

WESTERN ORGANIZING REVIEW

VOLUME XXI
ISSUE No. II

MAY
2015

BLM sets fracking rules

On March 20, the Bureau of Land Management (BLM) published final new rules for hydraulic fracturing on 750 million acres of federally owned oil and gas. WORC welcomed new national standards, but questioned whether the rules would result in significant improvements on-the-ground. The rules provide new and noteworthy protections to reduce pollution from waste pits and faulty well bores, which are well-known sources of contamination,

“These standards are already in place in a few states, but it’s good for the BLM to apply them to federal sites nationwide,” said WORC Board Chair Bob LeResche from Clearmont, Wyoming.

LeResche noted that the rules fail, with few exceptions, to make the changes to fully protect public health, land, air, and water, “We are deeply disappointed that BLM didn’t require baseline water quality tests or public disclosure of chemicals before fracking so landowners can detect changes in their water caused by fracking,” LeResche said.

In addition to the provisions described above, the final rule:

- Limits the ability of companies to designate chemicals used in hydraulic fracturing as “trade secrets” and thereby avoid disclosing them publicly. There are concerns, however, that BLM will not have sufficient information to evaluate trade secret claims, and that the public’s ability to challenge trade secret claims will be limited.
- Allows companies to report chemical use to FracFocus. FracFocus has been criticized for inadequate reporting requirements, poor access and recordkeeping, and receiving the majority of its funding from the oil and gas industry. Changes to the rule, however, add greater accountability and transparency.
- Allows BLM to grant variances that let state rules trump BLM’s requirements. Unfortunately, the final rule is vague and broad, and does not provide assurances against abuse.
- Requires new information in permits regarding faults and existing oil, gas and water wells within one-half mile of wells that will be fractured. This information enables BLM to identify possible pathways for contamination to reach water resources.
- Fails to establish setbacks to buffer drilling and fracking operations from sensitive places, such as homes, water wells, and schools.

As with all rules, the BLM’s final fracking rules are only as strong as BLM’s implementation efforts. Oil and gas field residents need to remain vigilant, and push for strong, consistent enforcement, as well as continue to advocate for stronger protections in the areas where BLM’s final rules are weak.



IN THIS ISSUE:

The View from WORC	2
Fight for COOL continues	3
Around the Region	4
Curbing methane emissions	6
Keystone bill vetoed, state agency resets pipeline certification hearing	7
New rules protect groundwater from uranium extraction	7
Troubles abound for coal industry, market conditions to blame	8
Moving on but no way gone: coal in America	9
New coal-hauling train under review.....	10
Oil and gas roundup	11

The View from WORC

By Bob LeResche, WORC Chair

On April 17, Interior Secretary Sally Jewell announced that the Bureau of Land Management (BLM) is issuing an “Advance Notice of Proposed Rulemaking” (ANPR -- your Federal acronym of the day) regarding their onshore oil and gas regulations. They will take comments on potential updates to BLM royalty rates and rentals, minimum bids, civil penalty caps, and (most enticingly) “financial assurances” (read bonding).



Even though an ANPR is only Interior’s tiniest tip of a toe in the water, Jewell’s mere broaching of these subjects gives us at WORC some optimism there is a chance important changes are in the offing. She noted accurately that BLM’s regulations “have not kept pace with technological advances and market conditions,” something that WORC groups have been berating BLM state and local offices with for years.

Royalties on leases acquired at BLM competitive sales are a fixed 12.5%, while they are higher in most state sales and commonly 20% in private fee leasing. Private mineral owners (and even some states) have flexibility to alter royalties as markets dictate, and even to bid royalty rates in competitive sales. A careful grant of flexibility to BLM could go a long way to return taxpayers what they deserve from federal oil and gas leases.

Bonds are required to drill a federal oil and gas lease, but the requirements for onshore leases—unchanged since the Eisenhower administration – are laughably low. Lessees post only a \$10,000 bond for all activity on an entire lease, \$25,000 for all activity in a state (where they might have 1,000 wells or more), and (you can’t make this stuff up) a bond of only \$150,000 to drill nationwide.

Given that a single deep horizontal well runs upwards of \$5 million, these bond amounts are a joke. Much of BLM’s mineral estate underlies private surface – including many of our members’ places – and those citizens are left essentially unprotected should something go wrong.

