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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>Cause No. CDV-2020-307 Hon. Kathy Seeley</p> <p>PLAINTIFFS' PROPOSED FINAL PRE-TRIAL ORDER</p>
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Pursuant to Rule 16 of the Montana Rules of Civil Procedure, a Pre-Trial Conference was held in the above-entitled cause on the 27th day of April, 2023, at 9:30 a.m.

Roger Sullivan, Barbara Chillcott, Philip Gregory, and Nathan Bellinger were present, representing Plaintiffs.

Michael Russell, Thane Johnson, Lee McKenna, and Selena Sauer were present, representing Defendants.

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AGREED FACTS¹

The following facts are admitted, agreed to be true, and require no proof.

1. Defendant State of Montana is a governmental entity.
2. Defendant Greg Gianforte is the current Governor of Montana.
3. In his capacity as Governor, Governor Gianforte holds cabinet meetings, communicates with other state officers, oversees budget expenditures, signs or vetoes bills passed by the Legislature, and has authority to issue executive orders.
4. Defendant Montana Department of Environmental Quality (“DEQ”) is a department of the State of Montana.
5. DEQ implements laws within its legal authority.
6. DEQ issues air quality permits for applications that demonstrate compliance with all applicable requirements of the Federal and/or Montana Clean Air Act and their implementing rules, including but not limited to coal and natural gas-powered energy plants, coal mining operations, and oil and gas refineries.
7. Pursuant to the Montana Administrative Procedures Act (“MAPA”) and subject-specific statutes, the Montana Board of Environmental Review issues final written findings for appealed issues within its jurisdiction.
8. DEQ has authority to certify certain pipelines that meet the definition provided in the Major Facility Siting Act, Mont. Code Ann. § 75-20-104(9)(b), and that comply with the requirements of the Act.

¹ On April 7, 2023, Plaintiffs provided proposed Agreed Facts based on admissions in Defendants’ Answer and Defendants’ Discovery Responses. A copy of these proposed Agreed Facts is attached to Plaintiffs’ Notice to the Court of Disputes to Proposed Final Pre-Trial Order, filed herewith.

9. DEQ permits coal mining for applications which meet the requirements set forth in Titles 82 and 75. It has issued permits for surface coal mining in Montana on state and private land.

10. Defendant Montana Department of Natural Resources and Conservation (“DNRC”) is a department of the State of Montana.

11. DNRC manages the resources of the state trust lands through the State Board of Land Commissioners.

12. DNRC issues leases, permits, and licenses for uses of lands under its jurisdiction, including licenses for exploration and leases for production and extraction of oil and gas in Montana and permits for drilling.

13. DNRC, through its Forestry Division, is responsible for planning and implementing forestry and fire management programs, as well as authorizing and permitting commercial timber sales on trust lands.

14. Defendant Montana Department of Transportation (“MDT”) is a department of the State of Montana.

15. MDT is responsible for the planning, authorization, and operation of programs for the construction, maintenance, and monitoring of Montana’s transportation infrastructure and operations, including Montana’s highway network, railroads, and airports.

16. MDT is responsible for state planning in the transportation sector and is charged with collecting and enforcing fuel taxes.

17. Defendant Montana Public Service Commission (“PSC”) is a governmental entity.

18. PSC regulates, supervises, and controls public utilities, common carriers, railroads, and pipelines.

19. PSC sets standard-offer contracts for qualifying facilities and utility rates.
20. PSC is responsible for the safety of interstate pipelines, including crude oil or petroleum products that operate within or through Montana.
21. Defendants' performance of their respective governmental functions has resulted in the extraction, transportation, and consumption of fossil fuels.
22. The extraction, transportation, and consumption of fossil fuels results in greenhouse gas emissions.
23. The Montana Legislature and Governor enacted Sections 90-4-1001 (repealed) and 75-1-201(2)(a), MCA.
24. The Montana Legislature and Governor repealed Section 90-4-1001, MCA when the Governor signed H.B. 170 into law on March 16, 2023.

PLAINTIFFS' CONTENTIONS

Plaintiffs' contentions are as follows:

Defendants:

1. Defendants are the State of Montana, Governor Greg Gianforte, Montana Department of Environmental Quality, Montana Department of Natural Resources and Conservation, Montana Department of Transportation, and Montana Public Service Commission, ("Defendants") sued in their official capacities. (Comp. ¶ 1; Ans. ¶ 1).
2. Defendants are governmental entities that have created and implemented a long-standing fossil-fuel based state energy system that contributes to dangerous climate disruption in violation of Plaintiffs' constitutional rights as guaranteed under Article II, Section 3; Article II, Section 4; Article II, Section 15; Article II, Section 17; Article IX, Section 1; Article IX, Section 3 of the Montana Constitution; and the Public Trust Doctrine. (Compl. ¶ 3; Ans. ¶ 3).

3. Defendant State of Montana is the sovereign trustee over the Public Trust Resources within its domain, including the atmosphere (air), water, public lands, and fish and wildlife. (Compl. ¶ 82; Ans. ¶ 82).

a. As a sovereign trustee, the State of Montana is charged with protecting Public Trust Resources from substantial impairment and alienation for the benefit of present and future Montanans. (Compl. ¶ 82; Ans. ¶ 82).

b. The State of Montana has an affirmative constitutional duty to maintain and improve a clean and healthful environment for present and future generations. (Compl. ¶ 82; Ans. ¶ 82).

c. Each Defendant, as trustee, has a duty to administer and manage Public Trust Resources with loyalty to and in the interest of trust beneficiaries—all present and future generations of Montanans, including Plaintiffs. (Compl. ¶ 247; Ans. ¶ 247).

d. As trustee, each Defendant has a duty of impartiality, prohibiting them from favoring one class or generation of beneficiaries over another in the management of Public Trust Resources. (Compl. ¶ 247; Ans. ¶ 247).

e. Each Defendant has a duty of care to exercise appropriate skill, prudence, and caution in managing Public Trust Resources. (Compl. ¶ 247; Ans. ¶ 247).

4. As Governor, Governor Gianforte is charged with seeing that the State's laws are faithfully executed. Governor Gianforte has supervisory authority over the principal departments of the executive branch and directs state agencies to implement Defendants' State Energy Policy and systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities. (Compl. ¶¶ 83 - 85; Ans. ¶¶ 83 - 85).

- a. For purposes of these Contentions, the term “State Energy Policy” refers to both Defendants’ *de facto* and *de jure* energy policy.
- b. The Governor admits that Montana has a State Energy Policy.

5. Defendant Montana Department of Environmental Quality (“DEQ”) has a constitutional duty to maintain and improve a clean and healthful environment for present and future generations. (Compl. ¶ 87; Ans. ¶ 87).

- a. DEQ has broad statutory authority to protect, sustain, and improve a clean and healthful environment for present and future generations. (Compl. ¶ 87; Ans. ¶ 87).
- b. DEQ has broad statutory authority to set and enforce a quantitative limit for emissions as necessary to prevent or control air pollution. (Compl. ¶ 90; Ans. ¶ 90).
- c. DEQ is mandated to ensure that all projects and activities for which it issues permits, licenses, authorizations, or other approvals comply with Montana’s environmental laws and rules (including the Montana Environmental Policy Act (“MEPA”) to protect the quality of Montana’s natural environment). (Compl. ¶ 89; Ans. ¶ 89).

6. Defendant Department of Natural Resources and Conservation (“DNRC”) has a constitutional duty to maintain and improve a clean and healthful environment for present and future generations. DNRC regulates, permits, and authorizes activities that result in significant emissions of GHGs in Montana. (Compl. ¶ 94; Ans. ¶ 94).

- a. DNRC manages all the resources of Montana’s state trust lands through the State Board of Land Commissioners (“Land Board”), which is bound by the public trust to permit only those activities on state land that are in the best interests of the State of Montana. (Compl. ¶ 95; Ans. ¶ 95).

- b. DNRC issues licenses for exploration and leases for production and extraction of oil and gas in Montana, and permits for drilling in Montana, which result in dangerous levels of GHG emissions and contribute to the climate crisis. (Compl. ¶ 96; Ans. ¶ 96).
- c. DNRC, through the Montana Board of Oil and Gas Conservation, administers all oil and gas conservation laws and issues licenses for exploration and leases for production and extraction of oil and gas in Montana, and permits for drilling in Montana pursuant to and in furtherance of Defendants’ systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities which are the manifestation of Defendants’ State Energy Policy. (Compl. ¶ 99; Ans. ¶ 99).

7. Defendant Public Service Commission (“PSC”) regulates, supervises, and controls public utilities, common carriers, railroads, and pipelines.

- a. PSC is responsible for prescribing suitable commercial units of product or service for each kind of public utility. (Compl. ¶ 102; Ans. ¶ 102).
- b. PSC is specifically authorized to adopt rules to implement renewable energy sources for utilities, Mont. Code Ann. § 69-3-2006, because “utilities should support expanded development of these resources to meet the state’s electricity demand and stabilize electricity prices.” Mont. Code Ann. § 69-3-2002. However, PSC continues to certify energy projects and utilities that rely on fossil fuels. (Compl. ¶ 103; Ans. ¶ 103).

Montana Constitution:

8. The purpose of Montana’s Constitution is to benefit both present and future generations of Montanans. (Compl. ¶ 5; Ans. ¶ 5).

9. Montana’s Constitution explicitly extends all constitutional rights to children and youth. (Compl. ¶ 6; Ans. ¶ 6).

- a. Eliminating any doubt that these farsighted anticipatory and preventative provisions can be invoked by Plaintiffs, the Montana Constitution further provides that, “The rights of persons under 18 years of age shall include, but not be limited to, all the fundamental rights of this Article unless specifically precluded by laws which enhance the protection of such persons.” Mont. Const. Art. II, § 15. (Compl. ¶ 213; Ans. ¶ 213).

10. During Montana’s 1972 Constitutional Convention, delegates placed significant emphasis on protecting natural resources and improving Montana’s environment. It was the intention of the delegates to adopt the strongest constitutional environmental provisions possible in order to protect Montana’s air, water, and lands for present and future generations. (Compl. ¶¶ 187 – 189; Ans. ¶¶ 187 - 189).

11. The right to a clean and healthful environment guaranteed by Article II, Section 3 and Article IX, Section 1 of Montana’s Constitution, includes the right to a stable climate system capable of sustaining human life and liberties. (Compl. ¶¶ 214, 215; Ans. ¶¶ 214, 215).

- a. Montana’s Constitution provides: “All persons are born free and have certain inalienable rights. They include the right to a clean and healthful environment” Consistent with the provision of these rights and responsibilities, the Montana Constitution further provides: “The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations.” (Compl. ¶ 212; Ans. ¶ 212).
- b. Montana’s clean and healthful environment provides an essential life support system and is necessary in order for Plaintiffs to be able to enjoy their lives and liberties. (Compl. ¶ 215; Ans. ¶ 215).

- c. A clean and healthful environment includes the right to a stable climate system and is one that is free from dangerous levels of anthropogenic carbon dioxide (“CO₂”) and other GHG emissions. Montana’s constitutional right to a clean and healthful environment prohibits environmental degradation that causes ill health or physical endangerment and unreasonable depletion or degradation of the State’s natural resources. (Compl. ¶ 215; Ans. ¶ 215).
 - d. Any statute, policy, or rule which implicates the right to a clean and healthful environment must be strictly scrutinized, and can only survive scrutiny if the State establishes a compelling state interest and that its action is closely tailored to effectuate that interest and is the least onerous path that can be taken to achieve the State’s objective. (Compl. ¶ 217; Ans. ¶ 217).
12. Article II, Section 3 of Montana’s Constitution guarantees the rights to seek safety, health, and happiness in all lawful ways to all persons. (Compl. ¶ 220; Ans. ¶ 220).
- a. Article II, Section 17 provides: “[n]o person shall be deprived of life, liberty, or property without due process of law. (Compl. ¶ 220; Ans. ¶ 220).
 - b. Article II, Section 15 explicitly extends these rights to youth under the age of 18. (Compl. ¶ 220; Ans. ¶ 220).
13. Article II, Section 4 of Montana’s Constitution provides: “The dignity of the human being is inviolable. No person shall be denied the equal protection of the laws.” (Compl. ¶ 228; Ans. ¶ 228).
- a. The hallmark of individual dignity is “the moral right and moral responsibility to confront the most fundamental questions about the meaning and value of their own

lives and the intrinsic value of life in general, answering to their own consciences and convictions.” (Compl. ¶ 229; Ans. ¶ 229).

14. The rights of present and future generations as beneficiaries under the Public Trust Doctrine are an attribute of sovereignty that predate Montana’s Constitution, they are secured by the Constitution and common law, and they cannot be abrogated. (Compl. ¶ 240; Ans. ¶ 240).

a. Under Article IX, Section 1(1), “The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations.” Likewise reflecting public trust principles, the Preamble to Montana’s Constitution states the Constitution was ordained and established for “this and future generations.” (Compl. ¶ 241; Ans. ¶ 241).

b. Under Article IX, section 3(3), “All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law. (Compl. ¶ 243; Ans. 243).

i. The Montana Supreme Court has recognized this provision as an underpinning of the Public Trust Doctrine for water rights, including atmospheric waters, under the Montana Constitution. (Compl. ¶ 243; Ans. ¶ 243).

c. Articles II and IX, taken together with Montana’s common law, provide a compelling basis for the Courts’ recognition of the Public Trust Doctrine over the atmosphere in Montana. (Compl. ¶ 244; Ans. ¶ 244).

d. Montana’s Public Trust Resources also include those other essential natural resources that are of vital public concern to the citizens of Montana, including the atmosphere

(air), fish and wildlife, wetlands, public lands, submerged lands, and the banks of waters to the high water mark. (Compl. ¶ 245; Ans. ¶ 245).

e. Public Trust rights include the rights of present and future generations to access, use, and enjoy these essential resources that are protected by Montana's Public Trust Doctrine. (Compl. ¶ 245; Ans. ¶ 245).

i. The public's interest in using and accessing such vital natural resources includes the rights of navigation, fishing, hunting, commerce, and recreational uses. (Compl. ¶ 245; Ans. ¶ 245).

ii. The atmosphere is indistinguishably interrelated with water and there is always water in the atmosphere. Harm to the atmosphere negatively affects waters, fish and wildlife, wetlands, and public lands. (Compl. ¶ 245; Ans. ¶ 245).

f. The Public Trust Doctrine imposes an affirmative obligation on all sovereign governments, including each Defendant as trustee, to maintain control, protect, preserve, and prevent substantial impairment to and waste of Public Trust Resources for the benefit of all Montanans, including Plaintiffs and future generations of Montanans. Each Defendant, as trustee, also has an obligation to refrain from acting in a manner that abdicates control of Public Trust Resources. (Compl. ¶ 246; Ans. ¶ 246).

Climate Science:

15. There is a scientific consensus that Earth is warming as a direct result of human GHG emissions, primarily from the burning of fossil fuels. Atmospheric carbon dioxide is the primary forcer of climate change. (Compl. ¶¶ 143, 144; Ans. ¶¶ 143, 144).

16. Science is unequivocal that dangerous climate change is upon us and is occurring due to human activities, primarily from the extraction and burning of fossil fuels. (Compl. ¶ 7; Ans. ¶ 7). The threats posed by fossil fuels and the climate crisis are existential. (Compl. ¶ 7; Ans. ¶ 7).

17. Carbon dioxide is the GHG that is most responsible for trapping excess heat within Earth's atmosphere. Excess CO₂ and other GHGs from human activity create an "energy imbalance" that drives warming temperatures and climate disruption. A substantial portion of every ton of CO₂ emitted by human activity persists in the atmosphere for as long as a millennium or more. As a result, CO₂ steadily accumulates in the atmosphere. (Compl. ¶ 106; Ans. ¶ 106).

18. Global average annual CO₂ concentrations are currently approximately 420 parts per million ("ppm"), compared to the pre-industrial concentration of 280 ppm. Current atmospheric CO₂ concentrations are higher than levels seen in millions of years. (Compl. ¶ 144; Ans. ¶ 144).

19. The rate of atmospheric CO₂ increase from pre-industrial concentrations to the present is 100 times faster than natural cycles. (Compl. ¶ 146; Ans. ¶ 146).

20. Scientists have understood the basic mechanism of global heating since the late 1800s: GHGs such as CO₂ trap heat received from the sun, and the more GHGs in the atmosphere, the more heat is retained on Earth instead of being radiated back out into space, disrupting Earth's energy balance and causing energy imbalance. (Compl. ¶ 148; Ans. ¶ 148).

21. Given that a substantial portion of every ton of CO₂ emitted by humans persists in the atmosphere as long as a millennium or more, Earth will continue to warm in response to the atmospheric concentrations of GHGs caused by past emissions, as well as future emissions.

Therefore, the impacts associated with the CO₂ emissions of today will be mostly borne by Plaintiffs, other youth, and future generations. (Compl. ¶ 149; Ans. ¶ 149).

22. It is the cumulative effect of GHG emissions that causes climate disruption. Earth will continue to heat up even as more emissions continue to increase atmospheric concentrations of GHGs. This means that the harm from present day GHG emissions will be disproportionately borne by today's children, including Plaintiffs, and future generations. (Compl. ¶¶ 106, 107; Ans. ¶¶ 106, 107).

23. Unless current fossil fuel-based GHG emissions are substantially curtailed and global atmospheric GHG concentrations are reduced to accord with science-based targets, planetary warming will continue, triggering potentially cascading and compounding climactic tipping points which will impose profound and mounting risks of ecological, economic, and societal collapse. (Compl. ¶ 150; Ans. ¶ 150).

24. The best available science today prescribes that global atmospheric CO₂ concentrations must be restored to no more than 350 ppm by 2100 (with further reductions thereafter) in order to stabilize Earth's energy balance and restore the climate system upon which human life depends. Each government has an obligation to contribute to the requisite CO₂ emission reductions and CO₂ sequestration. (Compl. ¶ 201; Ans. ¶ 201).

25. Two steps are required to reduce the atmospheric CO₂ concentration to 350 ppm by 2100: (1) reducing CO₂ emissions; and (2) sequestering excess CO₂ already in the atmosphere. There are various pathways to reduce the atmospheric CO₂ concentration to 350 ppm by 2100. For every year of additional delay in reducing anthropogenic GHG emissions, it becomes that much more difficult to reach 350 ppm CO₂ by 2100 (Compl. ¶¶ 203, 204; Ans. ¶¶ 203, 204).

26. There are currently multiple feasible pathways to reduce Montana's emissions in line with what is required to protect Plaintiffs' constitutional rights. If the State of Montana acts to reduce emissions and enhance natural sequestration, it will, at minimum, reduce the risks of harm to Plaintiffs by slowing the ongoing heating. Action to reduce emissions today also keeps the achievement of long-term safety a realistic possibility. (Compl. ¶ 205; Ans. ¶ 205).

27. Any reduction in Montana's GHG emissions that results from a declaration that Montana's State Energy Policy and fossil fuel-based energy system is unconstitutional and violative of the Public Trust Doctrine, would help redress Plaintiffs' injuries because the amount of additional GHG emissions emitted into the climate system in the near-term will dictate the severity of the heating, the severity of Plaintiffs' injuries, and whether and how Plaintiffs and future generations can survive. (Compl. ¶ 209; Ans. ¶ 209).

Climate Change Disproportionately Harms Children, Young People, and Future Generations:

28. Children are uniquely vulnerable to the consequences of the climate crisis, which harms Plaintiffs' physical and psychological health and safety, interferes with family and cultural foundations and integrity, and causes economic deprivations. (Compl. ¶ 2; Ans. ¶ 2).

29. Children hold the same constitutional rights as adults, yet their political powerlessness, unique physiological characteristics and vulnerabilities, and lack of autonomy and dependency on caregivers render children more vulnerable to violations of their rights. Children are at a critical development stage in life, as their capacities evolve and their physiological and psychological maturity develops more rapidly than at any other time in life. (Compl. ¶ 231; Ans. ¶ 231).

30. All children, even those without pre-existing conditions or illness, are a “sensitive population” with respect to the effects of the climate crisis because their bodies and minds are still developing. (Compl. ¶ 177; Ans. ¶ 177).

31. The physical and psychological harms from climate change are acute and chronic, and accrue from impacts such as heat waves, drought conditions, wildfires, air pollution, violent storms, the loss of wildlife, watching glaciers melt, and the loss of familial and cultural foundations and traditions. (Compl. ¶ 178; Ans. 178).

32. Plaintiffs are acutely aware that the window to avoid locking in irreversible climate change impacts is closing. As climate disruption transforms communities, Plaintiffs and children are likely to experience a feeling that they are losing a place that is important to them, which is a phenomenon called *solastalgia*. Solastalgia describes the gripping sense of existential loss when treasured places are irreparably damaged or destroyed as a result of human carelessness or willful disregard for them, and can cause profound distress. (Compl. ¶ 179; Ans. ¶ 179).

33. The psychological health effects children and young people can experience as a result of witnessing and experiencing the climate crisis disrupt and transform places they love and cherish include elevated levels of anxiety, depression, post-traumatic stress disorder, increased incidences of suicide, substance abuse, social disruptions like increased violence, and a distressing sense of loss. (Compl. ¶ 179; Ans. ¶ 179). The psychological harms caused by the climate crisis can result in a lifetime of hardships for children. (Compl. ¶ 179; Ans. ¶ 179).

34. The physiological features of children make them disproportionately vulnerable to the impacts of the climate crisis and air pollution. Children’s organs, including their lungs and brain, are still developing – which makes youth more vulnerable to environmental stresses, pollution, and injuries. (Compl. ¶ 181; Ans. ¶ 181).

35. Children breathe in more air per unit of time than adults and consume more food and water proportional to their body weight, making children more susceptible to polluted or contaminated air, water, or food. (Compl. ¶ 181; Ans. ¶ 181).

36. Typical child behavior – which involves spending more time recreating outdoors and more difficulty self-regulating – also render children more susceptible to excess heat, poor air quality, and other climate change impacts. (Compl. ¶ 181; Ans. ¶ 181).

37. Childhood exposure to climate disruptions and air pollution can result in impaired physical and cognitive development with life-long consequences. (Compl. ¶ 181; Ans. ¶ 181).

38. Children are particularly vulnerable to climate change-related diseases, and children comprise the majority of current sufferers of disease due to climate disruption. (Compl. ¶ 182; Ans. ¶ 182).

39. Allergies are highly prevalent among children and climate disruption exacerbates allergy symptoms, including asthma. An increase in these symptoms can affect children's physical and psychological health by interfering with sleep, play, school attendance, and performance. (Compl. ¶ 182; Ans. ¶ 182).

40. The adverse impacts of the climate crisis and air pollution on the physical and mental health of children can result in life-long challenges and consequences. The climate crisis is limiting children's potential for development and inhibiting their opportunity to engage in Montana's most important institutions and heritage. (Compl. ¶ 183; Ans. ¶ 183).

41. Children also face barriers to family formation as a result of the climate crisis. For example, increasingly children, including Plaintiffs Olivia and Grace, are expressing they do not want to have children of their own because they fear the world that their children would grow up in. (Compl. ¶ 184; Ans. ¶ 184).

42. Children, including Plaintiffs Rikki and Kian, also face economic deprivations, including barriers to keeping family wealth and property intact and decreased future economic opportunities. (Compl. ¶ 184; Ans. ¶ 184).

43. Other children are experiencing forced re-location and the loss of ties to the land, including Plaintiffs Eva, Lander, Badge, and Sariel. All of these impacts disproportionately affect children, are the consequence of matters beyond their control that they are not responsible for causing, and will impose a lifetime of hardships. (Compl. ¶ 184; Ans. ¶ 184).

44. Because of their unique vulnerabilities and age, Plaintiffs are disproportionately harmed by the climate crisis and face life-long hardships. (Compl. ¶ 2; Ans. ¶ 2).

45. All Plaintiffs are adversely affected by Defendants' conduct in perpetuating a fossil fuel-based energy system that is disproportionately impacting children. (Compl. ¶ 81; Ans. ¶ 81).

46. It is the cumulative effect of GHG emissions that causes climate disruption. Earth will continue to heat up as long as Earth's energy imbalance persists and as more emissions of today and tomorrow continue to increase atmospheric concentrations of GHGs. This means that the harm from present day GHG emissions will be disproportionately borne by today's children and future generations, including Plaintiffs. (Compl. ¶¶ 106, 107; Ans. ¶¶ 106, 107).

Climate Change is Already Adversely Affecting Montana's Natural Environment:

47. The climate crisis is degrading and depleting Montana's unique and precious environment and natural resources, which Plaintiffs depend on for their safety, survival, and well-being. (Compl. ¶ 2; Ans. ¶ 1-2).

48. Air pollution poses severe health risks for Montana's youth and is shown to impede their physical development. Montana's persistent drought conditions and record wildfire seasons have doubled respiratory-related emergency room visits. (Compl. ¶ 177; Ans. ¶ 177).

49. Climate change is already causing a host of adverse consequences in Montana, including dangerously increasing temperatures, changing precipitation patterns, increasing droughts, extreme weather events, increasing severity and intensity of wildfires, increased glacial melt, and adverse health impacts – especially to children. (Compl. ¶ 7; Ans. ¶ 7).

50. The impacts of climate change in Montana have been widespread and pervasive. Montana has already warmed significantly more than the global average – experiencing between 2 and 3°F of warming between 1950 and 2015. Montana’s warming climate will have significant deleterious economic impact throughout the State, particularly in the agricultural sector. (Compl. ¶¶ 151 - 156; Ans. ¶¶ 151 - 156).

51. Montana’s snowpack has been decreasing and is likely to continue decreasing with warmer temperatures. Montana’s declining snowpack will negatively impact Montana’s winter tourism industry and the winter sports activities enjoyed by several Plaintiffs (Compl. ¶¶ 157, 158; Ans. ¶¶ 157, 158).

52. Climate change is dramatically altering Glacier National Park, one of Montana’s world-renowned landmarks. Of the approximately 150 glaciers present in Glacier National Park in 1850, only 26 glaciers larger than 25 acres remained in 2015. The loss of Glacier National Park’s glaciers will affect the water sources of countless communities, stream and river hydrology, local economies, and the recreational opportunities of a number of Plaintiffs. (Compl. ¶¶ 159, 160; Ans. ¶¶ 159, 160).

53. Climate change is already affecting the water levels and temperatures of Montana’s rivers and lakes. Boating and fishing on certain rivers and lakes in Montana have been adversely affected as a result of low river flows or high water temperatures. These changes impact a number

of Plaintiffs' ability to fish and access the State's rivers and lakes for sport or recreation. (Compl. ¶¶ 160–162; Ans. ¶¶ 160-162).

54. Climate change is harming and will continue to harm Montana's wildlife, fisheries, hunting and angling economy, and recreation and tourism industries. (Compl. ¶¶ 165-168; Ans. ¶¶ 165-168).

55. Rising temperatures, drought conditions, and increasing insect infestations have harmed Montana's forests and overall ecosystems. Montana's forests naturally sequester atmospheric CO₂. As the forests are lost due to the combination of drought, pest infestations, and wildfires, they may no longer be able to store as much carbon as they once did. (Compl. ¶¶ 169–172; Ans. ¶¶ 169-172).

56. Higher temperatures in Montana are leading to increased severity, frequency, and extent of wildfires. Wildfires in Montana are expected to become significantly worse in the coming years without immediate steps to limit global warming. Wildfires in Montana pose direct physical and health threats to Plaintiffs and significantly impact ecosystems, property, and livelihoods. (Compl. ¶¶ 173, 174; Ans. ¶¶ 173, 174).

57. Unless the climate crisis is addressed, the smoke conditions in Montana will get significantly worse, with much of western Montana facing the highest risk factor (Compl. ¶ 177; Ans. ¶ 177).

Climate Change is Already Harming Plaintiffs:

58. Plaintiffs have been and will continue to be harmed by the dangerous impacts of fossil fuels and the climate crisis. (Compl. ¶ 2; Ans. ¶ 1-2).

59. Plaintiffs are adversely affected by Defendants' conduct in perpetuating a fossil fuel-based energy system that is disproportionately impacting children. (Compl. ¶ 81; Ans. ¶ 81).

60. The properties of Plaintiff Rikki Held and her family have experienced a number of climate change-related impacts, such as flooding, severe storms, wildfires, and drought. (Compl. ¶¶ 14-20; Ans. ¶¶ 14-20).

- a. Rikki lives on her family's large ranch near Broadus, MT (Compl. ¶ 14; Ans. ¶ 14).
- b. Rikki's access to and enjoyment of the outdoors, including camping and backpacking, are central to her health and foundational to her family. (Compl. ¶ 14; Ans. ¶ 14).
- c. Climate disruption is already threatening Rikki's home, family, community, and way of life. (Compl. ¶ 14; Ans. ¶ 14).
- d. Climate impacts have killed cattle on Rikki's ranch and have damaged crops, causing her family economic losses. (Compl. ¶¶ 15, 16, 17; Ans. ¶¶ 15, 16, 17).
- e. Rikki and her property and cattle have been impacted by wildfires and wildfire smoke, as well as extreme heat. (Compl. ¶¶ 19, 174; Ans. ¶¶ 19, 174).
- f. Rikki experiences stress and despair when thinking about how the State of Montana has known about climate change for decades and yet has chosen to continue to act in a way that threatens her home and property, menaces her family's livelihood, and infringes upon her constitutional rights and future. (Compl. ¶ 20; Ans. ¶ 20).
- g. Rikki faces economic deprivations, including barriers to keeping family wealth and property intact and decreased future economic opportunities. (Compl. ¶ 184; Ans. ¶ 184).

61. Plaintiffs Lander Busse and Badge B. enjoy hunting and fishing as an integral part of their cultural heritage and community, as well as an important food source – Lander, Badge, and their family depend on the food they hunt and fish for as their source of meat and protein. (Compl. ¶ 21; Ans. ¶ 21).

- a. Lander and Badge are brothers, living in Kalispell, MT. (Compl. ¶ 21; Ans. ¶ 21).
- b. Lander and Badge's access to food they hunt and fish for their source of protein, and as a cultural and familial tradition, is inhibited due to the climate crisis. (Compl. ¶ 21; Ans. ¶ 21).
- c. Climate change has adversely impacted Lander and Badge's ability to fish by causing the closure of certain fisheries or rendering certain waterways impassible by raft due to low instream levels or too-warm water levels which harm fish and decrease their populations. (Compl. ¶ 22; Ans. ¶ 22).
- d. The extreme temperatures and smoke make hunting unbearable for Lander and Badge. Due to climate change, the wildfire smoke in Kalispell, and in other parts of Montana where Badge recreates, makes it difficult for Badge to breath, triggers a cough, and irritates his eyes, which negatively impacts his health and well-being. (Compl. ¶¶ 23, 24; Ans. ¶¶ 23, 24).
- e. In 2018, a wildfire near Lander and Badge's home forced their family to prepare to evacuate. (Compl. ¶ 24; Ans. ¶ 24).
- f. Lander has seasonal pollen allergies, which are worsening due to the increased pollen count and a changing climate. (Compl. ¶ 24; Ans. ¶ 24).
- g. Badge is named after Badger Two-Medicine, an area where he frequently recreates and fishes. Wildfires in Badger-Two Medicine have destroyed ancient white bark pine trees and have degraded areas important to Badge and where he enjoys visiting and recreating, which has had a particularly distressing and profound emotional impact on Badge. (Compl. ¶ 25; Ans. ¶ 25).

- h. Badge is anxious when he thinks about the future that he, and his potential children, will inherit. (Compl. ¶ 26; Ans. ¶ 26).
- i. Badge experiences a sense of loss and distress knowing that the area in Montana he was named after is being damaged and degraded due to climate change. (Compl. ¶ 178; Ans. ¶ 178).
- j. Lander and Badge care deeply about protecting Montana's environment, which is an integral part of their family traditions, culture, and identity. Witnessing the current impacts of the climate crisis in Montana and in other parts of the world is traumatic for both Lander and Badge. (Compl. ¶ 26; Ans. ¶ 26).
- k. Children, including Lander and Badge, are experiencing the loss of ties to the land. (Compl. ¶ 184; Ans. ¶ 184).
- l. Lander and Badge have had their ability to fish limited or completely foreclosed due to fishery closures as a result of climate change induced conditions in Montana's rivers. Lander and Badge have also had their access to rivers limited for other recreational activities. (Compl. ¶ 162; Ans. ¶ 162).

62. Plaintiff Sariel Sandoval is a member of the Confederated Salish and Kootenai Tribes. Sariel, her family, and community have a deep connection to the natural world, and have a body of knowledge about the environment closely tied to the seasons, locations, and environment. Climate change is threatening Sariel's culture, which is already in jeopardy and at risk of being lost. (Compl. ¶¶ 27, 28; Ans. ¶¶ 27, 28).

- a. Sariel is worried that her and her community's activities, practices, and beliefs of cultural significance will be entirely lost if climate change continues. (Compl. ¶ 28; Ans. ¶ 28).

- b. The threat of losing her community's important connection to the environment and losing her culture because of climate change is extremely stressful on Sariel and her community. (Compl. ¶ 28; Ans. ¶ 28).
- c. Lack of winter snowpack in recent years, due to the climate disruption, has harmed Sariel and her community on the Flathead Reservation, as the low snowpack limits and impacts various aesthetic and recreational opportunities, as well as the community's ability to fish for bull trout and rainbow trout. (Compl. ¶ 29; Ans. ¶ 29).
- d. Climate change is impacting Sariel's ability to partake in cultural and spiritual activities and traditions, which are central to her individual dignity. (Compl. ¶ 29; Ans. ¶ 29).
- e. There has been an increase in wildfires on the Flathead Reservation where Sariel lives, and these wildfires have forced Sariel to remain indoors in order to preserve her overall health and safety from concentrated wildfire smoke. (Compl. ¶ 30; Ans. ¶ 30).
- f. Sariel is concerned that as the climate crisis worsens, traditional food sources and cultural practices may be lost with the declining access to bison, berries, and other foods. (Compl. ¶ 31; Ans. ¶ 31).
 - i. Sariel has had to travel further to pick huckleberries, and the huckleberry picking season has been pushed later into the year because the berries are not ripe due to fluctuating and extreme temperatures. (Compl. ¶ 31; Ans. ¶ 31).
- g. Climate disruption has made it difficult for Sariel to learn and engage in traditional and cultural practices and customs that have been passed down for generations. The climate crisis has a profound emotional and psychological impact on Sariel, who

stresses about the impacts her community is facing and will face in the near future.
(Compl. ¶ 32; Ans. ¶ 32).

63. Plaintiff Kian Tanner's family property in Bigfork, MT, where he lives and recreates, is being directly harmed as a result of the climate crisis. The warmer winters caused by the climate crisis have led to increased insect activity, which has killed a number of trees on Kian's property with heightened frequency. (Compl. ¶ 33; Ans. ¶ 33).

- a. The warmer water temperatures, lower oxygen levels, and declining in-stream flows due to climate disruption are harming Montana's rivers and fish. These climate impacts have decreased fishing opportunities for Kian as he has had to cancel fishing trips due to warm water temperatures and low stream flows. (Compl. ¶ 34; Ans. ¶ 34).
 - i. Kian is a passionate fly fisher and hopes he will be able to preserve this tradition and fish for the next 50 years or more. (Compl. ¶ 34; Ans. ¶ 34).
 - ii. Climate destabilization is restricting and infringing on Kian's ability to fish. (Compl. ¶ 34; Ans. ¶ 34).
- b. Kian lives near and enjoys visiting and recreating in Glacier National Park, and is distressed he will never be able to see the natural glaciers as they have historically existed, and as other generations experienced them. (Compl. ¶ 35; Ans. ¶ 35).
- c. Increased smoke in the summer has impacted Kian's ability to play soccer, fish, hike, camp, and otherwise recreate outside, activities which are central to his health and foundational to his family. (Compl. ¶ 36; Ans. ¶ 36).
 - i. The smoke makes Kian feel sick and he is forced to seek refuge indoors. (Compl. ¶ 36; Ans. ¶ 36).

- ii. In summer 2017, Kian had to cancel a family camping trip due to oppressive and dangerous smoke conditions. (Compl. ¶ 36; Ans. ¶ 36).
- d. Children, including Kian, also face economic deprivations, including barriers to keeping family wealth and property intact and decreased future economic opportunities. (Compl. ¶ 184; Ans. ¶ 184).
- e. Snow water equivalent for a number of Montana's river basins, including those river basins in which Kian fishes and recreates, is expected to decline significantly in the coming decades, which will result in lower instream flows. (Compl. ¶ 161; Ans. ¶ 161).
- f. Kian has had his ability to fish limited or completely foreclosed in some instances due to fishery closures as a result of conditions in Montana's rivers. (Compl. ¶ 162; Ans. ¶ 162).

