

## Fall 2004 / Winter 2005 Newsletter



### *Six Successful Years at the Helm – Thanks to You*

*Jeff Berman, Executive Director*

After 6 years at the helm of Colorado Wild, I am moving on. Through summer 2005, I will remain on staff ensuring that our efforts continue unabated. This spring, I plan to cut back to half-time, focused on killing the outrageous Village at Wolf Creek proposal, helping critique the massive number of supposed “forest health” projects the Bush administration feels they have a mandate for, and overseeing the work of our newly hired Director. Afterward, I will remain an active volunteer with Colorado Wild – continuing to share the knowledge, strategies, and concerns that you have helped make a part of our work.

It seems like only days ago. In the summer of 1998 – during a campaign to expose the Vail Category III (Blue Sky Basin) ski area expansion for the real-estate development ruse it was – John Whitney, Mike McGowan, Megan Corrigan and I conceived Colorado Wild. We needed a non-profit organization to raise funds so we – a rag-tag group of unpaid activists – could continue fighting ecologically damaging timber sales. We also needed the ability to obtain Freedom of Information Act request

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### *Emptying the Tool Box to Kill the “Village” at Wolf Creek*

Texas billionaire “Red” McCombs – co-founder of Clear Channel Communications and owner of the Minnesota Vikings – seeks to construct a city of 8,000 people at Wolf Creek Ski Area, one of the snowiest spots in Colorado. The “Village” at Wolf Creek would destroy

lush meadows, alpine creeks, unspoiled backcountry recreation, and one of the most critical wildlife corridors in the Southern Rocky Mountains. Colorado Wild is using every tool in its toolbox to kill this ill-conceived, widely unpopular development proposal.

### *Suing Mineral County and Initiating a Referendum*

To build the development and sell expensive second homes, McCombs needs Mineral County approval. Unable or unwilling to stand up to their overtly pro-development attorney, Mineral County granted approval in late October. They ignored or refused to hear the clear legal arguments made by both Colorado Wild and Wolf Creek Ski Area, in addition to numerous expert consultants on water rights, snow removal, and medical service. They likely violated state laws ensuring access to the state highway system and requiring adequate water supplies, as

...See Ski Area Citizens' Coalition, Page 6



Alberta Peak and the Continental Divide at Wolf Creek Ski Area.

# Six Years at the Helm of Colorado Wild

Jeff Berman, Executive Director

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responses without charge. In April, 1998, Rocky Smith left the Colorado Environmental Coalition. With the help of Lisa Philipps and Mike Petersen, he also sought an avenue to continue his able critique of the National Forest timber sale program statewide. We joined forces and, with less than 150 initial members, incorporated as Colorado Wild. We began what I and the current Colorado Wild board are determined to ensure is an ongoing effort to preserve the remaining pristine wildlife habitat in the forested high country of the Southern Rocky Mountains.

Right from the get-go, we aspired to facilitate our efforts without undue red tape or organizational bureaucracy. This was a founding principle of Colorado Wild, and I am proud that, six years and scores of accomplishments later, we are still as lean and effective an organization as any I have ever participated in. In contrast with 1998 though, Colorado Wild is now also recognized as the authority on logging, fuels reduction, and many other National Forest activities statewide. With ski area management, expansions, and related real estate development, we are more broadly the authority throughout the western U.S. I am proud of these accomplishments, and am fully committed to ensuring that Colorado Wild's

efforts continue as an effective, practical advocate for conservation and sustainable communities that can use forest resources

without degrading the land. This is needed now more than ever with the re-election of the Bush administration and an environmentally hostile Congress.

My future plans are a natural progression. As an electrical engineer, I am working with former Colorado Wild adversaries such as Durango Mountain Resort, Wolf Creek Ski Area, and La Plata County to determine if we can cooperatively construct a biodiesel

production facility in the Four Corners area. While not a panacea, biodiesel will help improve air quality, reduce our reliance on foreign oil, create jobs, and dramatically reduce global warming emissions. Only with the relationships I have made via Colorado Wild's campaigns – such as the Ski Area Environmental Scorecard – is this possible. Indeed, both the ski industry and the conservation movement demand solutions to global warming, and together we are now pursuing one major step.

