

western views

VOLUME 14
SUMMER 2003

We're Changing Our Name!

Thirteen years into our mission of protecting the American West, the Land and Water Fund of the Rockies is excited to be adopting a new name this summer: Western Resource Advocates. The name reflects our growth over the past decade. We've added to our original focus, becoming a major voice for clean energy as well as speaking up for healthy lands and pure waters. In all three areas of our work—lands, water and energy—we apply a unique mix of policy expertise with legal advocacy. We remain the only regionally based group solely devoted to the spectacular landscapes of the Interior West. Watch for more information on the change this summer. Although we will have a new URL, our old web address will redirect you to the new site, so you won't miss anything.

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Logging for Water: A Modest Proposal?

By Melissa Decker, Lands Program Attorney

The current drought has people in the Interior West scrambling for solutions. Prominent among the quick fixes being bandied about is a practice known as "logging for water." The idea is simple—if you cut enough trees from high-altitude/high-snowpack public forests, water that had been used and retained by the trees will instead flow downhill in the spring, where it will be available to meet the needs of water-strapped cities.

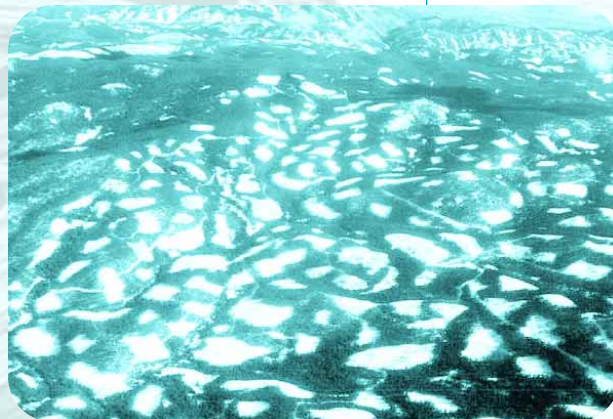
This idea sounds good to some. The problem is, logging for water doesn't work.

Logging for water not only fails to produce meaningful levels of additional water, but also leads to myriad other adverse environmental impacts. Bottom line, is you don't get any measurable

increase in water yields until you've logged off a whopping 25-40 percent of *all the trees* in a given watershed. This rises to the level of clearcutting. The American public has made its loathing of clearcutting known. Logging for water attempts to make an end-run around public sentiment.

Even after clearcutting huge swaths of our forest, increases in water yield are small and difficult to sustain. The practice only produces extra water during the spring runoff—when it's needed least. And, the largest increases occur in wet years, not during drought. These clearcuts would need to be permanently maintained in order to keep any extra water flowing.

At the same time, the long-term impacts on the environment are alarming—and predictable. Logging for water not only eats away at habitat favored by the threatened lynx and other forest-dwelling critters, but also causes enormous environmental damage to streams and fisheries. This is the case because exponential increases in sediment



The 4,100-acre Coon Creek demonstration project in Wyoming, increased spring runoff by 17 percent, but at what cost?

Photo by Biodiversity Conservation Alliance

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Going Downhill On Water Quality

S By Melinda Harm Benson, *Lands Program Wyoming Representative*

D The Bush administration may be proposing to limit Clean Water Act (CWA) protections for so-called “isolated waters,” including the seasonal streams at the heart of western watersheds.

N Earlier this year, the Environmental Protection Agency and Army Corps of Engineers announced a proposed rule-making that revisits the scope of CWA jurisdiction. An earlier

A Supreme Court decision held that the CWA did not apply to an abandoned sand and gravel pit. The Court noted that the pools were isolated from other waters, did not cross state lines, and were non-navigable. It now appears that the Bush Administration may use its rulemaking authority to expand the reach of this decision. It may be attempting to exclude from protection other “isolated waters,” including many wetlands, natural ponds, seasonal streams, and potentially larger non-navigable tributary waters.

L In our comments on the proposed rule, made on behalf of a number of citizens’ groups, the LAW Fund opposed any narrowing of the CWA’s reach. We emphasized the important role seasonal streams and wetlands play in the overall health of our watersheds, particularly in the West. Seventy-six percent of the West’s rivers do not flow year-round. These

intermittent waterways carry spring runoff into larger, interstate stream networks, and call into question the very concept of “isolated waters.”

While many national groups submitted important, general comments on the potential impacts of limited CWA jurisdiction, our comments focused on the ecological impacts associated with oil and gas development, and in particular, regional

ment. However, CBM impacts are unique in that the extraction process discharges as much as 21,000 gallons of water per day from each well. Tens of thousands of new CBM wells have been proposed for the region, with 50,000 new wells projected in Wyoming’s Powder River Basin alone. In most cases, the water is simply dumped onto the surface, much of it finding its way into dry streambeds and eventually reaching our larger streams and rivers. The Ninth Circuit Court has

recently ruled that water discharged in this manner is a “pollutant” under the Clean Water Act.

