

TALLGRASS RELEASES FIVE-MILE-LONG METHANE CLOUD OVER DOUGLAS

Company underreported extent of vented gas

KATHERINE STAHL
Powder River Staff

A Jan. 31 *Bloomberg* article by journalist Aaron Clark revealed significant shortcomings in emissions reporting at the Douglas Gas Plant, operated by Tallgrass Midstream, LLC. Following a routine maintenance project, oxygen levels at the facility rose to a hazardous level, prompting operators to conduct a safety release of methane. The potent greenhouse gas was vented in five separate instances between Dec. 6 and 7, 2022. Tallgrass reported this procedure to Wyoming's Department of Environmental Quality (DEQ), noting a total of just under 2.1 metric tons of vented methane. A satellite image, however, shows Tallgrass's report to be inadequate – by potentially hundreds of metric tons.

Methane detecting satellites are changing the game when it comes to holding industry accountable. The International Methane Emissions Observatory (IMEO), an initiative by the United Nations Environment Programme, uses satellite imaging to detect methane emissions and notify the responsible parties. The IMEO was established in 2021 with recognition of the outsize impact methane has on climate change. A powerful greenhouse gas, methane has 80 times the warming power of CO2 in its first 20 years in the atmosphere. This capacity makes methane an important target for regulation, and the IMEO aims to scale up the response to methane pollution at a global scale. Part of this response includes IMEO scientists analyzing satellite images of methane clouds to estimate the severity of the emissions. In this instance, while Tallgrass reported 2.1 metric tons of vented methane, scientists at IMEO estimated a release rate of 76 to 184 metric tons per hour.



The Tallgrass Gas Plant. Photo by Cinthia Stimson / Douglas Budget

This discrepancy is startling for numerous reasons. First, venting methane contributes to the climate crisis by trapping excess heat in the Earth's atmosphere. Second, vented methane is always accompanied by volatile organic constituents (VOCs) which have significant human health effects. Maria Katherman, Powder River Board member and resident of Douglas, estimates that five residences may have been directly impacted by those VOCs. These compounds are heavier than the gas they are released with, and so have local impacts. Third, inaccurate reporting makes Tallgrass an unreliable narrator – underreporting emissions data erodes public trust in the company and makes additional regulatory measures important in rebuilding that trust. Finally, incidents like this remind us that the oil and gas industry is ultimately self-interested, consistently putting their paycheck above the health of the communities where they operate.

TALLGRASS continued on page 11

Southwest Wyoming Advisory Committee formed

MICHELE IRWIN
Powder River Staff

There's a lot going on in Southwest Wyoming, and more changes are on the horizon as the region plays an oversized role in global energy markets. While energy economics continue to evolve, especially since federal incentives are influencing investments by both consumers and utilities, it is easy for people to feel overwhelmed.

The Southwest Wyoming Advisory Committee was formed by local people from across the region to help prioritize and direct Powder River's organizing resources most effectively. The group has been meeting to cut through the information overload to see what opportunities could be most effective to work on, and where we might move the needle on larger issues.

Members are concerned that the things that make this place special – including water and wildlife – will be sacrificed in global energy transition. But they also see an opportunity to diversify our economy and revenue streams in ways that protect what we

love. There are also ways we can support essential ecosystem services and not perpetuate the injustices of the past.

Current proposed development in the region includes terms like “industrial corridor,” “hydrogen hub,” and “chemical cluster.” The local trona industry also wants to expand, while shifting to solution mining. Direct air carbon capture, manufacturing, and value added industries are also proposed. Folks in the region are also concerned about the cumulative impacts of an expected population boom, just as we are finally acknowledging we have a water problem.

While local residents have a number of avenues to weigh in on various issues, the advisory committee means to direct energies and resources strategically. They are particularly interested in many issues that can be addressed through the statewide Wyoming Association of Ratepayers, a project of Powder River which focuses on affordable and reliable energy. Local concerns for wildlife and water need to be part of that conversation.

People are also interested in, and concerned

about, the Project Bison direct air carbon capture project. While the concept of reversing climate impacts is one that is worth considering, there are many questions that need to be asked, especially relative to the site chosen for the first project of its size and potential impacts to the region, including water, energy, wildlife, and infrastructure.

The group has acknowledged that current industrial siting laws aren't enough to ensure that projects are built responsibly. This is why it is critical that people in the affected communities be involved. Our region is also rich in cultural diversity; people here are creative, capable and resilient. We, and this place, are a vital and integral part in a holistic system that provides life to the planet. The advisory committee's role is to make sure those perspectives are part of the decision-making process.

Powder River plans to hold a “Mini POCO” (Principles of Community Organizing) training April 18 - 19 in Rock Springs. Stay tuned for updates on how to register. For any questions, or to let us know if you'd like to join us, please email mirwin@powderriverbasin.org.

