



## Citizen Efforts Force Public Hearings over Wastewater Dumping into Boysen Reservoir

Aethon Energy, the company that operates the Moneta Divide oil and gas field, is seeking an expanded discharge permit from the Wyoming Department of Environmental Quality (DEQ) to dramatically increase their oil and gas wastewater discharge into the streams that flow into Boysen Reservoir. The volume of water Aethon proposes to discharge would be doubled from about 104,000 barrels a day to nearly 200,000 barrels a day. Aethon has been treating about 39,000 barrels a day before discharge, but that is currently the limit they say they can treat, and the majority of the proposed polluted wastewater would be discharged untreated.



Oil and gas discharge outfall of produced water.

The high volume of oil and gas produced water from Aethon's Moneta Divide field contains large amounts of sodium, sulfates, and chlorides. There are also a number of other chemicals that are likely to show up in the produced water, including fracking chemicals from flowback water, which often includes benzene and other hazardous substances. The proposed permit would allow the polluted discharge water to be dumped into Alkali Creek, flow into Badwater Creek, then into Boysen Reservoir. From there it could travel downstream into the Wind and Bighorn Rivers.

In response, Powder River and the Wyoming Outdoor Council

jointly submitted a letter to DEQ on March 26<sup>th</sup>, 2019 requesting an extension for the public comment period in order to review the permit which involves hundreds of pages of technical documents. We followed up the letter with a phone call with the administrator and staff of DEQ's Water Quality Division.

Shortly thereafter, *WyoFile* published an extensive story about the discharge permit, which alarmed impacted communities and irrigators downstream who hadn't yet heard of the proposal. Additional parties, including local governments, then sent letters to DEQ requesting an extension. The effort grew when the Northern Arapahoe and Eastern Shoshone tribes raised concerns and also requested an extension, and then more conservation groups joined the effort. EPA also requested an extension.

On April 9<sup>th</sup>, the DEQ issued a public notice extending the comment period until July 5<sup>th</sup> and also granted our request to hold public hearings. Hearings will be held in Riverton on May 20<sup>th</sup> and in Thermopolis on May 21<sup>st</sup>. The notice is available on DEQ's website, or please contact our office if you would like to attend and need details.

Powder River will stay engaged and organized to protect our precious water from polluted oil and gas discharge water. Our past

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## Sheridan Seed Library Finds New Home

Following the announcement in the February *Breaks*, Powder River celebrated the first day of spring by moving the Sheridan County Seed Library to its new home at the Sheridan County Fulmer Public Library. The public can find the seed library kiosk on the first floor, near the periodicals and gardening books, in the library's south hall. There have been at least 25 new users over the last month—help us keep track by filling out a brief membership form at the front information desk!

On April 16<sup>th</sup>, seed library volunteers got together for a workday at the library to sort and add a large number of new seeds to the collection. Powder River members brought some exciting additions, like Missouri Primrose flowers and a hot chile of Polish origin.



The Seed Library in its new home at the Sheridan County Public Library.

Personalized seed donations are imperative for the continued success of the seed library and for creating a resilient, localized seed stock. I strongly encourage you to stop by and add your own seeds to this community resource or glance at the how-to-save-seeds information or library books onsite.

Tentatively, we plan to hold a free,

seed-starting workshop at the library on April 29<sup>th</sup> where participants will have the chance for a hands-on experience creating their own plant starts to take home, see how to utilize the seed library, and learn how to approach seed saving in their own garden. The session will be taught by horticulturist Lise Foy and me. In March, Lise hosted a similar, well-attended workshop at the Tongue River Valley Community Center in Dayton.

Moving forward, we hope to foster a relationship with the growing network of seed libraries in Wyoming—now located in Gillette, Sheridan, Lander, Casper, Torrington, Cheyenne, and Laramie. Thus far, some seed library coordinators have discussed the possibility of an interlibrary or annual seed exchange. Whatever the outcome, we hope to

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# Message from the Chair



One would think that spring would be inspiration enough to bring on glorious ideas for a message from the chair...but, sadly, that does not seem to be the case, so, you are about to be subjected to some musings that came to me a few weeks ago as my husband and I traveled through several countries in Europe.

We had the good fortune to be able to spend a little less than two weeks, trying to see as much as we could in the countries of Portugal, Spain, France, and Switzerland. Because we are more people of the earth than people of the metropolis, we decided to purchase a Eurail pass that allowed us to move through the countryside, entering and leaving the train at will.

We supposed that we would see more of the “real” people and landscape that way. I believe that was the case. We gazed at hillsides of severely pruned grape vines, right-of-ways bright with daffodils, green pastures with cattle, goats, sheep, and donkeys munching cheerily, manicured living areas, and abandoned buildings, hundreds of years old. We rode with casual commuters, driven business people, and college students ready for a holiday. Everywhere, people were kind and tolerant with these poor foreigners who could barely express their thanks in the native languages.

As we rode along the tracks in comfort, I began to think about the differences in transportation philosophies between the European Union nations and our own country. We did see one pick-up truck large enough to qualify for what passes as a family vehicle here. We did see thousands of small cars in which only poor college students or those unfortunate enough to have to spend their tax refund on a car would be seen here in the US.

Many of our fellow passengers made the same trip daily because they lived in outlying villages and simply took one of the many trains to work each day. Some folks had just made a quick shopping trip to one of the larger towns or were making their usual doctor, beautician, accountant, barber, or dental appointments. They read a book, checked their email, munched a snack, or took a quick nap as they traveled home. I suspect their stress levels were significantly lower than the Wyoming commuting public's.

