

*Powder River Basin
Resource Council*



Fortification Creek Tour

2010 Annual Report

*Encouraging Responsible
Development Today – For Tomorrow*

2010 Annual Report

Powder River Basin Resource Council

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2010 Annual Report Powder River Basin Resource Council

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Background, Purpose and Structure

Powder River Basin Resource Council is a grassroots conservation and family agriculture organization dedicated to the stewardship of Wyoming's resources. In 1973, Powder River was formed in response to rapid energy development across the Wyoming landscape. The founding members of Powder River were ranchers and involved local citizens who initially united over their concerns about strip mining in the Powder River Basin. The first meeting took place in a hayloft on a ranch near the Powder River. The Council's mission is to foster responsible energy development and land use consistent with the preservation of Wyoming's unique natural heritage and lifestyle.

Powder River Basin Resource Council is committed to:

The preservation and enrichment of Wyoming's agricultural heritage and rural lifestyle.

The conservation of Wyoming's 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 Wyoming's citizens to raise a coherent voice in the decisions that will impact their environment and lifestyle.

Powder River Basin Resource Council is the only group in Wyoming that actively addresses both agricultural and conservation issues. The group unites both individuals with strong conservation convictions and agriculturalists with a deep respect for the land around a shared vision to protect and improve Wyoming's quality of life. Also, Powder River is the only group that addresses split estate and private property rights in addition to public land issues.

Coalitions and Affiliates

WORC, Western Organization of Resource Councils

Powder River is a founding member group of the Western Organization of Resource Councils (WORC), an association of grassroots organizations in seven states including North Dakota, South Dakota, Idaho, Montana, Colorado, Oregon and Wyoming. Through WORC, these local organizations join together to provide training and technical assistance, policy analysis, research and networking to improve the effectiveness and regional coherence of the coalition members efforts.

ESPC, Equality State Policy Center

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

Powder River Basin Resource Council works with several active community affiliates across Wyoming.

Clark Resource Council (CRC)
Laramie County Resource Council (LCRC)
Pavillion Area Concerned Citizens (PACC)
Ranchers & Neighbors Protecting Our Water (R&NPOW)
Sheridan Area Resource Council (SARC)

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

Issue Accomplishments

Agriculture and Livestock 2010

2010 was a very active year for our members working on livestock issues. Following is a quick look at our work over the year.

Livestock Competition

A major emphasis of Powder River continues to be the return of fairness to livestock markets and reducing control by meat packing cartels. The 2008 Farm Bill required USDA to write rules to address the problems of manipulative markets and contracts as a first step to returning integrity and transparency to market transactions. The Fair Livestock Marketing Rule was issued by USDA's Grain Inspection Packers and Stockyards Administration (GIPSA) on June 22, 2010 and aimed at bringing fairness to livestock and poultry markets. The new rule clarifies which discriminatory or deceptive practices meatpackers and their partners will be prohibited from using in the procurement of livestock under the Packers and Stockyards Act. Almost immediately the rulemaking came under fire from a handful of powerful meat-packing corporations, the National Cattlemen's Beef Association and their associated groups along with their supporters in Congress. Powder River along with its allies posted extensive comments in support of the proposed rules. On November 22, 2010, USDA closed the comment period for the proposed rule, is still reviewing comments, and is looking to prepare an economic analysis on impacts of rule passage. Heavy lobbying upon congress and USDA by the big corporate packers continues. There are concerns that if the rule is not published for comment soon and time drags this issue out until the 2012 election season, that critical inertia may be lost or the rule itself may be endangered.

Powder River members and our allies including ICOW, R-CALF and Western Organization of Resource Councils (WORC) helped to pack the Joint USDA/Department of Justice hearings on agricultural competition in Fort Collins Colorado last August 27. Over 1,400 folks attended with roughly some ¾ favoring livestock

Issue Accomplishments

market reforms and curbing power of the big packers, typifying what can happen when coalitions involved with agriculture get organized around issues of shared concern.

