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**FILED**

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ANGIE SPARKS, Clerk of District Court  
By  Deputy Clerk

*Attorneys for Plaintiffs*

MONTANA FIRST JUDICIAL DISTRICT COURT  
LEWIS AND CLARK COUNTY

<p>RIKKI HELD, et al.,</p> <p>Plaintiffs,</p> <p>v.</p> <p>STATE OF MONTANA, et al.,</p> <p>Defendants.</p>	<p>No. CDV-2020-307</p> <p>Hon. Kathy Seeley</p> <p><b>DECLARATION OF RIKKI HELD IN SUPPORT OF PLAINTIFFS' RESPONSE BRIEF IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT</b></p>
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Pursuant to MCA §1-6-105, Rikki Held hereby declares as follows:

1. I am a Plaintiff in the above-entitled action. I am making this declaration in support of Plaintiffs' Response Brief in Opposition to Defendants' Motion for Summary Judgment. I have personal knowledge of the facts I state herein and if called to testify, I would and could testify competently thereto.
2. I am a twenty-one-year-old citizen of the U.S. and a resident of the Broadus, Montana area.
3. I grew up on my family's 7,000-acre, now a 3,000-acre, ranch raising cattle to sell and growing alfalfa and hay for the livestock and to sell. The ranch is about twenty miles outside of Broadus, a small town in southeastern Montana, and includes grasslands, hay meadows, and pine-covered hills along the Powder River.
4. I'm a fifth generation Montanan and have lived on the ranch since 2005, when I was four. I grew up mostly outside: caring for the livestock, haying, fencing, camping, hiking, swimming in the river, and riding horses. I currently attend college away from Broadus, but return home to the ranch on school breaks, and consider Broadus my home.
5. Because Broadus is so remote, we should have some of the cleanest air in the country. Instead, the air quality has been ranked some of the worst in the country several times. The Colstrip coal-fired power plant is about sixty miles away as the crow flies, and it emits pollution that we breathe whenever the wind blows from the west, which is most of the time. We also get fumes from the Cedar Creek oil and gas drilling area when the wind blows from the northeast. When the wind blows from the south, we get fumes from oil and gas operations located in Wyoming. The air pollution from fossil fuel activities that my state government permits invades my ranch from all directions.

6. I first became interested in environmental science while working with hydrologists on and near my ranch and became concerned about climate change in high school. As I learned about climate change, I began to connect the dots with what was happening on the ranch. I realized that climate change is not an abstract problem on the other side of the world but is affecting my community and my home. My life has already been negatively impacted by climate change, and the longer the government of Montana continues to promote the fossil fuel system, the impacts of climate change will get worse.
7. Since I am in school, my Dad contributes financially to my education and living expenses. Our family income is based on our cattle ranch, as well as our motel business. My family owns a motel and guest houses in town and at the ranch that cater especially to hunters, visitors going to and from Yellowstone National Park, and blue-collar working Montanans. The recent increase in wildfires, drought, storms, and floods has harmed my family's cattle and motel businesses, and by extension, it has harmed my family's livelihood and ability to help me start out into adulthood. I worry about my family's financial future if the climate crisis continues to worsen since our livelihood is so connected to having a clean environment in Montana.
8. I remember the Ash Creek Fire in the summer of 2012 when I was eleven. It was the biggest fire in the nation at the time and was on federal land near the ranch. It was scary not knowing if we would have to evacuate, and what would happen to the ranch. Although it spared our ranch, others lost many cattle. The fire also took out seventy miles of power poles, which left our ranch without power for a month. Our cattle suffered, lost weight, and some died traveling to water because the power was out and we couldn't operate wells. That caused us a financial loss. The first fire I can remember was when I was about five or six and I recall standing with my brother on smoking ground surrounded by burnt trees and feeling the smoke in my lungs

while Dad joined the firefighters. The fire damaged our pasture land up in the hills, which set us back financially because the cattle couldn't find adequate feed. A year or two later there were huge fires on our neighbor's land and we were afraid it would affect the ranch, our home, and our livestock and pets. I remember having bad dreams trying to save my family and animals from fires and tornados. Some of the smoke from huge fires was terrible and made it difficult to go outside unless necessary.

9. In 2017 there were additional fires. I was on the high school soccer team, and I lost a week of outdoor soccer practice due to bad air quality from wildfire smoke.
10. Nowadays, in the summer, I can often see flames from various fires on neighboring ranches. Three fires have started at the same spot on a peak near the ranch since we moved to the ranch in 2005. The increasing number of red-flag days means also more fire bans. It's surreal and scary seeing fires in the hills around our ranch, not knowing if they are on our ranch, but knowing that climate change is making the fires worse each year.
11. In the summer of 2021, Broadus experienced several days of record high temperatures, including an all-time high of 110 degrees on three different days. The *average* high in July was over 98 degrees F! Although I tried to keep up my daily activities, such as fencing and motel housekeeping, working in the heat made me incredibly tired and gave me headaches. I was also psychologically stressed about the heat and drought because water is a bare necessity for life; it worries me to see everything so dry.
12. During the 2021 drought and heat wave, I saw fewer deer than normal. Because wildlife decreased due to the drought, we had fewer hunters stay in our motels during hunting season, and we suffered an income loss.

