



Oil & Gas Commission Votes Against Science and the Law *Advances Decision on Aethon Proposal to Pollute Madison Aquifer to EPA*

In November, over 125 Wyoming citizens filed comments with the Wyoming Oil and Gas Conservation Commission (WOGCC) urging a denial of Aethon Energy's proposal to dispose of up to 30,000 barrels per day of polluted oil and gas wastewater into the Madison Aquifer. Aethon must get approval from both the WOGCC and the EPA to exempt this area of the aquifer from the Safe Drinking Water Act and allow it to be polluted with their oil and gas wastewater.

At the WOGCC's Nov. 10 hearing, Powder River and many others strongly objected to polluting the Madison Aquifer. Our consulting expert hydro-geologist, Sue Spencer, provided clear testimony and data that pointed to the importance of the Madison Aquifer, which she said

“Really what I think this comes down to is do we want to risk contaminating a viable aquifer, and I am not sure all the data in the world will change that decision. I am reluctant to jeopardize our future water needs.”

- Erin Campbell, Wyoming State Geologist

could not be underestimated as both a current and potential future aquifer for use in Wyoming, especially in the Wind River and Big Horn River basins.

Spencer said, “The Madison Aquifer provides reliable, good quality groundwater to many cities and towns in Wyoming.” She also noted that many Madison wells range in depth from 5,000 feet to deeper, and it is not outrageous to

think a well that is 15,000 or 20,000 feet deep could be used in the future as a water source. Spencer noted that having the Madison water available in the future is much more valuable than allowing it to be polluted and

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Last-Minute Bait and Switch Solar Bill Moves Forward

At the final interim committee meeting of the Joint Corporations Committee, citizens were prepared to oppose a last-minute bill that would have significantly reduced the payback on residential or small business solar or wind systems. To throw another wrench into the gears, Senator Cale Case, R-Lander, produced an amendment constituting a “substitute bill,” entirely scrapping the original one and replacing it with new language that no one had seen. The substitute bill, which the committee ultimately passed, proposes to move the decision of payment and terms for net-metering out of state statute and under the domain of the Public Service Commission (PSC), with legislative directive to “prevent subsidization of customer-generators compared to other customers of the electric utility.”

Due to the vague language in the bill, the PSC will likely only take into account the “costs” of rooftop solar instead of weighing the environmental and carbon-reducing benefits of solar, and other benefits of customer-generated systems. The bill also likely exempts non-

“Two years ago we made an investment into a solar array...we are able to maximize that \$750 and that becomes over 100 prescriptions for our clients...It has been a game changer for us, and we are able to provide more services.”

– Pete Gosar

regulated utilities such as cooperatives from having to provide a rooftop solar option to their customers. This impacts people across the state who want to support the blossoming Wyoming solar industry. While the bill provides for grandfathering of net-metering systems operational before July 1, 2021, the bill ultimately will repeal the entirety of the net-metering statute on July 1, 2031, leaving all jurisdiction over customer-generation systems to the PSC at that time.

The substitute bill was a surprise to all, and many committee members spoke avidly against the lack of the ability for members of the public who had signed up to testify – over 70 people from all over the state – to be able to adequately participate in the process. The language of the new substitute bill was never provided publicly before the meeting for the public to properly review. Instead it was screen-shared over the Zoom screen for a couple moments in the form of a draft document. Later in the meeting, after another substantial rewrite, the bill was screen-shared for several minutes during a break in the meeting,

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Message from the Chair



Dear Powder River members and friends,

On Thanksgiving the Powder River family learned the sad news that the night before (on November 25), Kevin Lind, our beloved former Executive Director and later board member “passed peacefully surrounded by the family he cared for so deeply.” I urge you to read the full obituary in this issue. In this letter I simply want to share a few of the comments about him by some of us who worked with and loved Kevin.

Kevin was revered for who he was as a human being and for how he served and led this organization. I first met Kevin over coffee when he convinced me—in his easy-going way—that serving on the Powder River Board of Directors would be both hard work and fun. And that turned out to be true, because Kevin made it so. He had an unusual ability to express both joy and a dedication to purpose, a lightness of being and a steady rock-solid reliability. I came to see him as balancing both qualities perfectly, the embodiment of equanimity. Kevin was the leader Jill Morrison called Powder River’s Buddha, someone who could lift our spirits at the same time serve as the implacable rock upon whom we could depend.

Thanks to Kevin we have an office building in Sheridan with solar panels and fruit trees, a budgeting system *par excellence*, and, in the words of Bob LeResche, “a functioning professional organization that is Powder River today.” These are no small accomplishments, and they remain a vital legacy of Kevin’s leadership and what Gillian Malone calls his “quiet visionary” gift. We also treasure Kevin’s legacy of friendliness and support to all: staff, board, and members alike. He was the easy-going anchor whom Stephanie Avey called “Bossman...my supporter, mentor, and cherished friend.” Shannon Anderson captured his qualities as staff leader: “careful, considerate, and supportive...He had a way of lifting up your talents and helping you overcome your flaws. He melded the staff together to be a much stronger sum of all our parts.”

Kevin seemed to make friends wherever he went. Bob LeResche noted, “Kevin was kind to everyone, and genuinely interested in who they are and what they thought. New acquaintances invariably could see that. He made instant friends.” And he kept those friends, assuming they would want to know one another. I can recall one of the evenings around Kevin and his wife Bing’s dining room table with one of Kevin’s former Peace Corps pals who just happened to be visiting. Our zingy conversation was proof of Kevin’s generous assumption and wide embrace. Like many others, Bernie Barlow recalls that table was a place where she always felt welcomed. As Gillian Malone commented, “Kevin was a friendly ambassador among people—all kinds of people. He had a world view that encompassed the global and the local, often at the same time.”

We cherish many fond memories of Kevin with insufficient space to share them all. But if you see Gillian Malone, ask her about visiting Kevin in Hardin during Little Big Horn Days. Or see what Shannon Anderson has to tell you about the many miles of driving with Kevin to innumerable meetings in Denver, Cheyenne, and Billings. And get Bob LeResche to relate the tale about his and Kevin’s trip over the mountain when they stopped for Thai/Vietnamese food in Worland. Life was an adventure for Kevin, and he loved bringing friends with him. Who else would attend a rock concert with his son in Timbuktu?

