

Circle Speaker

JULY–SEPTEMBER, 2023

Aaniiih & Nakoda Environmental Newsletter

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A June 2021 site inspection of a portion of the Landusky Mine reclamation area shows the August Pit with Gold Bug Butte in the background. The withdrawal established by the Sept. 9, 2022, Public Land Order will protect the Zortman-Landusky Mine area, and facilitate reclamation and stabilization of the site. (Photo courtesy of the Bureau of Land Management)

Daily Montanan:

Court says DEQ can enter Zortman-Landusky mine site to clean up mine owner's 'disturbances'

Mine property owner is accused of eight exploration projects that weren't permitted; fined more than \$500K

BY: DARRELL EHRLICK - AUGUST 22, 2023 4:32 PM

<https://dailymontanan.com/2023/08/22/court-says-deq-can-enter-zortman-landusky-mine-site-to-clean-up-mine-owners-disturbances/>

In a move that officials said will protect nearly \$100 million of money spent to clean up the decades-long toxic effects of gold mine waste near the Fort Belknap Indian community, the Montana De-

partment of Environmental Quality on Monday announced that a Phillips County judge said the state could immediately begin clean-up efforts after the owner of

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Court says DEQ can enter Zortman-Landusky mine site to clean up mine owner's 'disturbances'

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the site disturbed the area with eight different unauthorized mining explorations.

Zortman-Landusky mine owner Luke Ployhar is accused of eight separate mining violations at the former mining site, which has also been the site of a huge remediation project that will likely last forever. The Pegasus Gold Corporation went bankrupt more than 20 years ago, leaving state and federal officials to deal with the toxic effects of cyanide leaching techniques, which collected gold while leaving an environmental catastrophe behind. Officials with the state have said that because of the geology of the area, water remediation will likely be needed indefinitely to protect the Fort Belknap Indian Community.

The Montana DEQ had issued Ployhar, the mine property's current owner, citations and fines totaling more than \$500,000 for unauthorized mining projects around the site. In June, the Fort Belknap Indian Community, along with three conservation groups, also filed with the district court to intervene in the issue.

"While DEQ needs to remediate the site, we had hoped it could be resolved through a reclamation plan with the property owner," said DEQ Mining Bureau Chief Dan Walsh. "Unfortunately, we were not able to resolve it directly with the property owner and had to seek a preliminary injunction. We are looking forward to reclaiming the land and protecting the remedy that is in place at this site."

The DEQ has also filed for penalties and a permanent order from the court to stop future activities and order penalties. A future court date by Phillips County District Court Judge Yvonne Laird has not been set.

However, the judge's order, issued last week, grants DEQ the right to enter the property and begin remediation.

The controversy dates back several years when Ployhar used a lapse or oversight by the federal government in which it did not renew land protections for a small period of time to attempt to restart limited mining activities on the site. The loophole has since been closed and mining activities at the Zortman-Landusky site are barred for nearly two decades – the maximum allowed by federal law. However, Montana DEQ

said that because Ployhar had filed his claims legally during the narrow time the mining moratorium had lapsed, it would consider any mining exploration permit, but not without those requests addressing how to protect the fragile environment and the millions of dollars that had been spent to clean the toxic acid mine drainage, which has taken more than \$80 million, according to state calculations, and will require at least \$24 million of ongoing mitigation.

However, Montana DEQ noted that in August 2021, Ployhar and his associate, Owen Voight, created eight "disturbances" at the former mining site.

"Defendants did not have exploration licenses, operating permits or post performance bonds," said a court filing in the case.

The DEQ provided the court and the Daily Montanan with records which amounted to multiple attempts to contact, understand and remedy the problems from Ployhar.

Ployhar's attorney has not responded to repeated requests for interview about these disturbances when contacted by the Daily Montanan.

"Ployhar has also indicated that he intends to conduct reclamation that has not been approved by DEQ and limit DEQ's access to the disturbances," the court records show. "Without proper reclamation of these disturbances through necessary oversight and approval by DEQ as required under the Metal Mine Reclamation Act, there is substantial risk that acid rock drainage from the previously reclaimed Zortman mine could infiltrate the groundwater, resulting in irreparable injury to the surrounding Zortman community."

The state regulators discovered the eight locations where Ployhar had restarted some mining exploration. In March 2022, the DEQ was conducting "routine imagery check" of the properties when it identified seven "disturbances," including one at the Alabama/Ruby adit portals (entrances) which he had previously discussed with DEQ officials. According to court documents, they advised him not to do so and he had not submitted any exploration license applications and no bonds.

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Court says DEQ can enter Zortman-Landusky mine site to clean up mine owner's 'disturbances'

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The next month, Ployhar said the disturbances were for developing "several campground sites that will contain cabin, recreation vehicle and tent sites." However, DEQ officials noted that Ployhar "did not provide any information or documentation to corroborate its claim that disturbances were created for developing campground sites."

When officials from the DEQ went on site earlier this month, the disturbance at the Ruby/Alabama site was 0.42 acres and 23 feet deep, according to court documents.

In May 2022, DEQ found evidence of a formerly closed mine entrance, called "Pink Eye" which had "materials removed" and the opening had been "altered."

The DEQ also noted that location was part of an area where Ployhar and Voigt had submitted an application for exploration but withdrew it, but not before Voigt had informed DEQ that he "obtained gold assay results from."

"A cart was also observed within (the area) for rock to be hauled out of the tunnel to the surface," court documents said.

Court documents detail the disturbances and why the DEQ pushed to gain access to the site as soon as possible.

"Specifically, backfilling and capping were compromised by the activity undertaken at the site with vegetation, soil and capping material removed and no corresponding salvage of the topsoil or protective steps to address water impacts," the DEQ attorneys claim. "The disturbances create a substantial risk that untreated water from the Zortman mine will further impact groundwater and impact downstream surface water."

The DEQ issued fines to Ployhar and his mining company, Blue Arc, for \$516,567.

In March 2023, in the midst of fines and investigations, a letter from Ployhar's attorney said it would begin mining reclamation which said, "DEQ's participation/supervision will not be necessary." The letter also suspended "any prior permissions for access to the property granted to DEQ, the tribes, or other organizations," and would only allow access that was specified in the 2001 purchase agreement.

DEQ hydrogeologist Wayne Jepson told the court at a hearing that the DEQ was increasingly concerned about water at the site that would not be treated because of the carefully-designed water system that had been adapted and engineered during the course of more than 20 years. Scientists and engineers designed the mine site, assuming that nothing would be disturbed.

"Jepson testified that the disturbances create substantial uncertainty about the efficacy of the water collection and treatments system that could result in irreparable harm to the state if left unreclaimed," the court documents said.

Jepson explained that by disrupting the current drainage system, water can infiltrate deeper into bedrock, jeopardizing water supplies, while other water may bypass the current system.

"If any further excavation into this area occurs, Jepson testified there is a substantial likelihood of this infrastructure being damaged," the court record shows. "Jepson also testified that infiltrating water can now more easily bypass the water treatment facilities as well which cause an increased risk of formation of acid mine drainage reaching the water supplies of Zortman and the Fort Belknap Indian Community."

Circle Speaker — Aaniiih & Nakoda Environmental Newsletter VOLUME 28; ISSUE 1

Deadline for Articles is Friday, December 1st, 2023 @ 5:00 p.m.

Articles can be emailed to: lonettebc@ftbelknap.org



To allow time for editing and layout of the newsletter, articles must be submitted on time in order to be considered for publication. Articles received after this deadline will be considered for the following issue. All articles submitted are subject to review and approval.



PFAS Sampling: Protecting Drinking Water

by Brett Brehm, Project | Manager/ Technical | Assistance Provider
<https://www.map-inc.org/source-publications.html> (Summer 2023, Page 10)

Over the past several years, concerns about per-and polyfluoroalkyl substances (PFAS) have made news headlines worldwide. PFAS is a man-made chemical considered a lifetime chemical that will never degrade. The chemical makes products resistant to stains, grease, soil, and water. You can find PFAS in non-stick cookware, Teflon tape, fast food packaging, Tyvek suits, stain-resistant carpet, fire-fighting foam, sunscreen, insect repellent, and metal plating to list a few. According to recent research, more than nine thousand manufactured chemicals include PFOA and PFOS formulas today, which is a guesstimate. Labs can complete many types of analysis, but the two contaminants of most concern are PFOA Perfluorooctanoic acid and PFOS Perfluorooctane Sulfonic Acid. The following two are known to be in over 95% of blood samples in humans and animals across the globe. PFOA and PFOS are linked to increased cholesterol, thyroid disruption, low birth weight, reduced immune response, and cancer. Currently, the Environmental Protection Agency (EPA) is working to implement lower health advisory limits. The current health advisory limit would be equivalent to 3.5 drops of water in an Olympic-sized swimming pool that contains 660,000 gallons. Scientists are working on solutions to dispose of such chemicals properly but have little to no answers besides using an incinerator that will reach over one thousand degrees Celsius due to PFAS being thermally stable.

PROPER SAMPLING OVERVIEW

Midwest Assistance Program, Inc. (MAP) has helped small communities across Midwest states with PFAS sampling. One of the major steps is preparation prior to sampling to ensure your sample is not rejected. Communication is required with the lab to ensure

they do PFAS sampling. What is the timeline that samples must be received at the lab? Does the sample need overnight shipping to meet the timeline? Where is the closest shipping store, and what is the latest drop time? Some labs may allow longer hold times but the sample must be received at a proper temperature, or it will be rejected. Once the sample is collected, how long before it must be on ice? Check with your lab for complete instructions, however, you should be using wet ice only. Do not open the cooler before collecting the sample to lessen the risk of contamination.

The individual taking the sample has many requirements to follow to ensure the sample does not result in a false-positive test: No new clothing or boots containing Gore-Tex, no materials containing Tyvek, wash clothes a minimum of 5 times if new, do not use fabric softener or dryer sheets, no cosmetics such as moisturizers, hand cream, hair gel or hair spray, no sunscreen, no perfume or cologne, no insect repellent, do not interact with pre-wrapped food or snacks, carryout food, fast food, post-it notes, permanent markers, no plastic clipboards, binders, spiral hardcover notebooks, no adhesives, no aluminum foil, no blue ice packs. Be sure to have powder-free nitrile gloves during sampling. If anyone accompanies you to the testing site, ask them to step out during the sample collection process. Ensure your sampling location is the point of entry to your system. It is also best to have a sampling tap that is thread-free and Teflon-free.

STAYING COMPLIANT

What if the results come back positive? MAP recom-
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PFAS Sampling: Protecting Drinking Water

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mends contacting your lab to obtain further sampling bottles and take a repeat sample from the previous sampling point and each well individually. Ensure you flush each well for a minimum of 15 minutes prior to collecting samples. During your water plant inspection, if there is a pretreatment sampling tap, collecting a sample from this location would be recommended. Several treatment options are currently available, including carbon filtration and ion exchange that can be added to water treatment plants. Other options include drilling a new well or a transmission line from a neighboring community with no PFAS detects. MAP can provide guidance and pursue grants and funding options to help with PFAS removal.

Recently, the Biden Administration announced proposing the first-ever national drinking water standard for six per and polyfluoroalkyl substances (PFAS). Through this proposal, the U.S. Environmental Protection Agency (EPA) is taking a significant step to protect public health from PFAS pollution by establishing

legally enforceable levels for six PFAS known to occur in drinking water. This proposal leverages the latest science & complements state efforts to limit PFAS.

MAP continues to focus on rural development issues and remains current on all applicable government regulations and policies and their impact on small communities. Technical assistance and training are available to small systems through MAP to promote compliant and sustainable infrastructure.



Pictured: water flowing during a MAP site visit to conduct PFAS Sampling

HAVRE DAILY NEWS: TESTER, DAINES LED FORT BELKNAP WATER COMPACT PASSES SENATE

by Tim Leeds | 07.31.2023

<https://www.testersenate.gov/newsroom/news-coverage/havre-daily-news-tester-daines-led-fort-belknap-water-compact-passes-senate/>

A historic deal more than a century in the making requiring the federal government to ensure members of the Fort Belknap Indian Community have water – and ensures water is available to everyone along the Milk River – took another major step forward Thursday.

The Fort Belknap Indian Community Water Rights Settlement Act, led by Sens. Jon Tester, D-Mont., and Steve Daines, R-Mont., unanimously was passed by the U.S. Senate as an amendment to the National Defense Authorization Act, a release from Tester's office said.

The Fort Belknap Water Compact was approved by the state of Montana in 2001, and has been in negotiation to achieve ratification with the federal government.

