



## Westerners Support Federal Minerals Leasing Reform

In January, President Biden signed several executive orders, including a pause on further leasing of oil and gas by the federal government, and a review of all existing leasing and permitting practices related to the development of federal minerals.

Federal mineral leasing programs have been repeatedly criticized by government watchdogs for wasting public resources. Additionally, development of these publicly-owned fossil fuels remains one of the single largest sources of climate-disrupting carbon pollution in the country,

**Thousands of acres of federal subsurface resources are already leased and undeveloped, so this pause in breakneck leasing will neither harm producers with economic resource nor slow our energy economy.**

**- Bob LeResche**

necessitating reform and actions to address the climate crisis. Pausing new oil and gas leasing will not result in a shortage of leases available to continue production. In fact, the industry is already sitting on millions of unused acres of leases. Nearly half (47.1 percent) of the 22.1 million actively leased acres are currently sitting idle, generating only \$1.50 per acre for taxpayers annually while preventing other beneficial use of the land.

In response, representatives of grassroots community organizations in Western states issued the following:

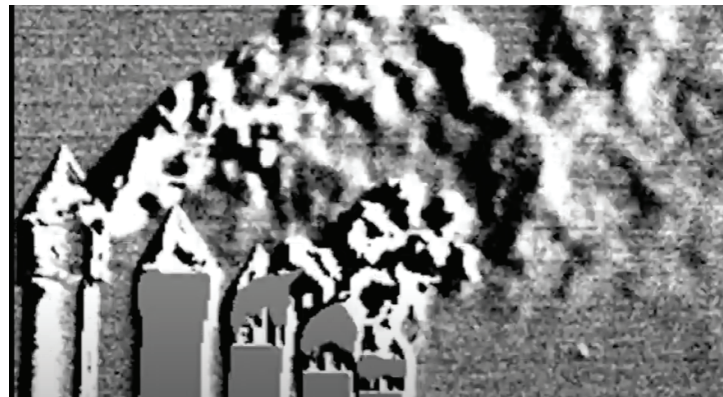
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## Landowners Call on Regulators to Take Action on Polluting Wells

In an effort to demonstrate widespread concern about air quality related to oil and gas development in Laramie County, Cheyenne Area Landowners Coalition (CALC), an affiliate of Powder River, teamed up with Earthworks' Community Empowerment Project to film several leaking wells with state-of-the-art infrared cameras. The organizations documented four different leaking facilities and have asked the Wyoming Department of Environmental Quality (DEQ) to investigate. To this date, the DEQ has not provided the landowners with a response about the cause of the documented, unregulated emissions nor whether future issues will be mitigated.

"In our Dec. 9, 2020 letter, we provided footage and asked that DEQ's Air Quality Division inspect these facilities. We requested on-site logs for certain equipment that could be at fault and ask that those logs be made available for the public's review. As yet, DEQ has not responded to our request," said Wayne Lax, CALC member.

Pollutants leaking from oil and gas wells are invisible and therefore difficult to locate while harming air quality and the health of nearby residents. These pollutants can include methane and volatile organic compounds (VOCs) such as the carcinogens benzene, toluene,



Through FLIR Gasfinder thermal imaging this screenshot of the captured footage demonstrated unregulated emissions leaking from oil and gas wells in Laramie County.

ethylbenzene, and xylene, collectively known as BTEX. While they are hazardous pollutants, the gases are visually undetectable, and if equipment is not regularly inspected, leaks can degrade the area's air quality. Earthworks has made their FLIR Gasfinder 320 infrared camera, along with a certified infrared thermographer, available to communities who are experiencing the harmful effects of these air pollutants. The camera's infrared technology is able to render the pollutants visible and helps document them for investigation.

"The lack of response from our regulators on this issue is stirring. We often feel that the department isn't taking our concerns about air quality seriously," said Alex Bowler, CALC member.

As of this writing, CALC plans to hold a press conference in partnership with Earthworks to release and explain the footage of leaking oil and gas wells in order to encourage more awareness about their concerns. Video footage from all four of the leaking wells is available on Powder River's YouTube channel and can be viewed by the public at any time.

**Monika Leininger**  
Powder River Staff

# Message from the Chair

**Powder River Basin Resource Council (Powder River)** is a grass-roots organization of individuals and affiliate groups dedicated to good stewardship of Wyoming's natural resources. Powder River 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.

**Powder River** is a member of the Western Organization of Resource Councils (WORC). WORC member groups are Dakota Resource Council, Dakota Rural Action, Idaho Organization of Resource Councils, Northern Plains Resource Council, Oregon Rural Action, Western Colorado Congress, Western Native Voice and Powder River Basin Resource Council.

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

**Membership dues:** \$30 for individuals, \$50 for families and \$20 for students and senior citizens. Powder River is dependent on contributions for its work; contributions, large and small, are welcomed.

## Active Affiliate Organizations

- Alliance for Renewable Energy (ARE)
- Clark Resource Council (CRC)
- Cheyenne Area Landowners Coalition (CALC)
- Pavillion Area Concerned Citizens (PACC)
- Ranchers & Neighbors Protecting Our Water (RNPOW)
- Sheridan Area Resource Council (SARC)

## Board of Directors

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## Powder River Breaks

Editor: Robin EH. Bagley  
Layout: Stephanie Avey  
Photos by Powder River staff and members.

Dear Powder River members and friends,



It is my great pleasure to announce the appointment of Alyssa Wechsler as the new Executive Director of Powder River Basin Resource Council, effective April 1, 2021.

As some of you may know, Jill Morrison announced more than six months ago that she was intending to retire as staff employee and executive director this spring. While not surprised (After all, Jill has most ably served this organization for more than 30 years.), our Board of Directors snapped into high gear to search for a new director. Working most of last fall to find an individual who had the necessary combination of leadership and hands-on skills, as well as knowledge of Wyoming's unique cultural heritage and political landscape, we were delighted to find Alyssa and even more delighted when she accepted our offer. Having grown up in Sheridan, graduated from the Universities of Wyoming and Oxford, and with work experience as a program manager, research scientist, and administrator in Wyoming, specializing in food, agriculture and sustainability, Alyssa is ideally suited to the position.

