



March 31, 2021 Issue No. 34
<https://mountaintownnews.net>

Can Wyoming stall Colorado's exit from coal?

by Allen Best

In 2009, Wyoming was riding high on coal. It supplied the coal that provided roughly half the nation's power generation. The trains out of the Powder River Basin were almost non-stop, delivering the sub-bituminous low-sulphur coal from Wyoming's subterranean to plants as far as Florida.

The Sierra Club had mounted a campaign in which it made fun of coal as a "dirty fuel." One striking video had a lively young couple in the upper bunk delighting in the company of one another, and in the lower bunk a more pudgy young man fondling lumps of coal.

Still, when I visited Gillette, the center of the Powder River Basin, in April 2009 for a story that was published in Planning

Laramie River Station not-so-indirectly at center of proposed legislation in Capitol in Cheyenne

magazine, I heard no evidence of great worry.

Renewables? Nice, but ...

Since 2008, coal production in Wyoming has declined by about half. Employment in the mines fell 40% over the decade ending in 2020.

The Casper Star-Tribune reports more disturbing news yet for Wyoming's coal economy. Coal production in last year's final quarter dropped by over 20% across the Powder River Basin. And recently, in a span of less than three months, two mines in the basin announced plans to close.

A trio of bills introduced into the Wyoming Legislature seeks to stem this decline. The argument underlying the proposed laws is that coal-fired generation must remain to ensure grid reliability.

- One bill soon to be given to Gov. Mark Gordon for his signing before becoming law takes sharp aim at Colorado legislators 100 miles to the south along Interstate 25. House Bill 207 earmarks \$1.2 million for use by Wyoming's governor and attorney general to potentially sue other states restricting the import or use of Wyoming coal.

The central nexus for this not-so-friendly fire is Laramie River Station, a coal-fired

power plant located near Wheatland, which is 70 miles north of Cheyenne. Basin Electric Power Cooperative operates the 3-unit plant and had 42.27% ownership in 2018. Metro Denver-based Tri-State Generation & Transmission had 27.1% ownership.

One unit sends power eastward, and power from the other two units is distributed in the Western grid—some of this to the 8 electrical cooperatives in Wyoming who are members of Tri-State, but more of it south into Colorado.

The bill was approved by the Wyoming House last week and by the Wyoming Senate on Wednesday afternoon. The two chambers must agree on the amount before it is sent to the governor.

The authorization is described by a University of Chicago Law School professor who specializes in electricity and the grid as a “waste of money.”

Two other bills appear to be directed at PacifiCorp, the largest utility in Wyoming. Last year PacifiCorp announced plans to close 2 of its coal-burning units at the Jim Bridger Power Plant near Rock Springs and the two remaining units of the Naughton plant near Kemmerer. It also operates the giant but aging Dave Johnston plant near Glenrock.

- House Bill 166 would require utilities to take additional steps before they can receive approval from state regulators to retire aging coal or natural gas plants. That includes proving evidence that closing of the coal or natural gas plant would not threaten power reliability and would deliver “significant cost savings.”

- House Bill 155 would task state regulators with analyzing how closing a coal or natural gas plant could affect grid reliability in Wyoming and nationwide before permission can be granted for retirement.

W Wyoming State Rep. Jeremy Haroldson, a freshman legislator from Wheatland and a sponsor of H.B. 207, explained his reasoning for why Wyoming

needs more money allocated for lawsuits. In a recent legislative hearing, he cited Colorado’s 2019 legislation, although he didn’t get the details quite right. He said that Colorado requires Tri-State to meet 80% renewables by 2034. (Tri-State wasn’t required, but it has agreed to reduce its emissions 80% by 2030 as compared to 2005 levels).

“We can’t hold an 80% renewable portfolio with current technology,” he said, according to a transcript of the meeting provided to Big Pivots. “And this isn’t a wind or solar battle we’re talking about. This is a power technology issue that we are having a problem with, where if we don’t have a way to produce reliable energy, then we are finding ourselves in a place where we’re going to see lives potentially lost. And so out of that came House Bill 207.”

The legal argument described by Haroldson is that Colorado’s decision about its power generation mix within Colorado constitutes a violation of the commerce clause of the U.S. Constitution when it has repercussions on power providers outside Colorado. He cited the precedent of North Dakota suing Minnesota over Minnesota’s requirements governing electrical power that extended to imported power.