When the bill was discussed in committee, several people including Fort Belknap Indian Community Council President Jeffrey Stiffarm noted that the Winters Doctrine, which sets federal policy that when the federal government reserves land for tribal use – Indian reservations – it must also reserve sufficient water rights – started on Fort Belknap.

The doctrine comes from the U.S. Supreme Court's 2008 decision in *Winters v. United States*, which started on Fort Belknap.

"Fort Belknap, in 1908, won a settlement in the U.S. Supreme Court that says you can't have the land without the water," Stiffarm testified July 12 before the Senate Committee on Indian Affairs. "It set the

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TESTER, DAINES LED FORT BELKNAP WATER COMPACT PASSES SENATE

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way for Indian nations across this country to get their fair share of water, and here we are today, a century later, finally Fort Belknap's going to be able to settle their water."

If the bill now passes the House and is signed into law, it will ratify the Fort Belknap Indian Community Water Rights Compact with the State of Montana, provide resources for critical water infrastructure development like the completion of the Milk River Project, give certainty to both tribal and non-tribal irrigators and restore Fort Belknap Indian Community lands to federal trust, ensuring their preservation for years to come, the release said

"As a third generation Montana farmer, I can tell you firsthand that water is critical to the success of everyone from farmers and ranchers, to families and small businesses," said Tester. "After decades of work with the Fort Belknap Indian Community, ag producers, and a wide array of Montana stakeholders, we are one step closer to giving water users in north-central Montana the certainty they need to thrive. Today's strong bipartisan vote on Montana's final Indian Water Rights Settlement is great news for the FBIC, and great news for folks all across the Treasure State."

"The Fort Belknap Water Rights Settlement is the last Indian water rights settlement in Montana and I worked hard to get it included in the must-pass defense authorization bill," Daines said in the release. "This critical bill codifies existing water rights, prevents costly litigation, provides clean drinking water and invests in irrigation for farmers and ranchers who provide food for the whole country. It's supported by our governor, the Fort Belknap Community, all locally affected counties and our farmers and ranchers. It is a win-win-win for Montana and I am grateful it passed."

The Fort Belknap Indian Community Water Rights Settlement Act will provide \$1.3 billion to improve infrastructure and economic development for the FBIC and improve the efficiency of the U.S. Bureau of Reclamation Milk River Project, which furnishes water for the irrigation of about 121,000 acres of tribal and non-tribal land. The bill will also restore tribal management to 38,462 acres of state and federal land for the FBIC.

If the bill is approved by Congress and signed into law, the compact must then be approved by a simple majority of the members of the Fort Belknap Indian Community and then submitted to the Montana Water Court and be entered into the Montana Water Court as a final decree.

Supplying the water

The Milk River Project, one of the first projects the U.S. Bureau of Reclamation was authorized to work on when it was created at the start of the last century, includes a system of dams, dikes, and 29 miles of canals, siphons and drop structures that transports water from the St. Mary River, on the edge of Glacier National Park, across the Blackfeet Indian Reservation and into the North Fork of the Milk River.

The project typically provides half or more of the water in the Milk River, and, in drought years, as much as 90 percent of the water in the river. Before it was built, the Milk River dried up by fall in 6 out of 10 years.

More than 20 years ago, a push to rehabilitate the falling-apart system was started, leading to the creation of the St. Mary Working Group.

The need for repairs was highlighted in 2020 when the last drop structure in the conveyance work, a slab of concrete that leads from the system into the North Fork of the Milk River, collapsed, shutting down the system. That led to a highly successful top-priority push to get the structure replaced and make some other repairs, which were completed that fall.

It showed the urgency of rehabilitating the entire system, however.

A first step in that project, the rehabilitation of the dam that diverts water from St. Mary River to the conveyance works, is underway. Funding for that was provided through the bipartisan infrastructure bill passed in 2021.

Another project, a safety improvement project on Fresno Reservoir west of Havre, also part of the Milk River Project, is underway as well.

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TESTER, DAINES LED FORT BELKNAP WATER COMPACT PASSES SENATE

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But major repairs to the conveyance works still are needed to increase efficiency and prevent more catastrophic failures.

To ensure the Milk River supplies the water guaranteed to the Fort Belknap Indian Community, the water settlement bill also provides for rehabilitation of the diversion and conveyance works.

July 12, Montana Lt. Gov. Kristen Juris, who co-chairs the St. Mary Working Group, testified that the rehabilitation is crucial.

“In water circles, we talk about paper water, the tribe’s water rights as described in the compact, versus wet water, the tribe’s ability to actually put the water to use on their fields and in their homes,” she said. “... This bill transforms paper water into wet water, and, quite frankly, without it, significant portions of the tribe’s water rights will remain on paper.”

Long negotiations find success

After more than a decade of negotiations, the FBIC Tribal Council approved its Water Compact with the State of Montana in 2001. The Montana Legislature approved the Compact later that spring. FBIC and Montana’s Senators worked to bring together partners to advance this critical settlement.

The release said that supporters of the bipartisan bill include:

- Blaine County Conservation District
- Hill County
- Phillips County

- Valley County
- St. Mary Rehabilitation Working Group
- Milk River Joint Board of Control
- Rocky Mountain Tribal Leaders Council
- The Wilderness Society
- Montana Farmers Union
- Bear Paw Development Corporation
- Blaine County
- Montana Farm Bureau
- Montana Stock growers Association
- Wild Montana.

At the Senate Committee on Indian Affairs hearing, Daines and Tester entered letters of support for the bill into the record.

Stiffarm testified during the hearing that it has been a long road getting to where the bill is at today, and took many difficult decisions and the Fort Belknap Indian Community. He thanked Daines and Tester and all who have worked on the compact, noting that his predecessor, former Fort Belknap President Andrew Werk, worked very hard on getting the compact where it is today.

He testified that the bill would provide water for residents and agriculture on both ends of the reservation, from the Milk River on the north and from the Missouri River on the south, near Hays and Lodge Pole where people still lack water due to the contamination from the Zortman-Landusky mines abandoned by the Pegasus Gold Corp.

“What this bill is going to provide for our people is hope,” he said, “something to fight for, something to stand for.”

Federal Court Prohibits Enforcement of Changes to Montana’s Mining Law for Seven Months

Montana Legislature’s attempts to weaken state’s coal mining laws put on hold

CONTACTS: Perry Wheeler, Earthjustice, (202) 792-6211, pwheeler@earthjustice.org; Derf Johnson, MEIC, (406) 581-4634

Noah Rott, Sierra Club, noah.rott@sierraclub.org | June 27, 2023

<https://earthjustice.org/press/2023/federal-court-prohibits-enforcement-of-changes-to-montanas-mining-law-for-seven-months>

GREAT FALLS, MT — Late last week, a federal judge approved a stipulation by the Montana Department of Environmental Quality (DEQ) not to “take any action

to apply, effectuate, or enforce the provisions of HB 576 or SB 392” for seven months. The laws passed

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Federal Court Prohibits Enforcement of Changes to Montana's Mining Law for Seven Months

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by the Montana Legislature earlier this year, which weaken water and environmental protections from coal mining, claimed to go into effect immediately. The Legislature even made HB 576 retroactive, so that changes to water quality protections would apply to currently pending cases. Groups filed suit in Montana District Court in early June, seeking an injunction to prevent the state from giving the new laws effect until they are properly reviewed by federal authorities with ample opportunity for public comment.

"These laws fall well short of what is required under the Clean Water Act and the Surface Mining Act, and so we are happy to see that the Montana DEQ has agreed to not enforce these laws until the federal review occurs," stated Derf Johnson, deputy director of the Montana Environmental Information Center. "As the coal industry continues to decline across the nation, it's critical that we assure Montana's water is fully protected."

"It was obvious when the Legislature passed these laws that their provisions violated federal law and were unenforceable," said Shiloh Hernandez, senior attorney with Earthjustice's Northern Rockies Office. "But the Montana Legislature was apparently intent to do the bidding of coal industry lobbyists, to the detriment of Montanans and our environment. This stipulated order will provide the public and federal agencies the chance to properly review and reject these changes that weaken Montana's protections of clean water and public oversight."

"When coal companies write the laws, the public loses," said Nathaniel Shoaff, senior attorney with Sierra Club. "These provisions fall well short of federal protections. Congress expressly set out a key oversight role for the public in preserving lands and waters from the threat of coal mining pollution. Coal companies may not like it, but they still have to follow the rules."

"Montana is not above the law," said Jeremy Nichols, climate and energy program director for WildEarth Guardians. "While we're pleased the Department of Environmental Quality has agreed to not implement these unfortunate rollbacks to the state's coal mining rules, the reality is they're completely at odds with federal law and need to be repealed completely."

"These were sloppy and careless bills by the Legislature that caused this whole mess and infringed on our rights as Montanans," stated Rich Liebert, retired Army Lt. Colonel, cattle rancher and board president of Citizens for Clean Energy. "The Legislature needs to remember the old rule to 'measure twice and cut once.'"

Earthjustice is representing the Sierra Club, WildEarth Guardians, Citizens for Clean Energy, and Montana Environmental Information Center in the suit.



07.20.2023

TESTER'S BIPARTISAN BILL TO CRACK DOWN ON ILLICIT FENTANYL TRAFFICKING INCLUDED IN MUST-PASS DEFENSE BILL

SENATOR'S FEND OFF FENTANYL ACT OFFICIALLY INCLUDED IN SENATE NDA PACKAGE

<https://www.testersenate.gov/newsroom/press-releases/testers-bipartisan-bill-to-crack-down-on-illicit-fentanyl-trafficking-included-in-must-pass-defense-bill/>

As part of his continued efforts to secure America's borders and combat the flow of fentanyl to Montana, U.S. Senator Jon Tester announced today that his bipartisan Fentanyl Eradication and Narcotics Deter-

rence (FEND) Off Fentanyl Act is officially included as an amendment to the National Defense Authorization Act (NDA) – the annual must-pass defense bill.

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TESTER'S BIPARTISAN BILL TO CRACK DOWN ON ILLICIT FENTANYL TRAFFICKING

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Tester's FEND Off Fentanyl Act would impose economic sanctions on those engaged in the international trafficking of illicit fentanyl, precursor chemicals used to make fentanyl, or other related opioids, and declare international trafficking of fentanyl as a national emergency.

"I've heard from folks in every corner of Montana about the devastating impact that fentanyl is having on our communities," said Tester. "My top priority is keeping Montanans safe, which is why my bipartisan bill will finally declare the fentanyl crisis a national emergency and crack down on the Chinese criminal organizations and Mexican drug cartels that are trafficking illicit drugs across our borders. This is a big step toward getting it across the finish line and I won't stop pushing until it is signed into law."

In June, Tester's bipartisan FEND Off Fentanyl Act cleared another major hurdle when it passed out of the Senate Banking Committee.

Tester has consistently led the charge to combat fen-

tanyl trafficking in Montana and secure our nation's borders.

During a recent Senate Appropriations Committee hearing, Tester pressed Department of Homeland Security (DHS) Secretary Alejandro Mayorkas on combating Mexican drug cartels and providing law enforcement with additional resources to stop the flow of fentanyl.

Last month, Senator Tester introduced his bipartisan ANTI Drugs Act to increase funding for law enforcement to combat drug trafficking. In March, Tester continued his push to secure the southern border and stop fentanyl trafficking by calling on the Biden Administration to make additional investments in technology to assist law enforcement in nonintrusive inspections at points of entry. As the Chairman of the Defense Appropriations Subcommittee, Tester passed critical provisions in the 2023 National Defense Authorization Act and the 2023 government funding bill to fund law enforcement and stop fentanyl trafficking along the southern border.

WHAT IS FENTANYL?



Fentanyl is a synthetic opioid that is approximately **50X MORE POTENT THAN MORPHINE¹**

Many people are exposed to fentanyl without knowledge while others use it intentionally because of its potency.

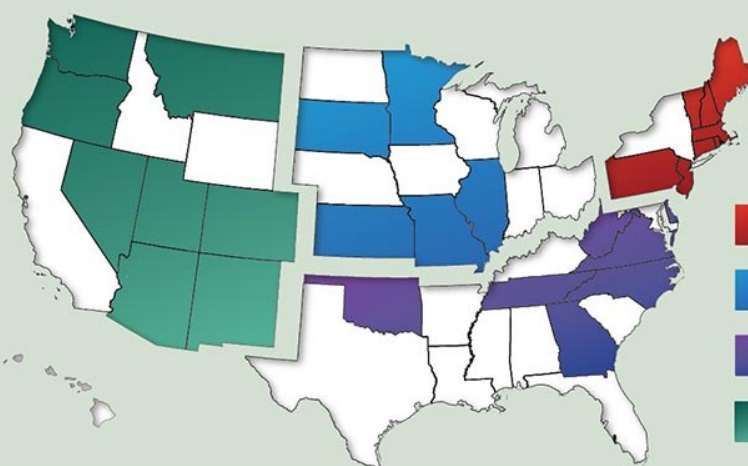
OVERDOSE DEATHS IN THE UNITED STATES EXCEEDED 100,000 IN A 12-MONTH PERIOD FOR THE FIRST TIME!

