



SAN JUAN CITIZENS *REPORT*

June 2008

Organizing for the people and land of the San Juan Basin

Dolores River Prospects Improve

by Mark Pearson

This year's recent Dolores River boating season has been the most successful in memory. BLM's river ranger reports more kayakers, canoeists and rafters enjoying the river's remarkable canyons, forests, and whitewater than anytime in his 17 years experience on the river.

A great deal of this year's success is owed to the Dolores Water Conservancy District and the commitment by its staff to accurate and timely updates about expected water releases out of McPhee Dam. Every Monday and Thursday, the

District posted an update to its website outlining projected water releases for the next few days, along with a commitment to meet those promised releases to the greatest extent possible. The District is the critical player for Dolores River water levels because it contracts for delivery of the lion's share of water from McPhee Dam and Reservoir, which is operated by the Bureau of Reclamation.

One of the deepest snowpacks in recent history helped the boating season without doubt, but the dry and windy months of March and April quickly diminished the

expected bonanza of run-off. Despite the increased uncertainty about the amount of available water, the District kept to its guns and provided the longest boating season since McPhee Dam was built.

The ample snowpack combined with the extensive advance notice of water releases allowed numerous boaters to plan long-anticipated trips down one of the West's most remarkable gems. Not so long ago, one might also have characterized this as an unknown gem, but the crowds suggest the "hiddenness" of the Dolores has

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The Dolores River below Snaggletooth Rapid, through the proposed Snaggletooth Wilderness.

PRESIDENT'S MESSAGE

Joe Griffith, President

Dianne and I spent two months in New Zealand, in February and March. The trip was very exciting and inspiring. We toured both islands in a small campervan, staying mainly at Holiday Parks (think Campgrounds), where good kitchens and showers make for a pleasant stay. We hiked some of the wild trails and did a lot of the usual tourist sight-seeing.

The New Zealanders have created a wonderful system of trails and huts through their National Parks and conservation land. Hikers pay to use the huts or campsites and the money goes directly to trail and hut maintenance. Walking through New Zealand forests and woods, where the “off-trail” is a dense and impenetrable jungle, it seems like something large and dangerous might come out at any moment. But there is nothing dangerous except Sand Flies (think Black Flies!). There are no indigenous wild mammals.

The trip also gave us a different perspective on our own country and the way we use and support our public lands. Like New Zealand, tourism is a significant part of the economy of Colorado and of Durango. The wilderness and the scenery are the chief draws. In New Zealand, we missed the wild mammals that populate our forests here. We are fortunate to still have the large predators, like bear, wolf, and cougar. We see them as a part of the landscape and important to the ecosystem. Our neighbors, the Canadians, live with wolves and Grizzly Bears rather more comfortably than we do. How do they manage to do that so graciously? There is something special and mind-focusing about walking in wild areas where you know you're not the biggest predator in the woods.

The Kiwis (i.e. New Zealanders) are mounting Herculean efforts to restore some of the main bird species that are on the verge of extinction at the hands of the introduced small mammals – rats, stoats, weasels, possums. Those small mammals threaten the existence of the indigenous wild, flightless birds like the Kiwi.

It brings to mind our struggle to rid ourselves of introduced plants. The tamarisk and the Russian olive are threatening our waterways. The spurge, knapweeds, thistle, houndstongue, and other introduced species are threatening our lands. We are just beginning the struggle to limit the stranglehold these species are establishing on our riverbanks and in our fields. This work is demanding and requires intelligence, dedication, and sweat.

The preservation of our wild lands is laid at the door of the BLM, the Forest Service, and the National Park staff. The BLM and the Forest Service are committed to multiple uses while at the same time preserving the resources of our public lands – especially the wildness – for future generations. Achieving the right balance is a difficult political task requiring Solomonesque skills and deep knowledge about the ecosystems involved. The Park Service has the more straight-forward task of preserving the park resources while providing for visitor recreation. All these agencies budgets are woefully under-funded and inexorably reduced each year as our tax money, and that of our children as well, is used to fund the crazy war in Iraq as well as to provide unneeded tax breaks.

Right now an important part of the work of SJCA is focusing on the management issues that are being grappled with by the BLM and the Forest Service. We are heavily involved in formulating the new forest management plan, and especially in the Travel Management component, involving diverse interests and requiring us to listen to other points of view and maintain a civil dialogue. We spend a lot of time discussing where that line is between appropriate quiet recreational use and the desires of motorized recreationalists to have access to more and more trails. It is a large challenge to maintain that dialogue about the major issues around preserving public land: Grazing; Recreation; Motorized travel; Camping facilities; Water use, etc.. Many of these issues would be more tractable if there were adequate funding of the BLM, Forest Service, and National Parks, so they could have rangers on the ground to manage the areas.

The wild places serve our own spiritual and physical needs, such as recreational space for hikers, hunters, and fishermen, clean air and water, etc. They are also an important part of the tourist economy for Durango. However, the more we exploit these areas for tourism, the greater is the danger that we dilute and destroy them. It seems to me we are to the place where preserving them means making it possible for people to experience them appropriately by creating good trails and facilities that preserve both the experience and the resource. As we keep talking to all the interested parties, we feel fortunate to have such an intelligent and skilled SJCA staff, as well as a diverse group of dedicated volunteers, to help us find the right balance for these knotty issues.



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.

