



Powder River Forces Transparency, Hearing & Answers on Oxy Land Deal

In the summer of 2019, Governor Gordon, a couple of legislative leaders, and the state land office began discussions about the purchase of millions of acres of mineral rights and land owned by the financially troubled Occidental Petroleum (Oxy). The purchase entailed approximately 1 million acres of land and 4 million acres of minerals along the I-80 corridor mostly in Southwest Wyoming, with some acreage in Colorado and Utah. The property is the complicated checkerboard lands and minerals originally granted to the Union Pacific Railroad, sold to Anadarko and then acquired by Occidental Petroleum.

Employees in the state land office and a handful of leaders spent months in late 2019 and early 2020 gathering information and data from Oxy about Wyoming purchasing these lands and minerals. The public was clueless about the potential deal until February during the 2020 legislative session when a bill was introduced to authorize Wyoming to move forward with the purchase. The legislation was pushed by Governor Gordon's office and ushered through the legislative processes by top energy advisor and former oil and gas lobbyist, Randall Luthi. It also had the strong support of Senator Eli Bebout, Senator Drew Perkins and Rep. Bob Nicholas. The legislation was intensely debated and amended, and Powder River and our allies successfully pushed to ensure

"This ill-conceived use of our state's "permanent" investment funds would have broken an elementary investing rule of sovereign wealth funds by doubling down on Wyoming's primary source of existing revenue. And that mistake would have been magnified in this economy where our foundational revenues are sinking fast."

-Bob LeResche

that both public transparency and oversight were required.

However, Governor Gordon and other backers of the deal must have felt there was too much public transparency and accountability because the governor vetoed the legislation. In light of this unprecedented deal moving forward without public oversight and accountability, Powder River sent the governor a three-page letter stating several outstanding questions and concerns about: Wyoming's current fiscal crisis; the lack of a public process now that the legislation was vetoed; the potential high cost of this purchase and how it would be paid for during an economic crisis; the loss of local government revenue; and future costly management issues. In closing, Powder River Chair Marcia Westkott wrote, "If you lead a process Wyomingites regard as thoughtful, open, transparent, honest and even-handed, you have an opportunity to leave a legacy of public support, even among those who may disagree with your ultimate decisions. The contrary is also true."

Then the Covid-19 pandemic hit, and attention shifted focus to the unfolding health and economic crises. Weeks passed without any word on the Oxy deal, and three months on, Powder River had still not received a response to our letter to the governor. At the end of June, after

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Cheyenne Residents Defeat Industrial Rezone

On Aug. 13, a large crowd of residents, mostly from eastern Laramie County, gathered at a meeting of the Laramie County Planning Commission. At issue was a proposed zoning change from A2 (Agricultural) to LI (Light Industrial) on a piece of land just east of the Cheyenne city limits. MK Investments LLC, on behalf of Wyodak Energy, submitted the Zone Change and Subdivision Permit & Plat Application for Four-Mile Industrial Park. This rezone would have allowed large industrial vehicles and related activities into an area surrounded by residential homes, farms, and ranches.



Alex Bowler comments at public meeting.

group of concerned citizens showed up, and around 15 people gave public comment against this project. They spoke passionately of noise, dirt, dust, lights, road damage, safety issues, property value loss, and the loss of their peaceful rural setting in their opposition to the zoning change and the industrial park. CALC President Alex Bowler spoke for the group and outlined the many negative issues that this project would bring.

Additionally, the Planning Commission staff report stated that the proposed rezone failed to meet county zoning regulations:

1. This zone change application was not consistent with the Laramie County Comprehensive Plan.

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Powder River Basin Resource Council (Powder River) is a grass-roots organization of individuals and affiliate groups dedicated to good stewardship of Wyoming's natural resources. Powder River was formed in 1973 and stands for the preservation and enrichment of our agricultural heritage and rural lifestyle; the conservation of Wyoming's unique land, minerals, water and clean air consistent with responsible use of these resources to sustain the livelihood of present and future generations; and the education and empowerment of Wyoming's citizens to raise a coherent voice in the decisions that will impact Wyoming residents' environment and lifestyle.

Powder River is a member of the Western Organization of Resource Councils (WORC). WORC member groups are Dakota Resource Council, Dakota Rural Action, Idaho Organization of Resource Councils, Northern Plains Resource Council, Oregon Rural Action, Western Colorado Congress, Western Native Voice and Powder River Basin Resource Council.

The services provided by Powder River include public education, community organizing and lobbying as permitted on behalf of its membership. Powder River is a non-profit, 501 (c)(3) tax-exempt organization.

Membership dues: \$30 for individuals, \$50 for families and \$20 for students and senior citizens. Powder River is dependent on contributions for its work; contributions, large and small, are welcomed.

Active Affiliate Organizations

- Alliance for Renewable Energy (ARE)
- Clark Resource Council (CRC)
- Cheyenne Area Landowners Coalition (CALC)
- Pavillion Area Concerned Citizens (PACC)
- Ranchers & Neighbors Protecting Our Water (RNPOW)
- Sheridan Area Resource Council (SARC)

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Powder River Breaks

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Message from the Chair



Dear Powder River members and friends,

Many thanks to all of you who have already contributed generously to our fundraising campaign. Physical distancing has restricted our ability to meet with you personally, so we are especially grateful for your understanding and generosity.

In the last letter I outlined how your contributions support our resilient staff's creative and productive response to the constraints Covid-19 has required. This time I want to highlight another budget item that you have supported over the years: consultants. These are the scientists and engineers in hydrology, air quality, soils, and other fields to whom we turn to analyze the problems which you, our members, bring to our attention. When you ask for help with groundwater contamination or dirty air, for example, our staff responds. In some instances, we also hire top scientists from across the country to investigate, to gather and analyze data, to make recommendations, and, if necessary, to testify before state regulatory commissions and committees, or in legal proceedings. As you might imagine, this expert advice is not cheap. But it is necessary if we are going to have an authoritative and credible voice in the conversation about development and quality of life in Wyoming.

Examples of our reliance on expert consultants abound. When residents of Pavillion reported foul-smelling tap water, black slime in their toilets, and illnesses among family members and livestock, Powder River's consultants concluded these problems were results of faulty gas wells and unlined pits. Among those consultants, hydrologist Mike Wireman, a former EPA groundwater expert, provided invaluable advice for our effort to protect groundwater from oil and gas development in the Cheyenne area as well. For another project we hired wildlife biologists to help protect the Fortification Creek elk herd. More recently, in the Tongue River Valley we sought the advice of geologists and hydrologists to test groundwater and well water, as well as analyze subsidence issues. Although the Department of Environmental Quality, did in the end allow coal mining in the area, they issued conditions on the permit, thanks to the testimony of neighbors, our members, and the consultants. As we appeal that permit on the issue of subsidence, we are continuing to rely on the assistance of an excellent consultant.

In addition to the environmental experts who have aided us, economists and legal experts have also provided assistance. In a recent case involving the Public Service Commission, economists helped to ensure that Wyoming rate payers will not be saddled with higher utility bills to pay for the higher cost of running old coal plants or carbon sequestration.

