

ENCOURAGING RESPONSIBLE DEVELOPMENT TODAY ~ FOR TOMORROW

We did it!

KATHERINE STAHL
Powder River Staff

Powder River CELEBRATES

BLM rule to increase oil & gas bonding

On February 12, the Department of the Interior announced a finalized rule reforming the Bureau of Land Management's onshore oil and gas leasing program. Readers may recall this rule was proposed last spring. Powder River members engaged diligently throughout the rulemaking process to ensure quick passage and strong reforms. The rule makes long overdue changes to federal oil and gas leasing program, one such critical change being an update to bonding requirements, or financial assurances operators are required to post before drilling.

The rule's finalization is a massive win for communities across the country, who have for years dealt with the lingering effects of oil and gas development. Insufficient bonding requirements incentivized operators to abandon wells without plugging them or removing equipment from the surrounding landscape. Old, leaky wells create methane pollution, contaminate groundwater, and pose human and

wildlife safety hazards. Operators who abandon wells without cleaning them up create additional taxpayer burden by placing cleanup costs on the American public, rather than themselves. Under the new standards, operators will post bonds that better cover the costs of plugging wells and reclaiming lands impacted by oil and gas development.

The finalized Fluid Mineral Leases and Leasing Process rule eliminates nationwide bonds that allowed a company to cover all federal wells in the U.S. with bonds as low as \$150,000. The rule phases in minimum bond amounts of \$500,000 for all of an operator's wells in a state (increased from \$25,000 currently) and \$150,000 for all wells on one lease (increased from \$10,000 currently). Bond amounts will increase every 10 years moving forward to account for inflation. The rule also requires inactive wells to be plugged and reclaimed sooner, ends the practice of non-competitive leasing, and makes it harder for so-called "bad

actor" companies that are out of compliance with BLM rules to acquire new leases. The rule establishes preference criteria for leasing new lands as well, including consideration of the potential of the land to produce oil or gas, and prioritization of protection for important wildlife habitats or culturally significant lands. By increasing federal royalty rates, the rule also increases the return to the American public for the development of mineral resources.

Powder River board member Maria Katherman offers her appreciation for the rule's changes to the current leasing program: "The improvements this rule makes to the federal onshore oil and gas leasing program are a very welcome change for those of us who live in Wyoming's Powder River Basin! I've lived here through several boom and bust cycles and seen formerly open country transformed into industrial

BONDING RULES
continued on page 10



2024 LEGISLATIVE SESSION RECAP

A year of dead bills

SHANNON ANDERSON
Powder River Staff

The 2024 Legislative Session wrapped up March 8th after legislators finished their remaining business, notably, discussion and adoption of the biennium budget, which was the main purpose of this year's session. After a historic impasse between the Senate and House versions of the budget bill, a new conference committee came to an agreement and that version of the budget was ultimately adopted by narrow margins in both chambers.

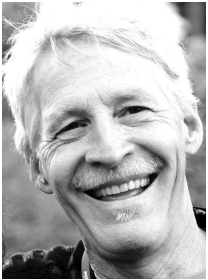
Filled with personal attacks and extreme rhetoric, this year was for all intents and purposes a difficult session for legislators, for lobbyists, and for the public. We

extend our gratitude to all of you who braved these icy waters and maintained your role in our democracy by contacting legislators and raising awareness for the issues you care about. We also thank the legislators who maintained civility, creating an environment welcoming of public participation. And we thank the reporters and media outlets who tirelessly worked to shine the rays of sunshine transparency onto the legislative process to keep everyone in our state updated and informed.

For Powder River's part, we have considerable cause for celebration with the successful support of eight bills that are

LEGISLATIVE RECAP
continued on page 10

Message from the Chair



It is difficult
to get the news from poems
yet men die miserably every day
for lack of what is found there.

In these lines from his poem “Asphodel, That Greeny Flower,” William Carlos Williams speaks about the power of what is intangible, what feeds us that is not food, or, said another way, what is the food we cannot eat. For Williams this intangible food was poetry. It may be visual art or music or dance. Sports. Service to others. A spiritual practice.

Social activism. We recognize in all these that other kind of food.

For many of us, the natural world offers one such food. We take a day hike and feel renewed when we return home. We bicycle long distances, the sky above us. We sit beside a stream listening to the rush of water. A kingfisher skims the surface and suddenly plunges face first, madcap diver into the depths.

All these intangible foods bring us closer to the world beyond us of which we are a part. We know we must eat—we are material creatures. But we are something else, too. These two things—the reality of our physical needs coupled with that other sometimes mysterious part of ourselves—the spiritual, the social, the psychological—come together in our work at the Powder River Basin Resource Council.

We strive not only to protect and preserve untrammelled nature—those spaces and places with no or few marks of human intrusion—but also to live as part of nature, in balance with the world we inhabit. We would take only what we need and accept our need as a gift the world offers, a reminder that the world will teach us to be whole.

Here’s the Powder River Mission Statement: “The preservation and enrichment of our agricultural heritage and rural lifestyle. The conservation of our unique land, mineral, water, and clean air resources, consistent with responsible use of those resources to sustain the livelihood of present and future generations. The education and empowerment of our citizens to raise a coherent voice in the decisions that will impact their environment and lifestyle.”

Aside from the fact that I wouldn’t use impact as a transitive verb, I love this mission we have—to live well with our companions on earth, to care for them and for ourselves. This is what I’m thinking of today as I watch it snow—how to live in balance with the world that nurtures us.

