



## Powder River Objects to Proposed Ramaco Coal Mine

Powder River and many Sheridan County landowners and concerned citizens filed objections to Ramaco’s proposed Brook Mine this month. The mine is proposed approximately six miles north of Sheridan, in the scenic Tongue River Valley, an area with important agricultural and recreational attributes. Most of the objecting landowners live in close proximity to the mine and are concerned about impacts to their property, health and safety, and quality of life.



Areas of active subsidence are common in this area.

Ramaco’s coal mine permit underwent six rounds of technical review from the Department of Environmental Quality (DEQ) back in 2014-2016. After a contested hearing before the Environmental Quality Council (EQC) in 2017 and an order in favor of Powder River, local landowners the Fishers, and Big Horn Coal Co., the company resubmitted a revised permit application to DEQ in October 2018. The permit application then underwent another six rounds of technical review and was released for public comment in early March.

While the permit has improved over its many rounds of technical review, Powder River and the citizens argue that the permit application is still too vague to analyze and understand the impacts to air, land, and

water resources as well as public health and safety. Additionally, the permit application fails to consider any cumulative impacts of Ramaco’s proposed iPark and iCam carbon manufacturing facilities, which are linked to the proposed Brook Mine. Ramaco has proposed a 39-year mine plan, but it remains unclear how much coal they will actually need and for how long.

In its comments to DEQ, Powder River wrote, “Ramaco’s facilities are highly dependent on government funding, technology breakthroughs, and other unknowns that make them speculative. The company has not provided any justification

for its 39-year proposed mine life and/or the amount of coal it proposes to mine.”

Ramaco has gone from claiming the mine would produce 6-8 million tons per year to more recently saying the mine will be on a “very limited basis” with no more than a couple hundred thousand tons a year and a handful of employees or contractors. Over the many years of mine plan review, Ramaco has never been transparent about the economic case to open a new coal mine at a time when existing mines are cutting production and a surplus of coal reserves is widely available

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## Laramie Passes Carbon Neutral Resolution

In March, Powder River’s affiliate, the Alliance for Renewable Energy of Laramie (ARE), realized a big win when the Laramie City Council unanimously approved a resolution for the city to become carbon neutral by 2050. ARE members have been working on this issue for the past two years, gathering the necessary data on municipal emissions and garnering public support for the issue. An excited and supportive public packed the city council chambers on the evening of the vote.



Alec Muthig from the Laramie Environmental Advisory committee presents the carbon emission reduction recommendations.

Using the city’s 2018 emission levels as a baseline, the guidelines set forth by the Laramie Environmental Advisory Committee calls for a 50% reduction in emissions by 2030, 90% by 2040, and to achieve net-zero emissions by 2050. Some of the recommended actions to hit these benchmarks include converting the city’s fleet to hybrid and electric vehicles, installing solar panels on city buildings, and using other energy

efficiency measures. The resolution adopted by the Laramie City Council designates the commitment for a carbon neutral city by 2050.

The resolution was made possible by the year-long effort to inventory the city’s emissions, which was organized by ARE and partners, the University of Wyoming’s Haub School of Environment and Natural Resources and the City of Laramie. To further advance the goal of achieving carbon neutrality, ARE and university students now are working to extend the municipal inventory to a community-wide effort. ARE plans to continue to guide the transition to carbon neutrality by providing public educational sessions and

working with businesses and city partners to encourage greater use of renewable energy.

**Monika Leininger**  
Powder River Staff

# Message from the Chair

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

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

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

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

## Active Affiliate Organizations

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

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## Powder River Breaks

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



Dear Powder River members and friends,

Our thoughts continue to be with you, as we wish you safe-keeping and good health during this challenging time. While our office is closed, our staff are working at home. Periodically, someone visits the office to check for mail, pay bills, and deposit checks. If you need to reach us, call the office (307-672-5809) where staff cell phone numbers are listed on the office answering machine's message. Our board of directors met electronically in March and will do so again in May. We appreciate your engagement and support, as we work on the important issues that

continue to arise and are, indeed, exacerbated during these difficult times.

The Coronavirus, or Covid-19, pandemic is not only a global health crisis. It is also an environmental crisis. World-wide toxic pollution and industrial contamination make following the rules of hygienic prevention challenging for some and impossible for many. In the U.S., public health officials have long been concerned about the link between the exposure to dirty air and the increase in deaths from respiratory illness. Now, recent research conducted at the T.H. Chan School of Public Health at Harvard found that in polluted air, higher levels of the tiny, dangerous particles known as PM2.5 are associated with increased death rates from Covid-19.

We in Wyoming have been blessed with wide open spaces, which can make physical distancing appear simply to be an extension of our normal way of life. However, we too have our challenges. Over the years our air and water have suffered from industrial contamination which has endangered the health of all life. For the past 47 years PRBRC has confronted these environmental health risks. They are too numerous to list, but here are a few examples: the contaminated groundwater in Pavillion which killed livestock and sickened landowners; the oil and gas wastewater discharge into the Boysen Reservoir which our hydrogeologists concluded was unsafe for livestock, wildlife or aquatic life; the coalbed methane-infested land and water in northeast Wyoming which created life-killing salt deposits on land and in creek beds, and the distressingly poor air quality in residential neighborhoods in Converse and Laramie Counties where oil and gas wells have recently located. Powder River has worked hard to stop these and other assaults on the health of our environment and its inhabitants by holding industry accountable and by prodding the state to enforce protective regulations. With your support, we will continue to do this important work which relies on the scientific evidence of expert consultants. We will continue the work even as the monitoring of industrial compliance with regulations has been recently relaxed, ironically in the name of Covid-19 exigency.

