

Water used for agriculture here

# County opposition pays off; DEQ drops CBM proposal

by Jonathan Green

The Wyoming Department of Environmental Quality (DEQ) has dropped a controversial water regulation, after officials from Hot Springs and other counties sued to demand a review.

The proposed rule was withdrawn Sept. 23 after a report commissioned by DEQ criticized the proposed rule as “not reasonable nor scientifically valid...” It was intended to ensure water produced during the extraction of coalbed methane (CBM) does not harm existing agriculture or livestock operations, but has also impacted more traditional oil and gas extraction techniques.

Much of the discussion on the rule has centered in the Powder River Basin (PRB), where there is significant CBM production. The Powder River Basin Resource Council, an advocacy group, has been vocal in the rulemaking process.

The resource council calls “CBM development the greatest environmental and cultural threat Wyoming has faced in decades.”

With all of the attention paid to the PRB, local stakeholders, including ranchers, elected officials and energy producers, requested a public hearing in the Big Horn Basin to comment on the proposed rule. That meeting was held at the Days Inn last Nov. 6.

In May, the commissioners of Hot Springs, Washakie and Johnson counties filed suit against DEQ and the Wyoming Environmental Quality Council (EQC), arguing the agencies had failed to complete required research before moving to implement the rule later this year.

While the rule was intended to protect agriculture and livestock operations, it has been criticized both here and in the Powder River Basin.

Locally, there were worries the rule would require longtime discharges be shut, which would have severe impacts on energy production, agriculture, livestock and wildlife habitat.

## November meeting

At the November meeting, Hot Springs County Commissioner Brad Basse presented a letter from the commission arguing discharge waters here “are literally in ‘a class of their own,’” recommending CBM discharges be regulated differently from other produced water.

Powder River Basin Resource Council members argued the water standards in the proposed

rule were too lax.

## Rule falls

The consultants who authored the DEQ report determined the proposed rule, already implemented on a trial basis, was harming soil quality by causing “waterlogging and—most likely—increased soil salinity” in some circumstances.

Instead, the consultants concluded better and broader water management practices are more likely to protect areas from CBM discharge than putting a limit on some of the chemical characteristics of the water while remaining silent on how much water can be put on the ground.

In a letter announcing the rule withdrawal, DEQ director John Corra said the now-withdrawn rule “may need to be re-evaluated or revised to ensure irrigated agriculture below CBM discharges is provided the appropriate level of protection.”

Local rancher and Gas Ventures geologist Tom Anderson said adopting the rules would produce a double-whammy.

On the one hand, about 3,000 barrels of water are put into Mud Creek each day he said, which helps ranchers in the desert highlands water cattle. Game such as sage chickens also benefit.

The other problem is restricting energy production, Anderson said. Each regulation that increases the cost of producing oil and gas in Wyoming decreases the amount of those resources that can be economically collected.

Wells get shut when they dip below a profitability threshold. When that happens, Anderson said the exploration companies lose revenue, local governments lose revenue and the country loses energy security, because those barrels must be replaced from imported sources.

## Uncertain future

While DEQ has withdrawn the rule for now, it remains unclear how the state will eventually issue permits for the discharge of water.

Current permits are still valid and Corra’s letter indicated the department would continue issuing permits under the withdrawn rule until a working group has an opportunity to propose better guidelines.

Before the rule was spiked by DEQ, it was scheduled to be discussed during an EQC meeting in Cheyenne after presstime on Wednesday and Thursday.



Jaxon Davis scrambles to evade a Worland defender after Milton Peden, 42, and Wyatt Robins, 43, provide blocks at a youth football game Saturday. —Jonathan Green photo

# Town council questions golf course debt, needs

by Jonathan Green

“We have to ask ourselves, do we want a golf course in this town?”

That question, posed by Thermopolis assistant to the mayor Dan Stansill, hung over the Thermopolis Town Council Tuesday night.

The town heavily subsidizes the Legion Golf Course, which currently carries about \$184,000 of debt.