The West cannot afford to have 76 percent of its waters removed from federal clean water protections. Because our waterways are linked, polluted waters dumped in one state can easily affect another. The proposed new rulemaking appears to be yet another attempt by the Bush Administration to spur CBM and other forms of development without the appropriate environmental safeguards.

For more information on CBM development and its impacts, see “Developing Coalbed Methane Responsibly,” in our Spring issue, located in the Media/Docs area of our website. You can also find our CWA comments in the Lands/Oil & Gas Issues area at www.lawfund.org.



Aerial photo taken near Farmington, NM, showing coalbed methane development near key water resources.

Photo by Mike Chiropolos

coalbed methane (CBM) development in the West and the need for consistent, federal regulation.

While often referred to as “clean energy,” natural gas development has always had impacts on the ground, including roads, vegetation loss, and air quality impair-



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Logging for Water: a Modest Proposal? continued from page 1

S follow from the roadbuilding and clearcutting that this practice entails. Ironically, these high sediment levels significantly reduce water storage capacity by clogging reservoirs with silt.

N Logging for water will keep the forests themselves from playing their role as nature's best water managers. Forests produce and preserve water by slowing runoff from rain and snow. They actually help purify water as it percolates through the soil and into aquifers. By slowing runoff, forests reduce floods and erosion, minimizing the sediment entering streams and rivers. As former Forest Service Chief Mike Dombeck noted in the *New York Times* this spring, "mature forests do this work best. They have the best soil, and their mixed canopy—a mosaic of open and closed spots among the treetops— allows for snowfall accumulation and eventual runoff. Old trees also use less water for growth than young trees do." Nevertheless, logging for water would target these large, old trees in order to make this costly and ineffective endeavor more profitable.

Attempts to justify logging for water as a means of reducing wildfire risk also miss the mark. Logging high-altitude/high-snow-pack forests is the only method that stands to increase water levels. But these moist forests aren't a fire risk, unlike the dense, dry land that burned last summer. Instead, they only burn once every few centuries. Moreover, logging on the Continental Divide will redirect scarce state and federal funding from thinning efforts around communities where it is needed to protect lives and homes from fire.

The Colorado environmental community successfully rebuffed the first in what is sure to be an ongoing effort to make logging for water the law of the land. During the most recent term of the state legislature, a bill would have directed state forest lands to be managed to "maximize water yields" through logging. Such language would have made logging for water state policy and served as a springboard for expanding this regime to federal lands throughout the West. The Southern Rockies Conservation Alliance, a broad-based coalition of 26 envi-

ronmental groups in which the LAW Fund plays a key role as legal advisor, successfully pushed for a revision ensuring that State forests will instead be managed to "protect and restore watersheds"—clearly a better goal!

Logging for water should be seen for what it is—the latest in a series of disingenuous excuses for reintroducing large-scale industrial logging to the Interior West. The federal government has launched the largest rollback of forest laws and regulations seen since these rules were first enacted in the 1970s. Many of the proposals in the last six months promise to gut existing laws by circumscribing or eliminating pre-project environmental reviews, wildlife monitoring, and the public's right to comment on and challenge environmentally unsound forest projects. The LAW Fund has led the Colorado environmental community in voicing opposition to these measures and will continue to do so.



Lands Program News

Bruce Driver took a road trip to see for himself how western lands are being affected by oil and gas development. "It's making our western landscape look like industrial New Jersey," he said. Bruce was joined by the LAW Fund's oil and gas team, Mike Chiropolos, Brad Bartlett, and Mindy Harm Benson, for overflights of key areas slated for development.



Brad Bartlett in plane over northwest New Mexico in an area saturated with CBM development.

Photo by Mike Chiropolos

The LAW Fund filed suits in Western Colorado and in Wyoming in response to proposals to develop coalbed methane wells without adequate environmental review. In Colorado, water quality issues were central, and in the Wyoming case, critical winter range for wildlife was threatened. See the Lands/Oil and Gas Issues area of our website for more information.

Coming up:

In our next newsletter, look for a primer on the federal government's proposed changes to forest management.