These are only a few of the relatively more recent instances where we turned to the scientific advice of experts. By relying on evidence-based science, Powder River has become a respected and trustworthy advocate for responsible development in Wyoming. And your support makes that possible.

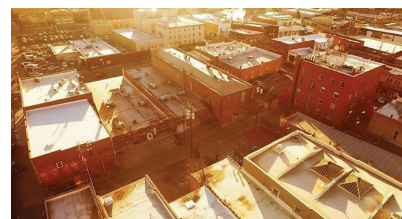
With gratitude,

Marcia Westkott

Laramie Invests in Solar

Following the March passage of its resolution to become carbon neutral by 2050, the City of Laramie has made great strides in investing in solar and reducing its carbon emissions.

Recently, both the city and the Laramie Regional Airport have been awarded Blue Sky Grants from Rocky Mountain Power for solar installation on their buildings. The Blue Sky Program is funded by the option for participants to pay \$1.95 per 200 kWh block per month on their electricity bill, which helps fund solar installations in communities served by the utility. Customer participants of the program have helped fund the installation of 159 community-based renewable energy projects at schools, food banks, houses of worship, municipal



Aerial shot of Laramie taken by ARE member, Mike Vanata.

offices, and nonprofit organizations. The City of Laramie plans to use the grant to install solar panels on the roofs of both the ice and recreation centers. The Laramie Regional Airport plans to use their grant to fund a solar installation on their

new airport terminal.

In both of the applications, Powder River's affiliate, the Alliance for Renewable Energy of Laramie (ARE) has helped to educate these entities on the opportunity of Blue Sky Grants and submitted letters of support in the application. This year, Rocky Mountain Power allocated \$300,000 to be used for Wyoming projects.

Monika Leininger
Powder River Staff

After Multi-Year Delay, BLM Approves Converse County Oil & Gas Project

You might have forgotten about the Converse County Oil and Gas Project, a 5,000 well proposal under review by the Bureau of Land Management (BLM). Originally proposed back in 2014, the project sat idle for several years as BLM and the oil and gas operators proposing it worked behind the scenes to move the project forward. Now it is summer of 2020, in the middle of a historic slump in oil supply and demand, and the BLM finally released the plan. The question now turns to how many – if any – of the wells will get drilled and by whom (two of the companies that originally proposed the plan have sold to or merged with other companies), but even if the project has a slow start, it's worth taking a look at the plan and its precedent-setting decision to allow year-round drilling near raptor nests and in sage-grouse habitat.

The project is a massive proposal that covers approximately 1.5 million acres of land in Converse County. Under the proposal up to 5,000 new oil and gas wells would be drilled on 1,500 single and multi-well pads within the project area over a period of 10 years. Additionally, approximately 1,970 miles of new access and primary collector roads, 1,500 miles of buried gas gathering pipelines, 500 miles of buried oil and gas main trunk lines, 900 miles of surface water pipelines, 1,500 miles of electrical power lines, 455 other well pads (i.e., production, water source, and disposal well pads), and other infrastructure and facilities would be constructed to support this proposed development. Total new surface disturbance under the plan would be approximately 52,667 acres, or just over 80 square miles.



Oil & gas well in Converse County.

The project also approves a significant change to BLM's resource management plan covering Converse County – waiving of oil and gas lease stipulations to protect raptor nests and sage-grouse leks. These stipulations prevent drilling during critical breeding and nesting times and require buffers around the nests and leks to limit noise and human disturbance. BLM's Converse County plan would facilitate year-round drilling by allowing companies within the project area to apply for a waiver of the lease stipulations. The BLM estimates that there are 1,475 raptor nests in the project area that could be affected under this plan. While the

plan requires avoidance and mitigation measures, as well as an adaptive management plan to correct any big problems that might arise, the details are fuzzy and implementation and enforcement will likely be lax. For instance, the plan simply says, "The operator(s) will work with BLM and other entities to define the specific parameters of these monitoring and studies" as opposed to including those requirements in the plan itself.

In short, the Converse County Oil and Gas Project is a large experiment – both in terms of how many wells will actually get drilled and by whom and in terms of the impact of those wells on wildlife and any number of other natural resource values in the area. We will be paying close attention to this project, and BLM's oversight of it, for years to come.

Shannon Anderson
Powder River Staff

Reclaiming & Growing Wyoming's Future Summer Webinar Series a Success

Powder River's debut webinar series has wrapped up after a successful run. Thanks in part to timely topics and qualified speakers, the series helped us achieve our purpose of getting a deeper conversation going on issues facing Wyoming.

As members know, Powder River advocates for the responsible development of Wyoming's energy resources. The series of webinars was intended to provide the education, tools and resources available for a planned transition to a new, diversified Wyoming economy.

Originally planned as a two-day event to be held in the southwest Wyoming coal communities of Kemmerer and Rock Springs in early May, we shifted gears when the Covid-19 pandemic hit. With plenty of staff teamwork and collaboration, we were able to reach nearly 170 active participants, while videos and press coverage have reached many more. In addition, we had quality attendance, with a diverse group of people engaged in the conversation. This engagement gives us the opportunity to further build momentum



From the first webinar, Rob Godby and Kurt Keysor, top. Sharon Fain and Larry Wolf, bottom.

towards a sustainable economy.

Our first webinar, *Wyoming's Reality and Future Opportunities*, kicked off the series on June 17 with speakers Dr. Robert Godby, Associate Dean of the Haub School of Environment and Natural Resources at the University of Wyoming; Kirk Keysor, Economic Development Representative with the U.S. Department of Commerce's Economic Development Administration for Montana and Wyoming, and Sharon Fain, Rocky Mountain Power Vice President for Wyoming. They discussed Wyoming's current economic situation

and identified opportunities and possible solutions for moving forward. Larry Wolfe, a retired natural resources/energy attorney from Cheyenne served as moderator.

Godby encouraged Wyomingites to talk about energy and how to diversify the economy, to figure out how to pay for services, and finally to ask ourselves what kind of state we want to leave for future generations. Keysor urged communities to reach out to the Economic

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Development Administration, which offers several different grants, with projects and pointed out that coal's decline is not just impacting coal communities. Fain pointed out that PacifiCorp, Rocky Mountain Power's parent company, plans to invest \$3 - \$4 billion in Wyoming in renewables and transmission infrastructure that will provide the lowest cost to customers, as well as a just transition for workers and communities impacted by the company's decision to retire coal plants.

Our second webinar, *Tools to Diversify Wyoming's Economy*, was held June 25. Speakers Jack Morgan, Program Manager for the National Association of Counties (NACO) Innovations Lab and Brett Schwartz, Research Foundation Associate Director of the National Association of Development Organizations (NADO) presented jointly, sharing examples from around the U.S., while Sarah Fitz-Gerald, Chief Strategy Officer with the Wyoming Business Council, provided a Wyoming perspective. The session was moderated by State Senator Fred Baldwin, whose district covers four counties in southwest Wyoming, and includes the coal communities of Kemmerer and Rock Springs.

