

TO THE MEMBERS

Familiar Faces Come and Go in 2009

The 2009 Annual Meeting was sure a good time! We had a number of interesting and informative sessions; I heard many people comment on how much they appreciated the session on *Why the Tongue River Valley Matters*. Some members have suggested that each Annual Meeting have a session focusing on some portion of the land that we are so blessed to call home.

We had a great, fiery keynote speaker. Lois Gibbs reminded me again that having the facts on our side and standing on the moral high ground are not enough. They are necessary tools that we wield, but the key is being organized so we can effectively fight for the land and our livelihoods. For those of you who didn't have the privilege of attending, I encourage you to read Page 8 to find out what you missed.

The best part of the Annual Meeting, of course, is being in the company of all of you! Northern Plains members



tend to be very high-quality folk, and I enjoyed seeing longtime friends from around the state as well as meeting new ones, including new members who are doing a great job of getting organized along the proposed Keystone XL Pipeline route.

While we greeted friends at the Annual Meeting, not long thereafter we bid farewell to a very, very special


member who played a critical role in bringing us all together. Although I had the privilege of knowing Anne Charter for a shorter time than many of you, she still managed to make quite an impression on the occasions when we met.

I recall visiting the Charter Ranch in 2004 and discussing some of the design principles behind the future Home on the Range. Even though past her 90th birthday at that point, she was as effervescent as their Australian shepherd dogs as she passionately talked about how important our building would be and the implications it had on the wider world. She was always able to connect the immediate with the universal. I will miss her wisdom, her warm humanity, her backbone, and her fervent optimism; and I treasure the legacy she has left us.

As we round out 2009, I want to give thanks to our members and staff who have been working diligently in our

grassroots donor drive. And, of course, special thanks to all our members who've stepped up and contributed beyond what they've given in the past. This is especially appreciated because 2009 was a tough year financially for many of us.

It's been an even tougher year, however, for grant funding from foundations. So our financial support from members is more critical than ever. Given the tough circumstances, some of you were not able to increase your level of giving; but all of you spoke of how important the work of Northern Plains is. The health of our land and water, upon whose continuing vitality we depend, is constantly threatened, and Northern Plains – that's all of us working together – is the most capable force protecting them. Your continuing support is so greatly appreciated.

– Ed Gulick, Chair
Northern Plains Board 



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 unique quality of life.

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The Plains Truth is published by Northern Plains Resource Council. Northern Plains members receive the Plains Truth as one of the benefits of membership.

Membership Dues

\$500+ Rider of the Big Sky	\$50+ Range Rider
\$200+ Bottom Line Rider	\$40 General Member
\$100+ Rough Rider	\$15-\$39 Living Lightly

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.

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Northern Plains is a founding member of the Western Organization of Resource Councils. WORC is a regional network of seven grassroots community organizations that include 10,000 members in seven Western states. WORC helps its member groups succeed by providing training and coordinating regional issue campaigns. Visit WORC at www.worc.org.

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PEOPLE OF THE PLAINS

Founding Member Anne Charter Passes On at 96

Editor's note: For years, the editors of The Plains Truth have debated whether to publish obituaries or similar announcements regarding Northern Plains members. We have generally avoided it because we feared that we would miss key people, and possibly not even be aware of the death of someone who resided in a distant location. However, because Anne was a founding member and such a huge force within Northern Plains, we felt her passing would be of interest to nearly all our members, and should be noted on these pages.

Northern Plains lost a dear friend and one of its founders in December. Anne Charter, a longtime Bull Mountains rancher, died on December 10 in Billings at the age of 96. Hundreds of friends and relatives gathered a week later for a memorial service and celebration of her life.

In her memoir, *Cowboys Don't Walk*, (1999) Anne told of her marriage to rancher Boyd Charter, raising four children on the ranch in the Bull Mountains, and joining with neighbors threatened by coal strip-mining to form the Bull Mountain Landowners Association and eventually Northern Plains in 1972.

"The problems of individuals became the concern of all of us," she wrote. "We began to grow beyond ourselves and became strong in the doing. As we grew, we took on many issues relating to air, water and people."



Billings Gazette photographer James Woodcock captured the grit, determination, and humor of rancher Anne Charter during a 2008 interview titled *Grandmother of Green: Founding member of council honored on Earth Day*.

Anne was a faithful donor, recruited many new members, worked tirelessly to raise money, and testified at the legislature on Northern Plains issues. She was dedicated to ensuring that the voices of citizens are heard and

that our precious natural resources are protected.

Anne saw Northern Plains grow from a small gathering of people in her living room in the early 1970s to the

construction of Home on the Range, the greenest building in Montana "where we live our values and share our vision."

Northern Plains celebrated Anne's 95th birthday with a public open house on Earth Day 2008 at Home on the Range. Anne loved the new building and used every opportunity to introduce people to it. She even volunteered to do some of the work to renovate the former grocery store by helping with denailing and sanding the wood reused from the original building.

Anne viewed Home on the Range as an extremely valuable tool in communicating with the public about the value and the potential of energy conservation in buildings, so much so that she asked that after her death memorial donations be given to the building campaign in her honor.

In an epilogue to *Cowboys Don't Walk*, Anne wrote, "Home on the Range and the other existing models of energy efficiency, renewable sources and conservation serve as guideposts as to how this energy transition is beginning and can be carried out—and how it can be spread from community to community until it is accepted nationally and even globally... The coming revolution is called the renewable energy transition, and People are what will bring it about."

— Larry Winslow 🌿

Land Board *Continued from Page 1*

agricultural land. No environmental study has been conducted on the environmental impacts of the mine itself. What little environmental analysis has been conducted on the impacts of building the Tongue River Railroad is based heavily on data collected in the 1970s. Its economic impacts on farms and ranches, railroad workers, and even Montana coal mines, has never been studied. Many are also concerned that Montana taxpayers will be asked to subsidize the Tongue River Railroad.

Five Northern Plains members testified at the Land Board meeting. Jeanie Alderson, second-generation

member and Co-chair of Northern Plains' Tongue River Railroad Task Force, stated forcefully in her testimony, "Please see past the dollar signs – see our children. I want you to decide to NOT lease Otter Creek coal at this time."

The meeting room was overwhelmingly filled with citizens rallying against leasing the coal tracts, but the Land Board voted to push toward developing Otter Creek coal. Secretary of State Linda McCulloch and Governor Brian Schweitzer were the most vocal proponents for leasing the coal. McCulloch moved that the coal should be put out for bid with

a bonus bid of 25¢ per ton, a 45-day bid period, and a non-binding recommendation that the money generated goes entirely to schools.

The next steps will be taken at the Land Board's February 16 meeting, when its members will decide whether to accept any bids, if any are received. Some observers believe that St. Louis-based Arch Coal Company, the lessee of the adjacent coal tracts, will be the only bidder. Arch coal has numerous mines in Appalachia and the West, including the biggest in the nation, Black Thunder coal mine near Wright, Wyoming. As a Wyoming coal producer, Arch stands to benefit heavily from construction of the Tongue River Railroad.

— Becca Fischer 🌿

Red Lodge

Continued from Page 1

local papers. When the Council voted again, it reversed itself with unanimous support. Two Council members had CCRC's factsheet and in front of them as they cast their votes.

The project hit a snag in early January when bids came in higher than projected, and grant terms were clarified that made the project less cost-beneficial. With the help of two anonymous donors, supportive staff in the state government, and NorthWestern Energy, as well as the hard work of individuals previously involved in the campaign, the project was reappraised.

— Svein Newman 🌿



LAND AND WATER

Otter Creek: The Buffalo Hunters Never Quit

Editor's note: The Plains Truth normally doesn't run just anybody's opinion piece, but rarely can a writer eloquently capture the significance of decisions by policy-makers on the long view of our ecological and cultural heritage as does Helena author and hunter-conservationist Jim Posewitz. Posewitz has published three books, and his Beyond Fair Chase is required reading in Montana hunter education classes. The Tongue River Valley is renowned for its agriculture, beauty and abundant wildlife. That's how Posewitz came to be at the recent Land Board hearing where the members took a major step in creating the largest coal strip mine in Montana and industrializing the valley with the building of the Tongue River Railroad. Following are his observations.



Jim Posewitz spent 32 years with Montana Fish, Wildlife & Parks. In 1993, he founded Orion - The Hunter's Institute, a nonprofit conservation organization dedicated to the preservation of ethical hunting and wild resources.