The Powder River Board is unanimously and enthusiastically pleased to welcome Alyssa, and we look forward to a time when she can introduce herself to our members. True to form, Jill has generously offered to stay on as mentor for a few months as Alyssa moves into guiding our statewide organization. Thus, we expect a smooth transition as one able executive director assumes the duties of her accomplished predecessor, and we are most grateful to Jill for helping to make that possible.

Speaking of transitions, our Wyoming communities are in desperate need for responsible leadership in both legislative and executive branches of our state government to provide smart, pragmatic and responsible plans to transition from a fossil fuel-dependent revenue stream to an economically diverse and vibrant base. This is not a new problem. The need has been clear for years. But now as state revenues circle the drain, and communities and people suffer, the need for state leadership is urgent.

Unfortunately, proposed legislation indicates our elected officials think otherwise. Consider, for example, two pending bills which we are watching carefully: HB 11 and SF 16. Reported to be supported by Governor Gordon, HB 11 is designed to reduce state revenues by cutting the severance tax on oil and gas extraction for new or renewed production of shut-in wells. This bill would cost the state \$13.5 million over the course of the year and is being proposed in the wake of last year's giveaway to industry, itself costing millions of dollars. Meanwhile, funding for education, communities, and government services is slashed.

The second bill, SF16 seeks to overhaul Wyoming's laws on rooftop solar and backyard wind by repealing the current laws for net metering. If passed, the effect of SF 16 would penalize those who use sustainable energy sources and jeopardize those business and jobs which produce and install them. These proposed bills, unfortunately, do more to prop up a waning industry than to support struggling communities by diversifying the economy. Now more than ever Wyoming needs courageous leaders with imagination and political will to address the realities of everyday life in this state. May they—and we—be up to meeting these demands of the day.

With warm wishes,

A handwritten signature in cursive script that reads "Marcia Westkott". The ink is dark and the signature is written in a fluid, personal style.



# Arch Announces Accelerated Reclamation at Coal Mines

In announcing revenue results to shareholders in February, Arch stated it would be winding down operations at the Coal Creek Mine in Campbell County, with final reclamation to take place next year. Under the current permit approved by the DEQ, the mine was expected to operate until 2034, but Arch has been looking to exit the Powder River Basin as the company switches its focus to higher priced metallurgical coal (coal used to make steel not electricity). In response to the announcement, Powder River Chair Marcia Westkott stated:

*“Coal Creek is just one more indication that coal mines throughout the Powder River Basin are facing significant losses, so it’s high time that bonds and sureties are reviewed—and secured—so Wyoming taxpayers are not left paying the cost for inevitable reclamation. This closure also heightens the long-standing need to develop a plan to ensure mine workers receive the assistance needed to transition to new careers.”*

Arch also announced it would be accelerating reclamation activities at its large Black Thunder Mine near Wright. Arch claims it has the cash on hand to carry out reclamation work and complete reclamation prior to closure of the mines, but that is something Powder River will be watching very closely in the months and years ahead.

Reclamation work at a mine the size and scale of Black Thunder will be complex, with expensive decommissioning of facilities and haul roads, revegetation of tens of thousands of acres of sagebrush prairie, and restoration of the region’s main aquifer system. Rest assured we will ensure that Arch completes its commitments to the ecosystem, our coalfield communities, and workers.

**Shannon Anderson**  
**Powder River Staff**

## Environmental Quality Council Upholds Ramaco Coal Mine Permit

At a meeting in February, the Wyoming Environmental Quality Council (EQC) voted to approve a decision made in December to uphold the Department of Environmental Quality’s (DEQ) permit issued for the Ramaco Brook Mine in Sheridan County.

By a unanimous vote, the EQC also ruled against Ramaco and held that Powder River had legal standing to bring a challenge to the permit. The procedural ruling was significant and will set a good precedent for our work addressing the impacts of coal mining.

In making its decision to uphold the permit, the EQC determined that DEQ’s conditions of approval on the permit were adequate to protect against damage to aquifer systems and land subsidence (the ground caving in during underground mining). Here are the reactions from our leaders:

*“We want to thank the Environmental Quality Council members for unanimously recognizing Powder River’s right to participate in today’s proceeding and represent our members who are impacted by this mine. We are disappointed in regard to the council’s decision to allow DEQ’s decision on the Brook Mine permit to proceed. We had hoped that solid science surrounding the risk of ground cave ins or subsidence issues would be acknowledged and that the state would agree that the*



**Tongue River Valley subsidence**

*company needs to provide a better overall plan for this serious issue. However, we will continue to be involved with this mine permit and work to ensure proper oversight and that the company abides by the 12 conditions the Wyoming DEQ set for the permit. We also call on the DEQ to protect the health and safety of the Tongue River Valley and its inhabitants.” - Marcia Westkott, Chair, Powder River Basin Resource Council*

*“We’re disappointed that the permit has been issued without stronger conditions for a subsidence plan, but we hope that the other conditions placed on the permit will protect our health, water, safety, and property. We also hope that Ramaco will do the right thing by being a good neighbor here in the valley and be open to talking with the neighbors.” - Anton Bocek, nearest landowner to the mine*

While this chapter in the multi-year long saga of the Brook Mine has wrapped up, the new chapters are just beginning. The company has yet to start mining, and it remains unclear whether there is a market to sell any of the coal from the mine. Our members in the area remain committed to holding Ramaco accountable to the terms of its permit and in ensuring protection of the Tongue River Valley and its people.

**Shannon Anderson**  
**Powder River Staff**

# Peabody Mine Production Declines by 20% in 2020

Last year was a tough year economically for almost all companies and industries, but the coal industry's 2020 was just another year in a multi-year decline. As Peabody's CEO recently put it on an earnings call with shareholders, "There is no question that U.S. thermal coal is a challenged market and one that is in secular decline."