Kevin Lind was a superb leader and treasured friend. Bob LeResche summed up Kevin’s core qualities well, “He was humble and very worldly at the same time. He spent what I know of his life in service to other people.” His was, indeed, a full and noble life. We honor and cherish the memory of our beloved friend Kevin. May he rest in peace.

And may you all have a safe and peaceful holiday season,

Marcia Westkott

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)

Board of Directors

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Vice Chair.....Joyce Evans
Secretary.....D.J. Purcell
Treasurer.....Stacy Page
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Executive Administrator-Stephanie Avey
Staff Attorney-Shannon Anderson
Communication/Dev. Dir-Robin EH. Bagley
Organizers- Pennie Vance, Sheridan, Monika Leininger, Lander and Michele Irwin, Green River.

Powder River Offices:

Main Office:
934 North Main St
Sheridan WY 82801
Ph: (307)-672-5809
Fax: (307) 672-5800
Email: info@powderriverbasin.org
Web: powderriverbasin.org

Lander Office:
958 Lincoln
Lander WY 82520
Ph: (307)-286-5531

Powder River Breaks

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

In Memory - Kevin Lind

Kevin Frederick Lind dedicated his life to providing a better future for those who would have otherwise been forgotten. He worked for over 40 years with humanitarian and environmental organizations, believing that the world belonged to more than just those with power.

Born to Fred and Esther Lind and raised in a family with a strong German-Russian history, a childhood in Hardin, Montana instilled a deep appreciation of adventure, nature, community, and family. It

was from his family that he inherited his innate desire to help others. A chance encounter in 1976 with a Peace Corps recruiter would help fulfill that desire. "They basically Shanghaied me; they needed someone who knew how to farm. But I was lucky to run into him." It would become the start of a career in service of others, and the start of a love of life abroad.

After two years of agricultural development in Malaysia, Kevin worked throughout the next decade to resettle thousands of refugees who had lost families and livelihoods to the Vietnam War. He would continue working throughout south and southeast Asia in a multitude of developmental roles, from managing child development programs with the Pearl S. Buck International organization, to resource management and biodiversity protection with PLAN International.

In 1999, Kevin returned to the Mountain West and joined the Powder River Basin Resource Council as director. He dedicated the rest of his

working life to defending landowner rights and the protection of our public lands. He felt immense satisfaction in being able to help protect the land that had given him so much.

He also felt immense satisfaction in the heartfelt connections he had made throughout his life. A man armed with impeccable taste and a talent for conversation, Kevin was always eager and excited to share a meal and a cigar with family, old friends, or soon-to-be-friends.

Kevin was happy to have spent his last years in Hardin, and he passed peacefully, surrounded by the family he cared for so deeply.

Kevin was preceded in death by his mother and father, Esther and Fred. He is survived by his wife Maria Cristina Valencia Lind; son Larson Valencia Coppinger Lind (Kaylee Coppinger Lind); son Rhanden Valencia Lind (Desiree Orchard); brother Dennis Lind, and sister Susan Bailey-Anderson.

A service was held at Fairview Cemetery in Hardin, Montana on, Dec. 5.



48th Annual Meeting Held Online *Virtual Event a Success*

In order to protect members' health and safety during the Covid-19 pandemic, Powder River held the 48th Annual Meeting online via Zoom on Saturday, Nov. 7. Because the meeting was virtual, it was also scaled back to include only the business meeting rather than a full program including a speaker. Over 30 Powder River members from around the state zoomed in for the meeting.

While holding the meeting online was a new and challenging experience, the necessary business, including board nominations, discussion and voting on resolutions, and a review of the organization's work in 2020 was all handled. "It went smoothly thanks to the technical expertise of the staff, and I appreciate all the members who showed up and participated virtually. For me {as chair}, trying to keep track of all the heads on one screen and then recognizing someone who wanted to speak was like playing non-violent whack-a-mole," said Powder River Chair Marcia Westkott.

Board elections were held with Marcia Westkott, Bob LeResche, Wayne Lax, Shiva Polefka, DJ Purcell, Gillian Malone, and Joyce Evans agreeing to serve another term. Three new members were welcome to the Board: Liza Cuthbert-Millett, Cissy Dillon, and David Romtvedt. Outgoing Board members Roger Davidson and Judy Leggett were recognized for their service.

Powder River members passed a new resolution on carbon capture, utilization, and storage, and the 1995 resolution on taxation in

Wyoming was amended. See the full resolutions printed in this issue for details.

Following the meeting, members were invited to stay on the video call for a virtual happy hour where we celebrated Jill Morrison's 30-year career with Powder River. Jill is retiring in 2021, and this was her last annual meeting as a staff member. While we plan to properly celebrate her storied history next year when we can gather in person, members spent some time sharing stories and catching up with one another.

The Annual Meeting Silent Auction was also held virtually, spanning a 10-day period in order to give people time to bid on the items. While scaled back to just 20 items, the auction was a success as Powder River members and supporters enthusiastically bid on a variety of unique Wyoming items. We want to thank all of the donors to the Silent Auction and the auction participants. This event remains an important fundraiser for the organization.

With 2020 being such an unusual year that has taught us to be flexible and creative, we sincerely hope we can gather in person next November for the 49th Annual Meeting.

Robin EH. Bagley
Powder River Staff

2020 Powder River Resolutions

Carbon Dioxide Capture, Utilization, & Sequestration

WHEREAS, Powder River Basin Resource Council supports responsible energy and PacifiCorp's plan to retire inefficient and expensive coal plants;

WHEREAS, for over a decade, Wyoming politicians, federal and state agencies, and the coal industry have pushed for carbon dioxide capture, utilization, and sequestration (CCUS) in an attempt to keep coal-fired power plants running while addressing global climate change;

WHEREAS, no new coal-fired power plants are being built in the United States because of more affordable and less polluting energy options such as natural gas, renewable energy, battery storage, and efficiencies, and therefore the only option for carbon capture is retrofitting older, less efficient power plants;

WHEREAS, there are no carbon sequestration projects operating at commercial scale anywhere in the country;

WHEREAS, CCUS typically requires the burning of 25% more coal and the emission of 25% more criteria pollutants than conventional coal plants for the same amount of electricity production;

