

## EPA issues strong rule forcing Four Corners Power Plant to clean up its polluting act

By Mike Eisenfeld

*New Mexico Chapter Organizer*

Sitting at the epicenter of the coal complex that produces and exports stunning amounts of electricity, the San Juan Basin feels the impacts of half a century of fossil fuel development and combustion. Because those impacts have severe effects on public health and the environment, San Juan Citizens Alliance is involved in critical regulatory processes and legal decisions concerning the coal complex that includes the Four Corners Power Plant, San Juan Generating Station, Navajo Mine and the proposed Desert Rock Energy Project.



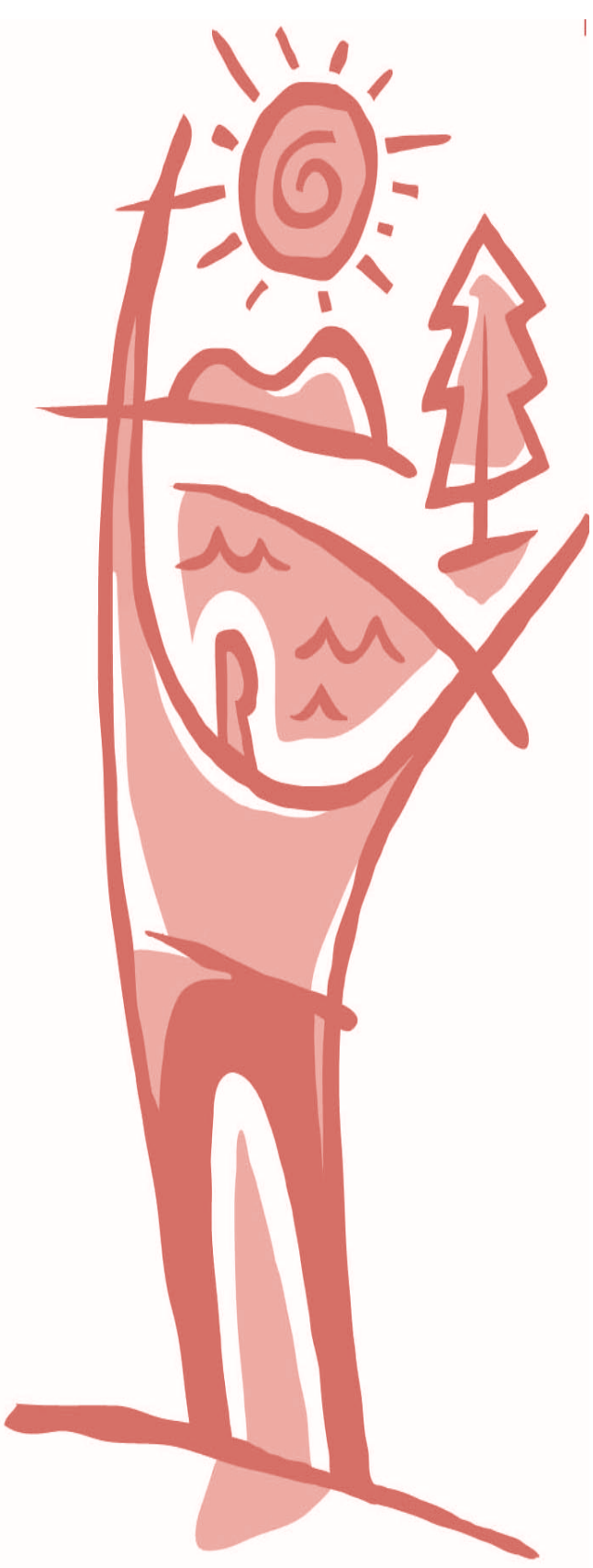
Photos by Mike Eisenfeld

The Four Corners Power Plant casts an unhealthy pall of pollution throughout the region, and is being forced by the EPA to clean up its act.

The opportunities to force these facilities to reduce pollution, account for externalities and real economic costs and benefits, as well as to consider pollution control technologies is unprecedented. There have been a series of announcements, decisions, rule-makings and proposals released in the past several months, all of which are serving to add momentum to our efforts to shift away from the region's heavy coal use and toward a cleaner, healthier and more vibrant environmental and economic future.

In October, the United States Environmental Protection Agency Region 9 issued a proposal for Four Corners Power Plant to apply Best Available Retrofit Technology to clean up its emissions of nitrogen oxides and other pollutants as required under the Clean Air Act. The BART proposal would require the plant to install selective catalytic reduction so as to reduce NOx emissions by 80 percent.

This proposal will have profound regional significance for a number of regional resources, where compromised visibility had triggered the rulemaking. No fewer than 16 nearby Class I airsheds, including Mesa Verde National Park, Grand Canyon National Park and Weminuche Wilderness, had been



**By Chuck McAfee**

*Alliance Board President*

**W**e at the San Juan Citizens Alliance are proud of our successes in protecting and



preserving our southwest landscape and the quality of life that we enjoy while living in this patch. And we are proud of the way that we work with other organizations and individuals on the programs that achieve these successes. We identify common goals, we work together, we pool resources, we make ourselves heard with common voices – we make it happen. These partnerships are sometimes rather formal such as our work with the other Dolores River Coalition partners, and sometimes more informal where we find general agreement on specific issues and opportunities. I'd like to share with you information about two such partnerships in which we are currently involved.

