

SAN JUAN CITIZENS ALLIANCE

FALL 2024 NEWSLETTER



CLIMATE & ENERGY

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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: SJGS
Demolition shot
by Ben Hunter

DEAR SUPPORTERS,

Much of our work takes the form of two steps forward, one step back. Nothing better exemplifies this than the **38-year saga around the proposed development of the Village at Wolf Creek**. After years of legal victories at the federal district court level where we successfully stymied the Village's development, the 10th Circuit Court of Appeals in April overruled the lower courts, and directed that a right-of-way be granted for access to Highway 160. This ruling was done at the behest of the Forest Service, which for obscure reasons continues to be the champion of this massive development atop Wolf Creek Pass.

For the developers, this could be the proverbial case of the dog that caught the car, as moving forward with actual development will require tens of millions of dollars in infrastructure. **It's back to the trenches for champions of leaving Wolf Creek Pass unsullied by this ill-advised project.** SJCA's Public Lands Program Manager, John Rader, dives deep into the details about the next steps in this issue.

On the good news front, **transformation of our region's energy supply and energy economy continues its inexorable march towards a cleaner future.** In August, the **smokestacks at San Juan Generating Station were imploded**, marking a seminal moment in the evolution of the Four Corners. Contractors had been tearing away at the power plant for the past year, creating mountains of scrap metal and debris, but the stacks coming down put the exclamation point on the demolition. Simultaneously, the **San Juan Solar project came online this past summer**, generating 200-megawatts of renewable energy for Public Service Company of New Mexico to replace electricity previously generated by burning coal.

Last spring, **La Plata Electric Association (LPEA) board of directors voted to terminate its long-term power supply contract with Tri-State.** The decision came after six long years of discussion and evaluation of alternatives for cleaner, cheaper and locally-generated electricity. LPEA will exit its Tri-State contract on April 1, 2026, and has selected an independent power supplier to help devise a portfolio of replacement sources to reach its immediate goal of a 50% reduction in greenhouse gas emissions by 2030.

Colorado's legislature enacted a couple of bills this past session with import to the San Juan Basin. Legislators directed wildlife managers to create a plan for the reintroduction of wolverines to Colorado, with the San Juan Mountains a priority reintroduction zone. The legislature also created a new state managed program to regulate dredge and fill activities in wetlands and other waterways no longer protected by the federal Clean Water Act after a Supreme Court decision last year stripped away long-established statutory protections. **Alliance staff will keep engaged in public comment opportunities on both these topics of wolverines and wetlands, and as always, alert members when it's helpful to get involved.**



Mark Pearson

Mark Pearson

Executive Director,
San Juan Citizens Alliance



A word from our summer intern, **JOSEPHINE**

ECO FLIGHT

Hey! My name is **Josephine Willman**, and over the summer I had the wonderful opportunity of working at San Juan Citizens Alliance as the Energy Transition and Sustainable Development Intern. I'm currently a senior at Tufts University studying Film and Media Studies and Environmental Studies, and working with the Alliance has served as an unforgettable opportunity to work first-hand on the incredibly important issues that SJCA tackles while also getting a glimpse into a potential career path.

My primary project these past few weeks has been the **Four Corners Energy Transition Storytelling Project**, in which I dove into the history of the energy transition to construct a **community-facing timeline detailing key events that have taken place throughout the past century**. This included both organizing work done here at SJCA, but also bigger statewide milestones and events. Illustrated with archival and present-day photography alongside interviews with SJCA staff members,

this timeline aims to educate a wider audience on the energy transition and why it is such an important issue in the Four Corners.

In tandem with this project, I worked on an advocacy document **providing suggestions for greenhouse gas emissions reduction in Durango**. I drew on recommendations from community members to find an achievable suggestion given Durango's current resources that can be presented at the city council level. For my third and final project, I drafted a research paper on **county-level sustainability, aimed at identifying effective measures taken in other counties to suggest to La Plata County**.



This paper stemmed from the current lack of sustainability efforts, particularly relating to greenhouse gas emissions reduction, and highlights the recent successes in similar counties to prove their achievability in La Plata County.