13. In 2021, many acres near the ranch burned by wildfires. I was stressed and worried about the danger throughout the summer that fires might damage my family's ranch. The wildfires also blocked the highways serving my town, including the highway to Billings. As a result, my family had to cancel our regular trip to Billings.
14. In 2021, a combination of wildfires and 60-mile-an-hour storm winds knocked out our electricity and water for a few days at the ranch and our motels. The Lame Deer fire, which caused the evacuation of nearby towns, also hurt our motel business by shutting down the highways. Ash from this fire was falling in Broadus. Together, these outages caused my family to lose half of our motel revenue for the peak tourist month of August. Because our cattle use tanks as a source of water, which run on electricity, this outage also affected our ability to provide our cattle with water. Due to little grass and high hay prices caused by continued drought, many ranchers in the community were forced to sell their cattle.
15. Smoke filled the air for much of the summer of 2021, and I received multiple air quality warnings on my phone. The smoke caused my eyes to burn, made me unusually tired, and gave me headaches and chest pain. The smoke and the heat affected me especially when I was working outside. Because it was so smoky, I sometimes avoided going outside for unnecessary activities such as riding horses.
16. It worries me that the increase in wildfires around Broadus has stretched firefighting resources thin. As these fires become more common, they increase our financial losses and ratchet up the danger to my safety, health, and property. It is frustrating that the Montana government can see this, but instead of addressing the root of the problem, which is climate change, they are making the problem worse by continuing to promote fossil fuels.

17. On the Fourth of July weekend in 2022, a thunderstorm tore through Broadus with tornado-strength winds. The wind brought down power lines and broke power poles. The entire town was without power all night, and our motel lost power too. Of course, travelers aren't going to stop at a motel in a blackout especially without air conditioning, so we lost business. Tornadoes used to be rare here but now they happen every year. A microburst of wind smashed a span of our pivot to the ground and also blew windrowed hay off the field. There was also hail with this storm. Another windstorm in November 2022 blew down our motel sign, along with other business signs in town.
18. My family's ranch is right on the Powder River, and we have rights to the river water. There has been increased variability in water levels in the river in recent years. Sometimes the river gets frighteningly low. In 2007 the river dried up enough to stop flowing. It was low again in 2021. We use the water for irrigation so not having enough water is very harmful for our ranch and our cattle.
19. Other times, the river rises frighteningly fast. In 2011, the river flooded a channel so fast that it stranded several of our young registered bulls on chunks of ice. One of the bulls died. They would have all died if my dad hadn't taken a log skidder out through the water to help them. It was scary because my dad could have died trying to rescue them.
20. In the spring of 2017, abnormally high temperatures caused the frozen river to melt at a rapid rate. The river flooded right up to our house. I was stressed and worried that it might come into the house, but it stopped short. By the time the water receded, it had eroded twenty feet of riverbank from our land and undercut a 50-year-old fence. We had to rebuild the fence fifty feet away from where it had been. Since then, it has again eroded up to the fence.

21. Floods and mudslides shut down Yellowstone National Park in mid-June 2022, at the beginning of the primary tourist season. East to west, highway 212 through Broadus is the shortest route to and from Yellowstone Park so many people who stay in our motels are going to or from Yellowstone. Because the park was closed, fewer people stayed in our motels. The park's northern and northeastern access roads remained closed throughout the summer tourist season, which are the entrances our guests use. The closure has dealt a considerable financial blow to our motel business in 2022.
22. The winters have changed considerably due to climate change. In the previous generation it was 20 below F for several weeks in mid-winter, and even in my early lifetime the Powder River froze solid until spring. Now, it's often around 40 or 50 degrees F in the winter, and the river is open in January. In March 2022 it got up to 80 degrees F, which is way above normal.
23. There also used to be a lot more snowfall every winter, and the snowfall used to last all winter long. The melting snow would fill the reservoirs in the spring, which helped water the cattle all summer. In recent winters the snow typically melts early, and we can no longer rely on the snow runoff to water the cattle. Because of this, our cattle have to rely on expensive wells throughout our land which means they travel more. When the grass is affected by droughts, the cattle must travel even further to get from grass to the tanks.
24. Varying winter temperatures also cause the melting and freezing of snow so that our fields are sometimes covered in ice. The cattle sometimes slip on the ice and fall, which breaks their hips and causes them to abort their calves. Losing cattle reduces my family's profits.
25. Hailstorms are also getting more intense and more frequent, it seems, and insurance premiums for hail damage have skyrocketed. One hailstorm caused over \$100,000 in roof damage alone. That hailstorm ruined our second alfalfa crop, which caused us financial damage. Another

hailstorm on the day we finished bagging hay shredded the bags and ruined the crop. That's not something we can easily afford. Hail has also totaled our car several times.

