



## Citizen Pressure Halts Increase in Oil & Gas Wastewater into Boysen

Late last year, the Wyoming Department of Environmental Quality (DEQ) told Powder River that they would not be approving Aethon's permit to discharge over 8 million gallons of polluted oil and gas wastewater a day. DEQ noted that concerns raised by citizens in writing and at public hearings played a part in their decision. A critical issue was also the fact that Aethon's treatment plant had not been functional for months and would not be able to handle treating the huge increase of polluted wastewater.

The scientists hired by Powder River and our allies to review and comment on the proposed permit were also a determining factor for DEQ. Those scientists raised concerns with the discharge permit and questioned the modeling by Aethon. The conclusion was that the permit was not protective of water quality for livestock, wildlife, or aquatic life. The permit would also fail to prevent degradation to Alkali or Badwater Creeks and would likely degrade Boysen Reservoir and the Class 1 water quality of the Wind River. Finally, the low price of natural gas dealt the death blow to Aethon's plans to expand development in the Moneta Divide field.

In the meantime, we filed a request to DEQ to investigate the current discharges for failure to comply with permit conditions and the agency's water protection standards. We also filed an extensive public records request, and after culling through those documents and EPA discharge databases, we found



Greasy, black sediment in the creekbed.  
(Photo produced in DEQ records request.)

substantial issues and evidence of widespread water quality violations, including historic problems caused by the Moneta Divide oil and gas waste discharges.

In the recent past, Aethon and DEQ tried to address these water quality problems by attempting to downgrade Badwater Creek, which flows directly into Boysen Reservoir, so it could carry more pollution. Fortunately, that proposal was stopped by EPA. However, instead of requiring DEQ to clean up the pollution, we are likely to see another attempt to downgrade Badwater Creek and allow more pollutants.

On January 17, Powder River wrote to DEQ raising questions about 15 violations of water quality standards, occurring from 2015 to 2018, caused by discharges from the Moneta Divide field. We wanted to know why DEQ did not issue any notices of violation. These violations of water quality standards included exceedances for oil and grease (one was 289% over the limit), pH, total dissolved solids, zinc, and iron. We also raised concerns about a subcontractor report which documented volatile organic compounds and semi-volatile organic compounds in some of the discharges, yet DEQ did not require any limits for these cancer-causing compounds or move to address the problem. To date, DEQ has not responded to our letter.

For their part, DEQ issued a revised permit in mid-January that still fails to require protection of water quality in Alkali and Badwater Creeks and

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## Wyoming Communities Facing Transition *PSC Holds Meetings on PacifiCorp IRP*

In December, Governor Gordon directed the Public Service Commission (PSC) to investigate PacifiCorp's (Rocky Mountain Power's parent company) Integrated Resource Plan (IRP), which is the company's plan for meeting their customers' energy needs. The IRP includes the early closure of several coal-fired power plants in Wyoming, particularly Naughton units 1 and 2 near Kemmerer, and Jim Bridger units 1 and 2 near Rock Springs. Rocky Mountain Power also plans to invest in more renewable energy, including wind farms, solar installations, and battery storage in Wyoming. One of the first things on the agency's agenda as part of the investigation was to hold public input meetings in affected communities. Powder River helped ensure there was press coverage before the meetings, as well as letters-to-the-editor, and ads in the local newspapers encouraging people to attend.

The first meeting, on January 28, was in Kemmerer. The venue was changed from the city council chambers to the South Lincoln County training



Meghan Jensen  
speaks at PSC meeting.

center, where over 200 people were in attendance, and around 20 people spoke. It was evident that area residents are very concerned about the IRP's impact to their community. Many attendees referred to the narrative of the war on coal and that the effects on miners, power plant operators, and the community is real. Several speakers voiced support for Senate File 159, a bill passed last year by Wyoming's legislature to mandate that utilities must try to sell a coal plant before retiring it. Some called the legislation "revolutionary," while others said it could at least act as a speed bump to slow coal's phase-out. With PacifiCorp's anticipated 2025 end date for burning coal and a 2029 retirement date for the Naughton plant, many people there feel even buying a few more years would be helpful.