Alongside these projects, I had numerous opportunities to **connect with the environmental scene both here in Durango and in Farmington, New Mexico**. I was consistently impressed by just how passionate these communities are, not only about preserving their local environments but also about actively seeking solutions to combat local issues. Engaging with community members and environmental professionals has **enriched my understanding of the challenges and triumphs faced in this region, and further underscored the importance of grassroots efforts**. As I head back to university this fall, I'm so thankful for all of the wonderful people I've met at the Alliance and the surrounding communities. It's been a great two months!

THE END OF AN ERA

On August 24, 2024, the 400-foot-tall stacks at the coal-fired San Juan Generating Station near Farmington were demolished, bringing permanent closure to a facility notorious for being part of the largest single-point source of pollution in the United States. In full operation, San Juan Generating Station emitted more than 12 million tons a year of greenhouse gases into the atmosphere.

The Alliance along with our partners at **Diné Citizens Against Ruining the Environment** and **Tó Nizhóni Ání** worked for close to 20 years to slowly bend the curve of energy transition in the Four Corners. **We helped stymie a third huge proposed coal plant for our region called Desert Rock in 2010**, and pursued a variety of activities to accelerate closure of the polluting San Juan Generating Station. The Alliance was integral to **ensuring that New Mexico's 2019 Energy Transition Act prioritized the location of new renewable energy projects within the same school district as the coal plant**, so once it was retired property taxes would be replaced and there would be job opportunities for impacted power plant workers.

Most recently, the Alliance helped advance **approval for the now fully-operational 300-MW San Juan Solar Project**, northeast of the demolished

San Juan Generating Station. This project represented a **\$500 million investment in the community** and is the first of numerous renewable energy projects that can utilize transmission and utility infrastructure and provide a vision for brownfield reclamation of former coal mine sites. **Closure of San Juan Generating Station has resulted in reduced pollution, less climate change inducing impacts, reduced public health impacts, and created economic transition opportunities to embrace the benefits of a cleaner environment.** The Alliance will continue the journey to economic diversification and energy transition for the Four Corners Region with the expectation that the last remaining coal plant in our region, the Four Corners Power Plant, is retired on or before its scheduled date of 2031.





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“Indigenous advocates have long brought attention to the many adverse public health, land, and water quality impacts resulting from the operations at SJGS and Four Corners Power Plant (“FCPP”), pointing out the environmental injustice that Indigenous and local communities were saddled with in living so close to two coal mines and plants”, said Robyn Jackson, executive director of Diné C.A.R.E. “We can remember the terrible air quality that both plants produced in our region. It therefore came as no surprise that health disparities existed among our population, compared to the rest of the U.S. general population when it came to childhood asthma, as well as other illnesses like heart disease, cancer, and stroke. Our tribal- led organization recognizes that it is necessary and inevitable that our local economy be rebuilt around development that is renewable, sustainable, and regenerative. The health of our communities, economy and climate will require a transition away from fossil fuels if we are to survive and succeed.”



“I’ve lived in Farmington for 26 years, and it wasn’t until 2022 when the plant finally shut down that the brown haze lifted and we could see to the horizon,” said Mike Eisenfeld, the climate and energy program director for San Juan Citizens Alliance. “It’s always difficult to close one chapter and begin a new one, but knowing that children can breathe air that isn’t as polluted and being able to see this region for its beauty, which has been cloaked in smog for 50 years, is a good thing. There is huge potential for clean energy development and for diversifying our economy beyond just energy, and the demolition of these smokestacks is important symbolically for turning that page.”

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THE VILLAGE AT WOLF CREEK

Nearly four decades ago, Billy Joe “Red” McCombs – the Texan billionaire who built an empire spanning car dealerships, media, and sports – teamed up with Mineral County landowner Charles Leavell to form a real estate venture. Red owned three parcels of sagebrush in the San Luis Valley (SLV) near Saguache, but his sights were set on Wolf Creek Pass.

