



## 7. ENERGY DEVELOPMENT: Court OKs work on Colo. pipeline (06/26/2008)

**Eryn Gable, special to Land Letter**

A federal appeals court has lifted an injunction that blocked the construction of a controversial 25-mile natural gas pipeline through roadless areas in western Colorado.

The 10th U.S. Circuit Court of Appeals issued its ruling last week after a hearing to decide whether a temporary injunction should stay in place until the Colorado district court can rule on the lawsuit.

The court's order allows work on the Bull Mountain pipeline to continue in the roadless areas. The court has yet to issue a detailed opinion explaining why it decided to lift the injunction, however.

SG Interests, the pipeline's operator, had already done some construction work on the pipeline but was forced to stop working in the roadless areas when the appeals court issued a temporary injunction earlier this month.

A coalition of environmental groups and Pitkin County -- home to the ski resort mecca of Aspen -- had challenged the pipeline construction in court, saying that the pipeline will create eight miles of roads in three separate roadless areas within the Grand Mesa, Uncompahgre-Gunnison and White River national forests in western Colorado. They claimed the Forest Service and Bureau of Land Management's approval of the pipeline violated the 2001 roadless rule, which bars the construction of roads on millions of acres of national forest land.

The federal agencies maintain that the 100-foot-wide "construction corridor" for heavy trucks and equipment traffic, complete with a "travel lane" and a "passing lane," does not constitute a road and thus does not violate the nationwide ban on road building within roadless areas.

Sloan Shoemaker, executive director of the Wilderness Workshop, expressed disappointment in the court's decision, but said his group is waiting to receive the court's opinion before deciding whether to proceed with the case. Shoemaker says the federal agencies' "linguistic sleight-of-hand" could have "troubling implications" for roadless areas nationwide.

"We're certainly concerned that the area the Bull Mountain pipeline is going to be in will be inalterably damaged, but we've swallowed hard and accepted that," Shoemaker said. "What we're really concerned about is what it means nationally for other roadless areas."

Robbie Guinn, vice president of land for SG Interests, said the company is trying to finish the pipeline before an Oct. 1 deadline, when a timing restriction for the big-game hunting season starts.

"We have experienced some delays," Guinn said. "We're still hopeful that the pipeline will be constructed this construction season, but that's uncertain now."

*Gable is an independent energy and environmental writer in Woodland Park, Colo.*

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