Peabody had a particularly rough 2020, reporting a net loss of \$1.87 billion. Peabody's reported U.S. thermal coal production dropped to 105.5 million tons of coal in 2020, down 30.5 million tons, or 22.4%,

compared to 2019 production. Here in Wyoming, the nation's largest mine, North Antelope Rochelle, produced 66 million tons, which is the lowest production in over two decades since 1998. Production at Peabody's other Wyoming mines, Caballo and Rawhide, were down 32% and 5%, respectively in 2020. Notably, Peabody does not anticipate a measurable increase in coal production in 2021.

**Shannon Anderson**  
Powder River Staff

## Lighthouse Resources Bankruptcy Highlights Mine Closure Problems

The once unthinkable has happened: a large coal strip mine in the Powder River Basin has permanently closed. The Decker Mine just north of the Wyoming border closed in January. The announcement didn't come with a flashy press release and corporate spin, but instead was disclosed through the myriad of lengthy legal filings in the Lighthouse Resources bankruptcy. Lighthouse, the company that owns and operates the Decker Mine, wrote, "mining at the Decker Mine has in fact ceased, and as of January 22, 2021, all but four union employees have been furloughed."



Decker Coal Mine

The Lighthouse bankruptcy is ongoing, and it remains to be seen whether our objectives will be achieved. But, what is for certain is the abrupt closure of the Decker Mine highlights the looming possibility for failure at all coal mines in the Powder River Basin and across the country. As more and more coal-fired power plants shut down, and those that remain online operate much less with larger and larger coal stockpiles, the mines that once served the electric power sector in the United States are at risk of losing *all* of their customers. That is exactly what happened at Decker,

Since the mine has shut down, Lighthouse is proposing to create a reclamation trust to carry out and complete reclamation work at the Decker Mine. The trust has some initial funding, but is also dependent on additional money flowing in from the sale of property in Sheridan County, eliminating benefits promised to employees through union contracts, obtaining revenue for the Black Butte mine in Southern Wyoming, and a variety of other mechanisms. Along with the Western Organization of Resource Councils and the Northern Plains Resource Council, we have engaged bankruptcy lawyers at the firm of Moye White to represent our interests to ensure the reclamation trust is fully funded and will comply with all federal and state mining laws. Like most bankruptcies, there are complicated legal filings, coming from multiple parties with a variety of interests, and it is important that our groups have a seat at the negotiating table to ensure reclamation remains a priority for the liquidation plan.

with the last coal contract ending and no other utility left to buy the coal.

Powder River has been trying to get the DEQ to address this concern at the Powder River Basin mines by asking the agency to require updates to mining and reclamation plans that accurately consider coal contracts and lost production, in addition to ensuring the adequacy of reclamation bonds. What happened at Decker is preventable by requiring all reclamation work to be complete by the time the mine loses its customers (and in turn loses all of the money it makes to put toward reclamation work). We will continue to raise this issue and to think strategically and creatively about how to work with DEQ and the mining industry to prevent the next mine closure disaster in Wyoming.

**Shannon Anderson**  
Powder River Staff

### Powder River Solar Energy Production

Energy Produced: 329 kWh  
Carbon Offset: 520 lbs

We have offset the equivalent of 6 trees in Dec. 2020 & Jan. 2021!



### Did you know that Powder River has a YouTube Channel?

You can find us by going to YouTube.com and searching PowderRiverBasinRC. All of our solar stories and our oil & gas impact videos are available to watch.



# Commissioners Deny Solar Project in Sheridan County

A proposed 20-megawatt commercial scale solar facility was unanimously denied by the Sheridan County Commissioner on Feb. 16 due to an incomplete application. The proposed project entailed about 93 acres of private land off Swaim Road between Sheridan and Big Horn. The project was proposed by a company called Sheridan Solar, LLC, and the power was proposed to be sold to Montana Dakota Utilities (MDU), which owns a nearby substation. According to the company, the facility could supply approximately 3,000 homes with power, or an estimated 25% of Sheridan's electricity needs.

The project initially received approval from the Sheridan County Planning and Zoning Commission at a hearing on Jan. 7. The project was opposed by Niles Veal representing the Colorado Colony Ditch Company and their attorney Tony Wendtland. A few nearby landowners also voiced opposition to the project. The opponents stated the project did not meet the requirements of the county plan and some argued that it would be better sited on property owned by Ramaco north of Sheridan near the Tongue River. (Coincidentally, Wendtland also represents Ramaco and got their property rezoned from agricultural use to light industrial a few years ago.)

The Sheridan County Commissioners held a hearing on the proposal on Jan. 19 and again heard opposition to the solar project being sited in this location from the attorney for the ditch company and another attorney representing nearby landowners.

**“I hope the company will clean up their application and resubmit.”**

**- Nick Siddle,  
Sheridan County Commissioner**

Under pressure, the commissioners took a month to review all the information before making a decision. In the unanimous decision to deny the application, the commissioners cited concerns about: a platted county road that was not developed but would still need to be vacated or that area avoided before the project could proceed; a bridge that would need to be built across the ditch or that area avoided, and eliminating lighting issues that would

need to be addressed.

Commissioner Nick Siddle said, “I hope the company will clean up their application and resubmit.” He expressed support for solar development in the county but said it was important to get the projects right.

The commissioners noted that while there was opposition to the project they also received numerous letters in support of the project. Many Sheridan citizens support the solar project because it will diversify the power grid, provide job opportunities, provide an increase in tax revenues and address climate impacts. Some neighbors also supported the project and noted the location was a good one with easy access to MDU's nearby substation. Stay tuned, we expect the project will be proposed again, either with revisions to this location or at another location in Sheridan county.

**Jill Morrison  
Powder River Staff**

## Legislative Bills of Interest

While the first part of the Wyoming Legislative Session was held virtually in February, the second part of the session will be an in-person session in March. Keep an eye out for weekly legislative updates in your email inbox throughout the session. Here are three bills we are tracking.

**Senate File 16 – New Net Metering Systems** seeks to overhaul Wyoming's laws for rooftop solar and backyard wind (customer-generated systems) by repealing the current laws for net-metering. Thanks to citizen engagement, this bill is currently in a holding pattern after barely passing the Senate by a vote of 16-13. The bill has yet to be assigned to committee, but we expect it to go to the House Corporations Committee when the session reconvenes in March.