Of her work completing a graduate degree in Global Environmental Policy, Powder River organizer Katherine Stahl said these studies allowed her to “explore the deep connection of people and places and inspired her to pursue a career advancing policies and principles that benefit both people and the environment on which we depend.” That’s what we’re after—ways of being that benefit all life on earth, practices that protect the land, air, and water while allowing us to make use of the resources we must have to survive.

In Wyoming we have long depended on a primary resources extraction economy. That has meant cycles of boom and bust along with damage to our environment. Every day I ask myself how we can move forward in a way that benefits both the human and non-human inhabitants of the planet.

This idea of balance between the two is always forefront when I think about energy policy in the future. It’s always at the forefront when I think about the dignity of those who have given their lives to work in industries that are now in decline—the coal industry, for example, dropping off as both local and global forces move us toward cleaner renewable energy sources. How can we create new policies and practices that protect the earth and create and nurture an economy based on respect for our environment and for our fellow beings. We share the planet with each other, with the plants and animals who also live on earth, with the non-living, and with all that has come before us and will come after us.

There is, as Williams so dramatically put it, a news that while not the news of the day, is essential to our wellbeing. A news that can help us to live more consciously and more happily.

David Romtvedt

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, Nebraska Organizing Project, North Dakota Native Voice, Northern Plains Resource Council, Oregon Rural Action, Western Colorado Alliance for Community Action, 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.

Laramie City Council passes Emission Reduction Plan

CLAIRE DEUTER
Powder River Staff

After being considered at two Environmental Advisory Committee meetings, the Laramie Emission Reduction Plan headed to the Laramie City Council where it was approved unanimously on April 23. The Emission Reduction Plan will provide guidance as the city pursues its goal of net zero carbon emissions for municipal operations by 2050 pursuant to City Resolution 2020-14. Rather than prescribing a step-by-step plan, the Emission Reduction Plan provides multiple options for the city to choose from to reduce its municipal emissions. The plan focuses on reducing emissions from city buildings and facilities, vehicle fleets, and waste facilities like the landfill and wastewater treatment facility. According to the plan, increasing energy efficiency and embracing renewable energy and electric vehicles is important for Laramie to meet its carbon neutrality goals.

The Environmental Advisory Committee (EAC) ultimately voted to recommend the City Council to adopt the plan, but the decision whether to provide a positive recommendation sparked debate. Throughout the formation of the Emission Reduction Plan, the EAC read through drafts and provided feedback, but the most recent meetings on March 4 and April 4 focused on the EAC's decision on whether to recommend the plan to the City Council for approval. The EAC consists of seven members appointed by joint appointments of the City Council and the

Albany County Board of Commissioners and is charged with advising the City Council and the Board of County Commissioners on environmental issues.

At the March 4 meeting, community members packed the room in support of the Emission Reduction Plan. Members of the public, including members from Powder River's Laramie affiliate, the Alliance for Renewable Energy, provided comments in support of the plan. Members highlighted the importance of taking action to curb climate change and addressed the concerns about costs by pointing to financial incentives and grant opportunities available to the City. The members of the EAC met the plan with mixed positions.

Some committee members were in full support of the plan while others raised concerns about the cost and feasibility of the plan. When the EAC met again on April 4, the committee decided in a 6-1 vote to support the plan.

The City Council unanimously voted to adopt the Emission Reduction Plan on April 23. Community members of all ages, including members from the Alliance for Renewable Energy, packed the room to support Laramie's emission reduction goals.

The crowd erupted in applause when the City Council passed the resolution approving the plan. Both community members and city leaders expressed their appreciation for community collaboration throughout the process.

If you're interested in getting involved with the Alliance for Renewable Energy, please contact Claire Deuter at cdeuter@powderriverbasin.org.



Wyoming's Veggie Lady's quest to make local food growers sustainable

PENNIE VANCE
Powder River Staff

On March 22, a Sheridan Library meeting room filled with local food producers and advocates to hear LeAnn Miller, aka The Veggie Lady, tell her story. Hosted by Powder River, LeAnn, a Casper local, inspired her audience through a presentation about expanding her backyard garden market to a weekly pickup and distribution network for local food producers across Northern Wyoming. Her business, Eat Wyoming, connects Wyomingites to healthy, locally grown food year-round.

That is a major undertaking. A similar business working within the city limits of Denver, Colorado, where networks like this usually operate, would have to serve a 155 square mile area with a population of approximately 452 people per sq mile. However, in Wyoming, LeAnn's network has to serve an approximately 48,000 square mile area to reach a population that averages out to less than five people per square mile.

Even though most people are clustered in towns and very small cities, covering the network is a truly big deal. Others have talked about the possibility of a statewide local foods distribution network in Wyoming and deemed it a strategically and economically impossible task. Fortunately, "impossible" is simply not in LeAnn's vocabulary.

If you ask her why she has taken on this herculean task, she will tell you it's because she loves everything about locally produced food. She loves healthy food and the people who buy healthy food, the food freedom stores and the farmers markets, but she especially loves local food producers big and small. Give LeAnn a minute and she will delight you with stories of a youngster who grows and sells bumper crop tomatoes, or a Big Horn Basin producer who harvests at least 50,000 pounds of garden produce yearly from his two-acre plot.

LeAnn is driven by a passion to help make Wyoming's local food producers economically sustainable. Given Wyoming's small population, creating a viable local food business is difficult for most producers who rely solely on their local community. To grow their local food businesses, producers have little choice but to expand their market beyond the local area, a challenging endeavor for small operations. The creation of the Eat Wyoming network is helping more and more local food businesses expand their market reach and move towards long-term viability.

In response to expanding markets, many local producers are extending Wyoming's short, dry growing season by building multiple greenhouses, geodesic domes, and hydroponic systems, and installing efficient solar and watering systems.