All three speakers discussed their respective organization's role in economic transition. Morgan and Schwartz pointed out that while "Coal Country" includes 330 U.S. counties with coal fired power plants, economic transitions are not unique to coal. We can learn from other transitioning communities, including those with economies based on timber, steel, or auto manufacturing. Some tips include: Plan ahead for resilience, think regionally, assess strengths and weaknesses. They also noted that the technical skills of dislocated miners and plant operators can be transferred to other industries.

Fitz-Gerald discussed the state's Covid-19 response and pointed out that the rise in "remote work" levels the economic playing field for Wyoming. People have a preference for safety and security, and Wyoming can also leverage its assets for tourism and the outdoor recreation industry. She said that the Business Council wants to hear from Wyomingites, about our needs and successes. "Together we can create a vision of success and share ideas. There is a silver lining in the current crisis, in that it is an impetus for change," she said.

In the third webinar, held July 6, *Securitization: A Finance Tool for Energy Transition*, we were trying to demystify a wonky but useful tool that can help communities take advantage of the opportunities in the rapidly changing economics of the electricity sector.

Our first speaker, Uday Varadarajan, is a principal economist in Electricity Practice at Rocky Mountain Institute (RMI). He stated that "Ratepayer backed bond securitization is a tool to make transitions more fair and just." He noted that while workers are 10% of the cost of energy, they bear a disproportionate share of the costs, while local communities also see significant impacts. Securitization is a tool that can reduce those impacts and provide transition money for affected workers and communities. Such investment can also provide future benefits. Legislation is needed to achieve this, and Colorado and New Mexico offer examples.

Max Backlund, Senior Research Associate for the Gardner Institute at the University of Utah, and a member of the Utah Coal County Strike Team said, "We all benefited from coal and should all

own the transition and help the affected workers and communities." He added that securitization can provide money for education, infrastructure, and secure investments in housing and community attractions. He stated that we can still honor the role of mining and energy and respect a town's character and identity. He suggested that to address political resistance, we focus on building relationships, and advantages for the community.

Both speakers thought that deploying alternative energy resources could be part of a more comprehensive economic package that would allow us to take advantage of federal funding, and combining that with securitization could provide powerful financing options to diversify our economy.

The fourth and final webinar, *Funding Wyoming's Economic Transition*, was held July 21 and addressed resources like the Just Transition Fund, public financing, and even the cannabis industry. The speakers were Ben Alexander, Senior Program Advisor with the Resources Legacy Fund; Chris Markuson, Director of Colorado and State Economic Transition Policy for the BlueGreen Alliance, and Cindy Winland, Senior Fellow for the Just Transition Fund. Dale Steenbergen, CEO of the Greater Cheyenne Chamber, moderated the session.

Alexander noted there are unique challenges for rural places trying to sustain employment, retain youth, and maintain a standard of living to which many people have grown accustomed. He suggested that before we ask people to make sacrifices and cuts, we need to ask what's important about Wyoming that we hope to preserve and let that guide the conversation on how to allocate resources.

Winland talked about the Just Transition Fund and its grant programs meant to assist affected workers and communities impacted by energy transition. She said the first step in the process is simply to begin to understand the community and its stage of transition, and goals for the future. Next steps can include outlining resource needs, determining timelines and milestones, and helping to develop and implement training and educational programs.

Markuson talked about Colorado's transition plan, and discussed the importance of including the people most affected by the changes. He also discussed Colorado's lucrative cannabis industry. All three presenters repeatedly emphasized that successful plans require a balance of both short-term mitigation and long-term opportunities, and the importance of working with and funding local educational opportunities.

Going forward, planned follow-up includes review of a survey sent to those who attended the webinars, more webinars (including one on worker-related issues), and further outreach we can tie to the Western Organization of Resource Council's (WORC) reclamation jobs report (see article in this edition of the *Breaks*), as well as the growing renewables industry.

Personal conversations and relationship building will be part of our ongoing campaign and conversation. We intend to keep the conversation going; we hope you'll join us! Videos of the webinars are on our YouTube channel and our website www.powderriverbasin.org/what-we-do-coal.

Michele Irwin
Powder River Staff

Local Foods Store Opens in Sheridan

On Aug. 19, Cross E Dairy & Freedom Foods opened a new local foods store in downtown Sheridan. Customers can purchase dairy products, meat, grains, fresh produce, baked goods, coffee, and a variety of canned/preserved items. These food items are all grown, raised, and produced in Northeast Wyoming. The store is located at 110 South Main, Sheridan and is open Tuesday through Saturday from 10 am – 6 pm. They can be reached at 307-751-3127, crosseefreedomfoods@gmail.com or via their Facebook page [@CrossEFreedomFoods](https://www.facebook.com/CrossEFreedomFoods). Watch for updates in later issues of the *Breaks*!

Did you know that Powder River has a YouTube Channel?

You can find us by going to YouTube.com and searching PowderRiver-BasinRC. All of our solar stories and our oil & gas impact videos are available to watch.

Bankruptcy Vultures

Scavenge from Coal Communities

It was startling to read a recent report that more than \$274 million has been paid to lawyers and financial advisers in just 20 of the coal industry's 56 bankruptcies since 2012. Two hundred, seventy-four million! While that is just a blip on the balance sheets of these huge law firms and Wall Street financial houses, it would go a long way in the coalfields.

Bankrupt coal companies often pay legal fees that can run up to \$1,800 per hour. I ask you: Who is worth \$1,800 an hour? That's about 58 times what a coal miner earns. I can make a good argument that what the coal miner produces is much more valuable to America than what a bankruptcy lawyer produces.

Two hundred, seventy-four million dollars! Yet, retired union coal miners had to fight down to the wire to preserve their pensions and health care. Coalfield clinics, pharmacies, therapists, hospitals and other health care providers are dealing with decreasing revenue and are struggling to stay open. Indeed, many have closed their doors, slashing health care access for everyone.

Two hundred, seventy-four million dollars! Yet, coal communities affected by bankruptcies are seeing tax revenue dry up. They cannot pay for local police forces, deputy sheriffs, firefighters, EMT's and more. Their infrastructure is crumbling, and they do not have the resources to do anything about it.

Let's face it, America's bankruptcy system is a scam. It's rigged to siphon off millions of dollars from working-class communities and send it to Wall Street. And just what is it that these lawyers and financial advisers are providing?

The American bankruptcy process is straightforward. The steps are clear and bankruptcy courts' decisions almost always follow the same rules, no matter where that court is located:

- First, workers and retirees get nothing.
- Next, vendors get a little, but not nearly all they are owed.
- Next, the bankrupt company's executives split up a wealth of bonuses.
- Next, the lenders get most of their money back.

- And last, a company cannot emerge from bankruptcy until it gets more loans, called exit financing, which ensures the lawyers and advisers get paid.

That is exactly how it works. The workers and retirees get nothing, and the lawyers and advisers always get paid. They have been running this scam especially hard in the coalfields lately.

