

## Pressure mounts on region's air quality as energy production, development grow in Colorado, N.M.

**By Mike Eisenfeld**  
*N.M. Energy Issues Coordinator*  
**and Josh Joswick**  
*Energy Issues Coordinator*

Air quality issues associated with energy development and production continue to be a problem in the Four Corners region. With nearly 35,000 existing natural gas wells, thousands of natural gas compressors, refineries, and two large coal plants in the region, there is no doubt that high air pollution levels are directly attributable to these facilities.

The Alliance has historically participated in the Four Corners Air Quality Task Force and the Western Regional Air Partnership (WRAP) in a good faith effort to seek reductions in pollution sources and to interact with agencies to see that air

quality is indeed improved. This effort has, in many ways, been frustrating, fraught with agency inaction, denials by industry of its contribution to the air quality problems, and delay tactics.

As a result, we are seeking more thorough analysis of energy projects, more comprehensive oversight of cumulative air quality impacts and an agency culture shift that promotes scientific integrity and public interest rather than being overwhelmed to serve industry demands.

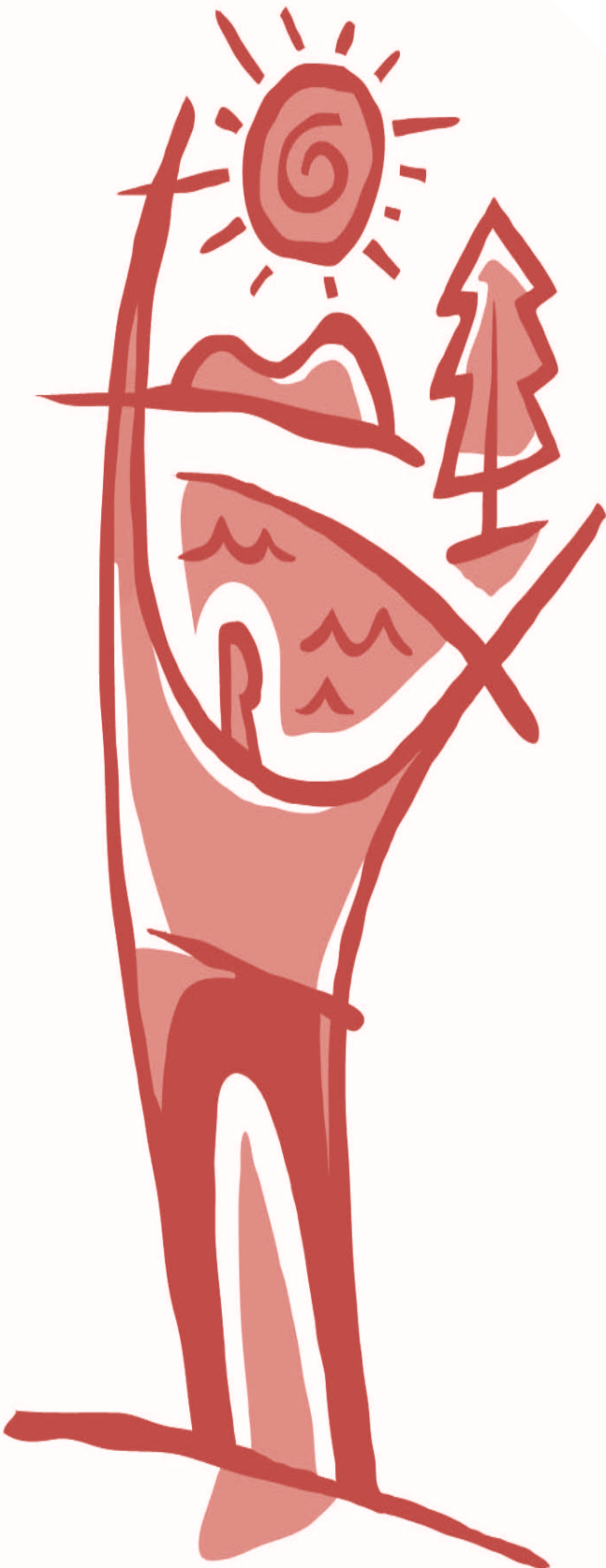
Several high profile air quality regulatory processes are currently under way in our region. The Environmental Protection Agency (EPA) has proposed to limit ozone to no more than 60-70 parts per billion (or 0.075 parts per million) over an eight-hour period to safeguard public health. Carbon dioxide, as part

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SJCA file photo

A layer of haze and pollution sits over the San Juan Basin, thanks to the region's complex of energy production and development ranging from coalbed natural gas production to coal-fired power plants, each affecting air quality and public health.



**By Chuck McAfee**  
*Alliance Board President*

The past few months have been marked by transition on the Alliance board. In February, our dedicated President Joe Griffith made the choice to leave the board after years of involvement as a member and as a leader. Soon after he became a member of the Alliance he joined the Wild San Juans task force and then became our board president.

He served us for approximately five years in that role. Joe related to me that he joined the Alliance after observing our efforts around the

proposal to develop Piano Creek Ranch. He was impressed with the way that the Alliance approaches matters affecting our local environment, works with local, regional, state, and federal stakeholders, persists and succeeds. We very much appreciate Joe's effective leadership and dedication to Alliance values and causes, and are pleased that he remains accessible, willing to share his wisdom, perspectives, and ideas with us.

We have also recently added two new members to our board – Anne Markward and Harry Riegle. Anne has lived mostly in La Plata County since 1983, though she recently returned from three years in New Zealand where she earned a master's degree in sustainable tourism. Her professional focus has been on tourism marketing – working with everyone from large national park concessioners to small nonprofits in Africa, Latin America, and Asia Pacific. Her passions include politics, renewable energy, keeping fragile ecosystems whole, and sustainable economies.

Harry moved Durango 13 years ago, and shortly afterwards, began volunteering at the Alliance; first with the Piano Creek development and then lobbying against the Animas-La Plata Project. He mapped roadless areas for the Alliance and the Southern Rockies Forest Network. He is active in the Wild San Juans

Task Force. Harry is an active member of the Smart Energy Committee of the Sustainability Alliance of Southwest Colorado.

I became president of the Alliance Board of Directors at the annual membership meeting in March of this year after serving on the board for approximately two years prior. My experience and interest in this type of role goes back about 30 years when I was president of the board for what is now the Colorado Environmental Coalition. At the time I was living in Loveland where I worked for Hewlett-Packard Company; I saw an opportunity to learn from and contribute to an organization that was making a positive difference in our state. CEC and the Alliance continue to work together on issues of local and regional interest such as long-term protection of the Dolores River Basin.