Wolf Creek Pass straddles the Continental Divide between the SLV and the San Juan Basin, spanning the unprotected saddle between the Weminuche Wilderness and South San Juan Wilderness. Highway 160 crests the pass at 10,857 feet, with steep grades on either side that scared CW McCall enough to pen a country song about it in 1975. The remote terrain provides critical habitat for threatened lynx, calving grounds for elk, and is a favored spot for wolverine reintroduction. The pass has some of the highest annual snowfalls in Colorado, supporting a laid-back ski hill and excellent backcountry recreation. When the snowpack melts, it yields water resources for communities downstream, including irrigators on the notoriously overtapped Rio Grande River. The Rio Grande National Forest is responsible for managing all of these resources on behalf of the public.

In 1986, the newly incorporated Leavell-McCombs Joint Venture (LMJV) swapped Red’s lots in the valley for a private, 300-acre parcel atop Wolf Creek Pass in a controversial land exchange with the Forest Service. The parcel is an “inholding,” a private island in a sea of public land, isolated from Highway 160 by a strip of National Forest. It’s politically situated in Mineral County, one of the least populous counties in the state, with

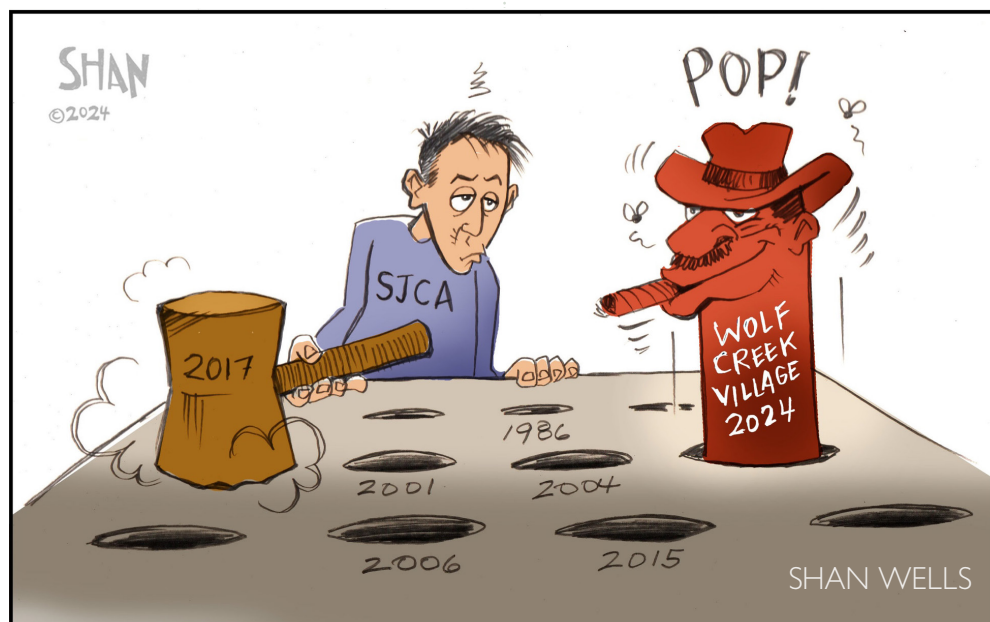
fewer than a thousand residents. The lot is perched on 52 acres of wetlands including 25 acres of fens (rare alpine wetlands that take thousands of years to develop), eight springs, and thousands of linear feet of streams.

LMJV initially proposed a 200-unit “village” on the parcel to serve visitors to the adjacent Wolf Creek Ski Area, a separate, family-owned hill that operates on permitted public land. But everything’s bigger in Texas, and Red’s dream soon expanded into an 8,000-person luxury resort – with 3 hotels, 15 condos, 42 townhomes, 76 single-family lots, and a school, all supported by a water storage and treatment facility, a wastewater treatment plant, and a private, onsite

gas-fired power plant. To top it off, 221,000 square feet of commercial space would ensure guests eat at Red’s restaurants and shop at Red’s retail establishments.

The Village at Wolf Creek was to be a shining metropolis to rival Aspen, five times the population of the nearest town, Pagosa Springs – 24 miles and 3,000 feet down valley – and twenty times that of South Fork, the nearest town north of the Continental Divide.

