Memo

To: Craig City Council

From: Shannon Scott, Craig Economic Development Manager

Date: 7/14/2025

Re: City of Craig IRS Letter of Support to waive early retirement penalties for affected coal mine and power plant workers

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A pressing issue has recently been brough to our attention that is affecting the coal mine and power plant workers in Craig and Moffat County that are employed at Craig Station, Trapper Mine, and Colowyo Coal as these industries begin to cease operations over the next few years.

Several of these workers will be taking an early retirement withdrawal as they exit these industries to help cover basic expenses (rent, mortgage, food, etc.). Many of these transitioning workers have also expressed the desire to remain in Craig after the closures, open their own businesses, and utilize their retirement dollars in order to do so. The early withdrawal of any retirement account, before 59.5 years of age, is subject to a 10% penalty payable to the US Treasury, and then of course, federal and state taxes must also be paid from that withdrawal. For example, one may take $500,000 out to buy a building and equipment and only end up with about $257,000 - this would include the increase and then being put in the highest federal tax rate. This makes it almost impossible for any of those wishing to stay in Craig, pay basic expenses, or start a new business to be successful with the current early withdrawal penalties that are in place.

The City of Craig and its Economic Development Department has engaged the Associated Governments of Northwest Colorado to lead the efforts to eliminate these penalties at the IRS level. AGNC has deemed this the "Energy Worker Penalty Waiver Act" and is currently working to garner support of this initiative in the form of signatures for a letter and packet (attached). This letter and packet will be sent to a list of our local and regional partners as well as our state elected officials to show a unified front to eliminate these IRS early retirement penalties for our impacted coal workers. AGNC will then take the lead in delivering/sending the letter, along with the supporter's signatures to the appropriate party(s) at the IRS.

In addition to their outreach at the regional and state level, we are asking locally that the City of Craig approve the attached Letter of Support (attached), for the Energy Worker Penalty Waiver Act to be included with the supporter's signatures.

Sincerely,

Shannon Scott, Craig Economic Development Manager
Ph: 970-826-2020
Email: sscott@cityofcraig.org

7-22-25

The Honorable Members of the United States Congress
Washington, D.C. 20515

RE: Urgent Support Needed – Energy Worker Penalty Waiver Act

Dear Members of Congress,

On behalf of The City of Craig, we write to express our strong support for the Energy Worker Penalty Waiver Act and urge immediate congressional action.

Unit 1 of Craig Station, our coal-fired power plant, is closing this year, resulting in the loss of approximately 150 high-paying jobs in one of the most rural regions in the state. Units 2 and 3 will follow by 2028, and with them, the remaining workforce and the economic foundation of our community. Colowyo Mine is already in active reclamation, and Trapper Mine—whose sole purpose is to serve Craig Station—is preparing for closure as well.

These closures are the result of state-level policy decisions. Our community did not ask for this coal transition, but we are making the sacrifice nonetheless. And the cost is steep: Over 800 direct jobs lost. Thousands more indirectly impacted. Nearly 47% of Moffat County's GDP—gone.

In rural places like ours, there are few comparable job opportunities. Families who lose their jobs face the impossible choice of uprooting their lives or falling into financial crisis. As they turn to their retirement savings to stay afloat, they are penalized—hit with a 10% early withdrawal fee and full income taxation on the funds they spent years earning. That penalty was never intended for situations like this. It was meant to prevent elective early withdrawals—not to punish workers caught in the crosshairs of state-mandated closures.

We cannot afford to lose these families. When population declines in rural areas, so do school enrollments, hospital services, emergency response capacity, and tax revenues. Without targeted intervention, these closures could permanently cripple our communities.

That's why the Energy Worker Penalty Waiver Act matters. It would:

- Waive the 10% early withdrawal penalty for displaced coal workers;
- Exclude those withdrawals from taxable income;
- Allow use of funds for housing costs, basic living expenses, job retraining, or starting a small business—tools that help families remain in their communities and rebuild locally.

This proposal does not create a new program or subsidy. It is a modest, targeted fix with minimal fiscal impact. But for us, it could mean everything. It could be the lifeline that helps families stay in their homes, schools remain open, and rural communities survive the economic blow of transition.

Our workers have powered this country for generations. Now, through no fault of their own, they're bearing the brunt of its transition. We're simply asking for the chance to help them stay on their feet—with the money they've already earned.

