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**MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY**

RIKKI HELD, et al.,

Plaintiff,

v.

STATE OF MONTANA, et al.,

Defendant.

Cause No. CDV-2020-307

**FINAL PRE-TRIAL
ORDER**

A pre-trial conference was held on April 27, 2023. Philip Gregory, Nathan Bellinger, Roger Sullivan, and Barbara Chillcott appeared for Plaintiffs. Thane Johnson, Lee McKenna, Selena Sauer, and Michael Russell appeared for Defendants (State). The Court prepared this Final Pre-Trial Order using proposed orders submitted by the parties, who were unable to reach an agreement on the Order.

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1 **AGREED FACTS**

2 1. Defendant State of Montana is a governmental entity.

3 2. Defendant Greg Gianforte is the current Governor of
4 Montana.

5 3. Defendant Montana Department of Environmental Quality
6 (DEQ) is a department of the State of Montana.

7 4. DEQ implements laws within its legal authority.

8 5. DEQ issues air quality permits for applications that
9 demonstrate compliance with all applicable requirements of the Federal and/or
10 Montana Clean Air Act and their implementing rules, including but not limited to
11 coal and natural gas-powered energy plants, coal mining operations, and oil and
12 gas refineries.

13 6. DEQ has authority to certify certain pipelines that meet the
14 definition provided in the Major Facility Siting Act, Mont. Code Ann.
15 § 75-20-104(9)(b), and that comply with the requirements of the Act.

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

19 8. Defendant Montana Department of Natural Resources and
20 Conservation (DNRC) is a department of the State of Montana.

21 9. DNRC manages the resources of the state trust lands through
22 the State Board of Land Commissioners.

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

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

4 12. Defendant Montana Department of Transportation (MDT) is
5 a department of the State of Montana.

6 13. MDT is responsible for the planning, authorization, and
7 operation of programs for the construction, maintenance, and monitoring of
8 Montana's transportation infrastructure and operations, including Montana's
9 highway network, railroads, and airports.

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

12 15. Defendant Montana Public Service Commission (PSC) is a
13 governmental entity.

14 16. PSC regulates, supervises, and controls public utilities,
15 common carriers, railroads, and pipelines.

16 17. PSC sets standard-offer contracts for qualifying facilities
17 and utility rates.

18 18. PSC is responsible for the safety of interstate pipelines,
19 including crude oil or petroleum products that operate within or through
20 Montana.

21 19. Defendants' performance of their respective governmental
22 functions has resulted in the extraction, transportation, and consumption of fossil
23 fuels.

24 20. The extraction, transportation, and consumption of fossil
25 fuels results in greenhouse gas emissions.

1 **PLAINTIFFS' CONTENTIONS**

2 **Regarding Defendants:**

3 1. Defendants are the State of Montana, Governor Greg
4 Gianforte, DEQ, DNRC, MDT, and PSC, (collectively Defendants or the State)
5 sued in their official capacities.

6 2. The State is a sovereign trustee over the Public Trust
7 Resources within its domain, including the atmosphere (air), water, fish and
8 wildlife, and public lands.

9 a. As a sovereign trustee, the State is charged with
10 protecting Public Trust Resources from substantial impairment and alienation
11 for the benefit of present and future Montanans.

12 b. The State has an affirmative constitutional duty to
13 maintain and improve a clean and healthful environment for present and future
14 generations.

15 c. Each Defendant, as trustee, has a duty to administer
16 and manage Public Trust Resources with loyalty to and in the interest of trust
17 beneficiaries—all present and future generations of Montanans, including
18 Plaintiffs.

19 d. As trustees, Defendants have a duty of impartiality,
20 prohibiting them from favoring one class or generation of beneficiaries over
21 another in the management of Public Trust Resources.

22 e. Defendants have a duty of care to exercise appropriate
23 skill, prudence, and caution in managing Public Trust Resources.

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1 3. As Governor, Greg Gianforte is charged with seeing that
2 State laws are faithfully executed. Governor Gianforte has supervisory authority
3 over the principal departments of the executive branch.

4 4. DEQ is mandated to ensure that all projects and activities for
5 which it issues permits, licenses, authorizations, or other approvals comply with
6 Montana’s environmental laws and rules (including the Montana Environmental
7 Policy Act (MEPA)) to maintain and improve Montana’s natural environment.

8 5. DNRC regulates, permits, and authorizes activities that
9 result in significant GHG emissions in Montana.

10 a. DNRC manages all the resources of Montana’s state
11 trust lands through the State Board of Land Commissioners (Land Board), which
12 is bound by the Public Trust Doctrine to permit only those activities on state land
13 that are in the best interests of present and future generations of Montanans.

14 b. DNRC issues licenses for exploration and leases for
15 production and extraction of oil and gas in Montana, and permits for drilling in
16 Montana, which result in dangerous levels of GHG emissions and contribute to
17 climate change.

18 c. DNRC, through the Montana Board of Oil and Gas
19 Conservation, administers all oil and gas conservation laws and issues licenses
20 for exploration and leases for production and extraction of oil and gas in
21 Montana, and permits for drilling in Montana.

22 6. PSC regulates, supervises, and controls public utilities,
23 common carriers, railroads, and pipelines.

24 a. PSC is responsible for prescribing suitable
25 commercial units of product or service for each kind of public utility.

1 b. PSC is specifically authorized to adopt rules to
2 implement renewable energy sources for utilities but continues to certify energy
3 projects and utilities that rely on fossil fuels.

4 **Regarding the Montana Constitution:**

5 7. The provisions of Montana’s Constitution are intended to
6 benefit both present and future generations of Montanans.

7 8. The Montana Constitution explicitly extends all
8 constitutional rights to children and youth under Mont. Const. Art. II, Sec. 15.

9 9. During Montana’s 1972 Constitutional Convention,
10 delegates placed significant emphasis on protecting natural resources and
11 improving Montana’s environment. It was the intention of the delegates to adopt
12 the strongest state constitutional environmental protections in the country to
13 protect Montana’s air, water, and lands for present and future generations.