I attended the State Land Board hearing on December 21 not to testify, since I had done that in writing, but to watch the political theater around a major decision. The rationalization that emerged to cause four of the five Board members to vote in favor of leasing Otter Creek coal was that somebody was going to supply the coal, so why not us. After all, regulatory safeguards will protect us, there is an export potential to Pacific Rim countries, and we can pick up some big revenue. It was, however, not possible to view the proceedings solely in the context of Otter Creek coal and the Tongue River Railroad to haul it away. There was more before the Board than a simple decision to lease or not to lease coal.

The testimony relative to pollution, climate change, high-sodium coal, ruptured aquifers, tons of carbon emissions, and un-sustainability mounted as witnesses presented their views. The Board's carefully crafted responses carried the hearing through the morning. Listening to the Board, my mind drifted back to Charles "Buffalo" Jones, a 19th century commercial hide hunter. Here is what he said:

"Often while hunting these animals as a business, I fully realized the cruelty of slaying the poor creatures. Many times did I 'swear off,' and fully determine I would break my gun over a wagon-wheel when I arrived at camp ... The next morning I

would hear the guns of other hunters booming in all directions and would make up my mind that even if I did not kill any more, the buffalo would soon all be slain just the same."

In the winter of 1882-83 ranch hands of Levi Howe shot the last buffalo on Horse Creek, tributary to Otter Creek. In the summer of 1883 rancher Walt Alderson shot one lonely old bull near Tongue River - the last of millions. This hearing was about the very same landscape - only deeper!

Ranching and Wildlife

The majority presenting testimony pleaded for the current sustainable ranch economy, the people's fish and wildlife, and a healthy planet. The commercial boosters were also there to make argument for industrial-strength employment and revenue. Both the commercial boosters and the Board placed reliance on the Montana regulatory structure to ensure temperance. The fact is, the regulatory structure put in place over 35 years ago has been severely depleted by legislative erosion and a lack of regulatory resolve. In essence, those very same interest groups who traditionally line up for lowering environmental protection were now offering the regulatory residual as assurance for our future. Those original protections were put in place in a precious period

in Montana history, a time when there were progressive politicians on both side of the political aisle. That "golden moment" in history was replaced with one where one side of the aisle resembles little more than a population of corporate lemmings, while the other holds all the seats on the Board. That expectation of the electorate was a misplaced hope.

As a result, addressing the environmental peril at hand once again falls to the people, who carry the burden of Sisyphus, and to one Board member with the courage and wisdom to say "no." Everyone ignored the real possibility that this buried carbon at rest called coal may well be burned in China. Current events just concluded in Copenhagen reveal the Chinese diplomats as less than enthusiastic about curbing global contamination. We can still remember they had to momentarily shut down their industries just to get through the Olympics. Also ignored was a promised Montana ballot issue that will seek to impose a "takings" claim with the potential to either raid state funds or cripple the already compromised regulatory process.

Voices of the Future

The most refreshing part of the hearing was the testimony of students from Missoula's Big Sky High School. The students presented

factual, emotional, and inspirational testimony; but, then it is their future on this planet that is at stake. However, the moment they finished, the Board, without pause, began reading carefully prepared motions and statements: Statements obviously prepared long before the morning's proceeding; positions prepared before the students wrote theirs, before their icy drive from Missoula, and before listening to their emotional but reasoned pleas. Granted, the Board already had substantial input, but still, this was a government body with an educational trust responsibility. They chose to give the students a tough civics lesson in real-world politics.


Coming Full Circle

Finally, Jeanie Alderson presented testimony relative to the value of sustainable agriculture and the benefits of non-industrial landscapes. Her testimony returns the buffalo to the story, since it was her great, great uncle Walt who shot that lonely bull above Tongue River in 1883. It was her great, great aunt Nannie who clipped the old bull's curly mane to stuff a pillow. The Alderson testimony was a dramatic demonstration of the conservation ethic that emerged and grew strong in our Montana culture, generation upon generation. It is a land ethic now held at the grassroots level in this state. It is an ethic that deserved better political representation than the single lonely vote of one Board member.

For the Montana Land Board it is now the same next morning experienced by Charles "Buffalo" Jones. Four of the five could only hear the guns of other planetary polluters. Only one had the courage "to break my gun over a wagon-wheel" and stand on principle. Denise Juneau was that person when she voted "no" and told us why. They are words that warrant repetition.

"We cannot vote as if we have blinders on and only see our present economic picture. We must take lessons from the past seven generations and also look forward and provide for the interests of the next seven generations."

She only had one vote, but it keeps hope alive.

- Jim Posewitz, Helena 



GAINING GROUND

WORC Goals Ambitious for 2010

Key issue campaign actions and leadership trainings are on tap for the Western Organization of Resource Councils (WORC) in 2010. WORC provides training and coordinates regional issue campaigns for its member groups, including Northern Plains and citizen organizations in six other states.

Taking front stage in 2010 are campaigns on the Keystone XL Pipeline, genetically modified (GM) crops, livestock market reform, coal, climate change, and local foods.

■ WORC is supporting efforts by Northern Plains and Dakota Rural Action (in South Dakota) to protect landowners, taxpayers, and rural communities from being harmed by the Keystone XL Pipeline. The near-term focus is on the draft Environmental Impact Statement (EIS), expected soon, and a request by the pipeline company for a special permit allowing use of thinner, cheaper pipe.

■ The U.S. Department of Agriculture (USDA) is taking comments on a draft EIS on GM alfalfa until February 16. WORC is engaging alfalfa growers, consumers, and other concerned individuals to comment on the draft.

■ WORC is organizing ranchers, feedlot owners, livestock auction barn owners, and members to comment on proposed rules to define "undue and unreasonable preferences." The campaign seeks to restore open public markets for livestock producers by ending price manipulation and price discrimination in livestock market contracts. USDA plans to publish the rules in February.

■ The federal Office of Surface Mining is reviewing its state oversight policies, and WORC submitted comments to improve the policies, particularly on bonding levels and funds for water reclamation.



Participants practice new skills in role play exercises during WORC's Principles of Community Organizing training. A workshop will be held June 23-26 in Billings.

■ WORC will submit and round up comments to support protection of stream, rivers, and drinking water when the Environmental Protection Agency publishes draft rules to regulate coal fly ash as a hazardous waste. A recent radio program by High Plains News featured a story on a fly ash pond leak in Colstrip,

available at www/highplainsnews.org.

■ WORC is supporting the Carbon Limits and Energy for American Renewal Act (CLEAR). The legislation would limit the amount of carbon dioxide in the atmosphere by requiring fossil-fuel producers to pay fees based on the potential pollution of their fuels. Most fees would be rebated tax free to the American people. A middle-income Montana family of four would receive an estimated net cash benefit of \$465.

More information is available at

<http://cantwell.senate.gov/issues/CLEARAct.cfm>.

■ WORC is pushing for an amendment to the FDA Food Safety Modernization Act, S. 510, that would protect small businesses producing foods with local ingredients for sale to local markets.

Community organizers and grassroots leaders will come together June 23-26 at Home on the Range for the Principles of Community Organizing training. WORC's interactive workshop sharpens and knowledge and skills in:

- Why we organize;
- Roles of leaders and staff;
- Membership recruitment;
- Developing an issue campaign;
- Planning and taking actions;
- Healthy organizations;
- Leadership development;
- Building strong relationships;
- Working with the media;
- Running good meetings;
- Grassroots fundraising.

– Kevin Dowling, WORC

Green Teams Improve Home Conservation

When the Yellowstone Valley Citizens Council held its 2009 planning retreat, attending members expressed a strong desire for a program that would connect neighbors. Then-YVCC Chair Ed Gulick left the meeting thinking about this, and was soon drawn to a project he had encountered in a former job: Green Teams.

The concept is simple. Groups of up to 10 people, representing five to seven households, come together with a coach and work their way through a *Green Action Guide*. Prior to each meeting, team members "audit" one aspect of their household use of natural resources – energy, water, chemicals, transportation, etc. With each topic, they take stock of what they do now and then examine ways they can improve. By the end, team members are trained to lead their own Green Teams, connecting neighbors as their knowledge ripples through the community.

Ed is currently chairing the inaugural YVCC Green Team. Meeting once a month at each member's house, the team is undertaking a test run to see if it's a project YVCC should expand. If successful, YVCC hopes to customize the guide for Montana and add a chapter on local food. Eventually, any neighborhood could use the guide to promote energy conservation, local foods, and neighbor-to-neighbor support.

"It helps make us be more mindful of our behaviors, especially around waste and what we purchase up-front," said Green Team member Cathleen Kuras. "But the most positive aspect is sharing in community. We've learned a lot from others on the team."

