

THE PLAINS TRUTH

VOICE OF THE NORTHERN PLAINS RESOURCE COUNCIL

Volume 49, Issue 3 • Summer 2020

EVEN IN TOUGH TIMES, SUMMER BRINGS BIG WINS!



- **Radioactive oil waste rules finalized**
- **Good Neighbor Agreement gets even stronger**
- **Supreme Court upholds Keystone XL prohibition**

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FIGHTING FOR OUR ENERGY FUTURE



Will the PSC allow NorthWestern Energy to stick everyday Montanans with the bill for increased ownership of Colstrip's aging power plant?

(Not if we can help it - your calls are already working!)

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Northern Plains Resource Council is a grassroots conservation and family agriculture group. Northern Plains organizes Montana citizens to protect our water quality, family farms and ranches, and unique quality of life.

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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.

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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.

Western Organization of Resource Councils

Northern Plains is a founding member of the Western Organization of Resource Councils. WORC is a regional network of eight grassroots community organizations that include 15,200 members in seven Western states. WORC helps its member groups succeed by providing training and coordinating regional issue campaigns. Visit www.worc.org

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TO THE MEMBERS

Seeking opportunities as we weather hardship together

Sooner or later, governments will have to recognize that if the land does not prosper, nothing else can prosper for very long. We can have no industry or trade or wealth or security if we don't uphold the health of the land and the people and the people's work. – Wendell Berry



Cheyenne Chiefs Pow Wow.

But this summer, much of what defines our lives seems to have turned upside down. Visits from family and friends have been canceled. We wonder if we will sell our calves in the fall. Friends and neighbors with tourism businesses have seen cancellations. Some of us have lost loved ones to COVID-19 or have been unable to say goodbye to loved ones. We're only just beginning to adapt to all the loss this virus will cause.

Whether we choose to recognize it or not, we have all been changed by this global pandemic. Some of the changes are heart-wrenching while a few have brought unexpected opportunity. COVID has forced us to pay attention and to look locally for answers.

This pandemic has brought attention to some of what Northern Plains has worked on for close to 50 years. Around the world, we've seen people looking out for each other – attending to family, neighbors, and community. And we've seen the curtain pulled back on injustice that can no longer be ignored.

Could this terrible virus help us value family agriculture?

Locally produced energy? Could we see a renewed focus on our need to protect our land and water? Could we have a new sense of community and local investment that rural America has needed for so very long?

The four big meatpackers have set all-time records for theft. Will our country finally demand Country-of-Origin Labeling on beef and pork? Will the relationship between social justice and environmental justice lead to stronger alliances that act for both? Will we finally restore competition to our livestock industry? Will consumers, producers, workers, and policymakers come together to enact these changes before we lose our family-based farms and ranches?

As we navigate these changing, challenging, and important times I am so very proud and grateful to be a part of Northern Plains Resource Council! Weathering the loss and hardship brought by this pandemic will require us to do our best work.

And you have already stepped up to the plate. I am so very proud of our members and leaders who have gathered online in recent months and have spoken up. The contents of this Plains Truth will tell you about that work.

I was proud that our leaders made a clear statement opposing racism. Injustice comes in many forms, and we have always stood up against it.

The Yellowstone Valley Food Hub – which we brought into being – stepped up when the corporate food system failed.

COVID has changed our world, and uncertainty seems like it will be part of life for some time. But one thing remains constant, with the great members and staff at Northern Plains on our side, we do not have to go through these ups and downs alone.

We belong to each other and to this place we call home – Montana.

-Jeanie Alderson
Chair



PEOPLE OF THE PLAINS

Tom Mexicancheyenne: a voice of protection, advocating for future generations

Tom Mexicancheyenne grew up in Lame Deer on the Northern Cheyenne Reservation. This is where he married and started a family.

“I have five sons and one daughter. I am a proud grandpa to sixteen grandchildren. And I love them all. My wife Janis and myself grew up knowing and spending a lot of time outdoors, and we raised our children to appreciate and respect the land.”

It was the 1970s, and coal strip mining was coming to Montana.

“The tribe sponsored a trip to New Mexico for tribal members to see what coal development was like on the Navajo Reservation. I remember seeing the power plants, land being dug up, people uprooted from their land and settled elsewhere... the way it affected people’s lives, the land, water and air they breathe. Now we were going to be seeing this happening both north and south of the reservation and possibly a railroad being built to ship the coal. I wondered what the impacts would be on our community.

“My second trip was with Northern Plains, and this was when I first met Teresa Erickson and her husband. They organized a trip to Washington, DC. Myself and a group of ranchers down on the Rosebud traveled to Washington, DC, to meet with senators or their aides and expressed our concerns about a railroad being built along our beautiful Tongue River Valley... and the effects of pollution or threats to livestock, wild game, or water if there were ever any coal spills into the river. That trip was a very eye-opening experience for me.”

Tom started getting involved and going to meetings.

“We had young children and I started thinking about the things I saw. What is going to be here for them in the future if we don’t start standing up to some of these

developments? Even though coal development wasn’t happening on the Northern Cheyenne Reservation, there was always that concern it could happen here on our reservation or land adjacent to our homeland, and I didn’t want to see that either.

“Over the years I became more involved with our spiritual ways and started to see a connection between all living things, our way of life as Native people, our ties to the land, air, and water. Someone had to start speaking for these entities we live with and start speaking for them. I felt this was where I needed to be, and advocate for all living things; not to be angry with people but to help them understand why we are here and – if it wasn’t for these spiritual entities – we’d cease to exist. I see this as my place, to be a voice for them.



Tom Mexicancheyenne enjoying time with two of his sixteen grandchildren.

“The area we live in, and the surrounding areas in southeastern Montana, are beautiful. We have everything, native plants, berries, wild game, livestock, ranch land – and it can all be shared. Any type of development when the land, water, or air is disrupted affects all life and living things.

“The temptation to want to do things that will disrupt this – all for money or wealth – will not bring or return things back to that balance for many years to come. I want to see my grandchildren, great grandchildren, and our unborn to enjoy what we worked and fought so hard for today.”

Tom serves as an At-Large Representative on Northern Plains’ board of directors and is involved with our rural electric cooperative reform campaign.

