



EQC Raises Concerns Over Blackjewel Coal Mine Permit Approval

Last month, after a two-day hearing over Powder River's objections to Contura Coal West's proposal to transfer their permits for the Belle Ayr and Eagle Butte coal strip mines to Blackjewel LLC, the Wyoming Environmental Quality Council (EQC) postponed making a decision. The EQC wants more information regarding the process by which mine violations in other states affect and potentially block the ability for Blackjewel to receive Contura's coal mine permits. The mine violations in question were issued to Revelation Energy and other Appalachian coal companies owned by controversial businessman Jeff Hoops, who also owns Blackjewel. Both federal and state law requires these violations in other states to be disclosed and corrected before a permit can be issued in Wyoming.

"We want to thank the EQC for their time and attention, and we appreciate that they didn't approve the mine permit transfers to Blackjewel. The council members understand the gravity of this situation and know that all legal requirements must be met before the permits are transferred from Contura to Blackjewel," said Powder River Chair Joyce Evans.

During the hearing, the Department of Environmental Quality (DEQ) administrator admitted the agency was aware that some of Hoops' companies

**"In Wyoming, we expect mine operators to take environmental violations and mine safety seriously, and Blackjewel's owner, Jeff Hoops, has not earned the right to operate here."
- Stacy Page**

have dozens of mine permit violations that have not yet been fully corrected. Thirty-six out of the 42 violations have been severe enough that regulators ordered the company to shut down part of its operations until the situations were remedied. Public records and media reports also document frequent mine safety and environmental violations issued to the Hoops companies. Powder River's objections maintained that Blackjewel failed to meet state and federal criteria as a qualified operator.

"In Wyoming, we expect mine operators to take environmental violations and mine safety seriously, and Blackjewel's owner, Jeff Hoops, has not earned the right to operate here. I appreciate the EQC taking this matter seriously, because who operates our mines really does matter," said Stacy Page, a Powder River Board member and former DEQ regulator who worked in mine reclamation.

Powder River also objected to the renewal of Contura's Belle Ayr coal mine permit due to their usage of rangeland as collateral in guaranteeing a portion of the mine's reclamation bond. Contura claims the value of these Campbell County land parcels is nearly \$27 million; however, DEQ withheld the appraisal from the public at the company's request. The process's lack of

EQC...continued on page 11

WYSE Forms as State's First Solar Trade Organization

As costs for installing solar have dropped during the past decades (around 70%, in fact), Wyoming solar installs have increased accordingly. In response to this growth, installers around the state recognized the need for a coherent voice for Wyoming's growing solar energy industry.

On April 17 in Casper, the Wyoming Solar Energy Association (WYSE) celebrated the industry's growth at its kickoff event, Powder River's Second Annual Spring Solar Celebration.

"As solar energy continues to grow, it is important for the solar industry to be unified," said Stacey Schmid, a solar installer and the president of WYSE. "We need to make sure solar energy in our state stays locally based and helps our local economy. A trade organization created by and for Wyoming solar professionals will help to ensure that the state benefits from the continued growth of solar energy."

In order to be a voting member of WYSE, solar companies must maintain an office in



**WYOMING SOLAR
ENERGY ASSOCIATION**

Wyoming. This provision helps to ensure that revenue invested in solar energy remains in the state. If out-of-state companies want to be part of the organization, they can do so as long as they are willing to open an office in the state, provide local jobs, and invest in Wyoming's economy.

"The growth potential for Wyoming solar energy is really exciting. This is a profession that many young people are interested in, and opportunities that keep more of our youth in the state are good for everyone," said Garret Stover, Wyoming solar professional and vice president of WYSE. "Additionally, this is a fairly new industry to Wyoming. Solar energy is an opportunity for Wyoming to diversify our economy and grow jobs."

WYSE will host educational events, provide information on solar energy, and be a part of the conversation around Wyoming's changing solar landscape. Anyone working professionally in solar energy is eligible for membership. Companies, organizations, and individuals who want to support the growth of solar energy in Wyoming can become sponsors. Sponsors' logos will be displayed on the WYSE website, www.wyseassociation.com.

Powder River Staff

Message from the Chair



The Rugged Individualist. The Cowboy Way. The world needs more Cowboys. The Cowboy Code of Ethics. All of these are phrases we Westerners are accustomed to hearing, and phrases many of us accept to be valid and true. They denote a lifestyle from our mythical past that we strive to preserve in our all-too-real present. So where did these phrases originate, why did they come into our definition of ourselves, and how do they impact the way we view our relationship with the natural world?

As to where the concept of the noble cowboy came from, it could date back to the mountain man, who took everything he could from the mountains, the pelts, the game, the Native cultures, and believed he deserved them because of his toughness. Perhaps it dates even more to the fanciful literary works of the 19th and 20th centuries. From the Virginian to the heroes of Louis L'Amour, the

brave, wild, murderous cowboy stalked into our collective identity, stealing hearts, saving the land, and remaining curiously aloof from the rest of humanity. So deeply embedded is this myth that most communities have at least one member from a city who had to buy up land, build his "cabin" luxury home, and fence the property off tightly just so he can wear his cowboy hat, feed his ponies, and call himself a rancher and a cowboy.

The Western cowboy image may be flawed, but we have embraced it quite readily. We use it to market ourselves, to pry the sweaty dollars from the tourists' fists. We use it to justify our good and bad environmental decisions. We use it to bolster ourselves in the face of insecurity. We would never define ourselves as fragile. But, in reality, we are fragile, just as our land is fragile. Our immense plains and mountain range environments are dependent on a myriad of tiny relationships from the lichen to the fungi to the insects to the mammals. All depend on the cycles of seasons and weather under which they evolved. Enter the modern human, cowboy or not, and the impact his behavior has had on the climate.

Because we are beneficiaries of the cowboy culture, we should have less trouble than we do in demanding that those responsible for damage shoulder the responsibility of making repairs. We should be able to say "no" to the bad actors who greedily seek to devour our forests, rangelands and mineral deposits. We should mistrust the corporations that wish to grow fat on our landscapes. We should embrace the agencies and organizations that promote stewardship and the scientists who give us research upon which to base decisions. We should honor intellect and uniqueness. We need to stop hiding behind the myths of our past, and take up the burdens of our future, if there is to be a future. Come on, folks, cowboy up!