Whether you are a supporter since our founding or a new member, I am humbled that you have supported Colorado Wild and my efforts over the last six years. Colorado Wild's work will – and must – continue. I hope your support will continue to be a key component of our success. 🌱



**Join Colorado Wild's email update lists. Sign up at [coloradowild.org/membership.html](http://coloradowild.org/membership.html).**

? *National Forest Policies that affect Colorado's forests, generally prepared by DC groups.*

? *Forest Watch Campaign (timber sales and fuels reduction projects in Colorado).*

? *Ski Area Citizens' Coalition (ski area expansions, adjacent real estate development, and nationwide updates on the Ski Area Environmental Scorecard).*

# Roadless Area Protection, Planning Rule Sagas Continue

## *Roadless Area Protection Saga*


For the past four years, the Bush administration has sought to undermine the Roadless Area Conservation Rule that protects 4.4 million acres of land in Colorado, as well as 58 million nationwide, from most roadbuilding, logging, and associated ecological harm. Numerous studies show the ecological importance of unroaded areas. They provide our cleanest drinking water, best wildlife habitat, and recreation experiences with solitude. These remaining unroaded areas are that way for a good reason: they are often difficult – and expensive – to access. Roadbuilding is a major drain on taxpayer dollars rarely paid for by the uses that occur once the roads are built. Indeed, the Forest Service is the single greatest roadbuilding entity on Earth. America's national forests are already covered with 386,000 miles of roads – enough to circle the earth 15 times, with an \$8 billion backlog of road repairs.

Beholden to timber, oil, and mining interests, however, the Bush administration this year continued its effort to eliminate protection for roadless areas. On July 16<sup>th</sup>, the Administration proposed to allow governors to petition the Forest Service to protect roadless area in their state rather than uphold overarching roadless area protection. Such petitions would fail to ensure any roadless area protection as the Forest Service can simply ignore or reject the governors' petitions. Indeed, the Governors could petition for less protection than is currently in place. Governors like Colorado's Bill Owens likely wouldn't submit proposals given the cost, complexity, and uncertainty of the process.

Statewide, Colorado Wild led review of this proposed "petitioning" rule, authoring formal comments with numerous organizations

endorsing our position. We also helped coordinate public education and activation efforts to generate comment letters. Together with other partner groups, we managed to generate over 29,000 comments by the extended November 15 deadline, a huge showing in a state the size of Colorado. With the Bush Administration re-election though, we ultimately anticipate evisceration or outright elimination of roadless area protection. Colorado Wild will continue to fight to protect individual roadless areas from logging, roadbuilding, and other intrusions that harm their ecological integrity.

## *Bush Administration Adopts New Planning Regulations*

Just days before Christmas, the Bush administration proposed yet another iteration of planning rules to govern management of every National Forest nationwide. Unsurprisingly, this most recent revision guts provisions to ensure the survival of wildlife and allows Forest Service managers to ignore public input in revising Forest Plans – essentially zoning for logging, skiing, wildlife habitat protection, motorized, or non-motorized recreation, and other uses. Evisceration of the planning rules would permit numerous ecologically damaging timber sales to proceed throughout Colorado, thus we continue to follow this closely. 