The Village, perhaps better known as the “Pillage” at Wolf Creek, spurred years of environmental litigation. Conservationists including San Juan Citizens Alliance beat back various development schemes





ALEX PULLEN

in court, prevailing in state court in 2007, and federal courts in 2017 and 2022. Judges repeatedly ruled that the Forest Service, the agency responsible for approving access to the inholding, failed to adequately consider the environmental impacts of development.

Thirty-seven years after its initial proposal, both Leavell and McCombs have passed away, but the Pillage at Wolf Creek lives on. Like a hungry zombie, it returns again as its appetite grows. In April 2024, the 10th Circuit Court of Appeals held that the Forest Service must issue a right of way to LMJV, now a faceless legal entity, to access its inholding for the purpose of developing a resort.

For the first time since 1986, a court paved the way for the Pillage's construction. Environmental groups petitioned the Court for a rehearing before the entire bench of 10th Circuit judges, but the Court denied our request in July.

With no relief in the courts, we are forced to fight the Pillage at the county and state levels. As of now, the "Village" is merely conceptual. The Court has ordered the Forest Service to approve a right of way, but numerous local permitting agencies must approve aspects of the development and its connection to Highway 160. Mineral County has local zoning authority

and must conduct its own Impact Analysis and hold public hearings before approving any development. The County Commissioners must determine that the project "will not have an adverse impact on the surrounding area" and "is compatible with the scale, intensity and type of uses located on adjacent property" in order to approve the project.

The Colorado Department of Transportation must ensure public safety on the highway, which could require building a major new interchange at the developer's expense. Studies indicate that the Village would increase traffic by thousands of vehicles each day. What's more, the proponents lack an adequate electric supply. They are proposing to build their own two-megawatt natural gas-fired power plant, provisioned by tanker trucks filled with liquified natural gas.

Even if the developers build a power plant, they may not be able to connect to the grid. The San Luis Valley Rural Electric Cooperative serves Mineral County through a contract with Tri-State. That contract caps the percentage of power that can be produced locally at 5%. The Co-op is already nearing that cap, and cannot add an additional 2MW of locally produced energy.

Much of the property is covered

in wetlands. In the wake of the US Supreme Court's recent decision in Sackett, the US Army Corps of Engineers no longer has jurisdiction over them. However, the State of Colorado recently passed legislation to protect wetlands no longer under federal jurisdiction. Even if the developers don't need permits from the Army Corps, they will likely need permits from the Colorado Department of Public Health and Environment. There are no emergency services available locally. Emergency care on the pass is currently provided by the Archuleta County Sheriff's Office out of Pagosa Springs. Medical services are scarce. Mineral County and neighboring Hinsdale and Archuleta counties have all been flagged as Health Professional Shortage Areas by the U.S. Dept of Health and Human Services. The only healthcare provider in Mineral County is a family practice in Creede, 40 miles from the pass. The Village would increase the county's population tenfold, further burdening these already strained services.

The Pillage at Wolf Creek is an ill-conceived fantasy of an out-of-state billionaire, who railroaded his vision through the federal bureaucracy without regard for the environment and communities it impacts. To build an entire city from scratch – water treatment plant, sewage treatment plant, on-site power plant, utilities, roads and a highway interchange – will easily run into the tens of millions of dollars. And if it's constructed, it will be local residents who shoulder the harm – degraded wildlife habitat, water, and air quality. More traffic and risk on our roads and pressure on public services. And, less tangible but nonetheless important, the loss of character as a locally cherished ski area and backcountry playground becomes engulfed in yet another "luxury" resort.

WOLF CREEK WATERSHEDS

What is the cost of living in the places we love? Not monetarily, but to the surrounding environment, ecosystem, and landscape?

That is a question many of us have likely thought about, as places with abundant access to natural areas draw people who care about the health and function of the environment. So, how can we ensure we are the best stewards of these lands, water, wildlife, and existing people within the places we have developed - the places we call home?

