



**POWDER RIVER BASIN**  
*Resource Council*

**2020 Annual Report**

**ENCOURAGING RESPONSIBLE**

**DEVELOPMENT TODAY**

**...For Tomorrow**

## **Protecting Wyoming's Quality of Life Since 1973**

Powder River Basin Resource Council was founded by ranchers and townspeople concerned about the impacts of strip mining on landscapes, communities, and freshwater aquifers. For 48 years, we have worked for responsible energy development in Wyoming. Using community organizing, scientific, policy, and legal experts, and coalitions with other organizations, we wage effective campaigns to protect Wyoming's air, land, water quality, and wildlife and to promote sustainable agricultural practices and policies. We are committed to community organizing, leadership development, and the empowerment of citizens.

The successes we found in our early work have continued throughout the years. For nearly five decades, the concentration of our work has been on ensuring responsible development that prevents and mitigates the negative impacts of energy development on the environment and Wyoming citizens. We have worked hard to prevent energy companies from harming private property or ruining our clean air and water. Our citizen power has effectively limited energy company influence over the legislative process and administrative agencies.

Additionally, a core part of our mission is protecting Wyoming's agricultural heritage and ensuring a sustainable ag economy. We have helped ensure a future for family farmers and ranchers, worked to curb corporate control of livestock markets, and passed legislation to provide more rights for ranchers and farmers negotiating with energy companies. Recently, we have expanded our work to support our state's growing local food and new agricultural economy.

### **Our Mission**

- The preservation and enrichment of our agricultural heritage and rural lifestyle;
- The conservation of our unique land, mineral, water, and clean air resources, consistent with responsible use of those resources to sustain the livelihood of present and future generations; and
- The education and empowerment of our citizens to raise a coherent voice in the decisions that will impact their environment and lifestyle.



## **48<sup>th</sup> Annual Meeting**

**Saturday, November 7, 2020**

**Online via Zoom Platform**

In order to protect members' health and safety during the Covid-19 pandemic, Powder River's Board of Directors decided that the 48<sup>th</sup> Annual Meeting would be held online this year.

The business meeting will cover the organization's 2020 accomplishments, board nominations, as well as a discussion and vote on proposed resolutions that will guide Powder River's work on specific issues. The meeting is being held using the Zoom platform, video software that is easy to use and allows everyone to participate in the meeting. After the meeting, members are invited to remain on the video call for a virtual happy hour. This will give members the opportunity to see each other and reconnect.

We sincerely hope that we can gather in person next year as we continue to work for responsible energy development in Wyoming. Powder River's record of 48 years shows we make a difference for our state, its land, and communities, and we are so grateful for your continued support in these endeavors.

**2020 Annual Report**  
**Powder River Basin Resource Council**

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## 2020 Coal Campaign Highlights

### Bonding, Bankruptcies, and Vulture Capitalists, Oh My



*Black Thunder Mine*

The coal industry's downward spiral that started years ago continued in 2020 and was accelerated by reduced energy demand caused by COVID-19. For the first time ever in the nation's history, renewable energy surpassed coal generation for electric power in April. This meant 2020 for the coal industry was marked by paycheck protection loans, layoffs, bankruptcies, and an overall effort to downsize and get rid of debt.

Powder River continues to be the voice of the public interest to ensure the best possible protection for our land and people as the industry winds down. We continued our multi-year campaign to ensure reclamation bonds will cover the full cost of repairing the lands and waters of Wyoming after mining. As of today, the mines at most risk of closure or abandonment have third-party surety bonds in place. This year, we also strengthened our partnership with allied groups in Appalachia to focus on common problems in coal mine regulation and bankruptcy. With primary attention given to the ongoing Blackjewel bankruptcy and the role of Powder River Basin mine operator Eagle Specialty Materials within the bankruptcy proceedings, we have been stronger



### How should Wyoming respond to coal's decline?

Camille D'Ercole - Updated 2 hrs ago  
Fifteen years ago, coal was responsible for generating about 50% of the country's electricity. Last year, coal's contributions were half that amount.

together and have worked to address serious environmental issues and reclamation bonding concerns. Our attention now turns to the end of the bankruptcy, with over 43 permits in Appalachia being abandoned.

We also continue to work with our partner groups on the Navajo Nation to address issues around the Navajo Transitional Energy Company (NTEC), who now operates mines formerly owned by Cloud Peak Energy. After a year of operating, NTEC has yet to acquire the federal coal leases at the mines or post new bonds. NTEC's financial solvency is a concern for us here in Wyoming as well as on the Navajo Nation.

Meanwhile, the second largest coal company, Arch, announced that it plans to sell or close its Powder River Basin mines – a move that we will closely watch and engage in as much as possible. The announcement came after a federal court upheld the Federal Trade Commission's rejection of a proposed joint venture between Arch and Peabody.

Even Peabody, the “giant” of the industry, had a rough 2020. Its stock is trading at barely over \$2 a share, down from \$10 at the beginning of the year. In August, the company wrote off \$1.42 billion of the value of its largest Powder River Basin mine, North Antelope Rochelle, signaling that its coal reserves are simply not worth what they once were.

