

POWDER RIVER CELEBRATES 50TH ANNUAL MEETING

ROBIN EH. BAGLEY
Powder River Staff

After two years of online annual meetings, we were able to hold our milestone 50th Annual Meeting in person, taking the opportunity to reconnect after two years of COVID and celebrate Powder River's accomplishments over the last half-century. Rather than an issue-focused meeting, we decided to hold up our long-time members and revisit some of Powder River's work, including the origin story from a meeting in a barn in the Powder River Basin over 50 years ago, that has led us to where we are now. For members newer to the organization, it was revelatory to hear the stories of organizing in the first years (or decades), and for those who have been around a while, it was a chance to reminisce and remember that this work has always been hard as well as rewarding.

For our keynote address this year, a panel discussion of *Celebrating 50 Years of Protecting Wyoming's Quality of Life* brought together longtime members and staff members to share their experiences, the wins and losses, interactions with officials, and photos providing a blast from the past. Members Bernie Barlow, Ronn Smith, and Nancy Sorenson as well as former director Reed Zars reflected on what Powder River meant to them. Moderators Roger Sanders and Jill Morrison not only kept the discussion moving, but also interjected a few memories of their own.

Powder River members worked on some of the most impactful environmental and natural resource protection laws of the last half-century, which continue to protect Wyoming today, including the Federal Surface Mining Control & Reclamation Act (aka the Strip Mining Act), Wyoming Environmental Quality Act, and the Industrial Siting Act. In discussing what makes Powder River unique from other organizations, Reed, paging through his capacious phone book from his time on staff, commented "it's so personal" when you sit down with people and talk to them every week, something large organizations just don't do. Ronn said, "the members set the agenda and help carry it out. We are



Annual Meeting attendees enjoyed the panel discussion looking back over the last 50 years. From left to right: Roger Sanders, Bernie Barlow, Nancy Sorenson, Ronn Smith, Reed Zars, and Jill Morrison.

truly a bottom-up organization, and that is rare."

It was Bernie who best captured the spirit of the evening in her closing remarks. "These are the values which informed our founding and continue to inspire us as we shape Wyoming's future. It's been a great fortune for my family to have been part of this journey." And Powder River is grateful for Bernie's years of leadership and modeling of what community should be.

In addition to the inspirational evening program, the Powder River business meeting was attended by over 30 members, and attendees took advantage of being in-person to debate and pass four resolutions on mine land reuse, ranked choice voting, corner crossings, and celebrating 50 years of organizing. See the full resolutions printed in this issue for details.

Board elections were held with the following members being elected: David Rømtvedt, Bob LeResche, Dudley Case, Mikel Scott, Wayne Lax, Meghan Jensen, and Liza Cuthbert-Millett. These board members join other board members serving the second of their two-year term. Board Chair Joyce Evans also recognized several other Board members who served this year: Marcia Westkott, Gillian Malone, and Cissy Dillon.

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As new oil & gas lease sales loom, advocates urge DOI & BLM: Protect taxpayers and fix the broken bonding system

Adapted from the WORC press release

Last month, the Western Organization of Resource Councils, Taxpayers for Common Sense, and the Natural Resources Defense Council submitted a formal petition to the Department of the Interior (DOI) and the Bureau of Land Management (BLM) urging prompt action to finally modernize the bonding requirements for federal onshore oil and gas leasing and development. Bonds paid by oil and gas companies that lease public lands and minerals for drilling are meant to cover the cost of cleaning up wells at the conclusion of operations or – as is increasingly the case – when a company declares bankruptcy and orphans its wells. However, in spite of inflation, bonding rates for federal leases have not been updated in more than 60 years – a "significant shortcoming" identified by DOI in a review of the oil and gas leasing program released in November of 2021. In the petition submitted today, groups note that no action has been taken to fix this problem even as new oil and gas lease sales are scheduled

for the second quarter of 2023.

"As has been pointed out by numerous government audit reports – the current minimal oil and gas bonds on leases were set by BLM in 1951 – 71 years ago," said Jill Morrison of Story, Wyoming, the former Executive Director of Powder River Basin Resource Council. "Today, the taxpayer is bailing out the richest industry on the earth with over \$4 billion dollars in taxpayer monies allocated to pay for the plugging and reclamation of idle oil and gas wells – wells that have given the industry billions of dollars in profits from public minerals."

The bipartisan Infrastructure Investment and Jobs Act appropriated \$4.7 billion to plug and reclaim orphan wells – an amount that only covers a small portion of the potential taxpayer liability for these sites while not addressing the root cause of the crisis. The petitioning groups are pushing DOI & BLM to finally modernize bonding rates and require companies that drill to pay sufficient rates to ensure these costs no longer fall on the shoulders of taxpayers.