We have renewed our work with our congressional delegation, specifically Senator Mike Enzi, to urge the re-introduction of the Livestock Marketing Fairness Act in this new session of congress. The LMFA calls for reforms in anti-competitive forward contracts and requires their trade in the open market.

Animal ID/NAIS

U.S. Secretary of Agriculture Tom Vilsack declared the costly and burdensome National Animal Identification System dead in February 2010! This was a direct result of our grass-roots efforts and hard work by our members and allies across the nation.

The US Senate Agriculture Committee withdrew all funding for the National Identification System in the 2010 Budget.

Federal agencies realize that future proposals for animal disease tracking must consider how the livestock producer will be impacted as they market animals while assuring animal health and quality. An Animal Health Advisory Committee is being pulled together by USDA. We are submitting nominations from our members and allies in western states ranching and with animal health professionals to be a part of this advisory group. We trust that this committee will help to build a rational and livestock producer- friendly Animal Traceability System.

Local Foods

Powder River is supporting passage of legislation in Wyoming to exempt food sales at non-profit community events from licensure and regulatory oversight. Hundreds of community fundraising events are held yearly across Wyoming by youth groups, churches and other non-profit organizations at which locally grown foods are served.

Issue Accomplishments

Coal Issue Report 2010

2010 marked an important year in our work addressing the impacts of coal. We continued to raise the profile of our work in the context of a national discussion on climate change, while still focusing on the local impacts to our land, air, and water that are most important to our members.

Coal Mining Advocacy

Powder River continues to be the only local conservation group engaged in BLM leasing activities. Twelve coal tracts are in various stages of being leased by BLM in the Powder River Basin. In early May, we filed an administrative appeal of the BLM's proposal to lease an additional 429 million tons of coal to the Antelope Mine. Our appeal focuses on the lack of contemporaneous reclamation, a legal requirement of the Surface Mining Control and Reclamation Act, which was not fully considered in BLM's environmental review of the project. DEQ has documented that the mine "continues to fall further behind on meeting contemporaneous reclamation criteria," but BLM's Record of Decision for the coal lease ignores the issue and instead says that the agency does not permit the mine and thus "has no authority over reclamation." Therefore, BLM believes it does not need to include detailed information on mine reclamation status in its environmental documents.

In June, we met with the Director of the Office of Surface Mining, Joseph Pizarchik, and expressed concerns about degrading air quality, the spread of noxious weeds, and groundwater depletion. OSM is in the process of overhauling its regulations and Powder River will continue to engage in these efforts.

Coal-fired Power Plant Advocacy

The proposed Two Elk power plant has been lingering for over a decade and is under the uncertainty of pending environmental and climate regulation. We have continued to press DEQ and EPA to recognize the invalidity of their air current permit and start over from scratch with a process that fully complies with the Clean Air Act.

Issue Accomplishments

Powder River spent considerable time in working to defeat a proposal by Montana Dakota Utilities (MDU) to make rate-payers in Sheridan pay for its investment in the Wygen III coal plant. We joined forces with other community members and were successful in reducing the rate increase by more than half, which places more of the risk for the coal plant on MDU investors as opposed to its customers. Additionally, MDU committed to consideration of additional energy efficiency and conservation initiatives, and we started participating in a task force that will determine what proposals will be sent to the Public Service Commission for approval.

This year Powder River also spent considerable time on current coal plants. Five big coal plants in the state are getting their permits revised through the Regional Haze Rule implementation process. Powder River spear-headed a coalition of groups to ensure that these plants will have to use the latest and best technology to reduce emissions. We have also conducted a compliance review of air quality permits for some of the coal plants in the state and are engaged in follow-up and next steps regarding problems that we identified.

Carbon Sequestration

The DEQ rules for carbon sequestration were adopted by the Environmental Quality Council (EQC) on Sept. 9th. Wyoming's rules are first-in-the-nation. We submitted comments to the DEQ and attended meetings of the state's water quality advisory board and EQC. Our comments were extremely effective in leading to changes to better protect water sources in the state. We also supported state legislation that establishes a long-term liability framework for carbon sequestration projects. The legislation requires monitoring after reclamation by the company and even long-term monitoring after bond release by the DEQ. Because of Wyoming getting out in front on these issues, we have developed considerable expertise in the area and have provided advice and support to groups in other states and nationally that are addressing carbon sequestration legislation and policy developments.

