



2. ENERGY DEVELOPMENT: Court halts Colo. pipeline work (06/12/2008)

Eryn Gable, special to *Land Letter*

The 10th U.S. Circuit Court of Appeals issued a temporary injunction Friday halting all construction on a natural gas pipeline that would run through roadless areas in western Colorado.

Pitkin County and a coalition of environmental groups claim the pipeline will create 8 miles of roads in what is supposed to be a protected roadless area. They claim the approval by the U.S. Forest Service and Bureau of Land Management violates federal environmental laws.

The 25-mile Bull Mountain pipeline would cut through three separate roadless areas within the Grand Mesa, Uncompahgre-Gunnison and White River national forests in western Colorado. The pipeline project includes a 100-foot-wide "construction corridor" for heavy trucks and equipment traffic, complete with a "travel lane" and "passing lane." The Forest Service and Bureau of Land Management claim that these travel ways are not roads and thus the construction does not violate a nationwide ban on road building within roadless areas.

Environmental groups believe otherwise. "A road, is a road, is a road -- no matter what the government calls it. And roads are illegal in roadless areas," said Robin Cooley, staff attorney for Earthjustice, in a statement. Earthjustice represents the Wilderness Workshop, Western Colorado Congress, Western Slope Environmental Resource Council, High Country Citizens' Alliance and Center for Biological Diversity in the lawsuit.

The environmental groups believe that the agencies' decision could open the door to the construction of roads in the nearly 60 million acres of currently protected forestland.

Chris Seldin, assistant attorney for Pitkin County, said the county is involved in the case because it is concerned that the pipeline could catalyze the development of natural gas wells within its borders. The plaintiffs are seeking to block construction of the pipeline through roadless areas and require the federal agencies to conduct a full environmental analysis of connected actions that may be engendered by the development of the pipeline, he said.

The court set a June 18 hearing to decide whether the injunction should stay in place until the Colorado district court can rule on the lawsuit.

"We are happy that the court exercised its authority before that authority was usurped by the bulldozers ripping through the roadless area," Sloan Shoemaker, executive director of Wilderness Workshop, said in a statement. "And we are hopeful that this temporary stay of execution will lead to these roadless areas being permanently spared the executioner's axe."

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