Powder River Surveys Landowners and Mineral Owners for Legislative Study

Throughout the rest of 2019, the Wyoming Legislature's Joint Minerals Committee is undertaking an interim study on oil and gas issues related to permitting, bonding, landowner split estate issues, and mineral owner development issues. Throughout the past 20 years, Powder River's leaders and members have been deeply engaged in these issues, working to ensure landowner protections, responsible development, and that adequate bonding is in place to guarantee plugging and reclamation of oil and gas wells.

Powder River is surveying landowners and mineral owners to obtain opinions and experiences on what improvements are needed in Wyoming laws and/or regulations in order to ensure responsible oil and gas development. One survey is targeted to landowners who have split estate ownership on their property in order to gauge their experiences when negotiating a surface use or good neighbor agreement. The legislature is likely most interested in addressing their changes either through statute or by pushing for rulemaking at the Wyoming Oil and Gas Conservation Commission

(WOGCC). Powder River believes there are more impacts that landowners experience that are not going to be addressed either through the legislative process or WOGCC rulemaking during the interim and legislative session. For that reason, we added a second survey to evaluate the impacts to landowners that are adjacent or near oil and gas operations in Laramie County. We want to hear landowners' concerns about unsafe or speeding oil field traffic, health impacts from nearby oil and gas wells, setbacks, and impacts to their property values.

The information from both surveys will be compiled into a publication and used to educate the WOGCC and the Wyoming Legislature to better shape our laws and policies around mineral extraction.

If you would like to take the survey and have yet to receive a copy, contact our office at info@powderriverbasin.org

Powder River Staff

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

- 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

Editor: Robin EH. Bagley
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Photos by Powder River staff and members.

Wyomingites Speak Out Against Proposed Wastewater Dumping

The proposed expansion of Aethon Energy's Moneta Divide Oilfield could dramatically increase the volume of water and pollutants the company sends into the Boysen Reservoir near Shoshoni. The draft permit by the Wyoming Department of Environmental Quality (DEQ) would allow the company to discharge more than 8.27 million gallons a day of produced oilfield wastewater. The permit continues to be under scrutiny following the first public comment period, which was extended due to widespread public concern (see the article in the March/April edition of the *Breaks*). DEQ held two meetings for residents in Riverton and Thermopolis, which they had not done during the initial public comment period. Both meetings were packed with residents who asked questions and spoke out for protecting their water.

Advocates in favor of the project paraded the jobs and wealth it will bring to the area.

Meanwhile, residents demanding further review of the permit continued to question the science. Many attendees are worried about the impacts to Boysen Reservoir and the Wind and Bighorn Rivers, as well as the threats to wildlife and livestock water quality, fisheries, and human health, including downstream communities.

A local physician from the Riverton Hospital questioned the permit and spoke on about seeing high rates of environmental disease and cancer in the area. "One of the issues this raises for me is it's difficult to tell what is in the water, unless you were to test specifically for all contents," he said. "These contents don't cause cancer to trout or cattle because they don't live long enough, but could it affect us down the road."

A young woman from Riverton spoke on behalf of her family members on the Wind River Reservation. "I don't believe the proper people were consulted or are aware of what's taking place. I hardly see any Native

people here, but I know that my family doesn't know what is going on," she said. "I believe our water is more important than any job that will come from this or any money we will make from this."

A Casper man who explained that he had made his living in extractive industries questioned DEQ's decisions and science in the past, "In my 60 years I've seen a gradual degradation of the things we cherish in Wyoming." He continued, "I have to say, I'm disappointed in the water quality division. What's happened in the Powder River Basin with coalbed methane discharge and how that impacted the landowners there. It's killed the cottonwood groves; the discharge has destroyed dozens of streams and agricultural land, and we were told the science was sound from the beginning."

No representatives from Aethon spoke or identified themselves at either meeting.

Powder River continues to oppose this permit due to the potential harm it could cause to our water, health, and livelihoods. Our coalition submitted a letter to DEQ on June 19, outlining facts that demonstrate the proposed permit is incomplete and does not meet the minimum requirements under the regulations. We will submit further evidence and additional comments on the permit by July 5. **We urge everyone in the public to submit comments to the Wyoming Department of Environmental Quality Water Quality Division.** Be sure to mention that your letter is in response to the Moneta Divide oil and gas field pollutant discharge permit - WYPDES Permit Number WY0002062 (Aethon Energy).

Submit Online: <http://wq.wyomingdeq.commentinput.com/?id=f4gaH>

Monika Leininger
Power River Staff

It's Their Job, Not a Burden

Three months ago, "transparency" was the buzzword around the state Legislature. These days, it's clear that some legislators hope their colleagues move onto another cause and forget about a commitment to keeping public records easily accessible to the public.

Otherwise, one could speculate that there are other nefarious reasons that the Joint Interim Judiciary Committee voted last week to look into changing various parts of Senate File 57 after listening to complaints about a law that hasn't even taken effect yet.

The law passed in March in no small part because of poor decisions by former State Auditor Cynthia Cloud, who couldn't seem to find a way to open the state's checkbook to scrutiny. The bill gained support after negotiations on all sides that, among other things, created an ombudsman position to settle complaints about the length of time to comply with records requests.

Sen. Mark Jennings of Sheridan County summarized it best: "It seems very strange that we're very fixated on fixing a problem in a bill that hasn't become law. It just seems premature to me or weird."

Weird, indeed, unless that was the plan all along.

On Tuesday (June 4th) at a meeting in Gillette, the committee heard complaints from a handful of state agencies about some "unduly burdensome" requests that involve too much time by the Attorney General's Office to scrutinize, both because of the size of the requests and other information that must be redacted that comes along with the sweep of documents requested. The Department of Environmental Quality said it has seen a 100% increase in requests since 2012. Committee members also learned that businesses have been created whose sole duty is extracting information from public data because there is a demand for it.

