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ENCOURAGING RESPONSIBLE DEVELOPMENT TODAY ~ FOR TOMORROW



EOG Withdraws Controversial Permit for Injection Well in Laramie County

Powder River members, the affiliate Cheyenne Area Landowners Coalition (CALC), and the communities of Durham Estates and Triple Crown protested three waste water injection wells in Laramie County late last year. After the Wyoming Oil & Gas Conservation Commission (WOGCC) hearing scheduled to hear Powder River's protest on one of the wells – the *Pole Creek 148-25H* – EOG Resources withdrew the application. The well would have injected roughly 25,000 barrels of toxic waste water per day into the Sussex Aquifer which is currently a potential drinking water source.

Studies have shown that injection wells often leak, threatening the nearby domestic water wells. The Cheyenne area is a growing region and will eventually need to look to other water resources, and protecting the Sussex aquifer ensures that we will someday have options. While we don't know exactly why EOG pulled its application, the local opposition was likely a contributing cause. Powder River's protest included an expert report from hydrogeologist Mike Wireman, a former groundwater



expert with EPA. Wireman's report found that EOG presented little evidence to justify its permit application and associated request for an aquifer exemption, and could not guarantee that the contaminated water will stay within its permitted zone. Wireman had planned to testify at the hearing regarding his findings, putting pressure on EOG to conduct more analysis of the Sussex. We hope EOG learns a lesson from our protest and does a more thorough job for future injection well applications.

Unfortunately, the permits for the other two wells – the *Durham 106-07H* and the *Pole Creek 175-34H* – are still moving forward. The proposed sites for the wells are east of Cheyenne and less than one mile from Durham and Triple Crown subdivisions, home to over 200 families. Following the notices of the proposed wells in late 2017, Powder River and CALC began working to educate local residents and have encouraged them to voice their concerns to the WOGCC. Our organizations have engaged the residents through mass email alerts and mailings, phone calls, and

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Visit Powder River's Updated Website!

We've updated our website!

If you haven't visited Powder River's website lately, you're in for a pleasant surprise. Over the last several months, we have been working on a new, updated website that should prove easier to navigate and yet provide the same level of information on our issues. We've also improved the membership *join* and *renew* functions, making it easier to renew your membership or donate online. So take a few minutes and visit www.powderriverbasin.org. And remember to check back regularly for updates!

Want to stay informed on our ongoing issues?

Sign up for our email list. You already get the *Powder River Breaks* newsletter, and you can check out our website at: www.powderriverbasin.org, but if you want to receive alerts and stay up-to-date on everything we're doing, make sure we have your email on file. Just email us at info@powderriverbasin.org and ask to be added to our membership email list. It's really that easy!

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

- Cheyenne Area Landowners Coalition(CALC)
- Pavillion Area Concerned Citizens (PACC)
- Ranchers & Neighbors Protecting Our Water (RNPOW)
- Sheridan Area Resource Council (SARC)

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Powder River Breaks

Editor: Gillian Malone
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Photos by Powder River staff and members

Message from the Chair



In the recent *State of the State* address, Governor Matt Mead once again drew our attention to the focus Wyoming leaders are placing on growing the economy and strengthening the fabric of Wyoming communities. Then the legislature spent the next weeks introducing, debating, and considering legislation that directly and indirectly impacts that focus. Watching and being involved in that often frustrating and fractious process has spurred me to think of how the introduced bills, whether they pass or fail, telegraph the true feelings of our lawmakers, and therefore of our citizens, toward the very people we purportedly want to attract to our state.

In agriculture, our leaders say they want to make it possible for young farmers and ranchers to begin their businesses here. At least two bills were introduced in this session that would reflect that aim.

Both HB 92, the Beef Checkoff Penalty Repeal, and HB 90, Country of Origin Labeling, supported smaller agriculturists and allow for more independence and market advantage for Wyoming producers. The take-away message is: "Yes, we want our young agricultural start-ups to prosper in Wyoming." Unfortunately, both of these bills failed.

New industries are being sought to revive our work force and build our communities. The infrastructure to support that goal has been discussed at length, and the needs of a new work force are many. These workers will be found among Wyoming's own youth as well as by attracting working-age people from near and far.

Educational opportunities are a necessity for building employment skills among our workforce as well as for the children of new, young families. A legislature that is unable to secure a funding source for education does not encourage young families to join our ranks. Lack of financial security for community colleges and trade schools hinders those seeking new areas of employment. The message: "We value education here in Wyoming, but don't plan on us to provide it as we won't tax ourselves. We won't go to great lengths to solve educational problems."

Younger citizens need places to play. Traditionally, Wyoming has great expanses of public land where adventures can happen. The last few legislative sessions have seen their share of cleverly designed bills that attempt to pave the way for private, or at least state, control over formerly public lands, such as HB 94 this year. The message: "We will not guarantee that you have access to places to recreate, and we will not guarantee that recreation or agriculture will be considered true multiple uses on our public lands."

New and younger citizens are accustomed to speaking their minds and exercising their rights to become involved in causes. Wyoming seems concerned that people waging a protest against certain industries such as energy production and transportation, or even certain practices within an industry such as agriculture, will cause great harm to those industries. SF 74, the Crimes against Critical Infrastructure threatens our free speech rights, and is designed to keep the general public from having a say about practices that cause them harm. The message this bill sends is: "Don't mess with things that harm you, and just let industry take care of all your needs. Do not participate in any meaningful protest."

Most people who come to our state do not want the threat of dirty or insufficient drinking water or polluted air and soil. They assume, as do most folks who are established here, that there is some level of oversight at the state level which will look out for our environmental health. Then along comes the House Budget Bill which threatens to reduce funding for the Environmental Quality Council in retribution for a decision that did not please certain powerful people. What does that say to our present and potential citizens: "Your well-being is secondary to our profits."?