Representing Powder River, I was well aware that my audience wasn't just the PSC, but those in attendance, as well as our state's leaders. In my testimony, I emphasized that it is the PSC's job to ensure Wyoming ratepayers have reliable and affordable energy, and that we welcome a thorough and transparent investigation to discover the

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# Message from the Chair

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

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

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

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

## Active Affiliate Organizations

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

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## Powder River Breaks

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



I have been ruminating about taxes recently, not the upcoming federal income tax deadline, but our local taxes. Counties and cities levy taxes on our purchases (sales tax) as well as our property (real estate and other property such as vehicles) to pay for the services that support our quality of life. And the more I think about these taxes and the services that they fund, the more grateful I am for them.

Each county develops its own procedures and priorities for taxing and funding. I live in Sheridan where the city and county pay for services that benefit all of us: public health, law enforcement, upkeep of county roads, parks and recreation, and local air service are some examples.

When I borrow a book or attend a program at Fulmer Library, or drive on a road that's been plowed, get a flu shot, attend an event at the fairgrounds, fly to Denver, or hike a nearby trail, I offer a silent "thank you" to local government, its workers, and to my fellow citizens who pay their taxes.

Unfortunately, not all who are assessed county taxes actually pay them. For the last three years, PRBRC has been investigating taxes owed to 13 Wyoming counties by companies engaged in mineral extraction and production. These energy companies are required by law to pay both severance taxes to the state and *ad valorem* taxes to the counties where the mining occurs. Our research produced astonishing findings. While collection at the state level was highly successful (over 99%), the county success rates for the *ad valorem* taxes—although variable from county to county—were alarmingly deficient. Put baldly, we found that coal, oil, and gas companies have been stiffing Wyoming counties for years.

Since we published our first report in 2017 about the tax delinquency of the fossil fuel industry, others have begun to take notice. Last year the Wyoming County Commissioners Association documented that the total delinquencies for all Wyoming counties adds up to more than 97 million dollars while the 13 counties we have been tracking are now owed just over 89 million dollars, a debt accrued over the past 10 years. (The total amount is likely higher, since the counties have written off debts over 10 years old). State legislators had begun to take notice too. The Select Coal/ Mineral Bankruptcy Committee drafted legislation to create laws to enforce monthly payments. As of this writing, this bill is making its way through the Wyoming Legislature. We hope the bill will survive with its purpose intact.

What remains clear is that unlike consequences for private citizens who are in arrears, the coal, oil, and gas companies have not had to face legal repercussions for their willful and illegal tax evasion. A small business owner who fails to report sales tax revenue will answer to law enforcement, and homeowners who ignore property taxes will eventually lose their homes. Conversely, energy companies that dodge *ad valorem* taxes owed to Wyoming counties have gotten away with tax evasion for years. Contrary to their public relations boasts, these companies are not good neighbors. Their blatant failure to pay counties what is legally owed to them hurts Wyoming communities, especially their schools. The state and its counties are facing a serious, long-term revenue shortfall. It is way past time for our lawmakers to hold these delinquent industries accountable.





# Hope Renewed for COOL

Powder River members and ag producers nationwide were hopeful this fall when mandatory country-of-origin labeling (COOL) was proposed for inclusion in the US Mexico Canada Trade Agreement (USMCA), also referred to as NAFTA 2.0. Unfortunately, the agreement was passed without COOL's inclusion. The purpose of COOL is to require retailers to label fresh meats so consumers know if it was produced in the US or a foreign country.



a resolution in November, which states that “the Senate supports legislation to reinstate Country-of-Origin labeling for pork and beef to allow consumers to make an informed and free choice about where their food comes from.” Consumer and producer stakeholders and groups such as Powder River are pulling together to support Senator Tester’s efforts and push the labeling resolution forward.

The fight for COOL has a long history, with Powder River and other WORC member groups on the front lines since the beginning. After years of grassroots effort, COOL finally became law in 2008. Because many shoppers preferred to purchase US meat rather than foreign-raised, where food safety standards tend to be much lower, sales of US meats increased substantially. Demand bolstered cattle prices for ranchers, and thousands of dollars flooded into rural communities and economies.