My wife MB and I were both born here (she in Durango, I in Cortez) where we attended high school. We retained family and community ties while we were away for education and careers, knowing we would someday move back to stay. We came "home" 12 years ago to live on dryland agricultural land in Montezuma County where my grandfather homesteaded nearly 100 years ago. We continue our active interest and involvement in environmental issues – MB was executive director of the Great Old Broads for Wilderness for a couple of years and I am very involved with the Alliance.

It was a delight when we returned here and learned of the Alliance. Like Joe, I was impressed with its successes, its mission and values, and the way it collaborates with key organizations, agencies and individuals. Getting to know the staff has been a special treat – each is dedicated, knowledgeable, effective, and fun! I was honored when I was invited to join the board, and even more so to serve as its president. It's a great outfit!

The Alliance draws its strengths from its mission, values, membership and supporters, its staff, and board of directors. I am proud of who we are and how we address important regional issues. I would like to hear from you on ways that we can be even more effective as we work to protect our incredible landscape with its physical, cultural, and historical attributes. We intend to continue to earn your support.

### Mission

The San Juan Citizens Alliance is a grassroots organization dedicated to social, economic and environmental justice. We organize San Juan Basin residents to protect our water and air, our public lands, our rural character, and our unique quality of life while embracing the diversity of our region's people, economy and ecology.

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**By Megan Graham**

*Executive Director*

Anyone who knows me – and a lot of folks who don't – is well aware that I am a dedicated runner. There are other, less flattering names for my relationship to the activity: addict, obsessed, etc. And those who are particularly close are keenly attuned to whether I have gotten the day's run in and are not shy about ordering me out the door when my mood suggests I have yet to embark on my daily outing.

This began as the most direct method I could find to release endorphins and mull whatever problem, issue or thought was most vexing at the moment – not to mention the physical benefits. Over the years, running has morphed into something greater, though: A way to connect with place – any place, really – in a manner that parallels and complements the work we do at the Alliance.

As I have developed from a roads-only runner to one who prefers trails, my runs have taken on a new dimension of exploration and adventure. Whether running along the bluffs of San Juan Island in the Puget Sound in Washington, watching fledgling eagles get flying lessons from their parents, or exploring the rock gardens of Phoenix in mind-boggling heat, running has afforded me the opportunity to find the heart of the places I visit – and, more importantly, the place I live.

Trudging through the backyard wildlands that shape life in the San Juan Basin provides me an opportunity for daily reminders of what it is that makes this region such a special place. Literally steps away from downtown Durango, a menu of options for exploration, recreation and reflection opens. With a few more steps, you can find yourself deep within the Weminuche Wilderness or at the heart of the HD Mountains roadless area. These places frame the backdrop of the San Juan Basin, and knowing they exist – and existing within them – is an increasingly important part of my life.

My daily ritual of sweat and ponder-



ing is made all the more meaningful when it takes place in a venue that reminds me of why I live here and why the Alliance does the work we do. The pinyon-juniper forests that line the trails in Durango Mountain Park provide rich habitat for a healthy mule deer population, a stealthy gang of mountain lions, and a topiary's worth of birds. What better setting to take advantage of all this region offers us?

This is, of course, just a teaser for the many opportunities to explore and unwind that surround our urban areas, and as time permits I venture further from my backyard to enjoy the many and varied wild places that our region has to offer. These backcountry adventures share a common theme that further reminds me how important it is to connect with the landscapes that shape our communities. Catching a glimpse of a bear making its way through the gambel oak, sitting alongside Hermosa Creek, soaking in the summer sun, or racing the

rain clouds to the top of Engineer Mountain are all episodes in that connection. As such, they serve to inspire efforts to protect these and other places that provide the setting for these experiences. One such afternoon outing can trigger a lifetime of energy committed to ensuring that a particular area remains as it was when the memory was created. These small connections can and do have far-reaching effects, both on individuals and the landscapes they are inspired to protect.

Perhaps the most lovely thing about these connections is the way they sneak up on you. In my case, a means to clear my head, get some exercise and work through the day's conundrums has given way to something much deeper. When my knees have given out and the appeal of sweating my way through an afternoon jaunt in the hot July sun, I will still treasure the places my current running addition brings me to. And thanks to the work of those who have come before me, they will still be there to enjoy just as they are today.



# Animas River Days

By **Meghan Maloney**  
*River Campaign Director*

**A**nimas River Days: This annual event celebrating the river that winds through town has been around for, well, somewhere between 25 and 30 years. Founded by a contingency of local boaters, the events and popularity of Animas River Days have waxed and waned through the years. Five years ago, our very own Aaron Kimple took over coordination of the event and created a growing celebration of fun activities down at Santa Rita Park. In Aaron's words, the event outgrew him – a great consequence of good planning. This year, the Alliance took over the primary coordination of the event with the intent of continuing its growth and weaving stronger conservation messages and outreach throughout.

As always, Animas River Days carried on its tradition of whitewater boating events. However, this year, hoping to increase the overall popularity of the event, Alliance staff and River Campaign intern James Foerster added a few new events to the roster. For the first time, we held an art exhibition with a river theme for one night, downtown on Main Avenue. Alpine Lumber held a national Trex decking sales event in the parking lot of Santa Rita Park. We had a river trivia competition along the trail, a cuddly otter named Rio for kids to learn more about water quality, music, and for the first time ever, a beer garden right near the river.

While the weather got a bit damp in the afternoon, overall there was an impressive turnout at all the various events over four days. This was only year one in our planning efforts; hopefully through time we will be able to continue to grow Animas River Days into a great community event, a fundraiser for the Alliance, and a celebration for all.



Photos by Megan Graham

This year's Animas River Days festivities combined community events with fun on the river with expert kayakers of all ages, all with an opportunity to celebrate the river that flows through the heart of Durango.

# Thanks to our Animas River Day 2010 sponsors!

Animas River Days 2010 could not have happened without the generous support of our sponsors and the fantastic assistance of our volunteers! Thank you for making this a great year!

This year's sponsors included: 99.7 The Point Radio Station, Inside Outside Magazine, Sophie Parrott, J-3 Media, The Durango Herald, Ska Brewery, Alpine Lumber, Durango.com, 4CRS, Coke, Morehart Murphy Auto Center, Subaru, The Strater Hotel, Duck Girl Art, Mild 2 Wild Rafting, Nature's Oasis, Trout Unlimited, Maria's Bookshop, The Spaah Shop, Greg Mann, Jay Short Insurance, The Stillwater Foundation, Aire, Inc., FunHog Press, Gardenswartz, Hillcrest Golf Club, Jack's Plastic Welding, Ken & Sue's, Old Tymer's Café, Osprey, Lake Mancos Ranch, Snap Dragon Design, Trimble Hot Springs & Spa, and Zuke's



## Hermosa Park added to public holdings in modified land exchange approval

By **Jimbo Buickerood**  
Public Lands Coordinator

With the public unveiling of the Record of Decision (ROD) and the Final Environmental Impact Statement (EIS) for the Hermosa Park/Chris Park land exchange, the process though not completely wrapped up, is likely very close to the final outcome. As appeals on the ROD/EIS remain open until late July, a short time remains to see what might still play out in this land exchange.

