**Governor Speaks Out to Protect Fortification**

The comment period for the Bureau of Land Management’s (BLM) Fortification Creek Area Draft Resource Management Plan drew to a close in the unseasonably warm first week of October. However, more than the weather was unexpectedly welcome that week. On October 6, the Wyoming Governor's Office took a bold stand on the Fortification issue with the submission of Governor Freudenthal's official comments to the Buffalo Field Office regarding future management of the Fortification area.

The letter was quite candid with the governor focusing particular attention on his dislike for categorical exclusions which circumvent the NEPA process and expedite issuance of drilling permits without public comment or thorough foresight.

Governor Freudenthal's letter also acknowledges the pressure BLM faces from the highest levels of government. "This process is a troubling illustration of hurried efforts to facilitate meeting permit issuance levels dictated in Washington, D.C.,” he wrote, adding, “This appears to be the standard outgoing administration gift to loyal supporters.”

The tone of the letter reflects a collective weariness across the West of the Bush administration's demand for permitting quotas which completely disregard local resource values or concerns.

When faced with BLM's willingness to open up drilling in sensitive elk habitat, the governor put his foot down, saying, "[irrespective of this perception of unavoidability, I will not support any development in or adjacent to the Fortification Creek area that fails to take full measure of the integrity of the elk herd, other wildlife, water quality, soils and other resources.”

Powder River Chair, Bob LeResche, sent a letter to the governor expressing Powder River’s appreciation for speaking out on Fortification and encouraging him to demand similar protections in the rest of the Powder River Basin and the state.

A total of seven conservation groups, including Wyoming Wilderness Association, Wyoming Outdoor Council, and the Alliance for Historic Wyoming commented on the plan, along with seven representatives of the oil and gas industry, including the Petroleum Association of Wyoming, 25 individuals and six state agencies, among them the Wyoming DEQ, the U.S. Fish and Wildlife Service and Game and Fish. In addition, an astonishing number around 38,000 additional comments were submitted electronically to the BLM on the issue.

Wildlife biologist and elk expert, Bill Allredge commented on the importance of including the elk yearlong and crucial ranges in the planning provisions, enforcing seasonal timing limitations and improving the tri-phased development scheme to effectively protect wildlife. He also exposed the flawed habitat loss assumptions made in the document and expressed concern for the significance level indicating population decline in the elk monitoring plan which he feels does not adequately protect the elk population from declines due to its vague and reactive nature.

The Wyoming Game and Fish Department sent in comments supporting the designation of an ACEC, or Area of Critical Environmental Concern within the Fortification area, and The agency

**“SOS” Founder Gloria Flora to Speak At Powder River’s Annual Meeting**

Powder River’s 36th Annual Meeting, to be held November 15th at the newly renovated Sheridan Inn, offers something for everyone. There will be two afternoon panels—one on the imperiled sage grouse in the Powder River Basin and elsewhere, and the other on the resurgence of uranium exploration and development in Wyoming and what it means for our future. The three-person sage grouse panel will include Powder River member, Don Spellman, who is also a member of the Northeast Wyoming Sage Grouse Working Group, and the uranium panel will include Jim Jones, co-founder of one of Powder River’s newest affiliates, Ranchers and Neighbors Protecting our Water.

The meeting also features both a luncheon speaker, Mark Northam, the new director of the School of Energy Resources at the University of Wyoming, who will enlighten us on "The Future of Energy Development in Wyoming: Mitigating Impacts", and dinner keynote speaker Gloria Flora of the non-profit, Sustainable Obtainable Solutions.

In her 22-year career with the U.S. Forest Service, Gloria Flora became nationally known both for her leadership in ecosystem management and for her courageous principled stands. When she was in charge of the Lewis and Clark National Forest in north-central Montana, she made a landmark decision to prohibit natural gas leasing along the spectacular 356,000-acre Rocky Mountain Front near the Bob Marshall Wilderness, a place often described as an American Serengeti for its abundant populations of elk, deer, grizzly bears, and fish-filled streams.

In 2000, she made national headlines again when she resigned...
Politics, Bad Science and CBM Demands

Don’t Make Good Policy

The pressures of politics, a good dose of misguided science, and the demands of an immensely profitable coalbed methane industry all come together here on my ranch in Wyoming's Powder River Basin.

Actually, these forces meet on a once productive draw a few miles from my house. Through all the years my dad ranched this place – in fact, ever since my grandfather homesteaded it – our cows have thrived on this grass. In some areas the meadows aren't more than 3 or 4 acres, and in others they're over 50, but spring runoff and occasional summer rains always brought thick stands of good grass and alfalfa hay. Boxelder trees along the draw would shade and shelter the cattle.

Ask any rancher up in these parts: Patches of prairie meadows like this have become part of what make our operations profitable. Generations of cows, and generations of ranchers like me, have come to depend on them.

But in the last decade we've had the devil's own time convincing the Wyoming Department of Environmental Quality of that. Here in the Cowboy State, you'd think cowboys might have some kind of say in what happens to their land. More often than not, you'd be wrong. The DEQ, through its so-called Agriculture Protection Policy, has permitted the CBM industry to discharge huge volumes of salt-laden water onto our low-lying meadows that has caused soil erosion, killed the native grass, alfalfa and hundreds of trees, and interfered with our water rights to the natural flow on these drainages.

Oil and gas companies must pump and dump a lot of water to get their coalbed methane, but instead of treating the water or using it where it's needed they discharge it downstream, wasting it and making a shambles of our operations.