On a more personal level, my heart these days is with all those suffering from Covid-19 and their families, as well as with the hundreds of thousands of healthcare workers who put their lives on the line every day and night to care for them. Among these generous stalwarts is my niece Molly who is a healthcare worker in a nursing home in Pennsylvania where—at the time of this writing—37 of its residents have been diagnosed with Covid-19. Molly represents the best that is in all of us. She is a poignant reminder to me that whenever I wash my hands in hot soapy water for 20 seconds, or spend the majority of my days sequestered at home, or—if I am needing to be outside—practice physical distancing and wear a mask in the presence of others, I am doing my part in some small way. When I take these precautions, I am not only honoring Molly. I am also caring for the healthcare workers in my own rural, Wyoming community by taking steps to reduce the spread of the disease to which these workers are selflessly poised to respond. I am grateful for them and for the good fortune to have the means to protect myself and others from contamination. And I am reminded that surviving this pandemic is a project that requires a united effort in which everyone is essential. When we recall these difficult days sometime in the future, I hope we will continue to care for the health of our environment and all those who live within it.

May all beings be safe,

*Marcia Westkott*

# Proposed Coal Bailout Would Mean Revenue Shortfalls for Communities



The Western Organization of Resource Councils (WORC) and its member groups in Wyoming, Montana, and Colorado asked Congress and the White House to reject a recent appeal from the National Mining Association (NMA) to use the COVID-19 crisis as an excuse to roll back royalties paid to the federal government.

A March 18 letter from the NMA detailed a series of unprecedented and unwarranted asks. The letter was sent to the White House and Congressional leadership the day before Senate leadership released text for a \$1 trillion dollar legislative stimulus package that would direct payments to individuals, small businesses, and the airline industry, along with other “severely distressed sectors” of the U.S. economy. Although the coal industry was not one of the industries named, this text was considered to be just the first step, leaving ample opportunity for the NMA to continue to lobby for rollbacks.

If implemented, these gifts to industry would dramatically reduce revenue to both states and the federal government from coal mined across the country. Western states would have been particularly hard hit if federal mineral royalties, which are paid on publicly owned coal mined and sold by coal companies, were reduced or eliminated. Royalties are not a tax, but rather a payment to the owner of the resource – in this case the federal government – when minerals are taken from public land and sold. They are the price the mineral owner receives, and are determined by the mineral’s value when sold by coal companies. In

the case of federal surface coal, this royalty is 12.5%. Approximately half of federal royalties collected are returned to the state where mining occurs. This means royalty income is crucial for public services in a state like Wyoming, which produces approximately 40% of the nation’s coal. Any loss in federal royalties results in large revenue losses for the states.

“This is so obvious it shouldn’t have to be said: Coal companies need to be paying American taxpayers for the public coal they mine and sell,” said Bob LeResche, a Powder River Basin Resource Council Board Member from Clearmont, WY. “Congress has a duty to ensure state and federal taxpayers get the full value for our minerals. Cutting royalties would not increase the demand for coal. It would only further hurt states like Wyoming, which are already struggling from revenue lost from shrinking coal markets.”

“Coal executives’ troubles are based on a long history of poor management and poor planning for changing energy markets,” said Ellen Pfister, a Northern Plains Resource Council member who ranches above an underground coal mine near Shepherd, MT. “Reducing the Black Lung Excise Tax passes the burden onto people who are least able to bear it. CEOs are seeking to manipulate a global public health crisis for private gain. We should use funds to help workers and communities, not give sweetheart deals to massive coal companies.”

**Adapted from the Western Organization of Resource Councils**

*Editor’s Note: The coal bailout was not included in the CARES Act passed by Congress on March 27, 2020.*

## House Committee Passes AML Fund

On January 15, the U.S. House Natural Resources Committee passed HR 4248, which reauthorizes the abandoned mine land (AML) fund, which is set to expire next year unless legislation is passed. The fund is a per-ton fee on coal mined in the U.S. and was a cornerstone part of the 1977 Surface Mining Control & Reclamation Act (SMCRA). SMCRA put in place the nation’s regulatory framework for coal strip mining and recognized that mines before this regulatory framework were abandoned and in need of funding to clean up and reclaim. In a rare showing of bipartisan vigor, the committee passed the bill by a voice vote.



The bill’s main sponsor, Rep. Cartwright of Pennsylvania said, “Reclaiming these sites will create economic opportunities for coal country. I have seen first-hand the risks that abandoned mines pose to our community health, our safety, and our economy. We can’t afford for efforts to clean up these dangerous sites to stall.”

The AML fund has a revenue share with the states where the coal is mined, making Wyoming the largest beneficiary of the AML program. This year alone Wyoming will receive \$35.8 million in funding.

**Shannon Anderson**  
Powder River Staff

POWDER RIVER BASIN  
RESOURCE COUNCIL

**LOCAL FOODS  
MARKETING  
WEBINAR**

The marketing workshop has been switched to an online event. It will be available at [www.powderriverbasin.org](http://www.powderriverbasin.org) & on the PowderRiverBasinRC YouTube channel.

For more information,  
email [info@powderriverbasin.org](mailto:info@powderriverbasin.org)  
or call 307-672-5809.

POWDER RIVER BASIN  
Resource Council

**Stay tuned for release.**

# Landowners Object to High-Volume Ogallala Aquifer Drawdowns

Laramie County landowners are concerned about a new permit proposal to allow eight water wells drawing a combined 1.5 billion gallons per year from the Ogallala Aquifer. A Cheyenne-area family, the Lerwicks, have applied for permits for these wells. However, neighboring landowners are opposed to these permits due to concerns that the aquifer levels would be lowered, causing domestic, livestock, and irrigation wells to go dry. Landowners also worry that this water will be sold and used for ongoing oil and gas development in the area.

“One can speculate that the reason the Lerwicks want these high capacity wells is not for agricultural use but instead for the sale of water to the oil and gas industry,” said Alex Bowler, Cheyenne Area Landowners Coalition President, in a letter to the State Engineer’s office.

The proposed wells are within the Laramie County Control Area, the groundwater management district in the eastern part of the county that was established in 2015 due to declining groundwater levels. There are several areas of the county in which groundwater levels have been dropping, caused by years of utilizing water faster than

it can recharge, causing a depletion of groundwater resources..

These large aquifer drawdowns pose additional risks both to Laramie County’s current and future water resources. The new wells could also endanger springs and streams that are crucial to Laramie County’s ecosystem and which also provide a natural habitat for wildlife and water resources for livestock.

