



SAN JUAN CITIZENS ALLIANCE

FALL 2023 NEWSLETTER

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Wildlife Commission



We advocate for:



Clean Air



Pure Water



Healthy Lands



Thriving Wildlife

The foundations of resilient communities, ecosystems, and economies in the San Juan Basin.

COVER: Aerial View of the Continental Divide at Wolf Creek, shot by Steve Eginore

DEAR SUPPORTERS,

San Juan Citizens Alliance has long been premised on the concept of thinking globally and acting locally. That's particularly relevant today in tackling climate change during the energy transition in the Four Corners. And it's also relevant to backfilling the holes left by the Supreme Court's wrecking ball of environmental regulations.

Now that the energy transition, along with its associated economic consequences, is fast upon us across the San Juan Basin, what does a clean energy future look like? With boatloads of federal funding available not only for honest-to-goodness clean energy projects like solar photovoltaic plants, we're seeing a proliferation of money grabs by developers touting all sorts of schemes under the guise of clean energy.

We're diving deeper into the details surrounding fanciful efforts to capture carbon emissions from Four Corners Power Plant and subsidies to sustain the natural gas industry under the guise of dirty hydrogen projects. We'll also be engaged in efforts in Colorado to devise criteria for siting clean energy projects, like solar plants, that reduce or eliminate conflicts with neighbors and wildlife with the aim of improving the current scattershot approach that benefits neither project developers nor communities.

The Supreme Court recently eliminated protections under the Clean Water Act for much of Colorado's wetlands and ephemeral streams. The state is preparing to step into the void, and develop its own regulations that aren't dependent upon the political whims of Supreme Court justices. The wetlands on Wolf Creek Pass is one such area of concern, where Texas developers have long proposed the massive Village at Wolf Creek development smack dab in the middle of high elevation wetlands.

SJCA staff and volunteers continue to be active both initiating new protective campaigns like riparian restoration as well as monitoring proposals with potentially negative impacts, like new gas wells and pipelines in the HD Mountains.

As always, it's a community effort, one we could not accomplish without the sustained support of our members like you!



Mark Pearson

Mark Pearson
Executive Director,
San Juan Citizens Alliance

Get to know our MEMBERS



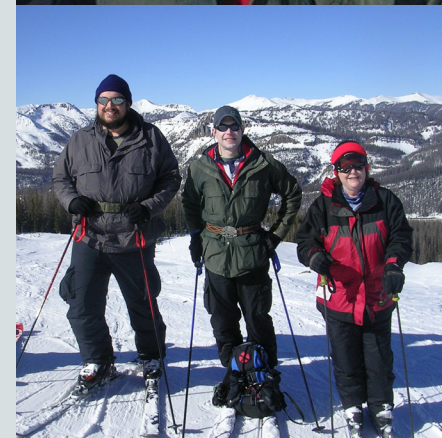
JAMES HARMAN

I started going on family ski trips when I was 3, and my family has been going to Wolf Creek every year for the past 13 years. I've skied Whistler, Purgatory, Monarch, Taos, Loveland, A-Basin, and others, but nothing comes close to Wolf Creek.

When we heard about the proposed Village at Wolf Creek, we knew we wanted to join in the fight against our fellow Texan Mr. McCombs. We have no desire to see the atmosphere of the San Juan area change. Pagosa and South Fork are wonderful mountain towns, the people are fantastic, the outdoor opportunities are unbelievable, and the skiing is second to none. And honestly, if we had to drive further or pay more to stay, we would probably be priced out of skiing.

While I was checking on news regarding the Pillage, I came across an October 2022 article in the Durango paper about the Federal District Court rejecting the Village at Wolf Creek development proposal once again. When I did some investigating on the groups responsible in addition to Rocky Mountain Wild and Friends of Wolf Creek, I learned about San Juan Citizens Alliance (among others) and wanted to show my appreciation for this hard work and provide some support for the future. I'm so happy you all exist to do what me and my family aren't able to do.

Thank you for being our voice and keeping Wolf Creek such a unique and beautiful place!



RYAN HUGGINS

SJCA is a uniquely effective and impactful organization. In the face of increasing threats to our San Juan ecosystem (including us humans), being a financial supporter and member of the Alliance is the single best way I can help protect and support the land, water, wildlife and our community. The Alliance has a long history of 'wins' that benefit the San Juans every day. Within just the last year we have seen closing coal plants, winning protective designations for local streams, and bringing a much-needed voice of better science and ecology to wildlife protections. I'm constantly impressed by the Alliance's depth of their



expertise and the breadth of their relationships. This combination is what makes the Alliance the leaders in advocating for this place that defines all of us.