What our legislators do reflects on us. Whether these bills pass or fail, they represent the thoughts of some segment of our state's population. It is our job as citizens to listen to each of those viewpoints and to make our own personal stands. It is our job to overwhelm the negative ideas with positive ideas. It is our job to require that our politicians listen to and comprehend the viewpoints of those who do not agree with them. We must start this movement by interacting with and respecting the views of our friends and neighbors who do not see things the way we do. We must honor one another; we must protect the things that make our state welcoming, and we must all work together to bring Wyoming into the next level of economic security. If we do not, the consequences will be dire for all of us.

Joyce E. Evans

New Report Offers Solutions to Delinquent Mineral Taxes

Tax Delinquencies and Budget Deficits:
A Case for Reform



A publication of the
Powder River Basin Resource Council
January 2018



In the face of a statewide budget crisis, mineral extraction companies owe Wyoming taxpayers over \$42 million in county taxes unpaid on their operations throughout the state. In January Powder River released a new report "Tax Delinquencies and Budget Deficits: A Case for Reform," which tracked delinquent mineral taxes in 12 counties from 2006 - 2016. The report outlines the root of the problems with how these taxes are collected and offers four simple, common-sense remedies.

"Mineral tax delinquency in Wyoming counties is a problem that needs to be addressed. Our entire

state is suffering following the most recent bust; several counties have had to cut back on personnel and services, and some have been dealing with school closures. We can't afford to continue to allow money rightfully owed to counties to go uncollected," said Joyce Evans, chair of Powder River. "Simple policy changes are needed to ensure that we can continue to provide services and can maintain our high educational standards."

Unpaid taxes strain counties with already tight budgets, and curtail services such as emergency response, road maintenance, and education. Because much of the money collected by counties gets redistributed among all Wyoming school districts, education often suffers most. The report recommends that the legislature enact simple solutions.

The report's recommendations are:

- Counties should collect ad valorem mineral taxes on a monthly basis to prevent large-scale debts from accumulating in an energy downturn.
- Counties should be able to lien all ad valorem taxes, which would place counties higher on the list for collection during bankruptcy proceedings.
- The state should establish a funding pool or allow access to the Federal Natural Resource Policy Account to assist counties during bankruptcy proceedings.
- Legislation should allow the Wyoming Oil & Gas Conservation Commission and the Department of Environmental Quality to consider a company's state and county tax debt in Wyoming before allowing the sale or transfer of assets.

"Our schools, roads, public safety and other necessities are more than 70 percent dependent on mineral taxes," said Powder River vice chair Bob LeResche of Clearmont, "so it only makes sense that we make it easier for counties to collect these taxes. This report offers four common sense recommendations to assure fair funding of public services."

Powder River mailed copies of the report to the Wyoming State Legislature and Governor Mead, and is distributing it to Wyoming counties and the public. Copies of the report are available at www.powderriverbasin.org or by contacting the office at [\(info@powderriverbasin.org\)](mailto:info@powderriverbasin.org) or [\(307\) 672-5809](tel:(307)672-5809).

Powder River Staff

Trickle Down

Editor:

Got to thinking about all this "trickle down" that I hear about lately and it seems to me that it seems to trickle a little better for some than for the rest of us.

Some of these coal companies have had a few billion dollars in debt forgiven for them by the Bankruptcy Court and who knows how much more trickled in for them from the big tax giveaway last month. There, we are talking about "gush" instead of "trickle"

This is not to say that the coal companies can't show you what real trickling is for they have been trickling the reclamation of our land and water for years and the real word there is "trickling."

On the other hand some of the people that work for the minimum wage, or have student loans or no health insurance may never find out that there is anything that trickles down.

Of course coal makes a lot of jobs in the area. Did you see in the News Record that the County Attorney in Gillette has spent a half a million dollars trying to collect back taxes from one of the coal mines? That is a bunch of good lawyer jobs right there. Can someone tell me is that half a million trickling up or trickling down?

The coal companies and Sen. Barasso are having a massive pep rally next month in Gillette so be sure to watch for it. It will be the social event of the season with Sen. Barasso bringing buckets of that eastern money from Washington and the coal companies may pass out free lumps of coal.....

There is a chance that the President may even come to Gillette for the occasion. You know he has said that he "loves coal" and he would love to campaign for the Senator. The only question will be whether he would prefer to come to Gillette or stay in Washington with Stormy Daniels....

Thank you.
Leland (LJ) Turner.

Powder River Launches RENEWyoming Campaign

It's official; we've launched our RENEWyoming solar campaign: a compilation of videos, printed materials, and an online publication, with a social media component, all featuring rooftop and ground mount distributed solar.

During the past six months, Powder River staff have compiled 10 solar video testimonials from solar-using Wyomingites across the state. Our videos feature solar installers and both residential and business users. These solar owners share how they became inspired, why they decided to install, and what incentives they were able to utilize. They also discuss some of the challenges facing Wyoming solar energy and how to overcome them.

In print, the RENEWyoming publication features more Wyoming solar stories. These include business owners, installers, residential owners, the REAP Grant administrator for Wyoming, and even a solar-powered airport! The web publication includes the same base of solar stories, but will grow as people continue to share their stories.

The "Solar Selfies" social media campaign offers another way for Wyoming people to get involved. Participants are asked to stand in front of a solar panel somewhere in Wyoming and take a selfie. Next, selfie takers post their pictures to Instagram, using the hashtag #SolarSelfie, tag their location, and give a brief description of the solar panel they featured. Through the tags, we will be able to create a

RENEWyoming:
Solar Stories from the Cowboy State



A publication of Powder River Basin Resource Council

Wyoming solar map, illustrating just how widespread solar power is in our state.