Far from feeling threatened by those, the committee and Wyoming residents in general should take heart. Government has been charged from

the beginning with keeping documents so that we can find out what they are doing. Isn't it nice that someone wants to scrutinize those documents? To use the information that public officials so dutifully keep? To care enough about government actions to go to the trouble of asking for documents detailing them?

The answers should be yes, yes and an even stronger yes.

Clearly, Sen. Tara Nethercott of Cheyenne isn't a fan of SF57, saying early in the discussion that the committee could make "thoughtful" legislation rather than jumping into the fray of transparency.

The committee now has called for a number of changes to be considered at its next meeting, ignoring that a majority of the Legislature pondered changes and thought SF57 settled them. Rep. Bill Pownall of Campbell County called for its repeal.

The truth is that not one single government agency can say it can't comply with SF57. The law hasn't taken effect yet. There has been not one public records request made under it; there has not been one deadline gone unmet; there has been not one case that the still-to-be-hired ombudsman has looked at. None of that may even have happened by the time the panel meets again to consider changing it.

Agencies — and legislators — can only speculate.

Unspoken at the meeting was another truth: Government officials keep documents for the public's benefit however those members of the public choose to use them. It's their job. And it shouldn't be considered a burden.

Ann Turner
Publisher, Gillette News Record

Editor's Note: This is a reprint of the editorial published in the June 8, 2019 issue of the Gillette News Record

Cloud Peak Declares Bankruptcy

Company Owes Millions in Delinquent Mineral Taxes

On May 10, Cloud Peak Energy, Wyoming's third-largest coal company, initiated Chapter 11 bankruptcy proceedings. Cloud Peak operates the Cordero Rojo and Antelope mines in Wyoming and the Spring Creek Mine in Montana, all in the Powder River Basin. Unlike the Alpha and Peabody bankruptcies several years ago, Cloud Peak is not interested in resuming operations after shedding debt; the filings show that the company intends to sell its assets and will liquidate and cease to exist. Cloud Peak hopes to go through bankruptcy fast, with everything wrapping up next month. An auction has been scheduled for July 11, provided there are any bidders.

Needless to say, a bankruptcy of this magnitude has many parties, including Powder River, feeling uneasy about the ability of the company, or any subsequent buyer, to fulfill reclamation obligations at the mines, which total over \$200 million in Wyoming alone.

The company's mineral tax bills are another area of concern. Since the filing, Cloud Peak has failed to pay its *ad valorem* mineral taxes in both Campbell and Converse Counties. The company is delinquent in paying \$8.3 million owed to Campbell County and \$3.3 million to Converse County for the second half of the 2017 mineral taxes. Soon the 2018 mineral taxes will be due, which will total another estimated \$17 million in Campbell and \$6.6 million in Converse. According to a June 9, 2019 article in the *Gillette News Record*, officials are not optimistic about recovering the bulk of those tax dollars. With Cloud Peak ceasing to exist as a company post-bankruptcy, the ability to collect against the company for *ad valorem* taxes will be limited. Additionally, any subsequent buyer will likely step into the mines "free and clear" of any outstanding liabilities under bankruptcy law. As such, the



Cloud Peak's Antelope Mine

counties must hire bankruptcy-law-specializing attorneys to advocate for their interests. Only time will tell to what extent those efforts will be successful.

This is what Bob LeResche, Powder River's Vice-Chair, had to say about the bankruptcy:

"In light of Cloud Peak's bankruptcy filing, we urge the State of Wyoming and county governments to aggressively participate in the bankruptcy proceedings on behalf of miners, taxpayers, and our environment. We are concerned that these mines will be transferred to entities with even less financial ability to meet tax and clean-up obligations."

"We are gravely concerned that employees' and retirees' pensions and healthcare benefits will be taken away, and that millions of dollars of *ad valorem* taxes owed to Wyoming counties for coal already produced will be left unpaid. Our greatest fear is that reclamation of Cloud Peak's large mines will cease, and that financial assurances required by law will prove inadequate. Bankruptcy should never be used as a haven for a mining corporation to escape its reclamation bonding obligations. Cloud Peak has already taken care of its executives with big bonuses, but is on a track that would fail Wyoming miners and the communities that have long supported the company."

Powder River will remain engaged in the bankruptcy proceedings so stay tuned for more updates in future issues of the *Breaks*.

Powder River Staff

Why Are You Punishing Us?

As Cloud Peak Energy Corp. continues through the Chapter 11 bankruptcy process, it's becoming more clear that Campbell County and the state of Wyoming could likely be left on the hook for tens of millions of dollars.

After the coal-bed methane bust left counties unable to collect large chunks of unpaid production taxes and the state to plug thousands of orphaned wells, Wyoming lawmakers made quite a show of it. They harrumphed, grumbled and harangued a wide swath across the state politicking with vows to "fix" the problem so that other companies or industries couldn't take advantage of regulations so industry-friendly that bankruptcy in the Cowboy State means a production permit also essentially comes with a "Get Out Of Taxes Free" card.

That's what prompted legislators in 2014 to draft a proposed bill to streamline county *ad valorem* taxes with the state's severance tax schedule. While the state collects its severance taxes on the production of minerals monthly, county taxes on the same production aren't due for about 18 months after the fact. It's a glaring hole in bureaucratic policy that means when a company files for bankruptcy, the state may only be out a few months' worth of taxes while counties could be out 18 months' worth.

It seems ironic, then, that the bill was killed before being introduced at the Legislature at the urging of coal companies, Cloud Peak Energy in particular. State Sen. Michael Von Flatern recalls how lawmakers and Campbell County officials met with Cloud Peak executives at their downtown Gillette offices. This was prior to the coal industry bust that hit full force the next year.

At that meeting, Von Flatern said Cloud Peak execs lobbied hard

against the bill, that it placed an undue burden on the coal companies to pay double taxes during the transition from the 18-month schedule to monthly.

"Why are you punishing us?" he recalled them saying.

So the sponsor of the bill killed it.