WHEREAS, relative to coal, CCUS could be applied to natural gas fired power plants at lower cost, less pollution, and half the carbon dioxide to compress, transport, and sequester;

WHEREAS, without long-term geologic sequestration of carbon dioxide the focus has turned to attempting to use captured carbon dioxide emissions for enhanced oil recovery (EOR) and carbon products;

WHEREAS, data are lacking regarding whether capturing and using carbon dioxide for EOR or products reduces carbon dioxide emissions in the long-term;

NOW, THEREFORE, BE IT RESOLVED, that Powder River Basin Resource Council believes that state or federal legislation should neither subsidize nor require CCUS for coal-fired power plants;

BE IT FURTHER RESOLVED, the Powder River Basin Resource Council opposes prolonging the life of any coal-fired power plant at the expense of ratepayers;

BE IT FURTHER RESOLVED, that after over a decade of Wyoming taxpayer-funded research and support for CCUS, it is time for the technology to pay its own way and survive without additional state support;

BE IT FURTHER RESOLVED, should any CCUS projects occur in Wyoming, including carbon dioxide pipelines, those projects must consider private property rights and liability concerns of Wyoming landowners related to operations, in-situ storage, or other aspects of CO2 capture and sequestration;

BE IT FURTHER RESOLVED, that Powder River Basin Resource Council affirms its 2011 Enhanced Oil and Gas Recovery resolution calling on regulators to 1) ensure that well integrity, bonding and reclamation requirements are met; 2) ensure that there is adequate permanent geological confining for any fluids injected through the enhanced recovery process; and 3) prevent the injection or migration of chemicals dangerous to public health into drinking water aquifers; and

BE IT FURTHER RESOLVED that Powder River Basin Resource Council supports proactive regulation of CCUS technology, to ensure that if it is done, it is done right.

Taxation in Wyoming - Addendum Revised Resolution from 1995

WHEREAS, in 1995, the members of Powder River Basin Resource Council passed a resolution to study taxation in Wyoming and advocate for fair and equitable tax policy that benefits the average state resident and opposing a tax policy that gives undue preference to large corporations and other moneyed interests; in 2020, Powder River members propose to add the following:

WHEREAS, essential public services in Wyoming are gravely threatened by severe state tax revenue shortfalls, due largely to sharp and potentially irreversible declines in the mineral extraction industries that historically provided a majority of Wyoming state and county tax revenues; and

WHEREAS, without action by the state legislature to update Wyoming's tax code, the decrease in funding that supports Wyoming's public services including education, healthcare, public safety, infrastructure, and natural resources management, will jeopardize the health, vitality and resilience of small communities across our state; and

WHEREAS, Wyoming residents have a right to a strong voice in the development of a tax structure that provides for the fair treatment

of Wyoming's working families and small businesses, including the prevention of major cuts to essential services such as education, healthcare, public safety, infrastructure, and natural resources management;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that PRBRC advocate for a reformed tax structure that is fair, progressive, equitably distributes tax burdens and sustains critical government services for Wyoming residents, and fosters diversity and vitality among the state's small businesses; and

BE IT FURTHER RESOLVED, that PRBRC opposes tax policy that gives undue preference to large corporations, non-labor income, and other moneyed interests within the state, including tax exemptions for mineral extraction; and

BE IT FURTHER RESOLVED, that PRBRC shall join and support coalitions and organizations in promoting fair, progressive, and equitable tax reform in the state of Wyoming that supports the essential government services noted in this resolution and upholds our state's quality of life.

This is How Wyoming Works

We'd like to share a story today that highlights the very best of Wyoming; it's a story of passion, innovative thinking, communication, and partnership. It's a story about devising Wyoming solutions to Wyoming challenges. It's a story of how Wyoming works.

First, you must meet Jay Butler. Jay is a soft-spoken rancher from Converse County whose superpower might well be making things happen. A retired teacher, he is a past Converse County School District #1 School Board member as well as current Board Chairman of the Boys & Girls Club of Douglas. He is a tireless advocate for children. He is also a tireless advocate for locally-raised, high-quality protein. Because of Jay's vision and partnerships created in Converse County, schoolchildren enjoy the highest-quality protein in lunchrooms and cafeterias throughout the county.

During the early months of the COVID-19 outbreak, Wyoming farmers and ranchers reached out to find out how they could help their struggling neighbors. Wyoming Hunger Initiative saw an opportunity to develop a program that could both meet immediate need and create sustainable, long-term solutions to food insecurity; Food from the Farm + Ranch was launched to help ensure Wyoming products would take care of Wyoming people. Jay Butler knew he would be a tireless advocate for that, too.

One problem: it's very difficult to find a processor this year that isn't facing a severe backlog in available processing dates. Because the pandemic disrupted the supply chain and changed consumer demand—suddenly many folks were discovering the benefits of purchasing locally-raised and processed meat straight from the source—it wreaked havoc on the normal ebb and flow of the meat processing world. The will of ranchers to donate cows was strong, but the actual channels for getting those donations to processors who would be able to turn the donations around to food pantries were tenuous at best.

No worries, Jay said. He would host any donated beef cattle on his own ranch, feeding and caring for them until a processor could fit them in. Whenever that might be. Wherever that might be.

Next, it's important to meet the Christensen family: Kelcey, founder and president of Laramie's 307 Meat Company, his wife Margaux, and their two adorable sons. Kelcey found his passion for



Jay Butler and his daughter, Beth, prepare to unload the trailer at 307Meats in Laramie.

meat processing while he was a student at University of Wyoming; many years later (and with 11 years of managing the UW Meat Lab under his belt) he broke ground on what would become 307 Meat Company. Kelcey's vision of bringing "the Wyoming ranch to the Wyoming table" made him the perfect candidate to partner with. After a visit to 307 Meat Company in September, the Wyoming Hunger Initiative team worked out a deal: if Kelcey could squeeze in some donated beef for processing due to a last-minute cancellation, we would move mountains to make it work.

The handful of free minutes on the calendar ended up falling on Nov. 25. No

worries, Jay said—he would get those cows from his ranch to Laramie the day before.

Ranching is a family affair in the Butler family, and on delivery day, Jay's daughter Beth (a grad student at UW) came over to help her dad unload the trailer.

