

Powder River Breaks

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Governor Holds Meeting on CBM



Governor's Luncheon for Landowners

On June 10th, Governor Freudenthal came to Sheridan for a "town meeting" that was devoted entirely to the CBM situation in Sheridan County. The meeting was requested by PRBRC and other landowners but sponsored by the Chamber of Commerce. The meeting commenced with a panel consisting of one landowner: Sheridan Burgess, a rancher east of town; a large mineral owner, Jack Kendrick (the great grandson of John B. Kendrick of cattle baron fame); Marilyn Connolly, a Johnson County Commissioner; and Joe Icenogle, a representative of the CBM industry who works for Fidelity. Governor Freudenthal was the moderator.

Powder River suggested additional landowners as panelists but none were chosen. Nevertheless, one of the panelists, Sheridan Burgess, who has CBM development both on a state section he leases and on his private ground, spoke in favor of surface use agreements, saying, "Surface owners want to know what their obligations are and what the company's obligations are, and not just the monetary obligations." He called for a review of the mineral dominance over the surface estate to create more "parity" between the two. "In any normal business agreement there is a contract," he said. "Why should CBM be any different?" Jack Kendrick, on the other hand, was in favor of everything the CBM industry was doing, especially if it was increasing the money in his own coffer. Joe Icenogle gave his usual industry pitch, which included the commitment his company has invested into relationships with surface owners, regulators, elected officials, and the public. "Ten percent of the operators are doing a poor job developing this resource," he said, "And they're giving the other ninety percent a bad name."

The high point of the panel was when Marilyn Connolly received a staged incoming call on her cell phone from an agitated constituent. "You're where?" she said, "In the borrow pit because the ruts are so bad you ran off the road?" She continued: "What's that you say? Do I have a washing machine? What? I'm going to be doing your laundry because the dust is so bad you can't hang your clothes outside? Calm down, now, I can't understand you. Yes... You want to speak to whom? Just a minute....Governor?"

Comic relief aside, Marilyn illustrated what she says is a typical scenario for county commissioners grappling with this issue. "We get hundreds of calls

like that every day," she said. "There just isn't enough help. We need an immediate mechanism to fund infrastructure in the counties. Roads aren't holding up, and it's going to take millions of dollars to bring those roads up to par"

After the panel, the governor opened the meeting up to questions and concerns from the audience. Among the concerns raised was the practice of forced pooling, even for individuals who happen to control both the surface and the mineral estate of their property. Others were inadequate bonding, and the lack of notification requirements. "We're in the same place we were with coal 25 years ago," said Dave Clarendon who brought up the issue.

Many people were concerned about property devaluation. "CBM is making their money; the government is making their money; and the landowner gets a pittance on damages, said John Rueb, who said he had worked in the mining industry most of his life before turning to agriculture. "The government needs to figure out how to keep the landowner whole while they're developing the gas." Governor Freudenthal jumped in: "Did you pay over and above the agricultural productivity value of your land?" he asked. "Yes," Rueb replied. "I paid for the retirement value of it. It's an appraisal thing."

Another person further illustrated the inequity of the split estate, pointing out that landowners are expected to continue paying taxes on their land at the same rate, even though the surface is being occupied by the CBM operator and isn't available to them. This same person responded to the attitude of some members of the audience that people know before they buy a piece of land that they aren't being sold the mineral rights, the implication being that it's their fault somehow. "In the case of the land we are on," he said, "the mineral rights were not ours to buy. And it's the same today; you don't have the right to buy the minerals under your land. We came here for the peace and quiet," he continued. "A compressor station even a mile away is loud. What's good about this development?" he demanded, "I don't see anything good about it!"

The group that seems to be emerging more and more in this debate is those landowners who have no development on them and are therefore not entitled to any damage payments or compensation, but who are experiencing the impacts of the development occurring around them. These may be the most disenfranchised of all the stakeholders. Several of our members fall into that category, including Bev and Roland Landrey, who lost their artesian well over six months ago due to the CBM drilling activity surrounding their ranch. Another is Robin Lorenzen, who sank all her savings, and her own labor into creating a place only to have CBM wreak havoc all around her. "I have a dry hole under my property," she said. She already has methane in her water, and

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Summer Interns

Ben Kirven is a second year law student with University of Wyoming and, Amber Mayer is working towards an Administrative Assistant Accounting Certificate.



Powder River Basin Resource Council

23 North Scott Suite 19
Sheridan, Wyoming 82801

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Encouraging Responsible Development Today...

_____ For Tomorrow...

CBM Development Invades Bighorn Foothills

Photo: Ann Fuller

Coalbed Methane development moved west of I-90 and Hwy 87 to invade what has become pricey real estate in the Powder River Basin. The CBM drilling rig is shown in the foreground and in the background is an exclusive trophy home being built on the Powder Horn development. Studies in Colorado have shown that CBM development has devalued property by 22% while locals tell stories of real estate dropping some 33% on the prospect of CBM development. SRW drilled this well without the landowner's permission or an agreement negotiated for access or damage payments.

Ag Committee Works on Captive Supply, COOL

The past eight weeks saw several actions that promise to help ranchers and farmers in Wyoming and across the United States. On May 13, Senator Mike Enzi (R-Wyoming) reintroduced the Captive Supply Reform Act (S. 1044).

The Captive Supply Reform Act complements legislation to ban packer ownership of livestock. It would reform the secret, Enron-style marketing contracts that beef and pork packing companies now use to manipulate livestock markets. Put simply, the Act would take the "captive" out of "captive supply." This legislation is seen by ranchers as a vital means to restore competitiveness to the livestock market, which has become dominated by three large packing companies who manipulate the market to their advantage. Their manipulative practices are increasingly at the heart of marketing difficulty and low prices for independent producers.

Although only one day prior to the release of S.1044 it appeared that Senator Thomas would not be a co-sponsor, we were pleasantly surprised to see his name on the bill when it was introduced on the 13th. Other co-sponsors to date are: Senators Byron Dorgan (D-ND), Kent Conrad (D-ND), Tim Johnson (D-SD), and Tom Daschle, (D-SD).