-Alex Cunha 

MEMBERS ON THE MOVE

Despite pandemic, members find ways to step up for Montana and environment



Roxa Reller is increasing ag awareness in Helena.

SGCC member **Roxa Reller** and the members of the Sleeping Giant Local Foods Committee are bridging townspeople with rancher producers in the Helena area. Roxa is working with Tim Dunsenberry of XX Bar Ranch to host a socially-distanced outdoor soil crawl and farm tour this summer. Roxa has a knack for connecting dots in her community, and the XX Bar Ranch’s regenerative ag practices connect dots in their soil ecosystem! We can’t wait to learn more.

This spring, the Revenue Interim Committee of the Montana Legislature investigated the state alternative energy systems credit, which for many years has helped Montanans install solar systems that make financial sense and that create fewer social costs. **YVCC member Tyler Mortensen** gave public comment to the committee in support of this tried and true credit. When expressing why the alternative energy systems credit is an economic benefit worth continuing, Tyler noted that solar energy “gives energy independence. It’s important to have energy choice, and there’s really no other way to exercise that choice right now other than to

install your own system.” Keep up the good work, Tyler!

In June, member **Maggie Copeland from Glendive represented Dawson Resource Council and Northern Plains** at a meeting with the Montana Department of Environmental Quality (DEQ) about ongoing water pollution issues at Oaks Disposal, the only landfill actively taking radioactive oil waste in the state.

Also in June, **Wade Sikorski from Baker represented Northern Plains** in a meeting with the federal Office of Information and Regulatory Affairs (OIRA) to make the case for protecting our bedrock environmental laws. Wade and members from around the WORC network shared stories about how the National Environmental Policy Act (NEPA) affects them, but to a very stony audience of bureaucrats.



Maggie Copeland continues to work for responsible radioactive oil waste disposal.

-Caitlin Cromwell & Makenna Sellers 

Keeping in touch

Do you receive regular emails from Northern Plains with opportunities to take action on issues that are important to you? If not, please make sure to let us know your email address. If you are not receiving this important information, please give us a call at 406-248-1154, or send an email to info@northernplains.org. Also, if you are on Facebook or Instagram, make sure to follow Northern Plains!

Will NorthWestern Energy and the PSC obstruct our energy future?

At Northern Plains, we're working for a clean, just, and equitable energy future – one where our communities run on clean energy from the sun and wind, a future where our power companies serve their customers instead of the other way around, and a future in which our decision-makers listen to the public and act with fairness and transparency.

So when NorthWestern Energy announced its plans to purchase additional ownership of the Colstrip Unit 4 power plant for 50¢ through a process called “pre-approval,” Northern Plains members immediately sprang to action.

Increased investment by Montana's largest power company in an aging coal-fired power plant does not get us closer to the future we seek. It holds us back. NorthWestern Energy shifting all the risks and costs of that investment onto customers for years to come does not get us any closer to that future. It holds us back. And a Public Service Commission that goes along with NorthWestern's request to keep important information from ratepayers also doesn't move us toward that future. It holds us back.

We can't let NorthWestern Energy and the Public Service Commission hold us back. That's why Northern Plains members have demanded that the Montana Public Service Commission act with fairness and transparency and deny NorthWestern's request for pre-approval of its Colstrip purchase.

Remember, pre-approval is the process in which a utility asks the PSC for assurance that the utility's projected costs will be covered by customers before the utility acquires an energy resource (like a coal plant, or a hydropower dam). In other words, NorthWestern Energy is asking the PSC for assurance that customers will bear the costs of Colstrip Unit 4 – whatever those costs might be – shifting the risks from company shareholders to captive customers.

Your calls, letters to the editor, meetings with Public Service Commissioners, and more paid off. On July 14th, the Public Service Commission voted unanimously to press “pause” on the pre-approval process, citing a lack of information from NorthWestern Energy about how this deal would affect customers.

While the pre-approval process is far from over, this decision by the PSC is a step toward fairness and transparency. And it's no time to turn down the heat – Northern Plains will continue to hold our commissioners accountable and demand that pre-approval be denied.

Learn more about pre-approval, Northern Plains' work, and how to contact your commissioner at www.northernplains.org/passthebuck. Need more information? Email Sydney at sydney@northernplains.org.

-Sydney Ausen 



Cartoon by members Bob Newhall and Joan Kresich.

Rural Power Campaign: Fighting for a vote at Park Electric

In the spring issue of the Plains Truth we discussed the seven cooperative principles that rural electric co-ops aspire to uphold. One of those principles is democratic member control.

Rural electric co-ops are owned and governed by their member-owners. Members elect and serve on the cooperative board, overseeing their co-op's financial and operational decisions. For many members, the only opportunity to engage in the decisions of their cooperative is to attend the cooperative's Annual Meeting – where elections for the board and amendments to the by-laws will be voted upon.

For the member-owners of Park Electric Co-op, participating means being available at noon on a Friday afternoon in October to gather at the fairgrounds and have a say in the energy decisions that impact your life. For many members, this just isn't doable. Some can't get away from work, can't find a sitter for their kids, or aren't available to attend on that day for some other reason.

No matter the reasons, they shouldn't be denied the chance to take part in co-op decisions and denied the opportunity to vote. So the members of Park Electric Co-op have begun the fight to enable voting by mail at their cooperative so that more member-owners can have a voice and a vote. They started with a petition, then made direct appeals to the co-op board, and stepped up to present their case for voting by mail at their cooperative board meeting.

Many rural people want more opportunity to use renewable energy at their farms or ranches or homes. But these people are often frustrated by the policies of their own rural electric co-op.

If we want Montana's rural electric co-ops to embrace a just, equitable, and clean energy future, we need to ensure that members have a way to make our voices heard, otherwise nothing will ever change and co-op members will be tied to fossil fuels as long as their co-op board says so.

-Sydney Ausen 

Canvass program gets results engaging Montanans on energy policy

This year's canvass program adapted to the COVID pandemic, and has been going strong. Six people working via phone and Zoom from all over the state – Missoula to Dillon to Billings – are reaching out to electric utility ratepayers in towns all over Montana.