Wyoming can't do anything to stop these major economic trends, but we can prepare and respond. Our focus on bonding and reclamation is more important than ever, and our push to help Wyoming transition our economy and support workers and communities in the



process will continue to be a key part of our work going forward.

## **Protecting the Tongue River Valley from the Ramaco Coal Mine**

Our victory before the Environmental Quality Council (EQC) in 2018 to strike down the proposed coal mine permit for Ramaco Carbon's mine in Sheridan County forced the company to go back to DEQ to improve its permit application. The company's revised application reduces anticipated coal production by 90% from the previous version of the permit, avoids mining in a hydrologically sensitive area next to the Tongue River, supplements baseline water testing, places new restrictions on blasting, and makes several other major changes in response to the EQC's decision. The DEQ's review of the permit carried out over an unprecedented twelve rounds of technical review.

However, one key area that remains lacking in the permit application is review and control of subsidence, the ground caving in during underground mining. We worked with geotechnical expert Dr. Jerry Marino to review and comment on the permit application. Our members in the area also have concerns about the use of public roads for mining activities and how coal will be transported around the permit area. The company's financial wherewithal to open a new mine is also in question, and very basic information, such as who the operator of the coal mine will be and will the coal be sold remains missing.

Powder River and our members objected to these areas of the permit during a virtual informal conference before the DEQ Director in May, and with these issues still unresolved after permit issuance in July, we are back before the EQC yet again for an appeal of the permit.



ENERGY JOURNAL

### **Wyoming's newest proposed coal mine faces more public scrutiny during virtual conference**

Camille Erickson | Updated 3 hrs ago

Tension looms over a company's bid to restart operations at an old coal mining site in Wyoming.

Meanwhile, our members are busy with pre-blast surveys and other preparations to protect their quality of life and their property if mining begins.

We remain committed to this multi-year campaign to protect the Tongue River Valley and its residents, and we will continue our efforts in 2021 and beyond.

### **No New Coal Leases & No Royalty Relief**

There is only one federal coal lease application moving through the process in Wyoming's Powder River Basin, and even that lease has stalled. All other leases are on hold or have been withdrawn – taking almost three billion tons of coal off the table. We still have a “market moratorium” and not a ton of coal in the Powder River Basin has been sold at a lease sale in over eight years.

In 2020, we continued our work to force the Department of Interior to plan for this coal downturn and also to address how the federal coal program contributes to climate change. We worked with allies to appeal the Bureau of Land Management's new coal leasing plan for the Powder River Basin, defending a legal victory we previously



achieved that requires the plan to be revised to consider the option of selling less federal coal to reduce the effects of climate change.

We also continued our work with Natural Resources Defense Council to defend a 2016 rule put forward by the Department of Interior to charge federal coal royalties based on the first “arm's length” transaction between an energy producer and an unaffiliated customer, stopping companies from selling their product to “captive” subsidiaries at



deflated prices. According to the U.S. Energy Information Administration, 42% of coal sales in Wyoming were “captive transactions” in 2016. The case is currently pending in federal district court in Wyoming.



In other royalty news, we successfully opposed proposals from Arch and Peabody to reduce royalties paid on federal coal during the pandemic. The proposals ended up getting withdrawn or rejected by the Department of Interior.

### **New Report Highlights Failed Coal Conversion Projects**

In February, we released a new report entitled *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. We 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.

### **Pushing for Retirement of Outdated & Expensive Coal Plants**

Last October, Wyoming’s largest utility, PacifiCorp, proposed to retire four coal units at its Naughton and Jim Bridger power plants in Southwest Wyoming. Since then, the utility has been under attack from Wyoming politicians and fossil fuel industry loyalists. Powder River jumped into the fray, helping to defend the plan before the Wyoming Public Service Commission (PSC). We brought in expert evidence that confirmed that retiring the coal units and replacing them with lower cost renewable energy is the best option for customers.

Right before we expected the PSC to issue its decision, Governor Gordon championed the release of a new

study from a Department of Energy (DOE) consultant. The consultant claimed that retrofitting the coal units with carbon capture controls would not only be cheaper but also reduce more carbon dioxide than PacifiCorp's plans. The study was immediately criticized by the utility and others, including a chief energy economics professor at the University of Wyoming. We objected to the study's use as evidence in the PSC case given all of its faults.

Through the PSC hearing, we also welcomed PacifiCorp's commitments to worker and community transition plans. PacifiCorp seeks to achieve zero job loss with the coal unit retirements, and we look forward to helping them help workers and Southwest Wyoming communities to grapple with the loss of revenue.

While the PSC ultimately determined that PacifiCorp's plans were deficient, and the agency instructed the company to do more analysis to support coal plant retirement, our involvement was instrumental in providing expert testimony and information and legal argument that limited the negative outcomes of the proceeding.

We also continue to be actively engaged in stakeholder meetings and negotiations surrounding implementation of a controversial new bill from the 2019 legislative session that forces a utility to try and sell a coal plant before it retires it. We pushed for several key parts of the regulations, including bonding to cover reclamation and decommissioning costs for new owners and full disclosure of an operational plan and the new owner's financial and technical capacity to run the plant. These measures will limit negative impacts for utility customers and prevent a coal plant from being orphaned and a state liability.