Issue Accomplishments

Coalbed Methane Report 2010

Protection of Water, Land and Vegetation from CBM Discharge Water

We continue to build on our wins in 2009 when we succeeded in demonstrating to the Environmental Quality Council that DEQ's proposed water discharge rule was scientifically invalid and convinced EPA to begin objecting to faulty proposed CBM discharge permits. Five of our members and one staff were appointed to a CBM task force to come up with solutions to the CBM discharge problem. In addition, two members played an integral role in drafting the group's final recommendations. However, we remain concerned that DEQ is not sincere about implementing the group's recommendations to protect soil and plants from CBM water discharge. We continued to educate EPA Region 8 staff through tours and meetings on the need for EPA oversight of the DEQ's CBM discharge permitting.

Maintaining our Groundwater Use and Quality

We played a leading role in defeating a proposal from Luca technologies and Patriot Oil and Gas for an Oil and Gas Commission "aquifer exemption" to facilitate the experimental enhancement of CBM gas. The aquifer exemption would have allowed the company to proceed on a large scale with an experimental technology to inject microbes and unknown "nutrients" to feed those microbes in an effort to create methane gas from coal over a compressed time frame. Powder River raised serious questions about the proposal and exposed the failure of the regulatory agencies to address the risks of this experimental technology.

Protection of Fortification

Powder River continues to lead a coalition of state and national groups in our push for strong protections for the fragile resources and habitat in the Fortification creek area that are under great pressure for CBM development. We succeeded in getting one proposed project vacated through our administrative appeal process and three other projects remanded back to the Buffalo Field office for additional reviews. Unfortunately, we were unable to keep BLM from making the permitting

Issue Accomplishments

of over 400 CBM wells in the southern Fortification area more than a paperwork exercise and so we now have appeals of six projects still pending. This permitting has impacted over 1/3 of the elk security habitat in the entire year-long habitat range.

We have been able to maintain some patches of elk security habitat from being developed, and have kept some wells from being permitted on steep slopes and in areas with highly erosive soils. Industry is now required to submit extensive reclamation plans.

Sharing Our Expertise with Other Landowners & Reporting on “State of the Split Estate”

Powder River members and staff responded to requests from Southeast Wyoming for help with proposed new shale gas and oil development. We organized workshops in Douglas and Chugwater and our members, Don Spellman and Nancy Sorenson, joined oil and gas attorneys and the University of Wyoming faculty to present information on how to negotiate agreements for mineral leases and surface use agreements and how to protect one’s property. Our summer intern, Abby Kirkbride, conducted research and interviews and drafted a now published report on how the Wyoming Split Estate Act, which passed in 2005, is working and where the shortcomings are in the law.

Sage Grouse Habitat Protection, Increased Bonding and Reclamation and Open BLM Cooperator Meetings

We also focused our efforts on increasing habitat protections for sage grouse and succeeded in helping to get additional connectivity areas added to core habitat in Northeast Wyoming. BLM has opened the cooperator meeting for the Sage Grouse Resource Management planning process to the public and we have attended those meetings to listen and offer some public comments when allowed. Our focus on better reclamation and increased bonding resulted in BLM requiring additional reclamation planning in permitting.

Affiliate Accomplishments



CLARK RESOURCE COUNCIL REPORT 2010

CRC continued to work with other like-minded groups on the BLM Bighorn Basin Resource Management Plan process that will decide how natural resources will be used and protected across the basin which stretches from the Owl Creek Mountains to the Pryor Mountains in Montana and encompasses an area of approximately 6.7 million acres.

In 2009, our members were instrumental in moving Windsor Energy's application for permit to drill on the Shoshone National Forest into an Environmental Assessment, rather than the proposed categorical exclusion. The EA, which was scheduled to be ready for public comment during the summer of 2010 has been postponed. Forest Service Representatives say the E.A. will not be out before October of 2011. CRC members will continue to work on Shoshone Forest Planning as it moves into 2011.