14 10. The fundamental right to a clean and healthful environment
15 guaranteed by Mont. Const. Art. II, Sec. 3, and Art. IX, Sec. 1, includes the right
16 to a stable climate system capable of sustaining human life and liberties.

17 a. Montana’s clean and healthful environment provides
18 an essential life support system and is necessary for Plaintiffs to enjoy their lives
19 and liberties.

20 b. A clean and healthful environment includes the right
21 to a stable climate system and is one that is free from dangerous levels of
22 anthropogenic carbon dioxide (CO2) and other GHG emissions. Montana’s
23 constitutional right to a clean and healthful environment prohibits environmental
24 degradation that causes ill health or physical endangerment and unreasonable
25 depletion or degradation of Montana’s natural resources.

1 c. Any statute or rule which implicates the fundamental
2 right to a clean and healthful environment must be strictly scrutinized and can
3 only survive strict scrutiny if the State establishes a compelling state interest and
4 the statute or rule is narrowly tailored to effectuate that interest.

5 11. Mont. Const. Art. II, Sec. 3 guarantees to all persons the
6 rights to seek safety, health, and happiness in all lawful ways.

7 12. Mont. Const. Art. II, Sec. 17 provides: “[n]o person shall be
8 deprived of life, liberty, or property without due process of law.”

9 13. Mont. Const. Art. II, Sec. 15 explicitly extends these rights
10 to youth under the age of eighteen.

11 14. Mont. Const. Art. II, Sec. 4 provides: “The dignity of the
12 human being is inviolable. No person shall be denied the equal protection of the
13 laws.”

14 15. The rights of present and future generations as beneficiaries
15 under the Public Trust Doctrine are attributes of sovereignty that predate
16 Montana’s Constitution, are secured by the Montana Constitution and common
17 law, and cannot be abrogated.

18 16. Mont. Const. Art. II, Sec. 3, and Art. IX, Sec. 1, together
19 with Montana’s common law, provide a compelling basis for Courts’ recognition
20 of the Public Trust Doctrine over the atmosphere in Montana.

21 17. Montana’s Public Trust Resources also include other
22 essential natural resources that are of vital public concern to the citizens of
23 Montana, including the atmosphere (air), fish and wildlife, wetlands, public
24 lands, submerged lands, and the banks of waters up to the high-water mark.

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1 18. Public Trust rights include the rights of present and future
2 generations to access, use, and enjoy these essential resources that are protected
3 by Montana’s Public Trust Doctrine.

4 a. The public’s interest in using and accessing such vital
5 natural resources includes the rights of navigation, fishing, hunting, commerce,
6 and recreational uses.

7 b. The atmosphere is indistinguishably interrelated with
8 water and there is always water in the atmosphere. Harm to the atmosphere
9 negatively affects waters, fish and wildlife, wetlands, and public lands.

10 19. The Public Trust Doctrine imposes an affirmative duty on all
11 sovereign governments, including each Defendant as a trustee, to maintain
12 control, protect, preserve, and prevent substantial impairment to and waste of
13 Public Trust Resources for the benefit of all Montanans, including Plaintiffs and
14 future generations of Montanans. Defendants, as trustees, also have a duty to
15 refrain from acting in a manner that abdicates control of Public Trust Resources.

16 **Regarding Climate Science:**

17 20. There is a scientific consensus that Earth is warming as a
18 direct result of human GHG emissions, primarily from the burning of fossil fuels.
19 Atmospheric carbon dioxide is the primary factor driving climate change.

20 21. There is a scientific consensus that dangerous climate
21 change is already occurring due to human GHG emissions, primarily from
22 extraction and burning of fossil fuels.

23 22. Carbon dioxide is the GHG that is most responsible for
24 trapping excess heat in Earth’s atmosphere. Excess CO2 and other GHGs from
25 human activity create an “energy imbalance” that drives warming temperatures

1 and climate disruption. A substantial portion of every ton of CO₂ emitted persists
2 in the atmosphere for as long as a millennium or more. As a result, CO₂ steadily
3 accumulates in the atmosphere.

4 23. Global average annual CO₂ concentrations are now
5 approximately 420 parts per million (ppm), compared to the pre-industrial
6 concentration of 280 ppm. Current atmospheric CO₂ concentrations are higher
7 than levels seen in millions of years.

8 24. The rate of atmospheric CO₂ increase from pre-industrial
9 concentrations to the present is 100 times faster than natural cycles.

10 25. Scientists have understood the basic mechanism of global
11 heating since the late 1800s: GHGs trap heat received from the sun, and more
12 GHGs in the atmosphere lead to more heat retained in Earth's atmosphere instead
13 of being radiated back out into space, disrupting Earth's energy balance and
14 causing energy imbalance.

15 **Regarding the Harms of Climate Change to Children, Young People, and**
16 **Future Generations:**

17 26. Given that a substantial portion of every ton of CO₂ emitted
18 by humans persists in the atmosphere for a millennium or more, Earth will
19 continue to warm in response to the atmospheric concentrations of GHGs caused
20 by past and future emissions. Therefore, the impacts associated with the CO₂
21 emissions of today will be mostly borne by Plaintiffs, other youth, and future
22 generations.

23 27. The cumulative effects of GHG emissions cause climate
24 disruption. Earth will continue to warm as more emissions continue to increase
25 atmospheric concentrations of GHGs. This means the harm from present day

1 GHG emissions will be disproportionately borne by today’s children, including
2 Plaintiffs and future generations.

3 28. Children, including Plaintiffs, are uniquely vulnerable to the
4 consequences of climate change, which harm Plaintiffs’ physical and
5 psychological health and safety, interfere with family and cultural foundations
6 and integrity, and cause economic deprivations.

7 29. Children hold the same constitutional rights as adults, yet
8 their political powerlessness, unique physiological characteristics and
9 vulnerabilities, and lack of autonomy and dependency on caregivers, render
10 children more vulnerable to violations of their rights. Children are at a critical
11 developmental stage, as their capacities evolve and their physiological and
12 psychological maturity develops more rapidly than at any other time in life.

13 30. All children, even those without pre-existing conditions or
14 illness, are a “sensitive population” with respect to the effects of the climate
15 crisis because their bodies and minds are still developing.

