

# SAN JUAN CITIZENS ALLIANCE

SPRING 2024 NEWSLETTER

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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: Wolf Creek Pass by Alex Pullen

## DEAR SUPPORTERS,

After years of waiting for the information needed to make an informed decision about the future of La Plata Electric Association's power supply, the Federal Energy Regulatory Commission in December finally issued its ruling on the formula for calculating the amount of money necessary to buy-out of the remaining 26 years of LPEA's wholesale electric supply contract with Tri-State.

FERC's calculation would cost LPEA on the order of \$160 million, which sounds like a big number, but is in line with what Kit Carson Electric Cooperative in Taos paid for its independence seven years ago. Today, Kit Carson has fully paid off its contract termination fee, and is reaping the financial rewards of cheaper, local renewable projects. With a firm figure in hand, LPEA can decide whether it also wants to head down the path of energy independence. Emelie Frojen with our climate team provides a deeper dive into happenings around LPEA in this issue.

The Alliance's water and lands program staff have been heavily involved in collaborative efforts around forest restoration. Among our objectives, Sara Burch, our Animas Riverkeeper, is highlighting the value of well-functioning riparian systems to overall forest resilience and watershed health. Not only do healthy riparian systems improve water quality, they also contribute to a forest mosaic more resistant to damaging wildfires.

Over on Wolf Creek Pass, our public lands program manager, John Rader, is mobilizing winter backcountry users to engage in the Forest Service's just launched plan to figure out how to best manage competing recreation uses. He's surveyed backcountry skiers to document areas of greatest interest, and will be helping shepherd those interests through the forthcoming winter use plan.

Also on Wolf Creek, we continue to hold the line on the destructive proposed Village at Wolf Creek, and returned to court again in January to defend our previous victories, this time against the Forest Service which continues to advocate for the project's development and hopes to overturn the previous court rejections of the agency's environmental reviews.

As directed by Colorado voters, Colorado Parks and Wildlife returned wolves to the state in December with the release of 10 wolves captured in Oregon and transported to northern Colorado. This returns a species extirpated from Colorado 80 years ago in an era with less concern about the value of intact ecosystems and the full suite of native wildlife. The evolution of wolf management continues to consume the attention of our staff and the public at large.

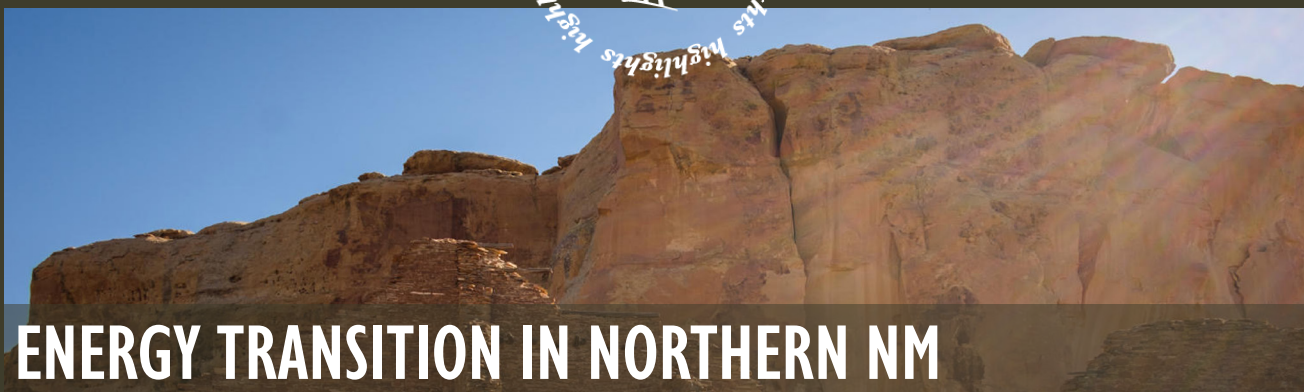
The Alliance's staff manages an active agenda working to achieve our shared goals for protecting the communities, economies and environment of the San Juan Basin. The active support of members is crucial to successful outcomes. ***Stay tuned for opportunities to weigh in and help move the needle in a positive direction.***



*Mark Pearson*

**Mark Pearson**

Executive Director,  
San Juan Citizens Alliance



## ENERGY TRANSITION IN NORTHERN NM

The stacks at San Juan Generating Station are slated for demolition this spring. Meanwhile, construction of the nearby San Juan Solar project continues and the project should deliver 300-MW of renewable electricity starting in June. The project's developer, D.E. Shaw Renewable Investments, just inked a lease for an additional solar project on adjacent Ute Mountain Ute tribal land called Foxtail Flats, further accelerating the region's transition from coal to solar energy.



