



western views

THE SHIFT IS ON: Colorado's PUC Approves Plan to Swap Coal for Renewables

Hard work by Western Resource Advocates over a decade has spurred a large energy company to decide to decommission fossil-fueled power generation in favor of cleaner energy resources and reductions in greenhouse gas emissions.

The Colorado Public Utility Commission (PUC) granted final approval to Xcel Energy's Electric Resource Plan, allowing Xcel to phase out two aging coal-fired power plants and greatly expand energy efficiency programs and use of clean, renewable energy sources.

This is the first time that a PUC has approved a utility resource plan to retire old and inefficient coal-fired power plants and replace them with cleaner, more modern power generation, with the goal of cutting global warming pollution.

The approval of the revolutionary resource plan marks a significant milestone in WRA's efforts to push for large-scale reductions in greenhouse gas emissions by electric utilities in the West. WRA has worked for more than 10 years to convince Xcel to expand investments in clean energy technologies and reduce its reliance on fossil fuels. In recent proceedings, WRA provided extensive expert testimony on the carbon reduction and public health benefits of the Xcel plan, key factors cited by the PUC in its approval.

"This is a pioneering decision by the PUC," said John Nielsen, WRA's Energy Program director. "It clears the way for Xcel to put into action what is arguably the most innovative utility resource plan anywhere in the country, and it will only strengthen Colorado's status as a clean energy leader."



PHOTO: XCEL ENERGY

Xcel's innovative resource plan sets a benchmark for other utilities and states to follow.

Resolution, at Long Last, on Black Canyon of the Gunnison

A settlement has been reached on water rights for the Black Canyon of the Gunnison National Park, resolving a controversy that has raged for more than 30 years.



PHOTO: TONY AND SUE BEEMAN

Since the construction of the three Aspinall Unit dams on the Gunnison River, flows in the Gunnison have been determined largely by the schedule of hydropower generation at the dams and water rights calls on the river. WRA's Water Program, headed by Bart Miller, was instrumental in negotiating a change in river operations to more closely mimic natural flows for the benefit of the national park, the river's health, aquatic species, and economically important recreation.

"The settlement is a huge win for the basin," said Miller. "It benefits the park, but also accommodates other users of the Gunnison River."

The length of the negotiation process was due to the thorniness of the issue of water rights for the park and the deeply entrenched values of some of the parties, as well as the sheer num-

ber of stakeholders involved. Interests at the negotiating table included Gunnison Basin irrigators, hydroelectric power producers, recreationists, three federal agencies, the State of Colorado, towns concerned about flood control, anglers, and environmental groups.

"The settlement is a huge win for the basin."

—Bart Miller, WRA Water Program Director

The settlement stipulates that the river will have a year-round minimum base flow of 300 cubic feet per second plus an annual peak flow and supporting "shoulder" flows on either side of the peak that will vary each year depending on the river's natural inflow.

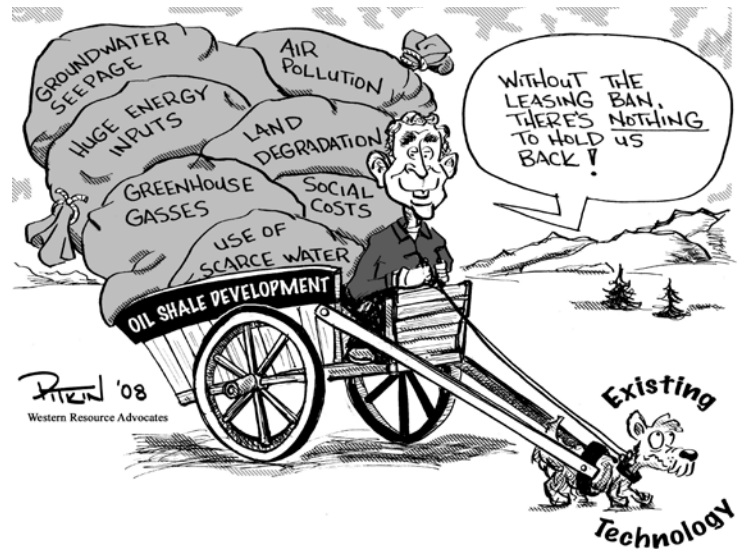
WRA Fights Oil Shale Leasing Regulations

WRA has strenuously opposed draft regulations issued by the Bureau of Land Management (BLM) in July to begin commercial-scale leasing of millions of acres of oil-shale-bearing lands in the West. These draft regulations were held in check by a Congressionally authorized moratorium prohibiting issuance of final leasing regulations. But at the end of September, the moratorium was allowed to expire, and the Bush Administration has made clear its intent to finalize the draft rules.