Since 2015, Laramie County has made great strides in preserving areas of the aquifer that have been over-utilized by retiring high capacity water wells and encouraging irrigators to use more conservative equipment. Powder River has submitted comments raising questions on the permit, alerted our Laramie County members for engagement, and will track the hearing on the proposed permit. Due to COVID-19, the State Engineer’s Office has postponed the hearing on the Laramie County Control Order. Citizens can keep track of when the hearing will be rescheduled at <https://sites.google.com/a/wyo.gov/seo/home/news-and-press-releases>.

**Monika Leininger**  
Powder River Staff

## Report Shows Wyoming Has Wasted Time & Money on Failed Coal Projects

In March, Powder River released a new report, “Lessons from History: Wyoming’s 30 Years of Failed Coal Upgrading Projects,” which traces the state’s legacy of coal upgrading projects from the 1980s to the present. Powder River researched 16 different public and private projects that were attempted during the past 30 years and found that only one successfully created a marketable product. The report offers the 15 failed projects as evidence that the time and money dedicated to these coal upgrading projects have not stemmed coal’s declining market.

“For 30 years, Wyoming has pumped money and support into a string of failed schemes aimed at propping up coal mining, at the expense of modernizing the state’s economy and tax structure. These efforts have wasted hundreds of millions of dollars and led to the public bearing the cleanup costs of several futile projects,” said Bob LeResche, an editor of the report and Powder River Board Member. “Worst of all, false hopes raised by these projects have led to complacency among policymakers who should have been planning for the future. With the false hope for a silver bullet, no one faced our real need for transition, and now the state is facing a dire situation.”

The 16 coal upgrading projects in the report were all aimed at either enhancing the value of coal as fuel for electrical generation or creating new uses for coal. All of them sought to increase coal’s marketability through a handful of methods, including coal drying, coal-to-liquids, gasification, coal to activated carbon, and coal to carbon fiber. A few of the projects, though they received funding, were never even built, such as Char Fuel’s coal-to-liquid plant, the High Plains Gasification Research Facility, and the Hampshire Energy Synfuels Plant.

Other projects managed to start up only to experience

LESSONS FROM HISTORY:  
Wyoming’s 30 Years of Failed  
Coal Upgrading Projects



environmental problems that required clean up, some of it at taxpayer expense. Both the Rocky Mountain 1 and Hoe Creek underground gasification ventures led to environmental contamination. Hoe Creek’s test site released a stream of benzene into a freshwater aquifer, and subsequently became a superfund site. Linc Energy’s underground gasification enterprise was another highly anticipated project, but the company was charged with willfully causing environmental harm for the same type of project in Australia and later declared bankruptcy.

The report states that the coal market is steadily declining outside of Wyoming, and the state needs to figure out how to adapt to create a more sustainable future. Time and money spent now trying to save coal is time and money that better could be invested in systemic changes to Wyoming’s tax system and our economic base. For the state going forward, it is essential that Wyoming leaders face the truth about the changes that are occurring and the fact that coal is not going to make a miraculous comeback. Otherwise Wyoming will continue to throw good money after bad. Case in point, the 2020 Wyoming Legislature has earmarked another \$7 million in the University of Wyoming’s budget for “coal beneficiation,” or simply put, coal upgrading, along with research to transform coal into construction or asphalt paving materials or agricultural fertilizers.

“Overall, one of the worst outcomes of this failed legacy is the lost opportunity. As a state, we could have funneled this time, money, and energy into diversifying our economy so that we would be experiencing community stability and economic growth instead of suffering the consequences of fiscal neglect,” said Marcia Westkott, Powder River Chair.

**Powder River Staff**

# State Leaders Need to Hold the Line on Oil and Gas Taxes and Regulations

Along with millions of others around the world, Wyoming families are struggling to stay safe and afloat during the virus pandemic. Our state faces several severe budget crises on the horizon, which are only being made worse by the pandemic. But we should not be fooled into taking measures called for by the oil and gas industry, as they will only make our budget problems even worse.

Wyomingites have long supported the oil and gas industry; it provides jobs and critical revenue streams for our state, counties, and local communities. But now, industry executives and lobbyist groups are using the pandemic as an excuse to dodge their financial obligations to the state.

During the recent legislative session, Wyoming approved a 2% severance tax break for new oil and gas wells when the price is below \$50/barrel for oil and \$2.95/1,000 cubic feet for gas. Study after study has shown that tax rates do not determine whether a well gets drilled. The most important factors are geology and market forces. Low prices were already a problem before the pandemic because of a global glut in oil and gas production, so obviously the state won't see a surge in new production anytime soon regardless of tax rates. To the contrary, we'll likely have an uptick in shut-in and orphan wells as financially stressed companies walk away from operations.

Even more troubling, companies are declaring bankruptcy and handing out multi-million dollar bonuses to their executives. Whiting Petroleum Corporation filed for bankruptcy last week and granted their executives \$14.6 million in bonuses. Based on the facts, this is not an industry we can trust to look out for the public good without careful oversight.

But now the pandemic is straining oil and gas markets even more, and the industry has a whole new wish list they are asking Wyoming to grant. In a special meeting on March 31, the Wyoming Oil and Gas Conservation Commission voted – with only hours of public notice and testimony only from industry – to temporarily eliminate the conservation tax for the first time in Wyoming history. The conservation tax rate has fluctuated over the years and was set at .0005, or five-tenths of a mill. You may be thinking, it's such an insignificant amount, it's not a big deal. But if that's the case, then why even give the tax break in the first place? We are giving away the state's money at a time when we need it the most, and the irony is that the companies have already admitted this tax break will not make a difference in terms of keeping drilling operations afloat.

This conservation tax is how the WOGCC funds their budget,

and it pays for plugging thousands of orphan oil and gas wells when companies default, and their bonds fall short of covering those costs. Continuing to cater to the industry's every whim will leave more orphan oil and gas wells unplugged and spell disaster both for landowners living with the legacy of orphan wells on their land and for taxpayers left holding the bag.

On top of looting money from current and future Wyomingites, the oil and gas industry now is using a public health pandemic as an excuse to relax regulations put in place to protect public health. They want less reporting, less compliance, and less burden. Both here and nationwide, petroleum organizations have lobbied officials asking for relaxation of requirements. How ironic that at this time of a public health crisis, we are doing the opposite of protecting public health by allowing the industry to release hazardous waste into our air, land, rivers, and streams.