BLM recently published fracking regulations after a similar process. These fell short of what we had hoped for and caused apoplexy among state regulators and industry, but did accomplish some positive things.

WORC will participate aggressively in the coming discussion of royalties, bonding, penalties, rentals and minimum bids in the Federal onshore oil and gas leasing program, and let’s hope that some beneficial changes flow from this latest BLM initiative as well. It’s still a long road.

WESTERN ORGANIZING REVIEW

The *Western Organizing Review* is published quarterly by the Western Organization of Resource Councils.

WORC is a regional network of grassroots community organizations, which includes 12,212 members and 39 local chapters. WORC helps its member groups succeed by providing trainings and coordinating regional issue campaigns.

WORC’S NETWORK

Dakota Resource Council
Dakota Rural Action
Idaho Organization of Resource Councils
Northern Plains Resource Council
Oregon Rural Action
Powder River Basin Resource Council
Western Colorado Congress
Western Native Voice

WORC’S BOARD OF DIRECTORS

Bob LeResche, Chair
Nancy Hartenhoff-Crooks, Vice-Chair
Rein Van West, Sec./Treas.
Bette Stieglitz
Lynn Wolf
Becky Ihli
Julia Page
Paul Seamans
Walter Archer
Charles Sangmeister
Norm Cimon
Mitch Wolgamott
Wilma Tope
Monica Wiitanen

CONTACT WORC

220 South 27th Street, Suite B
Billings, Montana 59101
406/252-9672
billings@worc.org
www.worc.org

Fight for COOL continues

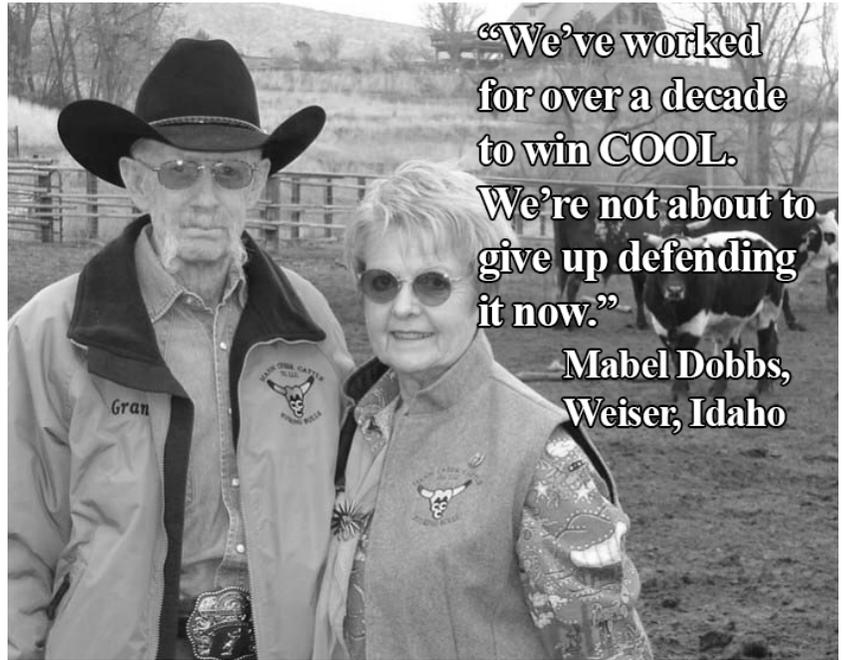
The World Trade Organization (WTO) rejected the U.S. appeal of WTO's earlier ruling that U.S. country-of-origin labels (COOL) discriminate against Canadian and Mexican livestock on May 11. In response, WORC is urging Congress to be patient and refrain from changing the popular meat labeling program.

"WTO's ruling aims to prevent American consumers from knowing where their meat was born, raised, and processed," said Gilles Stockton, a Montana rancher and Northern Plains member. "This is a sad day for consumer choice and the independent livestock producers of this country. As one neighbor put it: 'This is fraud, what do those meat packers have to hide?'"

Mabel Dobbs, Chair of WORC's Agriculture and Food Campaign Team, said that when trade agreements and the WTO undermine U.S. laws like COOL, the rights of citizens to govern themselves have been traded away.

"When a popular, commonsense law like COOL is threatened, you have to wonder what is next," Dobbs said.