Preserving Our Last Wild Rivers

By Joro Walker, Utah Office Director



Joro Walker, Utah Office Director.
Photo by DJ Strickland

It has often been said that water is the lifeblood of the West. In addition to fueling the growth of our cities, it sustains our wilderness, offering the diverse wildlife, spectacular scenery, and incredible recreational opportunities that shape our lifestyle. Imagine, then, our rivers as arteries that feed communities of people, plants, and animals. While many recognize the financial costs and just plain ugliness of the dams that clog the veins of the West, many more are unaware of how much is really at stake.

The red-brown waters of the Colorado River once thundered through the Grand Canyon in the spring, carrying almost 300,000 tons of sediment and nutrients. In the summer, as spring runoff abated, the river would mellow and its water would warm, particularly in the shallow pools along its banks. Many species of fish, including the now-endangered Colorado pikeminnow, bonytail chub, razorback sucker, roundtail chub, and humpback chub, thrived in these murky waters.

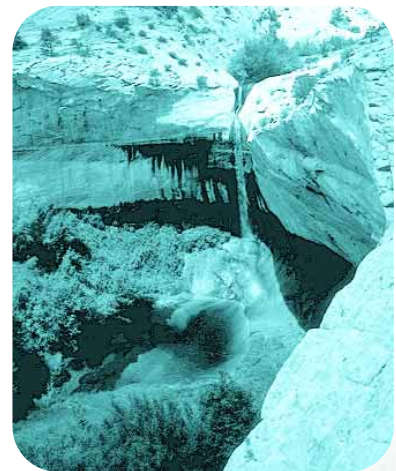
Now, the Colorado River is cold and clear as it threads the Grand Canyon. River temperature, which once varied from 35 to 85 degrees F through the year, is essentially static at 46 degrees F. Flows that changed gradually with the seasons from 3,000 to 90,000 cubic feet per second (cfs), are now kept between 8,000 and 20,000 cfs, fluctuating throughout the day in a manner that prevents the warming of shallow pools and eddies.

As a result, the native Colorado River ecosystem has all but disappeared. Four of the eight native Colorado fish are gone from the Grand Canyon, and two more may be on the verge of disappearing from this stretch of the river. Non-native fish that favor colder, clear water have thrived at the expense of natives. Otters are gone. Beaches are wearing away without new supplies of sediments, and nutrients are scarce. The balance between native and exotic plants has changed, and the natural controls that keep woody plants like willows from narrowing the stream channel have been lost.

The loss of the Colorado River ecosystem is emblematic of the devastating effects of damming a wild river. Dams are more than physical barriers, blocking fish movement and the sediments and nutrients that settle out in the associated reservoir. The operation of dams, typically to favor power generation and irrigation needs, also disrupts the seasonal flows around which the ecosystem evolved. Along with seasonal variations in flow, temperature variations are lost.

While the devastating effects of the Glen Canyon dam on the Grand Canyon can be attributed, in part, to its sheer size, smaller projects can also have significant impacts on the stream environment. For example, a dam and water storage project is planned upstream of the Grand Staircase-Escalante National Monument in Utah. This apparently modest proposal would, in fact, de-water two streams, one of which has been ranked among the three most pristine waterways in the West. At risk is riparian habitat, critical to life in the desert.

Examples abound in the river basins tributary to the Colorado River, too. In western Colorado, the Bureau of Reclamation's 3-dam Aspinall Unit on the Gunnison River has dramatically altered river flows and habitat in Black Canyon of the Gunnison National Park and for endangered fish farther downstream. The Navajo Dam has choked the San Juan River in northern New Mexico and the Fontinelle dam creating Flaming Gorge reservoir has backed up the Green River in northeastern Utah.



Upper Creek Falls in the Grand Staircase-Escalante National Monument

Photo by BLM

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The effects of these dams exemplify the destruction of river ecosystems occurring nationwide—currently, in the United States, there are approximately 75,000 dams greater than six feet high. Despite these numbers, the push for dam construction continues. At the same time, existing dams are typically operated to maximize power generation or water delivery, and not to protect ecosystems and wildlife.

The magnitude of the threat posed by dams requires a resolute response. Because more streams and rivers are dammed than not, and more ecosystems are damaged than not, an essential first defense is to keep our few remaining wild rivers flowing free. The LAW Fund is actively working to block dam-building in the Grand Staircase-Escalante area. While other groups encourage the removal of many existing dams, particularly those that are obsolete, old, and in disrepair, the LAW Fund promotes operating dams in a manner that will minimize adverse impacts to river ecosystems. We also work for increased water use efficiency throughout the region as a sound alternative to building more dams.



Water Program News



Gunnison River press event: Pictured are Drew Peternell of Trout Unlimited, Wendy McDermott of High Country Citizens' Alliance, and Bart Miller, LAW Fund's Water Program Director.