"Today, the taxpayer is bailing out the richest industry on the earth with over \$4 billion dollars in taxpayer monies allocated to pay for the plugging and reclamation of idle oil and gas wells – wells that have given the industry billions of dollars in profits from public minerals."

– Jill Morrison

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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)

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POWDER RIVER BREAKS

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

Message from the chair

Dear Powder River Members,

As the new Powder River board chair this is my first chance to write to you, to thank you for your support and to recognize the efforts of so many people over the fifty years of our history. During those five decades, we have been able to offer a consistent voice on behalf of the land and in support of a responsible and loving human relationship to the land and the creatures with whom we share life.

Powder River began as a reflection of the concerns ranchers and farmers felt about energy development and its impact on the state. An initial focus on issues around coal mining among other development challenges led us quickly into addressing how best to protect the land, air, and water by which we live, and to guarantee the restoration of landscapes following the end of minerals development projects. It led to monitoring air quality, tracking water discharges, working to reclaim abandoned and orphaned wells. It led to awareness of the pressing need to address climate change, to the possibilities inherent in renewable energy sources, to working for local food production and regenerative agriculture practices.

No matter what issues we've addressed, we've striven to maintain a focus on grassroots organizing, on making sure all voices are given the opportunity to speak and are heard. Economic justice has been and will be uppermost in our minds when we address economic transition and both the limits and possibilities of a truly diversified economy in Wyoming.

Having celebrated fifty years of work on behalf of Wyoming, we're called to think about commitment. How and when do we decide to stand by and for something? What does long term mean? I think of the poets Lew Welch and Gary Snyder hiking in the Olympic National Forest. They stop to admire the sky or a particular fern, or to listen. After a moment, Welch says to Snyder, "I wonder what the mountains think of the trees."

"What are you talking about, Lew?" Snyder asks.

"Well, you know, to the mountains the trees are just passing through."

We are all just passing through. What remains after our passing? Powder River's first fifty years mark a commitment to those who come after us. For me, this is a big part of the "Why" of our efforts. What will I leave for my children and their children, for children generations into the future. This is why I stand firmly with Powder River's commitment to the long term—to protect, honor, love, and appreciate what gives life. Our material resources ensure our material wellbeing while enhancing our ability to look with wonder at the lives we lead as individuals, as members of the human community, and as part of the broader union of living things.

Commitment often comes from what we learn through close observation. We see this both in the science and in the arts, the two in constant interaction. Take this quote from the American poet Walt Whitman which among other things is about the interference caused by the observer's presence in the moment of observation:

My tread scares the wood-drake and wood-duck on my distant and day long ramble.

They rise together, they slowly circle around.

...I believe in those winged purposes,

And acknowledge the red yellow and white playing within me,

And consider the green and violet and the tufted crown intentional;

And do not call the tortoise unworthy because she is not something else,

And the mockingbird in the swamp never studied the gamut, yet trills pretty well to me,
and the look of the bay mare shames silliness out of me.

Thank you again for fifty years working together to protect Wyoming—its air, water, and land, its resources, and its beauty. Thank you for your commitment to these things upon which our human heritage depends.

David Romtvedt

ANNUAL MEETING

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To continue our 50-year retrospective, we put together a comprehensive display featuring an array of artifacts from Powder River's history. Old banners and signs, decades of the *Powder River Breaks*, a veritable library of publications, and many photos of members (past and present) gave everyone the chance to revisit past campaigns, remember members no longer with us, and recall our roots. Not surprisingly, there was much material for folks to peruse during the social hour, with music by the Fireants in the background. Furthermore, this year we were proud to be able to offer a selection of local foods for the social hour hors d'oeuvres. Our local foods commitment was further met by serving Barlow lamb during dinner.

While the Annual Meeting Silent Auction will no

longer be held, we did hold a live auction featuring Pies by Guys (back by popular demand), as well as original artwork by Ellen Dudley and Marge West and a fly rod donated by Charlie Walter. A very big thank you to Jake Gay with Brannian Auctions in Buffalo for donating his time and expertise! And thank you to everyone who donated a pie and all of the buyers – this was a very successful event, putting the "fun" back in fundraiser!

We are grateful to everyone for helping pull off this year's in-person meeting. This would not have been possible without members' time and efforts, just as Powder River would not be here were it not for our members. Thank you for an outstanding 50 years, and here's to 50 more!



POWDER RIVER CHALLENGES CONVERSE COUNTY OIL & GAS PROJECT

Powder River Staff

In September, Powder River joined with Western Watersheds Project to legally challenge the Bureau of Land Management's (BLM) Converse County Oil & Gas Project. The massive 5,000 oil well project is projected to have a major impact in air quality locally and regionally, including in treasured landscapes of neighboring national parks. The Delaware-sized industrial project will also create irreversible negative impacts to wildlife through special exemptions from traditional habitat protection measures. Overall, the project threatens the survival of sage grouse and birds of prey throughout the project area.

