

Wyoming Outdoor Council

Winter 2021

FRONTLINE



Working to protect Wyoming's environment and quality of life since 1967

INSIDE:

**CONNECT TO THE
VIRTUAL LEGISLATURE**



**Gambling with a
precious water source**

AND MORE!

A MESSAGE FROM THE DIRECTOR

LISA McGEE
Executive Director

A CHANGE in federal administrations — and the policies that follow — is cause for either excitement or anxiety depending on how you voted. And for good reason: Elections have consequences. National policies affect our health, our economy, and our environment. And in Wyoming, where nearly half of the land is managed by the federal government, national policies have a disproportionate impact.

Members of the Wyoming Outdoor Council fall all along the political spectrum. We agree to disagree on many issues, but find common ground when it comes to conservation. Conservation is not — and should not be — a partisan issue.

From the standpoint of conservation and environmental justice, the legacy of the outgoing administration is dire. From climate change denial and the loosening of air and water quality safeguards to oil and gas leasing in areas important to Indigenous people and in crucial wildlife habitats, there have been more than 100 documented rollbacks to existing protections or short-sighted policies that threaten public health and our air, water, wildlife, and lands.

Many of the administrative wins we celebrated over the last decade were among those rolled back. The fate of others — like the Bureau of Land Management's methane waste prevention rule — remains uncertain as challenges are still working their

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The Red Desert betters the human soul. It's this magic, experience, and place that I defend for my conservation legacy.

Successful conservation of our amazing landscapes and healthy ecosystems, which all people may access and appreciate.



Wyoming Outdoor Council

Founded in 1967, we are a statewide citizen advocacy group, working to protect public lands, wildlife, and clean air and water in Wyoming. We believe conservation is not a partisan issue, and that informed and engaged citizens matter.

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WHAT DO YOU WANT YOUR CONSERVATION LEGACY TO BE?

way through the courts. And while there are some rules that the incoming administration will be able to restore and it will certainly abandon some public land policies like “energy dominance,” we’ve lost important ground.

To be sure, the Outdoor Council looks forward to an incoming administration that is less hostile to our mission. At the same time, we are wary of ambitious campaign goals that don’t take Wyoming values into account. For example, in the urgency to transition away from fossil fuels, proposals for industrial-scale

Assuming they work as promised, we support state-level initiatives. Past examples include rules for detecting and fixing methane leaks in new and modified oil and gas fields and requiring baseline water testing before oil and gas drilling. We’ve also supported executive orders for sage-grouse conservation and big game migration corridors, although we continue to scrutinize their implementation.

And when we advocate for big policy solutions with the power to deliver conservation wins, we also champion strong public processes. We’re dedicated to empowering citizens in local communities to help craft lasting solutions. In the coming year we’ll build on the groundwork we laid in 2020 to seek consensus recommendations for large-scale renewable energy siting, support community-led climate change resolutions like

the one recently adopted in Lander, and work with Tribal partners and other citizens toward permanent protection for parts of the incredible Northern Red Desert.

Our approach to conservation keeps us grounded in Wyoming. This doesn’t mean that we are always successful. There are frequent setbacks, but it’s this approach that accounts for the conservation gains we’ve celebrated over the last 54 years. With your support, I’m confident we’ll continue this progress — not just in the coming year or coming four years, but for the long haul. ■



What we strive for — regardless of who occupies the White House — are common-sense conservation initiatives and environmental policies that endure.

— LISA MCGEE, WYOMING OUTDOOR COUNCIL

wind and solar development on public lands in Wyoming shouldn’t be rushed. Development should be encouraged in already disturbed areas so that, in our effort to mitigate climate impacts, we don’t harm intact habitat and our most cherished open spaces and public lands.

And we’ll be careful not to rely too heavily on federal policy for solutions to the specific challenges we face in Wyoming. We don’t relish what has come to feel like a game of administrative ping-pong.