No one knows better than I that the coal industry has been hit hard. The markets for traditional energy fuels, such as coal and natural gas, are depressed. The market for metallurgical coal has looked like a yo-yo the past several years; some years are good; some years are bad. Coal-fired power plants are closing at an accelerating pace. Companies sometimes have to turn to bankruptcy.

But the rules I laid out above are almost always followed by bankruptcy courts. I know that, and the companies know that. I cannot figure out why the companies need to pay \$274 million for someone to explain rules they already know. But they did, and they are paying now, and more companies will be paying in the future. I do not know what value they are getting for that money.

In the meantime, the resources and funding that workers, families and communities in America's coalfields so desperately need is sucked away, never to return. It is a con game and, in the end, we all pay for it.

Cecil E. Roberts
UMWA International President

Cecil E. Roberts is international president of the United Mine Workers of America.

Editor's Note: Reprinted from the July 27, 2020 issue of the Charleston Gazette-Mail and also appeared on the United Mine Workers of America website on July 28, 2020.

Panel Discussion Highlights

Challenges with Coal's Decline

Powder River's Shannon Anderson recently participated in a panel discussion sponsored by the Institute of Energy Economics and Financial Analysis (IEEFA) entitled *Coal Mine Closures: Current Issues as the Industry Rapidly Declines*. Joined by Mary Cromer, Appalachian Citizens' Law Center Deputy Director, the webinar presentation highlighted challenges workers and coal communities face from bankruptcies, a lack of sufficient reclamation bonding, and sudden mine closures. Panelists highlighted the story of Blackjewel, which suddenly closed its mines on July 1, 2019 in Appalachia and Wyoming when it entered bankruptcy. Some of the Blackjewel mines are still shut down without new companies to take them over, while others have been sold but are still not producing. The Blackjewel mines in Appalachia continue to rack up environmental and public health violations, stemming from water contamination, mine stability issues, and other problems that come with unexpected mine closure.

Anderson's presentation discussed the cycle of "vulture capitalism" where larger companies sell less profitable mines to smaller less financially secure ones, creating additional risk for workers and communities where mines are located. Anderson emphasized that strengthening state and federal standards for coal reclamation bonding is an important way to protect taxpayers and the environment during mine closures. Anderson also talked about the need to reauthorize the Abandoned Mine Land (AML) fee, which is set to expire next year without Congressional action.

You can watch a video of the hour-long webinar on IEEFA's YouTube channel at: https://www.youtube.com/watch?v=GGwz96_AJI&t=3489s

Shannon Anderson
Powder River Staff

Coal Mine Reclamation Could Create Hundreds of Jobs for Wyoming Communities

The collapse of the coal industry is devastating small communities across the Western United States, but reclaiming these mined lands quickly could create up to 4,800 full-time-equivalent jobs per year in the critical two-to-three-year period after mine closure says a report released by the Western Organization of Resource Councils (WORC). The report, “Coal Mine Cleanup Works,” estimates potential reclamation job creation for four Western coal states (Wyoming, Colorado, Montana, and North Dakota) and provides recommendations for decision makers to ensure cleanup is fully funded and employs the local workforce.

These findings advocating for a just economic transition offer an opportunity for Wyoming coal communities that are facing lay-offs and lost revenue as the coal industry continues its decline. Reclamation is one of the few immediately available job opportunities for local workers after a mine shutdown, and the report finds that these jobs are ideally suited for current or former miners.

The report estimates that the workforce needed to complete surface mine reclamation is between 4,893 and 9,786 job-years. End-of-life mine reclamation takes approximately two-to-three years to complete, meaning that between 1,631 and 4,893 full-time-equivalent workers would be needed for each year of cleanup for the entire four-state area. For Wyoming specifically, an estimated 5,100 job-years would be needed, translating to 1,700 to 2,550 full-time jobs per year (depending on pace of cleanup).

“There are many potential jobs from coal mine reclamation, but it’s up to us, the citizens of Wyoming, to ensure that our lawmakers and regulators make the mines do the reclamation. As the coal market declines, and mines become less profitable, mine operators don’t like to spend the money on reclamation, so we need our regulators to enforce the rules,” said Stacy Page, Board member of Powder River and WORC



and a former Wyoming Department of Environmental Quality regulator. “Furthermore, mine operators need to have financial assurances in place to complete reclamation in the event of forfeiture so that the cleanup burden isn’t on the Wyoming taxpayers.”

Although reclamation is required by law, a weakening coal industry may try to evade or delay their reclamation obligations, and existing policy loopholes only exacerbate the problem. “Coal Mine Cleanup Works” finds that delayed and underfunded reclamation is the biggest hurdle to getting laid-off miners back on the job doing cleanup work.

The report recommends several actions to minimize the risks of underfunded and delayed mine cleanup, and maximize the potential of hiring the impacted local workforce:

1. End insufficient and insecure reclamation bonds.
2. Regulators must ensure that all cleanup liabilities are assumed by new mine owners and that new mine owners are poised to fulfill those obligations.
3. State regulators need to be ready to seize bonds immediately when a mining company abandons its mines in order to initiate reclamation right away.
4. Federal and state authorities should work to accelerate the pace of contemporaneous reclamation at active mines.
5. Federal, state, and local policymakers should institute policies that facilitate and incentivize local hiring for mine reclamation.

Coal Mine Cleanup Works is available on WORC’s website at www.worc.org/publication/reclamation-jobs-report/.

WORC/Powder River Staff

DEQ to Issue Coal Mine Permit *Powder River Appeals Decision*

On July 7, the Wyoming Department of Environmental Quality (DEQ) bowed to intense political pressure from legislators and issued a conditioned permit to Ramaco, LLC for their proposed Brook Coal Mine. This is the first coal mine permit issued by Wyoming DEQ in decades, and it is issued at a time when the coal industry is in an unprecedented decline.

Anton Bocek, the nearest landowner to the mine boundary stated, “We’re disappointed that the permit has been issued, but we hope that the numerous conditions will protect our health, water, safety, and property. We also hope that Ramaco is going to be a good neighbor, that they listen to and respect the neighboring landowners.”

The proposed coal mine is along the productive, scenic, and historic Tongue River Valley. The area where the mine is proposed was already heavily mined for coal from the 1890s through the 1950s. Powder River, along with Tongue River landowners and Big Horn Coal,

all opposed the issuance of the new coal mine permit in 2017 and again in 2020. The first coal permit that Ramaco attempted to secure was overwhelmingly rejected in 2017 by the Wyoming Environmental Quality Council due to Ramaco’s and DEQ’s failure to address hydrology, subsidence, and blasting impacts. Over the past three years, the proposed permit went through an unprecedented 12 rounds of review and revision.

During that time Ramaco also cranked up their lobbying efforts in Wyoming to push for the permit to be issued this year. Ramaco’s proposed coal mine and connected I-CAM research facility are the brainchild of two brothers, Charles and Randall Atkins, who purchased the coal rights over a decade ago. Since purchasing the coal rights, Ramaco has been battling with Big Horn Coal and other nearby landowners for access to surface rights, as well as bullying neighboring landowners in an effort to make good on their investment.