DEQ decided a while back that it needed a better interpretation of the Agriculture Protection Policy — and rightfully — but then it gave all the high cards to industry.

Ranchers like me have been trying to get DEQ to see the light ever since these discharges started, but version after version of this policy has gone through DEQ's clunky, industry-friendly machinery and labeled our smaller draws and meadows — often the heart of our ranches — as "insignificant" and not worth protecting.

A load of other prescriptions in the proposed policy would allow increasing levels of salts and pollutants to irreparably damage our soils, native grasses and alfalfa.

Now DEQ is presenting this bad policy to the Environmental Quality Council (EQC) as a permanent rule. I hope the Council will see it for what it really is: A license to damage our land and take our properties and profits.

All over the Powder River Basin, we see time and time again where our DEQ serves the CBM industry at the cost to landowners. Here on my ranch, they're as good as taking profits right out of my pocket so industry can dispose of its polluted water cheaply and easily.

These "protection" policies don't protect anything — unless you count oil and gas revenues. That's where politics, profits and science come in. Whenever ranchers like me raise a few questions about how these policies will work to actually protect agricultural uses of land, industry trots out one of its paid pet scientists to assure anyone who'll listen that we needn't worry. And most often, the ones who are listening are the ones who are supposed to be working to protect the land and all of its uses.

Why DEQ listens to these high paid industry stooges is beyond me. We've got plenty of relevant studies done by our own university scientists and USDA soils experts that raise too many questions to ignore. It doesn't take a rocket scientist to see that salty poor quality water destroys grass and soils.

But sound science needs a lot of support when it goes up against an industry that's making money hand over fist, and pouring revenues into the treasury for politicians to spend. The Environmental Quality Council is getting ready to issue a decision on the Agriculture Protection Rule. All I can hope is that the EQC places value on sound science and considers the impacts to private property owned by a Wyoming Citizen as it makes the final call. I hope the EQC will see that making landowners shoulder the burden of industry's pollution is not at all what the Wyoming Environmental Quality Act intended.

The day-to-day experiences of ranchers like me, and my father and his father before me, tell us that.
With California at the top of the list and Wyoming tied for last, the American Council for an Energy-Efficient Economy (ACEEE) has released its 2008 State Energy Efficiency Scorecard, with rankings and ratings of state-level action on model energy efficiency policies, programs, and practices. California ranked first among “states employing energy efficiency as the 'first fuel' to grow their economies while meeting electricity demand, combating global warming, and contributing to U.S. energy security,” according to the report.

California was followed by Oregon, Connecticut, Vermont, New York, and Washington. Minnesota and Massachusetts tied for seventh place with Wisconsin and New Jersey 9th and 10th respectively. Idaho, which moved from a ranking of 25th to 13th, was rated as the “most improved” state, along with Florida, Maryland, Ohio, Illinois, Louisiana, Arkansas and Virginia, for setting energy savings targets, funding new programs, or improving efficiency of state buildings and vehicles.

The report ranked states on a broad array of energy efficiency policies, programs, and practices. California ranked first among "states employing energy efficiency as the 'first fuel' to grow their economies while meeting electricity demand, combating global warming, and contributing to U.S. energy security," according to the report.

Renewable Energy, Energy Efficiency Lead to Energy Independence

As part of the National Solar Energy Society’s National Solar Tour on October 4th, Powder River co-hosted a renewable energy and sustainable building tour. About 15 residents in the Sheridan area spent the morning eagerly learning about green building techniques, energy efficient design and modifications, and renewable options for homes and business. Many thanks go to local renewable energy consultant Larry Barbula (a long-time Powder River member), who gave helpful tips on ways residents can take the first steps towards true energy independence.

One stop on the tour was the Sheridan Inn, which will be hosting Powder River's annual meeting on November 15th. The Inn recently underwent an extensive renovation which included the installation of solar panels for Sheridan's second grid-tie system—(Powder River was first with its 700 watt photovoltaic system installed in 2006)—and a geothermal borehole field for heating and cooling. The Inn reports utility savings of about $300 since re-opening only three weeks ago.

Another stop on the tour was the home of Liz Howell, the Director of Wyoming Wilderness Association. Liz built a rammed earth addition to her home which has several energy efficient options, including south-facing windows and radiant floor heating.

We look forward to keeping the conversation going in the community and plan on hosting some forums with local utilities to spark debate and interest about energy choices in Northeast Wyoming. We also hope to expand the sustainable buildings tour to include rural homes that have installed small wind turbines or other features. Watch for another tour in the near future.

Shannon Anderson
Powder River Staff

Continued on page 8....
Dry Fork Air Permit Appeal Goes to EQC

The Environmental Quality Council (EQC) met during the waning days of September to consider several motions for "summary judgment" in our case appealing the air quality permit for the Dry Fork power plant, currently under construction just north of Gillette. The process of summary judgment, used to decide claims where only issues of law remain, worked against Powder River in this case, as factual witnesses were never heard. Unfortunately for us and our allies, the EQC felt the law was on the side of Basin Electric and DEQ for most of the claims, and council members dismissed three of the remaining issues in the case.