San Juan Public Lands Supervisor Mark Stiles' Record of Decision attempts to resolve the pragmatic and the it-will-never-be-perfect issues that the land exchange fomented. Glacier Club, holding three parcels that the public lands office was eyeing to acquire (especially the vital 160 acre Hermosa Park inholding), had placed high priority on obtaining sufficient federal property acreage south of the Chris Park Campground to squeeze in nine more golf course holes in order to reach the "holey" grail of two 18 hole courses. Meanwhile, the prospect of giving up a couple hundred acres of the Chris Park area – a unique and frequently used public playground – was desired by very few. There is no doubt that Glacier Club had worked the Forest Service and the public into an problematic corner and the specter of Glacier Club's capacity to despoil Hermosa Park with roads and buildings was realistic enough to be both scary and sickening.

The ROD specifies that Glacier Club will receive 228 acres of public land lying adjacent and to the north of its current holding, while the public will receive the 160 acre Hermosa Park and 10 acre Whitehead Gulch parcel (an inholding surrounded by the Weminuche Wilderness) plus a chunk of cash. No additional road access to Glacier Club from Highway 550 will be included in the deal. The results of the so-called swap will be a bitter pill to swallow for those who have followed the issue – they know quite well that Glacier Club stands to gain a bundle of cash in the years to come while the public loses an often-used piece of beautiful and accessible backcountry that provides the first opportunity north of Durango to hike, ski, bird, climb, cave, wander or nap in a meadow.

With the aim of saving us from a similar travesty in the future, it is worth dissecting the land exchange process and attempting to identify the lessons to be learned. This is truly a trail that we don't want to follow again. Also worth examining is the question of who bears responsibility for this botched job.

Unfortunately, local Forest Service leadership (long before Stiles became Forest Supervisor), failed to connect all of the dots that would have precluded the coercive deal that has transpired. These dots included the recognition of the vital importance of



SJCA file photo

The Hermosa Creek is the heart of one of the most pristine watersheds in Colorado. Thanks to the recently approved land exchange, the sole private inholding will now become public land.

securing the Hermosa Park parcel and a commensurate effort to purchase the property. Being bound by federal purchase guidelines and evidently a landowner unenthused to sell to the feds are not viable excuses – such hurdles should have been overcome by bringing together appropriate leaders and resources from both public and private sectors.

We as a community dropped the ball sometime ago as well. We could have better tracked the status of private inholdings, especially those we feel should be a part of the publically owned commons. And if the federal land managers do not provide the vision, expertise and leadership to appropriately acquire vital parcels such as Hermosa Park, then it is incumbent upon us to give them a nudge (or shove) in that direction.

Hopefully we now see more clearly the importance of building the relationships and supporting the organizations that watchdog the public good in obtaining and preserving important lands that deserve to be in the public domain. This exchange should be a reminder that public lands managers are often not the best conduit through which to bring vital lands into the public fold. They are bound by restrictive regulations and simply not nimble enough to seize the opportunity – especially if confronted with a compressed timeline.

The ugly culprit in this land exchange process is the federal appraisal process – politely said, it stinks. The appraisal was so biased in favor of Glacier Club and neatly organized to support the land exchange to the distinct advantage of Glacier Club that it has made even reasonable people wonder if there was off-the-record collusion. The appraisal has major flaws and it is fair to

## San Juan River Protection Workgroup process gaining valuable momentum

By **Meghan Maloney**  
River Campaign Director

The San Juan River Protection Workgroup (RPW) planning process recently completed the fourth of its series of community meeting in Pagosa Springs, focusing on the possible designation of Wild and Scenic River status for the West and East Forks of the San Juan River. The San Juan process is a sister effort to the Hermosa Creek RPW - the collaborative process that is transitioning from the planning phase to the drafting of legislation.

The RPW workgroup “series” was initiated, and is in part financed, by the Alliance several years ago. Five watersheds will eventually be examined through the process including the Pine/Vallecito, Piedra and the Animas. While the Hermosa Creek effort is winding down and the San Juan RPW is part-way into the process, the initial meeting for the Pine River/Vallecito Creek watershed kicked off in mid-June. All of the meetings are open to the public and stakeholder agencies and organizations – participation from those who are knowledgeable and passionate about their local watershed are enthusiastically encouraged to join the process.

The specific objective of the RPW process is to examine the viability of Wild and Scenic River status within each of these watersheds. A significant catalyst to initiating this process came from the San Juan Public Lands Draft Resource Management Plan, which found segments of these streams suitable for Wild and Scenic designation. These findings were detailed in the Draft RMP tome which is available at <http://ocs.fortlewis.edu/forestPlan/>.

Within the upper San Juan watershed the SJPL study determined that the West Fork was suitable for WSR status while the East Fork was not. SJCA noted in its extensive comments on the Draft RMP/EIS that the WSR recommendations were arbitrary and we recommended both of the forks be found eligible for WSR status. As the draft plan

is still to be finalized, a collaborative public process has the potential to bring new ideas and local consensus to the agency for consideration within the Final EIS.

Part of the upper San Juan watershed’s uniqueness stems from the predominance of private landownership in the valleys, with federal ownership higher up the drainage as well as on the flanks of all the private lands. Much of the watershed’s higher elevations are well protected as they lie within the Weminuche and South San Juan wilderness areas, both of which saddle the continental divide. Adjacent to these two wildernesses are huge tracts of wild and unroaded backcountry including the Turkey Creek and Treasure Mountain Inventoried Roadless Areas (IRAs).