In September, DEQ completed a Working Draft Remediation Agreement for the Crosby 25-3 gas well blowout. The blowout resulted in contamination of drinking water aquifers in the Line Creek drainage. Upon agreement between the WDEQ and Windsor Energy, the draft remediation agreement will go to public comment. Through comments and public meetings our members' involvement in the public voluntary remediation program will continue to promote future monitoring and remediation.

Affiliate Accomplishments

We have been closely following how the new hydraulic fracturing disclosure rules are used during the continual fracking of Windsor's Line Creek gas field, including the contaminated Crosby 25-3 well.

In 2010, CRC members stepped up involvement with Beartooth Electric Cooperative (BEC), and formed a strong grass roots organization consisting of co-op members across the Beartooth region. CRC members attended BEC Board and informational meetings, conducted a strong letter-to-the-editor campaign, and sponsored board candidate forums. We worked with candidates who support organizational transparency, open information and financial responsibility for Beartooth. We organized a co-op member email list that continues to supply information to Beartooth members. During the 2010 Beartooth cooperative's annual meeting, our hard work was rewarded when two new progressive members won seats on the cooperative board, one of them a CRC member.



Clark's Fork River

Affiliate Accomplishments

Ranchers & Neighbors Protecting Our Water Report 2010

Our primary focus is on the threat presented by the process of In-situ Leaching of uranium (ISL), which is rapidly spreading throughout the county and state. Test drilling has been completed at three different sites in Crook County. Two of the companies are in the permitting process for ISL sites in other areas, but plan to move forward on their sites in Crook County in the near future. Another company plans to submit an application to the Nuclear Regulatory Commission (NRC) for a license by the end of this year. The total number of acres included within these three projects exceeds 65,000 acres at this time. Our areas of focus in 2010 included:

Ranchers & Neighbors' members continue to have a vocal presence in the press regarding uranium issues with letters to the editors, quotes in articles, and radio interviews. Some of these quotes were included in the Casper Star Tribune Energy Journal and broadcast on Wyoming Public Radio.

We have given presentations about our concerns with ISL to local groups, as well as to the entire staff of the Devil's Tower National Monument. We were also involved in a uranium roundtable presentation put on by the county, in which our president was included on a panel consisting of representatives from the NRC, DEQ, and industry. In August, Powder River Organizer, Shannon Anderson, presented at the University of Wyoming's Uranium Forum, which was attended by approximately 300 representatives from the uranium industry and government agencies.

A grant we received from the Western Mining Action Network, allowed us to purchase software to produce professional brochures and newsletters. We recently completed our first brochure focusing on our concerns about negative impacts to our water, and have begun to distribute them by mail as well as personally handing these out to landowners who could be impacted by proposed uranium mines.

Affiliate Accomplishments

Powder River has been working with a coalition of organizations to address the NRC's NEPA process, which does not adequately consider the environmental impacts of uranium projects.

In May, we co-organized a uranium advocacy trip to Washington, D.C. Representatives from community and tribal organizations across the Western U.S. met with congressional delegations and agency representatives and discussed removing uranium from the 1872 Hardrock Mining Law and improving regulation to protect water and land resources.

We have developed key relationships and have shared information with personnel at the Wyoming DEQ, Crook County Natural Resource District, Crook County Land Use Planning & Zoning Commission, the Nuclear Regulatory Commission, and the EPA. DEQ has been more vigilant in their oversight of existing ISL sites, as well as those that are in the exploration and development phase, and we feel this is partially due to keeping our concerns in the forefront with this agency. We also had a meeting with the BLM Newcastle office, to introduce ourselves and discuss our concerns with the ISL process on public lands.