Godby, Alexander: Crisis Can Drive Positive Economic Change

The current health pandemic and resulting fiscal emergency have exposed the fragility of Wyoming's narrow economy and revenue model. We find ourselves in a crisis.

It's not news to anyone in Wyoming that minerals drive the state's economy, or that Wyoming has the most fossil-fuel-focused economy in the nation. This has always been a strength and allowed Wyoming residents to pay very low taxes while receiving strong public services. But times are changing.

It can be debated whether the current cocktail of economic stressors (recession, low oil and gas pricing, and shifts in regulatory standards and trade agreements) point to an end-game for fossil fuels or a prolonged runout, but either way, it is clear that the state's economy cannot continue to rely solely on minerals.

The state faces tough choices. In our view, these choices are fundamentally about how to diversify the economy. These choices will only get more difficult the longer they are put off, so now is the time to look forward.

It may seem like the heat of a crisis is the wrong time to address underlying issues, but if not now, when? Crises are the catalyst of new ideas, especially when we focus on common stress points and shared aspirations.

To avoid the divisiveness that has characterized discussions about broadening the state's economy and tax base, we think it is worth reflecting first on what Wyoming residents care about most. What is the legacy we want to leave our children? If we can establish what we are for, we stand a better chance of successfully making the tough choices that will get us there.

It's not hard to imagine what an economically secure future might look like: vibrant communities, neighborliness, good schools and access to the outdoors for hunting and fishing. We'd have abundant career pathways in growing industries with decent pay levels that support families, allow for homeownership and offer a high standard of living.

But how do we get there? Though the pandemic continues to leave economic and social carnage in its wake, one gift of this strange pause to life as we know it is an opportunity to reflect, as neighbors and communities, about what we want our future to look like. What are our values? What do we cherish, especially as we look to the future our children will inherit? How do we act on those values?

There is precedent for progress, including past and present governor-led efforts like Endow and Power Wyoming. We need to add to these efforts at a grassroots level. It is time for statewide listening sessions initiated and led by local communities. These discussions should begin by establishing a foundation of shared values and vision for our future.

With common goals defined, we can then begin to wrestle with the strategies and tactics, changes in taxation and shifts in investment priorities that can realistically move our communities and the state to greater resiliency and long-term prosperity. Grounded by our values, we need to answer questions like: How do we create a business climate that attracts high-paying industries outside of traditional minerals enterprises? How do we capitalize on our advantages and skills so that Wyoming businesses can compete as low-cost producers and as value creators in new markets? How do we provide those public services necessary to attract new businesses? How do we invest in our human capital and retrain our workforce for expanding industries? How do we preserve our natural environment for present and future generations?

There will be tough choices, which become tougher the longer we wait. But make no mistake, we hold the keys to the future we seek. Change is hard. The solutions we seek will create trade-offs. But until we take the time to check in with each other about what we want the future of Wyoming to look like, we will continue to struggle.

To be sure, it would be easy to stay the course, focusing on a narrow set of mineral industries and hoping to maintain low taxes. But the status quo is unlikely to resolve the underlying set of choices we face to make Wyoming more competitive. To build a resilient and prosperous future and keep more of Wyoming's youth and talent in the state, we need to develop new economic sectors and attract diverse businesses. This will require us to invest more in ourselves.

So in this strange time, let's embrace the pause to reflect and consider our future. Let's initiate a series of safe conversations and determine the path forward that is right and bright for Wyoming. Who will convene the conversation and are you willing to be a part of it?

Rob Godby is the Associate Dean of the Haub School of Environment and Natural Resources and an associate professor of economics at the University of Wyoming. He also serves as a member of the State of Wyoming's Consensus Revenue Estimating Group (CREG) and is a member of Governor Gordon's Power Wyoming effort.

Ben Alexander is Senior Program Advisor at Resource Legacy Fund where he is responsible for providing coordination, research, strategic direction and leadership for western programs.

Editor's Note: Reprinted from the Casper Star-Tribune on July 26, 2020. Both Rob Godby and Ben Alexander were panelists in Powder River's "Reclaiming & Growing Wyoming's Future" webinar series held earlier this summer. All four videos in the series can be found on www.powderriverbasin.org.

Powder River Solar Energy Production

Energy Produced: 514.23 kWh
Carbon Offset: 784 lbs

We have offset the equivalent of 9 trees in June and July 2020!



Soils Workshop to be Held Online

The Healthy Soils Workshop scheduled for Oct. 29 will be a webinar. The presenters will be Caitlin Price Youngquist, NW Area Agricultural Extension Educator for the University of Wyoming, and John Brown, who has years of experience building healthy soils on his Montana ranch. This will be a free webinar, and registration information will be available on Powder River's website and Facebook page. Watch for more details in September!

CALC Annual Meeting to Feature Air Quality Experts

On Sept. 24 from 5:30-7:00 pm, the Cheyenne Area Landowners Coalition (CALC) will host an online panel featuring leading research experts regarding air quality impacts from oil and gas operations and proper setback distances to protect public health and safety. Panelists include Dr. Lisa McKenzie, Dr. John Putnam, and Dr. Robert Field. The discussion will be moderated by Laramie County Commissioner Linda Heath.

Dr. McKenzie is an Assistant Research Professor at the Colorado School of Public Health on the University of Colorado Denver's Anschutz Medical Campus and has been a lead researcher on impacts of oil and gas on human health and safety in northern Colorado.

In a 2018 study, McKenzie and her co-researchers found that air pollutant concentrations increased with proximity to oil and gas facilities, as did health risks, along Colorado's Northern Front Range. The study evaluated long-and-short-term exposure to non-methane hydrocarbons such as benzene and other hazardous air pollutants.

Dr. Putnam is the Director of the Colorado Department of Public Health's Environmental Programs. A multi-year study released in October of 2019 confirmed that living within 2,000 feet of an oil and gas pad could cause impacts such as headaches, dizziness, and respiratory issues for even short-term exposures to these pollutants, in worst-case scenarios. This study spurred the decision for Colorado state

DEQ...Continued from page 6

Ramaco, which has numerous LLCs and constantly changing plans, has proposed a litany of projects and ideas for the area over the past decade. The latest iteration is a coal-to-carbon fiber research facility which reportedly only needs a small amount of coal but somehow justifies a new coal mine covering nearly 2,000 acres. The research facility, funded by federal Department of Energy grants, has been under construction for over a year and does not reflect the plans the company presented to the County Commission several years ago. The Atkins brothers also have a questionable past with fraud charges, convictions, and shady dealings.

<https://www.nytimes.com/1987/03/26/business/3-indicted-in-huge-tax-fraud.html>

<https://www.nytimes.com/1988/03/12/business/jail-terms-set-for-fraud-on-tax-shelters.html>

The tireless efforts of Powder River, landowners, and citizens succeeded in getting Ramaco's revised coal mine permit significantly improved with the DEQ placing over a dozen conditions on the permit to address blasting, hydrology, subsidence, and other impacts. In response to the conditioned permit, Powder River Chair Marcia Westcott said, "The fact that the Wyoming Department of Environmental Quality placed 12 conditions on the permit is an indication that the Brook Mine permit is still inadequate and incomplete."