64% of these deaths involved synthetic opioids, mainly illicitly manufactured fentanyls (IMFs) (May 2020-April 2021)²

This is up from the more than 91,000 overdose deaths that occurred the previous year. (December 2019-December 2020)³



Although the northeast region continues to suffer the highest overdose deaths, several regions of the country showed sharp increases in IMF related deaths.²



²In jurisdictions participating in State Unintentional Drug Overdose Reporting System (SUDORS).

DAINES EFFORT TO CRACK DOWN ON FENTANYL CRISIS INCLUDED IN NDAA

<https://www.daines.senate.gov/2023/07/20/daines-effort-to-crack-down-on-fentanyl-crisis-included-in-ndaa/>

U.S. SENATE – U.S. Senator Steve Daines, a member of the Senate Committee on Banking, today announced that his “FEND Off Fentanyl Act” was officially included in the 2024 National Defense Authorization Act (NDAA). The Senate began voting on the NDAA this week.

“Enough is enough. The fentanyl that is spilling through Joe Biden’s open border and into the Treasure State is destroying our local communities,” Daines said. “I am proud that my ‘FEND Off Fentanyl Act’ was officially included in this year’s NDAA, and included my specific concerns to add transparency to President Biden’s sanctions exemptions. I am working to ensure this legislation passes the Senate and is sent to the President’s desk.”

The United States is facing the worst drug crisis in history. In 2021, nearly 107,000 Americans died from an overdose, and 65% of overdose deaths were caused by fentanyl. Last year, the Drug Enforcement Administration seized over 379 million deadly doses of fentanyl – enough to supply a lethal dose to every

American. Given the sharp increase in fentanyl-caused deaths, it is clear that a staggering amount of fentanyl is making its way into our country from the chemical suppliers in the People’s Republic of China (PRC) and drug cartels in Mexico.

The “FEND Off Fentanyl Act” is a sanctions and anti-money laundering bill to help combat the country’s fentanyl crisis by targeting opioid traffickers devastating America’s communities. The bill will enhance current law so U.S. government agencies can more effectively disrupt illicit opioid supply chains and penalize those facilitating the trafficking of fentanyl. The bill also ensures that sanctions are imposed not only on the illicit drug trade, but also on the money laundering that makes it profitable.

Multiple national organizations have expressed support for the bill, including Mothers Against Prescription Drug Abuse (MAPDA), the American Association for the Treatment of Opioid Dependence, the Fraternal Order of Police, the National Sheriffs’ Association, and FDD Action.



Recycling in the United States

<https://www.epa.gov/recycle/recycling-united-states>

Recycling is the process of collecting and processing materials that would otherwise be thrown away as trash and turning them into new products. Recycling can benefit your community, the economy, and the environment. Products should only be recycled if they cannot be reduced or reused. EPA promotes the waste management hierarchy, which ranks various waste management strategies from most to least environmentally preferred. The hierarchy prioritizes source reduction and the reuse of waste materials over recycling.

Benefits of Recycling

Environment

Recycling provides many benefits to our environment. By recycling our materials, we create a healthier planet for ourselves and future generations.

Conserve natural resources: Recycling reduces the need to extract resources such as timber, water, and minerals for new products.

Climate change: According to the most recent EPA data, the recycling and composting of municipal solid waste (MSW or trash) saved over 193 million metric tons of carbon dioxide equivalent in 2018.

Energy savings: Recycling conserves energy. For example, recycling just 10 plastic bottles saves enough energy to power a laptop for more than 25 hours. To estimate how much energy you can save by recycling certain products, EPA developed the individual Waste Reduction Model (iWARM).

Waste and pollution reduction: Recycling diverts waste away from landfills and incinerators, which reduces the harmful effects of pollution and emissions.

Economy

EPA released significant findings on the economic benefits of the recycling industry with an update to the national Recycling Economic Information (REI) Study in 2020. This study analyzes the numbers of jobs, wages and tax revenues attributed to recycling. The study found that in a single year, recycling and reuse activities in the United States accounted for:

- 681,000 jobs,
- \$37.8 billion in wages, and
- \$5.5 billion in tax revenues.

This equates to 1.17 jobs per 1,000 tons of materials

recycled and \$65.23 in wages and \$9.42 in tax revenue for every ton of materials recycled. For more information, check out the full report.

Community



Environmental Justice: Across the country, waste management facilities are concentrated in underserved communities, and they can have negative impacts on human health, property values, aesthetic and recreation values, and land productivity. Recycling provides these areas with a healthier and more sustainable alternative.

International: Waste generated in the United States also affects communities in other countries. Recycled materials are exported to some countries that are not able to manage those materials in an environmentally sound manner.

Editor's Note: Recycling locally has been a challenge because there are little to no markets for recycled products. Pacific Steel and Recycling in Havre, MT, recycles some products – scrap metal which includes vehicles, catalytic converters, aluminum, brass, copper, steel, miscellaneous scrap, ferrous, non-ferrous, etc. I encourage YOU to recycle products that are recycled in your community. Take aluminum and metal cans and scrap metal to Pacific Steel and Recycling. It may seem like a small gesture, but it reduces the waste you generate and contribute to the environment (landfills).

PRAIRIE MOUNTAIN UTILITIES

To Start Utility Services: Come by the Prairie Mountain Utilities (PMU) Office at 164 Agency Main Street, Fort Belknap Agency, Harlem, MT 59526 or Phone: 406-353-8313.

24-Hour Emergencies: Call Kasey Has Eagle, PMU Director, 406-399-2301 or Gene Talks Different, Water Plant Manager, 406-399-1644.
Regular Office Hours are 8:00 a.m.-5:00 p.m.

PMU Director: Kasey R. Has Eagle, Office: 406-353-8313, Cell: 406-399-2301

Water Plant Manager: Gene Talks Different, Office: 406-353-2745, Cell: 406-399-1644

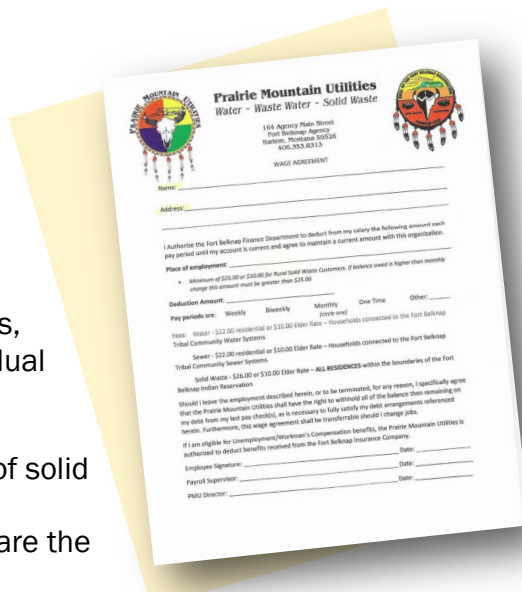
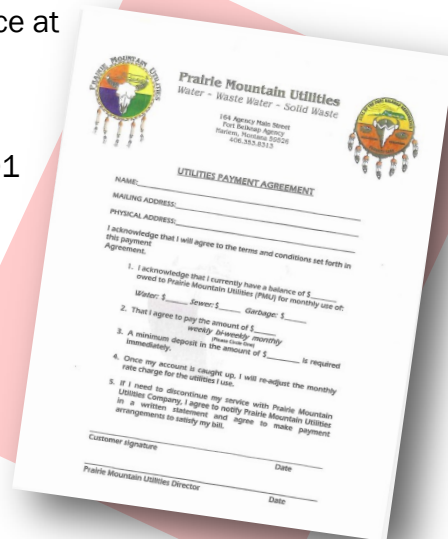
Sewer: PMU Director Office: 406-353-8313, Cell: 406-399-2301 or Water Plant Manager Cell: 406-399-1644

Bill Payment: Mail Payment To: Prairie Mountain Utilities, 164 Agency Main Street, Fort Belknap Agency, Harlem, MT 59526, or Walk-In: PMU Office or Tribal Office - Finance Window.

Water – PMU provides safe, adequate water for a fee to those houses connected to main lines of the community water system. Maintenance will include water sources, storage tanks, controls, main lines, valves, hydrants, and service lines to curb stops only.

Sewer - PMU provides sanitary disposal of domestic waste for a fee to those houses connected to the main lines of community sewerage systems. Responsibility for maintenance will include treatment facilities, pumping stations, main lines, manholes, and service lines to the individual property lines only.

Solid Waste – PMU provides safe and sanitary collection and disposal of solid waste (garbage, trash) for transfer sites, and those houses within the reservation communities. The individual house solid waste containers are the responsibility of the customer.



| Rates: | Service | Residential | Commercial |
|--------|-------------|-------------|------------|
| | Water | \$22.00 | \$105.00 |
| | Sewer | \$22.00 | \$105.00 |
| | Solid Waste | \$26.00 | \$105.00 |

Fees: Water Turn on Fee: \$100.00
 Tap-in Fee: (Water, Sewer) \$750.00 Water; \$750.00 Sewer
 Jetter Service Fee: Sewer \$150.00
 Canister Rental Fee: \$350.00/Canister; \$150.00 Each Additional Load

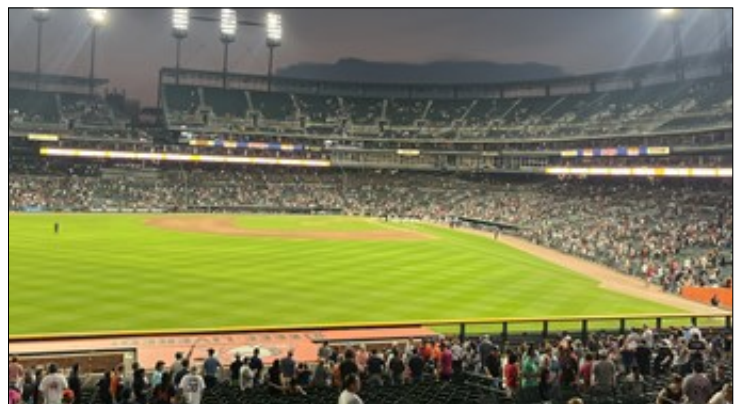


Brownfields National Conference

By Adrian Kulbeck, Brownfields Coordinator

The National Brownfields Conference took place in Detroit, MI. Two Brownfields staff members attended the four-day conference Walt Badroad-Mount (Environmental Technician) & Adrian Kulbeck (Brownfields Coordinator). On day 1 August 8, 2023 Adrian gave a short slide show presentation on Fort Belknap's four brownfields sites (Old Sacred Heart Catholic Church, Former Agency Water Treatment Plant, Former Lodge Pole Elementary School, Old Agency Dump site) to our Region 8 partners. The following days consisted of attending multiple sessions/

classes with an array of topics. In between sessions Walt & Adrian were both able to check out numerous display booths. I found Networking with other colleagues and like-minded people was very beneficial. Tidbit's: We were able to do the Princess Riverboat Tour, which was a 3-hour boat ride on the Detroit river along the Canadian border. We also made it to a Detroit Tigers/Minnesota Twins game with Granite Peaks' Principal Consultant Christin Hileman and the Northern Cheyenne Brownfields crew.





Brownfields Staff hosts 40-Hour HAZWOPER Training

By: Walt BadRoad-Mount – Environmental Tech. | September 7, 2023

From June 13th through the 16th of June, 2023 Fort Belknap Environmental Protection Department’s Brownfields Staff hosted a scheduled HAZWOPER Training Program. The training was located on the Aaniiih Nakoda College Campus. Training was opened up to the community members for up to twenty students. Among those students were the Brownfields Program Coordinator, Adrian Kulbeck, and Brownfields Environmental Technician, Walt BadRoad-Mount. Both Kulbeck and Mount are new to the Environmental Department and were required to obtain the course’s training in order for them to be allowed to visit Brownfields sites. Of the 20 slots that were open, eight community members in total completed the training and received certificates of completion.