A U.S. District Court in 2016 struck down Minnesota’s Next Generation Energy Act limiting electricity from coal-fired sources from North Dakota because of violation of the dormant Commerce Clause provision of the U.S. Constitution. The case is somewhat complicated but was dissected in this review by a law school professor in this 2018 posting on [Energy Central](#).

Joshua Macey, an assistant professor at the Chicago Law School who specializes in



Jeremy Haroldson



Wyoming’s Laramie River Station has a total generating capacity of 1,710 megawatts, larger than the Craig and Comanche power stations, Colorado’s largest plants. Tri-State Generation and Transmission plans to retire the third unit by 2033, according to its December filing with the Colorado PUC. Photo/Allen Best

energy law, is skeptical that Wyoming is spending its money wisely.

“I don’t see any possible way that Wyoming is going to recover the money, that (a lawsuit) will succeed,” he told Big Pivots. “It is a waste of money.”

Macey says he is intimately familiar about the court case in which North Dakota prevailed against Minnesota. An article that he co-authored called “[The Federal Power Act’s Bright Line](#),” which was published in February by the Harvard Law Review, discusses that case at length.

In the Minnesota case, the law was written sloppily and there was the additional complication that Minnesota and North Dakota are both within the Midwest Independent System Operator system. Neither is the case with Wyoming vs. Colorado, if it comes to that.

Under the Commerce Clause, Colorado cannot say it will use only that electricity that is produced in Colorado. It can, however, say that it has environmental goals and that how the electricity is created must conform with Colorado’s laws.

Grid reliability is another tenet of the Wyoming bill.

In the Wyoming legislative committee, Haroldson said the technology capable of protecting the grid’s reliability has not been delivered and removing coal plants will impair that reliability.

Wyoming’s message to Colorado, he said, should be: “Hold on, let’s get some technology in place. Let’s do, let’s figure out carbon capture and those types of things, so we can produce clean, effective power that’s going to bring generation to the Front Range, that’s going to help make sure that

we have a reliable power grid and do it in a way that's intelligent."

For Tri-State to meet its voluntary commitment to achieve an 80% reduction in carbon emissions by 2030 in Colorado, it must reduce imports from Wyoming. But the market for energy generation is already pushing Tri-State that way.

On Tuesday, Tri-State said that it was taking no position on HB-207.

"As an interstate power supplier operating across four states, we recognize and respect that each state has its own values on, approaches to and concerns about energy and environmental policy, and its own jurisdiction over utility facilities and resources," said Mark Stutz, public relations specialist for Tri-State in an e-mailed statement.

The Colorado Attorney General's office declined to comment.

In Wyoming Shannon Anderson of the Powder River Basin Resource Council described the allocation as a wrong-headed move for Wyoming. "It's a chunk of change in a state strapped for cash and with limited opportunity for creating the change that bill sponsors want.

"\$1.2 million may not seem like a lot of money in some places, but in Wyoming it is. It's more than some agencies have for a whole year," said Anderson, the staff attorney.

Wyoming's government already is well staffed with attorneys versed in coal issues. This money will go to private sector legal firms, who tend to be costly, she said. "And what does it give Wyoming, if anything, in return?" she asked.

The bill passed on third reading in the Wyoming Senate on a 26-4 vote on Wednesday afternoon.

Duane Highley, chief executive of Tri-State, said at a February forum organized by the Sierra Club that Tri-State plans to cease taking power from Laramie

River by 2033 and a coal plant in Arizona called Springerville by 2038.

"Those aren't commitments," he hastened to add, but the outcome of a single snapshot under a certain set of assumptions. Cost of power is at the bottom of it.

"The economics dictate that you can't continue to operate some of the lowest-priced coal plants in the country," he said.

In 2018, the Rocky Mountain Institute studied Tri-State's coal-burning fleet and found that only Laramie River was delivering power at a rate better than what could be had from renewables.



Duane Highley

In his Sierra Club-Zoomed presentation,

Highley also emphasized the relatively low cost of coal from Laramie River, likely a consequence of its relative proximity to the strip mines of the Powder River Basin two hours to the north.

It's a coal plant with one of the lowest operating costs in the nation, he said.