## **The Time is Now for Economic Transition**

We were excited to bring on Michele Irwin to our staff to begin organizing full-time in Southwest Wyoming around economic transition issues. As one of our first activities, we sponsored a successful



**How should Wyoming respond to coal's decline?**

Graphic by Andrew Hageman / The Edge

Fifteen years ago, coal was responsible for generating about 50% of the country's electricity. Last year, coal's contributions were half that amount.

series of webinars featuring experts in energy economics and community planning, *Reclaiming & Growing Wyoming's Future* (see *Coal Transition* section for more details).

Our work in Southwest Wyoming complements work in Laramie, Lander, Sheridan and across the state (see the RENEW Wyoming update). It is slow going, but we remain hopeful that by building the right partnerships and doing the successful outreach and organizing that Powder River excels at, can help our communities adapt and plan for a sustainable and vibrant future.

At the federal level, we have been actively supporting the reauthorization of the Abandoned Mine Land (AML) fund to continue funding for orphan coal mine cleanup, as well as the RECLAIM Act, which would allow AML funding to be used for economic development projects on reclaimed land.

### **Reporter Engagement & Narrative Building**

There remains tremendous public interest in coal, and Wyoming is a focal point for coal news and information. This has been especially true during the pandemic, as highlighted in recent stories in the *Christian Science Monitor*, the *Guardian*, and other major national news outlets. Our staff and leaders field regular calls and emails from local, regional, and national reporters, and we help to provide critical background information and a Wyoming perspective on these stories. We continue to make front page news here in Wyoming and across the nation. For the fifth year in a row, our organization was quoted or mentioned in over 100 stories covering coal news. This year, our reach continued to grow thanks to dedicated communications staff and a greater amount of member-authored opinion pieces. We also engage with members, reporters, allies, and decision-makers through social media to help push out our Wyoming news and perspective beyond the borders of the state. Our Twitter account is closely watched for live-tweeting during important hearings and following coal industry announcements. Follow us on Twitter, Facebook, or Instagram to get the latest news!

# 2020 Coal Transition

## Southwest Wyoming Energy Transition Campaign

To address the planned coal power plant retirements in the southwest Wyoming coal communities of Kemmerer and Rock Springs, we originally envisioned holding a two-day in-person event. Our plan was to start a conversation about energy transition, and help decision makers see that there are opportunities in a planned transition.

When the Covid-19 pandemic hit, we pivoted to an online webinar format. Thanks to staff teamwork, flexible speakers, and the fact we were well before over-Zoom saturation, we were able to make this shift successfully.

The webinars attracted a quality attendance of state and legislators, local elected officials, agency staff, and other community stakeholders. The audience ended up being larger than we had anticipated it being if it had been in-person. We also received good press coverage, which further educated the public and decision makers.

The first webinar, *Wyoming's Reality and Future Opportunities*, laid the groundwork for the series with a discussion that included Wyoming's current economic situation, opportunities and solutions for moving forward. The presenters were Dr. Robert Godby, an economist from the University of Wyoming's Haub School; Kirk Keysor, the Montana and Wyoming Representative for the U.S. Department of Commerce's Economic Development Administration, and Sharon Fain, PacifiCorp's Vice President for Wyoming.

Our second webinar, *Tools to Diversify Wyoming's Economy* included representatives from national, county,



and development organizations, as well as a representative from the Wyoming Business Council.

Speakers Jack Morgan, Program Manager for National Association of Counties (NACO) Innovations Lab and

Brett Schwartz, Research Foundation Associate Director of the National Association of Development Organizations (NADO) presented jointly, sharing examples from around the U.S., while Sarah Fitz-Gerald, Chief Strategy Officer with the Wyoming Business Council, provided a Wyoming perspective.



*Webinar One Presenters*

The third webinar, *Securitization: A Finance Tool for Energy Transition*, was meant to demystify a regulatory finance tool that can help communities take advantage of the opportunities in the rapidly changing economics of the electricity sector. Uday Varadarajan, principal economist in Electricity Practice at Rocky Mountain Institute and Max Backlund with the Utah Coal County Strike Team.

In the fourth and final webinar, *Funding Wyoming's Economic Transition*, our speakers included representatives from funding organizations, as well as a leader of the Colorado transition plan. Speakers Ben Alexander, with the Resource Legacy Fund, Cindy Winland with the Just Transition Fund, and Chris Markuson with the Blue-Green Alliance addressed outlining resource needs, planning for job training, and identifying potential new industries.

Videos of all of the webinars are available on our website in case you missed them or want to share them with others. We are also developing a library of video “snippets” from those longer webinar videos. This shorter form is more easily shareable and highlights key points.

As we move forward, we will have more conversations, and keep up the pressure to ensure that Wyoming pursues responsible energy as a key part of a larger, diverse economy that includes innovative small business and agricultural enterprises.

# 2020 RENE Wyoming

## Laramie Commits to Carbon Neutrality & Invests in Solar

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 and garnering public support. An excited and supportive public packed the city council chambers on the evening of the vote. 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 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.