The HAZWOPER Training consisted of four ten-hour days in which students received lecture and tons of information regarding what HAZWOPER is, when it’s necessary, and applying the principles to workforce and development. HAZMAT Student LLC provided the training through instructor Jeanette Smith. Smith and her husband traveled from Mayberry, North Carolina to provide the training. The couple were very intelligent and humble people whom not only carried kindness, but a strong sense of faith and left the students

with a “God bless,” at the end of every 10-hour day. Students were seemingly able to understand and grasp the information provided by Smith with ease as she was very approachable and straight forward with her delivery of the materials. On the last day, students were able to try on HAZMAT suits, respirators, and other required gear for HAZWOPER Training.

HAZWOPER stands for Hazardous Waste Operations and Emergency Response. The HAZWOPER Standards which were created were put into law in 1989 by OSHA. It was designed and designated to protect workers and enable them to handle hazardous substances safely and effectively. HAZWOPER applies in various scenarios such as leaking of hazardous substances, wreckage of hazardous materials needing clean-up, site preparation dealing with hazardous waste, chemical fires, and more. Community members who work in maintenance, construction, utilities, and environmental were encouraged to attend, while some are required. Nonetheless, the HAZWOPER Certification is a beneficial training, as it allows for more opportunity to work in areas of high demand. The Fort Belknap Environmental Protection Department is thankful to have provided this opportunity and would like to extend a congratulations to those who successfully completed the program.



Judge Orders Release of Gianforte Communications with Bad Actor Mining Corporation

By Derf Johnson, MEIC Deputy Director

Over the past few years, Gov. Greg Gianforte has wrongfully withheld public documents from an official document request by attempting to utilize an incredibly novel legal theory that a judge characterized as “completely unmoored from the text, history, and purpose underlying both Article II, Section 9 and the implementing public records statutes.” In his order, the judge cited Article II, Section 9 of the Constitution because it contains the fundamental right for Montanans to access public writings of our government. It’s one of the strongest constitutional “right to know” provisions in the country, with the aim of assuring that the government is transparent and accountable to the people it serves.

MEIC and Earthworks requested records centered around the communications that Gov. Gianforte’s Office had with Hecla Mining and its president, Phillips S. Baker, Jr. For historical context, under the Bullock Administration, Hecla and Baker were designated as “bad actors” for Baker’s former company’s failure to reclaim and remediate major environmental damage at the Zortman-Landusky mining complex, which has cost the state and federal government more than \$80 million (as of 2017) and has severely impacted the cultural and environmental resources of the Fort Belknap Indian Community. As required by the bad actor law, the Montana Department of Environmental Quality (DEQ) suspended the permitting activity for Hecla’s proposed mines in far northwest Montana under Governor Bullock’s administration. These mines are known as the Montanore and Rock Creek mines. If approved, these mines would tunnel under the Cabinet Mountains, a federally designated wilderness area, and severely impact water resources, risk further impacts to an isolated population of grizzly bears, and dewater critical streams for bull trout. Under the Bullock Administration’s decision, Hecla could not proceed with attempting to permit the Cabinet Mountains mines unless and until the company either reclaimed the damage wrought at Zortman-Landusky or compensated the state for the reclamation costs.

Gov. Gianforte’s administration did a complete u-turn. It dropped the enforcement action against

Baker and Hecla, and reactivated the permits at Montanore and Rock Creek. As you can imagine, Gov. Gianforte waiving the white flag and dropping a years-long enforcement action that was designed to protect public resources and tax dollars against an international mining company raised alarm bells at the MEIC office. Gov. Gianforte’s official explanation did not make sense, and so we decided to dig a little deeper. We filed an official information request with his office to better understand both the deliberations that went into the decision to drop the bad actor matter as well as the administration’s relationship with mining interests. We’d also like to know: did the Gianforte Administration drop the case after being lobbied by Hecla / Baker?

After four months of virtual radio-silence and no public documents, we made the decision to bring suit in Montana District Court in Helena with the help of attorneys Kim Wilson and Robert Farris-Olsen. Long story short, the Governor refused to release *any* of the documents by arguing an incredibly novel legal defense to their release: that the Governor did not have to respond due to litigation in a separate case against DEQ (brought by the Fort Belknap Indian Community, the Confederated Salish and Kootenai Tribes, MEIC, and other conservation partners) to enforce the bad actor law. Needless to say, the judge didn’t bite. Rejecting the Governor’s argument, the judge has ordered that the Gianforte Administration release the records to MEIC and Earthworks. However, as of the time of writing, the Governor’s Office has not released any of the documents.

Notably, such a decision is subject to an appeal, and it is likely that the Governor’s Office, rather than release the records, will appeal the decision to the Montana Supreme Court and in the interim argue that they should not be required to release any of the records until the appeals process has concluded. Rest assured, MEIC will be dogged in pursuing the documents from the Governor’s stalling tactics and any appeals process, as well as defending the fundamental right of all Montanans to access public information and to hold our government accountable.

Brownfields ECO Update

By Kermit Snow Jr, BTRP Environmental Compliance Officer

Wahey Neetine, hello my relatives. It's been a long summer so far, but a good one. It's been getting kind of busy here since Earth Day. We are getting ready to start working on cleanup's with our Contractor and hopefully get some work for a few Community members, who took part in our 40-Hour HAZWOPER Training this past June. I also took part in a couple travels this summer, as did our Brownfields Tribal Response Program (BTRP) Coordinator and BTRP Environmental Technician. Before any of our travels, we had some follow-up work on a decommission of UST's, at an abandoned site we did back in October of 2021. We had EPA's Contractor (GSI) back and this time they brought West Central Environmental Consultants (WCEC) to help them finish the project. When we completed the work in 2021, we had found there was still contamination (fuel) in the ground, but had run out of money to get the rest of the contaminated soil out. We left the site, knowing where the contamination was, with the hope that they could come back and do some more work. Between the end of the work in October 2021 and until they came back, EPA informed us of their decision to put in water monitoring wells at the site. It was great to work with Farrell Bell again and she brought Katie Putnam with her this time. I had worked with Farrell before on this project and she does excellent work, very professional, leaving no soil untested. Her partner Katie, like Hailey before her, showed the same expertise as Farrell and Hailey. The

sub-contractor working with them this time, to install the monitoring wells, came from WCEC, out of the Billings, MT office. It was awesome



watching Liam MacDonald and Alex Metlin perform their duties as drillers, you could tell they knew what they were doing, as they consulted with GSI and myself during their process. When I arrived on site of their second day, they had already drilled one hole at 40 ft., and the plan is to drill 6 wells and one shallow well. They drilled the shallow hole to 5 ft., then filled with silica and then bentonite. While drilling for BH06, the cutting tool broke, so they decided to drill another hole. The next day when we all returned, Farrell checked the first well that was drilled, no water. She then called her Project Officer and Region 8 EPA on what they should do next, since there was no water at 40 ft. It was decided that they will drill SB08 to 60ft., where they found contamination (product), which was expected. Water was found at 60', 45', 26', and after lunch, 23'. It was then decision time again, Farrell would call her Project Officer & EPA on what to do next. It was EPA's decision to put well at 60', which meant WCEC had to go to Billings to get more supplies and augers, as EPA wanted another well at 60'. The WCEC crew was back to start drilling again on Day 4 and they brought the rain with them, but they continued working to finish the hole. Farrell then surveyed site for two more wells, while they also found water at 52' in last hole. On Day 5, they selected site for last hole and while the guys started drilling, Farrell & Katie continued with soil & water sampling. Farrell also talked with Land Owner about possible contamination, but not likely in their ground water. That afternoon, WCEC starting cementing in the monuments. This would be my last day with them, as I had plans and could not be there for the finish, but would check on site when I return. As I had worked with Farrell & GSI before and



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Brownfields ECO Update

(Continued from page 16)

watched the WCEC crew work on the monitoring wells and seeing them both do a great job, I knew they would finish great. It is always great working with Contractor's, such as GSI & WCEC, knowing the professionalism they put in their work to satisfy not only EPA, but our Tribes as well. This is the second time working with Farrell, and she did not disappoint, and kudos to the WCEC crew from Billings on going above and beyond to tackle the task at hand.

My next adventure, consisted of a drive to Lower Brule, SD for the Regional Tribal Operations Committee (RTOC) Quarterly meeting, the last week of June. It was a long drive from Fort Belknap, but I made it safely. The last time I was here, was in 2017 for a Brownfields workshop, there has been a few changes. It is always good to go to these meetings, you get to see what other Tribes in the Region are doing, get updates from USEPA and AEIO, see what the National Tribal Caucus Representatives have to report out to the Tribes, get to see friends and colleagues from other Tribes, government, and entities helping out Tribes. The meeting was opened up by Kim Varilek (R8EPA) and Jason Walker (RTOC Chair) and we were then welcomed with an Honor Song and Prayer by Jeshua Estes and the Lower Brule Drum Group, and followed by opening remarks from Clyde Estes (Lower Brule Sioux Tribe Chairman). It was good to meet the new AEIO Director, Kenneth Martin, and hear what he had to say on updating Tribal Consultation, Treaty Rights, Technical Assistance (Tic-Tac Centers), and

the 17 Centers around the U.S, with one being in Region 8. We then went through the agenda and I believe the presentation from Scott



Clow and Gerald Wagner talking about meeting with AEIO and the need for Tribes to submit their 2024 & 2025

Budgets and their Projected Needs v Unmet Needs. Another important issue brought up by Dave Nelson, was on the Lead Pipe Inventory in Drinking Water, which was addressed by Judy Bloom (R8EPA). We ended the day with our Tribal Caucus after all EPA personnel left. Day 2 started with another coffee hour & networking before the Tribal Report out to Region 8 EPA. The day went accordingly with the agenda topics ranging from updates on Waters of the U.S. (WOTUS), GIS Training, Baseline Water Quality Standards, Non Point Source funding, and ETEPs. I think one of the main take-aways from Day 2, was the talk on starting a Tribal Consortia in Region 8. We had seen what Region 10 does with their Consortia and had at one time talked about it years ago in the Air Quality Programs, when we met with Region 6 and their Inter-Tribal Environmental Council (ITEC) and how they work with and help Tribes in their Region. I believe this is an issue that will be brought up again, until we figure out what we want to do. The meeting ended with another coffee hour and networking, before starting our tour and field trip. We all met at the Tribal Office and toured the Environmental Offices. We then made our way to the Tribal Chambers, a beautiful set up with local artist paintings/drawings adorning their walls, overlooking the Missouri River and their Tribal Lands. We were met at the Tribal Chambers by a beautiful Tribal Elder Lady, who then smudged us all and said a Prayer over us and then asked each of us to say a Prayer also. We then started on a tour of Brownfield sites and toured their Community Center. We also went to look at their Shoreline Project. This was something that was a dream from the past, that was finally coming



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Brownfields ECO Update

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to fruition. It consisted of an awesome playground, basketball courts, horseshoe & cornhole pits, picnic area, and an awesome beach they are building on the shoreline for a swimming area for their members and to help slow down the loss of shoreline, which they said they were losing around 15' a year. It was a good ending to the RTOC meeting.

I have also been keeping up with my monthly Transfer Site inspections at Fort Belknap Agency, Lodge Pole, and Hays. For the most part, the Prairie Mountain Utilities crew have been trying to make the sites stay in compliance, as much as possible. There have been more than a few times while inspecting sites, I have come upon Frank Fox (Driver) out of his vehicle, picking up trash and trying to make the site more aesthetic looking to the community. We been having more problems with one site, but remain steadfast in our efforts to keep it clean. I have also been assisting the Little River Trading Post on my monthly Underground Storage Tank (UST) 30-day walkthrough inspections. There has been turnover of personnel, so I try and help them keep up and get someone trained. There is still a lot to do with this new management to keep them compliant with Federal UST Laws. We hope to get the new tanks ordered soon, as the ones in the ground now, are 34 years old. We are looking at next spring, hopefully, for the new tanks and work to commence on taking out the old and installing the new tanks. We've run into some hurdles, as the pandemic created a backlog for ordering tanks and it has

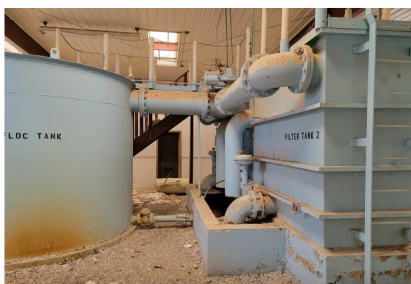
been hard to get service providers in Indian Country. I want to thank the Oneida Engineering Solutions (OES) and Victoria Flowers for all their help



in getting us pointed in the right direction.