Please support the Energy Worker Penalty Waiver Act and stand with the rural communities that are sacrificing so much.

Sincerely,
Chris Nichols

Mayor – City of Craig
970-846-1815
cnichols@ci.craig.co.us

Energy Worker Penalty Waiver Act
Federal Request Packet

Prepared by Associated Governments of Northwest Colorado

Contact: Tiffany Dickenson, Executive Director
Email: tiffany@agnc.org | Phone: (970) 665-1095

Energy Worker Penalty Waiver Act – Legislative Brief

The Ask

Congress should enact legislation to waive the 10% early withdrawal penalty and exclude those withdrawals from taxable income for workers displaced from coal mining and power plant jobs due to state or federal energy transition policies. This waiver should apply to future closures and workers directly affected by government-mandated coal facility shutdowns.

Who This Helps

Thousands of skilled coal workers across rural America — including in Colorado's Yampa Valley — who have lost or are about to lose their jobs. These workers aren't retiring by choice. They're being forced out by policy — and in many cases, there are no comparable jobs to move into. Without support, families may be uprooted, homes lost, and entire communities hollowed out.

- Power plant shutdowns (e.g., Craig Station)
- Mine closures (e.g., Trapper, Colowyo)
- Emissions regulations, leasing restrictions, and utility mandates

Why It Matters

When displaced workers withdraw retirement funds to cover rent, groceries, or retraining, they're hit with a 10% IRS penalty — on top of income tax. That penalty was never meant for situations like this. It was designed to discourage early withdrawals for nonessential spending — not to punish people for trying to survive.

This proposal isn't about reversing policy decisions. It's about fairness, survival, and giving rural families a fighting chance to stay in place as their local economies undergo massive, policy-driven change.

What the Bill Would Do

- Waive the 10% early withdrawal penalty and exclude those withdrawals from taxable income for displaced coal workers
- Allow penalty- and tax-free use of funds for:
  • Basic household expenses (e.g., mortgage, rent, groceries)
  • Job training or higher education
  • Small business startups or relocation
- Use layoff or closure notices for verification — no red tape, no repayment, no cap

Precedent Exists

Congress waived the early withdrawal penalty under the CARES Act for COVID-related job losses. The same logic applies here: when jobs are lost because of policy — not performance — workers shouldn't be punished for accessing their own savings.

Common Questions — Clear Answers

Why this industry?

Because these job losses were planned, not accidental. This is a way to help people live through a transition they didn't choose.

Is this a subsidy or a bailout?

No. Workers would be using their own money — just without the penalty or added tax burden.

Won't this set a precedent?

Yes — a narrow and reasonable one: if public policy eliminates a job, the worker shouldn't be penalized for trying to move forward.

What's the real goal?

To give families the resources to stay in their communities and build a future — instead of being forced to leave them behind.

Policy Justification Memo

Waiver of the 10% Early Withdrawal Penalty for Displaced Coal Workers

Prepared by: Associated Governments of Northwest Colorado (AGNC)

I. Executive Summary

This memo proposes a federal waiver of the 10% early withdrawal penalty **and exclusion of those withdrawals from taxable income** for **coal workers** displaced due to policy-driven restrictions on the coal industry. These workers have been permanently separated from their jobs not by market conditions or employer decisions, but by regulatory and legislative actions. This waiver is a matter of basic fairness — no one should be penalized for using their own savings to survive a transition they didn't choose.

II. Background and Context

Rural energy communities — like those in Northwest Colorado — are experiencing the ripple effects of state and federal energy transition policies. Craig Station and its associated mines are scheduled to close, eliminating approximately 800 direct coal jobs, with more than 2,000 additional indirect jobs at risk. In total, projected wage losses in 2025 alone exceed $400 million.

III. Problem Statement

Under current law (IRC §72(t)), early withdrawals from retirement accounts are subject to a 10% penalty, in addition to regular income tax. This penalty was intended to discourage non-essential withdrawals for luxury purchases — like boats or vacations — not to penalize people who are simply trying to pay rent, buy groceries, or retrain after losing a job they didn't voluntarily leave.

The underlying assumption of the penalty is that workers will remain employed and have other options. In coal transition communities, that assumption is no longer valid. These workers are not able to find comparable-wage employment locally, and many are not in a position to relocate. Accessing retirement savings becomes a matter of survival — not choice.