Veggie Lady, LeAnn Miller, pictured fourth, is with members of the Sheridan Area Powder River Local Foods Group. Photo courtesy of Rooted in Wyoming

However, despite LeAnn's success with developing a producer to consumer distribution network, local food producer growth is limited by Wyoming's small population and vast territory. These realities led to a new chapter for LeAnn's sustainability goal, which is figuring out how local food producers can successfully sell their product to wholesale markets and large institutions. She has begun working with schools and hospitals to determine how local food producers can help supply them with locally grown produce and meats. The logistics of matching the unique characteristics of the locally produced food system to the massive needs of institutions is no easy task.

After meeting with schools, the Wyoming Department of Ag, and other entities in the state, LeAnn has begun contracting with some of these markets. More schools are serving mostly Wyoming-grown meats and stocking their salad bars with locally grown greens, mushrooms, and produce.

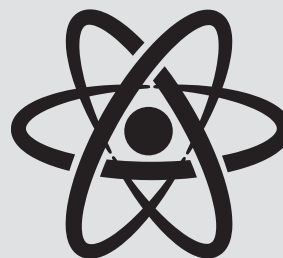
Networks of producers, like Powder River's Local Foods Group, are meeting to share ideas, solve problems, and host workshops like this one. For more information on LeAnn and her network, email her at veggielady@eatwyoming.com. For information on the Sheridan area Powder River Local Local Foods Group, contact Powder River staff member Pennie Vance at penniev@powderriverbasin.org.



SOLAR STATS



Energy Produced:
386kWh



Carbon Offset:
617 pounds



We offset an equivalent
of 5 trees
in February & March

Bill Barlow Memorial Youth in Conservation 2024 Award Winners

WAYNE LAX

Powder River Board Member

Powder River Basin Resource Council board members Liza Cuthbert-Millett from Laramie, Maria Katherman from Douglas, and myself and my wife (PRBRC member) Kathleen Selock from Cheyenne met at the 2024 Wyoming Science Fair in Laramie. For many years, PRBRC board members have gathered at the Wyoming Science Fair to award worthy students from the Bill Barlow Memorial Youth in Conservation Awards. In an ongoing effort to promote the importance of studies of Wyoming ecosystems and studies of ecological impacts of development, the Powder River Basin Resource Council presents the Bill Barlow Memorial Youth in Conservation Awards at the Wyoming State Science Fair. These monetary awards are presented in the memory of a great rancher and conservationist who was also a founding member of the Powder River Basin Resource Council — Bill Barlow.

We evaluated many projects submitted in advance online and held a zoom meeting a couple days before the March 4 in-person judging took place. We were very fortunate this year in that there was no snow storm to deal with and that we were able to meet the students in person; unlike recent years. After a quick orientation meeting on Monday the 4th, we set out to the large viewing area at the University of Wyoming Union Ballroom to see the projects and speak to their creators. In the end, we agreed that three projects were worthy of being awarded.

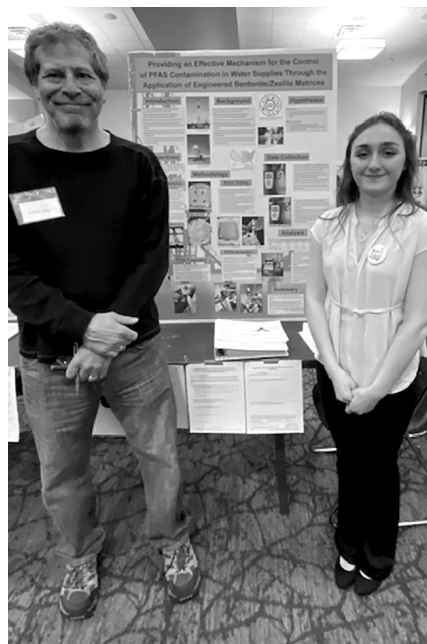
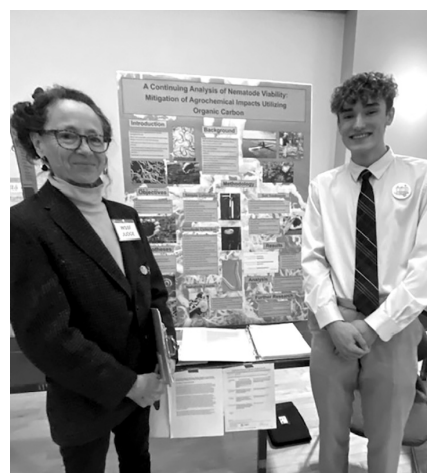
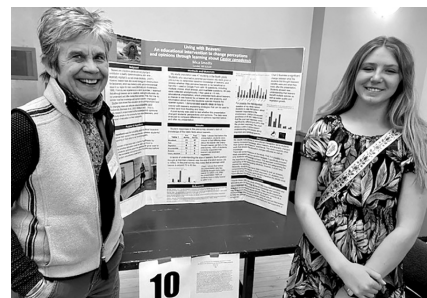
In the category of Animal Science, Tyler Searfoss from Greybull High School from the Senior division had an experiment with nematodes which are non-segmented worms that live in soil. He wanted to test if boosting the carbon could mitigate the effects of insecticide and herbicide. Tyler set up his own apparatus and counted the nematodes with his school microscope. Tyler's findings showed that carbon reduced nematode losses from the insecticide and fertilizer, but had no impact on the herbicide. Tyler's research is aiming to help farming be more sustainable. His soil testing continues.