Cheyenne Area Landowners Coalition Annual Meeting

THURSDAY SEPTEMBER 24TH 5:30-7:00PM
ONLINE - GO TO WEBINAR

EXPERTS DISCUSS OIL & GAS AIR POLLUTION AND PUBLIC HEALTH



JOHN PUTNAM
DIRECTOR OF ENVIRONMENTAL PROGRAMS
COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



DR. LISA MCKENZIE
RESEARCH PROFESSOR AT THE COLORADO SCHOOL OF PUBLIC HEALTH ON THE UNIVERSITY OF COLORADO DENVER'S ANSCHUTZ MEDICAL CAMPUS



DR. ROBERT FIELD
SENIOR RESEARCH SCIENTIST AT UNIVERSITY OF WYOMING SPECIALIZING IN ATMOSPHERIC SCIENCE, AIR AND WATER MANAGEMENT

MODERATED BY LARAMIE COUNTY COMMISSIONER LINDA HEATH



lawmakers to tighten their oversight of oil and gas wells permitted within 2,000 feet of structures.

As director of environmental programs, Putnam is responsible for overseeing the air, water, waste and environmental health, and sustainability divisions of the department, as well as coordinating with the Air Quality Control Commission, Solid and Hazardous Waste Commission and Water Quality Control Commission. He also works with other state agencies and offices on environmental issues affecting the state of Colorado.

Dr. Field is a senior research scientist at University of Wyoming and teaches courses on

air and water management. In 2008 Field established a new research program to assess the emerging issue of wintertime ozone in Sublette County. This work was initially developed to consider the nature of this issue and to gain a better understanding of hydrocarbon emissions from oil and gas development.

Due to Covid-19, CALC's Annual Meeting panel and the business meeting will be held online via GoTo Webinar and Zoom. Interested participants can register for the panel here: <https://attendee.gotowebinar.com/register/1801985617349100303>.

Monika Leininger
Powder River Staff



The Tongue River is popular with paddlers, though access is threatened due to the Brook Coal Mine.

Indeed, after a careful review of the proposed permit, Powder River determined that the serious safety issues related to subsidence were not addressed for the nearly 2,000-acre mining area that was permitted. In direct contrast to what DEQ's own expert recommended, the agency permitted the entire area despite knowing that the analyses and information contained within the subsidence

control plan did not justify such an action. In fact, DEQ's subsidence expert thought that a much smaller area was being permitted and concluded, "In our opinion, the Subsidence Control Plan should be revised to apply only to the open pit and TR-1 area that is being permitted at this time." The memo went on to state, "In our opinion, the single core hole (2017-4) does not adequately characterize the stratigraphy or the geotechnical properties of the rock in the immediate area of the proposed TR-1 highwall mining area." The memo clearly states that no analysis exists for highwall mining outside the initial area to be mined, which is near the Taylor Rock Quarry.

Powder River will continue our campaign to protect the Tongue River Valley. Our appeal of the coal permit will be heard by the Wyoming Environmental Quality Council in the near future.

Jill Morrison
Powder River Staff

Ramping up Community Solar Efforts

When the Covid-19 pandemic began this spring, our in-person work on community solar in the Sheridan area was, naturally, interrupted. Not knowing how long this interruption would be, we waited for more information and, to some degree, we now have it.

At this point, it's clear that we may be dealing with the pandemic for some time. Accepting this reality means changing the way we do some of our work, but forging forward nonetheless. It's time to get the ball rolling again on efforts toward community solar in the Sheridan area. As things stand now, we have gathered over 200 community signatures on our petition to MDU; we have received five letters of support from local businesses, and we have had some early conversations with MDU and city councilors.

Because we are just beginning to take up this issue again, we do not yet know exactly how we will approach it. One thing is certain: This work will not look the same as it did prior to the pandemic when we were focused on door-knocking and tabling to collect petition signatures. A small steering committee of Sheridan Area Resource Council (SARC) members started meeting during August to consider the direction we will take.

As we determine how to move this work forward, we are going to need help from our Sheridan area members. Anyone interested in working with us, whether SARC members or not, can write us at info@powderriverbasin.org to get involved.

Online Fall Photovoltaic Festival Planned

On the fall equinox, Sept. 22, Powder River will hold an online solar social hour to celebrate the progress of solar energy in Wyoming



Spring Solar Celebration in Casper, April 2019

during the past year and to help us all reconnect. Registration details will be available on our website by early September.

Prior to our celebration, we encourage you to watch our webinars on economic transition available on our YouTube channel (search Powder River Basin Resource Council YouTube). We also have a webinar from our affiliate, the Alliance for Renewable Energy in Laramie, on the 26% solar energy tax credit and net metering basics. And, of

course, there are lots of fun and informative solar stories from Wyoming home and business owners available to watch as well.

We are looking forward to having a good discussion about solar energy and sharing a remote happy hour. Solar professionals will be available to answer your solar questions via private phone calls and chats.

Wyoming Solar Energy Association Incorporates

After much preparation, the Wyoming Solar Energy Association (WYSE) has sent in an application for nonprofit incorporation with the IRS. While simply filing would not usually be cause for celebration, this year is not a normal year.

Though the potential exists for delays in the filing process due to the pandemic, we are hopeful that we will have positive news to report on this front in the next edition of the *Breaks*. In most cases, IRS letters of determination are issued within 21 days of application.

Hesid Brandow
Powder River Staff

Sorenson: Let's Grow the 16 Percent

Anyone in ranching knows the tremendous influence exerted over the industry by the big four packers, who control 84% of the cattle market. Despite investigations, petitions to USDA, and an occasional bill introduction, I don't see any real effort by Congress or USDA to fix this problem. I am impressed with a document *Growing the Sixteen Percent*, which was published a few years ago by the Western Organization of Resource Councils. Basically, it's an idea to increase the economic and political power of the 16% of livestock markets not controlled by the four big packers. This idea includes expanding the meat processing capacity of smaller, state-regulated packing plants. I think it is the only way that markets can be changed meaningfully. We need to start making these changes locally now, then at the state level because we don't have another 20 years to wait around on USDA.

Since we began ranching in Northeastern Wyoming over 45 years ago, our story has been one of continual change in response to the realities that we have faced along the way. When we first bought our place, we intended to be wheat farmers. We raised 400 to 600 acres per year of dryland wheat, but falling markets, transportation costs, production costs, storage costs, and climate change caused us to change strategy to a hay and livestock operation. First, we took in other folks' cattle for rent, then gradually bought our own herd of whiteface commercial cattle. At one time we had a good run of crossing with Longhorn bulls. But markets changed, and we culled and sold and bought and AI'ed into a more elite herd of Angus commercial cattle.

When our son came back to the ranch he bought a small herd of

registered Angus cattle, and he and his wife have grown a successful seed stock operation. Now they are facing challenges in the same way that we did. While they will always sell registered bulls and registered cows, they also have to put some of their calves into feedlots to sell commercially, and the market has become very soft. This spring they were unable to even get a bid on 55 head of fat steers they had sent to a feedlot in Nebraska, and they ended up paying for an additional two months at the lot. Recently they found a buyer for the steers.