IV. Legislative Proposal

Congress should amend §72(t) of the Internal Revenue Code to create an exemption for workers permanently displaced due to government policies that restrict the operation of coal facilities. The proposal would:

- Waive the 10% early withdrawal penalty for qualified coal worker distributions
- Exclude such withdrawals from taxable income
- Permit use of funds for essential needs: housing, retraining, starting a business, relocation, or basic expenses
- Require no repayment or cap

- Allow self-certification or use of layoff/closure notices for eligibility

V. Fiscal Analysis

Estimated cost to the Treasury: ~$10–12 million (prospective only). This reflects the forgone 10% penalty revenue and income taxes on affected distributions. No new federal programs or administrative infrastructure would be required.

VI. Precedent

Congress waived this penalty in 2020 under the CARES Act for workers affected by COVID-related disruption. This proposal applies the same logic: when jobs are lost because of policy — not performance — workers should not be punished for accessing their savings.

VII. Policy Rationale

This proposal is grounded in fairness. It applies to any **coal worker** — whether they worked in a mine, power plant, or support service — whose job was permanently eliminated due to government-imposed restrictions. These workers are not asking for a bailout; they're simply asking to use the money they earned to survive the transition policymakers created.

Without penalty- and tax-free access to retirement savings, these workers may lose their homes, leave their communities, or be forced onto public assistance. This waiver provides a low-cost way to help them remain housed, retrain, or start over in place — keeping dollars in rural communities and families together.

VIII. Conclusion

This is a targeted, nonpartisan, and fiscally responsible way to ease the economic impact of energy transition. It does not subsidize any industry. It does not grow government. It simply allows **coal workers displaced by policy** to use their own savings — without penalty and without additional tax burden. Congress should act to include this waiver in upcoming tax, energy, or workforce legislation.

Appendix A: Draft Legislative Language

"(11) DISTRIBUTIONS TO COAL WORKERS DISPLACED BY POLICY-DRIVEN INDUSTRY RESTRICTIONS.—

(A) In General.—Subsection (t)(1) shall not apply to any qualified coal worker distribution.

(B) Qualified Coal Worker Distribution.—For purposes of this paragraph, the term 'qualified coal worker distribution' means any distribution from an eligible retirement plan made—

(i) on or after January 1, 2025, and before January 1, 2036,

(ii) to an individual who was permanently separated from employment as a direct result of federal or state laws, regulations, or policies that restricted the operation of coal mines, coal-fired power plants, or directly associated services, and

(iii) who provides documentation of such job loss, including but not limited to layoff notices, facility closure announcements, or self-certification in a form and manner prescribed by the Secretary.

(C) Repayment Not Required.—No repayment shall be required for any qualified coal worker distribution.

(D) No Cap.—The amount of any qualified coal worker distribution shall not be subject to a dollar limitation.

(E) Eligible Retirement Plan.—The term 'eligible retirement plan' has the meaning given in subsection (r)(2).

(F) Exclusion from Gross Income.—Qualified coal worker distributions shall not be included in gross income for purposes of this chapter."

Economic Impact Data Sheet

Data Source: Dr. Nathan Perry (CMU), July 2020 Report; Feb–March 2025 Newsletters

This document highlights the economic impact of coal job losses in Northwest Colorado counties due to government-driven energy transition policies. The table below presents the GDP contribution of the coal sector, the scale of job losses, the percentage of total county employment affected, and the estimated economic output losses to demonstrate the need for federal relief.

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1. Regional Overview

County	Coal % of GDP	Direct Job Loss	Indirect + Induced Job Loss	Total Job Loss	% of County Jobs	Economic Output Loss
Moffat	47.0%	594	1,245	1,839	24.0%	$241,600,000
Rio Blanco	26.0%	146	300	446	10.0%	$74,200,000
Routt	6.0%	179	336	515	4.0%	$81,700,000
Total	—	919	1,881	2,800	—	$397,500,000

2. Additional Community-Level Impacts

Wage Differential & Job Quality Concerns
Coal workers in Northwest Colorado earn an average of $92,000 annually. In contrast, jobs in renewable energy sectors often range between $40,000 and $60,000. This disparity makes it nearly impossible for workers to maintain their standard of living without incurring significant hardship.