From the category of behavioral and social sciences, Micah Smedts from the Tech Trep Academy in Lander and in the Junior division had an experiment called Living with Beavers. Micah's interest in beavers stems from living at a ranch in an arid climate in which beavers can be beneficial; though some consider them pests. Micah

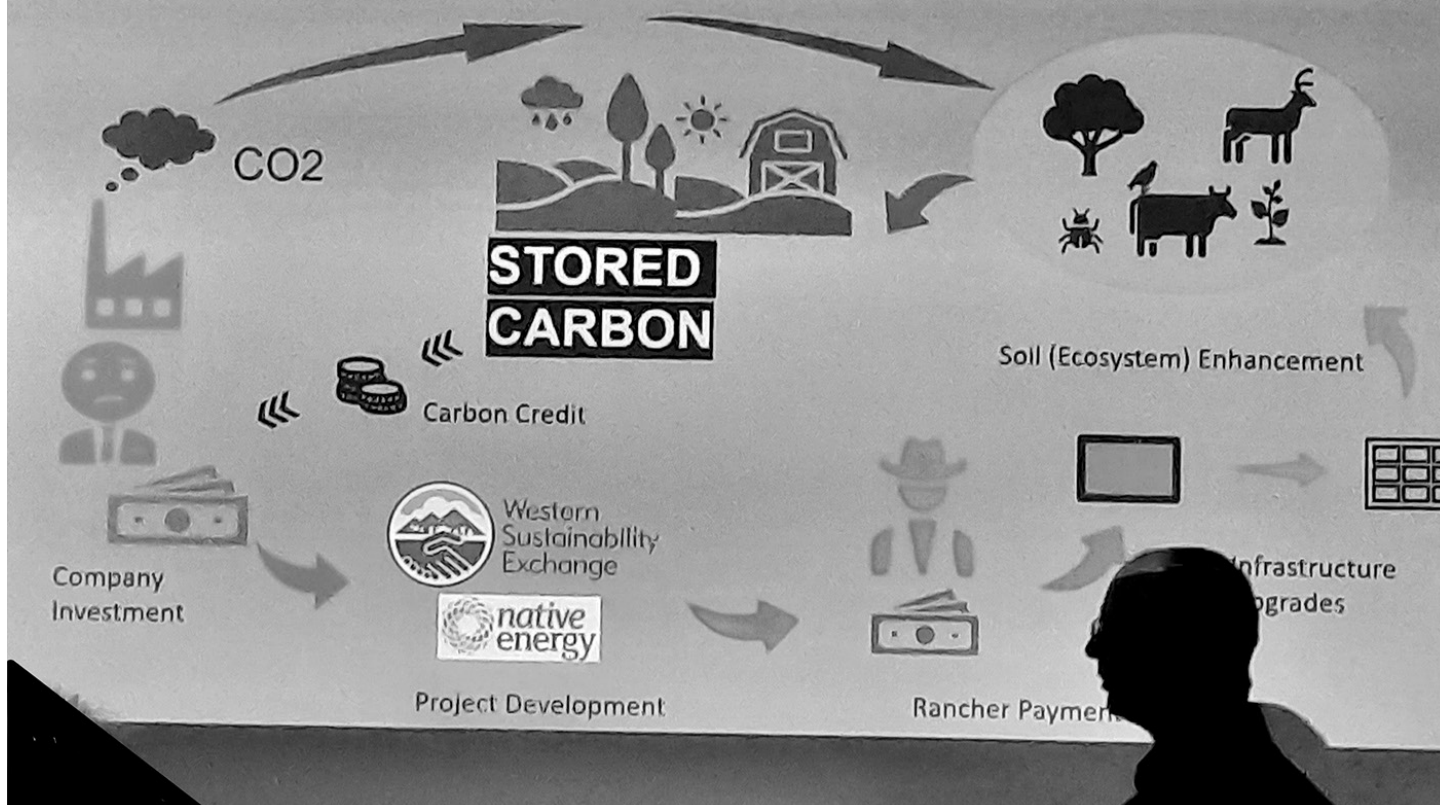
anonymously surveyed fourth grade students who she deemed old enough to understand but not too old to be set in their views. Micah's hypothesis was: educating students about beavers will improve their opinion of this species and increase students' understanding of their value to our local ecosystem. Micah then gave a presentation to educate the fourth graders on beavers and their impact on the environment. A post presentation survey showed there was a marked increase in the knowledge of such things as what a beaver's diet consists of, a beaver's life cycle, how beavers are beneficial to an ecosystem, and an overall positive opinion of beavers. We were all very impressed that Micah got such a large sample size of 47 students. Micah believes her experiment supports the idea that environmental issues should be taught more in schools.

From the category of earth and environmental science/environmental engineering, Shelby Hoobler from East High School in Cheyenne, Wyoming had a project named "Variability of Soil rRNA patterns of Bacteria and Archaea in a Disturbed Riparian Area." Her project looked at soil bacteria as agents of soil restoration. It also looked at the impact of soil being disturbed from systemic overgrazing. Shelby also looked at if the soil microbes can be identified to promote future restoration. As part of Shelby's 3 year study, 60 soil samples were collected in an area that has historically been overgrazed. The samples were processed in a Genome Technology Lab to determine all RNA species identification. The results of Shelby's research suggest that random populations of various bacteria and archaea may be present throughout the sampled riparian area to aid in future restoration efforts of riparian vegetation, and that no known trend concentrations of either bacteria or archaea were identified in this study. Shelby will continue to measure the effects on soil in year 3 of her work.

Each of these three wonderful projects received an award of \$250 from the Barlow funds. The collaborative process we went through to pick our winners was truly a joy. These bright students are an inspiration and it's great that we get to reward their works. They fit in well with the PRBRC's vision, goals and mission. I had a wonderful time being there and interacting with my fellow judges. Other board members would definitely enjoy this experience and I highly recommend they do.



