

# WESTERN ORGANIZING REVIEW

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## Court reinstates methane rule, Interior proposes replacement

**O**n February 22, the U.S. District Court for the Northern District of California ruled that the Bureau of Land Management (BLM) did not justify its decision to postpone core provisions of its 2016 Methane and Waste Prevention Rule. WORC is a plaintiff in the lawsuit.

“The BLM’s reasoning behind the Suspension Rule is untethered to evidence contradicting the reasons for implementing the Waste Prevention Rule, and so plaintiffs are likely to prevail on the merits,” Judge William Orrick wrote in a late-night opinion.

The 2016 rule requires oil and gas companies drilling on public and tribal lands to reduce the leaking, venting and flaring of natural gas through maintenance of equipment and use of proven technologies.

The decision means that the 2016 standard is back in effect, at least for now. “The ruling is a big win for us,” said Rodger Steen, a member from Steamboat Springs, Colo. “The WORC network will continue to challenge Secretary Zinke’s blatant disregard for the interests of the citizens’ health and good management practices of the public’s petroleum resource.”

This decision marks WORC’s third victory in the courts in efforts to defend and then reinstate the BLM methane rule. The first victory occurred when oil and gas industry was unable to get a preliminary injunction to block the

rule in 2017. The second win came when the U.S. District Court for Northern California ruled that Interior Secretary Ryan Zinke’s postponement of the rule this summer was unlawful.

### Rescission Rule Up for Comment

Secretary Zinke released a draft replacement to the 2016 Methane and Waste Prevention Rule on February 12. The draft removes key provisions of the 2016 methane rule affecting gas capture planning, leak detection and repair, drilling requirements, storage equipment, and controls.

According to BLM estimates, the new rule would result in less methane captured and sold and less royalties collected. The replacement rule eliminates almost all of the positive effects of the 2016 rule. It is bad for taxpayers due to less natural gas captured and reduced royalties.

“Secretary Zinke and the Trump Administration have missed the point that this [2016 rule] is a good, common-sense rule that will stop the waste of taxpayer-owned natural gas and make real improvements in air quality for people who live near oil and gas drilling,” Steen said. “This is another example of oil and gas industry profits being prioritized over us taxpayers and the good of the nation.”

The comment period for the replacement rule is open until April 23. BLM has not scheduled hearings on its proposed rule. From 2014-2016, BLM held five listening sessions and five hearings on the proposed methane waste rule. At the hearings, members of the public overwhelmingly supported the rule. There will likely be calls from throughout the West, including the WORC network, demanding hearings in the West on the proposed replacement rule.

Regardless of what happens, for now, the BLM Methane and Waste Prevention Rule remains the law of the land.

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# The View from WORC

By Beth Kaeding, WORC Chair

The 1970s are considered the decade of our nation's environmental awakening. It had taken the horrors of the 1960s—the Cuyahoga River catching fire, the Santa Barbara oil spill, unbreathable air in many of our major cities—to spur action. But public demand coupled with a progressive Congress resulted in many of the laws we now rely on: the Clean Air Act, Clean Water Act, and NEPA—the National Environmental Policy Act.

NEPA mandated that the federal government take environmental factors into account before approving any project. Environmental assessments or environmental impact statements had to be prepared. These documents were to clearly state the purpose and need for a project, detail all viable alternatives, and thoroughly consider the public benefits of a project in relation to its environmental costs.

As important, NEPA guaranteed the public's right to participate in the decision-making process. Thus, citizens and organizations like WORC can submit substantive comments on projects that the agency must consider before a decision is made. Many times public comments have changed the course of a project or, at times, formed the basis of legal challenges against agency decisions—and the public has often won!

NEPA allows us to make a difference and to have a voice in the government decisions that affect our lives.

But, today, NEPA is under attack. The current Administration wants to get rid of the transparency, the accountability, and, especially, public participation in favor of “streamlining” the process. If they succeed, fewer federal projects will go through the NEPA process. As a result, the bulldozers and drill rigs and pipelines will take precedence over thoughtful consideration of a project's necessity and reasonable alternatives as well as a project's true costs vs. actual benefits.