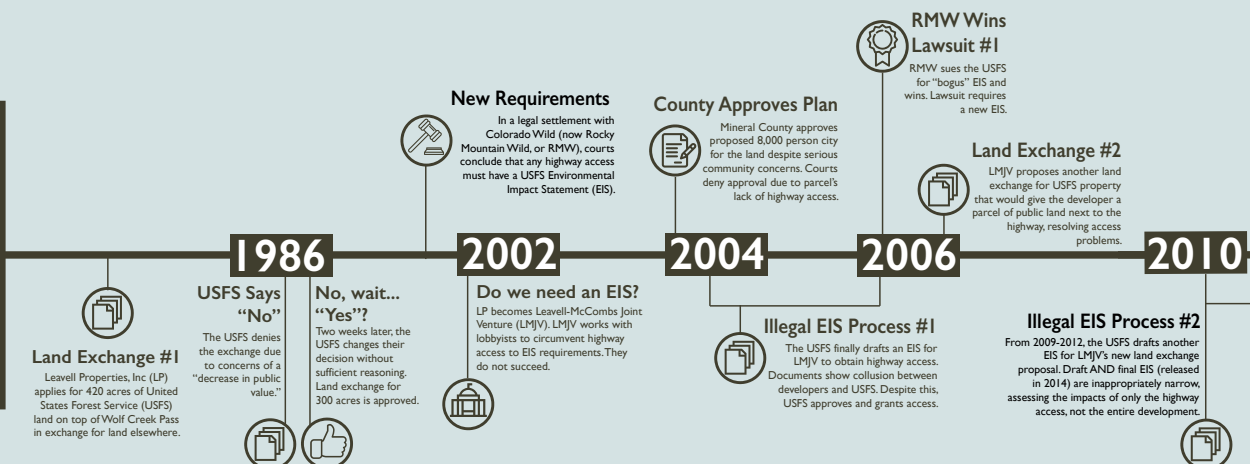
Wetlands might not be the first ecosystem one thinks about when considering development impacts on mountain landscapes. It may first be forests, as encroaching into old-growth stands of trees presents urban-wildfire risk, or rivers and lakes, as growing populations demand water resources to supply them. Wetlands, streams, and other special aquatic ecosystems, like fens, probably seem further away, out of sight, higher up in places where humans tread lightly along trails.

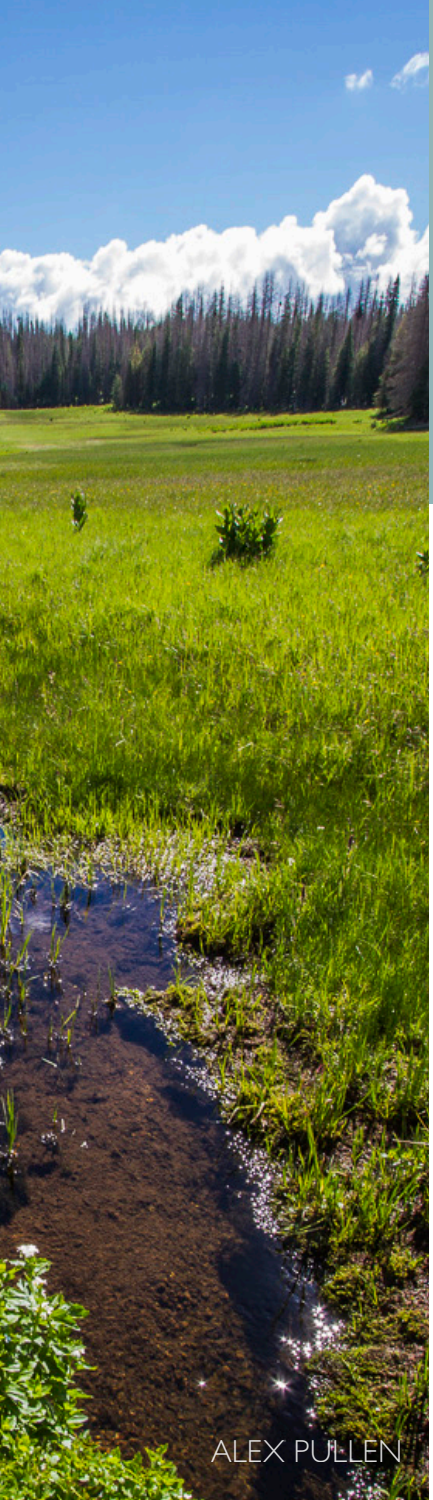
However, wetlands, streams, and aquatic ecosystems are the threads that weave greater landscapes together - they are the circulatory system of our watersheds.

