

western views

VOLUME 14
SPRING 2003

Developing Coalbed Methane Responsibly

By Mike Chiropolos, Acting Lands Program Director

Not long ago, only a few people around the West had heard of a fossil fuel called coalbed methane (CBM), and only a few communities had experienced the impacts of CBM development. All that has changed. Today, industry and some public officials trumpet CBM as the new economic savior across a region renowned for its historical boom and bust cycles. On the other side, environmentalists and residents of once-peaceful rural communities point to CBM as one of the leading environmental and cultural threats in the Rocky Mountain West. The LAW Fund is in the vanguard of efforts to prevent or mitigate the negative impacts of CBM development on western communities and ecosystems.

CBM is a natural gas that forms in coal seams when organic compounds decompose with exposure to intense heat and pressure. The Bureau of Land Management (BLM) has

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Setting Standards for Renewable Energy

By John Nielsen, Energy Project Director, & Rick Gilliam, Senior Energy Policy Advisor

Renewable portfolio standards (RPS) have catalyzed state economies over the past few years. The basic idea is simple—we should assure that some of our new electricity will come from renewable resources—and it's caught on. Here in the West, where renewable resources abound, consumers and advocates across the region are asking their legislatures for more support for the renewables industry.

The Land and Water Fund works hard to reduce the harmful impacts of the region's existing fossil-fuel power plants and we advocate better planning for the future. In a coordinated effort to make renewable energy a healthy player in our state and regional economies, we've been part of successful RPS campaigns in Arizona, New Mexico, and Nevada. Now we're promoting a similar standard in Colorado and Utah, where RPS legislation is before the government.

RPS: Not Just Another Acronym

A renewable portfolio standard sets the bar for a state's development of its renewable resources. It specifies that a certain amount of a state's future electricity needs will come from sources like wind, solar, biomass, and geothermal. For example, Texas, which established its RPS in 1999, must produce 2000 megawatts/year from renewables by 2009. In 2009, renewables will generate enough electricity to power nearly a million homes. The state is already on track to meet its target well before 2009. Having an RPS in place assures that some portion of a state's power will be responsibly developed.

Benefits of an RPS

An RPS offers consumers the following benefits and protections:

- Insulation from price fluctuations in the natural gas market.
- Insulation from the boom and bust cycles that have driven western economies. Unlike fossil fuels, renewable resources don't run out or vary widely in price.
- Economic development, especially in drought-stricken rural areas.
- Increased water availability: wind and solar resources use no water.
- Increased tax revenues.
- Lower prices for both renewable and fossil energy—as renewables are produced on larger scales, their costs come down. So do costs for fossil fuels, due to increased competition from renewables.
- Significantly reduced environmental impacts: cleaner air and water, less disturbance to landscapes.
- Self-sufficiency.

What We've Learned from Other States

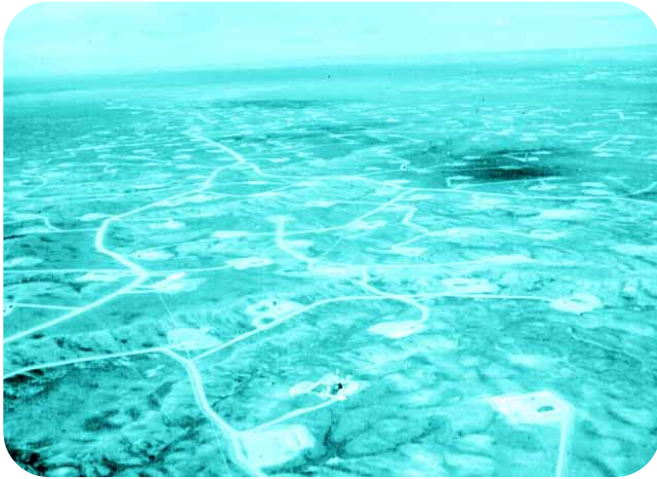
Just three years after passing its RPS, Texas is enjoying the benefits of 2,500 new wind-related jobs, \$2.5 million in landowner royalty income, and \$11.6 million in property tax payments to local school districts.