The Dolores River Coalition engages individuals and organizations in advocating for permanent protection of the lands and waters that comprise the Dolores River Basin. The Dolores River Campaign's purpose is to permanently protect the natural qualities of the Dolores River valley and surrounding lands for the benefit of those of us who live and visit the area. This includes protection of water quantity and quality, wilderness, recreation resources, and wildlife. Energy de-

velopment threatens these qualities and the campaign is responding to these threats in a very thoughtful, inclusive, and proactive way.

The coalition partners on the Dolores River Campaign comprise a core committee that includes the San Juan Citizens Alliance, The Wilderness Society, Sheep Mountain Alliance, Colorado Wild, the Colorado Environmental Coalition, the Center for Native Ecosystems, and Colorado Trout Unlimited.

The Coalition participates in the Dolores River Dialogue with irrigators, land managers, water managers, and wildlife officials in searching for and implementing ways to improve management of the river for the lasting benefit of all users. A total of 24 local, regional, state, and national organizations are represented actively in the Coalition, along with individuals and local businesses such as outfitters. It sends a very strong message when a group of this size and of such diverse, respected interests comes to a commonly held position and makes that known to affect policy.

Another example of partnering has to do with the proposed power plant in Northern New Mexico known as Desert Rock. Active participants in our effort to prevent this development include Dine' Care, Sierra Club, Western Resource Advocates, Environmental Defense Fund, the Western Clean Energy Campaign, the Energy Minerals Law Center, among others. This group has been constantly vigilant and active in opposition to this ill-conceived energy development plan, and has forced the would-be developers to play by the rules in a transparent manner. We are hopeful and optimistic that Desert Rock will not happen, and the voices that have come together to work on this project have made a huge difference in achieving this expected outcome. Again, an example of a partnership of organizations and individuals with commonly held values forming an alliance to achieve a huge success in protecting our corner of the world.

We celebrate our success in these campaigns and very much appreciate the opportunities we have to team up with like-minded organizations and individuals to achieve our goals. Together we bring energy and commitment to make it happen. Our thanks go to everyone who works with the San Juan Citizens Alliance on these joint efforts. ■

### 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*

With the paint drying on 2010 and the New Year just having begun, there is a natural moment of reflection and anticipation that helps us put things into perspective. For me this pause examines the past and potential of a range of important things in my life.

When I look back at what 2010 brought, I am amazed at all that occurred. On the personal side, I became the parent of a middle schooler – and have enjoyed all the attendant growth and discovery that comes with that transition. My third grader has mastered cursive and the intricacies of playground politics. These are significant achievements.

At the Alliance, we have had a no less busy year. Longtime staffers Tracy Daniels and Eddie Soto left to pursue other endeavors, and we have welcomed new folks into our ranks. We added two positions: a Lower Dolores River Organizer and a Development Director. Amber Kelley, who previously filled the role of Dolores River Campaign Coordinator, has taken on the Lower Dolores position, and Aaron Kimple took over the campaign coordination. Casey Corbin joined the staff in December as the Alliance's Development Director. Filling the large shoes left vacant with Eddie's and Tracy's departures are Nicole Mosher as the new Compañeros Program Director, and Marybeth Morin, who is the Alliance's new Administrative Assistant. The energetic and capable new faces that have joined the Alliance staff are working hard and accomplishing so many great gains for their respective program areas. I'm thrilled to welcome Aaron, Nicole, Casey and Marybeth to the staff!

The past year saw significant results in our campaigns, with the Environmental Protection Agency issuing strong proposals requiring the Four Corners Power Plant to clean up its emissions, the Lower Dolores River Workgroup coming to consensus on protections for



the river corridor from McPhee Reservoir to Bedrock, the La Plata County Climate Energy Action Plan producing actionable recommendations for addressing the impacts of energy production, the city advocating for sediment mitigation measures for Lightner Creek, and the San Juan Public Lands Center taking broad and careful looks at the impacts of proposed energy development on our treasured wild lands.

None of these achievements would have occurred without the Alliance staff's dedication of energy and time – nor would they have happened without the support of our members. We can all take pride in a successful year.

It would not be a comprehensive look at 2010 without a recap of November's election. A contentious round of politicking at virtually all levels, this past election will affect the Alliance's program areas in the years to come. Indeed, the results of voters' collective woes were felt even before the newly elected took their seats at the local, state and national level. It will be interesting – at least – to see what's in store.

As always, Colorado lived up to its reputation as a state that defines Western

independence. While we unseated two Democratic Congressional representatives, replacing each with Republicans, we also elected Democrat John Hickenlooper to be the state's next governor, as well as kept Sen. Michael Bennet, who was appointed to the U.S. Senate by Gov. Bill Ritter in 2008.

The shifting agendas that accompany the leadership change will certainly affect the Alliance's policy goals – in fact they already have. Despite our hope that the San Juan Mountains Wilderness Act, sponsored by outgoing Rep. John Salazar, would pass in the lame duck session of Congress, the measure did not advance in the final days of the 2010 session. This was certainly a disappointment, given the many years of work that preceded the bill's introduction, but we remain hopeful that there will someday be permanent protection for the spectacular wildlands encompassed in the San Juan bill.

As we prepare for the year to come, we realize how much work there is to do to protect the wild places and quality of life that unites us here in the San Juan Basin. That collective concern for the places and communities we care about was reflected in the resounding defeat of three Colorado ballot initiatives – 60, 61 and 101 – which would have, separately and in concert, eviscerated what is left of the state's budget.