Companies are also asking for reduced idle well bonding, forbearance on local and state tax payments, and other measures they claim will help their bottom lines, even though it is clear oil and gas markets cannot be restored by these kinds of ill-conceived measures. Now more than ever, we need our state leaders to hold the line on regulations, taxes, and protections like orphan well cleanup and idle well bonding. We need to think of the future beyond the short-term pandemic and plan for our communities to thrive in the long-term.

Fossil fuel markets have been in general decline for some time. Now the COVID-19 crisis has underscored our need to diversify Wyoming's economy. Our extreme dependence on the oil and gas industry has left us vulnerable. We need to focus on empowering and strengthening other sectors of our economy, and we need to recognize that forgoing important revenues during this time of great need is not the answer. We can no longer afford to put industry interests over the well-being of the people.

**Wayne Lax**  
Cheyenne, WY

*Wayne Lax serves on the Board of Directors for the Powder River Basin Resource Council and lives in Cheyenne, WY.*

*Editor's Note: This was originally published in the Casper Star-Tribune on April 12, 2020.*

## Powder River Solar Energy Production

Energy Produced: 403.78 kWh  
Carbon Offset: 615 lbs

We have offset the equivalent of 7 trees in Feb and March 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.

Thanks to all of you for being active during the legislative session. While it was a tough session for a number of issues as legislators were focused on industry bailouts and subsidies, we worked hard to successfully amend bad bills and support good ones that made it through to the Governor's desk. Here are the details.

## **Bills to Buy Land & Minerals from Occidental Petroleum**

### **House Bill 249 - Investment of state funds and Senate File 138 - Investment of state funds-2.**

We had grave concerns about these bills, and our role in the process was important and successful. Governor Gordon vetoed the final bill left standing. For details see the full article.

## **Bills that Will Hurt Ratepayers and Subsidize Coal**

**House Bill 200 - Reliable and dispatchable low-carbon energy standards**, sponsored by Representative Zwonitzer and 11 other legislators, creates a first-in-the-nation standard to require utilities to generate electricity using coal plants with carbon capture systems. This bill will significantly increase utility bills because carbon capture is expensive and makes coal plants less efficient. The bill allows utilities to recover money they invest in this technology by raising electricity rates on Wyoming consumers. The legislation was amended to require fairer treatment of ratepayers as we head into the rulemaking process.

## **Supporting Our Agricultural Heritage**

**Success! House Bill 142 - Agriculture marketing funds - processing plants** provides a small fund to assist Wyoming meat processing facilities in getting up and running. This legislation will help get more local Wyoming meat to market.

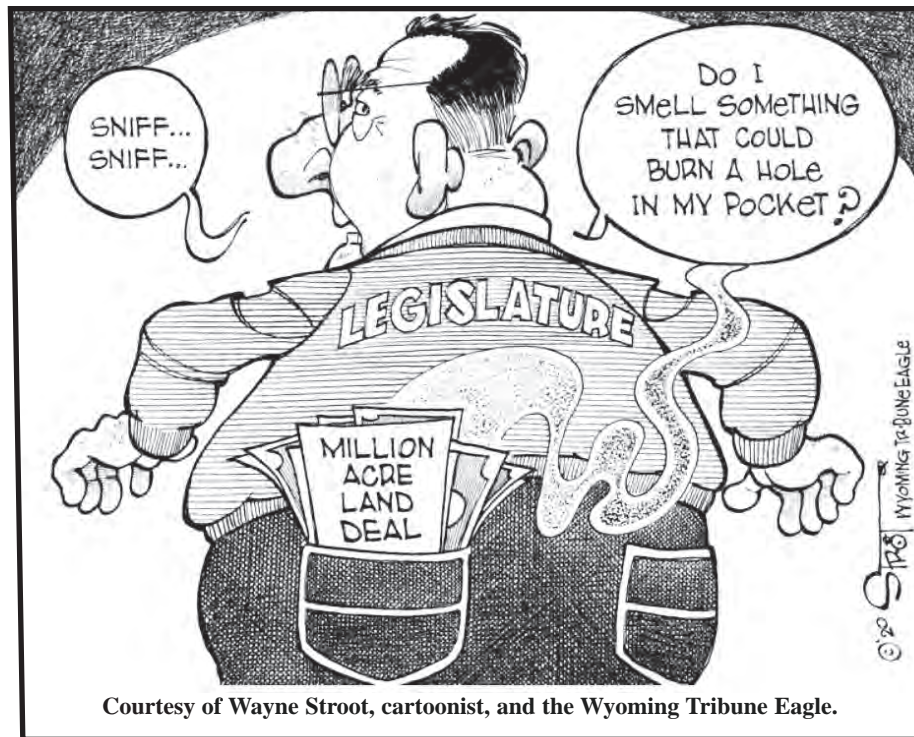
## **Addressing Delinquent Mineral Taxes**

**Success! House Bill 159 - Ad valorem tax payments** will help counties get the taxes they are owed in a timely fashion. See the related article for details.

**Senate File 139 - Tax lien enforcement** is a companion bill from the bankruptcy task force that helps counties move up the collection line when a company files for bankruptcy. Bankruptcy and tax law are both very complicated, so we won't attempt to describe all of the intricacies, but know that it is a good thing for schools and our communities.

## **Tax Breaks for Industry**

**Success! House Bill 91- Economic diversification incentives for mineral exploration** would have provided a severance tax credit for mineral exploration so long as the mineral is not currently being produced in the county. It was a long and confusing bill, and likely would have only caused headaches for the Department of Revenue. Thankfully the bill died.



Courtesy of Wayne Stroot, cartoonist, and the Wyoming Tribune Eagle.

**House Bill 231- Coal severance tax exemption-Canadian and Mexican ports** reduces coal severance taxes for coal that would be exported through ports in Canada and Mexico. It's an effort to promote coal exports, but unfortunately all it will do is decrease much needed funding for education and government services because subsidizing coal exports by exempting severance taxes won't make coal exports any more economic or technically feasible. The bill passed.