In the year since its own RPS was passed, Nevada has seen a huge increase in its renewables industry. Geothermal, solar, and wind developers have offered over 4,000 MW of new power projects in the

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Developing Coalbed Methane Responsibly

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What it looks like: natural gas development on public lands in Wyoming's Upper Green River Basin. While these are not CBM wells, the footprint is similar.
Photo by Peter Aengst & The Wilderness Society

described the production characteristics and impacts of CBM wells as "radically different" from "conventional" (non-CBM) gas wells. These impacts include:

- Salinity from water pumped out of the ground during the gas recovery process, which can destroy crops, erode soils, damage aquatic ecosystems, and drastically lower water tables relied on for irrigation and domestic wells.
- Habitat fragmentation and loss of wide-open spaces from the grid of access roads, wellpads, pipelines, compressor stations, power lines, and other infrastructure supporting CBM development.
- Contamination of groundwater from hydraulic fracturing, which injects toxic chemicals into coal formations.
- Air pollution from flaring methane, and from the emission of dangerous toxins from compressors and generator stations, as well as particulates stirred up by heavy vehicle traffic on access roads.

In the Rocky Mountain West, the mother lode of CBM deposits lies in the Powder River Basin, spanning northeast Wyoming and southeast Montana. In January 2003, the Bureau of Land Management (BLM) rubber-stamped industry proposals to drill 39,400 new CBM wells on the Wyoming side of the border. These wells will require 17,000

miles of new roads, 20,000 miles of new pipelines, 5,300 miles of utility lines, and the disposal of 1.4 trillion gallons of water. Projections for Montana bring the area's total to a staggering 66,000 new wells by 2010. In contrast, in 1999 there were 57,000 producing oil and gas wells on lands leased from the federal government in the entire United States. The LAW Fund serves as a resource to groups across the west fighting for environmentally sound CBM development that protects the quality of life of local residents.

In the Raton Basin of southeast Colorado, we represent the East of Huajatolla Citizens' Association in appealing a 1000-well CBM proposal that was rubber-stamped without any citizen input. We advise the San Juan Citizens' Alliance on CBM development in the San Juan Basin of southwest Colorado and northeast New Mexico. We're working closely with High Country Citizens' Alliance and Western Slope Environmental Resource Council in the Grand Mesa region of western Colorado, the latest CBM hotspot. Over the past few years, CBM operators quietly leased 90,000 acres of private and public lands in that area. The grassroots groups we represent forged alliances with a broad cross-section of interests that generated widespread local opposition to the CBM indus-

try. These efforts led to a nine-month moratorium on CBM development in Delta and Gunnison counties.

We are appealing recent approvals of CBM leasing that directly violate the requirement that BLM study the unique impacts associated with CBM development before allowing leasing. Because of the statutory and regulatory framework, waiting until after leasing to study CBM impacts is akin to closing the barn door after the animals have escaped. Post-leasing analysis does not allow the agency to consider whether CBM production is appropriate in the first instance, and may come too late to implement adequate environmental safeguards.

For more information see the coalbed methane links at:
www.wyomingoutdoorcouncil.org



Mike Chiropoulos, Acting Lands Director, with son Archer
www.wserc.org

Other Land News

Forest Protection:

- Staff attorney Melissa Decker filed interventions to support road closures on the White River and Routt National Forests in western Colorado.
- Melissa is drafting comments opposing Bush Administration proposals to gut federal regulations implementing the National Forest Management Act and the National Environmental Policy Act.

Coming up: In our next newsletter, look for a feature article on "Logging for Water."



Land and Water Fund - working...