## OIL AND GAS IN THE HD MOUNTAINS

The Alliance has challenged coalbed methane drilling in the HD Mountains east of Bayfield for almost 30 years. Advances in horizontal drilling technology have eliminated the need for the network of roads and wellpads proposed back in 2007, but the new drillpads with 6 or 7 wells each are much larger and bring concentrated impacts. We provided comments on a project by Catamount at the head of Spring Creek that entails a new pipeline and greatly expanded existing well pad to accommodate horizontal wells.



## CLEAN WATER ACT

The U.S. Supreme Court's 2023 decision in *Sackett v. EPA* was the most significant rollback of the Clean Water Act since its inception more than 50 years ago. The Alliance has joined a coalition advocating for Colorado to step up and assume authority abandoned by the Supreme Court to fully protect all of Colorado's waterways, including wetlands throughout the San Juan Mountains. We are encouraging the Colorado legislature to restore protections and provide a Colorado-based solution to clean water.

# WINTER TRAVEL PLANNING

## MANAGING THE MANY USES OF WOLF CREEK PASS

Wolf Creek Pass straddles the continental divide east of Pagosa Springs. Highway 160 crests the saddle at nearly 11,000 feet, threading the narrow gap between the South San Juan and the Weminuche Wildernesses.

The high alpine environment forms the headwaters of the Rio Grande and supports rare fen wetlands. It is an important wildlife corridor between islands of protected habitat, connecting summer and winter range for elk herds that calve in the highlands and providing a key linkage area for threatened Canada lynx, reintroduced to the Southern Rockies in the 2000s by Colorado Parks and Wildlife.

Wolf Creek is also a destination for year-round recreation. The Continental Divide Trail traverses the ridgeline, while Wolf Creek Ski Area below caters to locals and supports the tourism economy.

Winter backcountry use, both quiet recreation like backcountry and Nordic skiing, as well as motorized use by snowmobiles and timber sleds, is increasingly popular.

Managing these intersecting public resources can be complex. The pass spans two Forest Service jurisdictions – with the Rio Grande National Forest east of the Divide, and the San Juan National Forest to the west. The two Forests must coordinate closely to conserve habitat, protect the watershed, and provide access while reducing conflicts over issues like parking and noise.

### WINTER RECREATION ON WOLF CREEK PASS

Wolf Creek Pass is a winter playground for many user groups, but as of now, there is zero management of winter recreation on the pass. The Forest Service has tools to address the problem. In the face of growing recreation demand, it needs to apply them.

In the 1970s, environmental degradation from Off Road Vehicles (ORVs) on public lands prompted Presidents Nixon and Carter to sign executive orders directing the Forest Service to regulate motorized travel. Decades later, in 2005, the Forest Service finally published the Travel Management Rule and began managing ORVs on forest lands – creating Motor Vehicle Use Maps with designated trails. But for the next ten years, the Forest Service refused to regulate winter travel by Over Snow Vehicles (OSVs). That meant winter riders could go anywhere, anytime – regardless of impacts to wildlife,

vegetation, and other user groups.

As OSVs grew more popular, conflicts increased. On National Forests across the country, we saw arguments in parking lots, incursions into private property and protected federal land, disagreements over access points, heightened avalanche risk, complaints about noise, and impacts to wildlife and plant species. These conflicts are preventable, but without a clear map of areas open to motorized travel, even the most thoughtful users don't have guidance to follow.

In 2013 Winter Wildlands Alliance, a winter recreationist advocacy group, sued the Forest Service for failing to manage OSVs across the nation, and in 2015 they prevailed in court.

## THE IMPORTANCE OF WINTER TRAVEL PLANNING

Since then, the Forest Service has had an established legal duty to manage winter travel.