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

In the 2023 session of the Wyoming legislature, our representatives considered what would be for me a dizzying number of legislative proposals—288 House Bills, 12 House Joint Resolutions, 183 Senate Files, and 14 Senate Joint Resolutions. In all, 597 pieces of legislation that would influence very nearly every aspect of our lives. If a given bill is to become law, it is through the votes of our elected representatives. That may or may not mean through the general will of the voters for ours is an indirect democracy in which each legislator is asked to speak and act on behalf of many voters.

Unlike legislators, we at Powder River have the opportunity to shape policies and actions through the direct participation of our members. Each year at our annual meeting we consider resolutions on a wide array of topics that reflect our dedication to the stewardship of Wyoming's natural resources. Through these resolutions that guide our actions, we seek to preserve and enrich our agricultural heritage and our largely rural way of life. More broadly we are committed to the conservation of our land and natural resources consistent with the responsible use of these in a way that will sustain present and future generations. And in pursuit of these goals we are involved in the education and empowerment of ourselves and our fellow citizens such that we can offer a coherent and thoughtful voice in the making of decisions that influence both our environment and the lives we lead as individuals and members of our communities.

Just as legislators do, Powder River members seek to enact policies for the general good. But unlike the legislature we are a grassroots organization in which every member has a direct voice. Any one of us may put forth a resolution. Over the years we've considered resolutions on subjects ranging from accountable government, taxation, and state lands to renewable energy, recycling, and railroads, from grazing fees, holistic management, and biological pest control to campaign spending limits, free access to public records, and Medicaid expansion.

Our first four resolutions were passed by the membership in 1975. Two of these dealt with water issues—one opposed strip mining in alluvial valleys unless reclamation standards were met, the water table and surface flow were restored, and there was no damage to surrounding water users and landowners. The second resolution called on the state to give agricultural water use a higher priority than industrial use and to prohibit transferring agricultural water to industrial use. These resolutions reflected our primary mission as seen in the issues of the day.

One of our most recent resolutions, passed at the fiftieth anniversary meeting in November 2022 spoke to very different concerns. It supported ranked choice voting, a ballot system that gives voters the opportunity to list candidates in order of preference. In states that use ranked choice voting no candidate can be elected with less than a majority of votes. Because all candidates are listed on a single ballot and because voters can list their preferences without regard to party affiliation, partisanship is diminished. And because no one can be elected with a plurality, voter satisfaction with election outcomes tends to increase. Voter engagement goes up as people feel they actually have more of a say in who will represent them.

On the surface this seems to have no direct connection to resource conservation and use. But we have come to see ever more clearly how increased social equality, enhanced voter participation, and protection of all communities, no matter their material wealth or political power are all linked to environmental issues. When we feel we have a say, we also feel that participating in the social and political process is meaningful. Things aren't simply imposed on us. Rather, we decide together how to respond to pressing demands including difficult decisions we must make around environmental issues.

That's what I see as a broad umbrella goal of Powder River—helping us to work together on behalf of our planet's and our human community's health such that the natural beauty and diversity we love will be here for generations to come.



David Romtvedt

LOCAL FOOD VENDORS DEVELOPING MARKETING GUIDE

PENNIE VANCE
Powder River Staff

Local food producers, most of whom are Powder River members, who market their produce at farmers' markets in the Sheridan area recently met to discuss the need for uniformity in understanding and implementing the Food Freedom Act (FFA) provisions for vendors, market managers, and inspectors.

While the FFA gives home gardeners and homemade food producers the right to sell their produce directly to consumers, selling under the act also includes restrictions and responsibilities which are not easily understood simply by reading the law.

Powder River members, Luc and Rachel Bourgault, seasoned farmers' market vendors who have been involved in the development of the FFA and marketed under its provisions for years expressed concerns that if new vendors are unaware of these limitations, local markets could be negatively impacted by potential violations. Brian Bergland, one of the newer producer members of the group, agreed that more guidance is needed.

A uniform guide for clear direction would also help farmers' market managers, especially those who are not vendors themselves. Before the guide is finalized, it will be shared with the Wyoming Department of Agriculture for review. Local vendors believe that the Ag Department's review will help make the guide an accurate reference source for inspectors and vendors to consult during state inspections.

While the marketing guide is being developed specifically for the Sheridan area, the local foods group and other vendors outside the area have indicated they believe the information in the guide could be applicable to markets and vendors across the state and could provide a starting point for a statewide guide.

Other activities that the local foods group plans to pursue throughout the coming year are workshops encouraging new gardeners to consider selling at farmers' markets, helping stock and maintain the Sheridan Seed Library, and a seed saving workshop in the fall.



Brian Bergland at Landon's Farmers Market.

BLM Seeks public comment on new solar plan

CLAIRE DEUTER
Powder River Staff

The Bureau of Land Management (BLM) is seeking comments on its utility-scale solar energy programmatic environmental impact statement, which updates the agency's 2012 Western Solar Plan. The BLM will evaluate the potential impacts associated with changes to utility-scale solar energy planning in as many as 11 Western states.

