August 1, 2025

Dear Stakeholder:

The Montana Department of Environmental Quality (DEQ) has prepared the attached final supplemental environmental assessment (Final EA) in response to the Montana Supreme Court's Decision (DA-23-0225), issued on January 3, 2025. This court-ordered Final EA analyzes impacts from Montana's approval of Montana Air Quality Permit Application Number 5261-00 for the NorthWestern Energy-Laurel Generating Station, now the Yellowstone County Generating Station, and includes information subject to the Court's decision: requiring a lighting analysis and a greenhouse gas (GHG) assessment.

NorthWestern Energy has completed construction of the Yellowstone County Generating Station, which began operations on March 7, 2024. Potential impacts typically described for a "proposed" project continue to be described within this document in the future tense. For this project, construction impacts have already occurred, and potential impacts from facility operations are presently occurring and expected to continue to occur.

Public Comment: DEQ accepted public comment on the draft supplemental environmental assessment (Draft EA) beginning March 28, 2025, thru April 28, 2025. DEQ received comments from 77 commenters including one comment received after the April 28, 2025, deadline.

Department Action:
DEQ has made its Decision on the Final EA. DEQ's Decision includes updates to several sections of the Final EA in response to comments received on the Draft EA and includes a *Response to Comment* section providing a summary of comments received and DEQ's responses. A cross-reference tool for similar and related comments is also provided to help navigate the Final EA package.

Procedures for Appeal:
This Final EA is effective on August 1, 2025. Any challenge to DEQ's Decision may only be brought in district or federal court, whichever is appropriate, and may only be brought by a person who submitted formal comments on the Draft EA, prior to DEQ's Decision. Further, any challenge must be limited to those issues addressed in those comments. Any challenge must be brought within 60 days of DEQ's Decision, or September 30, 2025.

For DEQ,

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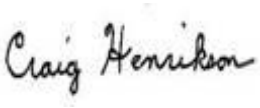

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SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

YELLOWSTONE COUNTY GENERATING STATION – MAQP #5261-00

August 1, 2025

Air Quality Bureau

Air, Energy, and Mining Division

Montana Department of Environmental Quality

Table of Contents

Project Overview

COMPANY NAME:	NorthWestern Energy
EA DATE:	March 28, 2025
SITE NAME:	Laurel Generating Station (Yellowstone County Generating Station)
MAQP#:	5261-00
Application Received Date:	June 9, 2021

Location

County: Yellowstone
The facility location is for 45.659706°N, latitude and -108.745954°W, longitude.

PROPERTY OWNERSHIP: FEDERAL STATE PRIVATE X

Compliance with the Montana Environmental Policy Act

Under the Montana Environmental Policy Act (MEPA), Montana agencies are required to prepare an environmental review for state actions that may have an impact on the Montana environment. The proposed action is a state action that may have an impact on the Montana environment and, therefore, the Department of Environmental Quality (DEQ) must prepare an environmental review. This Environmental Assessment (EA) will examine the proposed action and alternatives to the proposed action and disclose potential impacts that may result from the proposed and alternative actions. DEQ will determine the need for additional environmental review based on consideration of the criteria set forth in Administrative Rules of Montana (ARM) 17.4.608. DEQ may not withhold, deny, or impose conditions on the Permit based on the information contained in this EA (§ 75-1- 201(4), MCA).

EA Chronology

Draft EA associated with permit Preliminary Determination: July 9, 2021.
Final EA associated with permit Department Decision: August 23, 2021.
Supplemental Draft EA out for public comment; June 1, 2023, thru July 3, 2023.
This court-ordered supplemental EA on lighting and GHG assessment out for public comment; March 28, 2025, thru April 28, 2025.
Final EA issued August 1, 2025

This supplemental EA incorporates the previously identified EAs and has been prepared for Montana Air Quality Permit Application Number 5261-00 for the NorthWestern Energy-Yellowstone County Generating Station (YCGS). This supplemental Final EA includes information subject to the Court's decision requiring a lighting analysis and a Greenhouse Gas (GHG) Assessment.

Proposed Action

NWE applied for a Montana Air Quality Permit under the Clean Air Act of Montana for eighteen (18) 9.7-megawatt-electrical (MWe) reciprocating internal combustion engines (RICE), one 2,682 brake horsepower (bhp) emergency diesel-fired engine generator set. Other emitting units of the action include a 315-bhp diesel-fired fire pump engine, a 1.11 MMBtu/hr natural gas line heater, and fugitive road dust from a new road. The proposed action would be located on private land, 1.5 miles southeast of Laurel, Montana. All information included in this EA is derived from the permit application, discussions with NWE, analysis of aerial photography, topographic maps, a lighting analysis prepared by NWE and other research tools.

Potential Mitigation

A number of processes are known to mitigate and off-set release of CO_2e from the YCGS. Geological sequestration, and a similar process known as mineralization, capture CO_2 underground. Geologic storage of CO_2, also known as geological carbon sequestration, involves storing CO_2 deep underground in porous rock formations. There, CO_2 is compressed to the supercritical phase, where it behaves like a liquid. Geologic carbon sequestration permanently removes CO_2 from the atmosphere. A related concept is carbon mineralization, where CO_2 reacts with silicate rocks to precipitate carbonate minerals (Department of Energy).

Another means of carbon mitigation is biological sequestration. Biologic carbon sequestration involves storing CO_2 naturally in places where it becomes part of the carbon cycle. The carbon cycle is the natural process by which carbon moves between the atmosphere, oceans, land, and living things. Some carbon is stored in plants—especially woody plants and grasslands—as a result of the biological, photosynthesis process. Photosynthesis removes CO_2 from the atmosphere and transforms it into living plant tissues. (https://www.energy.gov/science/doe-explainscarbon-sequestration). The 695,000 metrics tons/year of CO_2e would be equivalent to the amount of carbon sequestered by 698,063 acres of U.S forests (EPA Greenhouse Gas Equivalency Calculator).

A third option for mitigation is industrial carbon capture and sequestration (CCS). Industrial CCS processes have been installed on electrical generating units, usually as demonstration projects, but some continue to capture CO_2. An example of successful ongoing industrial CCS technology is the Sask Power facility in Saskatchewan. Industrial CCS is possible but severely limited by high operational costs and technical challenges.

DEQ dismisses these three mitigations due to lack of authority to require mitigations by the Clean Air Act of Montana. Under MEPA, DEQ may not require mitigation for Proposed Actions, and NWE must voluntarily elect to implement mitigation measures.

Purpose and Need

Under MEPA, Montana agencies are required to prepare an environmental review for state actions that may have an impact on the Montana environment. The proposed action may have

an impact on the Montana environment; therefore, DEQ must prepare an environmental review. This supplemental EA will examine the proposed action and alternatives to the proposed action and disclose potential impacts that may result from the proposed and alternative actions. DEQ will determine the need for additional environmental review based on consideration of the criteria set forth in ARM 17.4.608.

Table 1. Summary of activities proposed in application

Summary of Proposed Action	
General Overview	NWE's air quality permit application consists of the following equipment: • Eighteen (18) 9.7-megawatt-electrical (MWe) reciprocating internal combustion engines (RICE), • One 2,682 -bhp emergency diesel-fired generator, • One 315-bhp diesel-fired fire pump engine, • 1.11 MMBtu/hr natural gas line heater. • Fugitive road dust. The facility would be permitted to emit air pollutants from this equipment until NWE requested permit revocation or if the permit were revoked by DEQ due to gross non-compliance with the permit conditions.
Proposed Action Estimated Disturbance	
Disturbance	Operational disturbance would be approximately 10.4 acres including the access road. Construction disturbance would be approximately 20.4 to 25.4 acres.
Proposed Action	
Duration	**Construction:** Construction or commencement would start within three years of issuance of the final air quality permit. **Construction Period:** The construction period is expected to last approximately 12 months. Startup and commissioning would run for approximately six months. As the result of litigation, this duration could possibly extend beyond the original timeframe estimates. **Operation Life:** The project specification used by NWE for bids for this project were stated as a minimum of a 30-year life.
Construction Equipment	Cranes, backhoes, graders/dozers, passenger trucks, delivery trucks, cement trucks, various other types of smaller equipment
Personnel Onsite	**Construction:** Approximately 150 Contract Personnel **Operations:** Twelve to fifteen permanent staff during operation

Location and Analysis Area	**Location**: Lat/Long 45.659706, -108.745954 **Analysis Area**: The area being analyzed as part of this environmental review includes the immediate project area (Figure 1), as well as neighboring lands surrounding the analysis area, as reasonably appropriate for the impacts being considered.
Air Quality	This EA will be attached to the Air Quality Permit which would include all enforceable conditions for operation of the emitting units
Conditions incorporated into the Proposed Action	The conditions developed in the Preliminary Determination of the Montana Air Quality Permit dated July 9, 2021, set forth in Sections II.A-D and updated in the Decision Air Quality Permit dated August 20, 2021. Conditions included in the remanded Preliminary Determination dated 6/1/2023.
Cumulative Impact Considerations	
Past Actions	This is a new air quality permit for an electrical generating station which utilizes natural gas-fired engines to produce electricity. Combustion related emissions will be released from each of the eighteen engines when they are in operation.
Present Actions	This is a new air quality permit for an electrical generating station which utilizes natural gas-fired engines to produce electricity. Combustion related emissions will be released from each of the eighteen engines when they are in operation. This facility has since begun operation but the EA addresses both a lighting analysis and greenhouse gas assessment.
Related Future Actions	No information is available regarding future actions.

Evaluation of Affected Environment and Impact by Resource

The impact analysis will identify and evaluate whether the impacts are direct or secondary impacts to the physical environment and human population in the area to be affected by the proposed project. Direct impacts occur at the same time and place as the action that causes the impact. Secondary impacts are a further impact to the Montana environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action (ARM 17.4.603(18)). Where impacts would occur, the impacts will be described.

Cumulative impacts are the collective impacts on the Montana environment within the borders of Montana that could result from the Proposed Action when considered in conjunction with other past and present actions related to the Proposed Action by location and generic type. Related future impacts must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures. The activities identified in Table 1 were analyzed as part of the cumulative impacts assessment for each resource.

The duration is quantified as follows:

- Construction Impacts (short-term): These are impacts to the environment during the construction period. When analyzing duration, please include a specific range of time.

- Operation Impacts (long-term): These are impacts to the environment during the operational period. When analyzing duration, please include a specific range of time.

The intensity of the impacts is measured using the following:

- No impact: There would be no change from current conditions.

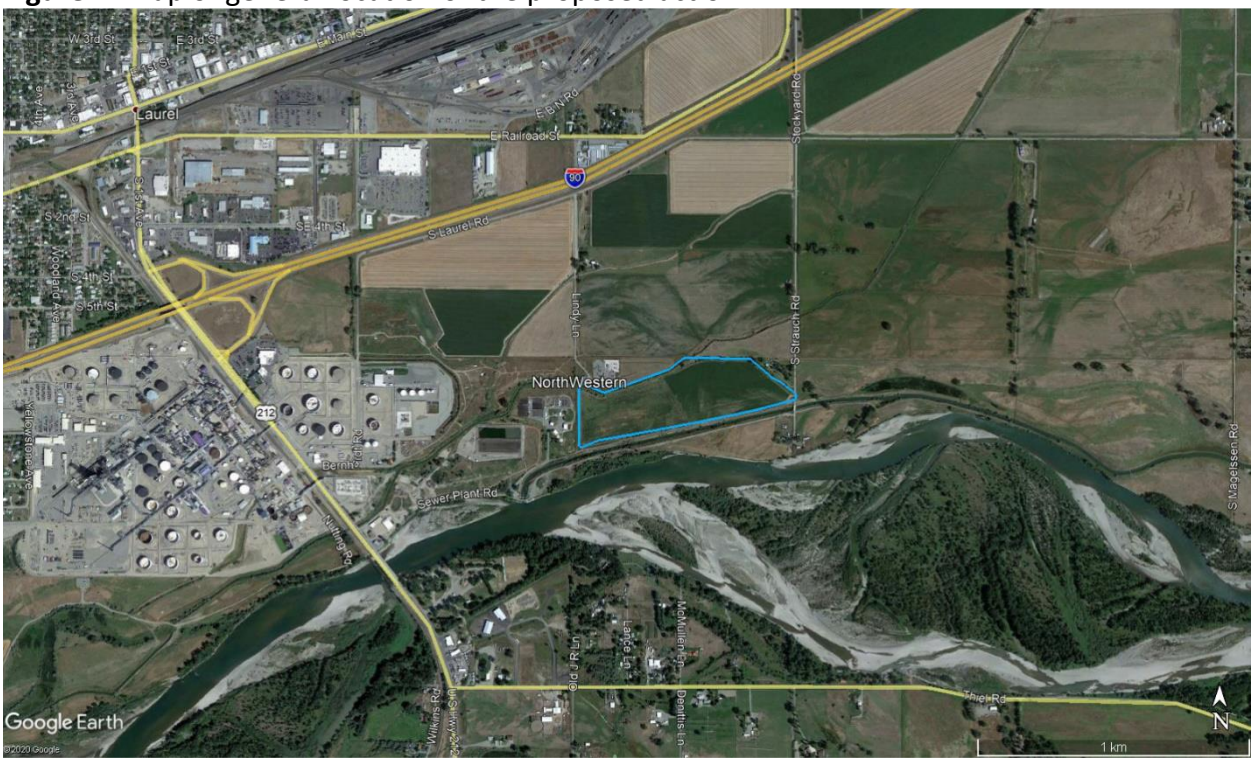
- Negligible: An adverse or beneficial effect would occur but would be at the lowest levels of detection.

- Minor: The effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.

- Moderate: The effect would be easily identifiable and would change the function or integrity of the resource.

- Major: The effect would alter the resource.

Figure 1. Map of general location of the proposed action.



Aesthetic Impacts from Lighting

This facility has since completed construction and began operation on March 7, 2024. Potential impacts normally described for a "proposed" project continue to be described within this document in the future tense. For this project, construction impacts have already occurred, and potential impacts from facility operation are presently occurring and expected to continue to occur.

At DEQ's request, NWE has provided additional information regarding the potential lighting impacts from the proposed action to assist in preparing this supplemental EA. Information and text provided by NWE has been incorporated into this section to support DEQ's conclusions on potential aesthetic impacts from lighting. DEQ has made available the full NWE Lighting Analysis (NWE Yellowstone County Generating Station Lighting Design, dated May 19, 2023, Ref. NWE #1 and NWE Laurel Nighttime Rendering Design Follow-Up Submittal, May 26, 2023, Ref. Thompson2) and posted those materials as separate documents to DEQ's AQB permit website.

The proposed action is located in an area mostly surrounded by agricultural and industrial private property. The proposed action is located exclusively on private land.

The immediate receptors surrounding the project are industrial neighbors, agricultural properties, recreationalists on the river, and intermittent residences surrounding the property. The nearest two residences are located approximately 1,030 feet and 1,230 feet away from the east side of the proposed action's engine hall, respectively. The exhaust stacks are on the west side of the engine hall and are further away from these two residences.

The analysis area for lighting is the immediate project area (Figure 1), as well as neighboring lands surrounding the analysis area, as reasonably appropriate for the impacts being considered. There are no other zoning or regulatory requirements at a local, county, state level for lighting requirements in the analysis area of the proposed action. The area adjacent to the proposed action is zoned for HI-heavy industrial and A1-Agricultural Open and there are no lighting restrictions in these zoning requirements.

Light can travel, and be visible, up to several miles from a single light source, depending on atmospheric conditions. Factors influencing travel distance are numerous and include:

- The intensity of the source,
- Distribution and orientation of the source,
- Color temperature of the source,
- Shielding of the source,
- Air quality (particulates, ppm)
- Humidity,
- Temperature,
- Time of day,
- Man-made or natural obstructions including buildings and trees,

- Elevation changes,
- Existing ambient sky glow in any given area,
- Age of observer.

The luminous flux of a particular light source is measured in lumens. Lighting fixtures are typically specified and categorized based on lumen output. The higher the lumen output, the 'brighter' the light source; the lower the lumen output, the less bright the light source. Fixtures are specified based on lumens, not watts. Watts are a unit for the measure of energy consumption. Each of the external lights that are planned for the proposed action are specified in lumen output and part of the analysis to determine the overall lighting impact. Illuminance is the amount of light (lumens) falling on a defined surface area. Illuminance is quantified as lumens per square foot (footcandles) or lumens per square meter (lux). Measuring (or calculating) the illuminance allows for determining how much light is needed to perform specific tasks.

The Illuminating Engineering Society (IES) recommends a typical classroom, to have a light level of 30-50 footcandles or 300-500 lux. Compared to a professional laboratory which recommends a light level of 75-120 footcandles or 750-1200 lux. The IES recommendations are evidence-based to determine how much light is needed for different tasks varying levels of detail.

Typical examples of lighting are noted as follows:

- Clear Summer Day: 100,000 Lux (~10,000 footcandles)
- Full Indirect Sunlight: 10,000 Lux (~1,000 footcandles)
- Overcast Day: 1,000 Lux (~100 footcandles)
- Traditional Office Lighting: 300-500 Lux (30-50 footcandles)
- Common Stairway: 50-100 Lux (5-10 footcandles)
- Twilight: 10 Lux (1 footcandle)
- Full Moon: <1 Lux (<0.1 footcandle)

Direct Impacts

Proposed Action: Consistent with the original project phases of the proposed action, there are lighting needs during construction and lighting needs that would occur with the operation of the facility. During construction, outdoor lighting would be used to provide safe, secure operations after project completion. Typical construction working hours would be weekdays 6 a.m. to 6 p.m. Occasional construction work could occur during nighttime hours and weekends. Outside of working hours lighting would be reduced to that sufficient for security purposes with the majority being turned off. The project design demonstrates the planned lighting system design and installation reasonably minimizes the lighting while also providing necessary lighting consistent with the need to provide a safe working environment for personnel during construction, as well as a safe, secure environment for operating and maintaining the project. The desired average illuminance for this project would be approximately 1 footcandle for roadway and circulation around buildings.

Photographs from the site at its current construction phase, are shown below.

Figure 2. Construction lighting from the east looking west during 5 progressing phases of construction.

At dusk from east edge of site looking west

From construction trailers looking west

From construction trailers looking west

From construction trailers looking west

From construction trailers looking west

During operations, the proposed action would have a total of five buildings including the engine hall, a control room, an electrical and battery room, a warehouse building, and a maintenance building. The largest building would be the engine hall where the 18 engines would reside. The second largest building would the maintenance building. There are approximately 176 external lighting fixtures expected across these five buildings, but almost half of these lights are dedicated for equipment areas and would normally be turned off on a nightly basis and only turned on as required during periods of operations or maintenance. Outdoor nighttime maintenance activities are not anticipated but may occur occasionally.

The tallest external lighting fixtures noted in the building plan are those mounted on poles, generally lighting the road access area to the facility and surrounding the project site. These fixtures are designed for an elevation of 30 feet and also have the highest rated lumens of all the fixtures at 22,400. These fixtures are controlled through a light sensing cell and therefore do not operate during the day but would operate continuously during the night. These lights are for safety and security purposes. These lights are also fitted with shielding to make these lights Dark Sky compliant which directs light downward to the intended lighting area and avoiding excess upward lighting. Dimmers are also planned to offer additional control to turn the lighting levels down as warranted. There are two 30 feet pole fixtures which have lumen ratings of 44,800 lumens located south of the plant, but these are not planned for continuous night operation and have wall switches. These poles are designed with two fixtures each rated at 22,400 lumens for occasional use when additional lighting is needed at these locations.

Other external fixtures are mounted on the five buildings including the engine hall and the exhaust silencers. These lighting fixtures are designed for installation elevations between 6.5 and 15 feet. These lights are generally Dark Sky compliant to minimize unintended upward and outward lighting. These lights only operate during the nighttime as they also utilize a light sensing cell to operate, and these lights are designed with ratings between 2671 and 7373 lumens. The exhaust stacks are 78 feet above final grade. There would be no permanent lights installed on the stacks, which are the tallest and most prominent structures in the proposed action.

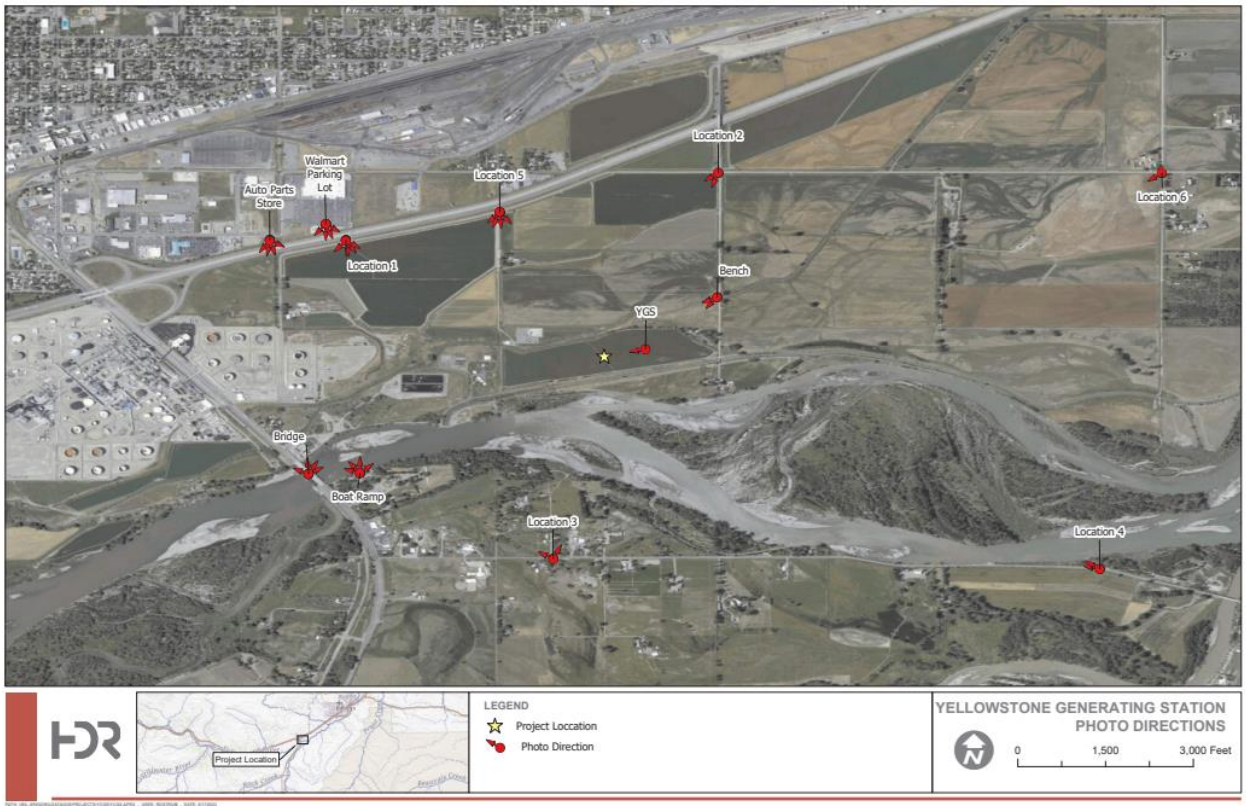
The electrical transformers also have lighting fixtures which are not intended to operate at night and “wall switches” are planned so the area could be lit on an as needed basis. This operation would be expected to be intermittent, and these fixtures are located at approximately 20 feet each with a 12, 278 lumen rating.

The external fixtures that would most often be used are either Dark Sky Compliant thru shielding or have actual fixtures which are Dark Sky Approved. Lights that are not continuously on at night, are designed with the shielding to mitigate unintended lighting.

Because internal lighting would not be visible externally, the impacts from internal lighting would not be present off the site. The internal building lighting, additionally, would be based on occupational lighting requirements.

To compare the proposed action's impact to the no action alternative, photographs were taken around the existing site with no external lighting from the existing project site, and then modelling performed to show the likely lighting levels with all external lighting on, and with the normal nighttime lighting. This comparison should explain what—if any—new lighting impacts would occur with the proposed action. These nighttime photographs were taken from six labeled locations surrounding the project site. Photographs were taken at 11 locations, but a few of these locations were in such close proximity to one another that the report identifies a total of six locations. At each location, photographs from multiple directions were taken to show which lights are visible in the background. The locations are generally northwest, north, northeast, southwest, south, and southeast of the proposed action site. These locations cover the range of views similar to what most observers currently see around the proposed site. Several of the photographs from submittal NWE#1 are included below. The location key is shown here but only specific detail is summarized for some of the photograph locations. The proposed action is in the middle of the map provided in Figure 3, shown by the yellow star.

Figure 3. Proposed action location and key observation points location with directions of photographs.



Comments on the Final EA for the proposed action dated August 23, 2021, generally concerned impacts to locations to the south, southeast and east of the proposed action site. Key pictures from locations from those directions from the site are included on the following pages.

The pictures below were taken from the Boat Ramp at the park location west southwest of the proposed action. The four pictures taken from that location are pointing west northwest, northwest, north, and northeast.

Figure 4. Current views from boat ramp without the proposed action.

The views are identified as pictures 1, 2, 3, and 4. Pictures 1 and 2 clearly show the tall lights from the CHS refinery, while picture 3 shows lights located near the Walmart parking lot and along the Interstate in the background. Picture 4 would be looking directly over the proposed site to the northeast. The Boat ramp location currently has light pollution from many of the industrial and commercial neighbors visible from this location. The brightest lights are near the Walmart parking lot shown in pictures 2 and 3.

Another location where several pictures were taken documenting the current lighting pollution near the proposed action is the Bridge crossing the Yellowstone River just west of the Boat Ramp.

Figure 5. Current views from bridge without the proposed action.

In the existing view from the Bridge location, pictures 1 and 2 clearly show the CHS refinery and tank farm being illuminated. Picture 3 looks directly toward the wastewater treatment plant, electrical substation, and toward the north portion of the project site with picture 4 looking across the project parcel primarily to the east. Existing lights are shown in all four views.

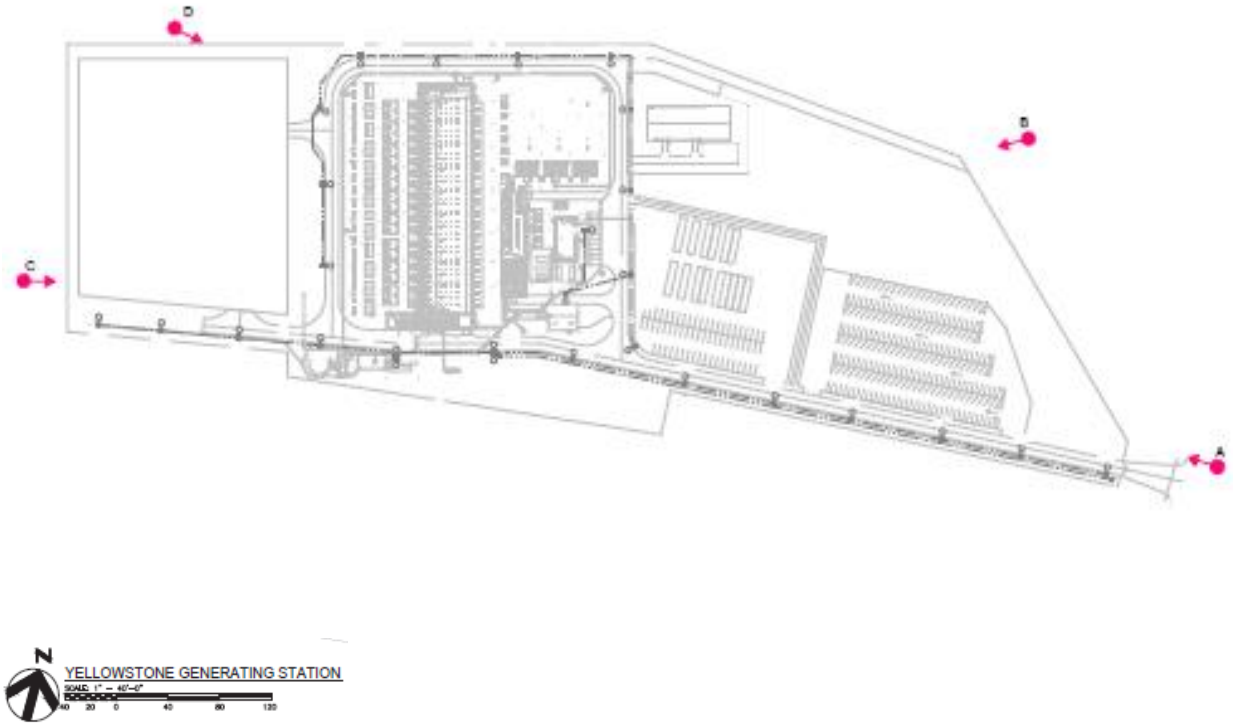
To see how the existing light pollution in the area impacts locations southeast of the proposed action, Location 4 (Figure 6) shows two photographs pointing directly toward the CHS refinery and toward the Walmart location. These two pictures are approximately 0.87 mile from the proposed site (near the engine hall).

Figure 6. Current views from the existing public highway without the proposed action.

At Location 4, light pollution is currently visible from the CHS refinery, which is located approximately 1.79 miles from this vantage point, demonstrating light pollution is already present from numerous locations surrounding the project site.

DEQ, requested modelling be conducted to show the expected light emitted by the proposed action from several locations near the site. This modelling is based on the ratings of the external fixtures, locations of those fixtures including the Dark Sky compliant fixtures using shielding and the Dark Sky approved fixtures. The four locations (A, B, C, and D) are shown in the modelling overview map Figure 7.

Figure 7. Modelled location key.



Locations B and D are two positions where a viewer would be able to see the proposed action. Modeling was conducted demonstrating the impact with all the lights on at the proposed action. Modeling was also conducted demonstrating normal expected operations when only lights on light sensing cells would be in operation. Location B shows the following results.

Figure 8. Location B modelling.

LIGHTING SIMULATION LOCATION **B**

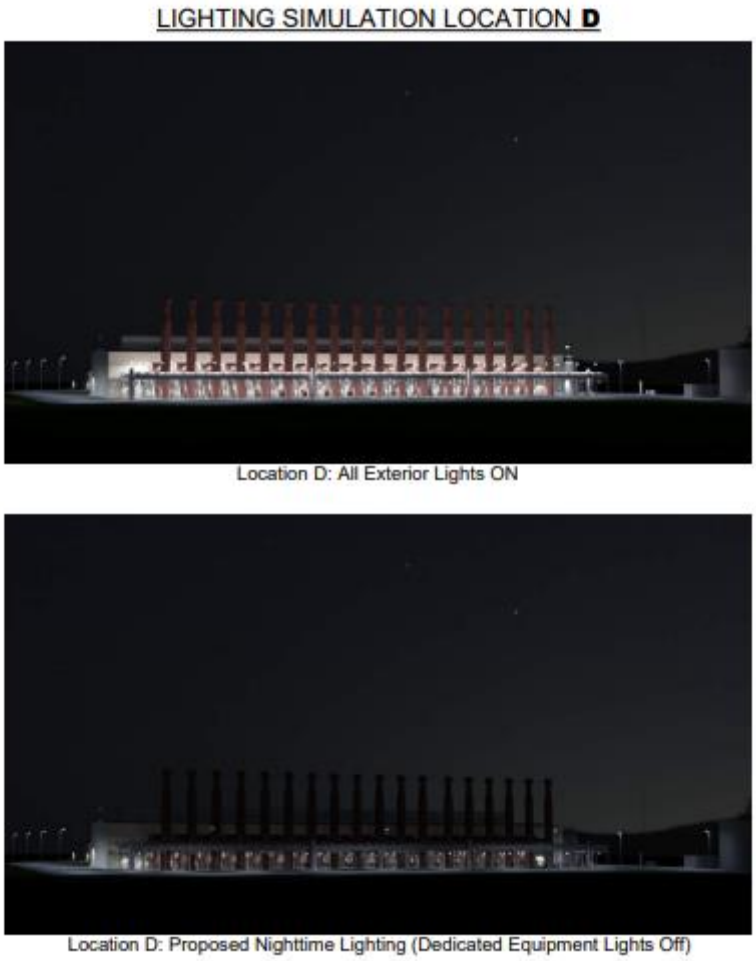
Location B: All Exterior Lights ON

Location B: Proposed Nighttime Lighting (Dedicated Equipment Lights Off)

Stacks appear in the model using a color to simulate the Corten steel which develop a corrosion resistant rust-colored coating. The stack color is likely over-exaggerated in the model. The downward direction of lights is clearly visible with little unintended lighting occurring.

Location D in Figure 7 is shown in the following two pictures.

Figure 9. Location D modelling.



