



Dottie Fox, "Winter's Retreat"

# BREACHING THE 'BERLIN WALL'

## *WW, Udall propose I-70 wildlife overpass project*

Being an environmental watchdog means having to say "no" – and being told "no" – an awful lot.

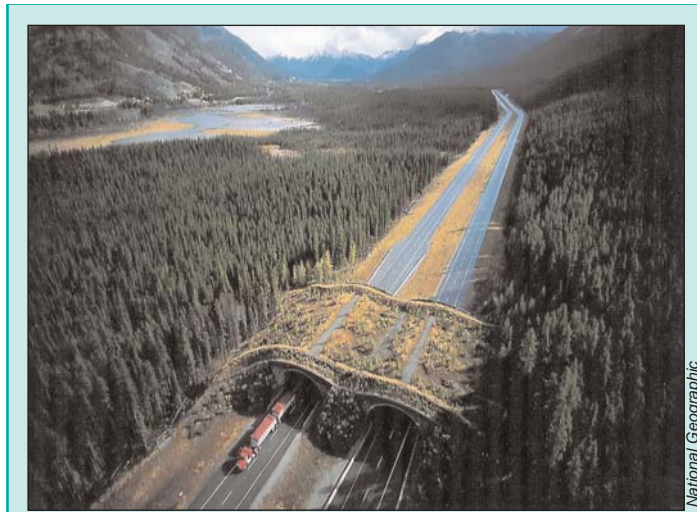
So we're pleased to announce a proposal that just about everyone should be able to say "yes" to – one that would reconnect fragmented wildlife habitat, save human lives and provide a model for wildlife protection nationwide.

The Wilderness Workshop is joining with U.S. Rep. Mark Udall in requesting \$4.5 million in federal highway funds for the Colorado Department of Transportation to construct a vegetated wildlife overpass on Interstate 70 just west of Vail Pass. If the request is successful – and with Udall's sponsorship, the chances are good – construction would begin next year.

### Separating cars from critters

To CDOT engineers, the area around mile marker 188 on I-70 is a "linkage interference zone"; to wildlife biologists, it's a "wildlife movement corridor." Regardless of your perspective, such crossings are dangerous, and it's in everyone's interest to separate the cars from the critters.

According to the Colorado State Patrol, animals (including domestic animals) on roadways are the number-three cause of



National Geographic

*The vegetated wildlife overpass proposed for west Vail Pass would resemble this one in Banff.*

road accidents, behind inattentive driving and excessive speed. More than 24,000 animal-vehicle collisions occurred in the state between 1993 and 2003, claiming 23 lives, causing 2,266 injuries and costing on average \$2,000 per incident.

CDOT, the Southern Rockies Ecosystem Project and other agencies are conducting an ongoing analysis of dozens of wildlife problem spots throughout the state. Although there are other stretches of highway that see more animal-vehicle collisions, the west side of Vail Pass is of particular ecological concern because it's a major corridor for reintroduced lynx. Two lynx have been killed by vehicles there since 1999.

Habitat fragmentation by roadways is

one of the most devastating threats to wildlife, especially where roads sever historic natural migration routes and isolate wide-ranging species such as lynx, mountain lion, wolf and bighorn sheep. It's no wonder that I-70, with its east-west orientation, heavy traffic and multiple lanes, is often called the Berlin Wall for Colorado's wildlife.

### High-profile pilot project

The traditional fix for highway-wildlife intersections is to send the wildlife underneath the road. But underpasses aren't ideal: they're narrow, dark,

damp and unnatural-looking, and it typically takes a lot of fencing to force the animals to use them. What's more, depending on the terrain, it can be prohibitively expensive to construct a tunnel under an existing highway.

From the animals' perspective, an overpass is far more welcoming. Fifty to 100 yards wide and covered with soil and vegetation, it looks just like a continuation of the natural terrain. Motion-activated photographs taken at vegetated wildlife overpasses in Canada's Banff National Park – the only other place in North America to have them – show that most species prefer