Grasslands Carbon Trading Diagram



Ranchers cautioned about carbon credit markets

PENNIE VANCE
Powder River Staff

On March 18 at the Watt Agriculture Building in Sheridan, the Sheridan area Working Lands Group, of which Powder River is a member, held, “Carbon Markets”, a workshop that addressed carbon market opportunities for ranchers who are implementing regenerative ag practices, which capture carbon in the soil.

Increasing numbers of ranchers are adopting regenerative grazing practices because methods such as concentrated grazing on small lots for brief periods, followed by extended rest periods are resulting in dramatic improvement in the health, productivity and nutrient value of their pastures. In time, these practices reduce moisture runoff and soil compaction, improve plant diversification and growth, increase livestock carrying capacity and sequester carbon in the soil where it is needed for soil and plant health.

Presenters at the workshop were Chris Mehus, Program Director of Western Sustainability Exchange (WSE), a non-profit organization headquartered in Livingston, Montana, and ranchers Roger and Betsy Indreland from Big Timber Montana who recently entered the carbon market with the help of WSE.

The Indrelands focused on their story and success in implementing regenerative ag practices on their ranch and their positive experience in working with Native, a carbon project developer, which has created a carbon credit program that pays ranchers and other land

stewards for sequestering carbon on grasslands through regenerative grazing practices.

Mehus discussed the mission of WSE which is to educate ranchers on best practices in regenerative ranching and to facilitate connections between ranchers and market buyers so that ranchers can benefit financially by selling the carbon credits that they accrue from implementing those practices.

Mehus and the Indrelands cautioned that the process of measuring sequestered carbon and being able to attribute sequestered carbon to ranching practices is complicated. Every ranch is different so there is no one size fits all practices.

Infrastructure can be an investment so it is important to know about grants and other financing opportunities. They further cautioned that ranchers should proceed with caution before they enter the carbon credit market because a growing number of companies are caught up in a “carbon market gold rush” to lock in carbon purchase contracts.

The bottom line for ranchers interested in selling carbon credits is that they should do research and work with experts and peer groups, not only on the best regenerative practices for their operation but also to understand what carbon markets are all about. When Mehus was asked what he recommended as the first step a rancher should take before they make any changes, he replied, “Contact “Western Sustainability Exchange” because that’s what WSE is for.” WSE website address is westernsustainabilityexchange.org

Powder River joins 50 other coal country groups to advocate for mining reforms

SHANNON ANDERSON
Powder River Staff

In February, advocates from across coal-mining communities released a new federal policy platform that serves as a road map to address and prevent unreclaimed “zombie mines” — idled modern-era mines that have not been cleaned up by the responsible coal companies. The platform has already been endorsed by 52 community and national organizations. It includes an array of new recommended solutions to thwart the continued zombie mine crisis.

“The zombie mine crisis is ravaging coal country right now because coal CEOs have been allowed to exploit loopholes in the law, lax state oversight and inconsistent standards to boost their profits and dump the costs all on our communities,” said Erin Savage, Senior Program Manager for Appalachian Voices. “This platform offers the solutions to tackle this crisis once and for all by updating the law, closing loopholes and finally holding coal CEOs accountable to clean up their own messes.”

While the Bipartisan Infrastructure Law of 2021 deploys \$11 billion to clean up abandoned coal mines from before the 1977 enactment of the Surface Mining Control and Reclamation Act, a crisis has developed with mines built post-1977 — or “modern coal mines.” SMCRA was supposed to ensure that no mines permitted after 1977 would be abandoned without funds available to clean up and reclaim them, but the provisions put into place have not fulfilled that promise. Regulators have set the amount of money for required reclamation bonds too low, and they are not enforcing the requirement that coal companies reclaim land contemporaneously with coal removal. “Zombie” mines, mines which have not produced coal nor demonstrated reclamation for months or years, represent an unknown percentage of the total of disturbed coal mine lands nationally. Specifically, numerous problems and loopholes exist that lead to zombie mines, including:

- SMCRA requires coal companies to post bonds that would give government agencies the funds to reclaim mines as needed but, in practice, many state bonding programs are insufficient and bond amounts are set too low;
 - Some states utilize pool bonds, where coal companies pay only a fraction of reclamation costs into a shared pool;
 - Some companies still use self-bonds which require a promise from a coal company to pay for clean up, rather than money;
 - Often, companies strategically transfer mining permits to spin-off companies that declare bankruptcy to shed reclamation liabilities; and
 - Some companies have kept long-idled mines under an active designation even while they are not being mined, avoiding reclamation responsibilities indefinitely.

A recent analysis of Kentucky permits found that nearly 40% of “active” mines haven’t produced coal since 2020. In today’s economic climate, any active mine is at risk of going into zombie mine

status. In part as a result of these loopholes and regulatory inconsistencies or gaps, there are nearly 1 million acres of modern coal mines in 12 states that have not yet been reclaimed, according to analyses by the Western Organization of Resource Councils and Appalachian Voices. Some of these mines have idled for years without producing coal or making progress on reclamation. They often leave the surrounding area vulnerable to leaks and other environmental hazards. The problem is anticipated only to grow amid the ongoing decline of the coal industry — and the risks are often more serious than with pre-1977 mines as newer abandoned mines are often larger, closer to communities and result in more environmental damage than older mines because of the introduction of mountaintop removal mining in the 1970s and other factors. The crisis is so pressing that the Government Accountability Office recently confirmed it was investigating the scope and breadth of the problem after pressure from advocates and eight members of Congress.

