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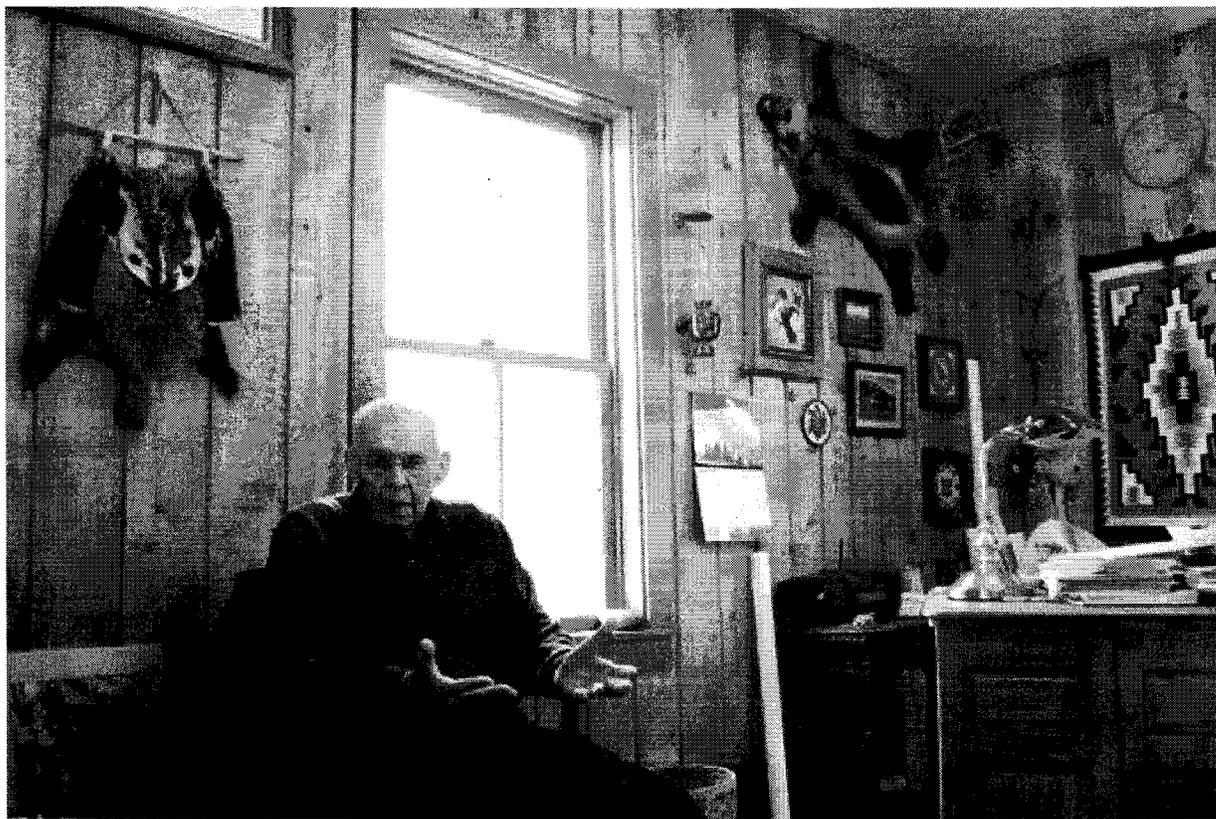
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MEPA author critical of proposed changes to environmental law

Holding His Ground



George Darrow is seen in his office space next to his Bigfork home. - Lido Vizzutti/Flathead Beacon

By Dan Testa , 03-29-11

BIGFORK – George Darrow is characteristically blunt in his assessment of the proposals to change the Montana Environmental Policy Act currently working their way through the state Legislature.

“They’re trying to gut it, as they have each session of the Legislature for the last decade,” Darrow said.

He should know. He wrote it.

Nor are Darrow’s criticisms of those who seek to change Montana’s bedrock environmental law any less candid: “The people trying to tear it down don’t understand what Montana is – they don’t have any appreciation for the place where they live.”