The bill takes net-metering out of statute and instead requires the Public Service Commission (PSC) to determine the terms, conditions, and rates associated with net-metered renewable energy systems. Both current and prospective net-metering customers face uncertainty on whether they will be able to get a return on their system investment.

**House Bill 30 - Public Utility Assessment** increases the assessed amount of funding for the PSC that comes from customer bills. The PSC is a self-funded agency but it has been losing money as oil and gas and other industrial customers have reduced power needs

during the economic downturn. In a surprise move, Representative Chuck Gray brought an amendment to condition the new funding on the PSC having “in effect a moratorium on the approval of any public utility's action to retire a coal fired electric generation facility.” Gray brought the amendment on both second and third readings of the bill in the House, and it was defeated both times. The bill crossed over to the Senate, but with our preemptive engagement, no similar amendments were proposed. The bill is now on the Governor's desk for his signature.

**House Bill 54 - Wyoming Meat Packing Initiative** would create a new program in the Wyoming Business Council to support the start-up of meat packing facilities. The COVID-19 pandemic exposed the vulnerability of our nation's reliance on facilities concentrated in the hands of a few companies. Legislators are keen to build Wyoming's homegrown meat industry, and we support the bill. After making it through the committee, the bill now heads to the full House after the recess.

Stay tuned for a full legislative recap in the next issue of the *Breaks*.

**Powder River Staff**

# Banditti of the Plains - Part Two

At one time, Wyoming was a spacious land with no fences. Pioneers recognizing the abundance of resources and opportunities settled in this wild land.

Many of these early settlers were cattle ranchers, outfits small and large. Cattle were turned out to open range and rounded up each spring. Area ranchers worked together to round up, sort each other's herds and brand their calves. Oftentimes stray cattle would be missed at round up. These unbranded mavericks could legally be captured and claimed by anyone willing and able to do so. Some homesteaders acquired good sized herds this way; unfortunately, a few took advantage of the situation. This gained the attention of the Wyoming Stock Growers Association which was made up of wealthy cattle barons with questionable ethics.

One thing led to another, and it wasn't long before things got out of hand. The Stock Growers Association brought in a large group of hired guns from Texas. After a few old-fashioned shoot outs and standoffs, the army was called upon to gather up the "invaders" and dispel the situation. At first there were no clear winners, although John Tisdale and Nate Champion's families were clearly among the losers, and after a series of shady political maneuvers by the cattle barons' cronies, the band of outlaws were eventually freed without punishment.

It was in this Wyoming that my ancestors settled. Four generations later, my family and I are still here, from raising all different sorts of livestock to harvesting timber. From working in oil, natural gas, and coal, members of my family have been earning a living from utilizing our natural resources for over a hundred years. We understand markets change; we've seen ups and downs.

Here we are today discussing another abundant natural resource, the most abundant of all, solar energy. The benefits of utilizing solar power can be taken advantage of at all levels, utility scale as well as residential, commercial, and industrial. The evidence of this is clearly seen all over the world. Self-sufficiency has always been the Wyoming way, and small scale, "rooftop", solar is no different than growing one's own vegetables or raising a few animals, yet when we do so we are not called upon to reimburse grocers or freight companies.

The utility companies claim that net metered solar owners don't understand utility billing or pay their fair share of expenses associated with maintaining their infrastructure. Basic meter charges start at around \$25 per meter. If one looks around, starts counting electric meters and does the math, it adds up quick. How much did you spend on maintaining the electrical system at your home last month? Perhaps the utility companies need a lesson on living within a budget like smaller businesses do.

**"This time we aren't asking who owns the grass and a few stray cattle, rather, who owns the sun? Who will be allowed to utilize it at a reasonable cost without being punished?"**

**- Richard Mack  
Owner Premier Electric Inc.**

Utility companies also claim that net metering customers receive a subsidy when they don't purchase much power from the grid. They say this causes others to bear the expense of the net metering customer's share of operations and maintenance. This "cost shifting" hasn't been (cannot be) proven. At this point, with only 0.006% of customers with net meters, the numbers are minuscule, and even if small scale solar installations continue to grow at the current pace, it will be decades before any such "subsidy" materializes. If a slight (fair) change to net metering (like a small increase in the customer's basic rate) is in order to account for this, fine, let's talk, but does it make

sense to scrap the entire thing and start over? This is throwing the baby out with the bath water.

The fact is, utility companies see the advantages of investing in renewables. They see what the new administration in Washington hopes to accomplish and are positioning themselves for their, not necessarily Wyoming's, best interest. Certainly, a wise move. The thing is, the end user has the same right to invest in solar energy at a reasonable expense as they do and shouldn't be punished for doing so. For some the American dream is to be able to provide for themselves.

Given the state of our nation and the projected budget cuts we're facing in Wyoming, I believe it's time to be talking about managing real dollars, lots of them, not wasting more time continuing to squabble over fractions of future pennies.

The Johnson County Cattle War changed the West forever. With the majority of the lawmen and legislators in the state on their payroll, the Stock Growers eventually got their way. Fences went up; the small outfits' access to the open range and ability to get their animals to market was restricted. Unfortunately, one thing has not changed, big business attitudes. This time we aren't asking who owns the grass and a few stray cattle, but rather, who owns the sun? Who will be allowed to utilize it at a reasonable cost without being punished?

This does not have to be a left or right issue. I could go on and on about the jobs and opportunities solar power has and will continue to create and the money it already puts into local economies, but it boils down to this: Will history repeat itself on the vast Wyoming plains? Will the large outfits and their puppets once again maneuver to squash a fledgling industry? Which side will you be on?

**Richard Mack  
Sheridan Wyoming**

*Richard Mack is a licensed Wyoming master electrician who owns and operates Premier Electric Inc. in Sheridan, Wyoming and is a member of the board of the Wyoming Solar Energy Association*

*Editor's note: Reprinted with Permission*

# Support Rooftop Solar

I urge our state legislators to focus on the pluses of rooftop solar. I put a system in last summer. WHY? It makes sense. There are over 200 days of sunshine in most parts of Wyoming and it made sense to me to take advantage of this gift of nature.