– Svein Newman



Landowners in Path of Pipeline Take Tour

It's a major headache for a landowner when a company wants to condemn his or her property to build a 36-inch pipeline that will carry dirty Canadian tar sands to a Texas refinery. The Keystone XL Pipeline will cross more than 250 miles in Montana along its route, and the landowners in its path have joined with Northern Plains to help them defend their rights and property.

To accomplish this, those landowners formally organized the Northern Plains Pipeline Landowners Group of Montana (NPPLG). Negotiating as a group will strengthen their position. So will the fact that Keystone XL is the second of TransCanada's giant tar sands pipeline routes. This second advantage is based on the fact that the first route goes through two other Western Organization of Resource Councils (WORC) states, which provides the perfect vehicle for sharing information. By working with Northern Plains and other WORC groups, landowners along the Keystone XL Pipeline route in Montana have a great opportunity to learn from the experience of landowners along the Keystone 1 route through eastern North and South Dakota. That pipeline has completed construction and will be pumping tar sands crude soon.

Over Halloween weekend, three landowners on the Representative Committee of the NPPLG – Sandy Barnick, Chad Taylor, and Tom Rudolph – piled into a van with a Dawson County Commissioner and two Northern Plains/WORC staff and headed east to Valley City, North Dakota, to learn from the experience of those along the route of TransCanada's Keystone 1 Pipeline.

"The landowners we talked to along the route have had mixed experiences. They encouraged us to get good language in our easement agreement and pay attention to the process," said

The Northern Plains Pipeline Landowners Group continues to grow in size and is currently developing contract language for landowners to negotiate as a bloc with TransCanada.



The Keystone 1 Pipeline route can be seen cutting through a farm in eastern North Dakota.

Tom Rudolph, NPPLG representative committee member from McCone County.

Dakota Resource Council (DRC), WORC's member group in North Dakota, coordinated meetings that brought the Montanans into face-to-face contact with DRC landowner-members along the route of Keystone 1, and also with county officials (road,

fire, sheriff, emergency and weed departments), as well as with officials from TransCanada and its subsidiaries, including the manager of a pumping station and the official liaison between landowners and the company in South Dakota.

"We learned that, in South Dakota, the state required a designated liaison with TransCanada so that landowners knew who they could deal with if there were any issues. We met with her and strongly believe it would be prudent to have a similar position in Montana," said Sandy Barnick, NPPLG representative committee member from Dawson County.



Montana NPPLG representatives who went on the tour included, from left, Sandy Barnick, Chad Taylor, and Tom Rudolph.

To top it all off, the nonprofit organization Lighthawk donated a plane and pilot so that everyone could see the route from a bird's eye view. Participants got to see reclamation work along the recently completed Keystone 1 route from north of Valley City to the South Dakota border.

Sandy and Northern Plains staffer Olivia Stockman went to New Orleans shortly after the North Dakota trip to present findings at the Pipeline Safety Trust conference, and made good contacts with officials from the U.S. Department of Transportation, as well as TransCanada.

On November 30, Chad and Sandy

presented a program of photos and lessons the group learned to a crowd at the Lindsay Hall in Lindsay, Montana. Of particular interest were all the stories about road damage, along with recommendations from the road department and landowners in North Dakota about language to get in a road agreement with the company, as well as securing an adequate bond for maintenance and damage repair. This issue extends beyond the landowners directly on the route of the pipeline because the county governments will have to deal with road issues and potential tax increases to pay for problems.

– Olivia Stockman 



Dams Proposed for East, West Rosebud Creeks

While members of Northern Plains generally support the development of renewable energy sources in Montana, sometimes the impacts of a specific proposal can be way out of proportion to the amount of energy produced. One such situation is currently unfolding in Stillwater County where Hydrodynamics Inc. of Bozeman has applied for a preliminary permit to study the feasibility of small hydroelectric dams on East Rosebud Creek and West Rosebud Creek.

These two watersheds are tremendously important to the many people who live and recreate there. When public notice was given by the Federal Energy Regulatory Commission (FERC) about these preliminary permit applications, many concerned citizens began looking for a way to get involved in the public decision-making process.

At its December meeting, Stillwater Protective Association voted to submit

comments to FERC and to officially become interveners in the application. Through this process, SPA will be provided with up-to-date information about the applications and can help give voice to public concerns about the projects. FERC should decide in the coming months whether to approve the preliminary permit applications. Hydrodynamics has also applied for permits at several other locations in Montana.

The projects on East Rosebud Creek and West Rosebud Creek call for construction of a 100-foot wide, 8-foot tall concrete diversion dam on each stream. Diverted water would be sent to a 42-inch steel pipe or penstock that would run for over two miles along the creek to a 60-by-60-foot powerhouse. Water would be discharged from the powerhouse directly back into the creeks. For local citizens and fishermen, the primary concern is the sheer amount of water that would be diverted from relatively small streams.

Many Sites Sought

Hydrodynamics has applied for permits at several locations in Montana:

- East Rosebud Creek
- West Rosebud Creek
- Quake Lake
- Fresno Reservoir
- Bear Creek
- Ruby River
- St. Mary's Drops
- Tongue River Reservoir
- Cooney Reservoir

This potential dewatering could have tremendous impacts on fisheries, recreation, and other current uses. Concerns have also been raised about visual impacts as well as impacts to riparian wildlife habitat.

Ultimately, these small hydroelectric facilities will only produce a small amount of electricity but will heavily

impact the streams they divert. While renewable energy production can play an important role in Montana's energy future, all projects need to be looked at carefully for both their potential energy production and their environmental impacts. There are locations in Montana where projects such as these could be constructed without causing as much impact. For example existing dams on the Tongue River and Cooney Reservoir could be retrofitted to allow for electricity production (Hydrodynamics has proposed projects in these areas as well).

SPA plans to hold a public meeting in Stillwater County to discuss further actions after FERC makes its decision on whether to approve the preliminary permits. Prior to the completion of any feasibility work, Hydrodynamics would need additional permits from the Forest Service that would trigger require additional public comment.

– Caleb Lande 

Energy Committee Studies Mythical 'Low-cost Coal'

Northern Plains Chair Ed Gulick spoke up for a Montana energy policy that puts efficiency and renewables first at the third meeting of the Energy and Telecommunications Interim Committee (ETIC) of the legislature, January 14 in Helena.

"Energy efficiency is the cleanest, cheapest, and fastest form of energy," Ed testified. "It makes a lot more sense to mine our existing buildings to extract inefficiency than to mine our productive lands to extract fossil fuels. The latter requires greater expense and destroys our water quality and livelihoods." Ed also noted that a number of our members want the rural electric co-ops to provide energy efficiency programs and to allow net-metered renewable energy systems.

This followed an important meeting November 9-10 when ETIC held its second meeting to discuss revising state energy policy. The Committee considered two of the most controversial topics on its agenda: "increasing the supply of low-cost electricity with coal-fired generation," and "reducing regulations that increase ratepayers' energy costs."



Carbon County Resource Council members Cheryl Brill, left, and Clare Witcomb testified on the importance of renewable energy on November 10.

Northern Plains members traveled to Helena for the meeting to reveal the true cost of coal and call for more to be done to promote renewable energy.

Bull Mountain area rancher, Ellen Pfister, shared her experience with coal development, enlightening the committee about the true cost of coal.

"I will be the first party outside of Signal Peak to have my land undermined by the longwall machine, thus permanently altering its geological structure and hydrologic regime," explained Pfister. "I am in the cross-hairs of industry."

Pfister's testimony was the most powerful on the subject of "low-cost"

coal, and she was the only speaker with a personal stake in coal development.

"For me there is no such thing as low-cost coal generation. Some of us in Montana will pay a very high price for those who dream of unlimited coal development and monetized coal, even though we may own our land from the center of the earth to the heavens above. In coal country, there is no such thing as private property; the energy industry has socialized it."

Red Lodge-area members, Cheryl Brill and Clare Witcomb, attended the second day of the meeting to weigh in on renewable energy. Their testimony focused on Beartooth Electric Cooperative's failure to serve its members through renewable energy programs.

"As a member of Beartooth Electric Co-op I've experienced an increase in electric costs of 35 percent," said Brill. "These exorbitant price increases could have been avoided if the Beartooth Electric Co-op would have invested in efficiency and renewable energy programs rather than investing in the proposed Highwood Generating Station."