A second major event was the excellent turnout at the Country of Origin Labeling (COOL) information

and outreach meeting held in Cody on June 6. Reports from Deb Thomas of Clark and Nancy Sorenson of Spotted Horse are that the hearing was well attended with over 200 folks. Of those who spoke, which included Nancy, most were speaking in favor of COOL. Apparently there was cheering for the proponents and a bit of booing for opponents of this important labeling law. Proponents are consumers and independent producers of the covered commodities. Opponents are large packing and retail corporations who would prefer that consumers don't know where their food comes from. Such corporations are able to purchase imported foods more cheaply than domestically produced foods and fear that labeling will discourage consumers from purchasing foreign produce, thereby impacting their profit margin.

COOL is important to consumers and commodity producers. Producers will be assured that their "Made/Grown in the USA" commodities (COOL covers fruits, vegetables, pork, lamb, beef and peanuts) are differentiated by labeling from those commodities from foreign countries. The benefit for consumers is that by simply reading the labels on these foods, they will know where these products are from. The recent Mad Cow Disease outbreak in Canada makes the necessity of good labeling of our food even more crucial.

Pennie Vance, PRBRC Staff

NOW IS THE TIME TO SHOW OUR APPRECIATION TO OUR SENATORS. DOING SO WILL HELP ARM AND EMPOWER THEM AS THEY CONTINUE TO SUPPORT COOL AND FIGHT FOR PASSAGE OF THE CAPTIVE SUPPLY REFORM ACT. Don't underestimate the importance of this simple act on your part for without this kind of citizen support, the odds of success are greatly diminished.

CALL OR FAX SENATOR ENZI'S OFFICE (202-224-3424) (FAX 202-228-0359) AND THANK HIM FOR INTRODUCING THE BILL. Also contact Senator Craig Thomas (202-224-6441) (FAX 202- 22401724) and thank him for co-sponsoring the bill. You won't likely have the opportunity to talk to the Senators themselves, but you can leave a message. Messages in support of the bill will help...hundreds will help them win passage of this important legislation.

While you're on the phone, also ask them to continue to speak out for effective enforcement of the COOL law that will place minimal reporting burdens on producers of the covered commodities. This request has been shown to be well within the intent and letter of the COOL law.

Powder River Basin Resource Council (PRBRC) is a grass-roots organization of individuals and affiliate groups dedicated to good stewardship of Wyoming's natural resources. PRBRC was formed in 1973 and stands for the preservation and enrichment of our agricultural heritage and rural lifestyle; the conservation of Wyoming's unique land, minerals, water and clean air consistent with responsible use of these resources to sustain the livelihood of present and future generations; and the education and empowerment of Wyoming's citizens to raise a coherent voice in the decisions that will impact Wyoming residents' environment and lifestyle.

PRBRC is a member of the Western Organization of Resource Councils (WORC), which is a regional network of seven grassroots community organizations with 7,000 members and 45 local chapters. WORC member groups are Dakota Resource Council, Dakota Rural Action, Idaho Rural Council, Northern Plains Resource Council, Oregon Rural Action, Western Colorado Congress and Powder River Basin Resource Council.

The services provided by PRBRC include public education, community organizing and lobbying as permitted on behalf of its membership. PRBRC is a non-profit, 501 (c)(3) tax-exempt organization.

In addition to the "Powder River Breaks" (a bi-monthly newsletter), other publications of PRBRC currently available free include: Coalbed Methane Monitor & Biological Weed Control 1996.

Membership dues: \$30 for individuals, \$40 for families and \$20 for students and senior citizens. PRBRC is dependent on contributions for its work; contributions, large and small, are welcomed.

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Staff

Director--Kevin Lind
Organizers--Jill Morrison, Pennie Vance, Gillian
Malone & Vickie Goodwin (Douglas)
Office Administrator--Stephanie Avey

PRBRC Offices:
23 North Scott Suite 19
Sheridan WY 82801
Ph: (307)-672-5809
Fax: (307) 672-5800
Email: prbrc@powderriverbasin.org
Web: powderriverbasin.org

PO Box 1178
Douglas WY 82633
Ph: (307)358-5002
Fax: (307)358-6771
Email: doprbrbc@coffey.com

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Editor: Gillian Malone
Assistant Editor & Layout by Stephanie Avey
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More Than an Environmental Group



Kevin Lind, PRBRC Director

With the filing of the appeal of the BLM Record of Decision on the Powder River Basin EIS, Powder River Basin Resource Council has again become an almost constant item in the regional press. And we have again been called, as we have so many times in the recent past, an "environmental group." We have been lumped together with several other advocacy organizations with statements such as, "the usual environmental groups have appealed the EIS", then mentioned later in the article as one of those

groups. I have no problem with that label, especially in regard to the EIS, as PRBRC has appealed the decision because of non-compliance by the BLM with the National Environmental Policy Act. But being a serious environmentalist in Wyoming tends to earn one the reputation of being a "rabid" environmentalist. (By "serious", I mean that a broad spectrum of factors must be included in one's "environmental framework", including the fact that, like it or not, human beings occupy a significant and disproportionate "niche" in the bigger picture, and that they have needs for food, shelter, heating and cooling, and some form of economic development to sustain them.) As Powder River members, we understand that.

However, industry and the press have labeled PRBRC as an "environmental group" in a way that is misleading, and that is used by those we do not agree with to sully our reputation. Being called an environmentalist, a "greenie", in Wyoming is almost tantamount to being called a traitor to your country, (a threat that has been used loosely and often of late to quiet lawful, heartfelt dissent of our national government's treatment of basic freedoms.) Powder River is so much more than an environmental group! It is important that we, as members revisit who we are and why we exist.

Powder River is "a grassroots organization of individuals". This statement is of great importance. We are not some amorphous corporation whose control body is unknown. Each and every member of PRBRC has a voice in the policies that PRBRC endorses and acts on. Members express their views and vote on resolutions that form the principles through which the membership-elected board make their decisions. Degrees of participation in this process vary, but each individual member can have as strong a voice as any other if they so choose. This democratic foundation gives PRBRC its greatest strength. A member might not always completely agree with a resolution, but they know that their

Governors Meeting... continued from front page

last week a CBM well was drilled one mile from her. Another woman stepped forward to say she represented a small group of homeowners in Beatty Spur that are all experiencing problems with roads, life savings, noise, and water. Water was the problem that came up the most consistently.