Housing Market Pressures
As of early 2025:

- Moffat County: Median home price = $302,000 (+2.4% YoY)
- Rio Blanco County: Median home price = $190,000 (−14.7% YoY)
- Routt County: Median single-family home price = $1.33 million (+18.5% YoY)

Falling values and relocation pressures increase foreclosure risks and strain local property tax bases.

School Enrollment and Public Services

- Moffat County School District has experienced a **16% decline** in enrollment over the past five years.

- Memorial Regional Health in Craig faces a **30% potential budget reduction** tied to lost revenues.
- EMS services are under strain in rural communities with rising costs and fewer resources.

Demographic Shifts

- Median Age:
    - Moffat: 37.9
    - Rio Blanco: 39.1
    - Routt: 42.6

Outmigration of working families leaves aging populations with higher dependency ratios and greater reliance on strained public services.

3. Context and Transition Overview

The closure of Unit 1 at Craig Station in 2025 is expected to eliminate approximately 150 jobs later this year. Units 2 and 3, along with Trapper and Colowyo mines, are scheduled to shut down before 2028, marking one of the largest coordinated coal transitions in the state.

- **Rio Blanco County** is already experiencing the effects of energy decline, including reductions at the Deserado Mine.
- **Routt County's** Hayden Station is also slated for closure before 2028, contributing to regional job and output losses.

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4. Cumulative Economic Risk

Across the three-county region, projected job losses due to coal plant closures and mine shutdowns reach 2,800 jobs, including direct, indirect, and induced employment impacts.

Output losses total approximately $397.5 million annually.

Wage losses are severe:

- With average salaries at $92,000, the annual displaced wage base exceeds $175 million.
- Replacement jobs in renewables or service sectors often pay 40–60% less.

Additional impacts:

- **Moffat County:** $12.2 million in tax loss (40% of base), $6–7 million in school cuts
- **Rio Blanco:** $3.2 million (15%), $1–1.5 million in school losses
- **Routt:** $4.5 million (8%), $1.5–2 million in school losses

Population Losses:

- Moffat: 10–15%
- Rio Blanco: 5–7%
- Routt: 2–3%

Remediation Costs:

- Moffat: $150–200 million
- Rio Blanco: $50–75 million
- Routt: $75–100 million

The ripple effects from these losses extend to schools, healthcare systems, infrastructure, and small businesses. Rural communities lack the fiscal buffer to absorb these impacts alone.

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5. Federal/State Support Gap

Despite the scale of economic loss, the state's Office of Just Transition grant funding remains significantly inadequate:

- Moffat County Total: $3,017,916 (1.2% of loss)
- Rio Blanco County Total: $1,850,725 (2.5% of loss)
- Routt County Total (Municipalities): $2,041,000 (2.5% of loss)
- NWCDC Regional Support: $502,801 (shared across all counties)

While these investments are helpful, they are a fraction of the nearly $400 million in annual losses these communities are enduring. Even when combined, they fail to address the long-term structural risks, tax base collapse, and public service erosion now underway.

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6. Policy Justification

This data underscores the need for federal relief that empowers displaced workers to use their own retirement savings without being penalized for circumstances outside their control.

A targeted waiver of the 10% early withdrawal penalty would provide a lifeline to these workers during a state-mandated transition they did not choose.

This proposal:

- Does **not** create a new program or entitlement
- Does **not** subsidize fossil fuels
- Does **not** expand federal bureaucracy

It simply allows affected workers to access their own retirement savings—without penalty—to stabilize their households and communities in the face of forced transition.

That is a fair standard—and a responsible precedent.

SIGN-ON LETTER

Request for Federal Legislative Waiver of the 10% Early Withdrawal Penalty for Displaced Coal Workers
May 2025

To the Honorable Members of the United States Congress:

We, the undersigned local governments, economic development organizations, and regional stakeholders, respectfully urge you to support legislation that would waive the 10% early withdrawal penalty under IRC §72(t) for workers displaced by the closure of coal mines, power plants, or other coal-related energy production facilities due to government-driven transition policies.

This is not a call for new entitlements. It is a fair, focused, and fiscally responsible solution: allowing displaced coal workers to access their own retirement savings—**without being penalized** for losing their jobs to policies they had no part in creating.

A Penalty That Was Never Meant for This

The 10% early withdrawal penalty was created to discourage individuals from drawing down retirement savings early for elective reasons—nonessential purchases, early lifestyle upgrades, or voluntary retirement. It was never intended to punish workers forced out of their careers by government regulation.