Laramie River delivers coal-fired power at 1.1 cents per kilowatt-hour. This compares with an average 1.7 cents per kilowatt-hour for both wind and solar in the 1,000 megawatts of wind and solar projects that Tri-State plans in the next few years. But wind itself sometimes approaches 1 cent per kilowatt-hour, and solar is routinely less than 2 cents, he added.

Tri-State supplies customers in Nebraska via the powerlines from Laramie River connected directly to the Eastern Interconnection Grid. That grid, in the Great Plains, is laden heavily with cheap wind.

"Laramie River on that side sometimes has trouble running because there is so much wind available and it's at such a good price that even one of the lowest priced coal plants in the nation has trouble competing," he said, referring to Laramie River.

Reliability—the core argument in the Wyoming bills—is another matter.

First, a note about the reliability of coal plants. The fuel is consistent, but they have their problems, as can be seen at Comanche 3, the relatively new coal plant at Pueblo, which was down for repairs during much of 2020.

Highley addressed reliability in his Sierra Club appearance.

“I cannot leave this subject without talking about reliability, because we can only move as fast as we can reliably make power. It’s job one for us. If we fall down on that job, literally public health and safety and lives that could be lost are on the line. We have to keep that our first and foremost priority.”

Coal, he said, does have reliability.

“What does a coal project have? it has a 30-day supply of coal on the ground at the plant site.”

As for battery storage – the lithium-ion technology hasn’t arrived yet to meet the needs of a very-low-carbon future.

“The battery that a utility can buy today lasts somewhere from 2 to 4 hours. A 6-hour battery is pretty much of a stretch,” Highley said.

He cited an example from this winter. “We had a period in Colorado when we had about 3 days of gray skies and no wind,” he said. “Those would be very difficult days for us if we didn’t have fossil fuels in the mix today.”

Batteries can help, but they need to provide storage for 24 to 48 hours, he went on to say. Too, while costs have declined, they need to continue to decrease.

“We are looking for the storage technology that is better than lithium-ion



batteries and has a scalability that would be suitable for— finally— a former coal plant such as the Craig site. We think this is one of the best (sites) in the Western grid for mass storage at utility scale,” he said.

Tri-State has been working with the Electric Power Research Institute on a \$100 million low-carbon research initiative in the hope of securing energy storage technology needed to fill in the gaps of renewables. Leading contenders, said Highley, are hydrogen and ammonia. Tri-State hopes to have that

technology in place by 2030, when it takes the last of the Craig units off line.

Can natural gas fill the void? Perhaps. That is what Colorado Springs Utilities sees as it closes its coal plants. Highley said Tri-State is considering it—and he doesn’t see a concern about creating infrastructure that becomes an expensive stranded asset.

“When we retire Craig Unit 3, we need something that can run for those 3 or 4 days a winter—primarily winter—when we’re not getting wind and solar input. That gas plant is the plan. It runs a very small percentage of the time, and we still achieve 80% even when burning natural gas for reliability.”

Highley said Tri-State is looking at an internal-combustion type of natural gas plant introduced by General Electric. That’s the same plant that Colorado Springs plans to use.

But the plant may not necessarily have to burn natural gas. If hydrogen technology can be developed, renewable energy can be created to produce hydrogen, which can be stored and then burned as needed to fill in the gaps of storage.

Can Colorado pick up speed in slowing its GHG emissions?

by Allen Best

Meetings of the Colorado Air Quality Control Commission had a certain predictability in much of 2020, particularly the latter half. Almost every month commissioners heard complaints from environmental groups and sometimes legislators that the commission was moving too slowly in decarbonization work.

The AQCC was given primary responsibility in 2019 by state legislators to adopt the rules necessary to achieve the economy wide carbon reductions of 50% by 2030 and 90% by 2050 identified in SB 236.

The AQCC indeed accomplished a lot in 2020 with rules intended to suppress emissions from the oil and gas sector and pick up the pace on adoption of electric vehicles, to cite just two examples.

But there was a growing sense in the comments of environmental organizations that the pace was too slow.

During the summer, State Sen. Faith Winter, a Democrat from Adams County, and then-House Speaker KC Becker, a Democrat from Boulder, appeared before the AQCC to call for accelerated action.

The response from the Air Quality Control Commission, the agency that works with the appointed members of the AQCC, was that the resources weren't there to do all the rulemakings everybody wanted.