A handful of people counted the "blessings" that coalbed methane has provided "our state and our communities", but all of these people were themselves making money on CBM. The vast majority of those who spoke out were seriously concerned about the impacts of the development on their own ranch operations and homes, on local infrastructure and community, and even on our relations with neighboring states, particularly in regard to water discharge issues.

The governor summed up the morning session with what he termed "two

Landowners Meet With Governor on CBM Problems

On June 10th, Powder River sponsored a luncheon for the governor and some of his staff, in order to give landowners another opportunity to speak out on these issues. Senator John Schiffer also attended, as did Larry Durante, one of Sheridan's county commissioners. Over thirty people attended, and made brief statements, some expanding on what had been said in the town meeting that morning. Others brought up specific problems, such as the recent increase in operators "going on" to private property without an agreement, often during inclement weather conditions, because their lease was running out. People living adjacent to state sections expressed concerns over the handling of the water, the proliferation of roads and infrastructure, and the confusion over the state's jurisdiction in these matters. Many people mentioned the impacts they have witnessed of companies using atomizers to disperse and evaporate CBM wastewater. Others brought up the issue of the huge evaporation pits that are cropping up all over the landscape. Some called for better coordination efforts between developers to minimize the footprint and increase the efficiency within the industry. And naturally, the need for mandatory surface use agreements came up again and again.

Before the governor rushed off on the Chamber of Commerce's coalbed methane tour, he said to us, "Continue to use your constitutional right. If you think

voice has been heard and considered, something seldom experienced in this modern USA.

And individuals our members are. The mix of people who call themselves Powder River members truly demonstrates our democratic stance. We do not represent a particular niche in Wyoming society; our members come from a multitude of backgrounds and occupations. Our current board reflects that milieu: The members naturally include ranchers, as would be expected from our history; but we also have an insurance agent, a restaurant owner, a small businessman specializing in energy development support, a lawyer working in non-profit social services, a public relations advisor, an international investment consultant, and a food service manager. None of them are "wild eyed", crazed environmentalists, as the labeling would suggest, that are only out to stop progress. What does unite them is a deep concern for the present and future of Wyoming. They, like all of our members are committed to:

- The conservation of our unique land, mineral, water and clean air resources, consistent with the responsible use of those resources to sustain the livelihood of present and future generations.
- The preservation and enrichment of our agricultural heritage and our rural lifestyle.
- The education and empowerment of our citizens to raise a coherent voice in the decisions that will impact their environment and lifestyle.

Because of these commitments PRBRC does align itself with some environmental advocacy groups-particularly when the issue members are addressing lends itself to such cooperation. These commitments also mean that we are currently aligned with groups such as R-Calf, which is seeking to retain livestock producers' independence from monopolies, with irrigators seeking to maintain their water rights and water quality, with citizens seeking good, accountable government, with unions trying to improve worker and public safety in mineral and energy production, and with private property rights advocates concerned about government dilution of the laws protecting land ownership. The press and our "opposition" have yet to label PRBRC an "independent livestock producers group" or any other label that could just as suitably describe what we do. They'd rather call us an "environmental group."

Whatever tag the press and other groups use to label us-be it environmentalists, or just general troublemakers, PRBRC members can be proud that it remains a citizens group that has, as its heart, a deep love for the state of Wyoming.

Kevin Lind
PRBRC Director

key principles." The first was that it is appropriate for Wyoming to develop its reserves, as long as the development happens within the lifestyle and environmental considerations of the state. And the second was that Joe Icenogle's "90/10 rule" was "awfully true," and that he wouldn't like to see legislation developed to regulate the 10% that are the bad players impose unnecessary conditions on the other 90% that are doing a good job. What the Governor and others who espouse this theory fail to acknowledge it that all our laws and regulations in society are written and enforced for the minority that creates the problems. CBM development is no different, without regulation and laws we will not raise the bar that both requires and demands responsible development.

John Schiffer and I can do this for you, you're nuts." Then he mentioned something about how it was important to understand that the Oil and Gas Conservation Commission is largely a captive audience for the oil and gas industry.

What was new and refreshing about the whole day's activities was that they focused on finding creative solutions for the problems in what is truly an industry in its infancy. Some of the "solutions" included changing the zoning in areas being developed from agriculture to industrial, in order to collect more taxes for infrastructure; require special use permits for areas being developed; take money out of the mineral severance tax for a "rainy day fund" for reclamation of state lands; place CBM under Industrial Siting, and set it up so that after a certain number of wells are drilled, an additional tax kicks in; set up a Joint Powers Board to regulate taxes on the industry; and finally, use some of the revenue from the gas to set up a joint bank account between the surface owner and the operator to help offset bonding inadequacies on water impoundment facilities. Even if nothing specific came out of the meetings, the atmosphere was rife with the possibilities for change and reform. Now that is refreshing.

Articles by Gillian Malone
PRBRC Staff

Editor's note: Occasionally, we are encouraged to see energy companies express genuine concern for the same resources this organization seeks to protect, in particular, Wyoming's precious water. A couple of years ago, Apache Corporation took the lead-with the participation of Phillips Petroleum Company and Marathon Oil Company-and literally "put their money where their mouth is", to initiate an ongoing study of the long-term effects of coalbed methane development on underground and surface water resources. We are grateful to Raymond Plank of Apache, (who maintains a home in Ucross where the study is taking place) for his foresight and conviction to this project. The following article is reprinted with permission, from Apache Corporation's newsletter, "Arrows" from August of 2002. Lisa Nutting, editor of the newsletter, wrote the article and kindly provided an update on the progress of the project since the article was first published.

FUEL FOR THOUGHT: Apache Spearheads New Project Promoting Responsible Coalbed Methane Development

ON MONDAY, Aug. 5, Terry Brown, project manager of the Western Resources Project, installed stream monitoring equipment in Coal Creek, which runs through the Powder River Basin in Wyoming. The device, put in place to gather baseline data, will record the volume of water flowing through the creek. Though a relatively simple task, the installation signified the official kickoff of the WRP, which is committed to studying long-term effects of coalbed methane development on the state's underground- and surface-water resources.

The focus of the organization, of which Apache is a sponsor, is summed up in an excerpt from WRP literature: "How to balance the benefits of this important energy resource with the potential environmental and social costs associated with managing such large volumes of water is the thrust of the research by the Western Resources Project."

After nearly two years in the making, the project is off and running. Conducting research to encourage environmentally responsible methane gas development is the driving force behind the WRP. Before moving ahead, however, how about a bit of fuel for thought?