64. Plaintiff Georgianna ("Georgi") Fischer is a competitive Nordic skier, and her ability to compete and participate in Nordic skiing has been directly impacted by climate disruption. Declining winter snowpack has inhibited Georgi's ability to complete all her necessary and appropriate training and hinders her ability to continue to compete at a high level, which adversely impacts her health and mental well-being. (Compl. ¶¶ 38, 39; Ans. ¶¶ 38, 39).

- a. Georgi lives in Bozeman, MT. (Compl. ¶ 38; Ans. ¶ 38).
- b. With less snowfall in the winter, and the snow melting at rapid rates, Georgi's training season is curtailed and has overall shortened in length. In recent years there has not been enough snow to groom trails or create tracks in the snow to Nordic ski race until January, although historically tracks were created in November. The lack of snow has inhibited Georgi's ability to complete all her necessary and appropriate training and

hinders her ability to continue to compete at a high level, which adversely impacts her health and mental well-being. (Compl. ¶ 39; Ans. ¶ 39).

- c. Georgi's summer Nordic skiing training has been impacted by wildfires and wildfire smoke – practices have been cancelled or curtailed due to smoke and the smoke prevents Georgi from fully breathing or training at a high intensity level. Georgi is increasingly worried about the long-term effects that the exposure to heavy wildfire smoke while training has on her health and respiratory system. (Compl. ¶ 40; Ans. ¶ 40).
- d. Georgi enjoys paddleboarding, backpacking, hiking, and other outdoor activities. Georgi's recreation on Montana's rivers has been impaired due to low water levels and stream flows. (Compl. ¶ 41; Ans. ¶ 41).
- e. Georgi sometimes experiences feelings of despair and hopelessness as a result of the declining winter snowpack and what that trend entails for her snow-based sport. (Compl. ¶ 42; Ans. ¶ 42).
- f. A number of Plaintiffs, including Georgi, have been harmed by the reduced snowpack in Montana and the related impacts to winter sports and tourism. (Compl. ¶ 158; Ans. ¶ 158).
- g. Snow water equivalent for a number of Montana's river basins, including those river basins in which Georgi fishes and recreates, is expected to decline significantly in the coming decades, which will result in lower instream flows. (Compl. ¶ 161; Ans. ¶ 161).
- h. Georgi has had her ability to access Montana's rivers for other recreational activities limited due to river conditions. (Compl. ¶ 162; Ans. ¶ 162).

- i. Smoke from wildfires has limited Georgi's ability to train and compete in sports at a high level. (Compl. ¶ 174; Ans. ¶ 174).

65. Plaintiff Kathryn Grace Snyder's ("Grace") recreation on Montana's rivers and streams has been affected due to both low water levels and flooding conditions. Because of the climate crisis, Grace's access to the Clark Fork River for recreational activities has been increasingly limited and impaired, thus limiting her ability to enjoy activities important to her health and family. (Compl. ¶ 43; Ans. ¶ 43).

- a. Grace resides in Missoula, MT. (Compl. ¶ 43; Ans. ¶ 43).
- b. Grace has been impacted by wildfire smoke and extreme heat; which have adversely impacted her ability to play competitive soccer and have led to fewer soccer practices. Wildfires have impacted Grace's ability to go outside, enjoy outdoor activities, and has placed her safety, health, and well-being at risk. (Compl. ¶ 44; Ans. ¶ 44).
- c. Grace experiences anxiety over her and her generation's future. Grace was and remains involved in environmental advocacy and activism at school. Witnessing climate change impacts occur around her has been devastating emotionally for Grace. (Compl. ¶ 45; Ans. ¶ 45).
- d. Many children, including Grace, experience psychological impacts and are distressed from day-to-day conditions, anxious about the climate crisis, and are unable to alleviate their concerns. (Compl. ¶ 178; Ans. ¶ 178).
- e. Increasingly, young people, including Grace, are expressing that they do not want to have children of their own because they fear the world that their children would grow up in. (Compl. ¶ 184; Ans. ¶ 184).

- f. Smoke from wildfires has limited Grace’s ability to train and compete in sports at a high level. (Compl. ¶ 174; Ans. ¶ 174).

66. Plaintiff Eva L. has been impacted by wildfire smoke in Montana on numerous occasions, and Eva has suffered eye, nose, and throat irritation and headaches as a result of the smoky air. Eva and her family have cut a family trip to Glacier National Park short in order to escape excessive wildfire smoke and the risks to their health and safety. (Compl. ¶¶ 47, 48; Ans. ¶¶ 47, 48).

- a. Eva lives in Livingston, MT. Eva enjoys many outdoor activities (i.e., backpacking, climbing, cycling) which are central to her health and foundational to her family. (Compl. ¶ 46; Ans. ¶ 46).
- b. Eva and her family have experienced the impacts of flooding – in 2018, flooding along the Shields River rendered impassible the primary route for Eva and her family from their home to the city of Livingston for more than a year. Eva’s family eventually decided to relocate as a result of this hardship. (Compl. ¶ 49; Ans. ¶ 49).
- c. Eva is anxious about how her family and community will be able to adapt to the devastation of public resources and infrastructure as the impacts of the climate crisis worsen. Eva is increasingly anxious about the climate change impacts she and her family are experiencing. She is distressed that the climate crisis will worsen if action is not immediately taken. (Compl. ¶¶ 49, 51; Ans. ¶¶ 49, 51).
- d. Eva’s access to the Yellowstone River in summer 2016 was significantly curtailed, as a 180 mile portion of the river was closed for several weeks due to a parasite growth in cutthroat and rainbow trout perpetuated by abnormally high air temperatures and

historically low river flows. Since 2016, her access to the river has been curtailed by flood events. (Compl. ¶ 50; Ans. ¶ 50).

- e. Eva has experienced forced re-location and the loss of ties to the land (Compl. ¶ 184; Ans. ¶ 184).
- f. Eva has had her ability to access Montana's rivers for other recreational activities limited due to river conditions. (Compl. ¶ 162; Ans. ¶ 162).

67. Plaintiff Mica K. suffers from headaches, fatigue, asthma, and eye irritation because the increase in wildfires and smoke directly impact his health and safety. Rising temperatures as a result of climate change also make it difficult for Mica to recreate outdoors and participate in and enjoy the activities he loves and which are important to his health, development, and well-being. (Compl. ¶ 53; Ans. ¶ 53).

- a. Mica resides in Missoula, MT. (Compl. ¶ 52; Ans. ¶ 52).
- b. Mica also suffers from behavioral issues when he is required to stay indoors during the summer. (Compl. ¶ 53; Ans. ¶ 53).
- c. Mica has been forced to spend extended periods of time indoors as a result of wildfire smoke and has lost school recess time as a result of wildfire smoke. In 2019, a forest fire started approximately 1 mile from Mica's home, and Mica is anxious that, as the climate crisis worsens, he will lose his family home. (Compl. ¶¶ 53, 54; Ans. ¶¶ 53, 54).
- d. Because Mica lives in a valley, the airshed is particularly susceptible to air pollution such as smoke, further exacerbating the harm to Mica from wildfire smoke. (Compl. ¶ 53; Ans. ¶ 53).

- e. Wildfire smoke has impacted Mica's training as a long-distance runner, and Mica's family now avoids camping and other outdoor activities in August and September due to wildfire smoke and its negative effect on Mica's health and safety. (Compl. ¶ 55; Ans. ¶ 55).
- f. Mica's outdoor recreation activities such as fishing and enjoying the views of the glaciers in Glacier National Park are impacted by climate change. (Compl. ¶¶ 56, 57; Ans. ¶¶ 56, 57).
- g. Snow water equivalent for a number of Montana's river basins, including those river basins in which Mica fishes and recreates, is expected to decline significantly in the coming decades, which will result in lower instream flows. (Compl. ¶ 161; Ans. ¶ 161).
- h. Mica has had his ability to fish limited or completely foreclosed in some instances due to fishery closures as a result of conditions in Montana's rivers. (Compl. ¶ 162; Ans. ¶ 162).
- i. Smoke from wildfires has limited Mica's ability to train and compete in sports at a high level. (Compl. ¶ 174; Ans. ¶ 174).

68. Plaintiff Olivia Vesovich has exercise induced asthma and is particularly vulnerable to smoke-filled air as a result of her asthma. In smoky conditions, Olivia feels she is suffocating if she spends more than five minutes outdoors. High temperatures and high smoke concentrations have an impact on Olivia's asthma. Olivia's asthma attacks have become more frequent and severe over the years. (Compl. ¶ 59; Ans. ¶ 59).

- a. Olivia lives in Missoula, MT. (Compl. ¶ 58; Ans. ¶ 58).

- b. During smoky conditions, Olivia is forced to stay inside and reduce or eliminate the outdoor activities she enjoys. Olivia has been forced to spend recent summers, such as summer 2018, outside Montana due to the smoke-filled air and her asthma. (Compl. ¶ 59; Ans. ¶ 59).
 - c. Olivia suffers from spring pollen allergies. Olivia's spring allergies cause her eyes to swell shut and can cause eye pain for weeks at a time. Olivia's allergies have become progressively worse in recent years. (Compl. ¶ 60; Ans. ¶ 60).
 - d. Olivia is affected emotionally and psychologically by the climate crisis, and experiences bouts of depression when she thinks about the dire projections of the future. Olivia would like to have children of her own someday, but she questions whether this is even an option in a world devastated by the climate crisis. (Compl. ¶ 61; Ans. ¶ 61).
 - e. Many children, including Olivia, experience psychological impacts and are distressed from day-to-day conditions, anxious about the climate crisis, and are unable to alleviate their concerns. (Compl. ¶ 178; Ans. ¶ 178).
 - f. Increasingly, young people, including Olivia, are expressing that they do not want to have children of their own because they fear the world that their children would grow up in. (Compl. ¶ 184; Ans. ¶ 184).
 - g. Plaintiffs with asthma or other respiratory conditions, including Olivia, have to limit outdoor activities when it is smoky as they are uniquely vulnerable to the smoky conditions. (Compl. ¶ 174; Ans. ¶ 174).
69. Plaintiff Jeffrey K. has pulmonary sequestration and is uniquely susceptible to respiratory complications, such as infections. Jeffrey's brother, Plaintiff Nathaniel ("Nate") K.,

also has respiratory issues. Both Jeffrey and Nate, given their unique lung and health conditions, are especially vulnerable to poor air quality, such as smoke-filled air caused by wildfires. (Compl. ¶ 62; Ans. ¶ 62).

- a. The increasing length and severity of the wildfire season poses a threat to Jeffrey and Nate's health, especially given their young age and pre-existing respiratory health conditions, and has forced their family to make changes in daily activities. (Compl. ¶¶ 62, 63; Ans. ¶¶ 62, 63).
- b. Certain categories of children are especially vulnerable to climate change impacts and air pollution, for example, children that have pre-existing medical conditions, such as Jeffrey and Nate. (Compl. ¶ 182; Ans. ¶ 182).
- c. Plaintiffs with asthma or other respiratory conditions, including Jeffrey and Nate, have to limit outdoor activities when it is smoky as they are uniquely vulnerable to the smoky conditions. (Compl. ¶ 174; Ans. ¶ 174).

70. Plaintiff Claire Vlases works as a ski instructor at Big Sky Resort, and her ability to earn money through that job is jeopardized by climate disruption, which is decreasing Montana's winter snowpack and, relatedly, the number of ski resort visitors. If there is not enough snow or too few visitors, Claire is sent home from her job without working her scheduled shift. (Compl. ¶ 65; Ans. ¶ 65).

- a. Claire lives in Bozeman, MT. (Compl. ¶ 64; Ans. ¶ 64).
- b. Claire is dismayed to see the receding glaciers in Glacier National Park. (Compl. ¶ 66; Ans. ¶ 66).
- c. Claire's athletic endeavors – cross-country running and road cycling – have been impacted by extreme heat and wildfire smoke. (Compl. ¶¶ 66, 67; Ans. ¶¶ 66, 67).

- d. The heat and smoke make it difficult for Claire to train and compete in her athletic endeavors at a high level. (Compl. ¶ 67; Ans. ¶ 67).
- e. Claire feels threatened and is concerned that Montana's melting glaciers, declining snowpack, and increasing summer drought conditions will lead to water scarcity that will impact her and her family in the future. (Compl. ¶ 68; Ans. ¶ 68).
 - i. Claire's family has water rights to Bozeman Creek. (Compl. ¶ 68; Ans. ¶ 68).
- f. A number of Plaintiffs, including Claire, have been harmed by the reduced snowpack in Montana and the related impacts to winter sports and tourism. (Compl. ¶ 158; Ans. ¶ 158).
- g. Smoke from wildfires has limited Claire's ability to train and compete in sports at a high level and to recreate outdoors. (Compl. ¶ 174; Ans. ¶ 174).

71. Plaintiffs Ruby D. and Lilian D. are of Crow descent and are members of the Crow Tribe of Montana. Ruby and Lilian regularly travel to the Crow Reservation to visit family members and engage in a number of traditional cultural and spiritual activities. (Compl. ¶¶ 70; Ans. ¶¶ 71).

- a. Ruby and Lilian reside in Bozeman, MT. (Compl. ¶ 70; Ans. ¶ 70).
- b. Abnormal weather conditions fostered by climate change have impacted Ruby and Lilian's ability to engage in and otherwise partake in cultural practices that are central to their spirituality and individual dignity. (Compl. ¶¶ 71, 72; Ans. ¶¶ 71, 72).
- c. Increasing wildfires in Montana have restricted Ruby and Lilian's access to certain areas where they pick berries. (Compl. ¶ 72; Ans. ¶ 72).
- d. Ruby has asthma and has had multiple asthma attacks since her 2015 asthma diagnosis. As a result of her asthma, Ruby is uniquely vulnerable to Montana's wildfire smoke,

which has increased in frequency and severity as a result of climate change. (Compl. ¶ 73; Ans. ¶ 73).

- i. Wildfire smoke irritates Ruby's lungs and makes it more difficult to breathe and partake in physical activities such as sports, which impacts her overall health and safety. (Compl. ¶ 73; Ans. ¶ 73).
- e. Increased wildfire frequency has impacted the ability of Ruby and Lilian to participate in traditional cultural practices such as berry picking and tipi building. (Compl. ¶¶ 72, 74; Ans. ¶¶ 72, 74).
- f. Ruby and Lilian become distressed upon seeing dead and degraded forests impacted by wildfires and pine beetle infestations. (Compl. ¶ 74; Ans. ¶ 74).
- g. Climate disruption has impacted Ruby and Lilian's outdoor recreation activities, such as rafting and outdoor ice-skating. (Compl. ¶ 75; Ans. ¶ 75).
- h. Plaintiffs with asthma or other respiratory conditions, including Ruby, have to limit outdoor activities when it is smoky as they are uniquely vulnerable to the smoky conditions. (Compl. ¶ 174; Ans. ¶ 174).

72. Plaintiff Taleah Hernández enjoys ice skating, hiking, and paddle boarding as her outdoor recreation, and all of these activities are being impacted by climate change. (Compl. ¶ 77; Ans. ¶ 77).

- a. Taleah lives in Polson, MT on the Flathead Indian Reservation. (Compl. ¶ 77; Ans. ¶ 77).
- b. Taleah's recreational, aesthetic, and family activity interests are being harmed as Glacier National Park's glaciers melt and recede. The permanent loss of these glaciers as a result of climate change would fundamentally alter the recreational and aesthetic

quality of an important annual bike ride Taleah does with her mother in Glacier National Park. (Compl. ¶ 78; Ans. ¶ 78).

- c. Taleah has been forced to remain inside for long periods of time during the summer in order to preserve her health as a result of poor air quality caused by excessive wildfire smoke. (Compl. ¶ 77; Ans. ¶ 77).
- d. Taleah is concerned that increasing temperatures and increased incidence of viral diseases could impact her father's hunting of deer and elk for her family's food source. (Compl. ¶ 79; Ans. ¶ 79).
- e. Taleah has extended family in Puerto Rico who were impacted by Hurricane Maria and Taleah experiences stress when thinking about her family's future and her ability to visit her family. (Compl. ¶ 80; Ans. ¶ 80).

73. All Plaintiffs are adversely affected by the conduct of each Defendant in perpetuating a fossil fuel-based energy system that is disproportionately impacting children. (Compl. ¶ 81; Ans. ¶ 81).

74. Plaintiffs should be treated as a protected class for the purposes of this action, as they will disproportionately experience the catastrophic impacts of a destabilized climate. Each Defendant continues to materially cause and contribute to irreversible climate change, infringing upon Plaintiffs' fundamental rights and basic principles of equality. (Compl. ¶¶ 234, 235; Ans. ¶¶ 234, 235).

Defendants are Responsible for Dangerous Levels of GHG Emissions that Cause and Contribute to the Climate Crisis and Harm Plaintiffs:

75. Defendants have developed and implemented a State Energy Policy in Montana for decades, which involves systemic authorization, permitting, encouragement, and facilitation of activities promoting fossil fuels and resulting in dangerous levels of GHG emissions, without

regard to climate change impacts or the fundamental rights of Plaintiffs and future generations of Montanans. (Compl. ¶ 108; Ans. ¶ 108).

76. Defendants have taken affirmative actions to authorize, permit, and encourage fossil fuel extraction, transportation, and combustion resulting in dangerous levels of GHG emissions and contributing to climate destabilization. (Compl. ¶ 105; Ans. ¶ 105).

77. Additionally, in taking these affirmative acts, Defendants have refused to consider or disclose change or climate change impacts in their environmental reviews. (Compl. ¶ 111; Ans. ¶ 111). Defendants have interpreted and understand MEPA's Climate Change Exception, codified at Mont. Code Ann. § 75-1-201(2)(a), to prohibit state agencies from considering the impacts of climate change in their environmental reviews under MEPA. (Compl. ¶ 111; Ans. ¶ 111).

78. Defendants have used their governmental authority to create and implement a *de facto* and *de jure* State Energy Policy that causes unparalleled harms to Montana's children. (Compl. ¶ 10; Ans. ¶ 10).

79. Defendants, have taken and continue to take affirmative actions to authorize, implement, and promote projects, activities, and plans that cause emissions of dangerous levels of GHG pollution into the atmosphere. (Compl. ¶ 118; Ans. ¶ 118).

- a. Defendants authorize and certify energy projects and facilities within the State of Montana that emit substantial levels of GHG pollution, including, but not limited to, projects that burn and promote the use of fossil fuels. (Compl. ¶ 118(a); Ans. ¶ 118).
- b. Defendants engage in a systemic pattern and practice of issuing permits, licenses, and leases that result in GHG emissions without considering how the additional GHG emissions will contribute to the climate crisis. (Compl. ¶ 118(e); Ans. ¶ 118).

- c. Defendants authorize four private coal power plants to operate in the State, which generate 30% of Montana's energy production. (Compl. ¶ 118(f); Ans. ¶ 118).
- d. Defendants continue to permit surface coal mining and reclamation in Montana, which results in substantial GHG emissions. (Compl. ¶ 118(g); Ans. ¶ 118).
- e. Defendants authorize, through licenses and leases, the exploration for and extraction of oil and gas in Montana. (Compl. ¶ 118(n); Ans. ¶ 118).
- f. Defendants have adopted and enforced GHG emissions standards for petroleum refineries that authorize dangerous levels of GHG emissions. Secondary emissions are not considered by Defendants in determining potential to emit. (Compl. ¶ 118(o); Ans. ¶ 118).
- g. Defendants continue to certify and authorize four petroleum refineries in the State of Montana. (Compl. ¶ 118(p); Ans. ¶ 118).
- h. Defendants have explicitly adopted and endorsed fuel and fuel tax requirements for vehicles, commercial carriers, and aviation that lock in dangerous levels of GHG emissions from the transportation sector. (Compl. ¶ 118(q); Ans. ¶ 118).
- i. Defendants have exempted certain facilities that burn fossil fuels from present and future compliance with GHG emission standards. (Compl. ¶ 118(r); Ans. ¶ 118).
- j. Defendants continue to finance, incentivize, and subsidize fossil fuel infrastructure and energy and transportation systems that are endangering Plaintiffs, while refusing to harness Montana's potential for wind energy. (Compl. ¶ 118(s); Ans. ¶ 118).
- k. Defendants continue to aggressively pursue expansion of the fossil fuel industry in Montana, particularly the expansion of coal and mining development, as well as oil and gas development. (Compl. ¶ 118(t); Ans. ¶ 118).

- l. Defendants continue to “safeguard existing economic and energy assets” by authorizing Montana fossil fuel extraction, production, consumption, transportation, and exportation and by using litigation to further their policy of promoting fossil fuels. (Compl. ¶ 118(w); Ans. ¶ 118).

80. Defendant DEQ has used its statutory authority and discretion in a manner that has resulted in dangerous levels of GHG emissions. (Compl. ¶ 87; Ans. ¶ 87). DEQ has implemented its authority and discretion in a manner that has contributed to constitutional violations and violations of the Public Trust Doctrine. DEQ’s actions, pursuant to and in furtherance of the State Energy Policy, have contributed to dangerous levels of GHG emissions. (Compl. ¶ 88; Ans. ¶ 88).

- a. DEQ issues air quality permits to facilities that emit GHG emissions. (Compl. ¶ 90; Ans. ¶ 90).
- b. Strip and underground coal mining operations permitted by DEQ are causing dangerous amounts of GHG emissions. (Compl. ¶ 92; Ans. ¶ 92).
- c. DEQ actively works with coal mining companies in Montana to implement the State Energy Policy. (Compl. ¶ 92; Ans. ¶ 92).
- d. In approving surface and underground coal mining activities, DEQ has repeatedly refused to disclose the significant harms to human health and the environment from its decisions. (Compl. ¶ 92; Ans. ¶ 92).
- e. DEQ has authorized, permitted, and encouraged fossil fuel extraction, transportation, and combustion, which generate dangerous levels of GHG emissions, contribute to the climate crisis, and harm Plaintiffs. (Compl. ¶ 93; Ans. ¶ 93).

81. Defendant DNRC has authorized, permitted, licensed, and encouraged fossil fuel exploitation, extraction, and production, and forestry practices and activities that have caused and

contributed to dangerous concentrations of atmospheric GHGs and the climate crisis and harmed Plaintiffs. (Compl. ¶ 100; Ans. ¶ 100).

- a. DNRC manages all the resources of Montana's state trust lands through the Land Board, which is bound by the public trust to permit only those activities on state land that are in the best interests of the State. To comply with its constitutional and statutory public trust mandate, the Land Board is required to manage Montana resources in a manner that is not detrimental to public welfare or the environment. (Compl. ¶ 95; Ans. ¶ 95).
- b. DNRC has exercised its authority to grant easements for the operational rights-of-way for interstate pipelines, with the approval of the Land Board, and issues land use licenses for the construction of rights-of-way and other activities on state lands and waterways for the construction and operation of interstate pipelines, which are used to transport fossil fuels. (Compl. ¶ 96; Ans. ¶ 96).
- c. DNRC, in exercising its authority to issue licenses, leases, and operational right-of-way easements for fossil fuel projects, has repeatedly failed to disclose the significant harms to human health and the environment resulting from its decisions. (Compl. ¶ 96; Ans. ¶ 96).
- d. DNRC, through the Montana Board of Oil and Gas Conservation, administers all oil and gas conservation laws and issues licenses for exploration and leases for production and extraction of oil and gas in Montana, and permits for drilling in Montana pursuant to and in furtherance of the State Energy Policy. (Compl. ¶ 99; Ans. ¶ 99).

82. Defendant PSC is responsible for reviewing standard-offer contracts and utility rates, as well as prescribing suitable commercial units of product or service for each kind of public utility. (Compl. ¶ 102; Ans. ¶ 102).

a. PSC is specifically authorized to adopt rules to implement renewable energy sources for utilities, Mont. Code Ann. § 69-3-2006, because “utilities should support expanded development of these resources to meet the state’s electricity demand and stabilize electricity prices.” Mont. Code Ann. § 69-3-2002. However, PSC continues to certify energy projects and utilities that rely on fossil fuels. (Compl. ¶ 103; Ans. ¶ 103).

b. PSC has exercised its authority over pipelines in a manner that perpetuates the use of fossil fuels by locking in infrastructure that will result in GHG emissions for decades. (Compl. ¶ 104; Ans. ¶ 104).

c. PSC exercises its authority to obstruct solar projects. (Compl. ¶ 118(c); Ans. ¶ 118).

d. PSC commissioners have publicly expressed their affinity for coal power and publicly disparaged renewable energy sources, and former Commissioner Bob Lake admitted PSC was setting rates and contract lengths in order to eliminate small solar projects. (Compl. ¶ 118(c); Ans. ¶ 118).

e. PSC affirmatively acts to promote public utilities reliant on fossil fuels and against the public safety in the face of dangerous climate change. (Compl. ¶ 118(d); Ans. ¶ 118).

83. Defendants’ State Energy Policy and aggregate actions that promote fossil fuel activities are responsible for dangerous amounts of cumulative and ongoing GHG emissions from Montana. (Compl. ¶ 121; Ans. ¶ 121).

84. The cumulative and ongoing emissions that have resulted from Defendants' State Energy Policy and aggregate actions cause and contribute to the climate crisis and Plaintiffs' injuries. (Compl. ¶ 121; Ans. ¶ 121).²

- a. U.S. Energy Information Administration ("EIA") data indicates that in 2019, Montana emitted 32.3 million metric tons ("mmt") of CO₂ from fossil fuel consumption (i.e., emissions resulting from burning fossil fuels within the boundaries of the State of Montana). Of that amount, 15.2 mmt of CO₂ was attributable to coal consumption, 12.2 mmt of CO₂ from the consumption of petroleum products; and 4.8 mmt of CO₂ from natural gas consumption. (Compl. ¶ 122; Ans. ¶ 122).
- b. According to EIA data, Montana's 2019 CO₂ emissions have increased by 59% from 1980, when Montana emitted 20.3 mmt of CO₂, and increased by 15% compared to 1990 levels, which were 28.0 mmt of CO₂. (Compl. ¶ 123; Ans. ¶ 123).
- c. Based on EIA data, in 2019, Montana's electrical power sector, over which Defendants exercise regulatory control, was responsible for 15.9 mmt of CO₂ emissions, 49.5% of statewide emissions. The next largest source of CO₂ emissions in 2019 was the transportation sector, which accounted for 8.0 mmt of CO₂ in 2019, 24.5% of Montana's emissions. The industrial sector accounted for 4.7 mmt of CO₂ in 2019, 14.5% of Montana's emissions. Finally, the residential sector accounted for 2.0 mmt of CO₂ in 2019, 6.0% of emissions, and the commercial sector accounted for 1.7 mmt of CO₂, or 5.4% of emissions. (Compl. ¶ 127; Ans. ¶ 127).

² The data in the following contentions has been updated with more recent government data from the data in the Complaint.

- d. In 2019, Montana consumed 159.2 trillion Btu of coal, 92.6 trillion Btu of natural gas, 60.0 trillion Btu of motor gasoline (excluding ethanol), 54.6 trillion Btu of distillate fuel oil, 43.7 trillion Btu of other petroleum products, 89.1 trillion Btu of hydroelectric power, 21.6 trillion Btu of other renewables (excluding biomass), and 22.9 trillion Btu of biomass. (Compl. ¶ 128; Ans. ¶ 128).
- e. Montana's per-capita energy consumption is among the top one-third in the nation; ranking 11th highest energy use per-capita in 2020. (Compl. ¶ 129; Ans. ¶ 129).
- f. Coal-fired power plants, whose operation Defendants authorize, provided the largest share of Montana's electricity generation (~43%) in 2021. Besides coal, Montana received about 40% of its electricity from hydroelectric power in 2021 and 12% from wind. Natural gas and oil each represent approximately 2% of Montana's electric power generation in 2021. (Compl. ¶ 130; Ans. ¶ 130).
- g. In January 2023, Montana, pursuant to its State Energy Policy, generated 933 thousand megawatt-hours ("MWh") of electricity from coal; 127 thousand MWh of electricity from natural gas; 744 thousand MWh of electricity from hydroelectric power plants; and 460 thousand MWh of electricity from non-hydroelectric renewable energy sources. (Compl. ¶ 131; Ans. ¶ 131).
- h. All power plants in Montana are authorized by Defendants. (Compl. ¶ 131; Ans. ¶ 131).
- i. In 2019, pursuant to the State Energy Policy, Defendants authorized the production of 608.9 trillion Btu of coal, 48.0 trillion Btu of gas, and 130.9 trillion Btu of crude oil. In 2019, pursuant to the State Energy Policy, Defendants authorized six times as much energy from fossil fuels as were produced from renewables. Defendants manage,

- operate, and regulate the energy sector through the State Energy Policy and have authority to permit renewable energy sources. (Compl. ¶ 133; Ans. ¶ 133).
- j. Montana has six coal mines, all of which Defendants authorize. Montana also has the nation's largest estimated recoverable coal reserves – which account for nearly one-third of recoverable coal reserves in the U.S. (Compl. ¶ 134; Ans. ¶ 134).
 - k. Montana is a substantial supplier of coal for the rest of the nation. (Compl. ¶ 134; Ans. ¶ 134).
 - l. Between 1960 and 2020, over 1.729 billion short tons of coal were mined in Montana, with authorization from Defendants, releasing approximately 3 billion metric tons of CO₂ emissions into the atmosphere once combusted. (Compl. ¶ 134; Ans. ¶ 134).
 - m. In 2019, over 34 million short tons of coal were mined in Montana, with authorization from Defendants. Once combusted, that ~34 million short tons of coal released approximately 58.6 mmt of CO₂ emissions into the atmosphere. (Compl. ¶ 134; Ans. ¶ 134).
 - n. Of the coal mined in Montana in 2020, about one third was consumed in Montana (almost exclusively in Montana's electric power sector), half was exported to other states, and the remaining ~20% was exported to other countries. (Compl. ¶ 134; Ans. ¶ 134).
 - o. Montana is a substantial producer of oil in the U.S. – accounting for approximately 1 in every 200 barrels of U.S. oil. Defendants authorize the drilling and production of oil in Montana. (Compl. ¶ 135; Ans. ¶ 135).
 - p. In 2021, Montana's oil production was about 51,000 barrels per day. (Compl. ¶ 135; Ans. ¶ 135).

- q. In 2021, Montana had 4,197 producing oil wells. (Compl. ¶ 135; Ans. ¶ 135).
- r. In 2019, with authorization from Defendants, Montana produced 22,981,000 barrels of crude oil, which, once combusted, resulted in about 9.8 mmt of CO₂ being emitted into the atmosphere. (Compl. ¶ 135; Ans. ¶ 135).
- s. As of January 2023, Montana's monthly crude oil production was 64,000 barrels per day. (Compl. ¶ 135; Ans. ¶ 135).
- t. Between 1960 and 2020, Defendants authorized the production of about 1.66 billion barrels of crude oil, which, once combusted, resulted in about 707 mmt of CO₂ being emitted into the atmosphere. (Compl. ¶ 135; Ans. ¶ 135).
- u. Montana is home to four state-authorized oil refineries, which have a collective processing capacity of roughly 215,000 barrels per day. Montana's refineries process crude oil largely from Canada and Wyoming and distribute the refined product by railroad and pipeline throughout Montana and to nearby states. (Compl. ¶ 136; Ans. ¶ 136).
- v. According to U.S. EIA, there were over 8,900 state-authorized natural gas producing wells in Montana in 2020, and the State's natural gas production was approximately 3.8 billion cubic feet per month as of January 2023. (Compl. ¶ 136; Ans. ¶ 136).
- w. Montana's total natural gas production in 2019 was over 43 billion cubic feet, which, once burned, resulted in about 2.4 mmt of CO₂ being released into the atmosphere. (Compl. ¶ 136; Ans. ¶ 136).
- x. Between 1960 and 2020, 3.39 trillion cubic feet of gas were produced in Montana, which, when combusted, resulted in over 186 mmt of CO₂ being released into the atmosphere. (Compl. ¶ 136; Ans. ¶ 136).

- y. Montana’s land contains a significant quantity of fossil fuels yet to be extracted, but which Defendants can and will seek to extract pursuant to the State Energy Policy. Defendants will continue to permit, promote, authorize, and encourage fossil fuel use and production in Montana. (Compl. ¶ 139; Ans. ¶ 139).
- z. Between 1960 and 2020, the coal, oil, and gas extracted from Montana – with state authorization – resulted in nearly 4 billion metric tons of CO₂ being released into the atmosphere once combusted. That figure is roughly equivalent to 83% of all energy-related U.S. CO₂ emissions for 2020. (Compl. ¶ 140; Ans. ¶ 140).
- aa. Between 1980 and 2020, a cumulative 1.21 billion metric tons of CO₂ were emitted into the atmosphere as a result of fossil fuel consumption in Montana. This quantity of emissions would rank 5th amongst global countries’ emissions in 2021. (Compl. ¶ 141; Ans. ¶ 141).

85. Defendants, as a result of actions taken pursuant to and in furtherance of the State Energy Policy and their aggregate acts to promote fossil fuel activities, are responsible for a significant and dangerous quantity of GHG emissions entering Earth’s atmosphere, which has contributed to the dangerous climate change and has infringed the constitutional rights of Plaintiffs and violated the Public Trust Doctrine. (Compl. ¶ 142; Ans. ¶ 142).

86. Montana’s GHG emissions have grown significantly since the passage of the 1972 Montana Constitution, and in spite of Defendants’ longstanding knowledge of the dangers posed by fossil fuels and the climate crisis. (Compl. ¶ 142; Ans. ¶ 142).

87. Despite having authority to do so, Defendants have never completed a comprehensive accounting and inventory that accounts for all of Montana’s GHG emissions,

including emissions from fossil fuels extracted in Montana by exported and combusted out-of-state, and embedded emissions. (Compl. ¶ 126; Ans. ¶ 126).

88. Defendants' aggregate acts taken pursuant to and in furtherance of the State Energy Policy continue to be executed by Defendants and their agents and employees in their official capacities. (Compl. ¶ 119; Ans. ¶ 119).

89. Defendants' aggregate acts are causing and contributing to the ongoing deprivation of Plaintiffs' fundamental rights secured by the Montana Constitution. (Compl. ¶ 119; Ans. ¶ 119).

Despite Longstanding Knowledge of Climate Change Risks, Defendants Have Acted Affirmatively, and Continue to Act Affirmatively, to Perpetuate a Fossil Fuel-Based Energy System in Violation of Plaintiffs' Constitutional Rights:

90. Montana has known of the dangerous impacts of air pollution climate change for over 50 years. However, Defendants continue to fail to act to reduce these dangerous impacts. (Compl. ¶¶ 185, 191 - 195; Ans. ¶¶ 185, 191 - 195).

91. Instead, despite knowledge of the dangers of climate change since at least the 1960s, Defendants have created and implemented a State Energy Policy and systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities that contribute to dangerous climate disruption in violation of Plaintiffs' constitutional rights as guaranteed under Article II, Section 3; Article II, Section 4; Article II, Section 15; Article II, Section 17; Article IX, Section 1; Article IX, Section 3 of the Montana Constitution; and the Public Trust Doctrine. (Compl. ¶ 3; Ans. ¶ 3).

92. By 2007, the effects and dangers of climate change in Montana were well known to Defendants.

93. By 2007, in Montana, there was awareness among Defendants of the availability of renewable energy resources as an alternative to fossil fuels.

94. By 2007, Defendants DNRC, DEQ, and the Office of the Governor were aware of the issues concerning the impacts of climate change in Montana as a result of the 2007 Montana Climate Change Action Plan.

95. By 2017, Defendants DNRC, DEQ, and the Office of the Governor were aware of the issues concerning the impacts of climate change in Montana as a result of the 2017 Montana Climate Assessment.

96. The 2017 Montana Climate Assessment included a thorough review of the observed changes in Montana's climate, through 2015, as well as projected changes through the end of the century, under different GHG emission scenarios.

97. The 2017 Montana Climate Assessment found that climate change was already causing numerous adverse impacts to Montana's environment, natural resources, and residents, including those related to rising temperatures, wildfires, drought, extreme weather events, and others.

98. The 2017 Montana Climate Assessment found that numerous adverse impacts to Montana's environment, natural resources, and residents, including those related to rising temperatures, wildfires, drought, extreme weather events, and others, were expected to worsen in the coming years as GHG emissions were expected to continue to rise.

99. In 2019, when Montana Governor Steve Bullock promulgated Executive Order No. 8-2019 creating the Montana Climate Solutions Council, Defendants knew that "climate change poses a serious threat to Montana's natural resources, public health, communities, and economy," and "Montanans understand that climate change is occurring and are concerned about the impacts it will have on current and future generations."

100. In August 2020, when the Montana Climate Solutions Council released its final report, the Montana Climate Solutions Plan (“Climate Solutions Plan”), Defendants knew the ways in which climate change was already harming Montana and its residents, through referencing rising temperatures, early snowmelt, earlier spring runoff, flooding, changes in water availability and stream temperatures, an increase in forest mortality due to insects, and increasing wildfires.