"The Bureau of Land Management has already started permitting hundreds of the 5,000 wells contemplated in the Converse County Oil & Gas Project," said Maria Katherman, Powder River board member and long-time resident of Converse County. "This unprecedented level of development will create significant negative impacts in our county that have not been well addressed during previous booms. For residents, the increase in truck traffic on our roads leaves these roads in terrible shape, and the increased dust where the roads are not paved makes a real air quality problem. There is already a noticeable increase in wildlife collisions on Wyoming Highway 93, and more will come with this development. The companies will only address these issues if mandated."

The area slated for drilling contains designated Priority Habitat Management Areas for sage grouse, and the BLM acknowledges that all 54 "leaks," or sage grouse dancing and breeding sites, could be abandoned as a result of the drilling and production. The project approval also includes a special plan amendment exempting it from restrictions on drilling activities in the immediate vicinity of raptor nests during the nesting season, restrictions which would otherwise afford some protections for birds of prey. The lawsuit alleges that the drilling will cause 'unnecessary or undue degradation' to birds of prey and their habitats by allowing drilling activities close to nest sites.

A key claim in the lawsuit challenges the agency's refusal to regulate "Fee/Fee/Fed" wells in the project area, which are wells that drill directionally into federal minerals from adjacent non-federal lands. This illegal BLM practice allows fossil fuel companies to extract publicly-owned minerals without common-sense environmental protections. The Converse County project consists predominantly of Fee/Fee/Fed wells.

"Fee/Fee/Fed wells now account for one-quarter of all federal drilling permits nationwide, and the Bureau of Land Management erroneously claims to lack authority to regulate surface operations associated with the wells," said Sarah



Stellberg, Staff Attorney at Advocates for the West, who is representing the conservation groups. "This emerging trend of unchecked extraction of federal minerals poses serious risks to adjacent and downstream air, water, wildlife, public lands, and communities."

The drilling and production from the project will be a major cause of carbon pollution. The fossil fuel implications of the project are so large that by year ten, it will result in 69.5 million metric tons of CO₂e annually, the same level of carbon pollution as 15 million cars operating for a year apiece. Serious air quality impacts are expected to result in national parks and monuments like Devil's Tower, Wind Cave, and Badlands National Park. The large-scale oil and gas project will have effects felt throughout the region.

"I am particularly concerned about the amount of water that will be consumed by this development: Where it will come from (the North Platte is already over-subscribed) and what will they do with the contaminated water from drilling?" Katherman wondered. "Northern Converse County is dry and most drainages are ephemeral and fragile. I call on BLM to do a better job in managing the impacts and protecting our quality of life into the future."

EDITOR'S NOTE: This article was inadvertently skipped in the last issue of Breaks. We apologize for the mishap!

No carbon capture at Wyoming's coal plants – for now

SHANNON ANDERSON

Powder River Staff

The Wyoming Public Service Commission (PSC) met on Nov. 29 to make a decision on pending cases related to the implementation of House Bill 200 dating back to the 2020 legislative session. The controversial bill requires Black Hills Energy/Cheyenne Light and Rocky Mountain Power to generate a portion of their electric power from coal with carbon capture by 2030. It also requires consideration of "interim standards" that could be in place before 2030, which was the subject of these proceedings.

In reaching their decision, all three PSC commissioners said that an interim standard could not be set because carbon capture at Wyoming's coal

plants is not possible at this time for economic and technical reasons. The PSC noted barriers such as high cost, the need for replacement power because of lost generation capacity at the coal plant, increased water consumption, and requiring additional pollution controls for nitrogen oxides at some of the coal units. Overall, the commissioners agreed with the utilities that more analysis is needed before carbon capture can be required.

The PSC opted to forgo requiring any carbon capture projects at this time, but they noted that Wyoming policy includes carbon capture, and they want utilities to explore the full potential of options and opportunities going forward. Commissioner Throne noted that "compliance with House Bill 200 is not optional," inferring that the PSC still thinks

some level of carbon capture will be required by 2030.

Both companies have issued a request for proposal (RFP) to see if they will get any proposals from third parties to partner on carbon capture projects. The PSC requested the utilities to provide an update on their RFP process by Feb. 1, so stay tuned for that. It will be a test of whether the new tax credit and funding options in the Inflation Reduction Act (IRA) will be determining factors in making carbon capture projects more economical.

The PSC also is requiring the companies to file a "substantial" update on their economic and technical feasibility analysis by March 31, 2023 with final proposals for portfolio standards now expected by March 31, 2024.