Our canvass program has focused on NorthWestern Energy's attempt to secure “pre-approval” from the Public Service Commission for its plan to purchase part of Colstrip 4 (see page 6). The canvass team has called urban ratepayers across the state, first to inform them about this issue, and then urge them to take action by calling their Public Service Commissioner and asking him to deny NorthWestern's pre-approval application.

As of July 16, our team has called 34,056 Montanans in four of the five PSC districts. So far, 2,235 people have agreed to contact their commissioner. And these calls have already paid off.

On July 14th, the Public Service Commission voted unanimously to pause the pre-approval process until NorthWestern Energy can provide more details on the Colstrip purchase. The canvass team is excited to have played a part in this decision and is committed to continue calling Montanans to take action.

-Ava Shearer 



The 2020 canvass program transitioned successfully to phone and zoom outreach amidst the COVID pandemic.

GOOD NEIGHBOR AGREEMENT

The Good Neighbor Agreement marks twenty years!

In May of this year, the Good Neighbor Agreement (GNA) celebrated its 20th Anniversary! For 20 years, members of Northern Plains, Cottonwood Resource Council, and Stillwater Protective Association have been diligent in upholding and even expanding the terms of this historic contract.

The Agreement guarantees a seat at the table for local residents to work with the mine on issues including water quality, tailings safety, traffic, and any other community concerns that arise. As some members will tell you, signing the Agreement was just the beginning – the implementation is an ongoing process that continues to require the time and attention of our members.

Thank you to all of the members who were part of the original negotiating team, who have sat on the Oversight and Technology Committees throughout the years, and to the membership of Cottonwood Resource Council and Stillwater Protective Association for your continued support of the Good Neighbor Agreement.



“A dark legacy of the mining industry is the cost of post-closure reclamation that is borne by the government and its citizens. The GNA enables the local community to participate in the five-year review of Stillwater Mine’s Reclamation Plan and Assurance Bond to ensure that future generations will not be burdened with reclamation costs. Adequate funding gives us the means to restore these landscapes as closely as possible to their natural state.”

-Van Wood, SPA President, Stillwater Oversight Committee member

“The Good Neighbor Agreement has had real on-the-ground influence on protecting pristine water quality, reducing mine-related traffic, controlling mine-related housing, and ensuring citizen participation in permit applications. All this and no lawsuits for 20 years!”

-Jerry Iverson, GNA Task Force Chair, East Boulder Oversight Committee member

-Mikindra Morin 

GOOD NEIGHBOR AGREEMENT

Adaptive Management Plans improve ground water protection for Stillwater and East Boulder Mines

After four years, the Water Quality Adaptive Management Plans (AMP) for the Stillwater and East Boulder Mines have officially been approved. The Stillwater and East Boulder Oversight Committees have been working over these years to create and implement a water program that is both proactive and precautionary. The goal is to detect and respond to water quality changes at the earliest possible time.

The GNA has required a surface water program since its inception in 2000. At its core, the main accomplishment of the AMP is that it extends the existing surface water program to ground water, allowing us to detect water quality changes long before the contaminants reach the river.

The AMP is based on a Tiered Trigger-Level Framework (TTLF), which requires the mine to take defined actions if water quality changes – if concentrations of certain parameters increase, the mine is required to take more remedial action.

The other thing the AMP does is create three “rings” of groundwater wells. There are operational, intermediate, and permit boundary groundwater monitoring wells. There are two wells directly below the tailings facility – these are the operational wells. Farther downstream are the intermediate wells, and farthest downstream are the permit boundary wells.

This ringed system allows us to detect any contaminants as soon as they enter the groundwater and to monitor whether those contaminants are moving toward the river.

The AMPs are a huge accomplishment for our Good Neighbor Agreement Task Force, and they get us closer to reaching one of the original objectives of the GNA – to maintain baseline water quality. Thank you to all of the members who have sat through years of meetings and spent countless hours making this happen!

For more information, contact Mikindra at mikindra@northernplains.org.

-Mikindra Morin 

Why Be a monthly sustainer?



“For me, I believe that if I’m going to give to Northern Plains – and I am – I’ll give a certain amount on a monthly basis. It’s automatically off my card and now the organization has a monthly revenue stream coming in. It’s not a huge amount, but if everyone did that it would add up!

“And it makes it easier. Say you want to give \$300 and you wanted to wait until the end of the calendar year; you might have a year in which that much cash outlay might be a little burdensome, but if it’s \$25 a month it’s less noticeable.

“It helps with being sure that I can complete my giving goals – and that’s the trick.”

-Frank Kuehn, Billings

Visit NorthernPlains.org/donate to learn more.

Montanans never gave up, got new rad waste rules over every hurdle

Boy, did we have no idea what was in store for our campaign on radioactive oil waste this spring.

In late April, we found out that the Environmental Quality Council (EQC), an interim committee of the Montana Legislature, had put Montana's draft rules for the disposal of radioactive oil waste on their April meeting agenda. Yes – the very same rules our members spent six years crafting.



**Thanks to Northern Plains members,
radioactive oil waste rules are finalized!**



Successfully getting radioactive oil waste rules finalized is the direct result of the perseverance and tenacity of Northern Plains members over this six year campaign.

Alan Olson, executive director of the Montana Petroleum Association, had been working legislators on the EQC and successfully planted a seed with several of them that the rules needed a “hard look.” Never mind the six years of public input, stakeholders’ groups, and agency revisions.

To our dismay, the EQC initially voted 10-6 to pass an “informal objection” to the radioactive oil waste rulemaking. The “informal objection” instituted a temporary delay to the rulemaking, and gave the EQC more time to decide if they wanted to upgrade to a “formal objection.” A formal objection would have allowed them to send the rulemaking back to the Department of Environmental Quality (DEQ) with suggested revisions, prevent the rules from being finalized until next year, or pursue one of several other paths of derailing the rulemaking.

The EQC met again to discuss the rules one month later, on May 27. Between April and May, Northern Plains members from Plentywood to Arlee gave it everything they had, and organized hard to get the committee to withdraw their informal objection and let the rulemaking proceed.