Fast-forward five years and the bottom has dropped out of coal, production is down significantly as coal-fired power generation continues to disappear across the United States and counties still have no way of guaranteeing *ad valorem* taxes will be paid.

That lack of follow-through from the Legislature in 2014 could cost Campbell County the \$8.3 million Cloud Peak Energy had to pay by end of business May 10. Instead, the company filed for bankruptcy hours before the deadline and the county has no secured standing to collect that money. Because of the 18-month gap, that \$8.3 million was for coal mined in the last half of 2017. That means Cloud Peak hasn't paid the county a dime of *ad valorem* tax for all of 2018 or any for 2019 to date. That could conservatively be another \$25 million or more, bringing the total hit to more than \$33 million.

Synchronizing the *ad valorem* and severance tax schedules is the No. 3 priority for the Joint Revenue Interim Committee this summer. We would argue it should be No. 1.

It's not anti-coal or anti-oil to require production taxes on minerals — assets that belong to Wyoming residents — be paid in a timely manner. Now it's our turn to say it: Why are you punishing us?

Gillette News Record Editorial Board

Editor's Note: This is reprinted from the June 16, 2019 issue of the Gillette News Record.

Wyoming ‘Farm to Plate Task Force’ Meets in Sheridan

On May 10, Powder River coordinated and held a community input meeting in Sheridan for the recently revived Wyoming Farm to Plate Task Force. There were over 35 citizens in attendance from Wyoming’s northeast region—among them producers, farmers’ market managers, community garden coordinators, school nutritionists, extension staff, entrepreneurs, and more.

The task force is spurred jointly by USDA Farm to School and Wyoming Farm to School, and Powder River attended the group’s preliminary planning meeting in February, hopeful of its potential to affect food policy and programs. The task force’s stated goal is to be an effective vehicle for



promoting local foods in Wyoming as well as aiding other like organizations in achieving their goals.

Participants at the meeting

embarked on several tasks including identifying root causes of shortcomings in Wyoming’s food system, brainstorming a statewide

mission and vision for a collaborative local foods initiative, and actions the task force should eventually focus on. Many of those attending remarked that it was the first gathering of its kind in this part of the state.

In our region, the meeting has since invigorated producers to discuss creating a fulltime local foods market in Sheridan and, more broadly, the concept of a food hub in the northeast part of the state. Sheridan-area producers met twice, in late May and in early June, to discuss potential next steps.

Erik Rieger
Powder River Staff

Sheridan Food Forest Thrives

In April, the Sheridan Food Forest received a \$1,000 donation from the Sheridan Area Resource Council (SARC) for its proposal to add new fruit trees, revamp pathways and landscaping, improve irrigation, add community seating, and more. Despite our wet spring, committed volunteers have battled the wind, rain, and cold to see through pruning, planting, weeding, mowing, pollinator counting, and other big jobs. A key coordinator, Carol LeResche, remarked, “The forest is becoming a real community asset with all of this volunteer work.”

Community members are strongly encouraged to come explore the food forest at any time, which is located at 375 W. 11th St. in Thorne-Rider Park. Foragers will find asparagus, berries, and much more on the way. Gardeners curious about adding perennial fruits and pollinator plants at their own homes can see novel approaches such as companion planting of comfrey underneath fruit trees.

The next official volunteer work days will occur on July 13 and August 10, both at 10 a.m. (with a lunch served at noon), and upcoming pollinator counts are scheduled for July 20 and August 24, both at 12 p.m. As always, the best place to stay informed is at the group’s Facebook page: www.facebook.com/SheridanFoodForest.

Erik Rieger
Powder River Staff



Powder River and Allies Defend Victory on Ramaco Coal Mine

Powder River and our allies, Mary and David Fisher and Big Horn Coal, recently presented oral arguments in state district court defending the Wyoming Environmental Quality Council (EQC) and DEQ Director decision which rejected Ramaco’s proposed Brook Coal Mine permit application as deficient. The decision sent Ramaco back to the drawing board to address the impacts of the proposed coal mine on the area’s groundwater and hydrology as well as the health and safety impacts caused by subsidence and blasting.

Ramaco appealed the EQC and DEQ decisions, and Judge Catherine Rogers scheduled oral arguments on the case, which were held in Cheyenne on June 5. Ramaco’s attorney, Pat Day of Holland and Hart, opened the oral arguments with a large and confusing game-like poster board intended to clarify federal versus state coal permitting requirements.

Day focused on an entirely new argument in an attempt to reject the coal permit denial by claiming Wyoming’s coal permitting public participation process was not in compliance with the federal Surface Mining Control and Reclamation Act (SMCRA). He claimed, “This is an incredibly important case for the coal industry and mining industry concerning serious issues of law that are unprecedented and will determine whether the Wyoming program for permitting coal mines will remain compliant with SMCRA.”

As opposed to directly responding to the EQC’s Order finding significant deficiencies in the company’s permit application, the Ramaco argument centered on the failure of DEQ to hold an informal conference, which Day argued is required in the federal statute but not in Wyoming statute. He told the Judge that she should vacate the decision and send the issue back to the DEQ to start the process over. He also told Judge Rogers she could construe “may” to be “shall” in the statute and put this case back on track.

The Wyoming Attorney General defended the Wyoming process and decision, noting that Wyoming’s program has been approved by the U.S. Office of Surface Mining (OSM) and is in full compliance with the federal law. He said that Wyoming has an approved program and that subsequent reviews over 30 years have all determined that Wyoming’s program is in compliance. He also noted that the recommendation by Ramaco to construe



Ramaco’s proposed iCam location along the Tongue River flooded this spring for the second year in a row.

“may” to mean “shall” would go “too far outside the plain and unambiguous language and rewrite the statute, which is the jurisdiction of the legislature and OSM oversight.”

Big Horn Coal, whose mine overlaps with the proposed Brook Mine permit boundary, also pushed back against the Ramaco argument and noted that the Wyoming statutes clearly spell out the role of the DEQ and the EQC. Big Horn Coal’s attorney also said, “Ramaco had a burden and failed to carry it and that is sufficient to end the court’s inquiry on this issue.”