Following the passage of the City of Laramie's resolution in March to become carbon neutral by 2050, the city has made great strides in investing in solar and reducing



*ARE at the Laramie City Council*

its carbon emissions. Recently, both the City of Laramie and the Laramie Regional Airport have been awarded Blue Sky Grants through Rocky Mountain Power for solar installation on

their buildings. In both of the applications ARE helped to educate these entities on the opportunity of Blue Sky Grants and submitted letters of support.

### **Lander Moving Toward Carbon Neutrality**



*LCAN at the Lander City Council*

In 2020 Powder River has been working in collaboration with Lander residents, Wyoming Outdoor Council, and National Outdoor Leadership School (NOLS) to follow in the footsteps of other communities across the state that are decreasing their carbon emissions and promoting smart investments in renewable energy. Through this partnership, the grassroots, non-partisan group Lander Climate Action Network (LCAN) has formed with a mission to reduce greenhouse gas emissions in Lander through a commitment to environmental sustainability, community engagement, and economic viability. The group's goals include a partnership with the City of Lander to conduct research, help find funding opportunities to complete a baseline emissions inventory, establish a citizen's advisory group, create emission reduction goals, and formulate a city-wide climate action plan. LCAN met with city councilors to garner support and recently presented their vision and goals at a city council meeting. In October, the City of Lander passed a mayoral proclamation directing the planning process to move forward on these initiatives.

### **Community Solar Update**

During the spring of 2019, we spoke to Montana Dakota Utilities (MDU) about our interest in community solar. They told us if we could show enough community interest they would consider installing a facility in the Sheridan area. We set about compiling evidence of community support in the form of community signatures on

a petition to MDU and letters of support from local businesses and downtown associations.

We spent late summer and fall of 2019 going door to door talking about community solar and collecting signatures. It was quickly evident that people did not know what community solar was, but once we explained it almost everyone we talked to became interested. We collected over 200 signatures and were seldom turned away. We also collected five letters of support from local businesses, as well as a letter from each of Sheridan's downtown associations.

We were making great progress, so in early 2020 we called MDU to schedule an in-person meeting...and then the pandemic hit. Our work essentially came to a halt...until recently.

After waiting many long months to better understand the nature of the pandemic, we realized it was not going away any time soon. Despite the fact that we wanted to have even more evidence of support prior to meeting with MDU, we contacted them to set another meeting. They arranged a virtual meeting in October. During that conversation, MDU let us know they will be adding a utility-scale solar build to the Sheridan area grid, with groundbreaking to take place in 2023. They also pledged to run numbers for the cost of community solar installations between one-half and two megawatts in size. These numbers will be ready in January, and we will look at them together with MDU to determine whether a facility would come in at a price point that would be affordable to subscribers. This is another step on the path toward community solar.





# 2020 Oil & Gas Review

## Protecting Wyoming's Water, Air, Land and People

In 2020, Powder River's organizing and campaign work around oil and gas development impacts continued to focus on protecting Wyoming's freshwater resources, reducing air pollution to protect public health and safety, pushing to ensure reclamation and plugging of orphan oil and gas wells, ensuring transparency and public involvement, and minimizing the footprint of oil and gas development to protect our land and valuable wildlife habitat.

### Protecting Streams flowing to Boysen Reservoir & Wind River from Oil & Gas Wastewater

Powder River's allied campaign to protect Boysen Reservoir and the Wind River stopped the issuance of a discharge permit for Aethon Energy that would have led to a four-fold increase in the dumping of polluted oil and gas wastewater into streams running into Boysen and the Wind River. Powder River and our allies mobilized the public to speak out opposing this proposed discharge permit. We filed extensive public records requests and pushed DEQ to investigate current discharges which were damaging Alkali and Badwater creeks and failing to comply with the existing permit conditions. After culling through hundreds of documents we found photos and evidence of widespread water quality violations and historic problems with the Moneta Divide oil and gas wastewater discharges. We confronted the state with 15 violations of water quality standards and found reports citing benzene, toluene, xylene and ethylbenzene in the discharges. We also noted impacts to aquatic life and failure by the state to protect stream quality. The discovery and exposure forced the state and Aethon to initiate a clean-up plan and compliance program.



*Black sludge in Badwater Creek*



Political pressure from industry and politicians to increase the polluted oil and gas discharge into Wyoming's freshwater continues and we will keep up our efforts to protect the receiving streams, Boysen Reservoir and the Wind River.

### **Protecting the Ogallala Aquifer**

Powder River and our affiliate, Cheyenne Area Landowners Coalition (CALC), joined other landowners in the Cheyenne area to object to new high volume water wells pulling freshwater from the Ogallala Aquifer ostensibly to sell the water to oil and gas companies for oil and gas drilling and fracking. These proposed new wells are within the Laramie County Groundwater Control Area which was established in 2015 to limit groundwater drawdowns. Powder River filed comments with the State Engineer raising questions and concerns. To date, the hearing on the proposed wells is still pending.