Stay involved. When WORC sends out alerts, respond. Let the agencies know that you do not want NEPA “streamlined.” NEPA gives us a voice and, together, we will not be silenced.



*Beth Kaeding*

## 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 15,190 members and 38 local chapters. WORC helps its member groups succeed by providing trainings and coordinating regional issue campaigns.

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

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# Mabel Dobbs: American Agriculture Today

## -Homegrown Stories-

Mabel Dobbs sits at her kitchen table in Weiser, Idaho. The room is sprinkled with family portraits and ranching memorabilia. A wedding portrait of Mabel and her husband Grant from 1984 hangs to her left—“Bull Rider” is written in rope below the photograph. There is a stack of packets on American agriculture on the table. Mabel folds her hands and begins. “I think it’s critically important...as I look back over the last 30 years, to constantly be retelling these stories. There is so much to garner from these stories. Today there are still such a huge number of people who are not able to wrap their heads around how we have gotten to where we are at with family agriculture, corporate agriculture, and all of the problems that are out there. I just think the stories have to be told.”

Today, Mabel is a member of the Idaho Organization of Resource Councils, but she got involved with the Western Organization of Resource Councils 30 years ago, before the Idaho group formed, when her own ranch was threatened by the farm crisis in the late 1980s.

“After 20 some years as a banker and a mortgage lender, I married an Idaho rancher in 1984 in Challis, Idaho.” Within their first year of marriage, Mabel learned the plethora of problems that plague the U.S. agricultural system.

“When I married Grant I looked at him and said, ‘I don’t understand this. How can you work all year long to raise your product and grow your product and go out on the market place and say what will you give me for this?’ I grew up in a banking industry where a producer produced whatever their product was, figured their cost of production, added a profit, priced their product and said this is my price. But that’s the way it is in agriculture. One of the most frustrating things in being married to a rancher and calling myself a rancher is that fact—that I do not have that control.”

Because of their lack of control over prices and policies that affect their livelihood, Mabel and her family have faced every agricultural struggle imaginable, from fighting bankruptcy to protecting their ranch during the farm crisis, fighting for fair contracts and prices, standing up for Country-of-Origin Labeling (COOL), to protesting the North American Free Trade Agreement (NAFTA), and always worrying about the future of their ranch.

The Farm Crisis in the late 1980s was the result of failed policies, consolidation, land price fluctuations, and commodity crop booms and busts.

“The banks went to requiring farmers and ranchers to function on a cash flow basis rather than living on assets, which they had done for generations before,” said Mabel.



Selling the ranch was never an option for the Dobbs family. “Our retirement could probably have been much better had we sold out the ranch to someone from California and took the money and moved into town. But that was never, from the time that we struggled to stay and ranch and after we lost everything and started over in 1990, that was never a thought that I had,” said Mabel. “We knew our daughter Zane wanted to raise her twin daughters on the small ranch we had fought so hard to keep.” It was important to Grant and Mabel to see this happen.

After securing their finances and the Mann Creek ranch in the 1990s, the Dobbs were then faced with new policies that threatened their operation. NAFTA resulted in the integration of the North American beef market. The big meatpacking companies in the U.S. began importing live cattle from Mexico and Canada to finish and process. These increased imports allowed the packers to consolidate control over the supply of live cattle and depress the market price for cattle raised in the U.S.

*“Mabel Dobbs” continued on page 6*



# Around the Region

## A look around WORC's network

### Dakota Resource Council

On January 17, Dakota Resource Council (DRC) members participated in a hearing in Dickinson, ND, to oppose the air quality permit for the proposed Davis Oil Refinery. The facility is sited just three miles from Theodore Roosevelt National Park.



Local residents addressed the possible degradation of air quality and damage to the local tourism industry. "All Americans have a stake in this issue," DRC member Marie Hoff said. "The issue is more than view shed, the refinery will affect air quality." About 600,000 people visit the park each year.

Speakers questioned whether the company was skirting siting and environmental reviews. While company reports cite output at 49,500 barrels daily, its air quality permit is for a facility producing 55,000 barrels daily. The Public Service Commission has no authority to hold facilities producing less than 50,000 barrels per day to standards.