The winter travel management process is twofold. First, typically in the overarching Forest Plan, each forest reviews the resources on the landscape to develop a “Recreation Opportunity Spectrum” (ROS). An ROS broadly designates areas based on resources and uses, on a spectrum from primitive to urban.

Second, based on the ROS, the Forest Service creates a winter travel map showing which uses are allowed where - just like summer Motor Vehicle Use Maps that show what routes are open to ORVs. In the end, snowmobilers have a map of groomed trails, areas open for cross country travel, and places like Nordic trails and critical wildlife habitat that are closed to OSVs. Backcountry skiers know where they can go without competing with the noise and ruts of snowmobiles. And wildlife habitat is conserved so our lynx and elk populations can thrive.

The Rio Grande National Forest revised their Forest Plan in 2021, but didn’t prepare

for winter travel management. In fact, the Rio Grande National Forest never did the preliminary ROS planning that a winter travel plan is based on. We sued the Forest Service over several issues with the 2021 Forest Plan. As part of a settlement, the Rio Grande NF agreed to begin winter travel planning by April of 2024.

Early drafts of the Rio Grande’s ROS, the background that will inform mapping, are out for public review now. Scoping for the winter travel plan itself will begin this Spring. The Rio Grande NF will coordinate with the adjacent San Juan NF, which already has a winter ROS in place, on this second tier of winter travel planning.

In the meantime, SJCA is working with Winter Wildlands Alliance and others to organize backcountry skiers and anyone else who enjoys human powered winter recreation on our forest lands. Together we can work with snowmobilers, hybrid users, wildlife professionals, and other stakeholders towards a balanced plan that conserves our resources and ensures everyone has room to play in the snow.

## THE VILLAGE AT WOLF CREEK

For decades SJCA has fought development of a resort on the crest of Wolf Creek Pass proposed by Texas billionaire Red McCombs. The “Village at Wolf Creek” would be built on an inholding surrounded by national forest at over 10,000 feet in elevation. When the developers acquired the parcel, their plan proposed around 200 units. But the vision soon expanded to an 8,000-person city atop one of the snowiest passes in Colorado, in an area without adequate access to water, electricity, and emergency services.

Developing the property would require highway access through national forest land, approved by the Forest Service. In a series of legal battles beginning in the early 2000s, we challenged this access based on inadequate review of environmental impacts. If constructed, the Village would fragment

critical habitat for sensitive species, threaten the headwaters of the Rio Grande, increase traffic on Highway 160, and irreparably change the character of Wolf Creek Pass, but these issues were given short shrift by the proponents and the federal agency.

Twice now, federal judges have ruled against the developers, concluding that the project’s Environmental Impact Statement was deficient. Nonetheless, even after Mr. McCombs’ passing last year, the Forest Service continues to fight to approve the Village. They appealed our 2022 legal victory to the 10th Circuit, and in January of this year, the appellate court heard our oral argument. We await the Court’s decision, and will continue to work tirelessly to protect this important landscape once and for all.



# *What's New with* **LPEA?**

*La Plata Electric Association has seen a lot of change over the past several months. From finally receiving its buy-out calculation, filing suit against Tri-State, issuing a pass-through rate increase, to a major uptick in local solar generation, we're here to break it all down for you and tell you what's next and how you can help.*

## **THE BIG THREE LEGAL AND POLICY CHANGES**

**FERC's Buyout Calculation:** The Federal Energy Regulatory Commission (FERC) finally ruled in December on how Tri-State must calculate its member co-ops' fee to terminate existing contracts. LPEA's estimated exit-fee number is \$209.7 million with a \$47.4 million in capital credit. This number is less than half of what Tri-State originally claimed.

**LPEA v. Tri-State:** In early November, LPEA filed a lawsuit against Tri-State in La Plata District Court. LPEA sued Tri-State for breach of contract for refusal to provide equitable terms and conditions for LPEA to withdraw from Tri-State or proceed with a partial buy-out. LPEA's representation in this case also represented the United Power co-op in its similar lawsuit. This case will likely improve LPEA's negotiating power if and when they file to exit Tri-State.