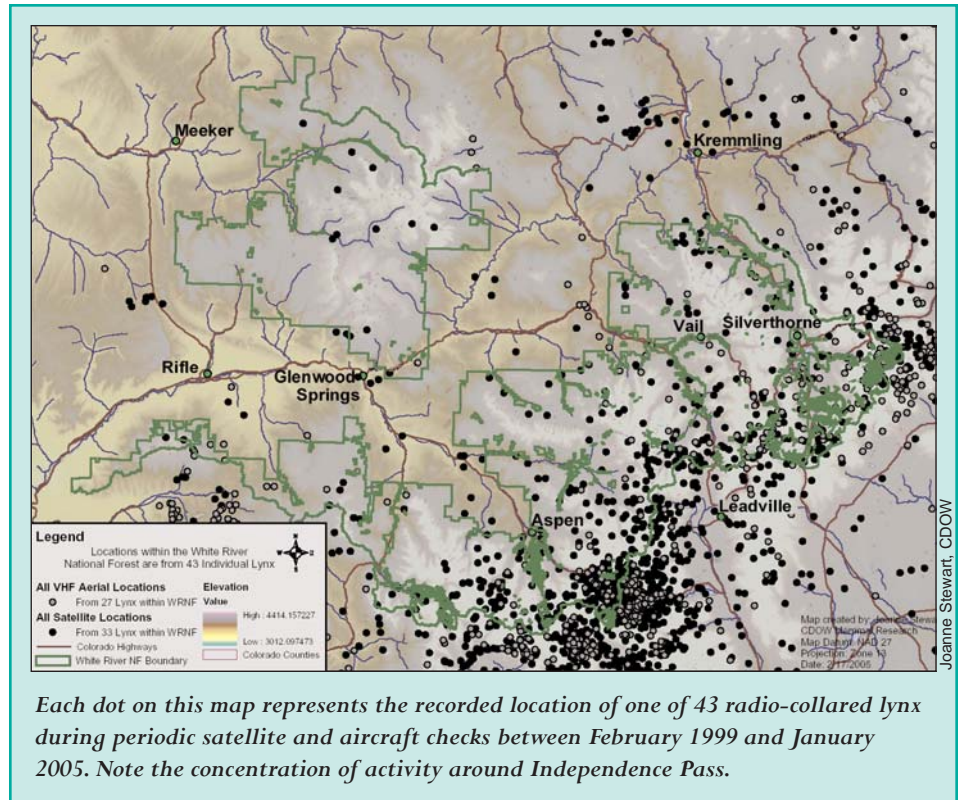
# LYNX? WHAT LYNX?

A Bush political appointee stirred up a hornet's nest in mid-February by deleting protections for lynx habitat and water standards from the White River National Forest's management plan.

Agriculture Deputy Undersecretary David Tenny's "discretionary review" of the plan would be more worrying if it weren't so outrageous. It's so full of flat-out, transparent, politically motivated wrongness that it's highly vulnerable to challenge.

The clearest example of Tenny's willful ignorance was his assertion that lynx don't need special protections on the WRNF because there's no evidence of lynx using the area. In fact, the Colorado Division of Wildlife has tracked 43 individual lynx on the Forest since 1999 (see map).

The White River National Forest management plan, which was adopted in 2002, took five years to complete and was the subject of one of the most intense public processes in the Forest's history. Late last year, Forest Service Chief Dale Bosworth denied appeals of the plan filed by us and other partner groups – but in so doing, he upheld the plan in its entirety, including the lynx and water sections.



Tenny's lynx directive looks to be in violation of the Endangered Species Act, and together with the Center for Native Ecosystems, Colorado Wild, Sinapu and Western Resource Advocates, we're taking a close look at it and are prepared to play hardball if facts prove to be in our favor. An ESA specialist attorney with Earth-Justice has been reviewing the facts so see if we have a strong case for forcing the WRNF to work with the U.S. Fish and Wildlife Service to protect the lynx on the Forest.

Another prong of our strategy is to

demonstrate strong local opposition to Tenny's action, starting with a Pitkin County resolution passed in February. Sloan will be seeking the same resolution from Eagle County and other counties around the Forest containing lynx habitat.

After a briefing by WW's Sloan Shoemaker, Senator Ken Salazar jumped into the fray and demanded that Tenny come to Colorado to explain himself. Tenny has agreed to come, giving us another opportunity to shine a bright light on this uninformed manipulation of the long forest plan revision process.

## NEW HOPE FOR THOMPSON CREEK

Behold a ray of hope for the Thompson Creek roadless area: the gas leases that we appealed last year may turn out to be invalid because the purchaser exceeded its leased-acreage limit in Colorado.

The leases were purchased at auction last May from the Bureau of Land Management by lease broker Contex Energy Co., which at the time refused to disclose whom it was representing. In a recent legal brief to the Interior Board of

Land Appeals, it revealed that its client was EnCana Oil & Gas.

Shortly after the Thompson Creek lease auction – but before the effective date of the leases, Sept. 1 – EnCana merged with Tom Brown Inc., another natural-gas company. After doing the acreage calculations, our pro-bono attorney Mike Chiropolos found that the merger put EnCana's lease holdings over the federal Mineral Leasing Act limits, which are intended to prevent

one or a few energy providers from monopolizing production and manipulating national energy prices.

Chiropolos filed a legal motion on March 11 asking the IBLA judge to invalidate the Thompson Creek leases.

EnCana counters that the merger didn't take effect until Jan. 1, 2005, and in any case the BLM allows companies 180 days to divest any excess acreage.

We await the judge's ruling.

# BERLIN WALL

↳ FROM PAGE 1

them. A five-year study found that, in conjunction with fencing, Banff's overpasses decreased animal-vehicle collisions by 83 percent.

A wildlife overpass at mile marker 188 wouldn't only save lives. Given the tremendous visibility of the location, it would serve as a high-profile pilot project to raise awareness of wildlife crossings and show Colorado's dedication to the safety of its residents and visitors, as well as to the wildlife that so many visitors come to see.

And that, we hope, will build support for the larger initiative to install wildlife structures at all critical wildlife crossings across the state.