– Matt Leow 

Renewable Energy Low on ETIC List

The 2009 Legislature required the Energy and Telecommunications Interim Committee to consult with "a broad representation of stakeholders, including the public and state agencies" as it considers revisions to state energy policy. SB 290 also directs the ETIC to include the following priorities as it considers changes to state energy policy:

- 1) Increase the supply of low-cost electricity with coal-fired generation;
- 2) Rebuild and extend transmission lines;
- 3) Maximize state land use for energy generation;
- 4) Increase energy efficiency standard for new construction;
- 5) Promote conservation;
- 6) Promote energy efficiency incentives;
- 7) Promote alternative energy systems;
- 8) Reduce regulations that hike ratepayers' energy costs;
- 9) Integrate wind energy.



‘You Need to Reach Out and Organize’

Keynote Speaker Found Her Voice at Love Canal

Lois Gibbs is well known for her work at Love Canal, where she organized residents poisoned by toxic waste. Though the story of Love Canal took place 30 years ago, it is still relevant today because the culture that allowed the tragedy to occur – one that supports corporate rights over the rights of citizens – is still in place today.

“We don’t want to be victims, we want to be survivors,” Gibbs told the standing-room-only crowd at the Annual Meeting. “And the way to be a survivor is to be an organizer.”

Soon after moving to the LaSalle section of Niagara Falls in upstate New York, Gibbs’ children began to experience serious health problems. While Gibbs worried about her children’s health and struggled to figure out why her family – and other families in the neighborhood – were so sick, the EPA and the State of New York already knew of the likely cause. In 1976, two years before Gibbs and other residents found out their neighborhood was built next to a dump containing 20,000 tons of toxic chemicals, a government report had already been written on the situation at Love Canal.

“When I read this report, I was furious,” said Gibbs. The report offered remedies, but failed to



Lois Gibbs is founder and executive director of the Center for Health, Environment & Justice. This organization successfully forced McDonald’s to stop using Styrofoam packaging (as has Burger King and Wendy’s) and recently convinced Microsoft to stop using highly toxic polyvinyl chloride (PVC) in its packaging and products. Target, Wal-Mart, Kmart, and Sears have followed suit. To learn more about the center’s campaigns, visit its website at www.chej.org

adequately address the health and safety of the citizens. The best solution, to dig a trench around the dump and install a clay cap in order to contain the contamination, was deemed too expensive by state agencies.

Gibbs admitted that she made the mistake of believing all government

had to do was see the information and it would do what’s right. She conducted a survey of her neighborhood, and the findings were alarming – 56% of the children were born with birth defects and, of 22 pregnant women, there were only four normal births. When it comes to toxic pollution, she said, “babies are the first victims.”

The state dismissed her research and conducted its own study, but its findings were exactly the same. Instead of the evidence spurring action, however, the state’s conclusion was based on pure politics, and state officials argued that the rate of birth defects was due to a random cluster rather than the toxic waste under the community.

This taught her that having science on her side would not, in itself, lead to any meaningful action. “In order to win, we need to fight politically,” said Gibbs. “This is not a science issue.”

It was when citizens started to organize that they saw action. They used the media, bird-dogged politicians, and stayed on message. No matter what question the press asked them, the answer was always the same – “Evacuate us now.” They were ultimately able to convince government officials to evacuate them through political pressure and shaming the government into action.

After her family was evacuated from Love Canal, the health of her children improved. Afterward, Gibbs went on to found the Center for Health, Environment & Justice in Falls Church, Virginia. Today she is helping citizens across America who face toxic pollution to learn how to organize, how to be heard.

“People’s voices matter. Standing together matters,” Gibbs reminded us. “You need to reach out and organize.”

– Matt Leow 

Many Thanks for Auctions’ Success

Dylan Young, 8, and his brother, Colton, 6, bid on the auction ice-breaker game *Heads or Tails*. Their dad, Brian Young of Fishtail, was auctioneer for Saturday night.



Thank-yous go to everyone who donated items for the live and silent auctions, and also to everyone who bid. The auctions are a major fundraiser for us, of course, and the wide variety of neat stuff makes the Northern Plains auctions just plain fun. A tip of the hat to all of you who gave and bid (and to the many who did both!).

Quilt Winner

The Annual Meeting also featured the raffle drawing for a beautiful quilt made and donated by Carla Muggli of Miles City. Carla donated this quilt to help support our coal bed methane campaign, and many of you bought tickets to help. The winner was Amy Myran of Glendive.

– Steve Paulson 



Mary Ellen Wolfe gives a thumbs up to a Japanese “fan hat” at the silent auction.





Beth Kaeding with her Tully Award.



Brad Sauer accepts his Donohoe Award.

Kaeding, Sauer Honored

Northern Plains paid tribute to Beth Kaeding and Brad Sauer with our highest honors during the 2009 Annual Meeting. Beth was awarded the Bob Tully “Spirit” Award, and Brad received the Mary Donohoe “Tell It Like It Is” Award.

The Bob Tully Spirit Award recognizes outstanding service and commitment by a Northern Plains member. This award is presented to a Northern Plains leader who demonstrates courage, fighting spirit, longevity of service, and a sense of humor. It is named after Bob Tully, a founding member who was admired for his courage and strategic thinking.

Former Board Chair Mark Fix, the 2008 winner, presented the award to Beth. Beth barely had time to catch her breath in running the Annual Meeting as the outgoing Board Chair.

Beth is keenly skilled in running meetings to keep them productive. Dedicated to Northern Plains in every aspect, Beth is willing to drive across the state on a moment’s notice and attend meetings to help staff and affiliates. She is on the Coal Bed Methane Task Force, the Tongue River Railroad Task Force, and the Organization and Finance Task Force. She donates generously and helps fundraise as well. Beth is an integral planning member for the Annual Meeting and helps anywhere she is needed. She even rolls up her sleeves and drives from Bozeman to clean out Northern Plains office files on a continuing basis.

Beth has made numerous trips to Helena during the legislature and is not afraid to speak up on Northern

Plains issues before the Governor or legislative committees. Her testimony is always succinct and to the point; she knows what is at stake and conveys the message that needs to be delivered. Most of all she is humble about all she does.

The Mary Donohoe “Tell It Like It Is” Award was established in 2001 to honor Mary Donohoe, a founding member of the Stillwater Protective Association and an active leader of Northern Plains. The award is given to Northern Plains’ strong leaders who will stand up in the face of opposition and defend our values and principles.

Former Board Chair Mary Fitzpatrick, the 2008 winner, presented the award to Brad. A longtime member of Northern Plains, Brad is active on the Coal Bed Methane Task Force and is an at-large member of the Northern Plains Board. Face to face, Brad is as courteous and polite as a hired hand (work he has done for several years).

He is thoughtful and deliberate, and if he disagrees with someone, he hears them out. Yet, he is able to effectively deliver the message on Northern Plains’ issues. This he did in numerous trips to the 2009 legislature, where he testified on behalf of Tongue River and eastern Montana interests. With a degree in range science and many years of experience in public lands management, he knows how to talk to state and federal agency personnel and bureaucrats and sift through dense government reports.

Brad is a great representative of Northern Plains in Miles City, where he is well-known and respected.

— Larry Winslow

Cowboy Supper Goes Spaghetti Western

Annual Meeting attendees who ate supper at Yellowstone Valley Citizens Council’s Cowboy Supper were well-fed with locally grown spaghetti instead of beef stew this year.

As always, YVCC members worked to use as much food as possible from Montana producers. The spaghetti was donated by Pasta Montana in Great Falls, the Charter family of Shepherd provided grass-fed beef for the sauce, the bread and coffee were baked and roasted within five blocks of the supper, and the list goes on!

In addition to enjoying dessert,



A special cake marks the 30th anniversary of Yellowstone Valley Citizens Council.

diners also wrote more than 50 letters to Senators Tester and Baucus encouraging them to amend a new piece of federal legislation in order to protect small direct-market farms and local-market processors.

-- Svein Newman



ABOVE: Before the Cowboy Supper, Dorcas Halverson, left, and Pat Larmoyeux write letters on behalf of local foods and farmers’ market legislation. Dorcas’ good spirits continued later that night when she won the 50/50 drawing.

AT RIGHT: Heather Ristow and her friend Mali Sparhawk, 16 months, enjoy chocolate cake at the Cowboy Supper.

BELOW: Supper is served at First Congregational Church.



2009 ANNUAL MEETING

Panel Discussions Inform, Entertain

▼ Rural Electrics Must Include Conservation, Renewables

The Annual Meeting kicked off its Saturday session with a presentation by Dan McClendon, general manager of the Delta-Montrose Electric Association (DMEA) in western Colorado. McClendon spoke about the work his rural electric cooperative has undertaken to promote energy efficiency and renewable energy in its service area.