### **Protecting the Madison Aquifer**

In 2016, Powder River successfully led a three-year campaign to defeat a proposal by Encana and Aethon to dump billions of barrels of polluted oil and gas wastewater from the Moneta Divide field into the Madison Aquifer. Our defeat of Aethon's proposal to dump millions of barrels of oil and gas wastewater into streams flowing into the Boysen Reservoir apparently led Aethon to try again for approval to dump their polluted wastewater into the Madison. The proposal to exempt the Madison Aquifer is now before the Wyoming Oil and Gas Commission and a hearing is set for November 10. The Madison Aquifer is one of the best quality and highest producing Paleozoic aquifers in the region and has been identified by state agencies as "having the best potential for developing high yield wells" into the future in the Wind and Bighorn River basins. Powder River will fight again to protect the Madison Aquifer from being polluted with oil and gas wastewater.

## **CALC Sheds Light on Oil and Gas Air Pollution**

Our affiliate Cheyenne Area Landowners' Coalition (CALC) held its 2020 Annual Meeting in September and provided an online panel discussion of air quality experts reviewing the impact of oil and gas air pollution on public health and safety. Panelists included leading researchers on air quality Dr. Lisa McKenzie, an assistant research professor at the Colorado School of Public Health, and Dr. Robert Field, a senior research scientist at the University of Wyoming. The panel was moderated by Laramie County Commissioner Linda Heath. The experts discussed how exposure to nearby oil and gas development negatively impacts public health and well-being. Both experts agreed that Wyoming's oil and gas well pad setback distance of 500 feet from homes, schools, and other structures might not fully protect public health. McKenzie highlighted key studies that are being used to shape oil and gas policy reform in Colorado, including an increase in setback distances.

## **Advocating for Air Quality Monitoring**

Our affiliate CALC continues to advocate for air quality monitoring in Laramie County and comment on any newly submitted air quality permits from industry to advocate for the safest and most responsible practices for sites that impact our rural neighborhoods.

Recently, CALC fought to protect a local air quality monitoring unit for oil and gas pollution in nearby residential areas. In the summer of 2020, the Wyoming Department of Environmental Quality (DEQ) announced it will no longer monitor the air quality in the Laramie County oil fields, a decision that could endanger thousands of Laramie County residents. CALC has urged DEQ to continue monitoring the air using the mobile





monitoring unit through 2020 as well as consider moving the unit to areas in close proximity to oil and gas development.

### **Strengthening Bonding & Requirements on Commercial Oilfield Waste**

Wyoming's Environmental Quality Council unanimously passed new rules requiring bonding for Commercial Oilfield Waste Disposal Facilities (COWDFs). The new rules eliminate the grandfathering for older facilities that were previously exempt from bonding and eliminate the ability to use self-bonds. Powder River also advocated for other measures such as radioactivity monitoring, protecting floodplains and aquifers, and more. We supported the legislation that spurred on the rules and supported the rules through several administrative hearings.

### **Plugging Orphan Wells & Maintaining Idle Well Bonding**

Powder River continues to keep pressure on the state, BLM, and industry to plug orphan wells in a timely fashion. Our efforts this year got the WOGCC to update the orphan well status on their website and hold firm on refusing industry's push to eliminate idle well bonding requirements. Powder River provided state leaders with an update on the millions of dollars spent to plug orphan oil and gas wells in the state and the status of over two thousand wells to be plugged. We also supported the use of additional funds to increase the plugging of orphan oil and gas wells and pits.

### **CALC Defeats Industrial Rezone**

In August, Powder River affiliate CALC organized residents to attend a meeting of the Laramie County Planning Commission. At issue was a proposed zoning change, on behalf of Wyodak Energy, from agricultural to an industrial

park on a piece of land surrounded by residential homes, farms, and ranches. With Powder River's support, CALC rallied people to send in comments, make phone calls to the commission, and show up at the meeting. After over an hour of public comment speaking out against the rezone, the Planning Commission unanimously voted it down. A few days later, the company withdrew their rezoning request.

### **Laramie County Landowners Protect Strong Pipeline Requirements**

The Laramie County Planning Department updated their Land Use Regulations to streamline the process for construction of energy pipelines. The previous land use regulations require that companies installing high power transmission lines, water pipelines over 12 inches in diameter, and energy pipelines must notify landowners within 1,500 feet and provide a public hearing before construction can be approved. Powder River's affiliate, CALC provided comments with proposed language that would still require notification of landowners and a comment period to raise concerns and ask questions. The county attorney and planning commission reviewed CALC's suggestions and implemented a process ensuring public notice for the construction of pipelines within 1,500 feet of nearby property and residences.

### **Keeping an Eye on Federal Leasing & Permitting**

The Department of Interior continues leasing Wyoming federal minerals at an unprecedented rate. Powder River

continues to track federal lease sales and regularly submits comments on environmental reviews for proposed leasing in the Powder River Basin.

In August, we joined allies to protest the Converse County Oil and Gas Project, a 5,000 well proposal from the



Bureau of Land Management (BLM). Originally proposed back in 2014, the project sat idle for several years as BLM and the oil and gas operators proposing it worked behind the scenes to move the project forward. With the historic slump in oil supply and demand, there is an outstanding question of how many – if any – of the wells will get drilled and by whom (two of the companies that originally proposed the plan have sold to or merged with other companies). But even if the project had a slow start, it includes a troubling precedent-setting decision to allow year-round drilling near raptor nests and in sage-grouse habitat by waiving oil and gas lease stipulations. The BLM estimates that there are 1,475 raptor nests in the project area that could be affected under this plan. We expect a resolution of our protest challenging these troubling parts of the plan later this year.