16 31. The physical and psychological harms from climate change
17 are acute and chronic, and they accrue from impacts such as heat waves, drought,
18 wildfires, air pollution, violent storms, loss of wildlife, watching glaciers melt,
19 and the loss of familial and cultural foundations and traditions.

20 32. The psychological health effects children and young people
21 can experience from witnessing and experiencing climate change impacts include
22 elevated levels of anxiety, depression, increased incidences of suicide, substance
23 abuse, social disruptions like increased violence, and a distressing sense of loss.
24 The psychological harms caused by climate change can result in a lifetime of
25 hardships for children.

1 33. The physiological features of children make them
2 disproportionately vulnerable to the impacts of climate change. Childrens'
3 organs, including their lungs and brain, are still developing—which makes youth
4 more vulnerable to environmental stressors and injuries.

5 34. Typical child behavior, which involves spending more time
6 outside and difficulty self-regulating activity, also render children more
7 susceptible to excess heat, poor air quality, and other climate change impacts.

8 35. Childhood exposure to climate disruptions can result in
9 impaired physical and cognitive development with life-long consequences.

10 36. Children are particularly vulnerable to climate change-
11 related diseases, and children comprise the majority of current sufferers of
12 disease due to climate disruption.

13 37. Allergies are highly prevalent among children and climate
14 change exacerbates allergy symptoms, including asthma. An increase in these
15 symptoms can affect children's physical and psychological health by interfering
16 with sleep, play, school attendance, and school/athletic performance.

17 38. The adverse impacts of climate change on the physical and
18 mental health of children are limiting children's potential for development and
19 inhibiting their opportunity to engage in Montana's most important institutions
20 and heritage.

21 39. Children also face barriers to family formation because of
22 climate change. For example, Plaintiffs Olivia and Grace express reluctance to
23 have children because they fear the world that their children would grow up in.

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1 40. Plaintiffs Rikki and Kian face economic deprivations
2 including barriers to keeping family wealth and property intact and decreased
3 future economic opportunities.

4 41. Plaintiffs Eva, Lander, Badge, and Sariel are experiencing
5 forced-relocation and loss of ties to the land. These impacts disproportionately
6 affect children and youths because they are the consequences of matters beyond
7 their control that they are not responsible for causing and will impose a lifetime
8 of hardships.

9 **Climate Change is Already Adversely Affecting Montana’s Natural**
10 **Environment and Harming Plaintiffs:**

11 42. Climate change is degrading and depleting Montana’s
12 unique and precious environment and natural resources, which Plaintiffs depend
13 on for their safety, survival, and well-being.

14 43. Montana’s persistent drought conditions and record wildfire
15 seasons have doubled respiratory-related emergency room visits.

16 44. Climate change is already causing dangerously increasing
17 temperatures, changing precipitation patterns, increasing droughts, extreme
18 weather events, increasing severity and intensity of wildfires, increased glacial
19 melt, and adverse health impacts.

20 45. Montana already warmed between two and three degrees
21 Fahrenheit between 1950 and 2015, significantly more than the global average.
22 Montana’s warming climate will have serious economic impacts, particularly in
23 agriculture.

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1 46. Montana’s snowpack has been decreasing and is likely to
2 continue decreasing with warmer temperatures. Montana’s declining snowpack
3 will negatively affect Montana’s winter tourism industry and the winter sports
4 activities enjoyed by several Plaintiffs.

5 47. Climate change is dramatically altering Glacier National
6 Park, one of Montana’s world-renowned landmarks. Of the approximately 150
7 glaciers in the Park in 1850, only twenty-six glaciers larger than twenty-five
8 acres remained by 2015. The loss of the Park’s glaciers will affect the water
9 sources of countless communities, stream and river hydrology, local economies,
10 and the recreational opportunities of some Plaintiffs.

11 48. Climate change is already affecting the water levels and
12 temperatures of Montana’s rivers and lakes. Boating and fishing on certain rivers
13 and lakes in Montana has been adversely affected as a result of low river flows
14 and high-water temperatures. These changes impact Plaintiffs’ ability to fish and
15 recreate on the State’s rivers and lakes.

16 49. Climate change is harming and will continue to harm
17 Montana’s wildlife, fisheries, hunting and angling economy, and recreation and
18 tourism industries.

19 50. Rising temperatures, drought conditions, and increasing
20 insect infestations have harmed Montana’s forests and overall ecosystems.
21 Montana’s forests naturally sequester atmospheric CO2. As forests are lost due to
22 drought, pests, and wildfires, they may no longer be able to store as much carbon.

23 51. Higher temperatures in Montana are leading to increased
24 severity, frequency, and extent of wildfires. Wildfires in Montana are expected to

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1 become significantly worse in the coming years. Wildfires and smoke pose a
2 direct physical threat to Plaintiffs and significantly impact ecosystems, property,
3 and livelihoods.

4 52. Plaintiffs have been and will continue to be harmed by the
5 dangerous impacts of fossil fuels and climate change.

6 53. Plaintiffs have alleged numerous injuries resulting from
7 climate change, including:

8 a. Loss of hunting, fishing, athletic, and other
9 recreational and aesthetic opportunities due to smoke, heat, wildlife disease,
10 melting glaciers, and lack of snow.

11 b. Psychological effects resulting from the loss of those
12 recreational and aesthetic opportunities.

13 c. Economic losses such as livestock and crop losses, as
14 well as property losses and forced relocation due to flooding and wildfires.

15 d. Economic loss from reduced water levels and in-
16 stream flows impacting water rights.

17 e. Economic losses from reduced work as ski instructors.

18 f. Stress, anxiety, and despair about the future, having
19 children, the loss of culture and heritage, and the loss of special landscapes.

20 g. Health effects from heat, wildfire smoke, and pollen.

21 h. Disruption to home, family, community, and tribal
22 culture and ways of life.

23 i. Disruption to traditional food sources, as well as
24 cultural and spiritual practices.

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1 j. Barriers to keeping family wealth and property intact.

2 54. Plaintiffs should be treated as a protected class in this action
3 because they will disproportionately experience the catastrophic impacts of a
4 destabilized climate.