The platform prescribes numerous effective solutions devised and endorsed by coal community residents, advocates and leaders. The full slate of recommendations is available in the platform, but highlights include proposals to:

- Eliminate self-bonding so that money and not promises are required to be put into place for reclamation;
- Require more timely reclamation by setting clear and enforceable deadlines for reclamation milestones so that idled or shuttered mines are cleaned up promptly;
- Prohibit regulators from allowing mines to be idled indefinitely and establish a public input process and new requirements from operators to ensure the reclamation resources are up-to-date and available for clean-up when temporary cessation requests are made;
- Establishing a new system of financial assurances for reclamation so adequate resources are available for clean-up. Recommended options include a trust fund tied to specific permits or a federal reclamation fund financed by a levy on coal operators;
- Amend SMCRA and existing Treasury Department rules to ensure bonds are from certified bond companies and cover the full aggregate risk created by mines;
- Phase out state bond pools; and
- Improve bonding and reclamation requirements for long-term water treatment as well as ensuring full compliance with water monitoring requirements during clean-up.

As part of the platform rollout, the coalition launched a website www.zombiemines.org that will contain news and information about legislative progress on the platform’s recommended solutions. You can watch a recording of the press conference to launch the platform that Powder River’s Shannon Anderson participated in here: www.youtube.com/watch?v=0uuXzTwIGYs&ab_channel=AppalachianVoices



Kick off begins for “No Farm Bill Without COOL” campaign

PENNIE VANCE
Powder River Staff

Powder River members have worked for nearly two decades for mandatory country of origin labeling (COOL) for beef. COOL gives Americans information on where hundreds of consumer products come from including meat products purchased at the supermarket—with the exception of beef and pork. Under current food labeling laws, there is no way for a consumer to know if a package of supermarket beef is from the U.S. or is imported, and beef producers have no way of differentiating their beef at the supermarket from imported beef.

Powder River and many other organizations have advocated for COOL that would ensure accurate labeling of the origin of beef, only to have our efforts thwarted time and again by large multinational meat packing corporations. Today Powder River is excited to help kick off the “No Farm Bill Without COOL” campaign, a united and promising effort all across the U.S. to get mandatory COOL into the Farm Bill.

Part of the campaign is dispelling corporate lies. For instance, industry allies try to scare ranchers into believing that “mandatory” means ranchers will be forced to do something. That is a false industry scare tactic. Ranchers and consumers are

simply advocating for legislation that will obligate packers to adhere to Country of Origin Labeling. Packers and distributors are the only segments obligated by mandatory COOL to label—there is no required labeling action for ranchers.

Under voluntary labeling laws, packers are given the choice whether or not to label, so they do not bother. Statistics show that under our current voluntary COOL laws only 12% of beef is labeled. Voluntary labeling does not work. Our current campaign is for mandatory COOL in the Farm Bill.

The primary purpose of the massive Farm Bill is to safeguard the viability of our food producers and to help maintain a stable food supply for all Americans. The Farm Bill is passed every five years so getting mandatory COOL for beef into this year’s bill is urgent and needs everyone’s support.

As part of the “No Farm Bill Without COOL” campaign, Powder River members will soon be receiving letters in their mailboxes and/or emails providing more information on COOL and simple steps for you to take ensuring COOL is included in the Farm Bill.

Powder River staff will also be following up with calls to members to answer questions or concerns. For more information, please contact Pennie Vance, Ag and Local Food Organizer at Powder River: penniev@powderriverbasin.org or 307-672-5809.



Powder River acknowledges seed library donors

PENNIE VANCE
Powder River Staff

At the end of each growing season, seed companies across the U.S. donate most of their leftover seed stock to schools and non-profit organizations. Due to the growing interest in gardening, the criteria each company sets to qualify for donations has become increasingly restrictive, and we are grateful to our donors for making the Sheridan Seed Library a priority. Powder River is pleased to have received over nine-hundred seed packets this year from six seed companies: True Leaf, Rare Seeds (Baker Creek Seeds), High Mowing Seeds, Territorial Seed Co., The Living Seed Co., and The Seed Savers Exchange. These seeds, and more, are available at the Sheridan Fulmer Library.



Oil and gas pollution imperils Wyoming's precious water resources

by JOHN FENTON

EDITOR'S NOTE: The preceding editorial by Powder River member John Fenton was published in WyoFile and the Casper Star-Tribune. It follows from DEQ's Wyoming 2022/2024 Integrated 305(b) and 303(d) Report that was released in early February. The report reclassifies two creeks, Alkali and Badwater, as "newly impaired," meaning they no longer support previous designated uses.

Aethon Energy discharges wastewater from their Moneta Divide oil and gas field into Alkali Creek, which flows into Badwater Creek. This is allowed under their state-issued Clean Water Act permit. In comments regarding the Integrated Report, Powder River and the Wyoming Outdoor Council urge DEQ to enforce stricter water quality standards through Aethon's permit and to address sediment cleanup.

In early February, Wyoming's Department of Environmental Quality released a report detailing the quality of our state's surface waters. Of concern are segments of two creeks, Alkali and Badwater, that have been used as the dumping grounds for oil- and gas-polluted wastewater. The three segments surveyed by DEQ were all listed as "newly impaired," meaning the streams no longer support the uses they once did — including designations for drinking water, aquatic life and fish. The streams are, effectively, dead. Low oxygen levels, high concentrations of chloride and hydrogen sulfide, plus other toxic oil-field contaminants, contributed to their impaired status.