A Bird's Eye View

WILDLIFE MIGRATION

MIGRATION CORRIDORS ON WOLF CREEK PASS

This past summer the San Juan Citizens Alliance teamed up with Ecoflight for a flyover of the Southern San Juans. EcoFlight is a nonprofit organization that educates and advocates for the protection of remaining wild lands and wildlife habitat using small aircraft. Our small cohort of advocates and journalists joined EcoFlight's pilot Gary for an aerial perspective of elk and mule deer migrations from winter range in the basins to summer range high in the alpine.

Viewing migration corridors and crucial habitat from the air helps us to understand the importance of habitat connectivity and permeability. Early habitat management focused on isolated islands of habitat, protecting the most critical areas from development. But migrations are a landscape level survival strategy that require connectivity between seasonal habitats, so that species can use the topography to weather harsh seasonal changes.

With the advent of new migration science from western researchers, federal and state agencies are recognizing the importance, and vulnerability, of landscape connectivity and are beginning to map remaining habitat and patterns of use.

The jigsaw puzzle nature of western land management complicates these efforts. Migratory species must navigate a patchwork of jurisdictions – private, state, federal, and Tribal. Along the way they encounter

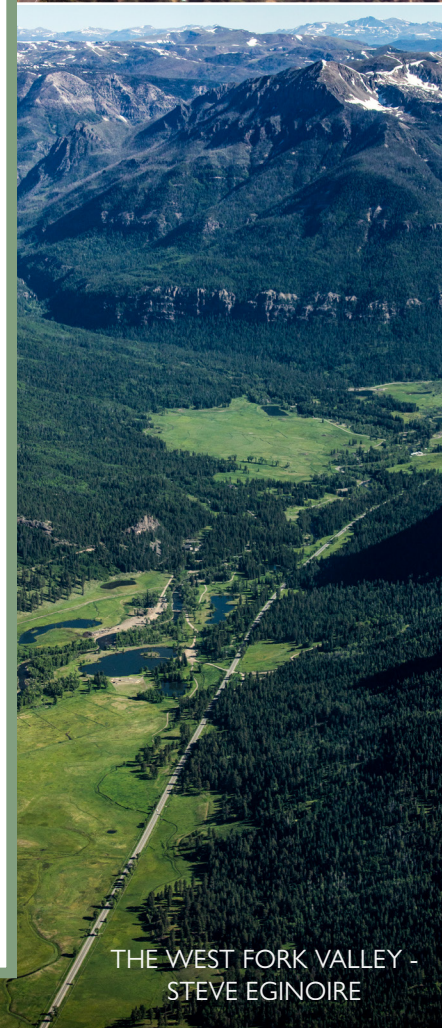
habitat fragmentation and loss from residential, commercial, industrial, and recreational development.

Thankfully, wildlife biologists are gathering new data on crucial habitat including severe winter range – where animals survive harsh winters, summer range – where they put on fat stores and bear young, and the migration corridors that link these seasonal habitats. If land managers are able to cooperate across jurisdictions to conserve these ancient routes, our migratory species can thrive.

Our flight focused on elk and deer migrations. **Colorado has the largest elk population in North America and largest mule deer population in the United States.** Colorado Parks and Wildlife has identified the San Juan Basin specifically as a priority area for habitat connectivity. Today, the San Juan herds are in decline due to **habitat fragmentation and loss** and the **cow calf ratio** of our elk herds is too low to sustain the population.



HIGHWAY 160 OVERPASS
STEVE EGINOIRE



THE WEST FORK VALLEY -
STEVE EGINOIRE

HD MOUNTAINS The HD Mountains between Highway 160 and Southern Ute lands along the border harbor some of the last remaining old growth ponderosa stands in the basin. This low elevation range surrounding Chimney Rock provides crucial winter habitat for deer and elk, ensuring the population can stay healthy enough over winter to migrate and reproduce the following year. The HDs have been heavily exploited for oil and gas development. New proposals to expand wellpads and increase drilling in the interior threaten to fragment habitat further.