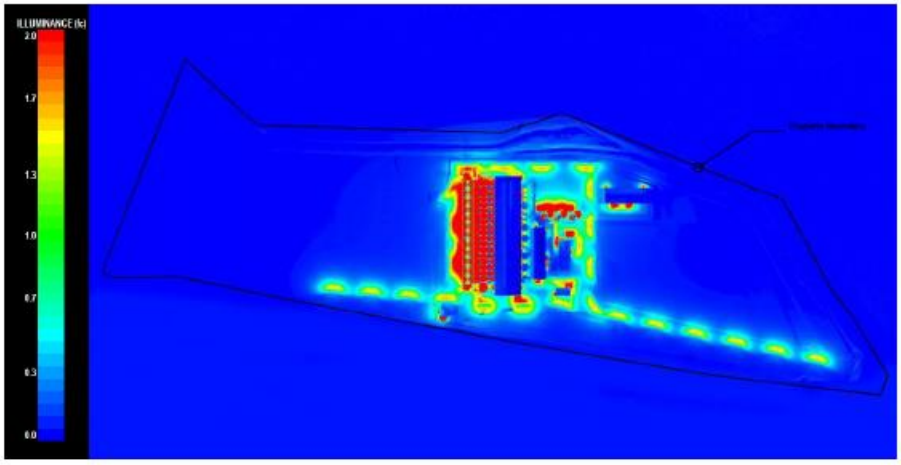
With all lights on, the engine hall becomes more visible, but during normal operation (*i.e.*, when only lights on light sensing cells would be in operation) the lighting impacts are comparatively lower. Locations A and C also show similar results with a minor increase in lighting in the area.

The current baseline pictures indicate there is light pollution surrounding the site. Regardless, of location and distance, lights are visible especially when looking toward the CHS refinery and Interstate Interchange area near Laurel. The modeled renderings of the proposed lighting demonstrate measures are in place to mitigate light pollution. This design includes Dark Sky approved external fixtures, Dark Sky compliant fixtures using shielding and selecting fixture ratings appropriate for the needed lighting. Additionally, dimmers are also planned to further aid in limiting light pollution.

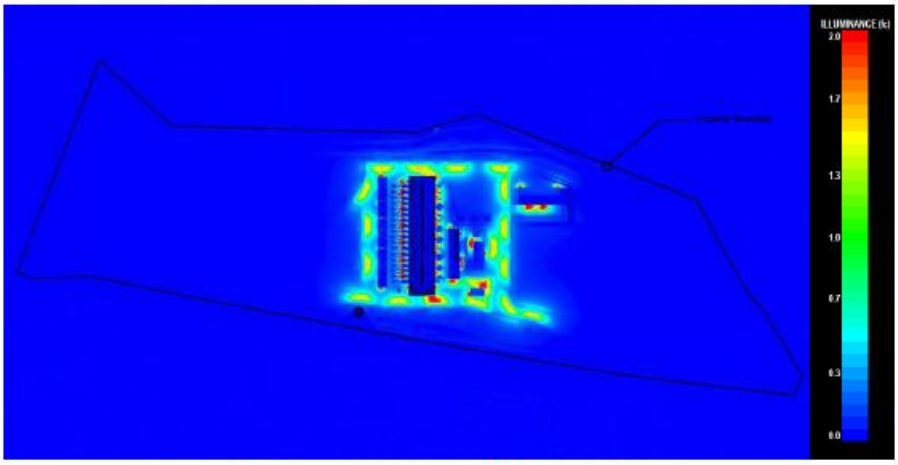
NWE also provided DEQ a lighting illuminance diagram of the proposed action.

NWE's lighting illuminance diagram, provided below, depicts the illuminance levels throughout the site. The property boundary is illustrated by the black line. The illuminance scale is shown on both sides where blue indicates zero footcandles and red indicates areas that have at least 2 footcandles.

Figure 10. Illuminance levels



Lighting Calculation: All Exterior Lights ON



Lighting Calculation: Proposed Nighttime Lighting
(Dedicated Equipment Lights Off + Entrance Roadway Lights Off)

This illuminance map further shows that lighting impacts detectable and measurable in the footcandles metric are local and well within the boundaries of the proposed action parcel.

In addition to the materials discussed above, NWE provided a follow-up submittal on May 26, 2023 (Thompson2), which contained additional renderings of nighttime operation of the facility both with all external lighting on and with typical nighttime lighting levels (*i.e.*, when only lights associated with the light sensing cells would be in operation). These renderings include actual nighttime photographs of existing area lights with the proposed facility also incorporated. Locations for the renderings are shown in the map provided in Figure 9.

Locations and renderings on Figure 11 are identified as follows with their respective Figure reference.

- Entrance 01- All External Lighting On- Figure 12
- Entrance 01 – Typical Nighttime Lighting- Figure 13
- Entrance 02- All External Lighting On -Figure 14
- Entrance 02 - Typical Nighttime Lighting-Figure 15
- Entrance at Channel- All External Lighting On- Figure 16
- Entrance at Channel – Typical Nighttime Lighting-Figure 17
- Walmart Parking Lot- All External Lighting On-Figure 18
- Walmart Parking Lot - Typical Nighttime Lighting-Figure 19
- Bridge – All External Lighting On-Figure 20
- Bridge- Typical Nighttime Lighting- Figure 21

Figure 11. Yellowstone County Generating Station – Nighttime rendering locations.
Note: Materials and colors used for the YCGS equipment/buildings in the lighting simulations is an approximation, actual colors may vary. Stacks are weathered Steel.

Figure 12. Entrance 01 – All lighting on.

Figure 13. Entrance 01 – Typical nighttime lighting.

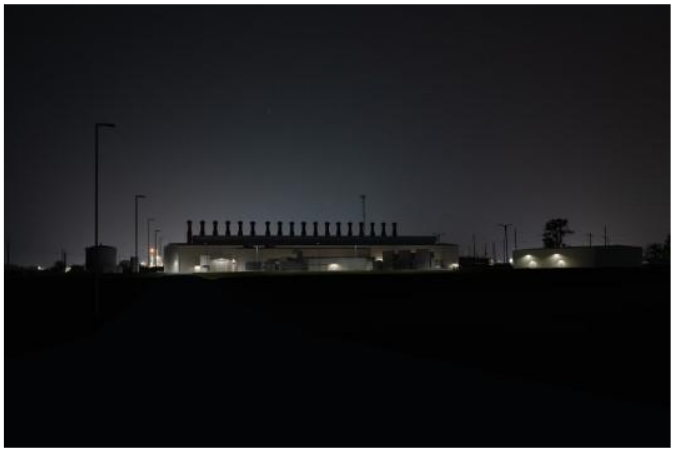


Figure 14. Entrance 02 – All lighting on.

Figure 15. Entrance 02 – Typical nighttime lighting.

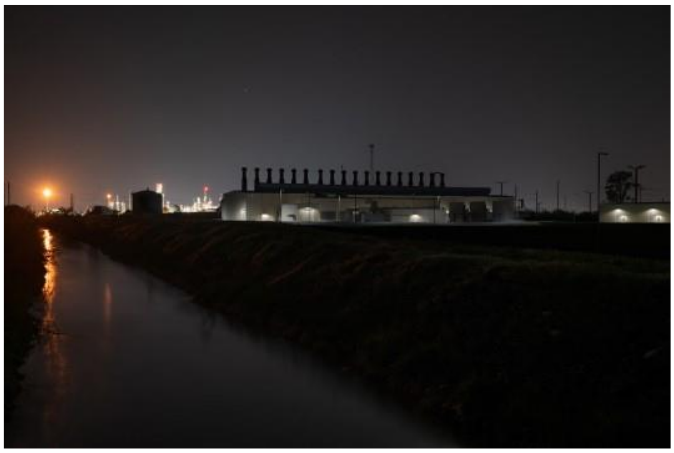


Figure 16. Roadside at channel – All lighting on.

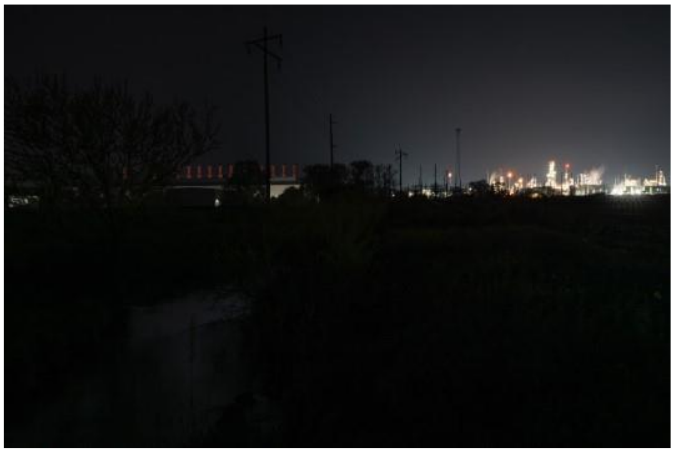


Figure 17. Roadside at channel – Typical nighttime lighting.

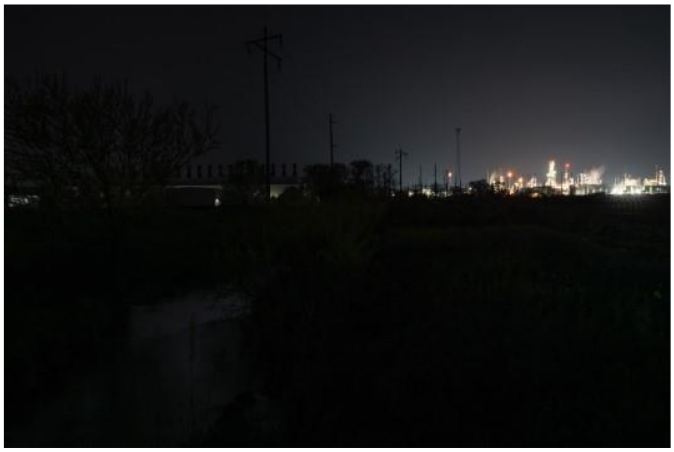


Figure 18. Walmart parking lot – All lighting on.

Figure 19. Walmart parking lot – Typical nighttime lighting.

Figure 20. Bridge – All lighting on.

Figure 21. Bridge – Typical nighttime lighting.

Secondary Impacts

Proposed Action: There would be secondary impacts to places with previously unobstructed views toward the facility. Farther away receptor locations which previously saw the lighting pollution from the direction of the CHS refinery, may now have some of that lighting pollution blocked by the proposed facility. No other secondary impacts to aesthetics including lighting are anticipated.

Cumulative Impacts

Proposed Action: The project location constitutes an area previously used for agricultural purposes that over time have been developed into industrial-use properties. This is evidenced by the continuing operation of the CHS Refinery, water treatment and wastewater treatment plants, and existing NWE electrical substation (all on the north side of the Yellowstone River) in addition to the commercial and retail businesses along the Interstate 90 Corridor.

These existing facilities currently have external lighting common to industrial and commercial facilities, and the Yellowstone County Generating Station also requires external lighting for the safety, security, operation and maintenance of the equipment. The lighting design details submitted for this supplemental analysis include design specifications intended to limit outward and upward light pollution by focusing light downward and with the right intensity for the required purpose of the lighting. The design includes Dark Sky approved and Dark Sky compliant (fixtures with shielding) which are not regulated by DEQ or any other regulation. As noted, the proposed action, incorporates many design features intended to mitigate light pollution.

Impacts from operation of the construction lighting and nighttime lighting at the facility would be negligible or minor. Construction lighting would be necessary until that phase is complete. Continuing facility operation with a lighting design as described in this supplemental analysis brings infrastructure necessary for grid reliability and the minimal lighting with this proposed facility is designed to be less noticeable than other existing facilities. An earthen berm would

also be constructed between the project and the nearest residence. The berm would be planted with trees selected in cooperation with the occupants of the residence. The visual screening could reduce light impacts to receptors at this location. The lighting impacts of the proposed action in combination with the construction stormwater permit, and septic permit would not have any cumulative impacts for the proposed action.

Greenhouse Gas Assessment

This facility has since completed construction and began operation on March 7, 2024. Potential impacts normally described for a "proposed" project continue to be described within this document in the future tense. For this project, construction impacts have already occurred, and potential impacts from facility operation are presently occurring and expected to continue to occur.

Issuance of this permit would authorize the use of up to eighteen (18) engines for the purpose of producing electricity for electrical supply. Emissions from each natural gas fired engine associated with the proposed project is included in the Greenhouse Gas Assessment.

The analysis area for this resource is limited to the activities regulated by the issuance of MAQP #5261, which is for the construction and operation of up to 18 natural gas-fired generator engines. The amount of natural gas utilized at this site may be impacted by several factors including seasonal weather impediments, equipment malfunctions and grid demand. However, DEQ has calculated the maximum fuel usage based on continuous operation of all 18 engines, one 2,682 brake horsepower (bhp) emergency diesel-fired engine generator set, a 315-bhp diesel-fired fire pump engine and a 1.11 MMBtu/hr natural gas line heater. The 18 engines and the line heater are assumed operational for 365 days per year while the emergency generator engine and fire pump engine are assumed operational for 300 hours per year due to their intended service function.

DEQ also confirmed that heating ventilation and air conditioning (HVAC) units would be in service for this facility. There are five units planned for operation with a total of 465.8 lbs of refrigerant 410A (R-410A). Some losses of refrigerant would occur from these units during normal operation and maintenance.

For the purposes of this analysis, DEQ defined greenhouse gas (GHG) emissions as the following gas species: carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and many species of fluorinated compounds. The range of fluorinated compounds includes numerous chemicals which are used in many household and industrial products. Other pollutants have certain properties similar to those GHG pollutants mentioned above, but the EPA has clearly identified the species above as the primary GHGs. Water vapor is also technically a GHG, but its properties are controlled by the temperature and pressure within the atmosphere, and it is not considered an anthropogenic gas species.

Direct Impacts
The combustion of natural gas and diesel fuel at the site would release GHGs to the atmosphere, primarily CO_2, N_2O and much smaller concentrations of un-combusted fuel components including methane (CH_4) and other volatile organic compounds (VOCs).

DEQ has calculated GHG emissions using the EPA Simplified GHG Calculator, version May 2023, for the purpose of totaling GHG emissions. This tool totals CO_2, N_2O, and CH_4 and reports the total as CO_2 equivalent (CO_2e) in metric tons of CO_2e. The calculations in this tool are widely accepted and represent reliable calculation approaches for developing a GHG inventory. Pursuant to MEPA, DEQ determined Scope 1 GHG emissions, as defined by EPA's Inventory Guidance for Greenhouse Gas Emissions, represents an appropriate level of analysis for the proposed action. Scope 1 GHG emissions are defined as direct GHG emissions that occur from sources that are controlled or owned by the affected organization (EPA Center for Corporate Climate Leadership).

Construction of this facility has already occurred, and the facility has been operating since early 2024. Equipment used for construction included cranes, backhoes, graders/dozers, passenger trucks, delivery trucks, cement trucks and various other types of generally smaller equipment.

Construction related GHGs were tabulated based on contractor estimated fuel usage during actual construction (Ref.Thompson3). Emissions from gasoline, diesel fuel and propane usage on the site were estimated to be equivalent to be 3,792.5 metric tons of CO_2e for all construction-related vehicles.

Operational annual GHG emissions were estimated for natural gas combustion by the 18 engines and the dew point heater. Each of these units were assumed to operate 8,760 hours per year. The fire pump engine and emergency backup generator each combust diesel fuel and are assumed to only be used to check their operational readiness and in actual emergency situations. They are each assumed to operate up to 300 hours per year. The annual emissions total from all engines at the facility using the GHG Calculator tool predicts 695,195 metric tons of CO_2e.

DEQ also confirmed the affected heating ventilation and air conditioning (HVAC) units would be in service for a total charge of 465.8 lbs of refrigerant R-410A, which is considered a GHG. DEQ estimated the leak/release rate for these five units at no more than 5 percent of system capacity on an annual basis. R-410 has a global warming potential in the EPA GHG Calculator tool of 2,088. A five percent R-410 loss would annually result in 22 metric tons of CO_2e.

DEQ has calculated the potential GHG emissions and provided a narrative description of GHG impacts. This approach is consistent with Montana Supreme Court caselaw and the agency's discussion of other impacts in this Final EA. See Belk v. Mont. DEQ, 2022 MT 38, ¶ 29.

Secondary Impacts
GHG emissions contribute to changes in atmospheric radiative forcing, resulting in climate change impacts. GHGs act to contain solar energy loss by trapping longer wave radiation emitted from the Earth's surface and act as a positive radiative forcing component (BLM 2023).

Per EPA's website "Climate Change Indicators", the lifetime of CO_2 cannot be represented with a single value because the gas is not destroyed over time. The gas instead moves between air, ocean, and land mediums with atmospheric CO_2 remaining in the atmosphere for thousands of years, due in part to the very slow process by which carbon is transferred to ocean sediments. CH_4 remains in the atmosphere for approximately 12 years. N_2O has the potential to remain in the atmosphere for about 109 years (EPA, Climate Change Indicators). The impacts of climate change throughout the specified region of the state of Montana include changes in flooding and drought, rising temperatures, and the spread of invasive species (BLM 2023).

Cumulative Impacts

Montana recently used the EPA State Inventory Tool (SIT) to develop a GHG inventory in conjunction with preparation of a possible grant application for the Community Planning Reduction Grant (CPRG) program. This tool was developed by EPA to help states develop their own GHG emission inventories and relies upon data already collected by the federal government through various agencies. The inventory specifically deals with CO_2, CH_4, and N_2O, reported as total CO_2e. The SIT consists of eleven Microsoft Excel based modules with pre-populated data that can be used with default settings or in some cases, allows states to input their own data when the state believes their own data provides a higher level of quality and accuracy. Once each of the eleven modules is filled out, the data from each module is exported into a final "synthesis" module which summarizes all the data into a single file. Within the synthesis file, several worksheets display the output data in a number of formats such as GHG emissions by sector and GHG emissions by type of GHG.

DEQ determined use of the default data provided by EPA provides a reasonable representation of the GHG emissions generated by the various sectors of the state, and the estimated total annual GHG inventory for the state, by year. The SIT data from EPA is currently only updated through the year 2021, as it takes several years to validate and make new data available within revised modules. DEQ maintains a copy of the output results of the SIT.

At present, annually, Montana accounts for approximately 47.77 million metric tons of CO_2e based on the EPA SIT for the year 2021. This project may contribute up to 695,217 metric tons per year of CO_2e. The estimated annual emissions of 695,217 metric tons of CO_2e from this project would contribute 1.38% of Montana's total annual CO_2e emissions. Construction related GHG emissions would be less than 3,800 metric tons of CO_2e.

Proposed Action Alternatives

No Action Alternative: In addition to the analysis above for the proposed action, DEQ considered the "no action" alternative. The "no action" alternative would deny the approval of the proposed permitting action and NWE would then lack the authority to conduct the proposed activity. Any potential impacts that would result from the proposed action would not

occur. The no action alternative forms the baseline from which the impacts of the proposed action can be measured and compared to.

Other Ways to Accomplish the Action: The No Action Alternative would not allow for the construction and operation of the facility. Demand for electricity would likely be met from other sources providing electricity to the electrical grid, if the proposed activity is not approved.

If NWE demonstrates compliance with all applicable rules and regulations as required for approval, the "no action" alternative would not be appropriate. Pursuant to, § 75-1-201(4)(a), MCA DEQ "may not withhold, deny, or impose conditions on any permit or other authority to act based on" an environmental assessment.

Consultation

DEQ engaged in internal and external efforts to identify substantive issues and/or concerns related to the proposed project. Internal scoping consisted of internal review of the environmental assessment document by DEQ staff. External scoping efforts also included queries to the following websites/databases/personnel:

Application for MAQP #5261, EPA State Inventory Tool, the EPA GHG Calculator Tool, the Montana Natural Heritage Program Website, the Montana Cadastral Mapping Program, the DEQ GIS Mapping Portal, the Yellowstone County website, and the State Historical Preservation Office.

Public Involvement

The public comment period for this permit action occurred from March 28, 2025, through April 28, 2025.

Other Governmental Agencies with Jurisdiction

The proposed project would be located on private land. All applicable state and federal rules must be adhered to, which, at some level, may also include other state, or federal agency jurisdiction.

This environmental review analyzes the proposed project submitted by NWE.

Need for Further Analysis and Significance of Potential Impacts

When determining whether the preparation of an environmental impact statement is needed, DEQ is required to consider the seven significance criteria set forth in ARM 17.4.608, which are as follows:

- The severity, duration, geographic extent, and frequency of the occurrence of the impact;
- The probability that the impact will occur if the proposed action occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur;

- Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts – identify the parameters of the proposed action;
- The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values;
- The importance to the state and to society of each environmental resource or value that would be affected.
- Any precedent that would be set as a result of an impact of the proposed action that would commit the department to future actions with significant impacts or a decision in principle about such future actions; and
- Potential conflict with local, state, or federal laws, requirements, or formal plans.

Conclusions and Findings

The severity, duration, geographic extent and frequency of the occurrence of the impacts associated with the proposed action would be limited. NWE proposes to construct and operate the proposed action on a 36-acre site located on private land, two miles southeast of Laurel, Montana. The estimated construction disturbance would be about 20.4 to 25.4 acres. Once operational, the disturbed acreage is estimated at 10.4 acres.

DEQ has not identified any significant impacts associated with the proposed action from any lighting resources. The lighting impact analysis for the proposed action demonstrates the level of change would not be significant as set forth in ARM 17.4.608. The lighting impacts of the proposed action, with consideration for impacts from the construction stormwater permit, and septic permit would not have cumulative impacts.

DEQ has not identified any significant impacts associated with the proposed action relative to the GHG Assessment. The assessment of GHG emissions from the proposed action demonstrates the level of change would not be significant as set forth in ARM 17.4.608.

Approving the proposed action would not set precedent that commits DEQ to future actions with significant impacts or a decision in principle about such future actions. If NWE submits another permit application, DEQ is neither committed to approve that application nor any other future application. DEQ would conduct a new environmental review for any subsequent air quality permit action sought by NWE. DEQ would make a decision on any subsequent application based on the criteria set forth in the Clean Air Act of Montana.

DEQ's issuance of an Air Quality Permit to NWE for this proposed operation does not set a precedent for DEQ's review of other applications, including the level of environmental review. The decision regarding the appropriate level of environmental review is made based on a case-specific consideration of the criteria set forth in ARM 17.4.608.

DEQ does not believe the proposed action has any growth-inducing or growth-inhibiting aspects or that it conflicts with any local, state, or federal laws, requirements, or formal plans. Based on

consideration of the criteria set forth in ARM 17.4.608, the proposed state action is not predicted to significantly impact the quality of the Montana environment. Therefore, preparation of an environmental assessment is deemed the appropriate level of environmental review for the proposed action pursuant to MEPA.

As discussed in this Final EA, DEQ has not identified any significant impacts on any environmental resource associated with the proposed activities.

Issuance of a Montana Air Quality Permit to NWE does not set any precedent that commits DEQ to future actions with significant impacts or a decision in principle about such future actions. If NWE submits another modification or amendment, DEQ is not committed to issuing those revisions. DEQ would conduct an environmental review for any subsequent permit actions sought by NWE that require environmental review. DEQ would make permitting decisions based on the criteria set forth in the Clean Air Act of Montana.

Issuance of the permit to NWE does not set a precedent for DEQ's review of other applications for permits, including the level of environmental review. The level of environmental review decision is made based on case-specific consideration of the criteria set forth in ARM 17.4.608.

Finally, DEQ does not believe the proposed air quality permitting action would have any growth-inducing or growth inhibiting impacts that would conflict with any local, state, or federal laws, requirements, or formal plans.

Based on consideration of the criteria set forth in ARM 17.4.608, the proposed action is not predicted to significantly impact the quality of the Montana environment. Therefore, preparation of an EA is the appropriate level of environmental review pursuant to MEPA.

Environmental Assessment and Significance Determination Prepared By:

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Environmental Assessment Reviewed By:

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Environmental Assessment Approved By:

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Date: August 1, 2025

References

NWE lighting design submittal to DEQ (NWE #1) for external lighting fixtures dated May 19, 2023, and received by DEQ on May 21, 2023.

Thompson. 2023. Email communications about lighting submittal, B. Thompson, NorthWestern Energy to C. Henrikson, May 17, through June 1, 2023.

Thompson2. 2023. Email submittal with additional nighttime renderings of proposed facility, B Thompson, NorthWestern Energy to C Henrikson, May 26, 2023.

Thompson3. 2025. Email communications about fuel usage during construction, and HVAC units in operation at the site, NorthWestern Energy to C. Henrikson, February 2025.

BLM 2023
2023 BLM Specialist Report:
2023 BLM Specialist Report on Annual Greenhouse Gas Emissions and Climate Trends

Abbreviations and Acronyms

AQB – Air Quality Bureau
ARM - Administrative Rules of Montana
BACT – Best Available Control Technology
BMP - Best Management Practices
CAA – Clean Air Act of Montana
CFR - Code of Federal Regulations
CO - Carbon Monoxide
DEQ – Department of Environmental Quality
DNRC – Department of Natural Recourses and Conservation
EA – Environmental Assessment
EIS – Environmental Impact Statement
EPA - U.S. Environmental Protection Agency
FCAA- Federal Clean Air Act
MAQP – Montana Air Quality Permit
MCA – Montana Code Annotated
MEPA – Montana Environmental Policy Act
MTNHP - Montana Natural Heritage Program
NO_X - Oxides of Nitrogen
PM - Particulate Matter
PM_{10} - Particulate Matter with an Aerodynamic Diameter of 10 Microns and Less
$PM_{2.5}$ - Particulate Matter with an Aerodynamic Diameter of 2.5 Microns and Less
PPAA - Private Property Assessment Act
Program - Sage Grouse Habitat Conservation Program
PSD - Prevention of Significant Deterioration
SHPO - Montana State Historic Preservation Office
SOC - Species of Concern
SO_2 - Sulfur Dioxide
TPY – Tons Per Year
U.S.C. - United States Code
VOC - Volatile Organic Compound

Public Comments from Draft Supplemental EA Issued on March 28, 2025

DEQ received public comment from March 28, 2025, thru April 28, 2025. DEQ received comments from 77 commenters including one comment received after the April 28, 2025, deadline.

Comments received have been assigned reference abbreviations to help the reader understand how to navigate from the comment to DEQ's response.

The first table provides either the full public comment or a summary of the comment along with the assigned reference abbreviation to locate DEQ's response.

Logged Comment ID Number	Comment	GHG, carbon, Climate, Held, Clean and Healthful, or Analysis. One or more topics.	Comment References
Note: DEQ has purposely emphasized comments #39 and #41 as those comments each have multiple substantive topics in each letter. DEQ has presented individual responses for comments #39 and #41, and most of the other public comments will reference DEQ responses prepared for comments #39 and #41.			
39	MEIC et al. Total of 298 Megabytes, 18 attachments. The main cover page is an executive summary six pages long identified as 39.1. The main comment page is 44 pages long and is identified as 39.3. 39.2 represents the technical references associated with the comments. Comments are parsed into the bullets below for response tracking purposes.	Yes	See Section below titled DEQ Response to Comments, 39. Responses are found at 39.1a thru 39.1k, and in 39.3a thru 39.3be.
39.1a	DEQ's GHG Review; DEQ must adequately analyze and disclose GHG emissions and their impacts for this project and any others that implicate these fundamental rights.	Yes	Responses for 39.1a thru 39.1f have been combined into a single response, 39.1a-39.1f.
39.1b	Each additional ton of GHGs emitted into the atmosphere exacerbates the impacts to the climate	Yes	Responses for 39.1a thru 39.1f have been combined into a single response, 39.1a-39.1f.
39.1c	DEQ's obligation to conduct the required climate analysis exits independently of specific	Yes	Responses for 39.1a thru 39.1f

	regulatory standards for GHGs under the Montana Clear Air Act		have been combined into a single response, 39.1a-39.1f.
39.1d	DEQ must analyze the direct, secondary and cumulative impacts of GHS emissions in permitting processes, taking a "hard look" at these impacts, even in the absence of established ambient air quality standards or specific regulations.	Yes	Responses for 39.1a thru 39.1f have been combined into a single response, 39.1a-39.1f.
39.1e	The substantial public concern regarding GHG emissions further underscores the necessity of evaluating these impacts under MEPA.	Yes	Responses for 39.1a thru 39.1f have been combined into a single response, 39.1a-39.1f.
39.1f	The cumulative and secondary impacts of Montana's GHG emissions are significant in local, regional, national and global context	Yes	Responses for 39.1a thru 39.1f have been combined into a single response, 39.1a-39.1f.
39.1g	Review and include in its analysis the significant body of scientific research documenting the impacts of climate change in structuring GHG analysis	Yes	See Response to comment 39.1g
39.1h	Explicitly evaluate the projected direct GHG emissions from projects.	Yes	See Response to comment 39.1h
39.1i	Adopt methodologies including the Social Cost of Carbon	Yes	See Response to comment 39.1i
39.1j	Analyze how the GHG emissions from projects contribute to local and state vulnerability	Yes	See Response to comment 39.1j
39.1k	Include an assessment of upstream and downstream emissions.	Yes	See Response to comment 39.3a. Also 39.3jj.
39.2	This document was the technical references submitted with comment #39	Yes	Technical Reference Document
39.3a	DEQ's review of this project must consider both the direct emissions from the Laurel Generating Station itself and the indirect emissions from the extraction and transportation of the methane gas used to fuel the plant.	Yes	See Response to comment 39.3a. Also 39.3jj.
39.3b	In addition, the environmental review should include a cumulative impacts analysis that discloses and analyzes the past, present, and related future actions that have and will continue	Yes	See Response to comment 39.3b

	to contribute to GHG emissions and climate impacts.		
39.3c	The Supplemental Draft EA's analysis of GHG emissions is crucial because, as established by numerous scientific studies, the cumulative impact of even seemingly small contributions to atmospheric GHG concentrations plays a significant role in the broader context of climate change.	Yes	See Response to comment 39.3c
39.3d	Reference to 166 million tons of CO_2	Yes	See Response to comment 39.3d
39.3e	Therefore, to dismiss the importance of thoroughly analyzing the GHG contributions and impacts of individual projects is to ignore the very mechanism by which the climate crisis has reached its current critical state.	Yes	See Response to comment 39.3e and 39.3e.
39.3f	Other major sources in the Laurel/Billings/Lockwood area	Yes	See Response to comment 39.3f
39.3g	Application quoted CO2e comparison	Yes	See Response to comment 39.3g
39.3h	Supreme Court reference for DEQ's analysis	Yes	See Response to comment 39.3h.
39.3i	Environmental Attribute consideration	Yes	See Response to comment 39.3i
39.3j	Public Comment consideration in action by state agencies	Yes	See Response to comment 39.3j
39.3k	Scientific consideration in documenting impacts	Yes	See Response to comment 39.3k-p
39.3l	Incorporation of scientific information in climate analysis	Yes	See Response to comment 39.3k-p
39.3m	Impacts analyzed against MEPA and Constitution	Yes	See Response to comment 39.3k-p
39.3n	Climate Change causes environmental and societal harm globally and in Montana	Yes	See Response to comment 39.3k-p
39.3o	Climate Change Impacts in the Northern Great Plains Region	Yes	See Response to comment 39.3k-p
39.3p	Climate Change Harms Montanan's Health	Yes	See Response to comment 39.3k-p
39.3q	Montan's Fossil Fuel Energy Sources and Gas Infrastructure Spur Climate Change and Its Harmful Impacts in Montana	Yes	See Response to comment 39.3q.

