proposed wells or the opportunity to come before the Board with concerns.

This notification rule marks an important victory for Northern Plains members’ work to improve protections for landowners living near oil and gas development.

Since the failure of the 2015 Montana Legislature to establish minimum setback, or “buffer” requirements, between oil and gas wells and homes and other buildings, our members have attended Board of Oil and Gas Conservation meetings urging the Board members to take action where the Legislature did not. While the Board initially considered the possibility of establishing setbacks (e.g., mandatory distances from occupied buildings), the Board ultimately pursued notification of surrounding landowners instead.

Notification bears weight in Montana, as

“I think the Board was concerned that we’re seeing more and more tragedies and accidents and problems with the oil and gas fields. And this gives us the opportunity to come before the Board through a permit proceeding to make sure that it’s not going to happen,” Sue Beug of Red Lodge, who has been attending Board of Oil and Gas Conservation meetings for over nine years, said.

Montana law allows any citizen to come before the Board and request revisions to a permit, in contrast with other states that only allow surface owners on whose property the well pad is located to participate in permit proceedings.

After the Board finalized the rule, Sue Beug of Red Lodge, who has been attending Board of Oil and Gas Conservation meetings for over three years and has been active in encouraging the Board to protect landowners in oil and gas country, said, “Transparency is a Montana value, and today’s vote finally means that neighbors in the oil and gas fields will have some information when drilling is coming near their homes.”

— Hannah Hostetter

HOW THEY VOTED

How the members of the Board of Oil and Gas Conservation voted on the drilling notification rule:

FOR
☐ Linda Nelson - Chairperson - Landowner with minerals
☐ Paul Gatzemeier - Landowner without minerals
☐ Ron Efta - Public member and attorney
☐ Peggy Ames Nerud - Public member

AGAINST
☐ Wayne Smith - Vice Chair - Industry Representative
☐ Corey Welter - Industry Representative
☐ Steve Durrett - Industry Representative

Notification rule faces challenge in Legislature

Even before the December vote finalizing the Montana Board of Oil and Gas Conservation’s rule to establish drilling notification for adjacent landowners, the Montana Petroleum Association was posturing to undermine the new rule during the 2017 Montana legislative session.

“Already Sen. Tom Richmond, R-Billings – the former Administrator of the Montana Board of Oil and Gas Conservation – has introduced a bill to significantly weaken the rule. Senate Bill 93 would reduce the notification distance to 660 feet and remove notification rights for offices, hospitals, and schools. Keep an eye out for opportunities to oppose this detrimental bill.”

— Hannah Hostetter

Boards need strong leaders

In addition to the years of grassroots advocacy from Northern Plains members, the Board of Oil and Gas Conservation’s rule requiring notification for adjacent landowners would not have been possible without strong leadership from members of the Board of Oil and Gas Conservation itself (such as Peggy Ames Nerud, also a Northern Plains member).

You, too, may be able to serve on boards that make a big impact on our work.

Positions are currently open on these state boards:
- Board of Environmental Review – Industry Representative
- Board of Environmental Review – Public representative
- Board of Oil and Gas Conservation – Landowner with minerals in oil and gas area
- Board of Oil and Gas Conservation – Oil and Gas Industry Representative, with three years experience

To see all state board openings, visit https://swe.mt.gov/gov/boards/openings.aspx.

— Hannah Hostetter

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

Northern Plains is hosting the Western Organization of Resource Council’s Principles of Community Organizing (POCO) workshop, July 19-22, at Home on the Range in Billings.

This interactive workshop develops skills of leaders and staff to build powerful organizations and launch winning issue campaigns.

For more information, contact Northern Plains at info@northernplains.org.
BILM acts to protect property rights of landowners facing coal development

On Jan. 19, the Bureau of Land Management issued an official guidance protecting the property rights of farmers and ranchers threatened with the mining of their property against their will.

By law, farmers and ranchers who own property over federally-owned coal have a right to object to the strip mining of their property. The federal government is the largest coal owner in the West.

That legal right to object does not exist if the coal is privately owned, however. An energy company can strip mine a rancher’s property without their consent if a private entity owns more than the rancher owns the minerals under their land. (Farmers and ranchers in the West rarely do.) Ranchers who live above federal coal, therefore, are in a better position to plan their lives and businesses and know that they can pass their homes and property to future generations without the threat of being unexpectedly evicted by a coal company.