"This WTO ruling shows the degree to which international corporations now control our economy and political process through undemocratic non-transparent trade agreements," Stockton said. "If Congress 'fast tracks' the Trans-Pacific Partnership trade deal, we will see even more actions by transnational corporations to use the WTO to overturn democratically enacted laws like COOL."



"We've worked for over a decade to win COOL. We're not about to give up defending it now."

**Mabel Dobbs,
Weiser, Idaho**

In a joint statement, Canada and Mexico said they would seek permission from WTO to impose retaliatory tariffs on U.S. agricultural and manufactured goods. A decision by WTO is not expected until October, at the earliest.

A day after the WTO announcement, House Agriculture Committee Chairman Michael Conaway (R-Texas) introduced HR 2393 to repeal country-of-origin labeling of beef, pork, and chicken.

"The process and the fight is not over," Stockton said. "There is still time for a solution that gives American consumers the information they demand. We ask that Congress make no changes to COOL and let the full WTO dispute process play out. It's too soon for Congress to act. Congress and the Obama Administration should stand in solidarity with the American people, and independent cattle producers, and not back down."



Powder River Basin Resource Council collected postcards opposing fast track at the Sheridan County Local Food Expo in late April to deliver to Rep. Cynthia Lummis (R-Wyo.). The Senate passed fast track legislation May 21. The House has yet to consider the measure.

Around the Region

A look around WORC's network

Dakota Resource Council

The Fort Berthold Protectors of Water & Earth Rights (POWER) Land Group has requested to become an affiliate of the Dakota Resource Council (DRC).



Consisting of tribal citizens, landowners, farmers, and concerned citizens, the culturally diverse group is tackling the harmful effects of oil drilling. Members are reacting to the drastic change in the once pristine rolling prairies, wildlife, government structure, traffic, crime, and drug abuse. The group's first campaign will focus on protecting water from contamination from oil drilling and illegal dumping of wastewater. DRC's board will consider the request at its August meeting.

Dakota Rural Action

Another oil pipeline is in the works. Dakota Access Pipeline wants to carry Bakken crude oil from western North Dakota through South Dakota and Iowa and end in Patoka, Illinois. The 1,134-mile, 30-inch pipeline would move about 450,000 barrels daily.

The company has applied for approval from the South Dakota Public Utilities Commission (PUC), and Dakota Rural Action has intervened in the process. Landowners have reported the company is aggressively seeking easements and threatening legal action even though the PUC has not approved the proposal. The commission has until December 15, 2015 to act.



Idaho Organization of Resource Councils

Although cottage foods legislation stalled out in the Idaho Legislature this year, Idaho Organization of Resource Councils is making strides to ensure that cottage foods producers can sell home-processed foods direct to consumers. After House leaders let the bill die, the bill sponsor convened a meeting of cottage food stakeholders, where IORC members demanded that the Department of Health and Welfare adopt and implement statewide cottage food policies in 2015.

The agency agreed to allow the direct sale of certain foods this year and will launch a rulemaking process over the summer to negotiate statewide legislation. IORC members are leading a campaign to collect public comments in support of consistent, statewide policies through the rulemaking, and pushing for a seat at the table during the rulemaking process.

The Idaho Organization of Resource Councils

Northern Plains Resource Council

Ken Meter, a food systems analyst from the Crossroads Resource Center in Minneapolis, reminded an audience of well over 100 people how important local food production and processing can be to a community's economy. He brought a multitude of stories and statistics to bolster his arguments during his March 31 program sponsored by the Yellowstone Valley Resource Council, the Billings affiliate of the Northern Plains Resource Council.

Meter outlined ways in which robust local food economies have developed across the country and detailed the economic boon that buying more local foods could create in Montana.

"Right now, the way the food system is structured," Meter said, "it takes the wealth out of local communities. In Montana, farms sell \$765 million worth of products, but spend \$828 million on inputs and other expenses. That's a loss of \$64 million, or nearly \$11,000 per farm."

Meter has seen many local foods businesses thrive. "Many producers work directly with other producers and communities to build networks that benefit everyone," he said.



Oregon Rural Action

This summer, Oregon Rural Action is bringing SolWest back to the Union County Fairgrounds, June 26-28. After twelve vibrant years in John Day, Ore., SolWest has moved to La Grande as ORA's premiere event that supports and educates the public about renewable energy and sustainable living. This year's theme is Re-Energizing Local Economies, and it's ORA's opportunity to build trust, grow the movement, and make it easier for folks to make change in their lives.