I wondered why the difference. Why were the highways not crammed with cars jockeying for a better lane in which to run the daily race to home? Why did people wait, relaxed, at the train terminals without pushing, speaking sharply, or watching their timepieces? Why were there parking places available on the streets?

The answers are probably more complicated than a casual observer could know, but I did come to some conclusions. First, in Europe, most everyone walks as much as they are able. People with walkers, white canes, and wheeled chairs are common on the sidewalks; a disability or plain old age just doesn't seem to stop folks. Bikes are as common as walking commuters. People are accustomed to a slower pace because of their pedestrian ways, whereas we see the need to spend as little time as possible in the act of “getting there.”

The total land area is smaller and more densely populated than our state. There is a larger commuting population to support the mass transit concept; people are more concentrated at the pick-up and drop-off points. The system has existed for a long time; these people know their train schedules, and they know they can count on the train to arrive on time. Most trains are electric, so there is a considerable amount of infrastructure in place, tracks as well as overhead wires. There is also a significantly cleaner air supply for breathing.

I just heard a report that, in the US, the number of people taking advantage of public or mass transit is going down, even in areas where there is population growth. These numbers fluctuate often, but usually in ratio with the price of gasoline. Uber and Lyft were also cited as reasons fewer people are taking public transportation. Managers were cautioned not to raise ticket prices because that will just drive more users away.

It seems we need a little philosophical discussion here, and a little buy-in by the more prestigious levels of management, both in public and private sectors. We do have a pretty amazing rail system in this country, although it is designed more for transport of goods than for transport of people. It seems that a smart business person might figure a way to connect rail hubs with outlying populations in a creative and profitable way. As always, it will fall on the citizens to demand a better transportation system, and it will take years and several crises to turn the attention of government and industry to a more efficient way to move people around. As we have floods that just washed out many Midwestern bridges to qualify as our first crisis, maybe this is the golden time to start some conversations about a more realistic way to travel.

*Joyce E. Evans*

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

# Ramaco Coal Mine Permit Application Still Under Review

On April 3<sup>rd</sup>, 2019, Wyoming Department of Environmental Quality (DEQ) staff sent a letter to Ramaco Carbon detailing yet more technical deficiencies in the company's permit application for the proposed Brook Mine in the Tongue River Valley north of Sheridan. DEQ's letter marks the ninth round of technical review of Ramaco's permit application – a dubious milestone that few, if any, companies meet.

The DEQ staff's continued review focuses on the proposed mine's likely impacts to ground and surface waters, including impacts to water wells. There are over 300 private water wells in the area surrounding the mine, and neighbors to the mine rely on the wells as their only source of water. The area also hosts numerous small creeks, wetlands, alluvial valley floors, and of course, the prominent Tongue River and Goose Creeks. Previous rounds of comments, as well as the Environmental Quality Council's rebuke of the first iteration of the permit application, also focused on deficiencies related to analysis of probable subsidence and impacts from blasting.

Separately, Ramaco is still trying to get its carbon fiber research

facility off the ground. The company testified to a Wyoming legislative committee last fall that the first building for its facility was planned to come in February, but that time passed with no development on its site next to the Tongue River. More recently, Ramaco representative Charlie Atkins told *Sheridan Media* that it now plans to break ground later this summer. The new statements also represent a shift in position, as the company says it now plans to start its project on the east side of the interstate – not the west side, as originally planned and presented publicly to the Sheridan County Board of County Commissioners. Regardless, both sides of the site are still lacking in water and sewer facilities, as well as other key infrastructure needs.

On behalf of our members who live in the area, and on behalf of the public's interest in the important environmental, cultural, and recreational resources of the area, we continue to monitor the Ramaco proposals closely. Please stay tuned for additional updates on the company's never-ending, evolving plans.

**Shannon Anderson**  
Powder River Staff

## Storytelling Through Video: Step Forward!

Over the last two years, we have had great success getting people's attention (and keeping it) through our video storytelling. Our new oil and gas videos have been extremely popular and have been shared by groups across the nation. Our solar videos have provided education and inspiration to people considering solar installation and have helped prove to Wyoming utilities that there is great interest in solar.

This year, it's important that we continue to tell these stories and uplift the voices of our members. Oil and gas development is ramping up around the state and with this development comes increased impacts to Wyoming citizens.

It is essential that we continue to hold oil and gas companies accountable and keep the public eye focused on the disruptions caused by their misconduct. To do this, we need to use every medium available to us to shed light on the effects of irresponsible development.

Additionally, we must continue working with our legislators to bring Wyoming up-to-date on solar policies. Our state is in desperate need of economic development, and implementing modern solar energy policies will help us achieve that diversification by making our state appealing to a wider market. Again, this requires that we employ every tool at our disposal to tell the stories of why solar matters to our state.

This is where you come in. We can only produce videos when

people are willing to step forward, maybe even step a little outside of their comfort zone, and allow us to elevate their voices. We need volunteers who are willing to be brave and get in front of our cameras. We also need members to talk to their friends and share these stories once we make them. I am calling on you to be the brave person who gets in front of the camera, shares a video, or starts a conversation with a friend or family member, even if (*especially if*) it's a little uncomfortable. Change happens when regular people step forward.

If you or someone you know has been impacted by oil and gas development and you want to see companies held accountable: **Step Forward.**

If you have or want solar energy but you want policy changes at the state level or increased transparency on solar issues from your utility: **Step Forward.**

I am looking forward to your email, phone call, or text. Let's do this!

