

POWDER RIVER CELEBRATES ITS FIFTY-YEAR ANNIVERSARY

Powder River Staff

Powder River turns a half century old this year! Our founding members joined together in 1973 for the organization's first annual meeting of the membership, and on Nov. 5 in Sheridan we'll celebrate the golden anniversary of our annual meetings. The staff and board are excited to share stories of our past victories and help us think about victories yet to come in the future. Our members have accomplished so much over the years to protect Wyoming's quality of life, contribute to responsible development of our mineral resources, protect our agricultural heritage, and engage in our democracy.

We invite all current members to start the day with the annual business meeting of the membership, where we will elect new members of the board of directors, debate policy resolutions, and learn about our successes in our issue campaign work over the past year. The membership meeting starts at 2:30 p.m., with registration opening at 2:00 p.m. at Sheridan's Ramada Plaza (formerly the Holiday Inn).

After the business meeting, we'll host a fun and celebratory social hour, with music by the Fireants, appetizers composed of food made by local producers,



and a cash bar. We'll have remnants from our past on display, including old editions of the *Breaks*, headlines from past campaigns, and photos. We welcome you to bring items you wish to share. Before dinner, we'll have a live auction of artwork contributed by members Marge West and Ellen Dudley and a flyfishing rod donated by member Charlie Walter. Because we missed out on hosting the Harvest Celebration this year, we are integrating a Pies by Guys

and a cash bar. We'll have remnants from our past on display, including old editions of the *Breaks*, headlines from past campaigns, and photos. We welcome you to bring items you wish to share. Before dinner, we'll have a live auction of artwork contributed by members Marge West and Ellen Dudley and a flyfishing rod donated by member Charlie Walter. Because we missed out on hosting the Harvest Celebration this year, we are integrating a Pies by Guys auction into the annual meeting. Come ready with your checkbook to snap up a delicious homemade pie during this lively event.

Our dinner will be scrumptious with lamb from the Barlows, a Powder River founding family. And for the main event, we have lined up a panel of Powder River all-star members Bernie Barlow, Ronn Smith, Reed Zars, and Nancy Sorenson. Jill Morrison and Roger Sanders will moderate the conversation, which is guaranteed to bring humor, grace, and passion into the evening's discussion of the past 50 years.

Check out the brochure we have mailed you for complete details, and to RSVP, give our office a call at 307-672-5809 or email info@powderriverbasin.org.

We look forward to seeing everyone in Sheridan next week!

Court rejects Wyoming, industry challenge to postponement of oil and gas lease sale

Powder River and WORC Staff

In September, a federal judge in Wyoming affirmed the Department of the Interior's decisions to postpone oil and gas lease sales in early 2021, holding that the federal government has broad authority to postpone sales to address environmental concerns.

In his ruling, U.S. District Judge Scott Skavdahl rejected arguments by industry and Wyoming and found that the Bureau of Land Management (BLM) acted within its legal authority under the Mineral Leasing Act, National Environmental Policy Act (NEPA), and other laws when it postponed lease sales to ensure that it fully considered the environmental harms they could cause. The court

also held that industry and Wyoming lacked standing to challenge the postponement.

"We're pleased the Judge affirmed the Department of the Interior has significant discretion to decide when to offer public oil and gas resources at lease sales. The law requires Interior to serve the public interest by analyzing and considering the environmental and social costs of leasing before holding lease sales, and that's what they did," said Bob LeResche, Powder River board member from Clearmont. "Last year BLM initiated a comprehensive review of the federal oil and gas program, and this is the perfect time for the department to complete their review and fully reform the federal oil and gas program to better protect taxpayers, communities, and the environment. We call on them to do so."

In early 2021, the Biden administration issued an executive order aimed at tackling the climate crisis, which directed the Department of the Interior to temporarily pause new oil and gas leasing on federal lands and offshore waters. The pause was meant to provide the federal government an opportunity to undertake a systematic review of its oil and gas program and consider how to address its climate impacts. Before the Interior Department could decide how to implement the executive order, it was targeted in five lawsuits filed by industry trade associations and several states.