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When we felt tempted to give up on the whole thing and despair, we leaned on inspirational quotes like this one from Senator JP Pomnichowski (D-Bozeman), who counseled our members the following:

“You are allowed to be shellshocked. You are allowed to be knocked back on your heels. But then you need to move forward, and lean back into the wind. Do not just throw up your hands and go back to your life and say, ‘well, we tried.’ Not now. Not after so many years, and not when you are this close to the finish line.”

Senator Pomnichowski serves on the EQC, and fought hard to defend the radioactive oil waste rules from the effort to derail them.

We worked with a deep and diverse team of members and allies on this effort. Those allies included the Richland County attorney and the Richland County Commission, Dawson Resource Council, the Northeast Montana Land and Mineral Owners, the Sheridan County Commission, and (of course) the entire Oil & Gas Task Force of Northern Plains. People from all over pitched in however they could.

In the end, we pulled off what had seemed impossible. We flipped seven votes and got the EQC to withdraw their informal objection to the rules! The committee heard an enormous response from eastern Montana in particular, and came to the conclusion that “local people support these rules.”

Since May 27, the DEQ moved forward and finalized the rules. That’s right – no more public comment periods, no more drafts, no more monkeying around from the industry. Montana now has its first ever radioactive oil waste rules, and you crafted them!

To everyone who pitched in on this campaign – whether you sent one email or one thousand – thank you.

-Caitlin Cromwell 

Want to make a clear statement about your values?

You can make that clear statement by including Northern Plains in your will.

If you’d like information about how you can leave your mark on Montana, email steve@northernplains.org or call the office at (406) 248-1154.

Captive supply reform: the solution we need to fix the meatpacking industry

If this pandemic has taught us all one thing about our food system, it's that it is unstable, unreliable, unpredictable, and—in many cases -- unsafe. Why is this?

When a few corporations control the prices paid to producers and charged to consumers, everyone loses. This is especially apparent in the meat processing and packing industry.

You likely have heard that just four large meatpacking corporations control over 80% of the market. These big four meatpackers are Tyson, Cargill, JBS, and National Beef Packing. More than half of all cattle procured by these packers is done so through captive supplies – cattle owned or controlled by meatpackers through contracts with ranchers and feedlots.

Captive supplies give meatpackers the power to drive down prices paid to ranchers lower while setting prices higher for retailers, exponentially increasing the packers' profit margin. This leads to lost income for our ranchers and record high prices for consumers. It keeps ranch communities from prospering.

Captive supply is a broken system that's long overdue for reform. That reform means restoring competition to the meatpacking industry.

Restoring competition requires (1) that the meatpackers be stripped of their ability to depress prices at their will by providing a fixed price in contracts that cannot be lowered on the day the cattle are picked up. This is what happens in current contracts. It also means (2) that all contracts must be offered or bid in an open, public manner.

Why we need to reform captive supply now:

- 1) Our ranchers, feeders, and rural communities all suffer when cattle prices are kept at record lows due to monopolized control. Without competition in the marketplace, meatpackers can continue to set the price as low as they please. When ranchers have a fair, fixed price, there's more money circulating through local businesses and our communities.
- 2) Reforming this captive supply system will re-build competition in the marketplace. More competition creates space for new, local meatpacking plants to emerge and grow, increasing access to processing for ranchers and access to local meat for consumers.
- 3) The big four meatpackers promote poor labor practices and are putting essential workers at risk. Many plants have experienced high rates of COVID infection and deaths from lack of safety protocols, close working quarters, and increased line speeds. Smaller plants are better able to accommodate safe working conditions.
- 4) Captive supply reform will give our ranchers and feeders a fair chance to compete with imported livestock. Right now, the prices for our cattle are as low as those from countries with lower input costs. Ranchers are losing money on their cattle, putting them in danger of losing their livelihood and their land.

For more information and to learn how you can help restore competition to the meatpacking industry, contact Caroline at caroline@northernplains.org or call 406-248-1154.

-Caroline Canarios 



To keep Montana's ranchers on the land, we need to fix our livestock industry.

Meet the Food Hub's new General Manager

My name is Michele Schahczenski, and I am excited to join the Yellowstone Valley Food Hub team as our new General Manager! I grew up just three hours west in the small town of Whitehall and, after attending U of M for my undergraduate degree, American University in Washington, DC, for my graduate degree, and volunteering with Peace Corps in Paraguay, I am thrilled to be calling Montana home again!

As an agricultural extension agent in the Peace Corps, a researcher studying the Paraguayan organic movement, a vegetable farmer, a beekeeper, and a local food enthusiast, I have devoted my life to improving regional food systems and supporting rural communities. I look forward to learning more about Billings, exploring the surrounding areas this summer, meeting all of you, and eating awesome Montana-made food!

While this pandemic is a challenge for all of us, it has highlighted the resiliency and benefits of local food systems. We want to thank everyone who has supported the Food Hub and helped us broaden our offerings, increase our sales, and expand our pickup and delivery options!

To check out our delicious Montana-raised food – and learn about our expanded pickup and delivery options in the Absarokee, Billings, and Red Lodge areas - visit yvfoodhub.org.

-Michele Schahczenski
Yellowstone Valley Food Hub General Manager 



Yellowstone Valley Food Hub General Manager, Michele Schahczenski.

2020 Soil Summit to be virtual event

This spring, Northern Plains' Soil Task Force held out hope that their planned Soil Summit could proceed as an in-person conference in Billings on October 7th. Unfortunately, the circumstances of the coronavirus pandemic have not improved, leaving us little choice but to pivot to a virtual event.

While a virtual summit won't be the same as an in-person event, the soil health movement can't simply wait out the pandemic if it hopes to make soil health a priority for the Montana legislature. The Northern Plains Soil Summit will still discuss soil health policy and financing as originally planned, and our Soil Task Force continues to envision the summit as an opportunity to build support for soil health policy measures to pursue during the 2021 session.

The Soil Task Force continues to work out the details of the event, and an agenda and list of speakers will be available by late August. The silver lining of a virtual summit is that it will be more accessible to participants and speakers from locations far from Billings.

We'll keep you posted!

-Tai Koester 

KXL construction stopped again by the courts

The Keystone XL pipeline is once again stopped in its tracks. The U.S. Supreme Court denied the stay filed by the Department of Justice and industry defendants, ensuring that KXL's construction would be delayed until the Ninth Circuit rules in late fall.

