



December 21, 2009

Governor Brian Schweitzer and Members of the State Board of Land Commissioners
Attorney General Steve Bullock
Secretary of State Linda McCulloch
Superintendent of Public Instruction Denise Juneau
State Auditor Monica Lindeen

Dear Governor Schweitzer and Members of the State Land Board,

On behalf of Montana Conservation Voters, I request that you do not lease the Otter Creek coal tracts.

Montana Conservation Voters is a statewide membership group working to protect Montana's air, land, water, and conservation traditions, by engaging voters in our democratic process. Our group also informs Montanans of the actions and votes of elected officials affecting our environment. Our members care about the management of Montana's 5.2 million acres of state land, and the role played by the Land Board as stewards of this resource.

Each of you has made public statements over the last few years about the importance of knowing the environmental threats posed by particular developments and ensuring the protection of the environment, our hunting and fishing resources, human health, agriculture and other resources in the face of these developments. Many of you have said that, before making a major development decision, you would want to be assured that environmental values are protected, and impacts mitigated. You have all described the need to balance development benefits against impacts. A decision to lease the Otter Creek coal tracts is just such a development decision.

We are concerned that the Otter Creek tracts are proposed to be leased without a full environmental analysis under the Montana Environmental Policy Act (MEPA). MEPA was passed in 1971 to ensure that decision-makers and the public would "look before we leap" into major decisions impacting the air we breathe, the water we drink, agriculture, fish and wildlife, cultural resources, the economy and community health and welfare. This law has stood the test of time, enabled sound decision making, reduced the number of lawsuits associated with development decisions, and brought essential information to light when making development decisions. The proposed leasing of the Otter Creek Coal Tracts is a major state action. To wait for a MEPA review until the Department of Environmental Quality handles the coal mine permit will result in tremendous political pressure to issue the mine permit, regardless of the impacts.

Coal strip mining results in huge disruptions to farming and ranching, surface and groundwater, fish and wildlife. Mining impacts public health, and other vital community values. Despite years of study and improvements in reclamation and mining technology, aquifers destroyed by mining, essential to agriculture, still cannot be replaced. Only a fraction of the number of acres permitted for mining in Montana have been released from bond. Mining the Otter Creek tracts, in the presence of alluvial valley floors, brings into question whether the coal can be safely and legally extracted.

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Burning coal generates carbon emissions that will need to be sequestered. Yet the technology and legal framework for carbon sequestration are not established. The legal implications of carbon sequestration to surface owners is unknown, and appears to be a property rights and liability tangle, much like that which is experienced with split estate.

A good deal has been said about the economic benefit to Montana of the development of the Otter Creek tracts. More needs to be said about the economic benefit of family farm and ranch agriculture, fish and wildlife and the enormous cultural resources that exist in the Tongue River Valley – contributions to Montana’s economy that have been made for generations. These values are threatened by the development of these tracts. Developing the Otter Creek tracts is tied to developing the Tongue River Railroad, a huge undertaking of tremendous costs, including the condemnation of private land by the federal government for corporate profit. A MEPA review would empower you to balance these costs against the benefits.


Our state and nation, and countries around the globe, are taking steps to reduce fossil fuel consumption, the largest contributor to global warming pollution. The United States is poised to pass legislation that moves our nation towards a clean, renewable energy economy, one that is based not on coal development, but rather, on proven renewable energy technology, and energy efficiency and conservation. A decision by the Land Board to lease the Otter Creek tracts runs counter to these developments and the enormous body of scientific evidence that calls for a reduction in fossil fuel emissions to solve this crisis.

Montanans expect that our unique constitutional right to a clean and healthful environment is respected and carried out by our elected officials. We are counting on you, Montana’s elected Land Board, to be a proper steward and make a balanced decision, something you’ve all stated you wish to make.

We respectfully request that you do not lease the Otter Creek coal tracts. We further request that if you move forward, you require a MEPA analysis of impacts associated with leasing, mining and burning of this coal.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Theresa M. Keaveny". The signature is fluid and cursive, with the first name being the most prominent.

Theresa M. Keaveny
Executive Director

CC: MDNRC Director Mary Sexton