We are also compiling a directory of Wyoming solar installers. While we are making every effort to include all solar installers in Wyoming, we need your help. Take a look at the list on our website and let us know if there are installers we're missing. We want this list to be as complete as possible so that Wyoming people who are ready to install can easily find an installer.

Also, check out our solar resources. This list will guide you to information to consider before installing solar on your home or business. This includes, but is not limited to, information on how to correctly size your system, incentives and grants available to assist with installation, and where to find more information.

If you would like to participate, email our renewables organizer, Hesid Brandow at hbrandow@powderriverbasin.org, check out our website at powderriverbasin.org, catch us on Twitter at @PRBResCouncil, or get on Instagram and visit us at @PRBResCouncil and post your solar selfie #solarselfie #RENEWyoming.

Let's make 2018 the year of solar installation!

Hesid Brandow
Powder River Staff

Gillian Malone's Solar Story, Big Horn, WY

I went solar because I thought it was the right thing to do, and I was building a house. It seemed the best time to install a solar system as it could be incorporated into the design. A local friend, Larry Barbula, who at the time had a contracting company called Paragon, installed the solar panels, and my electrician, John Clark, from Direct Electric, hooked everything up, and installed the automatic shut-off required by MDU.

I have a grid-tie system with eight 175 watt panels for a total of 1400 watts, so it's quite small. My system produces most of my power in July and August, when I produce more than I can use, but the rest of the year I use more than I produce. Still, I never pay more than \$25 for my electricity usage, even in the dead of winter.

Besides the obvious benefits of reducing my utility bill, my grid-tie system is equipped with a battery back-up, so if the power goes out, I still have power in my house for crucial things such as my

well pump for domestic water and the pumps that run my in-floor heat. I also have a number of electrical outlets on the battery system, so I can manage quite well even if the power is out for long periods. My favorite part of having solar is knowing that I am helping to pay my own way and helping to defray even a minimal amount of the environmental cost of using electricity—especially electricity I know is derived from coal-fired sources!

There's nothing available now at the state level in the way of incentives to go solar, but when I installed my system, I was able to take advantage of some Abandoned Mine Lands (AML) federal funding that the state was dedicating to solar. I had to apply for it initially and send in annual reports on my energy savings; as I recall the grant was

between \$2,000 and \$3,000. I was grateful for the help.

A few barriers make it harder to go solar in Wyoming than in other states. The 25 kW limit on the amount of electricity one can



Gillian Malone stands on her roof beside her solar panels in Big Horn, Wyoming.

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Powder River Wins Campaign on Bonding All Oil Waste Disposal Facilities

Powder River's multi-year campaign to secure bonding for all Commercial Oilfield Waste Disposal Facilities (COWDFs) operating in the state has ended with a victory. In December 2017, the Environmental Quality Council (EQC) and the Wyoming Department of Environmental Quality (DEQ) adopted new rules removing the exemption that allowed grandfathered facilities to operate in Wyoming without adequate bonds.

Powder River first raised the issue of COWDF reclamation and remediation in our 2013 report, "A Seven Point Plan to Protect Groundwater: Unconventional Oil and Gas Development Requires Wyoming State Action." In 2014, DEQ followed up on our concerns and commissioned a study to estimate the costs related to closure, post-closure, corrective action, and reclamation of the un-bonded, grandfathered COWDFs.

While COWDFs permitted by DEQ after February 1989 were required to post bonds to cover the cost of closure—including decommissioning, reclamation, and monitoring—facilities constructed prior to 1989 were given a grandfathered status by statute and were not required to post bonds. According to the DEQ's 2014 *Closure/Post-Closure Cost Estimates* report, it would have cost between \$7.2 to \$9.2 million to decommission and reclaim all 12 grandfathered COWDFs. Worse, if an operator of one of the un-bonded COWDFs defaulted without sufficient financial assurance, the state would have

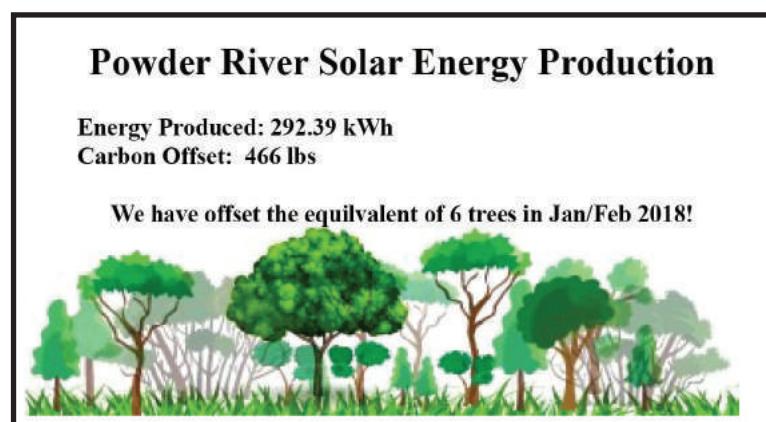
been left to bear the entire burden of closure and reclamation.

In response to Powder River's efforts—and in order to prevent the possibility of the state having to foot the bill for cleanup of the grandfathered COWDFs—the DEQ and EQC approved new rules removing the grandfathered facilities exemption and requiring both new and existing COWDFs to post financial assurance.

Powder River applauds DEQ for securing financial assurance for all un-bonded oilfield waste disposal facilities. We believe that obtaining legitimate financial bonds to fully cover the cost of closing and reclaiming these facilities is the only way to ensure Wyoming taxpayers do not foot the bill for cleanup.