**House Bill 243 - Oil & gas new production** reduces severance taxes from 6% to 4% for new oil and gas wells for a period of six months. The bill almost died twice but kept finding a way to survive.

In the end, legislators agreed to extend a 1% tax break for another six months. That version of the bill passed.

**Senate File 85 - Uranium taxation rates** was also resurrected from the dead and passed. This bill is another bad severance tax break that allows the uranium industry to pay NO severance taxes. The bill was successfully amended to sunset the tax break in 2026 as opposed to the originally proposed 2031. Another amendment prevents use of the tax exemption if a company is not current on payments of its *ad valorem* mineral production taxes.

## **Other Bills of Interest**

**Senate File 36 - Large scale solar and wind energy facilities** brings large solar systems into Wyoming's Industrial Siting Act by requiring a permit and placing restrictions on wind and solar energy facility locations. We supported amendments that ensure a fair playing field for solar and wind. The bill was amended to address how renewable energy will accommodate mineral interests when a project is permitted and passed.

**House Bill 74 - Small modular nuclear reactor permitting** allows permitting of a small modular nuclear reactor (which do not currently exist in the country) at a retiring coal or natural gas plant site. The idea is to try and transition a coal plant to a small nuclear plant. That idea has numerous technical and economic flaws. With some improving amendments, the bill passed.

**House Bill 129 - Reclamation of surface coal mines turbine blades** would allow the disposal of wind turbine blades in coal mines. The legislation allows a coal company to serve as a landfill, and the company would be able to generate some revenue from the disposal of the turbines coming from in-state or even out-of-state wind farms. We have concerns from a reclamation science perspective and are urging additional study and review before the state moves forward. The bill passed.

# Session Update

## Win on Monthly Collections of *Ad Valorem* Taxes

Powder River has long supported moving *ad valorem* mineral production taxes to a monthly schedule. The tax is important because much of it is allocated to education and other public services.

Currently, collection of these taxes does not occur until 18-24 months after minerals have been extracted and sold. That is enough time for a lot to happen in energy industries, which are subject to extreme fluctuation. This year, the collection schedule will begin to change.

House Bill 159 made it through both houses and successfully completed its journey when it was signed by Governor Gordon. The legislation implements monthly collection of the *ad valorem* mineral tax, albeit slowly. It will take several years for the transition to be complete, with a schedule that eases companies into the new schedule.

Prior to the session, the bill would have had companies complete their transition to the new payment schedule within three years of implementation—though implementation would not begin to occur

until 2023. After a slew of amendments, both on the floor and during committee meetings, the bill now begins the transition to the new schedule in 2020, but companies will not completely transition to the new schedule until 2027.

While this legislation ended up changing quite a bit, the fact that it passed is still a major win. Given the many unsuccessful attempts through the years to correct collection of this tax, the fact that all parties came to some semblance of agreement on how to handle the transition is truly heartening.

The work Powder River did to get citizens, county treasurers, and the Wyoming County Commissioners Association involved made the difference this time. So, give yourself a pat on the back, Powder River members. Because you cared enough to get involved, we truly made a difference!

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

## Powder River Urges Caution on Purchase of Occidental Petroleum Lands & Minerals

In an April 10 letter to Governor Gordon, other state-wide elected officials, and legislative leadership, Powder River Chair Marcia Westkott urged caution and thorough review of any potential deal for the state to purchase lands and minerals owned by Occidental Petroleum.

During the 2020 legislative session, Powder River actively worked to amend legislation that would have established a process for legislators and the public to review any potential purchase, and provide comments to the top elected officials. However, in a surprising move, Governor Gordon vetoed the legislation after the legislative session, leaving the process to move forward without clear guidelines.

Occidental Petroleum is seeking to sell approximately one million acres of surface land and an additional four million acres of mineral estate in Southern Wyoming, along with neighboring areas in Utah and Colorado. This area of land is commonly referred to as the Union Pacific checkerboard because its original ownership was for development by the railroads. The surface lands are interspersed with lands managed by the Bureau of Land Management (BLM).

Since Occidental took over Anadarko Petroleum in the fall of 2019, it has been bleeding cash and selling these lands and minerals has been a key part of the company's survival plan. But, since they put it up for sale, no private sector buyers have emerged. While the Governor and some legislators want Wyoming to be the White Knight riding in to save the day, other legislators, staff from the Treasurer's Office, and public interest groups like Powder River have expressed reservations about the potential costs, depletion of our state savings accounts, and speculative benefits to the state.

In the April 10 letter, Chair Westkott wrote:

*Our biggest concern remains the cost of this deal to the state. This is not only the monetary cost of buying the lands and minerals but also the opportunity cost in terms of what we may lose as a state from using our savings to buy the lands and minerals versus other investment options...The budget bill you*

*signed a few weeks ago is already outdated and severely out of balance. Just the plunge in oil and gas prices in the last six weeks has dramatically reduced the revenue forecast. Coal production is down 15% in the first quarter of 2020. Sales tax revenue is declining because of the drop-off in tourism. The COVID-19 pandemic will put a strain on state revenue and spending, potentially for years to come. Before the pandemic our state savings accounts provided a critical way to balance our state budget in response to declining revenue from fossil fuel production. Now at this time of economic instability, these savings accounts are the lifeblood of our social services, education system, and infrastructure.*

Chair Westkott also called for strong levels of public review of any potential deal, writing, "We ask that you promptly commit to a plan and schedule for public involvement and comment...We also ask that you go above and beyond any state transparency requirements to make the utmost amount of information available to the public for review."

Another main area of concern about a potential deal has been the management of the lands and minerals if acquired by the state. Chair Westkott wrote, "Public land management done right is an expensive undertaking. It involves professional planning, survey, easement and access analysis, permitting, inspection, enforcement, and many other tasks. We ask that you develop a management plan, including staffing and funding, and make that plan available for public comment and review *before* any purchase."

The potential purchase may be considered during an upcoming special or regular legislative session, or separately by the Wyoming State Loan & Investment Board (SLIB), which is composed of the top five elected officers. Powder River will continue to push for public review and oversight to ensure the best interests of Wyomingites are achieved.