A decision is expected in the spring.



### Dakota Rural Action

Dakota Rural Action and allies defeated a bill in the state legislature that would have let factory farms run pipes from their manure lagoons to cross private land using the right-of-way without landowner notification or permission. In early March, DRA members testified before a day-long hearing by the Senate Transportation Committee. Using a legislative maneuver, the committee voted 4-2 vote to kill the legislation.

### Idaho Organization of Resource Councils

The cities of Fruitland and Eagle, Idaho, are working on ordinances regulating oil and gas development within



city limits. In late February, both cities took public comment on the drafts rules. Idaho Organization of

Resource Councils and allies were on hand to provide input and to support both councils as they move to create strong laws to protect city residents.

Most notable are the setbacks in the proposed ordinances. After several rounds of public testimony, both councils have agreed on the importance of strong setbacks. In the city of Fruitland, the proposed distance is 1,200 feet from the property line of occupied structures, wells, canals, surface waters, schools, hospitals, and churches. Meanwhile, the city of Eagle has proposed an incredible 2,640 feet from the property line of occupied structures, wells, canals, surface waters, schools, hospitals, and churches.

### Northern Plains Resource Council

A judge told federal officials on February 21 to go back and review documents related to the disputed



Keystone XL tar sands oil pipeline. The ruling came in response to a lawsuit by the Northern Plains Resource Council and allies seeking to stop the 1,179-mile pipeline from Canada's oil sands region to U.S. refineries. Northern Plains contended the government withheld details on the project's approval.

U.S. District Judge Brian Morris in Montana said that the government must provide any relevant documents by March 21 or explain why the material should be withheld.

### Oregon Rural Action

Oregon Rural Action (ORA) is part of a statewide coalition that fought the Lost Valley mega-dairy facility near Boardman, Ore. The dairy is now in trouble.

The Oregon Department of Agriculture has filed a lawsuit that contends the facility has failed inspections, violated environmental laws, and put drinking water at risk. Regulators have cited the mega-dairy four times and imposed fines of \$10,640. Lost Valley has not complied with most remedies to fix problems, leading to overflows of wastewater and liquid manure from lagoons that soak into soil.

A lender is seeking to foreclose on Lost Valley because the owner of the dairy is more than a year past-due on two loans totaling \$37.4 million.

ORA, and the statewide coalition it's a part of, has turned their efforts towards gaining better protections and enforcement of environmental law for communities affected by factory farms.



### Powder River Basin Resource Council

Powder River Basin Resource Council launched the RENEWyoming campaign to assist people around Wyoming who are interested in going solar. The campaign involves storytelling through video, print, and social media, as well as public information that provides more in-depth discussion on opportunities and barriers associated with renewables in Wyoming. So far there are 10 videos, which are released on Facebook, @PowderRiverBasinResourceCouncil, and YouTube once



per week. The print publication, *RENEWyoming: Solar Stories from the Cowboy State*, is available for download at [www.powderriverbasin.org/publications-resources/](http://www.powderriverbasin.org/publications-resources/).

The Resource Council is planning a Spring Solar Celebration at 5:30 pm on March 20 at Luminous Brewhouse in Sheridan. Both solar users and installers will be on hand to answer questions for people interested in installing solar for their homes or businesses. The event is free and open to the public.

### Western Colorado Congress

Ursa Resources wants to drill 24 natural gas wells in Battlement Mesa, Colo., with some wells as close as 340 feet—less than the length of a football field—from the nearest home. Colorado requires that oil and gas development must be at least 500 feet away from the nearest home. To break the rules and drill closer, Ursa must obtain a variance from the Colorado Oil and Gas Conservation Commission.

If granted, this variance would set a dangerous precedent for Colorado, sending the message that protections can be discarded at any time. Western Colorado Congress (WCC) and Battlement



Mesa residents are determined to protect their homes and stand up for public health and safety for Colorado residents. WCC's Battlement Mesa Community Defense Fund is raising money for the campaign.

