

THE PLAINS TRUTH

VOICE OF THE NORTHERN PLAINS RESOURCE COUNCIL

Volume 41, Issue 1, Winter 2012

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'No sweetheart deals for coal!'



Photo by Lindsey Baker

Surrounded by Northern Plains members and other supporters, Bull Mountains rancher Steve Charter participates in an action at the Billings office of the Bureau of Land Management in November over a lease sale of federally owned coal. **See story on Page 4.**

Ninth Circuit ruling derails coal railroad

The Ninth Circuit Court of Appeals has ruled in favor of Northern Plains' longstanding challenge against the proposed Tongue River Railroad for failing to do a competent analysis of the environmental impacts from the coal-hauling railroad.

"This ruling proves that it is illegal to carelessly blaze ahead with projects that would industrialize an entire valley, and use condemnation on Montana landowners to send coal to Asia, without a careful look at the environmental impacts," said Mark Fix, former Chair of Northern Plains and a Tongue River rancher whose land is in the path of the proposed railroad.

square one and conduct a new environmental impact statement, which will take years if done right. The STB will also have to include Otter Creek in its analysis, which is what Northern Plains' legal challenge against the State of Montana Land Board is about. The ruling also says the STB:

- Must look at cumulative impacts of Otter Creek mining and coal bed methane development in the area;
- Cannot arbitrarily limit the time frame for analysis in studying the impacts of other energy development in the area;
- Cannot rely on stale data as they did in previous versions of the EIS (some of the data used



Mark Fix

"The Surface Transportation Board did what we call a 'windshield study' – it's almost as if they drove around and looked out the car window and based their analysis on that. It's not fair to landowners like me who could be condemned by this railroad."

The December 29 ruling means the federal Surface Transportation Board (STB) will have to go back to

- previously was from the 1960s and '70s);
- Cannot rely on after-the-fact mitigation as a substitute for baseline data of the sort needed to make informed decisions.

To see Northern Plains' press release and a link to the 56-page ruling, visit the News section of our website at www.northernplains.org.

– Rose Bender

Keystone XL tar sands pipeline

Obama stands with landowners, denies permit

In an unexpected twist for many of us, President Obama and the State Department on January 18 denied TransCanada's application for a Presidential Permit for the Keystone XL pipeline.

This decision reflects the need for an additional supplemental Final Environmental Impact

Statement that would study many of the remaining unanswered questions about the Keystone XL pipeline.

The President had announced that he and the State Department would need until the first quarter of 2013 to adequately review public safety and environmental impacts from the project. A Presidential Permit is needed

because the privately owned pipeline would cross the U.S. border. Congress passed legislation that would have forced Obama to make a decision on the pipeline by Feb. 21, regardless of whether those public safety and environmental questions had been addressed.

Continued on Page 3



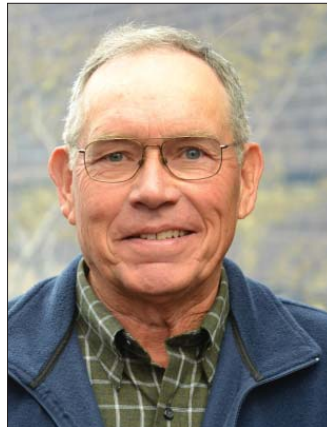
TO THE MEMBERS

A healthy environment cannot be bought

I feel very humbled and proud to be your Chair, and I would like to thank all of the members and staff for your dedication to Northern Plains' work.

I have spent my whole adult life in Powder River County as a farmer/rancher. Some 35 years ago, I was elected to the Conservation District Board here. About that time, I attended a meeting concerning coal development, the water that would be required for that development, and how it would affect Powder River County. At that meeting I observed a lady who stood up and presented excellent facts. I would later learn she was a Northern Plains member and decided that it was a group that I believed in and wanted to be a part of.

I remember, as a student in grade school, learning about the estimated amounts of coal, oil, and gas in the world. It was reckoned then that these would supply us with energy for hundreds of years. Though they are finite, I was assured we would find new energy sources to replace these fossil fuels. I'm a grandfather now, and



we as a state and nation continue to be focused on finding and using fossil fuels.

All these years later, politicians tell us that we must develop fossil fuels as fast as possible and repeal any environmental laws that might slow this down. All we have learned about the harmful effects and true costs of fossil fuel use on the environment are continually denied or covered up. It's up to us to challenge them, and present the FACTS that for 40 years have earned Northern Plains a

reputation for dealing in truth and for always thinking about the next generation.

I personally have a pet peeve about the use of the expression "develop our non-renewable resources." The truth is, "develop" always seems to mean "use them up or sell them" for someone else in the world to gain from. Does money have to destroy the environment? No, we can deal with our natural resources in a responsible way.

Much has happened since the last issue of *The Plains Truth*. We had a great 40th Annual Meeting, with insightful speakers and panels that gave us perspective on where we came from and our hopes for the future.

This is what encourages me – being involved in a group that makes a difference and seeks out better ways to use and conserve energy.

Northern Plains has had reasons to celebrate lately. The BLM's coal lease in the Bull Mountains was postponed; this may give us time to get the BLM to add reasonable stipulations to the

lease agreement to protect the land and water that surface owners depend on.

The Ninth Circuit Court of Appeals decision regarding the Tongue River Railroad was long-awaited. The Surface Transportation Board sidestepped many of the things they should have done in their EIS, and now they have to go back and conduct a believable study. This was a big win for us!

Finally, there was the President's refusal to be stampeded into granting a permit for the Keystone XL pipeline when so many questions remain. Though his main reason was the huge and economically critical Ogallala aquifer, many Montana landowners hope the slowdown will give us a better chance to make sure that serious measures are implemented to protect the rights of landowners as well as our natural resources.

I'm proud to be part of this work and this organization.

– Walter Archer,
Northern Plains Chair 



www.northernplains.org

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

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+ Riders 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

Being on the land is in Walter Archer's blood

Farmer/rancher Walter Archer was on the board of the Powder River County Conservation District when the North Central Power Study was released in 1971.

A joint product of federal agencies, 21 private and public utility companies, plus electric cooperatives, public power districts, and cities, it proposed 21 new coal-fired power plants in eastern Montana, supported by just as many coal mines. At the time, conservation districts around the state were worried about the effects this would have on water, already a scarce resource in much of Montana. Walter found a strong ally in the Northern Plains Resource Council.

The conservation districts and Northern Plains worked together to ensure that agricultural users were able to secure and reserve water rights, maintaining access to the resource so vital to their livelihoods. In talking about Northern Plains members, Walter said, "It was then that I realized how informed and organized and passionate they were. They seemed like a good group to be affiliated with."

Born and raised in southeastern Montana, Walter and his wife,



Walter Archer addresses the Northern Plains Annual Meeting in November after accepting the Chair's gavel from outgoing Chair Ed Gulick.

ArLynn, raise wheat and run cattle on their place near Olive, Montana, a few short miles from Broadus. Though Walter spent his early childhood in southern Custer County, in the 1950s his family bought land in Powder River County, which his brother still farms. Walter's operation is just three miles away.

When asked about agriculture, Walter responded "It's just been in my blood, I guess. I've never had a big desire to

do anything else. I just always felt that I needed to be on the land."

It is a connection his family maintains. His daughter and her family live on the farm as well, and one son is the lead economist for the agricultural experiment station in Mandan, North Dakota.

When asked what drew him further into Northern Plains, Walter talked about early campaigns around the Colstrip power plants and said he was

always impressed with Wally McRae, Nick Golder, and others – with their level of passion, and especially with how informed they were. "I generally felt that way about Northern Plains people," Walter said.

At a coal scoping meeting in Ashland hosted by the Bureau of Land Management, Walter said he can still picture Carolyn Walker sitting near him in the back of the room. When she stood up to speak, he noted that she was "so articulate and seemed to really have her facts in order." Relating this back to others in the organization, Walter noted, "The information I got, I always valued. I could trust it."

Walter has remained involved with Northern Plains through the years, from his involvement in the founding and maintenance of the Powder River Protection Association, Northern Plains' one-time affiliate in Broadus, to numerous stints on the Northern Plains Board of Directors.

Walter was elected Chair of Northern Plains at the Annual Meeting in November. He also serves on Northern Plains' Agriculture Task Force.

– Svein Newman 

A Montana limerick for St. Paddy's Day

A Montana cowboy named Teagher
Lived out in the county of Meagher.
On Meagherch seventeen,
Wanting beer that was green,
He drove feagher in his ceagher to Meagher's beagher.

– By the late Northern Plains member Bob Lyon


Why I'm a Monthly Sustainer

Christiana Schweitzer of Helena says, "I am proud to give monthly to Northern Plains to help with the work it does. Giving monthly makes it easy for me, as a student, to afford just a few dollars at a time to support work I believe in. I know it saves Northern Plains the time and money of reminding me when my dues are up, and I don't have to bother with annual renewals. I also know it gives support to Northern Plains every month that it can count on to keep its doors open, and help budget its money accordingly. I strongly encourage others to consider giving monthly."



Christiana Schweitzer

To become a monthly donor, go to the Northern Plains website and hit Join / Donate at the top right. Fill out the Monthly Sustainer form. The information is secure.

– Clementine Lindley 

Pipeline *Continued from Page 1*

"I'm glad to hear that the President stood with landowners who knew that the impacts on our state from this pipeline have not been adequately analyzed," said Sandy Barnick of Glendive, landowner crossed by the proposed pipeline and member of the Northern Plains Pipeline Landowners Group. "The President stood on the side of the people as opposed to foreign corporations today. I hope this decision sets a precedent that the impacts from a project must be determined before approval."