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

# Agencies Move Full Speed Ahead During Pandemic

For most us, our day-to-day lives during the COVID-19 pandemic are remarkably different. Some of us are no longer working; others are working from home; some are dealing with home schooling challenges, or dealing with health problems. But for our environmental regulating agencies, their priorities remain the same with a focus on processing permits.

At the beginning of the pandemic, Powder River partnered with the Wyoming Outdoor Council to write Governor Gordon to ask him to issue an order instructing regulatory agencies to pause or extend open comment periods for permits, rules, and other agency actions. Public participation opportunities are a critical component of how our nation's system of environmental and public health statutes and rules function. These comment opportunities allow those most-impacted by a proposed agency decision to be able to weigh in and provide specialized knowledge and information before the decision is made. Often, public participation creates better agency decisions.

We wrote to the Governor because we were concerned that maintaining deadlines for various comment periods could put residents and state employees at unnecessary risk of infection and may lead to a suppression in public participation because of restricted travel and the closure of public buildings where key documents are located.

We also raised concerns about the obstacles many in Wyoming face in participating in these agency processes during a pandemic. Wyomingites need to prioritize their health and safety, and we know

**“Wyomingites need to prioritize their health and safety, and we know many of our members are dealing with major disruptions to their normal lives including education and childcare for their kids, losing employment or merely trying to figure out when and where to get groceries...”**

many of our members are dealing with major disruptions to their normal lives including education and childcare for their kids, losing employment or merely trying to figure out when and where to get groceries and other household supplies. Powder River believes it is appropriate to put on hold all non-emergency comment deadlines until Wyomingites are better able to participate.

In his response, Governor Gordon told Powder River that he had determined an order suspending public comment periods would not be necessary, but he instructed state agencies to consider extension requests on a case-by-case basis. The Governor wrote: “I have asked agency directors to engage with all members of the public as appropriate and feasible given the circumstances to consider extensions [to public comment periods], if warranted.”

Powder River will continue to monitor all public comment opportunities during the pandemic. If you are having difficulty accessing documents from an agency or in participating in a comment period, please let our staff know, and we can help you request a comment deadline extension. As always, we thank all of our members for being engaged citizens and empowering yourselves to participate in decision-making processes that impact your quality of life.

**Shannon Anderson**  
Powder River Staff

## Healthy Soils Workshop Coming this Fall!

*Mark your calendars for October 29*

Powder River will host a healthy soils workshop at the UW Ag Complex, located at Sheridan College, on October 29 (times to be determined) featuring two outstanding presenters you won't want to miss.

**John Brown, Shepherd, Montana**, has dedicated much of his life to utilizing organic material, biology, and diversity to build healthy soils on his ranch. He says the transformation from conventional ranching and farming methods to one with healthy soil means higher yields, better water storage, drought resistance, less erosion, healthier food, and increased carbon storage. John is passionate about sharing the lessons he's learned with others who want to have those same benefits on their ranch, farm, or backyard garden. Here's a link to an excellent story about John and his healthy soils journey: <https://www.homegrownstories.org/john-brown-a-passion-for-soil-health>.



**John Brown**



**Caitlin Price Youngquist**  
(Courtesy of UW Extension)

**Caitlin Price Youngquist, Ph.D. Worland, Wyoming**, is the NW Area Agricultural Extension educator for the University of Wyoming. She is a much sought-after speaker on applying sustainable agriculture methods with particular expertise in composting including vermicompost (think worms), soil health, Wyoming soils, pasture management, no-till, cover crops, and mulching. She teaches master gardener classes and conducts workshops year-round for large operations as well as small acreage folks.

Stay tuned for more information in upcoming issues of the *Breaks*.

**Pennie Vance**  
Powder River Staff



# Wyoming Should Embrace a Free Market Energy Future

Following the 2020 legislative session, we have seen yet another year of Wyoming clawing to keep coal in the game. In the era of Wyoming's attempts to maintain a market for their coal, we've tried it all: We are suing the state of Washington for denying access to coal ports. We spend millions of dollars a year to encourage the development of coal technology. This year, legislators even passed a bill requiring all utilities to use carbon capture storage with false hope to extend the life of coal-fired power plants. Now, our Public Service Commission, the regulatory agency tasked with keeping electricity rates low as possible, is investigating Rocky Mountain Power's plan to retire coal fired units and replace them with lower cost, renewable energy projects. It's time we leave the past behind.

Laramie is lucky to live in Rocky Mountain Power's service territory of Wyoming and have a utility provider that sees the economic and cost benefits of retiring outdated facilities and upgrading to the lowest price energy option. We also appreciate projects Rocky Mountain Power sponsors like the Blue Sky Grant Program that keeps renewable and energy efficiency projects flowing to our community. None of the actions the Legislature and Public Service Commission are taking show the same amount of desire to invest in the future of Wyoming and our communities. Legislation and new requirements for keeping coal on the grid will only raise our electricity rates, as we, ratepayers pay for the infrastructure that supplies energy. In other words, as coal technology becomes more outdated and expensive, Wyomingites are going to have to pay the price for the decisions short-sighted lawmakers are making today.

It is clear that the legislative and executive branches are feeling a lot of pressure from the coal industry and people impacted by its

downturn. However, the Public Service Commission should not be a body which acts based on political motive. They need to serve their function as an agency that looks out for the Wyoming people by providing the lowest cost power.

**Joseph Schroer**  
Laramie, WY

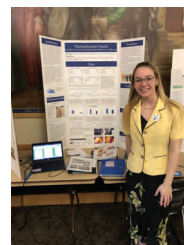
*Editor's Note: This letter is reprinted from the April 5, 2020 issue of the Laramie Boomerang.*



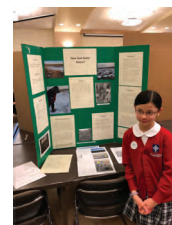
## Youth in Conservation Awards at the State Science Fair

I had the great pleasure of joining my wife Kathleen Selock and Elizabeth Cuthbert-Millett in March to judge the 2020 State Science Fair at the University of Wyoming. The Bill Barlow Memorial Youth in Conservation Awards at the Wyoming State Science Fair are presented in the memory of a great rancher and conservationist who was also a founding member of Powder River Basin Resource Council – 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. We were able to take advantage of the new policy that allowed us to see all the exhibits on Sunday evening in a calm and quiet atmosphere before the Monday morning session when the students would be available for any questions. There were so many interesting projects about subjects such as adding plastic to concrete to reduce CO<sub>2</sub>, using honey to reduce bacteria in open wounds, improving reproductivity in cows, designing better snow fences, designing hemp air filters, and many others.