ACROS

Protecting Western Rivers Through Better Planning

By Bart Miller, Water Program Director

As the Interior West braces for another year of drought, the public debate is full of questions about how we should use water and where we might obtain new supplies. As lawns wither and wells dry, westerners wonder how to keep their taps and irrigation sprinklers flowing. Across the region, proposals that would dam some of the region's last wild rivers and divert more water for urban use are under discussion. But the outcome of these proposals is not attractive. Most of us live in the West because we love the outdoors. In our spare time, we fish, camp, hike, boat, hunt, bike, or drive along beautiful rivers. We also enjoy the small towns sustained by water-dependent economies. All of these experiences rely heavily on one thing—free-flowing water. In our hearts, we know that taking more water for sprawling cities will harm both the environment and a distinct way of life in our more rural areas.

So, what are we to do? The Land and Water Fund's Smart Water Project was designed to help answer that question. In early February, we completed a first draft of our Smart Water report. The project represents over a year of effort by Water Program staff, including Don Wojcik, and Eli Feldman, consultation with Amy Vickers (a nationally recognized conservation expert) and input from volunteers Greg Adams and Tim Carstensen. It provides an in-depth comparison on the efficiency of urban water use by over a dozen cities in the arid southwest. The report describes how unchecked growth in urban water use threatens nearby river systems, such as Colorado's Gunnison Basin and New Mexico's Middle Rio Grande. The report also summarizes current state-of-the-art practices in conserving water and in using existing water supplies more efficiently, highlighting areas where there is room for improvement.

The report makes it clear there are many tools, not fully tapped, that can dramatically improve urban water management. One avenue is to reduce urban demand for water by planting drought-resistant lawns and installing drip irrigation systems. Upgrading toilets and

appliances with water-saving devices offers additional savings. Such conservation measures alone could make up for a water shortfall projected for the Denver metropolitan area by 2045. It appears that one of the clearest paths to improved efficiency is through water rate structures that make use expensive for water wasters while offering discounts to low water users. Water conservation can also be fostered through incentives such as rebate programs.

Another avenue for improved efficiency is to stretch existing water supplies through creative arrangements with farmers, better cooperation among water providers, groundwater and surface water supply coordination, refurbishing existing reservoirs, and more. For example, the Denver metro area could meet its projected shortfall at least 4 times over through such arrangements. Compared to many of these "supply-side" efficiencies, big new construction projects are financially expensive and cause more harm to the environment and rural economies.

The final report and recommendations, scheduled for release this spring, will be an extremely useful tool for water providers and citizens alike as we work to shape a more water-efficient future. Smart Water is truly an important piece of the puzzle for managing the complex demand for water by people and the environment. Already, we've used the preliminary findings to produce a "white paper" on water use efficiency, and to inform the debate about drought taking place in the Colorado legislature and elsewhere across the region. The white paper is available at <http://www.lawfund.org/water/water.html>.

For more information on the Smart Water Project, contact Don Wojcik, at 303-444-1188 x247.

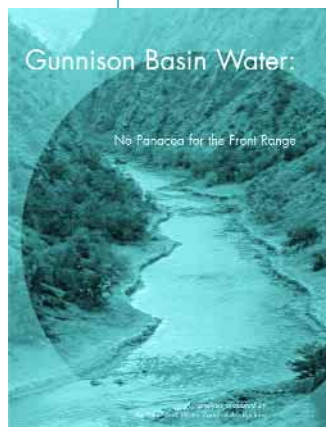
Other Water News

Endangered Species Protection: Following on the heels of a favorable decision by the federal district court judge in New Mexico, Letty Belin and Laird Lucas were busy during the waning days of last fall filing briefs for an appeal from that decision by the federal government, State of New Mexico, City of Albuquerque, and Middle Rio Grande Water Conservancy District. On January 14, Letty argued in front of a 10th Circuit panel; based on the questions asked, the panel could rule either way, but seems to have committed to a quick turn-around on their decision (by March 1), in time for the next irrigation season.