Now comes a bill, [SB 21-200](#), sponsored by Winter with three other prime sponsors

that seeks to both push and pull the AQCC forward.

The heart of the bill would require the AQCC to create sector-specific emissions goals by March 2022. The Polis administration, through its decarbonization roadmap that was released in January, has identified strategies by sectors. This would harden the efforts for transportation, oil and gas, and buildings.

For example, the bill would set a 2030 target of 8 million metric tons of carbon dioxide equivalent from the oil and gas sector. This compares with 13 MMT CO₂ for 2025. The baseline of 20.17 MMT CO₂ was set in 2005.

The transportation sector would be ratcheted down to 23 MMT in 2025 and 18 MMT in 2030 compared to the 30.71 MMT baseline. The reductions in the residential, commercial, and industrial energy use would be smaller but still significant.

The targets identified in the bill come from the Polis administration's roadmap. The bill would, however, put those sector-specific targets into law.

The AQCC would have some flexibility to juggle the goals as it goes about setting the rules resulting in rapidly declining emissions.

The bill, said Stacy Tellinghuisen, senior climate policy analyst at Western Resource Advocates, seeks to ensure the decarbonization roadmap "doesn't end up collecting dust on the shelf and (the goals) actually becoming a reality. We're trying to make sure we have the rules and policies that drive the achievement of those reductions."

The proposal would also make even more clear than the 2019 legislation that AQCC is the agency within the state government that needs to be laser-focused on creating the rules that will get the state to its targets.

Bill introduced this week proposes to give air pollution division more money and mandate commission to meet greenhouse targets

Adriana Gonzalez, director of Colorado climate and clean energy policy at the Natural Resources Defense Council, had a similar comment.

“While Gov. Polis and his team released the Greenhouse Gas Pollution Reduction Roadmap in January, many clean energy and climate justice advocates will feel anxious about the near-term plan to ensure appropriate action and accountability. That’s where SB 21-200 comes in. It puts in place more structure, authority, and deadlines while leaving plenty of room for each industry to innovate and create the solutions that work best for them.”

In an interview, Gonzalez said that she sees the bill as attempting to make the AQCC the conductor that is currently lacking in Colorado’s decarbonization effort. A conductor of a symphony sets the timing and brings in all the sections when appropriate.

“There needs to be that conductor that is ensuring everybody’s in line,” she says.

As a practical matter, the Polis administration had assembled a working group of agencies. The Public Utilities Commission—as identified in 2019 laws—has to do some of the work, the transportation department has a role, but other agencies as well.

But the AQCC is the only agency in state government to have jurisdiction over all greenhouse gas emissions.

Can the AQCC get all this driving done by 2030 with a half tank? This bill attempts to ensure that it does by removing what environmental advocates describe as a loophole from the annual pollution on fees assessed the state’s 10 most polluting industrial sources. Those sources include power plants, both coal and natural gas, cement kilns and oil and gas processing facilities. Current payments top out at \$130,000 a year. Removing the cap will produce revenues of \$10 million to \$15 million per year.

Another key provision would expand the requirements of electrical utilities. The 2019 law required only Xcel Energy to reduce emissions 80% by 2030 but spoke to “clean energy plans” of other utilities. Those plans have been voluntarily agreed to by Tri-State Generation & Transmission, Platte River Power Authority, and other utilities.

The bill would also allow some of the new revenue to be used to enable outreach to and engagement of disproportionately impacted communities on matters concerning air quality and associated health impacts.

One very big question in this writer’s mind is what will be the impact of the allegation by 3 whistleblowers this week that Garry Kaufman, director of the Air Pollution Control Division, ordered suspension of modeling to estimate emissions of surges of harmful sulfur dioxide, nitrogen dioxide, and particulates.

[See Denver Post story here.](#)

Why a party-line vote in this bill about Office of Consumer Advocates?

A bill to renew the Office of Consumer Counsel but with a new name, the Office of Consumer Advocate, was approved by the Senate Transportation and Energy Committee, its first step through the Legislature.

All the votes save one on an amendment were on a 5-3 party-line basis, Democrats in support and Republicans voting to kill it.

Perhaps Sen. Don Coram, a Republican from Montrose, indicated what lies ahead when he asked about whether the bill would result in new employees.