DMEA, a member-owned co-op, was established in 1938 and serves 30,000 meters. In the mid-'90s, a growing number of co-op members became interested in green energy and wanted more transparency from its board of directors, many members of which had held seats on the board for decades. This "conflict between new and old ideas" eventually gave way to a new board of directors, and McClendon moved up to general manager.

With the new board came a new mission: "We energize and serve our communities." The mission of electric co-ops has traditionally focused on providing low-cost electricity to rural areas; however McClendon said DMEA is working for more than just affordable electric bills. "Our focus isn't the lowest cost; it's the greatest value – which includes green value," said McClendon. DMEA has held true to its mission, and is now an example of what is possible in a rural electric co-op.



Dan McClendon, general manager of the Delta-Montrose Electric Association, talks about rural electric co-op reform with Jeanne Charter, a member of the Yellowstone Valley Electric Cooperative, which mostly covers Billings' suburban areas.

DMEA has set a side goal of reducing member energy bills 25% by the year 2025. Toward that end, it has:

- Distributed more than 100,000 energy-efficient compact fluorescent light bulbs to members;
- Provided rebates on Energy Star appliances such as refrigerators and washing machines;
- Created opportunities for member education, such as *The Electric Energy Doctor* DVD, which provides conservation tips, energy volunteers who provide efficiency services such as weatherization, and information to help members do home energy audits online.

"The programs we support focus back on our members," McClendon said. "It's just good business to be efficient."

DMEA has a contract with Tri-State Generation and Transmission Association to purchase all its energy from them through 2040. However, this contract allows DMEA to produce up to 5% of its own energy. The co-op has a net-metering program, which builds up credit for people who install renewable energy systems such as solar, small hydroelectric, and biomass. "We work to promote renewable energy," said McClendon. "There's a difference between 'tolerate,' 'support,' and

'promote.'"

Promoting renewable energy includes heat exchange systems, which use water-filled loops and pumps to harvest the natural 60-degree temperature under the ground. A "loop tariff program" allows the co-op to install, own, and maintain a loop at a residence, and charge the co-op member a fee of \$15-\$29 per month for this service. The total costs attributed to members for these systems can average about \$600 per year for a 2,200-square-foot home, a number that visibly astonished the audience by its affordability.

McClendon concluded with some advice for people looking to make a change in their own electric co-ops. The audience included members of 10 different Montana co-ops, and McClendon urged them to be informed and involved in the decisions their co-op boards make. Some of his key suggestions included attending board meetings and the annual meeting, making resolutions, electing new board members, encouraging openness and transparency, involving the press, and being courteous but strong in these efforts.

McClendon emphasized that the co-ops have to be accountable to their members and, he joked, "We do the right thing when no one is watching."

– Saara Snow 

▼ Energy Efficiency Options Available for Farm, Ranch Operations

When one Montana farmer wanted to install variable frequency drives on his irrigation system, he was able to reduce his payback time from five years to just 18 months with a NorthWestern Energy incentive. This was the message Vicki Lynn from the National Center for Appropriate Technology (NCAT) delivered at the panel *Energy Efficiency on Your Farm or Ranch* at the Annual Meeting.

NCAT runs the Appropriate Technology Transfer for Rural Areas program. Lynn detailed a host of



Vicki Lynn

opportunities for affordable energy efficiency improvements. Some involve changing habits, such as matching the tractor to the task or throttling it back to ¾ power to save 5-15% on energy use. Other energy cost savings include technological upgrades, such as time clocks and thermostat-controlled valves for heating, many of which are eligible for rebates from NorthWestern Energy and Montana

Dakota Utilities. These upgrades substantially cut energy bills, which comprise about 26% of total farm and ranch expenses, Lynn said.

Henry Dykema, owner and operator of Sundance Solar and a longtime Carbon County Resource Council member, addressed the benefits of photovoltaic solar power, which is different from solar thermal power in that it produces



Henry Dykema

electricity instead of heat. Dykema detailed the wide array of uses for PV systems on farm and ranch operations, from water pumping and irrigation to electric fencing and gate opening. "It works. It's clean, it's renewable, and it offers independence," said Dykema. In one hour, the sun delivers enough energy to Earth to, if fully harnessed, provide for all annual human energy use.

For more information about renewable energy and efficiency incentives, visit www.dsireusa.org.

– Svein Newman 



2009 ANNUAL MEETING

▼ Surface-use Agreements: Tools to Protect Landowners

Three diverse speakers emphasized the importance of a surface-use agreement – whether for oil, gas, or wind energy – at the Annual Meeting panel *Surface-use Agreements: How to Protect Your Land*. Each speaker had a different point to make, but they all agreed that a good lease and surface-use agreement are important documents to ensure that development is conducted responsibly, especially for landowners who don't own their own mineral rights.

A packed room first heard from Dennis Kirven, an oil and gas attorney from Wyoming, who declared that he had “seen it all in 10 years” of working on leases. He noted that there is a “misconception in the oil and gas industry on how far the dominance of the mineral estate goes.” In some surface-use agreements, landowners have obligated the gas company to wash every vehicle that comes in to



Dennis Kirven

prevent the spread of weeds. But in others, companies have obtained a perpetual lease for pipelines and transmission lines, resulting in a one-time payment for

the landowner and no control over additional development that may be added to that easement over the years.

Wind leases are a totally different beast, according to Hertha Lund, an attorney from Bozeman who has worked on numerous wind leases. There are no split-estate problems because the development occurs on the land surface. However, the minimum wind lease starts at 30 years. So, if a landowner makes a mistake in the lease, the landowner and their family are stuck with it for a long time. This long lease period is due to the fact that each wind turbine costs around



Hertha Lund

\$1 million to \$2 million dollars for each megawatt of power it produces. In terms of a wind lease, the main thing to watch out for is the indemnity clause.

Wind developers, just like oil and gas producers, try and get the most out of the landowner, and, with the indemnity clause, the landowner could be liable for any problems with the turbine on his or her land.

For Donny Nelson, a landowner from North Dakota, surface-use agreements are a fact of life for his family. Nelson lives near one of the most active oil fields in the West, the Bakken formation. Long before the Bakken became active, Nelson's family had to deal with individual oil and gas wells on their property. The effects from those wells included sulfur that



Donny Nelson

killed animals and corroded farm equipment, as well as shoddy reclamation jobs. Some companies operating in the area today have been responsible

for huge salt-water spills that killed off entire creeks.

Lessons from the panelists? In a nutshell:

- Never sign the first lease or surface-use agreement offered;
- Watch out for the terms of the lease;
- Make sure that liability is not shifted onto you;
- Keep in contact with your neighbors.

Whether it's wind, oil, or gas, you have to ensure that you negotiate what's best for you and your property.

– Becca Fischer 

▼ Tongue River Valley: One Special Place for Several Reasons

The Annual Meeting's closing session addressed the importance of place. Northern Plains member Joan Brownell, a historical consultant by trade, moderated the panel on *Why the Tongue River Valley Matters*. Joan has a professional connection with the valley and helped nominate two of its ranches for the National Register of Historic Places. The southeast Montana valley is threatened by fossil fuel development plans that range from coal bed methane drilling, to the proposed coal mine near Otter Creek, to the specter of the ill-conceived Tongue River Railroad.

Panelist Steve Brady of the Northern Cheyenne Cultural Commission has also worked for recognition of historical sites in the area, the Wolf Mountain and Rosebud Battlefields. He made a point of thanking Northern Plains and landowners in the area for their help with those historic designations.

His interest in the military history of southeast Montana is personal because, as he explained, “my great grandparents were involved in some of those conflicts... I do it for them.” He told the audience of numerous battle sites from 1876-77 in the Powder River Basin – of which the Tongue River Valley is part – and said, “That is why the Tongue River Valley is so important to us; our people shed their blood there for their way of life.”

Preserving a way of life is important as well to rancher Irv Alderson, a longtime Northern Plains member whose Bones Brothers Ranch on Hanging



“Our people shed their blood there for their way of life.”

– Steve Brady



“My main assets are grass and water and my neighbors.”

– Irv Alderson



For outdoor enthusiasts, Tongue River is an “unfound jewel.”

– Brad Schmitz

Woman Creek was started on land homesteaded in the 1890s, partly by his great aunt and her husband, and partly by Irv's grandfather. Irv lives there today with his daughter's family, including two grandsons.

Irv told the audience about getting through the lean years in agriculture. “The land has taught us what we can do and what we can't do. You can find values and knowledge there that you can't find in an EIS.” Though Bones Brothers is strictly a cattle operation these days, it survived for years by “wranglin' dudes.” The capacity to diversify has long been a staple of those who survive in agriculture, and Irv is concerned that “it'll be hard to do if the Tongue River Valley has been turned into an industrial park.”