**New rules the U.S. Forest Service recently announced could silence the public's voice and make it harder to know if wildlife will be harmed by logging, road building or oil and gas drilling... The Forest Service took more than a year to write and adopt the new rules. It may find itself spending a much longer period in federal court defending them.**

*Denver Post Editorial, Jan. 2, 2005*

**That's wishy-washy language which leaves abundant room for national forests to minimize needed protection of native wildlife.**

*Grand Junction Daily Sentinel, Dec. 27, 2004*

**Previous newsletters are available online at [www.coloradowild.org/newsletter.html](http://www.coloradowild.org/newsletter.html), or contact us for back issues at 970-385-9833.**

# Colorado Wild's Forest Watch Campaign

Working to Halt Logging Operations That Invade Roadless Areas, Sensitive Wildlife Habitat, or Old Growth Forests

## *Colorado Wild Kills Missionary Ridge Post-fire Salvage Timber Sale*

Colorado Wild has finally won its lawsuit over the Missionary Ridge post-fire salvage logging proposal near Durango

(Spring 2004 Newsletter, pg. 1) Last summer, we offered to negotiate with the Forest Service to determine if any salvage logging would be acceptable in conformance with post-fire logging principles espoused by scientists. Yet the Forest Service refused to respond to key requests, such as maps of steep slopes and high erosion hazard areas approved for logging.

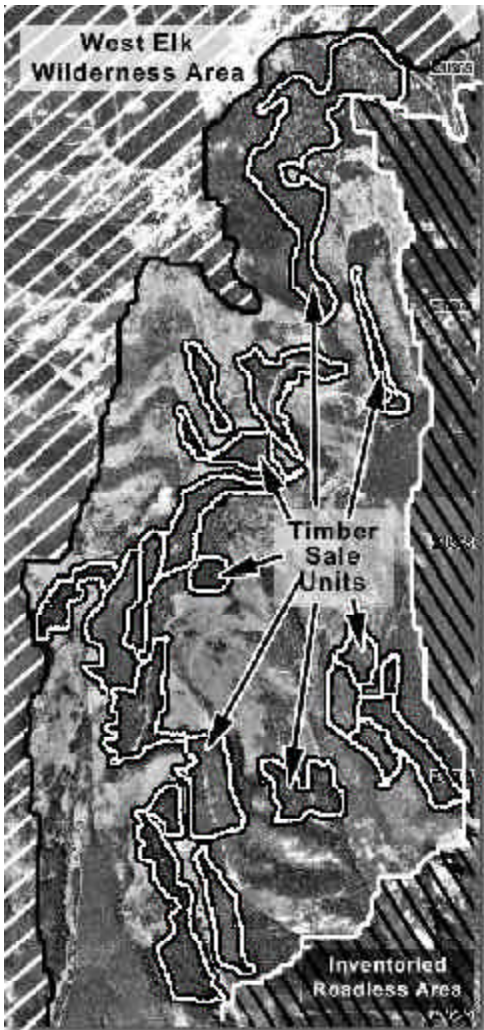
Subsequently, we pressed on with our lawsuit. Rather than continue the case, however, the Forest Service simply withdrew the whole timber sale, signaling a major victory and setting precedent statewide. The San Juan National Forest cancelled the *Dutton timber sale near Pagosa Springs*, for instance, and may have to similarly do so for a proposal to drill for gas in the lower elevation roadless area of the *HD Mountains near Bayfield*. Meanwhile,

the high-altitude, ecologically damaging *Millswitch and Red Creek timber sales (map at left) near Gunnison*, and the *Ward Lake timber sale on the Grand Mesa* (Spring 2004 Newsletter, pg. 4) were similarly placed on hold by the Gunnison National Forest.

## *Challenging New Bush Administration Rules that Undermine Environmental Analysis and Public Participation*

On Sept. 30, the Rio Grande National Forest approved the *Shaw Lake salvage timber sale near Wolf Creek Pass* with a Categorical Exclusion (CE) – the minimal level of analysis often entailing only a two page Decision Memo as opposed to a full environmental assessment (EA) or environmental impact statement (EIS). The Forest Service relied on newly adopted Bush administration CE Rule No. 13 that permits timber sales on up to 250 acres without an EA or EIS. On the ground, the Shaw lake timber sale is likely to have major environmental impacts. The Forest Service estimates that it would produce up to 2 million board feet (MMBF) of timber, or about 400 truck loads. The timber sale is within the most impacted lynx habitat on the Rio Grande National Forest, the proposed “Village at Wolf Creek” development is just a few miles away, and cumulative impacts may accrue from the proposed Handkerchief Mesa timber sale nearby. Approval under a CE permits no opportunity to appeal, thus Colorado Wild’s only recourse to ensure analysis and public participation was to sue.