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)
- Sheridan Area Resource Council (SARC)

BOARD OF DIRECTORS

Chair.....Joyce Evans
Vice Chair.....David Romtvedt
Secretary.....Lynne Huskinson
Treasurer.....Cissy Dillon
Wayne Lax, Gillian Malone, Liza Cuthbert-Millett, Bob LeResche, Barbara Chase, Maria Katherman, Marcia Westkott, and Greg Findley

STAFF

Executive Director Robin EH. Bagley
Staff Attorney Shannon Anderson
Organizers: Claire Deuter, Pennie Vance, Sheridan; Michele Irwin, Green River; Jarad O'Brien, Laramie

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Powder River Breaks

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



Joyce Evans

Fifty years ago the world seemed a different place. Europe was romantic, Asia mysterious (well, except for that pesky war). The Middle East was unimportant if you didn't consider Israel, where refugees from the Second World War were turning the desert green with their innovations. Africa really didn't deserve consideration unless you wanted to see, or shoot, big game, or if you wanted to convert the "natives" to your religion. The United States was riding a wave of prosperity from the perspective of newly hatched college students. Oh yes, and there was a bunch of "old people" greedily degrading the environment, polluting our water, fouling our air, and destroying what was our birthright: a healthy, beautiful wilderness in which to thrive. Ah, the blindness of youth! I recall many evenings spent around kitchen tables, gathered on living room rugs, or hiking in amazing places where the conversation turned serious, and we really mulled through ideas that might bring a better future for our lands, skies, and waters. There was mighty thought going on then, and from that narrow perspective of people too young to understand the ripple

effects of their decisions, sprang some strong and good ideas. One of those ideas was the Powder River Basin Resource Council. Some of the other ideas did not stand the test of time quite so well. (You know: Living off the land in a geodesic dome made of discarded cardboard and smoking weed instead of working.)

Times have changed, and so has our understanding and appreciation of the world. In spite of all our false starts and shortsightedness, the youth of that generation managed to do some serious good before we turned thirty and became our parents. There was a palpable energy among us in those days, focused on doing things right and caring about things previous generations appeared to have taken for granted. At the last PRBRC Board meeting, I sensed a healthy amount of that same energy in the air. It came, not from the wise gray heads gathered around the table, but from some of our new hires, people young enough to have escaped cynicism and yet seek the long perspective. People who are intelligent and who have a caring appreciation for their fellow humans but are also concerned about the environment in which they live. These young people are going to get things done and they are going to preserve the world, if not actually save it.

We of the older generation should not be ashamed of the work we did, and, in many cases, we keep doing. We did make a difference. Remember when President Richard Nixon signed the Clean Air Act on December 1, 1970? We did that. Everyone in America is healthier and has more opportunity because of actions we took as starry-eyed youth. Our contributions may not have been enough, but we did build the basement of the future we all want for kids, grandkids, and even for people who do not share our own genes. We learned to advocate, and we did so loudly. We taught our children to do the same. It is our responsibility to continue and not give up no matter how discouraging the evening news may be. We must support younger people who are doing their best to build their own futures.

This is likely my last letter to all of you, as I have elected to step down as Chair at the end of my term in November, though I will remain on the Board. The organization is in good hands with our staff; we are able to hire strong organizers and retain the ones we have. The financial situation, while not something we can ever relax about, is sound. Our Board is made up of amazingly dedicated and knowledgeable people who carry with them a vast set of experiences and expertise. The organization serves its members and offers a platform for them to express their needs and ideas. So, take a minute to celebrate with us at our Annual Meeting, and pat yourselves on the back. And then get back to work for all your good causes because there is no time to waste.

CARBON CAPTURE AND SEQUESTRATION PROPOSALS GAIN STEAM BUT FACE ROADBLOCKS

SHANNON ANDERSON
Powder River Staff

It's been a busy year for developments in the world of carbon capture, use, and sequestration (CCUS for short). Here is a quick rundown of some of the latest news.

NEW SEQUESTRATION FEE RULES APPROVED BY EQC

First, some good news. The Environmental Quality Council (EQC) approved new rules in June that require companies with carbon sequestration injection wells to contribute to the state's Geologic Sequestration Special Revenue Account, which funds long-term monitoring and environmental remediation resulting from any carbon dioxide leakage in the future. The fee was needed to ensure that those injecting carbon dioxide protect the public interest and the treasury of the state from any future issues resulting from permanent storage of carbon dioxide underground.