Jay and his wife Linda were joined by other generous ranchers who donated to Food from the Farm + Ranch:

- Joe and Karen Rankin
- Brace and Linda Rharmy
- Andy and Kay Moore
- Lee and Moriah Moore
- Shawn and Lisa Daly
- Shirley and Brad Churchill
- Representative Aaron Clausen

Because of their spirit to serve, all Wyoming Boys & Girls Clubs will soon have a local supply of high-quality protein to serve children. Wyoming Hunger Initiative was able to cover the cost of processing the animals with generous donations from corporate and private donors. None of this can erase the damaging effects of the pandemic, but it sure is reassuring to know that when the going gets tough, Wyoming gets to work.

Editor's Note: Reprinted with permission from the Wyoming Hunger Initiative, a program of Wyoming's First Lady Jennie Gordon to end childhood hunger in Wyoming. Find out more at www.nohungerwyo.org.

In Memory - Dorothy Robinson Butler



Dorothy Robinson Butler, 85, of Georgetown, Kentucky and Douglas, Wyoming passed into heaven on Nov. 9, 2020. A longtime educator devoted to community service, Dorothy found joy in teaching children, square dancing, and serving others whenever she saw a need.

Born June 17, 1935 in Douglas, to Ella and Tom Robinson, Dorothy's early life was spent on ranchland that her maternal grandparents, Con and Blanche Edwards, had homesteaded. Her

paternal grandparents, the Robinsons, were homesteaders on an adjacent property. At age 8, during a period when Dorothy's family lived on the Edwards family homestead on Walker Creek Road and she attended the one-room Happy Hollow school there, she and her mother Ella watched their house burn to the ground along with all the family's possessions.

The homesteads were eventually consolidated into a single holding, and Dorothy was proud that the family ranch, now operated by her eldest son and daughter-in-law, Jay and Linda Butler, has stayed in the family and in agricultural production for more than a century.

A vivacious and outgoing person, Dorothy graduated Converse County High School as class valedictorian in 1953, then attended Ottawa University in Ottawa, Kansas; there she starred in the musical Peg O' My Heart and met her future husband. She finished her college classwork early because she had accepted a teaching job and was planning to marry. Dorothy Robinson and John Butler wed at the First

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Kemmerer Coal Miners Facing Transition

Kemmerer's long history as a coal community started when coal was first discovered nearby in 1883; since then, the area has seen coal mines, and even some towns, come and go. Its latest story of transition began in 2014 when PacifiCorp, Rocky Mountain Power's (RMP) parent company, announced that it would shut down its largest unit at the Naughton Power Plant in 2017 rather than invest in expensive upgrades. Built in 1971, Unit 3 was the newest and biggest of the three that make up the Naughton plant, consuming 165 tons of coal an hour. Instead, RMP ended up changing it over to natural gas in January 2019, in an agreement with Wyoming's Department of Environmental Quality that saved the utility from having to spend several hundreds of millions of dollars in air pollution controls. The agreement will keep the plant running through 2025, but it has meant a loss to the mine who supplied the plant and the miners who work there. This latest transition will have lasting effects on Kemmerer and its residents.

Kemmerer and its namesake mine were both founded in 1897. In 1950, the mining operation converted to strip mining and became the world's largest open pit coal mine. The mine produces five million tons of coal a year and employs around 300 people. Until recently, 2029 was the expected retirement date of its main customer, the Naughton plant. Additionally, the mine once served industrial customers in the region. All of that changed with the price of natural gas. Then in 2019, the mine owner, Westmoreland, filed for bankruptcy.

In the process, the company shed its obligations to its mine retirees nationwide and vacated their contracts with workers. In the midst of this, a potential "Santa Claus" appeared in the form of Tom Clarke, a self-proclaimed billionaire from Virginia who talked a good talk, saying he wanted to work with the union and the miners to build a "strong, stable future for Kemmerer" (*Kemmerer Gazette*, March 28, 2019). Ultimately, the deal between Clarke and Westmoreland fell apart when he was unable to show how he would pay for reclamation. The bankers holding the debt hired a management team to take over the mine and have kept workers employed.

In April of 2019, RMP identified Units 1 and 2 at the power plant as being uneconomical to run beyond 2022, built in 1963 and 1968, they would be eligible for AARP. The company later announced that the entire power station will shut down by 2025. Keeping Units 1 and 2 operating on coal beyond Dec. 31 of that year would require the construction of new coal ash ponds. The impact of these decisions, along with continued uncertainty about closure dates has hit the miners and community in much the same way the explosive mine disaster of 1923 did. The second worst coal mine disaster in state history, the blast killed 99 underground miners. The Miner's Memorial Park in Diamondville is a tribute to miners past and present and lies along the route between the town of Kemmerer and its last mine. Now, Kemmerer prepares for another loss, but this time there is time to prepare, unlike the 1923 disaster.

The good news is that the mine retirees did get their health benefits – thanks to Congress – but no thanks to Wyoming's Congressional delegation. [The American Miners Act](#) extended health care to about 1,000 miners in Kemmerer. The cost would be covered through the Surface Mining Control and Reclamation Act funding. While the mine needs a workforce of around 300 employees, the current workforce is 242 with 190 hourly employees. When the mine



The Kemmerer Coal Mine in the early 1900s.
Photo from the Diamondville Miners' Memorial Park.

shuts down, there will be reclamation to do, which could employ around 25 people. While many employees are leaving the mine for more secure work elsewhere, there will still be a couple hundred people out of work when it shuts down. It is a fluid workforce, making it harder to access needs.

The workforce at the Kemmerer coal mine is a diverse group. While close to two-thirds live in Lincoln County, others live in Idaho and Utah, as well in other Southwestern Wyoming counties. Addressing the impacts on communities in the region is also part of PacifiCorp's

Integrated Resource Plan.

The mine is the largest revenue source in Lincoln County, and the financial hit to Kemmerer and nearby communities will be tremendous. Good jobs at the mine have been an important part of the local economy as well. Diversifying the local economy and making sure workers are trained for the careers of the future will help us address revenue problems at both a local and state level.

That is where Powder River and our work comes in. While PacifiCorp employees at Jim Bridger and Naughton will have transition plans, the United Mine Workers of America (UMWA) workers at Kemmerer are left without safety nets. Instead they are left with a bankrupt company being run by a management group and no known customers for their product after 2025, if not sooner. Like the workers in the Powder River Basin, they are hoping for some miracles. Meanwhile, the price of natural gas just took another hit. Coal isn't coming back anytime soon.