OFFICES

P.O. Box 2461
1022 1/2 Main Avenue
Durango, Colorado 81302
Phone (970) 259-3583
Fax (970) 259-8303
www.sanjuancitizens.org

108 North Behrend, Suite I
Farmington, NM 87401
(505) 325-6724

Dolores River Campaign Office
2 East Main Street
Cortez, CO 81323
(970) 565-7191

BOARD OF DIRECTORS

Joe Griffith, President
Gwen Lachelt, Vice-President/Sec.
Paul Bendt, Treasurer
Deedee deHaro Brown, Bob Delzell, Kent Ford,
Chuck McAfee, Missy Miller, Jack Scott

STAFF

Mark Pearson
Executive Director
mark@sanjuancitizens.org

Tracy Daniels
Office Manager
tracy@sanjuancitizens.org

Eddie Soto
Compañeros
(970) 375-9406
eddie@sanjuancitizens.org

Chuck Wanner
Rivers Coordinator
cwanner@frontier.net

Josh Joswick
Oil and Gas Coordinator
josh@sanjuancitizens.org

Amber Clark
Dolores River Campaign Coordinator
amber@sanjuancitizens.org

Jimbo Buickerood
Wild San Juans Coordinator
jimbo@sanjuancitizens.org

Mike Eisenfeld
New Mexico Chapter Organizer
mike@sanjuancitizens.org

Susan Thomas
Montezuma County Organizer
susan@sanjuancitizens.org

VIEW FROM THE DIRECTOR'S OFFICE

by Mark Pearson

This summer, we are moving towards the climax on several of our long-running conservation initiatives. The Colorado Oil and Gas Conservation Commission is slated for final action in July on a ground-breaking rewrite of the rules by which oil and gas development is authorized on private lands and minerals across. SJCA's Colorado oil and gas coordinator, Josh Joswick has been involved up to his eyeballs in this historic endeavor, and reports more fully on the latest developments (see page xx). The new rules for the first time put real meat on rules to protect the public's health, safety and welfare, and also for the first time require the oil and gas industry and the COGCC to take in account the long-term consequences of energy development on wildlife habitat.

La Plata County is moving at a glacial pace towards a substantial revision to its county rules governing surface impacts of oil and gas development (the state manages the underground aspects). By July, the county planning commission should have formulated a recommendation for action by the county commissioners, just in time for election season. Will the county take the side of landowners and impacted residents, or will it kowtow to the demands of industry?

Another topic of great interest to SJCA members and residents across the Four Corners is the pending proposal for a third coal-fired power plant, the 1500-megawatt Desert Rock Energy Facility planned near Shiprock, New Mexico. Earlier this year, the project proponents – Sithe Global and The Navajo Nation – filed suit against the Environmental Protection Agency over EPA's failure to act on the air quality permit for Desert Rock. A recent consent decree filed in federal court requires EPA to make a decision on the permit by July. EPA can either accept or deny the permit; the proponents obviously hope for approval in the waning months of the Bush Administration. The vast deficiencies in the permit application, including a complete absence of analysis



of the impacts of mercury, carbon dioxide, and ozone, make its approval extremely unlikely on scientific grounds. Perhaps politics will trump science, but the permit application is ultimately doomed as submitted.

Meanwhile, we still await action on the Final Environmental Impact Statement for Desert Rock from the Bureau of Indian Affairs, and countless other necessary permits.

Thanks to all who took time to write letters of comment on management plans covering 2.5-million acres of public lands across southwest Colorado this past winter. We are now awaiting review and revision of proposed plans for Canyons of the Ancients National Monument, San Juan National Forest, and BLM lands across the Dolores River Basin that are expected by the end of the year.

In Colorado, the November election could see decisive action on several issues of interest to SJCA members. A proposal to increase Colorado's mineral severance tax on oil and gas extraction to a level commensurate with that in neighboring New Mexico and Wyoming would generate upwards of \$200 million annually for education and conservation purposes across the state. Industry is expected to pour millions of its recent windfall profits into fighting this modest proposal; voters will undoubtedly be inundated with commercial messages as the campaign heats up later this summer and fall. Let's hope that voters are not easily confused or swayed by industry's onslaught. It's far past time that this extraordinarily profitable industry finally paid its way.

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evaporated.

Crowds might be too harsh of a characterization. Our SJCA boating group encountered a mob scene at the Bradfield Bridge boat launch on a Sunday morning, with at least 30 craft of various kinds clogging the boat ramp and perhaps 100 trucks, trailers, and cars jamming the parking lot. Despite the apparent clutter of humanity, the river itself was pleasantly uncrowded and campsites easily acquired en route to Slickrock. Snaggletooth Rapid posed its own bottleneck, with a rooting section 20 or 30 strong cheering on each intrepid run through the recirculating hydraulics and the wicked rock fangs for which the rapid is renowned. The Slickrock Canyon section lower down draws even more boaters, and campsites there were a bit sparser for the picking.

This year is undoubtedly one for the record books. BLM is embarking later this fall on an update to its Dolores River corridor management plan (see adjacent article). One element of the plan will surely be recreation management. The plan will also contemplate other arising concerns, including whether to make the river corridor off-limits to new uranium mines, whether to keep oil and gas drilling rigs outside the corridor, and what types of permanent protection could benefit the river and its resources.



Jimbo Buickerood, SJCA's Wild San Juans coordinator, with San Miguel County Commissioner, Joan May, enjoying the Dolores River.

Dolores River Management Plan

by Amber Clark

The lower Dolores River Canyon is one of the truly unique jewels of our local public lands and it is a landscape to which SJCA pays close attention. We were pleased when the Bureau of Land Management recommended it as a special management area in their Draft Resource Management Plan (RMP) for the San Juan Public Lands this past winter. As a special management area, a more detailed management plan needs to in place for the area.

So as we await the Final RMP, the BLM is gearing up to focus on the river corridor in more detail in a separate planning process starting this fall. An existing management plan for the corridor dates back to 1990. The time is ripe for updating the plan, especially considering that the Dolores River Dialogue (DRD) has already been consistently talking about the lower Dolores River for over four years.

The DRD is a unique group because it brings a very diverse collection of stakeholders to the table to discuss often-difficult topics. The group has been specifically focused on the management of the water in McPhee Reservoir and releases from the dam when annual precipitation allows it (such as this year's

recent successful spill from the reservoir), as well as the lower Dolores River's riparian ecosystem and developing a transparent body of scientific data that will help members make decisions.

The BLM recently asked the group to be intricately involved in the public planning process that will result in an updated plan for the Dolores and adjacent lands. Though the DRD has been primarily focused on water issues to date, Dialogue members seem enthusiastic about engaging in this process, which will also determine appropriate management for surrounding public lands.