The first issue the council dismissed was our claim that Basin Electric and DEQ needed to consider integrated gasification combined cycle technology (IGCC) and supercritical boilers when determining the Best Available Control Technology (BACT) for the plant. Coal-fired power plants that use IGCC or supercritical boilers produce fewer harmful emissions than plants using subcritical pulverized coal boilers, as Dry Fork will use. Although the reasons for dismissing this claim were unclear, the EQC appeared to rely on Basin's argument that these newer technologies are not viable for use in the Dry Fork Station. Our attorneys with Earthjustice in Denver did a fabulous job of arguing that these technologies are in fact feasible and that both the Clean Air Act and Wyoming air quality regulations call for inclusion of "production processes...including fuel cleaning or treatment or innovative fuel combustion techniques" during the BACT process. Powder River members have called on power companies to use cleaner technologies, and we will continue to pursue these issues during the rest of this appeal and during public processes for future air permits.

The second issue the council dismissed was our argument that DEQ should have set a BACT limit for PM 2.5 (fine particulate matter that is particularly dangerous given its ability to penetrate the respiratory system.) EPA has identified PM2.5 as a pollutant regulated under the Clean Air Act because of its dangers to public health. DEQ argued that a BACT limit for larger particulate matter (PM10) served as an appropriate surrogate for PM2.5. DEQ also argued that they do not want to spend the resources regulating PM2.5 because Wyoming does not have dangerously high levels of the pollutant. However, DEQ also noted that monitoring is particularly difficult for finer particulates, making it difficult to determine whether limits are being exceeded.

The third issue EQC dismissed was our argument that the Dry Fork permit was invalid because it would contribute to a violation of emission limits on the nearby Northern Cheyenne Indian Reservation, an area that has stringent air quality protections given its cultural, historical, and natural resources. Everyone agreed that sulfur dioxide emissions from Dry Fork would violate pollution levels in the Reservation's airshed. EQC members seemed concerned that DEQ had not addressed this issue; however, they also agreed with DEQ that Dry Fork's contribution to emissions on the Reservation would be small enough to not warrant regulation. Powder River will continue to pursue this issue and work with the Northern Cheyenne to address air quality issues in our region.

Thus, after summary judgment, three issues remain in our appeal: emissions limits for mercury, sulfur dioxide, and nitrogen oxides. The more "trial-like" hearing before the EQC on these issues will be held in mid-November. Look for an update on this case in the next Breaks.

Shannon Anderson
Powder River Staff

Windsor Proposes Well on National Forest Scoping Comments Due Nov. 16

Concerned about the cumulative impacts from existing deep gas wells in the tiny community of Clark, including unresolved aquifer contamination, Clark Resource Council members are asking the Forest Service to complete a detailed and comprehensive analysis of Windsor Energy’s plans to drill a new well nearby—this time on the Shoshone National Forest. The well is the first proposed in over 10 years, and if approved will be the sole development on the Shoshone.

34 people attended a Forest Service field trip to the proposed drilling site, which sits approximately a quarter mile from the Crosby well site known for the August, 2006 blowout that caused contamination of both drinking water aquifers and a private drinking water well in the Line Creek subdivision. Contamination plumes from the blowout, which threaten downstream residents, are being monitored under the Wyoming Voluntary Remediation Program, and although "interim remediation" is scheduled for operation when permits have been approved, full remediation plans have yet to be released.

Representatives from Senator Enzi’s and Barrasso’s offices, BLM, and Wyoming Game and Fish attended the gathering, along with Clark Resource Council, Greater Yellowstone Coalition, Trout Unlimited, Wyoming Outdoor Council and Friends of a Legacy (FOAL) a group that advocates for wild horses. Windsor was represented at the meeting, but local and state government entities were conspicuously absent, with no presence from the Governor’s office, the Park County Commissioners, or Wyoming congressional representatives.

The field trip acted as a kick-off for public “scoping” of the proposed project, to determine what level of environmental review will be completed. One option the Forest Service is pursuing is the categorical exclusion, a fast-track process that eliminates public notice and involvement in decision-making. Many in attendance agreed that an Environmental Impact Statement is needed to properly analyze this project, particularly as it would sit on federal ground.

Due to public interest in the proposal, Clark Resource Council and its allies were able to get an extension of the public comment period for scoping until November 16, and they also managed to get two additional public meetings to discuss the proposal, on October 22 in Cody and October 23 in Clark.

The scoping period is the public’s opportunity to identify and submit issues and concerns the Forest Service needs to address related to this project. The scoping notice and associated documents, including details about submitting comments, are available at the Shoshone Forest Web page at:

http://www.fs.fed.us/r2/shoshone/projects/planning/forest_projects/new_fores

Deb Thomas
Clark Resource Council
COOL Enters Implementation Phase
Rules Are Still Unclear

After many years and huge public effort, a Country of Origin Labeling (COOL) law was passed by both houses of congress and signed by the president earlier this year. This law, intended to benefit consumer choice and American producers, is now in the implementation phase. COOL is supposed to inform consumers where foods, primarily meat products, originate, with labels or placards indicating whether they are from the U.S., other countries or a combination thereof.

While consumer choice is a prime mover for this law, COOL is also a promising marketing tool for producers selling meats born, raised and harvested in this country.

The USDA is responsible for full implementation of the law, and in typical bureaucratic fashion, the agency has fashioned a set of sometimes ambiguous rules to guide the program during what is being termed its temporary permanent implementation period. While the rules received public input from many sources, including Powder River and the Western Organization of Resource Councils, potential loopholes remain.

One loophole would allow meatpackers to bypass the intent of COOL by using the "multiple origin" label on muscle cuts of meat, even though packers are well aware of the country of origin of these meats. Powder River’s Agriculture Committee members are concerned that allowing this type of broad labeling will encourage abuse of the law.