Working with unions, communities, various government services, our allies, and the utility, we hope to put together a network of support for our transitioning friends and neighbors. As we help Kemmerer's coal miners transition, we are helping our state do so as well. Since August of 2019, Powder River has been working to build relationships in the region with our coal transition work centered around RMP's planned coal plant retirements.

The UMWA 1307 was the one of the first groups our organizer connected with to begin our work in Southwestern Wyoming. Our plans for a forum in Kemmerer were thwarted by the pandemic, and while we were able to pivot to webinars for much of the original plans, there was a critical piece we still need to activate. We will be working to connect workers with Workforce Services, union spokesmen from other transitioning coal communities, the BlueGreen Alliance, and others to provide impacted workers and their families with the information they need to make decisions best for them. We are also working with a variety of sources to secure funding for training and education for impacted workers.

Another story in Kemmerer coal lore is that in 1913 donations from miners built the town's first hospital. The miners of Kemmerer Coal are rightfully proud of their heritage. The future is uncertain for miners and the community, but there is a culture of both compassion and resiliency, and slowly but surely, a safety net is being woven to support them. Powder River is the thread that is connecting the pieces.

Michele Irwin
Powder River Staff

Wyoming Needs a Diverse Economy

Growing solar can help Wyoming through hard times. With our current and future economic downturn and unemployment, it's important that Wyoming considers what it can do to assist the growth of new economies and capitalize on our state's natural assets. The Cowboy State's solar rays have the eighth greatest energy potential in the nation, but we rank 43rd nationally in solar jobs per capita.

An expansion of our renewable energy workforce could provide welcome relief to the families and communities suffering from job losses in our traditional energy sectors. In Colorado, according to the Solar Energy Industries Association, there are 438 businesses working in some sector of the solar industry, from manufacturing, to engineering to solar installation. Whereas in Wyoming, there are currently 10 small businesses in our state that provide solar installations, accounting for approximately 140 local jobs.

New solar jobs will be created and solar investment will occur in Wyoming when we have a regulatory framework that allows the market to thrive. State-level decisions by legislators, the Wyoming Public Service Commission, and our electric utilities can create a more welcoming environment for development and a lasting demand for solar-generated energy and all of its related jobs.

Unfortunately, for the second year in a row, Wyoming's Joint

Corporations, Elections & Political Subdivisions legislative committee has chosen to focus its decision making power on hamstringing the solar industry by reducing the payback for solar installations. This policy decision is the opposite of creating a business-friendly environment for this growing industry. Instead, if Wyoming removed restrictions and regulatory barriers to the size of solar projects, that would help solar project development thrive and provide employment opportunities in the long term. Other improvements in our solar statutes could help agricultural producers and small businesses save money on their power bills paving the way for larger projects such as community solar gardens or shared community solar arrays.

Please let your legislators, and other people who represent you know that the time has come to embrace Wyoming's solar industry, not gut it. We need to help fuel the diversification of Wyoming's economy.

Martha Martinez Del Rio
Laramie, WY

Editor's Note: This was originally printed in the Casper Star Tribune on Nov. 8, 2020.

Public Service Commission Starts Rulemaking for Carbon Capture Mandate

This year, the Wyoming Legislature passed House Bill 200, entitled "Reliable and dispatchable low-carbon energy standards." Don't let the name deceive you – the bill was less about reducing carbon pollution and instead was the nation's first controversial regulatory mandate to require a portion of a utility's power to come from coal with expensive carbon capture technology.

Unlike most state laws that require a portion of a utility's power to come from a specific energy source – called a portfolio standard – Wyoming's House Bill 200 left most of the decisions, including how much carbon capture energy to require, up to the Public Service Commission (PSC). This means what regulations the PSC ends up adopting will be very significant for how the bill will be implemented.

The PSC started its rulemaking process this fall, soliciting comments from "stakeholders" including Powder River, Rocky Mountain Power, the Office of Consumer Advocate, Wyoming Industrial

Energy Consumers (a trade group representing large energy sector power customers), Sierra Club, and Glenrock Energy (a company pushing for carbon capture at the Dave Johnston Power Plant). The initial set of comments focused on definitions of key terms, and the next round of comments on a new topic will likely be in January. Given the complexities with the bill, and the potential significant negative consequences to utility customers who will be forced to pay for the costs of implementing the bill's carbon capture mandate, the rulemaking process will likely take some time to work through all of the details. Stay tuned, and expect to see some future alerts from us to engage our members in submitting comments to the PSC. In the meantime, if you have any questions, please don't hesitate to ask our staff.

Shannon Anderson
Powder River Staff

Powder River Solar Energy Production

Energy Produced: 377 kWh
Carbon Offset: 576 lbs

We have offset the equivalent of 6 trees in October and November 2020!



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 oil & gas impact videos are available to watch.

Idaho Power IRP

Should Be Required Reading

For Wyoming Regulators, Politicians

Plan Shows Economics, Not Politics, Driving the Shift From Coal to Renewables

Idaho Power's latest revision of its 2019 integrated resource plan (IRP) charts the utility's direction through 2040 but is likely to have the greatest impact in neighboring Wyoming in the next year or two.

The IRP has Idaho Power being coal-free by 2030 and carbon neutral by 2045. This has major implications for Wyoming because Idaho Power owns one-third of each of the four units at the 2,111-megawatt (MW) Jim Bridger Power Plant—the largest coal-fired generating station in Wyoming. Idaho Power's IRP sets 2022, 2026, 2028 and 2030 as the deadlines for relinquishing its stakes in the four Bridger units, at least six years earlier than proposed in its 2017 IRP.

Unit 1 came online in November 1974; Unit 2 followed a year later. Both units face required emissions-control investments to deal with regional haze issues, making them the logical choice to go first. The current IRP submission is Idaho Power's third version and second IRP revision this year, but it reiterates the company's original analysis, which "indicates favorable economics associated with Idaho Power's exit from five of seven coal-fired generating units by the end of 2026 and exit from the remaining two units at the Jim Bridger facility by year-end 2030."