In addition to this, it felt good supporting a new local business focused on solar systems. We talk about diversifying our economy, and this developing small business sector is helping to do just that.

And, in the event that my system would ever produce more than I use in a year, the surplus would go back into the main system using net metering. Makes sense.

As far as the idea that net metering costs folks without solar more is only true if many many more small systems were in use. It is

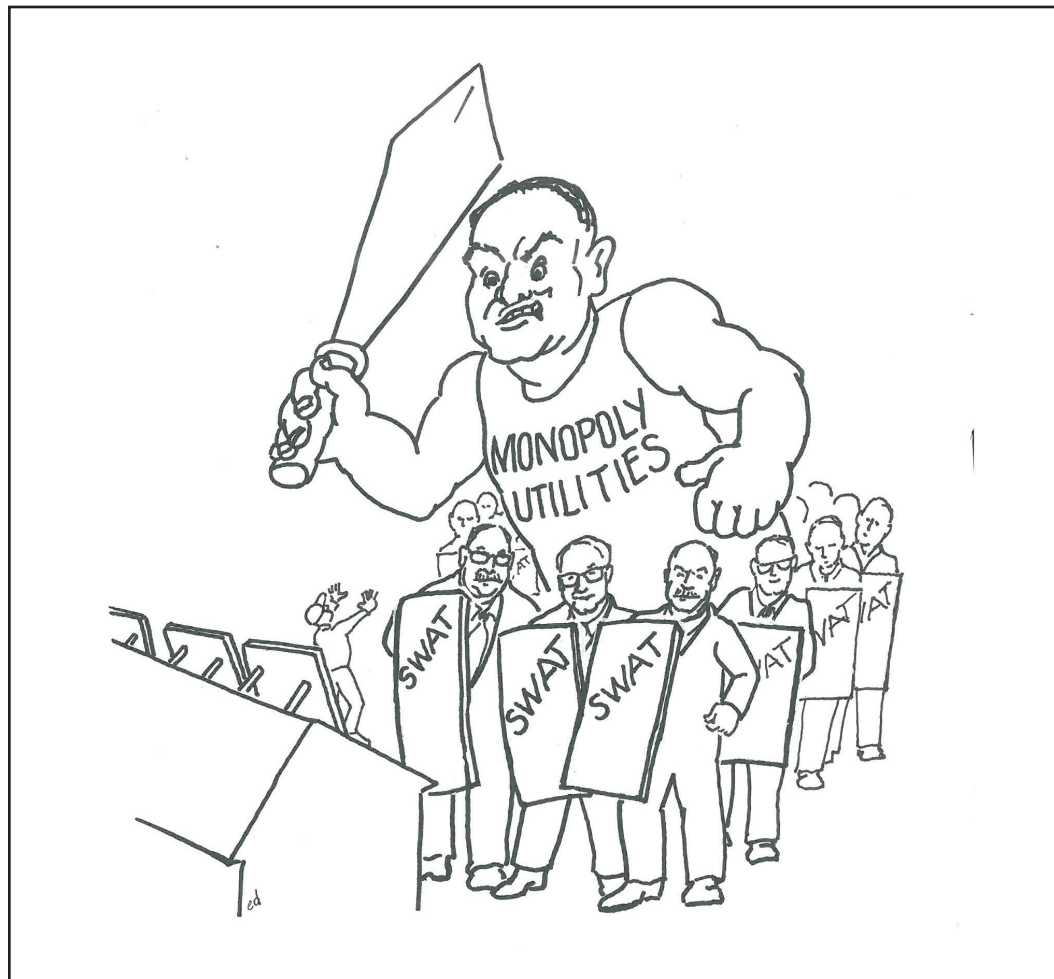
not a concern presently or in the near future. To focus on this future possibility does not make sense.

So, legislators, please focus on the positives and support rooftop solar.

Thank you.

**Cissy Dillon  
Sheridan**

*Editor's Note: This originally ran in the Feb. 18, 2021 issue of the Casper Star-Tribune.*



## We Need Net Metering

I'm disappointed to see some of our state legislators focused on repealing net metering and damaging our solar industry. Many people who choose to install solar do it because it's a good investment: It pays for itself and increases property values.

It's not much different than taking energy efficiency steps, such as better insulation or windows, or using LED lighting. Is that going to be the next step for our legislators — halting energy efficiency measures because it reduces energy consumption?

Despite what some of our state legislators think, net metering is not costing non-solar utility customers more money. They like to throw around words like "cost shift" and "subsidy," but the fact is, this isn't a problem. Our solar panels are not causing our neighbors' electric bill to go up. Numerous state-level studies have disproven the cost-shift argument, yet the definitive national study was done by the Lawrence

Berkeley National Lab (LBNL). They found that no significant cost-shift occurs, until over 10% of the residences in a state have solar power. Wyoming is very far from that threshold, with only .04% of customers using net metering. If that threshold were to be reached, the cost to the non-solar residential customer would be 5/1000 of a cent per kilowatt-hour (LBNL).

Please contact your state representative and ask them to vote NO on SF16. We need net metering to help grow the renewable energy industry and jobs.

**Christy Gerrits  
Gillette**

*Editor's Note: This originally ran in the Feb. 16, 2021 issue of the Gillette News Record.*



# Keep Net Metering in Wyoming

The sudden unannounced appearance of a bill in a Wyoming Senate committee last year to kill the net metering option for electric customers who generate small scale solar and wind-produced power is now under consideration by the whole Wyoming Senate in quick order.

Hundreds of citizen/voter comments to legislators to vote against Senate File 16 are being ignored in favor of huge and prosperous power companies and their shareholders.

A minuscule 0.06% of all utility customers generate small amounts of power through solar or wind systems and move the excess low-cost energy into the grid through net metering. This is being falsely challenged by some as a “subsidy.” Instead, legislators should review all the subsidies provided to big utilities and power generating monopolies. That may truly yield some interest with consumers and taxpayers as the state budget cuts deeper into the heart of essential services.