Powder River’s staff attorney, Shannon Anderson, told the judge that Ramaco is attempting to belittle the role of the EQC and effective public participation in the process. She stated, “This is a serious charge and Ramaco

wants 30 years of precedent thrown out. This is the first time we’ve seen this specific argument from Ramaco, but the behavior is all too familiar and is what we have seen before from this company. They ignore Wyoming people, neighbors, and now our Wyoming laws and process.”

Anderson continued, “We have a Wyoming Supreme Court precedent and 30 years of history on coal mining regulation in Wyoming that cannot be deviated from simply because of representations made by Ramaco’s attorney today.” Finally, Anderson pointed out that Ramaco never attempted to address this issue by trying to dismiss the EQC’s jurisdiction, never proposed an alternative hearing be scheduled, and never tried to negotiate for an expedited hearing schedule.

The Fishers’ attorney, Jay Gilbertz, also argued that Ramaco’s argument is entirely wrong. He pointed out the EQC found the permit terribly deficient in a number of ways and none of those issues are appealed here.

Judge Rogers listened to all arguments intently, raised some questions with Ramaco’s attorney and took the issue under advisement. We expect to see a decision from her in the near future.

Meanwhile, the DEQ continues to review Ramaco’s second take at a permit application and is currently in the tenth round of technical review.

**Jill Morrison
Powder River Staff**

Powder River Solar Energy Production

**Energy Produced: 413.61 kWh
Carbon Offset: 630 lbs**

We have offset the equivalent of 8 trees in April/May 2019!



Did you know that Powder River has a YouTube Channel?

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

Early Retirement of Coal Plants Saves Homeowners and Businesses Great Deal of Money

As a customer of Rocky Mountain Power, I was pleased to see the company prioritizing ways that will save us money on our electricity rates. The company's recent study showed that closing four coal-fired power plant units in Wyoming will save us \$248 million over 20 years. That's a significant savings for homeowners and businesses, not to mention industrial customers like the natural gas industry that operates in southwest Wyoming. These coal plants are no longer economical to run, and we need to embrace renewable energy sources to provide our power needs and to create new jobs in Wyoming.

Early retirement of coal plants will save us a great deal of money, which is very important. But it's equally important for Wyoming to prepare for this transition and for the state to help these communities find long-term

solutions for a future with a reduced dependence on coal. The state's coal production numbers continue to drop, and analysts predict that trend will continue. Fighting the tide will only leave our communities unprepared and devastated. I look forward to joining other Rocky Mountain ratepayers and our elected officials in creating policy solutions for communities and our state that will expand renewable energy sources and profit from the new jobs this will bring.

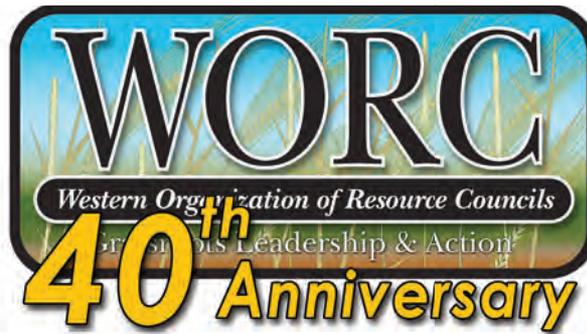
Ed Koncel
Laramie

Editor's Note: This letter is reprinted from the June 5, 2019 issue of the Casper Star Tribune.

WORC Celebrates 40 Years "Honoring our Past, Creating Our Future"

In November 1979, representatives from Powder River Basin Resource Council, Dakota Resource Council, and Northern Plains Resource Council came together at the First Congregational Church in Billings, MT, and formed the Western Organization of Resource Councils, changing grassroots organizing in the West forever. They understood that through our collective power, we could win bigger victories.

Forty years later, WORC is honoring the formation of the network by looking back on four decades of building grassroots power and the resulting wins. Since 1979, the WORC network has grown to include eight groups with 35 local affiliates and 15,000 members in rural areas and small towns across the region, and several groups are actively working with reservation and urban indigenous communities. This grassroots power and representation has helped the WORC network rack up some important wins. Early on, the network was involved with passing the Farm Credit Act of 1987, which changed federal government farm lending practices to slow farmers and ranchers from losing their farms during the 1980s Farm Crisis. Later, WORC helped establish the Grain Inspection, Packers and Stockyards Administration (GIPSA) which was intended to promote fair and competitive trading practices for the benefit of both consumers and agriculture producers. WORC groups



have also won a federal coal leasing moratorium, got Country-of-Origin-Labeling into the Farm Bill, pressured the BLM to establish rules on methane waste pollution, helped limit self-bonding of coal mines, and won a variety of regulations on industrialized farming.

The WORC network is also celebrating the next 40 years of organizing. A wave of enthusiastic new leaders is beginning to shape the organization. They're harnessing the wisdom of members who have worked for decades for a democratic, sustainable, and just society. They are

looking toward a bold future of building homegrown prosperity through clean, renewable energy, properly implemented coal mine and oil and gas site reclamation, and building just and diverse rural economies.

Over the next few months, WORC will be releasing eight videos of members and leaders throughout the network who have shaped the organization over the years, as well as some of the up-and-coming leaders who are moving their organizations into the future. Follow along: www.worc.org/40-years-of-grassroots-organizing/.

WORC Staff

Oil Company, Deputies Need to Make County Roads Safer

On two separate nights this week, as I was driving home on County Road 136 about 7:30 p.m., I encountered an oil tanker right in the middle of the road. I flashed my lights both times to get the driver's attention, and both times he gradually moved back over onto his side of the road after drifting completely into my lane.

Chicken on a dirt road is not my idea of fun after 12-hour days at work. I reported both incidents to the sheriff's office, as well as EOG, who simply responds that they have a strict policy about their drivers and that they will pass it along to the contractor.

The company needs to check up on the safety of their drivers, and

law enforcement needs to be present out on these roads as well. It's not safe for those of us driving these roads to work and school every day.

Teresa Massey
Cheyenne

Editor's Note: Reprinted from the June 8, 2019 edition of the Cheyenne Tribune-Eagle.