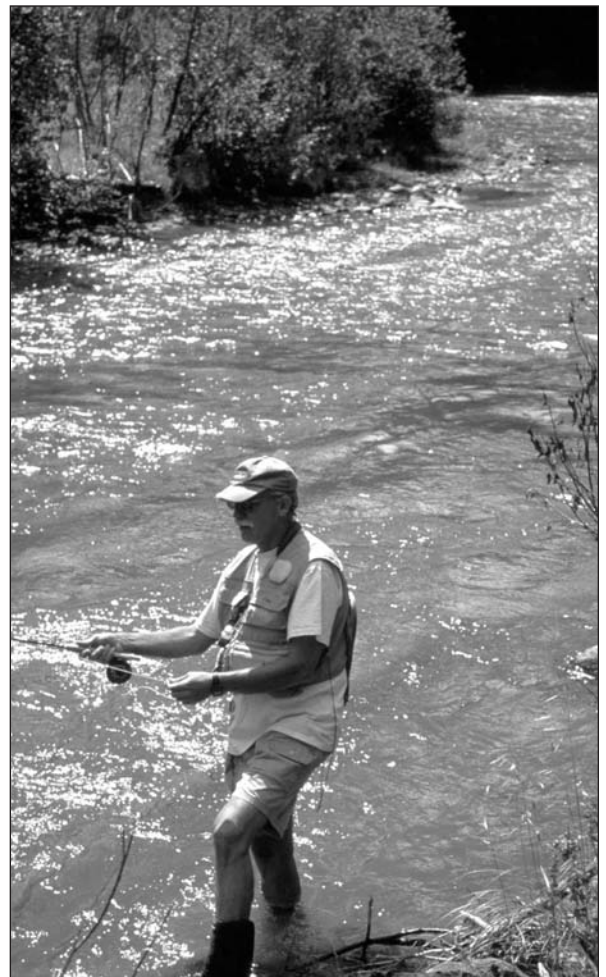
As has been the case for many years, SJCA is not shy on suggesting that these areas that are contiguous to designated Wilderness areas should share the same designation – and there are numerous good reasons to back that viewpoint. Besides the obvious piece of providing headwaters watershed protection, the IRAs roll down into the lower valleys and therefore showcase an array of life zones and species. In general, wilderness in Colorado contains a wealth of “rock and ice” whereas mixed and lower-elevation forested areas are minimally represented. Connecting the IRAs with wilderness on both sides of Highway 160 would also provide huge benefit to wildlife with the increased connectivity enabling wildlife to range across a variety of elevations covering tens of thousands of acres.

The opportunity exists to protect a huge landscape on the east end of the forest and preserve it in its relatively intact state. Because the likeli-

hood of finding fluid and hard minerals of significant value is low in the area, the welcome prospect of perhaps not needing to wrestle with industry over a more protective land designation is a plus – and water storage projects are generally not a good fit for the area due to topography and geologic conditions.

The focus of the San Juan RPW is tightly held on the river and the adjacent riparian area at this time, but as with the Hermosa, we expect that as the discussions continue the focus will widen and hopefully also look beyond just the Wild and Scenic issue and towards protective measures at a watershed scale.

To find out more about how to get involved with this or any of the forthcoming RPW processes, contact Meghan Maloney at [meghan@sanjuancitizens.org](mailto:meghan@sanjuancitizens.org) or 259-3583.



SJCA file photo

An angler tries his luck on the East Fork of the San Juan River east of Pagosa Springs.

## Judge rules for agency in long-awaited decision on drilling in HD Mountains

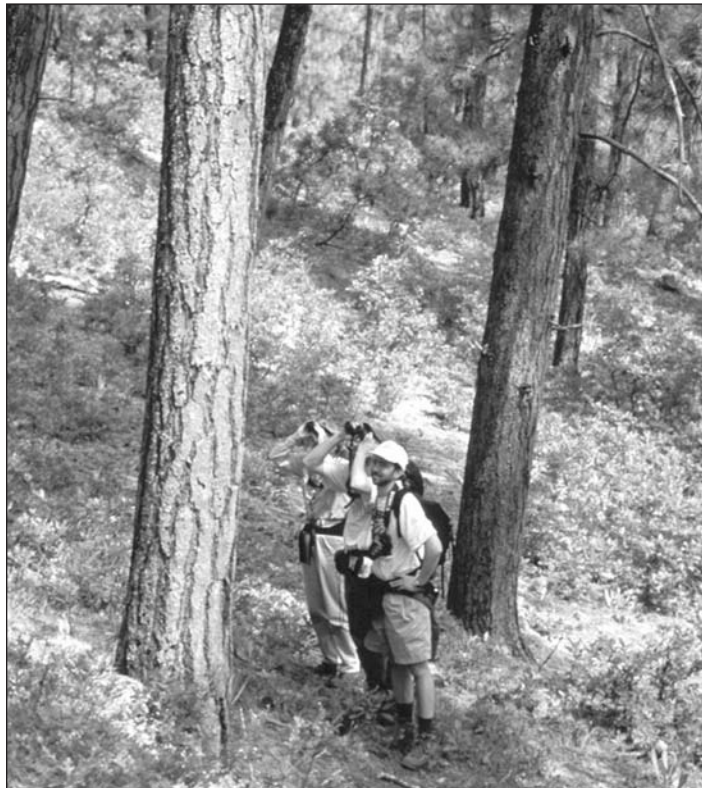
By Megan Graham

Executive Director

The long saga of the HD Mountains passed another milestone in May when a federal judge issued a ruling in the Alliance's lawsuit opposing approval of a proposal to drill for natural gas in the heart of the mountains' roadless area. While the merits of the ruling were thin at best, the judge sided with the Forest Service and Bureau of Land Management, allowing the project to go forward.

The ruling was problematic in large part because the judge, Richard Matsch, recognized that allowing the project would be a violation of the forest plan that should govern how these public lands are managed, but gave so much deference to the Forest Service as to excuse that violation. This logic was bolstered by Matsch's contention that, "The national policies expressed in NEPA (National Environmental Policy Act) and in energy legislation are in direct conflict. The agencies are confronted with the dilemma that they cannot meet both goals. They must attempt to achieve a balance between them that is a reasonable accommodation between harms done to either of them. There are flaws in the analysis done in the preparation and writing of the FEIS and in the matching up of the project with the requirements of the Forest Plan. Those that have been identified by the plaintiffs are minor in proportion to the full context of the agency action under review."

This argument – that the agency violated NEPA, did shoddy work on its environmental impact statement, and that all we can do is shrug our shoulders because balancing NEPA and energy policy is hard work – does not do justice to the lands and resources comprising the HD Mountains. For this reason,