HIGHWAY 160 OVERPASS Highways can fragment habitat and lead to vehicle/wildlife collisions when they intersect migration routes. In 2021 Colorado Department of Transportation, in partnership with CPW, the Southern Ute Tribe, and several nonprofits, constructed a wildlife overpass and underpass 13 miles west of Pagosa Springs, along with an 8' high exclusion fence on either side of the highway, to reduce accidents and facilitate wildlife movement. *The overpass is pictured left.*

JACKSON MOUNTAIN The forested flanks of Jackson Mountain, north of Pagosa Springs, host important severe winter range and winter concentration areas for big game. These high priority habitats are essential for deer and elk to survive cold winters and deep snowpacks. Jackson Mountain rises above Turkey Creek, a narrow drainage that connects ponderosa forests in the basin to the spruce/fir near Wolf Creek pass. Ungulates follow the spring green up to the alpine meadows above where they put on fat stores and give birth.

The steep terrain on Jackson Mountain also attracts outdoor recreation leading to conflicts over trails through critical habitat. When wildlife experts and advocates raised the alarm, the Forest Service pulled back a proposal to codify and expand an illicit trail system, committing instead to thorough stakeholder engagement to provide recreation access while conserving critical habitat.

WOLF CREEK PASS As forage greens up along the elevation gradient with the changes of the seasons, migratory ungulates follow their well-worn routes to summer range in the highlands to calve. The high alpine meadows on Wolf Creek Pass and throughout the San Juans nourish the herds and fatten up the new generation before the snow starts to fall in the mountains. SJCA has advocated for decades to prevent development of an 8000-person resort, the Village at Wolf Creek, atop Wolf Creek pass, which is also a Key Linkage Area for federally threatened Canada lynx.

The landscape level view of our Ecoflight helped us understand the lengths ungulates must go to survive seasonal changes, and the fragmented nature of the habitat they traverse. Habitat connectivity is important not only for migratory species, but for biodiversity in general, climate resilience, and ecosystem services like watershed health.

OPPORTUNITIES AHEAD CPW's recent assessment of the San Juan herds concluded "Cumulative impacts to critical habitat, including winter range, migration corridors, production areas, and high elevation summer range, due to human population growth is a concern."

In the face of rapid biodiversity loss exacerbated by climate change, state and federal agencies, equipped with new data on migration patterns and science on migration behavior, have begun to address these concerns. San Juan Citizens Alliance and Backcountry Hunters and Anglers, along with many other advocates and stakeholders, are engaged with these planning efforts to advocate for functional migration corridors, safeguard biodiversity, and ensure our forests are resilient to climate change.



Protecting Colorado's WATERWAYS

For 50 years, the Clean Water Act provided federal protections for many of Colorado's wetlands, intermittent, and ephemeral streams from degradation.

Activities that threatened the integrity of waters protected by the Act required approval through extensive permitting processes to reduce impacts to waterways. However, in 2023, the Supreme Court ruled in *Sackett v. EPA* to dramatically narrow the scope of waters that are subject to federal regulation. The Supreme Court concluded that the Clean Water Act's use of "waters" encompasses only "relatively permanent, standing, or continuously flowing bodies of water" and are subject to federal regulation. Only streams with relatively permanent surface flow, and only wetlands that have a continuous surface connection to bodies that are "Waters of the United States," are henceforth subject to Clean Water Act protections and federal regulation.

Following the *Sackett* decision, the EPA and the Army Corps of Engineers dramatically narrowed the scope of waters that are subject to Clean Water Act provisions with most implications being in western states that boast hundreds of miles of intermittent and ephemeral streams and wetlands that rely on the connection of non-perennial surface water and groundwater to maintain their function.

It is difficult to quantify the repercussions of the Sackett decision. What can be said is that more than half of Colorado's streams and wetlands are no longer subject to federal regulation.



WETLANDS AND FENS OF
GRIZZLY PEAK RESEARCH
NATURAL AREA

WETLANDS AND NON-PERENNIAL STREAMS

How important are they to Colorado's waterways?