As WRA pointed out in its comments to the BLM, the draft regulations are premature. No viable technology currently exists that is capable of commercial-scale oil shale extraction. The processes under development are beset by problems such as energy and water requirements, pollution, and lack of cost-effectiveness that prevent industrial implementation.

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In the absence of a viable technology, the draft regulations cannot properly address the issues of royalties, diligence requirements, and other elements of leasing on public lands. The U.S. Treasury stands to



lose billions of dollars as these rules, favorable to industry, attempt to regulate the unknown.

“Knowledge must precede action, but in this case politics is preceding common sense,” said David Abelson, who is marshalling WRA’s response to oil shale development. “Research and development must be completed so we can understand if this industry will develop, and if it does, what problems we’ll need to address. Drafting these regulations was a waste of taxpayer dollars. But if they are implemented, the costs will be far, far higher.”

Ely Energy Plant Delay Offers Opportunity for Renewables

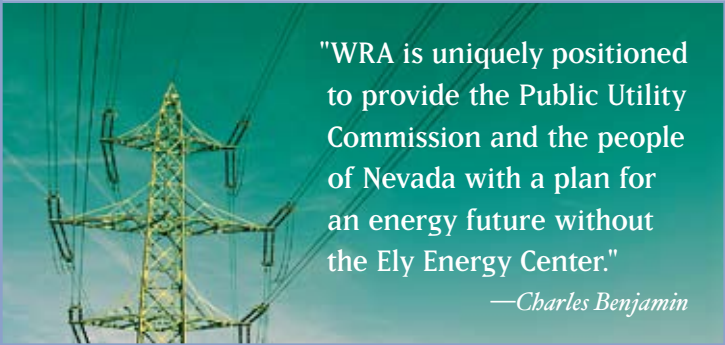
Problems with permitting a coal-fired power plant in Ely, Nevada have opened the door for WRA and a consortium of other organizations to push Nevada power companies to accelerate their adoption of renewable energy generation. WRA, through its Nevada office, is leading the push to move the companies away from greenhouse-gas-emitting power generation.

The Ely plant had been envisioned as a major part of the solution to Nevada’s growing energy demands. Now that permitting requirements and an increasingly unfavorable economic environment are creating significant doubts about when the plant could come on-

line, other alternatives are being examined. While natural-gas-fired plants are an option, for the first time and at WRA’s urging, serious consideration is being given to exploiting Nevada’s abundant supply of renewable energy.

WRA’s Charles Benjamin is the tip of the spear that has prodded Nevada agencies and energy companies to realize there are options to building more coal plants. “Delays in permitting, ever-rising construction costs, and uncertainties regarding future greenhouse gas regulations are causing Nevada’s Board of Consumer Protection and Nevada’s PUC commissioners to question the wisdom of going forward with the 1,500-MW Ely Energy Center,” says Benjamin. “WRA is uniquely positioned to provide the Public Utility Commission and the people of Nevada with a plan for an energy future without the Ely Energy Center. In the coming months I’ll be working with my colleagues at WRA and our partners in Nevadans for Clean Affordable Reliable Energy to put forth an energy plan for Nevada based on Nevada’s vast resources of geothermal, solar, wind, and biomass resources and greater efficiencies in the use of energy.”

Benjamin and WRA, along with Nevada Senator and Senate Majority Leader Harry Reid, are moving yet another western state toward adopting an energy plan based on clean, renewable energy.



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—Charles Benjamin

Saved from the Drill

WRA Pushes Back Against Questionable Southern Colorado Lease Sale

WRA successfully challenged the inclusion of 145,000 acres of Rio Grande National Forest in a Bureau of Land Management (BLM) oil and gas lease sale, forcing the withdrawal of that acreage from the sale. The Rio Grande National Forest is not known to have extensive oil and gas resources. The lease proposal shocked local residents, who questioned its size as well as the inclusion of high-value forestlands in an area with questionable oil and gas deposits.

"By stepping back to 'look before it leaps,' the Forest Service avoided repeating the mistakes it has made on other National Forests across the Rockies."

—Mike Chiropolos, WRA Lands Program Director

WRA successfully argued that the federal agencies had not carried out any analysis of the environmental impacts of drilling in the forest since 1995, when only 23 additional wells were planned. The proposed leasing of



PHOTO: BUREAU OF LAND MANAGEMENT.

more than 145,000 acres could result in hundreds, if not thousands, of wells. The impacts to the forest of this monumental increase in drilling had not been considered by the BLM. The BLM rescinded the lease sale until a more thorough analysis can be done.