Current legislators, however, say their proposed changes don’t disregard the value of Montana’s land and water, but the economic benefits of natural resource development deserve consideration as well.

A LONG CAREER

Forty years ago, Darrow was the primary author and sponsor of the Montana Environmental Policy Act (MEPA). A Republican representing Yellowstone County at the time, Darrow shepherded the bill through a split Legislature, where it passed the GOP-controlled House 99-0, and a Democrat-controlled Senate 51-1 before being signed by Gov. Forrest H. Anderson, a Democrat.

Asked whether passing the bill through the 1971 session was a struggle, Darrow replied: “You better believe it.



Anaconda (Copper Mining Company) said, "Over our dead body."

Darrow now lives in an old farmhouse on the outskirts of Bigfork, where, with the help of his dog, Ginger, he still runs two farms and has a hand in several business interests, despite being in his 80s. (During an interview last week, he was visibly offended when a *Beacon* reporter erroneously assumed he was retired.)

Before moving to the Flathead in 1990 with his late wife Elna, where they managed Kootenai Galleries in Bigfork, Darrow worked as a petroleum geologist and operated a small ranch on the east side of Yellowstone Park.

At its annual meeting in Helena on March 11, Montana Conservation Voters presented Darrow with the "Conservation Champion Award," on the 40th anniversary of MEPA's passage. Ryan Busse, a Flathead resident recently reelected as MCV's board chairman, praised Darrow as being among the Montanans with the foresight to work toward maintaining and restoring the state's natural resources, from timber to wildlife.

"He ranks right up there with the visionaries who understood when our game herds were wiped away," Busse said. "Folks like that are kind of unsung heroes; there are a lot of people like that in this state and George is one of them."

Darrow remains fully engaged in the debate over natural resource development in Montana, and believes MEPA has played a positive role over the last four decades in achieving a balance between environmental preservation and mining, drilling and timber extraction by requiring state agencies to review the impacts of their plans.

"MEPA is a program for keeping the harvesting or the mining reasonable and paying heed to what is left for Montanans to use down the road," Darrow said. "It's the difference between a forest on the mountainside and a mountainside that's stripped, eroding and clear cut."

Which explains why he stridently opposes bills advancing through the Legislature that would make the permitting and environmental review process easier on industries seeking to develop Montana's natural resources.

THE PROPOSALS

Senate Bill 233, by Sen. Jim Keane, D-Butte, would strip courts of the power to stop a project from proceeding if a state agency fails to comply with MEPA. All the courts would have the power to do would be to require that the agency redo its analysis as the project proceeds. Keane's bill passed the Senate 30-20 and is currently under consideration in the House.

The second measure, carried by Sen. Chas Vincent, R-Libby, is among the primary "jobs bills" Republicans are touting as a means to improve Montana's economy and reduce unemployment. Vincent's Senate Bill 317 alters MEPA by expanding its scope to include review of a project's economic impacts, and to relax some of the language describing the environmental protections contained in the law.

Language in Vincent's bill, for example, would change a line regarding review of the state's actions from requiring it, "to ensure that environmental attributes are fully considered," to now read, "reasonably foreseeable environmental and ... economic attributes are adequately understood, analyzed and disclosed."

But Vincent said his bill does not go as far as Keane's in altering MEPA, and even questions the constitutionality of some of the changes in the Butte Democrat's bill. Rather, Vincent aims for his bill to provide, "some certainty and predictability to those that are trying to develop resources responsibly."

"If you don't have a healthy economy, you can't afford to take care of the environment," he added. "I'm not trying to rape, pillage and plunder."

His bill would reduce the requirements on an applicant to pay for certain analyses, which Vincent said would expedite the MEPA process, without disregarding environmental impact.

“There is no substantive environmental review that is being changed,” Vincent said. “All that we’re doing is more precisely defining what the agency’s duty is under MEPA.”

“(MEPA) was meant to be a procedural document, to ‘look before we leap,’” he added. “And I think the socio-economic analysis is a part of that.”

Nor would Vincent’s bill prevent courts from stopping a project – though that opposition would have to come from a person affected by the development.