Agriculture Committee Chair, Donley Darnell of Newcastle, submitted comments to USDA which stated, "By allowing a multiple country label for muscle cuts, there is no incentive for packers to label the specific country, and opens the door for a label that includes all the possible countries they slaughtered meat from that day, dismissing any responsibility to tell consumers what they want and deserve to know—where their food comes from."

Although congressional scrutiny of this segment of the rule prompted USDA to restrict the use of "multiple origin" labels, it remains to be seen if current language in the rules will be sufficient to force compliance.

Another flaw in the COOL rulemaking is the broad definition that exempts "processed foods" from inclusion in the law. This definition would allow even minor alterations, such as bread coating, salting, flavor additives or pre-cooking to avoid the label requirement, thus exempting a significant number of foods that consumers expect to have labeled.

Darnell responded to USDA’s exemptions and loose interpretations of the rules in his comments: "At a time that Americans are called to patriotism, this broad exemption takes away our ability to express that patriotism through our choice to buy U.S. products and support U.S. food producers."

Grocery store compliance with COOL has been spotty in Wyoming. Some stores have started to apply placards for general designation of origins while others have yet to comply. A number of meat department managers are caught in the middle, awaiting initiation by management. Powder River members should urge their local meat retailers and grocery managers to showcase and label meat products according to the new rules, as demanded by consumers and required by law. After so many years of hard work to make this labeling process a law, one would think USDA could slide effortlessly through the implementation period into compliance, but with expressions like "temporary permanent" framing the discussion, it’s going to take time and continued oversight to ensure that the program is implemented with the firm and clear intent of the law.

Bill Bensel
Powder River Staff

Third Annual Harvest Fest
A Big Success

The Big Horn Women’s Club was bustling as Powder River’s board members completed the final preparations for the third annual Harvest Celebration September 13th. Dedicated board members, both past and present, contributed months of orchestration, days of their valuable time and countless hours of cooking which culminated in a wonderful evening of delicious food, great music and enjoyable company.

The evening commenced with local vendors selling their wares, gratefully tucked out of the wet weather under the handy tent, provided, erected and torn down by the Sheridan Surgical Center. The event was sourced with as many local ingredients as possible including lamb, bison, garden fruits and veggies, even wild chokecherries, and homemade confections preserves and potions.

The board served around 150 people over the course of the evening, and enthusiastic comments on the garden slaws, flavorful meatballs, steaming sides, juicy meats, and mouthwatering desserts resonated throughout the Women’s Club as guests stood in line for more.

The huge demand for recipes has inspired us to send out a call for recipes from this year’s Harvest Celebration and those of the past, which we plan to compile into a booklet so that everyone can enjoy a little slice of the deliciousness of the harvest celebration year round.

Donated items for this year’s celebration included locally raised pork and beef for the raffle and live auction. A variety of intricately designed and delectable home made pies and cakes made the dessert auction a wild success. Our board, members and community all contributed to the event, and our thanks go out to each of you for your efforts and your unending support. We look forward to seeing you next year!

The Powder River Staff
NRC Hosts Public Meetings in Wyoming on Uranium Mining

As part of its public comment process on a draft Generic Environmental Impact Statement (GEIS), the Nuclear Regulatory Commission (NRC) hosted three meetings in Wyoming over the past couple of months – in Newcastle, Gillette, and Casper. The NRC expects approximately 20-30 new application for in-situ leach (ISL) uranium mining facilities in the next few years in Wyoming, so the Equality State has become a big focus of the NRC’s GEIS process.

Powder River members and other concerned citizens raised questions and provided oral testimony at all three Wyoming meetings. The most crucial concerns are potential impacts to groundwater, both quality and quantity. Currently operating ISL facilities in Wyoming have had a bad track record complying with state and federal regulations and have often created spills or underground excavations of injection and production fluids. These fluids have the potential to contaminate groundwater used for stock or domestic purposes.

One landowner who is concerned about potential impacts to water resources is Powder River member Jim Jones, who will be speaking on the uranium panel at this year’s Annual Meeting. Jones and others recently formed a Powder River affiliate group, Ranchers and Neighbors Protecting Our Water, to watchdog proposed uranium mines. “What has happened at the Smith Ranch-Highland ISL facility has not given us much confidence,” Jones stated. “ISL operations in Wyoming

Crook County Citizens May Lose Their Rights for Input on a Major County Issue

By Pam Viviano

Hopefully by now, most residents of Crook County are familiar with the In-Situ Leaching of uranium process (ISL), because two foreign owned corporations have test drilled or are currently in exploratory phases throughout the county, with intention to apply for permits as soon as exploration is completed. For those who are not familiar with it, the ISL process involves dissolving uranium into the aquifers through a leaching process, and then bringing the uranium solution to the surface for extraction, and returning “some” of the water into the aquifers to repeat the process. The entire ISL process of construction, processing, and reclamation can take 6-10 years; or in the case of the Smith-Highlands site in Wyoming, over 20 years and they are still not completed. These ISL sites have the potential for a huge negative impact on our water quality and quantity, as well as our way of life in general.

One area in our county that has been explored with plans to do ISL of uranium is northeast of Aladdin. This site is over 10,000 acres and is within 10 miles of Belle Fourche, SD. Another area that is currently being explored consists of approximately 16,700 acres, and is bordered by New Haven Road, Missouri Haul Road, Government Canyon Road, and Strawberry Hill Road. If this site comes to be, over 50 landowners could be within 5 miles of the uranium leaching site.