In 2012, the BLM implemented the Western Solar Plan. This plan identified specific areas of public land for utility-scale solar energy permitting.

The BLM categorized these areas into a hierarchy of permitting zones. Priority zones were the zones of highest priority for permitting solar projects. Next were the variance zones, where the BLM could allow development in accordance with specified procedures. The last zone category was exclusion zones, where utility-scale solar energy development was not allowed.

Wyoming was not included in the BLM's 2012 Western Solar Plan but is now included in the proposed update. Wyoming's inclusion in the plan could lead to streamlined and prioritized permitting for utility-scale solar on public land.

Members of the public had the opportunity to comment on the proposed plan and let their voices be heard. The BLM wants to hear from the public and understand whether the public wants Wyoming to be included in the Western Solar Plan as well as what criteria support prioritized zones, such as low impacts to wildlife and project proximity to transmission lines.

Solar energy plays a key role in the fight against climate change. As utility-scale solar developments increase on public land, it's critical that decision makers plan ahead, consider development impacts, and listen to public voices



Powder River Board member and Converse County resident Maria Katherman testified at an EPA hearing in January.

POWDER RIVER MEMBER TESTIFIES TO EPA ON AIR POLLUTION

KATHERINE STAHL
Powder River Staff

On Jan. 12, Powder River Board member and Converse County resident Maria Katherman provided testimony to the U.S. Environmental Protection Agency (EPA) in a virtual hearing on a supplemental proposal to reduce methane and other harmful pollution from the oil and gas industry. Issued in November, the supplemental proposal's comment period included three days of live virtual testimony in January from members of the public. Maria and others' testimony centered on the human health, environmental, and community impacts of oil and gas development.

The supplemental proposal strengthens and expands a proposal issued in November of 2021. Key improvements of the supplemental proposal include measures to (1) ensure that all well sites are routinely monitored for leaks, (2) require that monitoring continues until the well is properly closed and plugged, (3) empower third parties to identify large methane leaks through a "super-emitter" provision, (4) strengthen flaring requirements to reduce emissions, (5) establish a zero-emissions standard for pneumatic pumps with access to electricity, and (6) require alternatives to flaring unless no alternatives exist. These improvements show that the EPA is taking strides towards ensuring a healthier planet for all, particularly those living with oil and gas in their communities and backyards.

There is still room for improvement, though, and Maria and others identified these shortcomings in their testimony. A key area for additional action is the

"super-emitter" provision. Maria encouraged the EPA to establish "a clearly outlined procedure for communities and individuals to join in on the Super Emitter Response Program and access the needed equipment." The community-level impacts of oil and gas development were also raised, with Maria noting that if the EPA required routine monitoring of all well sites, "it may mean some good, long-lasting jobs here, instead of the brief boom of drilling crews that are rarely from the local workforce and do not stay in the community."

Many of those testifying also called for the EPA to crack down on routine flaring. Maria and others noted that the practice of flaring gas is dangerous and wasteful. When oil and gas companies flare gas, they deprive communities of royalties that would occur through the sale of that gas. A recent report by Environmental Defense Fund and Taxpayers for Common Sense shows that in 2019, the practice of flaring gas cost federal, state, and tribal governments \$34 million in royalties. Combined with royalties lost from venting and leaked gas, this number rises to \$63 million. Proportionally, tribal governments experience the greatest loss in royalties.

Clearly, the EPA can do more to ensure that communities with oil and gas development reap the economic benefits this industry brings, not just endure the health and environmental hazards. While some industry groups and state agencies (including Wyoming's Department of Environmental Quality) requested an extension to the public comment period, it closed as scheduled on Feb. 13 with over 389,000 comments submitted. Though a final decision date is unknown, many who testified virtually urged the EPA to finalize the rules as soon as possible.



Stahl joins Powder River staff

KATHERINE STAHL
Powder River Staff

Hi everyone! My name is Katherine Stahl, and I am the new Oil and Gas Community Organizer for Powder River in Sheridan. I grew up in Birmingham, Alabama, where I spent my time exploring the woods behind my house, horseback riding, and visiting nearby state parks. I got my first taste of Wyoming during a family road trip in middle school, and I spent two summers in college working in Grand Teton National Park. Now I finally get to call this state home, and I'm excited to get to work making sure oil and gas companies do their part to maintain Wyoming's rugged beauty and vibrant communities.

I graduated from Alabama's Auburn University in 2019 with a degree in Wildlife Ecology and Management. During college, I gained an understanding of ecosystem function and how human activities impact wildlife populations in unexpected ways. After college, I decided to focus more specifically on the sociopolitical component of environmental policy. This decision led me to a master's degree in Global Environmental Policy from American University in Washington, DC. My master's program altered my perspective of global issues, allowing me to explore power dynamics that govern international relations. I also learned about the strength of grassroots movements for change, including the Water Defenders of El Salvador, who were instrumental in the country's 2017 ban on metal mining. This locally led movement garnered international attention and support, from Washington, DC to the Vatican. Learning about the power of grassroots change inspired me to pursue a career in community organizing.