They have always sold some beef on the hoof locally, and they have a small, steady market for that. More recently they have found a person to sell their beef for them at farmers' markets by the package, and that is working out well.

They would rather not have to change, but like us, they have to face reality and do what needs to be done to survive. The big problem for them now is local processor capacity, so "Growing the Sixteen Percent" is where organizations need to be right now.

With Wyoming on the precipice, and ranchers being driven out of business by depressed cattle prices controlled by the Big 4 packer monopoly, it seems like this would be one good way for the state to diversify and for Wyoming's ranchers to survive

The *Growing the Sixteen Percent* document can be found at <https://www.worc.org/publication/growing-the-16/>

Nancy Sorenson
Arvada, WY

Oil & Gas May Receive Another WY Tax Break

Due to impacts from Covid-19, the oil and gas industry has seen a downturn, and Wyoming, alongside the federal government, continues to do what they can to bolster the industry. Despite the Wyoming Legislature passing a severance tax break in March, the Minerals Committee passed another severance tax exemption in their most recent meeting. This newest exemption provides a severance tax reduction from 6% to 3% for new and previously shut-in wells when the price of oil reaches \$45/barrel for sweet crude, \$38/barrel for sour crude and \$3.00/cubic foot for gas for six months out of a 12-month period. The committee passed the bill by an 11-2 vote, and it will likely be taken up by the full legislature in a special session before the end of the year.

This recent tax break comes on top of a similar bill passed during the 2020 Legislative Session, when the legislature passed an exemption that decreased severance tax rates for new oil and gas wells from 6% to 4%. It is unclear how this newest tax exemption will interact with the previously passed legislation.

“You can’t pass the bill as currently written because the financial

Current Tally of Oil & Gas Leases Awarded Royalty Relief:

State	Leases*	Acres*
Wyoming	297	166,618
Utah	77	88,309
North Dakota	54	35,123
Colorado	5	4,378
Montana	4	2,469
TOTAL	437	296,897

Wyoming has received the highest count of oil and gas leases awarded federal royalty relief from 12.5% to .5%. Source: Taxpayers for Common Sense: <https://www.taxpayer.net/energy-natural-resources/federal-royalty-relief-data-analysis-2/>

impact would be horrendous. Tinkering with the tax code in this way requires a lot of thought, and you’re going to cost the state millions of dollars,” said Powder River member Larry Wolfe in his testimony to the committee.

In addition to these recent state tax exemptions, the oil and gas industry continues to receive help from agencies across the nation. The Department of Interior has granted royalty relief for almost 300 leases in Wyoming, reducing the rate from 12.5% to 0.5%. Oil and gas companies have also received large amounts of Paycheck Protection Program forgivable loans. Additionally, this past March, the Wyoming Oil and Gas Conservation Commission reduced the state conservation tax to a historic low of zero.

The legislature will need to convene another special session by Dec. 31 if they intend to utilize and allocate money provided by the Congress in the CARES Act. Powder River will keep you updated as the tax break bill moves forward.

Monika Leininger
Powder River Staff

Powder River Is Hiring

Powder River Basin Resource Council, a progressive nonprofit conservation organization based in Sheridan, Wyoming, seeks an Executive Director, preferably with grassroots organizing experience, excellent communication and financial management skills, and the ability to problem-solve complex, environmental and socio-political issues. The applicant we hire will be a leader and a team player who embraces the vision and goals of this 47-year-old organization, welcomes working with a highly functioning staff and a hands-on Board of Directors and engaging with community members, policy makers and state and local officials to create positive change in Wyoming.

Responsibilities include: working closely with Powder River’s Board Chair and keeping board members informed on ongoing issues and campaigns; preparing grant proposals and reports in a timely manner and organizing internal fundraising campaigns; overseeing the membership recruitment and renewal process; maintaining the organization’s 501(c)(3) status; preparing the annual budget in

coordination with Powder River’s Finance Committee; supervising staff in Sheridan and remote satellite offices and delegating tasks as appropriate; coordinating with affiliates and coalitions on issues and campaigns and representing Powder River in the public sphere, including with members and community leaders, government agencies, elected officials and industry.

Salary is dependent on experience. We provide a generous benefits package, including health, vision, dental insurance, paid vacation and parental leave, paid long-term sabbatical leave, and a retirement bonus plan for long-term employees.

Send cover letter, resume, and three writing samples to careers@powderriverbasin.org or Search Committee at Powder River Basin Resource Council, 934 North Main St., Sheridan, WY 82801.

We will begin reviewing applications Dec. 1, 2020 and hope to hire our new director by March 1, 2021. Powder River is an Equal Opportunity Employer.

Lax: Company Should Be Held Accountable for Extra Flaring

As citizens in Laramie County, we count on organizations like the Wyoming Oil and Gas Conservation Commission (WOGCC) and the Wyoming Department of Environmental Quality (DEQ) to keep our land, air and water safe.

When the Kaiser-Francis Oil Company has an equipment failure that causes it to make a decision to either temporarily shut down their gas plant or flare pollutants into the air non-stop for at least five straight days 24/7, they need to be held responsible.

I witnessed this flaring from July 8 through July 13. Kaiser-Francis Oil Company states that because the equipment failure was “outside their control or expectation,” they want this flaring to not count against their annual total allowed by their permit. Someone needs to hold them accountable for their actions in flaring all these pollutants into our air.

Natural gas flaring can emit many volatile organic compounds,

including benzene, formaldehyde, polycyclic aromatic hydrocarbons (PAHs, including naphthalene), acetaldehyde, acrolein, propylene, toluene, xylenes, ethyl benzene, and hexane.

This situation is made worse because of the recent decision by Wyoming DEQ to move the air quality monitoring station that had been in Laramie County to Riverton. We need more enforcement of flaring rules to keep industry from further damaging our air, not exemptions to the existing rules. The DEQ should not allow them to be exempt from their responsibility to adhere to the permit they have.

Wayne Lax
Cheyenne, WY

Editor’s Note: Reprinted from the July 29, 2020 issue of the Wyoming Tribune-Eagle.

Oxy...Continued from page 1

calling Gordon's staff and other top officials in Wyoming to inquire about the status of the deal, we discovered the administration had been working overtime on pursuing a bid for the land and minerals for the past three months. Known internally by the state's top officials as "Project Bison," the state was working feverishly to put together a bid to be submitted on July 1. Luthi said, "Wyoming is submitting a bid next week, and we will know by the fourth of July, up or down whether Wyoming's bid was accepted."