39.3r	Burning Fossil Fuels in Montana Has Significant Environmental and Societal Costs	Yes	See Response to comment 39.3r, and to 39.1i.
39.3s	Appropriate Methodologies/Scientific literature for Review of GHG Emissions under MEPA	Yes	See Response to comment 39.3s-t. Also see 39.3k-p
39.3t	Direct Effects	Yes	See Response to comment 39.3s-t. Also see 39.3k-p
39.3u	Fractional Comparisons to Domestic or Global Comparisons	Yes	See Response to comment 39.3u and 39.3k-p
39.3v	Analysis should describe harms relative to GHGs	Yes	See Response to comment 39.3v-w
39.3w	Alternatives and Mitigation The supplemental EA's Alternatives Analysis is Insufficient and Appropriate Framework for Analysis of Alternatives	Yes	See Response to comment 39.3v-w
39.3x	Executive Order 8-2019 to reduce emission from electrical generation	Yes	See Response to comment 39.3x.
39.3y	Montana Climate Solutions Plan	Yes	See response to comment 39.3y.
39.3z	CO2e Comparison to passenger cars	Yes	See Response to comment 39.3z and 39.3d and 39.3k-p
39.3aa	Secondary Impacts must be analyzed	Yes	See Response to comment 39.3aa-cc, and 39.3k-p and 39.3s-t
39.3bb	LGS Emissions contribute to global impacts	Yes	See Response to comment 39.3aa-cc, and 39.3k-p and 39.3s-t
39.3cc	LGS Emissions increase local and state vulnerability	Yes	See Response to comment 39.3aa-cc, and 39.3k-p and 39.3s-t
39.3dd	DEQ should adopt social cost of carbon framework	Yes	See Response to comment 39.3dd and 39.1i

39.3ee	DEQ must disclose impacts of no-action alternative	Yes	See Response to comment 39.3ee-ff and 39.3ar
39.3ff	DEQ no-action analysis	Yes	See Response to comment 39.3ee-ff and 39.3ar
39.3gg	DEQs cumulative analysis must include upstream and downstream impacts	Yes	See Response to comment 39.3gg, and 39.3a.
39.3hh	Held necessitates reasonably foreseeable emissions	Yes	See Response to comment 39.3hh, and 39.3a and 39.3z
39.3ii	Foreseeable emissions aligns with past, present and future actions	Yes	See Response to comment 39.3ii
39.3jj	Upstream and Downstream beyond permitting authority	Yes	See Response to comment 39.3jj
39.3kk	Describe appropriate and feasible mitigation measures	Yes	See Response to comment 39.3kk
39.3ll	More analysis than GHG quantification required	Yes	See Response to comment 39.3ll, and 39.1a-f
39.3mm	GHG emissions evaluated versus Montana's Climate Goals	Yes	See Response to comment 39.3mm, and 39.3x and 39.3y.
39.3nn	EA should articulate how the LGS's emissions align with Montana's Climate Goals	Yes	See Response to comment 39.3nn and 39.3y.
39.3oo	Analysis of LGS emissions to state GHG emissions	Yes	See Response to comment 39.3oo and 39.3k-p and 39.3s-t.
39.3pp	Compare LGS emissions to other similar projects	Yes	See Response to comment 39.1a-f and 39.3f
39.3qq	Lifetime comparison of LGS emissions to global with long term costs and benefits.	Yes	See Response to comment 39.3qq
39.3rr	Secondary impacts must be analyzed which are caused by action	Yes	See Response to comment 39.3rr and 39.3k-p and 39.3s-t.
39.3ss	BLM reference study does not represent a "hard look" required by MEPA	Yes	See Response to comment 39.3ss

			and 39.3k-p and 39.3s-t.
39.3tt	Adopt Social Cost of Carbon Methodology	Yes	See Response to comment 39.3tt and 39.1i.
39.3uu	Describe Health Effects in Montana	Yes	See Response to comment 39.3uu.
39.3vv	Analyze Local and State Vulnerability Increases	Yes	See Response to comment 39.3vv
39.3ww	Federal law can be set as a floor for MEPA	Yes	See Response to comment 39.3ww.
39.3xx	Failure to analyze secondary impacts	Yes	See Response to comment 39.3xx-yy and 39.1i, 39.3k-p, and 39.3s-t
39.3yy	Thoroughly analyze social cost of carbon, increased vulnerability and health effects in Montana	Yes	See Response to comment 39.3xx-yy and 39.1i, 39.3k-p, and 39.3s-t
39.3zz	DEQ must analyze cumulative impacts	Yes	See Response to comment 39.3zz
39.3ab	Cumulative analysis is insufficient considering regional analysis and lifecycle of the project	Yes	See Response to comment 39.3ab and 39.3k-p
39.3ac	Include existing sources cumulative emissions	Yes	See Response to comment 39.3ac
39.3ad	Comparison of LGS emissions to Montana's total is insufficient	Yes	See Response to comment 39.3ad. Also 39.3d and 39.3k-p
39.3ae	Other areas sources of GHG emissions should be included	Yes	See Response to comment in 39.3ae and 39.1a-f
39.3af	Must evaluate whether community will experience disproportionate effects	Yes	See Response to comment 39.3af and 39.3a-k and 39.3ac
39.3ag	Analysis of Upstream and Downstream Emissions	Yes	See Response to comment 39.3ag and 39.3a.

39.3ah	Regional inventory of GHG emissions included in cumulative analysis	Yes	See Response to comment 39.3ag and 39.3a.
39.3ai	No action alternative analysis must include projected beneficial and adverse impacts	Yes	See Response to 39.3ai.Update to EA?
39.3aj	No action alternative must be more thorough	Yes	See Response to comment 39.3aj-ak
39.3ak	No action alternative analysis is insufficient	Yes	See Response to comment 39.3aj-ak
39.3al	Compared to lighting analysis, no-action alternative is insufficient	Yes	See Response to comment 39.3al
39.3am	Meaningful baseline must be established for no-action alternative	Yes	See Response to comment 39.3am and 39.3ai, 39.3aj-ak and 39.3al
39.3an	Tools referenced should be used for meaningful baseline determination	Yes	See Response to comment 39.3an, 39.3ai, 39.3aj-ak and 39.3al
39.3ao	National and Montana Climate Assessment references should be used	Yes	See Response to comment 39.3ao-ap, 39.1l, 39.3uu, 39.3ai, 39.3aj-ak and 39.3al
39.3ap	To uphold constitutional obligation Montana must conduct meaningful no-action alternative analysis	Yes	See Response to comment 39.3ao-ap, 39.1l, 39.3uu, 39.3ai, 39.3aj-ak and 39.3al
39.3aq	Without meaningful baseline, LGS impact on climate goals is not possible	Yes	See Response to comment 39.3aq and 39.1l, 39.3uu, 39.3ai, 39.3aj-ak and 39.3al
39.3ar	Reference to demand being met by other sources is unsupported	Yes	See Response to comment 39.3ar
39.3as	DEQ should acknowledge other sources may include lower carbon intensive options	Yes	See Response to comment 39.3ar

39.3at	Programmatic environmental review	Yes	See Response to comment 39.3at-au
39.3au	Held decision provides pathway for DEQ to better uphold constitutional obligations	Yes	See Response to comment 39.3at-au
39.3av	Mitigation analysis is insufficient	Yes	See Response to comment 39.3av-be
39.3aw	Mitigation analysis should follow that done in Lighting Analysis	Yes	See Response to comment 39.3av-be
39.3ax	Mitigation analysis for GHGs doesn't use the word mitigate	Yes	See Response to comment 39.3av-be
39.3ay	Prevention measures not identified in the EA	Yes	See Response to comment 39.3av-be
39.3az	Analysis should include a dedicated section on GHG mitigation measures	Yes	See Response to comment 39.3av-be
39.3ba	DEQ should have required NWE to adopt mitigation measures	Yes	See Response to comment 39.3av-be
39.3bc	Even though operating, mitigation measures could limit climate harm going forward	Yes	See Response to comment 39.3av-be
39.3bd	Mitigation measures are available for operating power plants	Yes	See Response to comment 39.3av-be
39.3be	Final EA should include a more detailed analysis of mitigation measures	Yes	See Response to comment 39.3av-be
41	Commenter: Our Children's Trust, seven page submittal. This comment is broken out into the below topics, 41.a thru 41.d.	Yes	See Section below titled DEQ Response to Comments, 41. Responses are found at 41.a thru 41.d.
41.a	Conclusion Statement: For the reasons outlined herein, DEQ must substantially revise its Draft Supplemental Environmental Assessment to comply with the District Court and Supreme Court Orders in Held v. State of Montana. In the meantime, DEQ should immediately suspend or revoke the air quality permit for Laurel Generating Station.	Yes	See Response to comment 41.a. Also refer to all comments in 39.1, 39.3 and comment "1" below.

41.b	DEQ Admits the Laurel Generating Station will Allow for the Burning of Fossil Fuels and Release GHG Emissions, but Largely Ignores the Harms from the Project's Fossil Fuel Pollution and Contribution to Climate Change.	Yes	See Response to comment 41.b. Also refer to all 39.3ar
41.c	DEQ's Supplemental Draft EA Fails to Consider Alternative Sources of Energy, such as Renewable Energy, to Meet Montanans' Current and Future Energy Needs	Yes	See Response to comment 41.c
41.d	The Supplemental Draft EA Fails to Present Evidence of a Compelling Government Need in the Laurel Generating Station	Yes	See Response to comment 41.d
1	The YCGS permit should be revoked	Yes	The current evaluation is addressing the Lighting and GHG impacts related to the EA. Under an earlier court action, the permit for LGS was reinstated and on-going actions are only related to an impacts analysis in the EA.
2	There are many detailed reports of how the climate crisis will impact Montanans. In 2023, Montana Wildlife Federation released a detailed report of the economic impacts of the climate crisis on Montana outdoor recreation [meic.us20.listmanage. com]. In 2024, Farm Connect Montana released a detailed report of the economic impact of the climate crisis on Montana Agriculture [meic.us20.listmanage.com]. Both of these reports have extensive detail that DEQ should take into account. DEQ should undertake a meaningful analysis of the impacts of the plant's greenhouse gas emissions in its final EA	Yes	See Response to comments for 39 and 41
3	Embarrassing DEQ report excluding everything about the impacts on our Climate, on our Montanan's health, on our natural resources of wildlife, forests, streams and rivers, habitat; and more. It was outrageous that the plant even got built. We already have huge pollution from the coal plants in Colstrip that are also ruining our health and climate, along	Yes	See Response to comments for 39 and 41

	with NWE's insistence on fossil fuels, including coal and methane. I've been a NWE customer for 48 years and they have no brains, nor does the DEQ that we all need to convert to wind, solar, battery which is cheaper and using natural assets of Montana. Other States like Texas are expanding in these nonfossil fuels. NWE is heading to bankruptcy with their terrible planning just like Montana Power did and we had to buy back our dam energy. Outrageous impacts on us citizens of Montana. Our Montana Supreme Court agreed with our young people's Climate case and DEQ, PSC, NWE are living in the dark ages and not with the people's support. Outrageous!! Hire some scientists who know something about energy, climate, the EARTH, atmosphere and do your job that we pay you to do and comply with the Montana Supreme Court's ruling.		
4	The Environmental Impact Statement on NorthWestern Energy's Yellowstone County Generating Station says nothing about the amount of damage to be expected from the Station's carbon emissions. The DEQ only stated that "The impacts of climate change throughout the specified region of the state of Montana include changes in flooding and drought, rising temperatures, and the spread of invasive species (BLM 2021)." What is the expected mass of carbon expected to be emitted from the station, on a time-weighted average basis? What impact on neighboring residents could be expected due to the station's operation? Please add whatever detail is appropriate to describe the impact that this new greenhouse gas source will have on the immediate and regional environment, as required by the state Supreme Court.	Yes	See Response to comments for 39 and 41
5	NWE IS A RECALCITRANT NON-SUPPORTER OF OUR RIGHT TO a CLEAN AND HEALTHFUL ENVIRONMENT AND AS SUCH MUST BE HELD ACCOUNTABLE FOR THE CURRENT and FUTUTE DAMAGE THEY WILL Do! Come on and do the right thing for our children and the citizens of Montana!	Yes	See Response to comments for 39 and 41
6	I'm commenting on the draft environmental analysis for the Yellowstone County Generating Station. One vague sentence is inadequate and isn't useful to anyone. Montanans deserve a thorough analysis of	Yes	See Response to comments for 39 and 41

	this plant so we can all make informed policy decisions going forward. Please provide a meaningful analysis on the impacts of the plant's greenhouse emissions in the final draft.		
7	I am writing out of concern that you are not adhering to the MT Supreme Court's order to evaluate the impacts of NW Energy's YCGS. There is no analysis showing how the increase in emissions may result in actual harm to Montanans. There are many detailed reports of how the climate crisis will impact Montanans. In 2023, Montana Wildlife Federation released a detailed report of the economic impacts of the climate crisis on Montana outdoor recreation. In 2024, Farm Connect Montana released a detailed report of the economic impact of the climate crisis on Montana Agriculture. Both of these reports have extensive detail that DEQ should take into account. DEQ should undertake a meaningful analysis of the impacts of the plant's greenhouse gas emissions in its final EA. Please protect us MT citizens from harmful greenhouse gases and other chemicals.	Yes	See Response to comments for 39 and 41
8	In the January 2025, the ruling by the Montana Supreme Court directed the Montana Department of Environmental Quality to evaluate the impacts of the greenhouse gas emissions of this proposal. To date the EA only contains one sentence that addresses this. I don't think this is what the Montana Supreme Court had in mind.	Yes	See Response to comments for 39 and 41
9	Here's a picture of what is coming out of the stacks of the Yellowstone County Generating Station in Laurel (picture attached). This plant is stated as being a major source of hazardous air pollution, yet your greenhouse gas impact evaluation is horribly short-sighted and dangerous for Montanans. You basically are giving the green light to spew this additional pollution on top of the most populated county in Montana. I definitely don't agree with your analysis and would like to see a more thorough job with consideration to the population of the surrounding area. Redo your analysis.	Yes	See Response to comments for 39 and 41
10	To Montana DEQ --The Montana Supreme Court recently ruled that DEQ must evaluate the impacts of NWW's YCGS under the Montana Environment Protection Act (MEPA) in its Environment Analysis (EA). Instead of an analysis there is a one sentence generic statement, apparently taken from a 6th grade textbook, that would apply to all 50 states. Please	Yes	See Response to comments for 39 and 41

	rethink this shallow, dismissive approach to the Supreme Court's decision. Failure to do so will not only be a disservice to the citizenry. it will result in entirely justified additional litigation.		
11	Your analysis of the climate effects caused by operation of the Laurel Generating Station is woefully inadequate. You must include consideration of these impacts of greenhouse gas emissions upon Montana's climate, in as much detail as is feasible and practicable, and over the lifetime of the plant's operations: 1. The amount of CO2 emissions 2. The specific impacts upon agriculture and their monetary cost 3. The specific impacts upon outdoor recreation and their monetary cost 4. An accurate assessment of the increased frequency and severity of wildfires and the associated monetary costs 5. A citation of the estimated Social Cost of Carbon, e.g. estimated by the year 2030 to be from $140/ton of CO2 emitted to $380/ton.	Yes	See Response to comments for 39 and 41
12	Your one sentence comment on the global warming significance of the plant is inadequate. It makes no real effort to delineate the scope of the methane addition this plant will make to global warming. It fails to meet the requirement of the Montana constitution. It is nothing more than an attempt to avoid the global warming consequences of this fossil fuel plant.	Yes	See Response to comments for 39 and 41
13	I'm writing to implore you to do more thorough job of analyzing the Yellowstone County Generating Station's (YCGS) greenhouse gas emissions. Your actions (as always) will have long term implications for all Montana's. Please do what is right and what is also your legal obligation. I know you value rules and laws and this wonderful state. Please more thoroughly analyze the YCGS. We need the information if we are to understand and make informed decisions.	Yes	See Response to comments for 39 and 41
14	Despite the Laurel plant being a major emitter of greenhouse gas emissions in Montana, only one sentence in the EA addresses the plant's impact on the climate: "The impacts of climate change throughout the specified region of the state of Montana include changes in flooding and drought, rising temperatures, and the spread of invasive species (BLM 2021)." DEQ provided no analysis of how this increase in emissions may result in actual harm to Montanans. This pathetic excuse for MEPA	Yes	See Response to comments for 39 and 41

	review undermines all Montanans' right to a clean and healthful environment. There are many detailed reports of how the climate crisis will impact Montanans. In 2023, Montana Wildlife Federation released a detailed report of the economic impacts of the climate crisis on Montana outdoor recreation. In 2024, Farm Connect Montana released a detailed report of the economic impact of the climate crisis on Montana Agriculture. Both of these reports have extensive detail that DEQ should take into account. DEQ should undertake a meaningful analysis of the impacts of the plant's greenhouse gas emissions in its final EA, which is expected within a month or so.		
15	I am submitting public comment on the EIS on the Laurel Gas Plant. The statement is woefully inadequate and does not address the impact of climate change and how this plant exacerbates the situation. I strongly urge a THOUROUGH and COMPLETE Impact statement to be done, per the court's order.	Yes	See Response to comments for 39 and 41
16	I am disturbed by your inadequate draft environmental analysis of the methane gas plant near Laurel Montana. The draft has no analysis of the plant's impact on the climate. You need to do better. Please, climate change is real and looming large. It's already causing devastation not just to our environment, but to humans in the form of fires, storms, degradation to our land, air and water. We can't survive on a dead planet, and I don't see any other options for us humans.	Yes	See Response to comments for 39 and 41
17	To Montana DEQ, I am very concerned about the permitting of the Laurel Gas Plant, to make sure in the analysis that you are reviewing is complete. I am convinced NWE will do all it can to hide the negative impacts of this plant, both to the local community, who I know is opposed to it, to the possible effects it will have on our climate. Science has proven the continued release of CO2 into our atmosphere is changing our climate. For 20 years, I have been farming wheat, alfalfa, and grass hay in the Musselshell Valley. I have water rights from 1887, which in early years were sufficient to water my fields thru July. Recently, I have not had water available to me in the river, even in early to mid-June. Also, the high temperatures have started early in the summer and lasted well into September. Please	Yes	See Response to comments for 39 and 41

	be sure to require a full analysis of all impacts a large gas plant will have on all of us who live on and work the land.		
18	Good grief, the DEQ must give a detailed review and report of the greenhouse gas emissions in your environmental analysis! Please use your expertise and inform the public.	Yes	See Response to comments for 39 and 41
19	In January, the Montana Supreme Court ruled that the Montana Dept. of Environmental Quality (DEQ) must evaluate the impacts of NorthWestern Energy's Yellowstone County Generating Station's (YCGS) greenhouse gas emissions under the Montana Environmental Policy Act (MEPA) in its EA. DEQ has published a draft EA with not even a shred of analysis on the plant's impacts on the climate. Despite YGCS being a major emitter of greenhouse gas emissions in Montana, only one sentence in the EA addresses the plant's impact on the climate: "The impacts of climate change throughout the specified region of the state of Montana include changes in flooding and drought, rising temperatures, and the spread of invasive species (BLM 2021)."That's it. Nothing more. DEQ provided no analysis of how this increase in emissions may result in actual harm to Montanans. This pathetic excuse for MEPA review undermines all Montanans' right to a clean and healthful environment.	Yes	See Response to comments for 39 and 41
20	The Environmental Analysis (EA) performed by the Montana Dept. of Environmental Quality (DEQ) for NorthWestern Energy's Yellowstone County Generating Station(YCGS) greenhouse gas emissions is laughable. Even as a high-school paper it would receive an "F" grade. The EA is required to evaluate climate impacts, yet it contains NO material evaluation other than a vague statement that essentially says "stuff happens." It makes no attempt to evaluate what impact the project will have on the "stuff that happens." There is no analysis of how the project will affect the health of Montana citizens, the air they breathe, and the water they drink. DEQ doesn't even have to do all of the work -- other organizations have already done research and written reports detailing how climate will affect our agriculture and our outdoor economies and	Yes	See Response to comments for 39 and 41

	health. DEQ simply needs to be able to read and evaluate those consequences, consider what might be missing, and only fill in the missing parts. The EA is a pathetic example of agency neglect. DEQ is supposed to be looking out for the people of Montana, not national and international zillionaire corporations. Do your job, and do it right.		
21	In January, the Montana Supreme Court ruled that the Montana Dept. of Environmental Quality (DEQ) must evaluate the impacts of NorthWestern Energy's Yellowstone County Generating Station's (YCGS) greenhouse gas emissions under the Montana Environmental Policy Act (MEPA) in its EA. DEQ has published a draft EA with not even a shred of analysis on the plant's impacts on the climate. YGCS is a major emitter of greenhouse gas emissions in Montana. In the EA there is only one sentence about the plant's impact on the climate: "The impacts of climate change throughout the specified region of the state of Montana include changes in flooding and drought, rising temperatures, and the spread of invasive species (BLM 2021)." THIS IS UNACCEPTABLE AND IS NOT A FULL SCIENTIFIC AND WELL REEARCHED ANALYSIS!! I urge you – I remind you - of this court ordered responsibility that DEQ must evaluate impacts. This is crucial as we all know that to continue with more greenhouse gas emissions will have dire consequences for human life. Please review the research and advice of the United Nations Intergovernmental Panel on Climate Change (IPCC).	Yes	See Response to comments for 39 and 41
22	The MEPA analysis for NorthWestern Energy and the Yellowstone County Generating Station is not adequate given the amount of greenhouse gases the plant will produce. Climate change involves every aspect of our lives in Montana, and we need to go deeper with the assessment.	Yes, actual comment submitted is from MEIC etal, #39	See Response to comments for 39 and 41
23	We are planning on submitting comments regarding the DEQ's Supplemental Draft EA for Montana Air Quality Permit #5261-00. Our comment letter references a list of exhibits, which I was planning on uploading to Montana's File Transfer Service, using DEQAir@mt.gov as the recipient email address. Can	Yes	See Response to comments for 39 and 41

	someone confirm that this will work for the reviewers?		
24	In January, the Montana Supreme Court ruled that the Montana Dept. of Environmental Quality (DEQ) must evaluate the impacts of NorthWestern Energy's Yellowstone County Generating Station's (YCGS) greenhouse gas emissions under the Montana Environmental Policy Act MEPA) in its EA. Despite YGCS being a major emitter of greenhouse gas emissions in Montana, only one sentence in the EA addresses the plant's impact on the climate: "The impacts of climate change throughout the specified region of the state of Montana include changes in flooding and drought,rising temperatures, and the spread of invasive species (BLM 2021)." DEQ should please undertake a meaningful analysis of the impacts of the plant's greenhouse gas emissions in its final EA, which is expected within a month or so. I ask that DEQ conduct a thorough analysis of this.	Yes	See Response to comments for 39 and 41
25	I urge you to take a harder look at the predictions regarding the mid century consequences of climate change in Montana, which will be exacerbated by NorthWestern's methane plant near Laurel. According to a report released by the Montana wildlife Federation, climate change would lead to the loss of 8,800 outdoor recreation jobs, with $263 million in labor earnings. An economic report about climate change impacts on agriculture predicts the loss of more than 9,500 jobs and more than $181 million in labor earnings in the crop and livestock sectors. Such losses include a 20% drop in grain crop yield, leading to a 5000 loss in labor jobs, totalling$95 million in earnings. A decline in the cattle sector, including 4,500 jobs and $86 million in labor earnings is predicted. Rural areas and small towns, especially in eastern Montana will be hit the hardest by the ensuing population drain.	Yes	See Response to comments for 39 and 41
26	The Montana Supreme Court ruled that DEQ must evaluate the impacts of Northwestern's YCGS greenhouse gas emissions. The evaluation was one sentence long. In my opinion, this is like a teacher assigning a three page report on the Civil War and getting one sentence: "A lot of people were killed". I hope that the Montana Supreme Court will rightfully	Yes	See Response to comments for 39 and 41

	regard this "evaluation" as completely inadequate and an affront to the jurisdiction of the Court.		
27	Northwestern Energy should not be allowed to burn gas at Laurel and by ignoring global warming your EA is totally deficient. It boggles the mind to think you ignored the biggest environmental issue there is, right after a District court ruled that the state must consider greenhouse gases as pollutants. On top of that, the plant isn't even economical. Solar, wind, and geothermal mixed with conservation and smart billing— known as Ckean Energy Portfolios— are cheaper than gas fired generation. Which is why several states including even conservative states like Idaho Indians and Colorado have committed to and well on their way to carbon free electrical generation exclusively. So, be responsible, stop pandering to the frackers and drillers, and get serious about working for badly needed change. Even brand new gas plants will be underwater—- cheaper to tear down than to operate—- by 3035 according to Rocky Mountain Institute. This plant will go down in history as the biggest most fraudulent boondoggle in Montana history. Please do your job and protect our environment by cancelling this plant	Yes	See Response to comments for 39 and 41
28	I am a concerned citizen of Montana who lives in Gallatin Gateway. I worked in Billings for 36 years. I am concerned about the draft environmental analysis for Northwestern's methane gas plant near Laurel. It is very inadequate. In January the Montana Supreme Court charged DEQ to evaluate the impacts of the proposed plant's greenhouse gas emission in its environmental analysis. Despite the plant being a major emitter of greenhouse gas emissions in Montana only one sentence in the analysis addresses the plant's impact on the climate. This is not inadequate evaluation. DEQ should undertake a meaningful analysis of the impacts of the plant's greenhouse emissions in its final environmental analysis. Montanans have a right to a clean and healthful environment.	Yes	See Response to comments for 39 and 41
29	Once, again the MT DEQ is pandering to industry at the expense of Montanan's health and natural environment. The NorthWestern Energy's Yellowstone County Generating Station's (YCGS) will be a significant emitter of greenhouse gases. MT DEQ has published a draft EA with not even a shred of analysis on the plant's impacts on the	Yes	See Response to comments for 39 and 41

	climate. There is only one sentence in EA that addresses the plant's impact on the climate. The impacts of climate change throughout the specified region of the state of Montana include changes in flooding and drought, rising temperatures, and the spread of invasive species (BLM 2021). A single sentence. That's it. There's no assessment about how climate change will impact Montana's recreation economy, agriculture economy, the health of vulnerable populations, or how detrimental it is rivers and aquatic ecosystems. Nothing. MT DEQ is abdicating it's constitutional responsibility to ensure Montanans have a clean and healthy environment. This is absolutely unacceptable. An entirely new EA is required for the YCGS and needs to include a comprehensive assessment of climate change impacts associated with this horrible project. It is time for the MT DEQ to do it's job.		
30	Please consider the genesis of our DEQ and take action to actually undertake an in-depth analysis of the operation of Northwestern Methane Plant in Laurel's immediate, physical affects on its' surrounding environment. Then exercise your mandated duties and analyze the potential changes that the Plant will bring to local and regional climate and how it will affect the health of the flora and fauna in our beautiful and fragile Montana. We owe our grandchildren a legacy of responsible development of energy sources. There is legitimate concern that to date, you folks are not giving adequate attention to negative consequences that will endure longer than any of those of us now alive.	Yes	See Response to comments for 39 and 41
31	I'm writing about the draft MT DEQ environmental analysis concerning the impact that methane use in electricity generation might have on Montanans. I am a retired science teacher, from Grass Range, and I had my HS students study the 2017 Montana Climate Assessment so they would be familiar with the impacts on climate change to their ranches (most were from ranching families). Here is the link in case the DEA needs to use that information to create a more thorough EA. https://montanaclimate.org/chapter/executivesummary [montanaclimate.org] Despite the fact that the YGCS will be a major emitter of greenhouse gases in Montana, only 1 sentence in the EA addresses the	Yes	See Response to comments for 39 and 41

	plant's impact on climate. More analysis needs to be done to prevent undermining Montanans' right to a clean and healthy environment, as guaranteed by our Constitution.		
32	I am writing to comment on the completely inadequate Draft Environmental analysis for NW Energy's methane gas plant in Laurel Montana. With only one sentence referring to climate change and no analysis of the climate change impacts on Montana this document is incomplete. The YCGS is a major emitter of greenhouse gases. Climate change is impacting Montana and those impacts will increase in the future if we do not take action to reduce greenhouse gas emissions. How can citizens and legislators make good decisions for our future without complete analysis of Greenhouse gas emissions and their impacts on our state? This analysis is possible and available with current data. In our own state in 2023 the Montana Wildlife Federation did a detailed report on the economic impacts of Climate Change on outdoor recreation. The second largest part of our economy in Montana. In 2024 Farm Connect Montana did a report on the economic impacts of Climate Change on Montana agriculture. The largest part of our economy in Montana.	Yes	See Response to comments for 39 and 41
33	In January, the Montana Supreme Court ruled that the Montana Dept. of Environmental Quality (DEQ) must evaluate the impacts of NorthWestern Energy's Yellowstone County Generating Station's (YCGS) greenhouse gas emissions under the Montana Environmental Policy Act (MEPA) in its EA. DEQ has published a draft EA with not even a shred of analysis on the plant's impacts on the climate.	Yes	See Response to comments for 39 and 41
34	Despite YGCS being a major emitter of greenhouse gas emissions in Montana, only one sentence in the EA addresses the plant's impact on the climate: "The impacts of climate change throughout the specified region of the state of Montana include changes in flooding and drought, rising temperatures, and the spread of invasive species (BLM 2021)." That's it. Nothing more. DEQ provided no analysis of how this increase in emissions may result in actual harm to Montanans. This pathetic excuse for MEPA review undermines all Montanans' right to a	Yes	See Response to comments for 39 and 41

	clean and healthful environment. There are many detailed reports of how the climate crisis will impact Montanans. In 2023, Montana Wildlife Federation released a detailed report of the economic impacts of the climate crisis on Montana outdoor recreation [montanawildlife.org]. In 2024, Farm Connect Montana released a detailed report of the economic impact of the climate crisis on Montana Agriculture [farmconnectmontana.org]. Both of these reports have extensive detail that DEQ should take into account. DEQ should undertake a meaningful analysis of the impacts of the plant's greenhouse gas emissions in its final EA which accurately reflects its actual harm to the people of Montana.		
35	I am writing to request a full and complete Environmental Analysis be completed prior to any actions on the Laurel Northwestern methane gas plant. The current "1 sentence" document is absolutely inadequate for any State of Montana project. Pease follow the law and the Montana Constitution and complete a full EA. This plant will/is a major emitter of greenhouse gas.	Yes	See Response to comments for 39 and 41
36	Responsible use and care of Montana's environment is your job.Yet you have failed to do an adequate job of providing a detailed and specific analysis of the impact of North Western's Yellowstone County generating station greenhouse gas emissions. This is extremely short-sighted. Because once the air has been polluted, the damage is done. It is also basically saying that the health and lives of Montanans don't matter, and that we are expendable. Please do a proper job of evaluating and reporting the risks we face -- and how those risks might be mitigated.	Yes	See Response to comments for 39 and 41
37	Relative to climate change considerations, this Draft EA is woefully inadequate, to the point of being contemptuous of the District Court and Supreme Court decisions (Held v. Montana) on climate considerations being necessary in air quality discharge permitting. No analytical supporting analysis is provided to conclude that that discharges from this facility will be insignificant. In fact, we know that greenhouse emissions are already impacting the clean and healthy environment to which Montanans	Yes	See Response to comments for 39 and 41

	are entitled. Please send this report back to those responsible and do an analysis commensurate with and fully compliant with the court's decisions in this matter.		
38	I write with concern about the completely inadequate draft environmental assessment that DEQ recently released regarding the Laurel/Yellowstone County Generating Station. This EA almost completely ignores the significant impacts this plant will have on climate pollution levels. DEQ must undertake a comprehensive review of the greenhouse gas emissions of this facility on nearby areas and our entire state. Anything less is a dereliction of DEQ's duty to uphold our constitutional right to a clean and healthful environment. Montanans are entitled to the full picture of the climate and environmental impacts of such a massive project	Yes	See Response to comments for 39 and 41
40	The Department of Environmental Quality (DEQ) assessment of Northwestern Energy's Laurel Plant doesn't have a single bit analysis on the plant's impact on the climate. The EA is artificially limited to annual emissions, but over the expected lifetime of the plant it will emit more than 25 million tons of CO2e. DEQ should undertake a meaningful, honest assessment of the plant's greenhouse gas emissions in its final analysis..	Yes	See Response to comments for 39 and 41
42	I am writing to indicate my great concern about the DEQ's disregard of basic requirements in their environmental assessment of the Yellowstone County Generating Station (YCGS) (also known as the Laurel Generating Station - LGS). The plant's greenhouse gas emissions must be taken into account when providing an environmental assessment, as the air we breathe in Montana is critically affected by the emissions of this plant. The environmental impact of this plant is excessive, and places a burden on the people of Montana that should be eliminated by pursuing green technology (hydro, wind, solar, storage technology) instead. Without a solid and trustworthy environmental impact statement, based on objective science, the plant should not be permitted to operate. I demand a thorough analysis of environmental impacts and allow every Montana resident to provide feedback on the complete assessment.	Yes	See Response to comments for 39 and 41

43	The Montana Supreme Court ordered the Montana DEQ to include an analysis of climate change impacts in your Environmental Assessment of Northwestern's new methane plant near Laurel, and yet you have not done this. How could this be!? How could a power plant which will, over the coming years, spew more than 25 million tons of CO_2 NOT have a massive negative impact on our climate!? The answer is: it will have a huge negative impact on the climate crisis. Specifically in Montana the Laurel/Yellowstone County Generating Station will contribute to worsening drought in our state resulting in more and more intense wildfires. This NWE power plant, which will bring great financial returns to NWE's CEOs and shareholders will inevitably result in major flooding as it contributes to and worsens climate change. This plant's climate toll will have severe negative impacts on Montana farmers and on Montana's tourism economy. And the Yellowstone/Laurel generating plant will cause severe risks to human health and threaten both animal and plant species. How can you not have done the impact assessments on climate change that you are required to?! DEQ needs to get back to work on your draft EA and do it responsibly this time!	Yes	See Response to comments for 39 and 41
44	In January, the Montana Supreme Court ruled that the Montana Dept. of Environmental Quality (DEQ) must evaluate the impacts of NorthWestern Energy's Laurel methane gas plant's greenhouse gas emissions under the Montana Environmental Policy Act (MEPA). DEQ has issued a draft environmental assessment (EA) with not even a shred of analysis on the plant's impacts on the climate. DEQ provided no analysis of how this significant increase in emissions may result in actual harm to Montanans. This EA is also artificially limited to looking at annual emissions, but over the proposed lifetime of the plant, it will emit more than 25 million tons of CO2e – that's equivalent to 5,831,382 gasoline-powered passenger vehicles driven for one year. As a MT citizen, I am asking you to do a thorough job of following the MT Supreme Court's ruling. It is the least you can do for the health and welfare of all Montanan's.	Yes	See Response to comments for 39 and 41