**Tri-State's Energy Resource Plan:** In December, Tri-State released its updated Energy Resource Plan. While this plan outlined huge steps towards decarbonization, it had two key failures. One, the plan is entirely dependent on federal funding that has not yet been awarded to Tri-State. The second is that the plan did not consult or include member co-ops as part of the solution. LPEA has continued to express its interest in increasing local solar despite its prohibitive contract, and yet was excluded from Tri-State's efforts towards decarbonization.



## HAS YOUR ELECTRIC BILL GONE UP? *Tri-State is raising prices.*

It's true: Tri-State—struggling with stranded assets, dwindling customers, and a negative credit rating—raised its rates, forcing LPEA to have a 6% pass-through rate increase that started January 2024. However, there is a silver lining with this rate increase. Co-ops are challenging Tri-State's price increase, and if FERC finds the increase invalid, LPEA can return the money and issue credits to LPEA members. Even if this happens, Tri-State's financial position is not improving, and their cost of doing business will continue to sky-rocket. Realistically, every year LPEA stays with Tri-State, our rates will keep increasing because Tri-State will continue to raise rates. The only way LPEA will be able to eventually lower rates is by leaving its contract with Tri-State.

## WHAT'S THE DEAL WITH NEW SOLAR?

With the help of federal, state, and local incentives, solar generation in LPEA territory has increased significantly. While this is a great problem to have, too much of a good thing, without upgrades, can cause safety issues. Local solar production happens during the day (typically the lowest time for energy use) and without battery storage. Where does that left over power go? It feeds back into the lines, which can create too high of voltage in the line and pose safety issues. LPEA needs to keep line voltage at a certain percentage to minimize the danger of fallen lines. Increasing the power going back into the lines puts LPEA at risk of violating those important safety standards — hence the pause on some new solar approvals without battery storage. To make matters worse, LPEA's contract with Tri-State is preventing LPEA from solving this problem efficiently, effectively, and in a pro-solar manner.

## IT'S TIME FOR LPEA TO LEAVE TRI-STATE

Tri-State is getting more and more expensive, and LPEA members are getting stuck with the bill. While exiting Tri-State may also raise LPEA rates, those raises are temporary. Staying with Tri-State will never get cheaper.

***Tri-States power generation contributes mightily to the climate crisis, despite its ponderous efforts at decarbonization.*** LPEA is committed to prioritizing renewables, and LPEA's new Sunnyside Solar project is proof.

Tri-State is governed by a board made of one member from each of its 42 members across four states with wide-ranging values, climates, and communities. ***LPEA knows what is best for its members, and our contract restricts local governance.***

LPEA's contract with Tri-States requires a two-year exit timeline. ***Every day LPEA waits to file its exit notice locks us into more days paying Tri-State's rates.***

## ARE YOU READY TO GET INVOLVED?

***Attend a LPEA Board Meeting:*** The LPEA board meets monthly, and members are invited to comment. You can make a huge difference by attending these meetings and encouraging LPEA to leave Tri-State. Find out the details of upcoming meetings at [lpea.coop/lpea-board-directors-resources](https://lpea.coop/lpea-board-directors-resources)

***Get involved in the LPEA Elections:*** LPEA is a co-op, meaning anyone who pays a LPEA bill is a member and gets to elect board members who represent their values. These elections not only require your vote, but are only successful due to dedicated volunteers. Please consider contributing some of your time or money to the LPEA Elections.

***Participate in a local group:*** If you want to deepen your community and increase your local climate impact, join the Energy Futures group for monthly discussions about all things local-energy.