Sheridan Area Community Solar? YES!

After a hiatus, the Sheridan Area Resource Council (SARC), a Powder River affiliate, is back to regular meetings as they take on a new project. This group racked up a number of wins in the Sheridan area, including the Dark Starry Skies Initiative for Sheridan and protecting the Little Horn and Dry Fork area from a proposed storage project, among other work.

This motivated local group is meeting again, this time to work with the local utility company, Montana Dakota Utilities (MDU), about getting community solar for the Sheridan area.

“Community solar” is a term that refers to a shared, mid-sized solar project that community members can buy into. This allows people who rent or have homes that are not ideal for solar installation to benefit from renewable energy in their communities.

During early conversations with MDU, we were told that the company would consider installing a community solar array if we could show enough community interest. All costs for the solar installation will be covered through customer subscription, and the utility needs to ensure those costs are covered. Before committing to the project, MDU will need to have subscribers for 80-85% of the total system size. For instance, if a buildout were to be 100 kW, this would mean customers would have committed to purchase 80-85 kW before ground was broken on the project. SARC has not yet settled on what size of a system we are working toward, as we are still at an early stage in this work.



Jackson, Wyoming's first shared solar project

At this time, there are more questions than answers, but that is how most work begins. SARC is wrestling with several questions, including the size of the system to work toward, where to site a system (such as parking lots, in combination with agriculture “agrivoltaics,” etc.), options to assist low-income households, and more.

Right now SARC is working to find the best way to answer those questions. During the summer months, we will be actively working on showing community interest, and working with MDU to figure out a good system size. If you are interested in getting involved, please email or call,

and we will be happy to get you on board!

If you are outside of the Sheridan area, there is also good news. I have talked to most of the utilities in the state on a variety of solar issues, and I have heard again and again that utilities want to fill the needs and desires of their customers. However, utilities need to hear from their customers, and currently they are not hearing the call for solar buildouts. We can change that!

If you are interested in community solar in your area, please contact me, and I would be happy to help you organize a group in your town to work with your utility. Community solar can and will happen in Wyoming, but it is up to all of us to build bridges and work with our utilities to get things moving.

Hesid Brandow
Powder River Staff

Powder River Calls for Comprehensive Review of the Federal Coal Program

Powder River, along with our sister organizations in the Western Organization of Resource Councils network, submitted comments to the Bureau of Land Management (BLM) on June 10, asking the Department of Interior (DOI) to re-initiate its comprehensive review of the federal coal program and to fully evaluate alternatives and options for federal coal management in the Powder River Basin and other Western U.S. coal regions.

The BLM asked for comments as part of a court-ordered evaluation of the consequences of revoking a Secretarial Order issued by former Interior Secretary Sally Jewell in January 2016, which initiated a comprehensive review of the federal coal program and put in place a moratorium on new federal coal leasing while the review would take place. The Jewell Order started a programmatic environmental impact statement for reviewing the federal coal program. As part of the Order, the BLM held six public meetings around the country in the summer of 2016. At those public meetings, a broad-spectrum of Americans supported reform, including ranchers, hunters and public lands recreationists, small business owners, conservationists, academics and economists, and climate activists. The Jewell Order was revoked through a Secretarial Order issued by former Interior Secretary Ryan Zinke in March 2017.

Citizens in Western coalfields, especially in the Powder River Basin – a region of Wyoming and Montana that supplies over 40% of the nation’s coal - have long called for reforms to the federal coal program that would

"Review of the federal coal program is sorely needed and long overdue. American taxpayers, mining states and coal communities - especially now - must receive a fair return for federal coal."

- Bob LeResche
Powder River Vice - Chair

better maximize revenue for the American public and better protect air, land, and water resources on public lands and neighboring agricultural areas.

The Resource Councils wrote to BLM in their comments: “We ask BLM to use this decision as an opportunity to update BLM’s coal leasing policies, regulations, and planning documents to reflect our national commitment to combat climate change, protect water, air, wildlife and other natural resources, and provide a fair return to the American public – the owners of the federal coal resource.”

DOI’s federal coal leasing program, which governs the sale of publicly-owned coal has been plagued by scandal since the 1980s. The long history of mismanaging taxpayer-owned resources

has cost local, state, and federal governments billions of dollars in potential revenue. In June 2012, the Institute for Energy Economics and Financial Analysis released a report documenting that taxpayers lost an estimated \$28.9 billion in revenue from federal coal leases over 30 years as a result of the BLM failing to get fair market value for coal mined from public lands. The IEEFA report, coupled with inquiries from members of Congress, led to audits of the federal coal leasing program by the Office of Inspector General and the Government Accountability Office. Both audit reports exposed flaws in DOI’s coal valuation methodology and called DOI practices outdated. The Jewell Order was issued as a direct response to these long-standing problems.

“Review of the federal coal program is sorely needed and long overdue. American taxpayers, mining states and coal communities - especially

Federal Coal...continued on page 11

Powder River Launches Campaign to Support RECLAIM Act

On April 9, the RECLAIM Act was introduced in Congress with bipartisan sponsorship for the crucial initiative supporting coal-impacted communities across the nation. The bill, H.R. 2156, introduced by Rep. Matt Cartwright (D-Penn.) and Rep. Hal Rogers (R-Ky.), amends the Surface Mining Control and Reclamation Act of 1977 to fund state and tribal projects to promote economic revitalization, diversification, and development in economically distressed communities through reclamation and restoration of land and water resources adversely affected by coal mining. It would invest \$1 billion over five years in already collected abandoned mine land fund (AML) fees to create jobs and accelerate reclamation.

The RECLAIM Act would assist communities struggling with the decline of the coal industry in their region to transition to strong, just and sustainable local economies. By prioritizing mine reclamation projects that would spur economic development and diversification, the bill would create thousands of jobs across the country reclaiming old coal mines and would create economic opportunities in agriculture, energy, recreational tourism, and more. The RECLAIM Act merely prioritizes the spending of already existing

AML funds.

The bill would provide an immediate economic boost to communities and could put laid-off miners – who possess the skills necessary for this type of reclamation work – and others to work. Government estimates show the funds could create at least 4,600 direct reclamation jobs across the country.