I'm very happy to say there were at least a dozen strong projects on our possible award winner list after the first go-around. It took some extensive interviewing, analysis, and discussion between us before we unanimously chose three very worthy winners. Markie Whitney is a senior at Newcastle High School. We awarded her \$350 for her



experiment to improve the performance of solar panels "Solar Panels - Too Cool." By placing a solar panel in a water heat sink with peltiers, she was able to increase the efficiency of the panels by 61% which can speed up the time it takes to pay off an investment in solar panels. Markie will be continuing her work in college and clearly has a very bright future.



Isabel Oravec, who lives near Cheyenne, attends St. Mary's Catholic School. Isabel was awarded \$200 for her project "Does Seed Depth Matter?" Her conclusion supported her hypothesis that planting sainfoin seeds deeper than the normally prescribed depths can work. The seeds were able to emerge, and it allowed the roots to stay moist long enough to grow and establish themselves. Isabel is a very thoughtful and thorough person who really impressed us.



Emmett Coxbill and Ayden Shimic are from Goshen County and live in the vicinity of Yoder. We awarded them \$200 for their project on erosion "The Erosion Games." They tested whether more erosion happened in loose soil, alfalfa stubble, or corn stubble. Their hypothesis

....continued on page 11

# It's Time for Wyoming to Face the Truth

You can't over-estimate how more than 40 years of coal-fueled prosperity has shaped Wyoming's culture and politics. One result is the bitterness that many in the state express when they talk about coal's demise.

Gov. Mark Gordon, in his State of the State address, summoned both the swagger and the fury that characterizes the coal narrative today: "We produce better energy more safely and with more attention to the environment than anywhere else on the planet. And yet our industries are still discriminated against, maligned, and decried as dead. Well, not on my watch!"

What some in Wyoming might consider discrimination, others might cite fighting for their lives in the face of sea-level rise and deadly wildfires. Still, Wyoming is mourning a real loss, and you can hear it expressed in a coffee shop in Gillette or the state capitol in Cheyenne.

The mourning is for an industry that paid the state's bills. Coal mining built excellent K-12 schools and community colleges, while modernizing Wyoming's four-year university. Coal helped Wyoming amass a wealth fund with an estimated value of \$20 billion.

Coal is responsible for helping to create the term "Gillette Syndrome" — the boomtown phenomenon of acute social disruption due to rapid industrial growth — and then enabled the same town to demolish that reputation by building a thriving community with world-class amenities.

Coal gave Wyoming what few rural communities have — economic security.

The pitfalls of a fossil-fueled economy, however, are no mystery. No other state in the nation had a more narrow economy than Wyoming, focusing on coal, oil and natural gas. Those industries were already stumbling toward new lows before the COVID-19 pandemic tightened the screws. What faces the state's leaders now is finding a new economic base — shifting from supporting an industry to supporting its towns and counties.

So far, that doesn't appear to be happening. New Mexico has launched an ambitious strategy to divest from coal-fired power while providing financial aid to communities to prepare for the transition away from coal. In Wyoming, lawmakers pitched legislation to penalize utilities for using renewable energy. Wyoming lawmakers passed a bill requiring utilities to install financially risky carbon-capture systems, allowing each utility to recover up to \$1 billion in carbon capture capital from ratepayers.

Colorado recently established a "Just Transition" collaboration and a fund to help coal communities reorient toward a sustainable future without coal. In Wyoming, lawmakers floated a raft of bills this winter that come to the aid of the coal industry itself, offering up an estimated \$48 million in benefits and expenditures while offering little in direct aid to coal workers.

"I keep wondering if all our politicians are behind the curve when it comes to public opinion," said Larry Wolfe, a longtime energy-industry attorney and lobbyist in the state. "I think the people who live in these communities know their future is in serious doubt if they're mining coal or operating a coal-fired power plant, or their livelihood is dependent on all the ancillary industries."

Ben Alexander is senior program advisor at the Resources Legacy Fund, a nonprofit conservation group with bases in California and Montana. A few years ago, he set out to find modern-day examples of energy-dependent communities in the West that are finding success in building a new local economy.

"There were not a ton of places," Alexander said. "But there were some in Wyoming."

They include Sheridan County and Wyoming's coal capital, Campbell County. Alexander said he found dozens of local leaders in those counties carefully working to expand the local tax base, invest in training, and paving the way for new businesses.

Alexander said that some local governments started planning because they didn't have the tremendous savings that the state had accumulated. "The finality of it (coal), I think, has led to better decision making and more focus on what other options are available."

It's cathartic for a state and for a community to collectively mourn a loss. But it can also slip into a kind of indulgence that doesn't lead to good policy. If Wyoming is going to survive this historic economic transition, state leadership is going to have to realize it cannot succeed in saving the coal industry.

What the state can do is face reality and help to save local communities.

**Dustin Bleizeffer**  
Casper, WY

*Dustin Bleizeffer is a contributor to Writers on the Range.org, a nonprofit dedicated to spurring lively conversation about the West. He has worked as a coal miner, an oilfield mechanic, and for 20 years as a statewide reporter and editor. He lives in Casper, Wyoming.*

## COVID-19 Impacts the Food System

COVID-19 is revealing both how at-risk the American corporate food supply chain is and the importance of local foods systems in supplying healthy, sustainable food.

The impact of COVID-19 on the concentrated, corporate supply systems that control our country's food are revealing serious vulnerabilities that could lead to potential system collapse. Groups such as Powder River, who champions the importance of independent livestock and other local food producers, have long warned about these risks when any part of this tightly integrated system is negatively impacted.