Tom Sullivan Sr., former golf board chairman, told the council 117 memberships were sold in 2009. A year ago, 135 memberships were paid at prices ranging from \$363 for a single to \$635 for a family. In fiscal year 2008-09, the town provided the course with \$54,179. That works out to a subsidy of \$463 per membership.

Sullivan was the de facto representative for the golf board at the council work session, even though he is no longer on the board. None of the golf board members attended the meeting.

Mayor Bill Malloy suggested four possible actions the council could take:

- The town can continue paying an annual contribution to the golf board, set for \$36,000 in the current fiscal year, up from \$30,000 last year, \$22,000 in Fiscal Year 2007-08 and \$10,000 prior to that.

- The town might continue bailing the golf board out when necessary. (Repairs and engineering fees account for the rest of the \$54,179 the town paid the golf board last year.)

- The second move involves a proposed exchange.

The golf course owns equipment worth about \$46,000. Golfboard members have proposed swapping title to that equipment for the deed to the

land on which the Red Cliffs Steak and Seafood restaurant sits.

The golf board would then mortgage the property to restructure its \$184,000 debt.

Such a swap means the town might lose that land forever, land which belongs to town citizens, Stansill worried.

- The third option is for the town to take over the golf course, eliminating the golf board. That might reduce costs, although it would handcuff the town’s general budget to the course.

- The final possibility would be for the town to end funding to the golf board when the current agreement ends next May 31. That would not necessarily close the golf course, although council members offered no ideas on how the facility could continue to operate without the subsidy.

The golf board is in financial hardship because the community is too small to support the course without help, Malloy said.

However, there are other problems.

While Malloy (who said he has been to most of the golf board meetings in the last 33 months) and Sullivan were reluctant to discuss details, they said mismanagement had cost the course money. Former pro Bo Allen was specifically named but was not accused of defrauding the course.

Other golf board mismanagement issues were considered, such as an ill-counseled decision to purchase pipe that remains unused, failing to maximize profits from cart rentals and finding the proper sum to charge for memberships.

The council will convene a community steering committee, probably consisting of a council member and several community members, to try to gauge public sentiment on the golf course.

# Apply for joint powers board now

Applications are still needed from people interested in serving on the joint powers board that will oversee development, construction and operation of

the Big Horn Basin Nature and Discovery Center.

The Hot Springs County commissioners and Thermopolis Town Council make the appoint-

ments. Two two-year terms and a one-year position will be filled.

Submit a letter detailing your interest to Thermopolis town hall by 5 p.m. Monday.

# Concerns about costs, need for new distribution system cause plenty of discussion at Red Lane water improvement gathering

by Cindy Glasson

Heated debate on costs and the need for a new water distribution system dominated discussion at a meeting of the Red Lane Water and Sewer District Thursday.

The group filed the necessary paperwork through the Wyoming Water Development Commission (WWDC) a year ago to obtain funding for a study that will examine the current water and sewer distribution in Red Lane and make recommendations for repairs, upgrades or replacement.

The owner of the Red Lane water distribution system, Ron Foote, did not attend the meeting.

Jodie Pavlica, project manager for the WWDC, discussed what the WWDC will be able to do. She cited Kirby’s recent water distribution upgrade as an example.

Some landowners are concerned about what a new system will cost. Pavlica told the group costs won’t be known until there is a study of the current system. She said they would have several options to choose from, along with costs, once a Level One study is complete.

Heath Overfield of Engineering Associates presented information on how the study would be conducted.

“We are charged with checking the entire system,” he said.

According to Overfield, Engineering Associates will examine the system, determine the boundaries of the district and then make recommendations. They will contact current and previous landowners in the area, take water samples at various homes along the line and map the system.

“We’re going to need a good working model

of the current piping system in order to determine what will be the most appropriate way to go,” he said.

The study will then be broken down into total project cost and a per-home cost. A geographic mapping system will show pipe size, bury depth, hydrants, water flow, etc. This will enable the district to keep everything up to date in the future.

The report will not be complete until July. A final decision on will need to be made by next August.



David Baker takes a wet, messy, chilly slide through Jell-o and Ashle Anderson’s water spray during a Homecoming activity Monday afternoon. —Jonathan Green photo