The public and members of the Northern Plains Pipeline Landowners Group in the path of the Keystone XL pipeline are still waiting for:

- An Emergency Response Plan;
- A study of the corrosiveness of tar sands oil pipelines in light of the 14 spills on the Keystone I pipeline since it began operations in June 2010;
- Assurance that pipeline thickness will be the same in rural areas along the pipeline as in highly populated areas.

Thank the president

Call President Obama at 202-456-1111, and tell him "thank you" for rejecting the Presidential Permit for the Keystone XL pipeline. An Emergency Response Plan and pipeline safety still are concerns of many Montana landowners.

You can also email the President through the website: <http://www.whitehouse.gov/contact/submit-questions-and-comments>.

Or send him a hand-written thank you note to:

**President Obama
The White House
1600 Pennsylvania Avenue N.W.
Washington, DC 20500**

The Northern Plains Pipeline Landowners Group, a committee of Northern Plains, is a group of landowners crossed by the proposed Keystone XL pipeline who have organized to protect landowner rights and public safety.

– Rose Bender 



LAND AND WATER

Ranchers condemn dirt-cheap coal sales

The Bureau of Land Management (BLM) rejected Signal Peak Energy's offer of 15 cents per ton for 35.5 million tons of coal beneath 2,700 acres of private land in the Bull Mountains outside of Roundup.

The decision followed months of action by Northern Plains affiliate Bull Mountain Land Alliance (BMLA). Three days prior to the rejected sale, BMLA held a rally outside the BLM's state headquarters. About 50 people gathered on a very windy day to protest the prospect of a serious corporate giveaway. The rally included a theatrical element – a mock production in which Ressa Charter, whose family lives and ranches above the coal in question, pitched the coal as a used car salesman, while the crowd held signs like “BLM will not be undersold” and “Sale of the Century- 3 coal seams for the price of 1.”

After the satire, the rally took a more serious note, as BMLA Chair Steve Charter explained what was at stake for their land if the sale went through as proposed. “There wouldn't be talk of raising taxes or cutting services if corporations paid their fair share,” says rancher Steve Charter. “This three-for-the-price-of-one giveaway is



Photo by Lindsey Baker

Posing as a used-car salesman, Ressa Charter, center, reads off a list of great deals the BLM offered at a closed bid sale in November of federally owned coal next to the Signal Peak Mine in the Bull Mountains and beneath the Charters' grazing land. Three days later, BLM officials turned down the lone bid – from Signal Peak Mining – of 15 cents a ton as too low.

bad business and bad government.”

The rally ended with officials from the BLM, who later went on to deny the bid, emerging to the crowd yelling “No Sweetheart Deals for Coal!”

Though the BLM is leasing all the coal in a 2,700 acre area, it is basing both its environmental analysis and valuation exclusively on the

mining of one underground seam, the Mammoth, leaving 13 other underground seams unanalyzed. Signal Peak Energy, which operates the existing coal mine in the Bull Mountains has expressed its intent to mine at least two of those additional seams. Under the BLM's proposal, Signal Peak would have received those seams free of charge, and without any review of the effects of additional and repeated underground mining upon the safety of those living above it, nor of its effects on the springs and wells the ranches depend on.

Signal Peak's 15-cents/ton bid would have been a serious abuse of taxpayers. Lower quality coal has recently sold for up to \$1.35/ton in Wyoming, and one major coal company boasted in Platt's Coal Trader that it can sell this lower-quality coal for more than \$96/ton in China.

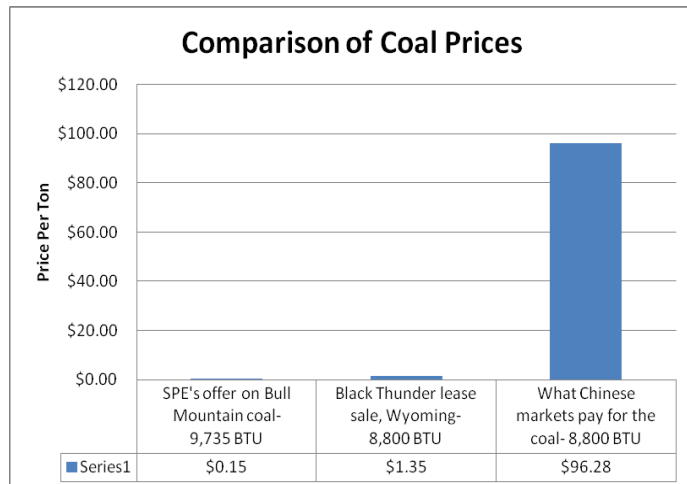
Prior to the rally, BMLA had lobbied BLM on a number of occasions and challenged the lease sale before the

What's next:

The BLM has announced it will offer the coal for sale again on February 28. BMLA members continue their efforts to ensure that Signal Peak pays fair market value for the coal, and to secure stipulations to protect ranch land and water.

Interior Board of Land Appeals. That challenge is still pending. BMLA continues to advance the issue, working to ensure that any further development in the Bulls includes provisions to protect their land and water, and also to protect taxpayers from sweetheart deals with coal companies. On Christmas Eve, Steve Charter was in an article on the front page of the *New York Times* talking about mining in the Bulls.

– Svein Newman



A visit to the Bulls: Landowners learn from landowners

The Bull Mountain Railroad is a coal-hauling line that was built in 2008 to move coal from the Signal Peak Mine in the Bull Mountains.

In October, Tongue River Railroad Task Force members Clint and Wally

McRae and Northern Plains staff visited landowners along the route of the Bull Mountain Railroad to learn about their experience in dealing with the railroad.

The main message from the landown-

ers crossed by the Bull Mountain Railroad is to stick together. They said that about half of the landowners along the route signed at their first offer, losing a significant amount of leverage for anyone who wanted to

challenge the validity of the railroad. If we can get most landowners along the Tongue River Railroad route to stick together, we could stop that railroad.

– Rose Bender



Asia gets Montana coal, we get the shaft

Coal companies continue to gear up for an expanding export market for coal.

In the works are two proposals for coal ports in the Northwest. The first proposal in Whatcom County, Washington (north of Seattle), is for a port that would export 50 million tons of coal annually. This terminal is dubbed the Gateway Pacific Terminal and the permit is in the works, although the company just filed for a 90-day extension. SSA Marine and Peabody Energy are the money behind the port and are trying to move forward, despite a wave of community resolutions against the proposal all along the rail route.

The second proposal is the Longview, Washington, terminal on the

Columbia River. This proposal is backed by Millennium Bulk Terminals and Ambre Energy (an Australian company). Arch Coal is also a major player, with a 38% stake. This port, if built, would export up to 80 million tons of coal a year – a figure that Millennium lied about in the early permitting stages. The company initially announced it would export 5.7 million tons (less than 8% of the actual exports). At this point, this port is stalled by lawsuits, and Millennium has withdrawn its permit (but plans to file it again later).

In Montana, Northern Plains and our affiliates are gearing up on the issue of coal export. Yellowstone Valley Citizens Council in Billings is planning a public meeting

POWER PAST COAL communities against coal export

Northern Plains is part of a coalition of groups from Montana to the West Coast that are working on the coal export issue. Recently, these groups launched a website that connects the entire issue of coal export, from mine to port. The website is www.powerpastcoal.org. Power Past Coal has some great resources, including a map of the train route from the Powder River Basin to proposed Washington and Oregon coal ports. Factsheets on each proposed coal export terminal are available, along with petitions that have been making the rounds in numerous cities in Washington and Oregon. The website is a great resource for people wanting to delve deeper into the coal export issue. Check it often because we will be helping update it as the issue moves along.

tentatively set for March 9 and 10. In Missoula, community groups are moving forward and have even discussed the issue with the city council. In Bozeman, we plan to move the issue forward in the spring with a public meeting as well.

Each city will face different impacts from traffic jams, emergency vehicle delays, coal dust, diesel emissions, noise, and potential condemnation from expanding rail lines. Historically, the city and federal governments have put up money to pay for rail upgrades and over-and-under passes. But this time around, the communities along the route should not have to pay the costs of shipping this coal to Asia.

already digging deep into the foreign market. According to a Montana Coal Council spokesperson, 10% of our coal in the state is currently going overseas via Canadian ports. New coal projects, however, will be heavily dedicated toward large volumes of exports.

The truth is: American demand for coal is going down in the U.S. and the coal companies are scrambling for ways to prolong the market for this dirty energy. What this will mean is more impacts to Montana's land, water, and air, to produce coal for Asian markets. We will all pay for those and other impacts as Asian factories and power plants are stoked by Montana coal.

Coal companies, unfortunately, are

– Becca Fischer



Stuck in downtown Billings waiting for a coal train to pass. If coal companies have their way Montanans will see an additional 40-50 coal trains, full or empty, a day.

USDA meatpacking rule falls short once again

On November 3, the U.S. Department of Agriculture (USDA) failed to deliver on its promise to restore fairness to livestock markets. Right now, three giant multinational corporations control more than 85% of the meatpacking industry. This monopoly gives those giant packers incredible control of the food we eat and power to impose unfair and abusive contract terms on livestock producers.

In 2008, Congress passed its Farm Bill and included a directive for USDA to start breaking up the monopoly by closing loopholes that have existed in the Packers and Stockyards Act since it was passed in 1921. While the law forbids the largest meatpackers from arbitrarily discriminating against individuals and groups of producers, corresponding regulations were never promulgated defining the specific terms, leaving significant parts of the law unenforced.