The greater San Juan Mountain region has diverse landscapes, ecosystems, and waterways. From wetlands lining the basins of mountain peaks to the arroyos that cut through high-desert plateaus, there is no shortage of diversity in the riverscapes that sustain regional ecosystems and source the water that our communities rely on. A unique characteristic of western waterscapes is their relationship to subsurface water, or groundwater, which is replenished by non-perennial streams and wetlands, and sustains these environments. Non-perennial streams are classified as intermittent or ephemeral - those that have surface water present seasonally, or those that contain surface water briefly as a response to heavy precipitation. Surface water which moves through these systems infiltrates underground to the water table and supplies water for riparian vegetation, while also promoting surface flow when the water table is saturated to the stream elevation.

In Colorado, the majority of stream miles are classified as either intermittent or ephemeral. They sustain corridors that host diverse aquatic and riparian ecosystems on which regional plant and wildlife populations rely on for survival. Wetlands are equally important to the health of Colorado's greater ecosystem, as they provide a breadth of services from water storage and filtration, flood reduction, wildlife resilience, carbon sequestration, and promotion of biodiverse habitat. Wetlands and stream systems have long been recognized as important ecosystems to protect throughout our nation with a large number of them historically regulated under the Clean Water Act.

WHAT CAN BE DONE TO PROTECT COLORADO'S WATERWAYS?

Without federal regulations applicable to many waters in Colorado, we must advocate for state protection of our waterways. San Juan Citizens Alliance is joining collaborative conversations to advocate for a state program intended to protect wetlands and streams across the state that have lost protections following the *Sackett* decision. Colorado's Water Quality Control Act defines state waters as "***all surface and subsurface waters which are contained in or flow through the state,***" providing a broader definition than the federal rule. At this time, however, Colorado does not have a state permitting program to oversee and enforce discharge or dredge and fill activities to state waters. In light of the lost federal protections for our waterways, now is the time to organize and voice our concerns for the future of Colorado's wetlands and streams. Stay tuned with the San Juan Citizens Alliance for opportunities to take action and protect our waters.

- Sara Burch, *Animas Riverkeeper*
sara@sanjuancitizens.org



CLEAN ENERGY IN THE FOUR CORNERS

WHAT IT IS AND HOW WE CAN FIGHT FOR IT.

In September 2022, the coal fired San Juan Generating Station (SJGS) in Waterflow, New Mexico closed. Earlier this year, La Plata County passed the strongest local oil and gas regulations on the Western Slope. And this summer construction of Phase I of the San Juan Solar Project began, partially replacing SJGS power. Exciting energy projects are happening all around the Four Corners, yet there is still a persistent push to extend the life of fossil fuels. As we look to our future energy supply, the words “clean energy” are thrown around frequently.

We need to establish a common definition of what “clean energy” is to better plan for our region’s next steps and to combat fossil fuel greenwashing.

WHAT IS CLEAN ENERGY?

Clean energy describes sources of energy that are renewable and have a sustainable and reciprocal relationship between the environment and the communities using and producing the energy. It is renewable and inherently free of carbon and methane. It benefits the community through public input and consultation in siting, and the community reaps the long term investment of clean energy through better air quality.

Solar and wind are the greatest examples of clean energy in the Four Corners, specifically when their construction and siting process uses thorough and equal community input. We have a great opportunity in the Four Corners to be a world class renewable and energy storage site, and we’d benefit in turn with the improved environmental conditions provided by clean energy.