45	To the DEQ officials responsible for permitting the Yellowstone County Generating Station (also known as the Laurel Generating Station): I am extremely concerned that virtually no analysis was conducted to evaluate the potential harms to Montanans from the massive greenhouse gas emissions that will be emitted from the Yellowstone County Generating Station. Estimated emissions over the lifetime of the plant amount to approximately 25 million tons of CO2e. MEPA requires DEQ to thoroughly analyze pollution impacts of major sources and to inform the public of potential harms. The current EA for the YCGS has only one sentence dealing with impacts from greenhouse gas emissions, and it is so broad and vague that it is meaningless. The Montana DEQ has an obligation to conduct a legitimate MEPA review for this project, and as a Montanan who is very concerned about climate change, I strongly urge you to do so.	Yes	See Response to comments for 39 and 41
46	DEQ's MEPA analysis in its Draft EA of the Yellowstone County Generating Station (YCGS) and Laurel Generating Station (LGS) was so incomplete it is pathetic. I and all Montana citizens now and in the future deserve better from this agency. I call on DEQ to do its job in preparing the final EA and perform a thorough, scientific and meaningful analysis of the impacts of the greenhouse gas emissions from the YCGS/LGS over the plant's lifetime.	Yes	See Response to comments for 39 and 41
47	The MT DEQ draft EA for the Laurel Generating Station does not adequately address the methane gas plant's effects on climate as required under MEPA. The greenhouse gas emissions from this facility will undoubtedly have negative economic and human health effects, yet the EA does not attempt to assess or even acknowledge these effects. It also fails to analyze these impacts utilizing relevant baseline studies and reports relating to Montana's changing climate that could be incorporated into a more meaningful environmental analysis. It is critically important to include a summary of how the cumulative impact of methane emissions over the life of the plant will affect thenlives and livelihoods of future generations of Montanans.	Yes	See Response to comments for 39 and 41

48	I am very concerned about the proposed methane facility. MEPA's impact statement is inadequate, failing to even address climate change. Please do not support this project until MEPA does its job.	Yes	See Response to comments for 39 and 41
49	I am writing to express my dismay at the lack of a thorough environmental impact analysis of the proposed Yellowstone County Generating Station (YCGS) and Laurel Generating Station (LGS). Only one sentence, "The impacts of climate change throughout the specified region of the state of Montana include changes in flooding and drought, rising temperatures, and the spread of invasive species (BLM 2021)," does not begin to assess the impact on the health of Montanans. I am a grandmother of two young boys. I am urging you to assess with due diligence the impact of these proposed generating stations because they will have a huge impact on the lives of my grandsons and all children in Montana.	Yes	See Response to comments for 39 and 41
50	For the sake of the longterm impacts on Montanans' health and wellbeing DEQ must provide more detailed information about how the cumulative impacts of the Laurel Gas Plant's emissions over its projected lifetime to address the droughts and floods climate change can cause that will have potentially huge impacts on Montana's farmers, food supply and Montana's agricultural production, a primary driver of Montana's economy. Please anticipate Montana's potential future climate impacts on all of us who live here by providing relevant information in the ESA for Northwestern Energy's Laurel Gas Plant as ordered by the Montana Supreme Court.	Yes	See Response to comments for 39 and 41
51	The DEQ review under MEPA for the Laurel Generation Station is woefully inadequate and can hardly be called an analysis. The major emissions produced by the plant will significantly harm Montanans and jeopardize our right to a clean and healthy environment. It is not sufficient to limit review to only annual emissions and ignore the lifetime impact. Numerous legitimate studies have been done on the harms to Montana from carbon emissions.	Yes	See Response to comments for 39 and 41

	These should have been utilized in a fair analysis. Please reject this sham analysis and do it right.		
52	Do your job and protect our environment. Over the course of its lifetime the Laura Generating Station will emit more than 25,000,000 tons of CO2e into the atmosphere. In January, the Montana Supreme Court ruled that the Montana Dept. of Environmental Quality (DEQ) must evaluate the impacts of NorthWestern Energy's Laurel methane gas plant's greenhouse gas emissions under the Montana Environmental Policy Act (MEPA).	Yes	See Response to comments for 39 and 41
53	I am outraged at how incomplete the EA for the Laurel Generating Station / Yellowstone County Generating Station is. There is only one sentence addressing Climate Change due to greenhouse gas emissions. You must not make a decision based on this incomplete report. I urge you to reject this application. DO YOUR JOB	Yes	See Response to comments for 39 and 41
54	I am outraged at how incomplete the EA for the Laurel Generating Station / Yellowstone County Generating Station is. There is only one sentence addressing Climate Change due to greenhouse gas emissions. Please don't make a decision based on this report. I would like you to please reject this application. Could you do YOUR JOB?	Yes	See Response to comments for 39 and 41
55	I would like you to please conduct thorough analyses of the greenhouse emissions in the final EAs for YCGS and LGS. Please hold these plants to high standards to protect our air and water! We have a right to a clean and healthful environment, and I expect you to do your job and protect it against polluters. Thank you very much for listening to the people, not just the big companies!	Yes	See Response to comments for 39 and 41
56	The MT DEQ should undertake a meaningful analysis of the impacts of the (YCGS) & ((LGS) generating stations on greenhouse gas emissions in its final EA. These are highly polluting generating sources (YCGS) & (LGS) and all the impacts on the climate should be examined.	Yes	See Response to comments for 39 and 41
57	This comment is for DEQ's draft environmental impact statement for Yellowstone County Generating Station (YCGS) and Laurel Generating Station (LGS). It does not adequately evaluate the impacts of NorthWestern Energy's Laurel	Yes	See Response to comments for 39 and 41

	methane gas plant's greenhouse gas emissions under the Montana Environmental Policy Act (MEPA). There is no analysis on the plant's impacts on the climate. DEQ should undertake a meaningful analysis of the impacts of the plant's greenhouse gas emissions in its final EA		
58	The draft EA fails to adequately consider the impacts of the greenhouse gas emissions from the YCGS. The plan does not evaluate the economic impacts on Montanans, nor human health impacts, nor impacts on human mortality, nor impacts on food security (global and local), nor biodiversity nor environmental health. There are a variety of available studies which report the impacts of all these issues on Montanans specifically, as well as across the planet. While the plan acknowledges that the plant will create an increase in GGE of up to 1.38 %, the plan does not consider the plant's life-time emissions. This is an oversight given that CO2 (the plant's primary GGE) persists in the atmosphere for centuries, and that the cumulative impacts of these emissions will impact life on this planet (and in this state) for many generations. A large part of Montana's overall GGE are composed of gases with much shorter lifespans (eg methane lasts 10 years, and N20 lasts about 100). Additionally, while the 1.38% number sounds small, the plan does not address that Montana's per capita GGE are already several times that of the US average, and 4 times that of the global average. This makes the increase, in relative terms, 5.5%. Furthermore, we are at a point in time when we should be rapidly decreasing GGE (NWE's own Net-Zero Plan acknowledges this fact). Any increase is in the wrong direction, especially when renewable alternatives are cost effective and reliable. It is inaccurate to assume that if this plant were not created that we would need another fossil fuel plant to generate an equivalent amount of power. Please update this EA to include the broad, deleterious impacts of climate change, including the impacts on human and ecological health, and economics. It is clear that humans will die from unmitigated climate change. This plan ought to make a good attempt to estimate how many Montanans lives, and how many dollars, will be lost due to YCGS's	Yes	See Response to comments for 39 and 41

	emissions. Anything less is grotesquely inadequate.		
59	I believe that it would be appropriate for the DEQ to complete a thorough analysis of the YCGS. The implications of the potential negative impact on the environment and the health of our citizens is too grave to overlook.	Yes	See Response to comments for 39 and 41
60	Asking DEQ to undertake a meaningful analysis of the impacts of the YCGS & LGS plant's greenhouse gas emissions in its final EA, which is expected within a month or so. I demand that DEQ conduct a thorough analysis of this mega-polluter.	Yes	See Response to comments for 39 and 41
61	The draft EA for NorthWestern Energy's methane gas plant near Laurel is woefully inadequate as to the effects of the plant's greenhouse gas emissions on climate and the health of Montanna citizens – both annually and over the life of the plant. DEQ must conduct a thorough and meaningful analysis of the plant's greenhouse gas emissions in its final EA as the Montana Supreme Court has ordered!	Yes	See Response to comments for 39 and 41
62	It appears that DEQ has not taken seriously its responsibilities to disclose greenhouse gas impacts to the public and decisionmakers. I believe there is only 1 sentence in the analysis that addreses climate change, and that it is extremely summary & conclusory. It does not take the requisite hard look required under MEPA & the MT Supreme Court's decisions. Please conduct an adequate environmental review that meaningfully discloses & evaluates the environmental impact of this project.	Yes	See Response to comments for 39 and 41
63	The DEQ needs to conduct a thorough analysis of the Yellowstone County Generating Station and Laurel Generating Station! The people of Montana need that work done.	Yes	See Response to comments for 39 and 41
64	The entire climate assessment in the current EA of the Laurel Generating Station (LGS)'s impact is summed up by 28 words with no calculations. As an engineer, who makes stuff work by doing calculations to inform designs and their impacts, this is simply unacceptable. Lack of proper calculations, and understanding of the calculations, for environmental issues can be summed up by this famous visual https://www.youtube.com/watch?v=KRutAt0FlG	Yes	See Response to comments for 39 and 41

	A[youtube.com] episode where proper environmental engineering analysis was not included as necessary. If the DEQ is technically incapable of, or politically prevented from, doing the required environmental analysis of the Yellowstone County Generating Station (YCGS) then the state through the DEQ should be required to fund an independent 3rd party analysis.		
65	The Montana Supreme Court has ruled that Montana DEQ must evaluate the impacts of NorthWestern Energy's Laurel Generating Station's greenhouse gas emissions under the Montana Environmental Policy Act (MEPA). However, the draft environmental assessment (EA) issued by DEQ does not adequately address the plant's impacts on the climate. The EA only looks at one year of emissions—it should look at emissions over the full expected lifetime of the plant. While briefly acknowledging that the plant's emissions will contribute to climate change which is likely to increase flooding and drought, the frequency of higher temperatures and the spread of invasive species, there is no quantitative analysis of impacts on Montana recreation industry, agriculture, and human health. Analytical reports on these have been provided by Montana Wildlife Federation, Farm Connect Montana and in the report Climate Change and Human Health in Montana. The final EA should provide this more detailed analysis. Frankly it seems to me that an EIS would be more appropriate	Yes	See Response to comments for 39 and 41
66	The recent environmental assessment that was done by the DEQ I was informed is artificially limited to looking at annual emissions. I learned over the proposed lifetime of the plant, it will emit more than 25 million tons of CO2e – that's equivalent to 5,831,382 gasoline-powered passenger vehicles driven for one year. The state of Montana should be protected from these emissions this plant will produce. Our planet is already in a dire situation with global warming threatening our planet on a daily basis. Why would we want to allow this plant to emit this amount of CO2e into Montana's environment? This amount of greenhouse gas emissions will cripple our state and once it is done, we won't be	Yes	See Response to comments for 39 and 41

	able to get it back. I am asking DEQ to protect my right and the right of all Montanans to a clean and healthy environment I am imploring the DEQ to undertake a meaningful thorough analysis of the impacts of this plant's greenhouse gas emissions in your final environmental assessment.		
67	The Montana Supreme Court, January 2025, ruled that DEQ evaluate NWE's methane gas plant's greenhouse gas emissions in the EA. DEQ wrote one sentence addressing this issue. Does DEQ think this is what the Montana Supreme Court had in mind when they issued their ruling?	Yes	See Response to comments for 39 and 41
68	You must be kidding! The Montana Supreme Court ordered your agency to evaluate the impacts of NorthWestern Energy's Laurel methane gas plant and its greenhouse gas (GHG) emissions under the Montana Environmental Policy Act (MEPA). You failed ... and then some. There is absolutely no doubt that the Laurel Generating Station will create a huge volume of GHG emissions. Over its lifetime, the plant will generate more than 25 million tons of CO2. This will make the station one of the largest CO2 emitters in all of Montana, with huge impacts on our state's ecology and economy. Yet all you could muster in your draft EA was one sentence: "The impacts of climate change throughout the specified region of the state of Montana include changes in flooding and drought, rising temperatures, and the spread of invasive species (BLM 2021)." If this were a high school paper assignment, to truly evaluate the GHG and climate impacts of the Laurel plant, you would get an F. To respond to the Supreme Court in this way means you and the plant will get yanked back into court, until you can get your act together and deliver a thorough, science-based evaluation of how the Laurel Plant will have an enormous and deleterious impact on Montana's climate and future. Get with it, DEQ, do your job! Take your ridiculously inadequate EA back to the drawing board and come back with a real analysis of the Laurel Plant.	Yes	See Response to comments for 39 and 41
69	I am writing as a concerned citizen about the superficial nature of the environmental assessment done for the impact of the Laurel	Yes	See Response to comments for 39 and 41

	Generating Plant, aka Yellowstone County Generating Station. I am particularly concerned that the assessment done did not address the cumulative impact over the lifetime of the plant. Please consider a more comprehensive assessment; including all the impacts of this development including human health, increased impacts on agriculture, potential increased wildfires, economic impacts throughout Montana		
70	Your environmental analysis of these gas plants has NOT been a thorough one! Our Montana Constitution guarantees us a clean and healthy environment, but you appear to have no concern about releasing MILLIONS of tons of methane into earth's atmosphere. The arctic permafrost is rapidly melting, it's methane release probably can't be controlled, but YOU can prevent YCGS and LGS from such a disaster! Montanans are demanding a full MEPA review. JUST DO IT!	No	Thank You for your comment.
71	You cannot believe anything that Northwestern Energy says: the deplorable shape they maintain the once emerald of the Missouri, Ryan Island Park Picnic Area is shot – no one in Great Falls talks about this park anymore and we don't take visitors there it is such an embarrassment AND is symbolic of how NWenergy maintains all of their operating capital. Their attitude is: "Frankly, my dear, I don't give a damn" a line from the 1939 film Gone with the Wind starring Clark Gable and Vivien Leigh "We the people of Montana, grateful to God for the quiet beauty of our state, the grandeur of our mountains, the vastness of our rolling plains, and desiring to improve the quality of life, equality of opportunity and to secure the blessings of liberty for this and future generations do ordain and establish this constitution. June 6, 1972	Yes	See Response to comments for 39 and 41
72	By Montana law, DEQ's assessment must evaluate the impacts of this power plant, and specifically the greenhouse gas emissions of the power plant. But the draft plan does not do that. It contains one sentence that basically acknowledges the general idea of climate change. It doesn't mention the cause of climate change, the sources of greenhouse gases, or provide any analysis of greenhouse gas	Yes	See Response to comments for 39 and 41

	emissions from the Laurel Generating Station. This draft EA fails to meet the legal requirements. Honestly, it's also an embarrassment to your department and to the state of Montana. Montana's Supreme Court has made it perfectly clear that you are required to analyze the impacts of greenhouse gases. In fact, your own web page shows an intention to do just that: "The Draft Environmental Assessment analyzes potential lighting and greenhouse gas impacts of the proposed permit action on the affected human environment." Except there's one important thing missing - an actual analysis! The DEQ has blatantly disregarded their legal requirements. You are not above the law. People fought hard to make sound public policy in our state. You don't get to choose which parts of it you feel like following. I expect to see an actual analysis in the revised version of the environmental assessment		
73	Please do not allow the gas plant to get a pass ! The environment that you are to protect as a part of our rights in our constitution do not allow you to cut corners and rubber stamp this carbon producing development! Do you part to help address the climate crisis that is caused 80% by burning Carbon fuels! WE need strong and effective regulation and must hold MWE to the legal standards we the people have set by our legislators in Helena! Do not let them sway you to short cut the standards	Yes	See Response to comments for 39 and 41
74	It is shocking to me that there is not a meaningful climate impact analysis on this generating station! I respectfully request that the DEQ do a thorough climate impact analysis and the potential harmful effects of this mega polluter. It is imperative that we protect our beautiful state and our citizens. Montana has many instances of large corporations harming our state and causing a multitude of health problems. We can't assume that this will not happen again and we do not want to go backwards. Thank you in advance for doing the right thing which is to do a meaningful climate impact analysis	Yes	See Response to comments for 39 and 41
75	DEQ's draft EA on NW Energy's YCGS & LGS is hideously inadequate! As ruled by our Montana Supreme Court, DEQ is to provide a	Yes	See Response to comments for 39 and 41

	comprehensive evaluation and analysis per MEPA that clarifies the negative impacts on us Montanans from this plant's ongoing pollution of methane greenhouse gas emissions and the proliferating effect the pollution has on our warming climate. NW Energy has run amok with this project & DEQ needs to get things right this time - anything less is irresponsible and unacceptable		
76	The Montana Supreme Court ruled that the Montana Dept. of Environmental Quality (DEQ) must evaluate the impacts of NorthWestern Energy's Laurel methane gas plant's greenhouse gas emissions under the Montana Environmental Policy Act (MEPA). Where is the detailed evaluation of the impacts? This plant is a major emitter of new greenhouse gas emissions in Montana. This plant is 2 miles from downtown Laurel, on the banks of the Yellowstone River and upwind and upstream from the largest city in Montana; Billings. The emissions from this plant, which Montanans did not need, (Solar and Wind with batteries would have had NO greenhouse and other polluting emissions), are significant. Northwestern Energy admitted in its June 2021 revised air quality permit application that it must be designated a "MAJOR SOURCE OF HAZARDOUS AIR POLLUTANTS (HAPs). Pollutants from its MT air quality permit #5261-00., and their risks per EPA and National Cancer Institute: Greenhouse gases - 25 million tons over the life of the plant. That's equivalent to 5,831,382 gasoline-powered passenger vehicles driven for one year Formaldehyde=49.4 tons / year. (Formaldehyde exposure may cause multiple types of cancer including leukemia and cancers of the paranasal sinuses and nasal cavity) This level of Formaldehyde pollution is 5 times over the amount, 10 tons per year , causing the designation of MAJOR SOURCE OF HAZARDOUS AIR POLLUTANTS. Particulate Matter - 103.8 tons/year - Microscopic solids or liquid droplets that are so small that they can be inhaled and cause serious health problems. Some can get deep into your lungs and bloodstream. Cross the placental fetal barrier. Sulfur Dioxide - 14.1 tons/year. - Human exposure to SO2 can harm the human	Yes	See Response to comments for 39 and 41

	respiratory system and make breathing difficult. Volatile Organic Compounds (VOCs) 165.4 tons/year. VOCs can cause damage to the liver, kidney, and CNS. Some are suspected or known to cause cancer in humans. There are many detailed reports of how the climate crisis will impact Montanans. In 2023, Montana Wildlife Federation released a detailed report of the economic impacts of the climate crisis on Montana outdoor recreation [meic.us20.list-manage.com]. In 2024, Farm Connect Montana released a detailed report of the economic impact of the climate crisis on Montana Agriculture [meic.us20.list-manage.com]. And of course, there is the comprehensive Montana Climate Assessment [meic.us20.listmanage.com]and the report on Climate Change and Human Health in Montana [meic.us20.list-manage.com]. All of these reports have extensive detail that DEQ should take into account. DEQ should undertake a meaningful analysis of the impacts of the plant's greenhouse gas emissions in its final EA		
77	Received late. DEQ should please undertake a meaningful analysis of the impacts of the plant's greenhouse gas emissions in its final EA, which is expected within a month or so. I ask that DEQ conduct a thorough analysis of this mega-polluter.		See Response to comments for 39 and 41

The comments below provide DEQ's responses to public comments received.

DEQ Responses to Comments Received on the Supplemental EA

DEQ has provided detailed responses to comments #39 and #41, and all other comments received are directed to DEQ responses for specific elements of #39 and #41.

Comment #39

Response to comment identified as #39 (MEIC et al). This comment letter is addressed first by DEQ as it contains numerous topics that will be referenced by most of the other public comments received. These DEQ responses are numbered based on the order of the over-arching topics within this specific comment letter. This section is specific to the file saved into the Air Quality Bureau (AQB) project file as 39.1. Comments below are identified for 39.1a thru 39.1k.

39.1a–f These comments collectively state that DEQ has to comply with the Montana Supreme Court's opinions in Held and the Laurel (Yellowstone County Generating Station) case.

DEQ has complied with the Montana Supreme Court findings in *Held v. State*, 2024 MT 312, 419 Mont. 403, 560 P.3d 1235, and *Mont. Env't Info. Ctr. v. Mont. DEQ*, 2025 MT 3, 420 Mont. 150, 561

P.3d 1033 (*MEIC*, 2025 MT 3) by conducting a MEPA assessment for greenhouse gas (GHG) emissions and climate change impacts related to the proposed action. Of note, the Montana Supreme Court's holding in Held was "not limited to any particular set of facts as Plaintiffs facially challenge the constitutionality of the MEPA Limitation."[1] The Montana Supreme Court, accordingly, did not opine on the particular methodology that DEQ must use in considering GHG impacts under MEPA. Instead, by declaring the prohibition on an agency's consideration of climate change and GHGs that previously existed in § 75-1-201(2)(a), MCA (2023), the Montana Supreme Court only requires "that DEQ follow its MEPA obligations to conduct an adequate analysis in an environmental assessment or environmental impact statement—which in this case, includes evaluating GHGs in its analysis of the YCGS air quality permit."[2] Thus, the ordinary obligations that DEQ must adhere to in evaluating any impact—including GHG and climate impacts—apply to this EA.

39.1g Regarding comment titled, Review and include in its analysis the significant body of scientific research documenting the impacts of climate change in structuring GHG analysis.

DEQ acknowledges that global GHG impacts are occurring and that increasing global GHG concentrations influence climate trends in Montana. DEQ has previously affirmed that climate change is happening by adopting and referencing technical documents, such as the BLM 2023 report. DEQ does not dispute the common themes of climate impacts, including more extreme weather events, rising sea levels, and shorter winters.

These types of events are identified in the BLM reports that DEQ has referenced in recent GHG assessments. They are also well referenced in many exhibits submitted by commenter #39, specifically those prepared by the Intergovernmental Panel on Climate Change (IPCC) under the auspices of the United Nations. While DEQ recognizes that multiple IPCC exhibits present potential climate change impacts, sometimes with confidence levels and general timelines for occurrence, these reports do not specify localized events. Instead, these reports identify potential impacts and trends based on developed models.

DEQ maintains that its review of scientific documentation on climate change, particularly concerning GHG levels, is comprehensive. DEQ has more confidence in preparing annual GHG estimates that continue for the facility's operational life. Further, models from sources such as the IPCC are typically based on annual emissions. While it is certainly possible to develop models that account for the project's full lifecycle GHG emissions, those models are prone to obsolescence if they don't match the actual lifespan of equipment. For the purposes of this Final EA, NWE has stated the operational life of the facility would be 30 years.

1 *Held*, ¶ 54; *see also id.*, n.9 ("Plaintiffs here demonstrated standing not by alleging facts that the MEPA Limitation was unconstitutional because of how the State applied it to a particular permit but because they sufficiently alleged that the MEPA Limitation unconstitutionally infringes on their right to a clean and healthful environment.").
2 *MEIC*, 2025 MT 3, ¶ 59.

39.1h Regarding comment titled, Explicitly evaluate the projected direct GHG emissions from projects.

DEQ finds that comparing the project's annual GHG inventory to Montana's annual reported GHG inventory is the most appropriate measure for contextualizing this impact. DEQ, as fundamental to its GHG methodology, utilizes the EPA-developed State Inventory Tool (SIT). The SIT represents the best available publicly available information for Montana's GHG inventory. DEQ currently uses the 2021 inventory run, which estimates a total of 47.77 million metric tons of CO_2e. By comparing projects to this total, DEQ can assess whether projects would increase the annual GHG emissions, or, in cases involving carbon sinks, contribute to a reduction through CO_2 sequestration. Although a 2022 version of the SIT total is available, it has not yet been adopted by the State of Montana. This is in part due to ongoing modifications by the EPA to the SIT's underlying assumptions, which results in slightly shifting baselines. Therefore, the 2021 total of 47.77 million metric tons remains a reliable benchmark as DEQ continues to refine its efforts to quantity GHG emissions from proposed projects.

39.1i Regarding comment titled, Adopt methodologies including the Social Cost of Carbon

Specifically addressing the reference to social cost of carbon (SCC), SCC is one metric that can illustrate the potential economic impacts of a given project. However, no federal requirements mandate the use of any specific SCC model. Similarly, Montana does not have a state-specific requirement for DEQ or other agencies to select a SCC model. Over the past 15 years, federal administrations have been inconsistent in their approach to implementing the SCC, ranging from proposing a carbon tax on projects to evaluating project feasibility based on potential economic impacts. Assigning a dollar value, typically somewhere between $1 and $200 per ton of carbon, provides only a theoretical estimate of potential economic impacts. DEQ finds that a comparison between a project GHG inventory and the State's current and historical baseline more meaningful, as it directly assesses proposed changes against existing GHG levels.

SCC compares a project's costs and benefits under various assumptions, including a discount rate for future damages related to GHG emissions. (EPA, Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances, November 2023.) However, DEQ finds that evaluating a single impact in such quantitative economic terms, as the SCC does, would be inconsistent with the remainder of the EA, which does not evaluate impacts through quantitative economic measures.

Instead, the EA discusses the project's benefits alongside its environmental impacts. Beyond maintaining methodological consistency within the EA, declining to adopt the SCC is warranted because MEPA does not require the precise quantitative cost-benefit analysis inherent in that methodology.[3]

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3 *See State ex rel. Montana Wilderness Ass'n v. Board of Natural Resources & Conservation*, 200 Mont. 11, 33, 648 P.2d 734, 746 (1982); *Belk v. Mont. DEQ*, 2022 MT 38, ¶ 29, 408 Mont.1, 504 P.3d 1090 (MEPA "'require[s] assessments of impacts on human populations—including health, agriculture, tax bases, and culture—but they do not require quantitative economic forecasts.'").

39.1j Regarding comment titled, Analyze how the GHG emissions from projects contribute to local and state vulnerability.

DEQ in this EA has discussed the secondary impacts of GHG impacts, which discussed the climatological effects of increased emissions, and furthermore has discussed cumulative impacts which is an inventory of existing GHG emissions that contextualize the addition of GHG emissions from the proposed action.

39.1k Regarding comment titled, Include an assessment of upstream and downstream emissions associated with fossil fuel projects.

See DEQ response 39.3a

This section is specific to the file identified as 39.3. Comments below are identified for 39.3a thru 39.3be.

39:3a: DEQ emphasizes that MEPA requires an examination of "Secondary Impacts", as defined in ARM 17.4.603(18), not "indirect" impacts. Per ARM 17.4.603(18), secondary impacts "means a further impact to the Montana environment that may be stimulated or induced by or otherwise result from a direct impact of the action." While "indirect" impacts share some common meaning similarities to "secondary impacts", the term itself is not defined in Montana statute or rule.

The Proposed Action in this EA is the issuance of a Montana Air Quality Permit (MAQP) under 75-2-211, et seq., MCA, not the extraction or transportation of a fuel source. Under MEPA (75-1-220(10)(a)(i), MCA), a Proposed Action "means a project, program, or activity to be directly implemented by an agency." The MEPA definition specifically excludes "upstream, downstream, or other indirect action that occurs independently [...] or exclusively by the proposed action; or an action that occurs regardless of the proposed action" (75-1-220(10)(b)(i-ii), MCA). The extraction and transportation of the gas would continue regardless of this Proposed action.

See also DEQ response 39.3jj.

39.3b: Please see the Cumulative and Secondary sections of the EA regarding GHG impacts, which explain how DEQ used the EPA State Inventory Tool (SIT) to develop GHG emission inventories for the State of Montana from past, present, and related future actions. These sections also address how DEQ utilized the BLM Specialist Report on Annual Greenhouse Gas Emissions and Climate Trends to identify impacts.

39.3c: In the Cumulative Impact Section of the EA specifically assessing GHG, DEQ has identified and disclosed the Proposed Action's contribution to atmospheric GHG emissions, and how those emissions would impact the Montana environment.

39.3d: DEQ is unclear how the commenter attributed 166 million tons of CO_2 emissions in 2019 to Montana. If this were the case, 166 million tons of CO_2 emissions would equate to about 150,594,212 metric tons of CO_2e.

Montana utilizes the EPA State Inventory Tool (SIT) for its GHG emission inventory. The SIT, specifically developed by EPA to aid states in developing their own GHG emission inventories, relies on comprehensive data collected by various federal agencies. DEQ's experts have thoroughly

reviewed the SIT and determined that its default data provides a robust and reasonable representation of Montana's GHG emissions across various sectors, yielding reliable annual state totals.

DEQ maintains complete output results from the SIT. Given EPA's established methods and the rigorous review by DEQ experts, DEQ affirms the 2021 SIT output of 47.77 million metric tons of CO_2e (47,770,000 metric tons as CO2e) as Montana's official GHG inventory. This figure stands in contrast to the commentor's suggested 150,594,212 metric tons of CO_2e, which is not supported by DEQ's validated methodology.

DEQ, accordingly, finds the figures supported by EPA's SIT are a more reliable measure of existing GHG emissions in Montana than the figure provided by the commentator.

39.3e: DEQ has not dismissed the importance of GHG assessment in the EA. Please see the "Greenhouse Gas Assessment" section of the EA, and other comments including 39.3d directly above.

39.3f: Please see "Table 1. Summary of activities proposed in application" under the "Location and Analysis Area" header in the EA, which clarifies that the EA's analysis area extends beyond an area of merely 10.4 acres. While page 31 of the EA, referenced in the commentor's footnote 3, states the Proposed Action's operational footprint would be 10.4 acres, the "Direct Impacts" and "Secondary Impacts" sections specifically frame GHG and climate impacts within the context of "atmosphere" and "atmospheric" considerations, a scope far exceeding the mentioned 10.4 acres.

DEQ's GHG Assessment in the EA examines the Proposed Action's contribution to this global resource. Furthermore, the Cumulative Impacts section of EA already includes the total CO_2e output of the Montana environment, including emissions from other major stationary sources in the state, along with the Proposed Action's contribution.

Regarding the commenter's reference to projects "soon-to-be operating in the Laurel/Billings/Lockwood area", DEQ 's analysis of related future actions is governed by ARM 17.4.603(7). This rule states, "related future actions must also be considered when these actions are under concurrent consideration by any state agency through preimpact statement studies, separate impact statement evaluation, or permit processing procedures." Because none of the projects referenced by the commentor meet the criteria in ARM 17.4.603(7), DEQ's analysis is appropriately limited and cannot incorporate projects not yet certain to occur.

39.3g: DEQ reports CO_2e in metric tons rather than in U.S standard tons. Metric tons are used globally as the standard reporting measure for GHG emissions. The EPA simplified calculator also uses metric tons when reporting CO_2e.

39.3h: DEQ's EA includes an entire section dedicated to GHG Assessment.

39.3i: Thank you for your comment.

39.3j: Thank you for your comment.

39.3k - p: In the EA, DEQ referenced and reviewed two federal reports that include documented research relevant to Montana: the "2023 BLM Specialist Report on Annual Greenhouse Gas

Emissions and Climate Trends from Coal, Oil and Gas Exploration and Development on the Federal Mineral Estate" and its counterpart from previous year.

These reports comprehensively inform the reader about GHG impacts by providing:

- explanations of GHG components;
- climate change science and trends;
- global, national, and state GHG emissions data;
- methods and assumptions used in analysis;
- projected climate change scenarios;
- emission analysis and mitigation strategies; and,
- references to numerous other scientific, peer reviewed reports and studies, including those found in the commenter's exhibits.

DEQ's experts reviewed these referenced reports and determined that their findings on potential GHG impacts are applicable not only to BLM oil and gas projects but also to this Proposed Action.

39.3q: The Proposed Action in this EA pertains specifically to a gas plant near Laurel, Montana. Consequently, the commenter's discussion of untapped fossil fuel reserves and other infrastructure is outside the scope of this EA. However, DEQ has included the existing infrastructure and other GHG emissions in the Cumulative Impacts section of the GHG Assessment within the EA. Since GHGs are a global issue, a Montana-only solution is not available to address global climate change impacts on Montana.

39.3r: Please see response to Comment 39.1i.

39.3s-t: DEQ acknowledges the commentor's concerns regarding impacts by referencing the BLM link provided in the YCGS EA's GHG section. (Please see response # 39.3k-p). For a more detailed and exhaustive analysis of GHG impacts, DEQ recommends reviewing the cited research: the "2023 BLM Specialist Report on Annual Greenhouse Gas Emissions and Climate Trends from Coal, Oil and Gas Exploration and Development on the Federal Mineral Estate". Instead of reproducing this extensive 100 page document within the EA, DEQ has provided it as a readily accessible reference for readers seeking in-depth information.

39.3u: The commenter's reference relies on Federal NEPA guidance that has been withdrawn by the current administration. Given this withdrawal, DEQ refrains from relying on such guidance. Please see response # 39.3k-p and the research cited there, which provides a reader with information about potential impacts of GHGs.

39.3v-w: MEPA does not direct DEQ to describe impacts in the terms of "harms . . . in the context of goals and commitments." Instead, ARM 17.4.608(1) provides guidance to DEQ on how the significance of impacts should be analyzed within an EA.

39.3x: Governor Bullock's Executive Order 8-2019 did not aim to reduce emissions from traditional electricity generation. Instead, it created a Council tasked with developing a Plan for recommendations. This Council suggested an interim goal of net greenhouse gas neutrality for average annual electric loads in Montana by no later than 2035, and an economy-wide net GHG

neutrality goal at a date to be determined by the Council. However, the Plan itself provides no actionable items related to this Proposed Action.

Further, Executive Order 8-2019 expired on August 1, 2020. Therefore, the Executive Order itself no longer holds legal authority. While information derived from it may continue to inform discussions about climate change, none of its mandates remain binding on the State. Accordingly, the directive to establish a Council to create a climate Plan ceased in 2020.

39.3y: DEQ reviewed the Montana Climate Solutions Plan and the commentor's quoted text. DEQ identified "Recommendation 2AK: Recommendation on Achieving Economy-Wide Greenhouse Gas Neutrality," which proposes achieving GHG neutrality by 2050, or between 2045-2050. However, the Plan provides no actionable items related to this Proposed Action.