“We’ve raised the threshold for which a judge can give a litigant an injunction to stop the project from going forward,” Vincent said. “It has to be a person; it can’t be an environmental group.”



George Darrow is seen in his office space next to his Bigfork home. Darrow was the author and prime sponsor of the Montana Environmental Policy Act (MEPA).

In the same way that MEPA was written to tie in with the provision in Montana’s Constitution, enacted in 1972, providing the state’s citizens the right to a “clean and healthful environment,” Republicans also planned to place on the ballot a referendum amending the Montana Constitution to read that the state’s citizens are entitled to a “clean, healthful *and economically productive environment.*” (This measure failed in the Senate Monday.)

It also remains unclear how Vincent’s and Keane’s bills will be reconciled, and possibly combined, as the Legislature enters its final weeks.

Naturally, conservation groups are campaigning strenuously against these and other measures aimed at environmental protections. In the case of MEPA, they say, which was considerably weakened in 2001, the law remains the only way for people to learn about a proposed project’s impacts.

Republicans and those supportive of changing MEPA, however, point to the low unemployment and rampant job creation, driven by mining and drilling, in neighboring North Dakota and Wyoming, and question why Montana can’t benefit in the same way. Though MEPA may not stop any natural resource projects, they say, it can cause delays sufficient to prompt developers to look elsewhere.

“It isn’t so much the fighting in court, it’s the process when you can slow down a project so much that they can’t get financed,” Vincent said. “I’m trying to streamline the process so that it still allows for all of the substantive review.”

WOLVERINES

Darrow, however, fears the current changes to MEPA are a result of the short memory of Montanans regarding the not-too-distant past, when the state was completely under the control of extractive industry.

Sitting in the 1894 cabin on his property he uses as an office, Darrow described the flurry of bipartisan conservation measures introduced in the early 1970s as a direct response to the decimation of Montana’s land and water over the previous century – and only when that corporate grip began to relinquish was passing such legislation even possible.

“As Anaconda began, letting a little ‘airspace,’ I guess, for other influences, there was widespread feeling in Montana that Montana had a great deal more to offer,” Darrow said. “And that with Anaconda letting go of some of the stranglehold on the state there was a glimmer of daylight, and a possibility that Montana could become its own place.”

Though he speaks deliberately, Darrow retains a lawmaker’s relish for argument, and when a point is raised with which he disagrees, he does not back down. Asked whether Montana might not benefit from further opening up its natural resources, Darrow grew incredulous.

“Opening up? It’s been open!” he said. “They just want a total free-for-all in making use of all of the resources in Montana with no restraint whatsoever.”

Though Darrow disdains the tea party wing of the modern Republican Party, he most certainly has not shifted leftward, politically, at his advanced age. Rather, he remains an advocate, as he has for decades, for an approach to natural resource development that balances the needs of the developer with those of the surrounding landowners. Darrow cites the Stillwater Mine as an example of such development, where both the mining company and nearby ranchers have a voice in the operation. And, he noted, the project was not hindered by MEPA.

As the interview drew to a close, Darrow began showing some of the artifacts of his life, like the black-and-white photos of the tarpaper shack in Osage, Wyo., where he was born, and the view of Hunter Peak from his ranch near Yellowstone. On the wall over his desk hangs a wolverine pelt he bought in Polson.

“A wolverine has special meaning to me because I attended the University of Michigan,” he said.

When asked whether he might not also share something in common with the wolverine, in that neither is inclined to shy away from a fight, Darrow pauses for a moment, then smiles before replying, “That says it pretty well.”

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On 03-30-11, Aaron Flint commented....

So, if I am tracking this correctly: Mr. Darrow remembers a time when he was in the Legislature that the pendulum was too far to one side....and modern day legislators, Keane (D-Butte) and Vincent (R-Libby), understand that we are now in a time when the pendulum has swung too far...

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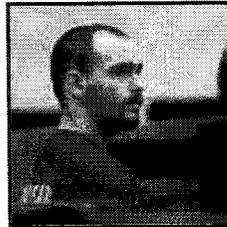
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