SolWest 2015 features workshop presenters on everything from innovations in renewable energy to sustainable living to small-scale agriculture. Businesses will exhibit their products that support sustainable practices. The three-day event rounds out with kids activities, a film screening, a keynote presentation, and an organized bike ride to the fairgrounds. For more information about how you can be involved with SolWest 2015, email solwest@oregonrural.org, visit oregonrural.org/solwest, or call 541-975-2411 ext. 102.

Powder River Basin Resource Council

The Powder River Basin Resource Council and Citizens United for Responsible Energy Development are prodding the state's environmental agency to take advantage of electronic communications. The groups have petitioned the Wyoming Environmental Quality Council (EQC) to require the Department of Environmental Quality (DEQ) to accept comments submitted by e-mail.

All divisions of the DEQ do not accept email comments and instead require comments by postal mail or facsimile.

"It is time that DEQ moved into the 21st Century and the electronic age," said Powder River Basin Resource Council Chair Gillian Malone,

The editorial board of the Casper Star-Tribune agreed: "So when Wyoming's state environmental regulatory agency, the Department of Environmental Quality, gets



POWDER RIVER BASIN
Resource Council

requests from two groups to accept public comment via email, it should listen hard, and it should do what it takes to make that happen."

Western Colorado Congress

Colorado's Blue Ribbon Task Force on Oil and Gas wrapped up in March, delivering pretty disappointing results. However, the task force has triggered a new Colorado Oil & Gas Conservation Commission rulemaking that will affect local government authority on siting "multi well industrial sites." Western Colorado Congress and its impacted member groups are meeting with other grassroots groups across the state to prepare for this rulemaking and plan next steps for oil and gas standards in the state, including possible ballot initiatives in 2016.



Western Native Voice

Western Native Voice, as a member of a coalition working to bring health care access to working adults in Montana, celebrated passage of Senate Bill 405, legislation extending Medicaid coverage to 70,000 low-income adult Montanans, including 20,000 Native Americans.

WNV backed Medicaid expansion because it will bring much-needed resources to the Indian Health Service and rural clinics where services will expand to meet the needs of adults. The expansion will also create jobs in Indian communities as these clinics and other health care providers increase staff. This inflow of resources will bring cost-effective, quality medical care that will strengthen Montana communities and help keep working Montanans healthy and productive.



Curbing methane emissions

In January, President Barack Obama announced that the United States would take serious measures to reduce methane emissions from oil and gas production and transportation.

Obama's announcement affirmed the growing movement of groups and people working to curb unnecessary greenhouse gas emissions, such as methane. In oil and gas operations, methane is often vented into the atmosphere, leaked through pipelines and other transmission infrastructure, and intentionally flared at oil and gas wells where it goes into the atmosphere as carbon dioxide.

Depending on the source, methane emissions are considered to be anywhere from 5 to 20 times more damaging to the climate than carbon dioxide.

The President's announcement includes the following proposals to curb methane:

- Reduce ozone-forming emissions through regulation;
- Issue new guidelines to cut volatile organic compounds emissions;
- Update the Bureau of Land Management (BLM) flaring and venting rules;
- Improve natural gas pipeline safety;
- Enhance methane leak detection, research funding to pay for reducing leaks and quantifying methane emissions; and
- Research funding to modernize the natural gas transmission and distribution infrastructure.

Of the priorities in the announcement, WORC and the member groups are focusing on the updates to the Environmental Protection Agency (EPA) and BLM rules on flaring and venting over the next two years. WORC's involvement, especially in the BLM flaring and venting rules, go back to May 2014, when members of the WORC oil and gas team dominated the BLM forum on flaring and venting in Dickinson, North Dakota.

According to WORC's report, *The Flaring Boom*, natural gas flared in 2011 across the United States could have provided nearly 2.9 million American homes with all of the natural gas needed that year. North Dakota lost nearly 32 percent of gas produced, Montana flared or vented over 7 percent, and Alaska, New Mexico, Texas, and Wyoming lost 2 percent or less.



WORC plans to build on the momentum created in Dickinson and continue to show the BLM and EPA that people in the WORC network states want strong rules on methane emissions.

For more information on WORC's methane campaign, email WORC's regional organizer on oil and gas, Scott Skokos (sskokos@worc.org).

PRINCIPLES OF COMMUNITY ORGANIZING

Become an effective leader in your
community with tested organizing and
fundraising skills.