That voters saw fit to trounce these measures is a hopeful indication of how Coloradans feel about their state. While spending is an unpopular word in this political climate, it is a necessary activity in order to ensure that the things we treasure – clean air, clean water, and open spaces (not to mention education, health care, and transportation) – have sufficient dedicated resources.

It is this pragmatism and shared vision for a balanced approach to caring for our resources that provides hope going into 2011. There is much to build on from the year we have just sent to the history books, and we look forward to meeting the challenges and opportunities of the year to come. ■

## Alliance pushes BLM to conduct thorough, proactive winter recreation planning

By **Jimbo Buickerood**

*Public Lands Coordinator*

If there is an emblematic trait of the Alliance it might very well be persistence. Whether it is tracking government agencies or ill-intentioned developers, we're committed to being there every step of the way – and staying tuned into the Alpine Triangle's recreation management planning process as it enters its fifth year is no exception.

The Alpine Triangle (AT), is less a triangle than an odd-shaped polygon that includes the road system connecting Silverton, Lake City and Ouray, encompasses more than 186,000 acres of high altitude lands that are primarily managed by the Bureau of Land Management. Though the region is perhaps most often visited by motorized enthusiasts traversing the network of steep and winding roads, most of us know that the AT also encompasses 14,000-foot peaks, wilderness study areas, lynx habitat, cutthroat trout-inhabited streams, rare fen wetlands, and a slew of other resources and settings.

Beginning in 2006 the San Juan Public Lands Center (SJPLC) asked members of the public for their thoughts and concerns regarding the recreational use of the AT and the Alliance delivered a list of issues that we felt needed attention. Certainly we didn't limit our list to the narrow focus of recreation, because all of us who spend time on our public lands know that recreational pursuits do not occur in a vacuum – rather these activities, when not properly managed, adversely impact water quality, wildlife viability, fragile vegetation, cultural sites, and others.

After three years, the draft recreation area management plan (RAMP) and an accompanying environmental assessment (EA) emerged from the recesses of the BLM planning chambers. We had hoped during those years there

would have been sufficient time and resources to thoroughly research and assess all of the issues that are significant to recreational use in the AT. However, the 91-page RAMP and the 176-page EA are lacking an adequate assessment of many of the AT's most pressing environmental issues.

A central concern of ours is the unknown – though likely adverse – effects on a diversity of resources caused by motorized winter travel. Pardon the sports metaphor, but in the RAMP and its accompanying EA, the BLM doesn't simply punt when it comes to assessing the impacts of snowmobiles on the area, the agency figuratively walks off the field. We cannot find text in either of these documents that gives any significant assessment of the snowmobile issue other than recognition that there is historical use. We are quite sure the on-the-snow reality is a steady increase in snowmobile activity – the so-called historic use appears to be increasing every year and the plan includes a goal to actively increase winter recreation use of the planning area.

There are strong indications that the BLM hopes to spend its time dealing with less prickly issues than addressing conflicts between snowmobilers and quiet winter users. Nor does the agency appear to be interested in reviewing the snowmobile-impact research to assess the possible negative aspects of snowmobile-related pollution and resource destruction. Curiously, the BLM dug into the related science to guide its development of the stipulations for the Silverton-area commercial heli-skiing permit issued last year, however, made no such effort to apply research findings to managing non-commercial motorized winter use.

The need for winter recreation planning is arguably greater in the Silverton area than in any other locale across the San Juan Public Lands Center's jurisdiction, hence our concern that winter recreation planning was a

no-show in the Alpine Triangle RAMP and EA. This is a disappointment that has prompted the Alliance to appeal the RAMP in order to push for the planning that the agency should have done long ago. In the appeal, we sought two firm commitments from the agency: 1) an acknowledgment that winter recreation (especially the motorized variety) impacts other resources – recreation is neither a stand-alone nor impact-free use of public lands, and 2) that site-specific studies are needed because neither the broad examination of winter travel, as done in a forest plan, nor the winter-recreation-does-not-exist approach utilized during most travel management planning processes is adequate planning approaches for dealing with this significant use of public lands.

We feel strongly that the winter travel planning is long overdue in the Silverton area and the time for adequate planning is now – if not many years ago.

The appeal prompted a discussion among the BLM, the Alliance and our partners in the appeal process, and the results of this conversation were encouraging. The agency has committed to beginning the broad look that winter recreation planning requires and attempting to answer some of the questions we raised in our appeal. While the details of what the agency will do to address our concerns are yet to be hammered out, the commitment to responding proactively was sufficient to cause us to withdraw our appeal. We will continue to watch the situation closely and work with the BLM to ensure that the winter recreation issues specific to the Alpine Triangle, as well as those that apply broadly across the region, are addressed by the agency.

Stay tuned for opportunities to engage in winter recreation planning. Contact Jimbo at (970) 565-7191 or [jimbo@sanjuancitizens.org](mailto:jimbo@sanjuancitizens.org) for more information. ■

# Boggy Glade travel management plan provokes anything-but-dull reaction

By Jimbo Buickerood  
Public Lands Coordinator

Once again travel management planning on the San Juan Public Lands has proven to be anything but a dull and boring public process as evidenced recently by the localized uproar over the Boggy Glade travel management plan.