The legislation sponsored by Sen. Steve Fenberg, a Democrat from Boulder, would lift the current cap of 7 employees in the agency in the Department of Local Employees. “It seems like we are adding new

employees every time we turn around,” said Coram.

It was later clarified that the bill does not specifically add more employees but that new employees could be added in response to increasing responsibilities as a result of Colorado’s energy transition. Those additions would have to be approved by an appropriations committee.

Later, Coram questioned Steve Andrews, of Pueblo’s Energy Future, with the suggestion that the shift from coal-based generation had caused rates of Black Hills Energy to rise.

Andrews responded with details that altogether would suggest that no, they didn’t. Andrews did say that Black Hills has done what you would expect from an agency responsible for representing consumers. It also reached out to Pueblo’s Energy Future in a matter of rate returns as well as being helpful in providing technical details requested by Andrews’ group.

New Mexico adopts a community solar law a decade after Colorado. Why so long?

New Mexico and Colorado are in more-or-less lockstep in their goals to decarbonize. But in adopting one of the tools, that of community solar gardens, they’re roughly a decade apart.

Legislators in New Mexico this year finally passed a bill that will allow renters and people who can’t afford the costs of rooftop solar installation to subscribe to get the benefits of solar, reports the Santa Fe Reporter.

The publication explains that proponents of the concept gained ground in 2020 when legislators created a working group to study the successes and failures of community solar legislation in other states

and the implications for New Mexico. Recommendations issued by the group after dozens of meetings helped shape the version of this year’s bill.

Electrical utilities got on board after bill sponsors agreed to reduce the size of the program and exclude large corporate entities from subscribing to community solar projects.

The Community Solar Act will allow businesses, non-profits, municipalities, tribes, and utilities to develop and manage community solar projects of up to 5 megawatts. Each project must have a minimum of 10 subscribers. Of the solar generated by each community solar project, 30% must be allocated to low-income customers.

Costs are at issue. Xcel Energy reported that in 2018 it paid twice as much per kilowatt-hour to purchase electricity generated from community solar gardens in Minnesota than it paid for electricity generated by utility-scale solar projects.

Rick Gilliam, the metro Denver-based program director for Vote Solar testified in favor of the bill in New Mexico. He told the Santa Fe Reporter that the bill had several measures to protect New Mexico ratepayers from undue costs. Costs for non-subscribers can’t be increased by more than 3%.

Colorado’s Community Solar Act was first in the nation. Why would sunny New Mexico take so much long?

Gilliam told Big Pivots that key utilities in New Mexico seem to have a grip on key legislators. Republicans opposed solar gardens, but so did many Democrats for several years.

“Utilities don’t like community solar as it competes directly with them for sales—something they’re not used to,” he wrote in an e-mail.

“Frankly, I was surprised we got it passed in Colorado as easily as we did a decade ago,” he said.

Boulder legislator cites missing faces at table in community choice aggregation testimony

by Allen Best

Colorado State Rep. Edie Hooton, a Democrat from Boulder, accused some environmental organizations in Colorado of being weak in the knee when it came to supporting her bill that, in theory, all environmental groups should like.

Who was she referring to? We'll get to that.

Hooton is submitting a bill this week that calls for study of community choice aggregation. It would allow municipalities to procure power from an alternative supplier while still receiving transmission and distribution services from an existing utility. This is different from Boulder's efforts to form its own utility.

She describes community choice aggregation, also called community choice energy, as a way for Boulder and other jurisdictions to more rapidly decarbonize their electrical supplies.

In a recent video-conferenced meeting sponsored by Clean Energy Action, Hooton was asked what the politics of the bill are.

Colorado's investor-owned utilities – Xcel Energy and Black Hills Energy—were opposed. “And we can understand why. I don't have to explain that,” she said.

“My biggest challenge is that we have some environmental partners who are not in



Edie Hooton

a neutral position,” she went on to say. “That is a great source of frustration to me. Through their promotional materials to their members and to attract new members, they talk about all they're doing at the Capitol to advance aggressive renewable energy goals. But at the end of the day, they don't want to rock the boat. They would maintain their comfortable relationships with the utilities that have had representation at the Capitol for over 100 years. They would rather take the regulatory approach, what I call the slow-boat to China approach, and they are not supporting my bill.”