**Hesid Brandow**  
Powder River Staff  
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# Appalachian Vulture Capitalists Invade Wyoming



In his 2017 book, *Ramp Hollow: The Ordeal of Appalachia*, historian Steven Stoll describes the dispossession and impoverishment of Appalachia's self-sustaining agrarian society and the devastation of its landscapes by invasive, non-resident, extractive industries. That was in the last century, but recent events in Wyoming eerily reflect this sobering history. One by one, our critical coal mining assets are being acquired by people with disreputable histories in Appalachia. Our miners, communities, and lands are in danger of being impoverished by these operators and their schemes.

Wyoming's Powder River Basin has produced the lion's share of America's thermal coal over recent decades. Revenues from federal coal leasing and state and county taxes on the industry have been a mainstay of Wyoming's budget, funding education and other public services. At its peak, coal directly employed nearly 7,000 workers and the "coal economy" provided nearly 23,000 direct, indirect and induced jobs. Clearly, since the late 1970's Wyoming's coal economy has been a boon to her citizens.

The foundation of this economy was relatively a few large, well-capitalized mining corporations that paid taxes and royalties, provided high wages, pensions and health care, and participated in the civic lives of the communities that grew around the mines.

But markets changed; management miscalculated; stripping ratios grew, and the corporations that made the modern Powder River Basin economy began to fail. In 2015 - 2016 the three largest mining companies in Wyoming: Peabody, Arch and Alpha, filed Chapter 11 bankruptcies. In late 2018, another large company, Westmoreland, filed. And at this writing, the last of the big miners, Cloud Peak, is on the verge of throwing in the towel. They have granted their executives the usual "retention" bonuses, eliminated retiree health care and pensions, hired a financial advisor, and been delisted from the New York Stock Exchange.

Wyoming has seen it all before. When the coal bed methane boom went bust a few years ago, big, responsible operators rushed to sell – or often give – multiple methane leases, hundreds of wells and infrastructure to newly hatched and poorly capitalized LLCs created by get-rich-quick artists. These companies also relieved the original owners of huge liabilities: for taxes, surface use agreements, royalties, idle well bonds. Most sold what gas they could and then quickly defaulted, leaving landowners with idle wells, eroded and disrupted surface lands, noxious weeds, uncollected royalties and rentals. They left the State of Wyoming with thousands of abandoned orphan wells and the need to spend tens of millions of dollars to plug and rehabilitate them.

When a mining company reorganizes through bankruptcy, ties binding the company to its workers, communities and Wyoming, begin to unravel. Typically, mining corporations entering Chapter 11 stop paying health care expenses of retirees, eliminate pensions owed miners, often fail to pay county *ad valorem* production taxes on coal production, and strive to reduce or escape their financial assurances for clean up obligations.

The most ominous downside of large mining corporations leaving Wyoming is the people who move in and take over their mines and liabilities. Call them "financial engineers" or "vulture capitalists" who will bleed the mines' remaining assets and escape liabilities to workers, communities and the environment -- liabilities that have accrued over decades. They tend to be litigious, and are not strangers to the world of serial bankruptcies and corporate manipulation. Their environmental records are seldom clean. These are not the operators and corporate neighbors one would normally invite into the neighborhood.

When Alpha Natural Resources "reorganized" out of bankruptcy their creditors formed a new shell company called Contura to own their "crown jewel" Wyoming mines, Eagle Butte and Belle Ayr. Contura quickly paid Blackjewel, LLC \$21 million to take over these mines and assume their tax and clean up liabilities. Blackjewel was created by an Appalachian coal miner named Jeff Hoops, whose companies hold hundreds of small coal mine permits in Kentucky, Virginia and West Virginia, and whose mines have booked scores of mine safety and environmental violations over the years, including many deemed "serious" by Appalachian regulators. Today Blackjewel owes Campbell County about \$17 million in delinquent production and property taxes from 2017 and 2018. They've recently negotiated a monthly payment schedule with Campbell County, but to date that is but Wimpy's promise to pay tomorrow for taxes owed yesterday.

In 2011 new subsidiaries of Ramaco, LLC, a company with small coal mines in Appalachia, purchased coal reserves and some land near the old Monarch and Acme mines outside of Sheridan. Since then, they have courted local and state officials, dangling dreams of hi-tech carbon manufacturing research and jobs, and have submitted through another LLC a mining permit, rejected by the Wyoming Council of Environmental Quality in 2017. Their lawyers have bullied neighbors during hearings and their PR flack has insulted local advocacy groups and made repeated questionable claims about the ever-changing project. Ramaco continues to appeal the permit denial, but the promised world-class research center and jobs have yet to appear.

Ramaco Carbon, LLC's principal officers, brothers Charles and Randall Atkins, both have documented histories of fraudulent business activities. Charles was found guilty in 1988 of 28 counts of conspiracy to defraud the Internal Revenue Service and was sentenced to jail and community service. Randall was found liable for a breach of fiduciary duty in the related bankruptcy case. Both Atkins brothers have made a lot of promises to local Sheridan officials and citizens, but their past actions and business histories do invite serious skepticism.

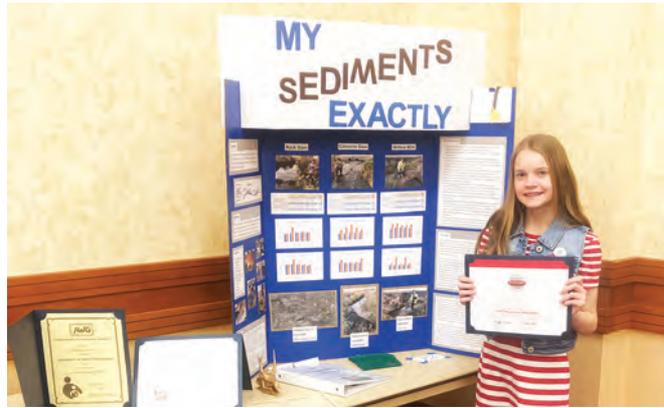
Finally, 150 year-old Westmoreland Coal Company filed bankruptcy late last year and agreed to sell its Kemmerer, WY mine to infamous investor Tom Clarke through his latest shell company, Western Coal Acquisitions, LLC. Clarke, a failed nursing home entrepreneur who began dabbling in Appalachian coal mine acquisitions a few years ago, has now turned his attentions west. By rough count, Mr. Clarke's