In December, several Powder River members met with a member of Senator Enzi’s staff to discuss the Tester resolution, USMCA, and the “Product of the USA” loophole that allows beef from cattle raised outside the US but processed here to be labeled as a US product. The senator remains very supportive of COOL, and we do expect to see him sign onto Tester’s resolution. Furthermore, members asked that the senator support efforts to close that labeling loophole, and to work toward a side agreement for COOL in the USMCA.

Unfortunately, in 2015 Congress removed beef and pork from the required labeling law. Cattle prices tumbled because US producers were again forced to compete with cheaper beef imports that increasingly flood supermarket shelves. Ranchers are struggling with plummeting prices forcing many into bankruptcy. Rural communities are suffering. And America’s consumers are again in the dark as to where their beef and pork comes from. To add insult to injury, meat packers are allowed by federal ag regulators to put labels on their products with highly deceptive wording such as “Product of USA,” when the animal was actually raised in another country and only processed in the US.

Pushback against COOL from industrial ag groups will be intense. If US consumers are to have honest labeling for all fresh meats they purchase for their families, Senator Tester and lawmakers who support his efforts will need strong producer and consumer support. Powder River and other grassroots organizations have proven time after time that if the people speak out, one voice becomes a thousand; a thousand becomes a million, and change happens. Powder River will be working with WORC and other organizations to push this effort forward and empower our members to help win the fight.

**Pennie Vance & Robin EH. Bagley**  
Powder River Staff

To reinvigorate the COOL effort, Montana’s Senator Tester introduced

## Local Foods Marketing Workshop Scheduled for March

You’ve just harvested a bumper crop from your garden or are admiring jars of deep red jam made from your own raspberry patch. You decide you’d like to sell your food products at a farmers’ market but may wonder, “What do I do now?” Or maybe you’re already selling garden bounty, grass-fed beef, artisanal cheeses, or your special roast coffee from your doorstep or farmers’ market and you’re wondering, “What can I do to better market my products?”



Rachel Bourgault, who with her husband, Luc, owns and operates Lower Piney Heirloom Vegetables, and has sold her homegrown and homemade food products at farmers’ markets for years, will conduct a session on setting up your booth. She’ll cover a variety of practical topics, including what kind of tents work best, effectively displaying your goods, handling payments, packaging, signage, and what customers expect from your products. Rachel will also discuss the importance of being a supportive member of a farmers’ market community.

Powder River can help you answer those questions at our Local Foods Marketing Workshop coming up March 19 at the Sheridan Public Library, Inner Circle Room, from 5pm to 8pm. This free workshop is open to everyone who would like to learn more about marketing their food products and other homemade items directly to consumers or via the farmers’ market.

The workshop will not cover the basics for a beginning vendor who has never sold their products before, such as food safety, government regulations, or whom to contact for our local markets, but we will have informational handouts available.

Powder River Communications Director Robin EH. Bagley, will conduct a social media and email marketing session. She’ll cover the basics of social media platforms like Facebook and Instagram, as well as why and how email marketing works (it’s easier than you think!). Be sure to bring your smartphone to the workshop for some hands-on experience.

For more information contact Pennie Vance, ag & local foods organizer: [pennie@powderriverbasin.org](mailto:pennie@powderriverbasin.org) or 307-672-5809.

**Pennie Vance**  
Powder River Staff

### Powder River Solar Energy Production

Energy Produced: 314 kWh  
Carbon Offset: 478 lbs

We have offset the equivalent of 6 trees in Dec 2019 & Jan 2020!



### 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.

# Legislature to Ratepayers: Drop Dead

This time they've really drunk the Coal-Aid.

HB0200 and SF0125 could be the most inane pair of bills ever concocted by Wyoming legislators. If enacted and signed, they will override in-state market forces, place a hidden tax on Wyoming ratepayers, and transfer these tax proceeds not to public purposes but to private mining and utility shareholders and executives. But they won't slow the decline of our coal industry or affect the commodity prices of our other fossil fuel resources. Welcome to America's first Democratic Socialist state.

The bills propose to define the market for electricity in Wyoming by legislating strict supply-side rules. Like cold war Soviet bureaucrats concocting a Five-Year Plan, they set up a production structure, and require customers to pay whatever it takes to cover the costs of that jury-rigged structure. And since the commodity involved – electricity – is a necessity of modern life, customers like you and I and our businesses, schools and industries have no choice but to pay those costs. What we have here is a forced transfer of wealth from the many to the few – an override of the market forces that should undergird any functional capitalist economy.