The RECLAIM Act's sponsorship has grown to 39 members of Congress, and the bill received bipartisan support and passage from the House Natural Resources Committee on May 1. A version of the RECLAIM Act has also been introduced in the Senate.

Powder River has launched a campaign to support the RECLAIM Act and to help inform our Congressional delegation of the benefits to Wyoming and other states impacted by historic coal mining. Please visit www.reclaimwyoming.org for more information and look out for a postcard to sign at an upcoming event near you.

Shannon Anderson
Powder River Staff

We Need Wyoming Congressional Support for RECLAIM Act

Coal has been part of Wyoming's history and economy and my family history for over 100 years, but the mining that was done before modern industry practices and safety regulations has left behind numerous old mine sites that need to be reclaimed. Once reclaimed and restored, these lands can be used for agriculture, recreation or tourism. The Kleenburn Ponds are a great example of this work, which was accomplished with Abandoned Mine Land (AML) funds. Old coal pits were transformed into nearby fishing ponds perfect for family outings.

AML funds help Wyoming by allowing us to safely utilize these old mine sites and by creating jobs during the reclamation work, which can't be overlooked. It's a win-win situation for the state. The old Acme Power Plant is another example of how AML funds could be used to clean-up an old, hazardous site and turn it into something that benefits the whole community. As we all know from the community meetings, the cleanup of the Acme

Plant will be a lengthy and expensive project.

This is why we must encourage Representative Cheney, Senator Enzi and Senator Barrasso to support the RECLAIM Act, which is before Congress right now. This bill, which has been introduced in both the House and Senate, will help Wyoming get more AML funds sooner rather than later, which will help us proceed with these reclamation projects. There is no downside for Wyoming – we need to pass the RECLAIM Act.

Joan Tellez
Sheridan

Editor's Note: This letter is reprinted from the June 9, 2019 issue of the Casper Star-Tribune.

RECLAIM Important to State

Wyoming has a long history of coal mining, stretching back through the last century. With that past mining comes a great deal of reclamation work to clean-up and restore these old mining sites scattered around the state. This is why the RECLAIM Act before Congress right now is so important.

The proposed bill will fast-track more Abandoned Mine Lands funds for states like Wyoming. For decades the AML fund has helped our state to reclaim over 25,000 acres of old mine sites and restore more than 120 miles of streams. These projects employ hundreds of people to accomplish this work. This is all good.

No doubt that Wyoming benefits greatly from AML funds. These funds have already been collected, and the RECLAIM Act will help get funds distributed quickly in order to speed up the reclamation process. When these projects are completed, we all will benefit from these old, sometimes dangerous, sites being restored. While the reclamation work is happening, we

will all benefit from the jobs created in our communities.

This bipartisan bill has versions in both the US House and Senate, and has passed through the House Natural Resources Committee. Wyoming's Congressional Delegation should of course support this bill and use their influence to ensure that it moves forward.

Please ask Senators Mike Enzi and John Barrasso and Representative Liz Cheney to support the RECLAIM Act that is needed for Wyoming.

Chesie Lee
Riverton

Editor's Note: This letter is reprinted from the June 6, 2019 issue of the Rocket Miner.

SNAP Now Available at Downtown Sheridan Farmers' Market

On June 20, the Downtown Sheridan Farmers' Market formally launched its SNAP program. The Supplemental Nutrition Assistance Program, known by many as "food stamps," provides crucial support and food security for those moving from welfare to work, with the majority going to families with children, the disabled, and the elderly.

This new service is an important step toward increasing low-income access to fresh, healthy, local foods and supporting regional farmers and ranchers. Participants can purchase everything from fruits and vegetables, to meats, breads, honey, pickles, and more! The downtown farmers' market, located at Grinnell Plaza in downtown Sheridan, runs Thursday evenings from 5-7 p.m. until September 19. Find more information and the SNAP register at the booth located at the front of the market.



Janet Hoxie, Destiny Park, Ami Erickson, and Clarke McClung at the SNAP booth on June 20.

Erik Rieger
Powder River Staff

Cheyenne Area Landowners Coalition Celebrates Annual Meeting

On May 30, members of the Cheyenne Area Landowners Coalition (CALC) held their annual meeting to celebrate another year of protecting property, water, and the environment. For years CALC has been a voice in advocating for responsible energy development with the least possible impact on surrounding residents and agricultural operations in Laramie County. At the annual meeting, members were able to acknowledge their accomplishments as well as address some challenges they face in the upcoming year.

In looking back at this past year, when DEQ revised its permitting guidance for oil and gas, CALC asked for more leak detection and repair of oil and gas wells, better VOC emission controls, and for DEQ to make the Best Available Control Technology standards that are used in the Jonah Pinedale area applicable statewide. CALC also has been pushing for more, and better, air quality monitoring as well as data on Laramie County's poor air quality and for DEQ to monitor areas closer to oil and gas development. CALC also provided comments and input on DEQ's revised permitting guidance for commercial oilfield waste disposal facilities to advocate for better bonding of the facilities, required safety and leak-detection measures, and treating facilities as hazardous when radioactivity is detected. Other accomplishments include helping to defeat legislation such as severance tax exemptions for oil and gas as well as the crimes against critical infrastructure bill that would have stifled the voices of landowners and citizens in protesting development. CALC even advocated at



Former La Plata County Colorado Commissioner Josh Joswick speaks at the CALC Annual Meeting.

the federal level at an Environmental Protection Agency (EPA) hearing on rescinding Obama-Era rules that would restrict the amount of natural gas that companies are able to flare and vent.

In addition to celebrating their accomplishments, CALC was excited to have former La Plata County Commissioner Josh Joswick, speak to the group about his experiences with local control of oil and gas operations in southwestern Colorado. Joswick has been actively involved in oil and gas development issues for nearly 30 years. He has advocated to federal, tribal, and state elected officials and regulatory agencies in order to hold the oil and gas industry to a high standard of accountability. He has also participated in countless stakeholder meetings about state and federal rulemakings, and testified in front of legislative committees to get Colorado to enact meaningful laws controlling the industry. His talk provided

information on future issues the county may need to mitigate, such as oil and gas gathering lines.