The public fervor ignited with the San Juan National Forest Dolores District's mid – August release of its final environmental assessment (EA) and record of decision (ROD) for the Boggy Glade area. These lands, north of Dolores and east of Cahone, resemble an unending sea of ponderosa pine punctuated by a few small peaks and meadowed glades. The landscape's value as wildlife habitat is unmistakable – when looking across the forest it's easy to imagine elk, goshawk, Abert's squirrels, woodpeckers, black bear and other species happily cavorting in these woods. However, the forest is heavily roaded – a reality that results in habitat fragmentation and watershed degradation.

Noting the excessive density of roads and the financial impossibility of maintaining the hundreds of miles of routes, the agency suggested a modest reduction of road mileage that was predicated upon a risk-versus-benefit road analysis. Though the Alliance isn't completely enamored with the agency's final EA and ROD, we felt it was at least a reasonable and worthy first effort at not only closing dozens of miles of roads, but

truly marking them for decommissioning and returning them to their natural state.

In contrast to the Dolores District's measured and moderate approach to bringing a better balance to resource protection in the Boggy Glade, dozens of Montezuma and Dolores County residents view the travel management decisions as the federal government's interference with their backyard activities, especially vehicular travel. Unfortunately for most of the disgruntled, they raised their voices and sat down to their keyboards much too late to provide input into the public process as most of those who were complaining loudest never participated in the process, including the Montezuma County commissioners. The post – decision fervor involved petitions, letters to the editor and attendance at county commission meetings where the drumbeat matched the “it's our land and we'll do what we want” refrain.

Unfortunately it's apparent that many of those who have raised their voices to oppose road closures and decommissioning don't seem to catch the concept that the Boggy – Glade is more than a heavily roaded private hunting preserve. The Glade's stature as both habitat and watershed merit a much higher level of respect than its current incision by hundreds of miles of roads and motorized trails.



Photo by Mark Pearson

Travel management in the Boggy Glade area was recently analyzed by the Forest Service, provoking a localized uproar. The plan, though, yielded strong protections for important habitat and wildlands in the Dolores District.

Rather, there is ample scientific basis to assert that the agency's proposed decision will actually provide much greater overall benefit to not only the creatures who live in the forest, but to the humans who come to visit – especially if they are hunters interested in top notch habitat for wild ungulate and other species.

Aside from the visible and auditory uproar, seven appeals were filed in opposition to the ROD. They likely reflect an array of concerns about the Boggy Glade ROD, including the appeal from the conservation community that noted the road decommissioning and closure projections within the decision still fall short of the management goals set forth in the agency's current land and resource management plan. These appeals will require a couple months of scrutiny by the USFS regional office and the subsequent assessment by the Dolores District staff will most likely delay the “re – start” of the

Rico/West Dolores travel management planning process well into 2011. This is an unfortunate secondary effect and leaves that area without an adequate travel plan for an additional year.

As to the actions open to those who oppose returning an increased portion of the Boggy Glade back to a healthy, non – eroding and vital landscape – there is always the near – impossible path to salvation via attempting to document claims that the county had original control of some roads more than a century ago.

While it might be possible to prove up via the archaic RS 2477 measure claiming that a century – old two track should perhaps not be under federal jurisdiction, it will be impossible to prove that a more recent user – created route traversing a delicately vegetated stream course is anything other than a impediment to restoring the Glade to a more intact natural state. ■

## Talks with Farmington BLM office offer hope for more balanced management

By Mike Eisenfeld  
New Mexico Organizer

The Bureau of Land Management (BLM) Farmington Field Office released a Resource Management Plan in 2003, authorizing 10,000 new natural gas wells and 10,000 new natural gas compressors in a region already well established with natural gas infrastructure. Because the plan failed to adequately evaluate air quality impacts, to consult with other agencies and communities, and made unsupported conclusions in shaping the future of the management region, San Juan Citizens Alliance and a coalition of partner groups challenged the plan in 2004, on grounds that the BLM failed to carry out its multiple use mission that compels the agency to manage a wide range of resources on public land.

With the passage of the Energy Policy Act of 2005, The BLM's Farmington office became a pilot project for expediting natural gas development, utilizing fast-tracked permitting. It was very clear to the Alliance that the Farmington Field Office was prioritizing new natural gas development above all other resource management. In many ways, the public and organizations such as the Alliance

were denied involvement in decisions being made by the office, as air quality declined, industrial activity increased, and public land health and standards suffered.

The BLM's actions, such as developing the Four Corners Air Quality Task Force and relying on voluntary mitigation measures, delayed real solutions to address the impacts of increased air pollution and degradation of public lands. The legal case the Alliance brought in 2004 sat before New Mexico District Court until 2008, when the management plan was upheld. Western Resource Advocates, representing the Alliance and other organizations, appealed the decision. In 2009, settlement discussions were initiated in an attempt to determine actions the BLM could take to address the impacts never adequately analyzed in the 2003 plan.

In April of 2010 the case was settled with an implementation plan requiring the BLM to address numerous long-standing resource issues. The BLM has agreed to the following settlement terms:

- Providing meaningful notice of proposed projects on BLM-managed lands giving opportunity for public involvement;
- Conducting multi-project impact

analysis including posting mapping for public involvement;

- Working toward requiring significantly more directional drilling for natural gas wells and centralized natural gas infrastructure;
- Implementing measures to reduce impacts from energy development;
- Increasing monitoring, including purchasing an infrared camera to evaluate air emission and leaks from natural gas facilities;
- Preparing and disclosing an annual inspection strategy for natural gas facilities and resources;
- Reducing and avoiding air quality impacts as identified by Four Corners Air Quality Task Group in their 2007 Final Report;
- Implementing best management practices for air quality;
- Conducting an inventory of plugged and abandoned natural gas wells.