HB0200 is called "Reliable and dispatchable low-carbon standards." It could more honestly be titled "Chasing unicorns, charging ratepayers and pocketing the change." Stated simply, the bill would force Wyoming's utility regulator (the WPSC) to establish a "portfolio standard" requiring electric utilities to "maximize the use of" expensive and risky "carbon capture, utilization and storage" technologies. These technologies are still unproven at a commercial level and still uneconomic, but what the hell. The bill would also require utilities to effectively minimize the use of wind or solar generation. And it would allow the utilities to make ratepayers pay for all these expensive coal plant accessories. But the bill's sponsors are not totally heartless. They have capped this rate recovery at "one billion dollars (\$1,000,000,000.00)" per utility. Feel better?

Adding insult to injury, HB0200 allows any profit from sale or use of captured carbon dioxide to be kept by the utility's shareholders, rather than being credited back to the customers who paid for the carbon capturing technology.

SF0125 is called "Electricity production standard." A more honest title would be "Prohibition of renewable energy." This bill requires that electric utilities procure electricity only from "eligible generating resources." Neither wind nor solar – which are already cheaper for customers – is an "eligible resource," though. If a utility sells power from ineligible generating resources such as wind turbines or solar panels, the utility will be fined \$10/megawatt hour (1¢/kilowatt hour), even though the customer might enjoy a

lower rate. But this one cent per kWh fine cannot be charged to the customer. It must be paid by the utility shareholders. In other words, no regulated utility would ever rationally deliver wind or solar generated power to a customer, no matter how cheap the power would be for the customer, because the utility would be selling at a loss.

Let's try to imagine the public purpose behind these bills.

First, they would save our coal industry.

Wrong. Wyoming's coal is a commodity, priced by supply and demand principles in a very broad market. Most Wyoming thermal coal leaves the state by rail, and only 40% of the electricity generated in state is used in Wyoming. Our legislature can pass all the bills it wants forcing Wyoming industry, commerce and households to use coal-fired power, but nothing can force anyone to use it outside our borders. Legislation does not create markets.

Second, they will force Wyoming utilities to lead the way to a national move to carbon capture, storage and utilization (CCSU) technology.

Wrong. CCSU technology has been proven again and again around the world to be uneconomic, producing electricity that is more expensive than that from gas-fired generation and now even costlier than wind and solar power. Sentencing Wyoming's few consumers to subsidize this crusade is almost certainly sending good money after bad.

Third, the bills would eliminate competition for power generation from wind and solar projects. This one is true, but are we into masochism? They would impose a big cost penalty on ourselves and our businesses and industry. They would essentially island Wyoming power consumers from access to cheaper power and prevent utilities like Rocky Mountain Power from minimizing rates through rational integrated resource planning.

Worst of all, these bills would provide just another distraction as we continue to whistle past the graveyard, averting our attention from planning for our inevitable future – a new lower-carbon economy that is coming whether we like it or not.

**Bob LeResche**

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

*Editor's Note: This editorial ran in the Feb. 16, 2020 issue of the Casper Star-Tribune. SF 125 failed its introduction vote, but as of this printing, HB 200 is still under consideration.*

**"Our legislature can pass all the bills it wants forcing Wyoming industry, commerce and households to use coal-fired power, but nothing can force anyone to use it outside our borders. Legislation does not create markets."**

**-Bob LeResche**

## New Studies Reveal Oil & Gas Impacts

Powder River recently sent a letter to the Wyoming Oil and Gas Conservation Commission on two new studies that reveal real and quantitative impacts on the lives of people living near oil and gas extraction.

Released in October 2019, a Colorado Department of Health study found that living within 2,000 feet of an oil and gas pad, in worst-case-scenarios, could cause impacts such as headaches, dizziness, and respiratory issues with just short-term exposure to these pollutants. These short-term health impacts are largely from volatile organic compounds (VOCs), such as the carcinogen benzene, released during oil and gas development. The study also corroborates the work released in March 2018 conducted by Colorado School of Public Health at the University of Colorado Anschutz Medical Campus. That study found people living close to oil and gas facilities are at the greatest risk of acute and chronic health issues due to air pollutants emitted by those facilities, and also found that populations within 2,000 feet of an oil and gas well have higher risks of developing cancer.