July 15-18—Billings, Montana

Training topics include:

- Why we organize
- Leadership development
- Running good meetings
- Developing issue campaigns
- Chapter development
- Grassroots fundraising
- Membership recruitment
- Planning and taking actions

Visit www.worc.org for more information.

Keystone bill vetoed, state agency resets pipeline certification hearing

President Barack Obama issued his third veto of his presidency on a bill that would have forced approval of the Keystone XL pipeline, on February 24. As reasons for his veto, the President cited conflicts with established procedures and that the bill cuts short the process to determine whether the project is in the national interest. A week later, the Senate failed to override the veto.

Senate leaders have vowed to attach Keystone legislation onto forthcoming bills that the Senate considers in the coming year.

The White House is still waiting on a final assessment from the State Department on whether or not the pipeline is in the national interest. This decision could come at any time.

Meanwhile, the South Dakota Public Utilities Commission granted a request on April 27 to delay the Keystone XL Pipeline certification hearings until later this summer.

Dakota Rural Action (DRA) and all four intervening South Dakota tribes had earlier filed a joint motion to continue the hearing, originally scheduled to

begin May 5. The parties argued the schedule set by the PUC was too tight and did not allow enough time to review documents involved in the process.

“It was a judicious decision to move the hearing back so that the people can have their day in court against Keystone XL,” said John Harter, a DRA member whose land would be crossed by the pipeline.

The state approved construction of the pipeline in 2010, but state law requires re-authorization of permits if construction of the project does not begin within four years of issuance of the permits.

New rules protect groundwater from uranium extraction

The Environmental Protection Agency (EPA) has proposed new groundwater protections for in-situ uranium mining operations and the byproducts of these operations. This is significant because EPA is determining that groundwater is a valuable resource (and is becoming more valuable as use of groundwater increases) that ought to be protected. EPA is acknowledging that in-situ recovery (ISR) also has a greater potential to directly affect groundwater than does conventional milling techniques.

Among other things, these rules would establish groundwater restoration and monitoring requirements even after the mining operations have stopped. The operator would have to restore the chemistry of the groundwater to the original, pre-operational concentrations and monitor the groundwater for 30 years after the water has been “restored” to ensure it remains stable.

Current regulations do not cover in-situ recovery (ISR), which is the most

prominent method of uranium extraction in the country. These new regulations would address the alteration of groundwater that occurs during this process and would set groundwater restoration and monitoring requirements at ISR facilities.

The Powder River Basin Resource Council is taking the lead on writing comments around the technical aspects of the rule. The Nuclear Regulatory Commission will implement the final rule.

Troubles abound for coal industry, market conditions to blame

Over the last few years, coal companies have faced severe market pressure from renewable energy and natural gas-fired electricity. Until recently, most news concerning layoffs and mine closures originated in Appalachia, where coal is more expensive to mine than in the West, but in a sign of the times, a handful of Western projects have also been shelved since January.

For example, plans to open or reopen several coal mines in western Colorado have been scrapped. First, Rhino Resources announced in early March that it will no longer pursue a new coal mine near Grand Junction, Colorado. Rhino's Vice President of Investor Relations commented to the Grand Junction Sentinel that "[t]he markets do not lead to us pursuing [this] project."

Second, Oxbow Mining announced it had no plans to reopen its idled Elk Creek mine or to pursue its widely-touted Oak Mesa mine proposal, both located in Delta County, on Colorado's Western Slope. Oxbow Mining President Mike Ludlow told the Delta County Independent that Elk Creek would remain closed pending "market improvements in the future," because "[t]he market places are soft [for coal], domestically and internationally."

Similarly, it was discovered in March that Arch Coal had quietly requested that the Bureau of Land Management terminate an application to lease nearly 6,000 acres of federally-owned coal next to its Black Thunder mine in Campbell County, Wyoming. The so-called "West Jacobs Ranch" tract comprised 957 million tons of coal that, if leased, would have doubled the amount of mineable coal on hand at Black Thunder.

Federal leases require hefty semiannual payments; whereas these payments have never been cost prohibitive before, a spokeswoman for Arch commented to a reporter that the company's withdrawal of the West Jacobs Ranch lease evidenced Arch's commitment to a "prudent capital allocation strategy." Federal coal leases chronically undervalue leased coal, shortchanging a fair taxpayer return. If leasing more coal at bargain-basement prices from the federal government is no longer prudent for Arch, the company is in deep trouble, indeed.