The Dolores River Coalition has always been open and honest about our goal of attaining permanent protection of some type for the lower Dolores River and surrounding public lands. At the same time, we have been and remain very committed to the Dialogue process. The DRD's involvement in the management plan is very exciting because it presents an opportunity to begin in earnest to discuss long-term management of the river ecosystem with all the stakeholders already at the table.

The plan will unfortunately not include the entire 172 miles of the lower Dolores River in Colorado. It will include the stretch from below McPhee Reservoir to roughly Bedrock. This stretch falls primarily in the BLM's San Juan Field Office, with a small portion of the land just south of Bedrock in BLM's Montrose District. The ongoing process to develop the Gateway Area Special Management Plan will take in much of the rest of the river in Colorado. The development of specific management for most of the lower Dolores corridor is a very positive step forward for the "river of sorrows."

Tacoma Power Plant Relicensing Impacts Cascade Creek

by Chuck Wanner

The Alliance has been participating in the Federal Energy Resources Commission (FERC) relicensing process for the Tacoma Power Plant for almost four years. The process is tedious and a new license, if granted, will not be issued until 2010. At this point the licensee, Xcel Energy, has put forward their Preliminary Licensing Proposal. The final plan will be put out on the July 15, 2008. There are still close to a dozen steps left in the process and FERC will not invite Environmental Analysis and Application Acceptance until early October, 2008.

The Tacoma Power Plant has been operating for over 100 years and no substantial changes are planned for the footprint of the project. There will be a request to include a fourth turbine in the future, but it will be included in the power plant and while requiring a few changes will not substantially change the impacts of the operation. Currently,

there is no way to certify hydropower as green energy so any addition to the plant will not gain Xcel any credit toward the required percentage of green power that Colorado currently requires.

There has been much discussion about a probable United States Forest Service request for a instream bypass flow around the diversion works on Cascade Creek. These talks are being held under the memorandum of understanding between the State of Colorado and the Forest Service regarding water issues. This is the first time that the MOU has been used. At our request, we have been included in these discussions and hope to establish a place at the table for conservation organizations whenever this process is implemented.

The Forest Service has the ability to require an instream water bypass at the diversion point to maintain fish habitat on Cascade Creek. Bypasses are often a part of FERC permits for hydropower.

The state of Colorado is very jealous of its primacy in water matters and is concerned about the federal government requiring a change in a use of water or in any apparent takings of water rights. This includes any bypass requirements. At this point, the discussion includes several possible ways to mitigate the effects of the Tacoma diversion on the fishery of Cascade Creek. These include a bypass flow or money for an increased Dolores River fish pool. A bypass would substantially reduce power production at the power plant so Public Service Company might be asking for a Colorado Water Conservation Board loan to increase generation efficiency in order to offset the loss of water for power production. There are also a couple of ideas for acquiring water for instream flows in creeks around the area.

The Alliance will be encouraging public comments on the Environmental Analyses on the Tacoma relicensing proposal in September of this year. A final decision on the license will be made in 2010.

Hermosa Creek Workgroup Meetings Continue

The first two meetings of the Hermosa Creek River Protection Workgroup have been completed. As many of you know, the community discussions aimed at protecting the natural values of Hermosa Creek are part of a series of similar discussions that we hope will take place over the next few years around seven of the more outstanding river basins in the upper San Juan drainage. These streams include Hermosa Creek, the Animas River, Los Pinos, Piedra, Vallecito Creek and the forks of the San Juan. The meetings around each drainage should take 10 to 12 months and hopefully we will be able to hold concurrent sets of meetings after we get our process honed.

The goal of these meetings is to find ways that the various interests in the basins can agree to use to protect the natural values of the streams and still leave room for adequate water development for other needs within the basin. In each instance, we will look at the needs of all of the

stakeholders and try to reach a consensus on how to protect the stream. The range of possibilities runs from current protection is adequate to inclusion of parts of the stream as a wild and scenic river. If consensus is reached we will work as a group to implement whatever policies or legislation are necessary to protect the identified values. It is our hope that we will come not only with substantial consensus, but also with new ways to protect streams that might be applicable in other parts of the state.

Hermosa Creek is the centerpiece of the Hermosa drainage. The basin has been used over many years for timber, grazing, hunting and fishing. In more recent times, it has seen an increase in recreation use by mountain bikers, skiers and hikers. The Colorado Division of Wildlife has recognized the Hermosa watershed for its Colorado River Cutthroat population. In recent years, two sections of the creek have been cleared of other non-native salmonid

species for use as native cutthroat habitat. Thousands of acres have been cited in the draft forest plan as potential wilderness and as a Research Natural Area. The mainstem and several branches have been shown to be suitable for Wild and Scenic River designation. For almost 40 years, conservationists have wanted to see wilderness protection for much of the 100,000 undeveloped acres in the Hermosa watershed.

Local folks have gotten together in the past to try to protect this area through special management, but have not been successful in getting special protections for the basin. It is important that we participate in the current process with the rest of our community and that we voice our opinions about Hermosa Creek. Meetings are held the first Tuesday of each month from 6:30 to 8:30 in the evening. Information about the agenda and place as well as background information are available on line at <http://ocs.fortlewis.edu/riverprotection>.

San Juan Gears up on Travel Management

by Jimbo Buickerood

The San Juan Public Land's continued efforts to move forward Travel Management (TM) planning have resulted in measurable progress since the start of the year with all three San Juan national forest ranger districts releasing local planning area updates. While progress is being made, the goal of completing all of the Travel Management plans by the end of 2009 is surely stands as a daunting goal for the agency.

Pagosa Ranger District

Earlier this Spring the Pagosa District released its Draft Environmental Assessment (EA) for a limited amount of lands as they focused on management issues related to closing all cross-country motorized travel in the District. Their focus on the Devil Mountain area resulted in a Draft EA that proposed a combination of actions that should result in better protection for the overall resource in this area while still supporting adequate route mileage for motorized users. In general, SJCA supported Alternative 2, though our submitted written comments emphasized our concern that within Alternative 2 there is a lack of commitment to addressing the need to review the flanks of all motorized routes for their relative suitability for off-road dispersed camping.

