EXHIBIT H

From: "Jill Morrison" <jillm@powderriverbasin.org>
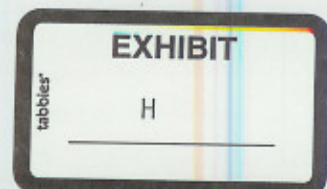**To:**   "Steve Ellenbecker" <sellen@state.wy.us>
Date: 9/11/2004 11:07:27 AM
Subject: Proposed agenda

Dear Steve,

I apologize for the delay in getting this to you. I'd hoped to have it out by last night but I'm obviously too optimistic on what I can accomplish when I'm over committed. At any rate, I hope this is helpful for you and the Governor. We are very appreciative of both your time and efforts. Please call me or email if you have any questions or I can clarify any issues. Thank you again. Jill

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Powder River Basin Resource Council
September 14th, Meeting
Governor Freudenthal & Steve Ellenbecker

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Attendees:

Nancy Sorenson – Powder River chair, member of the legislative select committee and landowner and mineral owner near Spotted Horse;

Bernadette Barlow – Powder River board member, longtime rancher on Deadhorse Creek, dealing with downstream impacts from CBM discharges;

Eric Barlow – rancher on and veterinarian on Deadhorse Creek, Powder River leader on split estate issues and CBM development impacts;

Allison and Dr. Richard Cole – Landowners on Beatty Spur, lost water well due to being surrounded by over one hundred CBM wells in their area. After many months of negotiations with the CBM industry they still have not resolved and six homes are now without functioning water wells. The state engineer's office has not helped the situation. Allison is a leader in her homeowner's association and in Powder River.

Clay Rowley – longtime ranch family at the Powder River and Clear Creek confluence, geologist, former DEQ employee and Powder River leader on split estate issues and addressing CBM impacts.

Kevin Lind – Powder River staff director.

Pennie Vance – Powder River organizer on agriculture issues and energy development issues, legislative liaison.

Gillian Malone – Powder River organizer on renewable energy and CBM development impacts.

Jill Morrison – Powder River organizer on coal mining and CBM development impacts and issues.

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Proposed Agenda

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1. **Legislative Select committee on split estate** – Nancy Sorenson recently sent the Governor an update, discussing the committee's first meeting and pointing out some of the shortcomings with the committee. The request: Help is needed is for the committee members who are landowners and non-legislators to get some advise and/or tips from the Governor and/or his staff on how to be more effective committee members, how to steer the committee from the oil and gas track to a more balanced agenda for landowner rights. Ideas for strategies in dealing with the committee? Additionally, there seems to be a movement in recent governmental meetings to almost despise citizen involvement, attempts to humiliate citizen involvement and generally be rude by those chairing committee's. Can the Governor come out from his bully pulpit in support of welcoming citizen involvement and helping lead some vocal support for civility in our democratic processes?

2. **The failure of the State Engineer's office** to address the loss of water wells From CBM development, impacts of downstream water rights from new dams created by the construction of in-channel CBM pits and the destruction of downstream vegetation and soil from CBM discharges. The state engineer's office is not addressing the problems, they acting as a shield for the industry and not working for the people of Wyoming. The request: How can the Governor help to make the state engineer's office more responsive to the Wyoming citizen and make industry more accountable for their actions?

3. **Development on Wyoming's terms** the main argument and claim by the Attorney General's office before Judge Alan Johnson in the 10th circuit appeal of the BLM Final EIS authorizing the 51,000 CBM wells. The state of Wyoming argued on the side of industry and the BLM in this case. They argued the state is the "gatekeeper" for CBM development and as such the state will not let anything damaging happen, landowner's will not be left without water, water will not be discharged that is damaging, etc, etc". Request: We find this claim in direct contradiction with many landowners' experiences. Again the various state agencies, particularly SEO, WOGCC and DEQ have not prevented problems with CBM. They are not addressing the problem but rather seem to be shielding industry. Why the disconnect between what the AG is arguing and what is happening? Like the above request how can this administration under Governor Freudenthal really make development happen on "Wyoming's terms"? We need the state to address and protect landowner's and Wyoming's citizen and make industry accountable for their actions and damages. We need support for dealing with water wells, stopping the waste of groundwater and damage occurring on the surface, getting bonding for full reclamation and restoration, dealing with air quality problems and dust, getting adequate funds back to local government's so they can afford to address the development impacts like maintaining county roads, etc.

4. **Water Quality Division's new Chapter 2 rules.** These rules are long, convoluted and difficult to understand. The most serious problems with these proposed rules concern the failure of the DEQ to address three issues: 1) The lack of true beneficial use of CBM water by relying on a letter (from industry consultant's or one landowner) which states the water is beneficial for livestock and wildlife – in reality this is only true for maybe 1% of the total amount of discharge water. 2) the lack of public notice to downstream landowners potentially affected by CBM discharges and the lack of public comment on the expanded use of a blanket general permit; 3) the failure to draw a connection between groundwater pumped to the surface and discharged and how that water is now impacting shallow groundwater. Request. We ask that the Governor not sign these rules until they address the above issues and are written clearly.