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In the Powder River Basin of Wyoming and Montana, a river of controversy runs smack dab through the middle of coalbed methane development. On one bank, ranchers and conservationists stand their ground, staring across a tumultuous current to where just as firmly planted in their cause gaze back mineral rights owners and producers who support methane production.

At the crux of the dilemma is the production process itself. To produce methane, a relatively clean-burning form of natural gas, enormous amounts of water must first be extracted from coal seams. The water removal reduces coalbed pressure, which in turn frees gas from the coal and facilitates methane production.

Producing such vast amounts of water - up to 1.4 trillion gallons in all - might deplete underground aquifers and threaten agriculture in the area. The produced water is sometimes too high in salt content to be used for irrigation. Determining what to do with it is of critical concern.

Also at issue is surface damage. More than 12,000 wells have already been drilled in the basin, leaving indelible scars on the land. Faced with the projected drilling of 39,000 additional coalbed methane wells in Wyoming and 26,000 in Montana over the next 10 years, Powder River Basin ranchers and environmentalists are vying for the preservation of land and water resources. Environmentalists estimate the additional wells will translate to about 17,000 miles of new road, 20,000 miles of pipeline, 1,400 compressors and 2,000 water containment ponds.

On the flip side, within the same 10 years producers and mineral rights owners are determined to extract 25 trillion cubic feet of methane gas from the basin's coalbed seams - enough to meet the nation's energy needs for more than a year.

• • •

And here is where Apache steps in.

As chairman of a leading independent oil and gas company and board member of the Ucross Foundation, a 22,000-acre Wyoming ranch that is committed to preserving the land, **Raymond Plank** must juggle both sides of this debate. Involved with Ucross (which is located within the Powder River Basin and now affiliated with the WRP) since its establishment in 1981, he has seen the impact production has had on the land.

In Sheridan, Wyo., about 30 miles north of Ucross, Plank stumbled upon a hilltop that had been stripped barren after an operator drilled and moved on. In preparing the land for drilling, the production company had hastily cut unnecessarily wide strips in the landscape and the damage stuck out like a sore thumb. "The less responsible producers are, the more money they make and the more damage they do," Plank explained. "What we're looking for is responsible coalbed methane production so the future can be protected.

"When the coalbed methane goes dry, who has the money to restore

and clean up the land?" Plank asked. "The hills should be reseeded, the roads designed so they won't drain. Of course, all of this is in conflict with the guy who has a gold-rush mentality. Money and greed are the motivators - put the thing in the ground, get the production, and get the hell out of there."

Confronting irresponsible production, Plank also has questioned the environmental effects of water produced during coalbed methane development. Currently, producers commonly use one of three techniques to dispose of the produced water.

Using surface discharge, the water is dumped right onto the ground and drains back to nearby streams and ponds. Depending on the water's sodium absorption ratio, the water can cause the soil, which often contains clay, to swell and become impermeable. When that happens, rain can't reach plant roots. With the land application technique, the produced water is used for irrigation. Researchers, however, have found that many plants and soils can't tolerate the high sodium that is found in some areas of the play, thus the irrigation is counterproductive under these conditions.

The most common method for disposal is pumping water into manmade surface reservoirs or holding ponds. Here, water is moved to the reservoir and slowly infiltrates back underground or evaporates.

Plank's inquiring mind wanted to know: Is the water contaminated? If so, can the contaminants be recognized and dealt with? Can the water be economically put back in the ground? Will irrigation have a long-term effect on area grasses? And, what if underground aquifers are not replenished and subsequently dry up?

To address the coalbed methane quandary, Plank got the ball rolling two years ago with a meeting of minds at the Apache House in Ucross. There, Plank, **Steve Farris**, president and CEO, **Mike Bahorich**, executive vice president of Exploration and Production Technology, and **Craig Jarchow**, Gulf Coast Exploration manager, tossed around ideas on the subject, eventually spawning the WRP.

"It all started when Raymond had a desire to find out the environmental effects of coalbed methane development," recalled Bahorich. "A number of the operators working the area felt the water production was not depleting the aquifer because they thought it was just infiltrating back into the ground. We decided to see if we could monitor that."

The next meeting was held in March 2001. In attendance were researchers from various universities and governmental agencies, gathered to discuss coalbed methane issues. Apache sought proposals from the scientists, addressing ways to develop responsibly, to effectively deal with the produced water, and to safeguard the quality of water in streams and watersheds.

"The concern is that water is critical to life," Bahorich said. "The state of Wyoming doesn't want to squander those resources. If it turns out that the operators are right, that 90 percent of the water ends up back in the aquifer, great. But if the majority is lost in evapotranspiration, that's a problem."

In May of 2001, **Britt Dearman**, Apache engineering manager, joined the project. "We first commissioned a study of all of the research that had been done already, so we wouldn't duplicate it - and to find out if our questions had been answered," Dearman said.

Brown, who installed that first monitoring equipment on Aug. 5, was brought in as the project manager a year ago and is responsible for the day-to-day operations of the WRP. He was assigned the commissioned study and spent a month researching and contacting people in the industry to summarize existing research, identify issues requiring additional study, and identify potential researchers to head up related areas of inquiry.

"Terry (Brown) found very few peer-reviewed documents," Dearman recalled. "There hadn't been a coordinated research effort previously."

Coming to few conclusions, he said, "We couldn't give Raymond answers based on good science - it just wasn't available. So, we identified where more research is needed. And we decided we could justify going ahead with the

Wyoming DEQ, Department of Health Seek Air Monitoring Sites

The Newcastle Air Quality Monitoring Task Force has moved a step closer to its goal of installing air monitors in the community. On May 6th, DEQ's Bob Schick, designated head of the project, and Jim Jordan, Quality Assurance Coordinator, were in Newcastle along with Wyoming Department of Health's Dr. David Barber, who is an Environmental Epidemiologist, to inspect potential sites for the particulate monitors.

Consideration for site locations was based on air currents in Newcastle, dispersion modeling of Wyoming Refining's emissions, and citizen health complaints. The task force wants to measure ambient particulate matter concentrations where both high and background levels are expected, and where people live, work or attend school.