In recent years however, coal companies have (sometimes successfully) sought to get the federal government to trade away publicly-owned coal under ranchers who resist mining, taking away their protections and their property in the process. As of January of 2017, that can no longer happen.

The new BLM guidelines preserve the rights of landowners facing future exchanges – if they have the right to prevent their property from being mined today, they will maintain that right in perpetuity, regardless of future changes in mineral ownership.

Northern Plains worked with Senator Tester, a former Montana BLM director, several former Interior Department senior attorneys, and others to help build the case. Members traveled to Washington, D.C., several times to talk about the importance of protecting their farms and ranches, and many wrote to BLM about the issue as well.

– Svein Newman

Report a roadmap for federal coal reform

The federal Bureau of Land Management released a key report in January on its programmatic review of the federal coal program.

Secretary of the Interior Sally Jewell announced the review a year ago in response to calls from citizens across the nation, including many in Montana. Prior to announcing this review, the BLM held a series of ‘listening sessions’ in 2015, including one in Billings at which many Northern Plains members testified on the need for reform.

The report summarizes comments received during the scoping process for the BLM’s review, including several hundred thousand written comments submitted by citizens across the country, in addition to oral comments submitted at six 2016 national hearings. Though none of these hearings were held in Montana, Northern Plains members traveled across the country to testify at five of the six. We also partnered with allies to submit detailed technical comments, lobbied agency and congressional officials, and more.

The official BLM report also makes key formal findings about problems in the federal coal program and makes recommendations for fixing those issues, such as:

- Ensuring that coal companies pay their fair share when mining publicly-owned resources;
- Addressing the climate impacts of coal;
- Providing resources for economic transition in coalfield communities;
- Restoring mined rangeland, and more.

The programmatic review is ongoing, but it will ultimately be up to the next administration to adopt or reject the report’s recommendations. Having these formal findings and proposals on record provides a valuable tool for future action and advocacy.

– Svein Newman

Northern Plains intervenes for water protection rule

On Jan. 18, Northern Plains and allies filed in federal district court to defend the Office of Surface Mining’s new Stream Protection Rule.

The Stream Protection Rule represents a significant step forward for watersheds and individual water users in the face of coal mining.

The rule would provide landowners a full and accurate description of the water’s baseline characteristics to really see how that water is affected by mining operations. It would also give state regulators a mechanism to protect the rights of downstream water users. It’s estimated that the Stream Protection Rule would improve water quality in hundreds of miles of rivers and streams per year.

The rule is being sued by coal giant Murray Energy and the State of North Dakota. By intervening in the suit, Northern Plains becomes a formal party in helping with the rule’s legal defense, an important backstop given hints that the Trump administration may not defend Obama-era conservation policies in court.

Co-intervenors in the case include the West Virginia Highlands Conservancy, Waterkeeper Alliance, Southern Appalachian Mountain Stewards, and more. The groups are being represented by Earthjustice.

– Svein Newman

Northern Plains Past Chair Steve Charter rallies members and allies during a demonstration for federal coal leasing reform at the BLM office in Billings in August 2015.
Trump cabinet nominees a threat to water, land, public health, taxpayers

Here is an introduction to a few of President Trump's nominees, and ways their history provides cause for concern.

In light of these proposed appointments, and in light of President Trump's overall statements about repealing safeguards to air, water, and public health, dismantling efforts to combat climate change, and supercharging the fossil fuel industry at the expense of landowner protections, it is imperative that we remain vigilant in the coming years. This means holding decision-makers accountable, encouraging allies and potential allies to hold the ground in the U.S. Senate, and participating in rulemaking and other policy procedures to prevent federal agencies from circumventing the law at the expense of our water, health, and landowner rights. The time is now to strengthen the grassroots movement to protect the things we value.

~ Sven Newman

Scott Pruitt

EPA

In line with President Trump's campaign pledge to “get rid of the EPA in almost every form,” he has nominated Scott Pruitt to run the Environmental Protection Agency.