Some facts are being hidden behind attacks on these homeowner-generators who still pay hefty service fees to be connected to the power grid. And what will happen to the small local businesses that install solar and wind systems? Data, research and facts do not seem to matter with SF 16, just a nod from the big utility man running the show.

Call your senators and representatives today and tell them to vote for your right to produce home based solar and wind energy by voting “No” on SF 16. Keep fair net metering in Wyoming.

**Bill Bensel  
Ranchester**

*Editor’s Note: This originally ran in the Jan. 27, 2021 issue of The Sheridan Press. SF 16 passed the Senate and is expected to move into the House during the March portion of the legislative session.*

## Solar Project’s Goals Admirable

There’s been a lot of talk in the news lately about solar energy, and for good reason. It’s our future and one we must embrace if we are to move on gracefully and intelligently from our reliance on fossil fuels — in particular coal. Just this morning I heard another coal mine in the Powder River Basin will cease supplying coal for electrical power generation.

When I heard that a 20-megawatt solar farm proposed in Sheridan County had been approved by the Planning Commission, I went to show my support before the county commissioners.

What I found at the public hearing was some visibly upset landowners and a few lawyers attacking the project for reasons ranging from lighting, erosion, water rights and road closures, to view shed, lost property values and “solar glare.” I regularly drive by the proposed site and have noted only one dwelling that would likely be affected, during the development phase, by construction traffic.

Proponents of the 96-acre project tried to assure attendees that their concerns would be addressed in the permit, but the commissioners, rightly, I believe, tabled the proposal in order to engage in fact-finding of their own.

Meanwhile, rumor has it that Ramaco wants to host the project on their Tongue River property, which would explain why some of their key players were present at the hearing — including the lawyer

who represented Ramaco in their re-zone from agricultural to industrial awhile back. Interestingly, he didn’t seem too attentive to Tongue River landowners’ concerns back then, even though their concerns were stunningly similar to those he presented at the county commissioners’ hearing on behalf of landowners and irrigators in the Little Goose valley. Perhaps the commissioners should revisit the record of that hearing.

Siting is critical for this type of project, and the only location large enough to accommodate 90,000 solar arrays on Ramaco land is between the interstate and Kleenburn Pond. The panels would have to be oriented to the south and they would probably reflect light directly into the eyes of northbound drivers for part of the day, particularly in the winter. Now that is solar glare.

The overarching goal of Sheridan Solar LLC is to diversify our energy production and provide clean, affordable electricity to the Sheridan community, an honorable goal that they have worked hard for and that deserves our consideration.

**Gillian Malone  
Big Horn**

*Editor’s Note: This is reprinted from the Feb. 13, 2021 issue of The Sheridan Press.*

## SARC Begins Process to Reorganize

Powder River’s affiliate, Sheridan Area Resource Council (SARC), held a successful Zoom reorganization meeting in February in response to Sheridan area members’ interest in working on local issues impacting their community.

Attendees decided to focus on actions to foster the growth of solar energy development in the Sheridan area. A tentative plan is to continue the ongoing discussion with Montana Dakota Utilities (MDU) built on previous work around community solar. The members would also like to start working with MDU on the possibility of on-bill financing for solar projects, like Rocky Mountain Power’s Blue Sky Program, to help finance solar projects for local government and

nonprofits, and also developing a community battery storage program such as Green Mountain Power’s home battery network in Vermont. Working with Sheridan City and County officials was identified as an important part of these campaigns as well.

Powder River staff will help draft a campaign plan with SARC members which will be discussed at the next meeting in March. If you have questions or would like to be added to the mailing list for further notices, please email Pennie Vance at penniev@powderriverbasin.org or call/text 307-399-5848.

**Pennie Vance  
Powder River Staff**



# Keeping Up with the PSC

During debate in the Wyoming House, Representative Chuck Gray of Casper recently called the three people who make up the Public Service Commission (PSC) among the most powerful people in the state. Gray's comments came while he was pushing a moratorium on coal power plant closures as "legislative oversight" of the agency. However, Powder River's perspective on Gray's attempt was not that he was seeking "oversight" but rather overreach, infringing on the charge of the PSC to ensure reasonable and just utility rates across Wyoming.



Gray's efforts are just the latest in a multi-year saga that has played out at the legislature as some lawmakers seek to keep coal plants running, literally at any cost. House Bill 200, passed last year, forces utilities to have a portion of their power come from coal with carbon capture technology. Senate File 159, passed in 2019, forces a utility to try selling a coal plant before retiring it. All of these efforts by the legislature are meant to send a political message to micromanage the PSC and our utilities.

Despite these attempts, the PSC trio is indeed among the most powerful in our state. So it may be helpful to explain who they are, and what may drive their future decisions.

## Who is the PSC?

Long-time commissioner and recent chairman of the PSC, Kara Fornstrom resigned mid-December. She was first appointed in 2013 by former Governor Mead, and then was reappointed in 2019 by Governor Gordon. At the time, Gordon recognized her support of carbon capture.

To fill the vacancy, Governor Gordon recently announced that he was appointing PSC legal counsel Chris Petrie to fill the vacant position. Petrie has served as secretary and chief legal counsel of the PSC since 2007. He earned both his undergraduate and law degrees from the University of Wyoming.

Petrie is listed as being from Cody, but graduated from Lusk and spent time in Southwest Wyoming, where he still has deep family roots. His term expires March 1, 2025. In a statement he said that he looked forward to continuing to work with staff "to ensure that safe, adequate and reliable utility service remains available at just and reasonable rates throughout the state."

Petrie will join two other commissioners: Mary Throne, who serves as deputy chair, and Mike Robinson. Like Petrie, Robinson, whose term is up in 2023, also served as PSC legal counsel before serving as a commissioner and is a UW law school grad.

Deputy Chair Throne was appointed by Governor Gordon in 2019. Her term is up this March, but she is expected to be reappointed. Throne fills the commission's single Democratic seat and was once Gordon's opponent for governor. Originally from Gillette, she represented Cheyenne in the Wyoming Legislature for 10 years and was involved early in carbon sequestration legislation.