5 **Defendants are Responsible for Dangerous Levels of GHG Emissions that**
6 **Cause and Contribute to Climate Change and Harm Plaintiffs:**

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

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

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

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

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

22 60. The 2017 Montana Climate Assessment found that
23 numerous adverse impacts to Montana's environment, natural resources, and
24 residents, including those related to rising temperatures, wildfires, drought,

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1 extreme weather events, and others, were expected to worsen in the coming years
2 as GHG emissions were expected to continue to rise.

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

9 62. In August 2020, when the Montana climate Solutions
10 Council released its final report, the Montana Climate Solutions Plan, Defendants
11 knew that climate change was already harming Montana and its residents,
12 through referencing rising temperatures, early snowmelt, earlier spring runoff,
13 flooding, changes in water availability and stream temperatures, an increase in
14 forest mortality due to insects, and increasing wildfires.

15 63. In August 2020, when the Montana Climate Solutions
16 Council released the Montana Climate Solutions Plan, Defendants knew there
17 were 37 recommendations and strategies to reduce Montana’s GHG emissions by
18 increased energy efficiency, increased renewable energy development, expanded
19 use of electric vehicles, increased carbon sequestration, and reduced methane
20 emissions.

21 64. Since 2011, the MEPA Limitation has prevented Defendant
22 agencies from considering climate change impacts.

23 65. Pursuant to the MEPA Limitation, Defendants have
24 deliberately ignored the dangerous impacts of climate change when carrying out
25 their authorization and permitting of fossil fuel activities.

1 66. The 2011 and 2023 amendments to MEPA were a clear
2 directive from the legislature to state agencies that fossil fuels were to remain a
3 central and dominant part of Montana’s energy sector and that no fossil fuel
4 projects should be delayed or blocked because of their impact on climate change.

5 67. Fossil fuel energy is the least efficient form of energy
6 available to the State. There is no interest, compelling or otherwise, that justifies
7 Defendants’ deprivation of Plaintiffs’ fundamental right to a clean and healthful
8 environment “for present and future generations,” including a stable climate
9 system. Nor is the MEPA Limitation narrowly tailored to effectuate any such
10 interest.

11 68. The State continues to approve projects that are responsible
12 for significant quantities of GHG emissions, thus exacerbating the climate crisis
13 and causing further harms to Montana’s environment and its citizens, especially
14 its youth.

15 a. Defendants authorize and certify energy projects and
16 facilities within Montana that emit substantial levels of GHGs, including but not
17 limited to projects that burn and promote the use of fossil fuels.

18 b. Defendants authorize four private coal power plants to
19 operate in the State, which generate thirty percent of Montana’s energy
20 production.

21 c. Defendants continue to permit surface coal mining
22 and reclamation in Montana, which results in substantial GHG emissions.

23 d. Defendants authorize, through licenses and leases, the
24 exploration for and extraction of oil and gas in Montana.

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1 e. Defendants have adopted and enforce GHG emissions
2 standards for petroleum refineries that authorize dangerous levels of GHG
3 emissions. Secondary emissions are not considered by Defendants in determining
4 potential to emit.

5 f. Defendants continue to certify and authorize four
6 petroleum refineries in the State of Montana.

7 g. Defendants have exempted certain facilities that burn
8 fossil fuels from present and future compliance with GHG emission standards.

9 69. DEQ has used its statutory authority and discretion in a
10 manner that has resulted in dangerous levels of GHG emissions. DEQ has
11 implemented its authority and discretion in a manner that has contributed to
12 constitutional violations and violations of the Public Trust Doctrine.

13 a. DEQ issues air quality permits to facilities that emit
14 GHG emissions.

15 b. Strip and underground coal mining operations
16 permitted by DEQ are causing dangerous amounts of GHG emissions.

17 c. In approving surface and underground coal mining
18 activities, DEQ has repeatedly refused to disclose the significant harms to human
19 health and the environment from its decisions.

20 d. DEQ has authorized and permitted fossil fuel
21 extraction, transportation, and combustion, which generate dangerous levels of
22 GHG emissions, contribute to climate change, and harm Plaintiffs.

23 e. DEQ approved, certified, or issued permits for the
24 following projects without, pursuant to the MEPA Limitation, considering or
25 disclosing GHG emissions or climate change impacts:

- i. AM4 expansion of Rosebud Strip Mine in December 2015, a 12.1-million-ton coal mine expansion.
- ii. Expansion at Bull Mountain Mine in July 2016.
- iii. Issued twelve permits between 2002 and 2014 to Signal Peak Energy to operate Bull Mountain Mine.
- iv. TR3 expansion of Decker Mine in 2018, allowing for strip-mining of twenty-three million tons of coal.
- v. In 2017 and 2018, issued permits for the Westmoreland Absaloka Mine and subsequent mine expansion.
- vi. In 2020, approved revision to Spring Creek Mine, the largest coal mine in the State, allowing for recovery of an additional seventy-two million tons of coal. DEQ refused to analyze climate impacts in its 2019 draft EIS.
- vii. Colstrip Steam Electric Station, which produced 13.2 million metric tons (mmt) of carbon dioxide equivalents, 38,015 metric tons of methane, and 65,919 metric tons of nitrous oxide in 2018.
- viii. Air quality permit for Bull Mountain Mine in 2016, authorizing Bull Mountain Mine to produce fifteen million tons of coal during any rolling twelve-month period.
- ix. Certificate of compliance for the Keystone XL Pipeline in March 2012.
- x. Permits, licenses, and leases for the construction, operation, and maintenance of the Keystone XL Pipeline in Montana.

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1 xi. A 2019 Record of Decision approving Rosebud
2 Coal Mine Area F, adding 6,746 acres and approximately 70.8 million tons of
3 coal reserves to the Rosebud Mine and extending the life of the mine by eight
4 years.

5 xii. Air quality permit for the Laurel Generating
6 Station, a proposed gas-fired power plant.

7 xiii. A May 2022 Final EIS for Rosebud Mine Area
8 B AM5, in Colstrip.

9 70. DNRC has authorized, permitted, licensed, and encouraged
10 fossil fuel exploitation, extraction, and production, and forestry practices and
11 activities that have caused and contributed to dangerous concentrations of
12 atmospheric GHGs, climate change, and harm to Plaintiffs.