On June 22, 2010, the Grain Inspection,

Packers and Stockyards Administration (GIPSA) took steps to change that. It released a draft rule that would help check the meatpackers' power, incorporating provisions that Northern Plains members and allies have sought for decades.

The proposals were aimed at helping the marketplace function properly – banning practices like market distortion, fraud, packer retaliation against protest, lies and omissions, and unjustified material breach of contract. Currently, if a producer wants to prove abuse, he or she literally has to prove that the market for the entire cattle industry is distorted. That would have changed. The draft GIPSA rule also would have forbade premiums or discounts without documented reason; these are easy ways for packers to consolidate their power by helping some feeders expand while driving others out of business.

Northern Plains members pressed hard for the rule, lobbying Montana's congressional delegation at home and

in D.C., generating calls to the White House in support of the rule as part of a national coordinated coalition, writing letters to the editor, and more. And the proposed rule came, in part, as a result of 20 years of research, public meetings, and coalition building by our members.

Unfortunately, the provisions most essential to restoring fairness to independent cattle producers were left out when USDA published its final rule in late 2011. While the final rule, which becomes law February 7, does include important provisions to end a few of the biggest problems facing poultry and hog producers, the Administration caved to pressure from the big packers when it came to the cattle provisions, removing those protections for producers from the final rule. USDA has expressed a willingness to revisit the cattle provisions at a future date but, at least for now, the decision is a serious disappointment.

– Svein Newman and Clayton Elliott

Top anti-trust officer resigns

On January 19, J. Dudley Butler announced he would be stepping down as head of the Grain Inspection, Packers and Stockyards Administration.

Butler was appointed in May of 2009 and oversaw some of the most significant changes proposed in decades by the agency charged with protecting the integrity of the meat industry marketplace. His efforts were strongly opposed by large corporate agricultural interests and failed to make any change to cattle markets.

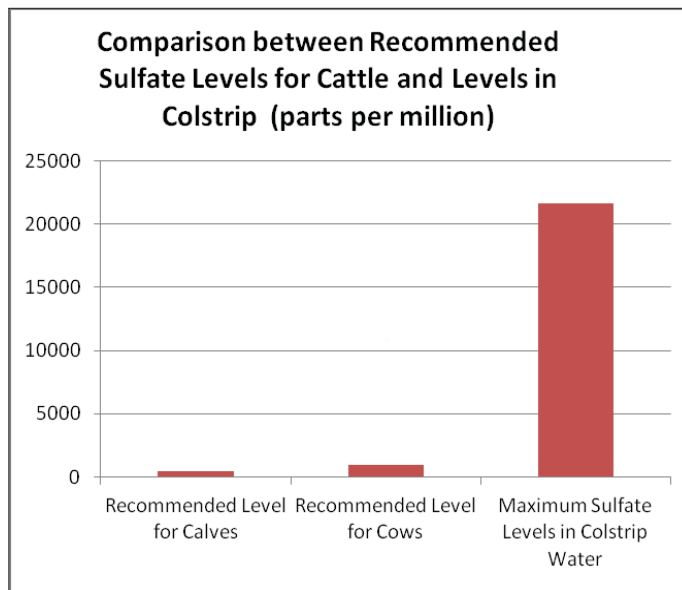


Coal ash pollutes water; regulators slow to respond

Coal ash is a hot topic nationally, and federal rules have been proposed that would regulate this toxic substance and phase out coal ash storage ponds, like the ones that have been leaking in Colstrip for 30 years.

Coal ash is the by-product of burning coal. It often contains high concentrations of heavy metals such as arsenic, lead, and mercury – which can lead to health problems if it gets into the drinking water or is inhaled. Coal ash can also harm cattle with high levels of sulfates in the water. The sulfate levels in Colstrip's ground and surface waters are well above the recommended levels. The Environmental Protection Agency (EPA) has proposed rules to prevent these contaminants from getting into the environment and from affecting public health. However, these rules have hit a road block in Congress with bad bills being proposed to limit the effectiveness of the rules and with the Office of Management and Budget delaying due to political pressure.

Locally, our members in Colstrip who live near the ash ponds are not waiting for Congress to move.



The chart above shows the recommended levels for sulfates for cattle based on a North Dakota State University and USDA study (www.ag.ndsu.edu/pubs/ansci/livestoc/as954w.htm). High levels of sulfates can inhibit nutrient uptake in cattle and in severe cases cause brain disorders in cattle. The maximum levels found in water wells near the leaking ash ponds in Colstrip are more than 25 times the recommended levels for cattle.

This past year, members of affiliate Rosebud Protective Association met twice with the Montana Department of Environmental Quality (DEQ) to push them to stop the leaking ash ponds. DEQ is in the process

of finalizing an agreement with the company that owns the leaking ponds, PPL Montana. This agreement still maintains that the system is a "closed-loop" system and that the pump-back wells that capture contamination are

within this system. Our members disagree that this is a closed loop system, because they have seen contamination from the coal ash in area surface waters.

In comments to the Montana Public Service Commission about the need for federal coal ash rules, Colstrip area member Clint McRae stated, "If the state of Montana cannot or will not enforce the law, then we have no choice than to ask for oversight from federal agencies. The solution is for the state agencies to enforce the laws promptly, not wait for public discovery of a problem, or a lawsuit. This is not about over-regulation of state or federal law; it is about ignoring the laws at the expense of the public and in this case, adjacent landowners. We can do better."



Clint McRae

It is time for the DEQ and the EPA to do what is right, finally, and stop the contamination at Colstrip. 30 years of leaking ash ponds is long enough.

– Becca Fischer

Northern Plains opposes mining agency merger into BLM

The Department of Interior is proposing a huge bureaucratic change to how coal mining is regulated in the United States. Northern Plains participated in a public hearing on January 23 in Billings to address this issue and make our opinion heard.

In early November, Interior announced plans to consolidate the Office of Surface Mining (OSM) into the Bureau of Land Management (BLM). OSM was created with the enactment of the Surface Mining Control and Reclamation Act (SMCRA) in 1977, and Northern Plains played a large role in the creation of that law.

SMCRA was designed to ensure that coal mines adhere to high environmental and reclamation standards and that citizens have a voice in the process. OSM was formed as the agency that inspects mines, enforces the law, involves the public, and oversees strict reclamation plans.



Northern Plains member DarAnne Dunning of Helena testifies before the U.S. Senate Energy and Natural Resources Committee on November 17.

Though OSM's performance has been far from perfect, it is Northern Plains' position that moving OSM into the BLM – which is in charge of selling federal coal – creates a huge conflict of interest. It recalls the regulatory conflicts of interest that led to the Deepwater Horizon oil spill in 2010. When an agency is in charge of both selling and regulating development of a resource, something ends up slipping and it's usually the regulating.

Member DarAnne Dunning of Helena, who grew up in the Otter

Creek area, testified against the proposal before the U.S. Senate Energy and Natural Resources Committee on November 17. DarAnne told the committee:

"BLM and OSM have distinct and, to some degree, conflicting missions.... OSM is fundamentally a regulatory agency, while BLM's role in part is to manage federal coal reserves, which includes leasing activities that bring revenue to the federal government. Both are necessary functions, but separating them in two distinct agencies is important for avoiding conflicts of interest, such as those that have arisen in leasing high-risk off-shore oil reserves. We need to ensure that OSM's regulatory functions, which include ensuring realistic mining and reclamation plans that do not compromise the welfare of citizens or the protection of the environment, are not compromised by similar conflicts of interest."

Northern Plains staunchly opposes merging the BLM and OSM. About a dozen members made their voices heard on January 23 at a public hearing in Billings before key officials.

"We believe that this proposed order would create a huge conflict of interest between BLM and its coal leasing duties and OSM's regulatory duties," said Northern Plains member Eileen Morris of Billings, who owns land near the proposed Otter Creek coal tracts. "We learned a hard lesson from the Deepwater Horizon disaster about what can happen when an agency that has a monetary interest in producing energy, places its inspection and enforcement duties last. We don't want coal mine permitting and enforcement to turn into another Deepwater Horizon."

The Department of Interior is expected to make a decision by February 15.

– Becca Fischer



Hard-rock mining increases in western Montana

Marysville, a sleepy retirement community of 70 residents, is 25 miles northwest of Helena, at the base of the Continental Divide along Silver Creek. The town was once home to the Tommy Cruse Drumlummon Mine, one of the richest gold mines in Montana history. At its height, Marysville had 5,000 residents, 26 bars, an opera house, and thriving red light district. Two railroads connected the mine with Helena, moving processed ore from the stamp mill in town to outside markets.

But things are changing for the residents of Marysville. A Canadian company, RX Gold & Silver, Inc., has been mining the old Drumlummon site since 2009 and has excavated nearly \$2 million worth of ore so far. RX plans to expand operations, including building a new mill site down the valley.

The new mining activity has created a full industrial operation in the



heart of Marysville, bringing with it transient labor, noise, and traffic associated with the mine, including considerable double-trailer truck traffic. Heavy traffic is already damaging the recently completed new road. Landowners live with near-constant noise from blasting, drilling, mucker trucks, loading, and rock fall. Residents are concerned about the impact the mining activity will have on their property values.

To access the ore body, RX has been dewatering the aquifer at a rate of 250-300 gallons per minute. Under

the expanded operating permit, the mine would drop the aquifer an additional 260 feet. The drawdown is creating serious problems for adjacent landowners; the company has already had to drill four new wells for residents whose wells have gone dry.