Report finds most power plants violating rules mandating cleanup of toxic coal ash

Adapted from the Environmental Integrity Project

Seven years after EPA imposed the first federal rules requiring the cleanup of coal ash waste dumps, only about half of the power plants that are contaminating groundwater agree that cleanup is necessary, and 96% of these power plants are not proposing any groundwater treatment. Only one plant out of 292 is planning a comprehensive cleanup.

The failure of the vast majority of power companies to follow the 2015 Coal Ash Rule has serious consequences for water quality and public health. Monitoring data shows that 91% of U.S. coal-fired plants have ash landfills or waste ponds that are leaking arsenic, lead, mercury, selenium, and other metals into groundwater at dangerous levels, often threatening streams, rivers, and drinking water aquifers.

These are among the conclusions of a new report, *Poisonous Coverup: The Widespread Failure of the Power Industry to Clean Up Coal Ash Dumps*, by the Environmental Integrity Project (EIP) and Earthjustice. The report also ranks the top 10 worst contaminated coal ash sites in the U.S. – including Wyoming — and examines their cleanup status and compliance with the Coal Ash Rule. In addition, the authors compiled detailed information on groundwater contamination at 292 coal plants in 43 states.

The report analyzes the cleanup status of the 10 worst contamination sites in the U.S., and includes pollution data on all known coal ash waste sites across the U.S. for which information is available, including PacifiCorp’s Naughton and Jim Bridger Power Plants.

At Naughton, the six ash waste ponds at this plant are leaking selenium, lead, and arsenic well over safe levels. The utility is pursuing an incomplete cleanup plan and has only selected a remedy for one of the six ponds. At Jim Bridger, the plant has two coal ash ponds and an ash landfill, and groundwater monitoring nearby shows high levels of lithium and sulfate. The owners are cleaning up only one of the ponds, leaving a pond and a landfill to

continue leaking into the groundwater.

“This report highlights the failure of most companies to follow the Coal Ash Rule. This inaction leaves a legacy of waste that needs to be addressed. Two of the top 10 worst coal ash contamination sites identified in the report are in Southwest Wyoming. In fact, the Naughton and Jim Bridger power plants are among the top four worst sites. The two coal plants have a total of nine ash sites most with groundwater leakage, and plans to cap in place. Instead, a cleanup plan could take advantage of changing markets to generate revenue, provide jobs, and actually clean up the environmental hazards, especially the water,” said Michele Irwin, Powder River’s Southwest Wyoming organizer.

Although coal consumption has declined across the U.S. over the last decade, the power industry continues to generate about 70 million tons of coal ash annually. After 100 years of burning coal, U.S. power plants have generated a total of about five billion tons of coal ash – enough toxic waste to reach the moon in train cars. Although no comprehensive study has been performed on the subject, drinking water wells in at least 15 communities across the U.S. have

been contaminated by metals from coal ash – including in Indiana, Maryland, North Carolina, Michigan and other states — and the true number may be much higher.

The primary goals of the 2015 Coal Ash Rule were to stop the continued disposal of coal ash in leaking ash ponds, to close ash ponds and landfills in a safe manner, to monitor groundwater for contamination, and to clean up contaminated sites and restore groundwater quality.

An examination of public records and data from coal plants across the U.S. by Earthjustice and EIP reveals that the first goal has been partly achieved because most coal plants are no longer sending coal ash to unlined ash ponds. But the report shows that the other goals of the Coal Ash Rule have been thwarted by the utility industry, which is illegally manipulating data and monitoring systems to make contaminated sites look clean and to avoid cleanup.

"This inaction leaves a legacy of waste that needs to be addressed. Two of the top 10 worst coal ash contamination sites identified in the report are in Southwest Wyoming. In fact, the Naughton and Jim Bridger power plants are among the top four worst sites."

— Michele Irwin

Powder River participates in National Healthy Soils Policy Network conference

PENNIE VANCE

Powder River Staff

In November, Powder River’s Ag & Local Foods Organizer, Pennie Vance, attended the National Healthy Soils Policy Network (NHSPN) annual conference at UC Davis, in California. NHSPN is a network of organizations, of which Powder River is a member, that works on implementing soil health programs and passing soil health initiatives in their home states.

Powder River gave a presentation on the producer-centered Wyoming Coalition of Healthy Soils project in Wyoming. The coalition’s goal is to identify the ag resources that producers determine they want and need to improve soil health and then develop a toolbox of those resources to help producers achieve their goals.

The remainder of the conference included organizations sharing strategies they had used in getting healthy soils initiatives adopted in their states. Good messaging was stressed:

- Look critically at your messaging. Be sure that your organization’s messaging, both in general and in specific campaigns, is geared towards the audience(s) you are attempting to reach out to.

- Avoid journalistic stiffness in social media. Be creative to catch attention and use many short messages often rather than only a few long messages.