The Nationwide 12 is a permit administered by the Army Corps of Engineers associated with construction around and through waterways, of which there are hundreds along the route. The permit reduces regulatory requirements allowing developers to build projects without having to permit each individual waterway crossing.

However, federal judge Brian Morris ruled this spring that KXL's Nationwide 12 permit was invalid, citing the Endangered Species Act and improper reauthorization in 2017. The ruling was challenged, and Judge Morris specified that only oil and gas pipelines permitted by NW12 would be affected.

Industry defendants and 16 states appealed to the Ninth Circuit Court of Appeals in an attempt to stay Judge Morris's order. The Ninth Circuit denied the stay, citing that the defendants failed to provide sufficient evidence of irreparable harm. That ruling set the stage for the Supreme Court's ruling in July, which upheld the use of Nationwide 12 permits, but not for Keystone XL.

President Trump has issued an executive order that would expedite permitting processes for each agency, including the Army Corps of Engineers. The order allows agencies to use their emergency protocols to expedite infrastructure projects. To some observers, this has amounted to cutting corners on legally required studies, and this is why KXL and other pipelines have lost so many court cases. Northern Plains is working with its allies on Ft. Peck and along the route to continue to preserve clean water, open spaces, and our special working landscapes.

-Tirza Asbell 

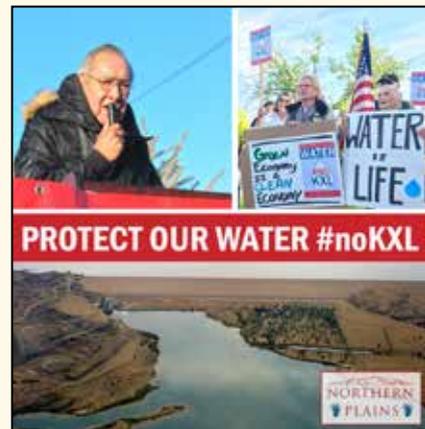
Our vision for a future protecting what we hold sacred

We are Montanans committed to protecting our air, land, water, and climate. We stand with the sovereignty of all Indigenous Nations in our shared fight to defend Mother Earth. We rely on science to make informed decisions about human-caused climate change. We believe in democracy, abundant resources, and equal opportunity for all. We are tenacious in our commitment to stop the Keystone XL pipeline, which threatens these values we hold sacred.

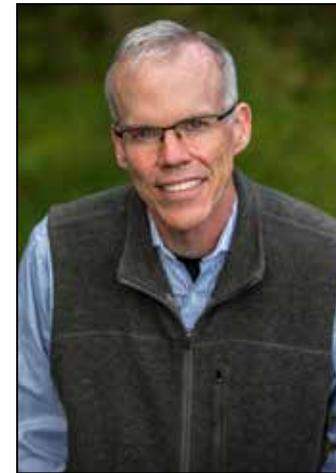
We make decisions with a seventh generation in mind. We value the hard-won laws that uphold environmental justice and secure our connection to the soil, wind, and water.

We are building a future where our climate is safe, where the health of people is valued over the health of corporations. We must conserve, regenerate, and respect the bounty we have all inherited from the earth and its previous inhabitants. We want the stories told by our history to uphold the truth, providing us the tools to make decisions that benefit the many instead of the few.

We have reached a tipping point, and can no longer ignore the damage done to our climate and democracy. People are rising up to demand change. We must seize this moment to stop the Keystone XL pipeline and create a new future where the people have full participation in our governance, and stewardship is shared by all.



Bill McKibben to give virtual presentation to Northern Plains



Bill McKibben is considered America's best-known "climate hawk."

Photo by Nancie Battaglia.

Bill McKibben will be giving a virtual presentation to Northern Plains on **Monday, Oct. 5, at 5 pm.**

McKibben's 1989 book *The End of Nature* was the first book on climate change geared to the general reader. He is America's best-known "climate hawk" and co-founded 350.org, an international organization that has rallied citizens against climate change in every country except North Korea.

McKibben is the Schumann Distinguished Scholar in Environmental Studies at Middlebury College and a fellow of the American Academy of Arts and Sciences. He has won the Gandhi Prize and the Thomas Merton Prize, and holds honorary degrees from 18 colleges and universities. The Boston Globe said he is "probably America's most important environmentalist."

McKibben has graciously agreed to make a presentation to Northern Plains on October 5. Check your email inbox and our website for more details closer to the event.

-Steve Paulson 

Member voice

Why I care about climate change

“To me, climate change is an existential crisis that poses numerous risks to me and my livelihood. As a vegetable farmer, I'm at the mercy of the weather. While I have only a few seasons under my belt, I've been told by more than one wisened mentor that the weather has become more erratic over their careers. I fear for every Montana farmer when the hail starts to fly, or the rains fail to come.

“The great work that Northern Plains members take on gives me hope that we can continue to combat powerful interests that put profit ahead of human and environmental health. Through collective action and setting a good example, I truly believe we can shift the tide in our part of the world toward holistic, science-backed solutions to the greatest challenges we face.”