Devils Tower

Affiliate Accomplishments

Pavillion Area Concerned Citizens Report 2010

The Pavillion Area Concerned Citizens continued to work with the EPA during 2010 continuing the water sampling process started in 2009. The initial testing conducted in March and May of 2009 of 37 residential wells and 2 municipal wells showed contamination in 11 of those wells. The second round of sampling was done during the summer of 2010. In August the EPA released the sample results which indicated that the presence of petroleum hydrocarbons and other chemical compounds in groundwater represent a drinking water concern. The Agency for Toxic Substances and Disease Registry (ATSDR) analyzed EPA's data and recommended that affected well owners use alternate sources of water for drinking and cooking. Because of dangerous levels of thermogenic methane, ATSDR recommended the venting of kitchens, bathrooms and water well buildings.

EPA has not yet made conclusions about the sources of chemical compounds found in Pavillion area water wells, but will be continuing their investigation to source the contamination of groundwater. As part of the investigation, EPA has drilled two deep monitor wells in the project area, samples have been taken, and results are due to be released in early 2011.

Through requests made by PACC and Powder River, the state has designated Fremont County, including the Pavillion/Muddy Ridge Field as an Area of Concentrated Development, which increases regulation of air emissions and air monitoring through the Wyoming Ambient Air Monitoring Plan. One of the State's four mobile air monitors will be collecting samples to determine cumulative emissions from the development in the Pavillion/Muddy Ridge field gas field. The monitor will be placed on private land at the eastern edge of the Pavillion/Muddy Ridge field. The monitor was held up because of inadequate electricity availability, but was in place by mid-December of 2010.

Affiliate Accomplishments

Our members have also requested that WDEQ provide speciated air monitoring canisters at impacted households in the gas field to determine what kind and how much volatile organic chemical emissions are being released. No response from the DEQ Air Quality Division was received by the end of the year.

PACC worked on Powder River's March, 2010 comments on the proposed changes and additions to the Rules and Regulations of the Wyoming Oil and Gas Conservation Commission, which were directed at stronger regulations for siting of oil and gas pads, pits siting and closure, casings regulations, and disclosure of all fluids used during exploration and development of oil and gas. Although we will still have an opportunity to work on strengthening many of the rules, we successfully influenced the state to pass WOGCC Wyoming hydraulic fracturing chemical disclosure regulations.

We continue to do extensive local, state-wide and national press to keep our issues alive.



Pavillion Gas Development

Youth In Conservation

Powder River annually presents cash awards at the Wyoming State Science Fair through our Youth in Conservation Award. The Youth in Conservation Award was started by Powder River from gifts received in memory of founding member Bill Barlow.

In 2010 three students were selected - Adam Berry of Sheridan and Kyra Cundall and Jessica Hunt of Greybull. Dennis Knight, who has been judging the Science Fair for Powder River for several years and is a Professor Emeritus in Botany at the University of Wyoming commented that, “The projects demonstrated a clear understanding of the scientific method, the objectives were interesting, and the results were presented clearly. We believe these students have a bright future a head of them.”

Adam Berry, of Holly Name Catholic School of Sheirdan won the junior division. Adam’s project tested the aversion of whitetail deer to various commercial and homemade deer repellants.

The senior division winners were a team from Greybull High School: Kyra Cundall and Jessica Hunt. Their project tested soil samples from multiple points along the Big Horn River for pesticides.

“While these projects were very different, they both did a great job exploring aspects of Wyoming ecology and conservation,” stated Dave Malutich, a judge for the award and a member of the Powder River Board of Directors. “This type of scientific inquiry and exploration is a wonderful way to get our students aware of and engaged in the variety of natural resource issues facing our state.”

Together, the students received \$500 in cash awards and honorary memberships to the Powder River Basin Resource Council.



Left to right: Dave Malutich, Adam Berry, Kyra Cundall and Jessica Hunt

Annual Meeting

Powder River's Annual Membership Meeting was held on November 6, 2010 at the Sheridan Elks Lodge. The meeting was called to order at 1:30 by Board Chair Bob LeResche. The members of the Board of Directors of 2010 were introduced and thanked. Staff members were introduced and, following a short speech of recognition by the Board Chair, were given a standing ovation by the members present.



2010 Powder River Business Meeting

A brief financial report outlined the current financial situation of Powder River. A review of accounting procedures by a contracted CPA group resulted in the development of a manual for our financial controls.