Residents of Marysville are now organizing to pressure the state Department of Environmental Quality to address their concerns in the operating permit process. They have already collected signatures from a majority of residents to present to the agency. As Northern Plains member Lanie Christensen put it, "What is playing out all across this country is happening here in our small town... It is time for the State to protect our private property rights and constitutional right to a clean and healthful environment."

High prices for precious metals are creating a new gold rush in western

Montana. The significant weakening of Montana's permitting and environmental statutes in recent years threatens to make mining activity a significant problem wherever it occurs.

The 2011 Legislature made significant and troubling changes to the state's permitting process for hard-rock mines. These changes, coupled with sustained attacks on the Montana Environmental Policy Act, could spell big trouble for people who live near hard-rock mine operations.

Being the first mine to go through the new, weakened permitting process makes the Drumlummon Mine a test case for a new rush of mining activity. Companies are buying up mining claims and, in some cases, starting exploration work. Mines have been proposed at White Sulphur Springs, Elkhorn, Pony, and Townsend.

– Clayton Elliott

Members help co-ops deal with changes

The roller-coaster ride for Beartooth Electric members has continued into the new year with more changes to the makeup of the co-op's board.

After a group of co-op members submitted enough signatures to recall board members John Prinkki and Joe Kern, the two decided to resign their posts rather than face the process of recall. This surprising news has the board and other co-op members scrambling to fill the two board positions and plan for the future.

More turmoil was created late last year following the bankruptcy of electricity supplier Southern Montana Electric and the abrupt retirement of its general manager, Tim Gregori. At this point, a number of decisions are in the hands of a federal bankruptcy judge. The judge has made sure to have contracts put into place to assure a steady supply of power to co-op customers.

On January 13, the legislature's Energy and Telecommunications Interim Committee held a panel discussion about the situation, its impact on ratepayers, and the merits of having Montana Public Service Commission involvement in the case. There is a great deal of hope that all Southern member co-ops will emerge from the bankruptcy process stronger.

Members of affiliate Stillwater Protective Association plan to engage the new Beartooth Electric board in an effort to share ideas and promote a sustainable future for the co-op. Having seen more than 15 rate increases since 2005, Beartooth members could benefit substantially from energy efficiency incentives currently not offered by the co-op. There are still remaining unfinished bylaws revisions to be made, and opportunities will arise for further member involvement in co-op activities.

– Caleb Lande

Committees study eminent domain

Legislative interim committees met in January to discuss issues ranging from water, natural resource permitting, and rural electric cooperatives, and eminent domain.

The Environmental Quality Council (EQC) hosted a panel discussion on January 11 regarding the definition of public use under the state's eminent domain laws. Members of the committee were joined by Maryland attorney Scott Hempling and Vermont Law School professor John Echeverria for a discussion about emerging issues related to the definition of "public use" and how states are granting the power of eminent domain to agents, regulated utilities for example.

In response to the debate over HB 198 during the 2011 session, lawmakers asked the panelists to address issues related to whether public uses need to be specifically granted in statute – to build a merchant transmission line, for example – and whether that use needs to be specifically linked to an agent in statute. Both panelists offered comparisons with other states dealing with similar issues.

Eminent domain reform still remains a priority for Northern Plains in the remainder of the interim. In late February, the Law and Justice Interim

Committee will meet to discuss eminent domain, dealing specifically with issues related to condemnation proceedings and just compensation. Northern Plains leaders and staff are working with allies on the committee to focus the discussion around areas of policy reform that would advance the rights of landowners in the condemnation process. For more information or to attend the meeting on Feb. 23-24, please contact Clayton at clayton@northernplains.org.

District judge upholds eminent domain law

In a blow to private property owners crossed by a transmission line in northcentral Montana, District Judge W. Nels Swandal ruled on January 11 that HB 198, the recently passed eminent domain law, is constitutional. The law granted the power of eminent domain to all public utilities and all facilities with a Major Facilities Siting Act certificate. A group of landowners crossed by the line in Teton and Pondera counties brought the suit, alleging – among other things – that the passage of HB 198 in 2011 violated due process protections guaranteed by the U.S. and Montana Constitutions.

– Clayton Elliott



40 YEARS OF PROTECTIN

From *The Plains Truth* vault

The Energy Crisis

February 1973

A report released by the RAND Corp in September studying the growth of electricity in California concluded that the utility industry's proposed power plant needs could be reduced by 2/3 within the next 30 years if certain energy conservation policies were adopted.

The RAND report recommended that natural gas be substituted for electricity and heating and possibly refrigeration and air conditioning. The process of converting a fuel to electricity wastes 2/3 of the energy content of the fuel in the conversion process thereby utilizing only 1/3 of the energy value of the basic fuel. This waste could be eliminated. The report also recommends using solar energy for heating and cooling buildings; using better insulation in buildings to reduce loss of heat energy; increasing efficiency of air conditioners; reducing electricity requirements of lights, and constructing "low-energy" buildings. All these measures could be implemented without the disruption of society that the utility industry claims will happen if we don't build more power plants. The "Energy Crisis" as suggested by the industry is false since it considers only energy supply and not the use of energy. They are not interested in ways to use less energy. There's no profit in that for them.

Wally McRae

October 1973

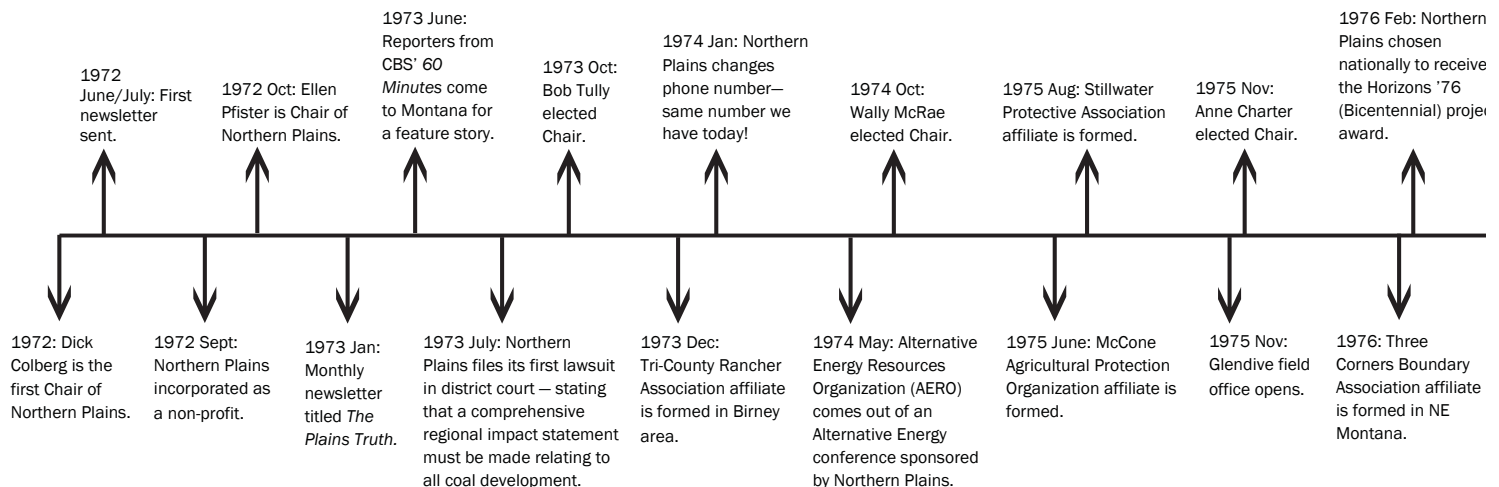
In the language of my neighbors, the Cheyenne Indians, the name of white man is the same as the name for spider – "Veho." As I see the webs of high-voltage lines; the webs of railroads and strip-mines; and the poisons we exude from our activities; the rivers sucked dry of their life-giving juices; I am reminded of the wisdom of the Indian exhibited by his prophetic name for us. Truly, we exhibit all of the characteristics of a Veho or a spider.

Letter from Anne Charter

November 1973

Speaking out is one way to contribute to the NPRC, but the contribution of cold cash is still an urgent necessity. You receive the newsletter. Last year the subscription was five dollars, this year ten. It takes the equivalent of 150 memberships to maintain the NPRC office for just one month. Cox had 60 men working under him as "special investigator," there are six working for the NPRC probably doing as much investigative work as all the 60 combined, and our six are working practically on a volunteer basis. If your subscription is due, do renew; if you've been taking a free ride, join today. You will be giving both the backing of numbers and the money needed to break even. Also needed are from very large to anything you can spare donations. When you send in your share, you will help keep the office open and the staff operating. I think they have been doing a fantastic job. If you agree, let them know and give them your support.

Northern Plains 1970s timeline

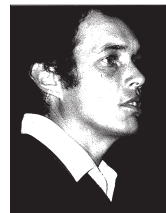


Group forms on behalf of

This is the first in a series looking back at Northern Plains' first four decades.

Northern Plains' 40th anniversary – the anniversary of the date when Northern Plains was officially chartered by the State of Montana – is September 22, 2012. However, we were already a busy organization before we became "official."

In those first years, Northern Plains members were on the move, learning everything they could about the big plans that coal companies, electric utilities, and government agencies had for the ranchland of eastern Montana, as well as for the rivers that flow across that land.