DEQ has informed Powder River that the agency is also looking into the possibility of creating a new chapter for permitting requirements for COWDFs and will propose passages concerning public notice requirements. DEQ anticipates that the draft rule will be ready for public comment sometime this year. Currently, DEQ does not consider, or accept, public comment before approving COWDF permits. Powder River feels that public participation is an essential function of good governance and we look forward to engaging in this new effort.

**Megan Taylor and Casey Quinn
Powder River Staff**



Gillian Malone.....Continued from page 4

produce makes it difficult for small solar “entrepreneurs” to make a go. Also the “avoided cost” payment—really just credits on annual production—doesn’t make it worthwhile for people to produce more electricity than they can use, which hurts everybody in the long run. It seems that utilities haven’t recognized the benefits they receive, particularly during times of peak usage, from household production feeding back into the grid. Production should be paid out at the wholesale rate, not at an avoided cost rate.

These problems could be fixed by amending renewable energy laws and regulations to reflect the reality that the more roofs have solar panels the better it will be both for citizens and utilities—in not having to expand their own production from fossil fuels, additional power plants, or even wind—and for the health of the planet.

I haven’t encountered a downside to solar, although the “payback” time for solar electric systems was still fairly long when I



Gillian Malone stands in front of her solar hot water system

installed. However, the cost of solar panels has come down dramatically, making the payback time less now. The one drawback to a battery backup system is that the batteries have to be replaced. I am not looking forward to paying for new batteries and I am concerned about proper disposal of the old ones.

For people thinking about installing a solar system, my advice would be to really try to gauge the size of the system, based on anticipated consumption, in order to install an adequate production profile. If I were installing now, I

would do the math better and make sure my system was adequate to supply all my power needs.

Overall, going solar, was fun and educational. I would also say that incorporating a solar hot water system into my house was a great way to go, and the payback is much shorter. I love knowing that as long as the sun is shining I am producing my own domestic hot water. Although my backup hot water is a very efficient, on-demand system, I still feel better when I don’t have to burn propane to heat water!

Contura Sale Underscores Need to End Self-Bonding



This past month a completely unknown and unproven company called Blackjewel, LLC “bought” two of Wyoming’s oldest and biggest coal mines. More particularly, they were given the mines in exchange for assuming their cleanup risks and some hypothetical future royalties. They acquired the Eagle Butte and Belle Ayr mines near Gillette from another new and unproven company called Contura Energy, spawned just last year when Alpha Natural Resources went through bankruptcy and spun off what it called its “crown jewel” Wyoming assets. Now the crown jewels aren’t looking so shiny and Contura is unloading them at a loss because these mines are liabilities. Instead, Contura will concentrate on its metallurgical coal business in the East.

Hopefully, the one thing that should not be a problem going forward is bonding to assure clean up and reclamation of the mines. Thanks to a settlement agreement with the Department of Interior during Alpha’s bankruptcy, Contura wasn’t allowed to self-bond. Instead of continuing to hide, as Alpha had done, behind the chimera of a self-guarantee—really nothing more than an uncollectible IOU—Contura was forced to back Eagle Butte and Belle Ayr’s reclamation work with surety bonds and letters of credit from third-party financial institutions. Blackjewel should be required to do the same as a condition of the sale before the Department of Environmental Quality (DEQ) lets them take over the mine permits. This would insure there will be money available for reclamation jobs if Blackjewel were to walk away from its cleanup obligations while these bonds are still in effect.

The recent history of the Eagle Butte and Belle Ayr coal mines demonstrates one thing: their cleanup liabilities are nearly as high as (and possibly higher than) their value as operating mines. This loudly underscores that Wyoming regulators must not continue to allow self-bonding.

If uncertainties and a down market continue to plague the coal industry as economists nearly unanimously predict, self-bonds will remain worthless promises and Wyoming will pay the price. Unless Wyoming prohibits them now, the next time mines change hands and weaker and weaker mine owners go bankrupt, we will not be so lucky.

Self-bonding has no place in a regulatory scheme that was created to ensure the worst-case never happens. Taxpayers were never meant to be left holding the bag for hundreds of millions of dollars in reclamation work. America’s coal mining regulations

were born in the late 1970s when abandoned and un-reclaimed mines were strewn across the country. Congress created an abandoned mine land fee to clean up past messes and required reclamation bonds to prevent future mines from being abandoned without reclamation. But the law also contained a loophole allowing states to accept self-bonds in the place of reliable third-party guarantees. Although Montana and other states showed the foresight to prohibit self-bonding, Wyoming became the number one user in the country of self-bonding IOUs. Three years ago when Alpha, Peabody Energy and Arch Coal all declared bankruptcy, there was more than \$2.4 billion of reclamation work in our state not covered by collectible insurance.

With the lessons of these bankruptcies fresh in our memory, DEQ is considering an important step to update Wyoming’s reclamation bond rules. The update proposes to remove loopholes that allow companies to qualify for self-bonds when they really shouldn’t. DEQ’s proposed rules are an important change that would reduce risk to our citizens and our state treasury. Unfortunately, there will always be some risk from self-bonding until Wyoming totally eliminates the practice. As DEQ moves forward with their new rules, the agency needs to eliminate ALL self-bonding for ALL new coalmine permits and ALL permit renewals. Colorado has recently taken steps to limit self-bonding after the Peabody and Arch bankruptcies, and Wyoming should follow their example.

Bankruptcy will likely continue to be part of the industry’s future as coal’s market share continues to decline. Like it or not, coal just can’t compete the way it once did because cheap natural gas is more abundant than ever, and renewable energy is getting less expensive every day. As this “new normal” plays out in Wyoming and across the nation, we need to make sure taxpayers are protected, mine reclamation is assured and reclamation jobs are available, no matter what happens to mine owners. I hope our DEQ is up to the challenge, and hope their updated rules and practices truly achieve these goals. But we’ll see.