Potential sites included the grade school, middle school and high school, the library and city hall, the Anna Miller Museum, parks, and the airport. The airport was selected as a potential site because a monitor had been installed there during the 1970's, meaning comparisons could be made between previous data and newly collected data. Some sites were eliminated due to their proximity to gravel or dirt roads. A limiting factor is that each location requires access to a 110-volt electrical outlet.

The installation of the TSP (total suspended particulate) monitors is intended as Phase I of the Newcastle Air Quality monitoring project. These monitors will capture particles up to 50 micrometers in size. Each sample from the first quarter will be weighed and tested for metals. Dr. David Barber of the

Wyoming Department of Health favors testing for antimony, arsenic, beryllium, cadmium, chromium, copper, lead and tin. Metals that Wyoming Refining Company tested for after the large catalyst spill in March of 2002 included aluminum, antimony, arsenic, barium, beryllium, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, nickel, potassium, selenium, silver, sodium, valium, vanadium, and zinc. The Air Quality Task Force will select the list of metals to be tested for.

When the monitors are up and operating, they will "grab" samples during a twenty-four hour period every six days according to a standard, EPA-approved schedule. After the sample is collected, care must be taken and documentation recorded as to when the sample is collected in the field, when the sample is put in the mail, and when it is received by the laboratory.

The team toured Newcastle with representatives of the Wyoming Refining Company, the Newcastle Action Group and Powder River Basin Resource Council, all of whom are members of the Newcastle Air Quality Task Force. The team will take the information gathered on this fact-finding trip back to Cheyenne and make recommendations to the full task force on the best potential sites. Owners or occupants of the sites (such as the school board) will then be contacted for permission to install the monitors.

**Peg Christie/Marcia Dunsmore
PRBRC Members**

DEQ CAFO Rules

Editor's note: Powder River Basin Resource Council members recently submitted the following comments on DEQ's Proposed Rule for the National Pollutant Discharge Elimination System discharge permitting requirements.

Our organization represents family farmers, ranchers and other rural residents in Wyoming. Wyoming is beginning to feel the impacts from industrial size cattle feedlots and factory hog "farms", and proposed mega dairy operations. But our state is also home to many family livestock operations, people who are good stewards to the land and water that sustain their livelihood. We realize that much of the proposed rules have been drafted to comply with Federal EPA rules, and that DEQ does not have much leeway in the presentations of the rules.

- PRBRC applauds the addition of buffalo in the definitions of AFOs and CAFOs in these rules. It is important to cover all possibilities up front.
- Prior to the release of this draft, DEQ Water Quality representatives held meetings around the state and encouraged anyone raising live stock to work closely with the local conservation district and other agricultural agencies. Both the DEQ and the local conservation districts have promised to help operators assess whether there are problems and if so, to assist in finding solutions and money to implement those solutions. PRBRC sees this as a positive step to help local operators bring their operations into compliance with the rule. We hope this cooperation will continue.
- At the same time PRBRC members feel that oversight of large factory farms is a top priority, and it is our hope that DEQ will require all new operations to be in compliance immediately upon completion. Mega factory farms, such as those being built all over the US, pose an immediate threat to air quality, public health, and water quantity, as well as local economies and communities.

Thank you for your attention to our comments.

**Cathy Wilson
PRBRC Board Member**

WORC Tours Factory Dairies

Idaho Rural Council, who hosted the Western Organization of Resource Council's summer meeting in Boise, is "mired" in the issue of odor and pollution from several factory dairies in the Boise area. According to IRC members, dairies are being pushed out of California. Idaho, with its small population and lack of regulation, has become a very appealing place for them to relocate.

I've not had much opportunity to see many huge dairies in Wyoming, but I found conditions in Idaho appalling. The dairies we saw had lagoons right next to the road and next to family farm homes. There were no visible liners, except possibly bentonite, and no leak detection equipment. In many places, effluent is allowed to drain into the Snake River valley.

One IRC member described building a nice home for her daughter and grandchildren. A year later, a dairy moved in next door. The children developed respiratory problems and the family had to move. But the mortgage still had to be paid and renters wouldn't stay more than three months. In the end, the dairy agreed to buy the house only if the family threw in some prime farm land. As in Wyoming, these operations need more and more land to spread effluent.

Wyoming currently has some advantage over Idaho in that we have an odor standard. While this hasn't stopped the odor from hogs near Wheatland, it does give the public some recourse.

Goshen County's economic development folks have been trying to recruit large factory dairies. Perhaps the County Commissioners and members of the Chamber of Commerce should travel over to Idaho and check the situation out before we invite more trouble to our state.

**Vickie Goodwin
PRBRC Staff**



Factory Dairy near Boise, Idaho

PRBRC Staff Training In Boise



PRBRC Staff in Boise, ID at Western Organization of Resource Council's semi-annual Board and Staff Meeting

Powder River Basin Resource Council staff attended the Western Organization of Resource Council's semi-annual Board and Staff Meeting, held June 5-7th in Boise, Idaho. The three-day meeting included a one-day seminar on membership training conducted by Ellis Robinson, who has more than 25 years experience in membership development, fundraising and nonprofit management. Ellis is president of the Buttonwood Partnership, a consulting firm based in Florida specializing in services to environmental and conservation non-

profits. Her new book "The Nonprofit Membership Toolkit" will be published by Jossey-Bass in July. Ellis provided PRBRC with some fresh ideas on how to develop a stronger membership by 1.) increasing membership through an issue-targeted recruitment campaign, 2.) sustaining our current members (which will include conducting a member survey), and 3.) raising our current renewal rate percentages. As staff left the training, We were anxious to incorporate some of her wonderful ideas into PRBRC.



Ellis Robinson

Friday morning I attended a one-on-one consulting workshop with Jon Stahl from ONE/Northwest regarding technology questions each individual group might have. Stahl's main focus was website design and maintenance. Again, PRBRC was able to pick up some useful information on improving the efficiency of our website.

Stephanie Avey
PRBRC Staff

AG and INTERNATIONAL TRADE

The Ag Committee has continued to work on problems with international trade treaties and the ongoing negotiations that threaten to bolster international trade at the expense of private citizens, not only in the United States but across the world.

PRBRC has two resolutions directed at trade issues. The first, passed in 1993 states, "PRBRC supports international trade agreements that improve the quality of life of people in Wyoming, the U.S. and the world but will oppose agreements that we feel will endanger the environment, important industries or economies."