That's what's happening now. Across the country, coal workers are being displaced—not because they chose to leave, but because public policy left them with no choice. From plant operators in Craig, Colorado, to technicians in Nucla, workers who powered our homes and economy for decades are being penalized for accessing the only capital they have left.

This is not early retirement. This is emergency survival.

The Precedent: Congress Acted Before—It Should Again

In 2020, Congress passed the CARES Act to waive the early withdrawal penalty for Americans facing economic hardship due to COVID-19. The rationale was clear: when a crisis beyond your control takes your job or upends your financial stability, the penalty becomes a punishment—not a deterrent.

The same logic applies here. These workers are not speculators. They are using their savings to stay in their homes, retrain, support their families, or start over in their own communities.

What We Are Asking For

We urge Congress to enact legislation that would:

1. Waive the 10% early withdrawal penalty for **coal workers** laid off due to government policy, including federal or state emissions regulations, leasing restrictions, or utility mandates;
2. Apply **only to qualifying layoffs occurring on or after January 1, 2025**;
3. Allow penalty-free use of funds for basic household expenses, retraining or education, starting a small business, or relocation;
4. **Exclude these qualified withdrawals from taxable income** to ensure displaced workers are not doubly penalized through federal tax liability;
5. Eliminate unnecessary bureaucracy, using layoff or closure notices as verification—no income caps, no hardship tests, no delays.

The framework already exists. The CARES Act model can be easily adapted, administered by the IRS, and integrated into 2025–2028 tax filings. It's clean, fast, and ready to go.

Why This Matters

While state programs like Colorado's Office of Just Transition have supported important planning and infrastructure investments, a critical gap remains - workers still lack direct access to their own retirement savings without penalty. This federal policy change fills that gap—providing a tool only Congress can authorize to ensure workers have immediate, personal access to capital during transition.

Fiscal Impact: Tiny. Human Impact: Massive.

According to conservative estimates:

- Projected federal cost over 10 years (2025–2035): ~$7.5 million

That’s a drop in the bucket compared to the $200 billion DOE loan authority or the $500 million SECURE 2.0 package.

This fix does not harm the federal budget. It reduces the likelihood that displaced workers will need unemployment, SNAP, or housing aid. It keeps dollars in local economies where every cent counts.

Bipartisan. Logical. Urgent.

This is not about saving coal. It is about honoring the dignity of work, regardless of political stripe or energy source. Whether you represent a rural coal town or a frontline clean energy district, this is a solution your constituents can support.

We believe this is what a just, people-centered energy transition actually looks like. And we stand ready to help make it happen.

Sincerely,

Cody Davis
AGNC Chair
Mesa County Commissioner

Chris Jones
Advisory Committee Chair
Craig Economic Development

[Logos / Signatures / Names of Participating Counties, Cities, and Organizations]

Outreach list of Supporters

Comstock, Jeff	jcomstock@moffatcounty.net	Moffat County
Villard, Melody	mvillard@moffatcounty.net	Just Transition Advisory Committee (Moffat County
Bohrer, Tony	tbohrer@moffatcounty.net	Moffatt County Commissioner
Broom, Donald	dbroom@moffatcounty.net	Moffat County Commissioner
Edwards, Vicky	vicky.edwards@rbc.us	Rio Blanco County
O'Hearon, Jennifer	jennifer.ohearon@rbc.us	Rio Blanco County Commissioner
Overton, Doug	doug.overton@rbc.us	Rio Blanco County Commissioner (AGNC Rep)
Scritchfield, Callie	callie.scritchfield@rbc.us	Rio Blanco County Commissioner
Jay Harrington	jharrington@co.routt.co.us	Routt County Manager
Redmond, Tim	tredmond@co.routt.co.us	Just Transition Advisory Committee (Routt County
Macys, Sonja	smacys@co.routt.co.us	Routt County Commissioner
Salinas, Angelica	asalinas@co.routt.co.us	Routt County Commissioner
LeValley, Robbie	rlevalley@deltacountyco.gov	Delta County Manager
Fuller, Craig	cfuller@deltacountyco.gov	Delta County Commissioner (AGNC Rep)
Koontz, Wendell	wkoontz@deltacountyco.gov	Delta County Commissioner
Lane, Mike	mlane@deltacountyco.gov	Delta County Commissioner
Hansen, Sue	shansen@montrosecounty.net	Montrose County Commissioner (AGNC Rep)
Mijarea, Scott	smijares@montrosecounty.net	Montrose County Commissioner
Pond, Sean	spond@montrosecounty.net	Montrose County Commissioner
Daniel, Bobbie	bobbie.daniel@mesacounty.us	Mesa County Commissioner
David, Cody	cody.davis@mesacounty.us	Mesa County Commissioner (AGNC Board)
Fletcher, JJ	jjfletcher@mesacounty.us	Mesa County Commissioner
Jarman, Fred	fjarman@garfieldcountyco.gov	Garfield County
Samson, Mike	msamson@garfieldcountyco.gov	Garfield County Commissioner (AGNC Rep)
Will, Perry	pwill@garfieldcountyco.gov	Garfield County Commissioner
Jankovsky, Tom	tjankovsky@garfieldcountyco.gov	Garfield County Commissioner
Lange, Curtis	clange@co.grand.co.us	Grand County
George, Randy	rgeorge@co.grand.co.us	Grand County Commissioner
Raegner, Ed	eraegner@co.grand.co.us	Grand County Commissioner
Linke, Merrit	mlinke@co.grand.co.us	Grand County Commissioner (AGNC Rep)