At the time of its release, the Pagosa Travel Management Draft EA had been the most worthy Travel Management document we had seen on the San Juan and the staff should be commended for the extensive work they undertook to bring a high-quality document to the public. The Pagosa District has the enviable position of having far fewer acres open currently to motorized cross-country travel and therefore a much smaller task list that needs travel management planning.

Columbine Ranger District

The Columbine District released its Draft EA for the Lakes Landscape in May, which offered four management alternatives for these public lands surrounding Vallecito and Lemon Reservoirs. The alternatives

address an array of issues including road closures (seasonal and permanent), road maintenance, comparative costs, private land incursions, decommissioning and restoring routes, wildlife habitat and others. The Draft EA document trumped the Pagosa one with its thorough assessment of an array of issues including the helpful addition of a financial analysis for each alternative.

The crux issue on the Lakes Landscape is the possible closure of the motorized route(s) beyond historic Tuckerville. Currently, the road beyond Tuckerville is supposedly a closed route, however, a field



Fish Creek roadless area's quiet backcountry uses will be decided in Rico/ West Dolores travel plan.

visit last summer revealed a vandalized closure gate that left the road and backcountry open to use. The gate's hefty concrete anchorage had been cracked in half and pulled from the ground – this was more than pick 'n' shovel vandalism.

The vandalized gate opening is problematic in that motorized users could possibly disturb bighorn sheep during spring lambing and/or violate the law by motoring into the Weminuche Wilderness just beyond the road's end. These Wilderness incursions have become commonplace and while the Forest Service has attempted to close and sign the area, ongoing vandalism has made it

difficult for motorized users unfamiliar with the area to know what areas are meant to be off-limits. Local users with any level of awareness should be well schooled in the motorized travel regulations.

Our written comments backed Alternative 3 that provides the strongest protections for the resource – from wildlife, to Wilderness integrity, to quiet for the backcountry user whether it is a hiker, bicyclist or a hunter on horse or foot. We are also supportive of the agency making a management choice that is financially affordable, ecologically sustainable and enforceable – elements that stand as sound and very reasonable approaches to a TM solution for this area.

Dolores Ranger District

On the Dolores District, the release of the long awaited Mancos-Cortez Final EA/Decision Notice addressed motorized and non-motorized use north of Mancos. The Draft EA had offered just three dismal alternatives, with the No Action one not even being a real, valid choice, so call it the Terrible Two! These two alternatives outlined management approaches that were essentially the same, though Alternative C had the add-on of several user-created, non-system and retired routes which the agency intended to turn into more motorized routes.

During review of the approximate 100 public comments letters, SJCA staff noticed that there were many members of the public that also felt they had no real choices with Alternatives B and C being near twins. Clearly, the two alternatives offered only imbalanced choices both biased in favor of motorized use, with the only added major backcountry quiet use trail mileage being a portion of the West Mancos Trail. This addition increased the backcountry quiet trail miles in the entire planning area to only a bit more than 15 miles. While we are eternally grateful for any addition to the quiet-use trail mileage, it's important to remember that there are more than 300 miles of motorized roads and routes in this TM area!

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More Carbon Dioxide Wells Impact Canyons of the Ancients

by Jimbo Buickerood

In April, SJCA delivered comments opposing a proposal by Kinder Morgan to drill and develop seven carbon-dioxide wells within Canyon of the Ancients National Monument (CANM). The proposed wells and associated roads and pipelines would be located a few miles inside the eastern boundary of CANM, adjacent to Burro Canyon and Goodman Point.

The proposed well sites are in an area dense with ancient cultural resources, including several dozen that are eligible for designation on the National Register of Historic Places. Obviously, the clearing and leveling of this mesa would result in irreversible damage to these Ancestral Puebloan sites and, not surprisingly, the Hopi Nation is strongly opposed to the destruction of the sites, artifacts and burials (if found) of their ancestors.

Kinder Morgan is nearing completion on a compressor station located on Goodman Point that is ringed by new carbon dioxide wells. This development is taking place for the most part on already disturbed grounds now used for agricultural purposes. SJCA finds it curious that Kinder Morgan is desirous of developing more wells on CANM's public lands rich in undisturbed (or slightly disturbed) cultural sites while seemingly successful CO₂ production is evidently possible on these nearby private lands. Though wells currently being drilled are not yet under production, we're guessing that the reported \$70-80 million compressor plant expense provides strong evidence that Kinder Morgan knows they will be productive.



An existing gas well in Canyons of the Ancients, on Mockingbird Mesa.

Being in what could be described as “being between a rock and a hard place” (really a drill bit and a metate), BLM managers of Canyons of the Ancients will necessarily need to make a decision as to how they will navigate a path that is true to CANM's founding Proclamation in 2000 along with a plethora of directives set forth in management plans and federal statutes. While the Proclamation gives marching orders to provide for the “proper care and management of the (cultural) objects,” it also specifies that “valid and existing rights” as related to fluid mineral resources must be protected as well. The current task at hand now is to advocate for the full protection for the Monument's vast cultural resources. We are hopeful that the BLM will find that Kinder Morgan has successfully fulfilled their valid and existing rights through the current extraction of CO₂ from dozens of wells located on both public and private lands, therefore finding that there is no need for the further destruction of the

Monument's cultural resources.

Fundamentally, we view the Monument's elemental purpose as the preservation of its cultural resources which are significant in a global sense, as well as to contemporary Puebloan cultures of the Four Corners region. Judging from the success of ongoing fluid mineral extraction on already impacted private lands with significantly less cultural wealth, it seems probable a path can be taken that will not slight Kinder Morgan's business interests or commensurately diminish the coffers of local counties.

Stay tuned for the decision on this critical juncture for the future of CANM. Your support for the Monument can be manifested through maintaining an awareness of the issue and providing important public input through comment letters. For further information please call Jimbo at our Cortez office, 970 565-7191 ext. 3.

