



western views

MAKING THE CLEAN AIR-CLEAN JOBS ACT A REALITY

WRA is Playing a Key Role in Implementing the New Law

Cleaner air and new jobs are coming closer to being reality in Colorado as WRA helps shape plans for implementing the Colorado Clean Air-Clean Jobs Act. The legislation is the first in the nation to provide a framework for the retirement and replacement of

aging coal-fired power plants with cleaner resources, and WRA is working closely with experts and other groups, including a coalition of six environmental groups dedicated to ensuring that the legislation is fully and effectively implemented.

metro area. We have identified other opportunities to further reduce emissions, such as advancing the retirement of some of the affected coal plants to 2017 or earlier, and creating more opportunities for renewable energy and energy efficiency to replace the electricity generated by retired coal plants.



Currently we are working to help gain the approval of the Colorado Public Utility Commission's (PUC) for a plan proposed by Xcel Energy, Colorado's largest electricity provider, to cut nitrogen oxide emissions in the Denver metro area by 70–80% by 2017. The plan includes the retirement of over 900 megawatts (MW) of coal generation at the Cherokee and Valmont facilities.

Retiring aging coal plants is one of the most significant actions that can be taken to achieve cleaner air, reduce the adverse health impacts from air pollution, and cut heat-trapping greenhouse gas emissions. If the retirements are approved during the PUC hearings set for Oct. 19 to Nov. 3, Colorado residents can breathe easier knowing that the brown cloud that has tainted the skyline for decades will soon lift, revealing the blue skies for which Colorado should be known.

The plan will help reduce nitrogen oxide emissions responsible for the notorious "brown cloud" that hangs over the Denver

HABITAT STEWARDSHIP ACT: Already Protecting 355,000 Acres in Colorado

Colorado's Western Slope is one of the most beautiful parts of the country. In addition to supporting communities, this spectacular area is recognized for its recreational offerings, including skiing, fishing, hunting, hiking, and mountain biking. It is home to some of Colorado's favorite forests and wilderness areas. However, large reserves of natural gas on the Western Slope also make the area prime for drilling that can harm habitat for elk, deer, and sensitive species such as sage-grouse and cutthroat trout.

The Oil and Gas Journal, an industry trade publication, recognized this new way of doing business as a national model for protecting wildlife in the gas patch, while providing greater certainty for drillers. Exxon and Encana are among the companies that have raised the bar for habitat protections.



In August, Colorado Gov. Bill Ritter and nine industry parties unveiled agreements to provide additional wildlife protections on 355,000 acres (555 square miles) of sensitive wildlife habitat across northwest Colorado.

These landmark agreements were made possible under the Colorado Habitat Stewardship Act, which was largely drafted by WRA. New rules implemented under the act require that companies use "best management practices" and consult with experts at

the Division of Wildlife to conserve wildlife resources.

These new standards are the first of their kind in the nation under state law.

DONOR PROFILE

MEET DAVID HARRISON

20 Years as a Western Resource Advocates Member



David Harrison is one of WRA's long-time members. He has provided support for WRA's program work since 1990. Mr. Harrison is a water resources lawyer, formerly with the firm of Moses, Wittemyer, Harrison and Woodruff, P.C., based in Boulder, Colorado. Having started with the firm in 1972, Mr. Harrison continues to provide counsel, although he also has a number of other interests. He currently works full-time as a consultant to The Nature Conservancy (TNC) in the capacity of senior advisor to the Global Freshwater Team, of which he is a co-founder.

Mr. Harrison is a graduate of the University of Colorado, holding degrees in law, civil engineering, and hydraulics. He has co-authored numerous professional articles on water resource matters, focusing principally on groundwater, surface water, instream flow, and ecosystem management.

Why WRA?

Mr. Harrison says, "I believe Western Resource Advocates is successful because there are really good people doing really good work. I have been aware of the work of your organization since back when it was first started by Kelley Green, when it was the Land and Water Fund of the Rockies. I increased my support when one of my colleagues, former Environmental Defense Fund director and WRA consultant, Dan Luecke, began doing his work on the Colorado and South Platte Rivers through WRA. During that time, I was consulting with TNC on freshwater ecosystem work and had a passion for river conservation. I continue to be very interested in the WRA's work, particularly the Water Program, headed by Bart Miller. And, of course, my long-time friend Karin Sheldon is now your president."

What is unique about WRA?