Outreach list of Supporters

Brixius, Petter	pbrixius@ci.craig.co.us	Craig City Manager
Nichols, Chris	cnichols@ci.craig.co.us	City of Craig Mayor (AGNC Rep)
Vassen, Shannon	svassen@fruita.org	Fruita City Manager
Kincaid, Joel	jkincaid@fruita.org	City of Fruita Mayor
Caldwell, Jeannie	jcaldwell@rangelyco.gov	Rangely Marketing Coordinator
Parker, Allen	aparker@rangelyco.gov	Rangely Town Manager (AGNC Rep)
Etheridge, Mandi	Mandi@town.meeker.co.us	Meeker Town Manager
Day, Travis	wpss1999@gmail.com	Meeker Mayor
Thomson, Carly	carly@town.meeker.co.us	Town of Meeker
Blakely, Richard	dinowater@centurylink.net	Dinosaur Mayor
Ebbert, Tegan	tegan.ebbert@haydencolorado.org	Town of Hayden
Mendisco, Mathew	mathew.mendisco@haydencolorado.org	Hayden Town Manager (AGNC Rep)
Fineberg, Louis	louis@townofoakcreek.com	Town of Oak Creek (AGNC Rep)
Clancey, Michael	mclancy@rifleco.org	Rifle Councilman
Waller, Patrick	pwaller@rifleco.org	Rifle City Manager
Rugaard, Tom	trugaard@parachutecolorado.com	Parachute Mayor
Elliott, Travis	telliott@parachutecolorado.com	Town of Parachute (AGNC Rep)
Hawkinson, Janet	jhawkinson@townofpalisade.org	Town of Palisade
Mikolai, Greg	gmikolai@townofpalisade.org	Palisade Mayor
Maxwell, Nicole	nmaxwell@townofpalisade.org	Palisade Trustee
Somerville, Jamie	jsomerville@townofpalisade.org	Palisade Trustee
Harbaugh, Stan	sharbaugh@townofpalisade.org	Town of Palisade Trustee (AGNC Rep)
Riddle, Art	ariddile@newcastlecolorado.org	New Castle Mayor
Reynolds, David	dreynolds@newcastlecolorado.org	New Castle Town Manager
Firth, Rochelle	rfirth@newcastlecolorado.org	Town of New Castle
Hazelton, Grady	ghazelton@newcastlecolorado.org	Town of New Castle (AGNC Rep)
Malsbury, Lori	lmalsbury@townofsilt.org	Silt Deputy Cler
Richel, Keith	k.richel@townofsilt.org	Silt Mayor
Hanrahan, Derek	dhanraham@townofsilt.org	Town of Silt Trustee
Mann, Jim	jmann@townofsilt.org	Silt Town Manager
Geilert, Stacy	clerk@townofyampa.com	Town of Yampa Mayor