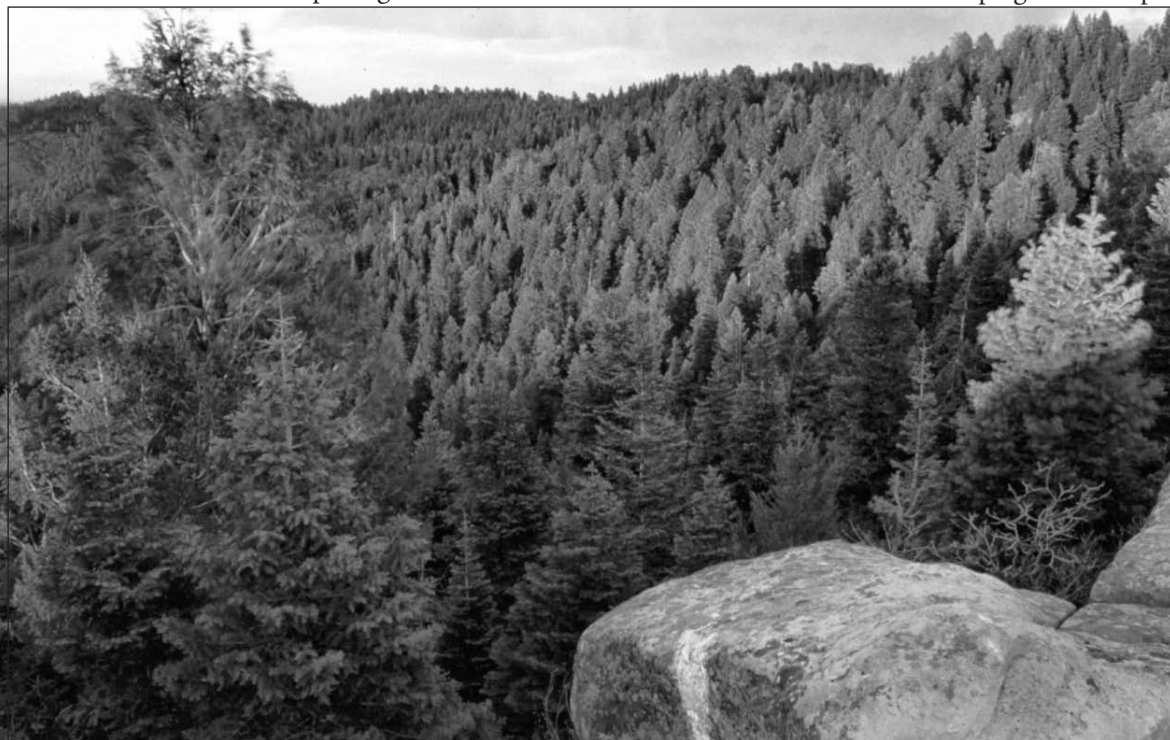


the Alliance and our partners in the suit against the Forest Service and BLM, are appealing Matsch's decision.

Through our attorneys at Earthjustice, we filed a notice of appeal late in June, and will be briefing the appeal in the coming months. The case will be considered by a panel of judges in the 10th Circuit Court of Appeals.

Meanwhile, we are busy putting together a long-term protection campaign to win permanent protection for the HD

Mountains and their surrounding environs. As a key linkage from the Weminuche Wilderness to the north, the Piedra River/HD Mountains landscape is a critical wildland watershed that provides essential habitat and ecosystem values to a region that is home to increasing pressure from energy development and population growth. Crafting and implementing a long-term protection solution for these important resources is the next step in the Alliance's commitment to keeping the HDs as they are. Find out how you can get involved in this effort by contacting [meg@sanjuancitizens.org](mailto:meg@sanjuancitizens.org) or (970) 259-3583.



heads. Senate Bill 100 and House Bill 1328 were two such results.

### **SB 100**

SB 100 improves a program that is already working. It helps people from less-populated and more rural counties take advantage of clean energy financing to upgrade their homes and businesses. Under existing law, voters could authorize local governments to create special improvement districts within their jurisdictions in order to finance energy efficiency and renewable energy improvements in existing buildings. This financing helps property owners meet upfront investment costs and realize the cost-savings of clean energy.

SB 100 takes this a step further by permitting special improvement districts to cross

jurisdictional boundaries and include properties in multiple counties, whether contiguous or non-contiguous. With the resulting multi-jurisdictional districts, county governments can work together and share the program's administrative and capital costs among a larger pool of voluntary participants, thereby lowering their unit costs, increase efficiency, and by economy of scale, enable businesses and homeowners to obtain financing at more favorable rates.

### **HB 1328**

HB 1328 aims to accomplish the same thing: promote the "New Energy Economy" by incentivizing businesses and individuals to invest in "New Energy Improvements" such as energy efficiency and renewable energy projects. Its structure however is different.

The bill creates a Colorado New Energy Improvement District, which is a statewide entity. This district shall establish, develop, finance and administer a New Energy Improvement program, shall be governed by a nine-member board, and shall have the ability to borrow money. While it is not an agency of state government or of any local government, the district may conduct its programs within any given county only if the board of county commissioners of said county has adopted a resolution authorizing the district to operate there. Just as counties may opt into the district, so may individuals within those counties who wish to avail themselves of the district's programs. These individuals would then assume the bur-

den of a special assessment on the subject real property. Bottom line on this: HB 1328 creates a less cumbersome construct for local governments (read 'counties') to offer their citizens to engage in the New Energy Economy.

As a result of these measures, residential and commercial property owners across the state will expand business opportunities, create jobs, and spread the benefits of clean energy.

SJCA will be working on encouraging La Plata County to decide how it is going to participate in either of these structures. Stay tuned for details on how to take advantage of these measures that encourage a shift toward clean, renewable energy use.

## **Green Business Roundtable**

### **Alliance prepares for 2010 GBR season: Sign up now to sponsor the series**

**By Tracy Daniels**

*Administrative Assistant*

**T**here has never been a better time to get involved with Green Business Roundtable (GBR). Interest continues to grow and our topics and speakers just keep getting better. You will not want to miss our upcoming season, starting Sept. 8, 2010. Come and check out what GBR has to offer.

The GBR steering committee met in June to brainstorm topics for the upcoming season. We had a great turnout of committee members, 11 in all, offering new and progressive ideas for the GBR schedule. As always, you can expect some exciting and informative presentations about sustainable business practices and get ideas about how you can be more sustainably responsible.

Although the schedule is still in its formative stages, you will hear ideas on how to be more locally self-reliant and new ways to help our community thrive. In addition to expert speakers on these topics, GBR attempts to feature case studies that give attendees tangible information they can take with them and apply to their own businesses and daily lives.

GBR strives to bring Durango and the surrounding community, presentations that raise the bar and encourage all of us to "do it better."

Each year, GBR attracts new businesses and community members, keeping our numbers well above 100 attendees each month. We are proud to host city and county officials along with concerned and proactive business owners and community members, making GBR one of the best forums for networking opportunities.

GBR meets for a local and organic lunch, the second Wednesday of each month, September-April, in the Henry Strater Theatre. Don't miss the opportunity to educate yourself on interesting and thought provoking ideas and become a part of the GBR community!

Can't attend but still want to be informed? Visit [www.sanjuancitizens.org](http://www.sanjuancitizens.org) under the GBR link, where you will find access to past speakers' presentations. Another way to be involved and help GBR continue to bring the community important presentations, is to become a sponsor. Please contact Tracy Daniels at [tracy@sanjuancitizens.org](mailto:tracy@sanjuancitizens.org) or (970) 259-3583, for more information.