INFLATION REDUCTION ACT INCREASES TAX CREDITS FOR CCUS

Unfortunately, not all of the news is good. The Inflation Reduction Act passed by Congress in August has a number of sweetheart giveaways for carbon capture projects. The law increases the tax credit from \$50 to \$85/ton for storage in saline geologic formations from carbon capture on industrial and power generation facilities and from \$35 to \$60/ton for carbon captured for utilization like enhanced oil recovery. The tax incentives also increased from \$50 to \$180/ton for storage in saline geologic formations from direct air capture and \$50 to \$130/ton for utilization from direct air capture.

While Wyoming has had several industrial carbon capture projects proposed at the state's coal and gas plants, the first direct air capture project called Project Bison appeared in Sweetwater County as a result of these new tax breaks.

CARBON CAPTURE continued on page 6



High Plains Power proposes net-metering revision

CLAIRE DEUTER
Powder River Staff

Solar owners in the High Plains Power service area are at risk of having much higher utility bills due to the electric cooperative's proposal to change its net metering rate. The rural energy cooperative recently applied before the Wyoming Public Service Commission to revise its tariff and change the amount it will compensate customer-generators (those with rooftop or backyard solar) for excess power generation. The compensation amount would change from retail rate to avoided cost rate through the monthly rollovers that get credited to customer-generators' bills throughout the year. Powder River sent an action alert to members in early October encouraging Wyomingites to urge the commission to reject this revision.

This net metering revision would negatively impact solar owners. Currently, solar owners receive a credit equal to the retail rate of their generated electricity for all power they generate and use during the month, as well as for any excess power they generate, which rolls over in a credit to the following month's bill. Under this proposed revision, solar owners would receive a credit equal to the cooperative's avoided cost (sometimes called a wholesale rate). Because avoided cost is significantly lower than the retail rate of electricity, High Plains Power customer-generators will lose utility bill savings under this revision. Further, this change may discourage customers from installing solar, and in turn, negatively impact Wyoming solar installation companies.



Solar panels installed on homes in the High Plains Power service area. Photo courtesy of Creative Energies.

Powder River is also concerned that this revision conflicts with Wyoming's net metering law which affects customers throughout Wyoming, not just High Plains Power customers. If left unchallenged, this revision could set an ugly precedent, allowing other utilities to move forward with similar negative changes.

With new solar incentives in the recently passed Inflation Reduction Act, we should encourage Wyoming customers to invest in rooftop solar instead of discouraging them by reducing their savings. Stay tuned for updates on this issue in the coming months.

Rancher voices urgently needed for Wyoming soil health survey

Pennie Vance
Powder River Staff

Wyoming's farmers and ranchers are looking for answers on how to improve their operations' soil health to increase water retention and plant nutrition, mitigate drought effects, reduce input costs, and increase profitability. The Wyoming Collaborative for Healthy Soils (WCHS), a statewide organization of ranchers, farmers and ag organizations, including Powder River, is working to produce useful and effective soil health tools and resources specific to Wyoming to help producers reach their soil health goals.

But the project will not succeed without on-the-ground input from the producers themselves as to what they see as wants, needs and obstacles to improving their operation's soil health. If you are or have been a rancher or farmer, the project needs your voice on a survey that identifies those needs and obstacles.

Please go to the WCHS website, www.groundupconsulting.us/wchs, where you can easily click on the "Survey for Producers" (there's also a link for ag professionals), answer the survey questions and click the submit button. The answers will be used to identify what Wyoming ag producers identify as important to improving the soil on their farms and ranches and give the WCHS information needed to develop Wyoming specific tools and resources for improving soil health. Please share this information with any ranching or farming family members, friends, neighbors, or others who can help this project succeed.

If you would like to receive a pencil and paper copy of the survey for yourself or others, please email Pennie Vance at penniev@powderriverbasin.org or call 307-399-5848 so we can send you a copy by mail.



Solar neighborhoods grow in Wyoming

PENNIE VANCE
Powder River Staff

I recently visited Cissy Dillon at her country home south of Sheridan on a warm August morning. The view off her back deck of a vast, grassy plateau stretching to the Big Horns, a mountain range the color of blue denim, demanded a "stop in your tracks" pause. At the edge of Cissy's lawn, sunlight and birdsong bounced gently off a small pond rimmed by masses of cattails and wildflowers.