Outreach list of Supporters

McInnis, Care	cmcinnis@debeque.org	Town of De Beque Town Manager
Dearing, William	wmd195023@yahoo.com	BMSA Board Rep (AGNC Board)
Haschke, Tony	tonyh@sgm-inc.com	Battlement Mesa Board
Anderson, Angie	angie@glenwoodchamber.com	Glenwood Chamber
Gresley, Alicia	alicia@onmountaintime.com	CRVEDP
Langhorne, Michael	mlanghorne@rifleedc.com	Rifle Regional EDC
Holloway, Jennifer	jholloway@craigchamber.com	Craig Chamber
Stephenson, Sara	sara@meekerchamber.com	Meeker Chamber
Carnahan, Candace	candace@gjchamber.org	Grand Junction Chamber
Dixon, Brittany	brittany@club20.org	Club 20
Englehart, Curtis	curtis@gjep.org	Grand Junction Economic Partnership (GJEP)
Pope, Greg	gpope@deltacountyco.gov	One Delta County
Gordon, Makayla	mgordon@choosewestend.org	WEED-C
Tooker, Aimee	talliesandtasks@gmail.com	OJT JTAC
Woodworth, Kim	kim.woodworth@edcconline.org	EDCC
Bristol, John	john.bristol@rcedp.org	Routt County EDP
Rambo, Christine	crambo@upsizems.com	

Outreach list of Supporters

Jones, Lisa	lisa.jones@cncc.edu	CNCC
Duclo, Tinker	tduclo@coloradomtn.edu	CMC
Wagner, Derek	dawagner@coloradomesa.edu	CMU
Engell, Jeff	Jeff.Engell@colostate.edu	CSU
Romano, Brittany	brittany@startupcolorado.org	StartUp Colorado
McCuskey, Erin	erin@northwestsbdc.org	
Pynes, Ashley	ashley@northwestsbdc.org	Northwest SBDC
Bollig, Dalida	dbollig@gjincubator.org	BIC
Carlisle, Sarah	scarlisle@tristategt.org	Tri-State
Kramer, Drew	drew.kramer@tristategt.org	Tri-State
McCloud, Brad	brad.d.mccloud@xcelenergy.com	Xcel
Ray, Bill	bill@wr-communications.com	Natural Soda

Outreach list of Supporters

Miera, Chelsie	chelsie.miera@wscoga.org	Western Slope Colorado Oil & Gas
Eckman, Adam	adam@coloradomining.org	President, Colorado Mining Association
Oxley, Christina		
Tucker, Carolyn		
Wohlgenant, Tim	tim@yvcf.org	Yampa Valley Community Foundation
Livermore, Teri	terri.livermore@state.co.us	OJT
Buchanan, Wade	wade.buchanan@state.co.us	OJT
Gates, Rachel	rgates@pioneershospital.org	