Coal companies are paring back expenses during a lean time for the industry, but the pressure shows no sign of abating. As the market for coal within the United States declines, coal companies have set their sights on exporting coal to South and East Asian economies. China, whose unparalleled economic expansion fueled optimism for a future of western coal exports, is seeing slowing demand, lower use for the first time in 15 years, and is taking aggressive steps to decrease coal use to avoid disastrous air quality along the country's eastern coast.

Finally, an ongoing series of investigative journalism from Reuters is raising questions about whether coal companies will be able to shoulder costly clean-up (termed "reclamation") of mined lands. Normally, a company

must post a performance bond that provides the state agency with resources to complete reclamation in the case the coal company goes bankrupt before reclaiming a mine. There is an exception, however, for companies who demonstrate financial fitness to "self-bond," that is, guarantee that they will clean up their mines without offering any collateral to the state agency. Without resources to reclaim the land, the state would be required to step in and pay for reclamation at a huge cost to taxpayers if self-bonded coal companies go broke.

The state of Wyoming holds nearly \$2 billion dollars in self-bonds from financially-struggling coal companies. Responding to this giant risk to the public purse, Bob LeResche, Chair of WORC and Treasurer of the Powder River Basin Resource Council, worried that, "Wyoming DEQ must ensure that the immense reclamation obligations of major operators will be met as rumors swirl regarding bankruptcy, mergers, and acquisitions. Taxpayers must not be left to foot the bill if these companies go bankrupt or attempt to escape their obligations through financial engineering."

The Office of Surface Mining Reclamation and Enforcement, the federal agency responsible for regulating coal mining, is investigating. WORC will release soon a report considering this issue in more detail. For more information, or to receive a copy of the report, please contact Dan Cohn (406-252-9672, dcohn@worc.org).

Moving on but no way gone: coal in America

In this sound-rich, half-hour special from WORC's radio project, High Plains News, we look at the present and future of coal in America.

We begin our story in Central Appalachia, where coal is in sharp decline. Reporter Catherine Moore traveled the back roads of West Virginia to learn how individuals and communities are dealing with the difficult economic and social transition away from coal.

Next, we hear from Reid Frazier, who went to eastern Kentucky to get a sense of whether Appalachian landscapes can recover from "mountaintop removal."

Then we go to the Powder River Basin, the region straddling Wyoming and Montana that produces the bulk of the nation's coal. Producer Clay Scott takes us into an open pit mine to talk with some of the people whose livelihoods have depended on coal.

Later, we'll hear from ranchers and others whose lands, water and health have been imperiled by coal mining activity.

And finally, we meet the retired manager of several Wyoming coal mines, who late in his career became concerned with the environmental and health impacts of coal mining around the world.

This program was produced in association with Mountain West Voices,



Coal in America features Powder River Basin Resource Council member L.J. Turner: "[T]hey said, 'Oh, you just wait until we've reclaimed this land. It's going to be so good you won't believe how good it's going to be.' And that's been...thirty years ago, maybe? And our cows have never had a mouthful of reclaimed grass in those thirty years."

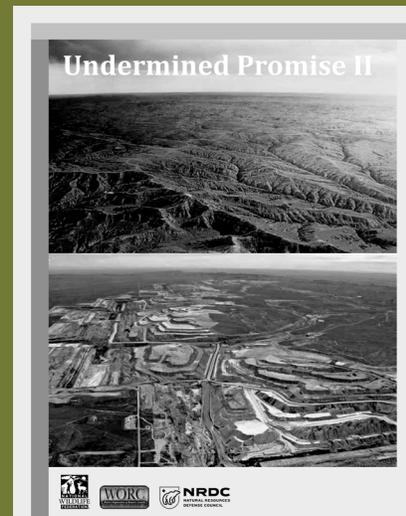
West Virginia Public Radio and Allegheny Front.

You can listen to *Moving On But No Way Gone: Coal in America* at www.highplainsnews.org.

NEW REPORT ON COAL RECLAMATION JUST OUT

A new report examines coal reclamation in the West. Released by WORC, the National Wildlife Federation, and the Natural Resources Defense Council, *Undermined Promise II* finds that mining companies and regulatory agencies are falling short. The report comes nearly eight years after publication of *Undermined Promise*, which found that the intent of the 1977 Surface Mining Control and Reclamation Act was unfulfilled. The second report finds little has changed and highlights new areas of concern, such as self-bonding, hydrology, and wildlife.