## Colorado Legislature delivers mixed bag in 2010 session

By Josh Joswick

Oil & Gas Issues Coordinator

Going in, the conservation community's priorities for the 2010 legislative session were pretty low key: some land conservation legislation, some renewable energy legislation, some water conservation stuff – and that is the way the session was going until House Bill 1365 hit the fan.

The measure began at the governor's office and advanced through conversations between the administration, Xcel Energy and a group of Front Range conservation groups, namely Environment Colorado, Western Resource Advocates, Environmental Defense Fund and Colorado Conservation Voters. The bill was aimed at getting coal-fired power plants to either close down or move to other fuels, in order to clean up Front Range air. And who can contest the good faith and necessity of this intent; the Front Range should have gotten serious about cleaning up its air 20 years ago.

The way this goal is to be accomplished as a result of this legislation, though, is through prioritizing a shift toward natural gas as the preferred alternative to the coal that the plants burn today. That is where the measure gets a little sticky for those of us living in the gas patch.

While natural gas is known to burn cleaner than the coal it replaces, the production-end impacts are problematic: air quality is compromised, land is dis-

turbed, water is polluted, property values – including homes themselves – are threatened. These are important considerations to ponder when making decisions about how to move away from our reliance on coal-fired power plants, and will now be handled by the Public Utilities Commission, which will oversee the transition plans that the bill mandates.

House Bill 1365 sailed through the legislature in near-record time, and we will now see how much retroactive quid pro quo we can convince the industry to commit to as the details of their plans unfold. The Alliance will engage in the transition planning process to ensure that the voice of the gas patch is heard loud and clear.

### HB 1363

“Natural gas is a non-renewable commodity,”

–T. Greg Merrion, President/Merrion Oil and Gas in Farmington, May 10, 2010, Four Corners Business Journal.

“And once again, a rabbit hole yawned wide and we fell in, tumbling down and down...”

–paraphrase Lewis Carroll *Alice In Wonderland*

Carroll was not the president of any oil and gas company, but he knew about rabbit holes. As we tour this rabbit hole, we must bear in mind that the operative phrase here is “stimulating the indigenous microbial population.”

Luca Technologies, a Golden-based company, has developed a process by which coalbed methane wells that, having served their productive

life and being ready to be plugged and abandoned, purportedly can be rejuvenated and made productive again. This happens when Luca feeds the microbes that are in the coalbed; this is the “stimulation.” The stimulated microbes are then inspired to interact with the coal and produce methane. According to Luca, this will create a situation by which coalbed wells will again produce gas – ad infinitum. Luca's logic then says that this biogenic gas “that was created by the result of human intervention” should now be considered a biomass resource, and thus, a clean, renewable energy.

The Alliance questioned both the premise and the implications of this proposal, focusing on the following specifics:

- Biomass perhaps, but ‘renewable’ energy? Even T. Greg Merrion knows this is not so. SJCA worked successfully to get this terminology removed from the bill.

- Having heard the term “proprietary information” before, in reference to hydraulic fracking fluid, hearing it in this context referring to the “food” that the microbes get, raised questions for which there were no answers, other than “It (the food) is benign” – a phrase also used in fracking discussions. So we don't know what it is, but we know it gives the microbes gas.

- Luca considers this farming. People living in gas fields who have been told that existing gas fields have a certain end date to them will now be relegated to living in never-

ending bio-industrial farming projects.

- Though there have been Luca test projects in Wyoming, no results have been produced for review. The EPA has been given a presentation by Luca, but the agency has issued no written analysis or report outlining its view of this technology. The Alliance urged that the legislature wait until some data is available to verify Luca's claims before granting the technology biomass status. Luca was right up front about its interest in attaining this designation: being considered a biomass energy will give the company the ability to attract more investors.

- The “L-u-c-a” in Luca Technologies, is an acronym for “Last Universal Common Ancestor.” I am creative, but I could not make something like that up; nor can I explain what primordial nexus this implies.

Luca's lobbyists did a very impressive job of greasing the tracks, and the legislature, ignoring the old saw that “If it sounds too good to be true, it probably is,” and embracing the old saw of “Trust me,” passed HB 1363 without a blink.

In June, Luca proposed regulations to the Wyoming Oil and Gas Conservation Commission, in an attempt to regulate what it describes as a “whole new industry.” SJCA will be tracking what happens in Wyoming because this new technology eventually will be headed our way in La Plata County.

### SB 100/HB 1328

Not all the results of the session left us scratching our

# Aaron Kimple joins Alliance as new Dolores River Campaign Coordinator

By Megan Graham  
Executive Director

The Dolores River Campaign has been generating a ton of momentum lately and as the Alliance is able to commit more resources to the effort to protect the Dolores River Basin's water and landscape, we are welcoming new staff to the effort. Aaron Kimple joined the Alliance in April as the new Dolores Campaign coordinator, bringing with him a wealth of experience in conservation work as well as a lengthy history as a river rat.

Aaron comes to us most recently from Mountain Studies Institute, where he was a project manager working on a variety of efforts, including a youth education campaign. Simultaneously, Aaron served as the volunteer executive director for Animas Riverkeeper, a conservation organization committed to the health of the Animas River. He has a master's degree in environmental studies from Bard College in New York, where he focused on watershed issues, and bachelors in biology from Earlham College. He has done significant field work both as a Bureau of Land Management biology technician and as an environmental consultant. When he isn't working, it is not unusual to find him in one of the region's rivers maneuvering one of his many watercraft through the rapids.

He often has passengers, though. Aaron and his wife Kathy have two children: Hannah is 3, and their son, Calder, joined the family in December.

We are excited to welcome Aaron to the Alliance family and to the Dolores River Campaign, where he is tasked with coordinating the 25-group coalition that works in concert to achieve the long-term land and water protection the basin deserves. This challenge keeps Aaron busy throughout the region, working with partner groups, stakeholders and decision-makers to ensure that the campaign's goals and activities are well-coordinated



across a broad and diverse geography – both in terms of its landscapes and its politics.

Aaron's arrival has meant a bit of reorganization at the Alliance. He replaces Amber Kelley, who has transitioned from the coordinator role to that of Southern Dolores River Organizer, where she will focus on the campaign's efforts to protect the region from McPhee Reservoir to Bedrock. Activity on that part of the campaign is at an all-time high, so the added time Amber has to work specifically on those efforts could not have come at a better time.

We are thrilled to welcome Aaron to the Alliance and the Dolores River Campaign. Please contact him if you have any questions, or just want to say hello. He can be reached at [aaron@sanjuancitizens.org](mailto:aaron@sanjuancitizens.org) or (970) 259-3583.

## Alliance Announcements

### E-mail troubles

If you have an email account with hotmail.com, live.com, msn.com, q.com, or webtv.com, SJCA emails may be going to your junk box. Because of the recent issues with our webhosting company, SJCA emails were marked as spam for these accounts.