We are getting ready to start our work on the four cleanup sites and our Contractor, Granite Peak, sent one of their employees to Fort Belknap to look at the Old Water Treatment Plant site. Chris Cerquone, arrived to our office, to meet up with the Brownfield staff and Prairie Mountain Utilities (PMU) staff. We talked about what he would be looking for and maybe some possible sampling that would need to be done. We took him to the site and talked about what he was going to do and asked the PMU staff questions about what might be in any of the containers on site or what might be in the large tanks on site. He then started his visual survey of the building, while I also went inside and took pictures. He observed everything that was in the building and also climbed up and looked into all the containers to see if any had any liquid inside. We also looked into a little room by itself, that had four containers, but they were all empty. As there were no containers with liquid, he said he would not be taking any liquid samples with him. We then talked about the next steps they would be doing and would send us a report with recommendations. One of our next steps with the Brownfield staff, will be to set up some public meetings in each community to get some input from them on the cleanups and any ideas they would like to see done with some of the properties. We will also be meeting with our new Project Officer, Phylcia Allen (R8EPA), to talk about the cleanups and get to know each other. It is sad to be losing a great Project Officer in Greg Davis, but looking forward to making the same great connection with Phylcia. Well, until next issue, hope you all have a great last few months of 2023.

A'ho my friends.





Nonpoint Source Program

By Jaclyn Blackbird, Nonpoint Source Pollution Coordinator

The most common Nonpoint Source (NPS) pollutants are sediments and nutrients that wash into water bodies from agricultural land, construction sites, and other areas of disturbance. NPS is widespread because it can occur any time activities disturb the land or water.

NPS pollution generally results from land runoff, precipitation, atmospheric deposition, drainage, seepage or hydrologic modification. It can come from many diffuse sources. NPS pollution is caused by rainfall or snowmelt moving over and through the ground. And, as run off moves, it picks up and carries away natural and human made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters and ground waters.

NPS Pollution can include:

- ⇒ Excess fertilizers, herbicides and insecticides from agricultural lands and residential areas
- ⇒ Oil, grease, and toxic chemicals from urban runoff and energy production
- ⇒ Sediment from improperly managed construction sites, crop and forest lands, and eroding stream banks
- ⇒ Salt from irrigation practices and acid drainage from abandoned mines
- ⇒ Bacteria and nutrients from livestock, pet wastes and faulty septic systems
- ⇒ Atmospheric deposition and hydromodification





Financial Assistance Application Process Opens for USDA Farm Loan Borrowers Who Have Faced Discrimination

<https://www.usda.gov/media/press-releases/2023/07/07/financial-assistance-application-process-opens-usda-farm-loan>

WASHINGTON, July 7, 2023 – Today, the U.S. Department of Agriculture (USDA) announced the opening of the financial assistance application process for eligible farmers, ranchers, and forest landowners who experienced discrimination in USDA farm lending programs prior to January 2021. Section 22007 of the Inflation Reduction Act (IRA) directs USDA to provide this assistance. Since the law’s passage, USDA has worked diligently to design the program in accordance with significant stakeholder input.

“The opening of the application process is an important step in delivering on our commitment of providing financial assistance to those who faced discrimination in USDA farm lending, as swiftly and efficiently as possible,” said Agriculture Secretary Tom Vilsack. “USDA will continue to work with our national vendor partners and community-based organizations to make sure eligible farmers, ranchers, and forest landowners have clear information about what is available to them, how to apply, and where to obtain assistance with their questions at each step of the way.”

The program website, 22007apply.gov, is now open. The website includes an English- and Spanish-language application that applicants can download or submit via an e-filing portal, information on how to obtain technical assistance in-person or virtually, and

additional resources and details about the program.

Farmers, ranchers, and forest landowners who experienced discrimination by USDA in its farm loan programs prior to January 1, 2021 and/or are currently debtors with assigned or assumed USDA farm loan debt that was the subject of USDA discrimination that occurred prior to January 1, 2021, are eligible for this program.

To apply, borrowers have the option to apply via the e-filing portal at 22007apply.gov or submit paper-based forms via mail or in-person delivery to the program’s local offices. The application process will be open from July 7 to October 31, 2023. Under the planned timeline, applications will be reviewed in November and December, with payments reaching recipients soon thereafter. Importantly, applicants should know that the application process is not on a first come, first served, basis. All applications received or postmarked before the October 31 deadline will be considered.

To support producers throughout the application process, USDA is ensuring that organizations with extensive experience conducting outreach to farm organizations are able to support individuals who may be eligible for the program. These groups include AgrA-

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Financial Assistance Application Process Opens for USDA Farm Loan Borrowers

(Continued from page 20)



bility, Farmer Veteran Coalition, Farmers' Legal Action Group, Federation of Southern Cooperatives, Intertribal Agriculture Council, Land Loss Prevention Project, National Young Farmers Coalition, and Rural Coalition.

Vendors operating four regional hubs are also providing technical assistance and working closely with these and other community-based organizations to conduct outreach using digital and grassroots strategies, to ensure potential applicants are informed about the program and have the opportunity to apply. These hubs are operating a network of brick-and-mortar program offices and will conduct extensive outreach about the program. Windsor Group serves farmers in the eastern regions of the U.S. and Analytic Acquisitions serves the western regions. A national administrator, Midtown Group, is responsible for program oversight and integrity, and will lead a national call-center, operate the application website - 22007apply.gov, which is now open - and review and process applications and payments. All vendors have experience in professional services, supporting government contracts, and complex program operations.

On March 1, 2023, USDA shared initial details on how the Section 22007 program will work, including that the Inflation Reduction Act specifies the Secretary of Agriculture is responsible for providing this assistance through qualified nongovernmental entities, under standards set by USDA. USDA entered into agreements with vendors and cooperators in May.

In addition to the Discrimination Financial Assistance Program (DFAP) opening today, the Inflation Reduction Act also created several other programs that are helping USDA rebuild trust, address systemic issues and improve service to people who may have been underserved by USDA in the past. Information about USDA's equity agenda and progress is available at www.usda.gov/equity.

In standing up this program, USDA has become aware of some lawyers and groups spreading misleading information about the discrimination assistance process, pressuring people to sign retainer agreements, and asking people to fill out forms with private and sensitive information. As of today, the official application process has begun and filling out an

application is free.

No attorneys' fees will be paid to applicants or their counsel by USDA or by any other agency or department of the United States. The amount of financial assistance will not be increased for those claimants who are represented by an attorney. Applicants are not required to retain an attorney. USDA, the national administrator, and the regional hub vendors will neither recommend that any applicant retain counsel or retain a specific attorney or law firm, nor discourage an applicant from obtaining counsel or using a specific attorney or law firm. For more information, read our fact sheet about the program timeline and ways to protect against possible scams.

USDA touches the lives of all Americans each day in so many positive ways. Under the Biden-Harris Administration, USDA is transforming America's food system with a greater focus on more resilient local and regional food production, promoting competition and fairer markets for all producers, ensuring access to safe, healthy and nutritious food in all communities, building new markets and streams of income for farmers and producers using climate-smart food and forestry practices, making historic investments in infrastructure and clean energy capabilities in rural America, and committing to equity across the Department by removing systemic barriers and building a workforce more representative of America. To learn more, visit www.usda.gov.



‘Gamechanger’: judge rules in favor of young activists in US climate trial

Sixteen young plaintiffs had alleged the Montana state government had violated their right to a healthy environment

By Dharna Noor | Mon 14 Aug 2023 12.58 EDT

https://www.theguardian.com/us-news/2023/aug/14/montana-climate-trial-young-activists-judge-order?utm_campaign=Hot%20News&utm_medium=email&_hsmi=270335002&_hsenc=p2ANqtz-8RemFizlaiUo-rXCNGR8fzyapJpShw7TyI80MqPn9QaAf_YyKsbK2LPhjRjAZIa8weEjqV8gCmt1pyX5rPhZtUPvDy7hQ&utm_content=270335002&utm_source=hs_email



Youth plaintiffs walk to court before closing arguments in the landmark Held v Montana climate trial in Helena, Montana, on 20 June 2023. Photograph: Robin Loznak/Zuma Press Wire/Shutterstock

The judge who heard the US’s first constitutional climate trial earlier this year has ruled in favor of a group of young plaintiffs who had accused state officials in Montana of violating their right to a healthy environment.

“I’m so speechless right now,” Eva, a plaintiff who was 14 when the suit was filed, said in a statement. “I’m really just excited and elated and thrilled.”

The challengers’ lawyers described the first-of-its-kind ruling as a “gamechanger” and a “sweeping win”, which campaigners hope will give a boost to similar

cases tackling the climate crisis.

In a case that made headlines around the US and internationally, 16 plaintiffs, aged five to 22, had alleged the state government’s pro-fossil fuel policies contributed to climate change.

In trial hearings in June, they testified that these policies therefore violated provisions in the state constitution that guarantee a “clean and healthful environment”, among other constitutional protections.

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‘Gamechanger’: judge rules in favor of young activists in US climate trial

(Continued from page 22)

On Monday, Judge Kathy Seeley said that by prohibiting government agencies from considering climate impacts when deciding whether or not to permit energy projects, Montana is contributing to the climate crisis and stopping the state from addressing that crisis. The 103-page order came several weeks after the closely watched trial came to a close on 20 June.

“My initial reaction is, we’re pretty over the moon,” Melissa Hornbein, an attorney at the Western Environmental Law Center who represented the plaintiffs in the 2020 lawsuit said, reacting to the news. “It’s a very good order.”

Julia Olson, who founded Our Children’s Trust, the non-profit law firm that brought the suit alongside Western Environmental Law Center and McGarvey Law, said the case marks the first time in US history that the merits of a case led a court to rule that a government violated young people’s constitutional rights by promoting fossil fuels.

“In a sweeping win for our clients, the Honorable Judge Kathy Seeley declared Montana’s fossil fuel-promoting laws unconstitutional and enjoined their implementation,” she said. “As fires rage in the west, fueled by fossil fuel pollution, today’s ruling in Montana is a gamechanger that marks a turning point in this generation’s efforts to save the planet from the devastating effects of human-caused climate chaos.”

The challengers had alleged that they “have been and will continue to be harmed by the dangerous impacts of fossil fuels and the climate crisis”. Similar suits have been filed by young people across the US, but *Held v Montana* was the first case to reach a trial.

Among the policies the challengers targeted was a provision in the Montana Environmental Policy Act (MEPA) barring the state from considering how its energy economy impacts climate change. This year, state lawmakers amended the provision to specifically ban the state from considering greenhouse gas emissions in environmental reviews for new energy projects.

That provision is unconstitutional, Seeley ruled.

“By prohibiting consideration of climate change, [greenhouse gas] emissions, and how additional GHG

emissions will contribute to climate change or be consistent with the Montana constitution, the MEPA limitation violates plaintiffs’ right to a clean and healthful environment,” Seeley wrote.

The legislature had previously amended the law to prevent environmental reviews from considering “regional, national or global” environmental impacts – a provision the original complaint called the “climate change exception”. When lawmakers changed the provision again in 2023, the state’s attorneys said that should have rendered the lawsuit moot, but Seeley rejected the argument in May.

In her Monday ruling, Seeley also enjoined another 2023 state policy which put stricter parameters around groups’ ability to sue government agencies over permitting decisions under the Montana Environmental Policy Act. That policy “eliminates MEPA litigants’ remedies that prevent irreversible degradation of the environment, and it fails to further a compelling state interest”, rendering it unconstitutional, Seeley wrote.

At the trial in June, attorneys for the state argued that Montana’s contributions to the climate crisis are too small to make any meaningful contribution to the climate crisis. But in her ruling, Seeley found that the state’s greenhouse gas emissions are “nationally and globally significant”.

“Montana’s GHG emissions cause and contribute to climate change and plaintiffs’ injuries and reduce the opportunity to alleviate plaintiffs’ injuries,” she wrote.

She also confirmed the lawsuit’s assertions that fossil fuels cause climate change, that every additional ton of greenhouse gas pollution warms the planet, and that harms to the plaintiffs “will grow increasingly severe and irreversible without science-based actions to address climate change”.

“Judge Seeley really understood not only the issues of law, but the very complex scientific issues surrounding the climate crisis as well as clearly the impacts on these particular plaintiffs,” Hornbein said.

Michael Gerrard, the founder of Columbia’s Sabin Center for Climate Change Law, praised Seeley’s or-

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‘Gamechanger’: judge rules in favor of young activists in US climate trial

(Continued from page 23)

der.

“I think this is the strongest decision on climate change ever issued by any court,” he said in an email.

Several other states and around 150 other countries have a right to a healthy environment explicitly stated in their constitutions. This ruling may inspire similar lawsuits around the world.