Wyoming's diverse landscapes, hardworking people, and mineral wealth are what make this state so unique. The oil and gas industries that profit immensely from the extraction of Wyoming's mineral wealth must be held accountable when they make mistakes – no industry should be exempt from regulation, regardless of how powerful they are. I'm eager to work alongside our members to ensure that oil and gas industries create social good, rather than harming the communities where they operate. I'm very grateful to join dedicated staff and members in this fight. My door is open and my phone is on. Let's get to work!

REAP WEBINAR HIGHLIGHTS SAVINGS FOR BUSINESSES

CLAIRE DEUTER
Powder River Staff

On Feb. 15, the Alliance for Renewable Energy (ARE) teamed up with the Wyoming solar installation company, Creative Energies, to host a webinar on the newly expanded Rural Energy for America Program (REAP), a U.S. Department of Agriculture program that provides grants to rural small businesses and agricultural producers for renewable energy projects and energy efficiency improvements. Participants, including Wyoming business people and engaged citizens, tuned in and asked questions as Leo Pueblitz, Creative Energies' technical sales professional and ARE member, presented the extensive funding opportunities under this program.

Those that qualify for REAP funding include agricultural businesses and producers in both high and low-populated regions, such as farmers, ranchers, animal feed manufacturers, breeding companies, farm machinery producers, and more. Small businesses in rural areas, like restaurants, grocery stores, retail shops, and manufacturers, are also eligible. Small businesses are considered rural under the program when located in regions with a population density of 50,000 residents or less, making the vast majority of Wyoming small businesses eligible.

Pueblitz explained that eligible participants can use REAP funding for a variety of beneficial projects. The awarded funding can help businesses cover the costs of wind and solar projects. The money can also go to energy efficiency improvements like high-efficiency heating, ventilation and air conditioning systems (HVAC), insulation, lighting, cooling or refrigeration units, doors and windows, and more.

Businesses that take advantage of the program can save significant amounts of money on eligible projects. REAP funding comes in the form of grants and loans. REAP provides loan guarantees on loans for up to 75% of the total cost of the project, and REAP grants can cover up to 40% of the total cost of the project. On top of that, businesses can take advantage of the 30% Solar Investment Tax Credit (ITC), which was recently expanded under the Inflation Reduction Act, as well as the Modified Accelerated Cost Recovery System (MACRS), in which depreciation of a physical asset lowers a taxpayer's taxable earnings. Pueblitz presented that, based on average costs and savings, a REAP recipient could save over 80% of project costs when they use REAP grant funding with tax incentives.

To apply for REAP funding or receive more information, Pueblitz suggested reaching out to the USDA Rural Development's Wyoming State Office at (307) 233-6700 and local installers. For more information on how the available tax credits will impact REAP participants, Pueblitz suggested consulting a tax professional.

If you missed the webinar, you can still view it on Powder River's YouTube channel or by visiting our website www.powderriverbasin.org/what-we-do/renewable-energy.

2023 USDA REAP Grant:
an overview of expanded funds,
eligibility, & requirements.

CREATIVE ENERGIES
SOLAR

USDA
Rural Development

The REAP program helps rural businesses and ag producers add renewable energy and energy efficiency measures.

Carbon capture bill isn't a good solution

RONN SMITH

Powell, Wyoming

Editor's Note: This was originally printed in the Jan. 13, 2023 edition of the Casper Star-Tribune.

When it comes to energy policy, unbridled hope can be costly. The General Accounting Office (GAO) recently identified significant risks to public investments in coal carbon capture, utilization and sequestration projects. GAO found the Department of Energy spent \$472 million on design of CCUS projects that were never built. None of those that were built have proven commercially viable. In an understatement, GAO described them as “generally less successful” than non-coal CCUS facilities.

Saskatchewan's Boundary Dam Unit 3, the world's only operating coal-fired power plant with carbon capture, has limped along at half its designed capture rate. Citing high costs and cheaper alternatives, SaskPower scrapped plans to add CCUS to adjacent units, despite years of experience operating and refining the technology.

Wyoming has not taken heed. House Bill 200 from the 2020 legislative session forces utilities to consider CCUS and forces ratepayers to foot the costs. It aims to rescue aging coal plants and the communities that rely on them for economic survival. Both Rocky Mountain Power and Black Hills Energy have stated the technology is premature and economically infeasible. But HB200 puts the burden of proof on them, which costs money.

The \$2 million rate increase granted to Rocky Mountain Power by the Public Service Commission in late 2022 attests to this cost passthrough. The dismal track record of coal-based CCUS portends vastly larger rate increases in the future, given the \$400 million to \$1 billion cost to retrofit a single generating unit with CCUS. HB200 supposedly caps these rate increases at 2%, but what will happen if the utilities commit irrevocably to the design, construction, and cost overruns of ill-fated CCUS retrofits? The PSC guarantees them a reasonable rate of return and allows them to increase rates to get it. In a collision of conflicting policies, the consumer will pay.