101. In August 2020, when the Montana Climate Solutions Council released the Montana Climate Solutions Plan, Defendants knew there were 37 recommendations and strategies to reduce Montana’s GHG emissions through increasing energy efficiency, increased renewable energy development, expanded use of electric vehicles, increasing carbon sequestration, and reducing methane emissions.

102. In August 2020, when the Montana Climate Solutions Council released the Montana Climate Solutions Plan, Defendants knew of the need for Montana to rapidly reduce its reliance on fossil fuels and to eliminate nearly all GHG emissions by between 2045 and 2050.

103. Defendants have not implemented the 37 proposed recommendations in the Climate Solutions Plan.

104. Montana’s fossil fuel-based energy system is the result of Montana’s State Energy Policy, and aggregate actions to promote fossil fuel activities. (Compl. ¶ 112; Ans. ¶ 112).

105. Defendants know Plaintiffs are living under dangerous climactic conditions that create an unreasonable risk of harm, yet Defendants continue to act affirmatively to exacerbate the climate crisis. (Compl. ¶ 8; Ans. ¶ 8).

106. Since 2011, as a result of the Climate Change Exception to MEPA, Defendants are prevented from considering climate change impacts.

107. Pursuant to the Climate Change Exception to MEPA, Defendants have deliberately ignored the dangerous impacts of the climate crisis when carrying out their authorization, permitting, encouragement, and facilitation of activities promoting fossil fuels. (Compl. ¶ 108; Ans. ¶ 108).

108. Fossil fuel energy is the least efficient form of energy available to the State of Montana. (Compl. ¶ 110; Ans. ¶ 110). There is no interest, compelling or otherwise, that justifies Defendants' deprivation of Plaintiffs' fundamental right to a clean and healthful environment "for present and future generations," including a stable climate system. Nor is Defendants' conduct narrowly tailored to effectuate any such interest. (Compl. ¶ 217; Ans. ¶ 217).

109. In 2011, the Montana Legislature amended the statutory State Energy Policy, which had implicitly promoted fossil fuels for decades, to explicitly promote fossil fuels and to expand the already substantial extraction and use of fossil fuels in Montana. (Compl. ¶ 115; Ans. ¶ 115).

110. Defendants are continuing to permit and approve fossil fuels projects pursuant to Montana's *de facto* and *de jure* State Energy Policy, including power plants, oil and gas pipelines, coal mines, industrial and commercial facilities, and others, that cause dangerous levels of GHG emissions, all while turning a blind eye to the climate impacts of the projects. (Complaint ¶ 118).

111. The actions taken pursuant to and in furtherance of Montana's State Energy Policy leads to fossil fuel development, extraction, transport, and combustion. (Compl. ¶ 116; Ans. ¶ 116).

112. Defendants pursuant to and in furtherance of the State Energy Policy, have taken and continue to take affirmative actions to authorize, implement, and promote projects, activities, and plans that cause emissions of dangerous levels of GHG pollution into the atmosphere. (Compl. ¶ 118; Ans. ¶ 118). For example:

a. Defendants authorize and certify energy projects and facilities within the State of Montana that emit substantial levels of GHG pollution, including, but not limited to, projects that burn and promote the use of fossil fuels. (Compl. ¶ 118(a); Ans. ¶ 118).

i. DEQ:

1. Approved the AM4 expansion of Rosebud Strip Mine in December 2015, a 12.1-million-ton coal mine expansion; refused, pursuant to the MEPA Climate Change Exception, to analyze how that decision would aggravate climate impacts. (Compl. ¶ 118(g); Ans. ¶ 118).
2. Issued the permit to expand coal mining at Bull Mountain Mine in July 2016; refused, pursuant to the MEPA Climate Change Exception, to analyze how that decision would aggravate climate impacts. (Compl. ¶ 118(g); Ans. ¶ 118).
3. Between 2002 and 2014, when DEQ issued twelve different permits for Signal Peak Energy to operate the Bull Mountain Mine, DEQ refused, in its environmental assessments to consider how those GHG emissions would contribute to climate change or adversely impact Montana's environment and natural resources.
4. Approved the TR3 expansion of Decker Mine in 2018, allowing for strip-mining of 23 million tons of coal. DEQ refused, pursuant to the MEPA Climate Change Exception, to analyze how that decision would aggravate climate impacts. (Compl. ¶ 118(h); Ans. ¶ 118).
5. In 2017 and 2018, DEQ issued the permit for the Westmoreland Absaloka Mine and subsequent mine expansion but in its environmental

assessment did not consider how those GHG emissions would contribute to climate change or adversely impact Montana's environment and natural resources.

6. In 2020, approved revision to Spring Creek Mine, the largest coal mine in the State, allowing for recovery of additional 72 million tons of coal. In August 2019, DEQ refused, pursuant to the MEPA Climate Change Exception, to analyze impacts on the social cost of carbon and economic impacts from climate change in its draft EIS. (Compl. ¶ 118(i); Ans. ¶ 118).
7. Authorized the operation of Colstrip Steam Electric Station – which produced 13.2 mmt of carbon dioxide equivalents (“CO₂e”), 38,015 metric tons methane, and 65,919 metric tons nitrous oxide in 2018. CO₂e is a metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential (GWP). (Compl. ¶ 118(j); Ans. ¶ 118).
8. Issued the air quality permit to Bull Mountain Mine in January 2016, authorizing Bull Mountain Mine to produce 15 million tons of coal during any rolling 12-month period; refused, pursuant to the MEPA Climate Change Exception, to analyze how decision would aggravate climate impacts. (Compl. ¶ 118(k); Ans. ¶ 118).
9. Issued the certificate of compliance for Keystone XL Pipeline in March 2012, authorizing construction, operation, maintenance of the Montana portion of the Keystone XL Pipeline. (Compl. ¶ 118(l); Ans. ¶ 118).

10. Issued permits, licenses, and leases for the construction, operation, and maintenance of the Keystone XL Pipeline project in Montana; refused, pursuant to MEPA Climate Change Exception, to analyze or disclose how decision would aggravate climate impacts. (Compl. ¶ 118(m); Ans. ¶ 118).
11. In 2019, when DEQ issued its Record of Decision approving Western Energy's permit application to expand coal mining at Rosebud Coal Mine Area F, where "[t]he proposed mine permit application would add 6,746 acres and approximately 70.8 million tons of recoverable coal reserves to the Rosebud Mine, extending the operational life of the mine by 8 years (at the current rate of production)," DEQ, in its environmental assessment under MEPA, did not consider how those GHG emissions would contribute to climate change or adversely impact Montana's environment and natural resources.
12. When DEQ issued the air quality permit to NorthWestern Energy for the Laurel Generating Station (now named the Yellowstone County Generating Station), a proposed gas-fired power plant, DEQ, in its environmental assessment, did not consider how those GHG emissions would contribute to climate change or adversely impact Montana's environment and natural resources.
13. In May 2022, DEQ issued its Final EIS for Rosebud Mine Area B AM5, in Colstrip, but in its environmental assessment, did not consider how

GHG emissions would contribute to climate change or adversely impact Montana's environment and natural resources.

14. DEQ continues to issue permits for fossil fuel energy projects, including oil and gas pipelines and associated compressor stations, coal mines and coal facilities, oil and gas facilities, oil and gas leases, oil and gas drilling, petroleum refineries, industrial facilities that burn fossil fuels, and fossil fuel power plants

15. When DEQ has issued permits since 2011 for fossil fuel energy projects, including oil and gas pipelines and associated compressor stations, coal mines and coal facilities, oil and gas facilities, oil and gas leases, oil and gas drilling, petroleum refineries, industrial facilities that burn fossil fuels, and fossil fuel power plants, DEQ did not consider how those GHG emissions would contribute to climate change or adversely impact Montana's environment and natural resources.

ii. DNRC:

1. With State Land Board approval, leased public land for the easement for the operation of the Keystone XL Pipeline in Montana, as well as the land use license for the construction right-of-way and other activities on state lands and waterways relating to the Keystone XL Pipeline. (Compl. ¶ 118(1); Ans. ¶ 118).

2. Issued permits, licenses, and leases for the construction, operation, and maintenance of the Keystone XL Pipeline project in Montana; refused, pursuant to the MEPA Climate Change Exception, to analyze or disclose

how the decision would aggravate climate impacts. (Compl. ¶ 118(m); Ans. ¶ 118).

3. DNRC continues to issue permits for fossil fuel projects, including coal mines and oil and gas extraction.

iii. PSC:

1. In June 2017, PSC significantly cut utility contract lengths and rates for NorthWestern Energy, demonstrating biased decisions obstructing solar projects. PSC was found to have violated solar companies' due process rights by making decisions based on bias and policy preferences. (Compl. ¶ 118(b); Ans. ¶ 118).
2. PSC continues to prioritize fossil fuel projects over renewable energy projects.

iv. Governor:

1. On July 8, 2021, Governor Gianforte withdrew Montana from the U.S. Climate Alliance, a nonpartisan group committed to achieving the Paris Agreement goals, without considering how failing to achieve a significant reduction in GHG emissions would contribute to climate change or adversely impact Montana's environment and natural resources.
2. The Governor continues to prioritize fossil fuel projects over renewable energy projects.

- b. Defendants continue to finance, incentivize, and subsidize fossil fuel infrastructure and energy and transportation systems that are endangering Plaintiffs, while refusing to harness Montana's potential for wind energy. (Compl. ¶ 118(s); Ans. ¶ 118).
- c. Defendants continue to aggressively pursue expansion of the fossil fuel industry in Montana, particularly the expansion of coal and mining development, as well as oil and gas development. (Compl. ¶ 118(t); Ans. ¶ 118).
- d. All of these projects, collectively and individually, are responsible for significant GHG emissions which are exacerbating the climate crisis, as well as causing significant degradation and harm to Montana's environment and natural resources.

113. Defendants demonstrated a clear pattern and practice of granting permits for new fossil fuel projects and renewing permits to allow already built fossil fuel projects to continue to operate in Montana in defiance of the overwhelming weight of scientific consensus that such action threaten the health and safety of Montana's citizens and their individual rights to enjoy a clean and healthful environment.

114. Since at least 2011 (and 2003 for DNRC's approval of coal mines), there is not a single instance where Defendant agencies have denied a permit to a fossil fuel company in Montana.

115. Montana's annual, historical, and cumulative GHG emissions are a result of actions taken pursuant to and in furtherance of the State Energy Policy and Defendants' aggregate acts to promote fossil fuel activities. (Compl. ¶ 142; Ans. ¶ 142).

116. Montana's State Energy Policy, and Defendants' actions taken pursuant to and in furtherance of the State Energy Policy, are responsible for a significant and dangerous quantity of

GHG emissions that have contributed to dangerous climate change and infringed the constitutional rights of Plaintiffs. (Compl. ¶ 142; Ans. ¶ 142).

117. Defendants' actions taken pursuant to and in furtherance of Montana's State Energy Policy cause emissions of dangerous and substantial levels of GHG pollution into the atmosphere within Montana and outside its borders, contributing to climate destabilization. (Compl. ¶ 116; Ans. ¶ 116).

118. Defendants' State Energy Policy, and attendant aggregate acts, have been a substantial factor in controlling the composition of Montana's energy system since at least 1993, in large part through energy policies and permitting.

119. There has been a long-standing practice by the State of Montana to promote fossil fuels as the predominant energy source in the State.

120. The 2011 amendments to MEPA and the State Energy Policy were a clear directive from the legislature to state agencies that fossil fuels were to remain a central and dominant part of Montana's energy sector and that no fossil fuel projects should be delayed or blocked because of their impact on climate change, which could no longer be considered.

121. The 2011 amendments to MEPA and the State Energy Policy and attendant aggregate acts, have been a substantial factor in controlling the composition of Montana's energy system.

122. Defendants have a long-standing track record of working closely with the fossil fuel industry to support fossil fuel extraction, transport, and burning.

123. Defendants demonstrated that, notwithstanding the incontrovertible evidence of the climate crisis and its impacts in Montana, Defendants will continue to promote the increasing

development and utilization of fossil fuels, while turning a blind eye to the consequences for climate change, Montana's environment, Montana's residents, and these Plaintiffs.

124. The State of Montana continues to approve projects that are responsible for significant quantities of GHG emissions, thus exacerbating the already severe climate crisis and causing further harms to Montana's environment and its citizens, especially its youth.

125. Montana still has a State Energy Policy, notwithstanding the repeal of § 90-4-1001, MCA, that includes Defendants' long-standing and systemic promotion of fossil fuel activities..

126. The legislature could adopt the same State Energy Policy that was codified in § 90-4-1001, MCA in the future.

127. The repeal of § 90-4-1001, MCA, will not alter how Defendants are currently implementing their discretionary authorities to license, permit, and authorize fossil fuel activities.

128. Defendants continue to implement Montana's State Energy Policy to prioritize the increasing utilization, exploration, and development of Montana's fossil fuels, even following the repeal of § 90-4-1001, MCA.

129. Montana's State Energy Policy endangers children and violates Plaintiffs' constitutional rights. (Compl. ¶ 117; Ans. ¶ 117).

- a. [Count I] Defendants – by and through their State Energy Policy, which affirmatively authorizes fossil fuel production, consumption, and combustion, are unconstitutionally depleting and degrading Montana's environment and natural resources and causing and contributing to the dangerous destabilization of the climate system. Defendants' past and ongoing actions deprive Plaintiffs of their constitutionally guaranteed rights under Montana Constitution Article II, Sec. 3, 15, 17, and Article IX, Sec. 1. (Compl. ¶ 216; Ans. ¶ 216).

- i. Strict scrutiny is the proper standard of review for government conduct which implicates the fundamental right to a clean and healthful environment. (Compl. ¶ 217; Ans. ¶ 217).
 - ii. Defendants lack an interest, compelling or otherwise, that justifies their conduct which deprives Plaintiffs of their fundamental right to a clean and healthful environment for future generations, including a stable climate system. (Compl. ¶ 217; Ans. ¶ 217).
 - iii. Defendants' conduct is not narrowly tailored to effectuate any such interest. (Compl. ¶ 217; Ans. ¶ 217).
- b. [Count II] Defendants – by and through their State Energy Policy which affirmatively authorizes fossil fuel production, consumption, and combustion, are unconstitutionally interfering with Plaintiffs' rights to safety, healthy, and happiness. (Compl. ¶¶ 221 - 224; Ans. ¶¶ 221 - 224).
 - i. Defendants' conduct dangerously deprives Plaintiffs of their rights under Article II, Section 3 to seek safety, health, and happiness because it exposes these vulnerable children to physical injury and disease; serious psychological, social, and spiritual harm and trauma; interferes with their capacity for growth and development; and threatens their personal security and family life, all in violation of Plaintiffs rights under Article II, Section 17. (Compl. ¶ 222; Ans. ¶ 222).
 - ii. Defendants have acted and continue to act affirmatively to place Plaintiffs in a position of foreseeable danger, with deliberate indifference to their safety, health, and happiness. (Compl. ¶ 223; Ans. ¶ 223).

- iii. Defendants' ongoing actions continue to place Plaintiffs in a position of danger – violating their rights to seek safety, health, and happiness – by failing to implement readily available laws, policies, plans and laws to effectuate climate stabilization, or any other comprehensive remedial measures that would protect Plaintiffs' safety, health, and happiness. (Compl. ¶ 224; Ans. ¶ 224).
 - iv. There is no interest, compelling or otherwise, that justifies Defendants' deprivation of Plaintiffs' fundamental rights to due process and to seek safety, health, and happiness in all lawful ways. Nor is Defendants' conduct narrowly tailored to effectuate any such interest. (Compl. ¶ 225; Ans. ¶ 225).
- c. [Count III] Defendants' – by and through their State Energy Policy, which affirmatively authorizes fossil fuel production, consumption, and combustion, have violated and continue to violate the fundamental rights of Plaintiffs to individual dignity under Article II, Section 4 of the Montana Constitution. (Compl. ¶¶ 229 - 230; Ans. ¶¶ 229 - 230).
- i. Defendants have demeaned the “worth and [] basic humanity” of Plaintiffs by infringing on their ability to freely and meaningfully practice their cultural and spiritual beliefs. (Compl. ¶ 230; Ans. ¶ 230).
 - ii. Children hold the same constitutional rights as adults yet their political powerlessness, unique physiological characteristics and vulnerabilities, and lack of autonomy and dependency on caregivers render children more vulnerable to rights violations. Children are at a critical development stage in life, as their capacities evolve and their physiological and psychological

maturity develops more rapidly than at any other time in life. (Compl. ¶ 231; Ans. ¶ 231).

- iii. These immutable characteristics of children place Plaintiffs in a separate suspect, or quasi-suspect, class in need of extraordinary protection pursuant to the principles of equal protection. (Compl. ¶ 232; Ans. ¶ 232).
- iv. Children, as a suspect class, historically are saddled with such disabilities, subjected to purposeful unequal treatment, and relegated to such position of political powerlessness as to command extraordinary protection from majoritarian political process. (Compl. ¶ 233; Ans. ¶ 233).
- v. Plaintiffs should be treated as a protected class for the purposes of this action, as they will disproportionately experience the catastrophic impacts of a destabilized climate. Defendants continue to materially cause and contribute to irreversible climate change, infringing upon Plaintiffs' fundamental rights and basic principles of equality. (Compl. ¶¶ 234, 235; Ans. ¶¶ 234, 235).
- vi. Defendants' State Energy Policy reflects a short-term policy to favor the present generation's interests to the long-term detriment to Plaintiffs. (Compl. ¶ 236; Ans. ¶ 236).
- vii. Defendants' State Energy Policy discriminates against Plaintiffs as members of the protected class of children *and* with respect to Plaintiffs' fundamental rights, and are not narrowly tailored to serve a compelling state interest. (Compl. ¶ 237; Ans. ¶ 237). Defendants similarly cannot satisfy either intermediate scrutiny or rational basis review. (Compl. ¶ 237; Ans. ¶ 237).

- d. [Count IV] Defendants – by and through their State Energy Policy, which affirmatively authorizes fossil fuel production, consumption, and combustion, have unconstitutionally caused, and continue to cause, the substantial impairment to, and waste of, Public Trust Resources, including the atmosphere, waters of Montana, fish and wildlife, and other Public Trust Resources. (Compl. ¶ 248; Ans. ¶ 248).
- i. The dangerous levels of GHGs that Defendants have authorized to be emitted into the atmosphere have a scientifically demonstrable effect on Plaintiffs’ ability to use, access, enjoy, and navigate the State’s waters and other Public Trust Resources. (Compl. ¶ 248; Ans. ¶ 248).
 - ii. Defendants – by and through their State Energy Policy, have abdicated control over and alienated substantial portions and capacities of Public Trust Resources in favor of the short-term interests of private parties, authorizing those private parties to treat our atmosphere as a dump for their carbon emissions and to profit off of developing Montana’s fossil fuel resources to the detriment of Plaintiffs and future generations of Montanans. (Compl. ¶ 249; Ans. ¶ 249).
 - iii. Defendants’ policies, practices, and customs prejudice the Public Trust rights and interests of Plaintiffs and future generations of beneficiaries in violation of Defendants’ duties of loyalty, impartiality, and prudence. (Compl. ¶ 249; Ans. ¶ 249).
 - iv. Defendants – by and through their State Energy Policy, have breached their affirmative duty to protect and improve a clean and healthful environment in Montana, which includes the protection and improvement of the atmosphere

(air) and all essential natural Public Trust Resources, for present and future generations under Article IX, Section 1(1) of the Montana Constitution. (Compl. ¶ 250; Ans. ¶ 250).

130. Montana’s systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities endangers children and violates Plaintiffs’ constitutional rights. (Compl. ¶ 117; Ans. ¶ 117).

a. [Count I] Defendants – by and through their systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities, and the aggregate acts that affirmatively authorize fossil fuel production, consumption, and combustion– are unconstitutionally depleting and degrading Montana’s environment and natural resources and causing and contributing to the dangerous destabilization of the climate system. Defendants’ past and ongoing actions deprive Plaintiffs of their constitutionally guaranteed rights under Montana Constitution Article II, Sec. 3, 15, 17, and Article IX, Sec. 1. (Compl. ¶ 216; Ans. ¶ 216).

i. Strict scrutiny is the proper standard of review for government conduct which implicates the fundamental right to a clean and healthful environment. (Compl. ¶ 217; Ans. ¶ 217).

ii. Defendants lack an interest, compelling or otherwise, that justifies their conduct which deprives Plaintiffs of their fundamental right to a clean and healthful environment for future generations, including a stable climate system. (Compl. ¶ 217; Ans. ¶ 217).

iii. Defendants’ conduct is not narrowly tailored to effectuate any such interest. (Compl. ¶ 217; Ans. ¶ 217).

- b. [Count II] Defendants – by and through their systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities, and the aggregate acts that affirmatively authorize fossil fuel production, consumption, and combustion are unconstitutionally interfering with Plaintiffs’ rights to safety, healthy, and happiness. (Compl. ¶¶ 221 - 224; Ans. ¶¶ 221 - 224).
- i. Defendants’ conduct dangerously deprives Plaintiffs of their rights under Article II, Section 3 to seek safety, health, and happiness because it exposes these vulnerable children to physical injury and disease; serious psychological, social, and spiritual harm and trauma; interferes with their capacity for growth and development; and threatens their personal security and family life, all in violation of Plaintiffs rights under Article II, Section 17. (Compl. ¶ 222; Ans. ¶ 222).
 - ii. Defendants have acted and continue to act affirmatively to place Plaintiffs in a position of foreseeable danger, with deliberate indifference to their safety, health, and happiness. (Compl. ¶ 223; Ans. ¶ 223).
 - iii. Defendants’ ongoing actions continue to place Plaintiffs in a position of danger – violating their rights to seek safety, health, and happiness – by failing to implement readily available laws, policies, plans and laws to effectuate climate stabilization, or any other comprehensive remedial measures that would protect Plaintiffs’ safety, health, and happiness. (Compl. ¶ 224; Ans. ¶ 224).
 - iv. There is no interest, compelling or otherwise, that justifies Defendants’ deprivation of Plaintiffs’ fundamental rights to due process and to seek safety,

health, and happiness in all lawful ways. Nor is Defendants' conduct narrowly tailored to effectuate any such interest. (Compl. ¶ 225; Ans. ¶ 225).

- c. [Count III] Defendants' – by and through their systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities, and the aggregate acts that affirmatively authorize fossil fuel production, consumption, and combustion, have violated and continue to violate the fundamental rights of Plaintiffs to individual dignity under Article II, Section 4 of the Montana Constitution. (Compl. ¶¶ 229 - 230; Ans. ¶¶ 229 - 230).
- i. Defendants have demeaned the “worth and [] basic humanity” of Plaintiffs by infringing on their ability to freely and meaningfully practice their cultural and spiritual beliefs. (Compl. ¶ 230; Ans. ¶ 230).
 - ii. Children hold the same constitutional rights as adults yet their political powerlessness, unique physiological characteristics and vulnerabilities, and lack of autonomy and dependency on caregivers render children more vulnerable to rights violations. Children are at a critical development stage in life, as their capacities evolve and their physiological and psychological maturity develops more rapidly than at any other time in life. (Compl. ¶ 231; Ans. ¶ 231).
 - iii. These immutable characteristics of children place Plaintiffs in a separate suspect, or quasi-suspect, class in need of extraordinary protection pursuant to the principles of equal protection. (Compl. ¶ 232; Ans. ¶ 232).
 - iv. Children, as a suspect class, historically are saddled with such disabilities, subjected to purposeful unequal treatment, and relegated to such position of

political powerlessness as to command extraordinary protection from majoritarian political process. (Compl. ¶ 233; Ans. ¶ 233).

- v. Plaintiffs should be treated as a protected class for the purposes of this action, as they will disproportionately experience the catastrophic impacts of a destabilized climate. Defendants continue to materially cause and contribute to irreversible climate change, infringing upon Plaintiffs' fundamental rights and basic principles of equality. (Compl. ¶¶ 234, 235; Ans. ¶¶ 234, 235).
 - vi. Defendants' aggregate acts that affirmatively authorize fossil fuel production, consumption, and combustion reflect a short-term policy to favor the present generation's interests to the long-term detriment to Plaintiffs. (Compl. ¶ 236; Ans. ¶ 236).
 - vii. Defendants' aggregate acts that affirmatively authorize fossil fuel production, consumption, and combustion discriminate against Plaintiffs as members of the protected class of children *and* with respect to Plaintiffs' fundamental rights, and are not narrowly tailored to serve a compelling state interest. (Compl. ¶ 237; Ans. ¶ 237). Defendants similarly cannot satisfy either intermediate scrutiny or rational basis review. (Compl. ¶ 237; Ans. ¶ 237).
- d. [Count IV] Defendants – by and through their systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities, and the aggregate acts that affirmatively authorize fossil fuel production, consumption, and combustion, have unconstitutionally caused, and continue to cause, the substantial impairment to, and waste of, Public Trust Resources, including the atmosphere, waters

of Montana, fish and wildlife, and other Public Trust Resources. (Compl. ¶ 248; Ans. ¶ 248).

- i. The dangerous levels of GHGs that Defendants have authorized to be emitted into the atmosphere have a scientifically demonstrable effect on Plaintiffs' ability to use, access, enjoy, and navigate the State's waters and other Public Trust Resources. (Compl. ¶ 248; Ans. ¶ 248).
- ii. Defendants – by and through their systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities, and the aggregate acts that affirmatively authorize fossil fuel production, consumption, and combustion, have abdicated control over and alienated substantial portions and capacities of Public Trust Resources in favor of the short-term interests of private parties, authorizing those private parties to treat our atmosphere as a dump for their carbon emissions and to profit off of developing Montana's fossil fuel resources to the detriment of Plaintiffs and future generations of Montanans. (Compl. ¶ 249; Ans. ¶ 249).
- iii. Defendants' policies, practices, and customs prejudice the Public Trust rights and interests of Plaintiffs and future generations of beneficiaries in violation of Defendants' duties of loyalty, impartiality, and prudence. (Compl. ¶ 249; Ans. ¶ 249).
- iv. Defendants – by and through their systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities, and the aggregate acts that affirmatively authorize fossil fuel production, consumption, and combustion, have breached their affirmative duty to protect

and improve a clean and healthful environment in Montana, which includes the protection and improvement of the atmosphere (air) and all essential natural Public Trust Resources, for present and future generations under Article IX, Section 1(1) of the Montana Constitution. (Compl. ¶ 250; Ans. ¶ 250).

131. The Climate Change Exception to MEPA endangers children and violates Plaintiffs' constitutional rights and the Public Trust Doctrine. (Compl. ¶ 117; Ans. ¶ 117).

a. [Count I] The Climate Change Exception to MEPA is unconstitutionally depleting and degrading Montana's environment and natural resources and causing and contributing to the dangerous destabilization of the climate system. Defendants' past and ongoing actions deprive Plaintiffs of their constitutionally guaranteed rights under Montana Constitution Article II, Sec. 3, 15, 17, and Article IX, Sec. 1, and the Public Trust Doctrine. (Compl. ¶ 216; Ans. ¶ 216).

i. Strict scrutiny is the proper standard of review for government conduct which implicates the fundamental right to a clean and healthful environment. (Compl. ¶ 217; Ans. ¶ 217).

ii. Defendants lack an interest, compelling or otherwise, that justifies their conduct which deprives Plaintiffs of their fundamental right to a clean and healthful environment for future generations, including a stable climate system. (Compl. ¶ 217; Ans. ¶ 217).

iii. Defendants' conduct is not narrowly tailored to effectuate any such interest. (Compl. ¶ 217; Ans. ¶ 217).

- b. [Count II] The Climate Change Exception to MEPA is unconstitutionally interfering with Plaintiffs' rights to safety, healthy, and happiness. (Compl. ¶¶ 221 - 224; Ans. ¶¶ 221 - 224).
- i. Defendants' conduct dangerously deprives Plaintiffs of their rights under Article II, Section 3 to seek safety, health, and happiness because it exposes these vulnerable children to physical injury and disease; serious psychological, social, and spiritual harm and trauma; interferes with their capacity for growth and development; and threatens their personal security and family life, all in violation of Plaintiffs rights under Article II, Section 17. (Compl. ¶ 222; Ans. ¶ 222).
 - ii. Defendants have acted and continue to act affirmatively to place Plaintiffs in a position of foreseeable danger, with deliberate indifference to their safety, health, and happiness. (Compl. ¶ 223; Ans. ¶ 223).
 - iii. Defendants' ongoing actions continue to place Plaintiffs in a position of danger – violating their rights to seek safety, health, and happiness – by failing to implement readily available laws, policies, plans and laws to effectuate climate stabilization, or any other comprehensive remedial measures that would protect Plaintiffs' safety, health, and happiness. (Compl. ¶ 224; Ans. ¶ 224).
 - iv. There is no interest, compelling or otherwise, that justifies Defendants' deprivation of Plaintiffs' fundamental rights to due process and to seek safety, health, and happiness in all lawful ways. Nor is Defendants' conduct narrowly tailored to effectuate any such interest. (Compl. ¶ 225; Ans. ¶ 225).

- c. [Count III] The Climate Change Exception to MEPA has violated and continues to violate the fundamental rights of Plaintiffs to individual dignity under Article II, Section 4 of the Montana Constitution. (Compl. ¶¶ 229 - 230; Ans. ¶¶ 229 - 230).
- i. Defendants have demeaned the “worth and [] basic humanity” of Plaintiffs by infringing on their ability to freely and meaningfully practice their cultural and spiritual beliefs. (Compl. ¶ 230; Ans. ¶ 230).
 - ii. Children hold the same constitutional rights as adults yet their political powerlessness, unique physiological characteristics and vulnerabilities, and lack of autonomy and dependency on caregivers render children more vulnerable to rights violations. Children are at a critical development stage in life, as their capacities evolve and their physiological and psychological maturity develops more rapidly than at any other time in life. (Compl. ¶ 231; Ans. ¶ 231).
 - iii. These immutable characteristics of children place Plaintiffs in a separate suspect, or quasi-suspect, class in need of extraordinary protection pursuant to the principles of equal protection. (Compl. ¶ 232; Ans. ¶ 232).
 - iv. Children, as a suspect class, historically are saddled with such disabilities, subjected to purposeful unequal treatment, and relegated to such position of political powerlessness as to command extraordinary protection from majoritarian political process. (Compl. ¶ 233; Ans. ¶ 233).
 - v. Plaintiffs should be treated as a protected class for the purposes of this action, as they will disproportionately experience the catastrophic impacts of a destabilized climate. Defendants continue to materially cause and contribute

to irreversible climate change, infringing upon Plaintiffs' fundamental rights and basic principles of equality. (Compl. ¶¶ 234, 235; Ans. ¶¶ 234, 235).

- vi. The Climate Change Exception to MEPA reflects a short-term policy to favor the present generation's interests to the long-term detriment to Plaintiffs. (Compl. ¶ 236; Ans. ¶ 236).
 - vii. The Climate Change Exception to MEPA discriminates against Plaintiffs as members of the protected class of children *and* with respect to Plaintiffs' fundamental rights, and is not narrowly tailored to serve a compelling state interest. (Compl. ¶ 237; Ans. ¶ 237). Defendants similarly cannot satisfy either intermediate scrutiny or rational basis review. (Compl. ¶ 237; Ans. ¶ 237).
- d. [Count IV] The Climate Change Exception to MEPA has unconstitutionally caused, and continues to cause, the substantial impairment to, and waste of, Public Trust Resources, including the atmosphere, waters of Montana, fish and wildlife, and other Public Trust Resources. (Compl. ¶ 248; Ans. ¶ 248).
- i. The dangerous levels of GHGs that Defendants have authorized to be emitted into the atmosphere have a scientifically demonstrable effect on Plaintiffs' ability to use, access, enjoy, and navigate the State's waters and other Public Trust Resources. (Compl. ¶ 248; Ans. ¶ 248).
 - ii. Defendants, through the Climate Change Exception to MEPA, have abdicated control over and alienated substantial portions and capacities of Public Trust Resources in favor of the short-term interests of private parties, authorizing those private parties to treat our atmosphere as a dump for their carbon emissions and to profit off of developing Montana's fossil fuel resources to the

detriment of Plaintiffs and future generations of Montanans. (Compl. ¶ 249; Ans. ¶ 249).

iii. Defendants' policies, practices, and customs prejudice the Public Trust rights and interests of Plaintiffs and future generations of beneficiaries in violation of Defendants' duties of loyalty, impartiality, and prudence. (Compl. ¶ 249; Ans. ¶ 249).

iv. Defendants – by and through the Climate Change Exception to MEPA – have breached their affirmative duty to protect and improve a clean and healthful environment in Montana, which includes the protection and improvement of the atmosphere (air) and all essential natural Public Trust Resources, for present and future generations under Article IX, Section 1(1) of the Montana Constitution. (Compl. ¶ 250; Ans. ¶ 250).

A Favorable Ruling From This Court Would Help Redress and Alleviate Plaintiffs' Injuries:

132. A justiciable controversy exists as to the remaining Prayers for Relief 1-5, 11. (Compl. ¶¶ 11-13; Ans. ¶¶ 11-13).

133. Defendants have a State Energy Policy and have taken and continue to take aggregate affirmative actions to authorize, permit, and encourage fossil fuel extraction, transportation, and combustion resulting in dangerous levels of GHG emissions and contributing to climate destabilization. (Compl. ¶ 105; Ans. ¶ 105).

134. Defendants' affirmative actions have degraded and depleted Montana's environment, are causing substantial impairment to Montana's Public Trust Resources, and are causing substantial harm to Plaintiffs in violation of their constitutional rights. (Compl. ¶ 105; Ans. ¶ 105).

135. A controversy lies in Defendants' ongoing State Energy Policy, aggregate acts to perpetuate a fossil fuel energy system, and the Climate Change Exception to MEPA, which are harming Plaintiffs and infringing on their constitutional rights. (Compl. ¶ 4; Ans. ¶ 4).

136. Defendants are indifferent to Plaintiffs' injuries and continue to authorize energy from fossil fuels as opposed to renewables. (Compl. ¶ 133; Ans. ¶ 133).

137. Montana's land contains a significant quantity of fossil fuels yet to be extracted, but which Defendants can and will seek to extract pursuant to the State Energy Policy. Defendants will continue to permit, promote, authorize, and encourage fossil fuel use and production in Montana. (Compl. ¶ 139; Ans. ¶ 139).

138. A declaration of the constitutional parameters of the Governor's conduct in this time of climate crisis will assist his office in ensuring that it is not infringing on the rights of citizens, like Plaintiffs, when carrying out state laws. (Compl. ¶ 85; Ans. ¶ 85).

139. There can be prompt redress for Plaintiffs' psychological injuries with declaratory and/or injunctive relief. If the Court granted declaratory relief, it would help redress Plaintiffs' psychological injuries by making it clear that their fears were understood by the judiciary and by restoring their confidence that there is recourse for government conduct that violates their constitutional rights—it would give them hope and restore their confidence in their government. (Compl. ¶ 180; Ans. ¶ 180).

140. Injunctive relief would also provide redress for Plaintiffs' psychological injuries because Plaintiffs would then know that their government was taking meaningful action to respond to the dangers posed by the climate crisis. (Compl. ¶ 180; Ans. ¶ 180).

141. Defendants' State Energy Policy, and aggregate acts to promote fossil fuel activities, are ongoing and will continue. (Compl. ¶ 120; Ans. ¶ 120).

142. Defendants' persistence in a systemic course of conduct affirmatively authorizing, permitting, and promoting fossil fuels and dangerous GHG emissions will, *inter alia*, further deprive Plaintiffs of their constitutional rights. (Compl. ¶ 120; Ans. ¶ 120).

143. Defendants will continue similar illegal conduct in the future absent judicial intervention. (Compl. ¶ 120; Ans. ¶ 120).

- a. Defendants continue to finance, incentivize, and subsidize fossil fuel infrastructure and energy and transportation systems that are endangering Plaintiffs, while refusing to harness Montana's potential for wind energy. (Compl. ¶ 118(s); Ans. ¶ 118).
- b. Defendants continue to aggressively pursue expansion of the fossil fuel industry in Montana, particularly the expansion of coal and mining development, as well as oil and gas development. (Compl. ¶ 118(t); Ans. ¶ 118).
- c. Defendants continue to "safeguard existing economic and energy assets" by authorizing Montana fossil fuel extraction, production, consumption, transportation, and exportation. (Compl. ¶ 118(w); Ans. ¶ 118).

144. Any reduction in Montana's GHG emissions that results from a declaration that Montana's fossil fuel-based energy system is unconstitutional, and violative of the Public Trust Doctrine, would help redress Plaintiffs' injuries because the amount of additional GHG emissions emitted into the climate system in the near-term will dictate the severity of the heating, the severity of Plaintiffs' injuries, and whether Plaintiffs and future generations can survive. (Compl. ¶ 209; Ans. ¶ 209).