### Seeking support

The idea for the overpass grew out of informal discussions with Rep. Udall's office, whose district includes Vail Pass. Udall submitted the formal appropriations request on behalf of WW on March 18 as part of the House budget appropriation process.

In the past few weeks, WW Executive Director Sloan

Shoemaker has secured commitments of support from the Town of Vail and the White River National Forest, and will be approaching Eagle County soon. These endorsements should encourage Colorado Senators Wayne Allard and Ken Salazar, whose support, although not essential, would increase the likelihood of getting the appropriation.

CDOT, which late last year released a preliminary Environmental Impact Statement on upgrading the I-70 corridor, is conceptually on board, but it has concerns. To address the biggest one – that the \$4.5 million cost would take money away from other paving projects – we're requesting that the funds come from the Federal Lands Program, a separate pot of money controlled by the Federal Highway Administration.

The other hitch is that CDOT might prefer not to green-light any new I-70 projects until the EIS is signed, sealed and delivered – which could take five years or more. We're hoping we can assure them that the advantages of this showcase project justify building it sooner rather than later.

# ARON LENDS A HAND



Mark Fox, Aspen Times

*"Aron Ralston: An Aspen Homecoming," with host Tom Brokaw, raised \$45,000 for four local nonprofits, including the Wilderness Workshop. Thank you Aron, Tom and all the sponsors, in-kind donors and volunteers (see list, page 4) who made the Feb. 4 event such a hit!*

# BURNT MTN. REALPOLITIK

With opposition to the proposed Burnt Mountain Traverse surfacing in the Aspen papers recently, some folks may be wondering why WW hasn't joined in.

We fought the Burnt Mountain expansion tooth and nail during the Snowmass Ski Area Environmental Impact Statement process in the early 1990s. We lost. The Skico was granted approval for a lift to the summit of Burnt Mountain and various trails.

In the intervening years the Skico has built just one fully cleared run on Burnt Mountain, Long Shot, while informal use of the adjacent gladed areas has resulted in a de facto traverse back to the Two Creeks area. But the Skico has still not built the Burnt Mountain lift, and it appears to believe now that by formalizing the Traverse and clearing a few short lines to link up existing natural openings and glades, it can avoid the \$1 million expense of

doing so.

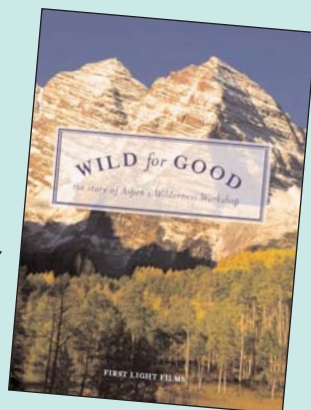
True, this represents some loss of wildlife habitat – but it's a lot lower-impact than what the Skico already has approval to do.

In our business, we have to respect the science and the process; our reputation depends on it. When we participate in an EIS, we enter into a sort of federally mandated arbitration that all parties must agree to abide by. We can't demand that the Forest Service revisit an official decision it made more than a decade ago, in a process we were party to, and expect to be taken seriously in the future.

Could we extract a commitment from the Skico to forgo its Burnt Mountain lift approval in exchange for the Traverse? Unlikely. But in reality, the Traverse will likely give the public what it wants and will make it unnecessary to build the lift.

## 'WILD FOR GOOD' FOR SALE!

*If you missed seeing the premiere of "Wild for Good" at the Wheeler in December – or if you saw it, and want to show it to friends – now's your chance to own it! We have DVD and VHS versions, \$15 plus \$5 shipping & handling.*



# ARCTIC...ROAN...WRITE!

Our Arctic National Wildlife Film Nights in Aspen and Carbondale on March 14 & 16 were huge successes. Alas, the Senate vote on drilling in the Refuge went against us.

But thank you to all who wrote or called their Senators. Our efforts were not in vain – it's *never* a waste of time to let our elected representatives know how we feel on issues. This issue is by no means settled, and the recent flood of citizen comments received by

Senators may weigh in their political calculations on future votes, or on other related issues.

And speaking of related issues, let's not forget that the fate of our own local ANWR – **the Roan Plateau** – is still in the balance. *The public comment period has been extended until April 11.*

Comments can be submitted at [www.roanplateau.ene.com](http://www.roanplateau.ene.com). For information and letter-writing tips, see [www.saveroanplateau.org](http://www.saveroanplateau.org).



*The newest addition to the Wilderness Workshop board: author, columnist, songwriter, historian and Aspen Institute seminar leader Paul Andersen. Welcome, Paul!*

## DONOR HALL OF FAME

We're so grateful for the following donations received since our previous newsletter. *New members are indicated by asterisks – welcome!*

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The Wilderness Workshop's mission is to protect and conserve the wilderness and natural resources of the Roaring Fork Watershed, the White River National Forest, and adjacent lands.

The Workshop is a non-profit organization that engages in research, education, legal advocacy, and grassroots organizing to protect the ecological integrity of local landscapes and public lands with a focus on the monitoring and conservation of air and water quality, wildlife species and habitat, natural communities, and lands of wilderness quality.

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