Brad Schmitz was the final panelist. He is the Regional Supervisor, based in Miles City, for the

Montana Department of Fish, Wildlife & Parks. His work with the state fish hatchery at Miles City has involved him in energy issues; for example, FWP is engaged in baseline surveys of fish and wildlife in areas likely to be impacted by methane drilling.

He mentioned the book *Floater's Guide to Montana*, that described the Tongue River as an “unfound jewel” for floating. He made the point that, when ranches are chopped to pieces, we lose natural resources and wildlife opportunities. He told the landowners in the audience that having hunters and fishermen on their land “sometimes may interfere with you and your operation a little bit, but what it gets you is advocacy.”

The people in the Tongue River Valley need plenty of advocates these days. The Bureau of Land Management leased the mineral estate beneath Irv's ranch for methane drilling without even telling him. The Tongue River Railroad could condemn 130 miles of property, damaging ranch operations and displacing Montana railroad workers. Full-field methane development and a huge new strip mine at Otter Creek will damage wildlife habitat and ranchland on the surface, and de-water aquifers that Montana people depend on.

Northern Plains consistently emphasizes the need to “do it right” when it comes to developing natural resources. Doing it right could make all the difference for one of Montana's most special places.

– Steve Paulson 



2009 RESOLUTIONS

Resolutions passed at the 2009 Northern Plains Annual Meeting on Nov. 13.

RESOLUTION NO. 2009-1

WATER PRIVATIZATION AND MARKETING

Introduced by Terry Punt at the request of the Coal Bed Methane Task Force

A RESOLUTION OF THE MEMBERS OF NORTHERN PLAINS RESOURCE COUNCIL OPPOSING WATER PRIVATIZATION AND MOST FORMS OF WATER MARKETING.

WHEREAS, water is a precious and limited resource in Montana; and

WHEREAS, the Montana Water Use Act controls the use of Montana's water, which is held in trust by the State for all Montanans, directing that water must be used in a beneficial manner by those individuals who apply for and obtain a water right permit; and

WHEREAS, an energy development corporation has, in the past, applied to the Montana Department of Natural Resources and Conservation for a water right to market water; and

WHEREAS, the authorization of any such permit would establish a dangerous precedent by allowing large, corporate interests to privatize water, potentially taking Montana's water out of the state and possibly selling that water back to the senior water rights holders from whom it was taken; and

WHEREAS, water-use permits like these, which are for uses that are outside the common understanding of "beneficial use," pose a clear threat to Montana's water resources, existing senior water right holders, and the economic vitality of the State of Montana;

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

That Northern Plains Resource Council is opposed to the privatization of Montana's water resources.

AND, BE IT FURTHER RESOLVED:

That Northern Plains is opposed to water marketing by energy development companies or other corporate interests and only supports water marketing in closely controlled situations where the state is involved and the water is managed and distributed by a non-profit organization (such as a water users/irrigators association) that ensures that water is not sold for profit.

RESOLUTION NO. 2009-2

COAL BED METHANE WATER QUALITY STANDARDS

Introduced by Dena Hoff at the Request of the Coal Bed Methane Task Force

A RESOLUTION OF THE MEMBERS OF NORTHERN PLAINS RESOURCE COUNCIL SUPPORTING CONTROL OF COAL BED METHANE WASTEWATER DISCHARGE IN ORDER TO PROTECT MONTANA'S WATER QUALITY STANDARDS THAT WERE ESTABLISHED FOR ROSEBUD CREEK AND THE TONGUE AND POWDER RIVERS.

WHEREAS, coal bed methane development involves removing large amounts of water from underground aquifers in order to obtain the methane gas and the industry considers this water to be wastewater; and

WHEREAS, there can be excessive levels of sodium and other salts in the wastewater that will change the physical, biological, and chemical integrity of the surface waters of Montana and harm the aquatic life therein as well as the soils, native vegetation, and crops of Montana; and

WHEREAS, the Board of Environmental Review (BER) approved necessary water quality standards for salinity (EC) and sodicity (SAR) in 2003 to protect biological, agricultural, and recreational uses for Rosebud Creek and the Tongue and Powder rivers and their tributaries from the discharges of irresponsible methane development; and

WHEREAS, in 2006, the BER

removed the exemption to the 2003 standards of EC and SAR that prevented them from being viewed as harmful parameters, thus making the standards applicable under non-degradation rules addressed under Section 303 of the Montana Water Quality Act; and

WHEREAS, the standards established by the BER were upheld by a Montana District Court ruling in 2007, which stated that the BER acted properly when it determined that enforceable numeric standards were needed to regulate methane development and that the state was warranted to take proactive measures to protect water quality, and this ruling was subsequently upheld in 2008 by the Montana Supreme Court; and

WHEREAS, intermittent and ephemeral streams are ecologically unique and their biological and agricultural importance are destroyed if the streams are perennialized; and

WHEREAS, current Montana regulation limits the increase in discharges to streams to either 15% of the base flow or 10% of the 7Q10 (the lowest 7-day average flow that occurs, on average, once every 10 years);

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

That Northern Plains Resource Council believes that intermittent and ephemeral stream drainages in Montana must be protected from coal bed methane discharges that would either perennialize them or increase their base flow by more than 15% or 10% of the 7Q10 for individual streams.

RESOLUTION NO. 2009-3

COAL BED METHANE WASTEWATER DISCHARGES

Introduced by Mark Fix at the request of the Coal Bed Methane Task Force

A RESOLUTION OF THE MEMBERS OF NORTHERN PLAINS RESOURCE COUNCIL AMENDING RESOLUTION 2000-3 AND SUPPORTING LAWS AND REGULATIONS ENSURING

THAT MONTANA'S COAL BED METHANE RESOURCES ARE DEVELOPED IN A MANNER THAT PRESERVES OUR EXISTING ENVIRONMENT AND ECONOMY AND SUPPORTING LAWS AND REGULATIONS THAT PREVENT WYOMING COAL BED METHANE PROJECTS FROM DISCHARGING INTO WATERS OF THE STATE OF MONTANA.

WHEREAS, coal bed methane development is occurring in those areas of Montana underlain by vast, sub-bituminous coal beds; and

WHEREAS, coal bed methane development to date in the region involves removing large amounts of water from underground aquifers and either storing water in surface ponds or discharging it to surface waters of the state; and

WHEREAS, the groundwater stored or discharged to surface waters by coal bed methane operators may be of poor quality and highly saline; and

WHEREAS, coal bed methane development could cause significant damage to underground aquifers, surface waters, fish and wildlife and their habitats, and soils, all of which are essential to the agricultural economy of Montana; and

WHEREAS, coal bed methane development could also cause extensive surface damage because of the required network of wells, roads, gas and water collection lines, separators, and compressors;

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

(1) That Northern Plains Resource Council supports preparation of site-specific, comprehensive environmental assessments or, when necessary, environmental impact statements, for each coal bed methane project permit application.

(2) That Northern Plains supports administrative regulations or statutes that require coal bed methane developers to be bonded for each well or field in sufficient amounts to insure the full restoration of the area affected and proper mitigation of any damages caused by such development.





THEY'RE BACK: After several years' hiatus, Amy Myran, left, and Dena Hoff didn't miss a bling when they reprised the roles of Gilda and Goldi and their Las Vegas lounge act during the *Theater of the West* talent show at the Annual Meeting.

(3) That Northern Plains supports the efforts of Montana's Department of Environmental Quality to halt Wyoming's coal bed methane discharges into Montana streams and drainages.

(4) That Northern Plains supports the conservation of our water and opposes the sale of coal bed methane discharge water for out-of-state commercial or residential use.

(5) That Northern Plains supports existing water rights law that ties water to the land and protects senior water rights holders. Thus, only the surface property owner(s), not a coal bed methane development company, should be allowed to obtain a water right for any groundwater discharged from coal bed methane wells (exploratory or production).

(6) That Northern Plains supports fair and just compensation for surface owners who do not own the underlying minerals.

**RESOLUTION NO. 2009-4
RESPONSIBLE METHANE
DEVELOPMENT, SENIOR
WATER RIGHTS**

Introduced by Brad Sauer at the request

of the Coal Bed Methane Task Force

A RESOLUTION OF THE MEMBERS OF NORTHERN PLAINS RESOURCE COUNCIL DEMANDING THAT MONTANA'S DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, DEPARTMENT OF ENVIRONMENTAL QUALITY, AND THE BOARD OF OIL AND GAS CONSERVATION WORK TOGETHER TO ENSURE COAL BED METHANE IS DEVELOPED IN A RESPONSIBLE WAY AND THAT ANY WASTEWATER IS MANAGED APPROPRIATELY AND THAT SENIOR GROUNDWATER RIGHTS ARE FULLY PROTECTED.