- a. The theory of "perfect substitution" or "leakage" under which it is assumed that limiting production of fossil fuels in one place will never limit consumption or affect emissions because another source somewhere else will always step in to substitute for

the missing production, has been shown to be false and contrary to basic supply and demand economic principles. (Compl. ¶ 209; Ans. ¶ 209).

145. Plaintiffs have no adequate and speedy remedy to obtain full legal redress other than to seek declaratory and injunctive relief in this Court. Plaintiffs lack non-equitable remedies to restrain Defendants from acting in a manner that violates Plaintiffs' constitutional rights under Article II, Sections 3, 15, and 17, and Article IX, Section 1, of the Montana Constitution. (Compl. ¶¶ 218, 226; Ans. ¶¶ 218, 226).

146. Plaintiffs suffer and will continue to suffer injury due to Defendants' implementation and enforcement of the State Energy Policy, aggregate acts to promote fossil fuel activities, the Climate Change Exception to MEPA, and violation of the Public Trust Doctrine, until Defendants are restrained. (Compl. ¶ 238; Ans. ¶ 238).

DEFENDANTS' CONTENTIONS

Defendants' contentions are as follows:

1. Plaintiffs lack constitutional standing.
2. Plaintiffs lack prudential standing.
3. Plaintiffs' claims present nonjusticiable questions.
4. Plaintiffs' claims amount to requests for impermissible advisory opinions.
5. A decision from this Court holding that the emission of greenhouse gases is a violation of the Montana Constitution would lead to absurd results.
6. Plaintiffs have failed to join all necessary parties to this lawsuit.
7. Plaintiffs' claims premised on their challenge to Section 90-4-1001, MCA fail on the merits.

8. Plaintiffs' claims premised on their challenge to Section 75-1-201(2) fail on the merits.

9. To the extent Plaintiffs challenge any specific action taken by Defendants, Plaintiffs have failed to exhaust the administrative remedies necessary to sustain any such claim.

10. Plaintiffs' claims premised on their challenge to Section 90-4-1001, MCA have been rendered moot by the recent repeal of that statute.

EXHIBITS

Plaintiffs' Exhibits:

Plaintiffs' exhibit list is set forth in **Attachment 1**.

Defendants' Exhibits:

Defendants' exhibit list is set forth in **Attachment 2**.

These exhibit lists identify by number and brief description each exhibit. By exchanging exhibit lists for purposes of this Pre-Trial Order, the Parties do not waive any objections which may exist to the adverse party's exhibits and preserve all objections at this time. The Parties have met and conferred and have agreed on a process to amend each exhibit list to state any objections to the exhibits, as set forth below. With respect to authenticity and foundation of exhibits, the Plaintiffs propose the following schedule:

1. Anticipated objections to authenticity and foundation will be identified by **May 5, 2023**.
2. Final objections will be identified by **May 12, 2023**.
3. Any authenticity or foundation objections that cannot be resolved by the Parties will be presented to the Court for pre-trial resolution on or before **May 26, 2023**.

4. The Parties may call any necessary witnesses at trial, including through depositions, to establish disputed authenticity or foundation.

WITNESSES

The following witnesses and no others may be called to testify except on rebuttal.

Plaintiffs' Witnesses:

1. Richard Barrett
2. Bob Brown
3. Badge B.
4. Lander Busse
5. Lori Byron*
6. Robert Byron*
7. Shane Doyle
8. Michael Durglo
9. Mae Nan Ellingson
10. Pete Erickson
11. Daniel Fagre
12. Georgianna Fischer
13. Mark Haggerty
14. Anne Hedges
15. Rikki Held
16. Taleah Hernández
17. Mark Jacobson
18. Mica K.

19. Eva L.
20. Steven Running
21. Sariel S Sandoval
22. Kathryn Grace Snyder
23. Jack Stanford
24. Kian Tanner
25. Kevin Trenberth
26. Olivia Vesovich
27. Lise Van Susteren
28. Claire Vlases
29. Cathy Whitlock*
30. Office of the Governor designee/representative
31. Montana Department of Environmental Quality designee/representative
32. Montana Department of Natural Resources and Conservation
designee/representative
33. Montana Department of Transportation designee/representative
34. Montana Public Service Commission designee/representative
35. Chris Dorrington
36. Dave Klemp
37. Sonja Nowakowski
38. Will Rosquist
39. Shawn Thomas
40. Records custodians (as needed)

41. Document foundation witness testimony (as needed)

42. Rebuttal witnesses (as needed)

* Due to pre-paid international travel plans, Lori Byron, Robert Byron, and Cathy Whitlock will not be available to appear in court after June 14, 2023.

Further, Plaintiffs object to Defendants' reference to "All witnesses identified in discovery," as Defendants had, on November 22, 2022, represented that they were not calling at trial all witnesses identified in discovery. Defendants' supplemental expert witness disclosure of November 22, 2022 explicitly withdrew 9 hybrid witnesses, and Defendants' amended lay witness list of November 22, 2022 explicitly withdrew the rest of Defendants' lay witnesses. On November 22, 2022, counsel for Defendants sent a confirmation email stating: "The state agencies are withdrawing all lay and hybrid witnesses except those listed in these documents [i.e., the supplemental expert witness disclosure and amended lay witness list of November 22, 2022]."

Defendants' Witnesses:

1. Will Rosquist
2. Shawn Thomas
3. Chris Dorrington
4. Sonja Nowakowski
5. Dave Klemp
6. Dr. Judith Curry
7. Dr. Terry Anderson
8. All witnesses identified in discovery
9. Any witness named by Plaintiffs
10. Any witness needed for foundation, authentication, rebuttal, or impeachment

Defendant's Rebuttal Witnesses:

1. Dr. Debra Sheppard
2. Defendant may call any of its witnesses listed above, or any persons identified by Plaintiffs as a witness or rebuttal witness, to rebut various claims or defenses made by Plaintiffs during trial.

ISSUES OF FACT

The following issues of fact, and no others, remain to be litigated upon the trial:

Plaintiffs' Issues of Fact:

1. Whether Defendants have created and implemented a long-standing fossil fuel-based energy system. (Compl. ¶ 3; Ans. ¶ 3).
2. Whether the long-standing fossil fuel-based energy system created and implemented by Defendants contributes to dangerous climate change. (Compl. ¶ 3; Ans. ¶ 3).
3. Whether Defendants have exercised their governmental authority in a manner as to create a state energy system that causes harm to Montana's children and youth, including Plaintiffs. (Compl. ¶ 10; Ans. ¶ 10).
4. Climate Science: Whether there is an overwhelming scientific consensus that the planet is warming as a direct result of human GHG emissions, and primarily from the burning of fossil fuels. (Compl. ¶¶ 143, 144; Ans. ¶¶ 143, 144).
5. Whether atmospheric CO₂ is the primary forcer of climate change. (Compl. ¶¶ 143, 144; Ans. ¶¶ 143, 144).
6. Whether dangerous climate change is upon us and occurring as a result of human activities. (Compl. ¶ 7; Ans. ¶ 7).

7. Whether climate change is primarily occurring as a result of human activities extracting and burning fossil fuels. (Compl. ¶ 7; Ans. ¶ 7).
8. Whether the excess CO₂ and other GHGs in Earth's atmosphere create an "energy imbalance" that drives warming temperatures and climate disruption. (Compl. ¶ 106; Ans. ¶ 106).
9. Whether a substantial portion of every ton of CO₂ emitted by human activity persists in the atmosphere for as long as a millennium or more. (Compl. ¶ 106; Ans. ¶ 106).
10. Whether, as a result of CO₂'s long persistence in the atmosphere, CO₂ steadily accumulates in Earth's atmosphere. (Compl. ¶ 106; Ans. ¶ 106).
11. Whether current global annual average CO₂ concentrations are well over 410 ppm. (Compl. ¶ 144; Ans. ¶ 144).
12. Whether pre-industrial global average CO₂ concentrations were approximately 280 ppm. (Compl. ¶ 144; Ans. ¶ 144).
13. Whether current atmospheric CO₂ concentrations are higher than levels seen in millions of years. (Compl. ¶ 144; Ans. ¶ 144).
14. Whether the rate of atmospheric CO₂ increase from pre-industrial concentrations to present concentrations is 100-times faster than natural cycles. (Compl. ¶ 146; Ans. ¶ 146).
15. Whether scientists have understood the basic mechanism of global heating as a result of a buildup of atmospheric CO₂ since the late 1800s. (Compl. ¶ 148; Ans. ¶ 148).
16. Whether GHGs such as CO₂ trap incoming heat from the Sun. (Compl. ¶ 148; Ans. ¶ 148).
17. Whether the more GHGs in Earth's atmosphere means that more heat is retained on Earth than is radiated back out into space, thereby disrupting the Earth's energy balance. (Compl. ¶ 148; Ans. ¶ 148).

18. Whether the Earth will continue to warm in response to current atmospheric GHG concentrations caused by past emissions, as well as future emissions. (Compl. ¶ 149; Ans. ¶ 149).

19. Whether the climate impacts associated with the CO₂ emissions from today will be mostly borne by Plaintiffs, other youth, and future generations. (Compl. ¶ 149; Ans. ¶ 149).

20. Whether it is the cumulative effect of GHG emissions that cause climate change / climate disruption. (Compl. ¶ 106; Ans. ¶ 106).

21. Whether the Earth will continue to warm as more emissions of today and tomorrow continue to increase atmospheric concentrations of GHGs. (Compl. ¶ 106; Ans. ¶ 106).

22. Whether the harm from present day GHG emissions will be disproportionately borne by today's children and future generations, including Plaintiffs. (Compl. ¶ 107; Ans. ¶ 107).

23. Whether planetary warming will continue unless current fossil fuel-based GHG emissions are substantially curtailed and global atmospheric GHG concentrations reduced to accord with science-based targets. (Compl. ¶ 150; Ans. ¶ 150).

24. Whether continued planetary warming will trigger potentially cascading and compounding climactic tipping points and feedback loops. (Compl. ¶ 150; Ans. ¶ 150).

25. Whether continued planetary warming and the triggering of potentially cascading and compounding climactic tipping points and feedback loops will impose mounting risks of ecological, economic, and societal collapse. (Compl. ¶ 150; Ans. ¶ 150).

26. Whether the best available science today prescribes that global atmospheric CO₂ concentrations must be restored to no more than 350 ppm by 2100 (with further reductions thereafter) in order to stabilize Earth's energy balance and restore the climate system upon which human life depends. (Compl. ¶ 201; Ans. ¶ 201).

27. Whether the steps required to reduce atmospheric CO₂ concentrations to no more than 350 ppm by 2100 are to reduce CO₂ emissions and sequester excess CO₂ already in the atmosphere. (Compl. ¶ 203; Ans. ¶ 203).

28. Whether, for every year of additional delay in reducing anthropogenic GHG emissions, it becomes that much more difficult for humanity to reach 350 ppm CO₂ by 2100. (Compl. ¶ 204; Ans. ¶ 204).

29. Whether there are multiple feasible pathways to reduce Montana's emissions in line with what is required to protect Plaintiffs' constitutional rights. (Compl. ¶ 205; Ans. ¶ 205).

30. Whether, if Montana acts to reduce GHG emissions and enhance natural CO₂ sequestration, such action will at minimum reduce the risks of harm to Plaintiffs by slowing ongoing planetary warming. (Compl. ¶ 205; Ans. ¶ 205).

31. Whether action to reduce emissions today keeps the achievement of long-term climactic safety a realistic possibility. (Compl. ¶ 205; Ans. ¶ 205).

32. Whether any reduction in Montana's GHG emissions that results from a declaration that Montana's fossil fuel-based energy system is unconstitutional and an order directing Defendants to bring the energy system into constitutional compliance would help redress Plaintiffs' injuries. (Compl. ¶ 209; Ans. ¶ 209).

33. Whether the amount of additional GHG emissions emitted into the climate system in the near-term will dictate the severity of the heating, the severity of Plaintiffs' injuries, and whether Plaintiffs and future generations can survive. (Compl. ¶ 209; Ans. ¶ 209).

34. Climate Change Disproportionately Harms Children, Young People, and Future Generations: Whether children are uniquely vulnerable to the consequences of the climate crisis. (Compl. ¶ 2; Ans. ¶ 2).

35. Whether, because of their unique vulnerabilities and age, Plaintiffs are disproportionately harmed by the climate crisis and face life-long hardships. (Compl. ¶ 2; Ans. ¶ 2).

36. Whether the climate crisis harms Plaintiffs' physical and psychological health and safety, interferes with family and cultural foundations and integrity, and causes economic deprivations. (Compl. ¶ 2; Ans. ¶ 2).

37. Whether children's political powerlessness, unique physiological characteristics and vulnerabilities, and lack of autonomy and dependency on caregivers render children and youth more vulnerable to rights violations. (Compl. ¶ 231; Ans. ¶ 231).

38. Whether all children, even those without pre-existing conditions or illness, are a "sensitive population" with respect to the effects of the climate crisis because their bodies are still developing. (Compl. ¶ 177; Ans. ¶ 177).

39. Whether the physical and psychological harms from climate change are acute and chronic. (Compl. ¶ 178; Ans. 178).

40. Whether the physical and psychological harms from climate change accrue from impacts such as heat waves, drought conditions, wildfires, air pollution, violent storms, the loss of wildlife, watching glaciers melt, and the loss of familial and cultural foundations and traditions. (Compl. ¶ 178; Ans. 178).

41. Whether the psychological health effects children and young people can experience as a result of the witnessing and experiencing the climate crisis disrupt and transform places they love and cherish include elevated levels of anxiety, depression, post-traumatic stress disorder, increased incidences of suicide, substance abuse, social disruptions like increased violence, and a distressing sense of loss. (Compl. ¶ 179; Ans. ¶ 179).

42. Whether the psychological harms caused by the climate crisis can result in a lifetime of hardships for children. (Compl. ¶ 179; Ans. ¶ 179).

43. Whether the physiological features of children make them disproportionately vulnerable to the impacts of the climate crisis and air pollution. (Compl. ¶ 181; Ans. ¶ 181).

44. Whether the fact that children's organs (such as lungs and brain) are still developing renders youth more vulnerable to environmental stresses, pollution, and injuries. (Compl. ¶ 181; Ans. ¶ 181).

45. Whether children breathe in more air per unit time than adults and consume more food and water proportional to their body weight, making children more susceptible to polluted or contaminated air, water, or food. (Compl. ¶ 181; Ans. ¶ 181).

46. Whether typical child behavior – which involves spending more time recreating outdoors and having a harder time self-regulating – also renders children more susceptible to excess heat, poor air quality, and other climate change impacts. (Compl. ¶ 181; Ans. ¶ 181).

47. Whether childhood exposure to climate disruptions and air pollution can result in impaired physical and cognitive development with life-long consequences. (Compl. ¶ 181; Ans. ¶ 181).

48. Whether children are particularly vulnerable to climate change-related diseases. (Compl. ¶ 182; Ans. ¶ 182).

49. Whether children comprise the majority of current sufferers of disease due to climate disruption. (Compl. ¶ 182; Ans. ¶ 182).

50. Whether climate disruption exacerbates allergy symptoms, including asthma, in children. (Compl. ¶ 182; Ans. ¶ 182).

51. Whether an increase in allergy and asthma symptoms affect children's physical and psychological health by interfering with sleep, play, school attendance, and performance. (Compl. ¶ 182; Ans. ¶ 182).

52. Whether the adverse impacts of the climate crisis and air pollution on the physical and mental health of children can result in life-long challenges and consequences. (Compl. ¶ 183; Ans. ¶ 183).

53. Whether the climate crisis is limiting children's potential for development and inhibiting their opportunity to engage in Montana's most important institutions and heritage. (Compl. ¶ 183; Ans. ¶ 183).

54. Whether young people face barriers to family formation as a result of the climate crisis. (Compl. ¶ 184; Ans. ¶ 184).

55. Whether children, including Plaintiffs Rikki and Kian, face economic deprivations as a result of climate change impacts, including barriers to keeping family wealth and property intact and decreased future economic opportunities. (Compl. ¶ 184; Ans. ¶ 184).

56. Whether children, including Plaintiffs Eva, Lander, and Badge, are experiencing forced re- location and the loss of ties to the land as a result of climate change impacts. (Compl. ¶ 184; Ans. ¶ 184).

57. Climate Change is Already Adversely Affecting Montana's Natural Environment: Whether the climate crisis is degrading and depleting Montana's unique and precious environment and natural resources, which Plaintiffs depend on for their safety, survival, and well-being. (Compl. ¶ 2; Ans. ¶ 1-2).

58. Whether air pollution poses severe health risks for Montana's youth and impedes their physical development. (Compl. ¶ 177; Ans. ¶ 177).

59. Whether Montana's persistent drought conditions and record wildfire seasons have doubled respiratory-related emergency room visits. (Compl. ¶ 177; Ans. ¶ 177).

60. Whether climate change is already causing a host of adverse consequences in Montana, including dangerously increasing temperatures, changing precipitation patterns, increasing droughts, extreme weather events, increasing severity and intensity of wildfires, increased glacial melt, and adverse health impacts – especially to children. (Compl. ¶ 7; Ans. ¶ 7).

61. Whether the last decade, 2010-2019, was the warmest on record. (Compl. ¶ 151; Ans. ¶ 151).

62. Whether the increased concentrations of GHGs in our atmosphere have raised average global surface temperature by more than 1° C (over 2.0° F) from 1880 to 2019. (Compl. ¶ 151; Ans. ¶ 151).

63. Whether Montana has already warmed significantly more than the global average – experiencing between 2 and 3 ° F of warming between 1950 and 2015. (Compl. ¶ 152; Ans. ¶ 152).

64. Whether models predict that, by mid-century, the annual average daily maximum temperature in Montana will increase by approximately 4.5 to 6°F. (Compl. ¶ 152; Ans. ¶ 152).

65. Whether, by mid-century, extreme heat days in Montana are expected to increase by 5 to 35 additional days, while frost-free days are projected to increase by 24 to 44 days. (Compl. ¶ 152; Ans. ¶ 152).

66. Whether rising temperatures resulting in warmer springs and the delay of fall frost will have a significant impact on Montana's rangeland cattle and grain production. (Compl. ¶ 154; Ans. ¶ 154).

67. Whether future, additional, climate changes will become increasingly disruptive to Montana's agricultural sectors. (Compl. ¶ 155; Ans. ¶ 155).

68. Whether the longer growing seasons also allows trees, grasses, and other plants to produce pollen for a longer period, resulting in aggravated and prolonged allergies for millions of Americans, including Plaintiffs Lander and Olivia. (Compl. ¶ 156; Ans. ¶ 156).

69. Whether, due to the warming climate, the water cycle in the atmosphere is disrupted and less precipitation falls as snow, and more snow melts during winter. (Compl. ¶ 157; Ans. ¶ 157).

70. Whether Montana's snowpack has been decreasing and is likely to continue decreasing with warmer temperatures. (Compl. ¶ 157; Ans. ¶ 157).

71. Whether Montana's declining snowpack will negatively impact Montana's winter tourism industry and the winter sports activities enjoyed by several Plaintiffs, including Georgi and Claire. (Compl. ¶ 158; Ans. ¶ 158).

72. Whether, as a result of climate change, demand for groundwater in Montana will likely grow with temperature increases and changes in availability of surface water sources. (Compl. ¶ 158; Ans. ¶ 158).

73. Whether climate change is dramatically altering Glacier National Park, one of Montana's world-renowned landmarks. (Compl. ¶¶ 159, 160; Ans. ¶¶ 159, 160).

74. Whether, of the approximately 150 glaciers present in the park in 1850, only 26 glaciers larger than 25 acres remained in 2015. (Compl. ¶ 159; Ans. ¶ 159).

75. Whether the loss of Glacier National Park's glaciers will affect the water source of countless communities, stream and river hydrology, local economies, and the recreational

opportunities of a number of Plaintiffs, including Kian, Eva, Mica, and Claire. (Compl. ¶¶ 159, 160; Ans. ¶¶ 159, 160).

76. Whether glaciers “act as a ‘bank’ of water (stored as ice) whose continual melt helps regulate stream temperatures and maintains streamflow during late summer and drought periods when other sources are depleted.” (Compl. ¶ 160; Ans. ¶ 160).

77. Whether, without glacial melt, stream temperatures will likely increase, which may have detrimental effects for temperature sensitive aquatic insects, thereby disrupting the aquatic food chain. (Compl. ¶ 160; Ans. ¶ 160).

78. Whether warming stream temperatures have led to a reduction in native fish growth, and an increase in nonnative fish growth. (Compl. ¶ 160; Ans. ¶ 160).

79. Whether climate change is already affecting the water levels and temperatures of Montana’s rivers and lakes. (Compl. ¶ 161; Ans. ¶ 161).

80. Whether boating and fishing on certain rivers in Montana has been adversely affected as a result of low river flows or high water temperatures. (Compl. ¶¶ 160 - 162; Ans. ¶¶ 160 - 162).

81. Whether the water level and temperature changes occurring in Montana’s rivers, streams, and lakes have impacted a number of Plaintiffs’ abilities to fish and access the state’s rivers for sport or recreation. (Compl. ¶¶ 160 - 162; Ans. ¶¶ 160 - 162).

82. Whether Plaintiffs Mica, Kian, Lander, and Badge have all had their ability to fish limited, or completely foreclosed in some instances, due to fishery closure as a result of conditions in Montana’s rivers. (Compl. ¶ 162; Ans. ¶ 162).

83. Whether Plaintiffs Eva, Georgi, Lander, and Badge have had their access to rivers limited for other recreational activities. (Compl. ¶ 162; Ans. ¶ 162).

84. Whether ongoing and anticipated impacts of climate disruption on Yellowstone National Park include more extreme hot and cold days, change to the composition of flora and fauna in the park, and increasing fire frequency. (Compl. ¶ 163; Ans. ¶ 163).

85. Whether the ongoing and anticipated impacts of climate disruption on Yellowstone National Park threatens the continued viability of this national treasure and the ability of Plaintiffs, including Eva, to continue to access the park for recreational activities. (Compl. ¶ 163; Ans. ¶ 163).

86. Whether, as Montana's temperatures increase, the ski season will shorten, and skiers will likely have to travel further for snow. (Compl. ¶ 164; Ans. ¶ 164).

87. Whether climate disruption is harming Montana's wildlife. (Compl. ¶ 165; Ans. ¶ 165).

88. Whether climate change is harming and will continue to harm Montana's wildlife, fisheries, hunting and angling economy, and recreation and tourism industry. (Compl. ¶¶ 165 - 168; Ans. ¶¶ 165 - 168).

89. Whether the ability of Plaintiffs to inherit hunting and wildlife knowledge from their parents, and to pass that knowledge on to their children is threatened to be lost forever due to climate disruption. (Compl. ¶ 165; Ans. ¶ 165).

90. Whether the climate crisis is having an impact on Montana's hunting heritage. (Compl. ¶ 166; Ans. ¶ 166).

91. Whether Montana's wildlife is adversely impacted by climate impacts such as rising temperatures, drought, increased wildfire activity, loss of forest and grassland habitat, declining snowpack and other climate impacts. (Compl. ¶ 166; Ans. ¶ 166).

92. Whether climate disruption is decreasing the productivity and range of big game and bird hunting, has led to the closure of public lands previously available for hunting, and leads to an overall deterioration in the quality of the hunting experience, including for Plaintiffs Lander and Badge. (Compl. ¶ 166; Ans. ¶ 166).

93. Whether climate change impacts in Montana are having an effect on the health of Montana's fisheries and angling and sportfishing industries. (Compl. ¶ 167; Ans. ¶ 167).

94. Whether climate change affects Youth Plaintiffs' ability to use and enjoy Montana's Public Trust Resources. (Compl. ¶ 168; Ans. ¶ 168).

95. Whether rising temperatures, drought conditions, and increasing insect infestations have harmed Montana's forests. (Compl. ¶¶ 169 – 172; Ans. ¶¶ 169 - 172).

96. Whether rising temperatures due to climate disruption in Montana are disturbing the life cycle of the bark beetle, which kills trees. (Compl. ¶ 170; Ans. ¶ 170).

97. Whether changes to the bark beetle's life cycle as a result of rising temperatures have negatively impacted forests in Montana. (Compl. ¶ 170; Ans. ¶ 170).

98. Whether Plaintiffs, including Kian, Lander, and Badge, have been directly impacted by pine beetles, which have killed trees on their property and in places they recreate. (Compl. ¶ 170; Ans. ¶ 170).

99. Whether the whitebark pine is dying out across much of Montana, with the most serious declines in and near Glacier National Park and the Blackfeet Indian Reservation and Yellowstone National Park as a result of climate change impacts. (Compl. ¶ 171; Ans. ¶ 171).

100. Whether Montana's trees and forests act as a "carbon sink," pulling carbon out of the atmosphere. (Compl. ¶ 172; Ans. ¶ 172).

101. Whether higher temperatures in Montana are leading to increased severity, frequency, and extent of wildfires. (Compl. ¶ 173; Ans. ¶ 173).

102. Whether wildfires in Montana are expected to get significantly worse in the coming years without immediate steps to limit global climate change. (Compl. ¶ 173; Ans. ¶ 173).

103. Whether the increase in wildfire risk in Montana is expected due to prolonged fire seasons from warmer temperatures and increased fuel load. (Compl. ¶ 173; Ans. ¶ 173).

104. Whether numerous Plaintiffs have been directly impacted by the increase in wildfires in Montana. (Compl. ¶ 174; Ans. ¶ 174).

105. Whether fossil fuel extraction and combustion and the resulting climate crisis harms public health and welfare and is already contributing to an increase in asthma, cancer, cardiovascular disease, stroke, heat-related morbidity and mortality, food-borne diseases, and neurological diseases and disorders. (Compl. ¶ 175; Ans. ¶ 175).

106. Whether climate disruption also increases occurrence of infectious diseases, including those spread by mosquitos, ticks, and other pests. (Compl. ¶ 175; Ans. ¶ 175).

107. Whether the economic impacts of climate disruption will lead to increasing inequality. (Compl. ¶ 176; Ans. ¶ 176).

108. Whether, unless the climate crisis is addressed, the smoke conditions in Montana will get significantly worse. (Compl. ¶ 177; Ans. ¶ 177).

109. Whether much of western Montana faces the highest risk factor for increased wildfire and smoke conditions in the future as a result of unchecked climate change. (Compl. ¶ 177; Ans. ¶ 177). Climate Change is Already Harming Plaintiffs: Whether Plaintiffs have been and will continue to be harmed by the dangerous impacts of fossil fuels and the climate crisis. (Compl. ¶ 2; Ans. ¶ 1-2).

110. Whether Plaintiffs are disproportionately harmed by the climate crisis and face life-long hardships because of their unique vulnerabilities and age. (Compl. ¶ 2; Ans. ¶ 1-2).

111. Whether Plaintiffs are adversely affected physically and psychologically by Defendants' conduct in perpetuating a fossil fuel-based energy system. (Compl. ¶ 81; Ans. ¶ 81).

112. Whether Defendants' conduct in perpetuating a fossil fuel-based energy system disproportionately impacts children. (Compl. ¶ 81; Ans. ¶ 81).

113. Whether Plaintiffs will disproportionately experience the catastrophic impacts of a destabilized climate. (Compl. ¶¶ 234, 235; Ans. ¶¶ 234, 235). Defendants are Responsible for Dangerous Levels of GHG Emissions that Cause and Contribute to the Climate Crisis and Harm Plaintiffs: Whether Defendants have developed and implemented a State Energy Policy in Montana for decades that involves systemic authorization, permitting, encouragement, and facilitation of activities promoting fossil fuels. (Compl. ¶ 108; Ans. ¶ 108).

114. Whether Defendants' State Energy Policy results in dangerous levels of GHG emissions. (Compl. ¶ 108; Ans. ¶ 108).

115. Whether Defendants have developed and implemented a State Energy Policy in Montana for decades without regard to climate change impacts of their actions. (Compl. ¶ 108; Ans. ¶ 108).

116. Whether Defendants have developed and implemented a State Energy Policy in Montana for decades without regard to the fundamental rights of Plaintiffs and future generations of Montanans. (Compl. ¶ 108; Ans. ¶ 108).

117. Whether Defendants have taken affirmative aggregate actions to authorize, permit, and encourage fossil fuel extraction, transportation, and combustion. (Compl. ¶ 105; Ans. ¶ 105).

118. Whether Defendants' affirmative aggregate actions to authorize, permit, and encourage fossil fuel extraction, transportation, and combustion have resulted in dangerous levels of GHG emissions. (Compl. ¶ 105; Ans. ¶ 105).

119. Whether Defendants' affirmative aggregate actions to authorize, permit, and encourage fossil fuel extraction, transportation, and combustion contributes to climate destabilization. (Compl. ¶ 105; Ans. ¶ 105).

120. Whether, in taking these affirmative aggregate actions to authorize, permit, and encourage fossil fuel extraction, transportation, and combustion, Defendants have refused to consider or disclose climate change impacts in their environmental reviews pursuant to the MEPA Climate Change Exception, Mont. Code Ann. § 75-1-201(2)(a). (Compl. ¶ 111; Ans. ¶ 111).

121. Whether Defendants have interpreted and understand MEPA's Climate Change Exception, codified at Mont. Code Ann. § 75-1-201(2)(a), to prohibit state agencies from considering the impacts of climate change in their environmental reviews under MEPA. (Compl. ¶ 111; Ans. ¶ 111).

122. Whether Defendants have used their governmental authority to create a fossil fuel-based state energy system that causes unparalleled harms to Montana's children and youth. (Compl. ¶ 10; Ans. ¶ 10).

123. Whether Defendants have taken and continue to take affirmative actions to authorize, implement, and promote projects, activities, and plans that cause emissions of dangerous levels of GHG pollution into the atmosphere. (Compl. ¶ 118; Ans. ¶ 118).

- a. Whether, collectively, Defendants authorize and certify energy projects and facilities within the State of Montana that emit substantial levels of GHG pollution,

including, but not limited to, projects that burn and promote the use of fossil fuels. (Compl. ¶ 118(a); Ans. ¶ 118).

- b. Whether Defendants engage in a systemic pattern and practice of issuing permits, licenses, and leases that result in GHG emissions without considering how the additional GHG emissions will contribute to the climate crisis. (Compl. ¶ 118(e); Ans. ¶ 118).
- c. Whether Defendants authorize four private coal power plants to operate in the state, which generate 30% of Montana's energy production. (Compl. ¶ 118(f); Ans. ¶ 118).
- d. Whether Defendants continue to permit surface coal mining and reclamation in Montana, which results in substantial GHG emissions. (Compl. ¶ 118(g); Ans. ¶ 118).
- e. Whether Defendants authorize, through licenses and leases, the exploration for and extraction of oil and gas in Montana. (Compl. ¶ 118(n); Ans. ¶ 118).
- f. Whether Defendants have adopted and enforced GHG emissions standards for petroleum refineries that authorize dangerous levels of GHG emissions. (Compl. ¶ 118(o); Ans. ¶ 118).
 - i. Whether Defendants do not consider secondary emissions in determining potential to emit. (Compl. ¶ 118(o); Ans. ¶ 118).
- g. Whether Defendants continue to certify and authorize four petroleum refineries in the State of Montana. (Compl. ¶ 118(p); Ans. ¶ 118).
- h. Whether Defendants have explicitly adopted and endorsed fuel and fuel tax requirements for vehicles, commercial carriers, and aviation that lock in dangerous

levels of GHG emissions from the transportation sector. (Compl. ¶ 118(q); Ans. ¶ 118).

- i. Whether Defendants have exempted certain facilities that burn fossil fuels from present and future compliance with GHG emission standards. (Compl. ¶ 118(r); Ans. ¶ 118).
- j. Whether Defendants continue to finance, incentivize, and subsidize fossil fuel infrastructure and energy and transportation systems that are endangering Plaintiffs, while refusing to harness Montana’s potential for wind energy. (Compl. ¶ 118(s); Ans. ¶ 118).
- k. Whether Defendants continue to aggressively pursue expansion of the fossil fuel industry in Montana, particularly the expansion of coal and mining development, as well as oil and gas development. (Compl. ¶ 118(t); Ans. ¶ 118).
- l. Whether Defendants continue to “safeguard existing economic and energy assets” by authorizing Montana fossil fuel extraction, production, consumption, transportation, and exportation. (Compl. ¶ 118(w); Ans. ¶ 118).

124. Whether Defendant DEQ has used its statutory authority in a manner that has resulted in dangerous levels of GHG emissions. (Compl. ¶ 87; Ans. ¶ 87).

- a. Whether DEQ’s actions contributed to dangerous levels of GHG emissions. (Compl. ¶ 88; Ans. ¶ 88).
- b. Whether DEQ issues air quality permits to facilities that emit GHG emissions. (Compl. ¶ 90; Ans. ¶ 90).
- c. Whether the strip and underground coal mining operations permitted by DEQ are causing dangerous amounts of GHG emissions. (Compl. ¶ 92; Ans. ¶ 92).

- d. Whether DEQ actively works with coal mining companies in Montana to implement the State Energy Policy. (Compl. ¶ 92; Ans. ¶ 92).
- e. Whether, in approving surface and underground coal mining activities, DEQ has repeatedly refused to disclose the significant harms to human health and the environment from its decisions. (Compl. ¶ 92; Ans. ¶ 92).
- f. Whether DEQ has authorized, permitted, and encouraged fossil fuel extraction, transportation, and combustion, which generate dangerous levels of GHG emissions, contribute to the climate crisis, and harm Plaintiffs. (Compl. ¶ 93; Ans. ¶ 93).

125. Whether Defendant DNRC has authorized, permitted, licensed, and encouraged fossil fuel exploitation, extraction, and production, and forestry practices and activities that have caused and contributed to dangerous concentrations of atmospheric GHGs and the climate crisis and harmed Plaintiffs. (Compl. ¶ 100; Ans. ¶ 100).

- a. Whether DNRC has exercised its authority to grant easements for the operational right-of-way for interstate pipelines, with the approval of the Land Board. (Compl. ¶ 96; Ans. ¶ 96).
- b. Whether DNRC issues land use licenses for the construction right-of-way and other activities on state lands and waterways for the construction and operation of interstate pipelines, which are used to transport fossil fuels. (Compl. ¶ 96; Ans. ¶ 96).
- c. Whether DNRC, in exercising its authority to issue licenses, leases, and operational right-of-way easements for fossil fuel projects, has repeatedly failed to disclose the

significant harms to human health and the environment from its decisions. (Compl. ¶ 96; Ans. ¶ 96).

- d. Whether DNRC, through the Montana Board of Oil and Gas Conservation, administers all oil and gas conservation laws and issues licenses for exploration and leases for production and extraction of oil and gas in Montana, and permits for drilling in Montana. (Compl. ¶ 99; Ans. ¶ 99).

126. Whether Defendant PSC is responsible for reviewing standard-offer contracts and utility rates, as well as prescribing suitable commercial units of product or service for each kind of public utility. (Compl. ¶ 102; Ans. ¶ 102).

- a. Whether PSC continues to certify energy projects and utilities that rely on fossil fuels. (Compl. ¶ 103; Ans. ¶ 103).
- b. Whether PSC has exercised its authority over pipelines in a manner that perpetuates the use of fossil fuels by locking infrastructure that will result in GHG emissions for decades. (Compl. ¶ 104; Ans. ¶ 104).
- c. Whether PSC exercises its authority to obstruct solar projects. (Compl. ¶ 118(c); Ans. ¶ 118).
- d. Whether PSC affirmatively acts to promote public utilities reliant on fossil fuels and against the public safety in the face of dangerous climate change. (Compl. ¶ 118(d); Ans. ¶ 118).

127. Whether the aggregate actions taken consistent with Defendants' State Energy Policy, is responsible for dangerous amounts of cumulative and ongoing GHG emissions from Montana. (Compl. ¶ 121; Ans. ¶ 121).

128. Whether the cumulative and ongoing emissions that have resulted from Defendants' State Energy Policy, and the aggregate actions to promote fossil fuel activities, causes and contributes to Plaintiffs' injuries. (Compl. ¶ 121; Ans. ¶ 121).