39.3z: The EA has been updated to include the equivalency of 695,195 metric tons of CO_2e for gasoline-powered passenger vehicles driven for one year, as calculated by the EPA Greenhouse Gas Equivalencies Calculator. This figure equates to about 162,158 passenger vehicles. Please see response to comments 39.3d and 39.3k-p for the analysis of the Proposed Action's direct GHG impacts. DEQ further emphasizes that MEPA does not mandate the analysis of impacts for "reasonably foreseeable consequences[.]" Instead, MEPA requires the reviewing agency to provide a detailed statement on " the proximate environmental impacts of the proposed action."[4]

39.3aa - cc: For the purpose of secondary impacts, DEQ maintains that these impacts (or cumulative impacts) may be stimulated as a result of the direct release of GHGs (direct impacts) from natural gas combustion at the YCGS. Due to the homogeneous nature of GHGs in the atmosphere, these secondary impacts are global. They result from the additional CO_2 released by the YCGS. However, specific events such as floods and wildfires cannot be predicted for individual times or places with available science. Please also refer to comments 39.3k-p and 39.3s-t.

39.3dd: Please see comment 39.1i regarding SC-GHG impacts.

In addition to this response, please see response to comment 39.1i. DEQ has considered various methodologies to quantify GHG emission impacts on the environment. After careful internal review, community engagement and review of relevant literature, DEQ does not adopt social cost of carbon (SCC) as an appropriate measure of GHG impacts. DEQ's reasoning for not adopting the SCC model is twofold: there is no scientific consensus that SCC accurately captures carbon impacts on society, and there is no legal precedent suggesting DEQ should or could adopt the framework.

First, Montana does not have a state-specific requirement for DEQ or other agencies to select a SCC model. Over the past 15 years, federal administrations have been inconsistent in their approach to implementing the SCC, ranging from proposing a carbon tax on projects to evaluating project feasibility based on potential economic impacts. Assigning a dollar value, typically somewhere between $1 and $200 per ton of carbon, provides only a theoretical estimate of potential economic impacts.,

4 Section 75-1-201(1)(b)(iv)(A).

Second, a significant legal challenge to the adoption of the SCC model is the absence of a clear legal mandate for agencies to quantify environmental impacts in monetary terms. In *Belk,* the Montana Supreme Court squarely addressed this issue and stated, "[the Petitioners] point to no authority for the notion that such impacts must be assessed in quantitative economic terms. In fact, while doing so may be helpful in some circumstances, DEQ's MEPA implementing regulations contain no such directive."[5] SCC similarly examines GHG impacts of a proposed action in economic terms, standing in contrast to the ruling in *Belk*. The Courts' emphasis has consistently been on full and transparent disclosure, rather than mandating a specific economic valuation method that might mask underlying uncertainties. A "hard look" is accomplished by a robust analysis and disclosure, without the added and often speculative step of economic valuation. Therefore, with no legal authority from the legislature or judiciary, DEQ does not adopt a framework for quantifying GHG impacts in monetary terms.

The Miles City Field Office's decision to adopt a SCC framework in its Supplemental EIS represents one way in which a separate agency might use its discretion to quantify GHG emissions in economic terms. The Miles City Field Office's decision conforms with former President Biden's policy initiative to "capture the full costs of GHG emissions as accurately as possible, including by taking global damages into account". However, DEQ does not adopt an agency policy of analyzing SCC for proposed actions for scientific and legal reasons provided above and in DEQ Response 39.1i.

39.3ee – ff: DEQ did disclose the impacts of the no-action alternative and concluded that no impacts would result, but NWE would not generate electricity at the project. The Commentor's suggestion that DEQ should examine "the potential for different energy development pathways that could avoid the environmental harm of fossil-fuel development and the possibility of reduced energy demand or increased energy efficiency" exceeds the scope of a no-alternative (*i.e.*, what would occur if the agency denied the application).[6] The Commentor, instead, seeks an analysis of "an alternative facility or an alternative to the proposed project itself[,]"[7] which is beyond the required alternatives analysis under MEPA. *See* DEQ Response 39.3ar.

Further, DEQ is legally unable to select the no-action alternative given that NWE submitted a substantive, administrative, and technically complete application. The proposed YCGS project sought a Montana Air Quality Permit (MAQP) to emit air pollutants from the source. DEQ lacks the authority under MAQP to dictate the facility's fuel type. If NWE is determined to satisfy the requirements of an air quality permit without contributing to or causing an ambient air quality standard violation, DEQ issues the MAQP as proposed by NWE (ARM 17.8.749(3)).

39.3gg: Please see response to comment 39.3a regarding the MEPA definition of Proposed Action.

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5 *Belk*, ¶ 29 (the Court declined to require agencies to evaluate property value impacts of a proposed action in economic terms).
6 *Park Cty. Envtl. Council v. Mont. DEQ*, 2020 MT 303, ¶ 51, 402 Mont. 168, 477 P.3d 288 ("*Park County*").
7 Section 75-1-220(1), MCA.

39.3hh: Please see response to comment 39.3a regarding indirect impacts under MEPA and response to 39.3z regarding reasonably foreseeable impacts under MEPA.

39.3ii: The Proposed Action is being analyzed under MEPA and not the National Environmental Policy Act (NEPA). NEPA is MEPA's federal counterpart and contains several critical distinctions. Cumulative impacts under MEPA are stated in ARM 17.4.608. The approach suggested by the commenter would apply to a federal NEPA review process, while this Proposed Action is only subject to MEPA.

39.3jj: "Upstream and Downstream Beyond Permitting Authority"

Under MEPA, DEQ is not required analyze upstream or downstream impacts beyond its permitting authority. Both the Montana Supreme Court and the United States Supreme Court have weighed in on the issue and clarified how "far" an agency must look in its MEPA review.

The Montana Supreme Court in *Bitterrooters for Planning, Inc. v. Mont. DEQ* asserted that DEQ is required to look at the impacts of a project that is contemplated by a particular application and not impacts from other projects that might eventually result from DEQ granting the permit that is currently before the agency. Put simply, DEQ is only required to assess those impacts that it could prevent using its regulatory authority, and not those impacts that are anticipated but not actually in front of the agency (e.g. as a pending application).

The Montana Legislature further clarified through the passage of SB 221 that agency's analysis under MEPA is limited to evaluating "proximate environmental impacts of the proposed action"[8] In defining the scope of a proposed action, this bill also clarifies that agencies are not required to evaluating downstream and upstream impacts under MEPA.[9] Under this statutory text, DEQ is limited to evaluating the impacts of the project that is within its regulatory authority.

NEPA and MEPA contain different language regarding causation analysis of impacts. NEPA requires agencies to evaluate "reasonably foreseeable" impacts whereas MEPA requires an analysis of "proximate" impacts. NEPA is only instructive to MEPA to the extent the two laws contain parallel language.[10] The Montana Legislature's use of the modifier "proximate" shows an intent to have a less extensive causal analysis than the federal standard. But even under the more expansive causal standard, the U.S Supreme Court held in *Seven County Infrastructure Coalition v. Eagle County* in May 2025, that federal agencies are generally not required to analyze the environmental impacts of "upstream" or "downstream" projects that are separate in time or place from the specific action under review, particularly if the agency lacks statutory authority over those separate projects. This decision enforces the concept of "substantial deference" to agency decisions on the scope of their environmental impact statements, limiting analysis of highly indirect or speculative impacts that are not directly connected to the proposed federal action.

Even in the preceding district court case concerning this project (prior to the passage of SB 221 and the *Seven County Infrastructure Coalition*) the district court denied plaintiffs' claim that DEQ was required to evaluate the impacts of the pipeline that would deliver natural gas to the project

8 Section 75-1-201(a)(b)(iv)(A), MCA.
9 Section 75-1-220(10), MCA.
10 *Bitterrooters*, ¶ 18.

because that action was insufficiently caused by the proposed action.[11] It cannot be the case that DEQ is required to evaluate upstream impacts—like oil and gas projection[12]—which are even more attenuated from the proposed action than the pipeline and are also subject to independent regulatory approvals.

The Commentor is also incorrect to categorize "the emissions resulting from the combustion of [natural] gas to generate electricity" as a downstream impact.[13] Those GHG emissions are encapsulated by direct GHG emissions in this EA because they are the direct result of the proposed action and therefore, they should not be categorized as a downstream impact.

39.3kk: **Mitigations**. A response regarding mitigation has been included in the EA, and also supplied here for reference. A number of processes are known to mitigate and off-set release of CO_2e from the YCGS. Geological sequestration, and a similar process known as mineralization, capture CO_2 underground. Geologic storage of CO_2, also known as geological carbon sequestration, involves storing CO_2 deep underground in porous rock formations. There, CO_2 is compressed to the supercritical phase, where it behaves like a liquid. Geologic carbon sequestration permanently removes CO_2 from the atmosphere. A related concept is carbon mineralization, where CO_2 reacts with silicate rocks to precipitate carbonate minerals (Department of Energy). Another means of carbon mitigation is biological sequestration. Biologic carbon sequestration involves storing CO_2 naturally in places where it becomes part of the carbon cycle. The carbon cycle is the natural process by which carbon moves between the atmosphere, oceans, land, and living things. Some carbon is stored in plants—especially woody plants and grasslands—as a result of the biological, photosynthesis process. Photosynthesis removes CO_2 from the atmosphere and transforms it into living plant tissues. (https://www.energy.gov/science/doe-explainscarbon-sequestration) A third option for mitigation is industrial carbon capture and sequestration (CCS). Industrial CCS processes have been installed on electrical generating units, usually as demonstration projects, but some continue to capture CO_2. An example of successful ongoing industrial CCS technology is the Sask Power facility in Saskatchewan. Industrial CCS is possible but severely limited by high operational costs and technical challenges. Finally, as discussed in response 39.3z, removing an equivalent of approximately 162,000 gasoline powered cars for one year would also mitigate the increase of GHG emissions from the YCGS. (EPA Greenhouse Gas Equivalency Calculator https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator)

Under MEPA, DEQ may not require mitigation for Proposed Actions, and NWE must voluntarily elect to implement mitigation measures.[14]

39.3ll See response to comment 39.1a.

39.3mm: Please see response to comment 39.3x regarding Governor Bullock's Executive Order 8-2019 and response to comment 39.3y regarding the Montana Climate Solutions Plan.

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11 *MEIC v. Mont. DEQ*, Cause No. DV 21-1307, Order, *17-19 (Mont. 13th Dist. Ct. Apr. 6, 2023) (citing *Bitterrooters*, ¶ 33).
12 See Comment 39.ag.
13 *See* Comment 39.3 ag.
14 Section 75-1-201(4)(a), MCA.

39.3nn: Please see response to comment 39.3y regarding the goals.

39.3oo: Please see the EA section titled Greenhouse Gas Assessment and response to comment 39.3k-p and 39.3s-t**.**

39.3pp: Please see response to comment 39.3f regarding comparative impacts of CO2e.

39.3qq: In the EA, the facility's operational life was identified as 30 years. Accordingly, to calculate GHG emissions over a facility's operational life, a reader would perform the following multiplication: 695,195 metric tons of CO2e by 30 years, to equal 20,855,850 metric tons of CO2e.

39.3rr: Please see response to comments 39.3k-p and 39.3s-t.

39.3ss: Please see response to comments 39.3k-p and 39.3s-t. The 2023 BLM report cited by DEQ reviews the life cycle of carbon under different global emissions scenarios, discusses socioeconomic scenarios, and public health and safety effects. If readers are interested in these more detailed GHG impacts, please refer to the EA for this BLM report. DEQ experts have thoroughly reviewed the BLM report and concur with its findings regarding GHG impacts that may occur because of this Proposed Action.

39.3tt: Please see responses to comments 39.1i and 39.3dd regarding SCC and GHG impacts.

39.3uu: DEQ reviewed the Montana Climate Assessment 2021 Special Report. The 2023 BLM Specialist Report on Annual Greenhouse Gas Emissions and Climate Trends, dated August 22, 2024, provides a reputable resource for public health and safety effects of GHG.

39.3vv: DEQ suggests reviewing the 2023 BLM Specialist Report on Annual Greenhouse Gas Emissions and Climate Trends, dated August 22, 2024, regarding local and state vulnerability increases.

39.3ww: NEPA is only informative to MEPA to the extent that the relevant provisions are similar.[15] The Montana Supreme Court's holding in Held, additionally, eliminates the prohibition on agencies considering GHG and climate impacts, requiring agencies to follow their existing MEPA obligations.[16] DEQ, accordingly, disagrees with Commentor's unsupported assertion that "Federal caselaw can at best set a floor for MEPA analysis, not a ceiling."

39.3xx-yy: Please see response to comments 39.1i, 39.3k-p, and 39.3s-t regarding secondary impacts and SC-GHG for the EA.

39.3zz: Please see the EA's Cumulative Impacts Section of the Greenhouse Gas Assessment for DEQ's analysis of cumulative impacts for this resource area. Included there is a discussion of how DEQ handled the incremental GHG contribution of the Proposed Action and how other past and present actions were accounted for in the EA.

39.3ab: Please see response to comment 39.3k-p regarding the GHG emissions in the region and throughout the lifecycle of the project.

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15 *Bitterrooters*, ¶ 18.
16 MEIC, 2025 MT 3, ¶ 59.

39.3ac: Contrary to the Commentor's suggestion, there is no scientific basis to conclude that GHG emissions have a localized direct impact in the Billings/Laurel/Lockwood area. Indeed, there is a reason that the resulting phenomenon from increased GHG emissions is referred to as *global* climate change. The impact of GHG emissions is their contribution to earth's temperature by increasing atmospheric concentrations of GHGs, which in turn traps a larger amount of longwave radiation. This greenhouse effect from GHGs is a global phenomenon and not a localized impact comparable to the localized impacts of pollutants for which National Ambient Air Quality Standards (NAAQS) exist.

Exemplifying this point, GHGs are not currently regulated under the Clean Air Act in Montana or the United States because GHGs are not considered air pollutants with direct effects on public health and the environment. Therefore, there are no associated direct or secondary air quality standards have been set to protect public health or the environment, including climate, at the local or national scale. By comparison, NAAQS exist for pollutants like ozone, sulfur dioxide, nitrogen dioxide, carbon monoxide, lead, and particulate matter, which do have a localized impact on human health.

DEQ has previously responded to similar GHG comments on other air quality permitting actions. Specifically, reference MAQP #1564-38 on Direct Impacts (See page 22 of MAQP #1564-38 permit analysis). DEQ believes the GHG assessment prepared for YCGS accurately describes the direct release of GHG emissions from the YCGS. However, the direct impacts from GHG emissions are better characterized as secondary and/or cumulative impacts due to the nature of GHGs in the environment. GHGs mix uniformly with other worldwide sources of GHG emissions, leading to a consistent global concentration of GHG gases. Therefore, only a minimal direct impact from GHG releases would be expected at the project site.

To the extent there are any localized impacts, those occur through climate change which is reflected in DEQ's secondary and cumulative impacts assessment as defined by MEPA. DEQ has referenced the Department of the Interior's Bureau of Land Management (BLM) 2023 report, which provide anticipated impacts in Montana from increased GHG emissions and climate change.

DEQ has provided a "hard look" at GHGs by specifically quantifying the maximum amount of emissions from the YCGS at 695,217 metric tons. This figure then provides a comparison to the existing level of Montana GHG emissions, providing context for the project's potential contribution to atmospheric concentrations.

Additionally, the commenter's footnote regarding guidance on how to complete a GHG analysis was withdrawn by the Federal government on May 28, 2025.[17]

39.3ad: The EA has been updated to include the equivalent of 695,195 metric tons of CO2e compared to gasoline-powered passenger vehicles driven for one year (per the EPA Greenhouse Gas Equivalencies Calculator). Please see response to comments 39.3d and 39.3k-p regarding the analysis of direct impacts of the Proposed action for GHG impacts.

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17 Withdrawal of National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change published 5/28/25. (https://www.federalregister.gov/documents/2025/05/28/2025-09569/withdrawal-of-national-environmental-policy-act-guidance-on-consideration-of-greenhouse-gas).

39.3ae: Under MEPA, DEQ analyses a proposed project's direct, secondary and cumulative impacts. For context, DEQ compares the direct GHG emissions to a statewide GHG inventory as described in the EA and further detailed in response to comment 39.1a. Other sources in the vicinity of the YCGS are accounted for in a statewide inventory. Because GHG emissions are global in nature. a comparison to other sources of GHG emissions in the nearby vicinity to YCGS fails to take into account the global nature of GHG emissions.

39.3af: Please see response to comments 39.3a-k and 39.3ac.

39.3ag - ah: Please see response to comment 39.3a regarding upstream and downstream impacts.

39.3ai: The EA has been updated under the No Action Alternative. Under the no-action alternative, DEQ would deny the project resulting in no construction and operation of the YCGS.

39.3aj – 39.3ak: The commenter is requesting a meaningful analysis of the No Action Alternative which the EA provides for the reader. If the No Action Alternative was selected there would be no changes to the Montana environment as stated in EA.[18] MEPA analyzes the amount of change. If there are no changes, there are no impacts to analyze. An example of this is in the Visual Section of the EA. If the Proposed action was not built there would be no visual impact to this viewshed. If the Proposed Action were not to take place in the environment, there would not be an additional 695,195 CO2e released to the atmosphere. The level of change in the No Action Alternative is zero and would not have any impacts.

39.3al: DEQ has taken several analysis steps to identify the baseline or the No Action Alternative impacts regarding greenhouse gas assessment in the EA. The Cumulative Impacts to Greenhouse Gas Assessment Section of the EA has the detailed explanation for the reader. DEQ explains to the reader the EPA State Inventory Tool (SIT) and the source of the dataset for this inventory. The EA section describes the parameters used to create the industry standard measurement of CO2e. The EA section goes on to explain to the reader DEQ's determination of using the SIT data, the modules used, and the outcomes of SIT. The SIT establishes the baseline of the Montana environment for GHG, or the No Action Alternative. By establishing the baseline, it allows the EA reader to understand the level of change in the Montana environment by the Proposed action. In the Secondary Impact section of the Greenhouse Gas Assessment, the EA explains the life span or duration of the different parameters that make up CO2e as well.

39.3am: Please see response to comments 39.3ai, 39.3aj-ak, and 39.3al.

39.3an: Please see response to comments 39.3ai, 39.3aj-ak, and 39.3al. Thank you for the compliment on the lighting impact analysis in the EA.

39.3ao – ap: Please see response to comments 39.1l, 39.3uu, 39.3ai, 39.3aj-ak, and 39.3al.

39.3aq: Please see response to comments 39.1l, 39.3uu, 39.3ai, 39.3aj-ak, and 39.3al.

39.3ar: Under MEPA, alternative analysis means "means an evaluation of different parameters, mitigation measures, or control measures that would accomplish the same objectives as those included in the proposed action by the NWE. For a project that is not a state-sponsored project, *it*

18 *Park County*, ¶ 51.

does not include an alternative facility or an alternative to the proposed project itself."[19] The commentor's suggestion that DEQ ought to evaluate different types of non-thermally generated energy resources exceeds this definition. NWE's operational justification for building this project is provided by, among other things, its iterative integrated resources plans.[20] DEQ declines to put "put itself in the shoes of [the] applicant" to determine if alternative projects would satisfy its resource needs.[21]

39.3as: See DEQ response 39.3ar.

39.3at - au: Thank you for the suggestion regarding programmatic environmental reviews. A programmatic environmental review would not be appropriate for this EA since the EA is done in response to the Montana Supreme Court's Decision (DA-23-0225), issued on January 3, 2025.

39.3av-be:Mitigation has been addressed in 39.3kk, and also added to the EA beginning on page 4.

Response to Comment identified as #41 – Our Children's Trust

41 These DEQ responses are numbered based on the order of the over-arching topics within this specific comment letter.

41.a. Regarding comment titled, DEQ Admits the Yellowstone County Generating Station will Allow for the Burning of Fossil Fuels and Release GHG Emissions, but Largely Ignores the Harms from the Project's Fossil Fuel Pollution and Contribution to Climate Change.

This comment is similar to comments raised in comment #39. See DEQ responses in 39.1, and 39.3

41.b. Regarding comment titled, DEQ's Supplemental Draft EA Fails to Consider Alternative Sources of Energy, such as Renewable Energy, to Meet Montanans' Current and Future Energy Needs

See DEQ response 39.3ar.

41.c. Regarding comment titled, The Supplemental Draft EA Fails to Present Evidence of a Compelling Government Need in the Yellowstone County Generating Station

DEQ is charged with processing air quality applications which are submitted under 75-2, MCA, Clean Air Act of Montana. Air Quality Applications are processed per the authorities granted under 75-2, MCA, and environmental reviews are prepared subject to MEPA under 75-1-201, MCA. The YCGS project has been processed under those authorities.

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19 Section 75-1-220(1), MCA (emphasis added).
20 See, e.g., NorthWestern Energy, Montana Integrated Resources Plan, 5-7 (2023).
21 *Park County*, ¶ 50("MEPA does not require DEQ to attempt to define an applicant's objectives and raise alternatives to the applicant's proposed . . . project.").

To the extent the commentor is suggesting that DEQ must apply a constitutionally based strict scrutiny analysis to this project (or any other type of constitutional analysis), Montana agencies are precluded from applying Montana's Constitution in a manner that would nullify the plain requirements of their statutory obligations.[22]

41.d. Regarding comment titled, The YCGS permit should be revoked.

DEQ issued the YCGS permit as the application met the requirements for a substantive, administrative, and technically complete application. Further, it was determined that the issuance of the YCGS permit would not cause or contribute to an ambient air quality violation. Compliance with the air quality permit will be monitored going forward.

Additionally, DEQ "may not withhold, deny, or impose conditions on any permit or other authority to act based" on its MEPA assessment.[23]

For all other comments received 1-38, 40, and 42-77, refer to the excel Response to Comment Summary table to locate a DEQ response for the specific comment.

Full comments submitted by commenters #39 and #41 are located below along with DEQ's highlights and assigned reference abbreviations to further inform the reader of specific comment tracking.

22 *Merlin Myers Revocable Trust v. Yellowstone County*, 2002 MT 201, ¶¶ 22–25, 311 Mont. 194, 200, 53 P.3d 1268; *see also Held v. State*, 2024 MT 312, ¶ 48, 419 Mont. 403, 430, 560 P.3d 1235 ("Here, Plaintiffs brought a challenge to specific statutes—namely the MEPA Limitation and the State Energy Policy."); *Mont. Env't Info. Ctr. v. Mont. DEQ*, 2025 MT 3, ¶ 75, 420 Mont. 150, 561 P.3d 1033 (declining to hear plaintiffs' constitutional arguments because they did not "directly challenge the remedy provisions as unconstitutional.").
23 Section 75-1-201(4)(a), MCA.

WESTERN ENVIRONMENTAL LAW CENTER

EARTHJUSTICE

April 28, 2025

DEQ Air Quality Bureau
PO Box 200901
Helena MT 59620-0901

Sent via email: DEQAIR@mt.gov

Re: Supplemental Draft Environmental Assessment for MAQP # 5261-00

To the DEQ Air Quality Bureau:

We submit the following Executive Summary to the full comments filed on behalf of Comments on Behalf of Montana Environmental Information Center, Helena Interfaith Climate Advocates, Bridger Bowl, Montana Health Professionals for a Healthy Climate, Park County Environmental Council, Northern Plains Resource Council, Climate Smart Missoula, Forward Montana, MontPIRG, Families for a Livable Climate, Environmental Defense Fund, League of Women Voters, Protect Our Winters, and Sierra Club Montana Chapter (collectively, Commenters), in response to the Montana Department of Environmental Quality's (DEQ) Draft Supplemental Environmental Assessment (Draft EA) for NorthWestern Energy's (NorthWestern) proposed Montana Air Quality Permit # 5261-00 for the Laurel Generating Station (LGS) in Yellowstone County, Montana.

Executive Summary

The LGS, a 175-megawatt gas-fired power plant, is of significant concern to the Commenters and their Montana members. Among other harms, it would generate hundreds of thousands of tons of climate-harming greenhouse gas emissions, which would be the equivalent of the annual emissions of 167,327

passenger vehicles.[1] While the Laurel Generating Station is a major emitter of greenhouse gas (GHG) emissions in Montana, DEQ's GHG analysis—which simply quantifies the plant's emissions without contextualizing them, cites to minimal scientific literature, and minimizes the significance of these emissions by inappropriately comparing them to total Montana emissions—does not fully disclose or analyze the impacts of these emissions. As described more fully below, the Commenters implore DEQ to undertake a thorough analysis and disclose the true harms of the LGS to the public.

I. The requirements of Montana's Constitution and MEPA

The Commenters—each of which has members that live, work, and recreate in Montana—submit these comments in support of their constitutional rights, among others, to a clean and healthful environment and to participate in agency decision-making.[2] These rights are accompanied by obligations on the State of Montana to "maintain and improve a clean and healthful environment in Montana for present and future generations" and on the Legislature to "provide for the administration and enforcement of this duty" as well as to "provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."[3]

The Montana Environmental Policy Act (MEPA) helps realize these lofty constitutional purposes. MEPA review exists to ensure informed decision-making by state agencies to actualize the right to a clean and healthful environment; facilitate public participation in agency decisions; and to assist the legislature in determining whether environmental laws are adequate to address impacts to Montana's environment.[4] While the Legislature has on several occasions, including in the 2025

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[1] NorthWestern App. for Mont. Air Quality Permit, Air Emissions Inventory, at 7 (May 10, 2021) (predicting that the LGS would emit 769,706 tons per year of climate-harming greenhouse gases); EPA, Greenhouse Gas Equivalencies Calculator, available at: https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator#results.

[2] Mont. Const. art. II. § 3; *id.* art. II. § 8.

[3] *Id.* art. IX, § 1(1)-(2).

[4] *Park Cnty. Env't. Council v. DEQ*, 2020 MT 303, ¶¶ 67, 69–70, 402 Mont. 168, 477 P.3d 288, 304.; *MEIC v. DEQ*, 2025 MT 3, ¶¶ 57, 62, 420 Mont. 150, 561 P.3d 1033 (citing MCA § 75-1-201 (3)(a)); ARM 17.4.607 (2)(d)).

Legislative session, amended MEPA, the Montana Supreme Court has warned that "the Legislature cannot fulfill its constitutional obligation to prevent proscribed environmental harms without some legal framework in place that mirrors the uniquely 'anticipatory and preventative' mechanisms found in the original MEPA."[5]

II. DEQ's GHG Review

To meet its statutory and constitutional obligations, DEQ must adequately analyze and disclose GHG emissions and their impacts for this project and any others that implicate these fundamental rights. In holding that "Montana's right to a clean and healthful environment and environmental life support system includes a stable climate system," the Montana Supreme Court found it undisputed that: Comment 39.1a

> GHG emissions are drastically altering and degrading Montana's climate, rivers, lakes, groundwater, atmospheric waters, forests, glaciers, fish, wildlife, air quality, and ecosystem: 'Anthropogenic climate change is impacting, degrading, and depleting Montana's environment and natural resources, including through increasing temperatures, changing precipitation patterns, increasing droughts and aridification, increasing extreme weather events, increasing severity and intensity of wildfires, and increasing glacial melt and loss.'[6]

Adequate analysis of GHG emissions is crucial because the cumulative impact of even seemingly small contributions to atmospheric GHG concentrations plays a significant role in the broader context of climate change.[7] Each new project, while individually difficult to quantify as having a transformative impact on Montana's environment, contributes to a larger, demonstrably significant problem. This creeping normalcy, where each individual project is rationalized as

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[5] *Park Cnty. Env't. Council*, ¶ 70.

[6] *Held v. State*, 2024 MT 312, ¶ 29, 419 Mont. 403, 560 P.3d 1235 (restating undisputed Findings of Fact *Held v. Montana*, No. CDV-2020-307 (1st Dist. Ct. Mont., Aug. 14, 2023)).

[7] *See* CEQ, Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews (Aug. 2016) available at https://obamawhitehouse.archives.gov/sites/whitehouse.gov/files/documents/nepa_final_ghg_guidance.pdf (while withdrawn, the underlying scientific principles about the cumulative nature of climate change contained in this guidance remain sound).

inconsequential, has collectively resulted in Montana bearing responsibility for 166 million tons of carbon dioxide emissions in 2019, which is the equivalent to emissions from the countries of Argentina, the Netherlands, and Pakistan.[8] Therefore, to dismiss the importance of thoroughly analyzing and disclosing the GHG contributions and impacts of individual projects is to ignore the very mechanism by which the climate crisis has reached its current critical state.

To fulfill its MEPA obligations to adequately analyze GHG emissions, DEQ should look to the Montana Supreme Court's recent decisions in *Held* and *MEIC*, which establish the following principles (among others) to guide DEQ in its analysis:

- "Each additional ton of GHGs emitted into the atmosphere exacerbates the impacts to the climate."[9] Comment 39.1b
- DEQ's obligation to conduct the required climate analysis exists independently of specific regulatory standards for GHGs under the Montana Clean Air Act.[10] Comment 39.1c
- DEQ must analyze the direct, secondary, and cumulative impacts of GHG emissions in permitting processes, taking a "hard look" at these impacts, even in the absence of established ambient air quality standards or specific regulations.[11] Comment 39.1d
- The substantial public concern regarding GHG emissions further underscores the necessity of evaluating these impacts under MEPA.[12] Comment 39.1e
- The cumulative and secondary impacts of Montana's GHG emissions are significant in a local, regional, national, and global context. Montana cannot

[8] *Held v. Montana*, No. CDV-2020-307 (1st Dist. Ct. Mont., Aug. 14, 2023) at ¶¶ 218–19 (Compared to the population of Montana, with just over 1 million people, Argentina has 47 million residents, the Netherlands has 18 million, and Pakistan has 248 million residents.)

[9] *Id.* at ¶ 91, *aff'd* 2024 MT 312.

[10] *MEIC*, ¶¶ 55–59.

[11] *Id.*

[12] *Id.* at ¶ 57.

disregard its contributions to environmental degradation within its borders simply because the impacts extend beyond them.[13] Comment 39.1f

In addition to the guidance provided by the Montana Supreme Court in its recent decisions, DEQ should:

- Review and include in its analysis the significant body of scientific research documenting the impacts of climate change in structuring its GHG analysis. Comment 39.1g

- Explicitly evaluate the projected direct GHG emissions from projects, including the LGS, over the operational lifetime of the plant, in relation to Montana's established climate goals and compare these emissions to the projected emissions of other similar-sized projects within Montana or the region. Comment 39.1h

- Adopt methodologies, including the Social Cost of Greenhouse Gas framework, that incorporate and account for established scientific information about greenhouse gas emissions' impact on climate change, including climate change effects in Montana. Comment 39.1i

- Analyze how the GHG emissions from projects, including the LGS, will contribute to increased local and state vulnerability to the impacts of climate change. Comment 39.1j

- Include an assessment of the upstream and downstream GHG emissions associated with fossil fuel projects, including the LGS, provide a comprehensive inventory of regional GHG sources, and complete a programmatic environmental review evaluating the cumulative impacts of the greenhouse gas emissions of these various sources. Comment 39.1k

Unless DEQ chooses to heed the science and apply scientifically-sound methodologies, such as those referenced above, it risks failing to comply with its statutory obligations and undermining the constitutional directives underpinning those obligations.

[13] *Id.* at ¶ 62; *Held,* ¶ 66.

Thank you for considering our comments.

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On behalf of:
Montana Environmental Information Center, Helena Interfaith Climate Advocates, Bridger Bowl, Montana Health Professionals for a Healthy Climate, Park County Environmental Council, Northern Plains Resource Council, Climate Smart Missoula, Forward Montana, MontPIRG, Families for a Livable Climate, Environmental Defense Fund, League of Women Voters, Protect Our Winters, and Sierra Club Montana Chapter

WESTERN ENVIRONMENTAL LAW CENTER

EARTHJUSTICE

April 28, 2025

DEQ Air Quality Bureau
PO Box 200901
Helena MT 59620-0901

Sent via email: DEQAIR@mt.gov

Re: Supplemental Draft Environmental Assessment for MAQP # 5261-00

To the DEQ Air Quality Bureau:

We submit the following comments on behalf of Montana Environmental Information Center, Helena Interfaith Climate Advocates, Bridger Bowl, Montana Health Professionals for a Healthy Climate, Park County Environmental Council, Northern Plains Resource Council, Climate Smart Missoula, Forward Montana, MontPIRG, Families for a Livable Climate, Environmental Defense Fund, League of Women Voters, Protect Our Winters, and Sierra Club Montana Chapter (collectively, Commenters) in response to the Montana Department of Environmental Quality's (DEQ) Draft Supplemental Environmental Assessment (Draft EA) for proposed Montana Air Quality Permit # 5261-00 for the LGS in Yellowstone County, Montana.

Commenting Organizations

Montana Environmental Information Center (MEIC) is a nonprofit organization founded in 1973 with approximately 10,000 members and supporters. MEIC is dedicated to the preservation and enhancement of the natural resources and environment of Montana, particularly the protection of water quality, air quality, and the climate. MEIC is committed to ensuring that state and federal officials comply with and uphold environmental protection laws and protect the environment and Montanans from pollution. MEIC and its members have intensive, long-standing recreational, aesthetic, scientific, professional, and spiritual interests in the responsible production and use of energy, and the land, air, and waters across

the state. MEIC members live, work, and recreate on public lands that are adversely impacted by fossil-fuel-based energy development and associated greenhouse gas (GHG) emissions.