## What does the PSC do?

The PSC has a lot on its plate with energy utilities being only one part of their jurisdiction. Within those duties are a few hot topics, including net-metering, carbon capture, industrial siting, and Rocky Mountain Power's Integrated Resource Plan (IRP).

At the latest IRP technical conference on Jan. 27, the PSC discussed several issues, including the topic of externalities. Local government

leaders in Southwest Wyoming started off the discussion by saying they want the PSC to push to make socioeconomic impacts part of the IRP process.

Powder River agreed that the PSC should look at ways to have utilities provide transition assistance for communities and workers. Other states are doing so and getting significant financial settlements to address externalities such as job losses and decreased tax revenue. The IRP is meant primarily as a planning tool, and Wyoming is already asking a lot in terms of resource cost analysis. Powder River's position is that neither the document nor its process is the best place to include externalities like socioeconomic costs and environmental impacts, but there are appropriate times to do so. On this point, other stakeholders seemed to agree that there are better avenues for us to get the needed just transition work.

The arena the PSC plays in is super wonky, involving macroeconomics and the agency rulemaking process. However, it is a public agency, and as such, is governed by its organic legislation and the Administrative Procedures Act, which ensures that various stakeholders can be part of the bureaucratic process.

## What's next?

The PSC will take all the comments from this latest IRP technical conference under advisement and then come back with some proposed language for another pre-rulemaking workshop. That will likely be after the legislature's March session because of several housekeeping items, including Commissioner Petrie's transition and the need to appoint legal counsel to replace him, Throne's confirmation, and the commission's vote to select the newest chair.

Powder River will continue to engage with the PSC as work progresses. We will continue to be a voice for responsible energy and keep you informed about ways you can engage. Coming up, look for Rocky Mountain Power's 2021 IRP, now delayed until the fall, and the employee transition plans for the Bridger Power Plant.

Affordable and reliable power is critical to economic growth and diversity, and the PSC will play a critical role in addressing both the positive benefits and negative costs of energy transition. Time will tell how these three powerful people will impact Wyoming, the western grid, the nation, and the planet.

**Michele Irwin**  
Powder River Staff

# Powder River is Hiring!

Powder River is hiring a Community Organizer.

## Duties:

- Develop and implement organizing and grassroots campaign plans for issue-based campaigns focused on reducing the impacts of energy development in Wyoming, expanding renewable energy, and keeping utility rates affordable;
- Recruit new members and engage in organizational outreach activities;
- Provide direction and support to members who are addressing issues of concern to the organization;
- Collaborate with members on research, campaigns, and communications;
- Represent Powder River to external public and private entities, including government departments, the state legislature, the media, and regulated businesses;
- Coach members to develop leadership, public presentation, and organizational skills;
- Participate in organizational fundraising, communications, and event responsibilities as assigned;
- Perform other activities as required or assigned.

## Qualifications:

- Commitment to Powder River's mission, issues, and values;
- Ability to work well with people from diverse backgrounds and viewpoints;

- Strong speaking and writing skills;
- Willingness and ability to work flexible hours, including some evening and weekend hours, and to travel;
- College degree (or equivalent work experience);
- Strong background in natural resource management, clean energy, agriculture and/or Wyoming issues preferred;
- Experience in issue-based campaign work, communications and/or fundraising also a plus.

## Compensation and Benefits:

Salary is competitive and commensurate with experience. Powder River offers a generous benefits package including health and dental insurance, vision, retirement, paid vacation leave, paid holidays, and paid long-term sabbatical leave.

## How to apply:

This position is open until filled, but we encourage applications as soon as possible. The position can be located in Cheyenne, Laramie, Casper, Gillette, or Sheridan.

If interested, please email a cover letter, resume, and two brief writing samples to [jmorrison@powderriverbasin.org](mailto:jmorrison@powderriverbasin.org) (include Organizer Position Application in the subject field) or mail to: Jill Morrison, Executive Director, Powder River Basin Resource Council, 934 North Main St., Sheridan, WY 82801.

**Powder River Staff**

# Wyoming Food Coalition Builds Support

The Wyoming Food Coalition (WFC) is a new but vigorous organization leading a statewide effort linking food producers and proponents to develop a vibrant, self-sustaining local food network that is diverse, thriving, and equitable and to help solve food insecurity in our communities.

The WFC launched in December of 2019 when dozens of organizations, including Powder River, businesses, individuals, educators, and state agencies, gathered in Casper to join forces. The participants formed seven working groups: Vibrant Producers; Strong Native Communities; Healthy People; Sustainable Ecosystems; Fairness & Justice; Policy, and Strategic Communications & Outreach and went to work.

It's difficult to maintain the momentum of an initial coalition launch, but one year later WFC is going strong. The organization met in December via Zoom for its successful second annual meeting to share a year of strong, productive growth.



**Adam Bunker, chair of the Wyoming Food Coalition, readies lettuce for sale at Papa Joe's Produce in Sheridan.**

Workshops covered many topics including the Wyoming Food Freedom Act. The workshop panel featured past Wyoming representative, Tyler Lindholm, and two specialists from the Wyoming Department of Ag: Justin Latham, Manager of Consumer Health Services, and Stephanie Styvar, Inspection Specialist, who provided invaluable, practical information on existing food safety policy. You can listen to a recap of the annual meeting on the coalition's Speaker Series, a monthly event featuring different food policy topics. The Speaker Series is

available on the coalition's website [wyfoodcoalition.org/speaker-series/](http://wyfoodcoalition.org/speaker-series/).

An important mission of the Policy working group is providing a united voice for local foods producers in the Wyoming legislature. During the 2020 legislative interim the group organized members to speak out against a proposed grocery tax. Adam Bunker with Papa Joe's Produce in Sheridan and WFC Chair said that the coalition opposed the

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## Wyoming Food...Continued from previous page

tax because it would hurt lower income families with higher food bills and small local food businesses with burdensome bookkeeping.