Outreach list of Supporters

Dougherty, Dennis	ddougherty@coaflcio.org	Just Transition Advisory Committee (AFL-CIO)
Markuson, Chris	cmarkuson@bluegreenalliance.org	Just Transition Advisory Committee (BlueGreen All
Barela, Joe		Just Transition Advisory Committee (CDLE)
Berg, Christine	christine.berg@state.co.us	Just Transition Advisory Committee (Colorado Ene
Toor, Will	will.toor@state.co.us	Just Transition Advisory Committee (Colorado Ene
Kostelnik, Jessica		Just Transition Advisory Committee (Governnor's C
Geary, Ron	rjg@ibew111.org	Just Transition Advisory Committee (IBEW 111)
House, Ernest	ehouse@keystone.org	Just Transition Advisory Committee (Keystone Poli
Westhoff, Gordon	gwesthoff@co.morgan.co.us	Just Transition Advisory Committee (Morgan Coun
Smith, Carl	Colosmartunion@gmail.com	Just Transition Advisory Committee (SMART Transp
Getts, Laura	lgetts@tristategt.org	Just Transition Advisory Committee (Tri-State)
Robertson, Amy	amy.robertson@tristategt.org	Just Transition Advisory Committee (Tri-State), Sta
Tooker, Aimee		Just Transition Advisory Committee (West End Eco
Jacob, Makayla?		Just Transition Advisory Committee (Xcel Energy)
Catlin, State Senator Marc	marc.catlin.senate@coleg.gov	Legislature
Kirkmeyer, State Senator Barbara	barbara.kirkmeyer.senate@coleg.gov	Legislature
Lukens, State Representative	meghan.lukens.house@coleg.gov	Legislature
Pugliese, State Representative Rose	rose.pugliese.house@coleg.gov	Legislature
Rich, State Senator Janice	janicerichsd7@gmail.com	Legislature
Soper, State Representative Matt	matthew.soper.house@coleg.gov	Legislature
Taggart, State Representative Rick	rick.taggart.house@coleg.gov	Legislature
Lieder, State Representative Sheila	sheila.lieder.house@coleg.gov	Legislature, Just Transition Advisory Committee
Roberts, State Senator Dylan	dylan.roberts.senate@coleg.gov	Legislature, Just Transition Advisory Committee
Furman, Loren	lfurman@cochamber.com	State Chamber of Commerce
Reeves, Lisa	lreeves@cochamber.com	State Chamber of Commerce
Jacus, John	john.jacus@davisgraham.com	State Chamber of Commerce (Legal Counsel), Par
Campbell, Stacey	stacey@campbell-litigation.com	State Chamber of Commerce , Campbell Litigation
McKinley, Skyler	smckinley@colorado.aaa.com	State Chamber of Commerce, AAA
Bartlett, Roger		State Chamber of Commerce, Affordable Concrete
Probst, Nico	nprobst@amazon.com	State Chamber of Commerce, Amazon
Reynolds, Courtney		State Chamber of Commerce, Ball Corporation
Hawkins, Campbell		State Chamber of Commerce, Black Hills Energy
Sadi, Eman		State Chamber of Commerce, Boeing
Kuipers, Melissa	mkblake@bhfs.com	State Chamber of Commerce, Brownstein Hyatt Fa
Calvert, Chad		State Chamber of Commerce, Chevron
Henke, Darrin		State Chamber of Commerce, Chord Energy
Wager, Jacob	jacob.wager@cignahealthcare.com	State Chamber of Commerce, Cigna

Outreach list of Supporters

Rivera, David		State Chamber of Commerce, Climax Molybdenur
Razon, Beverly		State Chamber of Commerce, COPIC
Garigen, Rich	rich.garigen@cpcneutek.com	State Chamber of Commerce, CPCneutek
VanderLaan, Meg	meg.vanderlaan@encoreelectric.com	State Chamber of Commerce, Encore Electric
Erker, Jeff		State Chamber of Commerce, FCI Constructors In
Engle, Jennifer		State Chamber of Commerce, Fidelity Investments
Smith, Sara		State Chamber of Commerce, HealthONE
Newland, Andy	andy@herculesindustries.com	State Chamber of Commerce, Hercules Industries
Benevento, Doug	dhbenevento@hollandhart.com	State Chamber of Commerce, Holland & Hart
Barr, Doug		State Chamber of Commerce, Hunter Douglas
Johnson, Ray	rrjohns@us.ibm.com	State Chamber of Commerce, IBM
Sherman, Amy		State Chamber of Commerce, Junior Achievement
McKiernan, Alanna	alanna.x.mckiernan@kp.org	State Chamber of Commerce, Kaiser Permanente
Fore, Allen		State Chamber of Commerce, Kinder Morgan
Swinney, Steve		State Chamber of Commerce, Kodiak Building Par
Southern, Mike		State Chamber of Commerce, McLane Company
Hunt, Bob		State Chamber of Commerce, Molson Coors Beve
Ahrendt, Andy	abahrendt@pcl.com	State Chamber of Commerce, PCL Construction
Henderson, Mauricio	mhenderson@perseveranceco.com	State Chamber of Commerce, Perseverance Staffi
Parham, Wes		State Chamber of Commerce, Pinnacol Assurance
Brown, Kreg		State Chamber of Commerce, Plante Moran
Weston, Jason		State Chamber of Commerce, PNC Bank
Martin, Sharon		State Chamber of Commerce, Rocky Mountain Na
Sparlin, Rhonda	rhonda.sparlin@rubinbrown.com	State Chamber of Commerce, RubinBrown
Staaf, Kris	kris.staaf@safeway.com	State Chamber of Commerce, Safeway
Manne, Varaprasad		State Chamber of Commerce, Terumo BCT
Cordero, Mizraim	mizraim.cordero@united.com	State Chamber of Commerce, United Airlines
Havens, Julie		State Chamber of Commerce, Wells Fargo
Nance, Rachel		State Chamber of Commerce, Xcel Energy