The settlement does not preclude the Alliance from monitoring projects that the BLM permits, including those impacting air quality. The Alliance has long contended that the natural gas industry needs to "do it right," and that the BLM must enforce stipulations and conditions of approval on natural gas facilities now, rather than relying on mitigation of impacts that may or may not occur in the future.

The Alliance will remain vigilant in monitoring the BLM's decisions, but we are encouraged by the settlement implementation discussions as well as by significant personnel changes at the Farmington Field Office, where there is a new district manager. Perhaps the best results emanating from the settlement are the confirmation that public involvement and organizational oversight are legitimate requirements for managing public land resources. The problems confronting public land are getting more complicated and require technologically proficient solutions and actions, and community oversight. We are hopeful that a new level of cooperation and problem solving can be achieved in carrying out the settlement – and beyond. ■



Photo by Mike Eisenfeld

The vast network of roads and well sites in the Farmington region as seen from the air illustrate the concerns the Alliance has had about the BLM's Farmington Field Office's priorities in managing its resources for multiple use.

## Despite wonky undertones, nutrients rulemaking has broad implications for rivers

By **Meghan Maloney**  
River Program Director

**W**ater quality policy is one of those tough issues: We all know it is important but it tends to be technically complicated, administratively heavy, and generally challenging to wrap your arms around. But here goes. The Colorado Water Quality Control Division implements statewide water quality standards that have great meaning for the health and integrity of our waterways. Currently, the state is grappling with how to implement numeric nutrient standards that affect surface waters.

The nutrients of interest in this case are nitrogen and phosphorus. Because these chemicals have multiple forms, determining whether they are at healthy levels in a stream ecosystem is a somewhat complicated relationship. Different stream types (e.g. high elevation mountain streams or low elevation plains streams) require different levels of nutrients based on factors including (but not limited to) elevation canopy cover, assimilative capacity, and more.

Nutrient pollution is defined as pollution containing nitrogen and/or phosphorus, which stimulates excessive aquatic algal growth, robbing waters of oxygen and killing fish and other aquatic organisms. Nutrient pollution comes from runoff of excess fertilizers, animal waste, and other diffuse sources, also from wastewater treatment plants and some industries. It can result in algal blooms, reduced fisheries habitat; fish kills related to reduced dissolved oxygen in the water, cyanobacteria, public health concerns for drinking water, among others.

A local example of nutrient degradation occurred on the Animas River during the drought of 2002-2003 when severe algal blooms prompted the San Juan Citizens Alliance and a dedicated group of volunteers to begin a sampling program to address nutrient issues. This work lives on in the Animas Watershed Partnership, which focuses on the Animas River watershed from Baker's Bridge to the river's confluence with the San Juan River in New Mexico.

For decades, the Environmental Protection Agency has been working with states to encourage regulation of nutrients in waterways. The approach to reducing nutrients that most states took was voluntary or minimalistic due to the complicated nature of the issue and the economics associated with control. In September, the U.S. Geological Survey released findings that there has been only limited progress in the reduction of nutrients in streams and watersheds from 1993-2003. Unfortunately, this analysis also reveals that concentrations have remained the same or increased in many water bodies.

Currently, the state of Colorado is working to develop numeric nutrient criteria standards. The state rulemaking hearing for nutrients is scheduled for June 2011. A collaborative workgroup including the regulated discharge community, state agency staff, drinking water representatives, and two environmental represen-



Photo by Dean Howard

The Alliance is working to improve rules that limit nutrients, protecting water quality. Nutrients rulemaking will protect important Colorado waterways, including the Piedra River.

tatives have been meeting for more than two years to discuss the state's options. Implementing controls is challenging because of the myriad ecosystem types within our state, the ability to measure true progress and the economics of implementation.

The Alliance represents one of the two environmental/NGO interests involved in these discussions. We are working to ensure that the state enacts regulations that don't just meet the bare minimum but work to restore and protect our waterways. If you are interested in learning more or getting more involved in the process, please contact Meghan at (970) 259-3583 or [meghan@sanjuancitizens.org](mailto:meghan@sanjuancitizens.org). ■

## 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. Contact the San Juan Citizens Alliance today to find out how you can get involved and support our work.



## Alliance urges Oil & Gas Conservation Commission to conduct first regional plan

By Josh Joswick  
Energy Issues Organizer

At some point in the future, when the price of natural gas makes new production profitable again, and banks start lending money to fund new production, gas wells will start popping up in Montezuma and Dolores counties. These wells will be part of the next gas industry experiment in southwest Colorado: tapping into the Gothic Shale formation. While shale gas production has taken off in a big way in the Marcellus Shale (Pennsylvania and New York) and the Barnett Shale (Fort Worth area), the same frenzy has not yet hit our part of the world. That will change, and we can and should be ready to deal with the impacts of this next wave of drilling.

That was the message the Alliance presented to the Colorado Oil and Gas Conservation Commission (COGCC) at the commission's September meeting. It was prelude to our request that the COGCC produce a geographic area plan (GAP) for the Gothic Shale play.