Instead, what we strive for — regardless of who occupies the White House — are common-sense conservation initiatives and environmental policies that endure. Although incremental progress isn’t as newsworthy as sweeping change, we’re playing a long game. We’d much rather build on measured steps forward than have fleeting successes that can’t withstand the next election.

PLUG IN TO THE PEOPLE'S HOUSE

KRISTEN GUNTER
Program Director



EACH WINTER, members of the Wyoming Legislature gather in Cheyenne. The halls and side rooms of the (now newly-remodeled) Capitol buzz with conversations between legislators, lobbyists, staff, citizens, and journalists. Committee meetings are often standing room only, and people pack the public galleries above the House and Senate floors.

Each winter, that is, but this one. Almost a year into the COVID-19 pandemic, Wyoming still has a challenge left to tackle: how to conduct the 66th Wyoming Legislature's 2021 general session.

The reality that citizens will be able (or, at times, required) to attend the session virtually brings some complications. Some are unique, such as roadblocks to public participation for people without reliable high-speed internet. Other ongoing issues, like the challenging pace of tracking bills, will be magnified. But there are also new opportunities: Virtual legislative meetings have given citizens the opportunity to participate in a meaningful way without having to miss work or drive across the state. And the state is installing video equipment in the Capitol's legislative meeting rooms, so we hope that the public will have improved access to important committee deliberations.

This year at the legislature, we at the Wyoming Outdoor Council will be continuing our 54-year history of advocacy for public lands, wildlife, clean air and water, and quality

of life. And we invite you to do the same! No matter how different this legislative session is, one thing remains unchanged: Your voice matters.

A HYBRID APPROACH TO THE SESSION

In early January, we finally learned details about the 2021 session. The legislature briefly gaveled in on January 12, just as *Frontline* was going to press. Committees met the week of January 18, and the full legislature will consider bills that pass out of those committees during an 8-day virtual session January 27 to February 5. Additional committee meetings will be held the week of February 22 and, if COVID-19 restrictions allow, the legislature will reconvene in person for the month of March.

There are only a handful of conservation bills that we know about right now. The most important is a bill sponsored by the Corporations Committee, SF 16, New Net Metering Systems. This bill would effectively kill the small-scale renewable energy sector in Wyoming, including rooftop solar. We will work to oppose this legislation and you can count on us to provide you with more details and action alerts on this topic in the coming weeks. We're sure we'll see more wildlife, energy, and environmental quality-related bills arise during the session and will keep you updated.

Here's what you should know about testifying to legislative committees online, based on how it worked during the interim. The good news is that, regardless of whether you're at the Capitol or on your couch, you can be a voice for conservation in Wyoming by following the same basic approach.

HOW TO TESTIFY ONLINE

- ▶ **SIGN UP.** Committee meeting schedules are available at www.wyoleg.gov. To sign up, click the “Testify” button next to the scheduled meeting. The button will take you to a form to register for that specific committee and meeting date.
- ▶ **GET INSTRUCTIONS FROM LSO.** You’ll receive an email from the Legislative Service Office with information about how to join the meeting.
- ▶ **PREPARE YOUR TESTIMONY.** Outdoor Council staff are always happy to offer advice if you aren’t sure where to start. More on this below!
- ▶ **LISTEN IN.** When the meeting starts, you can join using the link provided by the LSO. You’ll enter the meeting as a webinar attendee. It’s always good to show up early so that you are aware of the committee’s discussion prior to the public comment opportunity. When public comment is announced, you will have the option to indicate you wish to make a comment. And when it is your turn to speak, you will be able to turn your camera and audio on so that the committee can see and hear you. Make sure your Zoom profile displays your full name.
- ▶ **BE STRATEGIC WITH SIGNUPS.** If there’s a topic of interest to you that you may want to weigh in on, go ahead and sign up to testify. You can always decide not to comment.