### Western Native Voice

In early January, Western Native Voice met with school and community leaders and hosted an open community meeting tasked with listening to community voices about community needs. Community leaders, young and old, guide Western Native Voice to inspire Native leadership in the Fort Peck community. Staff members addressed the Tribal Executive Board, the Poplar High School Student Council, leaders at Fort Peck Community College, and local elected officials.



Speaking with the Poplar High School Student Council provided a fresh youth perspective on creating change, mobilizing their community, and encouraging people to vote. The youth shared their excitement on becoming voters and fulfilling their civic duty. "When I was 14 I wanted a fake ID so I could go vote." said a Poplar High School senior.

These community visits are designed to learn more about the policy change needs of communities on all seven of Montana's reservations, as well as urban areas such as Billings, Great Falls, and Missoula. A young college student from Fort Peck Community College left the community meeting understanding that they "have a voice" and that "my opinions matter and I have to vote to have a loud powerful voice."



Poplar High School students offered perspectives on change, mobilizing their community, and voting to Western Native Voice staff in January.



When Congress passed legislation requiring Country-of-Origin Labeling, consumers were able to choose American beef products. Unfortunately for the American rancher, in 2015 COOL for beef was challenged and repealed.

"I believe the American cattle rancher has always felt they raised the best quality beef. We had no way to differentiate the beef that we raised from what was coming in from across the borders."

Mabel wants to get back to the point where ranching and farming can support a family. That option requires producers having more control over their markets. "As it is now, 33 years after marrying a rancher, our markets are not any better. We don't have any more control of our market today than we did then." Policies like NAFTA and the repeal of COOL have impeded the American producer's ability to compete with foreign and corporate producers and get a fair price for their products. This has discouraged young people from entering agriculture and making a living off of the land. Mabel's youngest granddaughters, 18-year-old twins, have expressed interest in running the family ranch.

"There's no way, had their mom and dad not worked off-ranch and grandpa and grandma afforded them the opportunity to acquire the small ranch in the Mann Creek Valley, that this could ever happen. That's the sad part about where we are at in family agriculture today," said Mabel, who spent years working in town while also helping run the ranch to make ends meet.

For a number of years Mabel got her make-up on and dressed for work in town, then put on her Carhartt coveralls to drive tractor for Grant as he fed the cattle before starting her day as a mortgage lender. "That is just what you do if you love the life," said Mabel.

"When I got involved it was three, four companies in control of all the livestock slaughter in this country. You know it's still that way 30 years later," said Mabel. "The whole corporate control of our food system, it makes me angry, it makes me sad, and you know the older I get the more concerned I get about that. Are we ever gonna learn? I think if we don't tell these stories, if we don't go back and say, 'what have we learned from history,' then how are we ever going to make people see how we got here, why we're here, and what we need to do to fix it."

Mabel's dedication to fixing the American agricultural system has not dwindled. "I've been in this long enough to know that you have to personally touch people to get them involved...and that's not always easy. I just know we have to keep the fight going."

"One of the things that always encouraged me the most out of the last 30 years was going to the trainings and the board meetings of our groups. Seeing the younger group of committed organizers coming on board always gave me hope. I think over the last decade there's more and more young people who see what the food system has evolved into over the last 20-25 years and are really concerned about their health, their wellbeing and the environment where the food they eat comes from. I think the opportunity is better now than it has ever been because of them."

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# Communities in limbo as ND decides on large farming

Could large hog-farming operations be on the horizon for North Dakota? The state Department of Health is clearing the way for them, by deciding on changes to pollution-control rules from animal feeding operations.

Two hog farms proposed for eastern North Dakota have local residents concerned they'll be picking up the environmental tab.

Janelle Engstrom is an agriculture and food task force member with the Dakota Resource Council. She lives near one of the sites, and spoke at a public hearing in Bismarck last week on the proposed changes. One of her biggest concerns is deleting a rule that now requires large operators to report annually on things like manure production.

"The North Dakota Department of Health is saying, 'Go out there and do whatever you want because you won't have to report on it anyway,'" she says. "And that's something that we know would have a big impact on what those producers are doing, if they do not have to report on it."

Engstrom says another change—not to count weaning piglets at these operations—would lead to more waste. Locals are worried the Confined Animal Feeding Operation (CAFO) could contaminate nearby Devil's Lake and affect their livelihoods. The farm operators say it has economic benefits for the region.