When the COGCC adopted its revised rules in 2008, Rule 513 was put in place. This rule enables "the Commission to adopt basin-specific rules ... (that) cover an entire oil and gas field or geologic basin..." The rule continues: "In adopting a Geographic Area Plan, the Commission shall consult with the Colorado Department of Public Health and Environment, Colorado Division of Wildlife, and local governmental designee(s). The Commis-

sion shall also consider any local government comprehensive plans or other local government long-range planning tools."

At the September meeting, the commissioners heard from their staff, which did not recommend a GAP be done, citing work load, budgetary constraints, and the fact that there is so little activity in the Gothic that a GAP cannot be justified at this time. The commissioners then heard from the Alliance, who articulated our reasons for why one should be done. Our rationale was that the Gothic Shale is an undeveloped formation and now, before drilling takes off and staff is overwhelmed with processing applications for permits to drill, is the ideal time to do a GAP. The Gothic exemplifies what was envisioned when the commissioners adopted Rule 513: Get rules in place before drilling occurs, and not play catch-up.

Most of the commissioners agreed with this perspective, and felt that this is the kind of circumstance for which Rule 513 was written. But they also saw a problem, and that is that no one is really sure what exactly gets included in a GAP, as the rule as written is short on this detail. Understandably, the commissioners did not want to task staff with filling in the blanks as they go. To assist the COGCC in solving that problem, the Alliance has developed a more fleshed-out version of what a GAP should address, and is expanding the details of the rule itself. Three of the proposed areas for rules are:

### Air

Increased awareness of the air quality

issues in our region has to be translated into real-life solutions. The GAP should have an assessment, using thorough and complete ozone modeling, of the contributions that the development of the proposed shale play at approved spacing build-out will have on regional ozone levels, as well as an analysis of air toxics associated with gas and oil production. The COGCC should adopt emissions mitigation measures as provided by the Four Corners Air Quality Task Force Final Report detailing such measures.

### Water

Shale gas requires massive quantities of water for production. Disclosure of source, and analysis of quantity and quality of water should be mandatory. How flowback fluids are dealt with needs to be determined, along with an analysis of the impacts of the selected method.

### NORMs

Since development is going to happen in an area that is rich in radioactive material, an assessment of naturally occurring radioactive materials should be done on the flowback water, the drill cuttings and the gas itself to determine levels of contamination, method of disposal of contaminated waste, and if the gas is too compromised to be used safely.

The Alliance maintains that it would be irresponsible to proceed to full field development without having compiled this data and enacting the mitigations. We are awaiting a final ruling from the COGCC on our request. ■

## Defending oil and gas rules will be priority in 2010 Colorado legislative session

By Josh Joswick  
Energy Issues Organizer

Well the 2010 election results are in, and though we don't need to get into an in-depth analysis, suffice it to say that the outcome will mean that the Alliance faces a new set of challenges in carrying our work to protect the region's lands, air, and water.

Though the Colorado conservation community is still finalizing its legislative priorities for the 2011 session, our collective groups will be prioritizing measures that address air quality, water quality, energy efficiency, energy production, renewable

energy, and transportation. Though the community is unlikely to offer oil and gas rules legislation, we are going to be vigilant for attacks against the rules that we all worked so hard to enact. It is likely that the election's outcome will make the oil and gas regulatory issue front and center and we could well see attempts to undo the hard fought gains that were realized when the revised Colorado Oil and Gas Conservation Commission (COGCC) rules were enacted.

Here's a quick refresher on what those gains were: The new rules focused on making the industry more accountable for its impacts to public health, safety and welfare, to wildlife, and to land, air and water, and compelling the industry to develop not

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## To shape protection goals, groups look to collaborative, consensus-based fish inquiry

By Amber Kelley

*Southern Dolores River Organizer*

Everything takes longer than you think it will, but, after the Lower Dolores River Working Group reached consensus in March, we are still moving steadily forward toward legislation for the portion of the Lower Dolores from McPhee Reservoir to the river's confluence with the San Miguel River. The Working Group's legislative subcommittee has made great progress over the last eight months in reaching consensus on what legislation would include.

The subcommittee is developing a proposal for a national conservation area that would include protections for the outstandingly remarkable values (ORVs) associated with wild and scenic suitability and wilderness designation for the Dolores River Canyon Wilderness Study Area, while honoring valid existing water and other private rights. Up to this point, the subcommittee has discussed a number of issues ranging from recreation, grazing, mineral development, and travel management to wilderness and how to protect the ORVs. Currently, the committee is focused on bringing two components of the proposed legislation together: 1) how to address native fish, and 2) the participation of Montrose County in the Working Group's efforts.

### Native fish

While the Working Group's subcommittee has reached agreement on principles of most aspects of proposed legislation, exactly how to deal with native fish (one of the identified ORVs) has not yet been determined. When the group was having trouble reaching consensus on this point we took a step back to see if the problem could be identified. The conclusion was reached that a basic agreement on what native fish really need in terms of flows does not exist, and it is therefore difficult or impossible to worksmith a solution in legislation. The conservation community wants assurances that the native fish needs will be ad-

dressed in a real way and the water community doesn't want the legislation to create "hooks" that it perceives could result in a takings of water rights. The fact that it has been hard to reach agreement on how to deal with native fish in legislation should come as no surprise to folks that pay attention to the Dolores – there has long been controversy and disagreement around what the natives need as well as how the water that does flow from below the McPhee Dam (both the annual spring spill and the year-round fish flow) gets managed.