Bob LeResche

Bob LeResche is Vice Chair of Powder River and a board member of the Western Organization of Resource Councils. He is a former Commissioner of Natural Resources for the State of Alaska, Executive Director of the Alaska Energy Authority, investment banker and CEO. With his wife Carol he operates a ranch and organic heirloom vegetable farm near Clearmont, Wyoming.

EOG Withdraws.....Continued from page 1

knocking on doors. The *Wyoming Tribune-Eagle* and the *Casper Star-Tribune* have also picked up several stories regarding the injection wells, often quoting our members in Laramie County, as well as publishing an editorial written by CALC President Alex Bowler. Powder River and CALC will continue to address the problems with

these two wells and will work to protect valuable drinking water sources in Laramie County.

Casey Quinn
Powder River Staff

Powder River Supports Initiative Process for Free and Fair Elections

“Wyoming Promise” leads state-wide, cross-partisan effort

At our 2017 Annual Meeting, Powder River members passed a resolution “Promoting Free and Fair Elections Through a 28th Amendment.” The resolution states:

WHEREAS, U.S. Supreme Court rulings including the 2010 Citizens United v. Federal Elections Commission wrongly declared that corporations and other nonhuman entities are people, and money is speech; and

WHEREAS, the “corporations are people” declaration allows corporations, Super PACs, unions and other nonhuman entities to skirt campaign finance laws and inject vast sums of money, often anonymously, into our political system; and

WHEREAS, the “money is speech” declaration allows special interest groups to influence the outcome of our elections, determine policy, and draft legislation through largely untraceable “dark money;” and

WHEREAS, such declarations drown out the speech of ordinary citizens and threaten our democracy; and

WHEREAS, a 28th Amendment to the U.S. Constitution is needed to overturn U.S. Supreme Court decisions declaring that corporations and other nonhuman entities are people and money is speech;

NOW, THEREFORE, BE IT RESOLVED that Powder River Basin Resource Council supports cross-partisan efforts to restore free and fair elections and a well-functioning democracy through a 28th Amendment to the U.S. Constitution authorizing Congress and the states to limit the political spending of nonhuman entities.

Wyoming Promise is a grass-roots movement of Wyoming volunteers working to restore the voices of ordinary citizens and to ensure that our representatives at both the national and state levels of government work for the citizens of Wyoming, not for their wealthy donors.

According to one of its Sheridan County organizers, Kris Korfanta, who is also a Powder River member, “Wyoming Promise’s sole mission is to advocate for a 28th Amendment to the United States Constitution to overturn the 2010 United States Supreme Court decision Citizens United v. FEC, and thereby create space for national and state-level campaign finance reform.”

The impetus for the Wyoming Promise campaign—and campaigns being forged across the country—came out of events following the 2010 Citizens United 5:4 decision that dismantled campaign finance laws in place at the time. Before the federal courts declared them unconstitutional, Wyoming had its own campaign finance laws. Then, in 2015, they were repealed—one bill eliminated the limit on how much political action committees can spend to support candidates seeking statewide office, and increased the contribution limit to \$5,000 for all other candidates; another repealed the total aggregate amount an individual can donate to political campaigns during an election.

Johnson County Representative Mike Madden (R Buffalo)—who has been a proponent and leader in the local initiative process—said in a recent Sheridan Press article covering Wyoming Promise, “I can already see in Wyoming how this has had some effect on things. It will ultimately get to the point—not too many elections down the road—that people start saying, ‘What do I want to go vote for? I don’t have a voice anymore.’”

Madden isn’t the only Wyoming politician working to change

how dark money is affecting our politics. Former U.S. Senator Al Simpson, who sits on the cross-partisan National Advisory Council of American Promise, is a vocal endorser of the initiative:

“Money’s dominance over politics is the number one problem our nation faces,” he said in an open letter to the citizens of Wyoming. “It is a growing crisis that prevents us from tackling anything else. We have now reached a stunning point: Either we are a country that makes decisions based on the common good, or one where the size of your wallet determines the worth of your ideas. Either we uphold the values of a representative democracy,” he warned, “or we allow greed and wealth to destroy the great American experiment in self-governance.”

Nineteen states have passed actions calling for a 28th Amendment. Our neighboring states Montana and Colorado approved ballot initiatives 75-25 percent, and most recently, Nevada became the 19th state to call for the amendment. In an effort to be the 20th state, citizen volunteers have been busy spreading the word and collecting signatures across Wyoming. According to Wyoming Promise chair Ken Chestek, in the last couple of years Wyoming Promise has grown from three individuals to more than 270 volunteers and another 30-40 county team leaders and data managers. In Sheridan County, there are 50 people circulating petitions and so far they have collected 1,000 out of the 3,000-plus signatures required. Johnson County volunteers have already collected almost three quarters of the signatures they need. Other counties are lagging behind and will need help from those who have satisfied their projected goals. 16 of the 23 counties need to gather 15% of their registered voters’ signatures. Organizers feel that, while it is an uphill battle, it is one that encourages across-the-aisle collaboration and strengthens community ties.

Wyoming Promise volunteers worked long and hard to get the issue on the ballot for the 2018 election, but now proponents are aiming for 2020. The initiative can only be on the ballot when and if 38,818 signatures have been gathered across the state.

Wyoming Promise volunteers in Sheridan County meet at the library the second and fourth Monday of the month at 3:00 p.m. to plan educational events and outreach, and discuss ways to improve signature gathering and public education. Anyone interested in helping with the effort is welcome to attend. The group has sponsored several events, including hosting a table at Sheridan College and holding educational sessions at the library. Most recently they put on a “Take Back Your Vote” educational forum at the Sheridan Senior Center (now called the “Hub on Smith”) on February 15th, which drew over 50 residents on a snowy evening. The Sheridan chapter is also planning a major event with Senator Simpson on May 17th at 7pm at Sheridan College.