Photo by Claudia Putnam

Gunnison Basin: Water Program Director Bart Miller spoke at a Denver press conference publicizing American Rivers' Most Endangered Rivers report. Colorado's Gunnison was listed as the nation's 5th most endangered river, due to the federal government's willingness to defer control over its water rights for Black Canyon of the Gunnison National Park to the state. In addition to jeopardizing attempts to restore natural flows in this park, which is centered on the river, the decision could make it easier for the Denver area to import Gunnison water. Bart is assisting several local citizens groups in challenging the agreement.

Breaking News: The 10th Circuit Court has just ruled in favor of the Middle Rio Grande silvery minnow, in a case the LAW Fund has led since 1999. See the Water/Endangered Species area of our website for more information.

Smart Water: The Smart Water Report will be available in July. For more information, check the Water/Efficient Water Use area of our website.

Coming Up: In the next issue, look for a story about our work in river restoration.



Energy Program News

Rudd Mayer, former Green Marketing Program Director, was recognized posthumously as one of twelve leading Wind Power Pioneers. The U.S. Department of Energy's Wind Powering America team recognized Rudd for her innovative program, which helped catalyze public support for wind power in Colorado and resulted in nearly a quarter-billion dollars worth of investments in wind power in the region. Current Green Marketing Director Susan Innis accepted the award on Rudd's behalf from Larry Flowers at the Wind Powering America State Summit, held after the Windpower 2003 conference in late May in Austin, Texas.

Coming up: In the next newsletter, Green Power Marketing Director Susan Innis will discuss green power pricing.

Critical Conversations

Series: The Land and Water Fund "Critical Conversations Series" continues on July 9th. Join us for "Fueling the West: Discussing the Region's Energy Future," focusing on how clean energy sources can be mixed with conventional fuels to improve our quality of life. The talk will be held in Boulder at the Chautauqua Community House at 7:30 PM. See our website at www.lawfund.org for more details.



A Plan for Powering the West

By John Nielsen, Energy Project Director

As we make ourselves at home in the 21st century, we in the Interior West must consider the best way to generate enough electricity for the growing population of our region. Advocates for renewable energy and better energy efficiency have made a real case for adding more clean energy sources to the power plant mix. Others, however, have raised concerns that investing in more renewables and efficiency measures is too expensive and jeopardizes our economy. We're about to release a report that will help settle this issue.

Our report will systematically examine the costs, environmental benefits, and reduced risks associated with increasing the amount of clean power in the West. Looking at the entire power grid for the region, the Land and Water Fund has run analyses that directly compare a business-as-usual



Public Service Company of New Mexico will be purchasing the output of this 204 MW wind project currently under construction near House, NM.

Photo by PNM

approach with a clean-power alternative. The business-as-usual scenario assumes that we will continue to invest heavily in traditional fossil fuel power plants. The clean-power scenario assumes we add a set of clean energy options, balancing the goals of maintaining reasonable electricity costs, managing risk, and protecting the environment.

Last summer, the LAW Fund released the Renewable Energy Atlas of the West, which inventories the renewables potential of each state—down to the county level. Last fall, our colleagues at the Southwest Energy Efficiency Project released an assessment of our region's energy efficiency potential.

These studies were a prerequisite to developing the clean-power plan, since the analysis had to be based on accurate information on available clean resources.

Our next report, scheduled for release this fall, takes these clean resource assessments and crafts them into a region-wide electric plan. We'll compare our plan with the business-as-usual approach, focusing on the costs of providing electricity, required transmission system investments, and the impacts of greenhouse gas emissions and other air pollutants. The study will also assess the comparative risks associated with each scenario—fluctuations in fuels prices, the costs of meeting future environmental regulations, and the problems of maintaining a reliable western electric system when drought reduces the availability of crucial hydroelectric resources. In short, the report spotlights the path forward as we bring more clean energy into our future.

This summer, we'll be traveling around the region giving presentations on our findings. We'll distribute the report to regional stakeholders, including legislators, utility commissions, utilities, and others involved in planning for sustainable growth in our region. In addition to the obvious environmental benefits of clean power, there are some very real *business* reasons why getting more power from these sources makes sense, and why the West cannot afford to continue with business as usual when it comes to energy. The LAW Fund makes this case tirelessly, in forums ranging from state legislatures to farmers' unions. For more information on our clean power work, see the energy area of our website at www.lawfund.org



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SPOTLIGHT

Eric Hirst



Board member Eric Hirst first became involved with The LAW Fund in 1992, when he joined the organization for a year-long stint funded by the Department of Energy.