13 a. DNRC manages all the resources of Montana's state
14 trust lands through the Land Board, which is bound by the public trust to permit
15 only those activities on state land that are in the best interests of the State. To
16 comply with this constitutional and statutory public trust mandate, the Land
17 Board is required to manage Montana resources in a manner that is not
18 detrimental to public welfare or the environment.

19 b. DNRC has exercised its authority to grant easements
20 for the operational rights-of-way for interstate pipelines, with the approval of the
21 Land Board, and issues land use licenses for the construction of rights-of-way
22 and other activities on state lands and waterways for the construction and
23 operation of interstate pipelines, which are used to transport fossil fuels.

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1 c. DNRC, in exercising its authority to issue licenses,
2 leases, and operational rights-of-way easements for fossil fuels projects, has
3 repeatedly failed to disclose the significant harms to human health and the
4 environment resulting from its decisions.

5 d. DNRC, through the Montana Board of Oil and Gas
6 Conservation, administers all oil and gas conservation laws and issues licenses
7 for exploration and leases for production and extraction of oil and gas in
8 Montana, and permits for drilling in Montana.

9 e. Pursuant to the MEPA Limitation DNRC approved,
10 certified, issued permits, and leased public lands for the Montana portion of the
11 Keystone XL Pipeline.

12 71. PSC has exercised its authority over pipelines in a manner
13 that perpetuates the use of fossil fuels by locking in infrastructure that will result
14 in GHG emissions for decades.

15 72. Montana's GHG emissions have grown significantly since
16 the passage of the 1972 Montana Constitution, despite the State's longstanding
17 knowledge of the dangers posed by fossil fuels and climate change.¹

18 a. U.S. Energy Information Administration (EIA) data
19 indicates that in 2019, Montana emitted 32.3 mmt of CO₂ from fossil fuel
20 consumption within Montana. Of that amount, 15.2 mmt was attributable to coal
21 consumption, 12.2 mmt from petroleum consumption, and 4.8 mmt from natural
22 gas consumption.

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¹ Plaintiffs represent that the data in the following contentions has been updated with more recent government data compared to the data in the Complaint. The State objects to these contentions insofar as they were not stated in the Complaint, but they are substantively congruent.

1 b. According to EIA data, Montana’s 2019 CO2
2 emissions have increased by 59% from 1980, when Montana emitted 20.3 mmt of
3 CO2, and increased 15% compared to 1990 levels, which were 28 mmt of CO2.

4 c. Based on EIA data, in 2019, Montana’s electrical
5 power sector, over which Defendants exercise regulatory control, was responsible
6 for 15.9 mmt of CO2 emissions, 49.5% of statewide emissions. The next largest
7 source of CO2 emissions in 2019 was the transportation sector, which accounted
8 for 8 mmt of CO2 in 2019, 24.5% of Montana’s emissions. The industrial sector
9 accounted for 4.7 mmt of CO2 in 2019, 14.5% of Montana’s emissions. Finally,
10 the residential sector accounted for 2 mmt of CO2 in 2019, 6% of statewide
11 emissions, and the commercial sector accounted for 1.7 mmt of CO2, 5.4% of
12 statewide emissions.

13 d. In 2019, Montana consumed 159.2 trillion Btu of
14 coal, 92.6 trillion Btu of natural gas, 60 trillion Btu of motor gasoline (excluding
15 ethanol), 54.6 trillion Btu of distillate fuel oil, 43.7 trillion Btu of other petroleum
16 products, 89.1 trillion Btu of hydroelectric power, 21.6 trillion Btu of other
17 renewables (excluding biomass), and 22.9 trillion Btu of biomass.

18 e. Montana’s per-capita energy consumption is among
19 the top one-third in the nation; ranking eleventh highest in 2020.

20 f. Coal-fired power plants, whose operation Defendants
21 authorize, provided the largest share of Montana’s electricity generation (~43%)
22 in 2021. Besides coal, Montana received about 40% of its electricity from
23 hydroelectric power and 12% from wind in 2021. Natural gas and oil each
24 represent approximately 2% of Montana’s 2021 electric power generation.

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1 g. In January 2023, Montana generated 933 thousand
2 megawatt-hours (MWh) of electricity from coal; 127 thousand MWh from
3 natural gas; 744 thousand MWh from hydroelectric; and 460 thousand MWh
4 from non-hydroelectric renewables.

5 h. All power plants in Montana are authorized by
6 Defendants.

7 i. In 2019, Defendants authorized the production of
8 608.9 trillion Btu of coal, 48 trillion Btu of gas, and 130.9 trillion Btu of crude
9 oil. In 2019, Defendants authorized six times as much energy from fossil fuels as
10 were produced from renewables.

11 j. Montana has six coal mines, all of which Defendants
12 authorize. Montana also has the nation's largest estimated recoverable coal
13 reserves, which account for nearly one-third of recoverable coal reserves in the
14 U.S.

15 k. Montana is a substantial supplier of coal for the rest of
16 the nation.

17 l. Between 1960 and 2020, over 1.729 billion short tons
18 of coal were mined in Montana, with authorization from Defendants, releasing
19 approximately 3 billion metric tons of CO₂ emissions into the atmosphere once
20 combusted.

21 m. In 2019, over 34 million short tons of coal were mined
22 in Montana, with authorization from Defendants. Once combusted, that ~34
23 million short tons of coal released approximately 58.6 mmt of CO₂ emissions
24 into the atmosphere.

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1 n. Of the coal mined in Montana in 2020, about one third
2 was consumed in Montana (almost exclusively in Montana's electric power
3 sector), half was exported to other states, and the remaining ~20% was exported
4 to other countries.

5 o. Montana is a substantial producer of oil in the U.S.,
6 accounting for approximately 1 in every 200 barrels of U.S. oil. Defendants
7 authorize the drilling and production of oil in Montana.

8 p. In 2021, Montana's oil production was about 51,000
9 barrels per day.

10 q. In 2021, Montana had 4,197 producing oil wells.