An early photo of Walter Archer, current Northern Plains Chair and a rancher in Powder River County. Walter joined Northern Plains in the early 1970s.

The goal was to persistently educate the population across the entire state and insist that citizens should have the right to participate fully in the decisions being made about Montana's natural resources, her farm and ranch country, and her future.

Many of our early members worked to create and enact the benchmark

environmental laws all of us are fighting so hard to defend, all these years later. Some of the key accomplishments of Northern Plains in the 1970s included:

- Montana's Major Facility Siting Act as a response to Colstrip Units 1 and 2;
- Passage of the federal Surface Mining Control and Reclamation Act, which included surface owner protection with a moratorium on leasing federal coal without



Northern Plains board and staff in

surface owner consent.

- For almost the entire decade, ch coal-fired power Units 3 and 4 : The plants were approved in 19 the best pollution protections at the time, including a 97% remc dioxide from the smokestacks.
- Establishment of baseline instre: the Yellowstone River to protect and fisheries from industrial de: river for coal-fired power and sy
- Enactment of a 30% Coal Sever which included preserving 50% severance tax income in a perm: trust fund, and establishing earr accounts for a community impa: special funds to support renewa education and economic divers



SHAPING MONTANA'S FUTURE

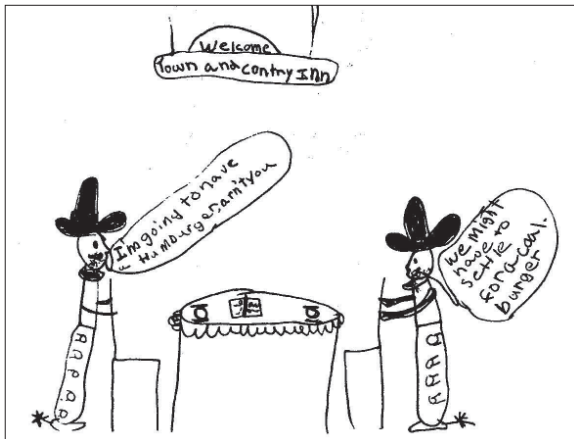
Water, land, agriculture



1975. Wally McRae, front, was Chair in 1974-75, followed by Anne Charter, far left.

challenging at Colstrip. 1979 but with available at

flow of agriculture completion of the fuels plants; ance Tax of the ancient marked act fund and ble energy; fication.



"I'm going to have a hamburger, aren't you?" Ten-year-old Jeanie Alderson drew this cartoon for *The Plains Truth* in 1976 about what might happen if coal companies strip-mine the West.

Illegal Prospecting: Peabody Coal Co.

June, 1973

The last session of the Montana Legislature passed a bill entitled the Montana Strip Mining and Reclamation Act which became effective March 16, 1973. The Act states, in section 8(1), that: "On and after the effective date of this act prospecting by any person on land not included in a valid mining permit shall be unlawful without possession of a valid prospecting permit issued by the department (of State Lands) as provided in this section. No prospecting permit shall be issued until the operator submits and application, the application is examined, amended if necessary, and approved by the department, and adequate reclamation bond is posted...."

Coal Sales to Japan

March 1974

The Northern Plains Resource Council has sent the following letter to Governor Judge concerning the sale of coal to Japan.

"We compliment you on your attempt to stimulate and increase the export of Montana's agricultural products to countries such as Japan. Your concern and action regarding industrial water appropriations in the Yellowstone drainage is also very commendable. However, we have serious objections to the export of low sulfur coal to Japan.

"The primary reason given by others for developing Western coal has been the domestic energy crisis. We believe the export of our coal would be an imprudent act when many claim energy problems are so severe in the eastern and Midwestern regions of our country...."

Department Recommends Denial on Units 3 and 4

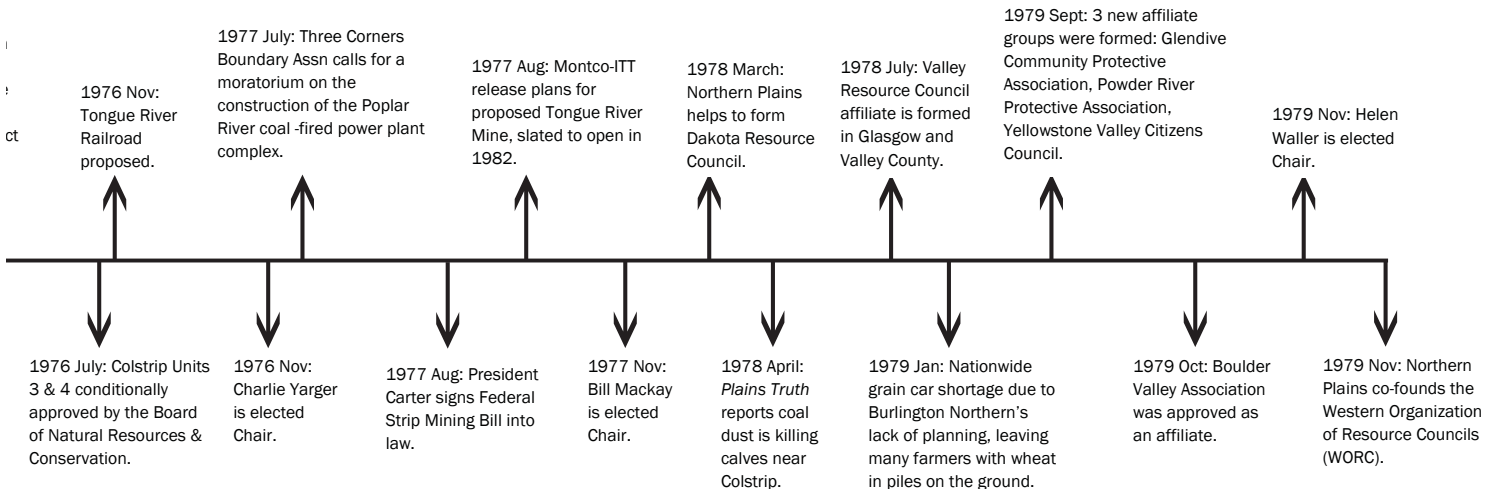
January 1975

In a long awaited decision, the Department of Natural Resources recommended to deny the application for Colstrip Units 3 and 4, two 700 MW coal fired generating units that would primarily serve the Pacific Northwest. The Department warned that if Montana accepts applications for conversion facilities to meet out of state needs, Montana could become a "boiler room for the nation."

Siting Regs Supported by Council Members

January 1978

Montana's Major Facility Siting Act is widely recognized as one of the most progressive and farsighted pieces of legislation in the nation. It first appeared as the Utility Siting Act of 1973, but amendments in subsequent legislative sessions changed the name and altered the scope of the act. It governs the siting of coal fired energy conversion plants as well as uranium enrichment plants, transmission lines and pipelines in the state.



- Timeline by Clementine Lindley

40TH ANNUAL MEETING

Energy analyst: Act now for renewable rewards

Goeff Keith of Synapse Energy Economics Inc., brought a lot of revolutionary ideas to Northern Plains' 40th Annual Meeting in November. In his talk, Keith summarized the highlights of the Synapse report, *Toward a Sustainable Future for the US Power Sector: Beyond Business as Usual 2011*. The report concludes that the United States can phase out all coal-fired electricity at a negligible cost, and possibly at a significant savings, by 2050.



We've been repeatedly told that fossil fuels are cheap, but numerous studies have measured that cost both in dollars and premature deaths. With the costs of those dirty energies becoming more widely known, renewable energy and energy efficiency can now lead the way to a cleaner future.

“Wind energy has been competitive with new coal energy for some time.”

— Geoff Keith

It's about time! The first steps on the way toward this cleaner future are those that Northern Plains put into practice with our LEED Platinum building – energy efficiency. Keith affirmed the importance of energy efficiency, stating, “Without energy efficiency, we are not going to get where we need to go. It's the first step.”

This means retrofitting buildings and

homes with more insulation, double- and triple-paned windows, adding more passive solar, and daylighting. These seemingly small steps will end up making a huge difference and reducing the base energy load by a significant amount.

Beyond energy efficiency, renewables such as wind and solar, are becoming more price-competitive. Keith reminded the audience, “Wind energy has been competitive with new coal energy for some time.” In Montana, the Judith Gap wind farm produces cheaper electricity than any of the fossil fuels in NorthWestern Energy's portfolio. Judith Gap is between 6 and 14 cents cheaper and wind in general is cheaper across the county. Solar (for electricity) is close to being cost-competitive, but needs a few more years. The Department of Energy is working hard to get more solar online and to consumers.

Either way, the transition to renewables and energy efficiency will bring huge savings in terms of public health. The unaccounted costs of ingesting mercury and other pollutants from coal-fired power plants will be erased if coal is phased out. In addition, carbon dioxide emissions in the electric sector will be reduced by 81 percent, slowing the path of climate change. Overall, it's a win-win situation, and it's about time we start to think of the future and transition toward a cleaner, healthier energy system.

— Becca Fischer



Keynote speaker Ted Nace calls Montana, unfortunately for a variety of future problems, the “Fort Knox of coal,” especially for Asian markets.

Keynote speaker busts King Coal to ‘Colonel’

Keynote speaker Ted Nace, author, activist and former community organizer, cited good news for attendees at the Annual Meeting – “King Coal” has been demoted to “Colonel Coal.”

“The past five years has been one of the most amazing periods for the environmental movement in the U.S.,” Nace told the audience. “In retrospect, I believe this period will eventually be recognized as the turning point where King Coal lost its grip on America's energy system.