Pruitt was elected Attorney General of Oklahoma in 2010. He was an architect of the legal battle against President Obama’s climate policies and he denies the scientific reality of climate change.

Pruitt has sued the EPA to weaken the Clean Air Act, and sued to prevent the implementation of the Mercury and Air Toxics Standard (MATS) and the Cross-State Air Pollution Rule. These rules combined are estimated to prevent 11,000 premature deaths, 4,700 heart attacks, and 130,000 asthma attacks each year – as well as $90 billion in annual economic benefits in the form of reduced health care costs. Each year, sulfur dioxide and the reducing pollutants like mercury directly cause climate change.

A 2014 investigation by the New York Times found that energy lobbyists secretly drafted letters that Pruitt sent on state stationery to the EPA, Interior Department, and even President Obama.

Rex Tillerson

State

P

President Trump has nominated former ExxonMobil CEO Rex Tillerson as Secretary of State.

Exxon has come under fire by multiple state attorneys general for having a well-studied knowledge of climate change, going back to the 1970s, while funding the climate change denial machine to the tune of $33 million between 1997-2015.

A longtime associate and occasional business partner of Russian leader Vladimir Putin, Tillerson’s nomination has raised concerns about a massive increase in offshore and arctic oil and gas drilling, as well as the dismantling of the Paris Climate Agreement.

Rick Perry

Energy

A presidential candidate, former Texas Governor Rick Perry promised to abolish the Department of Energy. He is now Trump’s nominee to run the agency.

In his 2010 book Fed Up! Our Fight to Save America From Washington, Perry called the established science of human-caused climate change a “contrived, phony mess.”

Perry sits on the board of Energy Transfer Partners, the company seeking to build the Dakota Access Pipeline.

Sonny Perdue

Agriculture

T

Trump’s final cabinet pick is former Georgia Governor Sonny Perdue for Secretary of Agriculture.

Trump’s team has yet to discuss agriculture in much detail, so it remains to be seen how Perdue would serve. To his credit, Perdue grew up on a farm and got a doctorate in veterinary medicine, but it is of note that he supported the expansion of massive corporate chicken farms in his state while governor.

We will need to watch and stay vigilant to ensure that he stands for family agriculture instead of increased corporate consolidation of our food system at the expense of independent farmers and ranchers.
Obama-era reforms in crosshairs

President Donald Trump is coming to office with a pledge to roll back many of the rules and reforms adopted during President Obama’s administration.

Internal documents from Trump’s transition team show the new administration plans to stop defending the Clean Power Plan and other environmental protections in court. Internationally, Trump said during his campaign that he would “cancel” the Paris agreement that Obama signed in December of 2015 to make global reductions in carbon pollution, though he later appeared to soften his position in an interview with the New York Times, saying he had an “open mind” on the agreement.

Trump’s advisers suggest he will eliminate NASA’s climate research program as well, but there are limits to what President Trump can do unilaterally.

Congressional slash and burn

NASA’s study of earth science is mandated by federal law, for instance and, though the EPA was established by President Nixon through an executive order, major changes would require congressional approval. Congress could slash the budgets of various federal agencies and programs. A recent House of Representatives rule change would allow Congress to lower the salaries of individual federal employees to $1—an action made even more frightening by the Trump administration’s request for a list of every Energy Department staff person who worked on climate change issues.

Still, under current Senate rules, 60 votes are needed to pass legislation, which would require a clear bipartisan majority. It is incumbent on us to push our congressional delegation to hold the line on attempts to repeal or weaken the Clean Air Act, Clean Water Act, federal strip mining and reclamation laws, and more.

Similarly, while President Trump can rescind executive orders, he cannot simply rescind federal rules. Much as it took years to create and finalize rules like the Stream Protection Rule, BLM and EPA methane rules, various air pollution standards, and the Clean Power Plan, these measures would need to be unwound through laborious rulemaking processes. By law, the public must have ample opportunity to participate in and comment on these processes and, if necessary, can litigate to hold agencies to the requirements of federal law.

If we participate in congressional and Trump administration proceedings, we have a substantial ability to blunt attempts to roll back these hard-won protections for our land, air, water, and health.