Roy Thompson is a member of Concerned Citizens of Buffalo who lives near the other proposed CAFO. At last week's meeting, Thompson brought up similar issues to Engstrom, noting the large amount of manure that will be produced and what that means for surrounding communities. He says the Department of Health should keep local residents in mind when deciding on CAFO permits.

"It's industrial pork operations that have their sights on North Dakota," he says. "And the main thing we were concerned about is, are the local landowners and these little communities being protected, and do they have a voice in this?"

Engstrom adds she isn't opposed to farming and is a farmer herself. But she's concerned these operations will change the face of family-owned farming in North Dakota, and that industrial-scale hog farms are likely to expand in the state once they set down roots.

"These people are knocking on the door in North Dakota and they're wanting in, and it's up to us to try to keep them out, because it's going to be bad for North Dakota," Engstrom warns.

*Eric Tegethoff, Public News Service - ND*



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—Jim Pissot, WildCanada Conservation Alliance



# 5 graphs explain coal in Trump's first year

One year into the Trump Administration, the coal industry that the president promised to revive has shown some muted signs of life. Nationwide, coal production ticked up last year for the first time since 2014, and the sector added 1,035 jobs — an increase of 1.9%. (A Reuters analysis using preliminary data from the Mine Safety and Health Administration put the number at 771 new coal jobs in 2017.) The administration claims this uptick as evidence that their anti-regulatory agenda is having its desired effect.

Unfortunately for Trump and the coal industry, though, 2017 appears to be an outlier in which coal overperformed. The coal industry's fortunes are tied to market demand, not regulatory actions, and the same factors that have depressed coal demand for the past decade — cheap and abundant natural gas, air quality concerns, and depleted reserves — are as present now as when Trump took office.

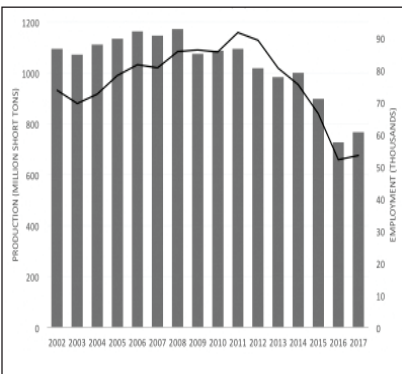
Many of the administration's policy actions in 2017 were aimed at bringing coal jobs back to mining communities. In the name of restoring these jobs, the Administration repealed the Stream Protection Rule, initiated repeal of the Clean Power Plan, rescinded a moratorium on new federal coal leases, discontinued a programmatic review of the federal coal leasing system, repealed a rule closing loopholes in federal coal royalties, empaneled a committee of fossil fuel advocates to steer federal mineral royalty policy, announced U.S. withdrawal from the Paris Climate Accord, and canceled a National Academy of Sciences study of the health impacts of Mountaintop Removal mining.

Energy Secretary Rick Perry also brought a rulemaking to the Federal Energy Regulatory Commission that would have subsidized aging coal-fired power plants with ratepayer dollars, but the commissioners voted down the plan unanimously.

These policy decisions have major implications for clean water, breathable air, public health, taxpayer fairness, fair electricity markets, and everyone impacted by global climate change. In addition, the data suggests that these policy actions aren't likely to reverse the macroeconomic trends that have been working to depress coal's value and market share.

These five graphs illustrate what happened with coal in 2017 and why the long-term trends in the industry are unlikely to reverse.

## 1. PRODUCTION AND EMPLOYMENT WENT UP, BARELY



2017 bucked a long-term trend in coal production as coal mining companies sold more tons of coal and employed more miners than the previous year. Both increases were marginal, especially considering that both metrics are about one-third lower today than one decade ago. The modest recovery in coal production did not lead to a commensurate recovery in employment. Although coal companies mined and sold about 6% more coal in 2017 (an additional 40.4 million tons) than the year before, they only hired back about 2% of their workforce (1,035 jobs).