“But something has happened in the psyche of the American people. Nobody bought the line about ‘clean coal.’ And citizens across the country are getting involved in actions against coal.”

Nace cited a plethora of statistics from the past five years demonstrating coal's demise in the United States.

“I also can't think of a more crucial place to talk about coal than eastern Montana. In terms of coal mining,” Nace continued, “Montana is the Fort Knox of coal with 121 billion tons of recoverable reserves, twice as much as any other state and more than China.”

Yet, there's the rub. While U.S. consumption of coal is declining, we find ourselves suddenly in a heated fight over exporting our coal overseas to Asia. Like oil, coal goes to the highest bidder on the world market.

“I don't want to sound like a Pollyanna,” Nace concluded. “With the appetite for coal in China, we have a big fight ahead over exports. Time is on our side as renewables (wind and solar) become cheaper worldwide. Keep up the good work and let's see what happens in the next five years.”

— Larry Winslow

Using the ballot box to build power in our communities

“What is power?” participants at this Annual Meeting workshop were asked. One definition that most participants agreed upon was “the ability to have an effect.”

With a legislature like the one we saw in 2011, a sensible and observant Montana citizen may well wonder if there is any other way to try to make the positive policy changes we need in Montana. There is! Attendees learned about ballot initiatives and how they offer a more direct form of democracy that isn't beholden to the

legislature. It is our constitutional right. As the Montana Constitution guarantees, “The people may enact laws by initiative on all matters except appropriations of money and local or special laws.” (Art. III, §4)

There are actually four different types of ballot measures that give citizens a direct vote on legislation:

- Constitutional amendments;
- Citizen initiatives;
- Legislative referendums;
- Veto referendums.

Their processes and purposes vary

slightly but the overarching similarity is that it is the voters who directly decide a policy question with an up-or-down vote. Therefore, ballot measures put the citizen into the role of legislator. In the case of initiatives, it is the citizens who first propose the law.

In addition to the obvious objective inherent in a ballot initiative campaign – to win a positive policy change – there is another objective, no less important, if the effort's leaders recognize the opportunity: building power that lives on after Election Day.

Working on a ballot initiative effort provides an opportunity to identify like-minded people, develop leaders, teach media and messaging skills, build lists, and form relationships with new allies. If done right, all of these things will last well after Election Day and will provide benefits for years to come, even if the ballot initiative were to lose. We'd be that much more ready for the next big battle to come our way... and there will be more battles, no doubt.

— Olivia Stockman



Health costs of coal exports mount at every turn

At the 2011 Annual Meeting, a panel on coal exports illuminated impacts that would be faced by communities across the state and all the way to the West Coast if announced plans from coal companies are realized.

"We're exporting huge, vast quantities of a substance that kills people," said Frank James, M.D., one of about 200 doctors and health officials in the Bellingham, Washington, area who are raising issues about proposed huge coal export facilities to load Western coal onto ships bound for Asia.

"What I can tell you is that it is going to kill a lot of people in China," said Dr. James. He said already studies have found that 15-30% of mercury pollutants in West Coast water reservoirs come from Chinese coal smokestacks.

The American Economic Review published a study showing that every dollar in profits from coal adds about \$5.60 in added costs to society in such areas



Panelists Dr. Frank James, left, and Shiloh Hernandez enjoy some down time after their panel discussion.

as health expenses. Dr. James said, "We can socialize the cost and privatize the profits."

In its journey from the Powder River Basin in Montana and Wyoming to the West Coast, Dr. James said that in addition to diesel exhaust, each coal car loses about 500 pounds of fine coal dust. That particulate will aggravate problems for people with asthma or other respiratory ailments, he said, while diesel emissions are a proven cause of cancer.

Increased rail traffic through bisected cities such as Billings, Livingston, and Missoula also can delay emergency responders and cause more accidents, he said.

He added that the ships themselves are great polluters, burning diesel while in port but, once on the high seas, "they burn bunker fuel, which is worse." Dr. James told the crowd that, according to plans in the works, some 500 such ships will sail out of Cherry Point, Washington, annually.

Shiloh Hernandez of Northern Plains' Coal Task Force broadened the discussion to societal impacts. He mentioned that, of the 37,000 acres strip-mined for coal in Montana, only 50 acres have been "fully reclaimed." Only 8 percent – just under 3,000 acres – have been restored to a self-sustaining vegetative cover.

Hernandez summed up the session: "Coal makes a lot of money for a few people and shifts costs to everyone."

– Rose Bender 

Montanans have a choice which way the wind blows

In recent years, a great deal of information has been shared regarding Montana's options for a future powered by renewable energy. Montana's immense wind resources are spread over much of the state. This often creates challenges for those who are attempting to bring that wind-generated electricity to market. More wind farms means more transmission lines.

Since its inception in 1972, Northern Plains has been an outspoken advocate of renewable energy. But, as we witnessed during the 2011 legislature, balancing the rights of landowners with growing electric infrastructure needs can present a great challenge.



Bob Anderson



Paul Hawks

With every proposed wind energy project, new questions arise about how Montana should be participating in terms of providing energy for its citizens as well as energy for growing markets in the West.

Geoff Keith of Synapse Energy Economics began the Northern Plains Clean Energy Task Force's panel

discussion detailing how the U.S. can wean itself from coal with aggressive investments in energy efficiency and renewable energy.

Keith said this transition can be made at minimal cost to society and without additional dependence on natural gas.

Bob Anderson of the Western Grid Group, provided background on the state of the West's electricity grid. He challenged those in attendance by posing two scenarios for Montana: 1) Take a "parochial" view and simply take care of its own in-state renewable energy needs. 2) In the future Montana produces renewable energy for the West, builds new export transmission

lines, and takes an "all hands on deck" role in the regional planning process.

Finally, Melville rancher (and a Past Chair of Northern Plains) Paul Hawks outlined some important contingencies that must be put into place to protect landowners in cases of transmission development.

As outlined by a 2007 Northern Plains resolution, new transmission lines should only be built after a careful planning process and be constructed in a way that protects agricultural values, visual resources, and wildlife. We believe there is a way to do transmission "right" and increase wind energy in Montana.

– Caleb Lande 

Power of place brings Bull Mountain residents together

Annual meeting attendees came together to celebrate the importance of the Bull Mountains, and to recognize the importance this land held in shaping an organization and a spirit of rural organizing in Montana.

Panelists included Northern Plains and Bull Mountain Landowners Alliance (BMLA) members Tom Tully, Ressa Charter, Ellen Pfister, and Steve Charter. All come from ranches in the Bull Mountains, ranches that have been deeply impacted by the current coal mining in the area.

The sparsely populated Bull Mountains rise above the Yellowstone River valley north of Billings. The

region is home to unique topography, geology, ecology, and cultural geography. Panelists reminded the audience that not only are the Bull Mountains a place of beauty, they are also a place of fierce power.

"It is the power of these places and the people that live here that created the Northern Plains Resource Council," Steve Charter told the crowd.

The rise of the BMLA and its spirit of citizen activism are deeply intertwined with the broader story of the role of women in western U.S. politics. Pfister detailed the role that the women within the ranching community played in influencing major policy wins for

the organization. When the young organization was called to testify in Washington, D.C., on a new law governing the development of coal mining, it was Anne Charter, Vera Beth Johnson, and Pfister who flew east to meet with elected officials and lobby for the bill's passage.

Indeed, the leaders in the Bulls were instrumental in shaping the federal and state policy that governs the development of our natural resources. They worked to pass the Montana Strip and Underground Mining and Reclamation Act and provided needed perspective from the Western coal fields to get the Surface Mining Control and Reclamation

Act passed by Congress and signed by President Carter in 1977. A number of Montana's landmark environmental laws also bear the fingerprints of these activists' work.

The pressure to develop coal resources in the Bulls at the expense of its ranching economy has returned. The current Signal Peak mine, the only underground coal mine in Montana, is seeking to expand.

With four decades of activism at their back, members of the BMLA are ready to continue their work to defend this unique and powerful landscape.

– Clayton Elliott 



2011 RESOLUTIONS

Passed by Northern Plains members at the Annual Meeting November 11-12

Resolution No. 2011 – 1

IMPACTS OF COAL EXPORTS THROUGH MONTANA

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

A RESOLUTION OF THE MEMBERS OF NORTHERN PLAINS RESOURCE COUNCIL CONCERNING THE IMPACTS OF COAL EXPORT THROUGH OUR COMMUNITIES IN MONTANA.

WHEREAS, the coal industry has plans to export 110 million tons or more of coal each year from the Powder River Basin to Asia by 2015, which will result in more than 40 trains each day passing through our communities; and

WHEREAS, coal is a dirty, finite energy source, and these coal trains will increase the amount of coal dust, diesel fumes, potential derailment hazards, barriers to traffic and emergency personnel, and become more disruptive to Montana landowners and communities, especially those already crossed by a railroad; and

WHEREAS, the goal of Northern Plains' Coal Task Force is to protect our land, water, and communities by ensuring that no new coal mines are opened, coal is phased out as an energy source, and we transition to viable and realistic energy alternatives.

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

That Northern Plains Resource Council supports:

- 1) a national energy policy that rejects the inefficiency of shipping the nation's coal overseas, and, instead, transitions away from finite, dirty, fossil fuels, such as coal, to a more energy-efficient policy utilizing cleaner, cheaper, and faster renewable and sustainable energy sources; and
- 2) policies that ensure that the full cost of coal is borne by the coal mining companies and shippers, railroads, and overseas customers; and
- 3) local and state policies that protect



Annual awards

At the 2011 Annual Meeting in November, Janet McMillan, left, was awarded the Bob Tully Spirit Award. Named after one of Northern Plains' founding members, the award recognizes an exemplary leader who has displayed courage and a sense of humor in longtime service to Northern Plains.