For more information or to get involved, please visit wyomingpromise.org. To sign a petition, you may go to the following local business sponsors: Tarver Law Office, 220 W Loucks St., CB Music, 237 N Main St., Salon de Beaute, 1030 N Main St. #201A. In Buffalo, petitions are available at Margo’s Pottery, 1 N Main, and Thrifty Treasures Antique Store, 350 Hart Street. To find out where to sign in your county, go to wyomingpromise.org and click on “Where to Sign.”

Gillian Malone
Powder River Board Member

Protections for Fortification Endorsed by County Commissioners

On February 20th, the Johnson and Campbell County Commissioners endorsed the Fortification Citizen Advisory Committee recommendations for permanent protections to be put in place for the Fortification Wilderness Study Area. The 12-member citizen advisory committee met nearly every month over the past year to study and develop a final recommendation for the management of the 12,500 acre Fortification Wilderness Study Area.

On February 7th, the Fortification Creek Committee voted 8 to 2 to recommend pursuing a hard release from wilderness and replace it with a permanent Congressional Designation known as the Fortification Creek Management Area, which would require the following protections: 1) No new surface disturbance unless needed for fire suppression; 2) No new permanent roads; 3) Maintain existing characteristics; 4) Existing uses continued such as grazing, hunting, and recreation; and 5) No motorized or mechanized vehicles allowed other than reasonable fire suppression, weed and pest control, wildlife/stock water, or emergency needs.

The two representatives at the meeting who voted against the recommendation were



Elk herd in Fortification Creek

worried that a “hard” release from wilderness designation would hurt chances for passage in Congress. They recommended “soft” release language that could make wilderness designation for the area a possibility sometime in the future. This sentiment may have convinced the Campbell County Commissioners, because in addition to approving the existing recommendation for permanent protections at their February 20th meeting, they requested that the citizen advisory committee meet again to reconsider the hard release language.

The Campbell County Commissioners also told the citizen advisory committee about

a recent conference call with Wyoming U.S. Representative Liz Cheney and expressed their concern over her proposed legislation that would eliminate all Wyoming Wilderness Study Areas and pre-empt the Wyoming citizen advisory process across Wyoming. The Campbell County Commissioners told the Fortification Committee they asked Rep. Cheney to respect the local county and state processes for determining future management of these areas. They said they did not want Cheney “going rogue” and undermining the current Wyoming process and local government recommendations for the future management of these Wilderness Study Areas.

The final recommendation for Fortification will be forwarded to the Wyoming County Commissioner’s Association and Governor Mead later this year, at which point it will be combined with other county recommendations into one piece of legislation sponsored by our delegation.

Jill Morrison
Powder River Staff

Powder River Welcomes New Communications & Development Director



I’m excited to be Powder River’s new Communications & Development Director. Full disclosure—I’m not from Wyoming; until the last couple of years, I have lived in South Dakota. I grew up on a cattle ranch where I excelled at bottle-feeding bum calves/lambs/pigs, haying horses, and pounding posts.

I attended Black Hills State University for Spanish and Mass Communications, and later received my Master’s from the University of South Dakota in Public Administration. Snore... My professional background is in marketing and nonprofits; I spent several years working for Dakota Rural Action, a sister organization in the WORC region, though let’s not talk about how long ago that was! I also ran my own social media marketing and communications business for a few years.

As an avid outdoorswoman, I spend as much

time outside as possible, hiking, kayaking, camping, running, etc. If you meet me on the trails, I’ll probably have a Band-Aid or a granola bar should you need one. I have a killer salsa recipe, and enjoy growing more cilantro than I can use.

Moving to Wyoming and learning about the issues has been an education in itself. Comparing the issues between South Dakota and Wyoming is a little bit like comparing American and Canadian football. The names and rules may be different, but the game is essentially the same.

I look forward to working with all of you protecting Wyoming’s natural resources and encouraging responsible development for tomorrow.

Robin EH. Bagley
Powder River Staff

**Robin Bagley, Powder River's
New Communications & Development
Director**

Proposed Tongue River Valley Rezone Packs Planning & Zoning Hearing

It was standing room only during the Feb. 1 Sheridan County Planning & Zoning Commission Meeting for the proposed rezoning of 114 acres of prime bottomland in the Tongue River Valley from agricultural to light industrial. Ramaco Wyoming Carbon, LLC applied for the rezoning in order to site their iCam carbon fiber research center and iPark manufacturing facility, all for the purpose of researching, and someday manufacturing, carbon resin products from coal.

The proposal has garnered tremendous interest throughout Sheridan County as neighbors and outdoor enthusiasts and other concerned residents have logged their concerns about the proposed rezoning. The project has its proponents as well, all citing jobs, especially STEM jobs, as the most important factor in this decision. However, Ramaco's presentation cites the potential number of jobs as only 20 – 40 after the entire facility is built, which could take up to 20 years for both phases of the project. In accordance with the fluidity of the project, Ramaco's plans for building sizes range anywhere from 5,000 to 10,000 square feet for the iCam and from 25,000 to 100,000 square feet for the iPark. Architect Ken Tobin called the building plans "conceptual" until Ramaco gets a "tenant" for the space.

Ramaco insists that the area, which includes Acme, Kleenburn, and Monarch, was an intensely industrial site during its mining heyday in the first half of the 20th century. In their application to the county, their interpretation of history concludes that the area is essentially a brownfield. They claim that their usage is in line with land use and would actually "improve" the area.