TIPS FOR TESTIFYING

- ▶ **GET COMFORTABLE WITH THE PROCESS.** If you’re able, attend or listen to committee meetings before your bill is discussed to get a feel for the members and their priorities. Most importantly, sitting in will help you feel more confident when it’s your turn.
- ▶ **IT HELPS IF YOU CAN BRING SOMETHING NEW TO THE TABLE.** Your case will be more compelling if you introduce a new perspective or find a new way to make a point instead of repeating comments that have already been made. Explain how you, or values important to you, will be impacted.
- ▶ **HAVE AN ELEVATOR PITCH.** You might be asked to limit your testimony if there are a large number of people speaking. Be prepared to make your point in under three minutes.
- ▶ **IT’S OK TO BE NERVOUS!** Citizen speakers have far more clout with legislators than paid lobbyists. These elected officials see the professionals often, but authentic citizen voices can

be rare, so you'll get special attention. Remember, however, to always be respectful in your demeanor and comments.

TIPS FOR WRITING AN EFFECTIVE EMAIL

Sending an email to your legislator only takes a minute or two and can be a meaningful way to connect. But make sure it's personal: If a group provides you with a pre-written form email, ignore it and write your own message.

During the interim, legislators may benefit from a detailed letter or email to help them understand your position on an issue. That's not the case during the session — there simply aren't enough hours in the day and legislators get hundreds of emails. To ensure your message gets read, keep it brief, straightforward, and respectful.

WE SUGGEST THIS THREE-SENTENCE FORMULA:

Introduce yourself and make a connection. (This is important to legislators who will read the first line and possibly discard the message if they think it's a form email.)

- 1 State the position you want them to take (i.e. to oppose or support the legislation) and provide the title or subject of the bill as well as the bill number.
- 2 Explain why. Cite your personal experience or values.
- 3 **EXAMPLE:** *"Hi Rep. Jones, I live in Sheridan and recently installed solar panels on my shop. I'm writing to ask you to please vote no on SF 16, the net metering bill. This bill would unfairly raise my utility costs and punish hard-working people like me who have invested in rooftop solar."*

YOU CAN MAKE A DIFFERENCE

Your legislators work long and hard on behalf of their constituents, but they can't represent your values if they don't hear from you. Whether you email your senator, testify to a committee, or offer to meet your representative for a cup of coffee once you're able to do so safely, you can help give them the information and insight they need to be effective.

If you haven't already done so, please take a moment to register for Outdoor Council email alerts by visiting www.wyomingoutdoorcouncil.org/signup. Like always, we'll send timely updates about the

legislature and let you know when you need to take action on a particular bill. And please reach out to our staff if you'd like any help preparing testimony or have questions:

Steff Kessler
stephanie@wyomingoutdoorcouncil.org
Kristen Gunther
kristen@wyomingoutdoorcouncil.org

See you at the legislature! ■

A DREAM FOR THE DESERT

ALAN ROGERS

Communications Director

FOR GENERATIONS the Red Desert has sustained a way of life that is undeniably Western and provided opportunities for work, play, and quiet contemplation to anyone who seeks it. There is a balance that works, and we as Wyomingites have the power to uphold it. That's why the Outdoor Council has spent years working to keep the desert the way it is — a working landscape rich with wildlife, history, and open space.

In 2020, we joined together with like-minded people from all walks of life in Citizens for the Red Desert, a coalition of Wyoming citizens and organizations who love the desert. We also hired a new staff member, Shaleas Harrison, to coordinate the effort. The people in this group all have different reasons for taking part, but they recognize that there is common ground when seeking to preserve all the diverse values and uses of the desert.

While Citizens for the Red Desert is relatively new, the passion for the Red Desert is anything but. Wyoming residents first proposed that a portion of the desert be permanently protected as a winter game preserve in 1898, and in the century that followed, a host of other conservation efforts were considered.

These public lands have seen relatively little new development in recent years. A patchwork of agency-level protections helps sustain the Red Desert elk herd, the White Mountain Petroglyphs, the sand dunes, and other values. But it is a tenuous balance that could easily unravel. Increasingly, dramatic shifts in federal land management priorities add an additional layer of uncertainty about the future.