As a senior researcher at the Oak Ridge National Laboratory in Tennessee, Eric had been focusing on a process called "Integrated Resource Planning," (IRP) which offers a way to get cost-effective renewables and energy efficiency into a utility's power source mix. Through the IRP process, utilities examine the costs and benefits of alternative energy resources alongside traditional fuels such as coal and natural gas.

As he'd already spent a year working with a utility to gain professional perspective, Eric decided he needed another year with an environmental group. After researching various groups, he discovered that the LAW Fund was doing ground-breaking work helping utilities plan for renewables and increased efficiency and signed on to help.

"That was a fabulous year," Eric says. He worked closely with then-Energy Project Director Bruce Driver. "I really came to respect the organization's approach of taking an environmental agenda and improving the system by working *with* energy providers and utilities commissions. The group still has that unique approach of using engineering, science, economics and policy analysis to understand the issues first, then using its knowledge of the law to provide guidance and enforcement."

After his year in the office, Eric continued to assist the LAW Fund with expert testimony in key cases. When Bruce Driver became Executive Director in 1999, he recommended Eric for Board membership.

Eric continues to be excited about the LAW Fund and the commitment of its staff. His main concern these days, he says, is "the Bush Administration's unfortunately successful assault on public lands for oil and gas extraction, grazing, and logging." Because the Administration has been so successful at carrying out its anti-environmental agenda "under the radar, we really need the Land and Water Fund. With its expertise in water, drought, forests, and energy, the LAW Fund can offer more productive, environmentally benign solutions that will work over the long term," he says.

Eric spent 30 years at the Oak Ridge lab, and has been in private practice as an energy consultant for seven years. He lives with his wife, Susan, in Bellingham, WA, close to his children and grandchildren.

John Fielder

The Art of Seeing

A Photography Workshop to Benefit
The Land and Water Fund of the Rockies

Saturday and Sunday
September 20 and 21, 2003



Join Colorado's leading landscape photographer, John Fielder, for an exclusive two-day workshop in Rocky Mountain National Park, where fall colors, form, texture, and perspective come together in exquisite compositions. This workshop offers photographers of all levels a chance to learn from one of the finest outdoor photographers in the country. This is the only photography workshop John Fielder will conduct on the Front Range this year. Proceeds will benefit the Land and Water Fund of the Rockies. For more information, visit our website at www.lawfund.org, or call DJ Strickland at 303-444-1188 ext. 212.

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THE ROCKIES

From the Director



This newsletter introduces a topic that may come as a surprise to many. This summer, the Land and Water Fund will change its name to Western Resource Advocates. We're thrilled about this change, because the new name better reflects who we are. Call it truth in labeling.

We've been the Land and Water Fund of the Rockies since 1989, but we have simply outgrown this picturesque name. For one thing, we've never been a fund. Nor has our reach been limited to the Rockies—we're active in Arizona and Nevada as well as in the Rocky Mountain States. Many years ago, we expanded our work beyond the realms of land and water, when we began working on energy issues as well. Finally, our familiar acronym, LAW Fund, does not convey the full scope of our work. In addition to the law, we have expertise in economic, ecological, engineering, and cultural issues in our region. While litigation remains an important part of the work we do, we also analyze issues, publish ground-breaking reports, develop policies, testify before government agencies and legislatures, and increasingly, speak out in our own name.

That name needs to reflect the organization we have become. After more than a year of searching, we selected Western Resource Advocates because the new name emphasizes the region where we live and the many resources we work to protect. It also shows our passion for this work—we are solid advocates for a sustainable future here in the west. Over the summer, you will be receiving a series of communications from us introducing our new name, look, and website.

While the new name is a measure of our growth, we will be sticking to the very real business of protecting our western environment. As we've risen to the challenge of making a difference here in the West, we've expanded our work into the arenas where we saw we could do the most good. This expansion has been gradual and organic and may continue. But as Western Resource Advocates, we expect to be even more effective in the work we're known for.

This newsletter is full of good reporting on the work we do. For example, Lands Program experts Melissa Decker and Melinda Harm Benson talk about how water issues are interrelated with public lands management concerns—logging and responsible coalbed methane development, respectively. Our Utah Office Director, Joro Walker, explains what's at stake when we address drought by building more dams instead of pursuing water efficiency measures.

In Energy, John Nielsen outlines our new clean energy report, scheduled for release later this summer. This report is a prime example of our western resource advocacy at its best—using our knowledge of science, engineering, economics, and law to inform a constructive debate about the future of the region.

As you can see, our new name—Western Resource Advocates—much better communicates what we do. We assume that it will take some getting used to by you, our supporters, as it has for us. But we like it. We hope you do, too. It is who we are.

Bruce C. Driver

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