11 r. In 2019, with authorization from Defendants,
12 Montana produced 22,981,000 barrels of crude oil, which, once combusted,
13 resulted in about 9.8 mmt of CO2 being emitted into the atmosphere.

14 s. As of January 2023, Montana's monthly crude oil
15 production was 64,000 barrels per day.

16 t. Between 1960 and 2020, Defendants authorized the
17 production of about 1.66 billion barrels of crude oil, which, once combusted,
18 resulted in about 707 mmt of CO2 being emitted into the atmosphere.

19 u. Montana is home to four state-authorized oil
20 refineries, which have a collective processing capacity of roughly 215,000 barrels
21 per day. Montana's refineries process crude oil largely from Canada and
22 Wyoming and distribute the refined product by railroad and pipeline throughout
23 Montana and to nearby states.

24 v. According to EIA data, there were over 8,900 state-
25 authorized natural gas producing wells in Montana in 2020, and the State's

1 natural gas production was approximately 3.8 billion cubic feet per month as of
2 January 2023.

3 w. Montana's total natural gas production in 2019 was
4 over 43 billion cubic feet, which, once burned, resulted in about 2.4 mmt of CO₂
5 being released into the atmosphere.

6 x. Between 1960 and 2020, 3.39 trillion cubic feet of gas
7 were produced in Montana, which, once combusted, resulted in over 186 mmt of
8 CO₂ being released into the atmosphere.

9 y. Between 1960 and 2020, the coal, oil, and gas
10 extracted from Montana, with State authorization, resulted in nearly 4 billion
11 metric tons of CO₂ being released into the atmosphere once combusted. That
12 figure is roughly equivalent to 83% of all energy-related U.S. CO₂ emissions for
13 2020.

14 z. Between 1980 and 2020, a cumulative 1.21 billion
15 metric tons of CO₂ were emitted into the atmosphere as a result of fossil fuel
16 consumption in Montana. This quantity of emissions would rank 5th amongst
17 global countries' emissions in 2021.

18 73. The MEPA Limitation endangers children and violates
19 Plaintiffs' constitutional rights and the Public Trust Doctrine.

20 a. The MEPA Limitation is unconstitutionally depleting
21 and degrading Montana's environment and natural resources and causing and
22 contributing to dangerous destabilization of the climate system. Defendants' past
23 and ongoing actions deprive Plaintiffs of their constitutionally guaranteed rights
24 under Mont. Const. Art. II, Sec. 3, 15, 17, and Art. IX, Sec. 1, and the Public
25 Trust Doctrine.

1 i. Strict scrutiny is the proper standard of review
2 for statutes that implicate the fundamental right to a clean and healthful
3 environment.

4 ii. Defendants lack an interest, compelling or
5 otherwise, that justifies the MEPA Limitation which deprives Plaintiffs of their
6 fundamental right to a clean and healthful environment for future generations,
7 including a stable climate system.

8 iii. Defendants' statute is not narrowly tailored to
9 effectuate any such interest.

10 b. The MEPA Limitation is unconstitutionally
11 interfering with Plaintiffs' rights to safety, health, and happiness.

12 i. The MEPA Limitation dangerously deprives
13 Plaintiffs of their rights under Mont. Const. Art. II, Sec. 3 to seek safety, health,
14 and happiness because it exposes these vulnerable children to physical injury and
15 disease; psychological, social, and spiritual harm and trauma; interferes with their
16 capacity for growth and development; and threatens their personal security and
17 family life, all in violation of Plaintiffs' rights under Art. II, Sec. 17.

18 ii. There is no interest, compelling or otherwise,
19 that justifies Defendants' deprivation of Plaintiffs' fundamental rights to seek
20 safety, health, and happiness. Nor is the MEPA Limitation narrowly tailored to
21 effectuate any such interest.

22 c. The MEPA Limitation has violated and continues to
23 violate Plaintiffs' fundamental right to individual dignity under Mont. Const. Art.
24 II, Sec. 4.

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1 i. Defendants have demeaned the “worth and []
2 basic humanity” of Plaintiffs by infringing on their ability to freely and
3 meaningfully practice their cultural and spiritual beliefs.

4 ii. Children hold the same constitutional rights as
5 adults yet their political powerlessness, unique physiological characteristics and
6 vulnerabilities, and lack of autonomy and dependency on caregivers render
7 children more vulnerable to rights violations. Children are at a critical
8 development stage in life, as their capacities evolve and their physiological and
9 psychological maturity develops more rapidly than at any other time in life.

10 iii. These immutable characteristics of children
11 place Plaintiffs in a separate suspect or quasi-suspect class in need of
12 extraordinary protection pursuant to the principles of equal protection.

13 iv. Children, as a suspect class, historically are
14 saddled with such disabilities, subjected to purposeful unequal treatment, and
15 relegated to such position of political powerlessness as to command extraordinary
16 protection from majoritarian political process.

17 v. Plaintiffs should be treated as a protected class
18 for the purposes of this action, as they will disproportionately experience the
19 catastrophic impacts of a destabilized climate. Defendants continue to materially
20 cause and contribute to climate change, infringing on Plaintiffs’ fundamental
21 rights and basic principles of equality.

22 vi. The MEPA Limitation reflects a short-term
23 policy to favor the present generation’s interests to the long-term detriment to
24 Plaintiffs.

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1 vii. The MEPA Limitation discriminates against
2 Plaintiffs as members of the protected class of children and with respect to
3 Plaintiffs’ fundamental rights and is not narrowly tailored to serve a compelling
4 state interest.

5 viii. Defendants similarly cannot satisfy either
6 intermediate scrutiny or rational basis review.

7 d. The MEPA Limitation has unconstitutionally caused,
8 and continues to cause, the substantial impairment to, and waste of, Public Trust
9 Resources, including the atmosphere, waters of Montana, fish and wildlife, and
10 other Public Trust Resources.

11 i. The dangerous levels of GHGs that Defendants
12 have authorized to be emitted into the atmosphere have a scientifically
13 demonstrable effect on Plaintiffs’ ability to use, access, enjoy, and navigate the
14 State’s waters and other Public Trust Resources.