Monika Leininger
Powder River Staff

Harvest Celebration Scheduled for August 24

Mark your calendars for Saturday, August 24 for the 14th Annual Harvest Celebration & Potluck. There are some changes this year, including the date, which has been moved in order to avoid conflicting with Landon's Greenhouse & Nursery's Local Food Festival, which occurs the weekend after Labor Day.

In addition to an August date, the celebration will be held at Kearney Hall, which has undergone a major renovation and will be a community gathering place in the Story/Banner area. Kearney Hall is located on near Fort Phil Kearney on Highway 87, just off I-90's Exit 44. If that isn't enough, we're adding a fun, new activity to the Harvest Celebration—the Farmer Invention Awards. People are invited to bring their homemade tools that make farming or gardening easier – it doesn't need to be complicated! We ask that you sign up by July 22 so that we have an idea of how many participants there will be. The winner will receive a \$25 gift card to Landon's.

The last twist for this year is that we are offering the desserts in a Silent Auction. We can only auction off so many pies! So the Dessert Silent Auction will add a fun, maybe competitive, element to the evening. If you

EQC...Continued from page 1

transparency and other concerns about how the property was valued and whether the collateral adequately protected the interests of Wyoming taxpayers led Powder River to object. However, the EQC approved the Belle Ayr permit using the real estate as collateral for the bond.

“While we thank the EQC for their attention to this matter, we are disappointed that they granted Contura's permit renewal. We hope DEQ does what they say they will do and protect Wyoming's taxpayers and environment. We will hold them to their word,” said Evans.

Federal Coal...Continued from page 8

now - must receive a fair return for federal coal,” stated Bob LeResche, Powder River Vice-Chair. “Given today's declining coal markets, review and reform will help everyone balance leased coal with market demand and finally account for the significant impacts coal creates to our air, land,



bring a dessert, we ask that you bring it in a container you don't need back, or that you put your name on it so that it can be returned to you.

The meat dishes this year are lamb curry meatballs and beef bourguignon; that alone should be incentive enough to attend! As always, please bring a home-cooked side, salad, or dessert to share. While it may not be possible to use all local foods, we encourage you to try and use as many local ingredients as possible when making your dish.

One last thing, the Harvest Celebration raffle is back! We have a one-day equipment rental from Heartland Kubota (value \$250), a mixed package of bison meat (value \$89), and the ever-popular local foods basket (an outstanding value). Raffle tickets will be sent out to members in July.

For more information on the Harvest Celebration, contact the office at 307-672-5809 or email info@powderriverbasin.org.

Robin EH. Bagley
Powder River Staff

Powder River has separately challenged the confidentiality of the appraisal under the Wyoming Public Records Act. That case is currently pending in Wyoming District Court.

In the matter of the mine permit transfer from Contura to Blackjewel, all parties have until June 21 to present their additional information, sometime after which the EQC will reconvene to make a decision.

Powder River Staff

water, agriculture and other important economic activity in our states.”

Shannon Anderson & Robin EH. Bagley
Powder River Staff

SAVE THE DATE

14th Annual Harvest Celebration & Potluck

Saturday, August 24th, 2019

Dinner - 5:30 pm, Pies by Guys Auction - 7 pm

Kearney Hall - Highway 87, I-90 Exit 44 Story/Banner

**New this year: Dessert Silent Auction,
Farmer Invention Awards**



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In this Issue

EQC Raises Concerns over Blackjewel Coal Mine Permit Approval.....	Pg 1
WYSE Forms as State's First Solar Trade Organization.....	Pg 1
Message from the Chair.....	Pg 2
Powder River Surveys Landowners and Mineral Owners for Legislative Study.....	Pg 2
Wyomingites Speak Out Against Proposed Wastewater Dumping.....	Pg 3
It's Their Job, Not a Burden.....	Pg 3
Cloud Peak Declares Bankruptcy.....	Pg 4
Why Are You Punishing Us?.....	Pg 4
Wyoming "Farm to Plate Task Force" Meets in Sheridan.....	Pg 5
Sheridan Food Forest Thrives.....	Pg 5
Powder River and Allies Defend Victory on Ramaco Coal Mine.....	Pg 6
Early Retirement of Coal Plants Saves Homeowners and Businesses Great Deal.....	Pg 7
WORC Celebrates 40 Years of Organizing in the West.....	Pg 7
Oil Company, Deputies Need to Make County Roads Safer.....	Pg 7
Sheridan Area Community Solar? YES!.....	Pg 8
Powder River Calls for Comprehensive Review of the Federal Coal Program.....	Pg 8
Powder River Launches Campaign to Support RECLAIM Act.....	Pg 9
We Need Wyoming Congressional Support for RECLAIM Act.....	Pg 9
RECLAIM Important to State.....	Pg 9
SNAP Now Available at Downtown Sheridan Farmers' Market.....	Pg 10
Cheyenne Area Landowners Coalition Celebrates Annual Meeting.....	Pg 10
Harvest Celebration Scheduled for August 24.....	Pg 11

Save the Date

- 19th July ~ Board Meeting, Buffalo
- 24th August ~ Harvest Celebration
- 28th-31st August ~ Joint Minerals Committee, Casper
- 3rd November ~ Annual Meeting/Auction

Planned Giving and Estate Planning Gifts: Don't Forget Powder River Basin Resource Council

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. For this reason, we are inviting you, our extended family of members and donors, to consider including Powder River in your estate plans.

More specifically, we are asking that you consider designating Powder River Basin Resource Council as a beneficiary in your will. Your gift will create a living legacy allowing Powder River to continue our work far into the future and helping to ensure that 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 with a generous bequest to Powder River.

Please consult your legal and financial advisors about how you can use a variety of estate planning tools to support Wyoming's most effective grassroots member organization, and how you might benefit. For example, there is a tax exemption for estate tax rates of up to \$5 million.

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

**Powder River Basin Resource Council
Fundraising Committee**

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