- a. Whether Montana's 2019 CO₂ emissions have increased by 59% from 1980 levels, and increased by 15% compared to 1990 levels. (Compl. ¶ 123; Ans. ¶ 123).
- b. Whether, in 2019, Montana's electrical power sector was the leading source of Montana's CO₂ emissions. (Compl. ¶ 127; Ans. ¶ 127).
- c. Whether coal-fired power plants, whose operation Defendants authorize, provide the largest share of Montana's electricity generation. (Compl. ¶ 130; Ans. ¶ 130).
- d. Whether all power plants in Montana are authorized by Defendants. (Compl. ¶ 131; Ans. ¶ 131).
- e. Whether Montana has six coal mines, which Defendants authorize to operate. (Compl. ¶ 134; Ans. ¶ 134).
- f. Whether Montana has the nation's largest estimated recoverable coal reserves – which account for nearly one-third of recoverable coal reserves in the U.S. (Compl. ¶ 134; Ans. ¶ 134).
- g. Whether Montana is a substantial supplier of coal for the rest of the country. (Compl. ¶ 134; Ans. ¶ 134).
- h. Whether, between 1960 and 2020, over 1.729 billion short tons of coal were mined in Montana, with authorization from defendants, releasing approximately 3 billion metric tons of CO₂ emissions into the atmosphere once combusted. (Compl. ¶ 134; Ans. ¶ 134).

- i. Whether, in 2019, over 34 million short tons of coal were mined in Montana, with authorization from Defendants. (Compl. ¶ 134; Ans. ¶ 134).
 - i. Whether, once combusted, that 34 million short tons of coal released approximately 58.6 mmt of CO₂ emissions into the atmosphere. (Compl. ¶ 134; Ans. ¶ 134).
- j. Whether Montana is a substantial producer of oil in the U.S. (Compl. ¶ 135; Ans. ¶ 135).
- k. Whether Defendants authorize the drilling and production of oil in Montana. (Compl. ¶ 135; Ans. ¶ 135).
- l. Whether, in 2021, Montana had over 4,197 producing oil wells. (Compl. ¶ 135; Ans. ¶ 135).
- m. Whether, in 2019, with authorization from Defendants, Montana produced 22,981,000 barrels of crude oil. (Compl. ¶ 135; Ans. ¶ 135).
- n. Whether, as of January 2023, Montana's monthly crude oil production was 64,000 barrels per day. (Compl. ¶ 135; Ans. ¶ 135).
- o. Whether, between 1960 and 2020, Defendants authorized the production of 1.66 billion barrels of crude oil, once combusted, resulted in about 707 mmt of CO₂ being emitted into the atmosphere. (Compl. ¶ 135; Ans. ¶ 135).
- p. Whether Montana is home to four state-authorized oil refineries, which have a collective processing capacity of roughly 215,000 barrels per day. (Compl. ¶ 136; Ans. ¶ 136).

- i. Whether Montana's refineries process crude oil largely from Canada and Wyoming and distribute the refined product by railroad and pipeline through Montana and to nearby states. (Compl. ¶ 136; Ans. ¶ 136).
- q. Whether there were over 8,900 state-authorized natural gas producing wells in Montana in 2020. (Compl. ¶ 136; Ans. ¶ 136).
- r. Whether Montana's natural gas production was approximately 3.8 billion cubic feet per month as of January 20123. (Compl. ¶ 136; Ans. ¶ 136).
- s. Whether Montana's total natural gas production in 2019 was over 43 billion cubic feet.
 - i. Whether combusting 43 billion cubic feet of natural gas would result in over 2.4 mmt of CO₂ being released into the atmosphere. (Compl. ¶ 136; Ans. ¶ 136).
- t. Whether, between 1960 and 2020, 3.39 trillion cubic feet of gas were produced in Montana. (Compl. ¶ 136; Ans. ¶ 136).
 - i. Whether, when 3.39 trillion cubic feet of natural gas is combusted, results in over 186 mmt of CO₂ being released into the atmosphere. (Compl. ¶ 136; Ans. ¶ 136).
- u. Whether Montana's land contains a significant quantity of fossil fuels yet to be extracted. (Compl. ¶ 139; Ans. ¶ 139).
- v. Whether Defendants will continue to permit, promote, authorize, and encourage fossil fuel use and production in Montana. (Compl. ¶ 139; Ans. ¶ 139).

w. Whether, between 1960 and 2020, the coal, oil, and gas extracted from Montana – with state authorization – resulted in nearly 4 billion metric tons of CO₂ being released into the atmosphere once combusted. (Compl. ¶ 140; Ans. ¶ 140).

i. Whether that 4 billion metric tons CO₂ figure is roughly equivalent to 83% of all energy-related U.S. CO₂ emissions for 2020. (Compl. ¶ 140; Ans. ¶ 140).

x. Whether, between 1980 and 2020, a cumulative 1.21 billion metric tons CO₂ were emitted into the atmosphere as a result of fossil fuel consumption in Montana. (Compl. ¶ 141; Ans. ¶ 141).

i. Whether 1.21 billion metric tons CO₂ would rank 5th amongst global countries' emissions in 2021. (Compl. ¶ 141; Ans. ¶ 141).

129. Whether Defendants, as a result of systemic aggregate actions taken pursuant to and in furtherance of the State Energy Policy, are responsible for a significant and dangerous quantity of GHG emissions entering earth's atmosphere. (Compl. ¶ 142; Ans. ¶ 142).

130. Whether Defendants, as a result of systemic aggregate actions taken pursuant to and in furtherance of the State Energy Policy, have contributed to the dangerous climate change. (Compl. ¶ 142; Ans. ¶ 142).

131. Whether Montana's GHG emissions have only grown since the passage of the 1972 Montana Constitution. (Compl. ¶ 142; Ans. ¶ 142).

132. Whether Montana's GHG emissions have grown since the passage of the 1972 Montana Constitution despite Defendants' longstanding knowledge of the dangers posed by fossil fuels and the climate crisis. (Compl. ¶ 142; Ans. ¶ 142).

133. Whether Defendants have never completed a comprehensive accounting and inventory that accounts for all of Montana's GHG emissions, including emissions from fossil fuels extracted in Montana by exported and combusted out-of-state, and embedded emissions. (Compl. ¶ 126; Ans. ¶ 126).

134. Whether Defendants' aggregate acts taken pursuant to and in furtherance of the State Energy Policy continue to be executed by Defendants and their agents and employees in their official capacities. (Compl. ¶ 119; Ans. ¶ 119). Despite Longstanding Knowledge of Climate Change Risks, Defendants' Have Acted Affirmatively, and Continue to Act Affirmatively, to Perpetuate a Fossil Fuel-Based Energy System in Violation of Plaintiffs Constitutional Rights: Whether the State Montana has known of the dangerous impacts of air pollution and climate change for over 50 years. (Compl. ¶¶ 185, 191 - 195; Ans. ¶¶ 185, 191 - 195).

135. Whether by 2007, the effects and dangers of climate change in Montana were well known to Defendants.

136. Whether by 2007, in Montana, there was awareness among Defendants of the availability of renewable energy resources as an alternative to fossil fuels.

137. Whether by 2007, Defendants DNRC, DEQ, and the Office of the Governor were aware of the issues concerning the impacts of climate change in Montana as a result of the 2007 Montana Climate Change Action Plan.

138. Whether by 2017, Defendants DNRC, DEQ, and the Office of the Governor were aware of the issues concerning the impacts of climate change in Montana as a result of the 2017 Montana Climate Assessment.

139. Whether the 2017 Montana Climate Assessment included a thorough review of the observed changes in Montana’s climate, through 2015, as well as projected changes through the end of the century, under different GHG emission scenarios.

140. Whether the 2017 Montana Climate Assessment found that climate change was already causing numerous adverse impacts to Montana’s environment, natural resources, and residents, including those related to rising temperatures, wildfires, drought, extreme weather events, and others.

141. Whether the 2017 Montana Climate Assessment found that numerous adverse impacts to Montana’s environment, natural resources, and residents, including those related to rising temperatures, wildfires, drought, extreme weather events, and others, were expected to worsen in the coming years as GHG emissions were expected to continue to rise.

142. Whether in 2019, when Montana Governor Steve Bullock promulgated Executive Order No. 8-2019 creating the Montana Climate Solutions Council, Defendants knew that “climate change poses a serious threat to Montana’s natural resources, public health, communities, and economy,” and “Montanans understand that climate change is occurring and are concerned about the impacts it will have on current and future generations.”

143. Whether in August 2020, when the Montana Climate Solutions Council released its final report, the Montana Climate Solutions Plan (“Climate Solutions Plan”), Defendants knew the ways in which climate change was already harming Montana and its residents, through referencing rising temperatures, early snowmelt, earlier spring runoff, flooding, changes in water availability and stream temperatures, an increase in forest mortality due to insects, and increasing wildfires.

144. Whether in August 2020, when the Montana Climate Solutions Council released the Montana Climate Solutions Plan, Defendants knew there were 37 recommendations and

strategies to reduce Montana's GHG emissions through increasing energy efficiency, increased renewable energy development, expanded use of electric vehicles, increasing carbon sequestration, and reducing methane emissions.

145. Whether in August 2020, when the Montana Climate Solutions Council released the Montana Climate Solutions Plan, Defendants knew of the need for Montana to rapidly reduce its reliance on fossil fuels and to eliminate nearly all GHG emissions by between 2045 and 2050.

146. Whether Defendants have implemented the 37 proposed recommendations in the Climate Solutions Plan.

147. Whether, despite knowledge of the dangers of climate change since at least the 1960s, Defendants have created and implemented a long-standing State Energy Policy and fossil-fuel based state energy system. (Compl. ¶ 3; Ans. ¶ 3).

148. Whether Montana's fossil fuel-based energy system is the result of Montana's State Energy Policy, and action taken pursuant to that policy. (Compl. ¶ 112; Ans. ¶ 112).

149. Whether Defendants continue to act affirmatively to exacerbate the climate crisis, in spite of knowledge that Youth Plaintiffs are living under dangerous climactic conditions that create an unreasonable risk of harm. (Compl. ¶ 8; Ans. ¶ 8).

150. Whether, pursuant to the Climate Change Exception to MEPA, Defendants have deliberately ignored the dangerous impacts of the climate crisis when carrying out their authorization, permitting, encouragement, and facilitation of activities promoting fossil fuels. (Compl. ¶ 108; Ans. ¶ 108).

151. Whether fossil fuel energy is the least efficient form of energy available to the State of Montana. (Compl. ¶ 110; Ans. ¶ 110).

152. Whether, in 2011, the Montana Legislature amended the State Energy Policy, which had implicitly promoted fossil fuels for decades, to explicitly promote fossil fuels and to expand the already substantial extraction and use of fossil fuels in Montana. (Compl. ¶ 115; Ans. ¶ 115).

153. Whether Defendants' actions taken pursuant to and in furtherance of Montana's State Energy Policy leads to fossil fuel development, extraction, transport, and combustion. (Compl. ¶ 116; Ans. ¶ 116).

154. Whether Defendants continue to take affirmative actions to authorize, implement, and promote projects, activities, and plans that cause emissions of dangerous levels of GHG pollution into the atmosphere. (Compl. ¶ 118; Ans. ¶ 118). For example:

a. Whether, collectively, Defendants authorize and certify energy projects and facilities within the State of Montana that emit substantial levels of GHG pollution, including, but not limited to, projects that burn and promote the use of fossil fuels. (Compl. ¶ 118(a); Ans. ¶ 118).

i. DEQ:

1. Whether DEQ approved AM4 expansion of Rosebud Strip Mine in December 2015. (Compl. ¶ 118(g); Ans. ¶ 118).

a. Whether, in so doing, DEQ refused to analyze how decision would aggravate climate impacts pursuant to the MEPA Climate Change Exception. (Compl. ¶ 118(g); Ans. ¶ 118).

2. Whether DEQ issued a permit to expand coal mining at Bull Mountain Mine in July 2016. (Compl. ¶ 118(g); Ans. ¶ 118).

- a. Whether, in so doing, DEQ refused to analyze how decision would aggravate climate impacts pursuant to the MEPA Climate Change Exception. (Compl. ¶ 118(g); Ans. ¶ 118).
3. Whether DEQ approved TR3 expansion of Decker Mine in 2018, allowing for strip-mining of 23 million tons of coal. (Compl. ¶ 118(h); Ans. ¶ 118).
 - a. Whether, in so doing, DEQ refused to analyze how decision would aggravate climate impacts pursuant to the MEPA Climate Change Exception. (Compl. ¶ 118(h); Ans. ¶ 118).
4. Whether in 2017 and 2018, DEQ issued the permit for the Westmoreland Absaloka Mine and subsequent mine expansion but in its environmental assessment did not consider how those GHG emissions would contribute to climate change or adversely impact Montana's environment and natural resources.
5. Whether, in 2020, DEQ approved revision to Spring Creek Mine, allowing for recovery of additional 72 million tons of coal. (Compl. ¶ 118(i); Ans. ¶ 118).
 - a. Whether, in August 2019, DEQ refused to analyze impacts on the social cost of carbon and economic impacts from climate change in its draft EIS for the Spring Creek Mine expansion pursuant to the MEPA Climate Change Exception. (Compl. ¶ 118(i); Ans. ¶ 118).

6. Whether DEQ authorizes operation of Colstrip Steam Electric Station. (Compl. ¶ 118(j); Ans. ¶ 118).
 - a. Whether the Colstrip Steam Electric Station produced 13.2 mmt of CO₂e, 38,015 metric tons methane, and 65,919 metric tons nitrous oxide in 2018. (Compl. ¶ 118(j); Ans. ¶ 118).
7. Whether DEQ issued an air quality permit to Bull Mountain Mine in January 2016, authorizing Bull Mountain Mine to produce 15 million tons of coal during any rolling 12-month period. (Compl. ¶ 118(k); Ans. ¶ 118).
 - a. Whether, in so doing, DEQ refused to analyze how decision would aggravate climate impacts pursuant to MEPA Climate Change Exception. (Compl. ¶ 118(k); Ans. ¶ 118).
8. Whether DEQ issued a certificate of compliance for Keystone XL Pipeline in March 2012, authorizing construction, operation, maintenance of the Montana portion of the pipeline. (Compl. ¶ 118(l); Ans. ¶ 118).
9. Whether DEQ issued permits, licenses, and leases for the construction, operation, and maintenance of the Keystone XL Pipeline project in Montana. (Compl. ¶ 118(m); Ans. ¶ 118).
 - a. Whether, in so doing, DEQ refused to analyze or disclose how decision would aggravate climate impacts pursuant to

the MEPA Climate Change Exception. (Compl. ¶ 118(m);
Ans. ¶ 118).

10. Whether in May 2022, DEQ issued its Final EIS for Rosebud Mine Area B AM5, in Colstrip, but in its environmental assessment, did not consider how GHG emissions would contribute to climate change or adversely impact Montana's environment and natural resources.

ii. DNRC:

1. Whether DNRC, with Land Board approval, leased public land for the easement for the operation of the Keystone XL Pipeline in Montana, as well as land use license for the construction right-of-way and other activities on state lands and waterways relating to the pipeline. (Compl. ¶ 118(l); Ans. ¶ 118).

2. Whether DNRC issued permits, licenses, and leases for the construction, operation, and maintenance of the Keystone XL Pipeline project in Montana. (Compl. ¶ 118(m); Ans. ¶ 118).

a. Whether, in so doing, DNRC refused to analyze or disclose how decision would aggravate climate impacts pursuant to the MEPA Climate Change Exception. (Compl. ¶ 118(m);
Ans. ¶ 118).

iii. PSC:

1. Whether, in June 2017, PSC significantly cut utility contract lengths and rates for NorthWestern Energy. (Compl. ¶ 118(b); Ans. ¶ 118).

- a. Whether, in so doing, PSC was found to have violated solar companies' due process rights by making decisions based on bias and policy preferences. (Compl. ¶ 118(b); Ans. ¶ 118).

iv. Governor:

1. Whether on July 8, 2021, Governor Gianforte withdrew Montana from the U.S. Climate Alliance, a nonpartisan group committed to achieving the Paris Agreement goals, without considering how failing to achieve a significant reduction in GHG emissions would contribute to climate change or adversely impact Montana's environment and natural resources.
 2. Whether the Governor continues to prioritize fossil fuel projects over renewable energy projects.
- b. Whether Defendants continue to finance, incentivize, and subsidize fossil fuel infrastructure and energy and transportation systems. (Compl. ¶ 118(s); Ans. ¶ 118).
- i. Whether, in so doing, Defendants are refusing to harness Montana's potential for wind energy. (Compl. ¶ 118(s); Ans. ¶ 118).
- c. Whether Defendants continue to aggressively pursue expansion of the fossil fuel industry in Montana, particularly the expansion of coal and mining development, as well as oil and gas development. (Compl. ¶ 118(t); Ans. ¶ 118).
- d. Whether Defendants continue to "safeguard existing economic and energy assets" by authorizing Montana fossil fuel extraction, production, consumption, transportation, and exportation. (Compl. ¶ 118(w); Ans. ¶ 118).

155. Whether Defendants demonstrated a clear pattern and practice of granting permits for new fossil fuel projects and renewing permits to allow already built fossil fuel projects to continue to operate in Montana in defiance of the overwhelming weight of scientific consensus that such action threaten the health and safety of Montana's citizens and their individual rights to enjoy a clean and healthful environment.

156. Whether since at least 2011, there is not a single instance where Defendant agencies have denied a permit to a fossil fuel company in Montana.

157. Whether Montana's annual, historical, and cumulative GHG emissions are a result of actions taken pursuant to and in furtherance of the State Energy Policy. (Compl. ¶ 142; Ans. ¶ 142).

158. Whether Defendants have been a substantial factor in controlling the composition of Montana's energy system since at least 1993, in large part through energy policies and permitting.

159. Whether there been a long-standing practice by the State of Montana to promote fossil fuels as the predominant energy source in the State.

160. Whether the 2011 amendments to MEPA and the State Energy Policy are a clear directive from the legislature to state agencies that fossil fuels were to remain a central and dominant part of Montana's energy sector and that no fossil fuel projects should be delayed or blocked because of their impact on climate change, which could no longer be considered.

161. Whether the 2011 amendments to MEPA and the State Energy Policy are a substantial factor in controlling the composition of Montana's energy system.

162. Whether Defendants have a long-standing track record of working closely with the fossil fuel industry to support fossil fuel extraction, transport, and burning.

163. Whether Defendants actions demonstrate that, notwithstanding the incontrovertible evidence of the climate crisis and its impacts in Montana, Defendants will continue to promote the increasing development and utilization of fossil fuels, while turning a blind eye to the consequences for climate change, Montana's environment, Montana's residents, and these Plaintiffs.

164. Whether the State of Montana continues to approve projects that are responsible for significant quantities of GHG emissions, thus exacerbating the already severe climate crisis and causing further harms to Montana's environment and its citizens, especially its youth.

165. Whether Montana still has a State Energy Policy, notwithstanding the repeal of § 90-4-1001, MCA.

166. Whether the legislature could adopt the same State Energy Policy that was codified in § 90-4-1001, MCA, in the future.

167. Whether the repeal of § 90-4-1001, MCA, will not alter how Defendants are currently implementing their discretionary authorities to license, permit, and authorize fossil fuel activities.

168. Whether as a result of the repeal of § 90-4-1001, MCA, Montana still has a State Energy Policy that includes Defendants' long-standing and systemic promotion of fossil fuel activities.

169. Whether Defendants continue to implement Montana's State Energy Policy to prioritize the increasing utilization, exploration, and development of Montana's fossil fuels, even following the repeal of § 90-4-1001 MCA.

170. Whether Montana's State Energy Policy, and the actions taken pursuant to and in furtherance of the Policy, is responsible for a significant and dangerous quantity of GHG emissions. (Compl. ¶ 142; Ans. ¶ 142).

- a. Whether such GHG emissions have contributed to dangerous climate change. (Compl. ¶ 142; Ans. ¶ 142).

171. Whether the actions taken pursuant to and in furtherance of Montana's State Energy Policy cause emissions of dangerous and substantial levels of GHG pollution into the atmosphere within Montana and outside its borders. (Compl. ¶ 116; Ans. ¶ 116).

- a. Whether such GHG emissions contribute to climate destabilization. (Compl. ¶ 116; Ans. ¶ 116).

172. Whether Montana's State Energy Policy endangers children. (Compl. ¶ 117; Ans. ¶ 117).

173. Whether Defendants have taken and continue to take aggregate affirmative actions to authorize, permit, and encourage fossil fuel extraction, transportation, and combustion. (Compl. ¶ 105; Ans. ¶ 105).

- a. Whether such aggregate actions result in dangerous levels of GHG emissions. (Compl. ¶ 105; Ans. ¶ 105).
- b. Whether the GHG emissions resulting from Defendants' aggregate actions contribute to climate destabilization. (Compl. ¶ 105; Ans. ¶ 105).

174. Whether Defendants' affirmative actions have degraded and depleted Montana's environment. (Compl. ¶ 105; Ans. ¶ 105).

175. Whether Defendants' affirmative actions are causing substantial impairment to Montana's Public Trust Resources. (Compl. ¶ 105; Ans. ¶ 105).

176. Whether Defendants' and are causing substantial harm to Plaintiffs. (Compl. ¶ 105; Ans. ¶ 105); (Compl. ¶ 4; Ans. ¶ 4).

177. Whether Defendants continue to authorize energy from fossil fuels as opposed to renewables. (Compl. ¶ 133; Ans. ¶ 133).

178. Whether Montana's land contains a significant quantity of fossil fuels yet to be extracted. (Compl. ¶ 139; Ans. ¶ 139).

a. Whether Defendants will seek to extract such fossil fuels. (Compl. ¶ 139; Ans. ¶ 139).

179. Whether Defendants will continue to permit, promote, authorize, and encourage fossil fuel use and production in Montana. (Compl. ¶ 139; Ans. ¶ 139).

180. Whether it is highly likely that Defendants' aggregate acts will continue. (Compl. ¶ 120; Ans. ¶ 120).

181. Whether Defendants continue to finance, incentivize, and subsidize fossil fuel infrastructure and energy and transportation systems. (Compl. ¶ 118(s); Ans. ¶ 118).

182. Whether Defendants are refusing to harness Montana's potential for wind energy. (Compl. ¶ 118(s); Ans. ¶ 118).

183. Whether Defendants continue to aggressively pursue expansion of the fossil fuel industry in Montana, particularly the expansion of coal and mining development, as well as oil and gas development. (Compl. ¶ 118(t); Ans. ¶ 118).

184. Whether Defendants continue to "safeguard existing economic and energy assets" by authorizing Montana fossil fuel extraction, production, consumption, transportation, and exportation. (Compl. ¶ 118(w); Ans. ¶ 118).

185. Whether the theory of “perfect substitution” or “leakage” under which it is assumed that limiting production of fossil fuels in one place will never limit consumption or affect emissions because another source somewhere else will always step in to substitute for the missing production is false and contrary to basic supply and demand economic principles. (Compl. ¶ 209; Ans. ¶ 209).

Defendants’ Issues of Fact:

1. Whether Plaintiffs suffered concrete, particularized, and actual or imminent injuries that are sufficiently distinct from the injury to the general public as a result of climate change.

2. Whether Plaintiffs’ alleged injuries are fairly traceable to Defendants’ actions taken pursuant to Sections 90-4-1001 and 75-1-201(2)(a), MCA.

3. Whether Plaintiffs’ alleged injuries are likely to be redressed by the Court granting Plaintiffs’ remaining requests for relief.

4. Whether a decision from this Court holding that the emission of greenhouse gases is a violation of the Montana Constitution would lead to absurd results.

5. Whether Plaintiffs have failed to join all necessary parties to this lawsuit.

6. Whether, to the extent Plaintiffs challenge any specific action taken by Defendants, Plaintiffs have failed to exhaust the administrative remedies necessary to sustain any such claim.

7. Whether Plaintiffs’ claims premised on their challenge to Section 90-4-1001, MCA fail on the merits.

8. Whether Plaintiffs’ claims premised on their challenge to Section 75-1-201(2) fail on the merits.

ISSUES OF LAW

The following issues of law, and no others, remain to be litigated upon the trial:

Plaintiffs' Issues of Law:

1. Whether, as a matter of law, Plaintiffs have presented specific facts sufficient to establish standing.
 - a. Whether, as a matter of law, Plaintiffs are experiencing concrete and particularized past, present, or threatened future injuries sufficient to confer standing.
 - b. Whether, as a matter of law, Plaintiffs' concrete and particularized injuries are fairly traceable to Defendants' conduct.
 - c. Whether, as a matter of law, Plaintiffs' injuries can be alleviated with a favorable ruling from this Court.
2. Whether, as a matter of law, prudential standing considerations weigh in favor of granting Plaintiffs' requested relief.
3. Whether, as a matter of law the formerly codified Montana State Energy Policy (§ 90-4-1001, MCA, *repealed*, 2023 Laws of Mont., Ch. 73, Sec. 1 (eff. March 16, 2023)), and now *de facto* State Energy Policy, and Defendants' systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities, violate the Montana Constitution.
 - a. Whether, as a matter of law, Defendants continue to perpetuate a State Energy Policy and implement aggregate actions which affirmatively authorize fossil fuel production, consumption, and combustion thereunder.
 - b. Whether, as a matter of law, the formerly codified Montana State Energy Policy (§ 90-4-1001, MCA), now *de facto* State Energy Policy, and Defendants' systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities, violate Plaintiffs' right to a clean and healthful environment under Mont. Const. Art. II, Sec. 3, 15, 17; Art. IX., Sec. 1.

- i. Whether, as a matter of law, the formerly codified Montana State Energy Policy (§ 90-4-1001, MCA), now *de facto* State Energy Policy, and Defendants' systemic and ongoing aggregate policies, practices, and acts that affirmatively authorize fossil fuel production, consumption, and combustion, result in dangerous levels of GHGs which are unconstitutionally depleting and degrading Montana's environment and natural resources and contributing to the dangerous destabilization of the climate system.
- ii. Whether, as a matter of law, Plaintiffs' right to a clean and healthful environment under Mont. Const. Art. II, Sec. 3, 15, 17 and Art. IX., Sec. 1 requires a stable climate system capable of sustaining human lives and liberties.
- iii. Whether, as a matter of law, there is a compelling interest that justifies Defendants' deprivation of Plaintiffs' fundamental right to a clean and healthful environment for present and future generations, including a stable climate system.
- iv. Whether, as a matter of law, Defendants' conduct is narrowly tailored to effectuate any such interest.
- v. Whether, as a matter of law, the formerly codified Montana State Energy Policy (§ 90-4-1001, MCA), now *de facto* State Energy Policy, and Defendants' systemic and ongoing aggregate policies, practices, and acts that affirmatively authorize fossil fuel production, consumption, and

combustion, can satisfy strict scrutiny review with respect to Plaintiffs' right to a clean and healthful environment.

- c. Whether, as a matter of law, the formerly codified Montana State Energy Policy (§ 90-4-1001, MCA), now *de facto* State Energy Policy, and Defendants' systemic and ongoing aggregate policies, practices, and acts that affirmatively authorize fossil fuel production, consumption, and combustion, violate Plaintiffs' rights to seek safety, health, and happiness under Mont. Const. Art. II, Sec. 3, 15, 17 and Art. IX, Sec. 1.
 - i. Whether, as a matter of law, Defendants' past and ongoing aggregate policies, practices, and acts deprive Plaintiffs of their rights under Article II, Section 3.
 - ii. Whether, as a matter of law, Defendants' past and ongoing aggregate policies, practices, and acts deprive Plaintiffs of their rights under Article II, Section 17.
 - iii. Whether, as a matter of law, there is an interest, compelling or otherwise, that justifies Defendants' deprivation of Plaintiffs' fundamental rights to due process and to seek safety, health, and happiness in all lawful ways.
 - iv. Whether, as a matter of law, Defendants' conduct is narrowly tailored to effectuate any such interest.
 - v. Whether, as a matter of law, the formerly codified Montana State Energy Policy (§ 90-4-1001, MCA), now *de facto* State Energy Policy, and Defendants' systemic and ongoing aggregate policies, practices, and acts that affirmatively authorize fossil fuel production, consumption, and

combustion, can satisfy strict scrutiny review with respect to Plaintiffs' rights to due process and to seek safety, health, and happiness in all lawful ways.

- d. Whether, as a matter of law, the formerly codified Montana State Energy Policy (§ 90-4-1001, MCA), now *de facto* State Energy Policy, and Defendants' systemic and ongoing aggregate policies, practices, and acts that affirmatively authorize fossil fuel production, consumption, and combustion, violate Plaintiffs' rights to equal dignity and equal protection under Mont. Const. Art. II, Sec. 4, 15.
 - i. Whether, as a matter of law, children hold the same constitutional rights as adults.
 - ii. Whether, as a matter of law, the immutable characteristics of children place Plaintiffs in a protected class in need of extraordinary protection to uphold basic principles of equal protection.
 - iii. Whether, as a matter of law, the formerly codified Montana State Energy Policy (§ 90-4-1001, MCA), now *de facto* State Energy Policy, and Defendants' systemic and ongoing aggregate policies, practices, and acts that affirmatively authorize fossil fuel production, consumption, and combustion, discriminate against Plaintiffs in the exercise of their fundamental and inalienable constitutional rights to a clean and healthful environment; safety, health, and happiness; individual dignity; and Public Trust Resources.
 - iv. Whether, as a matter of law, the formerly codified Montana State Energy Policy (§ 90-4-1001, MCA), now *de facto* State Energy Policy, and

Defendants' systemic and ongoing aggregate policies, practices, and acts that affirmatively authorize fossil fuel production, consumption, and combustion, discriminate against Plaintiffs as members of a protected class and with respect to their enjoyment of fundamental rights guaranteed by Montana's Constitution.

- v. Whether, as a matter of law, there is a compelling interest that justifies Defendants' discrimination against Plaintiffs as members of the protected class of children.
- vi. Whether, as a matter of law, there is an interest, compelling or otherwise, that justifies Defendants' discrimination against Plaintiffs with respect to their enjoyment of fundamental rights guaranteed by Montana's Constitution.
- vii. Whether, as a matter of law, Defendants' conduct is narrowly tailored to effectuate any such interests.
- viii. Whether, as a matter of law, the formerly codified Montana State Energy Policy (§ 90-4-1001, MCA), now *de facto* State Energy Policy, and Defendants' systemic and ongoing aggregate policies, practices, and acts that affirmatively authorize fossil fuel production, consumption, and combustion, can satisfy strict scrutiny review with respect to Plaintiffs' status as a protected class and with respect to Plaintiffs' enjoyment of fundamental rights.
- e. Whether, as a matter of law, the formerly codified Montana State Energy Policy (§ 90-4-1001, MCA), now *de facto* State Energy Policy, and Defendants' systemic

and ongoing aggregate policies, practices, and acts that affirmatively authorize fossil fuel production, consumption, and combustion, violate Defendants' obligations under the Public Trust Doctrine to protect Montana's clean and healthful environment and Public Trust Resources for present and future generations.

- i. Whether, as a matter of law, present and future generations are equally protected classes of beneficiaries under Montana's Public Trust Doctrine.
- ii. Whether, as a matter of law, present and future generations are equally protected classes of beneficiaries under Montana's Constitution.
- iii. Whether, as a matter of law, the rights of the public and future generations as beneficiaries under the Public Trust Doctrine are an attribute of sovereignty that predate Montana's Constitution, are secured by Montana's Constitution, and cannot be abrogated by Defendants.
- iv. Whether, as a matter of law, Montana's Public Trust Doctrine extends to, and protects, the atmosphere in Montana as a Public Trust Resource.
- v. Whether, as a matter of law, Montana's Public Trust Doctrine extends to, and protects, other essential natural resources that are of vital public concern to the citizens of Montana, including the atmosphere (air), fish and wildlife, wetlands, public lands, submerged lands, and the banks of waters to the high-water mark.
- vi. Whether, as a matter of law, Public Trust rights secured by Montana's Public Trust Doctrine include the rights of present and future generations to

- access, use, and enjoy the resources protected by the Public Trust Doctrine, including the atmosphere.
- vii. Whether, as a matter of law, the public's interest in using and accessing Public Trust Resources includes the rights of navigation, fishing, hunting, commerce, and recreational uses.
 - viii. Whether, as a matter of law, the Public Trust Doctrine imposes an affirmative obligation on Defendants, as trustees, to maintain control, protect, preserve, and prevent substantial impairment to and waste of Public Trust Resources for the benefit of all Montanans – including Plaintiffs and future generations of Montanans.
 - ix. Whether, as a matter of law, Defendants, as trustees, have an obligation to refrain from acting in a manner that abdicates control over Public Trust Resources, including the atmosphere.
 - x. Whether, as a matter of law, Defendants, as trustees, have an affirmative duty to administer and manage Public Trust Resources, including the atmosphere, with loyalty to and in the interest of trust beneficiaries – all present and future generations of Montanans, including Plaintiffs.
 - xi. Whether, as a matter of law, Defendants, as trustees, have a duty of impartiality prohibiting them from favoring one class or generation of trust beneficiaries over another in the management of Public Trust Resources, including the atmosphere.

- xii. Whether, as a matter of law, Defendants, as trustees, have a duty of care to exercise appropriate skill, prudence, and caution in managing Public Trust Resources, including the atmosphere.
- xiii. Whether, as a matter of law, the formerly codified Montana State Energy Policy (§ 90-4-1001, MCA), now *de facto* State Energy Policy, and Defendants' systemic and ongoing aggregate policies, practices, and acts that affirmatively authorize fossil fuel production, consumption, and combustion, has unconstitutionally caused, and continues to cause, the substantial impairment to, and waste of, Public Trust Resources, including the atmosphere, waters of Montana, fish and wildlife, and other Public Trust Resources.
- xiv. Whether, as a matter of law, the levels of GHGs that Defendants have authorized to be emitted into the atmosphere have a scientifically demonstrable effect on Plaintiffs' ability to use, access, enjoy, and navigate the state's waters and other Public Trust Resources.
- xv. Whether, as a matter of law, through the formerly codified Montana State Energy Policy (§ 90-4-1001, MCA), now *de facto* State Energy Policy, and Defendants' systemic and ongoing aggregate policies, practices, and acts that affirmatively authorize fossil fuel production, consumption, and combustion, Defendants have abdicated their control over and alienated substantial portions and capacities of Montana's Public Trust Resources, including the atmosphere.

xvi. Whether, as a matter of law, Defendants' duty to protect and improve a clean and healthful environment in Montana includes the protection and improvement of the atmosphere (air) and all essential natural Public Trust Resources for present and future generations under Article IX, Sec. 1(1) of the Montana Constitution.

4. Whether, as a matter of law, the Climate Change Exception to MEPA – as carried out and applied through Defendants' systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities – violates the Montana Constitution.

a. Whether, as a matter of law, Defendants continue to apply the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) and ignore the climate change impacts when conducting environmental analyses and determining whether to approve the aggregate actions which affirmatively authorize fossil fuel production, consumption, and combustion thereunder.

b. Whether, as a matter of law, the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) – and Defendants' systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities which are evaluated and approved consistent with the Climate Change Exception – violate Plaintiffs' right to a clean and healthful environment under Mont. Const. Art. II, Sec. 3, 15, 17 and Art. IX., Sec. 1.

i. Whether, as a matter of law, the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) – and Defendants' systemic and ongoing aggregate policies, practices, and acts that affirmatively authorize fossil fuel production, consumption, and combustion which are evaluated and

approved consistent with the Climate Change Exception – result in dangerous levels of GHGs which are unconstitutionally depleting and degrading Montana’s environment and natural resources and contributing to the dangerous destabilization of the climate system.

- ii. Whether, as a matter of law, Plaintiffs’ right to a clean and healthful environment under Mont. Const. Art. II, Sec. 3, 15, 17 and Art. IX., Sec. 1 includes and requires a stable climate system capable of sustaining human lives and liberties.
 - iii. Whether, as a matter of law, there is a compelling interest that justifies Defendants’ deprivation of Plaintiffs’ fundamental right to a clean and healthful environment for present and future generations, including a stable climate system.
 - iv. Whether, as a matter of law, the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) is narrowly tailored to effectuate any such interest.
 - v. Whether, as a matter of law, the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) – and Defendants’ systemic and ongoing aggregate policies, practices, and acts that affirmatively authorize fossil fuel production, consumption, and combustion which are evaluated and approved consistent with the Climate Change Exception – can satisfy strict scrutiny review with respect to Plaintiffs’ right to a clean and healthful environment.
- c. Whether, as a matter of law, the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) – and Defendants’ systemic and ongoing aggregate policies,

practices, and acts to permit, license, and authorize fossil fuel activities which are evaluated and approved consistent with the Climate Change Exception – violate Plaintiffs’ rights to seek safety, health, and happiness under Mont. Const. Art. II, Sec. 3, 15, 17 and Art. IX, Sec. 1.