The air was pleasant that morning, but before the day was out, temperatures quickly rose to almost 100 degrees, a pattern of well-above-average heat that began in July and remained throughout August and into September. This summer in Wyoming has turned out to be one of the hottest in recorded history. Homes that in the past often needed only a good fan in the evening for a comfortable sleep now demand expensive, 24-hour air conditioning.

Wyoming is feeling the effects of a changing climate, something that Cissy, a lifelong supporter of environmental protection efforts, has been concerned about for years. Almost 20 summers ago she considered installing solar panels, but the cost was prohibitive. Then several years ago, the activity of a solar panel installation at her neighbor's home caught her eye. After conversations with the neighbor and an estimate by the installer, during which Cissy learned that rooftop solar costs had dropped dramatically, she took the leap.

Because her home doesn't have an ideal rooftop for solar, Cissy's panels are installed on her nearby barn with an attached guest house. She told me that she's pleased that she made that decision. Not only has the installation reduced her electricity costs to nearly zero during the sweltering summers (there is an approximately \$30 hookup fee/month) she has the satisfaction of knowing that she is reducing carbon emissions that are disrupting the earth's climate.

A residential rooftop or ground solar installation often catches the attention of nearby home dwellers and begins a neighborhood spread. Cissy said she has noticed more solar installations in her area, a

trend happening coast to coast. A Solar Energy Industries of America report earlier this year stated that in 2021 residential solar installations grew 30%, and nearly 5% of U.S. owner-occupied homes now have rooftop solar.

That growth is expected to increase significantly in the coming months due to generous tax credits for residential solar installations that can reduce a homeowner's costs by 30%, thanks to provisions in the Inflation Reduction Act (IRA), which was recently signed into law by President Biden. The provisions also extend tax credits for solar storage batteries and many energy efficiency opportunities.

Powder River is following and will report on the rollout of the IRA incentives that will help Americans transition to lower, more climate-friendly energy options for their homes. While we are likely to see more brutally hot summers in Wyoming, by following the lead of fellow Wyomingites like Cissy, we can help slow down dangerous climate changes so that future generations can experience the Wyoming we love and enjoy today.

SOLAR STATS

499KWH
Energy Produced

780 POUNDS
Carbon Offset:

We offset an equivalent of 6 trees in August and September, with a total of 33 trees in 2022!

WYOMING COLLABORATIVE FOR HEALTHY SOILS

SPEAK UP & SPEAK OUT NOW

Take the Survey
For Ag Producers
<https://tinyurl.com/4dnakdav>

Take the Survey
For Ag Professionals
<https://tinyurl.com/4wz3eap>

Attention Ag Producers & Ag Professionals!
<https://www.groundupconsulting.us/wchs>

POWDER RIVER CHALLENGES CONVERSE COUNTY OIL & GAS PROJECT

Powder River Staff

In September, a federal judge in Wyoming affirmed the Department of the Interior's decisions to postpone oil and gas lease sales in early 2021, holding that the federal government has broad authority to postpone sales to address environmental concerns.

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"We're pleased the Judge affirmed the Department of the Interior has significant discretion to decide when to offer public oil and gas resources at lease sales. The law requires Interior to serve the public interest by analyzing and considering the environmental and social costs of leasing before holding lease sales, and that's what they did," said Bob LeResche, Powder River board member from Clearmont. "Last year BLM initiated a comprehensive review of the federal oil and gas program, and this is the perfect time for the department to complete their review and fully reform the federal oil and gas program to better protect taxpayers, communities, and the environment. We call on them to do so."

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Friday's ruling came in two of those lawsuits, brought by the state of Wyoming, Western Energy Alliance (WEA), and the Petroleum Association of Wyoming. Earthjustice and the Western Environmental Law Center (WELC) intervened on behalf of 21 groups to defend the lease sale postponements and leasing pause.

The Wyoming ruling follows an Aug. 18 ruling from the Western District of Louisiana that permanently blocked a blanket leasing pause in 13 states (not including Wyoming) that sued over the executive order in Louisiana District Court. The Louisiana ruling came one day after the 5th U.S. Circuit Court of Appeals overturned a preliminary injunction previously issued by the Louisiana court, finding that it lacked adequate "specificity." Similar to the Wyoming decision, however, the Louisiana ruling appears to permit the government to postpone sales based on NEPA and other concerns.