Figure 1. U.S. coal production (million short tons) and employment (thousand workers) 2002-2017. Source: MSHA Part 50, MSHA Open Government Data

## 2. MINES WITH FEWER WORKERS ACCOUNTED FOR BIGGEST PRODUCTION INCREASES

Almost half the coal mined in the U.S. comes from the Powder River Basin (PRB) of Wyoming and Montana, where large surface mines and thick coal seams allow companies to produce coal with fewer workers than mines in Appalachia and the Illinois Basin. This explains why net gains in employment in 2017 did not keep pace with net gains in production. Despite accounting for 51.9% of the increase in U.S. coal production from the year before, the PRB actually lost about 60 jobs in 2017.

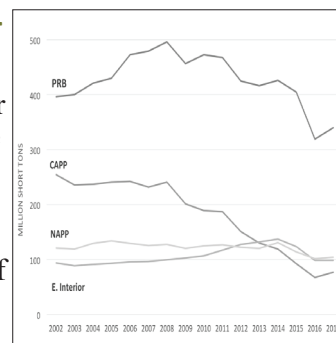


Figure 2. Regional production 2002-2017 (million short tons). Regions represented include the Eastern Interior (E. Interior), Central Appalachian (CAPP), Northern Appalachian (NAPP), and Powder River Basin (PRB) coal-producing regions. Data is preliminary for quarter 4, 2017 and production could increase slightly. Source: MSHA Part 50, MSHA Open Government Data.



### 3. CONSUMPTION DECREASED (AGAIN)

Despite increases in both production and employment, the long-term trend of decreasing domestic demand for coal continued in the first year of the Trump Administration. Last year was the fourth consecutive year of falling domestic demand and marked a 37% decline from a decade ago. The continued decline comes from the rolling wave of retirements of coal-fired power plants, coal-to-gas switching at utilities across the country, increasing generation from non-hydro renewables, and a complete lack of new coal-fired electricity generation in the U.S.

This trend is likely to continue. According to the Energy Information Administration, 14 gigawatts of coal-fired electricity generating capacity are scheduled to come offline in 2018, with no new coal generation to replace it. The Energy Department's short-term energy outlook predicts that 2018 will be the first year in modern history in which coal provides less than 30% of the nation's electricity.

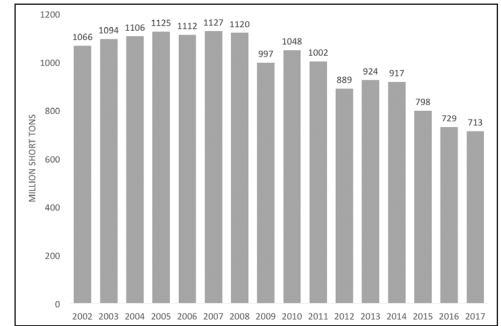


Figure 3. U.S. coal consumption 2002-2017 (million short tons). 2017 consumption estimated by Rhodium Group analysis. Source: EIA, Rhodium Group.

### 4. EXPORTS MADE UP THE DIFFERENCE

If mines produced more coal in 2017, but Americans used less of it, where did the excess go? The answer is overseas. Last year saw a spike in coal exports, from 60.3 million short tons to 95 million. In the first ten months of 2017, exports were up 70% over the same period in 2016.

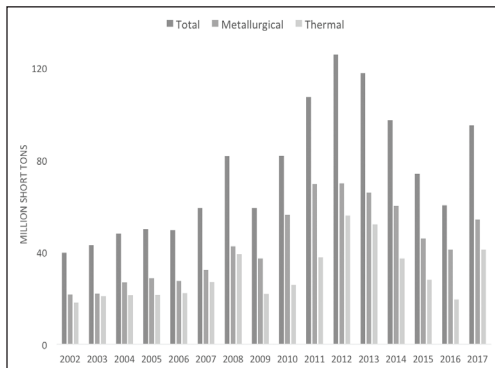


Figure 4. U.S. Coal Exports 2002-2017 (million short tons). Source: EIA

The spike was driven by rising international prices for metallurgical coal (used for steel production rather than electricity) that accompanied strong international economic growth last year. Metallurgical coal shipments accounted for 43% of coal exports in the first half of 2017, with most of the economic benefit accruing to West Virginia producers.