- i. Whether, as a matter of law, the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) and Defendants’ past and ongoing aggregate policies, practices, and acts deprives Plaintiffs of their rights under Article II, Section 3.
- ii. Whether, as a matter of law, the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) and Defendants’ past and ongoing aggregate policies, practices, and acts deprives Plaintiffs of their rights under Article II, Section 17.
- iii. Whether, as a matter of law, there is a compelling interest that justifies the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) and Defendants’ deprivation of Plaintiffs’ fundamental rights to due process and to seek safety, health, and happiness in all lawful ways.
- iv. Whether, as a matter of law, the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) and Defendants’ conduct is narrowly tailored to effectuate any such interest.
- v. Whether, as a matter of law, the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) – and Defendants’ systemic and ongoing aggregate policies, practices, and acts that affirmatively authorize fossil fuel production, consumption, and combustion which are evaluated and

approved consistent with the Climate Change Exception – can satisfy strict scrutiny review with respect to Plaintiffs’ rights to due process and to seek safety, health, and happiness in all lawful ways.

vi. Whether, as a matter of law, pursuant to the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA), Defendants have failed to disclose the climate impacts of their state-sponsored projects and state actions including climate impacts to children’s safety, health, and happiness.

d. Whether, as a matter of law, the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) – and Defendants’ systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities which are evaluated and approved consistent with the Climate Change Exception – violate Plaintiffs’ rights to equal dignity and equal protection under Mont. Const. Art. II, Sec. 4, 15.

i. Whether, as a matter of law, children and youth hold the same constitutional rights as adults.

ii. Whether, as a matter of law, the immutable characteristics of children and youth place Plaintiffs in a protected class in need of extraordinary protection to uphold basic principles of equal protection.

iii. Whether, as a matter of law, the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) – and Defendants’ systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities which are evaluated and approved consistent with the Climate Change Exception – discriminates against Plaintiffs in the exercise of their

fundamental and inalienable constitutional rights to a clean and healthful environment; safety, health, and happiness; individual dignity; and Public Trust Resources.

- iv. Whether, as a matter of law, the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) – and Defendants’ systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities which are evaluated and approved consistent with the Climate Change Exception – discriminates against Plaintiffs as members of a protected class and with respect to their enjoyment of fundamental rights guaranteed by Montana’s Constitution.
- v. Whether, as a matter of law, there is a compelling interest that justifies the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) and Defendants’ discrimination against Youth Plaintiffs as members of the protected class of children.
- vi. Whether, as a matter of law, there is a compelling interest that justifies the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) and Defendants’ discrimination against Youth Plaintiffs with respect to their enjoyment of fundamental rights guaranteed by Montana’s Constitution.
- vii. Whether, as a matter of law, the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) and Defendants’ conduct is narrowly tailored to effectuate any such interests.
- viii. Whether, as a matter of law, the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) – and Defendants’ systemic and ongoing aggregate

policies, practices, and acts to permit, license, and authorize fossil fuel activities which are evaluated and approved consistent with the Climate Change Exception – can satisfy strict scrutiny review with respect to Plaintiffs’ status as a protected class and with respect to Plaintiffs’ enjoyment of fundamental rights.

- e. Whether, as a matter of law, the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) – and Defendants’ systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities which are evaluated and approved consistent with the Climate Change Exception – violate Defendants’ obligations under the Public Trust Doctrine to protect Montana’s clean and healthful environment and Public Trust Resources for present and future generations.
 - i. Whether, as a matter of law, present and future generations are equally protected classes of beneficiaries under Montana’s Public Trust Doctrine.
 - ii. Whether, as a matter of law, present and future generations are equally protected classes of beneficiaries under Montana’s Constitution.
 - iii. Whether, as a matter of law, the rights of the public and future generations as beneficiaries under the Public Trust Doctrine are an attribute of sovereignty that predate Montana’s Constitution, are secured by Montana’s Constitution, and cannot be abrogated by Defendants.
 - iv. Whether, as a matter of law, Montana’s Public Trust Doctrine extends to, and protects, the atmosphere in Montana as a Public Trust Resource.

- v. Whether, as a matter of law, Montana's Public Trust Doctrine extends to, and protects, other essential natural resources that are of vital public concern to the citizens of Montana, including the atmosphere (air), fish and wildlife, wetlands, public lands, submerged lands, and the banks of waters to the high-water mark.
- vi. Whether, as a matter of law, Public Trust rights secured by Montana's Public Trust Doctrine include the rights of present and future generations to access, use, and enjoy the resources protected by the Doctrine, including the atmosphere.
- vii. Whether, as a matter of law, the public's interest in using and accessing Public Trust Resources includes the rights of navigation, fishing, hunting, commerce, and recreational uses.
- viii. Whether, as a matter of law, the Public Trust Doctrine imposes an affirmative obligation on Defendants, as trustees, to maintain control, protect, preserve, and prevent substantial impairment to and waste of Public Trust Resources for the benefit of all Montanans – including Plaintiffs and future generations of Montanans.
- ix. Whether, as a matter of law, Defendants, as trustees, have an obligation to refrain from acting in a manner that abdicates control over Public Trust Resources, including the atmosphere.
- x. Whether, as a matter of law, Defendants, as trustees, have an affirmative duty to administer and manage Public Trust Resources, including the

atmosphere, with loyalty to and in the interest of trust beneficiaries – all present and future generations of Montanans, including Youth Plaintiffs.

- xi. Whether, as a matter of law, Defendants, as trustees, have a duty of impartiality prohibiting them from favoring one class or generation of trust beneficiaries over another in the management of Public Trust Resources, including the atmosphere.
- xii. Whether, as a matter of law, Defendants, as trustees, have a duty of care to exercise appropriate skill, prudence, and caution in managing Public Trust Resources, including the atmosphere.
- xiii. Whether, as a matter of law the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) – and Defendants’ systemic and ongoing aggregate policies, practices, and acts to permit, license, and authorize fossil fuel activities which are evaluated and approved consistent with the Climate Change Exception – has unconstitutionally caused, and continues to cause, the substantial impairment to, and waste of, Public Trust Resources, including the atmosphere, waters of Montana, fish and wildlife, and other Public Trust Resources.
- xiv. Whether, as a matter of law, the levels of GHGs that Defendants have authorized to be emitted into the atmosphere, and the impacts of which Defendants have refused to consider or disclose during MEPA analyses pursuant to the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) have a scientifically demonstrable effect on Plaintiffs’ ability to use,

access, enjoy, and navigate the state's waters and other Public Trust Resources.

xv. Whether, as a matter of law, through the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA), Defendants have abdicated their control over and alienated substantial portions and capacities of Montana's Public Trust Resources, including the atmosphere.

xvi. Whether, as a matter of law, Defendants' duty to protect and improve a clean and healthful environment in Montana includes the protection and improvement of the atmosphere (air) and all essential natural Public Trust Resources for present and future generations under Article IX, Sec. 1(1) of the Montana Constitution.

5. Whether, as a matter of law, the formerly codified Montana State Energy Policy (§ 90-4-1001, MCA), is facially unconstitutional.

6. Whether, as a matter of law, Defendants' now *de facto* State Energy Policy is unconstitutional.

7. Whether, as a matter of law, Defendants' systemic and ongoing aggregate policies, practices, and acts that affirmatively authorize fossil fuel production, consumption, and combustion, are unconstitutional.

8. Whether, as a matter of law, the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA) is facially unconstitutional.

9. Whether, as a matter of law, Plaintiffs' fundamental right to a clean and healthful environment includes a stable climate system that sustains human lives and liberties.

10. Whether, as a matter of law, Plaintiffs' fundamental right to a clean and healthful environment is being violated.

11. Whether, as a matter of law, Plaintiffs are entitled to a permanent injunction against Defendants, their agents, employees, and all persons acting in concert with Defendants, from subjecting Plaintiffs to a State Energy Policy and to Defendants' past and ongoing affirmative acts, policies, and conditions that affirmatively authorize fossil fuel production, consumption, and combustion.

12. Whether, as a matter of law, Plaintiffs are entitled to a permanent injunction against Defendants, their agents, employees, and all persons acting in concert with Defendants, from subjecting Plaintiffs to the Climate Change Exception to MEPA (§ 75-1-201(2)(a), MCA).

13. Whether, as a matter of law, Plaintiffs are entitled to further or alternative relief as the Court deems just or equitable.

14. Whether Plaintiffs' are entitled to the relief sought in their Motions *in Limine* Nos. 2, 3, 4, 5, 6, and 7.

Defendants' Issues of Law:

1. Whether Plaintiffs' claims present nonjusticiable questions.

2. Whether Plaintiffs' claims amount to requests for impermissible advisory opinions.

3. Whether the Court has subject matter jurisdiction to issue declaratory or injunctive relief with respect to Section 90-4-1001, MCA.

4. Whether Plaintiffs' claims premised on their challenge to Section 90-4-1001, MCA have been rendered moot by the repeal of that statute.

5. Whether Section 75-1-201(2) is facially unconstitutional

6. Defendants' Motions *in Limine* Nos. 1, 2, 3, 4, 5, 6, and 7

7. Defendants' Motion for Summary Judgment
8. Defendants' Motion to Partially Dismiss for Mootness
9. Defendants' Motion for Stay
10. Any legal issues that may arise during trial.

DISCOVERY

The Parties designate discovery materials that may be used at trial as follows. The Parties shall have the right to use discovery responses for impeachment or rebuttal, subject to the Montana Rules of Evidence, even if not designated. The Parties agree that they need not designate deposition testimony from witnesses whom they reasonably believe to be available at trial. The Parties shall have the right to use depositions for impeachment or rebuttal, subject to the Montana Rules of Evidence, even if not designated. Discovery may be used by the Parties as allowed by the Montana Rules of Civil Procedure and the Montana Rules of Evidence.

Plaintiffs' Discovery Materials:

The following discovery materials may be used by Plaintiffs:

1. All discovery listed on Plaintiffs' Exhibit List.
2. Defendants' Responses to Plaintiffs' First Discovery Requests (May 20, 2022).
3. Defendants' First Supplemental Responses to Plaintiffs' First Discovery Requests (June 8, 2022).
4. Defendants' Second Supplemental Responses to Plaintiffs' First Discovery Requests (July 25, 2022).
5. Defendants' Third Supplemental Responses to Plaintiffs' First Discovery Requests (Sept. 21, 2022).

6. Defendants' Fourth Supplemental Responses to Plaintiffs' First Discovery Requests (September 29, 2022).
7. Defendants' Fifth Supplemental Responses to Plaintiffs' First Discovery Requests (January 9, 2023).
8. Defendants' Responses to Plaintiffs' Second Discovery Requests to Defendants (December 2, 2022).
9. Defendants' Responses to Plaintiffs' Third Discovery Requests (December 15, 2022).
10. The depositions of:
 - a. Chris Dorrington;
 - b. Dave Klemp;
 - c. Sonja Nowakowski;
 - d. Will Rosquist;
 - e. Shawn Thomas;
 - f. Judith Curry, PhD;
 - g. Terry L. Anderson, Ph.D; and
 - h. Debra Sheppard.

Defendants' Discovery Materials:

Discovery may be used by the parties as allowed by the Montana Rules of Civil Procedure and the Montana Rules of Evidence. The following discovery has been produced in this action:

1. Plaintiffs' Responses to State's First Discovery Requests (April 20, 2022)
2. Plaintiffs' Supplemental Responses to State's First Discovery Requests (August 17, 2022)

3. Plaintiffs' Supplemental Responses to State's First Discovery Requests (January 9, 2023)

The Parties shall have the right to use depositions for impeachment or rebuttal, subject to the Montana Rules of Evidence, even if not designated.

ADDITIONAL PRE-TRIAL DISCOVERY

There is no additional discovery contemplated by either party, except:

1. The Parties' experts reserve the right to supplement their expert reports or rebuttal reports should actions be taken by the 2023 Montana Legislature that relate to the findings in their expert or rebuttal reports, or new scientific evidence that relates to the findings in their expert or rebuttal reports become available.

2. Counsel for Plaintiffs will similarly inform Defendants if new evidence related to Plaintiffs' injuries becomes available.

3. The Parties will reasonably accommodate the need to obtain trial perpetuation testimony of witnesses who are unavailable to attend the trial pursuant to the Montana Rules of Civil Procedure and the Montana Rules of Evidence.

4. As more fully set forth in Plaintiffs' Motion in Limine No. 7 concerning resolving issues regarding authenticity and foundation as to the 150 documents that Defendants have been reviewing since December 2022, if the Parties cannot reach agreement by the Pre-Trial Conference, Plaintiffs will take the Rule 30(b)(6) records custodian depositions for the Montana Department of Environmental Quality, the Montana Department of Natural Resources and Conservation, the Montana Public Service Commission, and the Montana Governor's office.

STIPULATIONS

1. The Parties stipulate that the Court has jurisdiction over the Parties to this action, and that venue is proper in Lewis and Clark County, Montana.
2. The Parties will not solicit expert opinions from witnesses whose opinions have not been previously disclosed in accordance with the Court's Scheduling Order or in response to discovery requests.
3. Witnesses within the subpoena power of the Court should be called live to testify at trial absent the showing of unavailability.
4. Plaintiffs' expert Dr. Kevin Trenberth may testify remotely at trial through the Court's standard method of two-way audio-visual electronic communication. Plaintiffs are responsible for implementing the requested two-way audio-visual electronic communication for Dr. Trenberth and the costs associated therewith.
5. The Parties must notify the other parties at the end of a trial day of the witnesses it intends to call the next day.

DETERMINATION OF LEGAL QUESTIONS IN ADVANCE OF TRIAL

It was agreed that the following legal issues should be determined by the Court in advance of the trial:

1. Plaintiffs' Motions *in Limine* Nos. 2, 3, 4, 5, 6, and 7; and
2. Defendants' Motions *in Limine* Nos. 1, 2, 3, 4, 5, 6, and 7.

The Parties continue to rely upon all arguments and rights asserted in these motions.

Defendants request that the following legal issues be determined by the Court in advance of the trial:

1. Defendants' Motion for Summary Judgment.

2. Defendants' Motion to Partially Dismiss for Mootness.
3. Defendants' Motion to Stay Proceedings.

ADDITIONAL ISSUES

Additional issues to be determined and/or addressed include:

1. Whether closing arguments be presented in person or in writing following trial;
2. Attorney's fees testimony and/or proof.
3. Time of filing and service of proposed findings of fact and conclusions of law, and trial briefs.

TRIAL

Plaintiffs estimate that the case will require 10 court days for trial. Defendants contend that, with the repeal of the State Energy Policy, the case now presents pure legal questions not requiring a 10-day trial. The case will be tried before the Court without a jury. As the Court stated in its Order on Plaintiffs' Unopposed Motion *in Limine* No. 1 (Doc. 282): "Realistically, it is estimated that the ten-day bench trial will mean approximately sixty hours of trial time in total, or six hours of trial time per day." The Court then granted Plaintiffs' unopposed request that "the Court allocate half of the available trial time (thirty hours) to each side for the presentation of their case in chief, cross of the opposing party's witnesses, and rebuttal."

IT IS HEREBY ORDERED that this Pre-Trial Order shall supersede the pleadings and govern the course of the trial of this cause, unless modified to prevent manifest injustice.

IT IS HEREBY ORDERED that all pleadings herein shall be amended to conform to this Pre-Trial Order.

DATED this ____ day of April, 2023.

KATHY SEELEY
District Court Judge

Approved as to form and content.

Attorney for Plaintiffs

Attorney for Defendants

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered by email to the following on April 26, 2023:

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/s/ Barbara Chillcott
Barbara Chillcott

Attachment 1

Ex. No.	Bates No.	Description of Document	Author/Agency Source	Year	Objection		Form of Objection										
					Yes	No	Relevancy	Authenticity	Foundation	Hearsay	403	Other	Refused	Admitted	Reversed		
P-000001-P-0000010		Modeled Climate-Induced Glacier Change in Glacier National Park, 1850-2100	Myrna H. P. Hall & Daniel B. Fagre, BioScience	2003													
P-0000011-P-0000103		Montana Climate Change Action Plan: Final Report of the Governor's Climate Change Advisory Committee	Montana Climate Change Advisory Committee	2007													
P-0000435-P-0000492		In the Matter of the Application of TransCanada Keystone Pipeline, LP (Keystone) for a Certificate of Compliance under the Major Facility Siting Act: Findings Necessary for Certification and Determination	Montana Department of Environmental Quality (DEQ)	2012													
P-0000493		Photo of Smoky Skies While Running	Mica K., Plaintiff	2012													
P-0000777-P-0000782		Signal Peak Energy LLC, Bull Mountain, Letter of Approval, Amendment 3	Montana Department of Environmental Quality (DEQ)	2016													
P-0000783-P-0000808		Signal Peak Energy, LLC, Bull Mountain, Montana Air Quality Permit #3179-12	Montana Department of Environmental Quality (DEQ)	2016													
P-0000815-P-0000816		What Climate Change Means for Montana	U.S. Environmental Protection Agency	2016													
P-0000921-P-0000932		Particulate Air Pollution from Wildfires in the Western US Under Climate Change	Jia Coco Liu et al., Climatic Change	2016													
P-0000933-P-0000947		Fish Deaths in Montana's Yellowstone River Tied to Warming Waters	Bob Berwyn, Inside Climate News	2016													
P-0000968		Table PT1. Primary Energy Production Estimates in Physical Units, Montana, 1960-2017	U.S. Energy Information Administration (EIA)	2017													
P-0000969-P-0001286		2017 Montana Climate Assessment	Cathy Whitlock et al., Montana Institute on Ecosystems	2017													
P-0001287-P-0001291		Glacier Margin Time Series (1966, 1998, 2005, 2015) of the Named Glaciers of Glacier National Park, MT, USA	D.B. Fagre et al., United States Geological Survey	2017													
P-0001299		Photo of Smoke in Glacier National Park	Eva L., Plaintiff	2017													
P-0001300		Photo of Smoke in Glacier National Park	Eva L., Plaintiff	2017													
P-0001307-P-0001446		Understanding Energy in Montana 2018	Montana Department of Environmental Quality (DEQ)	2018													
P-0001475		Coal Tables Workbook - 2018 Update	Montana Department of Environmental Quality (DEQ)	2018													
P-0001476-P-0001491		Profile Analysis, Montana State Profile and Energy Estimates - 2018	U.S. Energy Information Administration (EIA)	2018													

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					Yes	No	Relevancy	Authenticity	Foundation	Hearsay	403	Other	Refused	Admitted	Reversed			
	P-0001903-P-0001908	Executive Order No. 8-2019, Creating the Montana Climate Solutions Council and Joining the State of Montana to the U.S. Climate Alliance	Steve Bullock, Office of the Governor	2019														
	P-0001925-P-0001935	Vote Solar v. Montana Dept. Of Public Service Reg. Comm., Findings of Fact and Conclusions of Law for the Symmetry Finding in MTSUN Order No. 7535b, No. BDV-17-0776 (8th Jud. D. Mont. 2019)	8th Judicial District Montana	2019														
	P-0001936-P-0001938	All Things Colstrip	Montana Department of Environmental Quality (DEQ)	2019														
	P-0002621	Petroleum Tables Workbook 2019, Tables P3, P8, 1960-2017	Montana Department of Environmental Quality (DEQ)	2019														
	P-0002624-P-0002627	Montana Supply Data and Map	U.S. Energy Information Administration (EIA)	2019														
	P-0002628-P-0002633	Montana Natural Gas Data and Map	U.S. Energy Information Administration (EIA)	2019														
	P-0002634-P-0002638	Montana Coal Data and Map	U.S. Energy Information Administration (EIA)	2019														
	P-0002639-P-0002646	Montana Crude Oil and Petroleum Products Data and Map	U.S. Energy Information Administration (EIA)	2019														
	P-0002679-P-0002681	What is Climate Change? Golden Gate National Recreation Area	Will Elder, U.S. National Park Service	2019														
	P-0002682-P-0002695	Melting Glaciers, Glacier National Park	U.S. National Park Service	2019														
	P-0002696-P-0002704	Retreat of Glaciers in Glacier National Park	United States Geological Survey	2019														
	P-0002749	Photo of Damaged Bridge	Eva L., Plaintiff	2019														
	P-0002750	Photo of Bridge After It Was Damaged and Removed	Eva L., Plaintiff	2019														
	P-0002751	Photo of Bridge Repair	Eva L., Plaintiff	2019														
	P-0002752	Table PT1. Primary Energy Production Estimates in Physical Units, Montana, 1960-2019	U.S. Energy Information Administration (EIA)	2019														
	P-0002785-P-0002788	Catastrophic Effects of Climate Change on Children's Health Start Before Birth	Susan E. Pacheco, The Journal of Clinical Investigation	2020														
	P-0002789	Photos of Bridger Fire	Ruby and Lilian, D., Plaintiffs	2020														
	P-0002805	Excessive Heat Watch (Screenshot 6a)	Rikki H., Plaintiff	2021														
	P-0002806	Excessive Heat Watch (Screenshot 6b)	Rikki H., Plaintiff	2021														
	P-0002815	Photo of Backpacking in Burned Forest	Mica K., Plaintiff	2021														

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					Yes	No	Relevancy	Authenticity	Foundation	Hearsay	403	Other	Refused	Admitted	Reversed			
	P-0003105-P-0003222	A Montana Strategy for a Livable Environment: Conference Proceedings	Montana Department of Health	1969														
	P-0003223-P-0003314	Montana Greenhouse Gas Inventory and Reference Case Projections 1990-2020	Alison Bailie et al., Montana Department of Environmental Quality and Center for Climate Strategies	2007														
	P-0003315-P-0003478	An Analysis of Climate Change Policy Issues in Montana: A Report to the 61st Montana Legislature	Sonja Nowakowski, Environmental Quality Council	2008														
	P-0003479-P-0003493	Target Atmospheric CO2: Where Should Humanity Aim?	James Hansen et al., The Open Atmospheric Science Journal	2008														
	P-0003494-P-0003519	Assessing "Dangerous Climate Change": Required Reduction of Carbon Emissions to Protect Young People, Future Generations and Nature	James Hansen et al., PLOS ONE	2013														
	P-0003538-P-0003589	Ice Melt, Sea Level Rise and Superstorms: Evidence From Paleoclimate Data, Climate Modeling, and Modern Observations That 2°C Global Warming Could Be Dangerous	James Hansen et al., Atmospheric Chemistry and Physics	2016														
	P-0003590-P-0003629	Young People's Burden: Requirement of Negative CO2 Emissions	James Hansen et al., Earth System Dynamics	2017														
	P-0003630-P-0004106	Climate Science Special Report: Fourth National Climate Assessment, Volume I	U.S. Global Change Research Program	2017														
	P-0004107-P-0005632	Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II	U.S. Global Change Research Program	2018														
	P-0005633-P-0005672	Summary for Policymakers, Climate Change 2021: The Physical Science Basis	Intergovernmental Panel on Climate Change (IPCC)	2021														
	P-0005734	Letter from Governor Anderson to Doug Smith, Chairman of Council for Natural Resources	Governor Anderson, Office of the Governor	1970														
	P-0005735-P-0005736	Memo from John S. Anderson to Lewis M. Chittim	John S. Anderson, Montana Department of Health	1970														
	P-0005784	Letter from Governor Anderson to William D. Ruckelshaus, U.S. Environmental Protection Agency	Governor Anderson, Office of the Governor	1972														
	P-0005785-P-0005791	Letter from Governor Anderson to Russell E. Train, President's Council on Environmental Quality	Governor Anderson, Office of the Governor	1972														
	P-0005814-P-0005817	Letter from Governor Anderson to Governor Kneip; Letter from Governor Kneip to Governor Anderson	Governor Anderson, Office of the Governor; Governor Kneip	1972														

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					Yes	No	Relevancy	Authenticity	Foundation	Hearsay	403	Other	Refused	Admitted	Reversed		
	P-0005832-P-0005833	Letter from Governor Anderson to Fletcher Newby, Executive Director	Governor Anderson, Office of the Governor	1972													
	P-0005853-P-0005865	Letter from Fletcher E. Newby to Legislators and Legislative Candidates re Environmental Quality Council Progress Report	Fletcher Newby, Environmental Quality Council	1972													
	P-0005891-P-0005893	Testimony of Fletcher Newby Presented Before the Natural Resources and Agricultural Committee of the Constitutional Convention	Fletcher Newby, Environmental Quality Council	1972													
	P-0005919-P-0005926	Letter from Gary Wicks, Director of Department of Natural Resources and Conservation, to the Federal Power Commission	Montana Department of Natural Resources and Conservation	1972													
	P-0005971-P-0005985	Revised Guidelines for Environmental Impact Statements Required by the Montana Environmental Policy Act of 1971 Adopted by Environmental Quality Council, September 14, 1973	Environmental Quality Council	1973													
	P-0005987	Letter from Governor Judge to John Quarles, U.S. Environmental Protection Agency	Governor Judge, Office of the Governor	1973													
	P-0006026-P-0006030	Letter from Governor Judge to John Anderson, Director of Health and Environmental Sciences	Governor Judge, Office of the Governor	1973													
	P-0007512-P-0007558	Letter from Steven J. Perlmutter to Don Allen, Montana Petroleum Association with Attachments	Steven J. Perlmutter	1981													
	P-0007559-P-0007571	Transcript of Continuation of Hearing - In the matter of the adoption of a rule concerning MEPA requirements for specific activities and In the matter of the adoption of a rule concerning procedures for compliance with the Montana Environmental Policy Act	Montana Department and Board of Health and Environmental Sciences	1982													
	P-0007578-P-0007579	MEPA Requirements for Certain Activities (16.2.621)	Montana Department of Environmental Quality (DEQ)	1982													
	P-0007620-P-0007659	Memo from Brace Hayden to Interested Parties re Meeting on Discussion Draft on MEPA Rule Revisions	Brace Hayden, Office of the Governor	1988													
	P-0007660-P-0007669	Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2001	State of Montana	2001													
	P-0007670-P-0007671	Letter from Governor Schweitzer to Richard Opper, Director of Montana Department of Environmental Quality	Governor Schweitzer, Office of the Governor	2005													

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					Yes	No	Relevancy	Authenticity	Foundation	Hearsay	403	Other	Refused	Admitted	Reversed			
	P-0007672-P-0007685	Governor Schweitzer - Department Fact Book	Governor Schweitzer, Office of the Governor	2005														
	P-0007686-P-0007721	Governor Schweitzer - Special Session Report	Governor Schweitzer, Office of the Governor	2005														
	P-0007722	Letter from Governor Schweitzer to George Dennison, President of University of Montana	Governor Schweitzer, Office of the Governor	2006														
	P-0007723-P-0007732	Montana Climate Change Advisory Committee	Montana Department of Environmental Quality (DEQ)	2006														
	P-0007733-P-0007737	Draft Meeting Summary - Montana Climate Change Advisory Committee - Meeting #2	Montana Department of Environmental Quality (DEQ)	2006														
	P-0007738-P-0007749	Draft Meeting Summary - Montana Climate Change Advisory Committee - Meeting #3	Montana Department of Environmental Quality (DEQ)	2006														
	P-0007755-P-0007783	Montana Climate Change Advisory Committee State Level GHG Reduction Policy Options	Montana Department of Environmental Quality (DEQ)	2006														
	P-0007784-P-0007826	Montana Climate Change Advisory Committee Draft Meeting #1 Agenda (Slides)	Montana Department of Environmental Quality (DEQ)	2006														
	P-0007827-P-0007829	Draft Meeting Summary - Montana Climate Change Advisory Committee - Meeting #1	Montana Department of Environmental Quality (DEQ)	2006														
	P-0007840-P-0007843	2007 Climate Change Legislation	Lisa Peterson, DEQ Public Affairs Coordinator	2007														
	P-0007844-P-0007855	Draft Meeting Summary - Montana Climate Change Advisory Committee - Meeting #5	Montana Department of Environmental Quality (DEQ)	2007														
	P-0007967-P-0007968	Letter from Governor Schweitzer to Marvin Pearson; Memo from Richard Oppen re Keystone XL Pipeline	Governor Schweitzer, Office of the Governor; Richard Oppen	2009														
	P-0007969	Letter from Governor Schweitzer to Irene Zuehlesdorff	Governor Schweitzer, Office of the Governor	2009														
	P-0007993-P-0007998	Governor Schweitzer - Budget Highlights, Fiscal Years 2008-2009, excerpts	Governor Schweitzer, Office of the Governor	2009														
	P-0007999	Letter from Governor Schweitzer to Alan Gabster	Governor Schweitzer, Office of the Governor	2010														
	P-0008000	Letter from Governor Schweitzer to M E Nichols	Governor Schweitzer, Office of the Governor	2010														
	P-0008001	Letter from Governor Schweitzer to Steve Kirchhoff	Governor Schweitzer, Office of the Governor	2010														
	P-0008002-P-0008003	Letter from Governor Schweitzer to David Irving; Memo from Richard Oppen re Keystone XL Pipeline	Governor Schweitzer, Office of the Governor; Richard Oppen	2010														

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					Yes	No	Relevancy	Authenticity	Foundation	Hearsay	403	Other	Refused	Admitted	Reversed		
	P-0008004-P-0008005	Letter from Governor Schweitzer to Greg Jergeson, Chairman, Public Service Commission re Keystone XL Pipeline	Governor Schweitzer, Office of the Governor	2010													
	P-0008006-P-0008007	Letter from Governor Schweitzer to Rodney Norman	Governor Schweitzer, Office of the Governor	2010													
	P-0008008-P-0008010	Letter from Governor Schweitzer to Elizabeth Taylor; Memo from Richard Oppen	Governor Schweitzer, Office of the Governor	2010													
	P-0008011-P-0008013	Letter from Governor Schweitzer to Andrew Schafer; Memo from Richard Oppen	Governor Schweitzer, Office of the Governor; Richard Oppen	2010													
	P-0008014	Letter from Governor Schweitzer to Governor Mead, inviting to 1st Annual Western Wind and Transmission Leadership	Governor Schweitzer, Office of the Governor	2011													
	P-0008031-P-0008077	Energy, Environment and Natural Resources Task Force Issue Paper, Energy Information and Forecasting	Montana Department of Environmental Quality (DEQ)														
	P-0008102-P-0008187	Climate Change Strategic Plan	Confederated Salish and Kootenai Tribes	2016													
	P-0008188-P-0008403	Climate Change and Human Health in Montana: A Special Report of the Montana Climate Assessment	Alexandra Adams et al., Montana State University, Institute on Ecosystems	2021													
	P-0008404-P-0012079	Climate Change 2022: Impacts, Adaptation and Vulnerability [Final Draft; Subject to Final Edits; Do Not Cite, Quote or Distribute]	Intergovernmental Panel on Climate Change (IPCC)	2022													
	P-0012080-P-0012107	2019 Report to the Montana Legislature	Montana Department of Natural Resources & Conservation	2019													
	P-0012108-P-0012187	Meeting the Challenge of Our Time: Pathways to a Clean Energy Future for the Northwest: An Economy-Wide Deep Decarbonization Pathways Study	Clean Energy Transition Institute	2019													
	P-0012237-P-0012496	Greater Yellowstone Climate Assessment: Past, Present, and Future Climate Change in Greater Yellowstone Watersheds	Steven Hostettler et al., Montana State University, Institute on Ecosystems	2021													
	P-0013915-P-0013919	Floodwaters Impact Shields Valley, Other Areas	Michael Wright, Bozeman Daily Chronicle	2018													
	P-0013920-P-0013922	Park County to Declare Emergency Due to Flooding	Freddy Monares, Bozeman Daily Chronicle	2019													
	P-0013923-P-0013995	Montana Climate Solutions Plan	Montana Climate Solutions Council	2020													
	P-0013996-P-0014002	Yellowstone River Fish Kill Fact Sheet - Updated September 22, 2016	Montana Fish, Wildlife & Parks	2016													

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					Yes	No	Relevancy	Authenticity	Foundation	Hearsay	403	Other	Refused	Admitted	Reversed			
	P-0014074-P-0014084	Climate Anxiety in Children and Young People and Their Beliefs About Government Responses to Climate Change: A Global Survey	Caroline Hickman et al., The Lancet Planetary Health	2021														
	P-0014234-P-0014259	Gas Well File for Chapman 5	Oil Conservation Board of the State of Montana	1931														
	P-0014260-P-0014305	Gas Well File for Two Horseshoes 2	Board of Oil and Gas Conservation of the State of Montana	1974														
	P-0014306-P-0014659	Montana Energy Policy Study	Environmental Quality Council	1975														
	P-0014660-P-0014719	Gas Well File for CROFT 7-32	Board of Oil and Gas Conservation of the State of Montana	1976														
	P-0014720-P-0015133	Climate Change: The IPCC Scientific Assessment	Intergovernmental Panel on Climate Change (IPCC)	1990														
	P-0015302-P-0015340	Energy and Montana, an Overview	Montana Department of Natural Resources & Conservation	1991														
	P-0015341-P-0015367	Gas Well File for Hochsprung 6-18	Board of Oil and Gas Conservation of the State of Montana	1992														
	P-0015368-P-0015424	HJR 31 Energy Study Summary Report, Final Report to the 53rd Legislature of the State of Montana	Montana Environmental Quality Council and Department of Natural Resources and Conservation	1992														
	P-0015499-P-0016086	Climate Change 1995: The Science of Climate Change	Intergovernmental Panel on Climate Change (IPCC)	1995														
	P-0017502-P-0017628	Roundup Power Project Final Environmental Impact Statement	Montana Department of Environmental Quality (DEQ)	2003														
	P-0017629-P-0017991	Appendix A: Letter From Governor Schweitzer	Governor Schweitzer, Office of the Governor	2005														
	P-0018728-P-0018741	Comments of the Montana Environmental Information Center on the Highwood Generating Project Draft EIS	Montana Environmental Information Center (MEIC)	2006														
	P-0018742-P-0018782	Oil Well File for Baldwin Federal 12-15	Board of Oil and Gas Conservation of the State of Montana	2007														
	P-0018783-P-0019276	Highwood Generating Station Final Environmental Impact Statement, Volume I	Montana Department of Environmental Quality (DEQ)	2007														
	P-0019277-P-0019880	Highwood Generating Station Final Environmental Impact Statement, Volume II	Montana Department of Environmental Quality (DEQ)	2007														
	P-0020888-P-0021004	Oil Well File for Alice 3-21H	Board of Oil and Gas Conservation of the State of Montana	2008														
	P-0021005-P-0021036	Gas Well File for Boggess- DIR 2-12	Board of Oil and Gas Conservation of the State of Montana	2008														
	P-0021037-P-0021071	Gas Well File for Bickett 3-14-34N-5W	Board of Oil and Gas Conservation of the State of Montana	2008														

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					Yes	No	Relevancy	Authenticity	Foundation	Hearsay	403	Other	Refused	Admitted	Reversed		
	P-0021268-P-0021403	Montana's Energy Policy Review - Senate Bill No. 290: A Look at Existing Policy	Sonja Nowakowski, Legislative Services Division	2010													
	P-0021410-P-0021467	Oil Well File for #1 Heberle 33-28	Board of Oil and Gas Conservation of the State of Montana	2012													
	P-0021468-P-0021673	Oil Well File for 71 Ranch 44-1H	Board of Oil and Gas Conservation of the State of Montana	2012													
	P-0021674-P-0021689	North Border Pipeline Company, Authorization to Discharge Under the National Pollutant Discharge Elimination System, Permit No. MT0030791	U.S. Environmental Protection Agency	2013													
	P-0021690-P-0021717	Summary for Policymakers, Climate Change 2013: The Physical Science Basis	Intergovernmental Panel on Climate Change (IPCC)	2013													
	P-0021718-P-0021742	100% Clean and Renewable Wind, Water, and Sunlight (WWS) All-Sector Energy Roadmaps for the 50 United States	Mark Z. Jacobson et al., Energy & Environmental Science	2015													
	P-0021743-P-0021768	Oil Well File for Kendrick Heirs 4-6	Board of Oil and Gas Conservation of the State of Montana	2016													
	P-0021807-P-0022436	Global Warming of 1.5°C. An IPCC Special Report	Intergovernmental Panel on Climate Change (IPCC)	2018													
	P-0022437-P-0022458	Express Pipeline, LLC, Montana Air Quality Permit #5121-02	Montana Department of Environmental Quality (DEQ)	2019													
	P-0022459-P-0022502	Record of Decision - Rosebud Mine Area F Federal Mining Plan	Office of Surface Mining Reclamation and Enforcement	2019													
	P-0022503-P-0022522	Record of Decision & Written Findings for Rosebud Coal Mine Area F, Western Energy Company	Montana Department of Environmental Quality (DEQ)	2019													
	P-0022523-P-0022540	Westmoreland Rosebud Mining LLC, Rosebud Coal Mine Area A, Montana Air Quality Permit # 1483-09	Montana Department of Environmental Quality (DEQ)	2019													
	P-0022541-P-0022861	Final Environmental Impact Statement for the Spring Creek Mine TR1 Project	Montana Department of Environmental Quality (DEQ)	2020													
	P-0022862-P-0023045	CHS Inc. Laurel Refinery, Final Title V Operating Permit #OP1821-18	Montana Department of Environmental Quality (DEQ)	2020													
	P-0023046-P-0023182	Calumet Montana Refining, LLC, Final Title V Operating Permit #OP2161-16	Montana Department of Environmental Quality (DEQ)	2020													
	P-0023183-P-0023291	Talen Montana, LLC Colstrip Steam Electric Station, Final Title V Operating Permit #OP0513-16	Montana Department of Environmental Quality (DEQ)	2020													
	P-0023292-P-0023295	TransCanada Keystone Pipeline, LP, 401 Water Quality Certification	Montana Department of Environmental Quality (DEQ)	2020													