-Patrick Certain, Billings



Colstrip ash pond excavation decision set for fall

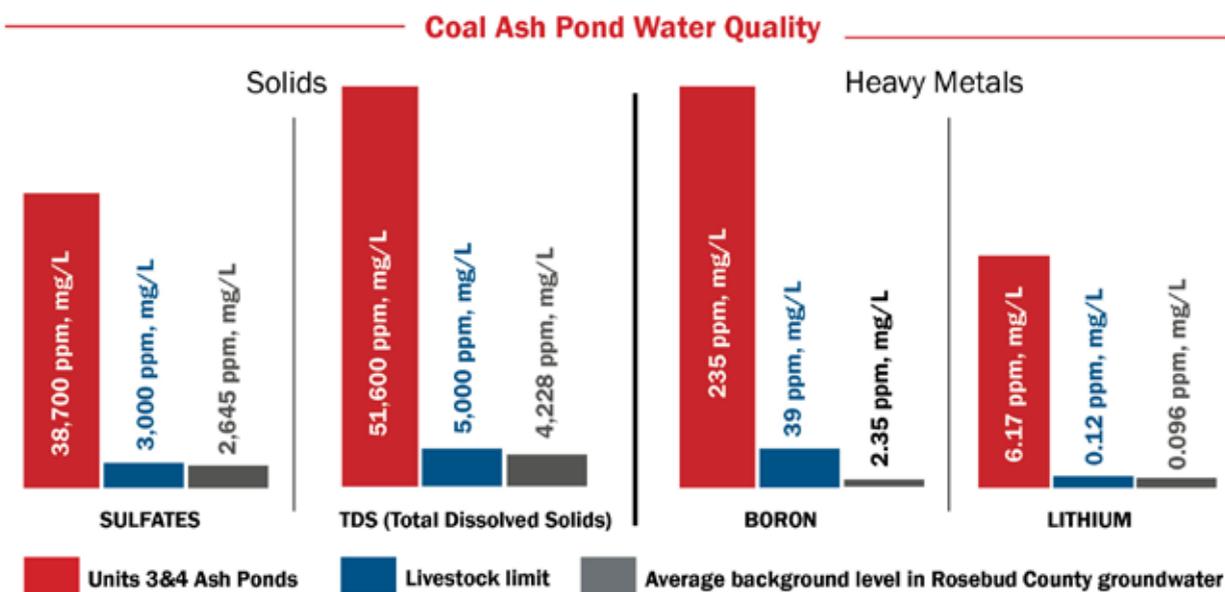
The Montana DEQ will make a final decision this fall on the cleanup of Units 1&2 coal ash ponds outside Colstrip. These ponds cover 330 acres, hold 4 million tons of toxic coal ash, and are sited just north of town in the Armells Creek drainage.

About a third of these ponds sit below the water table, and heavy metals and sulfates have leaked from the ponds into local groundwater for over 40 years now. In 2008, adjacent landowners sued the power plant owners and received a \$25 million settlement, although no permanent remedy was installed.

Finally, after eight years of deliberations, the DEQ is scheduled to make a decision on what cleanup standard they will require of Colstrip owner-operator Talen Energy for the Units 1&2 ponds. We expect a 30-day public comment period to start this September, with a DEQ decision soon after. Northern Plains members in the area have long asked for the ponds to be excavated and stored properly in a lined landfill sited “high and dry” above the local aquifer.



Colstrip’s Units 1&2 coal ash ponds store 4 million tons of coal ash.



DEQ water quality data from Colstrip 3&4 ponds (April 2020)

Coal ash stored in the 1&2 ponds is toxic and a threat to the agriculture, wildlife, and long-term economic health of the region. Talen Energy recently released water quality data for ash ponds at Colstrip, which showed heavy metals concentrated over 20 times more than natural levels in groundwater.

Northern Plains members showed up in force during the DEQ’s last public comment periods in Fall 2019 by submitting over 1000 individual comments! Let’s get ready for another round of public commenting this September!

-Alex Cunha

Obscene proposal from OSMRE threatens coalfield citizen rights

The federal Office of Surface Mining & Reclamation (OSMRE) released a new rule in May to change how the agency responds to citizen complaints filed under the federal Strip Mine and Reclamation Act (SM-CRA).

Citizen complaints are a critical tool for people living near coal mines when a strip mine fails to follow the law. They allow people to bring regulators into the case. This was something that Northern Plains fought for when SMCRA was being enacted in the 1970s.

But OSMRE’s obscene proposal creates justifications for states and OSMRE to ignore citizen complaints or move more slowly on them. This removes the imminent threat of federal enforcement, which allows state regulators to go slow in correcting violations. OSMRE’s new rule is structured to allow regulatory foot-dragging when coal mines violate the law.

Our Coal Task Force members are fighting the proposal and have submitted comments on the draft rule. The agency released the rule on Friday of Memorial Day weekend with a short, 30-day public comment period and no public hearings at all.

To fight this rule, Northern Plains staff and members have reconnected with many longtime allies in Appalachia, who worked with us in the 70s to get SMCRA enacted with assurances that citizens would be listened to.

-Alex Cunha



A historical photo of the Decker coal mine above illustrates the effects of strip mining and the need for citizens in strip mining communities to have a timely, meaningful process for having their concerns addressed.



Northern Plains members planting in our Home on the Range gardens utilizing local compost.

Did you know...?

The Plains Truth can be added to your home compost alongside your food scraps and other compostable paper products.

Make your garden more beautiful and sustainable after you’re done reading stories about Northern Plains members doing the same for all of Montana!

Trump assaults bedrock environmental laws

In April, Harvard released a study showing that people who live in areas with significant air pollution are more likely to die if they catch Covid-19. Nevertheless, the White House has manipulated the pandemic to undercut environmental and public health safeguards at breakneck speed.

They have erected new obstacles preventing Americans from finding out what their own government is doing or to having any say about it.

Major American environmental laws include requirements:

- That the impacts of federal actions be studied,
- That information about those impacts be made available to the public, and
- That the public have the chance to voice their opinions about those actions as part of the decision-making process.



Efforts to undermine environmental laws, including those that have a significant impact on respiratory health, have accelerated during the Covid-19 pandemic.

Those requirements have underpinned much of Northern Plains' work for many years.

This administration has an accelerating pattern of abandoning these legal requirements if it profits political allies. Dismantling environmental laws – a stated mission of this White House – isn't just about dirtier water and air or more destruction of the American land. It also means taking away the right of citizens to be informed and be heard.

Much of the administration's suppression during the pandemic is being done quietly and informally, at a time when the public is less able to take part in hearings and comment periods.

In the month after enactment of the first coronavirus emergency bill, the Department of the Interior proceeded with 57 actions – comment periods, lease sales, mine expansions, rulemaking, etc. – even while the nation was responding to a global pandemic. With hearings only accessible online, this becomes a big problem for Americans who live without reliable broadband service.

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In March, the Environmental Protection Agency:

- Announced it would suspend enforcement of environmental laws during the pandemic, causing more pollution, a sicker population, and accelerated climate degradation.
- Unveiled a new rule to prevent the use of public health studies in their decision-making giving polluters what they've sought for years – an opportunity to pollute freely, harming public health while enriching their bottom line.
- Rolled back fuel efficiency standards, using a re-calculation that will ensure dirtier air for Americans and accelerated effects on climate change. EPA's own scientific advisory panel openly criticized this approach.