As Wyomingites, the Red Desert helps tell our story. Now, we want to tell the story of the desert.

In the coming year the Outdoor Council will be working with Tribal partners and other citizens to chart the course to permanent protection of this special place —based on the existing framework that respects the full range of opportunities this land provides. For more than 130 years, Wyomingites have shown their support. An enduring, Wyoming-grown solution can make that dream a reality and keep the special values of the Red Desert intact for generations to come. ■

Learn more about **Citizens for the Red Desert** and sign up for updates by visiting their website.



www.reddesert.org

NOT WORTH THE GAMBLE

Cutting corners on Moneta Divide project would threaten water source

JOHN RADER

Conservation Advocate

WHISKEY IS FOR DRINKING, water is for fighting over. In the arid West, there may be no more precious resource. So why would Wyoming risk contaminating a valuable reserve of fresh water for short term economic gain?

On November 10, the Wyoming Oil and Gas Conservation Commission approved a request by Aethon Energy to dispose of billions of gallons of oil and gas waste fluids from operations in the Moneta Divide into the Madison Aquifer.

The Madison is one of Wyoming's most important aquifers, with remarkably high water quality. The Wyoming Water Development Commission considers the aquifer critically important for the water supply of the Wind River and Bighorn basins. It also supplies over a dozen Wyoming municipalities and the Bighorn regional water system, which provides water to 15 public water systems, and many ranching operations in the Bighorn Basin, Powder River Basin, and the Black Hills.

Because the Madison Aquifer serves as a current and potential drinking water supply, it is protected under the Safe Drinking Water Act — which prohibits injection of oil and gas wastewater. However, a company can seek an “aquifer exemption” if they can demonstrate that the aquifer “cannot now and will not in the

future serve as a source of drinking water.”

Aethon, a Texas-based investment firm, purchased the Moneta Divide oil and gas field from the previous owner, Encana, and has plans to expand the field by an additional 4,250 wells. The Moneta Divide field, east of Shoshoni, is located primarily on federal public lands managed by the Bureau of Land Management. At full field development, these wells would produce about 59 million gallons a day of oil

and gas wastewater — a mix of formation and flowback water from fracking that contains toxins like benzene and high levels of salts. This produced water is dangerous for aquatic life, public health, and the environment, and must be disposed of responsibly.

The BLM's environmental review for the project states that treating and piping the water directly to Boysen Reservoir is the preferred method of disposal. Aethon acknowledges that treatment is “a viable option

for managing the total volume of produced water within the Project Area,” and that “water treatment technology is evolving quickly and will likely become less expensive and more efficient in the future.”

But for now, water treatment is expensive, and Aethon has tried several methods to shift that cost to the Wyoming public. First, Aethon proposed to dispose of vast quantities of wastewater by dumping it into tributaries that flow into Boysen and downstream to the Wind and Bighorn rivers.

The Madison Aquifer is a valuable water source for Wyoming, and its value will only grow as our climate continues to change and drought becomes more frequent.

Now Aethon is proposing another alternative — injecting the wastewater into the Madison. This scheme is all too familiar. Aethon’s latest proposal is the fourth attempt by an operator to secure an injection permit for the Madison. The Oil and Gas Commission rejected previous requests after thoughtful deliberation by the commission, because the risk of contaminating the aquifer was too high.

Today, the composition of the commission has changed, and Aethon has renewed its efforts. At the November hearing, the commission heard hours of testimony from Aethon’s experts arguing that the injected wastewater could be contained in one part of the aquifer. The public raised numerous concerns during the scant half hour we had to present testimony.

More than 100 citizens filed written comments, unanimously opposing an exemption. As residents of Powell stated, “The current water quality is good and could in the future be pumped to the surface for municipal and/or industrial water supplies.” A resident of Pavillion, who has been dealing with drinking water contaminated by oil and gas activity for the past 15 years, wrote, “I am in favor of responsible development of our

oil and gas resources, but not at the expense of contaminating our good quality drinking water.”