You can download the report at www.worc.org. The *Western Organizing Review* will take a deeper look into *Undermined Promise II* in the next issue.



New coal-hauling train under review

Like noxious weeds, longstanding coal boondoggles seem to crop up again and again after years of dormancy. Two proposed projects are undergoing a revival this spring alongside the dandelions: the Tongue River Railroad and Otter Creek mine in southeast Montana.

The Draft Environmental Impact Statement for the Tongue River Railroad (TRR) was finally released in April. Originally proposed in 1979, the TRR has returned to the front burner in a new incarnation: to serve the proposed Otter Creek coal mine, a project of financially-troubled Arch Coal.

The railroad would put extra coal trains from Otter Creek through Montana, Idaho, and Washington state, polluting air and water along the rails all the way to the Pacific coast.

If the TRR is permitted by the Surface Transportation Board (STB), the proposed rail line would violate Montanans' private property rights by using the power of eminent domain to condemn up to 90 miles of productive ranch land—all to haul Otter Creek coal to Asia. The mine made possible by the TRR would utterly destroy a productive ranch valley.

Various companies have tried to permit and build the Tongue River Railroad since 1980. The current Tongue River Railroad Company is jointly owned by Arch Coal, Inc., BNSF Railway, and Forrest Mars, Jr., the billionaire co-owner of the Mars candy empire.

If built, Otter Creek would be the largest new coal mine in the United States, extracting up to 20 million tons of coal a year.

"It would tear up good ranch land and strip mine a valuable agricultural aquifer," said Northern Plains Resource Council member Dawson Dunning, whose family has ranched on Otter Creek for five generations. "The area's economy has depended on agriculture for more than 100 years. We don't want to see that impacted."

Ranchers and irrigators downstream of the proposed mine are concerned that discharge water from the mine would make it impossible to irrigate along Otter Creek and would degrade water quality in the Tongue River.

"A coal mine at Otter Creek would dump an incredible amount of highly salty water into the Tongue River," said Mark Fix, a Northern Plains member who ranches and irrigates along the Tongue. "My operation, and those of my neighbors, would be severely impacted if Arch is allowed to dig up that coal."

Northern Plains is mounting a vigorous campaign to ensure that the STB hears from people all across the nation who care about what happens the rural lands of the Great Plains. Northern Plains is the tip of the spear.

The draft EIS identifies the anticipated environmental impacts of the proposed project, and is required for the railroad to comply with the National Environmental Policy Act. The STB published the EIS on April 17, opening a 60-day comment period during which members of the public may comment on the merits and deficiencies of the document.

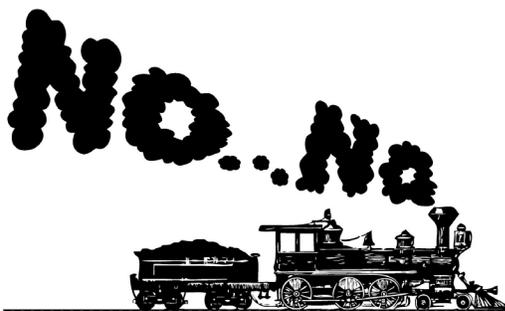
This may be the public's last chance to weigh in on this ill-conceived and destructive project.

"The speculative Tongue River Railroad would transport coal from a mine that doesn't exist, to a port that doesn't exist, to a market that doesn't exist," said Clint McRae, a member who ranches along the proposed TRR route.

The draft EIS is available here: www.tonguerivereis.com. You can take action to oppose the TRR by commenting on the draft EIS here: <https://public.commentworks.com/STB/TongueRiverRailroad/>. Comments are due June 23, 2015.

For more information or for help submitting comments, visit www.northernplains.org/issues/tongue-river-railroad/ or contact Colin Lauderdale (406-248-1154, colin@northernplains.org).

Adapted from Plains Truth article by Colin Lauderdale.



TONGUE RIVER RAILROAD

Oil and gas roundup

Dakota Resource Council

The Dakota Resource Council has watched much of its work to reduce flaring in North Dakota come to fruition in 2015. Most recently, the State Oil and Gas Division limited oil production at 42 wells for flaring more gas than is permitted under the state's flaring policy. This action marked the first time North Dakota's oil and gas regulators have penalized companies for flaring too much natural gas.