"The court reaffirmed the federal government's long-standing obligation to protect the environment and public interest, not just sell off lands when demanded by oil and gas companies," said Michael Freeman, senior attorney with Earthjustice's Rocky Mountain Office. "We hope the Biden administration will exercise that authority to limit new oil and gas leasing and avoid the worst impacts of the climate crisis."

Earthjustice and the Western Environmental Law Center represent Powder River and 20 other organizations.

Aethon's controversial aquifer exemption back on the table

SHANNON ANDERSON
Powder River Staff

Once thought dead, Aethon Energy's controversial proposal to exempt a portion of the Madison Aquifer from Safe Drinking Water Act (SDWA) standards and regulations to facilitate wastewater disposal from oil and gas operations is now heading to the Environmental Protection Agency (EPA) regional office in Denver for review and a decision.

The proposed aquifer exemption for a wastewater injection well was approved by the Wyoming Oil & Gas Commission two years ago during the COVID times of 2020 through a virtual hearing.

At the time, Powder River objected to the proposal, raising concerns about the value of the water and its potential use as a future drinking water source. We brought forward expert information from hydrogeologists we consulted with, and highlighted that just a few years before, the Commission rejected the same proposal. In an about-face of that previous decision, the Commission approved Aethon's request, with only Wyoming State Geologist Erin Campbell voting in opposition.

However, after the Commission's decision, the aquifer exemption proposal lingered, with no order signed until last month. We're not sure exactly why the Commission all of a sudden revived the proposal, sending it to the EPA, but we do know that Aethon has been struggling with wastewater disposal options for



Black sludge lines creeks where Aethon discharges their oil and gas wastewater. Photo produced in DEQ records request

its oil and gas field, and likely politics and industry pressure had a lot to do with the current situation, as it often does.

In response to the Commission's action, Powder River has ramped up efforts to thwart the proposal before EPA, working with partner groups Wyoming Outdoor Council and Natural Resources Defense Council. In 2021, we commissioned a report from water economists that speaks to the value of the water and concludes that the criteria for an aquifer exemption is not met by Aethon's proposal. That report, along with the previous expert reports

Powder River submitted to the Commission, are now being considered by the EPA as they make their decision.

Meanwhile, Aethon continues to be in violation of surface water quality standards for its wastewater discharge into tributary streams of Boysen Reservoir. The company has failed to bring a water treatment plant online that would clean up its wastewater and help it comply with the legal requirements of its Clean Water Act permit. Unfortunately, based on water test results, Aethon's discharge water is contributing to toxic conditions in the streams, water quality that is very harmful to aquatic ecosystems and the species that live there.

Powder River continues to watchdog this company and its goings on before the various regulatory agencies. If you'd like more information or would like to get involved to help our efforts, please contact our office. Stay tuned as there will be more to come in the coming weeks and months.

Just Transition Fund national convening held

MICHELE IRWIN
Powder River Staff

Recently the Just Transition Fund brought together diverse leaders in coal transition from across the nation for their 2022 National Convening in Washington, DC. This year's purpose was to learn how available federal funding to energy communities can be used to not only decarbonize the global economy, but build meaningful change by developing sustainable, community-based projects and infrastructure, including natural carbon sequestration and renewable energy.

A series of panels, speakers, and workshops not only helped inform participants but also encouraged many engaging conversations. Transitions are always hard (and involve the five stages of grief), but coal transition has some particular obstacles. Plus, there are barriers to communities accessing the federal funds needed to help with the process. Additionally, participants had some criticisms of the Intergovernmental Working Group, including the rapid response regional process, which isn't as functional as it should be.

There is a real opportunity to direct resources for projects that make sense from an environmental and social justice perspective. There are also opportunities for reducing demand for and otherwise conserving electricity. This drives home the idea that we have the ability to be part of systemic change, including paradigm shifts from industrial-sized solutions, continual improvement to both federal funding and public input processes, and trans-generational engagement. Solutions that include youth have particular power to shape the future.

Work in coal communities will include reclamation and renewables, but also social and environmental entrepreneurs and a creative economy. Reclamation

opportunities include ecosystem restoration and remediation, refining of coal ash for rare earths, and brownfield development. Of particular interest to Wyoming communities are rural and tribal partnership opportunities. It will be especially fruitful to follow up here at home with conversations about regional partnerships as well as those based around shared visions.