The second resolution, passed in 1999, states first, "PRBRC opposes any further International Trade Agreements being negotiated unless such agreements are open to public scrutiny during the negotiation process." Second, it states, "PRBRC will do whatever we can to assure that any further trade agreements are negotiated openly and fairly to the benefit of independent domestic producers."

Under the guidance of these resolutions from our membership, the Resource Council has been working with the Western Organization of Resource Councils to encourage elected leaders at the local and state level to adopt two trade resolutions: One that addresses the provisions of Chapter 11 of NAFTA (North American Free Trade Agreement) and a second resolution underscoring the need to protect labeling laws from dismantlement by trade negotiations. Chapter 11 of NAFTA grants foreign corporations the ability to sue the United States Federal, State and local governments if such corporations believe the laws, rules and regulations of the governing body impair the corporation's ability to make a profit. This means that laws which are passed by our elected representatives to protect our health, safety and well-being could be undone because a foreign corporation's profits are impacted by those laws. This direct assault to democracy is of grave concern to citizens across the globe.

We are also encouraging Wyoming Attorney General Pat Crank to sign-

on to a letter initiated by New York Attorney General Spitzer and the National Association of Attorneys General which addresses problems with current trade negotiations known as GATS-2000. AG Spitzer's letter begins, "We write to convey to you our concerns regarding the ongoing GATS-2000 negotiations. Under the United States Constitution, the regulation of trade with foreign countries is the prerogative of the federal government, while primary responsibility for protecting public health, welfare and safety is left to the states. The states' police power authority, reserved to them under the 10th Amendment, is essential to their ability to discharge this responsibility. ... As the chief legal officers of our respective states, we view with grave concern any action by the federal government in the current negotiations on trade in services that might preempt or somehow undercut this authority."

The letter goes on to outline how the current trade negotiations threaten the ability of States to pass and implement laws that protect the citizens' health, welfare and safety. Attorney General Crank has responded to our request with caution but with a commitment to take our concerns seriously. Due to the complexity of the issue and time constraints on his already heavily burdened staff, and the fact that many trade negotiations also have the potential to negatively impact Wyoming's agriculture community, Attorney General Crank has enlisted the aid of John Etchepare, Wyoming's Director of Agriculture, to look into the issue.

As we sort through these highly complex issues, we will work to condense them to make them more comprehensible to all of our Resource Council members. If anyone would like to have a copy of our proposed resolutions, the letter by Attorney General Spitzer, or other materials which we have collected on international trade, they can call Pennie Vance, lead staff on agriculture and trade issues. Her new number in Laramie is: 307-742-5403.

Pennie Vance
PRBRC Staff

New Odor Rules Proposed For CAFO's

In 2001, two cattle feedlots in Wheatland were cited for odor violations. There is some feeling in the community that the complaints leading to an investigation of the odor from cattle feedlots came from workers at Wyoming Premium Farms, the local hog factory.

In any event, members of the Southeastern Wyoming Cattle Feeders asked Dallas Mount, the local Ag Extension Agent, to become certified on the scentometer, and begin testing odors. His tests showed that cattle feedlots have some problems meeting the 7:1 odor standard at the property line and standing in the middle of the feedlot during normal operating procedures. However, when tests were done at a 'receptor', defined as a home or public place, readings were more likely to comply with the current odor standard.

Last fall, the Department of Environmental Quality, at the request of the cattle feeders, asked PRBRC, Concerned Citizens of Platte County and the Wyoming Outdoor Council to meet with the Southeastern Wyoming Feeders and the Wyoming Stockgrowers Association. The goal was to find some common ground on odor rules for average farm or ranch operations. After several meetings, the groups came to a compromise solution.

- The proposed rule excludes operations in which livestock is intentionally confined to closed indoor facilities at least 50% of the time. So this proposed rule will not apply to the current hog operations or to any other operation that would confine animals in buildings.
- Odors will be measured at a "receptor" that is "on or adjacent to any

portions of property normally occupied as residential, recreational, institutional, retail sales, hotel or education premises."

- Odor will be diluted with fifteen parts fresh air to one part odiferous air.
- After the initial complaint, DEQ will test two more times in a 30 day period. If the facility is still out of compliance, a violation will be issued.
- These facilities will be given variances for "an exceptional weather event, or if the operator is performing operations which would include cleaning pens, land application, or handling silage."
- The facility will be exempt if the facility "existed before a change in the land use of the property where the odor standard is measured..... and the operation would not have been in violation before the change in land use or occupancy occurred."

The proposed rule change will go before the Air Quality Advisory Board and then on to the Environmental Quality Council.

As with most compromises, neither side is completely happy with the result. While PRBRC and CCPC have agreed not to oppose the rule, members have asked that we not speak in support.

Cathy Wilson
PRBRC Member

Renewable Energy Committee

Activities

On May 9th, Powder River's Renewable Energy Committee met for a potluck at the Barlow Ranch. Attending the meeting were Larry Barbula, Ronn Smith, Marcia Dunsmore, Peg Christie, Bernie Barlow and Gillian Malone, staff. Also attending was Michele Barlow of Wyoming Outdoor Council; WORC is pursuing many of the same goals as PRBRC regarding these issues. Michele contributed an abundance of information and insight to our meeting, as well as ideas for actions we might take on our issues.

The meeting included an overview of western states' efforts to pass some kind of Renewable Portfolio Standard (RPS), and how we might convince Wyoming to adopt a standard of their own. Both Colorado and North Dakota had RPS bills that failed this past session, but those states and our other neighbors will be pushing again in the next session. (WORC's Energy Caucus took up the issue at their June Board Meeting, and will be launching a regional campaign to strengthen individual states' efforts.)

We decided to approach the Joint Minerals, Business, and Economic Development Interim Committee on drafting a couple of RPS bills for the approaching budget session. The Committee has been directed by the Wyoming Energy Commission (with a strong endorsement from the governor) to consider adopting a Renewable Portfolio Standard for the state. So the stage was already set. Michele Barlow contributed the concept of the legislation for one of the bills, a state purchase program, and Ronn Smith helped with the language and logistics.