WHEREAS, water is a limited resource in Montana and is the basis of the state's farming and ranching economy and necessary for other economic development as well as for wildlife, natural ecosystems, and domestic use; and

WHEREAS, coal bed methane development requires the dewatering of coal seam aquifers, which are often the only reliable source of water for domestic purposes and livestock watering in the Powder River Basin area; and

WHEREAS, groundwater withdrawal from coal bed methane production wells has been shown to cause significant drawdown of the groundwater table in areas that have methane development, thus, threatening Montana's water resources and putting senior water right holders at risk; and

WHEREAS, the administration and enforcement of current laws, regulations, and policies regarding coal bed methane development are spread among the Montana Department of Natural Resources and Conservation, the Montana Department of Environmental Quality, and the Montana Board of Oil and Gas Conservation, and these agencies have not coordinated their actions to ensure responsible development of coal bed methane resources; and

WHEREAS, Montana District Judge Thomas Honzel, in his December 2008 decision on a water rights contested case brought by Northern Plains and others, stated that while the Board of Oil and Gas Conservation has prior jurisdiction for issuance of CBM permits, it does not have exclusive jurisdiction; and

WHEREAS, Governor Brian Schweitzer, in his April 29, 2009, veto of House Bill 575, passed by the 2009 Legislature, stated that "... the bill reverses longstanding principles of Western and Montana water law by allowing the issuance of a permit for the use of water associated with coal bed methane production without providing protection to senior water rights holders ... We must do better. Montana needs to take a new approach to devising a strategy that protects senior water rights holders, reduces discharges of untreated water into our surface waters, and allows responsible coal bed methane development."; and

WHEREAS, the issuance of a permit for the use of huge quantities of groundwater resulting from the development of coal bed methane without providing for the protection of senior water rights holders is wrong;

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

That Northern Plains Resource Council demands that the Montana Department of Natural Resources and Conservation protect Montana's

water resources and senior water rights holders by working jointly with the Montana Board of Oil and Gas Conservation during the permitting of coal bed methane wells.

AND, BE IT FURTHER RESOLVED:

That Northern Plains demands that the Montana Department of Environmental Quality protect Montana's water quality by working jointly with the Montana Board of Oil and Gas Conservation to ensure that other water users, particularly agricultural users, are not harmed by coal bed methane discharge water.

**RESOLUTION NO. 2009-5
OPPOSE OTTER CREEK
COAL DEVELOPMENT**

Introduced by Jeanie Alderson at the request of the Tongue River Railroad Task Force

A RESOLUTION OF THE MEMBERS OF NORTHERN PLAINS RESOURCE COUNCIL CONCERNING LEASING OF THE OTTER CREEK COAL TRACTS IN SOUTHEASTERN MONTANA.

WHEREAS, the area of southeastern Montana surrounding the Otter Creek coal tracts is an important agricultural area, and the farmers and ranchers who live here have contributed significantly to the economic well-being of the State of Montana for more than 100 years; and

WHEREAS, the Otter Creek coal tracts cannot be developed without rail transportation for that coal; and

WHEREAS, the Tongue River Railroad, which Northern Plains has opposed for nearly 30 years, is integrally tied to this project and is a connected and cumulative action; and

WHEREAS, the State of Montana, owner of the Otter Creek coal tracts, has received an appraisal of the value of that coal and is considering releasing the coal tracts for bid, which is the first step toward leasing; and

WHEREAS, an economic analysis of the Otter Creek coal tracts appraisal by Dr. Thomas Power of the University of Montana found that the appraisal was fundamentally flawed because it is "incomplete, lacks foundation, contains major conceptual and factual errors, and has

Continued on Page 14



2009 RESOLUTIONS

Continued from Page 13

been outdated by changed economic circumstances"; and

WHEREAS, the State of Montana has not prepared an environmental analysis of the impacts to the land, air, wildlife, surface and underground water resources, the social and cultural resources of the area, and the area's rural agricultural economy; and

WHEREAS, the Tongue River Railroad will sever ranches for about 120 miles, taking land out of production permanently, complicating ranch operations, spreading weeds, starting fires, lowering property values, possibly using eminent domain to impose the railroad on landowners and their private property rights, eventually displacing currently employed railroad workers in Forsyth, Montana, and Sheridan, Wyoming, and ultimately opening a shorter route for the more marketable Wyoming coal; and

WHEREAS, coal from this region in southeastern Montana is high in sodium and the market for high-sodium coal is limited and is already fully supplied by other Montana coal mines in the region, which means that Otter Creek coal can only be developed and marketed at the expense of other Montana coal producers;

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

That Northern Plains Resource Council is opposed to the development of the Otter Creek coal tracts not only because it will result in the sacrifice of the Otter Creek watershed and the industrialization of the Tongue River Valley but also because the appraisal was based on unsound and misleading economic information.

AND, BE IT FURTHER RESOLVED:

That Northern Plains demands that the State of Montana prepare an environmental analysis of the impacts to the land, air, wildlife, surface and underground water resources, the social and cultural resources of the

area, and the area's rural agricultural economy as directed by the Montana Environmental Policy Act and that this analysis include the cumulative and connected impacts on the area from coal bed methane development and the construction and operation of the Tongue River Railroad.

RESOLUTION NO. 2009-6 **END FRACKING FLUID EXEMPTION**

Introduced by Charlie French at the request of Cottonwood Resource Council

A RESOLUTION OF THE MEMBERS OF NORTHERN PLAINS RESOURCE COUNCIL CONCERNING THE USE OF HYDRAULIC FRACTURING FLUIDS DURING THE PRODUCTION OF OIL AND GAS.

WHEREAS, hydraulic fracturing involves the injection of fluids into oil or gas wells at very high pressure in order to crack open the underground formation and allow oil or gas to flow out more easily; and

WHEREAS, hydraulic fracturing fluids often contain toxic chemicals that companies are not required to disclose to the public, and some of these fluids remain underground; and

WHEREAS, Congress exempted hydraulic fracturing from the Safe Drinking Water Act in 2005; and

WHEREAS, there is currently legislation before Congress, S. 1215/H.R. 2766 (the Fracturing Responsibility and Awareness of Chemicals Act), to repeal the exemption in the Safe Drinking Water Act for hydraulic fracturing;

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

That Northern Plains Resource Council demands:

- 1) full disclosure of the chemicals contained in hydraulic fracturing fluids to protect public health,
- 2) requiring the use of non-toxic fracturing and drilling products,
- 3) strict monitoring of the hydraulic

fracturing process to protect both surface water and groundwater quality, and

4) remediation of all surface and ground waters impacted by hydraulic fracturing.

AND, BE IT FURTHER RESOLVED:

That Northern Plains fully supports legislative efforts to end the exemption for hydraulic fracturing from the Safe Drinking Water Act.

RESOLUTION NO. 2009-7 **RURAL ELECTRIC CO-OPS ENERGY CONSERVATION, ALTERNATIVE ENERGY**

Introduced by Burt Williams at the request of Stillwater Protective Association

A RESOLUTION OF THE MEMBERS OF NORTHERN PLAINS RESOURCE COUNCIL ENCOURAGING RURAL ELECTRIC COOPERATIVES TO PROMOTE ENERGY CONSERVATION AND EFFICIENCY AND CARBON-NEUTRAL ENERGY DEVELOPMENT IN REASONABLE, COST-EFFECTIVE WAYS TO MEET FUTURE ENERGY NEEDS IN RURAL AREAS.

WHEREAS, the members of Northern Plains Resource Council believe that alternative and renewable energy resources and energy conservation and efficiency should play a significant role in Montana's energy future; and

WHEREAS, rural electric cooperatives were founded on the basis of member ownership and member participation in the activities of the co-op; and

WHEREAS, rural electric cooperatives were founded on the basis of providing a socially responsible means of delivering energy to rural areas; and

WHEREAS, rural electric cooperatives have become disengaged from their founding principles of member involvement;

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF NORTHERN PLAINS

RESOURCE COUNCIL, IN ANNUAL MEETING ASSEMBLED:

That Northern Plains Resource Council will:

(1) promote and encourage co-op member involvement in planning for change in future energy acquisition decisions by rural electric cooperatives;

(2) in the short- to mid-term, promote maximizing energy acquisition by cooperatives of alternative and renewable sources of energy that are carbon-neutral or that significantly reduce carbon-loading rates associated with coal-fired power;

(3) over the long-term, promote the necessary research and investment to make renewable energy acquisition the only reasonable course of action for the management, members, and directors of rural electric cooperatives to meet future energy needs in rural areas; and

(4) from this point in time forward, strive to ensure that rural electric cooperatives establish programs to facilitate the widespread adoption of energy conservation practices, energy efficiencies, and distributed renewable energy generation.