Colorado has lost roughly half of its wetland acreage to development since European settlement. This past May, Colorado enacted a new law, HB-1379, directing Colorado's Water Quality Control Division to develop a program to regulate dredge and fill activities that could impact wetlands. A program to compensate for the impacts to wetlands will be included, one that requires developers to create or restore streams or wetlands in cases where impacts are unavoidable. Compensatory mitigation is difficult and often doesn't work, so it's best to first avoid or minimize impacts to wetlands. Even where compensatory mitigation is implemented, it takes time to replace the wetlands, and it might be



A HISTORY OF WOLF CREEK





ALEX PULLEN

time to replace the wetlands, and it might be difficult to create mitigation in the same watershed that is being impacted by development.

What would happen if an entire community were planned within the boundary of a large, rare aquatic ecosystem where impacts could not be avoided or minimized?

What constitutes as sufficient mitigation in places where the entire character of the landscape depends on the health of existing wetlands and aquatic habitat? These are the questions to ponder while reviewing the proposed Village at Wolf Creek development.

The Village’s development plan states that about 5.5 acres of wetlands and about 1.8 acres of fens would be directly impacted, but those numbers do not account for indirect impacts. Paving, grading, digging, and construction would disturb groundwater and surface water dynamics, which is noted in the Environmental Impact Statement for the project by stating “the potential impact to groundwater hydrology of wetlands could be significant under this plan.”

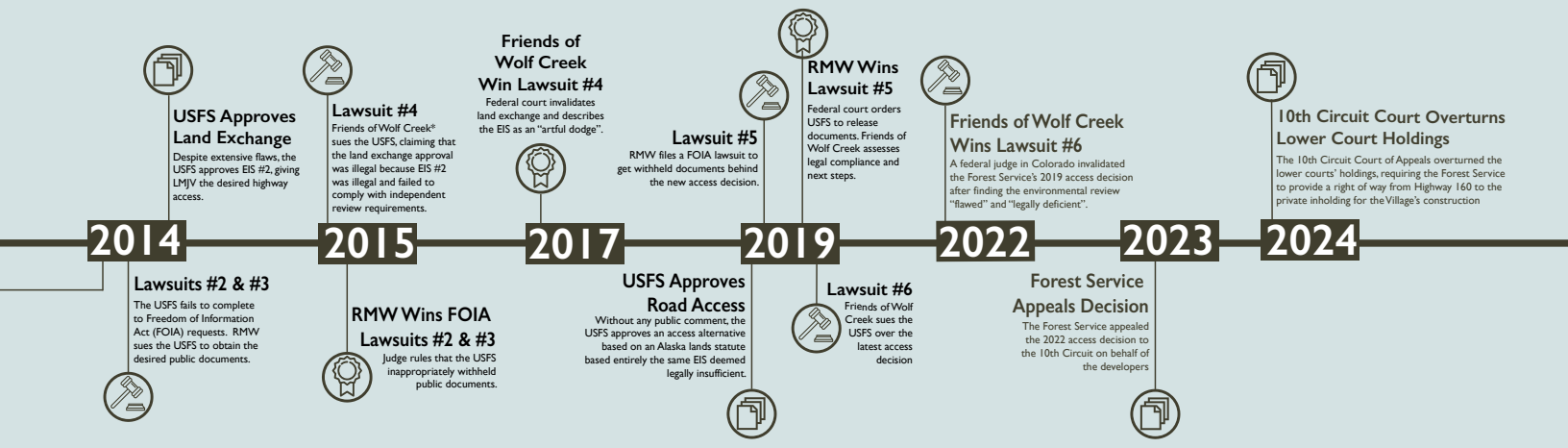
In some areas, the US Army Corps of Engineers would set requirements for avoiding, minimizing, and mitigating impacts. However, the Village property includes large areas of wetlands where the state of Colorado would be the

permitting agency. The future of the wetlands at Wolf Creek may be directly tied to the final regulations published by the Water Quality Control Division in December, 2025.