There are many valid concerns about this process, including contamination of aquifers, depletion of aquifers, loss of grazing areas, threats to wildlife, loss of hunting revenues, increased traffic and road deterioration, decrease of property values, and more. When the uranium companies are asked how they plan to protect the public and our water supplies, they often reply that there is a lengthy and well-researched Environmental Impact Statement that is part of the permitting process, which is designed to protect the public. An Environmental Impact Statement (EIS) looks at the impacts on several areas, including effects to surface and groundwater, air quality, land use, transportation, noise, socioeconomics, public health and safety, and more. The Environmental Impact Statement portion of the permitting process allows for citizens of Wyoming to be involved in environmental decision-making and to take an active role in government decisions, as well as advocate for measures that protect their homes and communities. However, on July 28th, 2008, the Nuclear Regulatory Commission (NRC) released a draft GENERIC Environmental Impact Statement which would replace the “site specific” Environmental Impact Statement. The purpose of the GENERIC EIS is to streamline and speed up the permitting process. The reason for this is that the NRC has received intent to apply from up to 20 uranium companies already (most for Wyoming), and they simply do not have the personnel or funding to carefully review each “site specific” application. In this GENERIC EIS, Crook County is included in a 9000 square mile region that stretches from the Montana border to the SW corner of Nebraska. What that means is that the impact for each specific area mentioned above has already been determined to be the same for every portion of that entire area. This completely negates the careful review of each individual site that is included in an Environmental Impact Statement, and is clearly in the best interest of the uranium companies only. Furthermore, part of the streamlining of the licensing process is to limit public involvement, which again will reduce the thorough review of site specific environmental impacts.

Whether you are for or against uranium in our county is not the issue at stake. The Generic Environmental Impact Statement relies on the Nuclear Regulatory Commission to determine what the impacts will be for our county. They feel that our county is exactly like 9000 square miles of surrounding areas. Whatever your feelings about the process, you should know that the citizens of Crook County need to retain the right to have input as to where these sites will be located, so that they will cause the least negative impacts to the residents of this county. If we allow the Generic Environmental Impact Statement to be implemented, then we will lose this right and these sites may be literally “in your backyard”.

There is a chance to learn about the Generic Environmental Impact Statement, directly from the Nuclear Regulatory Commission. Also, there is still opportunity to speak out about it either publicly or through written comment, up to the deadline of November 7th, 2008.

The NRC needs to hear that The Environmental Impact Statement is a critical part of the permitting process which allows for citizens of Wyoming to be involved in environmental decision-making and to take an active role in government decisions, as well as advocate for measures that protect their homes and communities. Because of this, the Generic Environmental Impact Statement should not be implemented, as it will reduce this public input and possibly eliminate it.

Please help to retain our right to public involvement in what happens in our county.

Editor’s Note: This op-ed ran in local papers in Crook County.

continued on page 11.....
Legislative Preview:
2009 Legislature

Even though next year’s legislative session is still a few months away, joint committees have been busy meeting and prioritizing bills to introduce come January. Powder River members and staff have attended several committee meetings to speak on the bills that we are watching.

CBM Ditching Bill

Some bad things just don’t go away, and one case in point is a bill from the State Engineer’s Office to “manage” discharged water from CBM operations. The bill, which is starting off in the Joint Agriculture Committee, includes only one of the many amendments that Powder River members lobbied so hard for during the last session. Only one of six amendments that were passed last year on the Senate Floor remain in the bill, a shortened time frame for SEO inspection and enforcement. We are still working with legislators on the committee to introduce other amendments and strengthen the overall effectiveness of the bill.

A large part of our lobbying work has been to educate legislators about the problems landowners are facing in the Powder River Basin, and several of our members have been instrumental in speaking to legislators, showing pictures and telling their stories of how discharged water has impacted their property and livelihoods. Thanks go to those who have participated in these efforts.

Carbon Sequestration

The Wyoming legislature is continuing efforts to be ahead of the curve in terms of regulating carbon sequestration, which by most industry estimates is still 15-20 years away from being used on a large-scale to mitigate the impacts of climate change. Rep. Lubnau (R-Gillette) has sent two proposed bills to the Joint Judiciary Committee—one bill to allow unitization (e.g. forced pooling) for carbon sequestration and another to clarify some of the liability issues surrounding injecting carbon dioxide deep underground. The Judiciary Committee opted not to discuss these bills at their last meeting, but they are still on the table as possibilities for the next session. You can read the draft bills online at http://legisweb.state.wy.us/2008/interim/Jud/bills.HTM

If you don’t have Internet access, you can call our office and we’ll mail you a copy.

Energy Efficiency Priorities

The Wyoming Business Council has sponsored several pieces of legislation to improve economic activity in the state. One component of this plan is to increase financing for energy audits and related energy efficiency improvements for state and local government buildings. The Business Council has run a successful similar program using federal money and is now seeking state funding to expand its work. Powder River is supporting the bill as a way to improve the economic return on publicly-financed investments and conserve valuable energy sources. Look for this bill and others prioritizing energy efficiency to be discussed in the next legislative session.

Sheridan Area Resource Council Leads Starry Skies Effort

Do you remember the first night you saw a bright smudge hovering over a city? Or the experience of turning in every direction and seeing a light? Or, while walking at night, having better visibility without the glare of lights?