Three Amendments Approved for GNA

The Good Neighbor Agreement Task Force completed another active year with the final approval and signing of three amendments to the Agreement.

These amendments updated the Agreement to account for current mine practices and to reflect changes to the East Boulder traffic plan. The amendment process proved to be another example of the commitment shared by all parties involved in the Good Neighbor Agreement.

The Responsible Mining Practices and Technology Committee met in November to discuss the current state of mining technology.

This year marks the 10th anniversary of the Agreement. Stay tuned for more information on events celebrating the success of this landmark accord.

– Caleb Lande



COUNCIL ROUNDUP

Sleeping Giant Wins Membership Awards

Sleeping Giant Citizens Council was honored at the Northern Plains Annual Meeting, receiving two affiliate awards: for the most new members this year and for the largest percentage increase in membership.

That was quite an accomplishment because Sleeping Giant celebrated its first anniversary at its own annual meeting on October 28.

Members elected new officers at the meeting: Chair Mary Ann Mackay, Vice Chair Denise Barber, Treasurer Jayson O'Neill, Secretary Siri Smillie, and Northern Plains Board representative Jim Kammerer. Siri and Jim are both second-generation Northern Plains members.

– Matt Leow 🌿

Proposed Gravel Pit Keeps CCRC Busy

Carbon County Resource Council has begun to weigh in on a proposal to develop a gravel pit and asphalt plant on the West Bench above Red Lodge between Spring and Willow creeks. The developers plan to excavate significantly deeper than the water table in the area, and CCRC members are concerned about losing groundwater that has sustained surrounding family farms and ranches, as well as wildlife, for generations. Members have met repeatedly with county commissioners and are actively monitoring the proposed project.

CCRC members joined with the Red Lodge Climate Protection Group in the push for solar panels on Red Lodge's wastewater treatment facility. The group also works with SPA on the Beartooth Electric Co-op reform campaign.

– Svein Newman 🌿

SPA Continues Work on Co-op Reform

Stillwater Protective Association members Charles Sangmeister, Burt Williams, and Cheryl Peters continue to work with other Beartooth Electric Co-op members and staff to amend the co-op's bylaws. Though quite complex, the members are confident their work will lead to positive change in the co-op.

– Caleb Lande 🌿



An Award for Snowmobile

Wyoming rancher George Smith and his dealings with coal bed methane companies in the Powder River Basin are among the subjects of Todd Darling's film, *A Snowmobile for George*. The edgy documentary was named one of the Ten Best Environmental Films of 2009 by the Mother Nature Network.

A humorous critique of Bush administration land management and energy development practices, *Snowmobile* was screened in Helena in 2008 as part of the Sleeping Giant Citizens Council's organizing drive. Northern Plains also screened the film in Missoula, Red Lodge, and Billings.

For more information or to view the film trailer, visit the film's website at www.asnowmobileforgeorge.com.

CRC Members Active on Sweet Grass Gas

Two Cottonwood Resource Council members, Paul Hawks and Francis Blake, were recently asked to serve on the newly formed Sweet Grass County Gas Task Force. The task force met for four hours on October 10 to get an overview from state agencies on state oversight of natural gas development. CRC is the only citizens group represented on the task force; the rest of its members are county officials and industry representatives.

CRC also hosted Russ Miller, manager of Ted Turner's ranch properties, at the CRC annual holiday party. Miller provided insight on how Turner's Vermejo Ranch in New Mexico has reduced the impacts of coal bed methane development on the land. In order to protect the ranch, gas developers are kept out of some areas, are required to reinject wastewater, and reclamation bonds are required for 125% of the estimated cost of reclamation. The ranch's agreement with methane developers also includes other provisions on noise, roads, and the siting of wells.

Also at the holiday party, CRC held officer elections for 2010. Thanks go to Past Chair Dale Garrett for her work and to the following CRC leaders who stepped up to officer

positions: Chair Charlie French, Vice Chair Sally Owen-Still, Treasurer Karen Hauge, Board representatives Cindy Webber and Bizz Green, and East Boulder Oversight Committee representative Jerry Iverson.

– Becca Fischer 🌿

YVCC Plants Seed for School Gardens

Schoolchildren at independent Canyon Creek Elementary School southwest of Billings may soon be growing and eating their own food the school. The Yellowstone Valley Citizens Council's school garden committee is starting the pilot garden project. Members are meeting with school administrators to help plan the overall project and are also developing a garden plan and bringing together lesson plan materials for teachers to use with the garden.

YVCC's school recycling committee has begun to work on an audit to assess how well recycling has taken hold at each Billings school and share success stories and tips throughout the school district. The committee also hopes to find a feasible way for School District 2 to cover the cost so schools aren't dependent on potentially fleeting annual business sponsorships.

– Svein Newman 🌿

DRC a Major Player in Local Foods Scene

Dawson Resource Council is proud to be supporting Glendive-area efforts for local foods, community gardens, farm-to-table development, and farm-to-school progress. DRC members, county Extension Agent Bruce Smith, AmeriCorps Vista volunteer Cal Smith, and the Prairie Development Center are leading the charge toward sustainable community development around food issues.

DRC members gathered about 100 signatures at the farmers' market and Lindsay Benefit supporting amendments that are needed to improve upcoming Food Safety legislation in Congress (S.510) that could adversely affect small-scale food handlers and value-added producers.

DRC members remain in support of surrounding area landowner issues such as holding off the proposed Tongue River Railroad, leasing Otter Creek Coal Tracts, and the efforts of landowners in the path of TransCanada's Keystone XL Pipeline. DRC members called the U.S. Department of Transportation to support the landowners group affected by the proposed tar-sands pipeline.

– Chaz Holt 🌿

Bison Among BCC Critter Concerns

Bear Creek Council held its annual holiday party in Gardiner in December. Many members attended the meeting to catch up on current issues and to share some festive holiday spirit.

BCC has been active in promoting common-sense management of bison in and around Yellowstone National Park, and has provided comments on the latest round of rule-making related to brucellosis. The bison committee met in early January to keep abreast of the latest bison happenings. Other committees have continued to work on community "greening" and bear awareness. Results of the latest Bear Creek Council elections will be reported in the next issue.

BCC's annual Jardine Ski Run will be Feb. 28. For more information, call Bill Berg at (406) 848-1033.

– Caleb Lande 🌿



Check the date on the upper right of your address label to see when your membership is due for renewal. Remember, we rely on your support!



THE PLAINS TRUTH

VOICE OF THE NORTHERN PLAINS RESOURCE COUNCIL



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

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General Member Dues Go Up \$5

It has been 10 years since Northern Plains increased our dues. We have held the line on expenses as much as we possibly can, but the time has come to finally increase the dues. As of this month, the General dues will increase by \$5 per year – that's a change from \$35 up to \$40 – which is still a bargain!

Annual dues remain the same for those of you who support us at the Rider levels.

We also offer a monthly donor option. This provides us with a steady income in which we can better plan our campaigns and budget. To set up a monthly donor option, fill out the form to the left and return it with a voided check, and we will get you set up with monthly debits.

As a member of Northern Plains, you:

- Are involved in a member-driven, democratic organization;
- Receive reliable information on timely issues via factsheets, email bulletins, our website, phone trees, and the quarterly *Plains Truth* newsletter;
- Have an effective voice in Helena during the Montana legislature;
- Receive weekly email and bi-weekly

bulletins during the legislature to keep abreast of fast-breaking news;

- Can use our organizational power to hold elected officials, bureaucrats, and corporations accountable;
- Interact with a professional staff that helps the membership achieve its goals.

Also, as a member of Northern Plains, you are invited to take advantage of the following opportunities:

- Attend trainings to learn about grassroots citizen action, leadership skills, citizen lobbying, voter education, fundraising, and many other useful skills and tools;
- Join us in Helena to educate elected and appointed officials about our work;
- Meet members from across the state at special events, including town meetings, house parties, and fundraisers;
- Help us develop policy through our resolutions and elect our leaders while learning more about our issues from informative speakers when you attend our Annual Meeting in Billings;
- Become active in one of our local affiliates or on one of our statewide issue task forces.

Thank you for your continued support.

