

Annual Report 2003

Trust for Land Restoration



Restoration in progress, Down Valley Park, San Miguel County

The Trust for Land Restoration's mission is to heal the last worst places by restoring, conserving and protecting environmentally significant lands degraded by mining or other human activities.

“There can be no purpose more inspiring than to begin the age of restoration, reweaving the wondrous diversity of life that still surrounds us.”

—E.O. Wilson

Looking Back at 2003

TLR Strategy Aids Summit County Land Purchase US Forest Service Expands Howard Fork Project Easement Protects Gunnison Sage Grouse Habitat Ouray County and TLR Advance Innovative Brownfield Proposal

Details below... but first:

Dirt Moved in San Miguel County Gravel Pit Turned into *Down Valley Park*



Restoration in progress, Down Valley Park, San Miguel County

Linda Luther, Director of Parks and Open Space for San Miguel County, contacted TLR in early 2002 to ask for help. After years of negotiation, the County had purchased a 20-acre property along the banks of the San Miguel River, twelve miles downstream of Telluride. The property, once a gravel pit, was to be turned into a new county park with mixed use: ball fields on one end, natural area pond, wetlands and riverside riparian area on the other. The County had applied for \$150,000 from the State of Colorado Resource Damage Funds to help restore the site. Now the State was asking for a third party to take a conservation easement to assure that the natural area would, indeed, be restored as planned, and remain as such... forever.

Then came the call to TLR. Could we structure and hold a conservation easement that would satisfy the State and San Miguel County? The answer was yes, and last summer the heavy equipment rolled, with great results.



Restoration in progress, San Miguel River and Down Valley Park, San Miguel County

In the parlance of contaminated property transactions, TLR's easement on the Down Valley Park represents a form of *institutional control* placed to see that the properties' conservation values are maintained in perpetuity.

TLR Strategy Aids Summit County Land Purchase Shoe Basin Mine Ready for Cleanup in 2004

Two years into the Peru Creek Basin Brownfields Assessment Project, Summit County Open Space and Trails Department completed one of its most important, yet complex, open space acquisitions, buying 105 acres of mining known as the Upper Transpacific Tourism property, in upper Peru Creek Basin. The County retained an option to purchase the adjacent 5-acre Shoe Basin Mine, in hopes that its applications to the Colorado Voluntary Cleanup Program and the USEPA Brownfields Cleanup grants program will both be approved. TLR developed the legal strategies to manage the liability associated with purchasing and reclaiming these mining properties. We also helped write the cleanup grant proposal.



TLR's next conservation easement project... Pat Willits at Pennsylvania Mine, Peru Creek Basin

The Upper Transpacific purchase and proposed cleanup of the Shoe Basin Mine are the most important acquisitions by Summit County thus far in Peru Creek watershed. The proposed reuse of the site is as protected open space with a trailhead and parking area allowing for backcountry access to the Argentine Pass area of the Continental Divide.

The Snake River Task Force, the local stakeholder group, has been active and helpful, throughout the Peru Creek assessment. Members of the task force include local citizens, US Forest Service, Colorado Department of Public Health and Environment, Colorado Division of Minerals and Geology, University of Colorado, Summit County, TLR, Keystone Resort, and Arapahoe Basin Ski Area.

Acreage purchased by Summit County as part of the Brownfields Assessment now stands at about 150.

US Forest Service Expands Howard Fork Project Isotope Sampling to Trace Acid Mine Drainage

The Howard Fork of the San Miguel River, near Ophir, Colorado, has been impacted and degraded by mining, most of which occurred between 1880 and 1950. Today, draining adits are among those remnants of historical mining activity that continue to discharge water contaminated by metals loading and acid rock drainage directly or indirectly into the river. Tailing piles and waste rock dumps, many located directly adjacent to the Howard Fork, represent another significant source of metals loading.



Recognizing that there is a profound need to develop cost-effective strategies to reduce acid rock drainage and also better manage liability concerns, TLR was awarded \$60,000 in 2002 by the Colorado Department of Public Health and Environment, via a grant administered by the USEPA, to analyze regional hydrogeology as it relates to mine workings which discharge significant heavy metals into the Howard Fork and recommend strategies to intercept and divert water away from mineralized zones. The two-year study received an added boost by the pledge of an additional \$6,000 from local landowner Glenn Pauls and another \$22,500 from the United States Forest Service in the form of a contract for consulting services.