Affiliate Reports were given by the Clark Resource Council, Ranchers and Neighbors Protecting Our Water and the Pavillion Area Concerned Citizens. Complete written reports were filed at the office.

Committee reports included Agriculture and Livestock, Coal-bed Methane, Coal Issues, and Youth in Conservation. The Western Organization of Resource Councils reported on Powder River's collaboration with that group.

Board members candidates for 2011 were elected unanimously by the members present.

Four resolutions were put forward by the members, of which three were accepted by vote of the members.

The Annual Silent Auction and social hour followed the closing of the membership meeting.

The key note dinner speaker Wes Wilson spoke on the *Health Risks of the Oil and Gas Industry and the Vital Role of Citizens*. Wilson is an awarding winning EPA scientist who challenged the controversial hydraulic fracturing study of 2004. He acquired protective status under whistle blower statutes and is now retired.

Harvest Celebration

Powder River's Fifth Annual Harvest Celebration was another great success!

This year the event featured a farmers market, raffles, the famous "Pies by Guys" auction, and local music.



2010 Harvest Celebration

The biggest draw is always the wonderful homegrown food cooked to perfection by our Powder River members. This year's festival featured a hog roast and buffalo burgers complemented by numerous side dishes and desserts made from homegrown veggies and fruits. Over 150 people showed up to enjoy the culinary delights.

Raffle prizes included a fresh vegetable basket, half a hog cut and wrapped, and half a lamb cut and wrapped.

A special thanks to the members and board for their contributions and to all who came to share in this terrific event and celebrate the abundant harvest in the Powder River Basin.



Administration

Powder River Basin Resource Council maintains two office locations in Wyoming. The main office is located in Sheridan and the other in Clark. In 2010 the Sheridan Office was staffed by organizers Jill Morrison, Shannon Anderson and Bill Bensel, Office Administrator Stephanie Avey and Director Kevin Lind. Organizer Deb Thomas is based at the Clark Office.

Powder River's work is overseen by the Powder River Basin Resource Council Board of Directors. Board members are elected from and by the Powder River membership for a two year term. As a grassroots organization, members decide the direction and focus of Powder River's work. Members bring resolutions for a vote of membership approval at the annual meeting.

Powder River mails out a bi-monthly newsletter, the *Powder River Breaks*, to update our membership on topics of interest and keep them involved in public processes that directly impact them.

While Powder River gets a significant portion of our income from foundation grants, support and donations from our members are vital for our organization.



Finance

EXPENSES	End of Year
Advertising & PR	\$ 794.06
Audit	\$ 3,300.00
Capital Expenses/Equipment	\$ 3,079.25
Conferences/Trainings	\$ 3,276.53
Consultants and Professional Fees	\$ 22,206.64
Dues/Fees	\$ 3,958.16
Insurance-Property, Auto, Liability	\$ 5,223.66
Lobbying - legislature and others	\$ 2,657.63
Maintenance- Office/Equipment	\$ 492.81
Miscellaneous	\$ 1,836.63
Payroll expenses	\$ 282,013.66
Postage & Delivery	\$ 4,964.54
Printing & Copying	\$ 3,801.34
Subscriptions	\$ 565.80
Supplies	\$ 2,105.48
Telephone, Fax, & E-mail	\$ 5,486.46
Travel	\$ 13,447.49
Utilities	\$ 1,866.63
Vehicles	\$ 8,173.81
EXPENSE TOTALS	\$ 369,250.58

Previous to Accountant Review

2010 Board and Staff

2010 Board

Officers

Bob LeResche ~ Board Chair
Wilma Tope ~ Vice Chair
Edith Heyward ~ Secretary
Steve Adami ~ Treasurer

At-Large

John Fenton	Dave Haire
Roger Davidson	Gary Packard
Diane Wilkie	Pete Dube
Larry Gerard	Priscilla Welles

2010 Staff

Kevin LindDirector
Stephanie AveyOffice Administrator
Jill Morrison.....Organizer
Deb ThomasOrganizer
Bill BenselOrganizer
Shannon AndersonOrganizer



Powder River Basin Resource Council 2010 Annual Report

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

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