Exports of steam coal for electricity also increased due to seemingly temporary factors in the Pacific Rim. The Asian market for coal swelled as China, the world's largest coal consumer, increased imports while decreasing domestic production due to safety inspections and closure of inefficient Chinese mines. U.S. producers were able to grab a portion of this market after Cyclone Debbie shut down coal mines and railways in Australia, effectively halting Australian exports that usually crowd out American coal in the region.

### 5. COAL COMPANIES STOPPED PURSUING 1.97 BILLION TONS OF NEW FEDERAL COAL LEASES

Early in 2017, the Trump Administration terminated two policies implemented by the Obama Administration in January 2016: a top-to-bottom review of the financial and climate implications of the federal coal leasing program, and a temporary moratorium on new major federal coal lease sales. Interior Secretary Ryan Zinke ended both the review and the moratorium with a Secretarial Order last March, declaring that both had prevented the coal industry from flourishing.

Coal owned by the federal government accounts for over 40% of U.S. production. There was almost 2.9 billion tons of federal coal pending when Trump took office. Since then, only three federal coal lease sales have occurred, accounting for about 60 million tons, or 2.4% of the tonnage pending. All three leases would have been allowed under both of the terminated Obama-era policies.

Almost 70% (1.97 billion tons) of the tonnage pending has been withdrawn or put on hold by the companies that asked BLM to sell the coal in the first place. These actions are a clear indication that the coal industry, at least, doesn't believe that the minor uptick in production in 2017 is the beginning of a rebound in coal's long-term prospects.

In addition, last year saw one new 640-acre request for a federal coal lease in North Dakota, as well as relinquishment of a 5,226-acre parcel previously leased in Wyoming.

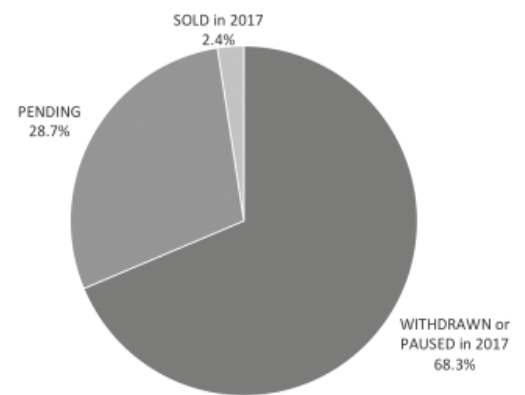


Figure 5. Current status of federal coal leases pending before Trump took office. Leases are considered "paused" when a company has (i) requested that the Bureau of Land Management (BLM) stop processing the lease, (ii) failed to provide additional information or payment required for BLM to process the lease, or (iii) not responded to BLM inquiries about continuing to process the lease. Source: Bureau of Land Management, LR2000

## CONCLUSION

Although we share the president's intention to bring economic prosperity to coal-producing regions, we believe his strategy of de-regulating coal mining and burning is unlikely to produce the forward-looking economic prosperity that coal regions need. The economic headwinds facing the coal industry are the result of competition from less expensive energy sources, depleted coal reserves that are more expensive to mine, growing consumer and business demand for cleaner sources of energy, and a carbon-constrained world. Until the Administration is able to solve these problems, doubling down on the economic potential of the coal industry is a poor policy for promoting economic growth.

Coal communities deserve policies that take advantage of the coal regions' existing assets; ensure the strongest possible standards for reclamation bonds; focus on creating new, sustainable, and diverse local economies; recognize mine reclamation as an economic opportunity; and preserve the benefits and respect that coal miners and their families have earned over generations of hard work powering our country.

*This report is the result of a collaboration between Appalachian Voices and the Western Organization of Resource Councils to assess the effect of Trump Administration policies on economic growth in coal-producing regions.*

# NAFTA renegotiations continue

The most recent round of the North America Free Trade Agreement (NAFTA) negotiations wrapped up in Mexico City on March 5. Dates are not set for an eighth and, potentially, final round slated for Washington, D.C. Clearly, the Trump Administration will not meet its goal to wrap up talks in March.