Congressional Review Act

One new potential hurdle for us comes under the Congressional Review Act (CRA). Enacted in the 1990s, but only used once (on a workplace ergonomics issue), the CRA allows Congress to repeal any rule enacted by the President within 60 working days (in this case, enacted after June 13, 2016) under a simple majority vote in the House and Senate—filibuster rules do not apply.

Congressional Republicans have already proposed using the CRA to block a handful of late-Obama protections, including some supported by Northern Plains, such as:

- EPA and BLM methane reduction rules that would reduce the amount of natural gas that is wasted in oil and gas development.
- These reductions in waste are a net win for air quality and public health, the climate, and for taxpayers, as they limit the venting or burning of finite natural resources.
- The ONRR (Office of Natural Resources Revenue) rule, which closed royalty loopholes that allowed energy companies to sell publicly-owned coal to themselves, creating a system to dodge royalty payments owed to the American public (and the roads, schools, and emergency services that require large corporations to pay their fair share).
- The Stream Protection Rule, which would provide landowners with a full and accurate description of their water’s baseline characteristics to really see how that water is affected by mining operations, and give state regulators a mechanism to protect the rights of downstream water users.

Given the tighter vote thresholds for the Congressional Review Act, it is imperative that we work extra hard to hold the line in Congress. Stay tuned for opportunities to prevent the repeal of these rules.

~ Svein Newman

Local First Montana can build prosperity

Where do you spend your hard-earned money? How strong is your local economy?

The answers to those two questions are intimately tied, though we don’t often act as if they are.

As the recent presidential election showed, the economy is on the forefront of many American’s minds. Decades of globalization, mechanization, and other technological innovations have changed the face of work in America, and many individuals and communities are struggling to keep up.

Northern Plains’ newest campaign seeks to address the challenges of economic change by building more diverse and resilient local economies.

We believe that a strong local economy enhances the culture of a place and creates thriving communities.

In order to achieve this goal, we are laying the groundwork for a network of local businesses we’re calling Local First Montana.

What is the need for such a network?

We’ve all seen the surge in “buy local” marketing, and there is a sense that consumers want to support local businesses, but many businesses are wondering how to take advantage of this wave of interest.

Many local businesses struggle to compete against national chain stores with the playing field as uneven as it is. It is common for economic development agencies to lure large corporations into a community with tax breaks, essentially paying them to set-up shop, while dislocating local mom and pop stores.

It doesn’t have to be this way. In communities across the country, local businesses are banding together to source from one another, grow consumer demand, create political power, and access resources they couldn’t otherwise.

As we envision it, Local First Montana would offer four main services:

- A new professional marketing platform for local businesses through a new local marketing network.
- Local First Montana will be a “lender of last resort,” giving loans to local businesses that banks are not willing to lend.
- Workforce development through a fellowship program.
- A loan for a loan system allowing local businesses to pool their resources.

Local First Montana’s first priority will be to build the network. We can do this with your help.

Join us for our first Local First Montana Network meeting on April 15th at 6pm for a basic orientation of what Local First Montana is all about.

The Plains Truth    Winter 2017     Page 17
State of Washington denies land lease

Washington State Commissioner of Public Lands Peter Goldmark announced that the State has rejected a proposal to lease state-owned aquatic lands on the Columbia River west of Longview to the proposed Millennium Bulk Terminals coal export facility. Without the lease, Millennium cannot build new docks necessary to export coal.

“The lease denial in January is a critical blow to the last remaining proposed Pacific Northwest coal port. If built, the port would mean 16 additional mile-and-a-half long coal trains (eight full, eight empty) per day rolling through Montana to export coal.

“This is a major win for communities along the rail line, from Montana and Wyoming all the way to Washington’s coast,” said Beth Kaeding, a Bozeman resident and past chair of Northern Plains. “This decision appears to be in response to the long record of public opposition from the mines to the coast to this terrible proposed terminal. Dramatic increases in coal train traffic through our communities would mean increased air pollution, more blocked railroad crossings, and a heightened risk for derailments, not to mention lower property values along the railroad tracks.”

Northern Plains members have been involved in the coal export battle since six coal ports were proposed in 2011. You have hosted events, knocked on doors, wrote letters to the editor, made phone calls, made four bus and van trips to formal hearings in Spokane, flew to hearings in Seattle and Longview, and hosted over a dozen people’s hearings to help other Montanans generate comments. All of your work has paid off, as it looks likely that all six ports have now been defeated. Still, we must remain vigilant against new or modified proposals.