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# Youth in Conservation Awards Presented at State Science Fair

Annually, Powder River judges the Wyoming State Science Fair in order to present selected students monetary awards for their work in conservation. The Bill Barlow Memorial Youth in Conservation Awards are presented in the memory of rancher, conservationist, and Powder River founding member—Bill Barlow. These awards honor students whose science fair projects study Wyoming ecosystems, consider impacts of development on the natural environment or our agricultural heritage, or explore innovative energy alternatives. The winners this year were Cheyenne sixth-grader Shelby Hoobler for her project on the impact of erosion on rivers, “My Sediments Exactly,” and Newcastle 11th grader Markie Whitney for her project on increasing the efficiency of solar panels, “Solar Panels-Too Cool!” Both students received \$375 cash awards.

Shelby wanted to explore how to keep our streams healthy in spite of the impact of erosion and urbanization on natural waterways in Cheyenne. She conducted several tests of sediments along Crow Creek, which is being utilized by ongoing oil and gas operations east of the city. She kept a log of sediments throughout the creek to gauge information about the biodiversity and the health of the water. Shelby was very articulate in explaining her project and hopes to continue her



Shelby Hoobler shown with her project "My Sediments Exactly."

research on stream and waterway health. Markie is interested in creating more efficient solar panels. When solar panels get too hot, they are less efficient and produce less energy. She conducted an experiment using water as a “heat sink” to produce more voltage. Markie has designed, and filed a patent application for, a solar panel with sensitive metal wings on the back that help to expel the heat, and then she placed the panel in cool water. She then compared the efficiency of her solar panel to a traditional one and found she was able to capture 11% more voltage

from her design. She plans to replicate this research by attaching a PVC pipe to the back of a full-sized solar panel and running cool water through the pipe. The water, acting as a heat sink, will absorb the excess heat of the solar panel. Then, Markie explained, the hot water could be used for other purposes such as showers and washing dishes.

We are so excited to support these young scientists and look forward to seeing their research applied to conserve our water, land, and air. Thank you awardees for your wonderful work!

**Monika Leininger**  
Powder River Staff

## Concerns Remain over Cheyenne Air Quality



CALC members observed this EOG compressor station flaring frequently in March.

Landowners continue to report concerns over air quality in the Cheyenne area. Not only is the city home to the Holly-Frontier Refinery, but also several compressor stations, and new oil wells crop up every day. In early March, members of Cheyenne Area Landowners Coalition (CALC) witnessed a compressor station off Interstate 80 flaring natural gas 24 hours a day. CALC contacted both the Wyoming Department of Environmental Quality (DEQ) and EOG Resources, owner of the compressor station, about this issue. EOG told CALC that “upset flaring”

takes place at this Cheyenne location when there is a limited capacity issue at the Hereford Natural Gas Processing plant in Weld County, Colorado. This wasteful flaring results when there is a lack of space at the gas plant in Colorado. Essentially, this usable gas is piped to Wyoming and flared into the air just over the border.

In November 2018, DEQ placed a mobile air quality monitoring unit east of Cheyenne. This action followed vocal comments from residents over respiratory and gastrointestinal issues at an Air Quality Advisory Board meeting. The location of the mobile monitoring unit remains four miles away from oil and gas operations or any other polluting source. Powder River and CALC will continue to push regulators to monitor air truly impacted by oil and gas operations, compressor stations, and refineries.

**Monika Leininger**  
Powder River Staff



**Save the Date!**

**14th Annual Harvest  
Celebration & Potluck**

**Saturday, August 24, 2019  
Kearney Hall**

# Tax Breaks Do Not Equal Economic Development



In recent years we have heard a variety of conversations from the governor's office, to the legislature, to ENDOW, to private studies about the need to diversify Wyoming's economy. Indeed "economic diversification" has become a buzzword through the state. It is no secret that we need to change our tax code for that to be a reality.

Although this year the legislature failed to pass any new taxes for the state, we heard another argument. Tax breaks for industry will bring new revenue to the state. Pushed by the oil and gas lobby, Senate File 134, a severance tax exemption, was a complex bill that would have provided a variety of significant tax cuts to the industry for new drilling and enhanced or secondary oil and gas recovery in marginal well sites or older fields. The bill originally would have cost the state \$107 million dollars over the next two years.

Not surprisingly, this hit to our budget didn't sit well with the fiscally conservative legislators in the Senate, who nearly killed the bill in its first reading. In order to smooth the bill's passage in second reading, Senate leadership bought some time and then introduced a bill that excluded new oil and gas production. Because this version was less impactful to the state coffers, it passed the Senate.

Throughout the remainder of the session—truly the remainder, as this chopped-up and poorly vetted bill was the last one standing at 1:30 am on the final evening of the legislative session—we heard absurd arguments for the need for this oil and gas tax break. Arguments ranged from increasing economic diversification, decreasing the reliance on the mineral industry, providing a tax break for poor marginal wells so that they continue production, and of course the old "zero percent of zero is zero" catchphrase. The arguments all failed the litmus test of providing actual economic benefit to anyone except the oil and gas industry.