Then in April, we saw the following:

- The EPA compounded its fuel efficiency rollback by ignoring the recommendation of its own scientists to improve the pollution standard for particulate matter. These tiny particles come from smokestacks and vehicle exhaust, and can cause heart attacks, asthma, and aggravate the effects of coronavirus on the human body. Strengthening the standard for particulate pollution could have saved the lives of more than 12,000 Americans annually.
- The EPA weakened pollution limits on mercury (which causes brain damage). The agency did it by ignoring scientific evidence and changing the way mercury's costs and benefits are calculated. Disturbingly, the EPA could "recalculate" costs and benefits for other pollutants.
- The Interior Department – working behind a veil of secrecy – slashed federal royalty payments for oil and gas drillers operating on public land, incentivizing oil production during the worst oil glut in history.

In May and June, respectively:

- The White House directed federal agencies to find more rules and regulations "that may inhibit economic recovery" and rescind, modify, waive, and find exemptions to them.
- The White House authorized the government to sidestep environmental laws – restricting scientific analysis and circumventing public participation – in order to speed up construction of mines, pipelines, and other energy projects.

Then in July, the White House finalized its biggest and most direct attack on citizen participation, to subvert the National Environmental Policy Act. NEPA is the landmark law that made public participation a key part of America's environmental decision-making 50 years ago.

The Administration plans to eliminate the requirement that the cumulative effects of federal actions be examined and made public. Additional rule changes will exempt some projects from environmental review altogether. Climate impacts and myriad other impacts will not even be studied. The planned changes to NEPA also include narrowing opportunities for public comment.

One of the most important protections for the past 50 years has been the right of citizens to know what is happening and to have a meaningful voice. That right is being threatened right now, and all of us together are on the front lines to defend our right against an historic and unprecedented attack by our own government.

-Steve Paulson 

EVENTS

Join us for the 5th Annual Montana Local Food Challenge!

Despite the craziness of the pandemic, good foods are still growing in the fields and pastures of our state, and we've learned just how important local food systems can be!



Join us in celebrating Montana's farmers, ranchers, gardeners, and local food businesses by signing up to eat local food this August!

During the month, we challenge you to eat local food every day, plus take our weekly challenges to try delicious new recipes, connect to your community, eat local specialties, and take action for local food. By participating, you're already entered in the drawing for a \$250 gift card to your favorite local food market, restaurant, or producer!

You can sign up today at mtlocalfoodchallenge.org – just click the "Take the Challenge" button.

New weekly challenges this year! Each time you complete a weekly challenge you gain an additional entry to the drawing for the \$250 local food gift card.

The Kids Challenge is back! We're encouraging everyone to participate in the Challenge, including those 18 and under. We've created special challenges for the kids this year. Sign up with your kids and teach them the importance of eating local food.

-Caroline Canarios 

SAVE THE DATE: 2020 Annual Meeting is November 20-21

Keynote Speaker Announced: Josh Slotnick

We are pleased to announce this year's keynote speaker will be farmer, educator, and writer Josh Slotnick! Josh has a long history with agriculture and community, both locally and internationally. In 1996, Josh co-founded both Garden City Harvest and the University of Montana's PEAS farm, where he was the Farm Director and an Environmental Studies lecturer. After 22 years at U of M, Josh is now a Missoula County Commissioner and runs a family farm, Clark Fork Organics, outside Missoula. He also spent time with the Peace Corps, establishing farms and teaching English in Thailand, and holds a certificate in Ecological Horticulture through UC Santa Cruz and a Masters from Cornell in student farming. We are looking forward to learning from his dedication and experiences!



Kim and Josh Slotnick of Clark Fork Organics.

Annual Meeting Goes Virtual

This year, Northern Plains' Annual Meeting will be hosted online as a virtual event. We are hard at work planning informational, inspiring sessions and we look forward to connecting, even if forced to do it virtually this year! The 2020 Annual Meeting is scheduled for **November 20-21**, though it's possible that our new format may bring some scheduling changes. Stay tuned for more updates about how to join the meeting this fall.

-Claire Overholt 

COUNCIL ROUNDUP

CCRC completes strategic plan, begins reviewing USFS, BLM plans

It's been a busy start to the summer for CCRC! Members successfully completed their five-year strategic plan over Zoom, outlining priorities for the next half decade including management of county growth and development, soil health, responding to climate change, and encouraging local food.

With the strategic plan complete, CCRC will shift gears to reviewing a series of US Forest Service and Bureau of Land Management plans for federal lands in Carbon County. Most important of these is the final land management plan for the Custer-Gallatin National Forest, which will set management priorities for the next two decades.

-Tai Koester 

YBCC celebrates more solar in Livingston

YBCC's efforts to get solar arrays on their community's buildings has another victory to celebrate this summer: The Yellowstone Gateway Museum is now powered by the sun! In addition to helping raise funds for the project, Yellowstone Bend members worked to connect Museum management to the resources needed to get this project off the ground.



What's YBCC's solar next project? Working to get a solar array on the Head Start building in Livingston. Array by array, we're solarizing Livingston!

-Sydney Ausen 

YBCC continues to solarize Livingston, one array at a time.

Clean energy, local food work still going strong at SGCC

Members of Sleeping Giant Citizens Council are honing their digital organizing skills to advance clean energy and local food goals. SGCC completed their strategic planning process, approving goals on regional food and energy resilience as well as accountability for elected officials.

The Sun Run committee are partnering again with Helena Public Schools to raise funds for solar projects in elementary schools. Although the in-person 5k road race will not take place in October in light of Covid-19, SGCC is planning fun and educational alternatives that advance Helena's transition to renewable energy. The local food committee reconvened this summer to support the Montana Local Food Challenge (learn more on page 20). Watch for regional producer spotlights and locally-sourced dinners from Helena's finest culinary artists at the SGCC online auction!

-Makenna Sellers 

COUNCIL ROUNDUP

BCC gearing up for film fest, wildlife events

Bear Creek Council is busy scheduling their fall events. They'll host the EnvironMINT Film Festival and their "Living with Wildlife" series this fall (both online). Watch your inbox and your mailbox for details. Additionally, BCC is considering the best way to give back to their community during the pandemic.