A group of city and county residents, with the help of Powder River’s local affiliate, the Sheridan Area Resource Council (SARC), hopes to bring back Sheridan’s starry skies. SARC members have begun approaching the city, the county, MDU, Whitney Benefits and the college with facts and recommendations for good night time lighting. Everybody wins: good lighting is safer and more efficient, and it preserves the beauty of the night sky. If you'd like to join the effort, please call the Powder River office at 672-5809 or e-mail resources@powderriverbasin.org

Edith Heyward
Powder River Board Member
expressed concerns for allowing development on slopes greater than 25 percent and requested a reduction in significance threshold for elk security habitat loss from 20 percent to 10 percent. They echoed Alldredge's request to use a 20 percent reduction from the current population level of around 230 animals and not from a 20 percent drop below the herd objective of only around 150 animals. Game and Fish likewise chastised the lack of specific actions delineated in the elk monitoring plan to be taken in response to a precipitous decline in population.

The Final RMPA/EA is due to be released in late January or early February 2009, followed by a 30 day protest period. A Record of Decision (ROD), the final management decision on the area, is expected in March at which point Powder River will evaluate options for future action on the issue.

Ashley Roberts  
Powder River Staff

Annual Meeting.....continued from page 1

as Forest Supervisor of the largest national forest in the lower 48 states—the Humboldt-Toiyabe—to call attention to anti-government zealots engaged in the harassment and intimidation of Forest Service employees and destruction of public natural resources.

In 2001, she founded Sustainable Obtainable Solutions, a nonprofit dedicated to the sustainability of public lands and of the plants, animals and communities that depend on them.

Gloria is an innovative thinker, an inspirational speaker, and above all a doer who offers a new voice and a fresh perspective on public policy as it relates to energy, sustainability, and the fragile interface between the human and the natural world.

She is currently Project Coordinator for the State of Alaska's Climate Change Strategy.

See pages 11 & 12 for more information regarding Powder River's Annual Meeting.

Powder River Staff

Tax Credits.....continued from page 3

through 2013.
• Extends the Manufacturer Tax Incentives for Efficient Appliances through 2010.
• Creates a new tax credit of up to $7,500 for Plug-In Electric Vehicles.

The bill also includes some generous tax breaks for coal, including:

• $1.4 billion in tax breaks over 10 years to power projects that will
capture and store at least 65 percent of their total carbon dioxide emissions;
• $1.1 billion for a $20 per ton tax credit for carbon capture and storage.

Powder River Staff

ACCEE.....continued from page 3

policy initiatives, including:

• Utility-sector and public benefits programs and policies
• Transportation and land use policies
• Building energy codes
• Combined heat and power
• Appliance efficiency standards
• Energy efficiency in public buildings and fleets
• Research, development, and deployment
• Financial incentives for efficient technologies

While Wyoming's fossil fuels mentality hasn't helped push the urgency of improving energy efficiency in the state, particularly as a way to grow our economy, steadfast attempts at implementing efficiency measures have been made: Representative Jane Warren (D, Laramie) sponsored legislation in 2006—(that very nearly passed)—for an energy efficiency program for state buildings; Wyoming members of a Western Governors Association energy task force on efficiency recommended 20% improvement across the board by 2020; and the Wyoming Business Council's Wyoming Energy Conservation Improvement Program (WEICIP) was created in 2007 to make use of performance contracting, a long-term funding mechanism for energy conservation improvements through realized energy savings.

As energy prices continue to escalate and the economy continues on a downward spiral, Wyoming is no longer immune to forces affecting the country and the World. And as an energy exporting state, it could be argued that investing in energy efficiency would improve Wyoming's competitive edge over the long term by decreasing our bottom line for production. We could do this and meet electricity demand, and do our part to fight the effects of climate change (especially by increasing wind and solar energy production) and still contribute to U.S. energy security.

For more detailed information on the report, go to www.aceee.org.

Gillian Malone  
Powder River Staff
On October 10, during an early storm that was predicted to bring heavy snow, Powder River hosted a screening of the hot new documentary film, "A Snowmobile for George" at the Wyo Theatre in Sheridan. Using dry humor and sometimes outrageous footage, film maker Todd Darling traces the path of federal unraveling of environmental laws across America during the Bush Administration, using as the film’s connecting thread the loosening of air quality regulations governing snowmobile use in Yellowstone. A portion of the film features Powder River members George Smith, Beverly Landrey, and Ed Swartz in their struggles to survive the ravages of coalbed methane development on their lives and ranches. Although Todd had planned to attend the Wyo screening, the weather made it impossible, and he sent the following message.

So, in my absence I would like to express my gratitude to everyone who came to this screening, to the Powder River Basin Resource Council for putting on this event.

Big thanks to Jill Morrison who helped me out despite the fact that when I arrived in Sheridan I must have looked like Don Quixote with a snow mobile......

But, most of all I’d like to thank the courageous, truly inspirational people of Wyoming who helped me make this film. If there has been any group of people who have sustained my efforts to make this film, it is the ranchers and people of the Powder River Basin. I would like to thank in particular, Bev and Roland Landrey of Buffalo, Ed Swartz of Gillette, and George Smith of Sheridan. These are brave people and great Americans.