It brings us back to this question: what is the cost of living in the places that we love? What if the cost means destroying a pristine wetland and fen ecosystem that cannot be replaced, where mitigation could not replicate its unique value? This case is one where impacts should be avoided to protect the integrity of the landscape, the rare and vibrant habitat, and the water supply to downstream communities. San Juan Citizens Alliance is committed to protecting the unique character of the ecosystem that sits within the proposed Village at Wolf Creek development area because we understand that preserving critical wetlands, fens, and streams is priceless.

We will continue to engage our members throughout the regulatory process as opportunities allow to ensure a dredge and fill program echoes the values of citizens concerned over the future of this state’s aquatic resources. In the meantime, we encourage the public to stand up for our waterways and oppose the Village at Wolf Creek.

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



The Return of the **WOLVES**

It's been a bit of a rocky road, but the restoration of gray wolves to Colorado is moving forward.

Ten wolves from Oregon were released in December of 2023 by Colorado Parks and Wildlife (CPW), as required by passage of Proposition 114 in 2020.

One of those wolves was killed by a mountain lion in April, and another of the released wolves was found dead in September, the cause of death hasn't been determined yet.

Two of the released wolves mated and produced a litter of at least 4 pups in the spring of 2024, they became known as the Copper Creek pack. The group took up residence on the edge of private lands near Kremmling, CO, and between April and September killed 15 cattle and 8 domestic sheep, an unusually high level of depredation on domestic livestock. The resulting uproar and calls for lethal removal from livestock producers led to a CPW decision to remove those wolves from the wild. Upon capture, the adult male wolf was found to have a severe injury to one of his rear legs, and in spite of CPW's treatment, he died shortly after being taken captive. The adult female and the 4 pups are being held in captivity at an undisclosed location.

With the death of three wolves, and the capture of the female and 4 pups, there are now 6 of



YANNICK MENNARD

the reintroduced wolves in the state, along with an adult male and one of his offspring from a pack that formed in North Park in 2021, with a male and female that migrated to Colorado from northern Wyoming.

The province of British Columbia has agreed to provide up to 15 wolves to CPW for the upcoming releases this winter. It is likely that the female and 4 pups (which will then be young adults) will be released with those wolves from Canada this winter. As an aside, some claim that wolves from Canada are different from the wolves that originally occurred in Colorado; they are not.

CPW has been criticized for the conflict surrounding the Copper Creek pack. However, the situation was difficult from the start, and there is ample evidence that the livestock producers who suffered the most losses were uncooperative and didn't take advantage of the assistance



EVA BLUE

that CPW offered; that assistance would most likely have prevented a good portion of the losses. In a letter responding to the producers' request for a lethal removal permit, CPW outlined the failures of the producers to take action that would have helped mitigate the issues. In spite of the complaints and criticisms of both livestock owners and some wolf advocates, CPW has done a professional and effective job in the face of extremely difficult circumstances.

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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San Juan Citizens Alliance
1309 East Third Avenue
PO Box 2461
Durango, CO 81302

Winter TRAVEL PLANNING

Winter travel planning has begun on the Rio Grande National Forest! **Winter Travel Planning is an important process that helps the Forest Service balance resources and uses.** The planning effort designates appropriate areas for snowmobile use, while protecting other areas for wildlife habitat and quiet recreation like backcountry and nordic skiing. It also helps clarify parking, road access, and enforcement to reduce conflicts between user groups and protect critical habitat.

As snowmobile technology, particularly timber sleds, evolves, motorized users can access ever more terrain - including steep north facing timber important for wildlife like Canada lynx. At the same time, motorized use has increased dramatically. Today over 4 million snowmobilers recreate on National Forests each year. **Previously, technology limited access, and skiers and wildlife could avoid snowmobiles. But today, the Forest Service needs to be more intentional, and establish play areas for snowmobiles that reduce impacts to other users and resources.** Thanks to the hundreds of you who submitted scoping comments, the Forest Service heard loud and clear that some places need to be protected for quiet use and wildlife. The Rio Grande is reviewing public comments and will assess impacts in an upcoming Environmental Impact Statement. We'll keep you posted when the EIS becomes available.



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