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	P-0023296-P-0023344	Oil Well File for Dagney 33-21 #3H	Board of Oil and Gas Conservation of the State of Montana	2020														
	P-0023345-P-0023392	Oil Well File for Rowin 17-5 #3H	Board of Oil and Gas Conservation of the State of Montana	2020														
	P-0023393-P-0023436	Talen Montana, LLC, Colstrip Steam Electric Station, Montana Air Quality Permit #0513-14	Montana Department of Environmental Quality (DEQ)	2020														
	P-0023437-P-0023516	Colstrip Energy Limited Partnership, Final Title V Operating Permit Renewal #OP2035-04	Montana Department of Environmental Quality (DEQ)	2020														
	P-0023517-P-0023551	TrueNorth Steel, Montana Air Quality Permit #5249-00	Montana Department of Environmental Quality (DEQ)	2020														
	P-0023552-P-0023583	NorthWestern Energy Corporation, Belfry Compressor Station, Montana Air Quality Permit #5245-00	Montana Department of Environmental Quality (DEQ)	2020														
	P-0023584-P-0023629	Malteurop North America, Inc., Great Falls Malting Plant, Montana Air Quality Permit #3238-08	Montana Department of Environmental Quality (DEQ)	2020														
	P-0024125-P-0024308	CHS Inc. Laurel Refinery, Final Title V Operating Permit #OP1821-19	Montana Department of Environmental Quality (DEQ)	2021														
	P-0024309-P-0024408	Exxon Mobil Corporation Billings Petroleum Refinery, Final Title V Operating Permit #OP1564-17	Montana Department of Environmental Quality (DEQ)	2021														
	P-0024409-P-0024449	Phillips 66 Company Great Falls Terminal, Final Title V Operating Permit #OP2946-12	Montana Department of Environmental Quality (DEQ)	2021														
	P-0024450-P-0024497	NorthWestern Energy Mainline #1 Compressor Station, Final Title V Operating Permit #OP2428-15	Montana Department of Environmental Quality (DEQ)	2021														
	P-0024499-P-0024590	NorthWestern Energy, Laurel Generating Station, Montana Air Quality Permit #5261-00	Montana Department of Environmental Quality (DEQ)	2021														
	P-0024591-P-0024594	Executive Order No. 11-2021, Proclaiming a Statewide Drought Emergency in the State of Montana	Governor Gianforte, Office of the Governor	2021														
	P-0024595-P-0024597	Executive Order No. 12-2021, Declaring a Statewide Wildland Fire Emergency to Exist in Montana	Governor Gianforte, Office of the Governor	2021														
	P-0024598-P-0024599	Executive Order No. 13-2021, Adding Measures to Mitigate the Impacts of the Statewide Drought Emergency in the State of Montana	Governor Gianforte, Office of the Governor	2021														
	P-0024600	Signal Peak Energy, LLC, Bull Mountain, Approval of MR281 (C1993017)	Montana Department of Environmental Quality (DEQ)	2022														

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	P-0027514-P-0027529	Western Energy Company, Rosebud Coal Mine Area B Environmental Assessment Checklist (C1984003B)	Montana Department of Environmental Quality (DEQ)	2015														
	P-0027530-P-0027546	Phillips 66 Carrier LLC, Crude Oil Tank Farm, Glacier Pipeline, Montana Air Quality Permit #2757-06	Montana Department of Environmental Quality (DEQ)	2016														
	P-0028555-P-0028576	Westmoreland Rosebud Mining LLC, Rosebud Coal Mine Area F, Montana Air Quality Permit #1570-09	Montana Department of Environmental Quality (DEQ)	2019														
	P-0028577-P-0028595	Record of Decision & Written Findings for Spring Creek Coal Mine, Spring Creek Coal, LLC	Montana Department of Environmental Quality (DEQ)	2020														
	P-0028599-P-0029439	Climate Change Impacts in the United States: The Third National Climate Assessment	U.S. Global Change Research Program	2014														
	P-0029440-P-0029480	The Economic Impact of Increased Production at the Spring Creek Mine	Patrick M. Barkey, Bureau of Business and Economic Research, University of Montana	2012														
	P-0029593-P-0029640	Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990	Interagency Working Group on Social Cost of Greenhouse Gases	2021														
	P-0029652-P-0030421	Final Environmental Impact Statement FES 08-31 for the Proposed M-Pit Mine Expansion At the Montana Tunnels Mine In Jefferson County, Montana	Montana Department of Environmental Quality (DEQ)	2008														
	P-0030422-P-0030791	Final Environmental Impact Statement for the Proposed Amendment 017 to Permit No. 00065 for Golden Sunlight Mine	Montana Department of Environmental Quality (DEQ)	2021														
	P-0030792-P-0030906	Natural Gas in Montana. In Understanding Energy in Montana	Montana Department of Environmental Quality (DEQ)	2004														
	P-0030907-P-0030983	The Social Cost of Carbon, Risk, Distribution, Market Failures: An Alternative Approach. NBER Working Paper Series No. 28472	Nicholas Stern & Joseph E. Stiglitz	2021														
	P-0030984-P-0031001	A Social Cost of Carbon Consistent with a Net-Zero Climate Goal	Nicholas Stern et al.	2022														
	P-0031532-P-0031686	State of the Air 2022	American Lung Association	2022														
	P-0032314-P-0032353	Preventing Adverse Childhood Experiences (ACEs): Leveraging the Best Available Evidence	CDC, National Center for Injury Prevention and Control	2019														
	P-0032754-P-0032763	The Lancet Countdown on Health and Climate Change: Policy Brief for the United States of America	Renee N. Salas et al.	2018														
	P-0032799-P-0032802	Intergenerational inequities in exposure to climate extremes	Wim Thiery et al., Science	2021														

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	P-0032803-P-0032808	Climate Impact on Psychiatric Diagnostic Nomenclature	Lise Van Susteren & David A. Pollack	2019															
	P-0032854-P-0033185	The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment	U.S. Global Change Research Program	2016															
	P-0033537-P-0034327	Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2019	U.S. Environmental Protection Agency	2021															
	P-0034330-P-0034342	Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854-2010	Richard Heede, Climatic Change	2014															
	P-0034343-P-0034348	The supply chain of CO2 emissions	Steven J. Davis et al., PNAS	2011															
	P-0034349-P-0034461	2020 BLM Specialist Report on Annual Greenhouse Gas Emissions and Climate Trends from Coal, Oil, and Gas Exploration and Development on the Federal Mineral Estate	Bureau of Land Management	2021															
	P-0034462-P-0034465	Energy: Energy Statistics: Energy Source Workbooks	Montana Department of Environmental Quality (DEQ)	2021															
	P-0034466-P-0034492	Coal Resources of Montana. In The Geology of Montana, Volume II: Special Topics	Jay A. Gunderson & John Wheaton, Montana Bureau of Mines and Geology	2020															
	P-0034493-P-0034516	The Global Carbon Project's fossil CO2 emissions dataset	Robbie Andrew & Glen Peters	2021															
	P-0034517-P-0034588	Statistical Review of World Energy, 2021	BP	2021															
	P-0034589-P-0034590	Greenhouse Gas Equivalencies Calculator	U.S. Environmental Protection Agency	2021															
	P-0034591-P-0034599	Greenhouse Gas Emissions from Energy	IEA	2021															
	P-0034600-P-0034875	Monthly Energy Review, April 2022	U.S. Energy Information Administration (EIA)	2022															
	P-0034876	Online Oil and Gas Information System	Montana Board of Oil & Gas Conservation	2022															
	P-0034877-P-0034956	Annual Review 2020	Board of Oil and Gas Conservation of the State of Montana	2021															
	P-0034957-P-0034962	Permitting in Montana: Department of Natural Resources and Conservation	Sonja Nowakowski & Hope Stockwell, Legislative Environmental Policy Office	2012															
	P-0034963-P-0035246	Montana Index of Environmental Permits	Steven Perlmutter & Legislative Environmental Policy Office	2018															

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	P-0035247-P-0035378	Chapter 7: The Earth's Energy Budget, Climate Feedbacks, and Climate Sensitivity. In Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change	Piers Forster et al., Intergovernmental Panel on Climate Change (IPCC)	2021													
	P-0035386-P-0035591	Life Cycle Analysis of Natural Gas Extraction and Power Generation	Timothy J. Skone et al., U.S. Department of Energy, National Energy Technology Laboratory	2016													
	P-0035593-P-0035651	Short-term Energy Outlook	U.S. Energy Information Administration (EIA)	2022													
	P-0035773-P-0035774	DEQ Issues Air Quality Permit for Proposed Laurel Generating Station in Yellowstone County	Maira Davin, Montana Department of Environmental Quality	2021													
	P-0035928-P-0035933	Pipeline Profiles: Aurora Pipeline	Canada Energy Regulator	2021													
	P-0035934-P-0035940	Pipeline Profiles: Milk River	Canada Energy Regulator	2021													
	P-0036090-P-0036098	Coal Mine Guide	BNSF	2022													
	P-0036099-P-0036194	Annual Coal Distribution Report 2020	U.S. Energy Information Administration (EIA)	2021													
	P-0036195-P-0036232	Annual Energy Outlook 2022	U.S. Energy Information Administration (EIA)	2022													
	P-0036233-P-0036330	Decarbonization and Montana—Insights from the Northwest Deep Decarbonization Pathways Study	Evolved Energy Research	2020													
	P-0036331-P-0036678	Net-Zero America: Potential Pathways, Infrastructure, and Impacts	Eric Larson et al.	2021													
	P-0036679-P-0036692	Would constraining US fossil fuel production affect global CO2 emissions? A case study of US leasing policy	Peter Erickson & Michael Lazarus, Climatic Change	2018													
	P-0037000-P-0037020	An Introduction to Glacier Mass Balance	Antarctic Glaciers.org	2020													
	P-0037032-P-0037039	Cirque glacier sensitivity to 21st century warming: Sperry Glacier, Rocky Mountains, USA	Joel Brown et al., Global and Planetary Change	2010													
	P-0037040-P-0037054	Glaciological measurements and mass balances from Sperry Glacier, Montana, USA, years 2005–2015	Adam M. Clark et al., Earth System Science Data	2017													
	P-0037055-P-0037071	Glacier-derived August runoff in northwest Montana	Adam M. Clark et al., Arctic, Antarctic, and Alpine Research	2015													
	P-0037099-P-0037100	Glacier Retreat in Glacier National Park, Montana. U.S. Geological Survey Fact Sheet 2019-3068.	Caitlyn Florentine, U.S. Geological Survey	2019													

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	P-0037101-P-0037113	Parsing complex terrain controls on mountain glacier response to climate forcing	Caitlyn Florentine et al., Global and Planetary Change	2020																			
	P-0037141-P-0037212	High Mountain Areas. In IPCC Special Report on the Ocean and Cryosphere in a Changing Climate.	Regine Hock et al., Intergovernmental Panel on Climate Change (IPCC)	2019																			
	P-0037221-P-0037238	Toward mountains without permanent snow and ice	M. Huss et al., Earth's Future	2017																			
	P-0037260-P-0037275	The Past as Prelude to the Future for Understanding 21st-Century Climate Effects on Rocky Mountain Trout	Daniel J. Isaak et al., Fisheries	2012																			
	P-0037276-P-0037331	Glacier retreat in Glacier National Park, Montana. In Satellite Image Atlas of Glaciers of the World, Glaciers of North America - Glaciers of the Western United States	Carl H. Key et al.	2002																			
	P-0037332-P-0037342	Geomorphic and climatic change over the past 12,900 yr at Swiftcurrent Lake, Glacier National Park, Montana, USA	Kelly R. MacGregor et al., Quaternary Research	2011																			
	P-0037343-P-0037356	A record of post-glacial moraine deposition and tephra stratigraphy from Otokomi Lake, Rose Basin, Glacier National Park, Montana	David Matthew MacLeod et al., Canadian Journal of Earth Sciences	2006																			
	P-0037357-P-0037367	Glacier recession since the Little ice Age: Implications for water storage in a Rocky Mountain landscape	Chelsea J. Martin-Mikle & Daniel B. Fagre, Arctic, Antarctic, and Alpine Research	2019																			
	P-0037397-P-0037412	A lacustrine-based Neoglacial record for Glacier National Park, Montana, USA	Jeffrey S. Munroe, Quaternary Science Reviews	2012																			
	P-0037455-P-0037458	Decadal-scale climate drivers for glacial dynamics in Glacier National Park, Montana, USA	Gregory T. Pederson et al., Geophysical Research Letters	2004																			
	P-0037506-P-0037512	Centennial glacier retreat as categorical evidence of regional climate change	Gerard H. Roe et al., Nature Geoscience	2017																			
	P-0037513-P-0037529	On the attribution of industrial-era glacier mass loss to anthropogenic climate change	Gerard H. Roe et al., The Cryosphere	2021																			
	P-0037534-P-0037538	Agassiz Glacier. Glacier National Park, Montana. Repeat photography 1913 - 2007	U.S. Geological Survey																				
	P-0037539-P-0037543	Grinnell Glacier. Glacier National Park, Montana. Repeat photography 1910 - 2013	U.S. Geological Survey																				
	P-0037544-P-0037548	Jackson Glacier. Glacier National Park, Montana. Repeat photography 1912 - 2009	U.S. Geological Survey																				
	P-0037549-P-0037553	Sperry Glacier. Glacier National Park, Montana. Repeat photography 1908 - 2015	U.S. Geological Survey																				

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	P-0037554-P-0037556	Ecosystem services lost to oil and gas in North America	Brady W. Allred et al., Science	2015													
	P-0037601-P-0037604	Fracktracker Alliance, Montana Oil & Gas Data	Fracktracker Alliance	2022													
	P-0037612-P-0037699	Energy Systems. In: Climate Change 2014: Mitigation of Climate Change. Contribution of Working Group III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change	Thomas Bruckner et al., Intergovernmental Panel on Climate Change (IPCC)	2014													
	P-0037708-P-0037733	Review of solutions to global warming, air pollution, and energy security	Mark Z. Jacobson, Energy & Environmental Science	2009													
	P-0037734-P-0037767	A low-cost solution to the grid reliability problem with 100% penetration of intermittent wind, water, and solar for all purposes	Mark Z. Jacobson et al., PNAS	2015													
	P-0037768-P-0037969	100% clean and renewable wind, water, and sunlight (WWS) all-sector energy roadmaps for 139 countries of the world	Mark Z. Jacobson et al., Joule	2017													
	P-0037970-P-0037972	The United States can keep the grid stable at low cost with 100% clean, renewable energy in all sectors despite inaccurate claims	Mark Z. Jacobson et al., PNAS	2017													
	P-0037973-P-0038102	Matching demand with supply at low cost among 139 countries within 20 world regions with 100% intermittent wind, water, and sunlight (WWS) for all purposes	Mark Z. Jacobson et al., Renewable Energy	2018													
	P-0038103-P-0038238	Impacts of Green New Deal energy plans on grid stability, costs, jobs, health, and climate in 143 countries	Mark Z. Jacobson et al., One Earth	2019													
	P-0038239-P-0038332	Zero air pollution and zero carbon from all energy at low cost and without blackouts in variable weather throughout the U.S. with 100% wind-water-solar and storage	Mark Z. Jacobson et al., Renewable Energy	2022													
	P-0038333-P-0038353	Lazard's leveled cost of energy analysis - Version 15.0	Lazard	2021													
	P-0038354-P-0038500	Domestic Policy Review of Solar Energy: A Response Memorandum to the President of the United States.	Jim Schlesinger	1978													
	P-0038507-P-0038518	Thermal controls of Yellowstone cutthroat trout and invasive fishes under climate change	Robert Al-Chokhachy et al., Global Change Biology	2013													
	P-0038519-P-0038522	USGS National Climate Change Viewer	Jay Alder, U.S. Geological Survey	2013													
	P-0038548-P-0038559	Climate Change and Bark Beetles of the Western United States and Canada: Direct and Indirect Effects	Barbara J. Bentz et al., BioScience	2010													

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	P-0038601-P-0038605	2020 Smoke Waves	Climate Central	2020																
	P-0038606-P-0038611	Western Fire Weather Days Increasing	Climate Central	2021																
	P-0038950-P-0038953	Atmospheric Monthly In Situ CO2 Data - Mauna Loa Observatory, Hawaii	Ralph F. Keeling & Charles D. Keeling	2017																
	P-0038990-P-0038998	Increased drought severity tracks warming in the United States' largest river basin	Justin T. Martin et al., PNAS	2020																
	P-0038999-P-0039004	Camouflage mismatch in seasonal coat color due to decreased snow duration	L. Scott Mills et al., PNAS	2013																
	P-0039005-P-0039009	Winter color polymorphisms identify global hot spots for evolutionary rescue from climate change	L. Scott Mills et al., Science	2018																
	P-0039010-P-0039093	Montana State Water Plan	Montana Department of Natural Resources and Conservation	2015																
	P-0039094-P-0039099	Dramatic declines in snowpack in the western US	Philip W. Mote et al., npj Climate and Atmospheric Science	2018																
	P-0039100-P-0039102	Do scientists agree on climate change? Climate Change: Vital Signs of the Planet	National Aeronautics and Space Administration																	
	P-0039103	U.S. Drought Monitor, Time Series, Montana	National Drought Mitigation Center																	
	P-0039104-P-0039105	NOAA Global Monitoring Laboratory: Trends in Atmospheric Carbon Dioxide	National Oceanic and Atmospheric Administration																	
	P-0039112-P-0039119	News & Features: Understanding Climate. Climate Change: Global Temperature	National Oceanic and Atmospheric Administration																	
	P-0039120-P-0039125	Regional patterns and proximal causes of the recent snowpack decline in the Rocky Mountains, US	Gregory T. Pederson et al., Geophysical Research Letters	2013																
	P-0039126-P-0039129	The unusual nature of recent snowpack declines in the North American Cordillera	Gregory T. Pederson et al., Science	2011																
	P-0039130-P-0039146	Cross-scale Drivers of Natural Disturbances Prone to Anthropogenic Amplification: The Dynamics of Bark Beetle Eruptions	Kenneth F. Raffa et al., BioScience	2008																
	P-0039188-P-0039207	Regional Hydrologic and Carbon Balance Responses of Forests Resulting from Potential Climate Change	Steven W. Running & Ramakrishna R. Nemani, Climatic Change	1991																
	P-0039224-P-0039243	Changes toward Earlier Streamflow Timing across Western North America	Iris T. Stewart et al., Journal of Climate	2005																
	P-0039251-P-0039279	Heat stored in the Earth system: where does the energy go?	Karina von Schuckmann et al., Earth System Science Data	2020																
	P-0039593-P-0039604	Climate Change and Expanding Invasive Species Drive Widespread Declines of Native Trout in the Northern Rocky Mountains, USA	Donovan A. Bell et al., Science Advances	2021																

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	P-0039635-P-0039642	Evidence of climate-induced range contractions in bull trout <i>Salvelinus confluentus</i> in a Rocky Mountain watershed, USA	Lisa A. Eby et al., PLoS ONE	2014														
	P-0039643-P-0039645	Heat, drought point to trouble ahead for Montana's trout	Amanda Eggert, Daily Inter Lake	2021														
	P-0039726-P-0039738	Estimating Thermal Regimes of Bull Trout and Assessing the Potential Effects of Climate Warming on Critical Habitats	L. A. Jones et al., River Research and Applications	2014														
	P-0039754-P-0039764	Montana grapples with early low river flows	Tom Kuglin, Independent Record	2021														
	P-0039815-P-0039817	Dissecting the Algae Blooms of Montana's "Unique Gem" the Smith River	Jack Nissen, Environmental Monitor	2020														
	P-0039818-P-0039820	The Hydrological Cycle	NOAA, National Weather Service	2022														
	P-0039968-P-0039973	Montana's Famed Trout Under Threat as Drought Intensifies.	Jim Robbins, New York Times	2021														
	P-0039974-P-0039993	Thermal diversity and the phenology of floodplain aquatic biota. In River Science: Research and Applications for the 21st Century	J. A. Stanford et al.	2016														
	P-0039994-P-0040401	Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence Technical Report, EPA/600/R-14/475F	U.S. Environmental Protection Agency	2015														
	P-0040402-P-0040410	The Atmosphere and the Water Cycle	U.S. Geological Survey	2019														
	P-0040453-P-0040460	Global climate change and children's health: Policy statement	American Academy of Pediatrics, Pediatrics	2015														
	P-0040518-P-0040523	The 2021 Western North American heat dome increased climate change anxiety among British Columbians: Results from a natural experiment	Andreea Bratu et al., Journal of Climate Change and Health	2022														
	P-0040550-P-0040585	Mental health and our changing climate: impacts, implications, and guidance	Susan Clayton et al., American Psychological Association & ecoAmerica	2017														
	P-0040586-P-0040673	Mental Health and Our Changing Climate: Impacts, Inequities, Responses	Susan Clayton et al., American Psychological Association & ecoAmerica	2021														
	P-0040687-P-0040698	The Psychological Impacts of Global Climate Change	Thomas J. Doherty & Susan Clayton, American Psychologist	2011														
	P-0040779-P-0040801	Young people's voices on climate anxiety, government betrayal and moral injury: a global phenomenon [Preprint]	Caroline Hickman et al., The Lancet	2021														

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	P-0041211-P-0041225	Chronic Mental Health Sequelae of Climate Change Extremes: A Case Study of the Deadliest Californian Wildfire	Sarita Silveira et al., Int. J. Environ. Res. Public Health	2021														
	P-0041239-P-0041251	Institutional Betrayal	Carly Parnitzke Smith & Jennifer J. Freyd, American Psychologist	2014														
	P-0041252-P-0041276	The Psychology of Judicial Betrayal.	Carly P. Smith et al., Roger Williams University Law Review	2014														
	P-0041353-P-0041357	Our children face "Pretraumatic Stress" from worries about climate change	Lise Van Susteren, BJM Opinion	2020														
	P-0041358-P-0041373	Psychological Impacts of Climate Change and Recommendations. In Health of People, Health of Planet and Our Responsibility	Lise Van Susteren & Wael K. Al-Delaimy	2020														
	P-0041374-P-0041409	The 2018 report of the Lancet Countdown on health and climate change: shaping the health of nations for centuries to come	Nick Watts et al., The Lancet	2018														
	P-0041488-P-0041489	Gianforte ends Montana's climate change coalition membership	AP News	2021														
	P-0041490-P-0041495	Climate Change Bill a Tough Sell in Montana	Beacon Staff, Flathead Beacon	2009														
	P-0041496-P-0041540	In the Matter of: Southern Montana Electric Generation and Transmission Cooperative-Highwood Generating Station Air Quality Permit No. 3423-00; Findings of Fact, Conclusions of Law and Order on Claims of Petitioners that the Department of Environmental Quality Failed to Comply with Permitting Requirements Applicable to PM2.5 and Ruling on Regulation of CO2 for BACT Purposes, Case No. BER 2007-07 AQ	Board of Environmental Review of the State of Montana	2008														
	P-0041541-P-0041552	Appendix B - Coal Plants Cancelled, Abandoned, or Put on Hold	Climate Hope	2010														
	P-0041553-P-0041585	EQC Administrative Rule Review Authority - Current Administrative Rules - Agency Litigations Updates, Attachment #4	Environmental Quality Council	2009														
	P-0041586	Hearing on SB 233, House Floor Session, 62nd Regular Session	Montana House Floor Session	2011														
	P-0041587	Hearing on SB 233 Before the Montana House Federal Relations, Energy, & Telecommunications, 62nd Regular Session	Montana House Federal Relations, Energy, & Telecommunications	2011														

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	P-0041588	Hearing on SB 233 Before the Montana Senate Committee on Natural Resources, 62nd Reg. Session	Montana Senate Natural Resources	2011													
	P-0041589-P-0041590	Roundup Power Plant: Roundup Coal-Fired Power Project Derailed	Montana Environmental Information Center (MEIC)	2007													
	P-0041591-P-0041606	MEIC v. DEQ, 988 P.2d 1236 (Mont. 1999).	Supreme Court of Montana	1999													
	P-0041607-P-0041615	MEIC v. DEQ, 2005 MT 96, 326 Mont. 502, 112 P.3d 964.	Supreme Court of Montana	2005													
	P-0041616-P-0041628	MEIC v. DEQ, DDV 08-820, Petition for Review	Montana Eighth Judicial District Court	2008													
	P-0041629-P-0041649	MEIC v. DEQ & Continental Energy Services, Inc., Cause No. BDV-2002-474, In Re: Permit Applicant Continental Energy Services, Inc. Silver Bow Generation Plant (Permit No. 3165-00), Affidavit and Petition for Hearing and for Stay of Permit Issuance	Montana First Judicial District Court	2002													
	P-0041666-P-0041958	Final Environmental Impact Statement Appendices Rosebud Mine Area B AM5	Montana Department of Environmental Quality (DEQ)	2022													
	P-0041959-P-0041981	DEQ, Air- "Find a Facility" List	Montana Department of Environmental Quality (DEQ)														
	P-0041982-P-0042094	Highwood Air Quality Permit No. 3423-00	Montana Department of Environmental Quality (DEQ)	2007													
	P-0042095-P-0042106	Record of Decisions for Roundup Power Project	Montana Department of Environmental Quality (DEQ)	2003													
	P-0042107-P-0042117	Record of Decisions for Silver Bow Generation Project	Montana Department of Environmental Quality (DEQ)	2002													
	P-0042118-P-0042497	Roundup Power Project Draft Environmental Impact Statement	Montana Department of Environmental Quality (DEQ)	2002													
	P-0042498-P-0042519	Plains Grains Limited Partnership v. Board of County Commissioners of Cascade County	Supreme Court of Montana	2010													
	P-0042520-P-0042522	Montana blasts 'woke' Washington with new laws to extend coal power	Tom Lutey, Billings Gazette	2021													
	P-0042550	Mica's Short Essay Regarding His Time in Covid Quarantine, Fire, Climate	Mica K., Plaintiff	2020													
	P-0042561	Photo of Smoke in Missoula Valley 3	Kathryn Grace S., Plaintiff	2021													
	P-0042563	Screenshot of Instagram Post of Climate Event Cancellation Due to Air Quality	Kathryn Grace S., Plaintiff	2021													

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	P-0042569	Photo of Smoky Valley in Glacier National Park	Kathryn Grace S., Plaintiff	2021														
	P-0042570	Screenshot of Air Quality in Bozeman on July 8-9, 2021	Georgi F., Plaintiff	2021														
	P-0042571	Screenshot of Text Communication about Indoor Practice Due to Smoke	Georgi F., Plaintiff	2021														
	P-0042573	Photo of Smoky Skies on Top of Livingston Peak 1	Eva L., Plaintiff	2021														
	P-0042574	Photo of Billowing Smoke 1	Ruby and Lilian, D., Plaintiffs															
	P-0042575	Photo of Billowing Smoke 2	Ruby and Lilian, D., Plaintiffs															
	P-0042577	Photo of Picking Chokecherries 2	Ruby and Lilian, D., Plaintiffs															
	P-0042594	Photo of Lander and his Grandfather Bird Hunting	Badge B. and Lander B., Plaintiffs															
	P-0042595	Photo of Burned Forest in Badger Two Medicine 1	Badge B. and Lander B., Plaintiffs															
	P-0042597	Photo of Badge and Lander Hunting or Fishing 13	Badge B. and Lander B., Plaintiffs															
	P-0042598	Photo of Kian and Todd land a fish on the border of Glacier National Park (North Fork of the Flathead River)	Kian T., Plaintiff	2009														
	P-0042599	Photo of Kian in Glacier National Park	Kian T., Plaintiff	2011														
	P-0042601	Photo of More dying trees on our place	Kian T., Plaintiff	2016														
	P-0042603	Photo of Kian casting his fly rod while Todd looks on	Kian T., Plaintiff	2018														
	P-0042605	Photo of Garden view without smoke	Kian T., Plaintiff															
	P-0042608	Photo of McDonald Peak Without Smoke	Sariel, S., Plaintiff															
	P-0042609	Photo of McDonald Peak Through Smoky Air	Sariel, S., Plaintiff															
	P-0042613-P-0042614	July Weather Was Hot And Smoky	Powder River Examiner	2021														
	P-0042617-P-0042619	Richard Spring Fire Disrupts Power Locally, Causes Evacuations in Rosebud County	Powder River Examiner	2021														
	P-0042623-P-0042624	High Temperature Records Fall During Fifth Driest September	Powder River Examiner	2021														
	P-0042627	Cross Country Practice Canceled Due to Smoke	Claire V., Plaintiff	2020														
	P-0042632	Photo of Hiking in Smoky Skies 3	Claire V., Plaintiff															
	P-0042634	Photo of Smoke	Claire V., Plaintiff															
	P-0042637	Photo of Smoky Skies 16	Claire V., Plaintiff															
	P-0042664	East Decker Mine: Other Permits Obtained by Decker Coal Company to Conduct Strip Mining	Montana Department of Environmental Quality (DEQ)															
	P-0042665-P-0042685	East Decker Mine, Surface Coal Mine, Montana Air Quality Permit #1435-07	Montana Department of Environmental Quality (DEQ)	2012														
	P-0042686-P-0042705	Westmoreland Absaloka Mine, Surface Coal Mine, Montana Air Quality Permit #1418-07	Montana Department of Environmental Quality (DEQ)	2017														

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	P-0042706-P-0042744	Northern Border Pipeline Compressor Station No. 1, Montana Air Quality Permit #OP2979-15	Montana Department of Environmental Quality (DEQ)	2022													
	P-0042745-P-0042747	Evacuations shelter established, sandbags available for Park County	Bradley Warren, Montana Right Now	2022													
	P-0042748	Photo of Flooding 1	Eva L., Plaintiff	2022													
	P-0042750	Photo of Flooding 3	Eva L., Plaintiff	2022													
	P-0042752	Photo of Flooding 5	Eva L., Plaintiff	2022													
	P-0042753	Photo of Smoky Skies 3	Rikki H., Plaintiff														
	P-0042754	Photo of Smoke Pillar 1	Rikki H., Plaintiff														
	P-0042757-P-0042761	Lander Medical Record - Allergy [PROTECTIVE ORDER]	Lander B., Plaintiff														
	P-0042762	Jeffrey Medical Record - Problem List [PROTECTIVE ORDER]	Jeffrey K., Plaintiff														
	P-0042763-P-0042775	Jeffrey Medical Record - Encounter Details [PROTECTIVE ORDER]	Jeffrey K., Plaintiff														
	P-0042776-P-0042821	Jeffrey Medical Record - Scanned Documents [PROTECTIVE ORDER]	Jeffrey K., Plaintiff														
	P-0042822-P-0042846	Nate Medical Record - Encounter Details [PROTECTIVE ORDER]	Nate K., Plaintiff														
	P-0042847-P-0042890	Georgi Medical Record [PROTECTIVE ORDER]	Georgi F., Plaintiff														
	P-0042891-P-0042956	Ruby Medical Record [PROTECTIVE ORDER]	Ruby D., Plaintiff														
	P-0042964	Photo of Broken Pivot 1	Rikki H., Plaintiff	2022													
	P-0042965	Photo of Broken Pivot 2	Rikki H., Plaintiff	2022													
	P-0042967	Photo of Broken Pivot 4	Rikki H., Plaintiff	2022													
	P-0042973	Photo of Hay Scattered 2	Rikki H., Plaintiff	2022													
	P-0042974-P-0042982	Are there any adults in the room? Hatch Magazine	Kian T., Plaintiff	2018													
	P-0042987	Photo of Burned Forest in Badger Two Medicine 2	Badge B. and Lander B., Plaintiffs														
	P-0042988	Photo of Burned Forest in Badger Two Medicine 3	Badge B. and Lander B., Plaintiffs														
	P-0042990	Photo of Badge and Lander Hunting or Fishing 1	Badge B. and Lander B., Plaintiffs														
	P-0042991	Photo of Badge and Lander Hunting or Fishing 2	Badge B. and Lander B., Plaintiffs														
	P-0042992	Photo of Badge and Lander Hunting or Fishing 3	Badge B. and Lander B., Plaintiffs														
	P-0042994	Photo of Badge and Lander Hunting or Fishing 5	Badge B. and Lander B., Plaintiffs														
	P-0042995	Photo of Badge and Lander Hunting or Fishing 6	Badge B. and Lander B., Plaintiffs														
	P-0042997	Photo of Badge and Lander Hunting or Fishing 8	Badge B. and Lander B., Plaintiffs														
	P-0043021	Photo of Smoke at Lee Metcalf National Wildlife Refuge in the Bitterroot Valley South of Missoula, 1	Kathryn Grace S., Plaintiff	2021													
	P-0043031	Photo of Lilian picking berries with friend/family	Ruby and Lilian, D., Plaintiffs														
	P-0043032	Photo of Picking Chokecherries 1	Ruby and Lilian, D., Plaintiffs														

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	P-0043036	Screenshot of AQI Smoke Level on the Day of Cancelled Camping Trip	Mica K., Plaintiff	2022														
	P-0043039	Email from Missoula County Public Schools to Mica re: Air Quality and School Activities	Missoula County Public Schools	2022														
	P-0043040-P-0043051	Exceeding 1.5°C global warming could trigger multiple climate tipping points	David I. Armstrong McKay et al., Science	2022														
	P-0043054-P-0043065	Climate Change, Fossil-Fuel Pollution, and Children's Health	Frederica Perera & Kari Nadeau, New England Journal of Medicine	2022														
	P-0043158-P-0043167	Socioeconomic Resilience to Climate Extremes in Freshwater Fishery	Timothy J. Cline et al., Science Advances	2022														
	P-0043168-P-0043188	The Social Cost of Carbon Revisited	Robert S. Pindyck, Journal of Environmental Economics and Management	2019														
	P-0043385-P-0043392	Temporal and spatial distribution of health, labor, and crop benefits of climate change mitigation in the United States	Drew Shindell et al., PNAS	2021														
	P-0043404-P-0043420	Low-cost solutions to global warming, air pollution, and energy insecurity for 145 countries	Mark Z. Jacobson et al., Energy & Environmental Science	2022														
	P-0043489-P-0043531	On the history and future of 100% renewable energy systems research	Christian Breyer et al., IEEE Access	2022														
	P-0043533-P-0043542	Special report: Millions of abandoned oil wells are leaking methane, a climate menace	Nichola Groom, Reuters	2020														
	P-0043543-P-0043547	On the causal link between carbon dioxide and air pollution mortality	Mark Z. Jacobson, Geophysical Research Letters	2008														
	P-0043548-P-0043553	Enhancement of local air pollution by urban CO2 domes	Mark Z. Jacobson, Environ. Sci. Technol.	2010														
	P-0043554-P-0043564	On the correlation between building heat demand and wind energy supply and how it helps to avoid blackouts	Mark Z. Jacobson, Smart Energy	2021														
	P-0043565-P-0043568	More hopeful calculations for the energy transition	Mark Z. Jacobson, National Academy of Engineering, Issues in Science and Technology	2022														
	P-0043644-P-0043677	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	Christina Goldfuss, Council on Environmental Quality	2016														
	P-0043678-P-0043702	United Nations Framework Convention on Climate Change	United Nations	1992														

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	P-0043703-P-0043755	Climate Change 2022: Mitigation of Climate Change. Summary for Policymakers. Working Group III contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change	Intergovernmental Panel on Climate Change (IPCC)	2022														
	P-0044755-P-0044866	Technical Summary. In: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change	Paola A. Arias et al., Intergovernmental Panel on Climate Change (IPCC)	2021														
	P-0044875-P-0044887	Mixing Politics and Science in Testing the Hypothesis That Greenhouse Warming Is Causing a Global Increase in Hurricane Intensity	J. A. Curry et al., American Meteorological Society	2006														
	P-0044888-P-0045481	Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation	Intergovernmental Panel on Climate Change (IPCC)	2012														
	P-0045498	National Centers for Environmental Information. Climate at a Glance Background	National Oceanic and Atmospheric Administration															
	P-0045499-P-0045509	Consistent Multidecadal Variability in Global Temperature Reconstructions and Simulations over the Common Era	PAGES 2k Consortium, Nature Geoscience	2019														
	P-0045520-P-0045539	Revised Records of Atmospheric Trace Gases CO ₂ , CH ₄ , N ₂ O, and δ13C-CO ₂ over the Last 2000 Years from Law Dome, Antarctica	Mauro Rubino et al., Earth Syst. Sci. Data	2019														
	P-0045558-P-0045560	The use and abuse of climate models in climate change research	Kevin E. Trenberth, Nature	1997														
	P-0045561-P-0045563	Uncertainty in hurricanes and global warming	Kevin Trenberth, Science	2005														
	P-0045564-P-0045568	2022's supercharged summer of climate extremes: How global warming and La Niña fueled disasters on top of disasters.	Kevin Trenberth, The Conversation	2022														
	P-0045591-P-0045722	Emissions Gap Report 2022: The Closing Window — Climate crisis calls for rapid transformation of societies	United Nations Environment Programme	2022														
	P-0045728-P-0045730	Changes in Tropical Cyclone Number, Duration, and Intensity in a Warming Environment	P. J. Webster et al., Science	2005														
	P-0045731-P-0045732	Response to comment on "Changes in Tropical Cyclone Number, Duration, and Intensity in a Warming Environment"	P. J. Webster et al., Science	2006														