15 ii. Defendants, through the MEPA Limitation,
16 have abdicated control over and alienated substantial portions and capacities of
17 Public Trust Resources in favor of the short-term interests of private parties,
18 authorizing those private parties to treat our atmosphere as a dump for their
19 carbon emissions and to profit off developing Montana’s fossil fuel resources to
20 the detriment of Plaintiffs and future generations of Montanans.

21 iii. Defendants – by and through the MEPA
22 Limitation – have breached their affirmative duty to protect and improve a clean
23 and healthful environment in Montana, which includes the protection and

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1 improvement of the atmosphere (air) and all essential natural Public Trust
2 Resources, for present and future generations under Mont. Const. Art. IX,
3 Sec. 1(1).

4 74. A justiciable controversy exists as to the remaining Prayers
5 for Relief 1-5, 11.

6 75. A controversy lies in Defendants' MEPA Limitation, which
7 is harming Plaintiffs and infringing on their constitutional rights.

8 76. There can be prompt redress for Plaintiffs' injuries with
9 declaratory and/or injunctive relief.

10 77. Any reduction in Montana's GHG emissions that results
11 from a declaration that the MEPA Limitation is unconstitutional and violative the
12 Public Trust Doctrine would help redress Plaintiffs' injuries because the amount
13 of additional GHG emissions emitted into the climate system in the near-term
14 will dictate the severity of the heating, the severity of Plaintiffs' injuries, and
15 whether Plaintiffs and future generations can survive.

16 a. The theory of "perfect substitution" or "leakage"
17 under which it is assumed that limiting production of fossil fuels in one place will
18 never limit consumption or affect emissions because another source somewhere
19 else will always try step in to substitute for the missing production, has been
20 shown to be false and contrary to basic supply and demand economic principles.

21 78. Plaintiffs have no adequate and speedy remedy to obtain full
22 legal redress other than to seek declaratory and injunctive relief in this Court.
23 Plaintiffs lack non-equitable remedies to restrain Defendants from enforcing the
24 MEPA Limitation, which violates Plaintiffs constitutional rights under Mont.
25 Const. Art. II, Sec. 3, 15, 17, and Art. IX, Sec. 1.

1 79. Plaintiffs suffer and will continue to suffer injury due to
2 Defendants' implementation and enforcement of the MEPA Limitation, which
3 also violates the Public Trust Doctrine, until Defendants are restrained.

4 **DEFENDANTS' CONTENTIONS**

5 1. Plaintiffs lack standing.

6 2. Plaintiffs' claims premised on their challenge to Mont. Code
7 Ann. § 75-1-201(2) fail on the merits.

8 3. Plaintiffs have not challenged any specific permitting
9 statutes, and those statutes are therefore not at issue in this case.

10 4. Plaintiffs have not challenged any specific permitting
11 decisions of Defendants.

12 5. To the extent Plaintiffs attempt to challenge any specific
13 action taken by Defendants, Plaintiffs have failed to exhaust the administrative
14 remedies necessary to sustain any such claim.

15 6. To the extent Plaintiffs attempt to challenge any specific
16 permitting decisions, Plaintiffs are barred by the statute of limitations unless they
17 filed an appeal within 30 days of a permitting decision or 60 days of a review
18 under MEPA.

19 7. Absent special circumstances, the State only has authority to
20 regulate state land and private land within the State of Montana. Twenty-nine
21 percent of the land in Montana is federal land and 14.5% is Indian reservation
22 land. A significant amount of energy production in Montana occurs on Federal
23 and Indian Reservation land.

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ISSUES OF FACT

1. Whether Plaintiffs suffer 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 Mont. Code Ann. § 75-1-201(2).

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

4. Whether children are uniquely vulnerable to, and disproportionately harmed by, adverse climate impacts.

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ISSUES OF LAW

1. Whether, as a matter of law, Plaintiffs have presented sufficient facts to establish standing.

2. Whether, as a matter of law, prudential standing considerations weight in favor of granting Plaintiffs' requested relief.

3. 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.

4. 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.

5. Whether, as a matter of law, Mont. Code Ann. § 75-1-201(2) violates the Montana Constitution.

a. Whether the MEPA Limitation violates Plaintiffs' right to a clean and healthful environment.

1 b. Whether the MEPA Limitation violates Plaintiffs'
2 rights to seek safety, health, and happiness.

3 c. Whether the MEPA Limitation violates Plaintiffs'
4 rights to individual dignity and equal protection.

5 d. Whether the MEPA Limitation violates the State's
6 Public Trust obligations to present and future generations.

7 6. Whether, as a matter of law, Plaintiffs are entitled to
8 declaratory judgment that Mont. Code Ann. § 75-1-201(2) is facially
9 unconstitutional.

10 7. Whether, as a matter of law, Plaintiffs are entitled to a
11 permanent injunction against Defendants, their agents, employees, and all
12 persons acting in concert with Defendants, from subjecting Plaintiffs to Mont.
13 Code Ann. § 75-1-201(2).

14 **WITNESSES AND EXHIBITS**

15 **Plaintiffs' Exhibits:**

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

17 **Defendants' Exhibits:**

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

19 These exhibit lists identify by number and brief description each
20 exhibit. The Parties preserve all objections to exhibits which may exist.

21 **Plaintiffs' Witnesses**

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

- 23 1. Richard Barrett
24 2. Bob Brown
25 3. Badge B.

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4. Lander Busse
 5. Lori Byron*
 6. Robert Byron*
 7. Shane Doyle
 8. Michael Durglo
 9. Mae Nan Ellison
 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

- 1 29. Cathy Whitlock*
- 2 30. Office of the Governor designee/representative
- 3 31. DEQ designee/representative
- 4 32. DNRC designee/representative
- 5 33. MDOT designee/representative
- 6 34. PSC designee/representative
- 7 35. Chris Dorrington
- 8 36. Dave Klemp
- 9 37. Sonja Nowakowski
- 10 38. Will Rosquist
- 11 39. Shawn Thomas
- 12 40. Records custodians (as needed)
- 13 41. Document foundation witness testimony (as needed)
- 14 42. Rebuttal witnesses (as needed)

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

17 **Defendants' Witnesses**

18 The following witnesses and no others may be called to testify
19 except on rebuttal:

- 20 1. Will Rosquist
- 21 2. Shawn Thomas
- 22 3. Chris Dorrington
- 23 4. Sonja Nowakowski
- 24 5. Dave Klemp
- 25 6. Dr. Judith Curry

7. Dr. Terry Anderson
8. All witnesses identified in discovery²
9. Any witness named by Plaintiffs
10. Any witness needed for foundation, authentication, rebuttal, or impeachment

Defendants' 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.