HB200 is founded on several misconceptions. One is that carbon capture works equally well in all applications. But in the real world, coal-based CCUS projects have cost more and delivered less than other CCUS projects. Despite government subsidies, they have all failed at various stages because they priced themselves out of existence. CCUS applications such as natural gas processing or producing steel, cement, ammonia, fertilizer, and hydrogen show more promise. Compared to coal flue gas, these applications manage more concentrated and less contaminated gas streams while incurring a lower energy penalty.

A second misconception is that federal subsidies, sweetened by recent legislation, will make coal CCUS economically viable. Capital cost sharing by DOE subsidies have not saved project sponsors to date. The Infrastructure Act will fund only two coal CCUS demonstration projects, and applications were due December 5, 2022. The Inflation Reduction



The units of the Dave Johnston coal plant near Glenrock became operational starting in 1959 (unit 1) with the newest one (unit 4) starting up in 1972. All four units are set to retire in 2027. Unit 4 has been proposed for carbon capture.

Act increased tax credits that incentivize CCUS but last only 12 years and are tied to strict performance standards.

A third misconception is that coal CCUS technology, once developed in the U.S., can circumvent the retirement of domestic coal power plants by pursuing international markets. But doubling the cost of coal-generated electricity by attaching CCUS rather than using cheaper and rapidly expanding renewable energy, makes no more sense for a younger, foreign coal fleet than for an older, domestic one.

A comprehensive study from 2022 forecasts thousands of gigawatts of wind and solar capacity additions in China by 2050. It shows steady or declining coal generation, depending on the carbon mitigation scenario, and insignificant CCUS deployment under all scenarios.

A final misconception, at the heart of HB200, is that we need reliable coal generation to offset wind

and solar intermittency. In essence, fire up the coal plant when the wind doesn't blow. But coal plants can't ramp up and down as easily as natural gas plants. Besides, to recover the investment in CCUS, a retrofitted coal plant would need to run at full capacity around the clock. That's not happening even without CCUS. Coal plant capacity utilization in Wyoming has declined from 84% to 60% in the last 20 years due to cheaper natural gas and the plummeting costs of renewable energy. Adding expensive CCUS to an existing plant would only compound the problem, rendering its electricity output even less economically dispatchable.

Implementing HB200 could create a billion-dollar liability to utilities, to be passed on to their Wyoming ratepayers. The best outcome now is that power consumers will have to pay only for studies that rule out CCUS and put HB200 to rest. We can also strive for future energy-related legislation that is enlightened and affordable.

But in the real world, coal-based CCUS projects have cost more and delivered less than other CCUS projects. Despite government subsidies, they have all failed at various stages because they priced themselves out of existence.

— Ronn Smith

Sheridan County looks to rezone Tongue River Valley

SHANNON ANDERSON

Powder River Staff

In January, the Sheridan County Planning & Zoning Commission took the initial steps to move forward a recommendation in the county's comprehensive plan to evaluate whether the county should facilitate additional commercial and industrial development in the Acme and Kleenburn areas along the Tongue River.

Since part of this area was re-zoned to light industrial on the request of Ramaco Carbon in 2018 through a split vote of the Board of County Commissioners, there has been an interest in revisiting the zoning of the area to

ensure consistency of uses. However, rezoning through a special use district that allows greater commercial and industrial use of the area could threaten existing uses of the area, including historical agricultural, hunting, fishing, recreational, and residential zones along the Tongue River.

Given the public interest in the area and the need to protect Sheridan County's quality of life, residents are encouraged to attend upcoming public meetings at the Planning & Zoning Commission.

We expect the Commission to hold a public workshop on Thursday, March 2, at 5:30 p.m. at the Sheridan County Courthouse. Please mark your calendars, spread the word, and show up!



The potential Special Use District is denoted in the map above.



The Kleenburn ponds are a popular outdoor recreation spot in the Tongue River Valley, where Acme is also located.

Conservation groups defend postponement of oil and gas lease sales

Adapted from Joint Press Release

Seventeen groups represented by Earthjustice and the Western Environmental Law Center moved to intervene today to defend the administration's postponement of several oil and gas lease sales. A September ruling in U.S. District Court in Wyoming affirmed the administration's ability to postpone lease sales, but the state of Wyoming and industry groups are suing in an attempt to rewrite the law to benefit fossil fuel companies.

"This is nothing more than an effort to hand over management of our public lands to the oil and gas industry," said Michael Freeman, senior attorney with Earthjustice's Rocky Mountain Office. "The law is clear that the Department of the Interior and Bureau of Land Management have broad discretion to determine when, where, and whether to hold oil and gas lease sales. The administration has followed the law, but the fossil fuel industry is attempting to rewrite the law in its favor."