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The final Mancos-Cortez TM decision was appealed by an avid backcountry quiet user from Mancos. It will take a few weeks to know what will come from the appeal, but the outcome could be anywhere from “nada” to sending the District back to the planning stage for the development and roll-out of a more thorough EA including a greater

diversity of alternatives. We'll keep you posted on these developments and if an opportunity opens for additional public input, we want to be present with our show of concern for resource protection and quiet places.

A special THANKS to all of you who wrote comment letters in support of our collectively stewarded forest resources and sufficient territory for quiet user

experiences. Our NEXT BIG EFFORT will be turning out a MASSIVE amount of input and support for resource protection and sufficient non-motorized routes when the Rico/West Dolores TM Draft EA premiers late this summer. Look for specific information coming to you via e-mail or snail mail on this issue as we work to protect the Rico/West Dolores area with is phenomenal backcountry inhabited by an array of fish and wildlife.

Update: HD Mountains Gas Wells

by Mark Pearson

As part of our continuing campaign to protect the HD Mountains Roadless Area from gas development, in January, 2008 San Juan Citizens Alliance and others filed litigation challenging the Forest Service's approval of the overall project Environmental Impact Statement (EIS) that analyzed drilling coalbed methane wells in the HD Mountains. This summer we will be focused on the first few specific wells that the Forest Service is proposing to approve as a consequence of the EIS.

There are presently pending 8 proposed gas wells in the HD Mountains. Elm Ridge has requested approval for 5 gas

wells in the Goose Creek watershed on the southeast side of the HD Mountains, including two miles of new roads inside the currently roadless area. Petrox is proposing to drill three new wells in Fossett Gulch, on national forest lands where the mineral rights are owned privately. The Petrox wells are generally close to existing roads.

In May, SJCA staff, our attorney from Earthjustice, and a watershed expert from Colorado State University toured the proposed Goose Creek wells. We were impressed by the substantial stands of towering ponderosa pines through which Elm Ridge proposes to punch new roads, and taken aback by substantial construction activities planned for

stream crossings and the watershed influence zone. Given the appearance of old-growth character in these stands of ponderosa pine, we puzzled over the fact that the Forest Service did not identify any old-growth stands in the Goose Creek watershed. The mystery was solved days later when the Forest Service acknowledged there had never been any on-the-ground field inventory for old-growth in Goose Creek, despite an EIS process that took over 7 years to complete.

During our field investigation in May, we also encountered contract surveyors for Elm Ridge illegally driving All Terrain Vehicles cross-country in areas explicitly closed to that type of motorized activity. This blatant disregard for rules intended to protect wildlife and the environment does not bode well for future compliance by Elm Ridge and its contractors. Much of the Forest Service's approval for new drilling in the HD Mountains is predicated on a host of protective mitigation measures. Given the inability of the Forest Service to monitor compliance around the clock, we the public will be at the mercy of the drillers to follow the rules, or not.

At this point, Elm Ridge has agreed to defer any ground disturbing activity in Goose Creek until at least September. That should give the federal court in Denver time to consider the merits of our lawsuit. It should also give the Forest Service time to get out on the ground and correct deficiencies in its data, such as the absence of old-growth surveys for Goose Creek.

Our lawsuit challenges the Forest Service and BLM decision to approve new drilling on grounds that violates the requirements of the current San Juan Forest Plan to protect old-growth forest, wildlife habitat, water quality and riparian areas. We also argue the project will worsen the region's ozone pollution and further impair declining visibility at Mesa Verde National Park and the Weminuche Wilderness.

Photos, maps, short film clips, and more information are available at www.savehdmountains.org.



A never inventoried stand of old-growth ponderosa pine along Goose Creek.

Update: San Juan National Forest Management Plan

by Mark Pearson

Last December, the San Juan National Forest finally released its long-awaited management plan that guides management for 2.3-million acres in the San Juan Mountains for the next 20 years. The preparation of this plan has been a priority for SJCA for the past decade. Thanks to all who took time to craft comments for the public record! The Forest Service received at least 18,000 public comments on the plan, mostly from our partner groups such as The Wilderness Society and Colorado Environmental Coalition.

SJCA mobilized public comment and attendance at public meetings, and orchestrated a 112-page detailed comment letter signed by a coalition of conservation organizations submitted on April 11. Our focus was on promoting greater protection for roadless areas, obtaining more wilderness recommendations such as for areas adjacent to the South San Juan Wilderness and Ice Lake Basin, supporting wild and scenic river recommendations, improving oil and gas leasing stipulations, and securing more designations of Research Natural Areas and Areas of Critical Environmental Concern.

As a result of previous public outreach and organizing efforts, the Draft San Juan Forest Plan proposed the west half of Hermosa's watershed (over 50,000 acres) for wilderness designation, but included a segment of the Colorado Trail popular with mountain bikes. We worked with Trails 2000 to craft a proposal that leaves the Colorado Trail out of wilderness, but adds other acreage to the wilderness in Buck Creek. We will be working over the next year to include the entirety of the Hermosa watershed in a large,

hydrologically-based management unit like a "National Conservation Area" that we hope our congressional delegation will support.

The Final San Juan Forest Plan is scheduled for publication at the end of the year, after evaluation and consideration of public comments.



Waterfall below Ice Lake Basin, San Miguel Roadless Area.

Desert Rock Still Mired in Permit Limbo

by Mike Eisenfeld

To date, the proposed Desert Rock Energy Project (Desert Rock), the 1,500-megawatt (MW) coal-fired power plant near Burnham, New Mexico, has not received any of the necessary permits to be constructed.