Washington State permanently protects Cherry Point where coal port proposed

On the same day the State of Washington denied a land lease to Millennium Bulk Terminals, it also announced it was expanding Puget Sound’s Cherry Point Aquatic Reserve north of Bellingham. The expansion includes land previously considered for a large coal export facility.

The reserve’s expansion includes traditional fishing grounds used by the Lummi Tribe for 3,500 years. The tribe successfully argued in 2016 that a proposed coal port there would violate their treaty-protected fishing rights.

Lummi Chairman Tim Ballew II hailed the new decision, saying “This is a historic day for the Lummi, our treaty rights and our future generations.”

Local First

Continued from Page 17

1. Cultivating consumer demand – through education and marketing about the significant impact of spending your money locally.

2. Connecting local consumers to local businesses – through an online directory of local businesses.

3. Building a local business network – with networking events, mentoring and partnership programs, and incentives to source from other local businesses.

4. Offering educational and technical services – to connect local businesses with legal, accounting, social media, and marketing services or education they could not otherwise afford.

Do you own a local business or want to help us form Local First Montana? Email organizer Alicia Pettys at alicia@northernplains.org to get involved.

— Alicia Pettys
Bear Creek makes plans for 2017

Bear Creek Council’s annual Holiday Party brought more than 50 people to the Community Center in Gardiner this holiday season. President Nathan Varley spoke about all that BCC accomplished in the last year and discussed objectives for the year to come:

■ Working to enact PACE;
■ Defending wolves and bison in the Legislature;
■ Stopping trophy hunting of grizzly bears in the Gardiner Basin if they are delisted.

The 2017 officers are: Nathan Varley as President, Sabina Strauss as Vice President, Leo Leckie as Treasurer, Debbie Shephard as Secretary, Vicki Sielaff as Northern Plains Board Representative.

Bear Creek Council also just received $12,514 from the Gardiner Resort Tax to place bear-proof trash cans around Gardiner businesses, as well as hire trash pick-up through the busy summer season.

– Maggie Zaback

Sleeping Giant sees fruits of solar effort

Sleeping Giant Citizens Council is finally seeing results of its fundraising with the installation of a long-awaited solar array on the Lewis & Clark Library. After almost two years of fundraising and paperwork, workers broke ground in January on a 44kW array. This large solar array will be installed while the Montana Legislature is in session.

SGCC anticipates a smaller array will be installed on the Holter Museum this spring. The funds for both of these arrays were raised by SGCC and its partners in the Helena Sun Run, an annual fundraiser to solarize Helena.

SGCC hosted the Wild and Scenic Film Festival in December, attracting over 100 people, six of whom became members.

Sleeping Giant has also created a legislative committee, which tracks bills and organizes to testify in the Legislature. SGCC hosted a legislative Oil-by-Rail Lunch & Learn on Jan. 11.

– Ella Smith

BMLA hosts federal mine official

In November, Office of Surface Mining Director Joseph Pizarchik – the top federal regulator for all American coal mining – traveled to Montana and spent a day touring the Bull Mountains with area Northern Plains members.

Members showed Pizarchik subsidence impacts from longwall coal mining, as well as mine-impacted water sources (in addition to springs and ponds that have yet to be undermined).

The goal of his visit was to gather insight to ensure that federal coal oversight better protects farmers, ranchers, and water users. His visit also gave landowners the opportunity to ask about comparisons with other mines, and to better understand the rules that govern land and water protection.

– Svein Newman

CMRC starts year with a full schedule

Central Montana Resource Council started off 2017 right, with a full plate of projects to better its community in the new year.

On Oct. 19, CMRC hosted a mixer at the Lewistown Library, where a drawing was held for the annual gun raffle. The raffle brought in over $1,700 for CMRC’s water task force.

The water task force also presented to the Fergus Conservation District on Jan. 11, asking the district board to pursue an ordinance creating stronger landowner protections from oil and gas development.