If the industry were truly trying to bring in new revenue streams, why did the original bill include substantial tax cuts for new production of crude oil? If Wyoming's economy is struggling, then, yes we should raise more revenue...but should we also be giving it away? Especially when oil is performing well, and our state has the geology to encourage drilling regardless of incentives. Fossil fuels and minerals are non-renewable resources, and our one opportunity to tax these resources is when they come out of the ground.

We understand the economic diversification argument is easy for industry to lean on as they are paying most of the bills right now, but giving the oil and gas industry tax breaks has nothing to do with diversifying the economy. In fact, studies from the University of Wyoming have shown that these tax breaks neither diversify the economy nor increase production. Furthermore, giving old, marginal wells a tax break is risky and will likely just pave the way for giving industry a tax break before those wells end up on the orphan well list. Diversifying the economy means bringing in new industries not connected to fossil fuels. Tax breaks to current industries cannot accomplish this goal.

If the oil and gas industry truly cared about providing new revenue streams for the state, they certainly have options. For example, they don't need tax reform to capture and pipe the immense amount of natural gas that is flared into the air. Right now that's a natural resource that is being wasted every day, and the people of Wyoming are receiving no benefit whatsoever.

Throughout the state, we know that we need a change in our tax codes to move out of our boom-and-bust economy. However, we hope that our new governor will be wise in the changes to our tax policy. We have a fair severance tax for our finite minerals, which is very important to our state. Giving a tax break to industry is neither the answer for a sustainable economy nor fair to the Wyoming people.

**Alex Bowler**

**President of Cheyenne Area Landowner Coalition**

*Editor's Note: This editorial was reprinted from the April 9, 2019 edition of the Wyoming Tribune-Eagle in response to an editorial written by Pete Obermueller, Director of the Petroleum Association of Wyoming.*

## Here's Hoping Lawmakers, Oil Industry Create Common Ground

In response to Pete Obermueller's opinion piece on behalf of the Petroleum Association from last week, I hope that both the Legislature and industry groups will follow through on their word to create common ground between operators, minerals owners, and surface owners over the interim session.

If the industry wants to change the negative narrative about greed, loopholes, and breaking rules, they would do well to have an accountability model for their operators.

They would also work to be better advocates for preservation of our air and water quality, which are truly inherent to our state's economic diversification.

They would create good relationships with surface owners and nearby neighbors, instead of pushing people out of their homes, their livelihoods, and this state.

**Wayne Lax  
Cheyenne**

*Editor's Note: This letter was published by Wayne Lax in the April 9, 2019 edition of the Wyoming Tribune-Eagle.*

*Editor's Note: Powder River's affiliate, the Cheyenne Area Landowners Coalition, recently sent this letter to Nancy Vehr, Administrator of the Air Quality Division at the Wyoming Department of Environmental Quality.*

March 27, 2019

Nancy Vehr  
Administrator, Division of Air Quality  
Department of Environmental Quality  
200 West 17th St.  
Cheyenne, WY 82002  
Fax (307) 635-1784

Re: Location of Laramie County Mobile Air Quality Monitoring Unit

Dear Administrator Vehr:

I am writing on behalf of the Cheyenne Area Landowners Coalition (CALC), and our members in Cheyenne and Laramie County.

First, we appreciate the fact that the Wyoming Department of Environmental Quality located a Mobile Air Quality Monitoring Unit in Laramie County where there are increasing oil and gas operations near neighborhoods, homes, and active ranching operations. However, we have been concerned about the air quality in Laramie County for several years with the increasing oil and gas development. Our organization hears concerns from our members regarding poor air quality and specifically they report problems with: respiratory issues, smoke alarms going off in the night, as well as gastrointestinal and neurological health issues.

Several of our members attended the Mobile Air Quality Monitoring Unit Open House on November 4<sup>th</sup>, 2018 to better understand the air quality monitoring process in our county. When we arrived at the location, we were disappointed to see the monitoring location's proximity was so far away from where people live near oil and gas operations. When we asked the technician at the open house about this issue, he specified that the closest oil and gas pad was about four miles away. We do not believe that four miles away from the nearest oil and gas infrastructure will provide realistic data on the poor air quality that the people living near active oil and gas drilling and facilities face when living within less than a mile of these operations.

We believe that DEQ should revisit the Mobile Air Quality Monitoring Unit in Laramie County because the Wyoming Oil and Gas Conservation Commission (WOGCC) is permitting oil and gas operations within close proximity to rural subdivisions and within 1,000 feet of residents. We believe our state's air quality monitoring should reflect similar distances to better understand the impact nearby oil and gas development has on public health. According to DEQ's "Wyoming Ambient Air Monitoring Annual Network Plan-2018," the purpose of the mobile monitoring unit is "to monitor and characterize events, trends in air quality, or areas downwind of industrial development." Additionally, DEQ's Air Quality Division received funds from the 2012 Abandoned Mine Land legislation "for addressing statewide energy impacts." It seems that the purpose of these mobile monitoring units is to monitor the impacts of energy development and therefore, should be monitoring closer to production facilities.

While we understand that the current mobile monitoring unit will remain in its current location until October of 2019, we request that DEQ keep the mobile monitoring unit in Laramie County, and move it to locations closer to oil and gas infrastructure and monitor for another year. Perhaps DEQ could use the 2018-2019 monitoring results as a baseline and comparison point for the 2019-2020 year of monitoring. Our organization would be delighted to recommend locations that are impacted by poor air quality for a second year of monitoring.

Thank you for accepting our letter pertaining to air quality monitoring in Laramie County and considering our request.

Sincerely,

Alex Bowler, MPH  
President, Cheyenne Area Landowners Coalition

### **Powder River Solar Energy Production**

Energy Produced: 451 kWh  
Carbon Offset: 687 lbs

We have offset the equivalent of 8 trees in Feb/Mar 2019!