In 1999, a similar rule specifying a 1 MMBF maximum for timber sale approval under a CE was overturned as a result of a lawsuit by the Indiana based organization Heartwood.



Aerial photo of the Red Creek timber sale reveals the Forest Service rationale of preventing insect infestation a ruse. In 2001, they simply identified the dark areas (i.e. not yet clearcut) for logging. It took us a mere 35 minutes back then to “design” this timber sale. It is still on hold.

This time, Heartwood joined Colorado Wild in suing the Forest Service not only to protect wildlife habitat, water quality, and other resources on site, but to overturn the whole of the Bush administration's CE Rule No. 13. Should we succeed, no logging project could be approved nationwide under CE Rule No. 13, eliminating one component of the Bush Administration's falsely labeled "Healthy Forest Initiative".

### ***Beating Back Bogus Forest Health Projects***

This August, the Arapahoe-Roosevelt National Forest approved the ***James Creek Fuel Reduction Project near Ward and Jamestown*** northwest of Boulder. While in a good location for a fuels reduction project with many homes in the area, the proposal had major problems. Tree thinning would be so intense that the remaining trees would likely blow down, increasing fuel loading in contradiction to the Forest Service's fuel reduction goal. Slash piles – non-merchantable timber left over from logging – would be huge (up to one-quarter acre in size and 20 feet high), and then burned, causing considerable soil damage. Roads, some barely locatable now, would be greatly upgraded and left open afterwards, engendering an increase in illegal motorized trespass on private land – already a big problem in the area. In addition, twelve miles of temporary road would have been built, and might not have been successfully closed.

Working with dozens of local residents for over a year, Colorado Wild tried to get the Forest Service to improve on the project's bad elements. While the Forest Service made a few favorable changes, they were not sufficient to adequately address these concerns. On October 19, Colorado Wild therefore appealed the project alongside 16 local residents, with scores more in support. We won our appeal based on the precedent set with the Missionary Ridge timber sale – the requirement that each National Forest

track the impacts of logging and other management activities on wildlife.

Also this summer, the ill-conceived ***Box Creek Project southwest of Leadville*** on

the Pike San-Isabel National Forest has reared its uninvited and ugly head again (Fall 2003 Newsletter, pg. 4). Based on scientific misinterpretation and false information, it was designed to supposedly restore a forest composition and structure that probably never existed. Colorado Wild appealed this sale in October 2003 and won, yet the Forest Service reissued the proposal virtually unchanged. We again submitted comments this June that were all but ignored, and appealed again on October 8. As with the first appeal, we won the second given Forest Service failure to comply with Forest Plan standards regarding wildlife habitat protection – a sad commentary on the way the Forest Service oftentimes spends taxpayer dollars.

Meanwhile, Colorado Wild this November submitted detailed comments on the proposed ***Vail Valley Project stretching from near Vail Pass to Avon*** on the White River National Forest (Fall 2003 Newsletter, pg. 3). This project proposes thinning and burning near homes adjacent to I-70, but also allows logging in a roadless area well away from homes and on geologically unstable slopes. Large amounts of slash could be left on the ground, defeating part of the project's stated fuels reduction and home protection goal. We continue to monitor this project and may appeal should many ecologically damaging components not be eliminated. 🌿



Site of the James Creek Fuels Reduction Project.  
Photo courtesy of Barbara Monroe.