In December, Wyoming and two industry trade groups challenged the U.S. Bureau of Land Management's (BLM) decision not to hold lease sales during parts of 2021 and 2022. Even though the BLM has numerous lease sales scheduled in 2023 – nearly half a million acres are being considered for leasing – the plaintiffs claim the agency has an

"unwritten policy" pausing leasing and want the court to order the Department of the Interior (DOI) and the BLM to hold lease sales every three months across the West. The Supreme Court and 10th U.S. Circuit Court of Appeals have ruled that the Interior Department and the BLM have broad discretion to determine the timing and scope of lease sales, including not holding them at all.

Forcing Interior to lease without fully weighing public impacts is industry's attempt to continue looting public resources by accumulating excess leases at bargain basement prices.

~ Bob LeResche

"Forcing Interior to lease without fully weighing public impacts is industry's attempt to continue looting public resources by accumulating excess leases at bargain basement prices," said Bob LeResche, Powder River Basin Resource Council Board member and chair of Western Organization of

Resource Councils. "Industry already has more than 26 million acres of public mineral estate tied up in oil and gas leases, and drillers have stockpiled more than 9,000 federal drilling permits. The industry could continue drilling and producing as normal for decades even with no new leases."

In September U.S. District Judge Scott Skavdah rejected similar claims by the fossil fuel industry and Wyoming. The judge held that the BLM had acted within its legal authority when it postponed lease sales to ensure that it fully considered potential environmental harms.

"Last year, 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 court should shut down Wyoming and the oil and gas industry's transparent attempt to circumvent this basic principle."

"It is clearly within the Department of Interior's authority to decide when and where to lease for fossil fuel development, including any pause to review the rules. It's long overdue for the federal oil and gas program to be updated to ensure protections for public health, environment, wildlife and communities," said Barbara Vasquez, board member of the Western Organization of Resource Councils.

Powder River is hiring!

OFFICE MANAGER/DONOR RELATIONS COORDINATOR.

We are looking for the right person to join our team in Sheridan.

ABOUT THE POSITION

The Office Manager is responsible for the day-to-day operations of the office, ensuring efficient and effective operations and coordinating all issues affecting the daily operations of the office. The Office Manager also coordinates logistics for Powder River meetings and events and provides support to the Executive Director on various tasks.

The Donor Relations Coordinator is responsible for maintaining donor giving information; working with the Executive Director to create fundraising appeals; coordinating logistics for development events; communicating with and stewarding donors; and supporting the team in all individual donor fundraising and membership-building activities.

NECESSARY QUALIFICATIONS

- Strong administrative and organizational skills
- Strong communication and interpersonal skills
- Demonstrated ability to multitask, work independently, and with teams
- Familiarity with various computer software programs (Microsoft Office, Google Suite)
- Ability to think creatively, strategically, and practically
- Attention to detail and ability to stay organized
- Commitment to grassroots organizing and Powder River's mission

FOR A LINK TO THE FULL JOB DESCRIPTION

Visit: www.powderriverbasin.org/prbrc-job-opportunities/

COMPENSATION AND BENEFITS:

Salary is \$48,000 and commensurate with experience. Powder River offers a generous benefits package including health and dental insurance, vision, paid vacation leave, paid holidays and paid long-term sabbatical leave.



HOW TO APPLY:

This position is open until filled, but we encourage applications as soon as possible. The position is located in Sheridan.

If interested, please email a cover letter, resume, references, and two brief writing samples to rbagley@powderriverbasin.org (include Office Manager Application in the subject field) or mail to: Robin Englehart-Bagley, Powder River Basin Resource Council, 934 North Main St., Sheridan, WY 82801.

Powder River Basin Resource Council is an Equal Opportunity Employer.

2023 LEGISLATIVE SESSION CREATES GRAVEYARD OF BILLS

SHANNON ANDERSON
Powder River Staff

With almost half of the Wyoming House of Representatives newly elected this year and hundreds of bills filed, including a handful a bills that had failed to become law in past sessions, the 2023 Legislative Session was perhaps not as efficient as it could have been. A record number of bills died by not meeting deadlines to continue in the legislative process, and many more were voted down by committees and the House and Senate. For our issues, this meant a lot of bills did not make it to the Governor's desk, both bad and good. We supported 13 bills that died and opposed 12 bills that died. Nevertheless, some good bills did make it all of the way to becoming law, including seven bills we supported.

Here is a quick recap on some of the highest priority bills our staff and members were lobbying on this session:

Net-metering for small renewable energy lives – Senate File 92

This bill would have eliminated the statutory compensation and protections for net-metered home and business-based renewable energy systems, like rooftop solar, by shifting regulation to the Public Service Commission for the three rate-regulated utilities (MDU, Black Hills/Cheyenne Light, and Rocky Mountain Power) and to the Board of Directors for the rural electric cooperatives. Wyomingites, local governments, nonprofit organizations, and businesses from across the state came out in opposition to the bill. After hours of public testimony and hundreds of emails sent to legislators, the bill died in the House Travel, Recreation, and Wildlife Committee. We expect efforts to change customer generation compensation to come back, but for the meantime Wyoming can enjoy a sunny future with investments and incentives from the recently passed Inflation Reduction Act and other efforts to promote more local energy systems.