On May 21st, Powder River members and staff attended the first Interim Committee meeting in Casper, and presented legislators with a "package" outlining why we favor adoption of a RPS. Our statement to the Committee was preceded by a statement from Steve Waddington, who is on loan from Pacificorp to provide counsel to Governor Freudenthal on energy matters. Waddington spoke of the governor's "strong interest" in investigating the possibilities associated with renewable energy, including adopting an RPS. "We could be renewables central for the western states," he said at one point, referring to the potential for wind power in Wyoming.

Powder River's statement stimulated considerable response, both from the legislators themselves, and from the audience, which included numerous representatives of the oil and gas industry. The Committee may have been surprised to learn that the industry, even in Wyoming, is not continuing to hold all its energy eggs in one basket, but is already actively pursuing energy contracts based on renewables. Erin Taylor, who works for Pacificorp, told the Committee that renewables play a large part in their energy portfolio; 1400 megawatts of renewables are being proposed as part of their energy "mix" over the next ten years.

The following is excerpted from our statement to the Committee, and includes a set of "Reasons to Support a Renewable Portfolio Standard."

Wyoming is blessed with readily available sources of renewable energy that are just beginning to be tapped, some of which offer long-term economic development opportunities without the negative side effects. Wyoming is ranked 7th in the U.S. in potential for wind energy development, and in terms of transmission accessibility, the state is uniquely suited right now to encourage the development of small, 50-megawatt wind farms. The solar potential in Wyoming is limitless, particularly for distributed generation and household level producers.

At PRBRC's Annual Meeting a year ago, members supported a wind energy resolution that would require the state to develop an electricity portfolio of 10% renewable energy, including wind, by the year 2010. It is in the spirit of this resolution that we are requesting this committee to seriously consider introducing and supporting Renewable Portfolio Standard (RPS) legislation at the 2004 Budget Session of the Wyoming Legislature. The timing is optimal for this type of legislation, as not only are surrounding states—including Montana, the Dakotas, Colorado, Idaho, and Oregon—working on the same issue, but similar legislation is being proposed at the federal level.

We are proposing two different bills—one aimed at utilities in the state, and the other aimed specifically at state offices, agencies and the like, as a way of setting an example for other entities in the state, including the private sector. We would like to propose that 10% of the kilowatt hours sold in the state by each electric power supplier be from renewable sources by the year 2010, that 20% be from renewable sources by 2020, and so on. Our second suggestion proposes language for legislating a State Purchase Program which would require our state government to purchase 10 % of the electricity utilized by state offices, agencies, and other entities from renewable sources.

Within the package we are presenting to the Committee is a document from the state of Wisconsin with language for Renewable Portfolio Standards, as well as an example of a Renewables Purchase Program from the state of Maryland.

As you know, Wyoming had the foresight to pass a net metering law a couple of years ago, and this past session saw the passage of a sales tax exemption for hardware used in the production of renewable energy; the natural "next step," it seems, would be some form of RPS legislation.

Reasons to Support a Renewable Portfolio Standard

RPS works by requiring all electricity providers to include a minimum percent of renewable electricity in the electric power supply portfolio they offer to their customers. Electricity providers have great flexibility in meeting this requirement. They can generate the necessary amount of renewable electricity themselves; they can purchase it from someone else; or they can buy credits from other providers who have exceeded the standard. They choose the option that is cheapest for them. Through credit trading, RPS relies on the initiative of businesses to ensure that the standard is met at the lowest possible cost. Without RPS or a similar mechanism, many renewables will not be able to compete in an increasingly competitive electricity market focused on producing power at the lowest direct cost. RPS is designed to deliver renewables that are most ready for the market. Additional policies are needed to support emerging renewable technologies, like photovoltaics, that have enormous potential to become commercially competitive through targeted investment.

RPS will stimulate domestic investment in new renewable energy throughout the nation, creating jobs and income in rural areas as well as in the high tech and manufacturing sectors. **Wind energy could provide \$1.2 billion in new income for farmers and rural landowners by 2020 and 80,000 new jobs, according to the U.S. Department of Energy.** Tripling U.S. use of biomass energy could provide as much as \$20 billion in new income for farmers and rural communities.

Environmental and Health Benefits of RPS

Electricity generation is the leading source of U.S. carbon emissions, accounting for over 40 percent of the total. **An RPS will significantly reduce emissions of nitrogen oxides, sulfur dioxide, and mercury, which are linked to acid rain, smog, respiratory illness, and water contamination.** A recent study by the Energy Information Administration shows that RPS can reduce the cost of controlling power plant emissions by reducing pressure on natural gas prices.

Both industry and individuals stand to gain from increased reliance on renewable energy. **Because renewables produce little or no pollution, they can reduce regional pollution and thereby reduce the costs for neighboring industry to comply with environmental regulations.**

A 1997 study -- The Hidden Benefits of Climate Policy: Reducing Fossil Fuel Use Saves Lives Now -- illustrates the benefit of multi-emission reductions. **Researchers found that measures to reduce global carbon dioxide emissions-including increasing the use of renewables-could save 700,000 lives each year and a cumulative total of 8 million lives worldwide by 2020.**

Energy Shortages and Security

Reliance on foreign oil makes the United States vulnerable to fuel price shocks or shortages if supply is disrupted. In 1997, about a third of US oil came from the Middle East. By 2030, if energy policy does not change, the country may be relying on Middle Eastern, and possibly Central Asian, oil for two-thirds of its supply. The nation's fossil fuel dependence also has serious implications for national security. During the Persian Gulf War in 1991, US troops were sent in partly to guard against a possible cutoff of the US oil supply. And it could be argued that the same situation is brewing in the Middle East today. Since most renewables do not depend on fuel markets, they are not subject to price fluctuations resulting from increased demand, decreased supply, or manipulation of the market. And since fuel supplies are local, renewable resources are not subject to control or supply interruptions from outside the region or country. **Renewable energy technologies can not only keep dollars in this country, but also create significant regional benefits through economic development.**

- A Union of Concerned Scientists (UCS) analysis found that farmers could increase their return on land by 30 to 100 percent from leasing

continued on next page ...

part of it for wind turbines while continuing to farm.