The plaintiffs’ lawyers very effectively put on the stand several young Montana residents who testified how they were personally affected negatively by climate change. Putting a human face on this global problem worked well in this courtroom, and may well be followed elsewhere.

Montana succeeded in narrowing the scope of the lawsuit during pre-trial motions. The lawsuit originally challenged the state energy policy, which directs statewide energy production and use, for promoting fossil fuel development, but this year, lawmakers overturned that law and weeks later, Seeley dismissed that part of the case.

The state, which previously vowed to fight the decision if the plaintiffs won, now has 60 days to decide

whether to appeal the decision to the Montana supreme court.

The verdict sets a positive tone for the future of youth-led climate lawsuits.

“This is a huge win for Montana, for youth, for democracy, and for our climate,” said Olson. “More rulings like this will certainly come.”

Youth-led constitutional climate lawsuits, brought by Our Children’s Trust, are also pending in four other states. One of those cases, brought by Hawaii youth plaintiffs, is set to go to trial in June 2024, attorneys announced last week.

A similar federal lawsuit filed by Our Children’s Trust, 2015’s Juliana v United States, is also pending. This past June, a US district court ruled in favor of the youth plaintiffs, allowing that their claims can be decided at trial in open court, but a trial date has yet to be set.

“The case in Montana is a clear sign that seeking climate justice through the courts is a viable and powerful strategy,” said Delta Merner, lead scientist at the Science Hub for Climate Litigation at the Union of Concerned Scientists.

Court Dismisses Utah Suits, Upholds Presidential Authority to Establish National Monuments

Victory — Bears Ears and Grand Staircase-Escalante national monuments remain safe

CONTACT: Perry Wheeler, Earthjustice, (202) 792-6211, pwheeler@earthjustice.org | August 11, 2023

<https://earthjustice.org/press/2023/court-dismisses-utah-suits-upholds-presidential-authority-to-establish-national-monuments>

SALT LAKE CITY, UT — A Utah federal judge today dismissed two lawsuits, led by the state of Utah, that attempted to undo President Biden’s restoration of Bears Ears and Grand Staircase-Escalante national monuments and attacked the Antiquities Act as unlawful. In the ruling, District Judge David Nuffer emphasized that the Antiquities Act gives the president broad authority to designate national monuments and that the court could not second guess that judgment. The ruling upholds President Biden’s restora-

tion of Bears Ears and Grand Staircase-Escalante national monuments. To date, no court has been willing to review, much less reverse, the designation of a national monument.

Conservation groups and five Tribes intervened in defense of Bears Ears and Grand Staircase-Escalante and the Antiquities Act.

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Court Dismisses Utah Suits, Upholds Presidential Authority to Establish National Monuments

(Continued from page 24)

“Today’s result is another in a series of decisions that upholds a president’s authority to designate national monuments to protect important and vulnerable lands for the benefit of current and future generations,” said Heidi McIntosh, managing attorney for Earthjustice’s Rocky Mountain Office. “Utah put forth a flawed argument that sought to eviscerate the Antiquities Act, but like others before them, they have failed to do so. Bears Ears and Grand Staircase-Escalante protected these wonders from oil and gas drilling, mining, and other destructive uses. We are thrilled that the Court agreed and upheld President Biden’s restoration of these monuments.”

“Bears Ears and Grand Staircase-Escalante national monuments are prized by the American people and many tribes for whom the lands are sacred,” said Scott Miller, Southwest regional director for The Wilderness Society. “The court’s order dismissing Utah’s lawsuit is a win for these spectacular public lands, for the preservation of tribal cultures and resources, for the economies of local communities and for the rule of law.”

“Grand Staircase-Escalante and Bears Ears national monuments are two of the most significant, intact, and extraordinary public landscapes in America — landscapes that will remain protected after today’s dismissal of these lawsuits,” said Steve Bloch, legal director with the Southern Utah Wilderness Alliance (SUWA). “We are thrilled with today’s decision, which aligns with more than 100 years of similar court rulings that have rejected every challenge to presidential authority under the Antiquities Act to protect cultural, scientific, ecological, and paleontological resources on public lands.”

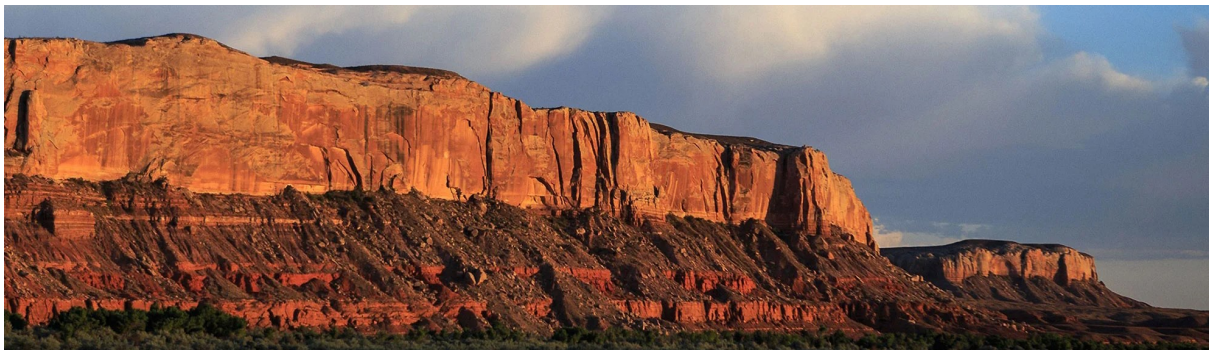
“It’s been a banner week for national monuments on the Colorado Plateau,” said Tim Peterson, cultural landscapes director with the Grand Canyon Trust. “As we celebrate the creation of Baaj Nwaavjo I’tah Kukveni — Ancestral Footprints of Grand Canyon National Monument, we rejoice at the

news that the state of Utah’s lawsuit attempting to destroy Bears Ears and Grand Staircase-Escalante national monuments has been dismissed.”

“The courts have again reinforced the validity of the Antiquities Act to conserve America’s best places for future generations and for wild things,” said Laura Welp, vegetation projects lead for the Western Watersheds Project. “The president has the authority to protect some of the last intact western landscapes by establishing national monuments, full stop. We are pleased with the court’s affirmation of this fact and look forward to working on meaningful management of these special places.”

“For more than a century, the Antiquities Act has given the president the authority to establish national monuments — today’s ruling confirmed that authority,” said Carly Ferro, Sierra Club Utah chapter director. “National monuments protect the landscapes that compose our national story, preserving the histories, sites, and practices that tell us who we are. This ruling is a win for Utah’s past, present, and future. The Tribal Nations who call the landscapes of Bears Ears and Grand Staircase-Escalante home have acted as their stewards since time immemorial. This ruling ensures they will continue to watch over these lands for generations to come.”

“Utah’s frivolous legal attacks are an embarrassment and an insult to our common natural heritage,” said Taylor McKinnon, Southwest director at the Center for Biological Diversity. “Once again a judge has upheld presidential authority to safeguard our country’s cherished places from extractive industries. It’s a great relief to have these protections upheld for two of North America’s most iconic and remote landscapes and their remarkable cultural values and biodiversity.”



Bears Ears National Monument. (Steven St. John for Earthjustice)

“Resubmitting the following article due to tribal members still calling in about getting their private wells tested and their private stock ponds for livestock. Want to clarify to the public that the Water Quality Program is limited to surface waters only, and well testing is not within the Scope of Work, and the Program receives federal funding for other purposes.” -Mitchell Healy



Water Quality Program

By Mitchell Healy, Water Quality Program Coordinator | Resubmitted from August 2021

Hello to all Fort Belknap Indian Community. Over the year, there has been several cases of tribal members asking if their private wells and ponds can be tested and/or if we can do something to make the Water Quality better. The Water Quality Program was established for the purpose of monitoring surface waters, which include rivers, lakes, streams, reservoirs, and lakes, that are on tribal lands, and not private lands, but this is not to say nothing can be done to assist you. Briefly, let me explain the requirements of the Water Quality Program. The Water Quality Program is funded through a Water Pollution Control Grant under section 106 of the Clean Water Act. With this type of funding, the general requirements are restricted to monitoring of tribal waterbodies, which includes:

- ◆ Collecting water samples from tribal waterbodies. Although it's possible to work with landowners if a waterbody flows through private lands, this has been a tried and failed experience, so we do not sample waterbodies within private lands any more.
- ◆ Water samples are collected based on a monitoring strategy, which means collecting at specific sites, collecting at specific frequencies, and getting samples analyzed for specific parameters. For example: if we are sampling within a watershed where agricultural activities are predominant, our monitoring strategy is to analyze for nutrients and pesticides, and if we were monitoring in the Little Rockies near the mine sites, our parameters change to heavy metals.
- ◆ Other activities we do would include fish surveys and fish tissue collection, habitat assessments, benthic macroinvertebrate collection, and stream surveys.
- ◆ Future sampling we can do might include

things like blue-green algae monitoring, lake assessments, and more in-depth river assessments.

- ◆ Data analysis or assessments are produced through all the monitoring or data collection. Over the years, since 1994, the Water Quality Program has collected enough data to conduct data assessments on a majority of our tribal waters. We do these assessments to monitor trends in Water Quality and if there were any issues, we would report this to the EPA.

So, in essence, the Water Quality Program role is primarily for the collection of surface Water Quality data, data analysis, and monitoring, for the purpose of developing Tribal Water Quality Standards, to protect our tribal waters through tribal law and the Federal Clean Water Act. Hope this brief overview of the Water Quality Program makes sense and provides valuable information for everybody.

For future reference, please share this information with others that may be wondering what the function of the Water Quality Program is, and remember the Program does not:

- Sample private wells, or
- Sample waterbodies within private lands

So, if you are having Water Quality issues, I apologize that our Water Quality Program does not provide actual assistance with sampling and getting samples analyzed, but what I can do is provide you with some possible resources that may be of help to you or be able to provide you with some answers. But, just keep in mind that private landowners are responsible for their own wells and stock ponds. Some of the resources include:

(Continued on page 27)

Water Quality Program

(Continued from page 26)

- EPA – Private Drinking Water Wells webpage. <https://www.epa.gov/privatewells>
- USGS – Water Resources webpage. <https://www.usgs.gov/mission-areas/water-resources/science>
- Centers for Disease Control and Prevention – Private Ground Water Wells webpage. <https://www.cdc.gov/healthywater/drinking/private/wells/index.html>
- Natural Resources Conservation Science - <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/>

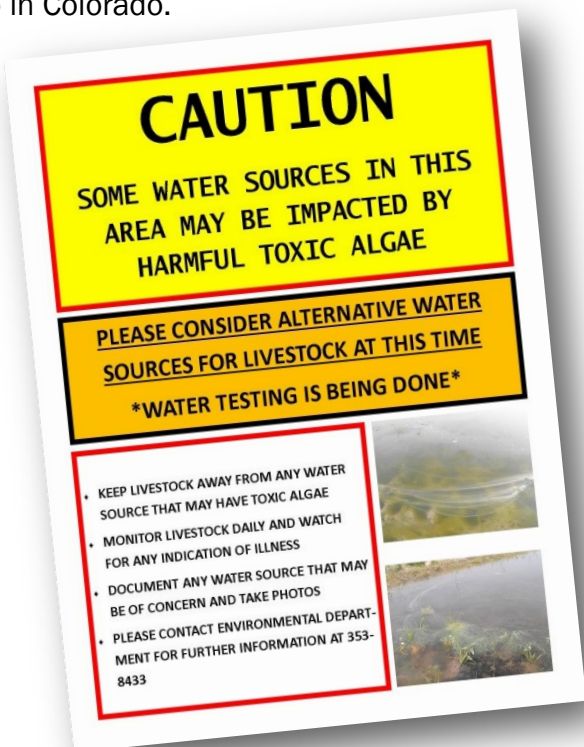
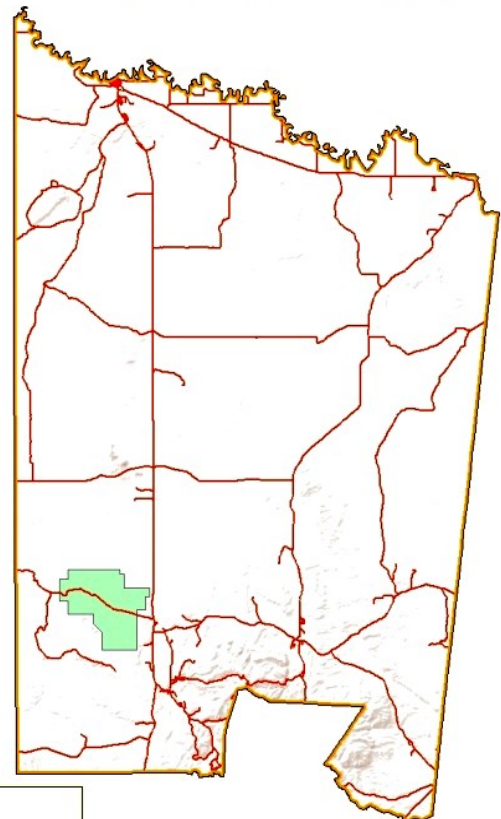
Range Unit 56 Dead Cattle Investigation

By Cody Shambo, GIS Technician

On August 17th, 2023 the Water Quality Program was sent to investigate some dead cattle near a water source in range unit 56. We suspected it was a harmful algal bloom as there was one happening in nearby Beaver Creek Park so Mitchell Healy and I went to the area and immediately found a calf dead in the water and another nearby. We checked every water hole in the range unit and discovered 2 more dead calves near water. Once we confirmed the dead cattle we took pictures and sent them to EPA region 8 headquarters. EPA responded swiftly and sent supplies to collect samples. While we were waiting for the supplies we contacted the cattle owners and went and hung warning signs on all entrances to the unit. Once we received the supplies we went and collected the samples and shipped them overnight to the Region 8 Lab in Colorado.