No new mandates for carbon capture at coal plants – Senate File 142

Starting out at 45 pages, and being reduced to 36 through amendments, this bill was one of the longer, messier, bills of the session we followed. The bill would have added to a laundry list of other bills passed over the years creating new regulatory mandates for our electric utilities forcing them to add expensive carbon capture technology to aging, increasingly inefficient coal-fired power plants. Luckily, the bill ran into stiff opposition from the



House Appropriations Committee after hours of testimony from utilities, agencies, and our organization. However, this is likely not the last we will see on this topic. Powder River will continue to actively participate in regulatory and legislative conversations about carbon capture to protect our members who are Rocky Mountain Power ratepayers. (Check out <https://wyoassociationratepayers.com/> to stay involved).

More food freedom! – Senate File 102

Many of our members enjoy the all-year indoor farmers' markets that have popped up across the state thanks to the Food Freedom Act, and our members who are family farmer & rancher producers have benefited from having greater direct access to customers at these markets. This year's bill clarifies that an ag producer can use a "designated agent" to facilitate direct sales between the producer and consumer, ending some legal uncertainty facing our ag producers. We hope you go out and enjoy the freedom of Wyoming's excellent local food, now

available year-round in communities across the state.

Forced pooling headed to the Interim Session – Senate File 156

When an oil and gas owner does not lease to a company, they can be forced into a situation where their minerals get developed as part of the underground "pool" of oil and gas resources. Forced pooling often places mineral owners in between a rock and a hard place and companies have the edge knowing it is an option. Senator Boner's proposed bill would have required companies to engage in good faith negotiations with mineral owners before using forced pooling. Powder River, along with our affiliate organization in Laramie County, the Cheyenne Area Landowners Coalition, supported the bill. The bill died in the Senate Minerals Committee, but committee members have vowed to bring it back as an interim topic to be studied through committee work between legislative

SESSION *continued on page 10*

sessions, so stay tuned for ways you can get engaged to protect your property rights and interests.

No tax breaks for the oil and gas industry – House Bill 163

This controversial bill would have allowed oil and gas companies to apply for rebates for a portion of their state severance taxes to compensate them if they pay higher royalties to the federal government when they develop publicly-owned minerals. The minimum 12.5% federal royalty rate had been in place since the original Mineral Leasing Act in 1920, but last summer the Department of the Interior raised rates for new leases to 18.75% and the Inflation Reduction Act adopted by Congress set a new statutory minimum level of 16.67%. While these rates are comparable to royalties paid on state leases and to private landowners, operators claim they are too high and went to the state to give them a break. Report after report has shown that higher federal royalty rates will have minimal impact on oil and gas production while significantly increasing the amount of revenue paid to federal and state governments. Luckily, common sense about the need to get a fair share on our public minerals won out on this bill, along with concerns about costs to the state and concerns about the expensive rebate process that would need to be set up at the Department of Revenue to implement the bill.

Coal litigation gets more state funding – House Bill 69

A fund set up in 2021 with \$1.2 million got a new lease on life this session. Originally created to fund expensive litigation before the United States Supreme Court to take on other state governments that supposedly were unlawfully restricting the commercial access of coal to ports or power plants, this year's bill allows the Governor to fund litigation against government agencies, private parties, local governments, or pretty much anyone else that is viewed as an enemy to our coal industry. Even if the fund gets used, its chances of success are slim, given that the decline of coal is not based on regulatory pressure but rather market forces in the electricity sector. Meanwhile, Powder River will continue to go



Solar freedom lives! SF 92, yet another attempt to eliminate net metering, died during this legislative session. Photo courtesy of Premier Electric

to court as necessary to protect public health, our air quality, and ratepayers.

Attacking financial institutions with environmental, social and governance goals – Senate Files 159 and 172

Some legislators are concerned that financial institutions with environmental, social, and governance goals and objectives (commonly called “ESG”) are restricting lending and financing of fossil fuel companies and projects. These legislators were pushing bills, adopted in other states, that would have taken on these financial institutions by

restricting state and local governments from contracting with banks and companies with ESG objectives. Concerns about the bills and their impacts to our multi-billion-dollar sovereign wealth fund and other savings accounts became too much and the bills were voted down by the House Appropriations Committee. However, legislative leadership has offered for additional study of this topic through the interim session.

Now the session is a wrap, legislators head into committee work before next year's session begins in February 2024. We look forward to your continued engagement and participation in the legislative process. You make a difference in your democracy!



Wyoming Collaborative for Healthy Soil Survey results

PENNIE VANCE
Powder River Staff

The Wyoming Collaborative for Healthy Soils (WCHS), of which Powder River is an active member, held a public Zoom meeting on Feb. 9 to review results of the statewide online survey and the in-person listening sessions held over the past two months. The purpose of the survey was to help determine what ag producers in Wyoming identify as the needs and obstacles to successfully implement healthy soil practices on their farms and ranches. A separate survey was sent to agencies such as Natural Resources Conservation Service (NRCS), who help producers understand and apply soil health practices.