DEQ's report lays bare the cause of these problems: permitted oil and gas activities. The current operator in the area? Aethon Energy Operating LLC. For years, Aethon has been discharging its toxic wastewater into Alkali Creek, which flows into Badwater Creek. Although not included in this report, previous monitoring reports have shown the wastewater to have high levels of BTEX, compounds known to be carcinogenic to humans. Hydrogen sulfide can also be quite dangerous, causing anything from eye irritation to asphyxiation depending on the level of exposure. Aethon and earlier operators of the Moneta Divide oils and gas field have discharged these contaminants for decades. To make matters worse, Badwater flows into Boysen Reservoir, which is critical to local water supplies and abundant recreation opportunities. Boysen flows directly into the highly valued Wind River, and then on to Thermopolis, where it supplies our town with drinking water.

So how did it get this bad? Wyoming's conservation community has for years called for improved regulation of Aethon's wastewater pollution, shining a light on clear violations of the Clean Water Act. Although Aethon has received several notices of permit violations from DEQ, the state has, instead of requiring Aethon to clean up its act, repeatedly responded by relaxing permit guidelines.

A 2021 permit modification removed pollution limits for radium, barium and zinc, and eliminated sampling requirements for multiple heavy metals. Changes also included a lengthy compliance period for chloride limits — Aethon has until September of this year to reduce chloride levels. In the meantime, wastewater pollution of Alkali and Badwater Creeks has continued, resulting in a drastic situation. The creeks are incapable of supporting aquatic life and, due to the presence of arsenic, are no

longer suitable for drinking water or fish consumption. Sediment deposits on the creek bed form a black sludge containing iron sulfides and other contaminants. This toxic sludge ranges anywhere from six inches to six feet deep.

DEQ has taken the first step in addressing these long-standing problems by recognizing the stream segments as impaired, and that is commendable, but more must be done. Aethon finally plans to bring its reverse osmosis water treatment facility back into operation soon, which will help greatly with treating wastewater before it's discharged.

However, Alkali and Badwater Creeks are already severely degraded, perhaps irreparably, because Aethon for years has not been held accountable. Worse yet, Aethon wants to drill over 3,000 new wells in the area with no plan for how it will treat the additional wastewater. The company's reverse osmosis plant can treat a maximum of 25,000 barrels of water per day, yet Aethon currently produces an average of 24,000 barrels per day. Expansion of the gas field is not possible and cannot be permitted without a magic wand at the ready to deal with water pollution.

Aethon's surface water discharge permit will be up for review in 2025. Given that the current disaster in Alkali and Badwater Creeks is a direct result of permitted activities, DEQ must rework the permit to prevent further contamination. To address cleanup, DEQ should engage experts to ascertain best practices for a problem of such scale.

Wyoming's water resources are scarce and precious. Contamination of this scale, to the benefit of industry profits, must not go unnoticed and uncontested. Aethon has damaged two creeks and put the Boysen Reservoir, Wind River, and water supply of Thermopolis at risk. We love Wyoming for its incredible landscapes. We must speak out to protect our land and water resources and to ensure that those who come after us inherit the same natural beauty that we have been lucky enough to enjoy.

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Resource Council

Your membership benefits include the bi-monthly BREAKS newsletter and emailed Action Alerts. Thank You.

OSMRE Rule restores citizen complaint process for coal mines

In early April, the Office of Surface Mining Reclamation and Enforcement (OSMRE) released a finalized Ten Day Notice (TDN) Rule that will restore agency procedures for responding to citizen complaints alerting the agency to potential violations at coal mines.

Colloquially called the Ten Day Notice rule because that is the period of time that OSMRE gives a state agency to decide whether to carry out an investigation and enforcement action in response to a complaint, the finalized rule is designed to reduce burdens for citizens to file a complaint, as well as clarify procedures for OSMRE to address alleged violations. This rulemaking comes in response to litigation from coalfield community groups successfully challenging a 2020 Trump Administration-era rule that weakened OSMRE's procedures.

"When Congress passed the federal strip mine law, SMCRA, they realized that people like me who live near coal mines are a valuable source of information for regulators, and that we must have a way to call on regulators to address violations," said Lynne Huskinson, a retired coal miner and a board member of both Powder River and Western Organization of Resource Councils.

Among other defects, the 2020 rule gave the state agencies tasked with watchdogging coal mines unlimited time to review citizen complaints and made federal responses to citizen complaints discretionary rather than mandatory. That rule essentially eliminated the ability of coalfield citizens to adequately protect themselves and others from coal mines that are operating in violation of permit conditions and regulatory standards designated to safeguard public health and safety.

"Our members who are neighbors to coal mines have used the citizen complaint process to notify regulators of violations such as dangerous vibrations and toxic air pollution from blasting, water pollution and loss of water for neighboring homeowners, and insufficient reclamation bonds. Without proper rules, we've experienced situations where OSMRE has taken months to respond to citizens' complaints. We appreciate OSMRE taking these steps to ensure citizen complaints are handled in a timely and respectful manner and we look forward to stronger oversight and protections from OSMRE in the future," said Huskinson.

The final rule restores SMCRA's intent to treat all citizen complaints as requests for federal inspection, eliminating the requirements that a citizen first notify the state regulator, and then explain why the state's response was insufficient.

This will ensure that OSMRE is consistently in the loop, and state agencies cannot block OSMRE from involvement. It also clarifies that citizens who submit complaints have the right to accompany federal regulators on mine inspections carried out in response to complaints.

LEGISLATIVE RECAP

continued from page 1

now law. These bills modernize important environmental regulations, like mine blasting (House Bill 33), leasing of pore space for geologic sequestration (House Bill 32), and establishing sage grouse core areas with increased public notice and comment opportunities (House Bill 116). They continue Wyoming's long-standing support of landfill closure and groundwater cleanup (House Bill 34) and get our state's abandoned coal mine program ready to receive an influx of federal funding (House Bill 73). And they tackle the future of the electric grid by giving people and regulators more oversight on how utilities spend money on new generation and transmission assets (Senate Files 21, 23, and 24). We're excited to see all of these bills become law.