Another study released by West Virginia University evaluated oil and gas facilities' impact on the housing market in Colorado's Front Range. In areas with associated externalities from oil and gas production, such as impact on aesthetics and public infrastructure plus increased pollution, noise, and stress, the study found that there is a real financial impact on home prices. Having an oil and gas well within view deducted nearly \$3,000, or 0.8% on average, from a home's value. Each additional well in the line of view reduced a home's value by another 0.1%.

Powder River believes these empirical studies are yet more evidence that there needs to be an increase in setbacks as well as the requirement for stronger mitigation measures to ensure the public health, safety, and welfare of homeowners living near oil and gas development will be protected.

**Monika Leininger**  
**Powder River Staff**



# States Face Massive Coal Mine Cleanup

## *New Report Shows 234 Square Miles Remain Unreclaimed*

More than a third of all land mined for coal in the Western United States awaits cleanup after a half-century of intensive strip-mining, but a weakening coal industry may be incapable of cleaning it up says a report released by the Western Organization of Resource Councils (WORC). The report, “*Planning for Coal’s Decline*,” provides updated data on coal mine reclamation in the Western U.S. and recommends policies to help ensure coal mine cleanup before and after mine closure.



be delayed. It also discusses the inadequacies of some forms of reclamation bonding, including self-bonds.

“Timely coal mine reclamation is a win-win for Western communities: it re-opens land for livestock and recreation, it creates good job opportunities, and it minimizes the huge risks to the public if a coal company goes broke,” said Mark Fix, rancher near Miles City, Mont., and irrigator from the Tongue

The picture that emerges is a future where coal regulators rely on funds from reclamation bonds to pay for and manage mine cleanup of a vast area, the report states. This risk is highest in Wyoming, North Dakota, and Montana because these states account for the vast majority of unreclaimed Western coal mine land after decades of strip-mining. Additionally, Wyoming and North Dakota continue to accept some self-bonds, an insecure and unreliable form of financial guarantee that provide no funds to pay for successful reclamation. More than \$600 million of reclamation liabilities were covered only by self-bonds as of June 2019.

“Western coal-producing states face a looming dilemma, and the costs could be huge,” said Bob LeResche, an editor of the report and Board Member of Powder River and WORC. “Today’s coal industry is undercapitalized and at great financial risk from declining coal demand, and it is dangerously undiversified. But coal companies are responsible for cleanup of over 230 square miles of Western land and counting. Regulators in state and federal agencies must ensure the public is not stuck with paying for cleanup by forcing today’s coal companies to reclaim every acre possible as soon as possible and provide reclamation bonds that are guaranteed to be available when they are needed most.”

Federal law requires coal companies to “contemporaneously” reclaim land mined for coal as mining progresses. As a precaution, the law also requires that mining companies provide funds or guarantees to pay for cleanup, usually through reclamation bonds. WORC’s report describes significant and growing acreages of unreclaimed land at coal mines and weaknesses in state and federal policies that have allowed reclamation to

River downstream of Montana’s largest coal mine.

Coming mine closures are foreshadowed by several years of high-profile coal company bankruptcies, including the July 2019 closure of the Eagle Butte and Belle Ayr mines in Wyoming when Blackjewel LLC filed bankruptcy. These closures—the first since large-scale mining in the Powder River Basin began in the early 1970s—are a sign of what’s in store for Western coal country, according to the report. Other reports show that more than 50 U.S. coal companies have filed bankruptcy in the last decade, and a vast proportion of domestic coal comes from mines that have gone through bankruptcy in the past five years.

The report recommends several actions to minimize the risks of underfunded and state-run mine cleanup:

- State and federal policymakers should require detailed closure plans for mines and transparent disclosure of timing of mine closures as well as the financial resources available to pay for post-closure reclamation.
- Federal and state regulators should press mining companies to reduce active mining areas and long-term facilities as much as possible and as early as possible prior to mine closure.
- Regulators should eliminate self-bonding at both state and federal levels.

*Planning for Coal’s Decline* is available on WORC’s website at <http://bit.ly/planning-for-coals-decline>.