Wyoming and the Powder River Basin proved to be the pivotal moment for this film. It was here in Wyoming that I realized how a government's refusal to protect its citizens from big business could damage individuals and their community. To make matters worse, I came to learn that this damage wasn't simply the result of cowardice on the part of political appointees and bureaucrats. It was that our President had hand picked these appointees to actually run our government on behalf of these corporations, against the best interests of citizens interests, our environment, and often in violation of the law.

Their flagrant disregard for common sense and hard-earned wisdom has led to the past two decades of de-regulation. What the Powder River has suffered, is now on global display as de-regulation melts down our financial system.

Please, understand that the experience of the ranchers, landowners and people of the Powder River Basin inspires every audience that sees this film. Change is afoot. But, it will take citizens like you, organized from the grass-roots up to make things better.

Once again, thanks to all

Todd Darling
Director/Producer
"A Snow Mobile for George"
Resolutions to be Considered at Powder River’s Annual Meeting

Powder River’s Board of Directors decides positions it will take on a given issue by first determining whether there is a supporting resolution for the issue. Each year, Powder River members and staff are given the opportunity to present issue-based resolutions at the annual membership meeting. Since Powder River's founding in 1973, over 200 resolutions have been painstakingly drafted, debated and enacted at 35 annual meetings.

In an effort to streamline the resolution process, a “call for resolutions” was sent out in the July-August Breaks asking members to submit draft resolutions for publication in the September-October Breaks before the annual meeting. Although members have not been as forthcoming with resolutions as we would like, the following draft resolutions were sent in for member review. Please bring additional draft resolutions to the annual business meeting on the morning of November 15.

A Resolution Supporting DEQ Enforcement of Uranium Mines

WHEREAS, Powder River Basin Resource Council members have raised significant questions about regulation and oversight of uranium exploration and extraction operations in Wyoming, especially in-situ leach mining; and

WHEREAS, in March 2008, the Department of Environmental Quality issued a Notice of Violation to Cameco Corporation, a Canadian uranium company that operates the Smith Ranch-Highland projects near Douglas for a "number of major long-standing environmental concerns," including delayed water restoration, insufficient bonding, and spills and underground excursions of fluids used in the mining process;

NOW, THEREFORE, BE IT RESOLVED that the Powder River Basin Resource Council acknowledges the DEQ Land Quality Division for enforcing violations against Cameco, which culminated in a $1.4 million settlement with the company in July; and

BE IT FURTHER RESOLVED that we call on state and federal regulators to continue monitoring and enforcement efforts that will protect human health and the environment and provide adequate staff to oversee permitting and monitoring activities.

Resolution on Sustainable Agriculture, Local Foods and Small Farm Direct Marketing

WHEREAS, a healthy regional agricultural system is integral to our regional food security and is a valuable part of our cultural heritage, contributing to open space, wildlife habitat, and other valuable public benefits; and

WHEREAS, food-related concerns of Wyoming citizens include food quality, food safety, source identification, the absence of pesticide residues on food and availability of organic and local foods, and sustainable food systems for producers and consumers alike; and

WHEREAS, livestock and poultry raised on Wyoming ranches and farms has an excellent reputation for quality and flavor and offers profit potential and economic opportunity for Wyoming producers; and

WHEREAS, a major challenge in rebuilding our local food system is to devise strategies that will address the need for farmers and ranchers to earn a fair price for their products while maintaining consumer affordability; and

WHEREAS, it has been estimated that the average meal in the United States travels approximately 1,300 miles from the farm to the dinner plate, therefore resulting in ever-increasing quantities of fuel consumed and ever-increasing quantities of CO2 released into the atmosphere; and

WHEREAS, there are limited options for livestock slaughter in Wyoming; and

WHEREAS, in recent years, there has been increasing interest in the on-farm slaughter of animals for use by households for economic, ethnic, and humane reasons; and

WHEREAS, other states have been successful in encouraging the direct marketing of meat from small farms through support of mobile slaughter facilities; and

WHEREAS, other states have passed legislative amendments which allow greater flexibility to acquire local foods and legislative amendments which encourage state institutional food purchasers to acquire food locally; and

WHEREAS, Powder River Basin Resource Council members have been active in such activities as creating and supporting community gardens, farmers markets, and other local foods initiatives;

THEREFORE BE IT RESOLVED, that Powder River Basin Resource Council henceforth commits to work toward the development of a Food and Agriculture Policy that will contribute to the healthy and affordable diets of Wyoming residents and that will promote regional self-reliance through a sustainable agriculture that is environmentally sound, economically viable, socially responsible, non-exploitative, and locally or regionally based; and

BE IT FURTHER RESOLVED, that Powder River Basin Resource Council will support its affiliates and members that initiate food campaigns which link consumers and producers and foster a regional food system that will improve the economic prosperity of Wyoming’s rural and urban communities, and create new opportunities to connect family farmers and ranchers to their local communities and urban populations; and

Resolution on Health Impact Assessments for Development Proposals

WHEREAS, the rate of oil and gas exploration and development in Wyoming is increasing at alarming rates, and

WHEREAS, the development has increasing negative impact to water, air, and quality of life, and

WHEREAS, the development encroaches on the human environment that depends on water, and air for good health and quality of life, and

WHEREAS, human health and quality of life are not fully addressed by state and federal agency evaluation, and

WHEREAS, Health Impact Assessments are a method for assessing the potential impacts of a proposed project on human health by

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relying on available scientific data, public testimony, and modeling to predict potential impacts, and

WHEREAS, Health Impact Assessments are intended to help communities and decision makers evaluate all of the potential health risks and benefits of a proposed project or policy before it is built or implemented, and

WHEREAS, Health Impact Assessments can provide recommendations to increase positive health outcomes and minimize adverse health outcomes, and

WHEREAS, the US Center for Disease Control has stated that...continued from page 3

Health Impact Assessments should be part of the NEPA process,

THEREFORE, BE IT RESOLVED that Powder River Basin Resource Council will work at the state, regional and federal level to encourage Health Impact Assessments be conducted in areas currently under development and areas proposed for development.