Some readers will want this statement deconstructed. First, why the investor-owned utilities would oppose this bill?

In Colorado, and most other states, investor-owned utilities have monopolies, but are regulated by the state. In Colorado, that's the Public Utilities Commission. Xcel and Black Hills sold 56% of the electricity in Colorado as of 2018. State regulators allow the utilities profits, not vast riches but good enough and some would say better.

This would remove some of their profit-making potential.

Given the fluid change in energy, some jurisdictions have been shopping. Fountain, a municipality near Colorado Springs, elected to let its franchise with Xcel Energy lapse and will instead be supplied by Guzman Energy, a relatively new Denver-based wholesaler.

Guzman also is supplying two former electrical cooperatives, Delta-Montrose Electric Association in Colorado and Kit Carson Electrical Cooperative. Both had previously been supplied by Tri-State Generation and Transmission.

Low-priced renewables have opened up new opportunities. Some organizations, such

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as Kit Carson, are driven by carbon-reduction goals. Fountain? Not quite so much. In both cases, traditional wholesale providers don't have the same price advantage.

Might Boulder be able to decarbonize more rapidly if it was able to break away from Xcel? The city studied that option from 2010 until voters in November 2020 chose to renew a franchise with Xcel. That agreement, however has many off-ramps for the city in coming years from the franchise agreement.

At the outset of her presentation to Clean Energy Action, a group that promoted municipalization in Boulder, Hooton described her bill as being "not about Xcel. This is about options for communities." She said that option is why she has drawn support from the Denver City Council, Golden, Pueblo, San Miguel County, and Boulder County. She said the bill is also supported by Gov. Jared Polis because of his belief in the value of the market for effecting change.

The bill would open a docket at the Public Utilities Commission with the intent to investigate the feasibility of this. If the report is favorable, further enabling legislation would be required. The earliest any community could take advantage of the new provision would be 2025.

"2025 would be the first year, if everything went according to plan, that a community like Boulder, Denver or Pueblo could consider adoption of CCE authority," she said. That will give Xcel the time necessary to meet some of their more decarbonization goals, she added.

Why does it matter if some of the environmental groups – whom she did not identify – stay on the sidelines of this bill?

Their absence in testimony before legislative committees would send a signal to legislators, said Hooton. "That would be a challenge for me," she said.

Conservation Colorado has confirmed that it will stay neutral on Hooton's bill, as

will Western Resource Advocates. The Sierra Club has not indicated what its position will be. Big Pivots did not ask other environmental groups for their positions.

New Mexico utility says it made best decision in 2013 in coal upgrades

Echoes of Colorado's past debates about investments in upgrading coal plants can be heard in discussions underway in New Mexico about the Four Corners Power Plant.

Public Service Co. of New Mexico, or PNM, wants out of the plant. It's located between Farmington and Shiprock. PNM proposes to use a financial device called securitization, which uses low-interest bonds to refinance past investments. Proceeds can also be used to assist the community and workers, according to PNM's proposal.

Both Colorado and New Mexico passed rafts of transformational energy legislation in 2019, and both authorized use of securitization. It has been used once, when PNM applied to abandon its share of the San Juan Generating Station, also west of Farmington. A case challenging the use of securitization is before the New Mexico Supreme Court.

In Colorado, Xcel Energy is the utility most likely to use securitization, but so far it has shown no interest in doing so.

In New Mexico, PNM wants to transfer its 13% ownership in the Four Corners plant to the Navajo Transitional Energy Co. As part



of this, it wants to use securitization to refinance past investments.

It insists that when it invested in upgrades of the plant in 2013, it made the right decision for customers based on information available at the time.

Colorado went through the same discussion 11 and 12 years ago. The Clean Air, Clean Jobs Act of 2010 allowed Xcel Energy to spend significant sums to reduce emissions from its plants at Hayden and Brush. Those plants are now scheduled to be closed by the end of the decade.

As for the Four Corners plant, it might be around for awhile longer. Arizona Public Service Co., one of the plant owners, has been phasing out coal. However, in testimony before state regulators in Arizona, the company says it wants to keep the plant operating through 2031 to bolster reliability even as other coal-fired power plants in the Southwest close. However, it wants to operate the plant only seasonally, reports the Farmington Daily Times.