Bunker said that he was pleased that the tax bill was defeated but also proud of WFC's acknowledgement that Wyoming's budget deficit won't be addressed by just saying no to all tax proposals. According to Bunker, the coalition offered a modified grocery sales tax option following the Maine model on food tax in which essential foods such as flour, vegetables, and meats are not taxed but non-essentials such as soda and candy are.

According to Bunker, WFC is "going incredibly well, especially with the Covid challenges. In 2019 the coalition was just forming. Now the foundational challenges have been met, and there are lots of

important projects underway." Among those projects is the work of WFC members who helped establish a statewide distribution network to deliver foods ordered from the Eat Wyoming virtual market.

As for what's next Bunker said that WFC will continue the work in progress, pursue funding options so they are not totally grant-reliant, and work on growing the membership. He encouraged anyone interested in growing a healthy local food system in Wyoming to join the coalition. There are no membership fees at this time. Joining is as simple as going to "Join" section of the organizations's website [wyfoodcoalition.org](http://wyfoodcoalition.org) and filling out the form.

**Pennie Vance**  
**Powder River Staff**

## Oil & Gas...Continued from page 1

*"We applaud the new administration for their immediate action to pause and review oil and gas leasing programs on federal lands and minerals. This is a necessary and long overdue action to stop the looting of public resources as fossil fuel developers accumulate excess leases at today's bargain basement prices.*

*Thousands of acres of federal subsurface resources are already leased and undeveloped, so this pause in breakneck leasing will neither harm producers with economic resources nor slow our energy economy.*

*What it will do is give our nation time to thoughtfully rationalize and restructure management of our vast national energy resources to meet America's future needs of climate, restoration, multiple use, and revenues. World energy markets are evolving very fast, and we'll be left far behind if we continue down the same path we've been on for half a century. This leasing moratorium will give us room to look ahead and remain competitive in a carbon-constrained economy.*

*In addition, the new executive order promises serious aid to coal mining, power plant, and oil and gas communities that will be economically challenged by these world market changes, and promises projects to address the problems caused by the thousands of abandoned and orphan oil and gas wells that BLM has failed to deal with in Wyoming in the past." - Bob LeResche, Powder River Basin Resource Council, Clearmont, Wyoming*

*"In the last four years there has been an all-out effort by the BLM to short-circuit its already industry-friendly lease review policies in order to give away as much of the public's oil and gas resources as operators could absorb. As we anticipate a more responsible administration, it is important to temporarily stop leasing and reestablish meaningful policy before any more resource giveaways. A moratorium on leasing is critical to create space for improvement in leasing rules to fully account*

*for impacts on citizens and the environment, and to properly assess the monetary value of leases prior to resuming any federal leasing." - Rodger Steen, Western Colorado Alliance, Steamboat Springs, Colorado*

*"We're encouraged to see that the administration will take a hard look at our broken coal leasing system. When a private company can buy a ton of coal for less than the price of a cheeseburger, something is seriously wrong. Taxpayers are shortchanged billions of dollars because of this flawed system; the public pays the costs of increased climate change, and coal companies too often leave behind degraded lands that are never properly reclaimed. It's long past time to revise these corporate-friendly policies and put the public back in the driver's seat on publicly owned resources." - Steve Charter, Northern Plains Resource Council, Shepherd, Montana*

*"A pause in our broken leasing system will allow the administration to reform their 'oil-and-gas giveaway' program, protect public health and the environment, and end the corporate monopolization of these lands so ranchers, residents, recreationalists, and wildlife can safely live in the West. The BLM needs to rededicate itself to its multi-use charter after the past four years under an 'energy dominance' policy. Given the decade-plus backlog of undeveloped leases and valid permits for federal minerals held by industry, there should be no impact on jobs. At the same time, taxpayer equity should be addressed by reviewing and updating the prices for leases and royalties. Finally, bonding policy should be adjusted for the real cost of plugging wells and remediating sites to ensure it doesn't fall to us, the taxpayers or owners of split-estate surface, to pay to clean up the mess." - Barbara Vasquez, Western Organization of Resource Councils, Cowdrey, Colorado*

**Western Organization of Resource Councils**  
**Powder River Staff**



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<b>2021</b>	
19 March	Board Meeting, Virtual

## Planned Giving and Estate Planning Gifts

The Powder River "family" has been thinking a lot about the future lately, because, as the saying goes, "We aren't getting any younger." We want to make sure this organization remains viable for future generations in the same way it serves today's members. So we're inviting you, our extended family of members and donors, to consider including Powder River in your estate plans.

Your gift would create a living legacy allowing Powder River to continue our work far into the future and helping ensure Wyoming remains the place we know and love for our kids and grandkids.

As one long time Powder River member, Digger Moravek stated, "I want to raise Hell long after I'm gone." You too can do this through a bequest to Powder River.

The two easiest ways to include Powder River in your estate planning take little time (and no legal assistance).

- **THROUGH YOUR RETIREMENT ACCOUNT** (Your IRA, Roth-IRA, SEP-IRA, 401(k), or other such account): Name *Powder River Basin Resource Council* as a Primary beneficiary for a percentage. One percent, 10%, 25% or whatever you wish. You can do this through the account custodian, or often even on the custodian's website in a few minutes (Powder River's Tax ID is 74-2183158).

- **THROUGH YOUR LIFE INSURANCE POLICY:** - Name *Powder River Basin Resource Council* as a primary beneficiary of any percentage of your life insurance policy. You can do this through your insurance agent or the insurance company, or often even on your insurance company's website in only a few minutes (Powder River's Tax ID is 74-2183158).

If you are preparing a formal will or living trust document, you can include Powder River Basin Resource Council as a primary beneficiary of a specific dollar amount or percentage of your estate. If you already have such an instrument, you can have it revised to include Powder River. This is probably best done through your attorney.

Finally, there are several more complex tax-advantaged ways to contribute to Powder River's future and receive continuing income and tax advantages during your lifetime. These include "charitable remainder trusts" and sale of appreciated and depreciated securities. Please consult your legal and financial advisors about how you can use such tools to support Wyoming's most effective grassroots member organization, and how you might benefit.

If you have any questions, please give Powder River a call at 307-672-5809

Thank you!

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