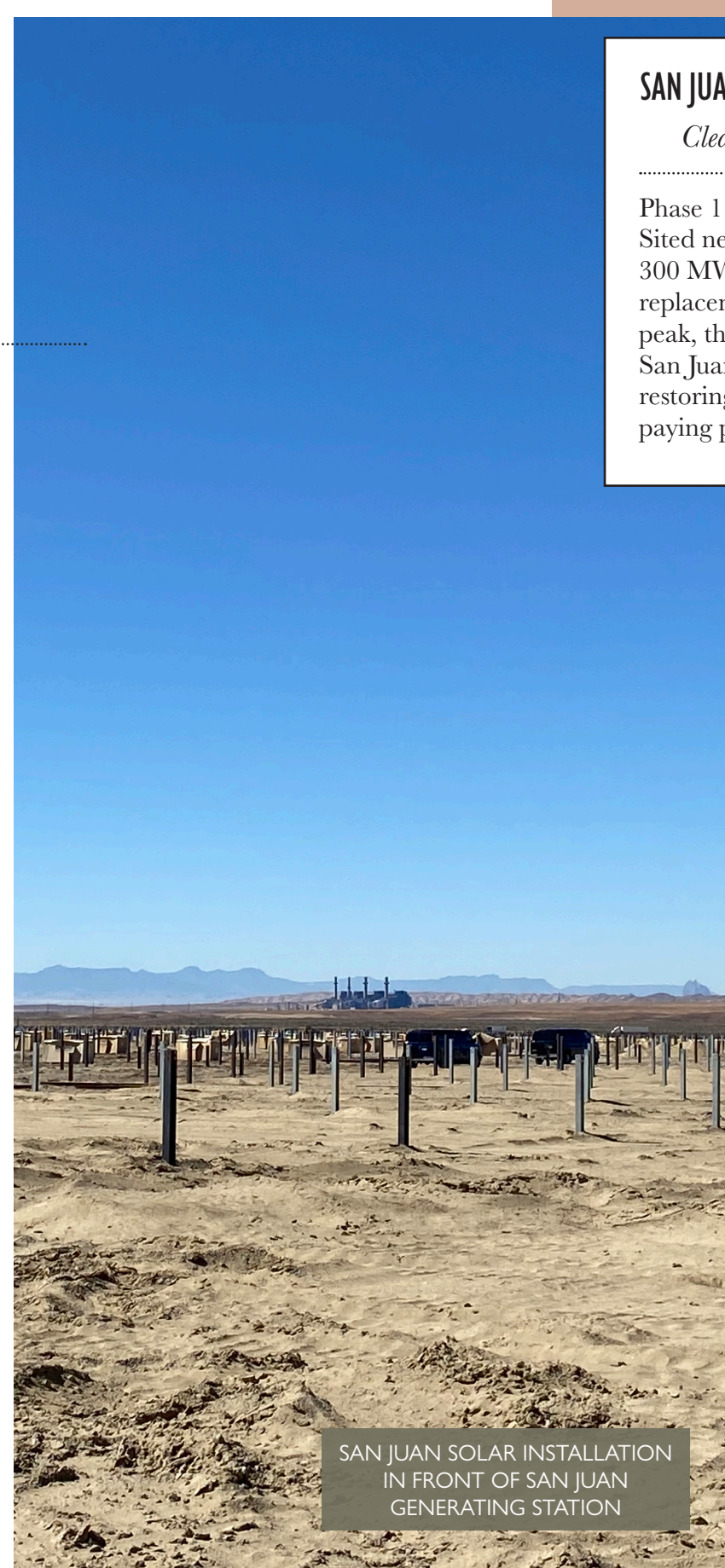
WHAT IT’S NOT

Hint: Re-branded fossil fuels or a perpetual continuation of “bridge fuels”

Clean energy is not fossil fuels rebranded as ‘clean’ through the use of new technology including carbon capture or hydrogen. A prime example of this is using carbon capture on old coal-fired power plants. While on paper this sounds promising, the reality is that carbon capture is not economically or technologically viable at this scale, and this promise would simply allow for continued carbon and methane emissions for years to come.

Blue hydrogen, which is derived from natural gas, is also not clean energy. It’s also called “fossil fuel hydrogen”, as it is hydrogen energy produced using fossil fuels to split a water molecule and then combust the hydrogen for energy. In theory, blue hydrogen uses carbon capture to partially off-set emissions from using fossil fuels to split the molecule. However, similar to carbon capture coal energy, the feasibility to off-set the massive carbon emissions from these projects is not viable.

The big issue at play here is that both carbon capture and blue hydrogen are more about sustaining the life of fossil fuels than lowering greenhouse gas emissions.



SAN JUAN SOLAR INSTALLATION
IN FRONT OF SAN JUAN
GENERATING STATION

SAN JUAN SOLAR

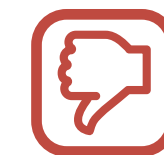
Clean Energy



Phase 1 of the San Juan Solar project began this summer! Sited next to the closed San Juan Generation Station, this project is a 300 MW solar facility that utilizes stranded coal plant assets and provides replacement power lost in the closure of the generating station. At its peak, the project will provide 400 jobs at its site in San Juan County. The San Juan Solar project also provides additional community benefit by restoring the tax base for the Central Consolidated School District and paying property taxes to San Juan County. *The installation is pictured left.*

NEW MEXICO HYDROGEN HUB

Fossil Fuel Energy



New Mexico applied for federal funding to be established as a blue hydrogen hub. This would continue the legacy of unchecked oil and gas extraction in New Mexico. Blue hydrogen companies in New Mexico are misleading about the details of their projects, which will not capture 100% of the emissions and would increase fossil fuel pollution.