Idaho Power acknowledges its ownership share in the plant provides system reliability benefits, particularly for its participation in the energy imbalance market that now includes most utilities in the western U.S. Still, its analysis, upon which it bases its IRP update and in which it started with a baseline retirement date of 2034 for all four units, shows the best economic choice involves early coal plant retirements.

"The economics of coal plant ownership and operation remain challenging because of frequent low wholesale electric market prices coupled with the need for capital investments for environmental retrofits," the analysis states. "Moreover, the evaluation of exiting from coal unit participation is consistent with the company's expressed glide path away from coal and long-term goal to provide 100 percent clean energy by 2045."

Another key finding in the revised IRP filed on Oct. 2, is the "cost competitiveness of PV solar." The revised 2019 IRP has 120 megawatts of solar online by the end of 2022; the 2017 IRP had none. Idaho Power's shift comes on the heels of an almost identical one happening at PacifiCorp, which even more than Idaho Power has been a mainstay of the Wyoming coal-mining economy. The analysis in Idaho Power's IRP should be mandatory reading for Wyoming regulators and policymakers, who have vociferously opposed plans by PacifiCorp to schedule early retirement of many of its coal-fired generating stations.

This opposition surfaced most recently last month (a week after the revised Idaho Power IRP was filed) at a Wyoming Public Service Commission (PSC) meeting called to release its internal "investigation" of PacifiCorp's 2019 integrated resource plan. Similar to Idaho Power's findings, PacifiCorp concluded that the most economical path for

supplying electricity to ratepayers entails a significant buildout of solar, wind and battery storage resources, coupled with the retirement by 2030 of 16 of its coal-fired generating units (eight of which are located in Wyoming).

Despite the detailed economic analysis in PacifiCorp's IRP, Wyoming PSC Chairwoman Kara Fornstrom, an energy transition skeptic, said at last month's hearing that "the commission must be provided the best information possible, free of hypotheticals and perceived bias ... The state has to have confidence in the analysis used to support the action plan." Similar doubts have been voiced repeatedly by state legislators and Governor Mark Gordon since the release of PacifiCorp's IRP.

The problem for Gordon, Fornstrom and other Wyoming officials who are resisting market changes is that these analyses are grounded in economics, not hypotheticals or biases. And the reality is that the financials today point clearly toward renewables and storage—not coal.

These diverging economic trends are visible in the state's own tax collection data. Carbon County posted the strongest growth in sales and use taxes between August 2019 and 2020, with receipts increasing more than \$3.6 million. Carbon County is the site of a 3,000MW wind project being built by Power Company of Wyoming. At the other end of the spectrum, receipts in Campbell County, the home of the North Antelope-Rochelle and Black Thunder mines—the two largest coal-producing facilities in the U.S.—fell more than \$2.5 million during the same period.

Wyoming will be hit hard by the rapid transition away from coal as a generation resource for utilities. It is home to much of the Powder River Basin, whose production has powered coal-fired power plants across the country for years. The 10 coal-fired power plants in Wyoming, with roughly 6,000MW of capacity, ship their generation mostly outside the state's borders—to utilities and states that are looking to exit the sector.

As difficult as the transition will be for local economies built on coal, denial will not help. Utilities are required to provide reliable electricity at the lowest cost possible, and coal no longer meets this mandate. Wyoming's leaders should be working with PacifiCorp and other utilities to plan for a just transition around policies that confront the truth head-on, rather than continuing their shoot-the-messenger approach. A good first step would be to read Idaho Power's revised IRP.

Dennis Wamsted is an analyst and editor at the Institute for Energy Economics and Financial Analysis (IEEFA).

Editor's Note: This was originally published on ieefa.org on Nov. 4, 2020. ieefa.org/ieefa-u-s-idaho-power-irp-should-be-required-reading-for-wyoming-regulators-politicians

Clean Water in Wyoming Is Too Precious to Pollute

Disposing of contaminated produced water is a continuing and unsolved problem for the oil and gas industry. Now Aethon Energy, a Dallas, TX investment company, has permission to ignore clean water rules which protect the potable water in the Madison Aquifer. They propose solving 0.5% of their produced-water problem by injecting contaminated “water” into the Madison from their oil and gas field near Moneta, between Casper and Riverton.

The obvious solution is to decontaminate or “treat” this water until it might be fit for irrigation or other beneficial uses. That, of course, costs money, time and permanent employee salaries with which Aethon would prefer not to be burdened. Their accountants have concluded that treating produced water from the Moneta field is not “economically feasible.” In other words, while the price of gas and oil is low, cleaning their mess cuts too far into their profit. Now the State of Wyoming will subsidize their operation, donating to them the use of the Madison Aquifer as their sewer.

This is an unacceptable “solution” to the problem they create. Why should Wyoming sacrifice the Madison Aquifer around Moneta so that this Texas company can make more money?

During a long hearing before the Wyoming Oil and Gas Commission, Aethon’s well-paid consultants went to great lengths to depict the proposal as harmless because no one will ever drill down deep enough to use this water. Aethon’s lawyer revealed his attitude in opening comments, when he called this sagebrush sea around Castle Gardens “what many would consider the middle of nowhere.” They did not, however, disclose what crystal ball into the long future validated this assertion, nor acknowledge the rarity of good water sources for people living in that part of our beautiful state. In Wyoming we all know how precious water is even now; we do not know what technologies nor what desperation for good water may exist seven generations* ahead.

Here, I would also like to raise a related concern: the difficulty of handling such a quantity of produced water, especially in the cold Wyoming winter.

I know about those difficulties from the years that I worked with my father, who for 40 years was the owner/operator of a federal oil and gas lease about 60 miles northeast of the Moneta field. His was a small field, four wells producing 35 barrels of oil (1,470 gallons) and more than 130,000 gallons of water per day. Dealing with that water was the hardest part of the operation by far, especially in winter.

All that water and the bit of oil from the wells was pumped out of the ground hot, and flowed into fiberglass pipes to a central complex of treatment and storage tanks. Fiberglass pipe was used because metal pipes would be quickly corroded by the toxic brew.

Passing through the complex, the oil was separated (mostly) from the water and stored for truck transport to Platte Pipeline. The water was further treated to (mostly) remove contaminants before going to settling ponds to become the “headwaters” of North Casper Creek.