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	P-0045733-P-0045862	Chapter 7: Health, wellbeing and the changing structure of communities. In Climate Change 2022: Impacts, Adaptation and Vulnerability	Guéladio Cissé et al., Intergovernmental Panel on Climate Change (IPCC)	2022													
	P-0045863-P-0045868	Including mental health as part of climate change impacts and adaptation assessment: a critical advance in IPCC AR6	Sherilee L. Harper et al., PLOS Climate	2022													
	P-0046033-P-0046049	General Fund Trends Relative to Gross State Product: Expanded. In Montana's Industry Sectors: Comparing Jobs, Personal Income, Gross State Product, and General Fund Revenue Share	Montana Legislative Fiscal Division	2018													
	P-0046050-P-0046318	Accelerating Decarbonization of the U.S. Energy System	National Academies of Sciences Engineering and Medicine	2021													
	P-0046850-P-0046875	Replacing Coal Revenue and Investing in Economic Transition: Solutions for Coal-Dependent Communities. Bozeman	Mark Haggerty, Headwaters Economics	2019													
	P-0046876-P-0046887	Planning for the local impacts of coal facility closure: Emerging strategies in the U. S. West	Julia H. Haggerty et al., Resources Policy	2018													
	P-0047015-P-0047051	Planning for Montana's Energy Transition.	Headwaters Economics	2016													
	P-0047065-P-0047076	How Montana Returns "Unconventional" Oil Revenue to Local Governments	Headwaters Economics	2014													
	P-0047077-P-0047083	Do Tax Subsidies Influence Domestic Oil Production?	Headwaters Economics	2012													
	P-0047084-P-0047095	Testimony to the Joint Subcommittee on The Changing Economy and Impacts to the Long-Term Viability of Montana's Tax Structure.	Mark Haggerty	2018													
	P-0047110-P-0047125	Uneven local benefits of renewable energy in the US west: property tax policy effects	Julia H. Haggerty et al., Western Economics Forum	2014													
	P-0047138-P-0047142	Wildfire Season Preview	Climate Central	2019													
	P-0047143-P-0047161	Explainer: The high-emissions 'RCP8.5' global warming scenario	Zeke Hausfather, Carbon Brief	2019													
	P-0047168	U.S. Drought Monitor	National Drought Mitigation Center	2022													
	P-0047169-P-0047171	Wildfires and Acres	National Interagency Fire Center.														
	P-0047172-P-0047176	Montana: State Climate Summaries 2022	NOAA National Centers for Environmental information	2022													
	P-0047177-P-0047178	RCP8.5 tracks cumulative CO2 emissions	Christopher R. Schwalm et al., PNAS	2020													
	P-0047179-P-0047191	Climate Change Indicators: Snowpack	U.S. Environmental Protection Agency	2022													

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	P-0047201-P-0047276	Late Quaternary Glacial and Vegetative History of the Glacier National Park Region, Montana	Paul E. Carrara, U.S. Geological Survey Bulletin	1989													
	P-0047277-P-0047291	The Late-Neoglacial Histories of the Agassiz and Jackson Glaciers, Glacier National Park, Montana	Paul E. Carrara and Robert G. McGimsey, Arctic and Alpine Research	1981													
	P-0047298-P-0047357	State of the Cryosphere 2022: Growing Losses, Growing Impacts	International Cryosphere Climate Initiative	2022													
	P-0047358-P-0047370	Holocene global mean surface temperature, a multi-method reconstruction approach	Darrell S. Kaufman et al., Scientific Data	2020													
	P-0047394-P-0047427	World Heritage Glaciers: Sentinels of climate change	UNESCO, IUCN	2022													
	P-0047446-P-0047448	Mission Statement and Guiding Principles: Department Goals and Objectives	Montana Department of Environmental Quality (DEQ)	2020													
	P-0047449-P-0047451	Coal Section	Montana Department of Environmental Quality (DEQ)	2020													
	P-0047452-P-0047467	2015 DEQ approval of the AM 4 expansion of the Rosebud Strip Mine	Montana Department of Environmental Quality (DEQ)	2015													
	P-0047468-P-0047495	Instructions for Registering, Updating, or Deregistering an Oil or Gas Well Facility	Montana Department of Environmental Quality (DEQ)	2018													
	P-0047496-P-0047500	CHS Laurel Refinery Fact Sheet, Permit No. MTHWP-14-02	Montana Department of Environmental Quality (DEQ)	2016													
	P-0047501-P-0047538	Coal Tables Workbook – 2021 Update	Montana Department of Environmental Quality (DEQ)	2021													
	P-0047539-P-0047541	Coal and Uranium Program: Prospecting Permitting	Montana Department of Environmental Quality (DEQ)	2020													
	P-0047542-P-0047548	Coal EA's: Pending Applications & Environmental Assessments	Montana Department of Environmental Quality (DEQ)	2020													
	P-0047549-P-0047552	Checklist Environmental Assessment, Approve Drilling Permit (Form 22) for Flynn Well 2-27-35-20, Behm Energy, Inc.	Montana Bureau of Mines and Geology	2022													
	P-0047553-P-0047562	Checklist Environmental Assessment, D&H Energy Oil and Gas Pipeline Installation, OG-20298-79	Montana Department of Natural Resources and Conservation (DNRC) Trust Land Management Division	2022													
	P-0047563-P-0047568	Checklist Environmental Assessment, Hiland Pipeline LUL-1281 Conversion to Easement, Kinder Morgan, Inc.	Montana Department of Natural Resources and Conservation (DNRC) Eastern Land Office	2022													

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	P-0047569-P-0047612	Annual Report Fiscal Year 2018 Trust Lands Management Division	Montana Department of Natural Resources & Conservation	2018													
	P-0047613-P-0047658	Annual Report Fiscal Year 2021	Montana Department of Natural Resources (DNRC), Trust Lands Management Division	2021													
	P-0047659-P-0047668	Montana Department of Natural Resources Environmental Documents Webpage listing all DNRC Environmental Documents and Permits	Montana Department of Natural Resources (DNRC)	2022													
	P-0047669-P-0047671	Minerals Management	Montana Department of Natural Resources & Conservation	2020													
	P-0047672-P-0047673	Director's Office Montana Department of Natural Resources	Montana Department of Natural Resources (DNRC)	2022													
	P-0047674-P-0047681	Department of Natural Resources and Conservation 2021 Biennium Goals and Objectives	Department of Natural Resources and Conservation, Conservation and Resource Development Division (CARDD)	2021													
	P-0047682-P-0047684	Minerals Management Bureau Website, Montana Department of Natural Resources and Conservation	Minerals Management Bureau, Montana Department of Natural Resources and Conservation (DNRC)	2022													
	P-0047685-P-0047697	Fiscal Year 2019 State of Montana Department of Natural Resources and Conservation, Minerals Management Bureau	Minerals Management Bureau, Montana Department of Natural Resources and Conservation (DNRC)	2019													
	P-0047698-P-0047699	Pipeline Safety	Montana Public Service Commission	2019													
	P-0047705-P-0047715	Montana Means Energy	Montana Department of Commerce	2013													
	P-0047716-P-0047888	Climate Change Draft - A report to the 61st Montana Legislature September 2008	Environmental Quality Council	2008													
	P-0047889-P-0047897	Plumes of Data: Air Quality and Emergency Room Visits During Recent Montana Fire Seasons	Environmental Quality Council, Joe Kolman	2022													
	P-0047898-P-0047923	CHS, Inc., Laurel Refinery, Authorization to Discharge Under the Montana Pollutant Discharge Elimination System, Permit No. MT0000264	Montana Department of Environmental Quality (DEQ)	2020													
	P-0047981-P-0048016	Summary for Policymakers, in Synthesis Report of the IPCC Sixth Assessment Report (AR6)	Intergovernmental Panel on Climate Change (IPCC)	2023													

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	P-0048017	Photo of Mica at a Climate Strike	Mica K., Plaintiff	2019													
	P-0048018	Photo of Mica Outside in the Smoke During Covid Quarantine	Mica K., Plaintiff	2020													
	P-0048019	Photo of Mica at Valentine's Day Climate Strike at North Western Energy 2	Mica K., Plaintiff	2020													
	P-0048020	Letter from Senator Tester in response to Mica's climate letter that he wrote when 4 yrs old	Mica K., Plaintiff	2013													
	P-0048021	Photo of it's hard to see the mountains behind the garden because of the smoke	Kian T., Plaintiff	2014													
	P-0048022-P-0048069	Cathy L. Whitlock Curriculum Vitae	Cathy Whitlock	2023													
	P-0048070-P-0048108	Montana Climate Assessment: Findings & Feedback, Presentation by Cathy Whitlock	Cathy Whitlock														
	P-0048109-P-0048272	Renewable Rewards and Risks: A look at the impacts of Montana's Renewable Portfolio Standard, A Report to the 64th Legislature	Legislative Services Division	2014													
	P-0048273-P-0048281	Montana Supply Data and Map	U.S. Energy Information Administration (EIA)	2022													
	P-0048282-P-0048283	Wildfire Suppression, Montana Legislative Fiscal Division	Montana Legislative Fiscal Division	2020													
	P-0048284-P-0048307	CHS, Inc., Laurel Refinery, Authorization to Discharge Under the Montana Pollutant Discharge Elimination System, Major Industrial Permit No. MT0000264	Department of Environmental Quality (DEQ)	2022													
	P-0048308-P-0048313	State of Montana, Oil & Gas Lease Sale - March 7, 2023, Lease Sale Results	Montana Department of Natural Resources & Conservation	2023													
	P-0048314-P-0048335	ONEOK Rockies Midstream, LLC, Western Compressor Station, Final Air Quality Permit #5274-01	Montana Department of Environmental Quality (DEQ)	2023													
	P-0048336-P-0048337	Oil and Gas Leasing Website	Montana Department of Natural Resources & Conservation	2023													
	P-0048338	Hearing on HB 170 before the House Energy, Technology and Federal Relations Committee, January 11, 2023	Montana Legislature	2023													
	P-0048339	Hearing on HB 170 before the Senate Energy and Telecommunications Committee, January 31, 2023	Montana Legislature	2023													
		Expert Report of Richard Barrett	Richard Barrett	2022													
		Expert Report of Lori G. Byron, MD, MS and Robert G. Byron, MD, MPH	Lori G. Byron & Robert G. Byron	2022													
		Expert Report of Daniel B. Fagre, Ph.D.	Daniel B. Fagre	2022													

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		Expert Disclosure for Michael Durglo, Jr.	Michael Durglo, Jr.	2022													
		Expert Report of Anne Hedges	Anne Hedges	2022													
		Expert Report of Mark Z. Jacobson, Ph.D.	Mark Z. Jacobson	2022													
		Expert Report of Peter A. Erickson	Peter A. Erickson	2022													
		Expert Report of Steven W. Running, Ph.D. and Cathy Whitlock, Ph.D.	Steven W. Running & Cathy Whitlock	2022													
		Expert Report of Jack A. Stanford	Jack A. Stanford	2022													
		Expert Report of Lise Van Susteren, M.D.	Lisa Van Susteren	2022													
		Rebuttal Expert Report of Richard Barrett	Richard Barrett	2022													
		Rebuttal Expert Report of Mark Z. Jacobson, Ph.D.	Mark Z. Jacobson	2022													
		Rebuttal Expert Report of Lori G. Byron, MD, MS and Robert G. Byron, MD, MPH	Lori G. Byron & Robert G. Byron	2022													
		Rebuttal Expert Report of Peter A. Erickson	Peter A. Erickson	2022													
		Rebuttal Expert Report of Mark Haggerty	Mark Haggerty	2022													
		Rebuttal Expert Report of Kevin E. Trenberth, Sc.D.	Kevin E. Trenberth	2022													
		Rebuttal Expert Report of Daniel B. Fagre, Ph.D.	Daniel B. Fagre	2022													
		Rebuttal Expert Report of Lise Van Susteren, M.D.	Lisa Van Susteren	2022													
		Rebuttal Expert Report of Steven W. Running, Ph.D. and Cathy Whitlock, Ph.D.	Steven W. Running & Cathy Whitlock	2022													
		Report of Judith Curry, PhD	Judith Curry	2022													
		Corrected Expert Report of Terry L. Anderson	Terry L. Anderson	2022													
		Vita for Terry L. Anderson	Terry L. Anderson	2022													
		Letter from Debra Sheppard, Ph.D. ABPP to Jones Law Firm	Debra Sheppard	2022													
		Curriculum Vita, Debra Sheppard	Debra Sheppard	2022													
		Deposition of Dr. Richard Barrett, Condensed Transcript	Richard Barrett	2022													
		Deposition of Lori G. Byron, MD, Condensed Transcript	Lori G. Byron	2022													
		Deposition of Robert G. Byron, MD, MPH, Condensed Transcript	Robert G. Byron	2022													
		Deposition of Michael Durglo, Jr., Condensed Transcript	Michael Durglo, Jr.	2022													
		Deposition of Peter A. Erickson, Condensed Transcript	Peter A. Erickson	2022													
		Deposition of Dr. Daniel Fagre, Condensed Transcript	Daniel Fagre	2022													
		Deposition of Mark Haggerty, Condensed Transcript	Mark Haggerty	2023													
		Deposition of Anne Hedges, Condensed Transcript	Anne Hedges	2022													

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		Deposition of Mark Jacobson, Ph.D., Condensed Transcript	Mark Jacobson	2022														
		Deposition of Steven William Running, Condensed Transcript	Steven William Running	2022														
		Deposition of Dr. Jack A. Stanford, Condensed Transcript	Jack A. Stanford	2022														
		Deposition of Kevin Trenberth, Condensed Transcript	Kevin Trenberth	2023														
		Deposition of Dr. Lise Van Susteren, Condensed Transcript	Lise Van Susteren	2022														
		Deposition of Dr. Cathy Whitlock, Condensed Transcript	Cathy Whitlock	2022														
		Deposition of Dr. Judith Curry, Amended Condensed Transcript	Judith Curry	2022														
		Deposition of Dr. Terry Anderson, Condensed Transcript	Terry Anderson	2022														
		Deposition of Dr. Debra Sheppard, Condensed Transcript	Debra Sheppard	2022														
		Deposition of Rikki Held, Condensed Transcript	Rikki Held, Plaintiff	2022														
		Confidential Portion of Deposition of Rikki Held, Condensed Transcript [PROTECTIVE ORDER]	Rikki Held, Plaintiff	2022														
		Deposition of Lander B., Condensed Transcript	Lander B., Plaintiff	2022														
		Confidential Portion of Deposition of Lander B., Condensed Transcript [PROTECTIVE ORDER]	Lander B., Plaintiff	2022														
		Deposition of Badge B., Condensed Transcript	Badge B., Plaintiff	2022														
		Confidential Portion of Deposition of Badge B., Condensed Transcript [PROTECTIVE ORDER]	Badge B., Plaintiff	2022														
		Deposition of Sariel Sandoval, Condensed Transcript	Sariel Sandoval, Plaintiff	2023														
		Deposition of Kian T., Condensed Transcript	Kian T., Plaintiff	2022														
		Deposition of Georgianna Fischer, Condensed Transcript	Georgianna Fischer, Plaintiff	2022														
		Deposition of Kathryn Grace Gibson-Snyder, Condensed Transcript	Kathryn Grace Gibson-Snyder, Plaintiff	2023														
		Deposition of Eva L., Condensed Transcript	Eva L., Plaintiff	2022														
		Deposition of Mica K., Condensed Transcript	Mica K., Plaintiff	2022														
		Confidential Portion of Deposition of Mica K., Condensed Transcript [PROTECTIVE ORDER]	Mica K., Plaintiff	2022														

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		Deposition of Olivia Vesovich, Condensed Transcript	Olivia Vesovich, Plaintiff	2022													
		Deposition of Claire V., Condensed Transcript	Claire V., Plaintiff	2022													
		Deposition of Taleah Hernandez, Condensed Transcript	Taleah Hernandez, Plaintiff	2023													
		Deposition of Will Rosquist 30(b)(6), Condensed Transcript	Will Rosquist	2022													
		Deposition of Shawn Thomas 30(b)(6), Condensed Transcript	Shawn Thomas	2022													
		Deposition of Chris Dorrington 30(b)(6), Condensed Transcript	Chris Dorrington	2022													
		Deposition of Sonja Nowakowski 30(b)(6), Condensed Transcript	Sonja Nowakowski	2022													
		Deposition of Sonja Nowakowski, Condensed Transcript	Sonja Nowakowski	2022													
		Deposition of David Klemp 30(b)(6), Condensed Transcript	David Klemp	2022													
		Deposition of David Klemp, Condensed Transcript	David Klemp	2022													
		Deposition of Ben Brouwer, Condensed Transcript	Ben Brouwer	2022													
		Deposition of Doug Kuenzli, Condensed Transcript	Doug Kuenzli	2022													
		Declaration of Anne Hedges in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion for Summary Judgment	Anne Hedges	2023													
		Declaration of Georgianna Fischer in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion for Summary Judgment	Georgianna Fischer	2023													
		Declaration of Claire Vlases in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion for Summary Judgment	Claire Vlases	2023													
		Declaration of Mica K. in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion for Summary Judgment	Mica K.	2023													
		Declaration of Olivia Vesovich in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion for Summary Judgment	Olivia Vesovich	2023													
		Declaration of Rikki Held in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion for Summary Judgment	Rikki Held, Plaintiff	2023													

Ex. No.	Bates No.	Description of Document	Author/Agency Source	Year	Objection		Form of Objection											
					Yes	No	Relevancy	Authenticity	Foundation	Hearsay	403	Other	Refused	Admitted	Reversed			
		Declaration of Laura King in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion for Summary Judgment	Laura King	2023														
		Declaration of Shane Doyle in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion for Summary Judgment	Shane Doyle	2023														
		Declaration of Badge B. in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion for Summary Judgment	Badge B., Plaintiff	2023														
		Declaration of Lander Busse in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion for Summary Judgment	Lander Busse, Plaintiff	2023														
		Declaration of Sariel Sandoval in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion for Summary Judgment	Sariel Sandoval, Plaintiff	2023														
		Declaration of Kathryn Grace Gibson-Snyder in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion for Summary Judgment	Kathryn Grace Gibson-Snyder, Plaintiff	2023														
		Declaration of Taleah Rose Sonrie Hernández in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion for Summary Judgment	Taleah Rose Sonrie Hernández, Plaintiff	2023														
		Declaration of Eva L. in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion for Summary Judgment	Eva L., Plaintiff	2023														
		Declaration of Kian T. in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion for Summary Judgment	Kian T., Plaintiff	2023														
		Declaration of Cathy Whitlock in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion to Partially Dismiss for Mootness	Cathy Whitlock	2023														
		Declaration of Mark Z. Jacobson in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion to Partially Dismiss for Mootness	Mark Jacobson	2023														
		Declaration of Jack A. Stanford in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion to Partially Dismiss for Mootness	Jack A. Stanford	2023														

Ex. No.	Bates No.	Description of Document	Author/Agency Source	Year	Objection		Form of Objection									
					Yes	No	Relevancy	Authenticity	Foundation	Hearsay	403	Other	Refused	Admitted	Reversed	
		Declaration of Steven W. Running in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion to Partially Dismiss for Mootness	Steven W. Running	2023												
		Declaration of Daniel B. Fagre in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion to Partially Dismiss for Mootness	Daniel B. Fagre	2023												
		Declaration of Lori G. Byron in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion to Partially Dismiss for Mootness	Lori G. Byron	2023												
		Declaration of Anne Hedges in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion to Partially Dismiss for Mootness	Anne Hedges	2023												
		Declaration of Lise Van Susteren in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion to Partially Dismiss for Mootness	Lise Van Susteren	2023												
		Declaration of Peter A. Erickson in Support of Plaintiffs' Response Brief in Opposition to Defendants' Motion to Partially Dismiss for Mootness	Peter A. Erickson	2023												
		Richard Barrett Curriculum Vitae	Richard Barrett	2022												
		Lori G. Byron Curriculum Vitae	Lori G. Byron	2022												
		Robert G. Byron Curriculum Vitae	Robert G. Byron	2022												
		Daniel B. Fagre Curriculum Vitae	Daniel B. Fagre	2022												
		Mark Z. Jacobson Curriculum Vitae	Mark Z. Jacobson	2022												
		Peter A. Erickson Curriculum Vitae	Peter A. Erickson	2022												
		Steven W. Running Curriculum Vitae	Steven W. Running	2022												
		Jack A. Stanford Curriculum Vitae	Jack A. Stanford	2022												
		Lisa C. Van Susteren, MD Curriculum Vitae	Lisa Van Susteren	2022												
		Mark Haggerty Curriculum Vitae	Mark Haggerty	2022												
		Kevin E. Trenberth Curriculum Vitae	Kevin E. Trenberth	2022												
		Defendants' Responses to Plaintiffs' First Discovery Requests		2022												
		Defendants' First Supplemental Responses to Plaintiffs' First Discovery Requests		2022												

Ex. No.	Bates No.	Description of Document	Author/Agency Source	Year	Objection		Form of Objection									
					Yes	No	Relevancy	Authenticity	Foundation	Hearsay	403	Other	Refused	Admitted	Reversed	
		Defendants' Second Supplemental Responses to Plaintiffs' First Discovery Requests		2022												
		Defendants' Third Supplemental Responses to Plaintiffs' First Discovery Requests		2022												
		Defendants' Fourth Supplemental Responses to Plaintiffs' First Discovery Requests		2022												
		Defendants' Fifth Supplemental Responses to Plaintiffs' First Discovery Requests		2023												
		Defendants' Responses to Plaintiffs' Second Discovery Requests to Defendants		2022												
		Defendants' Responses to Plaintiffs' Third Discovery Requests		2022												
		Defendants' Answer		2021												
		Why Climate Change is Good for the World	Matt Ridley, The Spectator	2013												
		How Global Warming Can Be Good For Us	Matt Ridley, Matt Ridley blog	2022												
		False Alarm: How Climate Change Panic Costs Us Trillions, Hurts the Poor, and Fails to Fix the Planet (excerpt)	Bjorn Lomborg	2020												
		Nullifying the Climate Null Hypothesis	Judith Curry, WIRES Climate Change	2011												
		Climate Forecast Applications Network Website	Climate Forecast Applications Network (CFAN)	2022												
		Prospectus: Scenarios for future regional impacts of climate change: A data-driven, climate dynamics approach	Climate Forecast Applications Network (CFAN)													
		Psychology stands ready to help society respond to climate change, APA president says	American Psychological Association	2022												
		Chairman's Report: 2017	Montana Public Service Commission	2018												
		Attachment 6 of Running/Whitlock Expert Report - Projected Climate Impacts for Montana Counties Plaintiffs are From: 2050-2074 (RCP4.5, RCP 8.5)														
	D-000020-D-000021	Written Findings for Permit Renewal, Decker Coal Company Permit C1983007	Department of Environmental Quality (DEQ) Coal & Uranium Program	2012												

Ex. No.	Bates No.	Description of Document	Author/Agency Source	Year	Objection		Form of Objection										
					Yes	No	Relevancy	Authenticity	Foundation	Hearsay	403	Other	Refused	Admitted	Reversed		
	D-000022-D-000038	Written Findings for Amendment and Mine Plan Revision, (for Amendment 3 to its current mining and reclamation plan at the Bull Mountains Mine No. 1 (SMP C1993017))	Montana Department of Environmental Quality (DEQ), Industrial and Energy Minerals Bureau Coal Program	2013													
	D-000041	Findings for Permit Renewal - Decker Coal Company - West Pits (C1987001C)	Montana Department of Environmental Quality (DEQ)	2010													
	D-000042-D-000043	Written Findings for Permit Renewal - Western Energy Company (C1985003C)	Montana Department of Environmental Quality (DEQ)	2016													
	D-000044-D-000045	Written Findings for Permit Renewal - Westmoreland Savage Corporation (C1984002)	Montana Department of Environmental Quality (DEQ)	2017													
	D-000046-D-000047	Written Findings for Permit Renewal - Western Energy Company (C1986003A)	Montana Department of Environmental Quality (DEQ)	2017													
	D-000048-D-000049	Written Findings for Permit Renewal - Western Energy Company (C1984003B)	Montana Department of Environmental Quality (DEQ)	2015													
	D-000050-D-000068	Written Findings (for AM3 to its current mining permit at the Bull Mountains Mine No. 1 (SMP C1993017)) (Signal Peak Energy)	Montana Department of Environmental Quality (DEQ)	2016													
	D-000069-D-000084	Written Findings (AM4 Additional 49 Acres Western Energy Company, Rosebud Coal Mine Area B)	Montana Department of Environmental Quality (DEQ)	2015													
	D-000085-D-000101	Written Findings (Major Revision TR3 for WDA2 and Expansion of WDA1 - Bull Mountain Coal Mining Inc. C1993017)	Montana Department of Environmental Quality (DEQ)	2017													
	D-000102-D-000116	Written Findings (Amendment Application 00185 Savage Coal Mine - Westmoreland Savage Corp. Permit No. C1984002)	Montana Department of Environmental Quality (DEQ)	2012													
	D-000117-D-000118	Findings for Permit Renewal - Signal Peak Energy (C1993017)	Montana Department of Environmental Quality (DEQ)	2013													
	D-000121-D-000197	Written Findings (Pearson Creek Amendment, Application 00183 Spring Creek Coal Mine - Spring Creek Coal Company Permit No. 79012)	Montana Department of Environmental Quality (DEQ)	2011													
	D-000198-D-000199	Findings for Permit Renewal - Western Energy Company (C1986003D)	Montana Department of Environmental Quality (DEQ)	2011													
	D-000200-D-000201	Written Findings for Permit Renewal - Decker Coal Company (C1987001C)	Montana Department of Environmental Quality (DEQ)	2016													

Ex. No.	Bates No.	Description of Document	Author/Agency Source	Year	Objection		Form of Objection										
					Yes	No	Relevancy	Authenticity	Foundation	Hearsay	403	Other	Refused	Admitted	Reversed		
	D-000203-D-000203	Written Findings for Permit Renewal - Westmoreland Resources, Inc. (C1985005)	Montana Department of Environmental Quality (DEQ)	2018													
	D-000204-D-000211	Written Findings: Major Revision TR3 for East Decker Coal Mine (C1983007)	Montana Department of Environmental Quality (DEQ)	2018													
	D-000212-D-000213	Written Findings for Permit Renewal - Spring Creek Coal LLC (C1979012)	Montana Department of Environmental Quality (DEQ)	2019													
	D-000214-D-000233	Record of Decision & Written Findings for Rosebud Coal Mine Area F - Western Energy Company (C2011003F)	Montana Department of Environmental Quality (DEQ)	2019													
	D-000234-D-000252	Record of Decision & Written Findings for Spring Creek Coal Mine - Spring Creek Coal, LLC (C1979012)	Montana Department of Environmental Quality (DEQ)	2020													
	D-000268-D-000269	Written Findings for Permit Renewal - Signal Peak Energy, LLC (C1993017)	Montana Department of Environmental Quality (DEQ)	2018													
	D-000270-D-000271	Written Findings for Permit Renewal - Decker Coal Company (C1983007)	Montana Department of Environmental Quality (DEQ)	2018													
	D-000272-D-000273	Written Findings for Permit Renewal - Decker Coal Company (C1987001C)	Montana Department of Environmental Quality (DEQ)	2021													
	D-000274-D-000280	Written Findings: Major Revision for Rosebud Coal Mine Area D Westmoreland Rosebud Mining, LLC Permit ID# C1986003D	Montana Department of Environmental Quality (DEQ)	2021													
	D-000281-D-000287	Written Findings: Major Revision for Rosebud Coal Mine Area A Westmoreland Rosebud Mining, LLC Permit ID# C1986003A	Montana Department of Environmental Quality (DEQ)	2021													
	D-000288-D-000377	List of Oil Well and Gas Well Facilities - Part 1	Montana Department of Environmental Quality (DEQ)														
	D-000288-D-000325	Annual Evaluation Report for the Regulatory Program Administered by the Department of Environmental Quality - Coal and Opencut Mining Bureau of MONTANA	U.S. Office of Surface Mining Reclamation and Enforcement	2021													
	D-000326-D-000443	CHS Inc. Laurel Refinery, Montana Air Quality Permit #1821-32	Montana Department of Environmental Quality (DEQ)	2013													
	D-000378-D-000405	List of Oil Well and Gas Well Facilities - Part 2	Montana Department of Environmental Quality (DEQ)														
	D-000406-D-000531	Attachment 1B - Environmental Specifications for the Keystone XL Project in Montana	Montana Department of Environmental Quality (DEQ)	2012													

Ex. No.	Bates No.	Description of Document	Author/Agency Source	Year	Objection		Form of Objection										
					Yes	No	Relevancy	Authenticity	Foundation	Hearsay	403	Other	Refused	Admitted	Reversed		
	D-000532-D-000589	Findings Necessary for Certification and Determination (Keystone)	Montana Department of Environmental Quality (DEQ)	2012													
	D-000590-D-000609	MAQP and TV issued	Montana Department of Environmental Quality (DEQ)	2022													
	D-000627-D-000628	Letter from Governor Schweitzer to Jim Peterson, President of Senate	Office of the Governor	2011													
	D-000698-D-000737	Office of Surface Mining and Enforcement, Annual Evaluation Report for Regulatory Program Administered by Department of Environmental Quality - Mining Bureau of Montana	Office of Surface Mining and Enforcement, Department of Environmental Quality	2022													
	D-000738-D-000742	Right of Way Deed, Easement No. D-3674A, Right of Way Application No. 4351A through Government Lot 6 and Tract U, Sec. 3, Montana	Department of Natural Resources (DNRC), Governor of Montana	2015													
	D-000743-D-000746	Right of Way Deed, Right of Way Application No. 15865 through Government Lots 5, 6, 7, 11 and 22, Montana	Department of Natural Resources (DNRC), Governor of Montana	2012													
	D-004930	USGS 06090800 Missouri River at Fort Benton MT, USGS Surface Water Data for USA - Data	U.S. Geological Survey														

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MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS & CLARK COUNTY

<p>RIKKI HELD, et al., Plaintiffs, v. STATE OF MONTANA, et al., Defendants.</p>	<p>Cause No. CDV 20-307 Hon. Kathy Seeley DEFENDANTS' EXHIBIT LIST</p>
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NO.	Y E S	N O	A D M I T T E D	R E F U S E D	R E S E R V E D	O B J E C T I O N	BRIEF DESCRIPTION OF EXHIBIT OFFERED
DEF 1							Energy Efficiency and Conservation Block Grant (EECBG) Quarterly Performance Report, Reporting Period 07/01/2012–09/30/2012 (D-004942–D-004971)
DEF 2							State Buildings Energy Conservation Program Report to the Governor, Department of Environmental Quality, September 1, 2012 (D-004972–D-004987)
DEF 3							Alternative Energy Loan Program Outcomes Report October 2013 (D-004988–D-004993)
DEF 4							State Buildings Energy Conservation Program Report to the Governor, Department of Environmental Quality, September 1, 2014 (D-005118–D-005127)
DEF 5							Alternative Energy Loan Program Outcomes Report October 2014 (D-004994–D-005000)
DEF 6							Alternative Energy Loan Program Outcomes Report October 2015 (D-005001–D-005007)
DEF 7							State Buildings Energy Conservation Program Report to the Governor, Department of Environmental Quality, September 1, 2016 (D-005128–D-005138)

DEF 8						Alternative Energy Revolving Loan Program FY16 Outcomes Report October 2016 (D-005008–D-005015)
DEF 9						State Energy Program – Montana, Annual Formula Grant Summary Template PY2016–SFY17 (D-005065–D-005075)
DEF 10						Alternative Energy Revolving Loan Program Outcomes Report, Fiscal Year 2017 (D-005016–D-005023)
DEF 11						State Energy Program – Montana, Annual Formula Grant Summary Template PY2017–SFY18 (D-005076–D-005085)
DEF 12						Alternative Energy Revolving Loan Program Outcomes Report, Fiscal Year 2018 (D-005024–D-005032)
DEF 13						Montana Regulatory Performance Agreement Beginning Evaluation Year 2019 (July 1, 2018, to June 30, 2019) Between Montana Department of Environmental Quality Coal and Opencut Mining Bureau and The Office of Surface Mining Reclamation and Enforcement, Denver Field Division-Casper Area Office, June 2018 (D-000679–D-000687)
DEF 14						State Energy Program – Montana, Annual Formula Grant Summary Template PY2018–SFY19 (D-005086–D-005096)
DEF 15						State Buildings Energy Conservation Program Report to the Governor, Department of Environmental Quality, September 1, 2018 (D-005139–D-005151)

DEF 16						Alternative Energy Revolving Loan Program Outcomes Report, Fiscal Year 2019 (D-005033-D-005040)
DEF 17						Montana Regulatory Performance Agreement Beginning Evaluation Year 2020 (July 1, 2019, to June 30, 2020) Between Montana Department of Environmental Quality Coal and Opencut Mining Bureau and The Office of Surface Mining Reclamation and Enforcement, Denver Field Division-Casper Area Office, June 2019 (D-000659-D-000668)
DEF 18						Alternative Energy Revolving Loan Program Outcomes Report, Fiscal Year 2020 (D-005041-D-005048)
DEF 19						Montana Regulatory Performance Agreement Beginning Evaluation Year 2021 (July 1, 2020, to June 30, 2021) Between Montana Department of Environmental Quality Coal and Opencut Mining Bureau and The Office of Surface Mining Reclamation and Enforcement, Denver Field Division-Casper Area Office, July 2020 (D-000669-D-000678)
DEF 20						State Buildings Energy Conservation Program Report to the Governor, Department of Environmental Quality, August 31, 2020 (D-005097-D-005104)
DEF 21						Montana Regulatory Performance Agreement Beginning Evaluation Year 2022 (July 1, 2021, to June 30, 2022) Between Montana Department of Environmental Quality Coal and Opencut Mining Bureau and The Office of Surface Mining Reclamation and Enforcement, Denver Field Division-Casper Area Office, June 2021 (D-000688-D-000697)

DEF 22						Alternative Energy Revolving Loan Program Outcomes Report, Fiscal Year 2021 (D-005049–D-005056)
DEF 23						Office of Surface Mining Reclamation and Enforcement Annual Evaluation Report for the Regulatory Program Administered by the Department of Environmental Quality – Mining Bureau of MONTANA For Evaluation Year 2022 July 1, 2021 to June 30, 2022, Prepared by the Denver Field Division, September 2022 (D-000698–D-000737)
DEF 24						State of Montana VW Settlement – Semiannual Report, Reporting Period July 1 – December 31, 2021 (D-004931–D-004934)
DEF 25						State of Montana VW Settlement – Semiannual Report, Reporting Period July 1 – June 30, 2022 (D-004935–D-004941)
DEF 26						Alternative Energy Revolving Loan Program Outcomes Report, Fiscal Year 2022 (D-005057–D-005064)
DEF 27						State Buildings Energy Conservation Program Report to the Governor, Department of Environmental Quality, August 31, 2022 (D-005105–D-005117)
DEF 28						Appendix Table 1 to Terry Anderson Expert Report
DEF 29						Appendix Figure 1 to Terry Anderson Expert Report
DEF 30						Plaintiffs’ Responses to State’s First Discovery Requests (April 20, 2022)

DEF 31							Plaintiffs' Supplemental Responses to State's First Discovery Requests (August 17, 2022)
DEF 32							Plaintiffs' Supplemental Responses to State's First Discovery Requests (January 9, 2023)
							Any non-objectionable documents produced by Plaintiffs during discovery
							Any non-objectionable documents produced by Defendants during discovery
							Any non-objectionable exhibit identified by Plaintiffs
							Any non-objectionable exhibit necessary for rebuttal
							Any non-objectionable exhibit necessary for impeachment
							Any non-objectionable deposition transcript or deposition exhibit
							Any non-objectionable demonstrative exhibit