Helena Interfaith Climate Advocates (HICA) is a citizen advocacy group committed to increasing awareness of and strengthening action against threats to our Climate and Environment. HICA's actions rise from our many faith traditions and love for our planet, humanity, and all beings. HICA was formed in 2023 and currently has 60 members representing 14 congregations and faith communities. HICA has been an active participant in lobbying the Legislature and Public Service Commission. HICA has held several community events, including a Vigil for the Earth and participation in the Season of Creation.

Bridger Bowl proudly celebrated 70 years of delivering high-quality outdoor recreation to the community this winter**.** Since 1955, Bridger Bowl's nonprofit ski area has welcomed millions of guests, and this season alone, Bridger Bowl recorded over 350,000 skier visits. As a treasured Montana nonprofit, Bridger Bowl works hard to provide access to healthy, restorative winter recreation at a fraction of the cost of most ski areas, ensuring that families across Montana can enjoy the physical and mental health benefits of time spent outdoors during our long winters. Bridger Bowl's mission is to "remain a locally focused recreation area that balances quality, affordability, and sustainability in a way that best serves our community." Today, that mission is under threat. The National Ski Areas Association has identified climate change as the single most significant risk to the future of the ski industry. Bridger Bowl is already feeling the impacts of surging insurance premiums linked to climate-fueled wildfires and the trend toward less reliable winter snowfall. Bridger Bowl believes we must accelerate the transition to cleaner, more affordable energy sources to protect Montanans' future and the outdoor spaces that define life in Montana.

Montana Health Professionals for a Healthy Climate (HPHC) is a Montana non-profit of healthcare professionals concerned about the effects of air pollution and climate change on human health. MontanaHPHC leverages their 1,500 supporters to educate, advocate, and lead on climate action, working with students of all ages and collaborating with many Montana non-profits.

The **Park County Environmental Council (PCEC)**, founded in 1988, is a grassroots organization based in Livingston, Montana, with over 1,000 members and a wide bench of over 3,500 supporters dedicated to protecting the lands, water, wildlife, and people of Park County. PCEC focuses on building local solutions that

help rural communities adapt to and mitigate the impacts of climate change. Montanans' livelihoods—rooted in agriculture, outdoor recreation, and healthy ecosystems—are increasingly threatened by climate-driven disasters. In 2022, PCEC mobilized community support and resources in response to the historic flood that devastated parts of Park County, and are actively preparing for the growing risk of wildfires like those that have recently impacted communities across the region. PCEC works closely with youth and future generations, who are among the most concerned and most affected by climate disruption, ensuring their voices are heard in the decisions shaping their future. PCEC is committed to responsible, community-centered climate action across Montana.

Founded in 1972 by Montana ranchers, **Northern Plains Resource Council** works to organize Montanans to protect our water, land, air, and working landscapes. Northern Plains Resource Council supports a healthy, localized, and sustainable economy in farm and ranch country and in our towns, and builds strong grassroots leaders, always considering the next generation. Today Northern Plains unites roughly 3,500 dues-paying members across Montana linking economic justice to climate action, strengthening the livelihoods and self-determination of Montana's rural and working families.

Climate Smart Missoula is a local Montana nonprofit with over 1,000 supporters. Their mission is to build and accelerate climate solutions for Missoula and beyond, through collaborative programs, advocacy, and catalyzing diverse climate leadership. Since their inception in 2015, Climate Smart Missoula has worked to reduce carbon pollution and is especially concerned with the human health impacts from greenhouse gas emissions including from methane gas.

Forward Montana is a non-partisan nonprofit organization founded in 2004. Forward Montana builds political power with and for young Montanans representing approximately 10,000 young people across the state. Forward Montana has engaged in thousands of conversations with young people over the years. Forward Montana's members care deeply about protecting our environment for future generations as guaranteed by the Montana Constitution's right to a clean and healthful environment.

MontPIRG (Montana Public Interest Research Group) is a student-led and organized nonpartisan organization created to empower the next generation of civic leaders and make Montana healthier, more inclusive, just, and resilient. They serve and represent more than 27,000 students across the state. MontPIRG students

work to protect our air, water, and soil. And, they advocate for policies that mitigate the negative effects of climate change in our communities.

Families for a Livable Climate is a Montana-based nonprofit established in 2020 to create community for climate action. They welcome families of all kinds into the climate space and provide the tools, skills, and support needed to take bold action on the climate crisis. With a growing network of over 2,000 climate-concerned parents, caregivers, and community members across the state, Families for a Livable Climate's work focuses on climate communications, grassroots leadership development, and movement-building. They directly address greenhouse gas emissions through public education, advocacy for clean energy, and community engagement campaigns such as divestment and electrification. At the heart of their work is the belief that when families speak up for our kids and communities, we can build a livable, thriving future for all.

Environmental Defense Fund (EDF) is a non-profit, non-governmental and non-partisan environmental organization with millions of members and offices and staff across the U.S. who are carrying out the organization's mission to build a vital earth for everyone. EDF's key priorities are to stabilize the climate and strengthen people's ability to thrive in a changing climate. EDF does this by using science, economics, law, and uncommon partnerships to find practical and lasting solutions to the most serious environmental problems.

The **League of Women Voters**, a nonpartisan political organization, encourages informed and active participation in government, seeks to defend and improve our democracy, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. The League was founded at the national level in 1920 and the Montana League has been active since the 1950's. The League currently has 400 members in Montana. The League believes that climate change is a crisis facing our nation and our planet and that government action is needed to address the issue. The Montana League is working to encourage our state government to regulate greenhouse gas emissions.

Protect Our Winters (POW) helps passionate outdoor people protect the places they love from climate change. Founded in 2007 by professional snowboarder Jeremy Jones, Protect Our Winters, the first climate advocacy organization in the outdoor community. POW brought together other concerned athletes, creatives and brand partners to tackle the issue head on, a network that has since grown to 77,000 Team POW members. POW advocates for the 175 million passionate outdoor people who recreate outside to advancing non-partisan policies that protect our

world today and for future generations. POW believes that it's not just our powder days and clean air that's at risk; it's our livelihoods, our environment, our economy.

The **Sierra Club Montana Chapter** has thousands of members and supporters across the state of Montana. Founded in 1983 the chapter works to protect our air, land, water, and wildlife, advance climate solutions, act for justice, and get outdoors to explore and learn.

DEQ's Supplemental Draft EA

DEQ's environmental review of fossil-fuel projects must thoroughly analyze and disclose GHG emissions and their impacts. For the Supplemental Draft EA at issue here, the Laurel Generating Station is of significant concern to the Commenters, and their thousands of Montana members because, among other harms, it would generate climate-harming greenhouse gas emissions even while clean and affordable alternatives to fossil-fuel generation exist. DEQ's review of this project must consider both the direct emissions from the Laurel Generating Station itself and the indirect emissions from the extraction and transportation of the methane gas used to fuel the plant. In addition, the environmental review should include a cumulative impacts analysis that discloses and analyzes the past, present, and related future actions that have and will continue to contribute to GHG emissions and climate impacts. The Supplemental Draft EA's analysis of GHG emissions is crucial because, as established by numerous scientific studies, the cumulative impact of even seemingly small contributions to atmospheric GHG concentrations plays a significant role in the broader context of climate change.[1] Each new project, while individually difficult to quantify as having a transformative impact to Montana's environment, contributes to a larger, demonstrably significant problem. This creeping normalcy, where each individual project is rationalized as inconsequential, has collectively resulted in Montana bearing responsibility for 166 million tons of carbon dioxide emissions in 2019, which is the equivalent to emissions from the countries of Argentina, the Netherlands, and Pakistan.[2]

Comment 39.3a

Comment 39.3b

Comment 39.3c

Comment 39.3d

[1] *See* National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change (2023), 88 Fed. Reg. 1196 (while withdrawn, the underlying scientific principles about the nature of climate change contained in this guidance remain sound); *See also* Appendix A.

[2] *Held v. Montana*, No. CDV-2020-307 (1st Dist. Ct. Mont., Aug. 14, 2023) at ¶¶ 218–219, *aff'd* 2024 MT 312 (Compared to the population of Montana, with just over 1 million people, Argentina has 47 million residents, the Netherlands has 18 million, and Pakistan has 248 million resides.)

Therefore, to dismiss the importance of thoroughly analyzing the GHG contributions and impacts of individual projects is to ignore the very mechanism by which the climate crisis has reached its current critical state. Comment 39.3e

The Laurel Generating Station, or LGS, is a major emitter of GHG emissions in Montana. Yet, the impact of GHG emissions from the facility has not been fully disclosed and analyzed through a state agency environmental review. Further, as discussed below, the GHG Assessment included in the Supplemental Draft EA is inappropriately limited to a 10.4 acre "disturbed" area.[3] The Supplemental Draft EA fails to disclose the LGS's significant contribution of GHG emissions and associated climate impacts. The Supplemental Draft EA also fails to disclose and analyze the cumulative and secondary impacts of the LGS's GHG emissions together with emissions from the other major stationary sources in the state under DEQ's jurisdiction, including currently or soon-to-be operating in the Laurel/Billings/Lockwood area. Comment 39.3f

I. The Laurel Generating Station (LGS)

The Laurel Generating Station is a 175-megawatt gas-fired power plant, comprised of eighteen 9.7-megawatt-electrical reciprocating internal combustion engines ("RICE"), approximately 300 feet from the north bank of the Yellowstone River in Laurel, Montana. NorthWestern began operating the plant in 2024 and anticipates it will continue operating until 2057. In its air quality permit application, NorthWestern predicted that the LGS would emit 769,706 tons per year of climate-harming greenhouse gases (calculated as carbon dioxide equivalent (CO2e) emissions).[4] This is equivalent to the annual emissions of 167,327 passenger vehicles.[5] As described in NorthWestern's air quality permit application, the utility selected the LGS over other resources that submitted bids in a competitive resource solicitation. In the context of NorthWestern's pending request to the Montana Public Service Commission for approval of the LGS, parties have argued that Comment 39.3g

[3] Draft EA at 31.

[4] NorthWestern App. for Mont. Air Quality Permit, Air Emissions Inventory, at 7 (May 10, 2021) (Of note, DEQ's Draft Supplemental EA contains a different figure from NorthWestern's Application, noting that the annual emissions total from the engines at the facility will equal 695,217 metric tons per year of CO2e per year. Draft EA at 29. DEQ should explain why its figure differs from NorthWestern's calculation.)

[5] EPA, Greenhouse Gas Equivalencies Calculator, available at: https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator#results.

NorthWestern's resource-selection process unreasonably foreclosed selection of other, cleaner, and safer generating resources, such as solar and wind energy projects that could be paired with battery storage.[6] As DEQ has previously acknowledged, "Montana's fossil fuel Electric Generating Units[,]" like the LGS, "are the largest contributor of greenhouse gases in Montana."[7]

DEQ previously performed an environmental analysis of the proposed impacts of the plant, as required by MEPA. The Montana Supreme Court subsequently determined that DEQ's analysis was insufficient, including particularly its failure to analyze climate change impacts from greenhouse gases.[8] Comment 39.3h

II. Requirements of Montana's Constitution and MEPA

Montana's Constitution recognizes the "inalienable" right to a "clean and healthful environment."[9] This is a fundamental right, and the Constitution imposes an affirmative obligation on the part of state agencies— including DEQ in carrying out its statutory duties—to "maintain and improve a clean and healthful environment in Montana for present and future generations."[10] It is well-settled that the environmental protections in Montana's Constitution compel state agencies to take action to realize those protections. Indeed,

> [the Constitution's] unambiguous reliance on preventative measures to ensure that Montanans' inalienable right to a 'clean and healthful environment' is as evident in the air, water, and soil of Montana as in its law books. Article IX, Section 1, of the Montana Constitution describes the environmental rights of 'future generations,' while requiring 'protection' of the environmental life support system 'from degradation' and 'prevent[ion of] unreasonable depletion and degradation' of the state's natural resources. This forward-looking and

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[6] *See, e.g.,* Docket No. 2024.05.053, In re. NorthWestern Energy's Application to Increase Retail Electric and Natural Gas Utility Service Rates and for Approval of Service Schedules, Cost Allocation, and Rate Design, Direct Test. of Michael Goggins (Jan. 17, 2025) available at https://reddi.mt.gov/prweb/PRAuth2/app/reddi/69MPqGeS_UTZWHGFH6YedHAuE3yJxESf*/!STANDARD.

[7] *MEIC v. DEQ*, 2025 MT 3, ¶ 47, 420 Mont. 150, 561 P.3d 1033.

[8] *Id.* at ¶ 62.

[9] Mont. Const. art. II., § 3.

[10] *Id.* art. IX, § 1(1).

> preventative language clearly indicates that Montanans have a right not only to reactive measures after a constitutionally-proscribed environmental harm has occurred, but to be free of its occurrence in the first place.[11]

The Legislature's duty under the Constitution is to "provide adequate remedies for the protection of the environmental life support system from degradation" and "to prevent unreasonable depletion and degradation of natural resources."[12]

The Montana Environmental Policy Act (MEPA) helps realize these lofty constitutional purposes. As the Montana Supreme Court has explained, "[s]ince its enactment, the Legislature has shaped MEPA as a vehicle for pursuing its constitutional mandate to prevent environmental harms and its forward-looking mechanisms are encompassed by the Legislature's constitutional obligations."[13] While MEPA mandates procedures rather than particular outcomes, the Legislature enacted MEPA to "prevent or eliminate damage to the environment."[14] And while "[t]he Montana Constitution guarantees that certain environmental harms shall be prevented, [that] prevention depends on forethought. MEPA's procedural mechanisms help bring the Montana Constitution's lofty goals into reality by enabling fully informed and considered decision making, thereby minimizing the risk of irreversible mistakes depriving Montanans of a clean and healthful environment."[15]

To that end, MEPA requires agencies, including DEQ, to "take a 'hard look' at the environmental impacts of a given project or proposal."[16] DEQ must consider, among other things, reasonable alternatives to the proposed action, the direct, secondary, and cumulative environmental impacts of the action, and "the economic

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[11] *Park Cnty. Env't Council v. DEQ*, 2020 MT 303, ¶ 62, 402 Mont. 168, 477 P.3d 288.

[12] Mont. Const. art. IX, § 1(3).

[13] *Held v. State*, 2024 MT 312, ¶ 59, 419 Mont. 403, 560 P.3d 1235.

[14] *Park Cnty. Env't. Council*, ¶ 65.

[15] *Id.* at ¶ 70.

[16] *Mont. Wildlife Fed'n v. Mont. Bd. of Oil & Gas Conservation,* 2012 MT 128, ¶ 43, 365 Mont. 232, 280 P.3d 877; *see also* Mont. Code Ann. § 75-1-201(1)(b)(iv); ARM 17.4.609(3)(d).

advantages and disadvantages of the proposal."[17] DEQ must also identify and evaluate measures that will mitigate the project's impacts.[18] In discussing all of these matters pursuant to MEPA, DEQ "must examine the relevant data and articulate a satisfactory explanation for its action, including a rational connection between the facts found and the choice made."[19]

Fully-informed decision-making is the cornerstone of MEPA. MEPA's environmental review requirement fosters better decision-making by establishing a look-before-you-leap mandate, "ensur[ing] that presently unquantified environmental amenities and values may be given appropriate consideration."[20] The informative purpose of MEPA is three-fold.

First, MEPA review exists to ensure that the state, by and through its agencies, uses the information it gathers through the MEPA process to make a decision that maintains and improves the environment. As the Montana Supreme Court recently noted in its *Held* decision, "a clean and healthful environment cannot occur unless the State and its agencies can make adequately informed decisions."[21] This is because, as the Court also explained in the context of foreclosing review of GHG emissions, inadequate review

> under MEPA prevents state agencies from using any information garnered during this process to inform and strengthen substantive permitting or regulatory decisions or any mutual mitigation measures or alternatives that might be considered when the environmental harms of the proposed project are fully understood.[22]

A stable climate is essential to and included within the all-encompassing environmental life support system.[23] The degradation of Montana's climate and natural resources as a result of Montana's fossil-fuel-dependent energy system and

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[17] Mont. Code Ann. § 75-1-201(1)(b)(iv), (v); *see also* ARM 17.4.609(3).

[18] ARM 17.4.609(3)(g).

[19] *Mont. Wildlife Fed'n*, ¶ 43 (quoting *Clark Fork Coal. v. Mont. Dep't of Envtl. Quality*, 2008 MT 407, ¶ 47, 347 Mont. 197, 197 P.3d 482).

[20] Mont. Code Ann. § 75-1-201(1)(b)(ii).

[21] *Held*, ¶ 67.

[22] *Id.* at ¶ 68.

[23] *Id.* at ¶ 29.

its associated greenhouse gas emissions has caused and continues to cause constitutional harm to all Montanans. Therefore, state agencies, including DEQ, must utilize MEPA review to inform its actions to help realize these constitutional protections.

Second, adequate MEPA review "ensure[s] that … environmental attributes are fully considered by the legislature in enacting laws to fulfill constitutional obligations."[24] "An environmental review [under MEPA] 'assist[s] the legislature in determining whether laws are adequate to address impacts to Montana's environment and … inform[s] the public and public officials of potential impacts resulting from decisions made by state agencies."[25] "MEPA serves a role in enabling the Legislature to fulfill its constitutional obligation to prevent environmental harms infringing upon Montana's right to a clean and healthful environment" and "is essential to the 'State's efforts to meet its constitutional obligations.'"[26] Comment 39.3i

Third, MEPA ensures that "the public is informed of the anticipated impacts in Montana of potential state actions."[27] Citing to Montana Constitution, Article II §8, the Montana Supreme Court recently affirmed the importance of public participation through MEPA analyses in its *MEIC* decision, which involved the LGS and its GHG emissions.[28] In that case, the Court noted that where significant public comment was received expressing concern about the GHG emissions of the LGS, "it was appropriate information to include in DEQ's MEPA analysis."[29] Without adequate MEPA analysis of the impacts of a project, including impacts from its GHG emissions, Montanans' right to participate in government decision making is undermined. Comment 39.3j

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[24] Mont. Code Ann. § 75-1-102(1); *see also Ravalli Cnty. Fish & Game Ass'n v. Mont. Dep't of State Lands*, 273 Mont. 371, 903 P.2d 1362, 1367 (1995) ("MEPA requires that an agency take procedural steps to review '… major actions of state government significantly affecting the quality of the human environment' in order to make informed decisions.") (citation omitted).

[25] *MEIC*, ¶ 60 (citing Mont. Code Ann. § 75-1-102 (3)(a); ARM 17.4.609 (3)(d), (e)).

[26] *Id.* (citations omitted).

[27] Mont. Code Ann. § 75-1-102(1).

[28] *MEIC*, ¶ 57 (citing Mont. Code Ann. §75-1-102(1)(a), (b); Mont. Const., art. II § 8; Mont. Code Ann. § 2-3-103 (providing for public participation)).

[29] *Id.* at ¶ 61.

While the Legislature has, on several occasions, amended MEPA, the Montana Supreme Court has warned that "the Legislature cannot fulfill its constitutional obligation to prevent proscribed environmental harms without some legal framework in place that mirrors the uniquely 'anticipatory and preventative' mechanisms found in the original MEPA."[30] Given MEPA's essential goals to implement multiple constitutional obligations, to the extent that MEPA is amended to require anything less than an adequate disclosure or evaluation of impacts sufficient to fulfill the State's and Legislature's constitutional mandates, the statute is unconstitutional. As a result, despite its similarities to the federal National Environmental Policy Act (NEPA) and the utility of NEPA case law, MEPA, rooted in the state's constitution, requires greater consideration of environmental effects than what might be required under NEPA.

III. MEPA Review of GHG emissions

Less than four months before the Supplemental Draft EA was published, the Montana Supreme Court affirmed that "climate change is harming Montana's environmental life support system now and with increasing severity for the foreseeable future."[31] In holding that "Montana's right to a clean and healthful environment and environmental life support system includes a stable climate system," the Court found it undisputed that:

> GHG emissions are drastically altering and degrading Montana's climate, rivers, lakes, groundwater, atmospheric waters, forests, glaciers, fish, wildlife, air quality, and ecosystem: 'Anthropogenic climate change is impacting, degrading, and depleting Montana's environment and natural resources, including through increasing temperatures, changing precipitation patterns, increasing droughts and aridification, increasing extreme weather events, increasing severity and intensity of wildfires, and increasing glacial melt and loss.'[32]

Against this backdrop, the Legislature recently amended MEPA to require agencies to conduct greenhouse gas assessments in certain circumstances.

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[30] *Park Cnty. Env't. Council*, ¶ 70.

[31] *Held*, ¶ 29.

[32] *Id.* (restating undisputed Findings of Fact in *Held v. Montana*, No. CDV-2020-307 (1st Dist. Ct. Mont., Aug. 14, 2023)).

Assuming these newly-enacted MEPA amendments are signed into law, an agency must "conduct a greenhouse gas assessment" that analyzes the impacts of these emissions on "Montana's environment" for any "fossil fuel activity" which includes "a proposed action that authorizes…[the] burning of…natural gas to generate energy for electricity."[33] The Legislature further directed DEQ to "develop a guidance document" for determining when a greenhouse gas assessment is necessary and "include[s] direction on methodologies for completing a greenhouse gas assessment."[34] While DEQ has not yet developed this guidance, it must approach its greenhouse gas assessments consistently with the Montana Supreme Court's decisions in *Held v. State* and *MEIC v. DEQ*. These cases establish that DEQ must conduct an environmental review of GHG emissions in its MEPA reviews where GHG emissions are implicated in an agency decision. *Held* and *MEIC* establish the following principles (among others) to guide DEQ in its analysis:

- "Each additional ton of GHGs emitted into the atmosphere exacerbates impacts to the climate."[35]

- DEQ's obligation to conduct the required climate analysis exists independently of specific regulatory standards for GHGs under the Montana Clean Air Act.[36]

- DEQ must analyze the direct, secondary, and cumulative impacts of GHG emissions in permitting processes, taking a "hard look" at these impacts, even in the absence of established ambient air quality standards or specific regulations.[37]

- The substantial public concern regarding GHG emissions further underscores the necessity of evaluating these impacts under MEPA.[38]

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[33] Mont. Code Ann. § 75-1-201(1) (2025); *id.* at § 75-1-220 (2025); *id*. at §75-1-220(6), (7)(a) (2025) (defining "environmental review" and "fossil fuel activity").

[34] Mont. Code Ann. § 75-1-201(2)(a) (2025).

[35] *Held v. Montana*, No. CDV-2020-307 (1st Dist. Ct. Mont., Aug. 14, 2023) ¶ 91, *aff'd* 2024 MT 312.

[36] *MEIC*, ¶¶ 55–59.

[37] *Id*.

[38] *Id.* at ¶ 57.

- The cumulative and secondary impacts of Montana's GHG emissions are significant in a local, regional, national, and global context. Montana cannot disregard its contributions to environmental degradation within its borders simply because the impacts extend beyond them.[39]

In addition to the guidance provided by the Montana Supreme Court in its recent decisions, DEQ should also look to the overwhelming body of scientific research documenting the impacts of climate change, including in Montana. These scientific observations are summarized *infra* Section IV. DEQ should also adopt methodologies that incorporate and account for established scientific information about greenhouse gas emissions' impact on climate change, including climate change effects in Montana, as described *infra* Section V. If DEQ chooses to ignore the science and reject these well-established methodologies, as it did in its Draft Supplemental EA, the agency will fail to adequately evaluate the impacts of greenhouse gas emissions in defiance of both its MEPA obligations and the constitutional obligations underpinning MEPA.

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IV. Climate Change Causes Environmental and Societal Harm Globally and in Montana

Comment 39.3n

Climate change is having and will increasingly have significant environmental and economic impacts in Montana, the United States, and across the globe. These impacts are described in numerous studies and reports, including the most recent Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (AR6),[40] the U.S. Fourth and Fifth National Climate Assessments,[41] the

[39] *Id.* at ¶ 62.

[40] Intergovernmental Panel on Climate Change, AR 6 WGII Technical Summary (2022), available at https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_TechnicalSummary.pdf (IPCC AR6), attached as Exhibit 1.

[41] U.S. Global Change Research Program, Fourth National Climate Assessment, Impacts, Risks, and Adaptation in the United States, Report-in-Brief, available at https://nca2018.globalchange.gov/downloads/NCA4_Report-in-Brief.pdf, attached as Exhibit 2; U.S. Global Change Research Program, Fifth National Climate Assessment, Impacts, Risks, and Adaptation in the United States, Report-in-Brief, available at https://nca2023.globalchange.gov/downloads/NCA5_Report-In-Brief.pdf, attached as Exhibit 3.

Montana Climate Assessment (MCA),[42] and the Montana Climate Assessment Special Report: Climate Change and Human Health in Montana.[43] Aided by the scientific literature that overwhelmingly confirms the negative impacts of greenhouse gas emissions, DEQ must account for the impacts of its decision to authorize this project on climate change.

A. Global Climate Change Impacts

In 2022, the IPCC completed and issued AR6, an extensive 4-volume appraisal of recent scientific and economic literature cataloging the principal mechanisms by which human-caused greenhouse gas emissions are contributing to climate change and undermining critical human and natural systems. In AR6, the IPCC comprehensively analyzed such observed threats to ecosystems and human systems, and confirms that impacts are real and often severe, including that:

- Climate change has caused local species losses, increases in disease [], and mass mortality events of plants and animals [], resulting in the first climate driven extinctions [], ecosystem restructuring, increases in areas burned by wildfire [], and declines in key ecosystem services.

- Widespread and severe loss and damage to human and natural systems are being driven by human-induced climate changes increasing the frequency and/or intensity and/or duration of extreme weather events, including droughts, wildfires, terrestrial and marine heatwaves, cyclones [], and flood []. Extremes are surpassing the resilience of some ecological and human systems.

- Extreme events and underlying vulnerabilities have intensified the societal impacts of droughts and floods and have negatively impacted agriculture, energy production and increased the incidence of water-borne diseases. Economic and societal impacts of water insecurity are more pronounced in

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[42] Montana Climate Assessment: Stakeholder driven, science informed (2017), available at http://live-mca-site.pantheonsite.io/sites/default/files/thumbnails/image/2017-Montana-Climate-Assessment-lr.pdf (MCA), attached as Exhibit 4.

[43] Climate Change and Human Health in Montana: A Special Report on the Montana Climate Assessment (2021), available at http://live-mca-site.pantheonsite.io/sites/default/files/thumbnails/image/2021_C2H2inMT_final.pdf (MCA: Climate Change and Human Health), attached as Exhibit 5.

low-income countries than in the middle- and high-income ones.

- Over nine million climate-related deaths per year are projected by the end of the century, under a high emissions scenario and accounting for population growth, economic development and adaptation.

- In many regions, the frequency and/or severity of floods, extreme storms and droughts is projected to increase in coming decades, especially under high emissions scenarios, raising future risk of displacement in the most exposed areas []. Under all global warming levels, some regions that are presently densely populated will become unsafe or uninhabitable.[44]

- Approximately 3.3 to 3.6 billion people live in contexts that are highly vulnerable to climate change[]. A high proportion of species is vulnerable to climate change []. Human and ecosystem vulnerability are interdependent.[45]

Specifically looking at the United States, the IPCC concludes that:

> Rising air, water, ocean and ground temperatures have restructured ecosystems and contributed to the redistribution [] and mortality [] of fish, bird and mammal species. Extreme heat and precipitation trends on land have increased vegetation stress and mortality, reduced soil quality and altered ecosystem processes including carbon and freshwater cycling []. Warm and dry conditions associated with climate change have led to tree die-offs [] and increased prevalence of catastrophic wildfire [] with an increase in the size of severely burned areas in western North America [].[46]

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[44] Bulleted statements from Exhibit 1, IPCC AR 6 (omitting confidence level assignments for ease of reading).

[45] Intergovernmental Panel on Climate Change, AR 6 WGII Summary for Policymakers (2022), available at https://www.ipcc.ch/report/ar6/wg2/downloads, attached as Exhibit 18.

[46] Intergovernmental Panel on Climate Change, Contribution of Working Group II to the Sixth Assessment Report, Ch. 14, 1932 (2022) (omitting confidence level assignments for ease of reading), available at https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_Chapter14.pdf (IPCC Ch. 14), attached as Exhibit 6.

Similarly, the IPCC observed that "careful statistical analysis shows that record-setting hot temperatures in North America are occurring more often than record-setting cold temperatures as the overall climate has gotten warmer in recent decades. The area burned by large wildfires in the western USA has increased in recent decades."[47] Greenhouse gas emission increases since 1750 now produce a climate-forcing equivalent to twice the preindustrial level of atmospheric CO_2 and is already and will continue to experience the consequences of this climate change.[48]

These impacts are aggravated by all incremental emissions, such as those from coal and gas resources in Montana. On this point, the IPCC recently explained:

> Continued greenhouse gas emissions will lead to increasing global warming, with the best estimate of reaching 1.5°C in the near term in considered scenarios and modelled pathways. Every increment of global warming will intensify multiple and concurrent hazards []. Deep, rapid, and sustained reductions in greenhouse gas emissions would lead to a discernible slowdown in global warming within around two decades, and also to discernible changes in atmospheric composition within a few years.[49]

Incremental increases in emissions push the global atmosphere toward tipping points that will lead to irreversible changes:

> Some future changes are unavoidable and/or irreversible but can be limited by deep, rapid and sustained global greenhouse gas emissions reduction. The likelihood of abrupt and/or irreversible changes increases with higher global warming levels. Similarly, the probability of low-likelihood outcomes associated with potentially very large adverse impacts increases with higher global warming levels.[50]

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[47] *Id.* at 1938.

[48] Hansen, J. *et al.*, Global warming in the pipeline (Dec. 8, 2022) available at https://arxiv.org/pdf/2212.04474, attached as Exhibit 7.

[49] Synthesis Report of the IPCC Sixth Assessment Report (2023) available at https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_SPM.pdf (IPCC Synthesis Report), attached as Exhibit 8.

[50] *Id.* at 18.

"The likelihood and impacts of abrupt and/or irreversible changes in the climate system, including changes triggered when tipping points are reached, increase with further global warming []."[51] This means that no one can stand on the sidelines; "deep" and "rapid" emissions reductions must come from all jurisdictions. To have even a moderate chance at avoiding the worst impacts of climate change and keeping warming to 1.5° or even 2° C, wholesale emission reductions must occur between now and 2030.[52]

B. Climate Change Impacts in the Northern Great Plains Region

Comment 39.3o

Much like the United States in general, the number of days with hot temperatures is projected to largely increase across the Great Plains region even under scenarios in which greenhouse gas emissions are reduced. The number of days with temperatures over 100°F are projected to double in the north and quadruple in the south, with similar increases in nights with temperatures higher than 60°F in the north and 80°F in the south.[53]

The National Climate Assessment (NCA) contains a detailed analysis of regional impacts of climate change throughout the United States, including the northern plains region.[54] The NCA makes clear that the impacts of climate change are already being felt throughout the mountains and plains of Montana. Climate change is causing and is predicted to continue to cause warmer water temperatures in streams and rivers and low summer flows. Hotter temperatures and earlier spring snowmelt are also causing and expected to continue causing longer and more damaging wildfire seasons.[55]

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[51] *Id.*

[52] *Id.* (explaining current "gap" between emissions are reductions required to limit warming, which "make it likely that warming will exceed 1.5 C").

[53] U.S. Global Change Research Program, Third National Climate Assessment, Climate Change Impacts in the United States (2014), available at https://nca2014.globalchange.gov/downloads/low/NCA3_Full_Report_19_Great_Plains_LowRes.pdf, attached as Exhibit 9.

[54] U.S. Global Change Research Program, Fourth National Climate Assessment, Impacts, Risks, and Adaptation in the United States, Northern Great Plains (2018), available at https://nca2018.globalchange.gov/downloads/NCA4_Ch22_Northern-Great-Plains_Full.pdf (NCA Northern Great Plains), attached as Exhibit 10.

[55] *Id.*

These impacts to natural systems are, in turn, harming important sectors of Montana's economy, including agriculture and outdoor recreation.[56] [57] For example, higher temperatures and water shortages have harmed and are projected to worsen harms to the agricultural sectors of the state's economy. Climate change is also causing more frequent extreme weather events and flooding in the region.[58]

The energy sector in the northern plains region is a "significant source of greenhouse gases and volatile organic compounds that contribute to climate change and ground-level ozone pollution."[59] "Unless offset by additional emissions reductions of ozone precursors, these climate-driven increases in ozone forecast to cause premature deaths, hospital visits, lost school days, and acute respiratory symptoms."[60]

A climate assessment for Montana has also been conducted by Montana State University, the University of Montana, and the Montana Institute on Ecosystems. The Montana Climate Assessment (MCA) provides a more detailed look at the impacts from climate change that are already being experienced across the state and impacts that are expected in the future.[61] Changes include:

- Annual average temperatures, including daily minimums, maximums, and averages, have risen across the state between 1950 and 2015. The increases range between 2.0-3.0°F (1.1-1.7°C) during this period.