We also worked hard to amend three bills that we opposed. The amendments we supported helped to give solar and wind power a fair shake in electric reliability standards (Senate File 22) and limited the ratepayer impacts of Wyoming's coal with carbon capture regulatory mandate (Senate File 42). We also supported amendments to Senate File 44 to remove barriers to local control for limited mining operations (15-acre exemptions). The good news is that the bill was ultimately vetoed by the Governor.

However, the story of the session really was on the number of bills that died. Eight bills we supported didn't make it to the end of the session, but the bigger news is we successfully stopped a whopping 16 bills. These bills would have subsidized enhanced oil recovery operations (House Bill 185 and Senate File 78) and new oil and gas leasing (Senate File 64). They would have created extreme law to fracture our relationship with the federal government in energy & natural resource regulation through wasteful spending and unconstitutional mandates (Senate File 13, Senate File 28, Senate Joint Resolution 1, and House Bill 167). Finally, one particularly troublesome bill would have created a backdoor attack on our net metering statute and the compensation afforded to nonprofits and local governments who generate a portion of their power from solar energy (Senate File 72). Needless to say, we are thankful for the careful consideration and smart votes of legislators and the veto pen of the Governor that ensured all of these bad bills did not make it into the statute books.

As always, participation in the process from our members made a significant difference this session. Our organization's work at the Capitol is not possible without people power. Please stay tuned and remain vigilant because the interim session - committee work between legislative sessions - is already beginning this month.

BONDING RULES

continued from page 1

wasteland with unplugged wells, abandoned waste ponds, and no reclamation of roads or drilling sites. BLM's most meaningful alterations to the leasing program for me are the updated bonding requirements and more thoughtful criteria for not leasing sensitive lands to begin with. These changes are overdue and will serve to protect our important habitat and water for wildlife and ranching here in Wyoming, but still allow responsible production of federal oil & gas resources. Thank you to the BLM staff for this responsible and pragmatic update."

And thank you to our members for your comments to BLM - an overwhelming majority of comments offered support for the proposed rule, which helped it move forward quickly and easily. We hope you all take some time to celebrate this win!



JOIN US



JULY 10, 2024

WYO
GIVES

24 HOURS

This year, the 5th annual WyoGives is on National Wyoming Day! As we celebrate 134 years of statehood, join us in **amplifying, cultivating, and advocating** for Wyoming's nonprofits.

an initiative of

Wyoming Nonprofit Network

WYOGIVES.ORG

We are participating in the Hughes Charitable Foundation Incentive Pool. Every donor who contributes online to Powder River Basin Resource Council via the WyoGives.org platform on July 10th will have their donation boosted by this generous \$1,000,000 incentive pool.



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IN THIS ISSUE	
Interior Department finalizes new oil & gas bonding and leasing rules	1
A year of dead bills	1
Message from the Chair	2
Wyoming's Veggie Lady's quest to make local food growers sustainable	3
Solar stats	3
Ranchers cautioned about carbon credit markets	4
Powder River joins 50 other coal country groups to advocate for mining reforms	5
Oil and gas pollution imperils Wyoming's precious water resources	6
Kick off begins for "No Farm Bill Without COOL" campaign	7
OSMRE Rule restores citizen complaint process for coal mines	8
Powder River acknowledges seed library donors	8
Bill Barlow Memorial Youth in Conservation 2024 Award Winners	9
Laramie City Council passes Emission Reduction Plan	10

PLANNED GIVING AND ESTATE PLANNING GIFTS

The Powder River "family" has been thinking a lot about the future lately, because, as the saying goes, "We aren't getting any younger." We want to make sure this organization remains viable for future generations in the same way it serves today's members. So we're inviting you, our extended family of members and donors, to consider including Powder River in your estate plans.

Your gift would create a living legacy allowing Powder River to continue our work far into the future and helping ensure Wyoming remains the place we know and love for our kids and grandkids.

As one long time Powder River member, Digger Moravek stated, "I want to raise Hell long after I'm gone." You too can do this through a bequest to Powder River.

The two easiest ways to include Powder River in your estate planning take little time (and no legal assistance).

- THROUGH YOUR RETIREMENT ACCOUNT (Your IRA, Roth-IRA, SEP-IRA, 401(k), or other such account): Name Powder River Basin Resource Council as a Primary beneficiary for a percentage. One percent, 10%, 25% or whatever you wish. You can do this through the account custodian, or often even on the custodian's website in a few minutes (Powder River's Tax ID is 74-2183158).

- THROUGH YOUR LIFE INSURANCE POLICY: Name Powder River Basin Resource Council as a primary beneficiary of any percentage of your life insurance policy. You can do this through your insurance agent or the insurance company, or often even on your insurance company's website in only a few minutes (Powder River's Tax ID is 74-2183158).

If you are preparing a formal will or living trust document, you can include Powder River Basin Resource Council as a primary beneficiary of a specific dollar amount or percentage of your estate. If you already have such an instrument, you can have it revised to include Powder River. This is probably best done through your attorney.

Finally, there are several more complex tax-advantaged ways to contribute to Powder River's future and receive continuing income and tax advantages during your lifetime. These include "charitable remainder trusts" and sale of appreciated and depreciated securities. Please consult your legal and financial advisors about how you can use such tools to support Wyoming's most effective grassroots member organization, and how you might benefit.

If you have any questions, please give Powder River a call at 307-672-5809.

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