# *Protect and Restore* **RIVERSCAPES**

## WHY RIVERSCAPES PLAY A PART IN CLIMATE RESILIENCE

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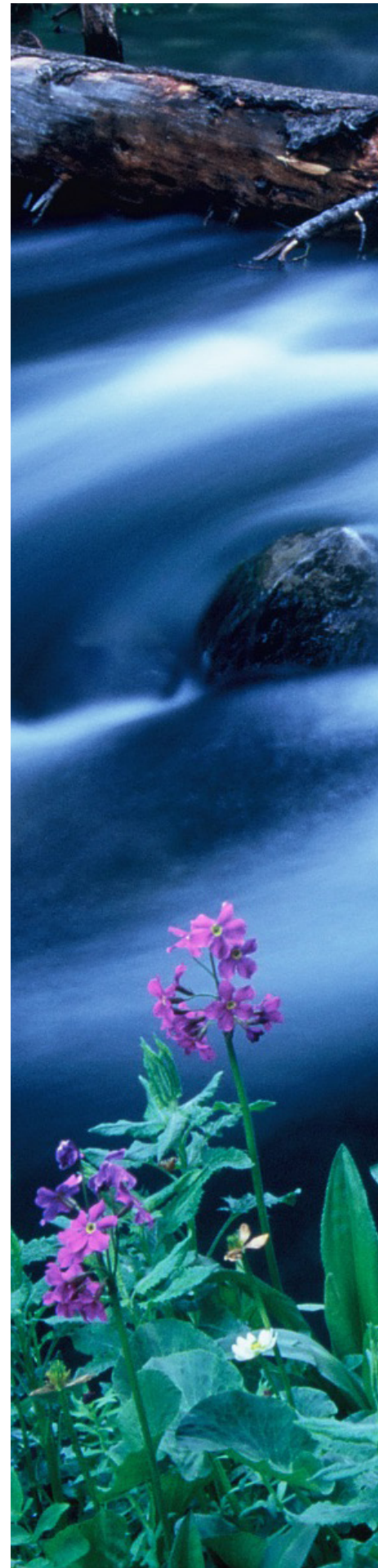
*Stream systems throughout the San Juan watershed are diverse, ranging from high-alpine tributaries to semi-arid washes.* Water transport differs, as some streams have year-round water, constituting perennial streams that sustain lush vegetation adjacent to their banks. Even drier streams, such as those that only have water intermittently throughout the year, or in response to storm events, typically support a dense vegetation area around the stream called a riparian zone. So, what's the deal with that? How can streams without continuous surface water support a riparian zone?

### GROUNDWATER IS KEY

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The answer is simple - shallow groundwater. Surface water alone does not capture all the water in a stream system, as water is also stored underground within the floodplains and riparian zones adjacent to streams. While the direct answer to this question is simple, the process by which groundwater can infiltrate, remain, and serve as a resource for riparian areas is a bit more complex. When we think about streams, their ecosystems, and their natural hydrologic, geomorphic, and biologic processes as a whole, the term used to describe this type of landscape is a riverscape. For a riverscape to be resilient to stressors like climate change-induced water change, anthropogenic activities, and wildfire, its natural processes must be functioning properly. The three largest components of riverscape processes - hydrology, geomorphology, and biology - are critical influences on the riverscape's "ecosystem health", or rather, its ability to provide ecosystem services that benefit both the natural environment and human activities.

Whether a stream is perennial, intermittent, or ephemeral, each of these different environments typically hosts a floodplain that, if functioning properly, serves as a natural sponge and stores water used by riparian and wetland habitats. Recently, studies in Western riverscapes following large wildfire events have shown that systems with a connected floodplain and functioning wetland and riparian habitat serve as natural fire breaks, and provide refuge to wildlife as the wetted area buffers extreme heat from burning areas. Following fire occurrence, the presence of riparian and wetland habitats is important in reducing post-fire flooding by providing natural infiltration of excess runoff from hydrophobic soils.





## THE STATE OF COLORADO'S RIVERSCAPES

### *Addressing existing river degradation*

The problem we face both locally and throughout Colorado is that many of our riverscapes are already degraded due to historic and current human-based modifications to floodplains. Estimates from the Center for American Progress suggest that 63% of all rivers and streams have been modified in Colorado, marking these systems as partially or completely non-functional. Without a floodplain connection, riverscapes are generally unable to provide the array of ecosystem services mentioned above. In a landscape where wildfire risk is increasing, the reduction of capacity, or total loss, for riverscapes to buffer wildfire is concerning.

To address riverscape degradation and its impact across larger landscapes, SJCA's Rivers Program is participating in the regional 4 Rivers Resilient Forest Collaborative landscape-scale restoration initiative. This group was created as a part of the US Forest Service's Collaborative Forest Landscape Restoration Program and includes stakeholders interested in improving habitat resilience surrounding population areas in La Plata County. The group hopes to identify cross-jurisdictional stakeholder values related to recreation, wildlife, wildfire, forest structure, aquatic health, cultural resources, recreation, and socio-economic conditions and propose future restoration activities that advance desired future conditions.