### **Colorado Wild Staff**

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# Colorado Wild's Ski Area Citizens' Coalition

## Working to Halt Environmentally Damaging Ski Area Expansions and Associated Real Estate Development

**We're glad to be a part of CW. I think you still give the best bang for the buck for Colorado's environment.**

*Tom Jones, Owner - Wilderness Sports in Frisco & member since 1998.*

**In a single minute, send emails individualized for every ski area graded in the Area Environmental Scorecard! Go to [www.skiareacitizens.com](http://www.skiareacitizens.com) today to make your voice heard in seconds!**

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well as their own county regulations. To shut out public input, they also did not publish notice of meetings at which important documents such as maps of the development were made available for the first time. With tremendous public support, Colorado Wild and the San Luis Valley Ecosystem Council (SLVEC) on November 26 were forced to sue Mineral County. On November 23, Wolf Creek Ski Area also sued over the flawed approval. Meanwhile, Colorado Wild and SLVEC are also helping initiate a referendum of Mineral County voters – just as we did with Durango Mountain Resort in 2002 (Spring 2002 Newsletter, pg. 4).

### ***Colorado Wild Makes Gains Through Forest Service Breach of Contract Lawsuit***

To construct the development, provide utilities to the site, and legally gain final approval from Mineral County, McCombs must also get approval for access over National Forest lands. Back in 1999, the Forest Service agreed to require an environmental analysis and take public input prior to granting access in exchange for Colorado Wild dropping its appeal over approval of ski area additional facilities that threatened to spark development. Yet in a March 11, 2004 letter, the Forest Service granted limited access that, in June, the developers submitted to Mineral County to gain final approval. In September, Colorado Wild sued for breach of contract demanding that the Forest Service stand by its agreement. On October 21, the Forest Service conceded that their previous letter did not “grant any right of access on FSR 391 to any party.” Having bolstered our case against Mineral County, Colorado Wild voluntarily withdrew its Forest Service lawsuit in early December.

### ***Building Opposition and Preparing Legal Challenge to Forest Service Access Approval***

McCombs' political connections has the Forest Service under the gun to grant year-round access. With little regard for public concerns, the Forest Service published a Draft Environmental Impact Statement (EIS) in October that recommends not only one, but two access roads. Federal law requires that the Forest Service grant access to inholdings – private property surrounded by public lands – for “reasonable use and enjoyment.” The original 1986 land exchange – first deemed not in the public interest, then overruled by Washington DC insiders – envisioned just 208 units. Local governments, Wolf Creek Ski Area, and hundreds of concerned citizens have demanded that the Forest Service gauge what constitutes reasonable use and enjoyment of the property. Yet the Draft EIS simply defines the developer's current proposal – all 2,172 units on 162 lots, 5,176 bedrooms, 4,267 parking spaces, 222,100 square feet of commercial space (over two average Wal-Marts worth!) – as reasonable use and enjoyment (see map at right).

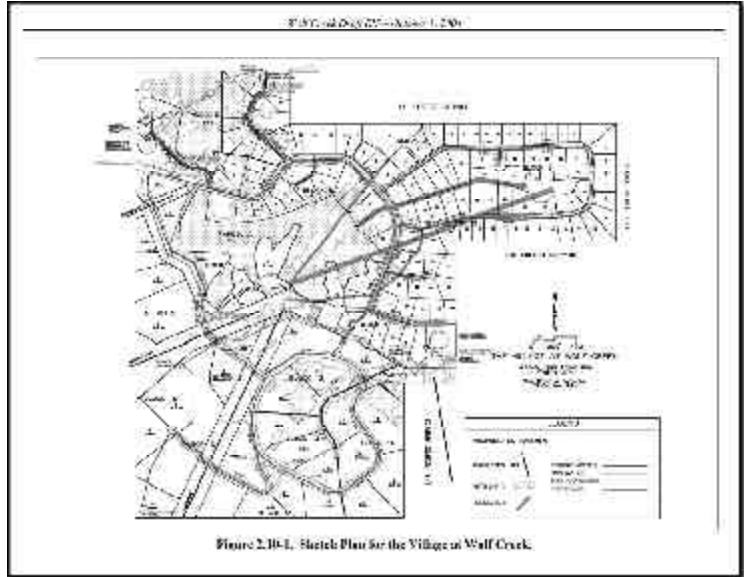
Federal law also requires the Forest Service to assume responsibility for the social and environmental impacts that its access approval makes possible. The intense political pressure has the Forest Service ridiculously claiming that the development would be constructed whether or not they grant access. In other words, McCombs would use helicopters or snowmobiles to bring in construction materials, prospective buyers, buses, trains, electrical generating stations, wastewater treatment plants, food, and everything else needed to construct and operate an entire town just below the