Other successful strategies shared were to focus on the economic benefits of soil health, to include producers of all ages and genders, get to know Natural Resource Conservation Service (NRCS) staff, and to avoid playing defense on



Three groups from the WORC network attended the soil conference. Here Powder River staff member Pennie Vance, center, is pictured with representatives from Northern Plains Resource Council and Dakota Resource Council.

your position by countering the opposition’s arguments from the beginning.

While it was agreed that some national ag organizations are often a barrier to small ag and local foods initiatives, participants were cautioned to not assume that all levels of an ag organization are on the same page. Some of the conference attendees shared that they often do find national organizations unsupportive, but that sometimes organizations’ state offices end up being very helpful in promoting soil health practices.

Participants also discussed what they want to see in the upcoming Farm Bill. This included funds exclusively for grazing management, support for state soil health assistance, funding for water storage through improved soil health, grants to organizations to help with grazing, and improving access to NRCS. Cover crop support is a high priority including five-year cover crop contracts, instead of three-years, to allow time for development, fencing and water funding for cover crops, and allowing continuous cover crop sign up with conservation programs.

The conference ended with participants assessing the accomplishments of NHSPN in the past two years and identifying what the network would like to accomplish in the next two years.

2022 Powder River Resolutions

Celebrating 50 years of protecting Wyoming's quality of life

WHEREAS, in 1973, a group of founding members took the steps necessary to incorporate the organization and file for tax-exempt status with the Internal Revenue Service;

WHEREAS, since that time Powder River Basin Resource Council has existed as a Wyoming nonprofit corporation, serving its members and the greater public to protect Wyoming's quality of life;

WHEREAS, the November 5, 2022 annual meeting is the fiftieth annual meeting held by members of the organization; and

WHEREAS, the membership has grown substantially over the years, as has the size of the staff, budget of the organization, and other attributes, but the mission has remained the same to empower Wyomingites to raise a coherent voice in the decisions that will impact their environment and lifestyle and to protect our agricultural heritage;

NOW, THEREFORE, BE IT RESOLVED that the members of the Powder River Basin Resource Council join together to celebrate the success of the organization over this fifty-year period and hereby voice their support for the organization's future for many more years to come.



Support for ranked choice voting

WHEREAS, Powder River Basin Resource Council has supported efforts to increase voter participation and democracy over its many year history, including offering support for ballot initiative reforms, campaign finance reforms, and government transparency;

WHEREAS, most elections in Wyoming are resolved at the primary level given the lack of candidates from all major parties;

WHEREAS, Wyoming's "choose-one" elections deprive voters of meaningful choices, create increasingly toxic campaign cycles, advance candidates who lack broad support and leave voters feeling that their voices are not heard;

WHEREAS, ranked choice voting improves fairness in elections by allowing voters to rank candidates in order of preference; and

WHEREAS, ranked choice voting has been proven in other states to improve voter options on the ballot, leading to increased turnout and engagement in the democratic process;

NOW, THEREFORE, BE IT RESOLVED that Powder River Basin Resource Council supports ranked choice voting in Wyoming whereby voters can rank candidates in order of preference, ensuring that candidates are elected when receiving a majority vote of support.

Supporting access to public land through corner crossings

WHEREAS, Wyoming has checker-boarded private and public land, and public land users do not have access to over 400,000 acres of public land in Wyoming when corner crossing is classified as criminal trespass on private land;

WHEREAS, corner crossing from one parcel of public land to a diagonally situated parcel of public land is now considered criminal trespass on the adjacent private land, pending litigation;

WHEREAS, the public should have legal access to public land;

WHEREAS, all users of private and public land are encouraged to show respect for private property, including but not limited to infrastructure and livestock;

WHEREAS, visitors on public land are encouraged to show respect for this land and habitat by following Leave No Trace principles and must not enter private lands without permission;

NOW, THEREFORE BE IT RESOLVED that Powder River Basin Resource Council supports non-motorized access to public land through corner crossings.



Supporting re-development of previously mined lands for renewable energy

WHEREAS, tens of thousands of acres in Wyoming have been disturbed by coal mines and associated infrastructure;

WHEREAS, even in areas that have achieved final reclamation and bond release, productivity of the land is reduced and groundwater is not as plentiful;

WHEREAS, re-development of former mine sites may facilitate the recycling and reuse of infrastructure;

WHEREAS, as demonstrated by the wind energy generation project on the site of the former Dave Johnston coal mine, renewable energy projects can be sited well on previously mined areas; and

WHEREAS, the Inflation Reduction Act passed by Congress this year creates economic incentives and tax benefits for renewable energy projects located on areas where coal development has occurred;

NOW, THEREFORE BE IT RESOLVED that Powder River Basin Resource Council generally supports the re-development of previously mined lands to create local economic development, help our communities transition from coal mining, and mitigate the need for disturbing additional land, provided:

- 1) All requirements of the Surface Mining Control & Reclamation Act, including re-designation of post mine land use, and all other environmental and public health laws are complied with;
- 2) Renewable energy projects are sited in a manner to prevent and reduce damage to wildlife habitat, public lands access, and other associated impacts of development; and
- 3) Condemnation is not pursued for any aspect of the development, including associated transmission lines, on private land.