Luckily there was not a harmful algal bloom happening within the range unit. The results returned showing a detect for two parameters the first detect was for Anatoxin-A. The second was for Homoanatoxin-A. These detects were very small and were slightly above the detection limit. We determined this was not the source causing the cattle to die. At these levels they would not be toxic to the animals. We were not able to determine the cause of death. Thank you EPA Region 8 for the quick response.

Potential Affected Area



October 8-14, 2023
Great Falls, MT and surrounding areas.



Join us for a Traditional Powwow,
Traditional Games Tournament,
Adult and youth conference with NA
speakers, Parade, and more!
More information at:
www.Gatheringoffamilies.com

2023 INDIGENOUS CELEBRATION
GATHERING OF FAMILIES
AN INTERNATIONAL TRADITIONAL GAMES SOCIETY EVENT



**INDIGENOUS
PEOPLES' DAY
POW WOW &
ROUND DANCE**

October 8-9, 2023 | Four Seasons Arena in Great Falls, MT.

The Gathering of Families event will start with the Indigenous Peoples' Day Pow Wow located at the Four Seasons Arena in Great Falls, MT. This is a traditional pow wow. Socialize, trade, watch, learn and dance with your relatives and ancestors as we celebrate our existence and give thanks to the creator.

Round Dance - Great Falls, MT - Four Seasons Arena:
October 8th from 1:00 PM - 10:00 PM

Pow Wow - Great Falls, MT - Four Seasons Arena:
October 9th from 1:00 PM - 10:00 PM

<https://www.gatheringoffamilies.com/about-4>

MORE INFO AT:



**POW WOW
VENDORS
NEEDED!**

October 8-9, 2023 | Four Seasons Arena in Great Falls, MT.

The Gathering of Families event is in need of vendors for Pow Wow & Round Dance. 10x10 spots will be available for \$50. To register please scan the provided QR code or go to: <https://www.gatheringoffamilies.com/about-4>

Round Dance - Great Falls, MT - Four Seasons Arena:
October 8th from 1:00 PM - 10:00 PM

Pow Wow - Great Falls, MT - Four Seasons Arena:
October 9th from 1:00 PM - 10:00 PM

<https://www.gatheringoffamilies.com/about-4>

MORE INFO AT:



**TRADITIONAL
FIELD SPORTS
TOURNAMENT**

October 10, 2023 | First People's Buffalo Jump State Park
10:00 AM - 6:00 PM

Register a Six to Eight athlete team consisting of High School aged youth to compete in this free Sporting Tournament.

Teams will compete in the following games:

- Shinny
- Double Ball
- Salish Hoop & Dart

MORE INFO AT:



<https://www.gatheringoffamilies.com/event-details/2023-gathering-of-families-team-games-tournament>

**Ecology of
Indigenous
Healing**



October 12-13, 2023 | University of Providence in Great Falls, MT.

This conference will highlight Montana's tribes, telling the stories of hope and healing as well as the traditional values that promoted survival. There will be four powerful conference sections featuring knowledgeable tribal speakers sharing their own stories about:

1. Traditional Games for Social, Emotional, Physical, Spiritual Healing;
2. Tribal Language for Cultural Understanding of Healthy Living (families & community)
3. Social Justice Issues, Healing & Reconciliation
4. The Natural World for Spirit & Healing

REGISTER TODAY AT:



<https://www.gatheringoffamilies.com/event-details/Healing-conference>

“For 2 months a year I collect *E. coli* samples on the People’s Creek Watershed. We are doing our annual yearly samples. This year it was Lodgepole Creek. Below is some information on *E. coli* and why we sample for it.” ~Jeremy Walker



Bacteria and *E. Coli* in Water

By Water Science School | June 5, 2018

<https://www.usgs.gov/special-topics/water-science-school/science/bacteria-and-e-coli-water>

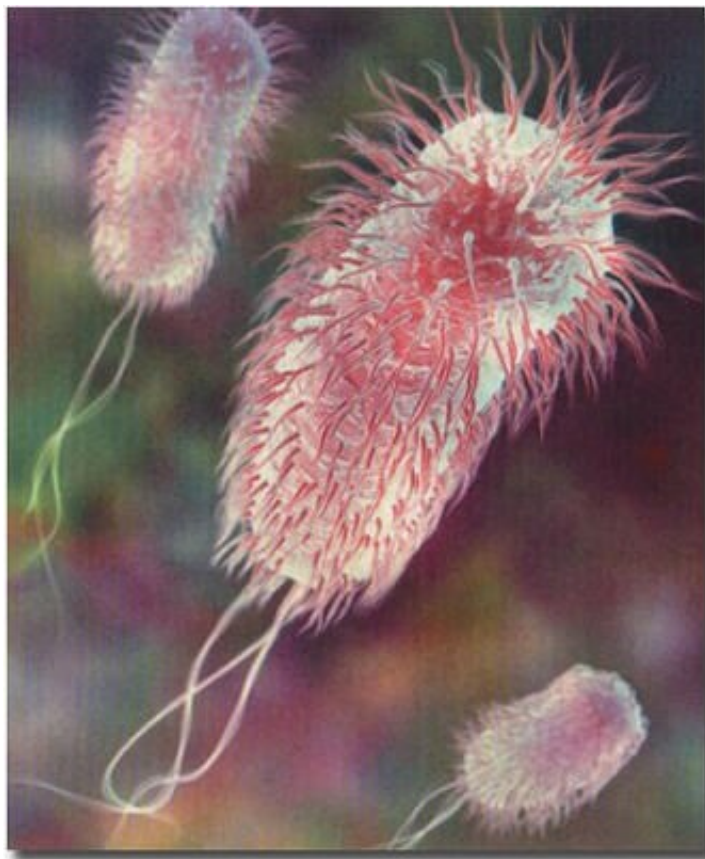
Water, like everything else on Earth, including you, is full of bacteria. Some bacteria are beneficial and some are not. Escherichia coli (*E. coli*) bacteria, found in the digestive tract of animals, can get into the environment, and if contacted by people, can cause health problems and sickness. Find out the details here.

Bacteria are common single-celled organisms and are a natural component of lakes, rivers, and streams. Most of these bacteria are harmless to humans; however, certain bacteria, some of which normally inhabit the intestinal tract of warm-blooded animals, have the potential to cause sickness and disease in humans. High numbers of these harmless bacteria often indicate high numbers of harmful bacteria as well as other disease-causing organisms such as viruses and protozoans.

One method of determining bacteria counts is to count the number of bacteria colonies that grow on a prepared medium.

Escherichia coli (abbreviated as *E. coli*)

are bacteria found in the environment, foods, and intestines of people and animals. *E. coli* are a large and diverse group of bacteria. Although most strains of *E. coli* are harmless, others can make you sick. Some kinds of *E. coli* can cause diarrhea, while oth-



Escherichia coli or *E. coli* is a type fecal coliform bacteria that is commonly found in the intestines of animals and humans. *E. coli* in water is a strong indicator of sewage or animal waste contamination. Sewage and animal waste can contain many types of disease causing organisms. Consumption may result in severe illness; children under five years of age, those with compromised immune systems, and the elderly are particularly susceptible. Credit: U.S. Environmental Protection Agency

ers cause urinary tract infections, respiratory illness and pneumonia, and other illnesses.

Total coliform

Total coliforms are gram-negative, aerobic or facultative anaerobic, non-spore forming rods. These bacteria were originally believed to indicate the presence of fecal contamination, however total coliforms have been found to be widely distributed in nature and not always associated with the gastrointestinal tract of warm blooded animals. The number of total coliform bacteria in the environment is still widely used as an indicator for potable water in the U.S.

Fecal coliform

Fecal coliform bacteria are a subgroup of coliform bacteria that were used to establish the first microbial water quality criteria. The ability to grow at an elevated temperature (44.5 degrees Celsius) separate this bacteria from the total

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Bacteria and *E. Coli* in Water

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coliforms and make it a more accurate indicator of fecal contamination by warm-blooded animals. Fecal coliform bacteria are detected by counting the dark blue to blue-grey colonies that grow on a 0.65 micron filters placed on mFC agar incubated in a 44.5° C oven for 22-24 hours. The presence of fecal coliforms in water indicates that fecal contamination of the water by a warm-blooded animal has occurred, however, recent studies have found no statistical relationship between fecal coliform concentrations and swimmer-associated sickness.

E. coli

Escherichia coli (*E. coli*) is a rod-shaped bacteria commonly found in the gastrointestinal tract and feces of warm-blooded animals. It is a member of the fecal coliform group of bacteria and is distinguished by its inability to break down urease. *E. coli* numbers in freshwater are determined by counting the number of yellow and yellow brown colonies growing on a 0.45 micron filter placed on m-TEC media and incu-

bated at 35.0° C for 22-24 hours. The addition of urea substrate confirms that colonies are *E. coli*. This bacteria is a preferred indicator for freshwater recreation and its presence provides direct evidence of fecal contamination from warm-blooded animals. Although usually harmless, *E. coli* can cause illnesses such as meningitis, septicemia, urinary tract, and intestinal infections. A recently discovered strain of *E. coli* (*E. coli* O157:H7) can cause severe disease and may be fatal in small children and the elderly.

The relation between bacteria counts and sickness

Consumption of or contact with water contaminated with feces of warm-blooded animals can cause a variety of illnesses. Minor gastrointestinal discomfort is probably the most common symptom; however, pathogens that may cause only minor sickness in some people may cause serious conditions or death in others, especially in the very young, old, or those with weakened immunological systems.

CLIMATE CHANGE PROGRAM HIGHLIGHTS

By Dennis Longknife, Jr., Climate Change Coordinator

Hello Climate Change Warriors! As summer is winding down, I've been busy distributing Climate Change Questionnaires, at our four Senior Citizen Centers, in our tribal communities of Hays, Lodge Pole, Dodson, and the Fort Belknap Agency. Austin After Buffalo, my new Climate Education and Outreach Assistant, has been assisting me with the community questionnaires; so far we travelled to all four communities within the reservation.

The questionnaires capture what our elders have seen in their lifetime from the impacts from climate change, to our ways of life. The questionnaire is 4 pages, and is designed to capture Indigenous Knowledge, or some call it Traditional Ecological Knowledge (TEK). The valuable information gathered, will be used to update our tribes' current Climate Change Adaptation Plan. This final task will complete my tasks for the BIA Tribal Climate Resiliency Grant we were awarded in 2022.

In September, we plan on partnering with the Tribal Historic Preservation Office to conduct surveys on First Foods in the Little Rocky Mountains. One of the tasks from the BIA Tribal Climate Resiliency Grant, was to search to see if we have any Sub Alpine Fir species. Eventually, we intend to restore this Fir species as well as other native first foods that are of high cultural significance to our tribes, back into the Little Rocky Mountains. Restoring this species would aid in making our tribes more resilient, to be able to grow our own seed stock, which can be used for any restoration efforts.



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CLIMATE CHANGE PROGRAM HIGHLIGHTS

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STORY TIME AN OLD FRIEND

One hot summer day, I decided to visit one of my wetlands to see an old friend...A remnant from days when our tribes lived in harmony with all living things, and Buffalo roamed this area freely. I met this tree when I was younger about 25 years ago when I started my career working in wetlands. We had a lot to talk about and greeted each other. This old tree has scars on his trunk from many floods.