Basin Protection: After more than 18 months of research and writing, we released our report, "Gunnison Basin Water: No Panacea for the Front Range," at a January press event in Denver. The report found that there is no water currently available in the Basin for diversion to the Front Range, and that such a project would be costly and unwise. It

would undermine the local economy and stand in the way of recovering populations of several species of endangered fish. The report has been distributed among state and federal policymakers, water providers, and Western Slope interests, and has already gone through a second printing. It's available on the Web at: http://www.lawfund.org/media/pdf/Gunnison_Report_Final.pdf or by calling Claudia Putman, 303-444-1188 x227.

Coming up: In our next newsletter, we'll take a look at the consequences of damming our last wild rivers.



SS THE ROC

state, proving that a robust market was just waiting to be born. Arizona's RPS has been in place less than a year and has attracted solar manufacturing and assembly plants to that state.

Moving Forward in Colorado and Utah

Colorado's RPS initiative is modeled after the Texas example, using a 900 megawatt target for 2010. Last year, a similar bill drafted with LAW Fund assistance passed both houses of the legislature. It did not pass the House until the very last day of the session, leaving no time to create a joint bill to send to the Governor. This year, a bill sponsored by the Speaker of the House and drafted by Rick Gilliam has been introduced early in the session. This year, too, thanks to the hard work of our allies in this effort, including the Colorado Public Research Institute Group, Colorado Working Landscapes, and the Colorado Renewable Energy Society, we come with an even stronger coalition of supporters, including ranchers and county commissioners from conservative, rural areas who can see the economic advantages of bringing renewable energy plants to their communities. Unlike fossil fuels plants, new wind farms will not leave these communities with a legacy of fouled air and drained wells.

In Utah, advocates are pushing for an RPS that would assure that 10% of new power generation comes from renewables by 2013. We helped draft this proposal. Utahns believe that such a standard will stimulate rural economies. Just one 100-megawatt project would bring \$10 million in tax revenues to the state, along with construction and professional jobs, and royalties to landowners, including rural ranchers who would site wind turbines on their properties.

The LAW Fund is excited to be helping develop sound policies that protect the long-term future of our region.

Other Energy News

Clean Energy: We intervened on proposals for coal-fired plants that use outdated, polluting technology and where environmental assessments were inadequate. We're currently working on cases in Springerville, AZ, in Montana near Yellowstone National Park, and in Delta, UT. We're also working on legislation in Colorado that would require pollution controls on two large coal-fired plants along the Front Range.

Renewable Energy Atlas of the West: The demand for the Atlas, a LAW Fund publication that graphically inventories the renewable resources available to western states, counties, and towns, has exceeded our expectations. We've distributed over 2,000 copies and are headed into a second printing. The Atlas can be downloaded at www.energyatlas.org.

Coming up: In the next newsletter, we'll take an in-depth look at the energy future of the region.



SPOTLIGHT

Mike Chiropolos, Acting Lands Program Director

Mike joined the LAW Fund in October 2001 and a year later, he became Acting Director. Prior to joining us, Mike practiced federal Indian law. He has also worked as a Peace Corps Volunteer in the African Sahel, as a wilderness ranger in the Arapaho National Forest, and as an organizer for the Western Colorado Congress. Mike earned his J.D. from the University of Colorado and a B.A. in Political Science and Economics from Northwestern University. Here's Mike:

Q: What brought you to LAW Fund?

A: I joined the LAW Fund for the opportunity to protect our public lands and the challenge of taking on the Bush Energy steamroller. My job is to keep the government honest: the administration has told the public that increased oil and gas development from public lands can be done in an environmentally sound manner while complying with existing laws.

Q: What inspired you to practice environmental law?

A: I had two goals when I went to law school. One was to represent tribes and practice federal Indian law, and I did that for six years, including a great stint on the Wind River Reservation. My second goal was to practice public lands law and advocate for grand ideas like conservation biology, the wilderness ideal, holistic resource management, and a steady-state economy. So I couldn't be any happier with my current job description.