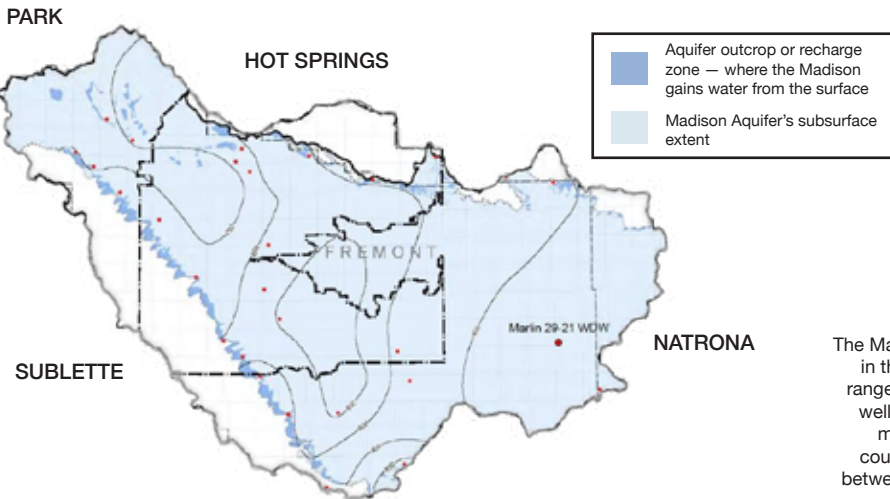
Despite the public concerns, the commission voted 4–1 to approve the exemption. Wyoming State Geologist Erin Campbell, the one dissenting vote, asked her fellow commissioners before voting, “Do you want to risk contaminating a viable aquifer?” and called Aethon’s venture “a gamble I don’t feel comfortable taking.”

The Madison Aquifer is a valuable water source for Wyoming, and its value will only grow as our climate continues to change and drought becomes more frequent. The Wyoming public isn’t comfortable rolling the dice with our water supply. Wyoming should take the long view and conserve our drinking water aquifers, not jeopardize an important public resource so that Aethon can avoid the cost of water treatment.

While Wyoming has primacy over injection wells in the state, new aquifer exemptions require EPA approval. The EPA will review the existing record, including written comments and testimony from the November hearing. We’ll continue advocating the protection of the Madison and will urge the EPA to deny

this exemption. We’ll also let you know when there are opportunities for the public to weigh in again. Your voices every step of the way have made a difference. ■

The Madison Aquifer abuts granite formations in the Wind River and Owl Creek Mountain ranges. Waste injected into the Marlin 29-21 well, pictured, could flow through fractures many miles from this injection point, and could move upward at the point of contact between the aquifer and adjacent formations (the dark blue areas pictured).



LOCAL CLIMATE ACTION TAKES ROOT IN WYOMING

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The task is daunting, but filled with possibility. We are lucky that Wyoming happens to be naturally endowed with the very elements needed to thrive in a new, low-carbon landscape.

— ARIEL GREENE

ARIEL GREENE

Ariel Greene is a Lander resident and member of the steering committee for the Lander Climate Action Network.


IN THE PAST FEW YEARS, all around the world, the problem of climate change has been coming to the fore. Now, there is a growing local climate action movement taking root in Wyoming.

In different corners of the state, grassroots organizations like the Alliance for Renewable Energy in Laramie, Lander Climate Action Network in Lander, and Jackson Hole Climate Action Collective in Teton County are spreading awareness, fostering engagement, and embarking on the long-term project of reducing their communities' greenhouse gas emissions.

These movements are pragmatic, non-partisan, and involve a younger generation in civic affairs. Their parallel efforts form a loose network that is creating collective momentum whereby one group's progress reinforces the others.