A potentially positive development has surfaced in the talks. In the fourth round of talks, the U.S. Trade Representative, Robert Lighthizer, proposed to make the investor-state dispute settlement (ISDS) provisions voluntary, with the intent of the U.S. opting out. Getting rid of ISDS has long been a priority for WORC and our fair trade allies. ISDS lets foreign corporations sue sovereign governments over domestic policies that are found to be a restraint of trade. The threat of ISDS killed Country-of-Origin labeling (COOL) of meat—another longtime priority for our members.



There has been much speculation about how Canada and Mexico will respond to the U.S. proposal, which would effectively eliminate ISDS. At the end of the seventh round, the two countries were reportedly pursuing bilateral talks to continue investor protections, if the U.S. holds its position. There is also speculation that a renegotiated NAFTA that does not include ISDS would be hard to get through Congress.

The negotiations continue under a cloud of secrecy, and the U.S. Trade Representative has halted briefings on the status of the negotiations it used to give to public interest groups.

In early March, President Trump's announced plans to impose tariffs on all imported steel and aluminum is the latest wrench in the NAFTA renegotiations. It is unclear how tariffs would affect the talks.

## Pavillion couple wins settlement

Powder River Basin Resource Council members Jeff and Rhonda Locker settled with Encana Corp. over contaminated groundwater on their ranch. The confidential agreement ends a legal battle in the debate over whether development of the Pavillion gas field polluted the water outside of a small town on the Wind River Reservation. The Lockers brought the suit against Encana in 2014, arguing that Encana polluted their water and then lied about it. Throughout the years, Encana has denied the allegations.

The Lockers said the settlement does not mean the water pollution is gone. "We're still working to solve the problem out here," Jeff Locker said. "Just because we got a settlement doesn't mean the contamination and the issues have gone away."

# Living with Oil and Gas



"I'm retired from water and wastewater treatment operations here in Colorado. I like to tell people about all the training and the testing and the supervision through the state and EPA we have to go through in order to work in water and wastewater treatment facilities. Oil companies don't seem to have to be as safe as we were in dealing with their water treatment and wastewater.

For example, recently the oil company developing in our area announced plans to put an injection well within 500 feet of Battlement Mesa's water treatment intake. I mean, they use these wells to inject oil and gas wastewater and chemicals into the ground. And to put that near our water treatment facility, that just doesn't make any sense."

-Ben Tipton  
Battlement Mesa, CO



Ben: We have been working with Battlement Concerned Citizens, Western Colorado Congress, and Grand Valley Citizens Alliance.

Sharyn: They have helped our neighbors and us out with a lot the investigating and organizing that is needed to fight back against this type of development.

Ben: To me it is time to fight for West Slope of Colorado. There is already a ton of oil and gas that is already here, and the state is having trouble making sure the current wells aren't damaging the West Slope. I think we need to be able to deal with the current development before industry can start drilling a bunch wells on the West Slope, especially wells near homes.

-Ben and Sharyn Tipton  
Battlement Mesa, CO



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***NO TIME TO WASTE*** Examines standards and disposal practices around radioactive oil and gas waste in Colorado, Idaho, Montana, North Dakota, South Dakota, and Wyoming

***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

***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

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## 2018 EVENTS

*Staff Directors Meeting*  
*Rapid City, South Dakota* ..... April 9-11

NORTHERN PLAINS RESOURCE COUNCIL BOARD MEETING  
*Billings, Montana* ..... April 21

*Continuing Education for Organizers (CEO) Training*  
*Billings, Montana* ..... May 7-9

DAKOTA RESOURCE COUNCIL BOARD MEETING  
*Dickinson, North Dakota* ..... May 12

IDAHO ORGANIZATION OF RESOURCE COUNCILS BOARD MEETING  
*Boise, Idaho* ..... May 12

POWDER RIVER BASIN RESOURCE COUNCIL BOARD MEETING  
*Cheyenne, Wyoming* ..... May 12

*WORC Summer Conference*  
*Pendleton, Oregon* ..... June 7-9

*Principles of Community Organizing Training*  
*Souix Falls, South Dakota* ..... July 17-20

*WORC Board and Staff Meeting*  
*Billings, Montana* ..... December 7-8