## MOVING FORWARD

### *San Juan Citizens Alliance takes action*

Within the 4 Rivers collaborative, SJCA is advocating for process-based stream restoration to improve landscape resilience across priority geographic areas. For instance, in landscapes where upland forest structure requires thinning, wildfire risk is high, and riverscapes are degraded, activities that aim to thin vegetation coupled with implementing process-based stream restoration may address each of these concerns within a single project. The challenge may lie in identifying suitable locations where these projects are able to overlap.

With multiple sub-basins within La Plata County listed as impaired on the Forest Service Watershed Condition Framework, these provide ideas of where to start looking into stream systems and assess restoration potential. Additionally, SJCA's Rivers Program is working to geospatially assess restoration potential of multiple streams within the Animas Watershed. Our goal is to serve as a voice for degraded riverscapes, as well as a resource for entities seeking information on where restoration might be feasible.





## COLORADO REINTRODUCES WOLVES TO COLORADO

*Ten wolves captured in Oregon by Colorado Parks and Wildlife (CPW) were released in north central Colorado in late December of 2023, beginning the restoration required by the passage of Proposition 114 in November of 2020.*

Controversy continues to hound the restoration effort, with people on all sides of the issue unhappy about something. Politicians and livestock producers are concerned that CPW did not adequately inform them about the releases, creating backlash and tough questioning at legislative hearings. Jeff Davis, the CPW Director, has apologized for the perceived disrespect and lack of transparency and promised that the agency would do better in the future.

The wolves have so far remained in Colorado, although several have been moving close to the Wyoming state line, raising concerns about the possibility of them either moving on their own or being lured across the state line where they can legally be killed with just about any weapon at any time. Some wolf advocates are agitating for CPW to monitor the movements of the wolves and urging them to capture any individuals that move into Wyoming and return them to Colorado. That's problematic for a couple of reasons, the first is that the wolves are equipped with GPS collars, which send a signal once every 4 hours via satellite, so the exact location of a wolf isn't known in real time. VHF

collars provide a constant signal but require on the ground monitoring; a VHF collar can be used to track and find an individual in real time.

The second issue, especially with Wyoming, is that Wyoming would not support CPW moving into their state to pursue errant wolves.

These issues are likely to continue until wolves are firmly established and begin to be treated much like other large predators, like mountain lions and black bears. Which raises the specter of public hunting of wolves, an issue that will be hard fought if and when it is proposed.

In good news, there have been no attacks on livestock attributed to any of the wolves since the December releases, and all seem to be healthy and adapting well to their new home.

The expectation is that the wolves have already bred or are about to, and that there will be puppies in April. Stay tuned!

Overall, the restoration has been well managed, and the wolves are doing well. There won't be any more releases until next winter, likely January of 2025. CPW has negotiated an agreement with the Confederated Tribes of the Colville Reservation for up to 15 wolves for those 2025 releases.



# 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](http://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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## *Restoring* **WOLVERINES**

*Colorado Parks and Wildlife has been considering restoring wolverines to the state since 1998, and the effort is now gaining momentum.* Wolverines were native to Colorado and were extirpated during the efforts to remove multiple predators in the late 19th and early 20th centuries. Wolverines require high-elevation habitat with persistent, deep snowpack, and Colorado has some of the best remaining unoccupied wolverine habitat in the lower forty-eight states that is expected to persist in a warming climate, hence the focus on reintroduction to Colorado. Wolverines primarily prey on small animals and eat carrion, with conflicts with domestic livestock like sheep quite uncommon.

Colorado law requires the state legislature approve the restoration of any federally listed species, which the wolverine is now due to a recent decision by the U.S. Fish and Wildlife Service. Bipartisan legislators introduced a bill in March to authorize the restoration, and the bill should move easily to the Governor's desk for his signature. It's unlikely that wolverine restoration will negatively affect existing land uses, partly because a special rule under the Endangered Species Act (either Section 4(d) or Section 10(j)) will be in place, allowing for more management flexibility.



Your support makes all the difference. To increase your impact, go to [sanjuancitizens.org/donate](https://sanjuancitizens.org/donate).