BE IT FURTHER RESOLVED that although the Inflation Reduction Act defines as "clean energy" projects such as carbon capture, hydrogen, or small nuclear energy, the Powder River Basin Resource Council does not support development of previously mined lands for those purposes, but will consider other projects for those lands on a case-by-case basis.

Laramie unveils new solar installation and EV charging station

CLAIRE DEUTER
Powder River Staff

The City of Laramie held a ribbon-cutting ceremony on Nov. 4 to celebrate its new 25kW solar installation and electric vehicle charging station at the Laramie Fire Station #3. Participants included Creative Energies Solar, Rocky Mountain Power, the Alliance for Renewable Energy, fourth-grade students from Linford Elementary School, and community members. The event kicked off with a fun and interactive solar demonstration where the students built solar-powered toy bugs that vibrated when they brought the toys outside into the sunlight. The ceremony was completed with speakers, the ribbon-cutting, and sun-shaped cookies.

The Fire Station's solar installation was partially funded by Rocky Mountain Power's Blue Sky Program. Through this program, Rocky Mountain Power customers can opt-in to pay a few dollars toward the Blue Sky Fund on each bill. The funds are then awarded to city or nonprofit applicants for renewable energy projects. This is not the first time the City of Laramie has received a Blue Sky grant. The solar array on the Laramie Community Recreation Center was also supported by the program.

The Fire Station's new solar array marks another step towards Laramie's goal of reaching net zero emissions and carbon neutrality by 2050, a goal that was formally adopted by the city council in 2020 through Resolution 2020-14.



From *Laramie Live* on Nov. 10, 2022. (Courtesy of City of Laramie)

According to a Nov. 10 article from *Laramie Live*, Laramie's Assistant City Manager, Todd Feezer, explained that the new solar array is estimated to provide 25% of the Laramie Fire Station #3's electrical energy.

This solar installation further demonstrates Laramie's solar leadership in Wyoming. In 2022, Laramie earned the highly coveted SolSmart Silver designation. Funded by the United States Department of Energy's SunShot Initiative, SolSmart recognizes local governments that take key steps to reduce barriers to solar energy growth and streamlines the solarization process for homes and businesses. The designation is especially important as Laramie continues its journey to net zero emissions and carbon neutrality.

Regulators must stop letting industry pollute aquifer

SUE SPENCER

Our aquifers, rivers and freshwater resources in Wyoming and the arid West are rapidly shrinking to the point where they may soon be more valuable than gold. Unfortunately, our Wyoming regulators and policy makers are treating our unpolluted streams, reservoirs and groundwater aquifers like they are expendable. For example, Wyoming regulators have approved permits that allow polluted oil and gas-produced water in the central-Wyoming Moneta Divide field to be discharged untreated into freshwater streams and aquifers.

The Moneta Divide oil and gas field produces enormous quantities of polluted water as a by-product of the natural gas extraction process. Although the oil and gas operator, Aethon, has the option of treating the produced water and discharging or reusing it, the industry is able to forego the cost of treatment because our Wyoming regulators allow it to discharge untreated polluted water directly into our streams and aquifers.

In the Moneta Divide field, the Wyoming Department of Environmental Quality is currently allowing Aethon to discharge produced wastewater into streams that flow into Boysen Reservoir. Recently, Aethon and the Wyoming Oil and Gas Conservation Commission have moved forward with actions to exempt the freshwater Madison Aquifer from protection as a groundwater resource to allow Aethon to dump its polluted wastewater into this valuable aquifer.

The Madison Aquifer is a critically important freshwater aquifer for both current and future water supplies. According to hydrogeologists, this aquifer

is among the most prolific and reliable aquifers in the state of Wyoming.

The Paleozoic Aquifer System, which includes the Madison Aquifer, currently supplies reliable, good quality groundwater to the cities of Gillette, Newcastle, Laramie, Pine Haven, Vista West, Beulah, Moorcroft, Dayton, Lander, Laramie, Douglas and Glenrock, as well as most of the towns in the southeastern Bighorn Basin. In addition to serving as a sole source of groundwater for many Wyoming municipalities, the Madison Aquifer also supplies large quantities of groundwater to many ranching operations in the Bighorn Basin, Powder River Basin, and the Black Hills of eastern Wyoming.