In 2003, the Forest Service added several tasks to the scope of work and provided an additional \$48,000. One of the studies that this new funding will allow is a cutting-edge isotope sampling study. TLR's technical consultant, American Geological Services, will cooperate with USEPA's Mike Wireman and University of Colorado's Mark Williams to trace water from outside the Howard Fork Basin to see if that water is somehow entering mine workings on the Howard Fork, picking up metals, and draining into the Howard Fork. The additional Forest Service funding has also allowed TLR to cooperate with the Town of Ophir to identify and contact owners of patented mining claims to discuss open space conservation.



USEPA's Bill Schroeder and TLR's April Montgomery visit mining site above the Howard Fork

An added word of thanks to the many helpful people at USEPA Region 8 who have been so supportive of this project. Mike Wireman and Bill Schroeder deserve special recognition. Hydrologist Mike Wireman has been the catalyst for all of TLR's work along the Howard Fork, as well as a key participant in a number of activities in the San Miguel watershed for the last ten years. Bill Schroeder is the EPA's water chemistry ace-in-the-field who led two multi-day water sampling events on the Howard Fork in 2003 and has planned at least one more in 2004. A dozen residents of San Miguel County are also to be recognized for their volunteer help to make these sampling events a success.



Water quality sampling on the Howard Fork

Easement Protects Gunnison Sage Grouse Habitat

Conservation easements are an important aspect of all land trusts work. Though the particulars of each deal differ, in essence, a conservation easement represents the granting of a legal agreement to reduce or eliminate altogether certain property rights on a given piece of property, to benefit conservation values identified as being present on the property. When the conservation values include protecting habitat for an endangered species, the accepting land trust gets very excited. Such is the case with one of the two conservation easements TLR accepted in 2003.



A portion of Baker Ranch now under conservation easement held by TLR

This past December, Chris and DeAnn Baker donated a conservation easement to TLR on a portion of their ranch property on Iron Springs Mesa, in San Miguel County that included habitat for a threatened species, the Gunnison sage grouse. The Bakers also pledged to donate a second easement to TLR in 2004 on neighboring property that they own, and they agreed to develop a livestock grazing management plan covering their entire ranch.



Gunnison sage grouse male “on display” during mating ritual
Photo Copyrighted © by Louis Swift

Gunnison Sage Grouse Habitat Conservation ¹

For centuries the Gunnison sage grouse has made its home on Iron Springs Mesa. Populations most likely fluctuated over the years in response to the ebb and flow of natural fires that formed the necessary sagebrush communities that are essential to these birds. At times in the past, the habitat must have looked somewhat different than it now does. For the sage grouse to survive, it is assumed that the vegetative communities must have been more open, with less pinion-juniper woodlands and perhaps fewer areas dominated by oakbrush and serviceberry. In fact, the isolated populations of Gunnison sage grouse that exist today in southwest Colorado were likely connected to a web of sagebrush that allowed for movement of birds between populations which allowed for genetic intermingling that contributed to the characteristics in the birds we see today. At some point in the past (estimated at 300,000 years) these birds separated from their sage grouse relatives to the north and evolved to where these birds are considered a separate species today.

In the recent past, records shows that sage grouse populations had a wider range than we see today in San Miguel County. Intensive studies in the late 1990's and early 2000's tend to support the theory that the bird's range is contracting, with only the most favorable habitats being used today. Fragmentation of habitats by urban growth, poor livestock grazing management, and a progression towards older-aged vegetation appear to be the primary reason for decline.



¹ Adapted from *Gunnison Sage Grouse Conservation Plan, Pinion Mesa, Colorado*, Colorado Division of Wildlife, May 2000.

Ouray County and TLR Advance Innovative Brownfield Proposal

This past December, TLR coordinated a proposal to the USEPA to conduct a Brownfields Assessment of mine-scarred, private properties in the Canyon Creek watershed of Ouray County, Colorado. The goal of this proposal is to assess 4,000 acres of private mining claims to prioritize properties for public acquisition. The Ouray County Board of County Commissioners is the project applicant. The Red Mountain Task Force and the Trust for Public Land, along with TLR are listed as project partners.

Canyon Creek is within the Red Mountain Project area of southwest Colorado. It is a 28 square-mile watershed adjacent and connected to the City of Ouray, in the rugged San Juan Mountains. These mountains have been described as the most visually stunning mountains in the state, and perhaps in the entire west. In addition to spectacular scenery, the San Juans played host to one of the most colorful and productive hardrock mining eras that the world has ever known. The period 1876 to 1918 saw an incredible mining boom, with Canyon Creek and the surrounding Red Mountain Mining District at the center of it.