Mr. Harrison adds, "Per Western Resource Advocates' name, your group does advocacy work whereas TNC does not. WRA's advocacy work fills a certain niche, working with others and finding solutions versus threatening to sue. When necessary, as it often is in the Southwest, aggressive legal work is needed, and WRA has filled that role. WRA can "bring a suit, if necessary"—it's more than just advocacy work, but it is well-balanced—picking strategies and opportunities, as needed. I'm interested in professional conservation and advocacy support in the appropriate places."

There is an inter-connectedness with the people and the work that WRA is doing.

Other reasons to support WRA?

According to Mr. Harrison, "There is an inter-connectedness with the people and the work that WRA is doing. As you can see from my professional work, I am interested in water resources law and policy with a conservation focus. Increasingly now, I am seeing the importance of energy policy and how it relates to water. I am quite supportive of WRA's important work on the nexus between water and energy. I want to keep in the loop of all the good work WRA is doing."



The WRAP Up

WESTERN RESOURCE ADVOCATES NEWS IN BRIEF

- ▶ In Utah, WRA is challenging a U.S. Forest Service decision to lease 140,000 acres, including 90,000 acres of roadless area, in the Uinta National Forest for oil and gas development. This critical area supplies drinking water for the Wasatch Front, and is home to many sensitive wildlife species.
- ▶ WRA is helping to protect Great Salt Lake by challenging a proposal to build a mining facility on 91,000 acres of the lake's bed. Our work was featured in an article in *Audubon*, entitled "Salt on New Wounds."
- ▶ In New Mexico, WRA's senior counsel Steve Michel provided 20 consecutive hours of expert testimony in support of the state moving forward to set a cap on greenhouse gas emissions rather than waiting for federal climate change legislation.
- ▶ WRA provided expert testimony to support the passage of four successful water conservation bills in Colorado. These bills will improve the state's plumbing code, provide homeowners the choice to install water-efficient fixtures and landscapes when building a new home, expand state funding for water conservation programs, and establish a data reporting system for water utilities in order to track the effectiveness of water conservation programs.
- ▶ In Arizona, WRA helped develop and secure Arizona Corporation Commission approval of an aggressive electric energy efficiency standard for Arizona—22% savings by 2020.
- ▶ In response to WRA's comments, the U.S. Bureau of Land Management will now fully analyze the adverse environmental impacts of drilling on Rands Butte in the Wyoming Range, and require a public safety plan to protect the health of local residents.
- ▶ In the Hoback Basin, WRA is asking the Forest Service to stand behind all protective measures to prevent damage from drilling to clean water, air quality, and habitat for threatened species such as the Canada Lynx.

The contaminated water at the bottom of this tar sands test pit proves groundwater contamination is a legitimate concern.



THE THREAT OF UTAH TAR SANDS

If you have never heard of PR Springs, that's about to change. PR Springs is the name of a Utah mine that may soon be producing tar sands, a transportation fuel with a very high carbon footprint. Although the mine would be in a remote section of eastern Utah that lacks scenic charm, anyone who cares about Utah's resources should pay attention to this proposed development. Western Resource Advocates is.

Producing tar sands raises a number of concerns. In addition to the climate impacts, mining and production would use a great deal of water, foul surface water and groundwater, and further degrade Utah's air. WRA is appealing the mine's permit on behalf of our client Living Rivers. The permit was issued to a Canadian company, Earth Energy Resources (EER).

EER plans to use a citrus-based solvent to separate tarry bitumen, a heavy, carbon-rich form of oil, from the rocks in which it is found. After the bitumen is extracted, the residual sand will be put back into the pits from which it was dug. The waste sand will still be wet with chemicals that could leach into groundwater. Surface water might be contaminated if rain washes over the waste sand and carries chemicals into rivers and streams.

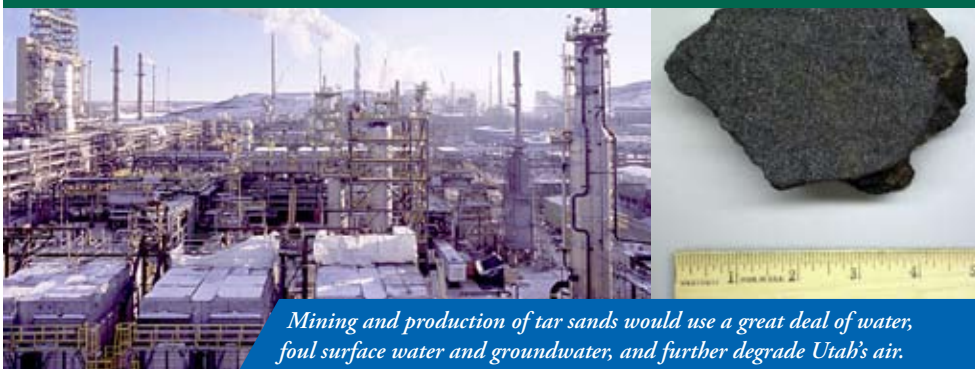
One of our key concerns is that EER has yet to disclose the contents of the solvent, or its en-