### **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 new oil & gas impact videos are available to watch.

# Oil and Gas Permitting at an All-Time High

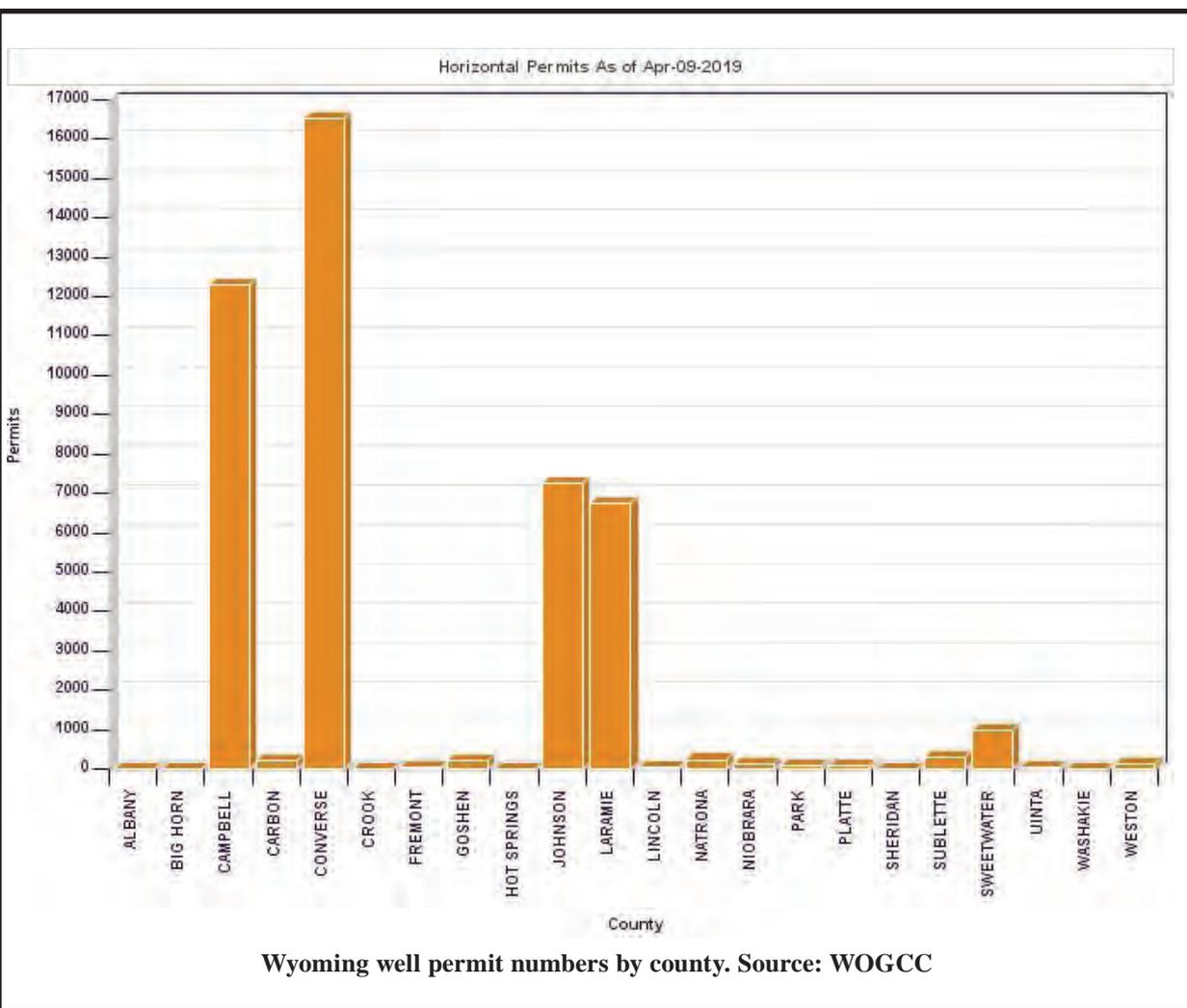
If you live in the Powder River Basin, it's probably no shock to you that oil and gas permits that have been approved by the Wyoming Oil & Gas Conservation Commission (WOGCC) are at record levels in Eastern Wyoming, especially in Converse and Campbell Counties.

The numbers are astonishing: over 16,500 permits in Converse County and 12,000 permits in Campbell County. There have also been permitting jumps in Laramie County (almost 7,000 permits) and Johnson County (over 7,000 permits). The following chart from the WOGCC website shows just how much these counties stand out compared to permitting activity for horizontal oil and gas wells in the rest of the state.

Only a portion of these wells will be drilled. Many of the permits have been submitted because of the "race-to-operatorship" – a

topic that will be studied in depth by the legislature's Joint Minerals Committee starting next month. Even if only a fraction of the wells are drilled, significant impacts to the land, air, water, wildlife, and people of the Powder River Basin will result. In fact, the boom is already having serious impacts. *Wyoming Public Radio* recently reported on a housing crisis in and around Douglas, and Gillette frequently suffers from the same boom-bust socio-economic woes. The long-term impacts and the Basin's ability to survive this next boom remain to be seen. The large number of wells and their pad size and infrastructure requirements are like nothing the region has ever experienced before.

**Shannon Anderson**  
Powder River Staff



Evidence of increasing oil & gas development in the Powder River Basin.



# Mine Safety Violations are a Serious Matter

When people do business in Wyoming, we expect them to be good operators and neighbors. We pride ourselves with doing a good job and contributing to our communities. So we need to be wary of these recently-arrived mine operators from Appalachia who are showing up in Wyoming with their blemished mine safety records—we don't need that here.