- Despite no historical changes in average *annual* precipitation between 1950 and 2015, there have been changes in average *seasonal* precipitation over the same period.

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[56] Power Consulting Inc., The Economic Impact of Climate Change in Montana (Sept. 2023), available at https://montanawildlife.org/wp-content/uploads/2023/10/Economic-Impacts-of-Climate-Change-in-MT_Power-Consulting-Inc._Clean-Version_9-27-2023.docx.pdf?c6b026&c6b026, attached as Exhibit 11.

[57] Power Consulting Inc., The Economic Impact of Climate Change on Montana Agriculture (Oct. 2024), available at https://farmconnectmontana.org/files/reports/Econ-Impact-of-Climate-Change-on-MT-Ag-2024.pdf, attached as Exhibit 12.

[58] Exhibit 5, MCA: Climate Change and Human Health at XIX.

[59] Exhibit 10, NCA Northern Great Plains at 962.

[60] *Id.* at 963.

[61] Exhibit 4, MCA.

- Montana is projected to continue to warm in all geographic locations, seasons, and under all emission scenarios throughout the 21st century. By mid-century, Montana temperatures are projected to increase by approximately 4.5-6.0°F (2.5-3.3°C) depending on the emission scenario. By the end-of-century, Montana temperatures are projected to increase 5.6-9.8°F (3.1-5.4°C) depending on the emission scenario. These state-level changes are larger than the average changes projected globally and nationally.

- Across the state, precipitation is projected to increase in winter, spring, and fall; precipitation is projected to decrease in summer. The largest increases are expected to occur during spring in the southern part of the state. The largest decreases are expected to occur during summer in the central and southern parts of the state.[62]

The Montana Climate Assessment also presented findings on climate impacts that Montana can expect in the future. Water resources are at risk from rising temperatures that will reduce snowpack, shift historical patterns of streamflow, and likely result in additional stress on Montana's water supply, particularly during summer and early fall. Specifically:

- Montana's snowpack has declined over the observational record (i.e., since the 1930s) in mountains west and east of the Continental Divide; this decline has been most pronounced since the 1980s. Warming temperatures over the next century, especially during spring, are likely to reduce snowpack at mid and low elevations.

- Historical observations show a shift toward earlier snowmelt and an earlier peak in spring runoff in the Mountain West. Projections suggest that these patterns are very likely to continue into the future as temperatures increase.

- Earlier onset of snowmelt and spring runoff will reduce late-summer water availability in snowmelt-dominated watersheds.

- Groundwater demand will likely increase as elevated temperatures and changing seasonal availability of traditional surface-water sources (e.g., dry stock water ponds or inability of canal systems to deliver water in a timely

[62] *Id.* at XXVI–XXVIII.

manner) force water users to seek alternatives.[63]

The MCA also found that rising temperatures will exacerbate persistent drought periods that have been a natural part of Montana's climate. Specifically:

- Multi-year and decadal-scale droughts have been, and will continue to be, a natural feature of Montana's climate; rising temperatures will likely exacerbate drought when and where it occurs; and

- Changes in snowpack and runoff timing will likely increase the frequency and duration of drought during late summer and early fall.[64]

The MCA also forecasts that climate change will negatively affect Montana agriculture.[65] Impacts include:

- Decreasing mountain snowpack will continue to lead to decreased streamflow and less reliable irrigation capacity during the late growing season. Reduced irrigation capacity will have the greatest impact on hay, sugar beet, malt barley, market garden, and potato production across the state; and

- Increases in temperature will allow winter annual weeds, such as cheatgrass, to increase in distribution and frequency in winter wheat cropland and rangeland. Their spread will result in decreased crop yields and forage productivity as well as increased rangeland wildfire frequency.[66]

C. Climate Change Harms Montanans' Health

Comment 39.3p

As shown in both the National and Montana Climate Assessments, all Montanans will experience environmental impacts from a changing climate. Building on the MCA, Montana State University, the Montana Institute of Ecosystems, and Montana Health Professionals for a Healthy Climate published Climate Change and Human Health in Montana: A Special Report of the Montana Climate Assessment in January 2021.[67] This report examines the connections

[63] *Id.* at XXXII.

[64] *Id.*

[65] *Id.* at 197–244.

[66] *Id.* at 198–99.

[67] Exhibit 5, MCA: Climate Change and Human Health.

between climate change impacts and the health of Montanans. The report focused on three aspects of projected climate change of greatest concern for human health in Montana: increased summer temperatures and periods of extreme heat; reduced air quality, as wildfires increase in size and frequency; and more unexpected climate-related weather events, including rapid spring snowmelt and flooding, severe summer drought, and more extreme storms.[68] The report concludes that these climate change impacts will adversely affect Montanans in myriad ways, including that:

- [I]ncreased summer temperatures and wildfire occurrence will worsen heat- and smoke-related health problems such as respiratory and cardiopulmonary illness.

- Earlier snowmelt will endanger lives and lead to more gastrointestinal disease due to contaminated water supplies as well as increased opportunities for other water-borne, food-borne and mold-related diseases.

- Increased summer drought will likely increase cases of West Nile virus, pose challenges to local agriculture, and result in decreased food availability and nutritional quality as well as jeopardizing the safety and availability of public and private water supplies.

- [W]armer temperatures and elevated carbon dioxide levels will lead to worsening allergies and asthma as a result of increased pollen levels.

- Climate changes are reducing the availability of wild game, fish, and many subsistence, ceremonial, and medicinal plants, which threatens food security, community health, and cultural well-being, particularly for tribal communities.[69]

[68] *Id.* at XIX.

[69] *Id.*

In light of these existing and projected impacts, the State of Montana has recognized that "urgent action [] is needed to address the increasing threats and impacts of climate change."[70]

D. Montana's Fossil Fuel Energy Sources and Gas Infrastructure Spur Climate Change and Its Harmful Impacts in Montana

Comment 39.3q

As a net energy exporter positioned with disproportionate access to untapped fossil fuel reserves, Montana is a significant contributor to anthropogenic climate change. According to the U.S. Environmental Protection Agency (EPA), nearly 75% of total climate-altering greenhouse gas emissions in the U.S. come from combustion of fossil fuels (including for energy production), namely coal, oil, and methane gas.[71] Montana's 2022 electric-sector greenhouse gas emissions, calculated as carbon dioxide-equivalent emissions, amounted to 13.3 million metric tons, with residential and commercial-sector greenhouse gas emissions (primarily from burning gas for heating and other purposes) adding 3.8 million metric tons.[72] As affirmed in the December 2024 *Held v. Montana* ruling and supported by broad scientific consensus, these greenhouse gas emissions cause a climate-altering effect with dire implications within the state of Montana.[73] Emitters regulated by DEQ develop, maintain, and utilize power from substantial fossil-fuel energy infrastructure that is responsible for these climate-altering emissions. This infrastructure includes coal-burning power plants, methane-gas burning power plants, petroleum-coke burning power plants, and methane gas pipelines and distribution systems.

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[70] Montana Climate Solutions Council, Montana Climate Solutions Plan (Aug. 2020), p. 58, available at https://deq.mt.gov/Files/DEQAdmin/Climate/2020-09-09_MontanaClimateSolutions_Final.pdf (Montana Climate Solutions Plan), attached as Exhibit 13.

[71] U.S. EPA, Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2021, Executive Summary, p. ES-9 (April 2023), available at https://www.epa.gov/system/files/documents/2023-04/US-GHG-Inventory-2023-Chapter-Executive-Summary.pdf, attached as Exhibit 14.

[72] U.S. Energy Info. Admin., State energy-related carbon dioxide emissions, Table 3, available at https://www.eia.gov/environment/emissions/state/

[73] *Held,* ¶¶19–46.

E. Burning Fossil Fuels in Montana Has Significant Environmental and Societal Costs

Comment 39.3r

Combustion of fossil fuels generates real economic harm in the state, which can be estimated using the Social Cost of Greenhouse Gases, discussed further below (SC-GHG). The SC-GHG is a metric that estimates the economic damage caused by each additional ton of carbon dioxide, methane, and nitrous oxide emitted into Earth's atmosphere. While not the only climate-forcing greenhouse gases, these three gases account for the vast majority of global climate change, with carbon dioxide being the most prevalent in the atmosphere and methane and nitrous oxide comprising only a fraction of atmospheric greenhouse gases, but having far greater potency. The SC-GHG allows decision-makers such as DEQ to internalize the cost of greenhouse gas emissions that were previously externalized. In 2023, the U.S. EPA released its Final Report on the Social Cost of Greenhouse Gases, which calculated the Social Cost of Carbon at a rate of $190 per ton of CO_2 emitted in 2021.[74] The Colstrip coal-fired power plant, Montana's largest point-source emitter of greenhouse gases, reported 10,967,111 metric tons of carbon dioxide-equivalent emissions to the EPA for 2023. At $190 per ton, that is $2,040,725,970 in annual economic damages from just a single emission source in Montana.[75]

V. Appropriate Methodologies for Review of GHG Emissions under MEPA

Comment 39.3s

The DEQ must employ appropriate and comprehensive methodologies for the review of GHG emissions from the proposed LGS under MEPA. In conducting this review, DEQ should consult the various publications and scientific literature cited

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[74] U.S. EPA, Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances (November 2023), available at https://www.epa.gov/system/files/documents/2023-12/epa_scghg_2023_report_final.pdf (EPA Social Costs GHG), attached as Exhibit 15. The SC-GHG includes specific values for each climate-forcing greenhouse gas. As referenced, carbon dioxide has the greatest impact on global climate change as a result of its atmospheric abundance, but EPA has also established social costs for methane (CH4), and nitrous oxide (N2O) of $1,600 and $54,000 per ton, respectively.

[75] U.S. EPA, Greenhouse Gas Reporting Program (GHGRP), GHGRP Emissions by Location 2022, available at https://www.epa.gov/ghgreporting/ghgrp-emissions-location. This figure does not break down emissions by type or account for the higher social costs of methane and nitrous oxide. Thus, the actual social costs of Colstrip's greenhouse gas emissions are likely higher.

Comment 39.3ss continued

above.[76] To achieve this comprehensive review, the following section details the minimum requirements for an analysis of direct effects, secondary and cumulative impacts, a thorough evaluation of alternatives, and the identification of potential mitigation measures.

A. Direct Effects

Comment 39.3t

To comply with both MEPA and Montana's constitution, DEQ must do more than simply quantify potential emissions. DEQ's assessment of the direct effects of GHGs from the LGS must provide a more thorough analysis.[77] MEPA requires a "hard look" at the environmental impacts of a proposed project, and applying this requirement to GHGs necessitates moving beyond simply stating the amount of emissions.[78] The proposed action's contribution to climate change must be evaluated in a meaningful context.[79]

Comment 39.3u

DEQ should not rely on statements asserting that the emissions from the proposed action represent only a small fraction of global or domestic emissions to dismiss the potential significance of these effects. As the proposed CEQ guidance on GHG analysis under NEPA correctly notes,

> [s]uch a statement merely notes the nature of the climate change challenge, and is not a useful basis for deciding whether or to what extent to consider climate change effects under NEPA. Moreover, such comparisons and fractions also are not an appropriate method for characterizing the extent of a proposed action's and its alternatives' contributions to climate change because this approach does not reveal anything beyond the nature of the climate change challenge itself—the fact that diverse individual sources of emissions each make a relatively

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[76] *Supra* Section IV.

[77] *See* Draft EA at 27–29.

[78] *See Mont. Wildlife Fed'n*, ¶ 43; *MEIC*, ¶ 40; *Ravalli Cnty. Fish & Game Assn.* at 377. *See also Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1198–1204 (9th Cir., 2008); *California v. Bernhardt*, 472 F. Supp. 3d 573, 623 (N.D. Cal. 2020); *Ctr. for Biological Diversity v. U.S. Forest Service*, 687 F. Supp. 3d 1053, 1077 (D. Mont. 2023).

[79] *See* National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change, 88 Fed. Reg. 1196, 1201 (2023); *Diné Citizens Against Ruining Our Env't. v. Haaland*, 59 F.4th 1016, 1044 (10th Cir. 2023); *350 Montana v. Haaland*, 50 F.4th 1254, 1265–67 (9th Cir. 2022).

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small addition to global atmospheric GHG concentrations that collectively have a large effect.[80]

To provide a more useful analysis, DEQ should describe the harms associated with GHG emissions in the context of relevant climate action goals and commitments. Evaluating the proposed action and its alternatives' consistency with such goals and commitments helps DEQ, the Legislature, and the public better understand the policy context, recognize the importance of considering alternatives and mitigation, and identify the tradeoffs of the decision, all of which are crucial for evaluating the significance of the project's GHG emissions and climate change effects. As a starting point, DEQ should consider Executive Order 8-2019, which aims to reduce emissions from traditional electricity generation by setting an interim goal of net greenhouse gas neutrality for average annual electric loads in the state by no later than 2035.[81] DEQ should also consider the Montana Climate Solutions Plan, which recognizes that "[u]rgent action is needed to address the increasing threats and impacts of climate change."[82]

Comment 39.3v

Comment 39.3w

Comment 39.3x

Comment 39.3y

To enhance public understanding and inform decision-makers, DEQ should provide accessible comparisons or equivalents for the estimated GHG emissions from the LGS. Examples include expressing emissions in terms of passenger car equivalents or the amount of electricity needed to power a certain number of homes annually.[83] Finally, DEQ must adopt an appropriate scope of analysis for direct effects that fully captures the reasonably foreseeable consequences of the proposed

Comment 39.3z

[80] National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change, 88 Fed. Reg. 1196 (2023) (while withdrawn, the underlying scientific principles about the nature of climate change contained in this guidance remain sound).

[81] State of Montana, Office of the Governor, Executive Order 8-2019.

[82] Exhibit 13, Montana Climate Solutions Plan at 58.

[83] *See* EPA, Greenhouse Gas Equivalencies Calculator, available at https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator#:~:text=Convert%20emissions%20or%20energy%20data,at%20reducing%20greenhouse%20gas%20emissions.

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action's GHG emissions.[84] A single vague sentence stating a few general impacts from climate change, as reflected in the Draft EA, is simply insufficient.

B. Secondary Impacts

Under MEPA, DEQ must analyze as a secondary impact "a further impact to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action."[85] Analyzing these secondary impacts of GHG emissions is crucial given the nature of climate change. The effect of numerous individual emissions sources, each seemingly small on a global scale, leads to significant and far-reaching consequences.[86] As explained above, these consequences are not abstract; they are manifesting as severe and often irreversible impacts on ecosystems and human systems worldwide.[87]

Comment 39.3aa

As explained above, climate change is increasing the frequency and intensity of extreme weather events like droughts, heatwaves, and floods, often surpassing the resilience of natural and human systems and intensifying societal impacts on agriculture, energy, and human health.[88] Due to the interconnectedness of the climate system and the long atmospheric lifetime of many GHGs, emissions from sources like the LGS contribute to these global effects and their long-lasting consequences.

Comment 39.3bb

These impacts are already evident in the Western United States, where rising temperatures have led to ecosystem restructuring, vegetation stress, tree die-offs, and increased catastrophic wildfires.[89] Montana is particularly vulnerable,

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[84] *See* National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change, 88 Fed. Reg. 1196 (while withdrawn, the underlying scientific principles about the nature of climate change contained in this guidance remain sound).

[85] ARM 17.4.603(18).

[86] *See* Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews, 81 Fed. Reg. 51866 (while subsequently withdrawn, this guidance still provides relevant context to consider climate change impacts).

[87] Exhibit 1, IPCC AR6.

[88] *Id.*

[89] Exhibit 6, IPCC Ch. 14.

experiencing rising temperatures faster than the global or national average and facing significant projected risks, including reduced snowpack, earlier runoff, decreased summer water availability, exacerbated drought, and negative impacts on agriculture.[90] Crucially, these environmental changes directly threaten human health in Montana, contributing to worsened respiratory illness, increased water-borne diseases, greater incidence of West Nile virus, and impacts on food security and cultural well-being, particularly for tribal communities.[91] The State of Montana has recognized the need for "urgent action" due to these increasing threats.[92] These existing and projected impacts are aggravated by all incremental emissions, such as those associated with the LGS.[93] Every increment of global warming intensifies hazards, and the likelihood of abrupt or irreversible changes increases with higher warming levels.[94] To avoid the worst of climate change, all jurisdictions must achieve rapid and sustained global emission reductions.[95]

Comment 39.3bb continued

Comment 39.3cc

DEQ must analyze how the proposed LGS may increase local and state vulnerability to the impacts of climate change.[96] This analysis should consider how climate change can exacerbate existing vulnerabilities and lessen the resilience of resources, ecosystems, and human communities to other environmental effects. For example, if anthropogenic influence on climate is driving snowpack declines throughout the region, DEQ should infer that anthropogenic influence on climate from the LGS and other sources is also contributing to observed declines in snowpack in Montana.[97] This inference is reasonable even without a downscaled attribution study definitively linking local impacts to global climate change.

Comment 39.3dd

To appropriately describe these effects, DEQ should adopt the Social Cost of Greenhouse Gas (SC-GHG) framework. The SC-GHG provides a valuable metric that offers decision-makers and the public useful information and context about a

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[90] Exhibit 4, MCA.

[91] Exhibit 5, MCA: Climate Change and Human Health.

[92] Exhibit 13, Montana Climate Solutions Plan.

[93] See *MEIC v. DEQ*, ¶ 62.

[94] Exhibit 8, IPCC Synthesis Report, *See Held v. Montana*, No. CDV-2020-307 (1st Dist. Ct. Mont., Aug. 14, 2023) ¶ 91, *aff'd* 2024 MT 312.

[95] *Id.*

[96] *See Id.*

[97] *See* Exhibit 4, MCA.

proposed action's climate effects.[98] Even if no other costs or benefits are monetized, the SC-GHG helps to translate abstract metric tons of GHGs into a more understandable economic value, reflecting the long-term damages associated with the emissions.[99] Importantly, the SC-GHG metric is not solely an economic analysis, but rather, it is a tool that allows agencies to meet their statutory obligation to describe a project's incremental environmental harm that is otherwise difficult to quantify. The Montana Supreme Court's decision in *Belk v. DEQ* does not prohibit this analysis, as the court upheld agency discretion to gather the information necessary to make their findings.[100] As an example, DEQ should look to the Supplemental Environmental Impact Statement ("SEIS") for the 2024 Miles City Field Office Resource Management Plan Amendment, which applies the SC-GHG tool in the NEPA context.[101] Furthermore, DEQ should describe the health effects of climate change in its analysis, citing relevant scientific literature to ensure public awareness of the impacts of additional greenhouse gas emissions on climate change in Montana (*see* Section IV and attached exhibits).

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Comment 39.3dd continued

C. Alternatives

DEQ must disclose the impacts of a no-action alternative in its EA. This analysis is critical for understanding the baseline scenario and the potential consequences of not proceeding with the proposed project. DEQ's assertion that it cannot fully analyze the no-action alternative because it could not deny the permit is inconsistent with the purpose of MEPA. As the Montana Supreme Court recognized in *MEIC v. DEQ*, agencies should use the information provided through the MEPA process to inform decision-makers, which includes a thorough understanding of baseline alternatives.[102] In its analysis of alternatives, DEQ should not simply assume that if the LGS does not take place, another action will perfectly substitute for it and generate identical emissions, such that the proposed action's net emissions relative to the baseline are zero. This assumption ignores the potential for different energy development pathways that could avoid the

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[98] Exhibit 15, EPA Social Costs GHG; Exhibit 1, IPCC AR6.

[99] *See* Exhibit 15, EPA Social Costs GHG.

[100] 2022 MT 38, ¶31, 408 Mont. 1, 504 P.3d 1090.

[101] SEIS, Miles City Field Office (2024), https://eplanning.blm.gov/public_projects/2021155/200534253/20110900/251010891/MCFO_Final%20SEIS_Proposed%20RMPA_508.pdf, attached as Exhibit 16.

[102] 2025 MT 3, ¶ 62.

environmental harm of fossil-fuel development and the possibility of reduced energy demand or increased energy efficiency. Given the urgency of the climate crisis and the potential for cumulative impacts from similar fossil-fuel projects, DEQ should also consider a programmatic review of fossil-fuel actions within DEQ's jurisdiction, or of a similar type to the LGS, which would allow for a more comprehensive review of alternatives and their associated GHG emissions.

D. Cumulative Impacts

DEQ's cumulative impacts analysis must include an analysis of upstream and downstream GHG emissions associated with the proposed LGS.[103] This includes emissions from the extraction, processing, and transportation of the fuel source (upstream) as well as the emissions resulting from the combustion of that fuel to generate electricity (downstream).[104] Comment 39.3gg

While Montana Senate Bill 221 (2025), if enacted, would restrict the consideration of certain indirect impacts, a comprehensive assessment of the LGS's contribution to climate change, as mandated in *Held* and *MEIC* and by Montana's constitutional guarantees, necessitates the inclusion of these reasonably foreseeable emissions directly linked to the project's operation.[105] This approach aligns with the principles of cumulative impact analysis, which requires consideration of the combined environmental effects of the proposed action and other past, present, and Comment 39.3hh Comment 39.3 ii

[103] ARM 17.4.603(7).

[104] *See, e.g. Sierra Club v. Fed. Energy Regul. Comm'n.*, 867 F.3d 1357, 1374 (D.C. Cir. 2017) (downstream GHG emissions were an indirect effect of pipeline project and required the agency to provide a quantitative estimate of the downstream GHG emissions resulting from the burning of the natural gas to be transported by the pipeline or explain why it could not do so, and to discuss the significance of these emissions).

[105] *See Held*, ¶¶ 37, 62; *MEIC*, ¶¶ 55–62.

related future actions.[106] Federal environmental review under NEPA routinely includes the analysis of upstream and downstream emissions in cumulative impacts assessments.[107]

Comment 39.3 ii continued

DEQ has previously asserted in response to comments that "DEQ is not required to evaluate impacts emanating from activities beyond its permitting authority" and that the standard under NEPA is different.[108] However, DEQ cannot simply ignore these impacts. Critically, the decision in *Bitterrooters v. DEQ* does not absolve DEQ from the obligation to conduct a thorough cumulative impacts analysis that accounts for the full environmental consequences causally linked to its permitting decisions.[109] The Montana Supreme Court's decision in *MEIC v. DEQ* does not eliminate the agency's obligation to evaluate upstream and downstream emissions. These emissions resulting from the transportation to and combustion of fuel at the facility are clearly secondary impacts directly caused by the permitted activity and must be analyzed.

Comment 39.3jj

E. Mitigation

Comment 39.3kk

Finally, DEQ must describe appropriate and feasible mitigation measures to reduce the GHG emissions associated with the LGS. As the Court noted in *MEIC*, "MEPA … allow[s] a project sponsor and the regulating agency to mutually develop measures that are incorporated into the permit."[110] These mitigation measures are

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[106] *See WildEarth Guardians v. U.S. Bureau of Land Mgmt.*, 457 F. Supp. 3d 880, 894 (D. Mont. 2020) ("Third, the large-scale nature of environmental issues like climate change show why cumulative impacts analysis proves vital to the overall NEPA analysis. The cumulative impacts analysis was designed precisely to determine whether 'a small amount here, a small amount there, and still more at another point could add up to something with a much greater impact.' *Klamath-Siskiyou*, 387 F.3d at 994. The global nature of climate change and greenhouse-gas emissions means that any single lease sale or BLM project likely will make up a negligible percent of state and nation-wide greenhouse gas emissions.")

[107] *See, e.g.*, *Sierra Club* at 1374 (downstream GHG emissions were an indirect effect of pipeline project and required the agency to provide a quantitative estimate of the downstream GHG emissions resulting from the burning of the natural gas to be transported by the pipeline or explain why it could not do so, and to discuss the significance of these emissions).

[108] Final Permit Issuance for MAQP #1564-38, at 33.

[109] *See* 2017 MT 222, 388 Mont. 453, 401 P.3d 712.

[110] *MEIC*, ¶ 56.

important given MEPA's purpose to "avoid, minimize, or mitigate environmental impacts"[111] which is an essential part of "MEPA's unique role in protecting Montanans' constitutional right to a clean and healthful environment."[112] This review should, at a minimum, include a thorough evaluation of potential technologies and strategies to minimize emissions throughout the project's lifecycle.

Comment 39.3kk continued

VI. The Draft Supplemental EA Fails to Comply with MEPA

A. Direct Impacts

MEPA requires a thorough examination of the direct environmental impacts of a proposed action.[113] This necessitates a detailed analysis of GHG emissions directly resulting from the operation of the LGS. The DEQ constrained its analysis in the Draft Supplemental EA of direct impacts to conducting a rudimentary quantification of the GHG emissions associated with the station.[114] While quantifying emissions is a necessary first step, it is insufficient to meet the requirements of MEPA for a meaningful analysis of direct impacts. Simply stating the projected annual emissions fails to provide the public and the legislature with a clear understanding of the significance of these emissions and their contribution to climate change.

Comment 39.3ll

To provide a more robust analysis of the direct impacts, DEQ should adopt the framework outlined above. This framework includes, but is not limited to:

- **Contextualizing emissions within state climate goals:** DEQ should explicitly evaluate the projected direct GHG emissions from the LGS in relation to Montana's established climate goals, such as the interim goal of net greenhouse gas neutrality for average annual electric loads by 2035 as outlined in Executive Order 8-2019[115], and the urgent call for action in the Montana Climate Solutions Plan.[116] The EA should clearly articulate how the LGS's emissions trajectory aligns with or deviates from these goals.

Comment 39.3mm

Comment 39.3nn

[111] Mont. Code Ann. § 75-1-102(2) (2025).

[112] *MEIC*, ¶ 60.

[113] Mont. Code Ann. §§ 75-1-102, 103.

[114] Draft EA at 27–28.

[115] State of Montana, Office of the Governor, Executive Order 8-2019.

[116] Exhibit 13, Montana Climate Solutions Plan.

Comment 39.3oo

- **Illustrating the additive nature of LGS emissions:** The analysis must clearly state that the GHG emissions from the LGS will directly add to the total GHG emissions in the state.

- **Providing comparative context to other projects:** To help the public and decision-makers understand the scale of the LGS's direct emissions, DEQ should contextualize these emissions by comparing them to the projected emissions of other similar-sized projects within Montana or the region. DEQ should also explain that "Montana's fossil fuel Electric Generating Units (EGUs) are the largest contributor of greenhouse gases in Montana."[117] This comparative analysis will offer a valuable benchmark for assessing the relative impact of the facility.

Comment 39.3pp

- **Describing total emissions over the life of the plant:** The EA must include an estimate of the total direct GHG emissions that the LGS is projected to release into the atmosphere over its anticipated operational lifespan. This long-term perspective is essential for understanding the full climate impact of the proposed project and for evaluating the long-term costs and benefits.[118]

Comment 39.3qq

By providing this more comprehensive analysis of the direct GHG impacts, DEQ will fulfill its obligations under MEPA to provide a detailed and understandable assessment of the environmental consequences of the LGS.

B. Secondary Impacts

Comment 39.3rr

MEPA requires a thorough examination of the secondary or indirect impacts of a proposed action, which are those that are caused by the proposed action and are later in time or farther removed in distance, but are still reasonably foreseeable.[119] While the direct GHG emissions from the LGS are significant, the secondary impacts of these emissions on Montana's environment, economy, and public health are equally critical and must be rigorously analyzed by DEQ. The Draft EA's one-sentence perfunctory recitation of well-known impacts of climate change taken from

Comment 39.3ss

[117] *MEIC*, ¶ 47.

[118] Assuming the plant operates for 33 years, as predicted by NorthWestern, the lifetime emissions of the plant will exceed 25 million tons of carbon dioxide equivalent emissions.

[119] ARM 17.4.603(18).

Comment 39.3ss continued

a U.S. Bureau of Land Management report does not constitute the "hard look" required by MEPA. The EA's insufficient treatment of the lifetime of carbon dioxide and its single sentence addressing the broad impacts of increased carbon dioxide in Montana do not constitute the "hard look" required by MEPA.

The secondary impacts of GHG emissions encompass a wide range of environmental and societal consequences resulting from climate change driven by these emissions. Without a dedicated analysis, the EA fails to adequately inform decision-makers and the public about the true costs and risks associated with the proposed project. To properly analyze these secondary effects, DEQ should adopt a comprehensive framework that includes, at a minimum:

Comment 39.3tt

- **Adoption of the Social Cost of Greenhouse Gas (SC-GHG) Framework:** As discussed in the section above, DEQ should adopt the SC-GHG framework. This tool provides a robust and scientifically sound method for monetizing the long-term damages associated with each ton of emitted GHG, thereby capturing the broad range of secondary impacts in a meaningful way. In the absence of utilizing the SC-GHG framework or a similar comprehensive economic analysis, DEQ has effectively provided no meaningful analysis of the secondary effects of the proposed project's GHG emissions. Quantifying direct emissions alone does not capture the cascading and far-reaching consequences of climate change.

Comment 39.3uu

- **Description of Health Effects in Montana:** The analysis must explicitly address the health effects of climate change in Montana, which are exacerbated by GHG emissions from sources like the LGS. DEQ should cite the Montana Climate Assessment 2021 Special Report[120], which provides a detailed overview of the observed and projected impacts of climate change on various sectors in Montana, including human health. This report highlights the increasing risks of heat-related illnesses, respiratory problems due to wildfire smoke, vector-borne diseases, and mental health impacts associated with climate change in the state. The GHG emissions from the LGS will contribute to these adverse health outcomes, representing a significant secondary impact.

Comment 39.3vv

- **Analysis of Local and State Vulnerability Increases:** DEQ must analyze how the GHG emissions from the LGS will contribute to increased local and

[120] Exhibit 5, MCA: Climate Change and Human Health.

state vulnerability to the impacts of climate change. This includes assessing how these emissions will exacerbate existing climate-related risks such as changes in water availability, increased frequency and intensity of extreme weather events (including heatwaves, droughts, and floods), impacts on agriculture and forestry, and disruptions to ecosystems and biodiversity.[121] The analysis should consider how these vulnerabilities will affect Montana's communities, economy, and natural resources.

Comment 39.3ww

While DEQ may be out of practice with respect to the appropriate scope of climate change impacts under MEPA, the federal government and judicial branch have spent the last two decades clarifying what is required under NEPA, and caselaw interpreting the sufficiency of climate analyses under NEPA can provide a useful first step in MEPA analysis where an agency lacks familiarity with basic principles of climate analysis.[122] Of course, NEPA is not underpinned by the same constitutional imprimatur as is MEPA, so Federal caselaw can at best set a floor for

[121] *See* attached resources.

[122] *Ravalli Cnty. Fish & Game Ass'n, Inc.* at 1366 (Because MEPA is modeled after the National Environmental Policy Act (NEPA), when interpreting MEPA, we find federal case law persuasive); *accord N. Fork Pres. Ass'n v. Dep't of State Lands*, 238 Mont. 451 , 778 P.2d 862, 866 (1989); *Bitterrooters*, ¶ 18.

MEPA analysis, not a ceiling. Nonetheless, federal cases provide a useful baseline.[123]

Comment 39.3 xx

By failing to adequately analyze these secondary impacts, the current EA provides an incomplete and potentially misleading picture of the true environmental consequences of the LGS. DEQ must rectify this deficiency by adopting a comprehensive framework, including the SC-GHG and a thorough assessment of the project's contribution to increased vulnerability and adverse health effects in Montana.

Comment 39.3 yy

C. Cumulative Impacts

Comment 39.3 zz

MEPA mandates that an EA must consider the cumulative impacts of a proposed action. "Cumulative impact" is defined as "the collective impacts on the human environment of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through preimpact statement studies, separate impact statement evaluation, or permit processing procedures."[124] In the context of GHG emissions and climate change, this requires DEQ to analyze the

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[123] Federal courts have repeatedly held under the framework of NEPA that federal agencies are required to consider and analyze both direct emissions that will result from the development of a given project and indirect impacts of the emission of GHGs. See, e.g., *Ctr. for Biological Diversity* at 1198–1201 (articulating heightened standard for duty to analyze GHG and climate impacts); *Sierra Club,* 867 F.3d at 1374 (downstream GHG emissions were an indirect effect of pipeline project and required the agency to provide a quantitative estimate of the downstream GHG emissions resulting from the burning of the natural gas to be transported by the pipeline or explain why it could not do so, and to discuss the significance of these emissions). Courts have upheld and echoed this reasoning in numerous other contexts including pipeline permitting, coal transport, mine plan modifications, and oil and gas development, to name only a few. *MEIC v. U.S. Off. of Surface Mining*, No. CV 15-106-M-DWM, 2017 WL 5047901, *3 (D. Mont. Nov. 3, 2017); *Diné Citizens Against Ruining Our Env't v. U.S. Off. of Surface Mining Reclamation & Enf't*, 82 F.Supp.3d 1201, 1213 (D. Colo. 2015); *WildEarth Guardians v. U.S. Off. of Surface Mining Reclamation & Enf't*, 104 F.Supp.3d 1208, 1229–30 (D. Colo. 2015); *San Juan Citizens All. v. U.S. Bureau of Land Mgmt.*, 326 F.Supp.3d 1227, 1244 (D.N.M. 2018); *WildEarth Guardians v. Zinke*, 368 F.Supp.3d 41, 73 (D.D.C. 2019).

[124] ARM 17.4.603(7).

incremental contribution of the LGS in conjunction with emissions from other sources.