Q: What's your vision for the Lands Program?

A: First, a disclaimer: the LAW Board and staff will review the mission and focus of our Lands Program this year. In that context, here are my thoughts:

Ted Zukoski dedicated seven years to building up our Lands Program. Ted forged alliances with grassroots groups across the southern Rockies and articulated a vision of healthy ecosystems and Big Wilderness that will serve us far into the future. We've now got a great team of lands attorneys, with Joro Walker, Melissa Decker, Mindy Harm Benson, and brand-new hire, Brad Bartlett. We need every last one of them! Make no mistake - it's tough out there for our public lands and wildlife.

I want to influence policies and minds to reduce the long-term threats to public lands in the West, while honing our effectiveness at winning appeals and court cases. I believe in roadless area protection on our National Forests, adding mid- and lower-elevation BLM lands to the National Wilderness Preservation System, enforcing the law and standing firm against threats to our public lands. Legal victories can have ripple effects that protect lands beyond the borders of those involved in a particular dispute, so we choose our battles carefully.

Q: What else would you like people to know about you?

A: Something about my kids. My older boy, Nikos, is 8 1/2. He's an indefatigable hiker, currently fancies himself a car designer, likes to draw city-scapes, is partial to Harry Potter books and Sheryl Crow recordings, and can sketch a map from memory of just about any place he's ever visited. The younger one, Archer, is 7. He's game for any sport that involves movement, sketches a mean Babaar portrait, favors Little Bear books and Johnny Cash records, and thinks he's kind of funny. My dog, Gloria Little Bull, was born on the Rez as the runt of the litter and makes pretty good company at home or in the hills. I'm still trying to relive my youth on the soccer pitch and I'm absolutely useless at work every four years when the World Cup tournament rolls around. My favorite authors include Nikos Kazantzakis, Peter Matthiessen, Mari Sandoz, Bernard DeVoto, Wendell Berry, and Yashir Kemal.

From the Director

Bruce Driver



With the country's attention riveted on Iraq and the weak national economy, news of the western environment has sometimes been knocked off the front page. It is winter and the threat of forest fires, dried-up streams, farmland lying fallow, and brown lawns attributable to the continuing drought seems less imminent. Yet, the environmental issues we work on at the LAW Fund remain just as substantial, whatever their coverage in the media.

These issues endure because we are engaged in the big, critical issues that affect our environment and quality of life in the West: encouraging clean energy resources, promoting water conservation, and protecting our forests against unnecessary harm. It will take many years of work to achieve our goals in these areas, because in each case, encouraging positive change is like turning an ocean liner around—the turning radius is measured in miles. We are trying to reverse decades of policy that treated the environment as a free good, with no inherent or economic value. This work takes time and care.

In this issue of the newsletter, we highlight three long-term, significant issues on which we work: the fight to control the impacts of coalbed methane development; the drive to encourage our burgeoning cities—from Denver to Salt Lake City to Las Vegas—to improve the efficiency with which they use water; and the push to foster clean, renewable energy use in our states. The LAW Fund is leading the charge on all these issues across our region.

Mike Chiropoulos, our Acting Lands Program Director, takes you on a tour of the coalbed methane issue. Communities around our region are facing the onslaught of new drilling for coalbed methane, a form of natural gas. At the LAW Fund, we acknowledge that our region must play a role in producing secure energy resources for

the country, but we strongly oppose, as unnecessary and damaging, the all-out attempt by the administration in Washington, D.C., to open up national monuments, roadless areas, and other special places to this activity.

Bart Miller, Water Program Director, tells the story of our Smart Water Project. This project is designed to get a handle on municipal water demand in our region. Municipal water use threatens our remaining rivers and streams in this arid and now drought-plagued region. Urban water use efficiency is the principal answer to this problem and Bart explains how we are encouraging it.