- Another study found that adding 10,000 MW of wind capacity nationally would generate \$17 million per year in land-use easement payments to the owners of the land on which the windfarms are situated, and \$89 million per year from maintenance and operations.
- Wind farms in California pay \$10 million to \$13 million in property taxes. According to the American Wind Energy Association, at least 44 states are involved in manufacturing wind energy system components.
- A UCS analysis for Wisconsin found that, over a 30-year period, an 800-megawatt mix of new renewables would create about 22,000 more job-years than new natural gas and coal plants would.
- A New York State Energy Office study concluded that wind energy would create 27 percent more jobs than coal and 66 percent more than a natural gas plant per kilowatt hour generated.
- A study of energy efficiency and renewable energy as an economic development strategy in Colorado by Economic Research Associates found an energy bill savings of \$1.2 billion for Colorado ratepayers by

2010 with a net gain of 8,400 jobs.

Renewables can improve the economic competitiveness of a region by enabling it to avoid additional costly environmental controls on other industries, as well as by stabilizing long-term energy prices.

Finally, the concept of value is changing the perception of renewables, as is consumer choice. Many surveys have shown that customers value the environmental benefits of renewables more than conventional polluting energy sources and prefer electricity companies that supply at least part of their power from renewable energy technologies. Renewables provide options that service-oriented companies can use to improve customer satisfaction. They can improve a company's public image and can create profitable new business opportunities for electricity generation or distribution companies that are customer-oriented.

These facts and findings were compiled and reprinted from A Union of Concerned Scientists website. To access the website, go to www.ucsusa.org

**Gillian Malone
PRBRC Staff**

Apache...continued from page 4

project."

In November 2001, researchers who submitted project proposals gathered for a meeting so everyone could see what the others were doing. After completing his study, Brown helped recommend which projects should be chosen. The resulting nine topically varied studies are products of researchers from Stanford University, the University of Wyoming, Montana State, and a consulting company. Seven of those projects (including that at the Coal Creek test site) have been approved and currently are being developed by WRP.

"Raymond wants to find out for himself what the impact of coalbed methane development would be," Dearman said, "so government and industry can make informed decisions on how to develop these resources."

Also involved with project approval was Mark Zoback, a professor of geophysics at Stanford University. He is science director and chair of the WRP science advisory board. As part of that position, he gathered names and made recommendations for prospective board members.

Zoback met Bahorich through a mutual colleague from Columbia University a few years back. He was also in on the meeting of minds at Ucross two years ago.

"I found it quite interesting," he said. "Apache is really to be congratulated. If not for Steve and Raymond, this research would not be happening." Coalbed methane is not only an important source of fuel in the United States, but also throughout the world, Zoback said.

"What we learn in the Powder River Basin can potentially be exported to other parts of the world — like China, India, Russia, Eastern Europe, which all have tremendous coal deposits," Zoback said. "Maybe we can leave coal in the ground and get good supplies of coalbed methane — it's easier to transport and better-burning.

"We realize that what we learn from this will have a global impact, and that's very important. There's a huge upside to doing this right."

Zoback is also involved in one individual WRP research project. He and his student are looking at the well-bore completion practices to find out if there are alternative ways to complete and depressurize wells that will result in less water production.

"We could've gone to consultants for quick results, but to maintain objectivity we went to universities," Dearman explained. "We want the results to be accepted by all sides. We're asking the university researchers to publish their work in peer-reviewed journals — for stamps of approval."

Recognizing Apache is no expert in coalbed methane production, the company next turned to experienced operators. Farris phoned the presidents of Phillips Petroleum Co. and Marathon Oil Co., enlisting their support. Each agreed to join WRP's cause and donated \$250,000, which along with Apache's contribution brings the total war chest to \$750,000.

"This is a good opportunity to work with state-of-the-art technology and equipment," Bahorich said. "This is another way to learn. And what we learn can be transferred to other Apache locations." Indeed.

"We have a couple million acres of coalbed methane potential in Canada," Dearman added. "Whatever we learn here, we can transfer there, also."

When forming the WRP, Apache chose not to employ a joint operating agreement with the other participating companies and instead formed a non-profit research and development corporation. **Jim Sloan**, Apache attorney, drafted the language for the organization.

"This way, if more organizations or companies want to join, they can," Dearman said. "Also, we can expand the board or a company can withdraw and the WRP will survive. If other organizations want to join — and not strictly those in the industry — it's capable of taking on more."

Another goal of WRP is to provide unbiased, peer-reviewed data to all interested parties.

"A lot of companies wouldn't want their data made available," said Brown, the project manager. "But that's the whole basis behind this — to gather information for public consumption."

Brown, who handles the research contracts, also coordinates the projects, making sure wells are going in and ponds are being constructed.

"We're happy to start getting in the field," he said. "Now that we have the foundation in place, things will be moving along. And once the permits are issued, we'll begin drilling."

By installing the creek monitors, WRP is gathering baseline data now, before coalbed methane water production begins. The data will measure the natural state first (before water is produced), so researchers can determine how coalbed methane production impacts the environment.

So far, two test sites — one upstream and one downstream of the Ucross development — have been established to see if the produced water placed in the ponds recharges the aquifers or leaks into the creeks.

And so begins the Western Resources Project.

"The way Raymond and Steve approach it is, they want to find out what the right answer is," Dearman said. "To do that, we need to pick the right people, make it as objective as possible — with no bias, no ulterior motives." That's certainly fuel for thought.

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Since the above article was published in fall 2002, the Western Resources Project has been moving right along.

Equipment at the Conoco-Phillips' (formerly Phillips Petroleum) Beaver Creek test site has been installed and water is now being produced. Researchers are currently measuring the actual interaction between the produced water from the coalbed methane reservoir and ground waters. WRP also has completed a baseline seismic survey of the study area.

At the Ucross site on Coal Creek, a pond has been built by the operator and the final monitoring wells around and inside the pond will be drilled next week (late June). Production should commence shortly thereafter. Soil samples have been taken and are now being studied prior to conducting irrigation studies.

Basin-wide completion and injection studies are well under way.

In addition, WRP organizers have stepped up fund-raising in an effort to continue the program's efforts for at least another year. Apache, Conoco-Phillips and Marathon Oil are the organization's founding corporations.

PRBRC Needs New Staff Car

PRBRC needs to replace our staff car an 1985 Toyota Tercel that currently has over 230,000 miles. If you have a car in good working order and would like to donate it please call the office at 307-672-5809 (Your donation of a car is tax deductible based on blue book value). If you would like to donate towards the purchase of a new car please send your tax deductible donation to PRBRC, 23 North Scott., Suite 19, Sheridan, WY 82801