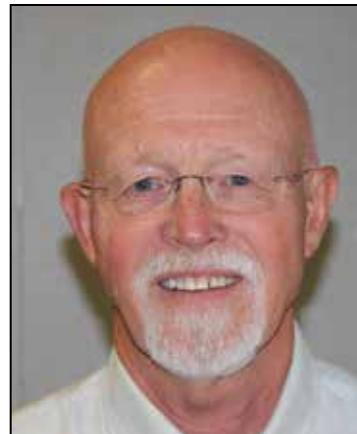
-Mikindra Morin 

YVCC testifies on new arsenic standards for the Yellowstone River

Since February 2019, the DEQ has been working to set new arsenic standards for polluters based on the natural condition of the Yellowstone River.

As we've tracked on and participated in the rulemaking, we've narrowed in on three points: 1) standards should be the most protective possible for human health and the environment, 2) prohibit "mixing zones" and "intake credits" that circumvent environmental protections, and 3) that the DEQ ensure accurate third-party monitoring to the public.

Larry Bean testified for these points at the Board of Environmental Review hearing in June. We will continue tracking on this issue and report back as the new rules progress.



-Caroline Canarios 

YVCC member Larry Bean testified before the Board of Environmental Review.

SPA marks a GNA milestone, summer event canceled

Forty-five years on, the Stillwater Protective Association continues to protect the Stillwater Valley. SPA's members on the Stillwater Oversight Committee of the Good Neighbor Agreement (GNA) helped approve an Adaptive Management Plan for water monitoring (learn more on page 9). This plan assures that the mine will be more responsive to preventing and dealing with water pollution.

SPA had hoped to celebrate its 45th Anniversary - as well as the GNA's recent 20th Anniversary - at an in-person summer event, but the gathering has become a casualty of the coronavirus pandemic. SPA members hope to celebrate in person next summer, where they will mark the important milestone of the Good Neighbor Agreement.

-Tai Koester 

CRC readies solar celebration

Due to COVID, Cottonwood Resource Council had to put many of their summer plans on hold. (That just means we will have so many things lined up for next summer!) While we wait it out, we continue planning to host an "Energize" party at the Sweet Grass County High School to celebrate the new solar array. Since that project is completed, we are making plans for the next phase of furthering solar projects and education in Sweet Grass County.

-Mikindra Morin 

COUNCIL ROUNDUP

CMRC active on ag & energy

Central Montana Resource Council continues to work hard to make the case for mandatory country-of-origin labeling for beef in Montana and across the nation. Our members have been joining conference calls, studying policy, and approaching local grocers – you name it, we're doing it!

In June, Fergus Electric Cooperative announced its plans to move forward with Phase 2 of its cooperative solar project. CMRC members have been urging Fergus Electric's board to take this step for nearly three years! We're delighted to see even more clean energy come to central Montana.

CMRC conducted our five-year Strategic Planning in May, and enjoyed doing it – even online!

- Caitlin Cromwell 



CMRC members continue their efforts to restore mandatory COOL.

BMLA members continue ranching next to a giant coal mine

The Office of Surface Mining Reclamation Enforcement (OSMRE) released a new Environmental Assessment (EA) for expanding coal train traffic from the Signal Peak Mine in the Bull Mountains. The expansion will double the amount of coal that Signal Peak ships via rail through Montana to West Coast terminals on its way to customers in Asia.

OSMRE released a 4-page "analysis" in June of the coal-by-rail impacts for shipping an extra 10 million tons of coal annually along Montana rail lines, meaning another 1.8 fully loaded coal trains each day passing through our communities.

As the mine proposes to expand, BMLA members are experiencing impacts to their water sources. Underground coal mining ruptures the aquifers that support agriculture by drawing down, and in some cases, eliminating natural springs and livestock wells.

-Alex Cunha 

Victory, finally

Dawson Resource Council is proud to announce that Montana now has final rules for the disposal of radioactive oil waste – a whole six years later.

The final days of the campaign weren't without hiccups. As you can read about in detail on page 10, a legislative committee called the Environmental Quality Council tried to derail our rulemaking at the 11th hour. But DRC members didn't waste a single moment despairing – we jumped into action and flipped enough votes to save the rules.

Someday in a non-pandemic future, we'll throw a big party in Glendive to celebrate. For now, we'll just reflect on this terrific accomplishment. Our members made policy! And not just any policy, but policy that's smart, based on science, and really needed.

-Caitlin Cromwell 

Check the date at the upper right of your address label to see when your membership is due for renewal. Your membership pays for all the work you read about here!



Northern Plains' statement on systemic racism, police brutality, and the murder of George Floyd

As an organization, Northern Plains was born from a moment when the lives and livelihoods of our communities were treated as expendable. We will not stay silent as other people and their communities are treated as disposable.

Institutional racism and the violence it justifies toward people of color are destructive to our democracy. Our country's history is built on people of color being seen as less than human beings. Democracy cannot exist in a society where some members are treated as disposable. As an organization that practices grassroots democracy, Northern Plains does not stand for this. Silence is complicity.

Black lives matter. Native lives matter.

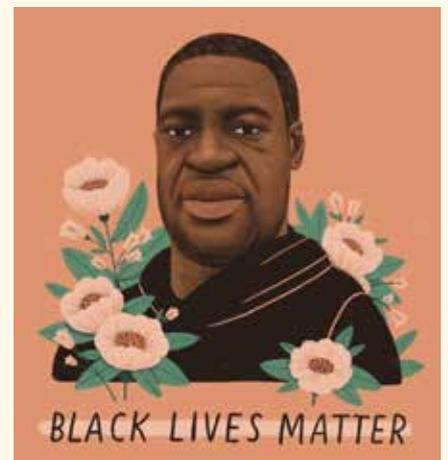


Image courtesy of Melissa Lee Johnson.

This statement was passed by the Northern Plains board of directors at their June 20, 2020 meeting. In August of 2019, the Northern Plains board formed a subcommittee to consider diversity, equity, and inclusion. If you have any questions about the statement or about Northern Plains' work on equity and racial justice, we'd love to hear from you. Reach out to us at info@northernplains.org.