Durango taking steps to reduce fuel on perimeter

A Fire-Adapted Durango Partnership has plans to remove fuels from 36 acres along the city's perimeter following work on 9.6 acres last year.

Areas chosen for the work was based in part on the adjacent real state: 2145 homes, apartment buildings and other structures, explains the Durango Herald.

The goal, according to Amy Schwarzbach, the natural resources manager for the city, is to reduce how tall flame lengths would be, altering how fire would behave.

Hal Doughty, fire chief, said the goal is not to clear all growth, remove privacy screening offered by plant life, or diminish wildlife habitat. The goal of the mitigation is to balance the removal of fire-propellant

plant life with aesthetics and other considerations.

Attorney general on creating good policy in climate & energy

by Allen Best

Phil Weiser, Colorado's attorney general, says he hears a chorus of support when he goes to rural areas and speaks about Colorado's right to decide its future without interference from federal lawmakers and agencies.

That extends to environmental prerogatives, he goes on to say. The prime example is Colorado's decision to join with California and other states to require lower emissions from automobiles sold in their states.

That authority stems from amendments to the Clean Air Act adopted by Congress in the 1970s. The principle is that of

collaborative (or cooperative) federalism, the idea that there should be flexibility in the relationship between federal and state governments in achieving goals.

That arrangement broke down during the Trump administration, which tried to block Colorado's efforts to advance its clean transportation goals. Weiser's office last year sued the federal government.

Weiser, a Democrat elected in November 2018, saw the Trump effort to quash the clean-air efforts as partisan. Until the 1990s, there was not partisanship to clean air, he said—a partisanship that now stalls efforts to adopt strategies to address climate change.



Phil Weiser

Evidence of that changing climate can be found incontrovertibly, he said, in Colorado's winter snowpack, which has been diminishing notably during the 21st century.

The federal government's case is a weak one, he said. "It's a hard argument for the federal government to make because we were acting within our discretion to advance our priorities. That is how this was set up."

The Trump administration also tried to roll back regulations governing emissions of methane.

Weiser spoke at a forum billed as a "conversation on energy and climate" that was organized by Getches-Wilkinson Center, part of the University of Colorado Law School.

In drawing up regulation, process matters greatly, he said. He cited the collaborative problem-solving process used by Colorado that yielded the state's 2014 rules that seek to reduce methane emissions from oil and gas extraction. They became a national model.

"The methane rule came from a process that had all stakeholders at the table – oil and gas operators, environmental advocacy groups, and government regulators," he said. This resulted in regulations that even oil and gas operators supported.

"Having the right process is, to me, critical," he said.

Those seeking to change public policy also should be mindful of the transformative effects on communities. "We have to keep them in mind, and we haven't always done a good job of that."

In 2019, Colorado legislators created an Office of Just Transition. Outreach began in 2020 to Craig and Hayden, Colorado's two iconic coal-dependent communities, to help begin mapping out strategies to smooth the transition from coal mines and plants.

Weiser said that it's important to have empathy for people such as those in Craig and Hayden.

It's one thing to understand that burning coal has been a significant cause of climate change. But it's vital to respect those involved in that process, their humanity and lived experience. Demonizing is uncalled for. "Attitude matters, framing matters."

If coal is now broadly recognized as dangerous, it's also true that "those are our people," he said.

In explaining his views, Weiser pointed to the globalization of the 1990s. It was widely credited as being economically efficient. Lost in the focus on global economic efficiency was the human face of those displaced in the shift.

"In formulating public policy, care must always be paid to those who will feel the impacts. We need to get better about being more empathetic about that."

Weiser also reflected on the recent power outages in Texas in mid-February, with repercussions felt even in Colorado. That illustrated again Colorado's interconnectedness with other states, other regions and – in the case of covid – with other continents.

"We in Colorado don't exist on an island. we exist in a context."

In the context of that energy fiasco in Texas, Weiser said his office will be investigating any possible wrongdoing that affected Colorado consumers. But he also said the problems of Texas also suggest need for caution as Colorado advances its decarbonization.

Ensuring resiliency matters, certainly so for water, but also food systems, and electricity, too, he said. If the problems in Texas were not exclusively those of any one energy source, they illustrated the need for backup baseload power. "That is something to be aware of and managed for," he said.