In one way, this local action is a surprising development given Wyoming's deep and long standing economic dependence on the export of fossil fuels — energy sources that power civilization but have the unfortunate side effect of releasing heat-trapping gases into the atmosphere. Moving away from carbon-intensive resources means diminishing state revenues that fund our schools, libraries, police, roads, health offices, and other critical public services.

On the other hand, changing energy markets have already been shrinking these revenues for years now, and a changing climate has the potential to degrade



Wyoming's quality of life in an even more costly and profound way. Among other things, rising temperatures are projected to increase droughts and forest fires while negatively impacting water supplies and stream flows and the fish, wildlife, and human populations that rely on them. This, in turn, threatens the outdoor recreation, tourism, and agricultural sectors which together form the other main pillars of Wyoming's economy, and are primary threads in the fabric of our state's way of life.

In the past few years, the world has changed in two significant ways:

First, the cost of solar, wind, and energy storage technologies has plummeted. Low-carbon, renewable energy is now the cheapest form of new electricity production in much of the world. And the cost declines are expected to accelerate as capital investment, economies of scale, and industry competition ramp up.

Second, a worldwide tectonic shift is taking place as nations seek to decarbonize their economies because of growing concern over climate change. This will only increase the demand for renewable energy sources.

Whether Wyoming wants it or not, the entire globe is moving quickly away from fossil fuels. This includes not only much of the United States (the traditional market for Wyoming's mineral sales) but also China, Japan, South Korea, the UK, the European Union, New Zealand, and Canada — countries that together make up more than half of all global economic activity.

All have recently announced intentions to reduce their net greenhouse gas emissions to zero in coming decades — plans that will radically transform their societies and promote the development of technologies that will move them away from fossil fuels.

While working on the nuts and bolts of local policy, Wyoming's climate movements can not only help reduce our own emissions, save municipalities money in a time of contracting budgets, and prepare communities to be resilient in the face of changing environmental conditions, but they can also draw attention to these larger forces at work. They can play a crucial role in helping us adapt to the historic economic transformation that is underway and envision a viable future for the state. They can create a new sense of what is possible. And if this can be done in Wyoming, it shows it can be done anywhere.

The task is daunting, but filled with possibility. We are lucky that Wyoming happens to be naturally endowed with the very elements needed to thrive in a new, low-carbon landscape: lots of sun and wind, clean air and clean water, cooler temperatures, big wilderness, easy access to nature, strong communities, and a high quality of life. We're realizing, more and more, these might be the most precious resources we have. ■

THE PLATTE VALLEY HERD NEEDS YOU

IF YOU KNOW AND LOVE the Platte Valley mule deer herd, now is an important time to get involved.

In the first meeting of Gov. Mark Gordon's Platte Valley mule deer migration corridor working group in December, it was clear the group faced some pressure to challenge the herd's migration corridor designation — and even redraw the habitat's scientifically-defined boundaries. This was disappointing, because corridor designation and its protections respect private property rights and will enhance economic opportunities for Wyoming. Herds like the Platte Valley deer are a cornerstone of our tourism and recreation economy, and help bring hunter and wildlife-watcher spending to local businesses.

During the group's second meeting, the focus moved in a more promising direction:

discussing migration science and the ample opportunities to collaborate on projects that can benefit wildlife, the local economy, and landowners. As this group continues to meet to craft localized management recommendations that reflect the Platte Valley's unique attributes and needs, the Wyoming Outdoor Council will be present to support proactive steps that will conserve this important, beloved deer herd and its habitat.

But we can't do it alone — it's going to take a wide range of voices to support Platte Valley deer. If you know and love this iconic herd — as a hunter, photographer, hiker, biologist, historian, or general conservation enthusiast — we want to hear from you! Email Kristen Gunther (kristen@wyomingoutdoorcouncil.org) and she'll help you stay involved. ■

Together, we are building a legacy of conservation that will **last for generations.**

Give the gift of conservation to protect what is **best about Wyoming.**



Wyoming Outdoor Council

wyomingoutdoorcouncil.org/giftmembership