"Not leasing now was the right decision," said WRA Lands Program Director Mike Chiropolos. "By stepping back to 'look before it leaps,' the Forest Service avoided repeating the mistakes it has made on other National Forests across the Rockies."

The initial lease sale, which was scheduled to occur on May 8th, put more than 175,000 acres up for lease in 14 Colorado counties. The vast majority of these lands were in the Rio Grande National Forest, which had not had a single acre leased for oil and gas drilling since 1994.

Membership Matters: We Need You!

Now, more than ever, the West's storehouse of natural resources is being exploited for national use, with substantial environmental consequences here in the region. We must ensure that our precious water resources are being used efficiently, our public lands are protected, and that we end our reliance on fossil fuels in favor of clean, renewable energy sources.

To do this, we need your help.

By becoming a member of WRA, you directly support our programs to protect the West's land, air, and water.

Our successes are possible only through the loyalty of our members. Even as you read this

If you have not already joined WRA or sent your annual contribution, please do so now.

newsletter, we are working to make clean energy accessible to large markets, and to preserve wildlife habitat and the natural beauty of the West. We are leading the opposition to oil shale extraction and its devastating impacts, and defending our communities and public lands from rampant oil and gas development.

This work would be impossible without you. **Your membership matters.**



Karin P. Sheldon

Karin P. Sheldon
Executive Director

spot
light



Debbie
Lewis

Lands Program attorney Debbie Lewis took a circuitous route to WRA. Born into a first-generation American family in the steel mill and melting pot town of Gary, Indiana, Debbie left to study French education and nursing at Purdue University. After a year at Northwestern Memorial Hospital in Chicago, she realized nursing was not for her. She moved with her ophthalmologist husband, Stuart, to Denver and enrolled in the University of Denver School of Law. Following law school, Debbie worked for 11 years as an attorney advisor at the U.S. Department of Agriculture's regional office of the Office of the General Counsel. In this capacity she served as an advisor to the U.S. Forest Service on a broad range of natural resource issues.

Anxious to be more involved in conservation advocacy, Debbie came to WRA as a Lands Program staff attorney in April 2007. She represents conservation clients to curb ecosystem damage from off-road vehicles through the travel planning processes of the Forest Service and the Bureau of Land Management. "In only one year, we've been able to persuade the agencies to adopt policies that move them in the direction of less environmental damage and fewer conflicts with non-motorized users," Debbie explains. She enjoys mentoring young law students and has enlisted the help of several legal interns who have provided invaluable legal research.

Debbie and her husband have two daughters who live in New York City and give them an excellent excuse to visit Manhattan and the East Coast. Bicycling (her latest trip was touring the Dalmatian Coast in Croatia), backcountry skiing, and tennis are Debbie's idea of fun—and a real change from the demands of Lands issues. WRA is lucky to have Debbie on the Lands team!

Colorado Moves Forward with New Oil and Gas Rules

In late September, the Colorado Oil and Gas Conservation Commission (COGCC) approved a sweeping set of new rules governing oil and gas drilling in the state. This broad set of reforms will require the oil and gas in-

dustry to implement new safeguards to better protect Colorado's water supplies, air quality, lands, and wildlife. Although substantial compromise was required by all participants in the rulemaking process, the end result is improved protection from the activities of a booming energy industry.

Among the changes in the rules were measures to protect drinking water and wildlife habitat, control odor and dust, and require disclosure



Changes included measures to protect drinking water and wildlife habitat, control odor and dust, and require disclosure of toxic chemicals used in the drilling process.

After his election, Governor Bill Ritter changed the make-up of the COGCC, turning it from a board dominated by the industry to one more representative of other perspectives. The new commission responded to citizen concerns about the failure of outmoded oil and gas drilling rules to protect the state from the negative environmental and social impacts of an extraordinary drilling boom.

of toxic chemicals used in the drilling process. Rules regarding the safety of open waste pits, which often contain toxic substances, were deferred for future deliberations.

WRA attorneys represented a coalition of environmental groups in the rulemaking proceedings and played a large role in providing expert testimony and battling industry efforts to water down or eliminate needed protections.

Colorado's approach of reassessing a broad array of regulations all at once sets a precedent for other states similarly confronting drilling booms. Some of the approved rules break new ground, while others bring Colorado closer to the protections imposed by neighboring states.

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