The subcommittee decided that the best way forward is to orchestrate a transparent scientific inquiry that will use all the existing science from the Colorado Division of Wildlife, the Dolores River Dialogue, and other sources to determine the status and needs of native fish, and then to consider solutions that take into account both needs and hydrologic constraints. Transparency is the key: The goal of this effort is to bring all the existing science together in one place and to employ completely independent experts in analyzing it so that all parties are bought into the resulting findings.

To that end, the committee has been focused since August on developing the process and raising the budget needed to fund the work. The group is now finalizing the hiring of three independent scientists, who will begin the work promptly after their contracts are finalized. A group of biology and hydrology experts has been assembled that will act as an oversight panel, identifying questions to be addressed by the scientists and educating them about reservoir operations and hydrology.

The goal at the end of the process is to have identified real solutions that will benefit the native fish in the Dolores. Recreation will also be an important component of the discussion since the limited spring spill needs to be managed to benefit boating as well as fisheries. We anticipate that one result of the native fish inquiry will be reaching consensus on how legislation can address native fish.

We also believe that the process will identify other actions that will greatly benefit native fish – solutions that could be implemented outside of legislation and potentially in a shorter timeframe.

### Montrose County

Montrose County's involvement in the legislation is very important because the Dolores River Canyon Wilderness Study Area (WSA) falls completely within that county's boundaries. Montrose County has not been involved in the Working Group since it began meeting back in December 2008, but when the group came to consensus to pursue legislation, it became clear that the county needed to be involved.

In June the Lower Dolores River Working Group's legislative subcommittee had an initial meeting with the Montrose County Commissioners and several county staff, which was later followed by a field trip to see the WSA and have more conversation on the ground. Because Montrose County has not participated in the entire Working Group process, a focused meeting to help them acquire a better understanding of different types of protective designations (national conservation area/wilderness/wild and scenic river) was identified as the next step.

The educational meeting took place in late October, and up until that meeting it was unknown if Montrose County would commit to taking part in the Working Group's process to develop legislation. Through this most recent meeting, which yielded a great deal of fruitful discussion between the legislative subcommittee, commissioners and county staff, Montrose County expressed its desire and intent to participate in the Working Group's legislative effort.

### Looking forward

As the native fish inquiry process and discussions with Montrose County ripen in early 2011, the Working Group's legislative committee expects to work with the Colorado Congressional delegation for support in moving proposed legislation through the legislative process. ■

## New program director takes Compañeros helm

By Nicole Mosher  
Compañeros Program Director

**H**ola from Compañeros! I would like to start by saying thank you to the good people at San Juan Citizens Alliance who gave me this great opportunity to become the next Compañeros Program Director. I am excited to be part of such a meaningful and honorable organization. Social justice has always been a passion of mine. I have spent my first two months in this position learning about all facets of how to bring that justice to our immigrant and Latino sisters and brothers here in Southwest Colorado.



I represent Compañeros in multiple coalitions and political advocacy settings locally and statewide. These include Durango's Unity Project and Community Access Committee, as well as El Centro de Muchos Colores at Fort Lewis College. I also serve on the board of the Colorado Immigrant Rights Coalition (CIRC) and am a committee member for the End Unjust Enforcement Campaign.

As part of this united effort to achieve meaningful change to immigration policy, we are working on a letter that is to be signed by Durango Mayor Michael Rendon and Durango Chief of Police David Felice. This letter will be sent to incoming Governor John Hickenlooper and will affirm our community's support for a more just Secure Communities program. Secure Communities has many flaws that bring to light the important need for national immigration reform. We are asking the governor to carefully reconsider these flaws and to hear our voices before signing and therefore mandating state compliance with the program.

The federal government, under the Office of Homeland Security, and Immigration and Customs Enforcement (ICE), has worked hard in 2010 to detain and deport up to 400,000 immigrants. The good news is some of those immigrants are serious criminals who deserve to be imprisoned and/or deported. The bad news is the majority of those 400,000 were victims of unjust enforcement – people who committed relatively minor crimes, or unlucky souls who were in the wrong place at the wrong time. Here at Compañeros, we will continue to work toward justice for those deserving it, while simultaneously advocating for national comprehensive immigration reform.

Toward this end, we conducted a "Know Your Rights" training in early December, to train those interested in facilitating future rights workshops. The main focus of these workshops is to educate local Latinos and others about basic civil rights and how to handle a variety of situations relevant to the immigrant community. The volunteers who trained with the program will be broadcasting these rights to the larger community, empowering our region to navigate the complex immigration system with increased confidence. Look for more opportunities to get involved, or contact Nicole at (970) 259-3583 or [Nicole@sanjuancitizens.org](mailto:Nicole@sanjuancitizens.org) for more information. ■

## Rules: Continued from page 8

only with review by the COGCC, but also in conjunction with the Colorado Department of Public Health and Environment and the Division of Wildlife. They were as comprehensive a set of reforms as anyone could remember the COGCC ever adopting, developed through an extensive, inclusive stakeholder process in which the conservation community had as much a voice as the industry.

And that is what drove the industry crazy and led it to employ its not unusual tactic of totally misrepresenting and distorting the impacts that the new rules had on its ability to operate in the state of Colorado. And that is what is driving what will be the conservation community's defense of these rules in 2011.