Any glitch in pumping or processing meant the flow stopped, and in winter that meant the water would freeze. We all know the havoc that frozen and cracked water pipes cause, but imagine if you had 130,000 gallons of water under pressure and freezing in well heads, pipes, valves and tanks! Yes, there were those times. Spills happened. Cleanup was a cold nightmare. And what to do with the now-contaminated soil?

Now take a deep breath and imagine producing and handling 56 million gallons of produced water a day and getting it to the injection well. I’m sure Aethon has resources and technology that exceed what we used on a small stripper operation. I’m also sure that their wells and infrastructure will experience glitches too, which will lead to surface spills. And I’m damn sure that water they produce will freeze occasionally and cause major spills.

What are their plans for those inevitable spills, leaks and glitches? We don’t know.

Clean water regulations protecting the Madison and other potable, fresh water sources are there precisely so we can avoid a fight every time some company finds it cheap and convenient to pollute those waters.

The rules ensure that we do not have to count on the honesty, morality or far-sightedness of companies or political appointees. Polluting potable groundwater is against the law. Period. In granting this exception, the WOGC sets a precedent that Aethon, and possibly other companies, will be allowed to rob our bank because they will make more money doing so.

*The Seventh Generation Principle is based on an ancient Iroquois philosophy that the decisions we make today should result in a sustainable world seven generations into the future.

Maria Katherman
Converse County

Maria Katherman lives on a ranch in Converse County’s sagebrush sea, in the middle of nowhere. She and Terry Logue recently authored A FIELD GUIDE TO THE CASPER MOUNTAIN AREA, 2nd Edition.

Editor’s Note: This was originally published by WyoFile on Nov. 20, 2020. WyoFile is an independent nonprofit news organization focused on Wyoming people, places and policy, www.wyofile.com.

Wyoming 2021

General Legislative Session Delayed

Due to rising COVID-19 numbers, the 2021 General Legislative Session is delayed until a future date to be determined. The legislature will meet physically in the Wyoming Capitol on Jan. 12 to swear in new members, ratify leadership, and hear a State of the State address by the Governor. A remote ceremony to swear in members will also be held on a separate date for legislators that do not wish to appear in person. The

newly sworn in legislature will have to establish process, rules, and procedures to hold a delayed session and create a plan for consideration and debate of the supplemental budget bill, committee bills that were proposed during interim committee meetings, and individual bills that have yet to be filed. Stay up to date via the legislative website at www.wyoleg.gov.

Powder River Staff

Healthy Soils Webinar & Resources

Now Available Online



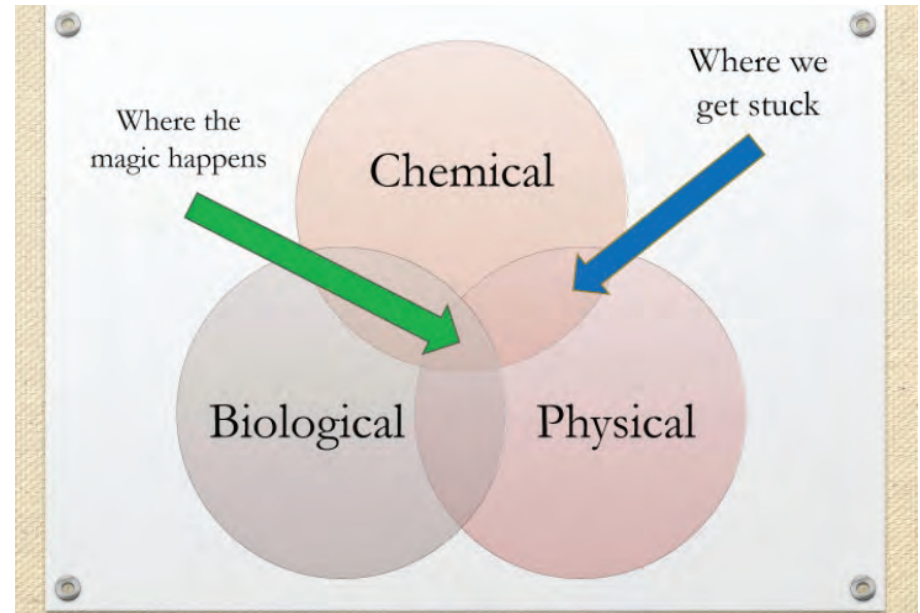
John Brown hunting for good root systems.

Soil health is increasingly recognized worldwide as a vital ingredient in our farmers' and ranchers' ability to grow abundant, safe, healthy food. Scientists and producers are finding that healthy soil can significantly increase crop yields, water storage, and drought

resistance as well as decrease the need for expensive, often counterproductive, chemical use.

On Oct. 29, Powder River conducted a healthy soils webinar featuring Dr. Caitlin Youngquist, soils expert and University of Wyoming NW Area Ag Extension Educator and Montana healthy rangeland soils expert, John Brown. The webinar was well attended and garnered media attention including a thorough article in the *Wyoming Livestock Roundup*.

The webinar, plus additional resources on how to promote healthy soil on your rangelands, fields and gardens, provided by the



presenters and Powder River, are on our website, www.powderriverbasin.org. Once on the website, click on "What We Do" then "Agriculture and Local Foods" where you can scroll down to the *Healthy Soils Webinar* and *Healthy Soils Webinar Resources*.

Pennie Vance
Powder River Staff

Oil & Gas...Continued from page 1

lost from future use.

Through expert comments on the proposal, Powder River also clearly demonstrated that Aethon's plan did not meet the technical or legal requirements for an aquifer exemption, which are criteria that must be met before EPA can finally approve the aquifer exemption. The regulations require that good quality water that is a potential source of water into the future – like this aquifer water – is not available to pollute.

Five years ago, the WOGCC unanimously rejected Aethon's request for a Madison Aquifer exemption due to the importance of the aquifer and Aethon's simplistic analysis of the impacts. But this year, the WOGCC has new commissioners who are more industry-friendly and reluctant to reject Aethon's proposal. Thus, the aquifer exemption was approved on a four-to-one vote after some serious discussion. Governor Gordon, along with the state land director, Jenifer Scoggin, and two commissioners from the oil and gas industry all predictably voted in favor of Aethon's request to pollute the aquifer.