Of foremost urgency, the proponents of Desert Rock continue to seek approval of the necessary Prevention of Significant Deterioration (PSD) air quality permit through the Environmental Protection Agency. As a result of a lawsuit filed by the project proponents, Sithe Global and Diné Power Authority, EPA is now under consent decree to make a decision on the Desert Rock PSD permit by July 31, 2008. SJCA and the broad coalition of groups working on Desert Rock will resubmit comment to EPA on the deficiencies of the completeness of the permit application (including deficient monitoring and modeling of existing air quality conditions in the San Juan Basin; failure to address EPA requirements to consider greenhouse gas emissions, ozone precursor emissions, and mercury emissions; failure to apply stringent Maximum Available Control Technology emission standards for hazardous air pollutants; failure to correlate with the National Environmental Policy Act; failure to include any alternatives to control carbon dioxide; and failure to include analysis of alternatives including renewable energy). While we don't know the terms/conditions of the decision to be made, we can expect EPA to approve the Final PSD permit for Desert Rock. Many of the thousand comments received by EPA as a result of the public hearings for the Draft PSD permit in November of 2006 comprehensively identified the grave deficiencies that should preclude EPA from legitimately issuing a Final PSD permit for Desert Rock.

Sithe and Diné Power Authority are looking for the Final PSD approval to jumpstart the idea that construction on Desert Rock will commence, but construction on Desert Rock cannot occur until numerous other permits are finalized (including the Environmental Impact Statement, Surface Mining Control and Reclamation Act permitting and compliance with the Endangered Species Act). SJCA and Diné Citizens Against Ruining Our Environment (Diné CARE) are comprehensively involved in evaluating all permits required for Desert Rock to be built. We are currently challenging the Office of Surface Mining over the proposed 25 square mile expansion of the Navajo Mine to provide the coal for Desert Rock and challenging Bureau of Indian Affairs over their preparation of the EIS, which includes the failure to include the un-built and un-permitted 462-mile Navajo Transmission Project (which would take potential Desert Rock power to Arizona and Nevada).

SJCA is working with Diné CARE to distribute the findings of the Energy and Economic Alternatives to the Desert Rock Energy Project, which highlights the potential for the Navajo Nation to build concentrated solar plant (CSP) projects and Wind energy projects, as viable alternatives to Desert Rock. A 1,500 MW CSP project would require only 11 square miles, could be sited on excellent solar resource sites in the Eastern Navajo Nation, would provide more jobs than Desert Rock, and would be a far better investment to the Navajo Nation than Desert Rock. The report can be found online at <http://www.box.net/shared/static/tirr6zsw0g.pdf>.

The proposed Desert Rock project is representative of challenges facing communities throughout the United States. Continued reliance on coal-fired

power plants for electricity generation in energy intensive regions, such as the Four Corners, must account for public health costs and the externalities associated with burning coal (contributions to climate change, implications of global warming, contribution of precursor emissions to ozone, disproportionate impacts to local citizens). Desert Rock represents a huge new potential source of carbon dioxide (12.7 million tons per year). With impending carbon taxes/liabilities on coal, projects such as Desert Rock look less appealing as financial investments. The proposed costs of Desert Rock have increased from \$1.5 billion in 2003 to \$3.6 billion in 2008, with the idea that Sithe would benefit from Navajo Nation having 25-49% ownership of Desert Rock. Desert Rock is a merchant plant, meaning that there are no contracts with utilities in place and any potential contracts would rely on low cost electricity generation. The proponents of Desert Rock have always intended to pass on the impending costs of carbon taxes/liabilities to utilities/utility ratepayers/Navajo Nation.

What we see with Desert Rock is a pattern of poorly prepared permit applications/documents/impacts analyses that consistently fail to provide the means to analyze the "big picture" of a project of this magnitude into an area already overwhelmed by energy development. For a project that was supposed to be constructed in 2005, the paradigm shift (financial, scientific, political) we are in will make it even more difficult for Desert Rock permits to hold. Now is the time for SJCA members to continue to voice our opposition against Desert Rock through our local and regional media, and through direct contact with legislators, councils and commissions. We must be vigilant in making sure that Desert Rock is never built.

Montezuma County Is Full of Energy These Days

by Susan Thomas

Energy issues are hot here in Montezuma County, and not only because it's summer. In a place overflowing with small-town atmosphere while struggling with a fragile economy, rising fuel and electricity costs have captured residents' close attention. Throughout 2008, the electric power spotlight was focused on the June 12 Empire Electric Association annual meeting and board election.

Two seats were open: District 4 had four candidates with no incumbent, and District 7 had an incumbent and a challenger. One District 7 candidate is a former general manager of the San Miguel Power Association, and the other a well-known local 'water buffalo.' Two of the District 4 candidates were past Empire directors and a third – Jodi Foran – a San Juan Citizens Alliance member. Jodi also serves on the M-CAN steering committee

and Southwest Memorial Hospital board, and she is president of the League of Women Voters-Montezuma. Her candidate bio focused on the important connections between the energy economy and community viability, advocating investment in local renewable generating sources as a way to increase clean supply and manage environmental risk in a very uncertain future.

The Alliance sent a series of questions to all six candidates, received complete and thoughtful responses from each one of them, and compiled a summary of their remarks. We then endorsed one candidate in each district. Jodi Foran received our support in District 4, and John Porter in District 7. The summary/endorsement document was printed and mailed to Montezuma County Alliance members and e-mailed to our 120-person news group, in time for voting in the election. We received good feedback for

our efforts, and it looks like our steady commitment to promoting clean energy here in Southwest Colorado positive influenced all of the Empire candidates. No one said coal is the only answer to more supply, and every one mentioned energy efficiency and renewable energy as important approaches to increasing power supply.

Unfortunately, Jodi Foran came in a strong second in District 4 with 515 votes compared to winner Bill Mollenkopf's 800 votes. Mollenkopf was a two-term Empire director in past years. An optometrist, he is well-known after practicing in Cortez since 1975. Jodi was quite a bit closer to Mollenkopf than anyone else: David Sanford (also a former director) pulled 351 votes and Mark Tuttle only 251 votes. John Porter won with 1,064 votes in District 7, versus 840 votes for Gary Norton (former San Miguel Power general manager).



San Juan Generating Station near Farmington, New Mexico.