26. The elk behavior patterns have changed too. Through careful land management we used to have a resident herd of elk on the ranch even in 2018. They would stay in the hills where there was plenty of grass, pass through open gates, and not come down onto the hay meadows until after haying season. With recent drought years, their ranges are larger and they have had to migrate through our land. The elk migrate down to the meadows earlier in the year because the grass dries in the hills, and they compete with the cattle for grass. When moving through, they break fences and wipe out our hay crops, causing us a financial loss. In 2020 they wiped out what little hay we had.

27. Because we don't always get the same kind of freezing weather that we used to, there are a lot of disease-causing bugs that used to die off in the cold winters but that are now surviving through the warmer winters or surviving longer into the winter. For example, there's a fatal disease called bluetongue that affects ruminants such as deer and is transmitted by small biting midges that die in a good hard frost. In recent years I've seen more dead deer from bluetongue, presumably because it is warmer during the winters. My dad hunts deer and elk for meat, which we freeze, and the whole family eats it year-round, including me. Bluetongue and drought reduced the numbers so much that my dad hasn't hunted for meat the past few years.

28. A similar thing is happening to the pine forests. Because of the milder winters, our pine trees have a bug that infests them and wipes out entire forests.

29. Another noticeable change in animal behavior has been an increased number of predators, such as mountain lions and bears, near my house and neighboring ranch houses. This didn't use to

happen here and may be from a reduction in food supply since there have been fewer deer on our ranch with the multi-year drought.

30. It's fun to catch and eat catfish from the Powder River. Growing up I've camped, hiked, swum, and floated through the ranch, and on other rivers such as the Tongue River and the Big Horn River, and in the mountains they flow from, as well as regional reservoirs fed by runoff. But due to drought caused by climate change, these activities are now sometimes harder or impossible to do.

31. Overall, experiencing the harms of climate change firsthand fills me with stress, anxiety, and a sense of loss as to how life should be living on a ranch in Montana. It alarms me to see how quickly climate change is affecting us. The state of Montana should not be making climate change worse by continuing to promote fossil fuels. I am studying to become an environmental scientist because I am passionate about understanding Earth processes in order to better help people. But I don't want to waste my time collecting scientific data that policymakers refuse to take seriously. Even though scientists have been telling the state of Montana for decades how bad the problem is and what can be done to fix it, Montana's government keeps doubling down on the fossil fuel system, ignoring the harm to my generation, and making things worse. It is frustrating and frightening to watch Montana's government go in the opposite direction of the science, further entrenching the fossil fuel system year after year.

32. It has been a huge violation of trust to come of age with the realization that my state government is actively destroying my birthright instead of protecting it. The framers of Montana's constitution guaranteed, in writing, that my generation has an "inalienable right" "to a clean and healthful environment," which Montana's government is required to "maintain and improve." The framers also saw fit to guarantee us the freedom to pursue safety, health,

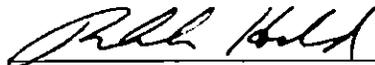
and happiness in life on an equal basis. The current generation of Montana politicians inherited that birthright from the previous generation and got to benefit from those rights when they were starting out into adulthood. Yet after they walked through the door and enjoyed their rights, they shut the door behind them and are denying those same rights to me and my generation. They are foisting a heavy burden onto my generation without our consent, breaking the constitution's written guarantee to us.

33. Although I don't want to be involved in politics, I am realizing, to my frustration, that by necessity I might have to abandon my chosen career path in science to spend more time trying to get politicians to listen to the science that already exists. I've participated in climate strikes and marches. It has become clear that the only way change can or will happen on climate change issues is from the top down. The biggest window of opportunity for preventing even greater harm in the future is now.

34. The court system is my only real hope for protecting myself, the home I love, and the people I care about. Montana's schools taught me that when things go off the rails—when the legislative and executive branches ignore people's rights—the courts are there as a backstop to rein in the worst government behavior and stop it from trampling people's rights. While this case fills me with hope, I also worry: are courts today still willing to be that backstop? If not, what hope does my generation have of peacefully protecting our rights?

Pursuant to MCA §1-6-105, I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

Executed this 7th day of February, 2023 in Colorado Springs, Colorado.

  
Rikki Held