**Western Organization of Resource Councils**

## Gary Packard Obituary

The Powder River family is saddened by the loss of founding member Gary Packard, who passed away Jan. 16, 2020 at the Johnson County Health Care Center in Buffalo. In 1973, Powder River held its very first meeting in Gary’s barn near the confluence of Crazy Woman Creek and the Powder River. Gary was passionate about ranching as well as protecting the land and water that made ranching successful. He was always available to lend a hand to his friends and neighbors. His leadership efforts with Powder River during the coalbed methane boom years helped raise the profile of the devastating impacts on the landscape and ranching families. Those efforts resulted in changes that gave ranchers more rights when negotiating with the oil and gas industry. Gary also served on the Powder River Board of Directors for eight years.



Gary W. Packard was born on October 2, 1946, in Sheridan, Wyoming to Wayne and Murel Packard. At the age of two, he and his family moved to Idaho Falls, Idaho where he lived until 1962. His family then moved to Cody, Wyoming where Gary graduated from Cody High School with the class of 1965. After high school he guided hunters in the Thorofare outside of Cody. He joined the Wyoming National Guard and served from 1965 until 1970. He

was married on May 11, 1968, in Cody to Susan Kalian and they made their home on the Packard Family Ranch on Crazy Woman in Arvada, Wyoming. Gary and Sue lived, worked, and raised their family on the ranch where he lived until his death.

Gary was heavily involved in 4-H and FFA. In 1963, he traveled to Europe with the Cody FFA. He was also a 4-H leader of the Blue Jeans 4-H Club for over 25 years. He dedicated his life to ranching and was nominated for the Outstanding Rancher Award. Gary had actively served on the Range Telephone Board since 1988.

He is survived by his wife Sue of Arvada; two sons, Steve Packard and his wife Amy of Arvada and Scott Packard and his wife Kari of Buffalo; one daughter, Stacy Packard of Arvada; ten grandchildren: Mason, Keely and Hannah Rockafellow, Lacey, Ethan, Miles, Kolby and Brenden Packard, and David and Chrissy Welty, as well as one great-grandson, Connor Packard. He was preceded in death by his parents, one sister, Wanda Hape, and her husband, Chester Hape.

# Citizens & Scientists Speak Out Against Proposed Changes to NEPA

Community leaders from across the Western U.S. traveled to Denver, Colorado on February 11 to testify at a hearing held by the Council on Environmental Quality (CEQ), the division of the White House charged with implementing the National Environmental Policy Act (NEPA). In the public hearing, farmers, ranchers, tribal members, environmental experts, and others from across the West turned out in force to testify against CEQ's proposed changes to the rules implementing NEPA.

The CEQ is proposing a number of fundamental and troubling changes to the NEPA rules, which have not greatly changed since their adoption in 1978. Under the proposed rules, government agencies could ignore the



Liza Millett testifying at the NEPA hearing in Denver.

landscape-scale or global impacts of a project, such as climate change; public participation would be reduced to the lowest legal amount, and complex environmental reviews would be subject to arbitrary time and page limits. The proposal also explicitly allows a project applicant, such as a company proposing to mine or drill public minerals or on tribal lands, to prepare its own environmental impact statement and removes the prohibition on hiring contractors that have conflicts of interest, such as financial ties to the applicant.

Those testifying in Denver told CEQ that NEPA's public comment process promotes public participation in government decision-making, and should be strengthened, not weakened.

Powder River member Liza Millett was among those who traveled to Denver. Here is her testimony:

*Good afternoon. My name is Liza Cuthbert-Millett. I live in Laramie, Wyoming and also work at my family cow/calf ranching operation in the northeast part of the state. I come to you today with the perspective of a citizen who has been involved in the NEPA process to protect my quality of life and livelihood.*

*NEPA was enacted in 1970 to require agencies to essentially look before they leap - to study the environmental, public health, and economic consequences of a decision and to consider alternatives that will reduce those impacts. While NEPA does not mandate a result, it is the process that matters, especially as a mechanism to allow those most impacted by an agency decision to weigh in and comment.*

*The right of citizens to meaningfully weigh in on federal deci-*

*sions impacting their communities is the most important guarantee of the current NEPA regulations. NEPA recognizes that the public can make important contributions by providing information, perspective and, in some cases, unique expertise to assist the many public servants and experts who ultimately make decisions affecting the environment. I oppose any limits on the public's ability to participate in federal decision-making.*