ENCHANT’S CARBON CAPTURE COAL

Carbon-intensive fossil fuel energy



While the Enchant Energy proposal was canceled for the San Juan Generating Station, the company copied and pasted their project scheme for carbon capture and carbon sequestration (CCS) using coal for the still operating 62-year old Four Corners Power Plant. Enchant’s track record shows a lack of community investment, misleading information, and careless spending – all with no tangible outcome. It is also problematic that support from the U.S. Department of Energy for this project is prescriptive and not supported by many in our community. This project is the opposite direction the Four Corners should be heading in and SJCA is working to oppose it.



Wild LIFE



TOBY CHRISTOPHER

GARY'S NEW ROLE

at the Colorado Parks & Wildlife Commission

We're excited to share that Gary Skiba has been appointed to the Colorado Parks and Wildlife Commission by Governor Jared Polis.

The Commission is a citizen board appointed by the Governor and approved by the state Senate. It's comprised of 11 members who must meet criteria set by statute. The Commission oversees CPW, setting policies and regulations for both wildlife and parks.

Governor Polis has appointed commissioners who align with his values, which might best be described as mutualistic (belief that animals and humans should be treated relatively equally) vs. traditionalist (viewing wildlife as a resource to support human needs and desires). And like most things, it's complicated, with many people having pluralistic attitudes, combining some views of mutualists and traditionalists.

Wildlife commissions across the nation are undergoing reform that seeks to broaden their perspective. With Governor Polis' appointments, the CPW Commission will likely move in a direction that includes more voices from a variety of interests. With changing demographics, hunters are particularly concerned about a potential loss of influence, and they have been aggressively lobbying agencies and commissions to maintain that influence.

A lifelong hunter, and having spent his professional career as a biologist with Colorado Division of Wildlife, Gary was appointed to a sportsperson (hunting and angling) seat and will be communicating with hunters and anglers and addressing their concerns at the Commission.

WOLF RESTORATION

The CPW Commission approved CPW's Wolf Restoration and Management plan at the May meeting. Meanwhile, there are two important efforts occurring. CPW is working on the logistics of wolf restoration, including developing a source of animals that could be translocated, and pinpointing the exact locations of the releases by end of December this year, which will likely be somewhere along the I-70 corridor north of Glenwood Springs.

Simultaneously, the U.S. Fish and Wildlife Service released the final version of the Section 10(j) rule under the federal Endangered Species Act, which would allow for management flexibility (i.e., both lethal and nonlethal control under limited circumstances). The expectation is the rule will be in place before CPW releases wolves this year, giving some assurances to livestock producers that individual wolves can be removed if they become a serious problem.

- Gary Skiba, Wildlife Program Manager, gary@sanjuancitizens.org



WAYS TO Give

Support SJCA in a way that works for **you**. Your contribution will help fight to preserve clean water, protect wild places, transition to local clean energy, and restore wildlife here in Southwest Colorado and Northwest New Mexico.

SJCA is a member-based organization, supported by donations from over a thousand of your friends and neighbors. Please consider joining us!

sanjuancitizens.org/donate



1 BECOME A MEMBER

As a regional member-based organization, we rely on individuals like you to support our work. Join or renew with a financial donation.

2 MONTHLY GIVING

Spread out your contributions in monthly payments. It's easier for you and evens out SJCA's income across the year.

3 QUALIFIED CHARITABLE DISTRIBUTION

Account holders who are 72 or older can donate to a qualified charity directly from a traditional IRA, effectively lowering your adjusted gross income and avoiding paying taxes. Contact your accountant for details.

4 INCLUDE SJCA IN YOUR ESTATE PLANS

You can provide an ongoing legacy of support through the creation of a bequest in your will. Contact us for assistance.

We would not exist without you - thank you!

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Supporting **BIGHORN SHEEP**

Colorado's bighorns need our help. Our beloved state animal's population has been severely affected by disease transmitted from domestic sheep. At this time, the only known remedy is maintaining 10 miles of separation between the two species. Bighorn advocates will be working with the CPW Commission to improve the prospects for bighorns across the state. *Stay tuned for your opportunity to help!*



AARON HILL

Your support makes all the difference. To increase your impact, go to sanjuancitizens.org/donate.