Continental Divide. Only in so doing can the Forest Service avoid responsibility for the clean air, water, wildlife, and other requirements the development would violate. Should the Forest Service concede that the development as currently envisioned would not occur without their approval, they would have to deny access.

With a tremendous outpouring of support both locally and nationally, Colorado Wild is generating a groundswell of opposition. An internet technology company donated software that allows any visitor to our website to send a fax to the Forest Service with just two clicks of a mouse button; 1,800 as of this writing. We printed thousands of brochures and postcards distributed by dozens of volunteers statewide. Locally elected officials, the Town of Pagosa Springs, Archuleta and Alamosa County, and more have joined the growing chorus echoing concerns or outright opposition. With pressure growing, Forest Supervisor Peter Clark granted a 30 day extension, to January 5, for official comments. We are now shooting for over 3,000 comments in opposition to Forest Service access approval. Meanwhile, Colorado Wild submitted a 58 page logical and legal critique by the original Dec. 6 deadline, planning for an appeal this winter and possibly a lawsuit by spring.

***Breckenridge Fuels the Ski Area Expansion Arms Race***

This November, the Forest Service proposed allowing Breckenridge Ski Resort (BSR) to expand lift served skiing to the top of the Ten Mile Range at nearly 13,000 feet in altitude. In rationalizing this expansion proposal, the Forest Service cited unspecified and highly questionable crowding problems, rather than the real purpose: BSR officials acknowledge the expansion is designed for marketing purposes rather than a genuine need for quality skiing that so many of us enjoy.



In 2002, the White River National Forest adopted a revised Management Plan (Fall 2002 Newsletter, pg. 6) that included standards to protect alpine tundra from ski area expansions and associated impacts. Alpine tundra vegetation doesn't regrow when damaged for centuries, if at all. Yet in a major reversal this fall, the Chief of the Forest Service in Washington DC eliminated those standards. It is likely that only with this reversal could the Peak 8 Summit Chairlift be approved. Since the Peak 8 Chairlift proposal has been in preparation behind closed doors since 2003, it appears that the ski industry got their way in lobbying the Forest Service Chief to eliminate these standards.

***Jones Gulch Wildlife Habitat Near Keystone Ski Resort Preserved***

After Summit County twice denied approval for development in a key wildlife migration corridor adjacent to Keystone Ski Resort (Spring 2002 Newsletter, pg. 4), the ski area – owned by Vail Resorts – preserved the land in perpetuity. Summit County purchased the 16.5 acre parcel within Jones Gulch – identified by biologists as the last, best preserved north-south wildlife migration corridor in the area – for a mere \$35,000.

*“Environmental groups were concerned about the wildlife corridor,” [Vail] resort[s] development director Thomas Davidson said. “Well, what are we going to do with a piece of land worth millions of dollars to us? We heard the community say they didn't want us to own this piece of land anymore.”*

**Summit Daily, Oct. 15, 2004**



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Colorado Wild is a non-profit, 501(c)(3) registered organization. Tax-deductible donations that make our work possible can be sent to the above address. Or for more information, call us at 970-385-9833.

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Jeff Berman, Executive Director

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