The EA's analysis of cumulative GHG impacts is insufficient because it focuses solely on the direct emissions of the LGS without considering the broader context of GHG emissions in the region and throughout the lifecycle of the project. The limited scope of the analysis fails entirely to address the station's broader contribution to GHG emissions within the Billings/Laurel/Lockwood area or throughout the state. A legitimate cumulative impact analysis is critical for accurately assessing the project's role, particularly in the context of climate change, given the presence of refineries and other major sources of GHG emissions in the state.[125] This analysis must include an examination of the project within the context of existing sources' cumulative emissions, a step DEQ has skipped.[126]

Comment 39.3 ab

Comment 39.3 ac

Furthermore, the EA's comparison of project emissions to Montana's total emissions is insufficient and provides little meaningful information about the project's actual environmental impact.[127] A comprehensive assessment of each project's emissions, however small they may seem in isolation, is essential to understanding and addressing the cumulative impact of fossil fuel development. A comprehensive GHG analysis in the MEPA review is not merely a procedural formality, but a crucial component in understanding the true environmental cost of the permit.

Comment 39.3 ad

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[125] *See WildEarth Guardians v. U.S. Bureau of Land Mgmt.* 457 F. Supp. 3d at 894 ("Third, the large-scale nature of environmental issues like climate change show why cumulative impacts analysis proves vital to the overall NEPA analysis. The cumulative impacts analysis was designed precisely to determine whether 'a small amount here, a small amount there, and still more at another point could add up to something with a much greater impact.' *Klamath-Siskiyou*, 387 F.3d at 994. The global nature of climate change and greenhouse-gas emissions means that any single lease sale or BLM project likely will make up a negligible percent of state and nation-wide greenhouse gas emissions.")

[126] *See* National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change, 88 Fed. Reg. 1196, 1205–06 (2023).

[127] *See id.* at 1201; *Diné Citizens Against Ruining Our Env't.*, 59 F.4th at 1042; *350 Montana*, 50 F.4th, at 1269–70.

To provide an adequate cumulative impacts analysis, DEQ should adopt a framework that includes, at a minimum, the following elements[128]:

Comment 39.3 ae

- **Comprehensive Inventory of Regional GHG Sources:** DEQ must identify and describe other projects in DEQ's regulatory purview, including in the vicinity of the LGS, that are also generating GHG emissions. This inventory should include, but not be limited to, other power plants, industrial facilities, transportation sources, and agricultural activities.

Comment 39.3 af

- **Evaluation of Disproportionate Cumulative Effects:** Given the potential for multiple GHG-emitting sources to be located in close proximity to the Laurel community, DEQ must evaluate whether this community will experience disproportionate cumulative effects. This analysis should consider the combined impacts of air pollution, potential health risks, and other environmental burdens resulting from the location of these facilities.

Comment 39.3 ag

- **Analysis of Upstream and Downstream Emissions:** As explained above, DEQ's cumulative impacts analysis must include an assessment of the upstream and downstream GHG emissions associated with the LGS. This includes emissions from the extraction, processing, and transportation of the natural gas used as fuel (upstream), as well as the emissions resulting from the combustion of that gas to generate electricity (downstream). These emissions are a reasonably foreseeable consequence of the project and must be considered in the context of other GHG emissions contributing to climate change. This is consistent with the principles of cumulative impact analysis, which requires consideration of the total environmental effect resulting from

[128] Nothing in state caselaw interpreting MEPA (including *Bitterrooters*) supports a contrary view that agencies may analyze only the direct emissions related to a proposed activity. This approach does not align with the evolving understanding of climate science and federal jurisprudence, which requires agencies to consider the complete environmental footprint of their decisions. DEQ's efforts to narrowly circumscribe the scope of its GHG analysis and reduce it to a mere checkbox exercise are concerning. This restrictive approach contravenes the Court's directives in *Held* and *MEIC* as well as established federal case law under NEPA and, more fundamentally, DEQ's constitutional obligations because it does not reflect the simple reality of the measurable environmental consequences that result from such decisions. This deficiency is particularly acute given the presence of existing cumulative sources of GHG emissions that have not yet been subject to a comprehensive climate analysis.

the proposed action and associated actions. While SB 221 places restrictions on certain indirect impacts, these upstream and downstream emissions are directly linked to and necessary for the operation of the LGS and should be considered within a comprehensive cumulative impact analysis under MEPA, particularly in the context of their contribution to the global issue of climate change.

Comment 39.3 ah

By conducting a thorough cumulative impacts analysis that includes a regional inventory of GHG sources, an evaluation of potential disproportionate effects on the local community, and an assessment of upstream and downstream emissions, DEQ will provide a more accurate and comprehensive understanding of the true environmental consequences of the LGS.

D. Alternatives

1. The Supplemental EA's Alternatives Analysis is Insufficient

Comment 39.3 ai

MEPA requires agencies to "study, develop, and describe appropriate alternatives to recommend courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources."[129] In analyzing alternatives to the proposed action, an agency must "complete a meaningful no-action alternative analysis. The no-action alternative analysis must include the projected beneficial and adverse environmental, social, and economic impact of the project's noncompletion."[130]

Comment 39.3 aj

The Draft EA states at the outset that it "will examine the proposed action and alternatives to the proposed action and disclose potential impacts that may result from the proposed and alternative actions."[131] This "examination," however, results in a scant two paragraphs discussing the no action alternative, and concluding that "[t]he No Action Alternative would not allow for the construction and operation of the facility" but that "[d]emand for electricity would likely be met from other sources providing electricity to the electrical grid, if the proposed activity

[129] Mont. Code Ann § 75-1-201(b)(v).

[130] *Id.* at (b)(iv)(C)(III).

[131] Draft EA at 3, 4.

is not approved."[132] DEQ's analysis of the "no-action" alternative comprises four sentences:

> In addition to the analysis above for the proposed action, DEQ considered the "no action" alternative. The "no action" alternative would deny the approval of the proposed permitting action and the applicant would then lack the authority to conduct the proposed activity. Any potential impacts that would result from the proposed action would not occur. The no action alternative forms the baseline from which the impacts of the proposed action can be measured.

Comment 39.3 aj continued

Comment 39.3 ak

This statement, standing alone, does not constitute the "meaningful" analysis required by MEPA, nor does it address the "projected beneficial and adverse environmental, social, and economic impact[s] of the project's noncompletion,"[133] particularly with respect to the project's climate impacts. As noted at Section IV.D., *supra*, simply stating that certain impacts will not occur under the no-action alternative is insufficient.

This paucity of information is underscored by the more informative approach DEQ took to analyzing lighting impacts for the facility. Here, DEQ took identifiable steps to meaningfully analyze the differences between the "projected . . . impact[s]" of the proposed and no-action alternatives by establishing a baseline photographic record without external lighting and overlaying it with modeled external and nighttime lighting to demonstrate the difference between the proposed action and no-action alternative's respective impacts.[134]

Comment 39.3 al

This comparison is in marked contrast to the analysis done on the no-action alternative with respect to climate impacts, which is nonexistent. DEQ must do

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[132] DEQ then goes on to assert that "[i]f the applicant demonstrates compliance with all applicable rules and regulations as required for approval, the 'no action' alternative would not be appropriate. Pursuant to, § 75-1-201(4)(a), MCA DEQ 'may not withhold, deny, or impose conditions on any permit or other authority to act based on" an environmental assessment.'" Draft EA at 30. As discussed in sections II and IV.D, *supra*, this position is simply incorrect and wholly ignores the substantive Constitutional obligations DEQ is required to carry out through the vehicle of MEPA.

[133] Mont. Code Ann. §75-1-201(b)(iv)(C).

[134] Draft EA at 13–19.

more, as described below, to establish a scientifically defensible baseline through meaningful analysis of the no action alternative.

2. Appropriate Framework for Analysis of Alternatives

Comment 39.3 am

DEQ must conduct a meaningful no-action alternative impact analysis in which it uses the no-action alternative to establish a *meaningful* baseline for comparison of project impacts. A perfunctory statement that any impacts that would result from the project will not occur without it does nothing to establish such a reference point and contributes nothing useful to DEQ's analysis. While the lighting analysis may be more straightforward (particularly with the benefit of an already-constructed plant with which to "model" lighting impacts), the *many* available methodologies for analyzing climate impacts discussed in Section IV, *supra*, provides DEQ with all the tools it needs to establish a meaningful baseline based on the no-action alternative.

Comment 39.3 an

Moreover, DEQ should use readily available and scientifically defensible references such as the National and Montana Climate Assessments[135] to aid in its establishment and analysis of a no-action alternative baseline against which to compare the "proposed" action's climate impacts. DEQ should additionally use tools such as the social cost of greenhouse gases and other GHG and climate accounting and comparison tools discussed in Section IV with respect to both direct and secondary impacts to analyze the baseline or "no action" condition. Finally, DEQ should have, and going forward *must* consider the no action alternative as a meaningful and viable option to uphold its constitutional obligations.

Comment 39.3 ao

Comment 39.3 ap

Comment 39.3 aq

Without a meaningful baseline, it is impossible for DEQ to adequately evaluate emissions from the LGS in the context of state climate goals, accurately describe the additive effect of the facility's emissions, provide context for the LGS with respect to other facilities, or describe the preferred alternative's impacts over the life of the facility. DEQ's acknowledgment that in the absence of the LGS, "[d]emand for electricity would likely be met from other sources providing electricity to the electrical grid" says nothing meaningful about what this alternative scenario looks like in terms of its environmental costs *or* its economic impacts. Information on this point is available to DEQ through many sources, including the many Public Service Commission proceedings in which the LGS has been addressed both directly and indirectly. DEQ need not comprehensively determine which "other sources" would in fact be used to provide the alternative sources of electricity. Such an

Comment 39.3 ar

[135] *See* Exhibits 2, 3, and 5.

analysis is both beyond the scope of this analysis and DEQ's expertise. But DEQ should, at a minimum, acknowledge the potential sources of such energy, including purchases from regional energy markets which are likely to include significant amounts of non-thermally generated energy from renewable and storage resources.[136]

Comment 39.3 as

Moreover, DEQ must conduct this analysis within the context of its constitutional obligations, not in a merely performative box-checking exercise which renders the analysis meaningless in precisely the manner the Montana Supreme Court has warned against.[137] Such a constitutionally sufficient baseline analysis argues for a thorough programmatic review of DEQ's energy permitting program. Programmatic environmental reviews are particularly appropriate in situations where individual permitting actions may have individually minor but collectively significant impacts.[138]

Comment 39.3 at

Climate change and permitting actions that contribute to it constitute precisely such circumstances, particularly in light of the recent decisions in *MEIC* and *Held*, which directly address agencies' constitutional and statutory obligations to analyze climate impacts following a prolonged period during which the state willfully ignored those impacts. Moreover, preparation of a thorough and scientifically-grounded programmatic environmental impact statement would—in addition to ensuring a constitutionally adequate analysis—contribute to greater efficiency in DEQ's energy permitting program. While this is only one mechanism by which DEQ can achieve constitutionally sufficient environmental review, it is one supported by the circumstances, and Commenters urge DEQ to use the recent legal developments as a meaningful opportunity to better uphold its constitutional obligations in this and future analyses than it has done in the past.

Comment 39.3 au

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[136] *See* Gridlab Energy Strategies, Assessing Resource Adequacy in Montana (December 2023), available at: https://gridlab.org/portfolio-item/assessing-resource-adequacy-in-montana/ (attached as Exhibit 17) for one example of a readily available analysis of regional energy supplies available to the state.

[137] *See, e.g. MEIC*, ¶88; *Held*, ¶60; *Park Cnty. Env't. Council*, ¶70.

[138] *See*, *Nat. Res. Def. Council, Inc. v. Adm'r, Energy Rsch. & Dev. Admin.*, 451 F. Supp. 1245, 1258 (D.D.C. 1978), *aff'd in part and vacated in part sub nom. Nat. Res. Def. Council, Inc. v. U.S. Nuclear Regul. Comm'n*, 606 F.2d 1261 (D.C. Cir. 1979).

3. Mitigation Measures

Comment 39.3 av

As with its alternatives analysis, DEQ simply ignored the potential for mitigation measures to ameliorate the LGS' climate-harming emissions. Mitigation is an integral part of MEPA, which emphasizes the importance of preventing, mitigating, or eliminating damage to the environment.[139] Moreover, as discussed above, MEPA's unique role in implementing the "anticipatory and preventative" right to a clean and healthful environment requires agencies to take seriously MEPA's mitigation directive and ideally to implement meaningful mitigation measures.[140] No such implementation can occur in the total absence of analysis, however.

Comment 39.3 aw

DEQ appears to at least acknowledge this responsibility in the context of its lighting analysis, having adopted in the proposed action Dark Sky Approved lighting fixtures along with "other design features intended to mitigate light pollution."[141] No such recognition is demonstrated with respect to the much more significant and less remediable climate impacts of the LGS. Indeed, the EA references the term "mitigate" only three times in the entire EA. All three references are in the context of the lighting analysis. The adage "an ounce of prevention is worth a pound of cure" is particularly cogent in the present context where, once GHGs are released into the atmosphere, the "cure" is for all practical purposes impossible. Without knowing what prevention measures are available, neither DEQ nor the project proponent has any ability to implement them. DEQ should address this deficiency in its final EA.

Comment 39.3 ax

Comment 39.3 ay

Comment 39.3 az

Given the MEPA's emphasis on mitigation and limitation of environmental damage, the final analysis should, at a minimum, contain a dedicated section on GHG mitigation measures. In light of MEPA's substantive role in carrying out the constitutional mandate to maintain and improve a clean and healthful environment, DEQ should have required NorthWestern to adopt such measures before issuing it an air quality permit. Even now, with the plant already constructed and operational, a meaningful analysis of mitigation measures—including after-market approaches—could render the current analysis much more

Comment 39.3 ba

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[139] Mont. Code Ann. § 75-1-102(2) (stating MEPA's policy to "promote efforts that will prevent, mitigate, or eliminate damage to the environment and biosphere").

[140] *MEIC*, ¶ 60; *Held*, ¶¶ 59–60; *Park Cnty. Env't. Council*, ¶¶ 31, 89.

[141] Draft EA at 12, 19, 25.

meaningful by outlining for the public and the operator ways the LGS can be operated so as to minimize climate harm. Comment 39.3 bc

Various mitigation measures for GHG emissions from power plants exist and, according to the US EPA, have the ability to "achieve substantial reductions in carbon pollution at reasonable cost."[142] For new and existing plants, emissions reductions can best be achieved by selection of more efficient generators, heat rate limitations,[143] and operational restrictions such as those adopted by the current EPA Greenhouse Gas Standards and Guidelines for Fossil Fuel-Fired Power Plants. These measures include carbon capture and storage, methane abatement, and efficiency upgrades, among others.[144] A plethora of additional guidance exists with Comment 39.3 bd

[142] EPA Greenhouse Gas Standards and Guidelines for Fossil Fuel-Fired Power Plants, available at: https://www.epa.gov/stationary-sources-air-pollution/greenhouse-gas-standards-and-guidelines-fossil-fuel-fired-power. (While this rule has been flagged by the current administration for "reconsideration," the technological and scientific bases for the standards remain the best available science for limiting power plant emissions).

[143]U.S. Energy Information Administration: Use of Natural Gas-Fired Generation Differs in the United States by Technology and Region (February 22, 2024). Available at: https://www.eia.gov/todayinenergy/detail.php?id=61444#:~:text=Older%20facilities%20that%20opened%20between,turbine%20technology%20will%20be%20added.

[144] *See, e.g.*, EPA Greenhouse Gas Standards and Guidelines for Fossil Fuel-Fired Power Plants, n. 142, *supra*; Bose, et al., *Innovative approaches for carbon capture and storage as crucial measures for emission reduction within industrial sectors*, Carbon Capture Science & Technology Volume 12, 100238 (September 2024) (available at https://www.sciencedirect.com/science/article/pii/S2772656824000502?ref=pdf_download&fr=RR-2&rr=9377afe59ced9357); International Energy Agency, *Methane Abatement Options* (available at https://www.iea.org/reports/methane-tracker-2020/methane-abatement-options); U.S. Dep't of Energy, Transformative Power Systems, available at https://www.energy.gov/fecm/transformative-power-systems#:~:text=Improvements%20to%20turbines%2C%20boilers%2C%20and,monitoring%20with%20AI%20base%20analyses.

respect to how best available control technology limits can be implemented at new and existing generating stations to reduce GHG emissions.[145]

DEQ should in the final EA, and as part of the "hard look" MEPA requires, include a detailed discussion of such mitigation measures, with a particular emphasis on measures that can be adopted in light of the LGS' currently operational status. Such an analysis should include a detailed qualitative and quantitative analysis of how emissions control technologies and operational limitations can reduce GHG emissions and climate impacts from the LGS.

Comment 39.3 be

Thank you for considering our comments.

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On behalf of:
Montana Environmental Information Center, Helena Interfaith Climate Advocates, Bridger Bowl, Montana Health Professionals for a Healthy Climate, Park County Environmental Council, Northern Plains Resource Council, Climate Smart Missoula, Forward Montana, MontPIRG, Families for a Livable Climate, Environmental Defense Fund, League of Women Voters, Protect Our Winters, and Sierra Club Montana Chapter.

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[145] In addition to the numerous sources identified on EPA's page for the 2024 EPA Greenhouse Gas Standards and Guidelines for Fossil Fuel-Fired Power Plants noted in fn. 8, *supra*, see also the EPA's comments on the permit for the Mid-Kansas Electric Company's Rubart Station for additional information on how BACT GHG measures should be implemented. Available at https://19january2021snapshot.epa.gov/sites/static/files/2015-08/documents/20130117_rubart_psd_comments.pdf

Our Children's Trust Youth v. Gov

April 28, 2025

RECEIVED
By Rina V at 4:42 pm, Apr 28, 2025

Submitted via email only

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RE: Our Children's Trust Comments on DEQ's Supplemental Draft Environmental Assessment: Laurel Generating Station

To Montana Department of Environmental Quality ("DEQ"):

On behalf of the 16 youth Plaintiffs in the constitutional climate case *Held v. State of Montana*, Our Children's Trust respectfully submits this comment letter on DEQ's Supplemental Draft Environmental Assessment ("EA") for the Laurel Generating Station.

Following decisions by the Montana Supreme Court in *Held v. State of Montana*, 2024 MT 312, and *Montana Environmental Information Center v. DEQ,* 2025 MT 3*,* the DEQ published a Supplemental Draft EA for the Laurel Generating Station for Montana Air Quality Permit Application Number 5261-00. The Supplemental Draft EA includes a "Greenhouse Gas Assessment" section that was absent from the prior EA. The Supplemental Draft EA confirms arguments the Plaintiffs made in *Held*, that DEQ has the means to quantify GHG emissions from fossil fuels projects.

Nevertheless, the Supplemental Draft EA remains legally deficient because it does not account for the current unconstitutional degradation of Montana's natural resources and environment, or the ongoing violations of Montana youths' constitutional rights, including their rights to a clean and healthful environment, to a stable climate system, to individual dignity, and to health, safety, and liberty from the *current* atmospheric concentration of greenhouse gases ("GHGs"). Nor does the Supplemental Draft EA demonstrate a need for a new gas-fired generation station, establish that a gas-fired power station is the best way to meet Montanans energy needs, or adequately considerate alternatives means, such as renewable energy, to meet Montanans current and future energy needs.

Accordingly, for the reasons outlined herein, DEQ must conduct further review to adequately evaluate the significant and cumulative harms to Montana's environment, natural resources, and citizens (and especially children) from the GHG emissions and climate harms that will result from the Laurel Generating Station. Pending further review and demonstration of a compelling government interest in the project, because there is already an unconstitutional level of GHG emissions in the atmosphere, and because DEQ has failed to present any evidence to justify a further increase in GHG emissions, DEQ should immediately suspend or revoke the air quality permit for the Laurel Generating Station.

Comment 41.a

I. DEQ Admits the Laurel Generating Station will Allow for the Burning of Fossil Fuels and Release GHG Emissions, but Largely Ignores the Harms from the Project's Fossil Fuel Pollution and Contribution to Climate Change.

Comment 41.b

The purpose of the Laurel Generating Station is to enable and facilitate the burning of fossil gas to produce electricity. Burning fossil fuels results in the release of GHG emissions, including fugitive methane emissions, which DEQ admits. While the Supplemental Draft EA includes a "Greenhouse Gas Assessment," there is scant analysis about how the proposed project will exacerbate climate change, and no discussion of harm to Montana's youth or why the project is necessary given the already unconstitutional concentration of GHGs in the atmosphere.

DEQ was a defendant in *Held v. State of Montana*, and is aware of, and bound by, the ruling in that case, including the District Court's August 14, 2023, Findings of Fact and Conclusions of Law Order, and the December 18, 2024, Montana Supreme Court decision that fully affirmed the District Court's Order.

The District Court's August 14, 2023, Order in *Held v. State of Montana* set forth detailed findings of fact and conclusions of law relating to Montanans' fundamental rights, including their right to a clean and healthful environment. The Order also made detailed factual findings related to the array of serious harm that fossil fuel pollution and climate change has already caused and will increasingly cause to Montana's environment and citizens. Importantly, based on the testimony of the youth Plaintiffs and their experts at trial, the District Court detailed how Montana children, including the 16 youth Plaintiffs, are already suffering grave injuries because of DEQ's historic and ongoing approval of fossil fuel activities. The District Court made clear that these injuries to children will get worse if fossil fuel permitting and activities continue. Based on the uncontested evidence presented at trial, the District Court found, in part, that:

> 89. Until atmospheric GHG concentrations are reduced, extreme weather events and other climactic events such as drought and heatwaves will occur more frequently and in greater magnitude, and Plaintiffs will be unable to live clean and healthy lives in Montana.
>
> 92. Every ton of fossil fuel emissions contributes to global warming and impacts to the climate and thus increases the exposure of Youth Plaintiffs to harms now and additional harms in the future.
>
> 98. According to the Intergovernmental Panel on Climate Change (IPCC), "Climate change is a threat to human well-being and planetary health (*very high confidence*). . . . There is a rapidly closing window of opportunity to secure a liveable and sustainable future for all (*very high confidence*). . . . The choices and actions implemented in this decade will have impacts now and for thousands of years (*high confidence*)."
>
> 101. Dr. Byron provided expert testimony that climate change and the air pollution associated with it are negatively affecting children in Montana, including Youth Plaintiffs, with a strong likelihood that those impacts will worsen in the absence of

aggressive actions to mitigate climate change. Dr. Byron outlined ways in which climate change is already creating conditions that are harming the health and well-being of the Youth Plaintiffs. Dr. Byron testified that reducing fossil fuel production and use, and mitigating climate change now, will benefit the health of the Youth Plaintiffs now and for the rest of their lives.

104. Children are uniquely vulnerable to the consequences of climate change, which harms their physical and psychological health and safety, interferes with family and cultural foundations and integrity, and causes economic deprivations.

108. The physical and psychological harms are both acute and chronic and accrue from impacts to the climate such as heat waves, droughts, wildfires, air pollution, extreme weather events, the loss of wildlife, watching glaciers melt, and the loss of familial and cultural practices and traditions.

138. The unrefuted testimony at trial established that climate change is a critical threat to public health.

139. Actions taken by the State to prevent further contributions to climate change will have significant health benefits to Plaintiffs.

140. Anthropogenic climate change is impacting, degrading, and depleting Montana's environment and natural resources, including through increasing temperatures, changing precipitation patterns, increasing droughts and aridification, increasing extreme weather events, increasing severity and intensity of wildfires, and increasing glacial melt and loss.

141. Climate change impacts result in hardship to every sector of Montana's economy, including recreation, agriculture, and tourism.

193. The science is clear that there are catastrophic harms to the natural environment of Montana and Plaintiffs and future generations of the State due to anthropogenic climate change. . . . The degradation to Montana's environment, and the resulting harm to Plaintiffs, will worsen if the State continues ignoring GHG emissions and climate change.

Based on the compelling factual record presented by Plaintiffs and their experts, the District Court held, as a conclusion of law, that:

6. Every additional ton of GHG emissions exacerbates Plaintiffs' injuries and risks locking in irreversible climate injuries.

7. Plaintiffs' injuries will grow increasingly severe and irreversible without science-based actions to address climate change.

> 8. Plaintiffs have proven that as children and youth, they are disproportionately harmed by fossil fuel pollution and climate impacts.
>
> 49. Based on the plain language of the implicated constitutional provisions, the intent of the Framers, and Montana Supreme Court precedent, climate is included in the "clean and healthful environment" and "environmental life support system" Mont. Const. Art. II, Sec. 3; Art. IX, Sec. 1.
>
> 50. Montana's climate, environment, and natural resources are unconstitutionally degraded and depleted due to the current atmospheric concentration of GHGs and climate change.

The Montana Supreme Court affirmed the District Court's Order in full, finding that:

> Montana is heating faster than the global average and the rate of warming is increasing. Overwhelming scientific evidence and consensus shows that this warming is the direct result of greenhouse gas (GHG) emissions that trap heat from the sun in the atmosphere, primarily from carbon dioxide (CO2) released from human extraction and burning of fossil fuels such as coal, oil, and natural gas.
>
> These emissions result in extreme weather events that are increasing in frequency and severity, including droughts, heatwaves, forest fires, and flooding. These extreme weather events will only be exacerbated as the atmospheric concentration of GHGs continues to rise. Projections indicate that under a business-as-usual emissions scenario, Montana will see almost ten additional degrees of warming by 2100 compared to temperatures in 2000. By 2050, Montana will have 11–30 additional days per year with temperatures exceeding 90 degrees and a similar loss of days below freezing. Montana has already seen (and will increasingly see) adverse impacts to its economy, including to recreation, agriculture, and tourism caused by a variety of factors including decreased snowpack and water levels in summer and fall, extreme spring flooding events, accelerating forest mortality, and increased drought, wildfire, water temperatures, and heat waves.
>
> We reject the argument that the delegates—intending the strongest, all-encompassing environmental protections in the nation, both anticipatory and preventative, for present and future generations—would grant the State a free pass to pollute the Montana environment just because the rest of the world insisted on doing so. The District Court's conclusion of law is affirmed: Montana's right to a clean and healthful environment and environmental life support system includes a stable climate system, which is clearly within the object and true principles of the Framers inclusion of the right to a clean and healthful environment.

Held v. State of Montana, 2024 MT 312, ¶¶ 3-4, 30.

Despite being a defendant in the *Held* case and being deeply familiar with both the District Court and Supreme Court orders, the Supplemental Draft EA includes only a single sentence on

the impacts of climate change in Montana that fails to address the full range of harms, including as those listed above, and completely ignores impacts to Montanan's health and safety, and especially the health and safety of Montana's children, who are most harmed by fossil fuel projects such as the Laurel Generating Station and the ensuring air pollution. Supplemental Draft EA at 28. Ignoring these significant and known harms to Montana's environment, natural resources, citizens, and especially Montana's children renders the Supplemental Draft EA legally deficient and demonstrates the need for further review of these significant and cumulative harms, which are both direct and indirect.

II. DEQ's Supplemental Draft EA Fails to Consider Alternative Sources of Energy, such as Renewable Energy, to Meet Montanans' Current and Future Energy Needs

Comment 41.c

Fossil fuel energy sources, such as the gas-fired Laurel Generating Station, are the least cost-effective and least efficient means of providing affordable and reliable energy sources for Montanans, in addition to the myriad of climate and public health harms associated with fossil fuel use (as detailed in part above). Fossil fuel projects, such as the Laurel Generating Station, increase energy costs for Montana electricity users, exacerbate costly extreme weather events, and increase health care costs associated with air pollution from fossil fuels. Renewable energy, on the other hand, is cheaper, safer, reliable, readily available, and will not exacerbate extreme climate events in Montana. The Supplemental Draft EA is legally deficient because it fails to adequately consider alternative means, such as renewable energy, to meet Montanans' current and future energy needs.

As the District Court found in *Held*:

> 271. Non-fossil fuel electricity-based energy systems across all sectors, including electricity, transportation, heating/cooling, and industry, are currently economically feasible and technologically available to employ in Montana. Experts have already prepared a roadmap for the transition of Montana's all purpose energy systems (for electricity, transportation, heating/cooling, and industry) to a 100% renewable portfolio by 2050, which, in addition to direct climate benefits, will create jobs, reduce air pollution, and save lives and costs associated with air pollution.
>
> 272. It is technically and economically feasible for Montana to replace 80% of existing fossil fuel energy by 2030 and 100% by no later than 2050, but as early as 2035.
>
> 275. Converting from fossil fuel energy to renewable energy would eliminate another $21 billion in climate costs in 2050 to Montana and the world. Most noticeable to those in Montana, converting to wind, water, and solar energy would reduce annual total energy costs for Montanans from $9.1 to $2.8 billion per year, or by $6.3 billion per year (69.6% savings). The total energy, health, plus climate cost savings, therefore, will be a combined $29 billion per year (decreasing from $32 to $2.8 billion per year), or by 91%.

276. Wind, water, and solar are the cheapest and most efficient form of energy. Cost per unit of energy in a 100% WWS [wind, water, solar] system in Montana would be about 15% lower than a business-as-usual case by 2050, even when including increased costs for energy storage. New wind and solar are the lowest cost new forms of electric power in the United States, on the order of about half the cost of natural gas and even cheaper compared to coal.

281. Transitioning to WWS will keep Montana's lights on while saving money, lives, and cleaning up the air and the environment, and ultimately using less of Montana's land resources.

283. Montana has abundant renewable energy resources that can provide enough energy to power Montana's energy needs for all purposes in 2050.

None of these findings are considered in the Supplemental Draft EA. Accordingly, further review is required by DEQ to adequately consider renewable energy as an alternative means to meet Montanan's energy needs, especially when considering the already unconstitutional concentration of GHGs in the atmosphere.

III. The Supplemental Draft EA Fails to Present Evidence of a Compelling Government Need in the Laurel Generating Station

Comment 41.d

The *Held* rulings made clear that Plaintiffs' constitutional rights are being violated due to the *current* atmospheric concentration of GHGs and the resulting climate harms. Therefore, it is incumbent upon DEQ before issuing new (or revised) permits that will result in additional GHG emissions, to establish that the proposed project will not further violate Plaintiffs' constitutional rights and will lead to the reduction in GHG emissions necessary to restore a clean and healthful environment. For projects that will *increase* Montana's GHG emissions, such as the Laurel Generating Station, the DEQ must: first, demonstrate a compelling government need for the project, and second, prove the project is the least burdensome means of meeting the demonstrated government need. Only then can a project that increases Montana's GHG emissions be approved and deemed constitutionally compliant.

Here, DEQ has failed to present evidence of any need for the Laurel Generating Station, and on the contrary, notes that "[d]emand for electricity would likely be met from other sources providing electricity to the electrical grid, if the proposed activity is not approved." Supplemental Draft EA at 29. In addition to not demonstrating any need for the Laurel Generating Station, DEQ has not demonstrated that a gas-fired power plant is the least burdensome means of meeting any purported energy needs.

The DEQ, of course, has the authority to deny permits, as the District Court in *Held v. State of Montana* made clear, holding as conclusions of law that:

18. Defendants can alleviate the harmful environmental effects of Montana's fossil fuel activities through the lawful exercise of their authority if they are allowed to consider GHG emissions and climate change during MEPA review, which would

> provide the clear information needed to conform their decision-making to the best science and their constitutional duties and constraints, and give them the necessary information to deny permits for fossil fuel activities when inconsistent with protecting Plaintiffs' constitutional rights.
>
> 22. Permitting statutes give the State and its agents discretion to deny permits for fossil fuel activities.
>
> 24. [T]his Court clarifies that Defendants do have discretion to deny permits for fossil fuel activities that would result in unconstitutional levels of GHG emissions, unconstitutional degradation and depletion of Montana's environment and natural resources, or infringement of the constitutional rights of Montanans and Youth Plaintiffs.

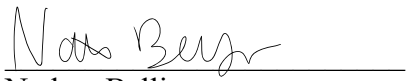
The constitutional rights of Montana's youth, including the *Held* Plaintiffs, are currently being violated, in part, due to DEQ's historic and ongoing permitting of fossil fuel activities. *Held* requires a change in DEQ's longstanding permitting practices. The State, and DEQ in particular, must take actions to reduce Montana's GHG emissions and not approve permits for fossil fuel projects that increase Montana's GHG emissions. Permits that increase GHG emissions must be denied unless DEQ proves there is a compelling need for the project and the project is the least burdensome means to meet the need. The Supplemental Draft EA fails to prove a need for the Laurel Generating Station or that is it the least burdensome way to provide energy for Montanans.

IV. Conclusion

Every new fossil fuel permit approved by DEQ that causes an increase in Montana's GHG emissions is a violation of Montana Constitution. Every additional ton of GHG emissions exacerbates the injuries and constitutional violations the Plaintiffs are already suffering. Fortunately, as the undisputed facts in *Held* established, Montana can transition to 100% clean renewable energy—thereby mitigating the enormous harms caused to Montana's youth and saving Montanans billions of dollars in avoidable costs caused by reliance on fossil fuels.

For the reasons outlined herein, DEQ must substantially revise its Draft Supplemental Environmental Assessment to comply with the District Court and Supreme Court Orders in *Held v. State of Montana*. In the meantime, DEQ should immediately suspend or revoke the air quality permit for Laurel Generating Station.

Sincerely,



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