*This is especially important for landowners and others who are directly impacted by decisions related to oil and gas development, power line construction, pipeline right of ways, and other federal actions that are proposed by private corporations. NEPA is the process by which those of us impacted by these kinds of decisions get to submit comments to the agency. In many cases, public comments result in a better decision. Comments help mitigate impacts and often force the agency to look at alternatives and other options that it would not have been considered but for the public involvement in the process.*

*One part of the rule that is particularly concerning to me is the **time limits** that are being proposed. Citizens like me without technical backgrounds need adequate time to participate in the process. The documents are long and complex. I worry that a rushed review will become a bad review and will cut off meaningful opportunity for public participation.*

*I am also concerned about the proposed changes to how agencies will consider **cumulative impacts**. Living in a state like Wyoming, I know decisions have a landscape-scale impact. We have to consider impacts – and corresponding protections – at a large scale to better protect habitat necessary for vibrant wildlife populations, and our air, land, and water resources, not to mention to the global climate.*

*I hope you consider the comments of people like me. I **oppose** the current proposed amendments to the NEPA regulations, and I hope the CEQ keeps the set of rules currently in place that have worked well for citizens and communities for decades. My family ranch, my community, and the citizens of Wyoming depend on it for their future.*

The rules are out for public comment now, and we encourage members to submit comments opposing the CEQ's proposed changes. Look for more information from us soon, but in the meantime you can visit <https://ceq.doe.gov/laws-regulations/regulations.html> for more information.

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

*Adopted from a Western Organization of Resource Councils' Press Release*

## Sheridan Community Solar Update

During the past several months in Sheridan, we have been busy gathering support for community solar. While we have been working on this for a while, we recognize that some people may still be unaware of what community solar is and how it can benefit communities.

Community solar refers to a mid-size solar installation (around one-to-two MW) from which people in a community can purchase or lease power. Depending on the model, either the energy itself (an amount of production) or a portion of the facility (a certain number of panels) belong to a system subscriber. This energy is then credited to subscribers' bills on a monthly basis.

A portion of a community solar facility can be set aside for use by low-income residents. People or companies in the community can purchase extra panels or energy that they do not intend to use. Residents who are struggling with utility bills can then apply to use that energy for free.

In Sheridan, we started by having a conversation with our utility, Montana Dakota Utilities (MDU). We asked if they would consider installing community solar, and they said they would if we could show community

interest. At that time, we set a goal of collecting 200 signatures of interest from MDU customers.

We have exceeded that goal and continue to gather signatures of support. We have also started collecting letters of support from local businesses and other entities and have been in contact with the city council. While conversations are at an early stage, we have support on the council for our work.

In addition to all of our work within Sheridan, we have also been busy making connections outside of the area. Beartooth Electric Cooperative already has community solar, and they are willing to help MDU with the logistics of structuring a program. Additionally, a solar development company with experience getting community solar projects started in rural communities has offered to sit in on meetings with MDU to help guide the conversation.

We will keep you posted throughout the year. And, when it's time to install Sheridan's community solar facility, we will invite you all to the celebration party!

**Hesid Brandow**  
**Powder River Staff**



# Vance Returns to Powder River



Pennie Vance was raised on the family cattle ranch north of Ranchester where she lives today with her grandson, Wes. She returned to Powder River in January 2020 as the Ag & Local Foods Organizer, a position she held years ago before leaving the organization in 2004 when she purchased The Book Shop in Sheridan. Prior to Powder River, she was a youth counselor at NSI, a program for at-risk youth, then served as executive director for the NSI Montana program. Pennie

also co-owned and operated a wilderness hunting and fishing outfitting business in the Bridger-Teton Wilderness.

Pennie has a Bachelor of Science degree in Political Science from University of Wyoming where she also studied art and public administration. She says that working for Powder River on split estate legislation, COOL, and other challenges still relevant today, was one of her most rewarding jobs years ago, and she's very excited about having the chance to return to one of Wyoming's finest organizations.