The industry has repeatedly claimed that the new rules are what drove it out of Colorado. Such blatant falsehood has been undeniably, factually refuted, but that has not stopped the industry from continuing this re-write of history, nor has it stopped elected officials who double as industry shills from asking, "Why should facts get in the way of a good bit of propaganda?" The Alliance is preparing to defend those rules.

Much of the success of that defense will depend on our new governor and his perspective on the rules and their impact. John Hickenlooper has a mixed background, with experience in both the gas industry as a geologist and in government as mayor of Denver, where he supported progressive environmental initiatives. He, of course, has veto power over any legislation and would have the final say in an assault on the rules. But just as important will be the appointments that he will make to his cabinet, and subsequently to the COGCC. The heads of the Department of Natural Resources and the CDPHE occupy two seats as COGCC commissioners. Whoever Hickenlooper chooses for these spots needs to have an understanding of the need for and the efficacy of the state's oil and gas rules. The Alliance will be involved in making recommendations for these and other commissioner vacancies. ■

## Fall season brings speakers, local eats, and efficiency fashions

**By Brittany Sparks**  
*Administrative Assistant*

**N**ow in its seventh year, this fall's Green Business Roundtable (GBR) 2010-2011 season kicked off on Sept. 15 with a special presentation by Paul Gipe, an internationally recognized authority on renewable energy development. Gipe discussed creating sustainable jobs for our local economy and feed-in tariffs. A feed-in tariff is a policy mechanism that encourages an adequate, fixed rate for the power generated at people's homes and at small-scale renewable projects. The National Renewable Energy Lab in Colorado reports that feed-in tariffs have been responsible for 75 percent of the worldwide deployment of photovoltaic energy systems. This was an informative and practical presentation on how generating renewable power off the grid can be economically and environmentally beneficial. Gipe's presentation can be viewed at [www.wind-works.org/workshops/index.html](http://www.wind-works.org/workshops/index.html).

In October, Bill Carver, Mike Hurst, and Marc Masor spoke about profitability, sustainability and philanthropy and how each of these components work together to create a community. Their presentation used the example of Carver's Brewery, which has been a leader in using thoughtful alternative and sustainable energy solutions. Those who attended the October GBR were privy to a thought-provoking presentation about broadening the definition of sustainability to the whole community through seeking out energy solutions as well as supporting local non-profits in Durango. Carvers won the Green Business Leadership Award in 2009. Marc Masor offered some insight into the Durango Discovery Museum and its growth from a concept to a reality, treating those in attendance to a preview of the incredible exhibits and features it will display.

November's GBR explored the changing measurements of success in a "post-industrial economy." Special guest

Arthur Brock spoke about drastic changes in everything from business models to currencies and how Durango businesses can establish a foothold on this new economy. The December presentation featured Greg Dubit from the Four Corners Office of Resource Efficiency, who gave attendees a thorough range of options for improving energy efficiency in their homes and businesses. His presentation was choreographed to a fashion show of insulation-clad individuals demonstrating the technology available to keep heating and cooling costs to a minimum.

Green Business Roundtable, in partnership with the Strater Hotel, is proud to continue serving local and organic lunches at each event. The Strater staff and chef work hard to incorporate as many local farmers' and ranchers' products into the fares offered as possible. We are very fortunate to have such a talented chef to create such delicious cuisine.

Each spring we encourage community members and business owners to participate in the GBR steering committee to develop topics and identify speakers for the upcoming GBR season. Join the GBR steering committee and share your insight and ideas so that we may expand our reach and raise interest throughout the Four Corners area. ■

## EPA: Continued from page 1

feeling the impacts of the plant's – and its neighbors' – toxic emissions for decades. Four Corners Power Plant, located on the Navajo Nation, is the largest emitter of NOx in the country, according to EPA data.

The coal industry, the utilities that own the power plant, and the municipalities that receive electricity from the facility, are not surprisingly, balking at the proposal, claiming that the power plant is vital to the regional economy, that stringent control technologies are unnecessary to reduce regional haze, and that minor cleanup efforts on some of the plants power-producing units will be sufficient to resolving the pollution problem.

Arizona Public Service, the majority owner of the facility, announced in early November that it would decommission the three units targeted in the EPA rule, and invest in buying out Southern California Edison's interest in Units 4 and 5 at FCPP, which are the two newest units.

While this solves the problem of the plant's three biggest polluters, it does nothing to move away from reliance on coal for electricity production, and in fact represents an increase in APS coal investment, while simultaneously falling short of the EPA's emission-reduction targets laid out in the BART proposal for Four Corners Power Plant. The BART proposal initiates a complex, controversial dialogue that incorporates economic, environmental, political, energy and justice issues in the Four Corners region. There is evidence that the Navajo Nation is now poised to address the economic inequity, legacy pollution issues and leasing problems associated with FCPP.

The Alliance contends that energy export, if allowed to perpetuate, must be balanced with environmental and public health protection. As such, we will continue to be actively engaged in the rulemaking process to ensure that it produces the best results for the region. ■

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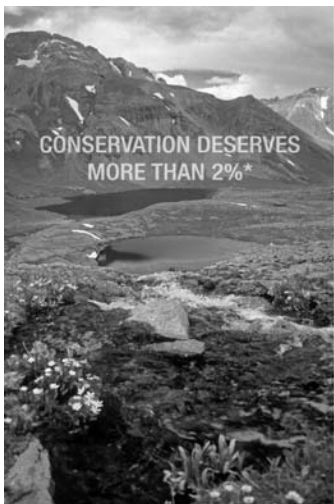
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