As of April 23, at least eight major US meat facilities have experienced reductions or closures due to worker exposure to the virus. One example is Tyson Foods, who recently shut down their beef facility in Washington for workforce safety. That one plant reportedly processes

up to 2,300 cattle a day—enough beef to feed four million people.

When plants close down, the food system chain begins to break. It's a complex system, but the bottom line is that once a plant closes, thousands of cattle slated to fill the plant's daily quota are suddenly stalled in transport, feedlots, auction markets, and ranches, and beef stops moving forward to fill supermarket shelves.

These stories are just the tip of a dysfunctional food system iceberg. It's unfortunate that it took the devastation of COVID-19 to expose the fragility of the food supply. A positive effect is that people are increasingly concerned about the source of their food.

Powder River and other allies are working with independent livestock producers to shape campaigns offering solutions to a variety of problems such as false "Product of the USA" labeling on imported beef, price manipulations by meat packers, and record-low cattle prices.

## Ramaco...Continued from page 1

to meet any needs. In its comments to DEQ, Powder River argues that the mining plan is a plan to make a plan, and it is not complete and accurate as the law requires.

Powder River and area residents raised numerous concerns about impacts to water resources, and other impacts from blasting, subsidence, increased traffic, and industrial activity. Many of the landowners have lived and owned property in the historic mining area and have been there for multiple generations.

Local landowner and Powder River Board Member Joan Tellez stated, "There is too much at stake to allow an incomplete mine plan to proceed without having sufficient data, studies, and monitoring in this historic alluvial valley. We call on the DEQ to ensure the Tongue River Valley's preservation and the protection of its inhabitants, and we will continue working to make sure that our land and water remain preserved."

"I worked for almost every mine in the state of Wyoming at one time or another, and in my opinion, this whole thing is kind of a scam. They claim to have mining knowledge from back East, but from what they put out in press releases, they don't seem to really know much about the mining business," said neighboring landowner and retired engineer John Buyok. "Developing this mine is just not economically feasible to do because the cost for mining this area is far higher than that of anyone else in the basin, and there are other mines going bankrupt at this time. I think it's just an attempt to get a permit that they can foist off on someone else who doesn't do their homework."

Landowners and citizens also raised concerns about impacts to the historic area and to recreational activities. The area is a popular recreation spot frequently used for fishing, hunting, hiking, canoeing, and winter sports.

"As an outdoor recreationist, I use the Tongue River corridor for boating, birding, and hiking or skiing year-round, and the proposed mine would virtually put an end to these forms of recreation," said

## Youth in Conservation...Continued from page 9



Liza Cuthbert-Millett,  
Wayne Lax & Kathy Selock

was that corn stubble would have more erosion than the alfalfa stubble but it ended up that the alfalfa stubble, had more. When questioned, these two young men were very open to accepting constructive input from us that we felt could help them in their future work.

We three judges are very much looking forward to seeing what these

## COVID-19...Continued from page 10

While the problems will likely take years to resolve, our ranchers, farmers and other local foods producers are developing solutions for a more sustainable food supply system via farmers markets, CSAs, roadside stands, farm or ranch direct sales, animals shares, and other direct to consumer markets. The pandemic has shown that localized food supply systems are quite resilient.

Powder River's local foods group proved just how hardy these producers can be. Shortly after public health measures were implemented in Wyoming, Powder River staff, Sheridan area producers, and Jessica Bohnsack, the farmers' market manager at Landon's Greenhouse, worked together to implement protocols to safely keep the market open each Saturday. All producers worked together with distancing, limited handling of merchandise, gloves, facemasks, and a great deal of humor to keep everyone safe.

Our members went above-and-beyond to ensure a supply of locally produced food. Christine Hampshire of Cross E Dairy took time to sanitize the money she brought to market so she could safely give out

Powder River Board Member Gillian Malone. "The proposed mine not only represents a completely incompatible use for this pristine area from the human standpoint, but it threatens a large number of nesting and migrating birds, including raptors and water fowl, and many other species of wildlife that occupy the Tongue River corridor."

Along with its comments, Powder River also submitted reports from two technical experts.

Mike Wireman, a hydrogeologist with decades of experience reviewing mining permit applications, concluded that Ramaco failed to conduct adequate baseline monitoring to identify pre-mining conditions of critical water resources. Additionally, Wireman found that Ramaco's mining operations will likely impact water wells, groundwater resources, and alluvial valley floors, which are important to local agricultural operations.

Dr. Jerry Marino, one of the nation's foremost experts on mine subsidence, concluded that the permit application still fails to assess subsidence risk - the risk of the ground caving in during underground mining operations. He called on the DEQ to limit the permit application to the initial strip mining period, and to prevent permitting of any underground or highwall mining operations until subsidence risk can be better addressed.

In response to the comments, DEQ has stated that they intend to hold a public hearing on May 13. However, the process for that public hearing is in doubt given the executive orders in response to the COVID-19 pandemic. Powder River argues that any public hearing should not take place until the public health restrictions on meetings with more than ten people are lifted. Otherwise, public participation opportunities for concerned citizens will be thwarted.

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

young, intelligent people come up with to help our future in bright, exciting ways. If you ever have the opportunity to be a judge at this wonderful event, you would be wise to accept it. The broad array of knowledge and talent displayed by these young people will brighten your life.

**Wayne Lax**  
**Powder River Board Member**

change. Adam Bunker with Papa Joe's Produce set up a virtual market website where consumers can order greens, yogurt, beef, coffee, jams, and a host of other products online from a number of producers, which are delivered weekly in the Sheridan area. Long-time member Rachel Bourgault, with Lower Piney Heirloom Vegetables, reported that last Saturday her produce sold out almost immediately after the market opened.

While direct marketing is not a panacea for our food system crisis, it's becoming a vital part of how Americans can access safe, sustainably produced food. We anticipate that after the COVID-19 crisis ends, consumers will continue to access food differently because they've become painfully aware of the flaws in the corporate system. We will continue to work closely with our independent livestock and other local food producers to help strengthen the ag economy and improve our food systems.

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



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**2020**

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6 August Picnic on the Pathway, Sheridan  
29 August Harvest Celebration  
29 October Healthy Soils Workshop  
7 November Annual Meeting, Sheridan

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## 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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