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

## Alliance for Renewable Energy of Laramie

During the Spring 2019 Campus Sustainability course, University of Wyoming students completed the City of Laramie's first greenhouse gas emissions inventory for municipal operations and activities. Alongside the City of Laramie staff, Powder River's newest affiliate, Alliance for Renewable Energy (ARE) of Laramie, supported the completion of this inventory to help to promote infrastructure developments of renewable energy in the city.

As part of that effort, ARE and students will now extend the municipal inventory to a community-wide emissions inventory, including residential, commercial, industrial, and government emissions, drawing from existing

municipal data throughout the 2020 spring semester. Working with ICLEI-Local Governments for Sustainability's web-based cohort of students within the region, students will receive guidance to complete data collection and input for Laramie's first community-wide greenhouse gas emissions inventory.

Based on data gleaned from the inventory process, students will share results and make recommendations to ARE and other relevant stakeholders for next steps in emissions reductions planning.

**Monika Leininger**  
**Powder River Staff**

### Boysen...Continued from page 1

in Boysen Reservoir. The permit fails to cut back total dissolved solids, chloride, and other constituents and allows Aethon four years to come into compliance with violations of chloride standards in Badwater Creek. The proposed permit also fails to require limits for benzene, toluene, ethylbenzene, and xylenes.

Powder River and our allies, Wyoming Outdoor Council, Natural

Resources Defense Council, and the National Audubon Society will continue our work to ensure these streams are protected and restored.

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

### PacifiCorp...Continued from page 1

facts. The IRP proposes to do that, along with a transition plan for workers and communities.

After the meeting, I visited with several people and got a sense that Powder River's message was not unwelcome. However, the main message the PSC heard from Kemmerer was loud clear: "save our jobs and economy." That's not the purview of the PSC, even if there is enabling legislation that is meant to tip the scales in favor of fossil fuels.

However, the message the PSC heard in Rock Springs was quite different. Perhaps due to the midday schedule on a weekday and the small venue in the city council chambers, there was at most a group of 75 at any one time, and the group dwindled considerably as the day wore on. Few attendees took the opportunity to speak, but those who did represented a much broader diversity of messages than spoken in Kemmerer. Here are a few examples:

"We're not facing reality. Half a million people can't tell the West Coast what to do," said Tom Gagnon, who also had a letter in the local paper.

Local resident Meghan Jensen, whose family works in the oil and gas industry, said, "It's the PSC's job is to address rates and reliability, not jobs. If we're concerned about the economy, we need to get together and talk about that."

Dana Furgason, a former Bridger employee said he appreciated the opportunity to make a good living and feels bad that's ending, but welcomed PacifiCorp's commitment to worker transition. "It's a good company, but the life expectancy of the plants is coming to an end. They are providing educational assistance for employees. In the Powder River Basin people are

**"It's the PSC's job is to address rates and reliability, not jobs. If we're concerned about the economy, we need to get together and talk about that."**

**-Meghan Jensen**

losing jobs, and the companies are walking away."

Regina Clark, with Western Wyoming Community College Board of Trustees, said that WWCC sees PacifiCorp as a good partner and shareholder, a corporation trying to be responsible. She feels for people "education can be part of the transition. WWCC is a good shared asset. We need to come together to figure out what we are going to do."

Because of the lower attendance, Sweetwater County Commissioner Wally Johnson asked for a "do-over." The PSC has since responded, and an additional public comment meeting has been set for

May 20.

Powder River had a presence at both PSC meetings; along with articles and letters-to-the-editor (there were also no pro-coal letters at that time), we helped inform and organize the grassroots. We ran ads in local papers that were certainly noticed, and likely contributed in part to the attendance in both locations. We will participate in the May meeting and continue working to address the issues around energy transition with southwestern Wyoming communities.

Additionally, Powder River has intervened in the more formal part of the investigation, and will be providing expert testimony and information on the IRP to the PSC for its consideration.

**Michele Irwin**  
**Powder River Staff**



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### 2020

19 March	Farmers Market Vendor Marketing Workshop
20 March	Board Meeting, Casper
22 April	Spring Solar Celebration, Rock Springs
6 August	Picnic on the Pathway, Sheridan
29 August	Harvest Celebration
29 October	Healthy Soils Workshop
7 November	Annual Meeting, Sheridan

## Planned Giving and Estate Planning Gifts

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

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

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

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

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

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

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

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

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

Thank you!

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