Steve Charter, right, and his late wife, Jeanne, were awarded the Mary Donohoe Award. Mary Donohoe was a longtime member who was well-known for her spirited determination and her willingness to speak up for Northern Plains. This award recognizes a member who, in the past year, wasn't afraid to tell it like it is.



Montana communities and other communities from coal train impacts.

AND, BE IT FURTHER RESOLVED:

That Northern Plains fully supports the efforts of the Coal Task Force to expose the costs of exporting coal to international markets and its effects on Montanans, our communities, and our future.

Resolution No. 2011 – 2

FAMILY AGRICULTURE AND ADEQUATE FOOD SUPPLY

Introduced by Helen Waller at the request of the Agriculture Task Force

A RESOLUTION OF THE MEMBERS OF NORTHERN PLAINS RESOURCE COUNCIL CONCERNING THE CRITICAL IMPORTANCE OF PRESERVING FAMILY FARMS AND RANCHES TO ENSURE THE FAIRNESS AND SUSTAINABILITY OF AN ADEQUATE FOOD SUPPLY.

WHEREAS, we believe the abundance of the earth is created to sustain life; and

WHEREAS, the cost of producing food must generate adequate economic return to the producer to ensure a diversified and sustainable food system for future generations; and

WHEREAS, increased consumption of food, fiber, and energy requires farmers and ranchers to adjust their operations to meet those demands while striving to protect the finite soil and water resources; and

WHEREAS, since the Homestead days, Congress has intervened in production agriculture in an attempt

to ensure adequate production, and farm programs have become complicated and sometimes counterproductive; and

WHEREAS, corporate monopoly power, sanctioned by the government, has left producers of life-sustaining raw materials with no bargaining tools at the marketplace and has hurt and will continue to hurt the consumer through the exorbitant retail prices resulting from these monopoly practices; and

WHEREAS, these multi-national corporations benefit economically through ineffective farm programs and unfair trade agreements; and

WHEREAS, the ever-increasing corporate control of food, from the seed we plant to the food on our tables, is in direct conflict with our ethical belief that the right to food is fundamental and that local and national food sovereignty should be recognized and promoted; and

WHEREAS, we believe that sustainability of our vital food source rests in the preservation of the family farm and ranch system of production agriculture, and, as we witness climate instability, food production and the future of this nation's food security will require diversified operators who have the flexibility to adjust cropping patterns and herd management as the need arises; and

WHEREAS, America's rural communities can be revitalized by replacing out-of-state and foreign corporate control of food and energy production with decentralized, smaller-scale, local ownership and control of production and distribution; and

WHEREAS, given the economic instability of family farmers around the world and witnessing the disgraceful degree of growing global hunger and starvation, it is evident that the current food production, marketing, and distribution system is not meeting the needs of the people.

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

That Northern Plains Resource Council supports:

- 1) ensuring fair market prices with vigorous enforcement of anti-trust laws to reverse the concentration of ownership in the production and processing of food and fiber;
- 2) initiating programs that would increase the number and provide for the long-term stability of beginning farmers and those transitioning to alternative or organic crops;
- 3) providing enhanced programs for farm production of renewable-energy crops that show a positive net-energy balance;
- 4) requiring fair trade laws, country-of-origin labeling of all products, and policies and laws that do not undermine the ability of any country to first feed itself; and
- 5) banning transgenic crops and greatly limiting the patenting of all forms of life including seeds, plants, animals, genes, and cell lines; and
- 6) policies and legislation that lead toward national food sovereignty and sustainability.



2011 RESOLUTIONS

Resolution No. 2011 – 3

KEYSTONE XL PIPELINE SAFETY AND PROTECTION

Introduced by Sandy Barnick at the request of the Northern Plains Pipeline Landowners Group

A RESOLUTION OF THE MEMBERS OF NORTHERN PLAINS RESOURCE COUNCIL CONCERNING NEEDED SAFETY MEASURES AND LANDOWNER PROTECTIONS FOR THE KEYSTONE XL PIPELINE ROUTE THROUGH MONTANA.

WHEREAS, the proposed Keystone XL pipeline is a 1,711 mile, 36-inch-diameter pipeline that will transport tar sands oil through Montana from Alberta, Canada, to the Gulf Coast; and

WHEREAS, a complete Emergency Response Plan has not yet been released for the Keystone XL pipeline; and

WHEREAS, TransCanada's Bison pipeline has recently exploded and the Keystone I pipeline has leaked 15 times since it began operations in June 2010; and

WHEREAS, the U.S. Department of State's Final Environmental Impact Statement does not require a consistent thickness and quality of steel for the entire pipeline but simply requires these specifications for urban areas or areas deemed "high consequence;" and

WHEREAS, this implies that "low-consequence" areas are rural rangeland and public land; and

WHEREAS, the U.S. Department of State refuses to disclose what areas are considered "high consequence" because they believe that this would give terrorists too much information; and

WHEREAS, TransCanada has submitted an application to the Montana Department of Environmental Quality for a Major Facilities Siting Act certificate for the Keystone XL pipeline that does not request permission to operate the pipeline at a higher-than-normal operating pressure anywhere along the pipeline.

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF NORTHERN PLAINS

Board elected

In balloting by mail before the 2011 Annual Meeting, Northern Plains members elected the following to the 2012 Board:

- **Chair:** Walter Archer, Olive
- **Vice Chair:** Jeanie Alderson, Birney
- **Treasurer:** Sandra Abraham, Billings
- **Assistant Treasurer:** Connie Keogh, Billings
- **Secretary:** Beth Kaeding, Bozeman
- **Assistant Secretary:** Lana Sangmeister, Nye
- **Four at-large members:** Deborah Hanson, Miles City; Mark Fix, Miles City; Janet McMillan, Greenough, and Peter Mickelsen, Lewistown.
- **Past Chair:** Ed Gulick, Billings

RESOURCE COUNCIL, IN ANNUAL MEETING ASSEMBLED:

That Northern Plains Resource Council demands:

- 1) that appropriate safety precautions and landowner protections for the Keystone XL pipeline project, including consistent quality and thickness of steel for the entire pipeline, must be included in the Final Environmental Impact Statement;
- 2) that a complete Emergency Response Plan be approved; and
- 3) that, should TransCanada submit an amended Major Facilities Siting Act certificate application to the Montana Department of Environmental Quality (DEQ) for permission to operate the pipeline at a higher-than-normal operating pressure, DEQ refuse to grant such a certificate amendment.

Resolution No. 2011 – 4

INDEPENDENCE OF OFFICE OF SURFACE MINING

Introduced by DarAnne Dunning at the request of the Coal Task Force

A RESOLUTION OF THE MEMBERS OF NORTHERN PLAINS RESOURCE COUNCIL OPPOSING THE SPECIAL ORDER BY THE SECRETARY OF THE INTERIOR TO INTEGRATE THE OFFICE OF SURFACE MINING INTO THE BUREAU OF LAND MANAGEMENT.

WHEREAS, Northern Plains Resource Council members helped draft and shape the Surface Mining Control and Reclamation Act (SMCRA), which was signed into law in 1977; and

WHEREAS, SMCRA was deliberately crafted to establish an independent agency that oversees the enforcement of surface mine reclamation with particular emphasis on the role of citizens' active participation as partners in holding mining companies accountable; and

WHEREAS, integrating the Office of Surface Mining (OSM) into the Bureau of Land Management (BLM) would create added layers of bureaucracy compromising OSM's functionality and make it less responsive to citizen involvement; and

WHEREAS, the BLM's mission is to manage the use and disbursement of the public's resources, including coal, as well as get fair market value for that resource while OSM is fundamentally a regulatory agency that must ensure realistic mining and reclamation plans that do not compromise the welfare of citizens or the protection of the environment; and

WHEREAS, the proposed move of OSM into the BLM will not provide cost savings because of the distinct differences in agency missions; and

WHEREAS, the proposed move will create regulatory chaos in several areas, including mining areas east of the Mississippi River where little federal land is involved and the BLM has no experience; and

WHEREAS, the proposed move so profoundly conflicts with the clear direction of SMCRA to establish independence and accessibility in surface mine regulation and enforcement that it would necessitate major weakening amendments to SMCRA.

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

That Northern Plains strongly opposes the proposed order of the Secretary of the Interior to integrate the Office of Surface Mining into the Bureau of Land Management.

Resolution No. 2011 – 5

OPPOSE SUPREME COURT JUSTICE DISTRICTS

Introduced by Julia Page

A RESOLUTION OF THE MEMBERS OF NORTHERN PLAINS RESOURCE COUNCIL OPPOSING THE PROVISIONS OF LEGISLATIVE REFERENDUM 119 THAT REQUIRES SUPREME COURT JUSTICES TO BE ELECTED AND APPOINTED FROM SUPREME COURT DISTRICTS WITH EQUALLY APPROXIMATE POPULATIONS.