Idaho Organization of Resource Councils

The board of the Idaho Organization of Resource Councils (IORC) recently voted to expand its oil and gas campaign statewide. IORC has been engaging residents concerned about oil and gas development in Gem County and is preparing a plan to tackle oil and gas issues. Gas companies are now leasing in several counties in the state. The Idaho Legislature passed its first laws this year governing the oil and gas industry.

Northern Plains Resource Council

The Montana State Senate confirmed Peggy Ames-Nerud's appointment to the Montana Board of Oil and Gas Conservation March 25. A member of the Northern Plains Resource Council, Ames-Nerud is a rancher whose land would be crossed by the Keystone XL pipeline. She has had oil wells on her property as well. She provides an invaluable perspective of a landowner living in an oil and gas producing area to the agency overseeing oil and gas development in Montana. As 2015 progresses, Northern Plains plans to work to get the board to make data related to flaring publicly available. In addition, Northern Plains is looking at disposal of oilfield waste in Montana.

Powder River Resource Council

A state agency decision to widen slightly the minimum distance between oil and gas wells and occupied buildings concerns members of the Powder River Resource Council. On April 14, the Wyoming Oil and Gas Conservation Commission voted 5-0 to increase the setback from 350 feet, smallest in the country, to 500 feet. Powder River sought a 1,320 foot setback, a quarter of a mile, the minimum distance required by the Bureau of Land Management for federal leases. Powder River said the 500-foot setback does not protect property value, enjoyment of one's property, and health and safety. The group



will continue efforts to increase the setback distance and will work on a rulemaking related to flaring in the coming months.

Western Colorado Congress

Western Colorado Congress (WCC) is active in rulemaking based on the recommendations of Governor John Hickenlooper's Blue Ribbon Commission on oil and gas. The rulemaking will help define what is a large-scale industrial oil and gas facility in Colorado and will likely create a set of criteria to determine the zoning powers of municipalities to protect residents from the impacts associated with multi-well oil and gas facilities. In addition, WCC'S oil and gas campaign is targeting permits related to oil and gas development in the community of Battlement Mesa.

WORC

220 SOUTH 27TH STREET, SUITE B
BILLINGS, MT 59101



PRSR STD
U.S. POSTAGE PAID
PERMIT NO. 352
BILLINGS, MT
59101

PUBLICATIONS

UNDERMINED PROMISE II Examines coal production in the West and find that mining companies and regulatory agencies are falling short on keeping promises made in the Surface Mining Control and Reclamation Act

FLARING BOOM Explains the underlying causes and the problems caused by flaring and venting methane from oil and gas fields in six western states

HEAVY TRAFFIC STILL AHEAD: RAIL IMPACTS OF POWDER RIVER BASIN COAL TO ASIA BY WAY OF PACIFIC NORTHWEST TERMINALS Identifies costs for infrastructure due to increased rail traffic, many of which will fall on taxpayers

WATERED DOWN: OIL AND GAS WASTE PRODUCTION AND OVERSIGHT IN THE WEST Examines dangers to water quality from oil and gas production in Colorado, Montana, North Dakota, and Wyoming

GONE FOR GOOD: FRACKING AND WATER LOSS IN THE WEST Finds that oil and gas extraction is removing at least 7 billion tons of water from the hydrologic cycle each year in four Western states

LAW AND ORDER IN THE OIL AND GAS FIELDS Reviews state and federal oil and gas inspection and enforcement programs in five Western states

Download these publications at www.worc.org

CALENDAR

WORC'S JUNE BOARD AND STAFF MEETING
Palisade, ColoradoJune 11-13

PRINCIPLES OF COMMUNITY ORGANIZING
Billings, MontanaJuly 15-18

DAKOTA RESOURCE COUNCIL ANNUAL MEETING
Location TBAOctober 24

DAKOTA RURAL ACTION ANNUAL MEETING
Location TBANovember 7

IDAHO ORG. OF RESOURCE COUNCILS ANNUAL MEETING
Location TBANovember 14

NORTHERN PLAINS RESOURCE COUNCIL ANNUAL MEETING
Billings, MontanaNovember 13-14

WORC'S DECEMBER BOARD AND STAFF MEETING
Billings, MontanaDecember 4-5