The problem has since been solved, however, if SJCA emails are going to your junk box, you must mark them as "not junk" to begin receiving them in your inbox. Please check your junk box for a newsletter email from SJCA and change its status so that you may again receive our email alerts, thank you for your effort in this matter.

**Get ready to celebrate Oktoberfest!**

The seventh annual Oktoberfest celebration will be here before you know it, so get ready to get your O Zapft on!

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## Dolores River Working Group makes strides toward protection recommendations

By Amber Kelley

Lower Dolores River Organizer

In December of 2008 more than 45 stakeholders came together in a blizzard to talk about the Lower Dolores River. This was the beginning of what has become a very long but worthwhile process. Originally slated to wrap up in one year's time, 18 months later the working group is finally nearing a conclusion.

The Lower Dolores River Working Group's job has been twofold. First, it was tasked with providing the BLM's San Juan Field Office with management recommendations for the upcoming update of the river corridor management plan. The last plan was created in 1990 so it is past time to take a fresh look. The BLM is currently scheduled to begin that process this fall after the Working Group makes its final recommendations.

Second, the Working Group was charged with making recommendations on how the "outstandingly remarkable values" (ORVs) that qualify the Dolores River for Wild and Scenic River suitability should be protected if not by that designation. Scenery, recreation, ecology, geology, and archaeology were identified in the BLM's Draft resource Management Plan as the associated outstandingly remarkable values along the stretch of the Dolores below McPhee Reservoir to Bedrock.

This first year of the process focused largely on education about the ORVs and other values important to stakeholders. This was a long and sometimes arduous process, but it gave participants a chance to get to know each other, build trust, and begin to find common ground in spite of the diversity of view points. It became

evident fairly quickly that all stakeholders value the river corridor and want to see it protected, though there were differing opinions about how that should happen.

The Working Group then shifted to an exploration of tools that could potentially be used to protect the identified ORVs in addition to Wild and Scenic suitability or designation. Throughout discussions we continuously stressed that permanent protection is important to the conservation community. We have long been aware that Wild and Scenic suitability and designation concerns many people in the affected counties (Montezuma, Dolores, San Miguel, Montrose), particularly water rights owners, water managers and farmers, due to the federal reserved water right associated with that type of designation.

In an attempt to find a solution that works for the broad range of stakeholders, the Working Group reached consensus in March to pursue legislation for the Dolores River Corridor from McPhee Reservoir to the town of Bedrock (or possibly to the confluence with the San Miguel River). The idea is to develop legislation that provides long-term lands protection as well as protection for the identified outstandingly remarkable values without creating a federal reserved water right.

A small subcommittee representative of the larger group was created to develop principles for legislation, which will eventually be part of the Working Group's recommendations. The subcommittee has been meeting frequently since early March and the Working Group should complete its process and make recommendations by August.

None of the recommendations of the Working Group is final

at this point, but the subcommittee is developing a proposal for a National Conservation Area that would include protections for ORVs and wilderness designation for the Dolores River Canyon Wilderness Study Area, while honoring valid existing water and other private rights.

A recommendation from the Lower Dolores River Working Group is only the first step in an extensive legislative process, but a very huge step nonetheless. With the support of such a wide range of stakeholders and four counties, the final proposal put forward by the Working Group will carry significant weight with our Congressional delegation.

It also represents a significant success in a lengthy and not uncomplicated process that has brought together a range of stakeholders who share a common dedication to one of the most spectacular river basins in Colorado. Our momentum is something to celebrate.



SJCA file photo

The Dolores River winds its way through the redrock country below McPhee Reservoir on its way to confluence with the Colorado River. The Dolores River Canyon is proposed for wilderness protection.

# Air quality: Regional, cumulative impacts of projects must be considered by all agencies

Continued from Page 1

of an endangerment finding, could soon be regulated as a pollutant. Hazardous air pollutants are now subject to aggregate analysis. The Four Corners Power Plant, a notorious polluter, is currently being evaluated for Best Available Retrofit Technology (with very real concerns over the application of pollution controls on a nearly 50-year-old facility). Visibility impairment certification at Mesa Verde National Park and on the Class 1 airsheds is being pursued legally. The Alliance is actively involved with each of these processes.

We recently settled a longstanding legal case with the Farmington Field Office of the Bureau of Land Management concerning the BLM's 2003 Resource Management Plan (RMP). The RMP approved 10,000 new natural gas wells and 10,000 new compressors (and acknowledged that natural gas facilities' emissions of nitrogen oxides in north-west New Mexico would surpass nitrogen oxide pollution being emitted by the region's two large coal-fired power plants). The settlement forced BLM to acknowledge that it is responsible for air quality impacts associated with natural gas projects they approve on federal land.

In conjunction, the Alliance is a plaintiff on an active case that challenges BLM's failure to evaluate greenhouse gas emission/climate change impacts of oil and gas development. It is clear that natural gas facilities in the region are large contributors to nitrogen oxide and volatile organic compound pollution. A recent study for the Climate and Energy Action Plan in La Plata County confirmed that more than 80 percent of all greenhouse gas emissions in the county are traceable to natural gas facilities (primarily coal bed methane).

As part of our work in the Four Corners communities, we have tried very hard to provide credible analyses, real data, and initiate honest dialogue in addressing air quality impacts. For

more than 10 years we have known that we are on a course for disaster with agencies haphazardly approving (in many cases, by categorical exclusions) new industrial facilities without taking measures to protect air quality and public health.

Given the seriousness of the threats to public health in the Four Corners, it should come as no surprise that the gas industry, led by none other than BP, is actively working to see that there is no change to business as usual. While an argument could be made that this by no means approaches the magnitude of travesty that is being perpetrated by BP in the Gulf of Mexico, it is noteworthy in that it exemplifies the company's business-as-usual approach to development in our communities, even as it kills a major chunk of the Gulf.

The WRAP, a collection of organizations, federal and state agencies, environmental groups, and corporations, holds bi-monthly meetings during which participants wrestle with things like Phase III Emission Inventory Project Wind River Basin Results, P3 O&G Mobile Source Emissions Analysis, and Regional Particulate Matter, Nitrogen Deposition and Critical Loads, and Mercury Analyses. This month WRAP gave some time to BP to present its evaluation of *Rural and Western Ozone Issues*.

Without missing a beat, without any second thoughts as to whether or not it is wrong that the company's gain is everyone's loss, here is BP's perspective and recommendations: the new proposed standard for ozone should not be lowered, that a stakeholder group should be initiated, that ozone precursor emissions from oil and gas activities are minor in comparison to other sources, and that the economy would suffer. BP claims that its natural gas systems in La Plata County are "state of the art."