**I hope you'll feel inspired
as you read about our
solutions-based approach
to the issues so central to
the West today.**

Rick Gilliam, Senior Energy Policy Advisor, and John Nielsen, Energy Project Director, explain what Renewable Portfolio Standards (RPS) are, as well as the LAW Fund's role in gaining their establishment in Arizona, New Mexico, and Nevada, and the campaign to pass them in Colorado and Utah. The RPS approach is proving to be one of the most effective means to ensure that, as we grow, our electric utilities will provide us with clean, renewable energy in the years ahead.

I hope you'll feel inspired as you read about our solutions-based approach to the issues so central to the West today. We all have a stake in responsible oil and gas development, smart water management, and measurable standards for renewable energy. We live here because we love it here, and we're honored to be able to help protect our spectacular region so that future generations will be able to love it, too.

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New Staff

The LAW Fund is constantly growing to meet the challenge of protecting the West. In the past year, we've added new staff, introducing:

Brad Bartlett, Lands Counsel: An enrolled member of the Chickasaw Nation, Brad has most recently been in private practice in Nederland, CO. His clients have included the Turner Endangered Species Fund, Western Mining Action Project, the Southern Rockies Wolf Restoration Project, Sinapu, Colorado Wild, Quiet Use Coalition, and the Reno Sparks Indian Colony. He's also put in stints with the National Wildlife Federation, Environmental Defense, and the Native American Rights Fund. He holds a J.D. from the University of Colorado. Brad joined us in February 2003 and will focus on oil and gas issues.

Mindy Harm Benson, Wyoming Representative: Mindy rejoined the LAW Fund in December 2002 and will be focusing on oil and gas issues. She was a staff attorney in our Idaho office from 1999-2001, working on issues including species protection, land use management, and water quality. Mindy graduated summa cum laude from the University of Idaho College of Law. After law school, she clerked for the 9th Circuit Court of Appeals. During Mindy's brief hiatus from the LAW Fund, she served as the Natural Resources Law Institute Fellow at Lewis & Clark Law School in Portland, OR. At Lewis & Clark, Mindy published law articles on the Endangered Species Act, water rights, and the Fifth Amendment, and served as an adjunct faculty member.

Daniel Luecke, Representative, Upper Colorado Fish Recovery Program: An environmental scientist and hydrologist, Dan has worked for more than thirty years on water resources, aquatic habitat protection, and other environmental issues. He is a graduate of the University of Notre Dame and received his Ph.D. in Environmental Sciences from Harvard University. Dan has taught at Harvard University's Center for Studies in Education and Development and currently serves as president of the board of the Colorado Conservation Foundation and the advisory board of the University of Colorado Natural Resources Law Center. Dan is also the past president of the board of the High Country News Foundation. Dan will represent the LAW Fund on the Implementation Committee of the Upper Colorado River Endangered Fish Recovery Program. His work will help protect four endangered species of fish in the Colorado and its tributaries.

Claudia Putnam, Communications Director: Claudia joined the LAW Fund in May 2002. She has a background in marketing and corporate communications management, specializing in strategic communications plans. Claudia has handled all aspects of marketing, from public relations programming, materials development, and branding, to Internet strategy. She has also worked as a freelance writer and editor, taught communications at the University of Colorado, and spearheaded citizens' environmental and educational initiatives. A summa cum laude graduate of the University of Colorado, she majored in International Affairs/Soviet Studies. She's also done graduate work in comparative religion and is shopping a novel around.

Don Wojcik, Smart Water Policy Analyst: Don joined us in August 2002 as a researcher for the Water Program's Smart Water Project. Previously, he worked as a natural resource planner for the Boulder County Parks and Open Space Department. Don gained environmental policy research experience from the Center for Urban Policy and the Environment in Indianapolis, and also worked as a civil engineer for a municipal government in the Chicago area. He holds a Master of Public Affairs degree from Indiana University, with a concentration in environmental policy and natural resource management. He also holds a B.S. in civil and environmental engineering from the University of Wisconsin.

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