Long-time area residents, whose families settled in the valley 100 years ago, dispute that interpretation. Yes, there were mines in the area, but very little of the surface would have been considered industrial in use. As John Buyok noted in his letter to the Planning and Zoning Committee:

"The only industrial facilities that were located on the property were the Monarch No. 3 Mine entries and fanhouse (portions of which are still visible) and a track to take coal to the processing and loading facility at Monarch, all of which occupied less than five acres in the southwest portion of the current Ramaco

land...None of the coal processing and loading facilities for the Carneyville – Kleenburn mine were located on Ramaco land. All of them were located on the land currently occupied by the Kleenburn Recreation Area..."

In her letter, Joan Tellez commented, "the hayfield is where the town was located. The miners and their families lived in company houses, there was not mining or 'industry' in the valley where they lived." She also noted that all of this activity happened prior to Sheridan County having zoning. When zoning was implemented in the 1980s, the valley was zoned agricultural.

The purple elephant in the room

Sometimes it's an elephant in the room; sometimes it's a big, purple asterisk. Look at Ramaco's maps, and you'll notice a large, purple asterisk that appears to cover several hundred acres of land in the Tongue River Valley. Their application states that the county's 2008 Comprehensive Plan "expressly designated these and nearby lands as lands specifically anticipated to be used for 'Future Industry – unincorporated areas' development." The company is using the asterisk as a slam dunk for their rezoning application.

However, there is a purple haze surrounding the asterisk. During the process of the 2008 Comprehensive Plan, the asterisk was placed in the area of the decommissioned Acme Power Plant, which has since been purchased by the Sheridan County Conservation District and Sheridan Community Land Trust. As noted in Powder River's comments to the Planning & Zoning Commission, "a deeper examination of the "asterisk" demonstrates that it was (1) isolated to the Acme power plant site; and (2) protective of current land uses and conservation goals, especially of the Tongue River ecosystem."

Furthermore, the Comprehensive Plan was finalized in 2008, years before the new Hi-Tech Industrial Park was developed on the northern end of Sheridan near the new interchange. Now with a designated area for industrial development complete with city services, including water/sewer, utilities, and fiber optic internet service, developing anything industrial at the old power plant site is irrelevant. In fact, when the Conservation District held a Visioning Session for the Acme Power Plant in

Excerpts from letters to Planning & Zoning on the Ramaco rezone proposal

Our Members Make Their Voices Heard!

Joan Tellez

"The neighbors who still live in the area have been here for generations, including my family for 100 years. People who live there have deep roots, and are more than a community, it is a close knit community. The neighbors work together. If anyone needs help there are neighbors helping each other...With the zoning request, the lifestyle of the residents would change drastically. The noise, lights, traffic, pollutants, and dust would change not only their lives, but also the alluvial valley. Once agricultural land is lost, there is no return of it. This is valuable land."

Jim & Bonnie Aksamit

"As the third generation of my family that has lived in this area, I am deeply concerned with the prospect of loss of property values. We believe the property values of our home sites in this area will suffer...There is no infrastructure available in the area that supports such complex needs. Access to the property is limited by Kleenburn County Road which has several sharp 90 degree corners and two railroad crossings on it...I am not against Ramaco's intent to try and create an industry in Sheridan County – I am **OPPOSED** to the location they are trying to use...There are more suitable locations for such a complex – such as the Sheridan Hi-Tech Business Park."

Daniel Taylor and Susan Becker

"We have canoed and kayaked the Tongue River and Goose Creek for years. After stressful days at work, we could load up the canoe and be on the water in 30 minutes. One of our driving forces to remain in the Sheridan area is the close proximity to amazing recreational areas, such as the Tongue River. Where else can one drive 30 minutes, put in a kayak and float for hours under blue skies, in clean air and enjoy the sightings of the amazing wildlife, birds, ducks, deer, turtles, snakes, etc. There is a place for industry and we don't believe it is on the banks of the Tongue."

Jane Buyok and Lisa Runnberg

"One of their exhibits that shows the supposed industrial character of the area is ridiculous at best. They show pictures of their neighbors' garages, sheds, homes, and outbuildings with the suggestion that these are being used for industrial purposes. If parking our vehicles in

August of 2017, a significant majority of the uses proposed by Sheridan County residents were for recreation and historical interpretation. Not one industrial use made it on the list.

Finally, the asterisk on the county's map extends only partially onto Ramaco's land east of the interstate and not at all onto the parcel west of the interstate, despite what their presentation implies. It's yet another example of the company twisting facts to suit their narrative.

The decision

In testimony stretching three hours, people on both sides of the issue spoke up. A common refrain from the project's supporters is that Sheridan needs jobs, and they support the rezoning for that reason. Many area residents opposed to the rezoning feel that an industrial designation is simply incompatible with the current agricultural and recreational uses, and in addition will negatively impact the neighbors. Neither the neighbors nor any of people who testified in opposition to the rezone are against jobs; they simply believe that the Tongue River

Valley isn't the right place for Ramaco's project. In their comments as well as letters, many people have simply asked that Ramaco find a more appropriate location.

As the hearing wound up, several commissioners expressed uneasiness with the location and a wish that they were considering a conditional use permit instead of rezoning. However, they also expressed their pro-business attitudes and a desire to bring jobs to Sheridan County. In the end, the lure of jobs was enough to convince them to vote 4 to 1 in favor of the rezone; Commissioner Ben Weaver was the only dissenting vote.

The final decision now rests with the Sheridan County Commissioners, who will hear the application on March 6 at 9:00 am during their regular Commissioner Meeting on the second floor of the Sheridan County Courthouse.

Robin EH. Bagley
Powder River Staff

a garage or storing our lawn mowers in a shed is considered industrial, the county has a real zoning problem. Also, they suggest that they will clean up the area and make it look better from the interstate. For starters, our property is not even visible from the interstate, and second, they make it appear in their exhibits that our property is in a state of disrepair. We would be happy to show the commission our property and buildings in person."