### **Ensuring Transparency, Public Hearings & Accountability on Oxy Mineral/Land Deal**

In 2020, Governor Gordon and his staff pushed forward a proposal for Wyoming to spend over \$1 billion dollars from our permanent mineral trust fund to purchase 4 million acres of minerals and 1 million acres of land owned by Occidental Petroleum. Powder River’s engagement and member involvement was instrumental in ensuring disclosure of the costs to Wyoming, transparency in the process and a public hearing. Powder River’s actions led to accountability in the process and an honest discussion about whether spending over \$1 billion dollars of Wyoming’s Permanent Mineral Trust Fund met the prudent investment criteria for Wyoming. In the end, Wyoming was out-bid and the State Treasurer, Curt Meier, testified to the legislature that the investment would have been risky and potentially costly and did not meet Wyoming’s investment standards.



*Courtesy of Wayne Stroot, cartoonist, & the Wyoming Tribune Eagle*

# 2020 Agriculture Work

## Maintaining Access to Local Foods

Although the challenges of Covid-19 restrictions negatively impacted some of Powder River's local foods plans, we were nonetheless successful in adapting and increasing access to local foods. When restrictions were first imposed, Powder River assisted in the development and implementation of safety procedures which allowed the Landon's Farmers Market to remain safely open for the entire season. To increase consumer access to local foods, we developed postcards which were sent to over 500 Supplemental Nutrition Assistance Program (SNAP) recipients, informing them that SNAP benefits are accepted at the Sheridan Downtown Farmers' Market.

The results of a pre-Covid survey of Sheridan area farmers' market vendors indicated their high interest in the development of a virtual market. When Covid-19 hit, we provided support in seeing this to fruition. The survey also affirmed their desire for a marketing workshop to help vendors sell their products. Powder River had planned an in-person workshop, but pivoted to producing a marketing video covering both online and in-person marketing tactics. This video is available on our website and our YouTube channel.

Powder River held a Seed Library workday in January, stocked the seed library and were ready for spring when the library closed to the public due to Covid. In order to maintain this access to free seeds, we repackaged the seeds and made them available to the community on our office's front porch office, which allowed people to maintain safe, outdoor access free seeds.

A number of our plans were sidelined by the pandemic. The effort to get increase SNAP program access and implement a Double Up program was subsumed by just trying to make sure food producers were able to distribute their food safely. Also, we had plans in place for a fall Picnic on the Pathway event featuring the Sheridan Food Forest, which also had to be cancelled.

Concerns about the declining health of the



world's soil and how that's impacting food production is a critical issue which is rapidly gaining attention everywhere, including in Wyoming. Powder River is dedicated to helping producers and consumers understand the problem and figure out ways to maintain or restore the health of Wyoming's soil. We had planned a soil health workshop but once again had to pivot to an online event. Powder River produced the Healthy Soils Webinar featuring regional soil health experts in late October. This free webinar was attended by members and the general public.

Powder River staff attended the Wyoming Food Coalition (WFC) initial meeting last December where over 80 participants from all sectors of the local foods community worked to develop a plan to strengthen the Wyoming's local food systems. Powder River has continued working with the WFC, which is trying to increase online sales of local foods and is developing a network of local packing plants so more ranchers can sell directly to consumers and more livestock industry dollars can remain in Wyoming.

### **Sheridan Food Forest**

The Sheridan Food Forest has continued to flourish. A dedicated group of local gardeners, including some Powder River staff and members, volunteered hundreds of hours to plant a thicket of native bushes, construct a strawberry pyramid, plant an annual flower garden and potatoes, mulch the outer perimeter with landscape cloth and wood chips, conduct a monthly bee census, and weed, water and nurture the Food Forest into a healthy, productive community space. Community members were able to harvest apples, pears, berries, herbs, and asparagus. Powder River has begun work on an AARP grant to assist with some of the infrastructure needs, such as durable signage.



### **Broader Ag Issues**

Fueled by the widely publicized effects of Covid-19 on the safety of our food system, 2020 saw both producers and consumers demanding that monopolization of America's food chain by a handful of massive agribusiness corporations be addressed. Powder River's ranching, farming and local foods members have shared that con-



sumer interest in the origin of their food has resulted in a dramatic increase in direct sales to consumers of many food products, especially meat.

Powder River participated in campaigns at the state and federal level on many legislative and regulation reform efforts to correct these serious flaws that are threatening the survival of our farmers and ranchers. However, our focus has increasingly been on supporting our local rancher and consumer efforts to institute a network of statewide packing plants and marketing opportunities that largely circumvent the existing monopolized system. We are working with allies, institutions and legislators to help maintain the volume of concern that Covid-19 has afforded us, which can help increase much-needed consumer support. Powder River continues to work for Wyoming to have more control over meat production, processing, and marketing. Throughout the year, we have corresponded with lawmakers about these issues, commended their support of the Food Freedom Act, and commented on pieces of legislation regarding these issues that may be introduced in the upcoming Wyoming legislative session.