vironmental impacts. It is hiding behind proprietary information, arguing that business secrets trump public safety. That attitude is troubling, and we believe the state overlooked the absence of complete information about the solvent when it issued the permit. "While EER says its chemicals are non-toxic, they are strong enough to dissolve the pavement from underneath our feet. The state has not done enough to make sure that this stuff, whatever it is, does not wind up in our water," cautions Joro Walker, WRA's Utah office director.

The impacts of tar sands development loom larger than the PR Springs project. If EER is able to secure a permit for tar sands development, others may also receive permits for development of a fuel that is environmentally destructive and has climate, water, land, and wildlife impacts. However, even if the permit stands, EER has some challenges ahead of it. Among others, it will need to raise \$35 million from investors who may be skeptical of taking a chance on tar sands.

Utah has an opportunity to build a sustainable environmental and financial future by promoting forward-looking industries, such as wind, solar, and geothermal. We hope Utah regulators and residents will balk at the PR Springs tar sands project and instead choose to invest in clean, safe alternatives.

To get updates on this issue, visit www.westernresourceadvocates.org



Mining and production of tar sands would use a great deal of water, foul surface water and groundwater, and further degrade Utah's air.

REPORT RELEASES

available online at westernresourceadvocates.org

Western Resource Advocates' reports advance program goals by informing debates, offering advocates needed data, and giving decision makers the tools they need to make sound decisions that will impact the West for years to come. You may find that these reports detail issues that are important to you.

If you are interested in receiving executive summaries or complete copies of any of the reports listed below, please contact Madeleine Tengler at 303-444-1188 x246.

Arizona Water Meter: A Comparison of Water Conservation Programs in 15 Arizona Communities
RELEASED OCT 2010



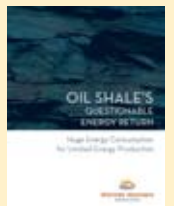
Fossil Foolishness: Utah's Pursuit of Oil Shale and Tar Sands
RELEASED SEPT 2010

Protecting the Lifeline of the West: How Climate and Energy Policies Can Safeguard Water
RELEASED JULY 2010



Clean Energy Pioneers: Building a Stronger Western Economy
RELEASED JUNE 2010

An Assessment of the Energy Return on Investment (EROI) of Oil Shale
RELEASED JUNE 2010



- ▶ Inside Western Views:
 - Making the Clean Air–Clean Jobs Act a Reality
 - Member Profile: David Harrison
 - The Threat of Utah Tar Sands
 - Habitat Stewardship Act
 - Recent WRA Reports Released
 - Dominguez Canyon's Water Permanently Protected

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THE DOMINGUEZ CANYON'S WATER IS PERMANENTLY PROTECTED

Water is key to protecting the Dominguez Canyon Wilderness Area, a 66,000-acre watershed in the Dominguez-Escalante National Conservation Area in western Colorado. Western Resource Advocates helped develop a new, state-based water right that will protect minimum flows and higher flows resulting from spring snowmelt and summer cloud-bursts. Thanks to the work of a number of partners, the canyons, wildlife, and archeology of area will continue to be sustained and enjoyed by thousands of visitors each year.

WRA helped draft federal legislation that first established the Dominguez Canyon Wilderness Area in 2009, including the creative language allowing the state of Colorado to file for water rights to protect this federal land.

Since then, WRA has worked closely with the Colorado Water Conservation Board, U.S. Bureau of Land Management, water users, and wilderness advocates to negotiate a state-based water right, thus avoiding a potentially more contentious federal water right.

It was a successful collaboration. The lifeblood of this wilderness—water—is protected forever. The new water right protects the environment, fish and wildlife, local water users, and unique recreational opportunities. It will help the local economy as more people visit this part of the state. It will also provide an educational opportunity for visitors to learn

about the canyon and the water that protects it. “It’s a great example of the good outcome that can result when dedicated people—from the state, federal government, and the conservation community—work together toward a common goal,” said Bart Miller, WRA Water Program director.



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