I relaxed there for a while, just sitting there listening and observing. After a long cold winter, this tree greets lots of wildlife as spring returns and the floodwater enters his domain there out on the floodplain of the Milk River Valley. Northern Leopard Frogs are the first to emerge from their long slumber along with migrating waterfowl, they both have one thing in common with the surrounding wildlife, it is time to breed and raise their young. Northern Leopard Frogs begin laying eggs and the ducks begin nesting and rearing their young. By the time the floodwaters dry up and recede, life moves on.

Then it occurred to me...this would be a great classroom...I visualized many children sitting around me under the shade of this old growth Cottonwood Tree. What kind of story could he tell them so they understood? He provides many services to the surrounding wildlife, a place for birds to nest, for raccoons and other furry critters to seek shelter from predators, the weather, or just to enjoy the view like I was doing. A slight breeze and the shade comforted my soul as I gazed out to the surrounding landscape. Then I realized...I wouldn't have to explain anything to the children, just let them hear it from him and by simply sitting there listening and observing.



RESILIENCE MT: Climate Resilience Exhibit

Our Climate Change Program is continuing to work on a grant called, Resilience MT, in partnership with the University of Montana's, Environmental Studies Program and Robin Saha, Professor of Environmental Studies, and Beth Covitt, Head of Science Education and Research and Evaluation. The funds will be used to develop a mobile exhibit that will highlight, and enhance the community's awareness and understanding of how our natural resources and ways of life, are being impacted by climate change. This fall we intend to work with the Hays Lodge Pole High School students, Rod Benson/Science Instructor, and Carleta Benson, Student Counselor. The Mobile Exhibit will be completed this spring and will be on display in the community. This project will empower the students and get them thinking on how they can make our community more resilient to the impacts from climate change.



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CLIMATE CHANGE PROGRAM HIGHLIGHTS

(Continued from page 31)



THE LITTLE ROCKY FOREST RESILIENCE PROJECT

In 2020, we partnered with the Center for Large Landscape Conservation (CLLC), based in Bozeman, Montana, on a Wildlife Conservation Society grant, to work on a Forest Health Project, we call the Little Rocky Forest Resilience Project (LRFR). We completed the LRFR Project last fall by thinning 100 acres using a Forestry Contract Crew, which also included training ten tribal members in Chainsaws.

This year we worked with the CLLC again and secured funding from the National Fish and Wildlife Foundation (NFWF), to thin an additional 200 acres. Plans are being made so that the LRFR Phase II Project can begin this fall.



Thinning not only opens up the canopy, it creates spaces for wild native plants to grow and for precipitation to soak into the soil, thus improving soil health, and reducing the threat for catastrophic wildfires.

Beaver Dam Documentary Filmed

By Austin After Buffalo, Temporary Climate Outreach & Education Assistant

On July 13, 2023, Dennis Longknife, Jr. had the opportunity to work with some people from the University of Montana and to be filmed about his knowledge of Beavers and Beaver dams on the Fort Belknap Reservation at Beaver Creek and why they are an essential species that help the environment in a certain way. He currently works for the FBIC at Environmental on a climate change project on the reservation. How over the years it has affected the community and the land and the resources it gives back to certain species of plants and animals? In the picture, you can see Dennis sitting down fishing next to some water getting his picture taken as he talks about his knowledge of the Beavers.



Interior Department Takes Action to Strengthen Endangered Species Protections

Contact: Interior_Press@ios.doi.gov | Date: Friday, June 30, 2023

<https://www.doi.gov/pressreleases/interior-department-takes-action-strengthen-endangered-species-protections#:~:text=WASHINGTON%20%E2%80%94%20The%20Department%20of%20the%20habitats%20outside%20their%20historical%20ranges>

WASHINGTON — The Department of the Interior today announced significant action to better facilitate species recovery by providing more flexibility for the introduction of threatened and endangered species to suitable habitats outside their historical ranges. This announcement helps to advance President Biden’s America the Beautiful initiative, which supports healthy wildlife and wildlife habitat by supporting voluntary, locally led conservation efforts across the country.

The U.S. Fish and Wildlife Service has finalized revisions to section 10(j) regulations under the Endangered Species Act that will help improve the conservation and recovery of imperiled ESA-listed species in the coming decades, as growing impacts from climate change and invasive species cause habitats within species’ historical ranges to shift or become unsuitable. The prior regulations restricted the reintroduction of experimental populations to only the species’ historical range except under extreme conditions.

Secretary of the Interior Deb Haaland and Assistant Secretary for Fish and Wildlife and Parks Shannon

Estenoz discussed the new action and the significance of the Endangered Species Act with Service staff from Hakalau Forest National Wildlife Refuge in Hilo, Hawaii yesterday.

"The impacts of climate change on species habitat are forcing some wildlife to new areas to survive, while squeezing other species closer to extinction. The Interior Department is committed to using all of the tools available to help halt declines and stabilize populations of the species most at-risk," said Secretary Deb Haaland. "As we celebrate the 50th anniversary of the Endangered Species Act, these new revisions will help strengthen our efforts to conserve and recover imperiled species now and for generations to come."

"At the time the original 10(j) regulations were established, the potential impact of climate change on species and their habitats was not fully realized, yet in the decades since have become even more dramatic," said Service Director Martha Williams. "These revisions will help prevent extinctions and support the recovery of imperiled species by allowing the Ser-

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Interior Department Takes Action to Strengthen Endangered Species Protections

(Continued from page 33)

vice and our partners to implement proactive, conservation-based species introductions to reduce the impacts of climate change and other threats such as invasive species.”

Throughout the year, the Department is celebrating the importance of the ESA in preventing the extinction of imperiled species, promoting the recovery of wildlife and conserving the habitats upon which they depend. The ESA has been highly effective and credited with saving 99% of listed species from extinction. Thus far, more than 100 species of plants and animals have been delisted based on recovery or down-listed from endangered to threatened based on improved conservation status. Hundreds more species are stable or improving thanks to the collaborative actions of Tribes, federal agencies, state and local governments, conservation organizations and private citizens.

Reintroducing species of plants and animals back into areas where they have disappeared has been a regularly used technique in wildlife conservation for decades. The Service has used the section 10(j) tool to advance the recovery of numerous listed species by designating populations as “experimental” to support collaborative reintroduction efforts with partners that foster species’ recovery. Updating this proven conservation tool will allow the Service to keep pace

with corresponding science, which has shown that climate change and invasive species are pushing plants and animals into completely new geographic areas for the habitat needed for their continued survival.

For example, increasing invasive species encroachment is causing habitats to become unsuitable within listed species’ historical ranges. This is of particular concern for species on the Hawaiian Islands and other island communities. Improving the ESA’s experimental population regulations will prevent more species from becoming stranded when conditions change in their current habitat and help establish them in more suitable habitats given these rising threats.

Section 10(j) rules provide regulatory flexibility and predictability for partners in their recovery efforts. The Service will continue to coordinate closely with affected state, Tribal, local governments, non-governmental stakeholders, and landowners before establishing an experimental population in or outside of a species’ historical range. The rulemaking processes for designating a 10(j) experimental population will not change with this revised regulation or require reevaluation of existing experimental populations.

Guam Kingfisher



The 2023 Session: Foul Air, Dirtier Water, an Unstable Climate, and More Sprawl

By Anne Hedges | June 15, 2023

<https://meic.org/the-2023-session-foul-air-dirtier-water-an-unstable-climate-and-more-sprawl/?preview=true>

A question: What do you get when you combine a disdain for science, a bully mentality, and a hostility toward anyone outside of your inner circle?

Answer: The 2023 Legislature.

We knew it was going to be bad. While it could have been worse, it was still terrible. Did the majority party knock on doors during the election and ask their constituents if they wanted more sprawl, increased pollution, dead fish floating on the surface of streams, foul air, increased forest fires, more intense droughts, and less public oversight of government activities? Even if that is not what legislators heard when they knocked on doors during the election, it's what Montanans are going to get from the legislative "Pigpen" that occupied the Capitol for far too long this winter.

There were glimmers of sanity throughout the session that were easily overlooked due to the chaos and venom that was swirling through the halls of the Capitol. For instance, Sen. Janet Ellis, (D-Helena) was able to overwhelmingly pass a bill to establish timelines for public information requests of state agencies (see article). The public cannot hold government accountable if it cannot see what the government is doing. Montanans' Constitutional rights to know and participate are foundational to our democracy, and this new law will help implement those rights. HB 188 by Rep. Gary Perry (R-Colstrip) was amended after MEIC requested it be changed to permanently fund coal communities with coal tax trust fund dollars to help those communities deal with the decline of coal mining and transition to new economies.

Many bad bills failed, too. No Constitutional amendments garnered enough support to be put on the ballot. NorthWestern Energy's power grab to gain control

of the electric transmission system went down in flames. Sen. Steve Fitzpatrick (R-Great Falls) once again failed in his attempt to expand takings law and force the government to pay whenever it protects public health, the environment, or communities. Net metering is still intact despite NorthWestern's repeated attacks. A proposal to expand the exempt well law was defeated. Proposals failed that would have made environmental nonprofit groups disclose their membership and lose their nonprofit status if they challenge agency decisions in court. Punitive proposals to tax wind energy development never made it out of committee, and bills to make it harder for local governments to adopt and rely on growth policies were deep-sixed. And many bills were amended to decrease or eliminate their impact on the environment.

The articles in this issue largely describe the losses that were suffered and the challenges environmental protection faces going forward. The Legislature's denial of the climate crisis is perhaps the most troubling and will require the greatest efforts to overcome. The late Bob Campbell, visionary author of Montanans' Constitutional right to a clean and healthful environment, would roll over in his grave if he learned that the Legislature arbitrarily declared that a healthy environment doesn't include a healthy climate. MEIC and all of our partners, supporters and members, will make sure that Bob can rest in peace knowing that Montanans' Constitutional rights include the right to a safe, healthy, and livable climate.



Fort Belknap Indian Community
**ENVIRONMENTAL PROTECTION
DEPARTMENT**
Fort Belknap Agency
656 Agency Main Street
Harlem, Montana 59526

FBEPD Directory:

Ina Nez Perce
Environmental Manager
inperce@ftbelknap.org
(406) 353-8429

Lonette BlackCrow
Administrative Assistant
lonettebc@ftbelknap.org
(406) 353-8384

Mitchell Healy
Water Quality Coordinator
mitchell.healy@ftbelknap.org
(406) 353-8433

Jeremy Walker
Environmental Specialist
jeremy.walker@ftbelknap.org
(406) 353-8465

Cody Shambo
GIS Technician
cody.shambo@ftbelknap.org
(406) 353-8412

Jaclyn Blackbird
Nonpoint Source Coordinator
jackie.blackbird@gmail.com
(406) 353-8416

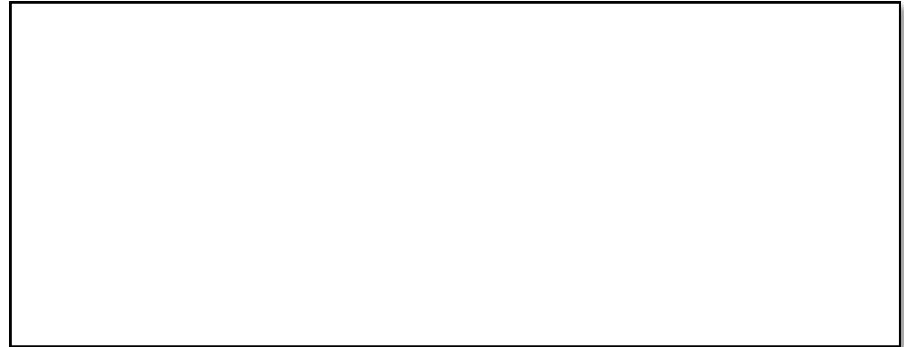
Adrian Kulbeck
Brownfields Coordinator
adrian.kulbeck@ftbelknap.org
(406) 353-8411

Kermit Snow, Jr.
Brownfields Compliance Officer
ksnow@ftbelknap.org
(406) 353-8368

Walt Badroad-Mount
*Brownfields Environmental
Technician*
w.badroadmount@hotmail.com
(406) 353-8431

Dennis Longknife, Jr.
Climate Change Coordinator
dlongknife@ftbelknap.org
(406) 353-8348

Austin After Buffalo
*Climate Outreach & Education
Assistant (Temp)*
afterbuffaloaustin@gmail.com
(406) 353-8348



www.ftbelknap.org



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<https://www.facebook.com/ftbelknap.environmental/>