## Harvest Celebration

Due to Covid-19, Powder River cancelled the in-person Harvest Celebration this year. However, we decided to make some accommodations so that we could still hold the popular Pies by Guys Auction and the raffle.

Because the “pitches” by the pie bakers are the highlight of the Harvest Celebration, we decided to produce videos from the bakers. We then shared these on YouTube, our website, and social media. The bakers all agreed to appear on camera, and being such good sports, hilarity ensued. Singing, swords, rolling pins, horseback riding, baby dolls, swimming, masks, cute animal tricks, and science were all referenced in the videos. You can still find these videos on our YouTube channel. We sincerely appreciate the pie bakers’ efforts to help pull off this unusual auction this year. Also, we want to thank all the bidders who took the time to email or mail in their bids.

As in all years, we mailed out raffle tickets, but of course, without the event, most folks had to mail their tickets back to the office. Powder River members answered the call, and we had a very successful raffle even without the in-person event.

Overall, the Harvest Celebration raised \$3,945 for Powder River this year.

## 2020 Legislative Victories

We had another successful year of lobbying at the Wyoming Legislature, this time back in the newly restored Wyoming Capitol. These were some of our biggest legislative victories this year.

**Addressing the Economic Impact of Coal Mine Bankruptcies & Helping Counties Collect Tax Revenue:** After several years of trying to address how counties collect mineral production taxes, we have finally passed a bill creating a monthly collection system. This would put mineral production taxes on par with how we collect state severance taxes and federal mineral royalties. It would create a more timely and effective payment system, and limit the amount owed to a county when a company enters bankruptcy. We also supported a companion bill that helps counties move up the collection line when a company files for bankruptcy.

**Stopping New Tax Breaks for Industry:** Bills to reduce or eliminate severance taxes for uranium, coal, and oil and gas abounded this session. We had an early success in defeating a property tax exemption for sites that store energy production equipment on the introduction vote. We also helped to kill a bill that would have provided a severance tax credit for mineral exploration so long as the mineral is not currently being produced in the county.

**Protecting Ratepayers on Bills That Subsidize Coal**  
Pushed through by the Governor, House Bill 200 - Reliable and dispatchable low-carbon energy standards, creates a first-in-the nation standard to require utilities to generate electricity using coal plants with carbon capture systems. The bill allows utilities to recover money they invest in this technology by raising electricity rates on Wyoming consumers. Unfortunately, this bill will significantly increase utility bills because carbon capture is expensive and makes coal plants less efficient. Through lobbying efforts and our members speaking out for affordable energy, we were able to amend the bill to put a cap on the amount of money that can be recovered through rates. We now head into the rulemaking process.

**Supporting our Agricultural Heritage:** We supported a bill that provides a small fund to assist Wyoming meat processing facilities in getting up and running. This way, we can get more of our good local Wyoming meat to market. We also supported changes to Wyoming's Food Freedom Act to allow third-party sales of certain local foods, such as produce, and certain baked and canned goods. This facilitates the sale of more local food in retail stores and other venues besides direct producer-to-consumer sales at farmers' markets.

**Preserved Transparency on Oxy Land Deal:** We worked with the Equality State Policy Center and other transparency allies to kill a bill that would have exempted the State Loan and Investment Board from Public Meeting requirements. We speculate that the intention of the bill was to stifle public involvement in Wyoming's failed bid of the millions of acres of land and mineral rights in Southwestern Wyoming from oil and gas company, Occidental Petroleum. See the Oil and Gas Report for more details on that work.

## Youth In Conservation

Annually, Powder River judges the Wyoming State Science Fair in order to present selected students monetary awards for their work in conservation. The "Bill Barlow Memorial Youth in Conservation Awards" are presented in the memory of Bill Barlow, a rancher and conservationist who was also a Powder River founding member. 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.

Newcastle High School senior Markie Whitney was awarded \$350 for her project on increasing the efficiency of solar panels, "Solar Panels-Too Cool!" Isabel Oravec from St. Mary's Catholic School in Cheyenne was awarded \$200 for her project "Does Seed Depth Matter?" Goshen County students Emmett Coxbill and Ayden Shimic were awarded \$200 for their project on erosion "The Erosion Games."



**Isabel Oravec**

# Administration

The Covid-19 pandemic that hit in March of 2020 brought many challenges for our organizing and active campaign work. However, Powder River staff and our members rose to meet those challenges and quickly pivoted our organizing work to the phone and computer. We organized a series of webinars on our issues, participated in numerous virtual hearings at the state level and held numerous board and staff meetings and fundraising events over virtual platforms. On several occasions our members and leaders also masked up and participated in meetings and hearings in person. While we long for the day when we will meet again in person and work face-to-face in our communities, we will continue our critical work to protect Wyoming's resources and people in any and every way possible.

Powder River's work is overseen by our Board of Directors who live in Wyoming and are elected from and by the membership for two-year terms. As a membership-driven organization, members decide the direction of Powder River's work by drafting and proposing resolutions for a vote of membership approval at the annual meeting and providing leadership on the campaigns embraced by Powder River Basin Resource Council.