BE IT FURTHER RESOLVED that Powder River Basin Resource Council will work at the state, regional and federal level to pass legislation requiring that Health Impact Assessments be conducted in areas currently under development and areas proposed for development.

Please include “Uranium Recovery GEIS” in the subject line when submitting written comments. For more information on the GEIS, please contact Shannon at the Powder River office or sanderson@powderriverbasin.org

Main processing center for the Smith Ranch-Highland Uranium Project, located on state land.

Powder River’s Annual Meeting Details

Agenda

9:00  Registration Opens

9:30-10:00  Annual Business Meeting — Powder River Members Only

12:00-1:15  Luncheon Speaker: Mark Northam

The Future of Energy Development in Wyoming: Mitigating Impacts

Dr. Mark Northam is the Director of the School of Energy Resources. He received his Ph.D. from the University of Texas at Austin. His expertise includes energy exploration and development, basin analysis, geophysical and geological characterization, and carbon management. Prior to joining UW, Dr. Northam worked in the energy industry for over 20 years with Exxon/Mobil and Saudi Aramco in both domestic and international assignments.

1:30-3:00  Sage Grouse Panel

- Dr. Dave Nagle, Associate Professor, Department of Natural Resources and Land Management, University of Wyoming
- Bob Bult, Director of Wyoming Wildlife and Natural Resources Trust
- Don Spalding, P.E., Rancher and a member of the NE Wyoming Sage Grouse Working Group

3:15-4:30  Uranium Panel

- Marion Loons, Director, Wyoming Mining Association
- Mark Nagle, Director, Uranium Development Association of Wyoming
- Jim Jones, Co-Founder, Ranchers and Neighbors Protecting our Water

4:30-7:00  Social Hour and Silent Auction

7:15  Dinner and Guest Speaker Gloria Flora

In her 22 year career with the U.S. Forest Service, Gloria Flora became nationally known for her leadership on oil and gas issues and her courageous principled stance. Today Flora is the Director of Sustainable Outsidence Solutions, a nonprofit dedicated to protecting public lands and the plants, animals and communities that depend on them. She is a popular and inspirational speaker focusing on public policy related to energy, sustainability and respect for our natural landscapes. She is currently Project Coordinator for the State of Alaska’s Climate Change Strategy.

REGISTRATION

Please register by November 7, 2008. It ensures that you will have a meal waiting and helps with the planning. You may:

- Register by phone at 672-5600
- Register by email at info@powderriverbasin.org
- Register via US Postal Service to:
  Powder River Basin Resource Council
  934 North Main Street
  Sheridan WY 82801

Registration and Meals

Speaker Only:
- $10.00 Members
- $20.00 Non-Members (includes 1 Year Gift Membership)

- $10.00 Members
- $20.00 Non-Members (includes 1 Year Gift Membership)

Name:

Address:

Number of Attendees:

Members: $10.00 X $ =
Non-Members: $20.00 X $ =

- $10.00 Members
- $20.00 Non-Members (includes 1 Year Gift Membership)

Clip & Mail

TOTAL DUE: $_____

You may pay with cash, check, Visa or Master Card when you register by mail or online at http://www.powderriverbasin.org/support.cfm.

Thank you for registering no later than November 7th.

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have removed millions of gallons of water from the aquifers and have polluted groundwater. Wyoming just doesn’t have that much water to waste.”

Powder River will be submitting written comments on the NRC’s draft GEIS later this month. Members who are concerned about increased uranium mining or cumulative impacts from uranium mining in areas already heavily impacted by CBM, other oil and gas, or coal, can send comments to the NRC by November 7th. Comments do not have to be long or technical; it’s just important for citizens to let the NRC know they are wary of the next uranium boom and want regulators to appropriately monitor and enforce these operations. Please submit comments to:

Chief, Rulemaking, Directives, and Editing Branch
Mailstop: T6-D59, U.S. Nuclear Regulatory Commission
Washington, D.C.  20555-0001
NRCREP.Resource@nrc.gov

NRC.....continued from page 6
This year, artist Ellen Dudley has generously donated a spectacular original 24” x 36” oil on canvas painting to Powder River’s annual fundraising efforts. Dudley deftly captures a crowd of mustangs galloping in the warmth of Wyoming’s Red Desert in her stunning painting titled Best Foot Forward. An extraordinary Powder River raffle gives you a chance to take this framed masterpiece — valued at $5384.00 — home or give a loved one a fabulous holiday present. Powder River is selling exactly 250 tickets at $25 for 1 or $100 for 5. The tickets will be sold until all 250 are sold starting October 27th. Please contact the office at 307-672-5809 for more information.

Eat well, eat local! Buy a chance to win half of a locally raised beef, processed and wrapped for only $10 a ticket, or even better get 3 for $25. The lucky winner for the beef will be announced at Powder River’s Annual Meeting. Tickets will go on sale October 27th and be sold until the November 15th.

For more information on raffles or the annual meeting, contact Powder River Basin Resource Council at (307) 672-5809.