Changes Coming to Colorado's Oil and Gas Rules

by Josh Joswick

The oil and gas industry is apoplectic. The rest of us are not. On March 31, 2008, the Colorado Oil and Gas Conservation Commission (COGCC) released the draft of its efforts to re-write the rules on how oil and gas are developed in the state of Colorado. And these changes are 1) far too long overdue; and 2) in general well received by the San Juan Citizens Alliance and its partners in the statewide conservation community. Directed by House Bills 1341 and 1298, which were passed in the 2007 legislative session, the COGCC has written new regulations that include the following revisions:

- **Require full disclosure of all chemicals** used in oil and gas production; and allow access to that information by affected parties;

- **Collect data, initiate health studies, monitor air, water and soil**, and establish advisory committees in a manner that is designed to prevent health impacts from oil and gas development, not simply "review available literature and assess the need for follow-up studies;"

- **Include local governments, surface owners and adjacent property owners** in the consultation process and do so by preserving local authority to regulate oil and gas impacts;

- **Prevent and reduce oil and gas impacts to the Public by requiring Comprehensive Development Plans**, closed loop/pitless drilling systems, greater setback from homes and other domestic/public structures, greater attention to noise, and prohibiting on-site burial of oil and gas waste are needed;

- **Prevent and reduce oil and gas impacts to wildlife and the environment** by requiring minimum disturbance to habitat, including seeps and springs, vegetation, preservation of migration corridors and calving areas, old growth timber and native species;

- **Hold industry accountable by increasing bonding and reducing time frames for reclamation.** Bonding



A gas processing facility located adjacent to a Bloomfield, NM cemetery suggests the type of oil and gas development conflicts that perhaps new rules will prevent in Colorado.

should reflect the true cost of clean-up or reclamation so that surface owners and residents don't end up subsidizing those operators who abandon their well sites.

Not surprisingly, these modest requirements are what the industry finds so abominable. So let's take a quiz, which of the following statements is true:

A) Michael Moore ghost-wrote these new rules;

B) The industry will be driven out of the state because, if these rules are adopted, the subsequent cost of doing business in Colorado will force them to leave;

C) The industry will voluntarily leave because they just will not put up with the injustice that this level of scrutiny and accountability will bring upon them, and they think too much of their stockholders to subject them to that kind of abuse;

D) If these rules are adopted, we will all either freeze and/or starve to death in the dark.

E) If these regulations are adopted as written THE INDUSTRY WILL SUE.

(While there is a subtle hint in the correct answer, each of you is on the honor system to do this mini-quiz without any help from parents, spouses, life partners or significant others. Answers to be published in the next SJCA newsletter.)

The industry is sparing no expense in plumbing new depths to de-rail this effort. This has become more than just an issue for the state of Colorado, and is a nationwide industry crusade to stop reason and accountability; in doing so, the industry continues to do what they do best.

- **Factoids:** There are 85 responding parties requesting time to present their respective positions at the public hearings.

- It has been estimated that it will cost all parties (industry advocacy groups, individual operators, conservation community organizations, agriculture community groups, Mineral Rights Owners, all their attorneys and expert witnesses) and the state roughly \$65,000 to \$75,000 an hour to conduct due public process including public hearings on this

End in Sight for Revamped La Plata County Oil and Gas Rules

by Josh Joswick

What is clear: the end is IN SIGHT!

What is unclear: What the final La Plata County oil and gas code revisions will say.

It has been a long and twisted effort to get this far in the revisions to La Plata County's Oil and Gas Code. This exercise by La Plata County to re-write its code has been ongoing since August 2006 and has been plagued by staff turnover, unclear direction as to what the final regulations should address, and industry's unconscionable attempts to sabotage any meaningful changes and fighting any effort to make its operators more accountable.

Since the first public meeting on this endeavor, the Alliance has been heavily involved in the revision process and has consistently called for the county's code to increase the citizens' ability to have a say in development, and to address public health issues.

These are some of our issues:

- The Alliance has insisted on industry disclosure of all chemicals and hazardous materials used on a drill site, and for people to have access to that list. When not-nice things are in your air and water, you should have the right to know what those not-nice things are. Industry has repeatedly used the mantra of "These recipes are trade secrets", " " and "Our competitive edge is at risk" to fight any

COGCC continued from page 12

matter. The public hearing portion of this is scheduled to begin Monday June 23 and conclude Friday June 27.

- 10.5 days will be allocated to oral testimony, including public comment, direct testimony, cross examination, rebuttal, and deliberation by the commissioners;

- There will be 95 hours available for testimony and initial deliberations: 38

CONTACT LA PLATA COUNTY COMMISSIONERS!

As per their editorial in the May 21 Durango Herald, the La Plata County commissioners have acknowledged that their top priority is to have a good relationship with the oil and gas industry. Let them know that you support what SJCA has proposed as revisions, and that you want them to carry on a tradition of leadership by La Plata County in regulating the oil and gas industry and that their number one priority should be the best interests of their citizens, not having a "good relationship" with the industry. Your voice matters in this.

Joelle Riddle (970) 382-6216 riddlejx@co.laplata.co.us

Kellie Hotter (970) 382-6215 hotterkc@co.laplata.co.us

Wally White (970) 382-6217 whitewl@co.laplata.co.us

disclosure requirements, and to justify their lack of concern for public health.

- The Alliance has insisted that pit liners be removed from, and not buried on, site. The industry does not need to leave 'toxic burrito time bombs' as its legacy. The industry has said it should be able to do what it wants with its toxics, again thumbing their collective noses at public health concerns.

- The Alliance has called for more involvement by adjacent landowners (ALO's) in well-siting considerations and for getting ALO's the right to appeal administrative decisions. Gas operations affect entire neighborhoods and neighbors should have the right to have a say in what happens in their neighborhoods. The industry has said that getting neighbors involved will only cause delays, and result in unnecessary

hours for testimony and 36 hours for Commission questions and Staff/Party response to Commission questions.

For more information on this, please contact Josh Joswick at josh@sanjuancitizens.org or 259-3583 x212.

opinions having to be considered.

- The Alliance says that drilling a horizontal well should be processed as a major facility. When you have the lights, noise, traffic, and activity associated with a 24/7 operation that can go on for months, in some cases, you need more than just cursory review and approval by staff.