Powder River's main office is located in Sheridan, and in 2020 it housed Jill Morrison, our executive director who organizes around some coal and oil and gas issues and handles all things administrative with the help of Stephanie Avey, our ace executive administrator. Shannon Anderson, our energizer bunny serves as our staff attorney and organizes on coal, oil and gas, legislative, and numerous other thorny issues; Hesid Brandow, organizes around renewable energy and is our masterful storyteller, videographer, and video editor. In January, we welcomed back former Powder River leader and organizer, Pennie Vance, to staff our local food and sustainable agriculture work. Monika Leininger, is our rising star and organizes on oil and gas issues for the Cheyenne Area Landowners Coalition, on renewable and carbon neutral work in Laramie for the Alliance for Renewable Energy and leads our legislative work in Cheyenne during the session. Monika is now located in Lander to help expand our organizing and coalition work in that part of the

state. Michele Irwin, worked for us last year and the early part of 2020 as our contract organizer in Southwest Wyoming on coal transition work. We are happy to report that Michele has joined the staff and will continue to bring her skillful organizing on coal transition work and buffalo medicine from her buffalo ranch near Green River, Wyoming. Last but not least, the amazing Robin EH. Bagley who expertly leads all our communications and development work and assists with our ag organizing and campaign work.

Remember to check our website for campaign information, publications, and digital copies of our newsletter. You can also easily renew your membership or make a donation on our website; check it out at:

[www.powderriverbasin.org](http://www.powderriverbasin.org). We are active on Facebook, Twitter and Instagram and all members receive a copy of our informative newspaper, the *Powder River Breaks*, to update members on our issues and keep them involved in the issues that directly impact Wyoming.

## Treasurer's Report

The Powder River Board of Director's approved a 2020 amended budget of \$647,044.84. As of September 30, 2020 we have spent 71% of our budget, or \$460,609.46. and our strong fundraising efforts have succeeded in raising 101% of our total 2020 budget. We also gained additional interest income this year from a CD that matured and provided an income boost. We anticipate that by the end of this year we will be under budget for overall expenses due in large part to the Covid-19 pandemic and our inability to travel and hold conferences. However, that will likely balance out with a bit more spending on advertising, consultants, and technology.

Powder River continues to have a strong internal fundraising team and generous donors. We recognize and thank all of our foundation grantors and the Western Organization of Resource Councils for their partnership in helping with our foundation outreach and fundraising. We extend our gratitude and appreciation to our generous major donors and our members who are the heart and soul of this organization. You ensure our continued success!

# Coalitions and Affiliates

## **Western Organization of Resource Councils (WORC)**

Powder River is a founding member group of WORC, an association of grassroots organizations in seven states including North Dakota, South Dakota, Idaho, Montana, Colorado, Oregon and Wyoming. Through WORC, these local organizations join together to provide training and technical assistance, policy analysis, research and networking to improve the effectiveness and regional coherence of the coalition members efforts. WORC provides consolidated fundraising and a critical presence in Washington D.C.

## **Equality State Policy Center (ESPC)**

Powder River has been a member of the Equality State Policy Center since ESPC's inception. ESPC is a coalition of a broad range of Wyoming organizations from labor unions to conservation groups, dedicated to good government for the people of Wyoming.

## **Community Affiliates Across Wyoming.**

Ranchers & Neighbors Protecting Our Water  
Alliance for Renewable Energy Laramie  
Cheyenne Area Landowners Coalition  
Pavillion Area Concerned Citizens  
Sheridan Area Resource Council  
Clark Resource Council

Each affiliate may have representation on the Powder River Basin Resource Council Board of Directors. Affiliates are self governing and decide their own priorities and issues to pursue. Some issues become shared priorities with Powder River.

# 2020 Board and Staff

## 2020 Board

### Officers

|                 |   |             |
|-----------------|---|-------------|
| Marcia Westkott | ~ | Board Chair |
| Joyce Evans     | ~ | Vice Chair  |
| Christy Gerrits | ~ | Secretary   |
| Stacy Page      | ~ | Treasurer   |

### At-Large

|                |               |
|----------------|---------------|
| Judy Leggett   | Joan Tellez   |
| D.J. Purcell   | Shiva Polefka |
| Wayne Lax      | Bob LeResche  |
| Gillian Malone | Kevin Lind    |
| Roger Davidson |               |

## 2020 Staff

|                  |                              |
|------------------|------------------------------|
| Jill Morrison    | Executive Director           |
| Stephanie Avey   | Executive Administrator      |
| Shannon Anderson | Organizer/Staff Attorney     |
| Monika Leininger | Organizer                    |
| Hesid Brandow    | Organizer                    |
| Pennie Vance     | Organizer                    |
| Michele Irwin    | Organizer                    |
| Robin EH. Bagley | Communications & Development |

# **Powder River Basin Resource Council 2020 Annual Report**

**For information on how to support Powder River Basin  
Resource Council please contact us at:**

**Phone: 307-672-5809**

**Email: [info@powderriverbasin.org](mailto:info@powderriverbasin.org)**

**Website: [www.powderriverbasin.org](http://www.powderriverbasin.org)**

**Powder River Basin Resource Council  
934 North Main Street  
Sheridan WY 82801**



**POWDER RIVER BASIN**  
*Resource Council*