"It's important to get this right. Any time of transition there's a lot of room for error. Colorado has been a leader in energy policy, and I'd like to see us continue that

role, but mindful of the risk we saw manifested in Texas.”

All-electric is the way to go in our homes to be comfortable with planetary heating

by Auden Schendler and Ted White
Writers on the Range

Thirteen-year-olds can AirDrop Simpsons memes from across the room, and artificial intelligence made chess masters like Garry Kasparov obsolete. But for all our technological advances, at home, we’re still cavemen.

Just as early man cooked raw meat over campfire coals, modern humans heat with flame, too, using natural gas drilled from the ground, even occasionally searing a poblano pepper on the range. “Og like gas. Gas keep Og warm.”

We can do better, in the same way that we’re moving away from generating electricity by burning flammable rocks. Instead, we’re making power with thin-film, solar photovoltaics, wind turbines made from fiberglass and advanced composites, and solar thermal molten-salt storage arrays in the desert.

To keep global warming below 2 degrees Celsius, we need to do a lot of things: slash transportation pollution, manage agricultural emissions, and more. But perhaps the most challenging task of all is to decarbonize buildings. The Rocky Mountain Institute notes that a tenth of U.S. carbon emissions come from burning fossil fuels —



Auden Schendler

primarily gas —for heating and cooking in homes and businesses.

Nationally, \$3.7 trillion worth of [new construction](#) is in process, and the top two states are in the West — California and Texas. Unfortunately, the overwhelming majority of these structures will be heated with gas.

The best, and maybe only, way to decarbonize buildings, beyond making them so efficient that they hardly need space heat (which we should do anyway), is to replace Neanderthal heating methods with electric systems powered by renewables.

While it’s true that the grid isn’t entirely green yet, that transition is well underway, aided by trends that will displace existing coal even if demand grows. Nevada is an example: voters there amended its constitution this November to require half the state’s power to be renewable by 2030.

Electrifying buildings will be a slow process; we need to start now, because it will take decades. But while there’s urgency, leadership is limited. To fully decarbonize the building sector, according to the Rocky Mountain Institute, states need “explicit electrification requirements and concrete phase-out strategies for gas in buildings” at a minimum.

There are pockets of progress. San Francisco’s Board of Supervisors recently voted unanimously to ban natural gas in new buildings, and other cities in California are implementing similar plans. Seattle passed a law to help homeowners [transition](#) from oil, a particularly dirty form of heating, to electricity. But California has always been an environmental unicorn, and Seattle’s law is unique. Both states are also relatively wealthy.



Ted White

Meanwhile, resistance looms large. One of the West's largest utilities, Xcel Energy, recently released a document titled "Transitioning Natural Gas for a Low Carbon Future." It focuses on voluntary customer electrification and reductions in gas leakage, without ever confronting the fact that customers can't continue to burn gas and still meet any reasonable climate goals.

Since we can't count on federal action, and most states are not leading holistically, the only alternative is to change municipal codes. All of the towns where we live, in Colorado's Roaring Fork Valley, have upgraded to at least the 2015 International Energy Conservation Code, but that doesn't get us far enough. Municipalities need to adopt electrification codes, which can take a number of forms, from a straight ban on natural gas to more incentive-based programs.

The good news is that going all-electric is entirely doable. Developers where I live are already making it happen. Habitat for Humanity's teacher housing in the town of Basalt avoided the cost of installing gas lines; teachers will cook their mac and cheese on advanced induction ranges. Aspen Skiing Company, where one of the authors of this column works, is building a 150-bed, four-story employee housing complex heated by electricity, complete with electric vehicle-charging stations. Rocky Mountain Institute's office in Basalt is the highest performing building in the coldest climate zone in the United States, and it uses no gas. In Snowmass Village, East West Partners is developing the aptly named 53-unit Electric Pass Lodge.

These success stories from high-end areas hardly scratch the surface of what's possible. But their exceptionalism shows the transition will not happen on the free market, as many libertarian dreamers in the West hope. And it won't occur on the timeframe required to meet emissions targets set by the states or required by atmospheric physics.

The authors are contributors to Writers on the Range, writersontherange.org, a nonprofit dedicated to spurring lively conversation about the West. Auden Schendler is senior vice president of sustainability at Aspen Skiing Company; Ted White is executive chair of Rocky Mountain Institute.