No evidence has been provided to support that claim. Not only is BP fail-

ing to take proactive responsibility for its natural gas facilities and their emission levels, the company is now advocating for further delays on taking any meaningful action whatsoever.

Instead of attempting to answer critical questions, BP is employing delay tactics. What we really need to know, though, is the following:

- What is the economic value to our region of having clean air?
- What is the value to public health and our citizens not being saddled with respiratory diseases?
- Should we trust BP to do the right thing in addressing pollution from its vast array of natural gas facilities in the San Juan Basin?

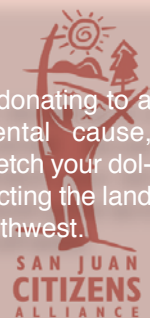
This exercise showcases BP's honed ability to obfuscate with presentations and perspectives taking more twists and turns than a ride at Six Flags, ultimately getting the process nowhere. What is amazing is that folks might expect something different.

It is time for air quality impacts to be taken seriously and public health and safety protected. We need to demand more from the agencies that oversee air quality in our region, pushing them to reduce air pollution. Among those responsible for this crucial work is the EPA, New Mexico Environment Department, Colorado Department of Public Health and Environment Air Pollution Control Division, National Park Service, BLM, Forest Service, and tribal air quality programs.

We all deserve better from the air we breathe.

## Act Local

When thinking about donating to a social or environmental cause, think local! We can stretch your dollar a long way in protecting the land and values of the Southwest.



# Arizona Legislature passes draconian new immigration law

By Eddie Soto  
Compañeros Coordinator

In its attempt to deal with a broken immigration system that forces immigrants to cross into some of the most dangerous areas of the Sonoran desert, the Arizona Legislature has passed one of the most ill-conceived laws in the country. The law, SB-1070, will allow police officers to request

to cross these desolate lands, and our Hispanics and Native Americans in Arizona will be harassed by the local police forces simply because they look “illegal.” A state-by-state solution will not work, and permitting local police officers to enforce federal laws is a slippery slope that will lead to dismantling of our Republican form of government. What’s next? Local officials enforcing the Clean Air Act or any other federal regulation? Also having a police officer

ask about immigration status creates a distrust of police officers that leads to deterioration of community safety that is why the National Commission of Police Chiefs has condemned

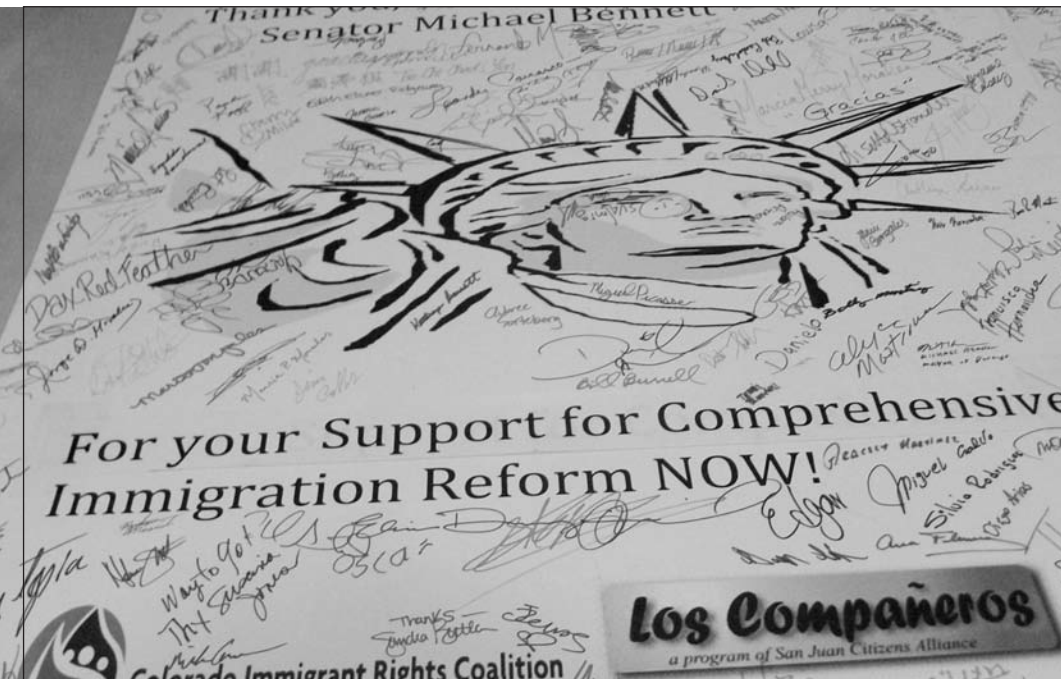


Photo by Eddie Soto

A signed poster thanking Sen. Michael Bennet for his support of comprehensive immigration reform shows how many people in the community believe such action is needed.

immigration documentation from anybody who they believe is in the state illegally. To most minorities, this is a prescription for racial profiling.

Compañeros agrees with the Arizona Gov. Jan Brewer when she says that our immigration system is broken, but we disagree with her solution. This issue must be addressed by federal elected officials who must pass a law that protects landowners’ rights and allows people to enter this country to look for work without endangering their lives.

Since the inception of Operation Gatekeeper under the Clinton administration we have spent more and more money on an enforcement-only policy and still people keep coming into the United States through more desolate and dangerous areas. This summer, around 200 people will lose their lives trying

the Arizona law.

Since the 1980s, Congress has failed to address the flaws in U.S. immigration laws. It is time that lawmakers address the problem and create a system that allows us to secure our borders by making sure that those who are entering our country only looking for work can enter through a secure and verifiable manner. Creating laws that encourage racial profiling and drain our police resources for civil offenses is simply a recipe for failure.

Compañeros is currently working on making sure that our federal elected officials enact comprehensive immigration reform now, and to make sure that no such ill-conceived laws are passed in our state. For more information, contact Eddie at eddie@sanjuancitizens.org or 259-3583.

## Thanks to our generous event sponsors

The Alliance works hard to plan fun events that get our members together to learn about what we working on, as well as to raise vital resources for the organization. We could not do this without help from businesses in the community and we appreciate their generosity and support.

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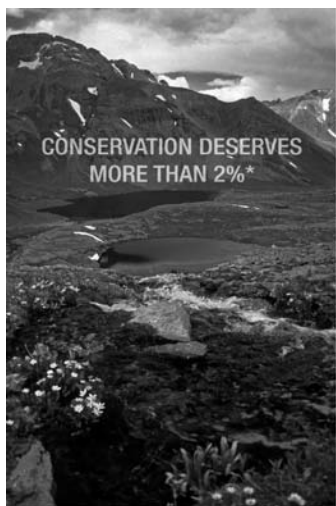
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