John and Shelley Barbula

"My family has been in this specific area for three generations. My wife and I live here because of the peace and quiet. Other than the Burlington Northern trains, this area has low traffic with agricultural zoning and it is a desirable country setting to live in. Rezoning this alluvial valley area will ruin the peace and tranquility for the valley, ruin our property values and our enjoyment of our home."

Editor's note: The following letter to the editor by John and Vanessa Buyok appeared in the February 3, 2018 Sheridan Press.

Would a Legitimate Company Treat Neighbors This Way?

Ramaco submitted an application to the Sheridan County Planning and Zoning Commission to have property north of Sheridan, next to the Tongue River rezoned from agricultural to industrial. Ramaco's application included false personal attacks on my wife and I, the Sheridan Community Land Trust (SCLT) and several of our neighbors.

Ramaco claims we allowed spreading of "petroleum tank remediation waste" on our property in violation of our Conservation Easement with SCLT. They claim we received payment for allowing this activity. It took very creative editing of the project files to try to make this project look like ours. First, the project was entirely our neighbor's. Second, the only material placed within our property boundaries was placed on a County road easement. Third, our only involvement was to insist that material placed within our boundaries be tested to make sure it was not hazardous. Fourth, we did not receive any payment, and fifth, they created a map with arbitrary boundaries that purports to show the material was spread over more than half a square mile of our property while failing to show property boundaries or the location of the disposal pit for hazardous materials on our neighbor's property. What is the relevance of this false representation on their rezoning application for an industrial plant?

Ramaco's second attack is more irrelevant. Ramaco claims our Conservation Easement is invalid because they have a superior reserved surface use right to our property. What relevance this assertion has to their rezoning application is unknown and it contradicts their own engineering consultant's professional opinion as requested by us prior to establishment of the Easement. It appears it was included solely to attack us and the SCLT. Ramaco's claimed superior surface right is limited to access to "mine, extract or remove said coal or minerals". If they had done their homework before purchasing the mineral rights to our

property, they would know that all of the high-quality coal was removed long ago and the subsidence and water flooding in the old mine precludes any other mining. They have no surface use right to our property.

Third, Ramaco claims their neighbors are using their properties for industrial uses which should enable them to use their land for industrial purposes. In our case, they provided photographs obtained from the County Assessor showing a greenhouse, a grain bin, and a machine shed and claim these structures are industrial in purpose. All of the farmers and ranchers in the county will be interested to learn that typical outbuildings found on agricultural property are industrial uses that somehow justify placing a chemical plant next to them.

I've been a registered professional engineer in Wyoming for 34 years. I've done consulting work for most of the major coal mines in the state and various industrial facilities. This is the only company I've ever dealt with that is so unprofessional as to include false and irrelevant attacks on the neighbors in a regulatory document. Unfortunately, this is the way Ramaco has treated neighbors ever since they came to Sheridan County.

We're not against mining. In fact, I understand that Ramaco is in the process of revising their Mine Plan to do exactly what I recommended they do to get a mining permit in my testimony before the Environmental Quality Council. We're also not against a carbon fiber plant in Sheridan County. However, it should be located in the Industrial Park where the required infrastructure is in place and not on the banks of the Tongue River where any accidents would have major consequences for many people for many years.

John and Vanessa Buyok
Monarch, Wyoming

Spring Solar Celebration

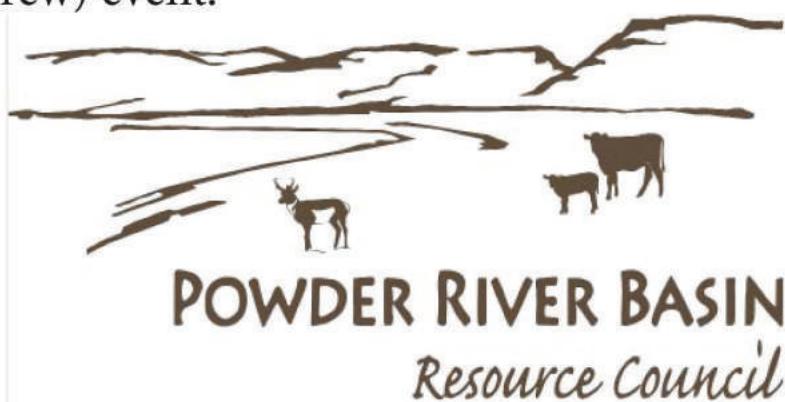
RENEWyoming: Solar Stories from the Cowboy State



Tuesday, March 20th
5:30 to 7:30 p.m.
Luminous Brewhouse

We will provide snacks and videos for your entertainment, but this is a B.Y.O.B. (Buy your own brew) event.

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Encouraging Responsible Development Today... _____For Tomorrow...

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Save the Date

2017

- March 17th, Powder River Board Meeting, Gillette
- March 20th, Spring Solar Celebration, Luminous Brewhouse

Planned Giving and Estate Planning Gifts: Don't Forget Powder River Basin Resource Council

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. For this reason, we are inviting you, our extended family of members and donors, to consider including Powder River in your estate plans.

More specifically, we are asking that you consider designating Powder River Basin Resource Council as a beneficiary in your will. Your gift will create a living legacy allowing Powder River to continue our work far into the future and helping to ensure that 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 with a

generous bequest to Powder River.

Please consult your legal and financial advisors about how you can use a variety of estate planning tools to support Wyoming's most effective grassroots member organization, and how you might benefit. For example, there is a tax exemption for estate tax rates of up to \$5 million.

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

**Powder River Basin Resource Council
Fundraising Committee**

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