The WOGCC recently forwarded its approval of Aethon's request to exempt the Madison Aquifer from protection as a groundwater resource to Region 8 EPA, where the permit request is pending. If the EPA agrees with the Wyoming regulators, the agency will allow Aethon to dump trillions of gallons of toxic wastewater per year into this freshwater aquifer.

Water quality and yield data indicate that the water quality in the Madison Aquifer is very good at this location and the aquifer is capable of yielding hundreds of gallons per minute. If the initial yields are sustainable, wise-water resource management policy would preserve this aquifer as a future water supply. According to the WOGCC, there are no plans for monitoring potential impacts from the injected fluids on the Madison Aquifer. The permit would rely solely on the results of a groundwater model that was developed using little to no site-specific data.

With climate change and droughts becoming

increasingly common in the western U.S., it is reasonable to assume that there will be a strong future demand for this water by towns, cities and agriculture in the region. Using the aquifer for disposal of millions of gallons of waste fluid is not wise water-resource management policy.

While scientists and citizen conservation groups continue to fight to stop toxic wastewater from polluting our streams and aquifers, industry continues to seek and obtain permits from the DEQ and the WOGCC to dump their polluted wastewater into our freshwater streams and aquifers. Unfortunately, Wyoming regulators and politicians rarely say NO to the oil and gas industry — and only when citizens protest and present valid reasons to protect our freshwater resources.

Now is the time to protect all of our freshwater resources for current and future generations. It is time for industry to start paying its way and stop relying on taxpayers to pay the ultimate cost of cleanup and/or loss of Wyoming's valuable water resources. Get engaged and talk to your local, state and federal policy makers and tell them to protect our freshwater resources.

Sue Spencer is a retired Wyoming registered professional geologist who spent her 35-year career working as a consulting hydrogeologist in Utah and Wyoming. As a senior hydrogeologist with Weston Engineering in Laramie, Spencer conducted a variety of hydrogeologic studies focused on the Paleozoic Aquifer System in the Wind River and Bighorn Basins in Wyoming.

Editor's Note: This is reprinted from the Oct. 27, 2022 issue of WyoFile. WyoFile is an independent nonprofit news organization focused on Wyoming people, places and policy.

Drillers — not taxpayers — should clean up well sites

BOB LERESCHE
Clearmont

The Powder River Basin Resource Council, Taxpayers for Common Sense, Western Organization of Resource Councils and Natural Resources Defense Council petitioned the Bureau of Land Management (BLM) to make industry responsible for cleaning up after themselves by modernizing bonding requirements to ensure there is funding available for well plugging and reclamation.

This is not a frivolous request. Thousands of idle and orphan oil and gas wells are left abandoned – some for decades – on the land, causing groundwater contamination, leaking methane, polluting the air, spreading noxious weeds, lowering property values, and interfering with other uses of the land. Federal leases do require operators to plug their wells and remediate well sites, but today’s rules are so outdated that huge liabilities are left to taxpayers.

Required federal bonds are ludicrously small and don’t cover the actual costs of plugging and reclamation. Current minimum sizes of cleanup bonds on federal leases were set by BLM seventy-one years ago and have never been adjusted for inflation or changes in drilling practices. These bonds are unrelated to the specific wells they guarantee. They’re the same for a simple 1,000-foot-deep coalbed methane well on a flat field near a highway as for an 11,000-foot well with a five-mile horizontal extension in a rugged mountainous area. And current requirements allow “blanket” bonds. Minimum individual lease bonds cover \$10,000 in costs regardless of how many wells are drilled on that lease, statewide bonds require \$25,000 coverage for all wells drilled in any one state, and a nationwide bond covers only \$150,000 in cleanup costs – regardless of how many thousands of wells an operator may drill around the country. These amounts are laughably inadequate. The federal Government Accountability Office calculates typical reclamation cost of a single low-cost well is \$20,000, and \$145,000 to reclaim a high cost well.

These shortfalls add up. In the Intermountain West there are more than 8,000 orphan or inactive wells, covered by only \$17 million in bonds. Those bonds total a miniscule 1.3% of the \$1.3 billion it will likely cost to plug and reclaim these wells. If operators default on their cleanup obligations, taxpayers will cover the other \$1.283 billion.

These liabilities are real. When oil prices plummeted in 2020, more than 100 drillers declared bankruptcy, and the first quarter of 2021 saw more companies filing bankruptcy and leaving tiny bond amounts to clean up their drill sites. BLM wrote, “liquidations often result in wells becoming orphaned, which then fall to the Federal Government or States to address, while some companies have used Chapter 11 restructuring to get out of reclamation obligations.”

Congress acknowledged the problem in the infrastructure bill and bailed out the richest industry on Earth with \$4.7 Billion in taxpayer monies allocated to pay for plugging and reclaiming oil and gas wells – wells that have given the industry untold billions in profits from public minerals. That huge appropriation addressed only a small part of the growing nationwide liability. Most important, this gift to industry did nothing to resolve the root cause or to prevent burgeoning future liabilities.