A just and equitable transition requires holistic perspectives that take into account water and land use of various energy resources. We need to keep asking questions, and ensure there is accountability, and the opportunity for citizen engagement in the process. Regional rapid response groups are better when they are inclusive and include multiple perspectives. Using the funding process to focus on community benefits can help inform what investments make the most sense, and inform other interrelated decisions that will support a diverse economy and sustainable quality of life. What that looks like will be unique for each community.

The convening was a reminder of the power of connecting in person to share ideas and broaden our perspectives through conversations. This is an evolving and complicated process, and will benefit from our continued shared engagement with leaders in our communities and our state. Partnerships are important to build the capacity necessary to navigate funding opportunities, with which the organization can help communities. JTF has just launched a new Federal Access Center—a one-stop resource hub offering grants and technical assistance to help coal-impacted communities secure public funding for local economic solutions. Learn more at justtransitionfund.org/federal-grant-support/.

Scaling our collective efforts at all levels – local, state, regional, national, global - is also essential. We look forward to using these lessons as we continue our organizing around Wyoming.

CARBON CAPTURE continued from page 3

CARBON GEOCAPTURE PROPOSES INJECTION IN COAL SEAMS

Powder River recently objected to a proposal by a company called Carbon GeoCapture to inject carbon dioxide into the shallow coal seams of the Fort Union Formation near Sussex.

Based on our objections, the Oil and Gas Commission is requiring the company to supplement its application with additional information, and a hearing is currently scheduled for Nov. 14. Powder River is concerned that coal seams are not appropriate for permanent sequestration of carbon dioxide since they are shallow, and older CBM wells are not likely to keep the fluids confined to the injection area.

BLM PERMITS FIRST CARBON DIOXIDE INJECTION WELL

In June, the Bureau of Land Management (BLM) released a new policy document to facilitate the injection of carbon dioxide on federal lands. Then, in late August, the agency approved the first well, a proposal by Exxon in Sweetwater and Lincoln Counties. Exxon currently captures a portion of its carbon dioxide emissions from its Shute Creek gas plant, but that carbon dioxide is sent in a pipeline and used for enhanced oil recovery. Now, the company can permanently sequester a portion of its carbon dioxide pollution.

WYOMING PUBLIC SERVICE COMMISSION WEIGHS AFFORDABILITY OF CARBON CAPTURE

Now for the most important part of all of this: how much will carbon

capture cost all of us who pay power bills if it is tacked on to a coal plant. The Public Service Commission (PSC) is grappling with that very question this fall through proceedings Powder River is participating in over the implementation of House Bill 200's carbon capture mandate. Overall, the costs the utilities have put forward are staggering and would result in significant increases to the average customer's electric bill. For instance, Black Hills (also Cheyenne Light) estimated that adding carbon capture to the Wygen II and Neil Simpson II coal plants outside Gillette would increase electric rates for its residential customers in Wyoming by about 15%, or a range of \$22.75 to \$25.34 per month and \$40.71 to \$103.97 per month for commercial customers. Not included in these price estimates is the cost of replacement power that would be needed because of a 35% reduction in electrical generation output if carbon capture is installed. Commonly called a parasitic load, this is one of the biggest hurdles with carbon capture proposals at aging coal plants.

The proceedings have also highlighted a number of other issues with carbon capture projects, including an estimated 35-40% increase in water consumption, and the need for additional pollution controls for nitrogen oxide.

It is unclear what action the PSC will take, but the companies and other parties to the proceedings have said that any requirements from House Bill 200 should be waived at this time, meaning that the portion of electricity generated from coal with carbon capture should remain zero. Powder River will stay engaged in the proceedings before the PSC to ensure that the lives of Wyoming's coal plants are not extended with uneconomic and technically risky carbon capture projects.

The Second Annual Laramie Solar Tour builds community

CLAIRE DEUTER

Powder River Staff

Powder River's affiliate, the Alliance for Renewable Energy (ARE), held the Second Annual Laramie Solar Tour on Oct. 1. The event aimed at educating and inspiring members of the community to reach for their full solar energy potential. The tour included eight stops throughout town, showing off solar installations on city, commercial, nonprofit, and residential buildings. Individuals participated in the tour by carpooling, biking, and live-streaming the event.