City of Ouray

Today, Ouray is a National Historic District. US Highway 550, the famed “Million Dollar Highway,” traverses and provides access to the lands in and around Ouray and the Red Mountain Mining District. The area’s scenic splendor has led administrators of the National Scenic Byway system to designate the highway as one of only 19 “All-American Roads” in the nation. Each year, the area attracts over a million visitors. Tourism, in short, has replaced mining as the primary economic driver in this part of Colorado. And while the miners are all but gone, they left behind dozens and dozens of

structures that have immense historical value and visitor interest. They also left behind waste rock piles, mill tailings, road scars and acid-rock mine drainage. As they have across the rural west, these sites have become the brownfields of Ouray County.



Camp Bird Mine and Canyon Creek, Ouray County

There is urgency to conserving and protecting open space and historical values in the San Juans. The beauty and the mining history of Ouray County are threatened by an onslaught of dispersed second-home building, and real estate speculation. Also, most of the remaining mining relics are in disrepair. Old age, extreme weather and scavenging by souvenir hunters are taking a toll. Most of these structures require stabilization and minimal restoration to keep them standing. The Red Mountain Project was conceived in 1999 to respond to this urgency.

The Red Mountain Project is a nationally recognized, local collaborative effort to conserve over 11,000 acres of mining claims and other historic mining related properties in the geographic triangle formed by the San Juan Mountain towns of Ouray, Telluride, and Silverton. The Red Mountain Project is overseen by the Red Mountain Task Force, a dynamic partnership of local citizens, local governments of three rural counties, two local historical societies, Ft. Lewis College, state and federal regulatory agencies, the United States Forest Service, a non-profit national land conservation organization in the presence of the Trust for Public Land (TPL), and a non-profit state-wide land trust in the presence of the Trust for Land Restoration (TLR).

On behalf of the Red Mountain Project, Trust for Public Land has, to date, received authorization to utilize federal Land and Water Conservation Funds (LWCF) totaling \$14.2 million to acquire private property in the Red Mountain, Ouray, and Telluride Mining Districts and convey them to the US Forest Service. By the end of 2003, TPL will have acquired and transferred more than 6,000 acres to the US Forest Service, 3,500 acres of which are in Ouray County. Another 150 acres of inactive mined land has been acquired by Ouray County using non-federal funds, and is now managed by the County as an open space park.

The Canyon Creek Brownfields Assessment has great leverage potential. About \$5 million remains in current LWCF authorizations for future Red Mountain Project acquisitions. TPL estimates about 4,000 acres of private inholdings remain to be assessed and prioritized for potential acquisition in Canyon Creek, but additional acquisitions are now hampered by liability concerns related to mine land contamination.

An important element of this proposed assessment will be the liability analysis performed by TLR. Attorneys for the Trust will help analyze the results of environmental assessments, uncover site history, review chain of title, provide legal analysis and opinion, and perform other due diligence tasks that will provide the basis for site prioritization that is a core task of this project.



Ironton Schoolhouse, Ouray County conservation easement held by TLR

Trust for Land Restoration Supporters

Gifts, grants, and in-kind contributions as of 12/31/03

Individuals:

Michael Ackerman
Chris and DeAnn Baker
Lyle Berman
Brownell Bailey
Robert Clark
David Folkes
Jane Ellen Hamilton
Geoff and Christy Hoyl
Dr. Donald Kocurek
Jeff and Susan Kodish
Dr. Bob Moran
April Montgomery
Paul and Susan Phillips
Edward Pauls
Glenn Pauls
Dr. Henry Toll
Debra and Patrick Willits
Roy Young

Organizations:

Conservation Impact, Denver CO
Davis, Graham and Stubbs LLP, Denver CO
EnviroGroup Limited, Englewood, CO
Environmental Support Center, Washington DC
Great Outdoors Colorado Trust Fund, Denver CO
Holland And Hart LLP, Denver CO
Middleton and Richards LLC CPA, Ridgway CO
Ouray County, CO
The Richard and Joan Ringoen Family Foundation, Boulder CO
Ridgway-Ouray Community Council, Ridgway CO
San Miguel Watershed Coalition, Telluride CO
San Miguel County, CO
Town of Ophir, CO
Trust for Public Lands, Denver CO
WebDesign Farm, Huntsville AL

Current contracts:

Summit County, CO: Peru Creek Brownfields Assessment

United States Environmental Protection Agency: Howard Fork Acid Rock Drainage Source Interception Study

United States Forest Service: Howard Fork Acid Rock Drainage Source Interception Study Participating Agreement

THANK YOU!



TLR's April Montgomery and USEPA's Bill Shroeder check GPS location on the Howard Fork



TLR's Pat Willits checks mine dump above the Howard Fork