DISCOVERY DOCUMENTS

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.

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)

² Plaintiffs object to this reference, as Defendants had, on November 22, 2022, represented that they were not calling at trial all witnesses described in discovery. Defendants' November 22, 2022, supplemental expert witness disclosure explicitly withdrew nine hybrid witnesses, and Defendants' amended lay witness list of that same date explicitly withdrew the rest of Defendants' lay witnesses. On November 22, 2022, counsel for Defendants' sent an email, stating: "The state agencies are withdrawing all lay and hybrid witnesses except those listed in these documents."

1 3. Defendants’ Second Supplemental Responses to Plaintiffs’
2 First Discovery Requests (June 8, 2022)

3 4. Defendants’ Second Supplemental Responses to Plaintiffs’
4 First Discovery Requests (July 25, 2022)

5 5. Defendants’ Third Supplemental Responses to Plaintiffs’
6 First Discovery Requests (Sept. 21, 2022)

7 6. Defendants’ Fourth Supplemental Responses to Plaintiffs’
8 First Discovery Requests (Sept. 29, 2022)

9 7. Defendants’ Fifth Supplemental Responses to Plaintiffs’
10 First Discovery Requests (Jan. 9, 2023)

11 8. Defendants’ Responses to Plaintiffs’ Second Discovery
12 Requests to Defendants (Dec. 2, 2022)

13 9. Defendants’ Responses to Plaintiffs’ Third Discovery
14 Requests (Dec. 15, 2022)

15 10. Depositions of:

16 a. Chris Dorrington

17 b. Dave Klemp

18 c. Sonja Nowakowski

19 d. Will Rosquist

20 e. Shawn Thomas

21 f. Judith Curry, Ph.D

22 g. Terry L. Anderson, Ph.D

23 h. Debra Sheppard

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1 **Defendants’ Discovery Materials:**

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

5 1. Plaintiffs’ Responses to the State’s First Discovery Requests
6 (April 20, 2022)

7 2. Plaintiffs’ Supplemental Responses to State’s First
8 Discovery Requests (Aug. 17, 2022)

9 3. Plaintiffs’ Supplemental Responses to State’s first
10 Discovery Requests (Jan. 9, 2023)

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

13 **STIPULATIONS**

14 1. The Parties stipulate that the Court has jurisdiction over the
15 Parties to this action, and that venue is proper in Lewis and Clark County,
16 Montana.

17 2. The Parties will not solicit expert opinions from witnesses
18 whose opinions have not been previously disclosed in accordance with the
19 Scheduling Order or in response to discovery requests.

20 3. Witnesses within the subpoena power of the Court should be
21 called live to testify at trial absent the showing of unavailability.

22 4. Plaintiffs’ expert Dr. Kevin Trenberth may testify remotely
23 at trial through the Court’s standard method of two-way audio-visual electronic

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1 communication. Plaintiffs are responsible for implementing the requested two-
2 way audio-visual electronic communication for Dr. Trenberth and the costs
3 associated therewith.

4 5. A party must notify the other parties at the end of a trial day
5 of the witnesses it intends to call the next day.

6 **DETERMINATION OF LEGAL QUESTIONS IN ADVANCE OF TRIAL**

7 1. Defendants' Motion to Dismiss MEPA Claims (filed
8 May 18, 2023).

9 a. This motion is denied

10 **LENGTH OF TRIAL**

11 Before dismissal of Plaintiffs' State Energy Policy claims,
12 Plaintiffs estimated the case would require a 10-day trial. The scope of the action
13 has been narrowed, and the Court estimates that the case should require less than
14 10 trial days. Bench trial will begin on June 12, 2023.

15 **ORDER**

16 **IT IS ORDERED** that this Pre-Trial Order shall supersede the
17 pleadings as to the remaining issues and govern the course of the trial of this
18 cause, unless modified to prevent manifest injustice.

19 **IT IS ALSO ORDERED** that all pleadings herein shall be
20 amended to conform to this Pre-Trial Order.

21
22 **ELECTRONICALLY SIGNED BELOW**

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2 cc: Melissa Hornbein, via email: hornbein@westernlaw.org
3 Barbara Chillcott, via email: chillcott@westernlaw.org
4 Roger Sullivan, via email: rsullivan@mcgarveylaw.com
5 Dustin Leftridge, via email: dlefridge@mcgarveylaw.com
6 Nathan Bellinger, via email: nate@ourchildrenstrust.org
7 Mathew dos Santos, via email: mat.dossantos@ourchildrenstrust.org
8 Andrea Rodgers, via email: andrea@ourchildrenstrust.org
9 Philip L. Gregory, via email: pgregory@gregorylawgroup.com
10 David M.S. Dewhirst, via email: David.dewhirst@mt.gov
11 Derek Oestreicher, via email: derek.oestreicher@mt.gov
12 Timothy Longfield, via email: timothy.longfield@mt.gov
13 Morgan Varty, via email: morgan.varty@mt.gov
14 Emily Jones, via email: emily@joneslawmt.com

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KS/sm/CDV-2020-307 Final Pre-Trial Order

Attachment I

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-0000001-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													

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-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														

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-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 Oppen, Director of Montana Department of Environmental Quality	Governor Schweitzer, Office of the Governor	2005													

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	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 Opper re Keystone XL Pipeline	Governor Schweitzer, Office of the Governor; Richard Opper	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 Opper re Keystone XL Pipeline	Governor Schweitzer, Office of the Governor; Richard Opper	2010												

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	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 Hostetler 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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	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	Environmental Quality Council and Montana 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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	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	Moirra 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, I	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 δ ¹³ C-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														

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-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, 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													

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		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												

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					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											

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		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												

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	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													

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	D-000202-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 Openpit 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														

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)