The tour kicked off at the West Laramie Fire Station #3 where community members learned about the city's rooftop solar installations and electric vehicle charging station. Tour participants subsequently viewed a 27kW ground-mounted solar installation at Trihydro environmental and engineering consulting firm. Following Trihydro was the Laramie Downtown Clinic which has a solar array that offsets 98% of the clinic's electricity costs. Participants also saw the clinic's lithium-ion battery backup system, which allows temperature control for medications and vaccines during power outages.

During the residential stops, ARE President, Ed Koncel, and local installation company, Harmony Solar, presented Koncel's all-electric home. At another residence, Merav Ben-David showed the participants her flat-roof solar array and explained how rooftop solar reduces her utility bills. The tour wrapped up at the Laramie Recreation Center. There, Mike Morrissey from Rocky Mountain Power answered questions from the participants about the utility company's role in providing renewable energy.

The Downtown Clinic and city installations were funded in part by Rocky Mountain Power's Blue Sky Grant Program. Through this program, customers can opt-in to pay as low as \$1.95 extra on their monthly utility bills. This money goes to the Blue Sky Fund which helps fund local solar projects for government and nonprofit entities.



Second Annual Laramie Solar Tour participants at Ed Koncel's all-electric home

"This tour was nice because we had an expert from Rocky Mountain Power talk about how you can get a Blue Sky grant if you're a government agency [or nonprofit], and residents talked about their journeys with solar," said Finn Jackson, ARE member, as reported by the University of Wyoming *Branding Iron*.

The solar tour was a partnership between ARE, Powder River, Sierra Club Wyoming, and the American Solar Energy Society's National Solar Tour. To view videos from the event, please visit Alliance for Renewable Energy of Laramie's Facebook page.

COURT REJECTS

continued from page 1

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"We find it reassuring that the court affirmed the Bureau of Land Management's authority to postpone oil and gas lease sales in order to make certain they adhere to the law," said Melissa Hornbein, senior attorney at the Western Environmental Law Center. "The judge called out as nonsensical the state and industry group's argument that postponing a lease to ensure compliance with NEPA requires a NEPA analysis of its own. This suggests any appeal of this decision will have an uphill battle in court."

The Wyoming ruling follows an Aug. 18 ruling from the Western District of Louisiana that permanently blocked a blanket leasing pause in 13 states (not including Wyoming) that sued over the executive order in Louisiana District

Court. The Louisiana ruling came one day after the 5th U.S. Circuit Court of Appeals overturned a preliminary injunction previously issued by the Louisiana court, finding that it lacked adequate "specificity." Similar to the Wyoming decision, however, the Louisiana ruling appears to permit the government to postpone sales based on NEPA and other concerns.

"The court reaffirmed the federal government's long-standing obligation to protect the environment and public interest, not just sell off lands when demanded by oil and gas companies," said Michael Freeman, senior attorney with Earthjustice's Rocky Mountain Office. "We hope the Biden administration will exercise that authority to limit new oil and gas leasing and avoid the worst impacts of the climate crisis."

Earthjustice and the Western Environmental Law Center represent a coalition of conservation and citizen groups in the Wyoming litigation.

Earthjustice represents Conservation Colorado, Friends of the Earth, Great Old Broads for Wilderness, National Parks Conservation Association, Sierra Club, Southern Utah Wilderness Alliance, The Wilderness Society, Valley Organic Growers Association, Western Colorado Alliance, Western Watersheds Project, and Wilderness Workshop. The Western Environmental Law Center represents Center for Biological Diversity, Citizens for a Healthy Community, Diné Citizens Against Ruining Our Environment, Earthworks, Food & Water Watch, Indian People's Action, Montana Environmental Information Center, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians.

"Last year BLM initiated a comprehensive review of the federal oil and gas program, and this is the perfect time for the department to complete their review and fully reform the federal oil and gas program to better protect taxpayers, communities, and the environment. We call on them to do so."

— Bob LeResche



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Encouraging Responsible Development Today... For Tomorrow...

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SAVE THE DATE

NOVEMBER 5
Annual Meeting

NOVEMBER 6
Board Meeting

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 his 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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