



Without suitable highway wildlife crossings, the wildlife fence recently installed along interstate 70 has further complicated the relationship between human and wildlife populations in some Vail neighborhoods.

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What's Next: Open Space and Wildlife – Part Three

The fate of the bighorn sheep herd in East Vail has been given a temporary reprieve with the agreement to cease litigation about the Town of Vail's ability to expropriate private land for wildlife preservation. The agreement, on the other hand, could open the floodgates for additional tourism development throughout the community.

Additional tourism development could miss balance residential housing, parking and transportation facilities, overwhelming and repealing hard fought advances achieved under regulations adopted over the course of Vail's fifty years of expansive growth.

Now that the bighorn sheep conflict has been partially resolved. The "what next" question comes to the forefront. VHA is now attributed with being one of the motivational forces that marshalled an effort to protect the community's lifestyle and natural assets. VHA has received correspondence since the "settlement" which addresses what next issues?

A gathering occurred of some of the people who helped make the Booth Heights acquisition come to fruition. It was the sentiment at the meeting that the TOV will need to be very watchful of the process. It should anticipate that building plans from some developers are going to be huge and overbearing. Their opinion is that TOV residents need to be watchful and stay ahead of the process.

A reader wrote, “I’m writing to say that I hope the VHA continues to serve its very important role as a watchdog and advocate. The VHA’s efforts have been invaluable at keeping folks “honest” and letting local government and officials know that someone is watching. The bigger Vail gets, the more the VHA is needed.”



Recently installed trespass fencing on the northern boundary of Donovan Park in West Vail is a circulation hazard for wildlife.

In that regard, neighbors report a lengthy wildlife fence has been built along a portion of the northern boundary that divides Donovan Park meadow land from adjoining private property. The report alleges that the fence may not be allowed because of the protective covenants for the area. This area of the Donovan Park meadow land has been assailed on many occasions as a potential site for housing. Like Booth Heights, the Middle Bench at Donovan Park has been a conflict between development and conservation political interests for decades.

If true, subdivision records should exist in the archives of the Town of Vail and Eagle County. Each would have copies of any applicable protective covenants. It was not uncommon for protective covenants to contain language that prohibited fences so that the circulation of wildlife would not be inhibited as they migrated within and through the valley. The legal stipulations apply to the TOV when it acquired Donovan Park, including its meadow lands. The acquisition placed a prohibition against converting the wildlife protection uses which is the intended use for the open space meadow lands.

It is said that the Town of Vail Planning and Environmental Commission approved the fence because of a property owner’s complaint about habitual trespassing by sports enthusiasts during the winter season. By taking a seemingly straight forward approach, the Town may have unintentionally stepped on a mine field of public controversy.

The Town’s rationale included a supposition that it was the responsibility of the mountain operator to police out-of-bound trespassing by its lift ticket holders. The matter should not be taken lightly or without regard to community sentiment and history. As an owner, the TOV is subject to complying with covenants and terms of purchase. Should the perception that covenants exist prove incorrect, then steps should be taken to enforce trespass limitations so that the circulation of wildlife remains through neighborhoods uninhibited, as intended.

Vail was designed to allow for indigenous wildlife to migrate through neighborhoods by providing interconnected open spaces and prohibitions against fencing. The fencing prohibitions and open space acquisitions are the underlying rationale for the creation and maintenance of wildlife corridors throughout the Vail community.

The installation of wildlife fencing along the length of Interstate 70 has created an impenetrable barrier to wildlife migration throughout the length of Vail. A change in attitude about wildlife and pedestrian crossings at essential locations in Vail along the length of I-70 has become necessary. A forward-looking vision to accomplish this task

is required. It would be a tragic oversight of selfish proportion to continue the damage being done to the indigenous Vail community and its wildlife.

A wildlife crossing is being constructed at the summit of Vail Pass. Other opportunities for similar crossings along the length of I70 through Vail should be included in the TOV and CDOT master planning and, if required, overtime built as opportunities arise.

The crossings are feasible, whether pedestrian or wildlife, in several locations in Vail along I70. Setting aside open space and rights-of-ways that can be used for overpass bridges would be an important step in the right direction. Vail has rarely been in the position to not take advantage of building shovel-ready projects using Federal and State financial assistance. There would be substantial community benefit if shovel-ready documentation was prepared to have additional Interstate pedestrian and wildlife crossings built over I-70

VHA, is funded by voluntary dues pledged annually from condominium associations and individual property owners. Members are primarily the part-time resident property owners from Vail's founding generations. As Vail grows, traditional assumptions of political activism have also become more complicated and costly.

VHA is a member and reader-supported non-profit. Memberships and contributions fuel the VHA reports, *Letters to Vail* and help VHA respond to important issues, expand our reach and ensure transparency and coverage. VHA is thankful for support and participation from the Vail community. We are pledged to remain at the forefront of advocating on behalf of the mutual interests of full and part-time residents and property owners.

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