Wyoming's Chief Investment Officer, Patrick Fleming, (who testified during the legislative session that the purchase of the Oxy lands and minerals did not meet Wyoming's prudent investor rule) also told Powder River that he and two dozen Barclays Bank employees had been working overtime for weeks to review details of the deal and put together a bid from Wyoming. We learned the state signed a contract to pay the investment bank \$2.5 million to help the state review the deal and prepare a bid. The contract called for Barclays to receive the money in five installments of \$500,000 each within five months. To date, the bank has been paid \$1,000,000 and according to their contract is to receive the remaining \$1.5 million by October. Moreover, the contract called for Barclays to receive additional fees contingent on a successful bid from Wyoming—with a higher price bringing the bank a higher fee. (Other concerns about conflicts with Barclays emerged including the fact that Oxy owes the bank several hundred million in loans, and that Fleming, the state's investment officer, is a former employee.)

Powder River leaders remained concerned about the lack of transparency and the speed at which the decision was moving. We reached out to the press to help inform the public about "Project Bison" and pushed for a public hearing. Powder River's leadership and public outcry forced Wyoming to request Oxy to push back Wyoming's bid due date from July 1 to July 8. The State Loan and Investment Board (SLIB) quickly scheduled a public hearing for July 6. The SLIB Board heard several hours of testimony from legislative leaders and members of the public both in support of and opposed to Wyoming moving forward with the deal. The SLIB Board then went into a two-hour executive session before coming back and voting to move forward with a bid submittal. The vote was amended by Wyoming State Auditor Kristi Racines and approved to require public hearings and additional legislative review and approvals.

Governor Gordon and his staff responded in writing to the many comments and concerns voiced by Wyoming citizens. On July 23, three months after we sent our letter outlining our concerns, Powder River also received a response to the concerns voiced in April and again in July. The Governor stated in the letter, "Pursuing this purchase is not a wild swing for the fences. It is a once-in-a-generation opportunity in which a number of stars align; a company motivated to sell, commodities with depressed valuations, potential competitors partially sidelined by a COVID recession, and an array of value upon which Wyoming could uniquely capitalize."

Cheyenne...Continued from page 1

2. The request was considered "spot zoning" as defined in Section 1-1-103: "A change in district boundaries, variances or other amendment to the zoning code and use maps where the change does not reflect the use or zoning of adjacent properties. Spot zoning violates basic planning principles, is generally in direct contrast to the approved Comprehensive Plan and provides privileges to the applicant not generally extended to property similarly located."
3. This zone change request is not consistent with Section 1-2-103 of the Laramie County Land Use Regulations.

In August, over a month after the SLIB hearing and after Wyoming's bid had been submitted, the governor responded to a question about the status of the deal saying there was nothing but "radio silence" coming back from Oxy. Luthi also told WyoFile that Wyoming had resubmitted a revised bid on July 10. Powder River subsequently alerted reporters to Oxy's public quarterly report on Aug. 11, and in response to reporters' questions about the status of the sale of these lands, the company revealed that Wyoming was **not** the successful bidder.

Governor Gordon responded by releasing a statement calling Wyoming's effort a "bold bid" that might still be successful if the bidder selected by Oxy fell apart. However, on Aug. 19, Orion Mine Finance was announced as the successful bidder, having offered \$1.33 billion for the land and minerals. According to a release from Governor Gordon's office, Wyoming's top bid had been \$1.2 billion. The state subsequently withdrew its bid.

In contrast to the state's defense of the ill-fated process, Powder River Board member and former investment banker, Bob LeResche said, "Luckily, Wyoming seems to have dodged a bullet, and escaped what was shaping up to be a very costly investment mistake – sinking maybe a billion dollars of public money into land and minerals. This ill-conceived use of our state's "permanent" investment funds would have broken an elementary investing rule of sovereign wealth funds, by doubling down on Wyoming's primary source of existing revenue. And that mistake would have been magnified in this economy where our foundational revenues are sinking fast."

LeResche continued, "We remain concerned that there has never been transparency from the state in this process. The administration and a few insiders hatched this idea behind closed doors, and the governor vetoed legislation that required public review. The only reason we know what little we do is that the public, organizations such as Powder River, and the press forced disclosure of how a few politicians and bureaucrats were intending to spend Wyoming's Permanent Mineral Trust Fund. It is unfortunate that the government has wasted so much time and so much money on this speculative deal. This so called 'bold bid' looks more like we may have averted a bold blunder. We hope that now our government can concentrate on its real job, such as diversifying our economy, slowing the plunge in our revenues, and revising our unsustainable tax structure. And we hope that the managers of our assets can improve their returns without resorting to further unconventional investments like 'the biggest land purchase in state history.'"

Powder River thanks our members and the many engaged citizens of this state for being involved in the critical decisions Wyoming makes about our future.

Jill Morrison
Powder River Staff

After over an hour of people speaking out against the rezone, the Planning Commission unanimously voted it down. On Aug. 18, the company withdrew their rezoning request, so at this time, so there are no further actions planned. The voices of the people were definitely heard. However, CALC members will remain vigilant should this issue be revisited.

Wayne Lax
Cheyenne, WY

You can watch a recording of the meeting at laramiecounty.granicus.com/MediaPlayer.php?view_id=1&clip_id=349 (the relevant part is at 19:15 so you can skip right to it).



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2020

29 August	Harvest Celebration Raffle Drawing
18 September	Board Meeting
22 September	Online Solar Event, details TBA
29 October	Healthy Soils Webinar
7 November	Annual Meeting Online

Planned Giving and Estate Planning Gifts

The Powder River "family" has been thinking a lot about the future lately, because, as the saying goes, "We aren't getting any younger." We want to make sure this organization remains viable for future generations in the same way it serves today's members. So we're inviting you, our extended family of members and donors, to consider including Powder River in your estate plans.

Your gift would create a living legacy allowing Powder River to continue our work far into the future and helping ensure Wyoming remains the place we know and love for our kids and grandkids.

As one long time Powder River member, Digger Moravek stated, "I want to raise Hell long after I'm gone." You too can do this through a bequest to Powder River.

The two easiest ways to include Powder River in your estate planning take little time (and no legal assistance).

- **THROUGH YOUR RETIREMENT ACCOUNT** (Your IRA, Roth-IRA, SEP-IRA, 401(k), or other such account): Name *Powder River Basin Resource Council* as a Primary beneficiary for a percentage. One percent, 10%, 25% or whatever you wish. You can do this through the account custodian, or often even on the custodian's website in a few minutes (Powder River's Tax ID is 74-2183158).

- **THROUGH YOUR LIFE INSURANCE POLICY:** - Name *Powder River Basin Resource Council* as a primary beneficiary of any percentage of your life insurance policy. You can do this through your insurance agent or the insurance company, or often even on your insurance company's website in only a few minutes (Powder River's Tax ID is 74-2183158).

If you are preparing a formal will or living trust document, you can include Powder River Basin Resource Council as a primary beneficiary of a specific dollar amount or percentage of your estate. If you already have such an instrument, you can have it revised to include Powder River. This is probably best done through your attorney.

Finally, there are several more complex tax-advantaged ways to contribute to Powder River's future and receive continuing income and tax advantages during your lifetime. These include "charitable remainder trusts" and sale of appreciated and depreciated securities. Please consult your legal and financial advisors about how you can use such tools to support Wyoming's most effective grassroots member organization, and how you might benefit.

If you have any questions, please give Powder River a call at 307-672-5809

Thank you!

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