- Truism: Weeds thrive on land that has been disturbed; drilling activities disturb land; therefore, drilling activities produce weeds. Weed control should be done with respect to the preferred method of the landowner. Not all landowners want herbicides or soil sterilants used on their property, perhaps out of respect for the land, perhaps out of personal chemical sensitivities. These preferences should be acknowledged and other means of weed control should be used.

The County Planning Commission is scheduled to review and take action on what hopefully will be the final Final Draft (in contrast to the two or three Final Drafts that have already been released) at its Thursday June 12, 2008 meeting. That draft will then be ready for a public hearing in front of the county commissioners at an as-of-yet unspecified date. And that should be a good show. SJCA will send out Action Alert notices when this date becomes public and encourages you to attend.

Carol Clark Moves to Greener Pastures

SJCA's Director of Development, Carol Clark, took leave of the Alliance in May, after more than four years spearheading our membership and fundraising efforts. Carol's signature success at SJCA was creating the fabulously successful Durango Oktoberfest celebration, which has already spawned hordes of devotees anxiously awaiting each year's event (it's September xxx this year, for those who are counting). Oktoberfest is SJCA's most successful annual fundraising event, due to Carol's vision and creativity. Fortunately for SJCA, Carol plans to keep her hand in organizing Oktoberfest.

"It has been a pleasure working with all of you, as I have learned a lot and will take great memories into my next experiences,"

Carol said. "As for myself, I plan on starting my own environmentally friendly event planning business that works to make fun be sustainable. So if you need a party planned, let me know!"

You can still contact Carol at her email address, carolclark@frontier.net or by cell phone.



Carol and son Armand at Oktoberfest.

Planned Giving and Bequests

Bequests from wills and living trusts, as well as gifts through beneficiary designations of retirement accounts and of life insurance policies, are a wonderful way to leave a continuing legacy of support for conservation in the San Juan Basin.

Bequests are also one of the easiest gifts to arrange. You can donate a specific sum of money, or an asset, such as stock or real estate, or a percentage of your estate to San Juan Citizens Alliance. You can also donate a percentage of "the rest, residue, and remainder" of your estate after first providing for your friends and family members. Or you can designate San Juan Citizens Alliance a beneficiary contingent on specific circumstances.

If you already have a will, a codicil (a brief legal supplement adding to or

modifying your existing will) can be a simple and considerably less expensive way of providing a bequest for San Juan Citizens Alliance without having to draft an entirely new will.

Any financial arrangement that allows you to name a death beneficiary can be adapted as a bequest. These include:

- Revocable living trust
- Retirement savings plan (e.g. IRA, 401(k) 403(b) Keogh)
- Life insurance Policy
- Most financial accounts (e.g. savings, CDs)

Please talk with your attorney about the possibility of benefiting San Juan Citizens Alliance through your estate.

July 11 Film Premier: "Between the Tides"

"Between the Tides" is an independently produced documentary film that explores the plight of environmental refugees in the coastal Sundarban region of Southeast India and Western Bangladesh. The film was shot, produced and managed by Tyler Quintano and Nick Manning. The Sundarban Project required them to live on the island of Sagar in the Bay of Bengal for three months where they met with experts, victims of sea level rise, local NGO's and lawmakers for video interviews throughout India and Bangladesh. The film will be coming to the **Abbey Theatre in Durango on July 11, 2008**. SJCA will be present to assist in the discussion about the impacts of global warming and what individuals can do to reduce their contributions.



Our long-time friends with the Earth Friends Wildlife Foundation have continued their partnership with San Juan Citizens Alliance to support our efforts in the San Juan Basin. Many of you may recall seeing announcements that Earth Friends provides a challenge grant to match a portion of your charitable contributions. We are pleased that Earth Friends continues this productive partnership! Visit earthfriends.com to learn more about the foundation.

Durango Arts & Craft Market Benefits SJCA!

Saturdays, 9:00 am to 4:00 pm

Buckley Park, Durango

Local art by local artists

5% of proceeds benefit San Juan Citizens Alliance during July



Join the Summit Club!

We have organized this effort at San Juan Citizens Alliance to recognize our most committed supporters. **Summit Club** members have made financial contributions of \$1,000 or greater in the past year.

As part of the Summit Club, we offer the following benefits, in addition to knowing the tremendous boost your contribution provides in helping us further our shared values.

- **Special Summit Club Updates & Access:** You will receive regular updates reporting our progress on current programs and projects. You are welcomed and encouraged to inquire about our programs and projects; call Mark Pearson at (970) 259-3583 with any questions.
- **Two Free SJCA Memberships for your family and friends:** We'll send SJCA gift memberships to two people of your choice – they'll receive regular SJCA membership benefits including San Juan Citizens News and email alerts.
- **Invitations to Special SJCA Events:** You'll receive tickets to attend SJCA special events including Oktoberfest, Spring Gala, Staff Breakfast and more.
- **Recognition of Your Environmental Leadership:** We'll recognize your generous support in the San Juan Citizens News triannual newsletter and SJCA's annual report (unless you prefer to remain anonymous).

Brainstorm Givebacks!

Do you have a Brainstorm or Frontier Internet account that costs **more than \$10 a month**? If you do, this is the easiest way for you to raise money for SJCA. Brainstorm has created the Community Givebacks Program for local non-profits. All you have to do is sign a letter, authorizing Brainstorm to contribute 20% of your bill to SJCA, without any changes to your account. Thank you to Brainstorm Internet for supporting local non-profits!

Join San Juan Citizens Alliance!

Put my tax-deductible gift to work for the land, wildlife,
and people of the San Juan Basin!

- \$1000 \$ 100 \$ 30
 \$ 500 \$ 50 Other

Name(s): _____

Mailing address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ email: _____

Specific areas of interest to me include: public lands oil & gas

rivers/water social justice green business _____

Please make checks payable to SJCA or San Juan Citizens Alliance and mail to
P.O. Box 2461 Durango, Colorado, 81302. Thank you!

(we do not sell, trade, or share our mailing list)



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



San Juan Citizens Alliance
P.O. Box 2461
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