WHEREAS, the 62nd Montana Legislature used their constitutional authority to place legislative referenda directly to a vote of the people; and

WHEREAS, Legislative Referendum 119 was passed by a majority of members of the 62nd Montana Legislature and would require the election and appointment of Supreme Court Justices to be elected and appointed from Supreme Court Districts with equally approximate populations; and

WHEREAS, Legislative Referendum 119 will be placed on the ballot of the June 5, 2012, Montana primary election; and

WHEREAS, Northern Plains believes that Legislative Referendum 119 would compromise the integrity of the Montana Supreme Court; and

WHEREAS, Legislative Referendum 119 would significantly limit Montanans' ability to elect members of the Montana Supreme Court by only allowing them to elect one Justice of the Court every 6 years rather than being able to vote for any and all members of the Court on any ballot.

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

That Northern Plains Resource Council opposes the provisions of Legislative Referendum 119, a referendum requiring that Supreme Court Justices be elected and appointed from Supreme Court Districts with equally approximate populations.



GAINING GROUND

Green library becoming reality in Billings

Billings voters approved a bond in November for a new public library by a strong margin.

While the vote represents a decisive victory for Billings arts, culture, and literacy, it also represents a significant win for green building. The new Parmly Billings Library will be LEED Gold certified, making it one of the greenest buildings in Montana and one of the greenest libraries in the country.

An acronym for Leadership in Energy and Environmental Design, LEED certification is the pre-eminent modern standard for sustainable building, and LEED Gold is the second highest level of certification (Northern Plains Resource Council's very own Home on the Range is LEED Platinum, the highest rating).

A locked-in commitment to LEED Gold means more than just conserving resources by lowering energy and water use, though it certainly means that, too. It also means benefits for taxpayers, with



Will Bruder + Partners Ltd. Architects

This drawing shows the new library looking west at Sixth Avenue N. and Broadway.

savings of upwards of \$30,000 per year on utilities. Beyond that, it means a more healthy, comfortable building, with plenty of daylight and natural ventilation.

The ripple effect of this building also has significant potential. Northern Plains Resource Council's building has inspired a number of other green building projects. The potential influence of a public building with more than 1,000 visitors per day is significantly greater.

It would not, however, have happened on its own. When members of Yellowstone Valley Citizens Council, Northern Plains' Billings-area affiliate, first proposed at least Gold-level certification for the building, they were met with skepticism. However, after more than a year of direct lobbying of various committees, city officials, and other project decision-makers, they gained ground.

Combined with mobilizing wider public support through two City of

Gold fundraiser held

A fundraiser house party to help pay for the library's LEED certification was held February 9 at the greenest residence in Montana – the Swift Building Lofts, 2605 Minnesota Avenue.

Catered hors d'oeuvres were provided by the Fieldhouse Café, Billings' soon-to-open local foods restaurant.

If you would still like to contribute to the library's Gold certification, call Svein at 406-248-1154. Suggested contributions are \$35, \$50, or whatever you can give.

Billings survey processes, generating postcards to decision-makers, turning people out to public meetings, engaging valuable community allies like organized labor, offering technical consulting and advice from a handful of member green architects and more, the pieces finally all came together. When the new library opens in December 2013, it will join the expanding ranks of high-performance buildings in Montana.

– Svein Newman

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GNA faces nitrogen issues

The Good Neighbor Agreement Task Force is involved with a study that will help Stillwater Mining Company reduce the amount of nitrogen entering groundwater outside of the mine's water treatment system.

The Stillwater Oversight Committee, East Boulder Oversight Committee, and the Responsible Mining Practices and Technology Committee have a come up with a mutual agreement with the Stillwater Protective Association and Cottonwood Resource Council to assist SMC with the source control study for nitrogen (a byproduct of explosives used for mining) at both the Stillwater and East Boulder mines.

Even though SMC's water treatment facilities are efficient at reducing

nitrogen in the mine water stream, residual nitrogen clinging to waste rock that is used to construct tailings facilities at both mines can percolate into groundwater during heavy rains and melting snow.

Reducing this residual nitrogen could help alleviate elevated groundwater nitrogen issues at both mines. While no changes to surface water quality have been detected, constant monitoring and control during the mining process can help protect the Stillwater and Boulder watersheds into the future.

The Councils are also monitoring SMC exploration activities in the Benbow area near Nye, participating in water sampling, and providing comments to SMC on regulatory applications.

– Caleb Lande

Coal conference March 9-10 in Billings

How will an additional 40 coal trains (full and empty) passing through Billings affect traffic, emergency services, and public health?

Those are the topics of a public coal conference March 9-10 at MSU-Billings. Cost is limited to meals. The event features several panels,

and Friday speeches by University of Montana economist Dr. Tom Power, and Dr. Larry Swanson, director of the Center for the Rocky Mountain West.

Sponsors are Yellowstone Valley Citizens Council, Downtown Billings Alliance, and the Urban Institute. Call Rose at 248-1154 for more information.



COUNCIL ROUNDUP

YVCC active in coal, local foods projects

The Yellowstone Valley Citizens Council continues its work on coal export, a green library, school gardens, and revitalizing its Food Buying Club.

Both coal export and the green library campaign are written about elsewhere in this *Plains Truth*. YVCC is busy meeting with community members likely to be affected by coal export, as well as collecting signed postcards to the Billings City Council asking it to take up the issue.

On the local foods front, YVCC's Community Food Campaign has scheduled an upcoming sales event for its Food Buying Club, which connects local producers to local consumers, operating as a sort of quarterly local foods wholesaler. For more information call Ressa at 947-2151.

– Svein Newmar 🌿

CCRC member works on local foods video

Carbon County Resource Council Co-chair Deb Muth is working with a Red Lodge high school class to make a video about local foods, and CCRC has applied for a grant to make more short educational



Deb Muth

videos about the local foods movement.

CCRC will hold its annual meeting at 6 p.m. on February 16 in the Red Lodge Area Community Foundation Building. The meeting will include updates on the Climate Protection Group, the proposed gravel pit outside of Red Lodge, Beartooth Electric, and more.

– Svein Newman 🌿

Sleeping Giant elects new officers

At its annual meeting on November 1, Sleeping Giant Citizens Council elected new officers for the upcoming year: Chair Kate French, Vice Chair Shiloh Hernandez, Secretary Charyn Ayoub,



The Jardine Ski Run is fun for all ages, this year on February 26.

BCC to hold annual cross-country ski run

Bear Creek Council members celebrated another successful year during the annual holiday party on December 7.

More than 60 members attended the event, which was both a successful fundraiser and a great opportunity for members to catch up on current issues in Park County.

BCC continues to be involved in a number of issues including its bison management campaign,

researching possible options after the closure of the Yellowstone River Trail, supporting Bear Aware Gardiner, and advocating for the construction of a new trash compactor in Gardiner.

BCC also hosts a number of community events, including the fun, creative, and exciting Jardine Ski Run scheduled for February 26. It's open to anyone. Call 406-848-7571 for more information.

– Caleb Lande 🌿

Treasurer Greg Lambert, and Board Representative Roxa Reller. Nearly 45 people attended the gathering, enjoying local food, learning more about coal exports from speakers, and raising money for SGCC's campaigns at the silent auction.

On January 16, the Blackfoot River Brewing Company featured Sleeping Giant as part of its Community Monday series, donating \$1 from every pint sold that night to the organization. The evening also generated new members and a number of signatures on the SGCC petition to the city commission regarding coal train traffic.

Members will be hosting two additional fundraisers and a public meeting in the coming months to draw attention to the impact of additional coal trains on the Helena community.

– Clayton Elliott 🌿

Glendive affiliate shows *Pipe Dreams*

Dawson Resource Council showed the film *Pipe Dreams* to an audience of about 30 people in Glendive on December 2.

The film highlights the concerns of landowners along the route of the Keystone XL pipeline, including two Northern Plains Pipeline Landowners Group members, Chad Taylor and Edgar Garwood. It dealt heavily with the pipeline's proposed route across the portion of the Ogallala aquifer in Nebraska.

After the showing, audience members discussed the impacts from the Keystone XL pipeline.

If your group or affiliate would like to show *Pipe Dreams*, call Rose at 406-248-1154.

– Rose Bender 🌿

CRC members set course for new year

Members of Cottonwood Resource Council elected officers at their annual holiday potluck on December 1. For 2012, the officers will be:

Cindy Webber, Chair and Northern Plains Board Representative; Charlie French, Vice Chair; Sally Owen-Still, Secretary; Karen Hauge, Treasurer; Jerry Iverson, Good Neighbor Agreement Representative.

Michael Drye was elected to be the new GNA alternate.

For the coming year, CRC will be focusing on increasing their membership, strengthening Montana's chemical disclosure laws for gas and oil drilling, and continuing their involvement with the Good Neighbor Agreement and Stillwater Mining Company.

– Becca Fischer 🌿

SPA tracks plans for hydro projects

Outside of its Beartooth Electric work and participation in the Good Neighbor Agreement, Stillwater Protective Association has remained vigilant in regard to the Hydrodynamics' preliminary proposal to build dams on the East and West Rosebud Creeks.

In a December filing to the Federal Energy Regulatory Commission, Hydrodynamics reported that it is continuing feasibility studies in the area, working to develop contracts with utilities, and consulting with various agencies on environmental studies. Many of these claims are half-truths.

However, SPA members continue to analyze options for how to permanently protect the unique character of these watersheds. By building a network of concerned members in the area, SPA hopes to be prepared for any new developments with a local presence that can quickly take action. Immediate plans include direct contact with Hydrodynamics to share community concerns about the project, and continued communication with regulatory agencies.

– Caleb Lande 🌿



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If you are considering such a gift, contact Steve Paulson at the office: 406-248-1154 or email steve@northernplains.org.



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