The results will be used to provide a roadmap for improving agricultural soil health based on this stakeholder process. WCHS members will work together to combine best practices from other states,

proposals from coalition members, and stakeholder feedback into a consensus vision for soil health programming and policy that will benefit the greatest number of farmers and ranchers across the state.

Here are a few details from the survey results. The entire report is available at www.groundupconsulting.us/wchs.

- The four practices currently most used by producers are: reducing tillage, livestock integration, manure application and cover crops.

- The producers indicated that about 76% are highly interested in improving soil health while the agencies felt that only 37% of producers were highly interested.

- The most highly rated reasons why producers are interested in soil health practices are increasing drought resilience and water infiltration, and reducing input costs.

- Among the practices producers indicated they

would most like to learn more about are rotational intensive grazing, reducing tillage, cover crops, and livestock integration.

- Some of the biggest barriers to implementing soil health practices are cost and lack of access to specialized equipment, information, and technical knowledge.

- Common themes from producers at listening sessions were resistance to change and the economics of applying practices that can take many years to result in desired improvements.

Thank you to everyone who completed a survey or participated in one of the listening sessions held throughout the state. Powder River will continue to work on this important project. Producers are encouraged to get involved in the project. Please call the office at 307-672-5809 or drop an email to penniev@powderriverbasin.org if you have questions or want more information.

Soil health expert Nicole Masters coming to Sheridan

PENNIE VANCE
Powder River Staff

Mark Aug. 8 - 9 on your calendar! Powder River, as a member of the Sheridan Working Lands Group along with Natural Resources Conservation Service (NRCS), Sheridan Community Land Trust, the Sheridan County Conservation District, the University of Wyoming's Sheridan Research and Extension Center, and local ranchers are announcing details for this summer's working lands event. The group is especially pleased to bring in Nicole Masters as the featured speaker.

Masters is a globally-recognized soil health expert from New Zealand, who comes highly recommended by many soil health experts including one of this area's best-known soil health proponents, Gabe Brown. Masters will share her expertise on soil health science and present guidelines to implement best practices while increasing profits.

She is the author of *For the Love of Soil* available at the Sheridan County Fulmer Public Library. Stay tuned for updates!

SOLAR STATS

270KWH
Energy Produced

422 pounds
Carbon Offset:

We offset an equivalent of 4 trees
in December and January.

TALLGRASS continued from page 1

Powder River felt these concerns and decided to take action. Members, board, and staff worked together to draft a letter to DEQ, notifying them of Tallgrass's potentially severe under-reporting of the December venting, and called on DEQ to hold Tallgrass accountable for their mistake. Listed in the letter were suggestions that the DEQ require Tallgrass to reconcile their reporting of the amount of methane vented with the estimates of IMEO scientists and satellite imagery, as well as require Tallgrass to install a vent meter at the Douglas Gas Plant to accurately track future emissions. Powder River also called on DEQ to share their investigation into the event, including what caused the need for emergency venting and what actions have been taken to ensure it does not happen again. Finally, Powder River requested that DEQ share records of any similar events at the Douglas Gas Plant, recognizing the human health and

environmental impacts of venting.

We hope that DEQ will fulfill their duty to protect public health and the environment by holding Tallgrass accountable. Tallgrass Vice President of Government Affairs, Steven Davidson, is quoted in the Douglas Budget saying that Tallgrass is "constantly working on ways to ensure that our commitment to reducing emissions actually reinforces our commitment to safety, and vice-versa." Perhaps this commitment to reducing emissions can be expressed through installation of a vent meter and accurate future reporting of emissions. Tallgrass profits immensely from the extraction and production of Wyoming's mineral resources. In exchange, they should openly note and rectify their mistakes. Our beautiful state, its vibrant rural communities, and the health of the entire planet all depend on the proper regulation of methane pollution.



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IN THIS ISSUE

Tallgrass releases five-mile-long methane cloud over Douglas	1	Powder River is hiring	8
Southwest Wyoming Advisory Committee formed	1	2023 Legislative Session creates graveyard of bills	9
Message from the Chair	2	Wyoming Collaborative for Healthy Soil Survey results	11
Local food vendors developing marketing guide	3	Soil health expert Nicole Masters coming to Sheridan	11
BLM Seeks public comment on new solar plan	3	Solar stats	11
Powder River member testifies to EPA on air pollution	4		
Stahl joins Powder River staff	5		
REAP Webinar highlights savings for businesses	5		
Carbon capture bill isn't a good solution	6		
Sheridan County looks to rezone Tongue River Valley	7		
Conservation groups defend postponement of oil and gas lease sales	7		

UPCOMING EVENT
Powder River Board Meeting
March 17, Online

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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