



"TO BE HOPEFUL in bad times is not just foolishly romantic. It is based on the fact that human history is a history not only of cruelty, but also of compassion, sacrifice, courage, kindness.

What we choose to emphasize in this complex history will determine our lives. If we see only the worst, it destroys our capacity to do something. If we remember those times and places—and there are so many—where people have behaved magnificently, this gives us the energy to act, and at least the possibility of sending this spinning top of a world in a different direction.

And if we do act, in however small a way, we don't have to wait for some grand utopian future. The future is an infinite succession of presents, and to live now as we think human beings should live, in defiance of all that is bad around us, is itself a marvelous victory."

— Howard Zinn



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Greetings,

This is a year-end invitation where YOU can act now and make a vital difference in protecting the Flathead's water quality and more—

As we wrap up yet another very busy year, we want to share with you our Great News, where we have focused our energies, and what gives us hope.

Let's start with the *Great News*! We are excited to announce that we have recently hired Cameron Dexter as our new Director of Planning and Policy! Cameron is a 2023 graduate of the University of Montana Alexander Blewett III School of Law. Choosing not to practice as an attorney, she is instead focused on and passionate about community organizing and using her legal training to help us secure the policy solutions needed to positively shape how the Flathead grows. We are so pleased to have Cameron join our team, which includes Susan Odegard our outstanding Administrative Director, and Mayre Flowers our current acting Executive Director, along with a host of incredible volunteers like Don Bauder, and our small but mighty board.

For the past year we have focused our energies into defending and protecting our water rights and water quality in the Flathead. Our current priorities of this work right now are on **3** different fronts:

1. Last year, a developer requested a water right permit for a high capacity well from the state to serve a proposed 700-unit subdivision (Cooper Farms) near the intersection of Hwy 93 and Hwy 82. At the same time, just across the property line from this subdivision, the Lakeside County Sewer and Water District (which is self-regulated and independent of Flathead County) contracted with Flathead County for some \$23.5 million dollars to build facilities to take the county's entire volume of septic waste from some 30,000 homes in addition to businesses. They proposed to do this by in part treating and ground injecting this huge volume of new wastewater into the shallow aquifer they share with Cooper Farms and other residents in the area just one mile north of Flathead Lake. The image of a mere property line separating wastewater being injected and drinking water being sucked out is alarming and quite frankly stomach-upsetting.

We have been actively tracking and researching this proposed groundwater injection permit and septic receiving facility proposal and remain convinced, that from a water quality perspective this is a seriously flawed proposal with its location just one mile north of Flathead Lake being the worst possible location in the valley. A final assessment by DEQ on the proposed groundwater injection permit and septic waste facility is expected soon for public comment, and you can rest assured that we will be prepared to challenge it if we find it puts our water at risk.

To make matters more challenging, under gaps in existing law, the DEQ (Montana Department of Environmental Quality) and the DNRC (Montana Department of Natural Resources) weren't talking about these proposals. This means that while the DEQ is tasked with deciding whether a new groundwater discharge permit for septic waste (and the degree it would need to be treated) is appropriate, the DNRC is tasked with insuring that a new water rights permit for Cooper Farms' drinking water doesn't harm senior water rights or existing pollution permits. Sadly, neither agency is considering the cumulative impacts of their respective decisions despite the reality that less water in an aquifer and/or changing ground water flow patterns is likely to exacerbate existing pollution challenges, much less make matters worse for local users and the environment. Furthermore, we learned the Cooper Farms water right would be routinely issued unless someone formally objected and took DNRC to court within a very short 30 days.

To make a longer story shorter, because DNRC's proposed approval of the Cooper Farms' water right threatened the environment and our members' interests, we went to court, along with the neighborhood group Northshore Water Alliance, and Water for Flathead's Future (WFF). The basis of our challenge is the likely harm to water quality and senior water rights in this area, and the government's failure to adequately analyze these impacts. This litigation is ongoing.

Meanwhile, we found that despite seven years of costly, but successful, prior litigation over the proposed Montana Artesian Water Company (MAWC) Bottling Plant, an effort led by WFF, that DNRC was up to no good again. DNRC was once again attempting to issue the Cooper Farms subdivision and other water rights permits in the Flathead by relying on the same unscientific rationale it had used previously in the Water Bottling Plant case. The Montana Supreme Court has already held DNRC's use of unscientific guidance to circumvent normal water rights permitting in the Flathead illegal, yet the agency is sadly doing the same unlawful process again.

2. So, for a second time this year we are again in court, partnering with WFF, asking the court to find that DNRC can't rely on unscientific and unproven assumptions that a well of any size in the deep aquifer of the Flathead Valley will not impact senior water rights in shallower wells, in nearby smaller tributaries, wetlands, springs or surface water other than perhaps the Flathead River or Flathead Lake. Instead, our case argues that DNRC must do the work the Montana Water Use Act requires to assure all related water bodies are evaluated for impacts related to both water quantity and water quality, while not shifting the costs for doing so on to individual property owners!

3. On a third front, in late 2023, we were a leader in establishing the *Coalition for a Clean CFAC*. As a broad-based community of individuals and groups, we came together to insist that the federal EPA (Environmental Protection Agency) pause their draft record of decision (ROD) on their preferred cleanup plan for highly toxic waste, proposed to be left on site on the banks of the Flathead River and in an existing groundwater plume that has already been leaking for years into the river. **And so far, they have!** We continue to ask, with extensive research to support our position, that EPA halt any further decision-making due to inadequate Tribal consultation and failure to adequately evaluate clean-up alternatives that will provide greater long-term, permanent protection of the Flathead's clean water, river health, fisheries, and Tribal treaty rights. This is a fight that can result in a revised, more effective, timely and permanent cleanup plan. Check out postings on our website for updates.

What makes us hopeful is all of you. Your generosity gives us not only the necessary funds to do this work, but as importantly, the energy to dive deep and do the extensive research needed to find and speak up for the solutions that respect the well-being of the whole community, the environment, and future generations. Knowing that we are engaged in critical, but costly litigation, we ask that you be as generous as possible with your support this year. Additionally, just around the corner in January is the new legislative session where planning for housing will be a hot topic, and our focus as well.

Together we can act toward the possibility of a more caring and collaborative future. THANK YOU!

With immense gratitude for your support, *Citizens for a Better Flathead's Board and Staff*