Data from the Mine Safety and Health Administration (MSHA), who tracks and penalizes mine safety violations, shows that Jeffrey Hoops, owner of Revelation Energy and Blackjewel (owner of the Eagle Butte and Belle Ayr mines) has racked up over \$926,000 in violations from 50 mines. MSHA also reported that the Virginia Conservation Legacy Fund, owned by the Kemmerer Mine's new owner Tom Clarke, has accrued about \$736,000 in violations from just two mines.

These safety violations are red flags, warning us that these operators are not the companies we want running these mines. They don't take mine safety seriously, and that should worry all of us. It may be easy to shrug off because the mines are back East—an "it's not happening here" mentality. However, if they cut corners there, why wouldn't they do the same thing here? MSHA data shows that that worker injury rates are higher in mines with delinquent penalties, so we can't ignore these delinquencies. Endangering miners hurts our communities, and we shouldn't put up with it.

**Stacy Page**  
Sheridan

*Editor's Note: This letter was published by Stacy Page in the April 16, 2019 edition of the Gillette News Record.*

# As 2019 Session Wraps Up, Work Starts for 2020 Legislature

The 2019 Legislative Session has come to an end, and we are so thankful for our members who engaged with their representatives and senators throughout the session to make their voices heard. We had a successful session in defeating many of the bad bills that came through the chambers. This year we helped to kill every single bill that gave an unnecessary tax break to coal, uranium, and oil and gas. We also watched as “crimes against critical infrastructure” sunk for the second session in a row. We saw other victories, including legislation to aid counties in the collection of delinquent *ad valorem* mineral production taxes and the governor’s veto of an energy equipment storage tax exemption that would have resulted in a hit to county revenue streams. We were also happy to support a bill creating a state hemp program that will provide new opportunities for Wyoming farmers. In total, we supported a dozen bills that became law this session.

As we look towards the interim session, legislative committees will discuss a variety of topics pertinent to our members. With help of the Wyoming Outdoor Council, Representative Yin from Teton County, and Representative Lindholm from Sundance, the Corporations Committee will look to revise Wyoming’s net-metering laws for solar! In this committee, Powder River will be there to express our support for increasing the net-metering cap, as well as advocate for policies that make solar more economical. Additionally, the Minerals Committee will

devote a majority of their interim work to looking at our oil and gas policies. We hope to see changes to Wyoming’s Split Estate Act to help landowners recover damages to their property from mineral companies who force their way onto the land to drill. Also, we will likely see a change in the state’s permitting policies for oil and gas to discourage thousands of speculative permits being filed with the Wyoming Oil and Gas Conservation Commission (see related article in this edition of the *Breaks*). Furthermore, the Judiciary Committee will take up work on Wyoming’s public records and open meetings laws where we will continue to advocate for necessary improvements in government transparency. Unfortunately, public records won’t be the only topic we will see in Judiciary this interim. Yet again, “crimes against critical infrastructure” has risen from its grave and is flying under the radar as the committee looks at our “trespassing” laws.

Throughout the interim session, we will keep you updated about relevant legislation and committee meetings that occur around the state. We continue to count on you, our members, for your engagement and participation—we can’t move the needle without you. Thank you for your support.

**Monika Leininger**  
Powder River Staff

## Judge Strikes Down Interior’s Repeal of Mineral Valuation Rule

In a decision issued April 12<sup>th</sup>, 2019, a federal court judge ruled against the Department of Interior and its efforts to repeal a set of new standards from the Obama Administration changing the way our publicly-owned minerals are valued for federal royalty purposes.

The Obama-era rules closed loopholes that prevented fair compensation back to the American public when our coal and oil and gas resources are extracted in Wyoming and other Western U.S. states. The rule was set to generate an additional \$70 million in revenue to the federal government and states where the minerals are extracted, but it

was quickly repealed shortly after then-Secretary of Interior Ryan Zinke took office.

The judge found the Trump Administration’s repeal of the rule “arbitrary and capricious.” The decision also held that the Department of Interior violated public notice and comment standards.

The decision reinstates the Obama-era rule, at least for now.

**Shannon Anderson**  
Powder River Staff

## Spring Solar Celebration Held in Casper



Photo Credit: Kevin Knapp

We held our Second Annual Spring Solar Celebration at Gruner Brothers Brewing in Casper on April 17<sup>th</sup> with approximately 80 people in attendance. Installers from around the state were present to visit with people interested in solar energy. The event

was co-hosted with the Wyoming Outdoor Council and the Wyoming Solar Energy Association (WYSE). The event was complemented by music provided by the Yokels and friends, and local craft beer flowed freely thanks to Gruner Brothers. The night was a true celebration of solar energy in Wyoming! Later this year, there will be a follow-up question-and-answer session with local installers where people will get a chance to ask questions and learn more about the nuts and bolts (and panels) of solar energy.

The celebration was the debut event for WYSE, a newly formed trade organization for Wyoming solar professionals. Prior to the celebration, WYSE members gathered for their first board meeting to elect officers and set the group’s priorities for the first year. Stacey Schmid of Range Solar and Wind was elected president; Garret Stover of Fenton Energy is vice president; Rick Mack of Premier Electric is treasurer; Leo Pueblitz of Harmony Solar is the secretary, and I was chosen as the board-member-at-large, a position created to assist the other officers in their duties.

**Hesid Brandow**  
Powder River Staff



Wyoming Solar Energy Association

# Cover Crops Workshop Scheduled for June

On Thursday, June 27<sup>th</sup>, Powder River is co-hosting the Cover Crops in Northeastern Wyoming Field Workshop. The primarily field-based event will include two producer tours and three speakers covering topics ranging from soil health, to building custom seed mixes, and challenges unique to Wyoming agriculture.