Continuing its work to make a community solar installation accessible for Fergus Rural Electric Cooperative members, CMRC will hold an educational seminar in Lewistown in early spring to educate rural co-op customers about this opportunity. CMRC is partnering with the co-op in this effort.

– Ella Smith

Cottonwood holds Winter Potluck

Cottonwood Resource Council members held their Winter Potluck and Annual Meeting on Jan. 12. Potluck attendees enjoyed a special presentation on improving agricultural productivity and resilience through soil health from Roger Indreland, rancher and owner of Indreland Angus north of Big Timber.

CRC also elected officers for 2017: Teri Schlabach as Chair; Cindy Webber as Vice Chair; Michael Drye as Treasurer; Lisa Wagner as Secretary, and Jerry Iverson as an East Boulder Oversight Committee member.

– Hannah Hostetter

CCRC promotes clean energy

Carbon County Resource Council members are committed to promoting Property Assessed Clean Energy (PACE) throughout Carbon County. Members spoke before the Red Lodge City Council and the Carbon County Commissioners about the benefits of PACE.

CCRC members testified before the Montana Board of Oil and Gas Conservation in December, supporting the proposed rule that neighbors be notified when oil and gas drilling is being planned nearby.

CCRC members held their annual meeting in January, enjoying a presentation on PACE from Winpower West’s Ben Reed and a presentation on energy efficiency from Katelynn Essig with Energy Corps.

– Sydney Ausen

SPA gears up for legislative session

Stillwater Protective Association members are working to help pass Northern Plains’ legislative priorities in the 2017 legislative session. From talking to their legislators about why Property Assessed Clean Energy would benefit Stillwater County, to holding a house party informing neighbors about hazardous waste transport, members are doing their best to promote good legislation.

– Cameron Clevidence

Yellowstone Bend trains lobbyists

Yellowstone Bend Resource Council is growing! Members were proud to win the Northern Plains Annual Meeting award for the greatest number of new memberships in 2016.

YBCC has been working hard to build the coalition supporting Property Assessed Clean Energy (PACE). Members have presented information on PACE to local businesses, residents, lenders, and Park County officials.

YBCC also started out the new year hosting a Citizen Lobbyist Training for members and the public. More than 20 attendees gathered to hear how to make their voices heard and bring about change!

– Sydney Ausen

SOIL SUMMIT: Participants in Montana’s first Soi Summi discuss how to create healthy soil for farming and ranching. About 80 people attended the Oct. 15 event, which was hosted in Billings by Northern Plains.
Paul Hawks, a longtime Northern Plains member and Past Chair who ranches near Melville, led a session at the 2016 Annual Meeting inviting members to get involved in saving and preserving our organization’s history.

Paul described the 1971 North Central Power Study’s projections for what new coal development could bring to the region – dozens of strip mines and power plants, dramatic reductions in the Yellowstone River’s flow, and a massive influx of people into rural communities.

He recalled when he and Steve Charter – working at summer jobs in Minnesota – got a phone call from Anne Charter asking if they would be interested in coming home and helping with a new group Anne and others had formed to raise awareness of the threat that coal companies posed to ranching families in eastern Montana.

Paul described how, by the fall of 1972, the organization had four volunteer staff. “I was one of them,” he said. “After using what little of our resources we had by winter, we approached the Board for a $100-a-month salary. Northern Plains had no money at the time but the Board surprised us by voting in $200 per month. The Board and members reached into their own pockets to raise these funds.”

“Many of us have reflected,” he went on to say, “on how different Montana would be if this organization hadn’t existed. How much land and water would be ruined? How much weaker would be the rights of family farm and ranch operators? How many citizen leaders would never have arisen to speak eloquently for the rights of people to have a real say in how natural resources are treated in this state?”

Paul went on to describe the Northern Plains History Project, launched in 2016. “By the time Northern Plains reaches our 50th anniversary, we hope to have some of these materials incorporated into new projects that serve to tell our history – maybe a book, or a video, or podcasts, or other kinds of media.”

He invited members to contribute historical documents, photos, stories, or volunteer time to the project. Anyone who is interested in helping should contact either Caitlin at caitlin@northernplains.org or Steve at steve@northernplains.org or call them at the Northern Plains office at 406-248-1154.

– Steve Paulson