BLM promised new regulations in 2015 and more recently last November. But nothing has happened since to move this liability to the responsible industry. The new petition shines a light on BLM’s delay and prods them to put the responsibility where it belongs.

The Petition recommends BLM should:

- Eliminate blanket bonds and require well-specific bonds on federal leases for every new or transferred drilling permit to cover the full cost of plugging and reclaiming.
- Require bonds cover costs of removing infrastructure and reclaiming the land, as well as plugging the well.
- Phase in full cost bonding of existing wells, associated infrastructure, pads and other surface disturbances.
- Require review of each bond every five years and adjust the bond for inflation, new technology and other circumstances.

Those who profit producing public resources should become truly accountable. BLM must make them accountable by requiring bonds that will actually pay for restoring the private and public lands they have used, rather than requiring taxpayers to pay for it.

EDITOR’S NOTE: This is reprinted from the Nov. 20, 2022 issue of the Casper Star-Tribune.

JTF Federal Access Center to help impacted coal communities

MICHELE IRWIN
Powder River Staff

In order to leverage the billions of dollars in federal funds available to coal communities, the Just Transition Fund (JTF) recently launched its Federal Access Center to assist in the application process.

The funding is geared toward reaching the climate justice goals of the federal administration’s Justice40 Initiative by advancing equity, accounting for the needs of all who live there, while creating places where all generations can choose to live for the long term. All Justice40 covered programs are required to ensure that local stakeholders are meaningfully involved in determining program benefits.

JTF has been helping those impacted by coal transition develop sustainable solutions from the ground up since 2015. During that time, JTF has developed an approach to help navigate and apply for federal grants for community-led projects. For more information, visit justtransitionfund.org.

PROTECT TAXPAYERS *continued from page 1*

Presently, federal bonding rules for federal oil and gas resources are even weaker than most state requirements. The cost to fully plug and reclaim a well site varies, with estimates ranging from \$82,500 per well in Colorado to \$150,000 in North Dakota. The wildly outdated bonding rates required by BLM typically do not come close to meeting these costs. A BLM “blanket” bond of just \$10,000 legally covers all wells on an individual lease, while operators can in some cases pay just a \$25,000 bond to account for all wells in an entire state – or just \$150,000 to cover all wells that operator manages nationwide. That means a single \$150,000 bond could be all that an oil and gas company is required to put down as their share for the cleanup of potentially thousands of wells across the country. Any shortfall means the wells remain uncapped or the bill to clean them up lands directly on taxpayers. The estimated current cost to taxpayers for orphan wells clean-up on federal lands is more than \$6 billion, according to the Center for Western Priorities.

In their petition for rulemaking, groups request that BLM and DOI:

- Eliminate blanket bonds for new drilling;
- Require oil and gas companies to put down a “full cost bond” that matches the real amount needed to reclaim and clean up wells for any new drilling on federal lands;
- Include the costs of surface reclamation in bonds;
- Phase in “full cost” bonds for existing drilling sites on federal lands;
- Ensure these proposals apply to leases on tribal lands;
- Update reclamation standards so cleanup is comprehensive and restorative;
- Review required bond amounts periodically for inflation and other factors.

Orphan wells aren’t just unsightly. In addition to rusting equipment littering the landscape, unplugged wells leak gasses, contaminate drinking water and soil, host noxious weeds, and erode soil — all serious risks to working farms and ranches and nearby communities.

"As a rancher I have a vested interest in the management and use of public lands. The amount of methane pollution emitted by these wells is a concern not only for our health and safety but also for climate change. Toxic pollutants including benzene and arsenic leak into soil and groundwater causing serious health risks and environmental damage," said Kirk Panasuk, a member of the Northern Plains Resource Council.

With lease sales in New Mexico and Wyoming on the books for early 2023, the petitioning groups are urging DOI and BLM to act before taxpayers are required to foot the bill for ongoing leasing amid an increasingly tumultuous financial climate for the oil and gas industry.

“It is an objective fact that federal bonding for abandoned wells is a failure. The purpose of a bond is to protect communities and taxpayers from these liabilities, and obviously that isn’t happening,” said Taxpayers for Common Sense Vice President Autumn Hanna.

“It’s past time for the oil and gas industry to put cash on the barrel and stop passing the buck to taxpayers. Charging paltry bonding rates practically encourages these companies to declare bankruptcy and skip town. Bonding reform will encourage responsible business practices and shift the burden off taxpayers and onto the industry where it belongs,” Hanna continued.



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WYOMING LEGISLATURE 101

Learn how to lobby
effectively from home



January 5, Noon on Zoom

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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