The only no vote came from the Wyoming State Geologist, Erin Campbell, who also sits on the WOGCC. Campbell is the most informed commissioner on the issue, and she had both the scientific integrity and the courage to question the proposal saying, "I do have concerns about this as a geologist. I think in terms of thousands of years and have a difficult time taking a gamble on a potential water source. We don't have the chemistry of the produced water, and I am not convinced that it will not travel further through fractures or other pathways. There is not a monitoring plan for this injection well. I am also concerned about the risk of induced seismicity. There are expensive studies that can cost

tens of millions of dollars to get the data to know if it would not contaminate the aquifer."

Campbell thanked all the witnesses for their testimony and for the opportunity to review the materials ahead of ahead of time and then said, "Really what I think this comes down to is do we want to risk contaminating a viable aquifer, and I am not sure all the data in the world will change that decision. I am reluctant to jeopardize our future water needs. The aquifer exemption rule states that it has to be situated at a depth or location which makes recovery of fresh and portable water impractical. What is impractical now might not be impractical in 50 years. I appreciate the value of this field, but I am afraid this is a gamble I am not comfortable taking so I will be voting no."

The other commissioners sat dumbfounded by Campbell's statements and silence echoed for a minute or more before Commissioner Scoggin said, "Well, what will it take for you to vote yes?"

Campbell noted that the studies that would be needed would so expensive and said, "Water is such a valuable resource I am not sure there is a way I can see injecting produced water into an aquifer and being comfortable with that." A motion was finally made and the four other commissioners voted to approve the Madison Aquifer exemption.

The WOGCC must submit the full hearing record and the transcripts for review to the EPA who will determine whether the proposed aquifer exemption meets the requirements of the law. Powder River will continue our efforts to protect Wyoming's precious water resources.

Jill Morrison
Powder River Staff

Solar Bill...Continued from page 1

but that was only after public testimony on the bill had already closed.

“Today is not a good day at the Wyoming Legislature,” said Senator Tara Nethercott, R-Cheyenne, advocating against the lack of public participation and vetting of the new substitute bill.

Despite the confusion of the last-minute legislation, the committee listened to over three hours of testimony from the public including small businesses owners, nonprofit organizations, homeowners, and advocates all speaking in favor of maintaining Wyoming’s current payback system for solar.

One of those testifying was Pete Gosar, the Executive Director of the Laramie Downtown Clinic, which provides public health services to Laramie residents. “Two years ago we made an investment into a solar array...although it returned a small sum of \$750 in saved electric costs each year, we are able to maximize that \$750 and that becomes over 100 prescriptions for our clients...It has been a game changer for us, and we are able to provide more services,” he told the committee.

“There’s a significant disagreement over whether a subsidy exists or not, much like whether you should eat red meat every day or not. For every study produced saying there is a cost-shift, there is an equal study that says there is not a cost-shift. Furthermore, the argument does not take into account workforce, economic development or even carbon emission benefits of net metering,” said Devon Brubaker, Director of the Southwest Wyoming Airport.

Despite the public outcry to further explore the intent of the substitute bill, the committee moved forward with the draft provided by Senator Case which will now become a formal committee sponsored bill for the 2021 General Session.

Monika Leininger
Powder River Staff

Butler...Continued from page 5

Baptist Church in Douglas in 1956.

The Butler family lived in Sioux Falls, SD, where Dorothy was very involved in church and community. They later moved to Georgetown, Kentucky, and for 20 years Dorothy was the head teacher and administrator of a private preschool, the Community Readiness Program. In that role she became beloved by hundreds of local children. Decades later it would make her day to be recognized by her former pupils, which she often was.

Dorothy continued to teach well into her 70s, both in Scott County and in Mesa, Arizona, where she spent winters. She delighted in telling the story of one youngster who, during this period, welcomed her as that day’s substitute teacher with the greeting, “wow, are you ever old!”

After her first marriage, Dorothy was happily partnered for many years with David Michel of Mesa, Arizona, who preceded her in death. Dorothy and David greatly enjoyed square dancing, and as her bulging closets can attest, she enjoyed collecting dancing dresses and petticoats.

An active member of Faith Baptist Church of Georgetown for 45 years, throughout her life Dorothy looked for places to be useful, to spread God’s love, and to lift the burdens of others. With a seemingly

boundless capacity for chitchat, Dorothy stayed in touch with friends and family in Converse County and around the country. Although she maintained warm relationships with people of divergent political beliefs, Dorothy was not shy about sharing her convictions as an ardent believer in public education, environmental protection, and a strong safety net for the economically disadvantaged. She never forgot the childhood experience of having nothing, and how the kindness of a caring community can lift up people who are struggling.

A celebration of life service was held online on Friday, Nov. 13. Survivors include Dorothy’s three children, Jay Butler (Linda) of Douglas, WY; Lynne Butler (John Hicks, deceased) of Denver, CO; Tom Butler (Wendy de Forest) of Huntington, VT; grandchildren Karen Butler Drumhiller (Mark) of Douglas, WY; Beth Butler of Laramie, WY; Grace de Forest Butler of Burlington, VT; Larson de Forest Butler of Huntington, VT; great-grandchildren Callie and Annie Hicks of Broomfield, CO; Addison, Emily, and Elizabeth Palte of Thornton, CO; and Archer and Alden Drumhiller of Douglas, WY.

In lieu of flowers, donations in Dorothy R. Butler’s memory can be made to Faith Baptist Church <http://www.familyoffaith.net/give> or to Powder River Basin Resource Council www.powderriverbasin.org/.

Thank You For All Your Support!!

Wishing you a Happy Holiday!



**Please remember Powder River
in your Year End Giving!**



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2021

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22 January Board Meeting, Virtual

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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!

Wyoming Delegation Contact Information

Barrasso, John (R)
307 Dirksen Senate Office Building
Washington, DC 20510
Website: barrasso.senate.gov
Phone: (202) 224-6441
Fax: (202) 224-1724

Enzi, Mike (R)
379A Senate Russell Office Building
Washington, DC 20510
Website: enzi.senate.gov
Phone: (202) 224-3424
Fax: (202) 228-0359

Cheney, Liz (R)
416 Cannon House Office Building
Washington, DC 20515
Website: cheney.house.gov/
Phone: (202) 225-2311
Fax: (202) 225-3057