Cover crops fall neatly within the broad category of working lands conservation. Along with other practices, such as reduced tillage or managed grazing, they are a sound tactic for conserving natural resources, increasing soil organic matter, reducing weeds or pests, and enhancing profitability of agricultural lands, all while keeping those lands in production.

For a number of operations, cover cropping practices could help with meeting requirements for two predominant working lands conservation initiatives, the Conservation Stewardship Program (CSP) and Environmental Quality Incentives Program (EQIP). The two programs were reauthorized by the 2018 Farm Bill and are earmarked under its \$6-billion-a-year Conservation Title, the federal government's largest investment in natural resource conservation on private lands.

Both programs, among others, are eligible to Wyoming producers

through their local Natural Resources Conservation Service (NRCS) office. Although direct payments and cost-sharing with producers will vary, the average payout for land enrolled in the CSP was \$18 per acre during the previous 2014 Farm Bill cycle. The deadline to submit an initial application for the Conservation Stewardship Program for fiscal year 2019 is May 10<sup>th</sup>. The funding is first-come, first-served.

The June cover crops event is free, though space is limited so please register by contacting the Sheridan Community Land Trust at (307) 673-4702 or sheridanclt.org. The meeting time is 8 a.m. at the Watt Building at the Sheridan College campus, and the program runs until 2 p.m.

The workshop is sponsored by the Sheridan Community Land Trust, Sheridan County Conservation District, Plank Stewardship Initiative, Barnyards & Backyards, UW Extension, NRCS, North 40 Ag, and Powder River.

**Erik Rieger**  
**Powder River Staff**

## COVER CROPS IN NORTHEASTERN WYOMING FIELD WORKSHOP



Brought to you by: Sheridan Community Land Trust

**THURSDAY, JUNE 27TH**  
**8 AM TO 2 PM**

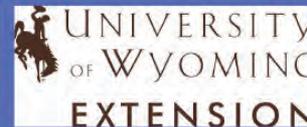
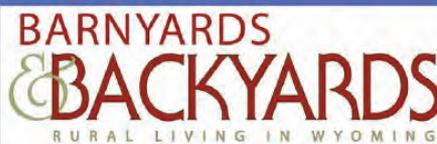
*Starting Location: Watt Building*

*Lunch and transportation from Sheridan will be provided. There will be 3 speakers and 2 ranch tours.*

### Topics:

- *Managing Soil Health and Challenges with Cover Crops*
- *Benefits of Cover Crops and How to Design a Custom Seed Mix*

**NO COST  
TO ATTEND!**



**For more info and to register, call (307) 673-4702 or visit [sheridanclt.org](http://sheridanclt.org)**

## Appalachian Vulture...Continued from page 4

colorful career has led him to participate in at least ten separate bankruptcy cases. He has recently purchased several iron and coal mines out of bankruptcies, most of which have quickly failed or promise to fail soon. Just last December, *Appalachian Voices* blog featured Clarke in a story titled “Central Appalachia’s newest coal boss facing bankruptcies.”

Yet, Clarke’s bid for the Kemmerer mine was accepted by the bankruptcy court, and he was allowed to escape Westmoreland’s Wyoming union mining contract and stop paying retirees’ health care and pension benefits. But surprise, surprise; Clarke has not been able to provide acceptable bonds to assure that the mine will be reclaimed when mining is finished. This leaves Westmoreland still liable, and calls into question the mine sales agreement. Mostly, it leaves the future of Kemmerer’s 300 union miners, the mine-mouth Naughton power plant, and the whole town of Kemmerer up in the air.

The pattern evident in these past events is very troubling. Wyoming’s state and local governments need to connect the dots and set a course to somehow better control the entities that so greatly impact our workers and communities. It is vitally important that our state and county governments participate early and aggressively in bankruptcy proceedings to ensure workers’ rights, fair payments for public services delivered, and assurance of mine cleanup are protected. And it’s important that all local, county and state governments carefully vet outsiders with development schemes that seem too good to be true. We must not become the feeding ground of grifters and vulture capitalists.

*Bob LeResche is a Board Member of the Powder River Basin Resource Council. He is a former Commissioner of Natural Resources of Alaska, energy executive and investment banker. He and his wife Carol own a ranch and organic heirloom vegetable farm near Clearmont, Wyoming.*

*Reprinted from WyoFile on April 5, 2019.*

## Citizen Efforts...Continued from page 1

efforts succeeded in preventing Encana (the operator before Aethon) from exempting the Madison Aquifer from the Safe Drinking Water Act standards so they could dump this polluted wastewater into that freshwater aquifer. Now, we will work to keep Aethon and the DEQ

from permitting polluted oil and gas wastewater to be dumped into our streams and rivers. We look forward to your help with this effort!

**Jill Morrison**  
**Powder River Staff**

## Seed Library...Continued from page 1

make good on our mission to support a thriving community of gardeners and seed savers, provide information and education about sustainable gardening, and cultivate a culture of sharing—hopefully, across Wyoming.

More information on regional seed libraries and seed resources

can be found online through the Community Seed Network and Rocky Mountain Seed Alliance.

**Erik Rieger**  
**Powder River Staff**



Volunteers refresh the inventory at the Seed Library.



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## Save the Date

- 10th May ~ Farm to Plate Task Force Meeting, Sheridan
- 17th May ~ Board Meeting, Gillette
- 27th June ~ Cover Crops Workshop - Sheridan
- 24th August ~ Harvest Celebration
- 3rd November ~ Annual Meeting/Auction

# 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**

### Wyoming Delegation Contact Information

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