



Photo by Suzy Meredith-Orr

Stakeholders Demand Meaningful Mitigation From CSQ

Public access to the Yule Creek Marble Quarry has been restored...in a small way. Early January was an odd time of the year to open several hundred yards of a snowed in, uphill road to pedestrian access. The Colorado Stone Quarry (CSQ) was overdue in providing the short pedestrian route which provides the visitor a view into the lower reaches of the marble quarry. Restored public access was a requirement by the Gunnison County Commissioners for CSQ's 2016 permit expansion. The 2016 permit granted CSQ an increased envelope of exploitation from 11 to 124 acres.

CSQ has now applied for a retro-active permit to relocate Yule Creek. The creek flows through the middle of the quarry operation. CSQ moved the it to the opposite side of the valley and buried the original creek in 97,000 yards of marble overburden. During the public comment period for the quarry permit, which ended in December, Gunnison County Commissioner Jonathan Houck admonished the quarry for their failure to comply with the public access requirement.

The public is encouraged to drive three miles to the end of the quarry road, County Road 3C, and snowshoe or ski up the short pedestrian access. A good four wheel drive vehicle is necessary. The short trail is well marked and parking is ample. Viewing the fabulous alpine valley and the mining project are worth the trip. More public viewing access is included in the County land use permit.

Public access was arguably consistent throughout the twentieth century. "Old timers" remember unchallenged public access until the late 1990s. At that time, a new property owner (unrelated to any quarry operation) restricted public access and demanded a fee for passage on the historic route. Marblelians, locals and tourists and the Gunnison County Commissioners rebelled. Two separate courts' decisions sided with Gunnison County and the public's historic access. In a shocking

reversal in 2004, the Colorado Supreme Court ruled in favor of the private land owner. Almost a century of public access ended.

At approximately the same time, the owner of the quarry terminated the popular guided tours of the historic Yule Marble Quarry. From that time on extraction activities in upper Yule Valley were not privy to the public eye. For over a decade the Yule Creek environment suffered from a lack of oversight and protection.

The period for public comment on the CSQ permit to move the creek that they have already moved is over. A unified request by citizen groups, CVEPA (Crystal Valley Environmental Protection Association), Gunnison and Pitkin Counties and others for a public hearing was denied by the U.S. Army Corps of Engineers. These parties requested significant compensatory mitigation be required of CSQ by the Corps. This basically amounts to restoration work meant to counterbalance the environmental damage done by CSQ's unpermitted relocation of the creek. The Corps will not share CSQ's proposal for mitigation with the public nor offer the concerned groups an opportunity to comment on such a proposal. All of this lack of transparency is unacceptable to CVEPA and our other vested partners.

In our most recent conversation with the Corps, we learned that they have given CSQ 30 days to submit their proposal for compensatory mitigation. CSQ is biding for more time and still has no proposal to offer the Corps. CSQ argues that they need time without snow on the ground to formulate a comprehensive proposal. The Corps counters that CSQ has had since May of 2020 to work on the compensation they knew they must perform. To postpone detailing the mitigation proposal until snowmelt will lead to another year of delays. The Corps says this is unacceptable.

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Mitigation, continued

CVEPA's legal counsel petitioned the Corps for a copy of the Notice of Violation (NOV) for CSQ's unpermitted relocation of Yule Creek. A Freedom of Information Act (FOIA) had to be filed in order to obtain this information. The March 5, 2020 NOV states that CSQ's "work is violation of the Clean Water Act". Further, the Corps wrote "Potential enforcement actions include directing removal of the unauthorized work and restoration of the site to pre-project conditions." Unless the Corps demands that the creek be returned to its original (now deeply buried) channel there is not likely to be one large mitigation project meaningful enough to fulfill CSQ's obligation. This could mean numerous lesser projects to correct or improve the environment at the quarry or in the immediate watershed. CVEPA has proposed

a list of projects in the Crystal Valley that we feel would benefit water quality, wildlife habitat and quality of life for valley residents.

The Corps has asked CVEPA for ideas for mitigation. While CVEPA appreciates the Corps soliciting our input, we feel that the onus is on the Corps to conduct an environmental assessment, at the expense of CSQ, and make their educated and calculated decisions going forward. This recommendation was turned down during the permit comment period.

CVEPA will obtain CSQ's proposal for compensatory mitigation through a FOIA process.

The Corps has said that it is "In the public interest to issue the permit." CVEPA believes that the people's best interest is served through a transparent process in

which we know why and what is being served.

CVEPA is the only organization devoted solely to protecting the Crystal Valley. We have been your environmental watchdog for 49 years.



Valley Voices:

"It's Time For the Dust to Settle"

Suzy Meredith-Orr, CVEPA Board of Directors

Anticipating another summer of difficult conditions brought by an influx of off-highway vehicle traffic headed for the Lead King Loop, Marble residents recently stirred up some dust of their own with a flurry of emails asking for action.

Missives circulated in late February expressed a variety of opinions, but the majority described dread at the summer return of noise, fumes and dust in addition to the safety and sanitation concerns that accompany the seasonal increase in ATV traffic. There were pleas for a solution, and a proposal crafted by the concerned citizens themselves.

Since approximately 2011, traffic from OHVs has steadily increased in the upper Crystal Valley, bringing with it unwanted impacts not only to many residents of Marble and Crystal, but also to wildlife and vegetation. Comments indicate the change has taken from many the opportunity for a peaceful experience with nature and has threatened an increasingly rare quality of life.

Marble and nearby residents who have had to bear the brunt of these impacts

have sought help for mitigation from a variety of agencies including Gunnison County, the Marble Board of Trustees, the US Forest Service, Gunnison County Sheriff and the Lead King Loop Steering Committee. The players are many, their jurisdictions varied, and their abilities to take action depend on multiple factors. The work of these many groups over the last few years resembles an alphabet soup of ingredients simmering together before they can be served as one delicious meal.

Approximately ten years ago, **Gunnison County Commissioners** gave a boost to OHV users by approving an exemption to a state law that prohibits unlicensed vehicle use on county roads. The county's exemption allowed the legal use of OHVs on the portion of CR3 that runs through Marble. In 2014, Marble Trustees confirmed legal use of ATVs in town through passage of an ordinance. Later, the Town allowed ATV and trailer parking in the lot next to the Firehouse and Mill Site Park, placing noise and fumes adjacent to a public space dedicated to the appreciation of nature and history. This lot has proved to be inadequate and "creative" parking solutions

appeared in front of driveways, along the roadways, and in other inconvenient spots.

In response to concerns of residents, Gunnison County tasked the Marble Board of Trustees in 2018 with the formation of a working group in order to begin laying the groundwork to develop a recreation management plan for the LKL. Members of the **Lead King Loop Steering Committee** include representatives from the Gunnison County, White River National Forest, Colorado Parks and Wildlife, Marble, Crystal and CVEPA.

Currently led by Ron Leach, Marble Town Administrator, and Corrine Truesdell, Masters candidate in Environmental Management at Western Colorado University in Gunnison, the group is trying to find enforceable ways to mitigate impacts while assisting the US Forest Service in gathering data of loop users, a required multi-year process in developing recreation management plans on USFS roads. The Loop is a joint Forest Service and Gunnison County road; the county owns the portion to Crystal, and the USFS manages the road that heads left at the top of Daniel's Hill. *Continued on Page 3*

It's Time for the Dust to Settle, continued

Members of the committee agree that many things are put at risk by unmanaged tourism and in order to craft a solution, their focus has been on public outreach, conducting community focus groups, OHV surveys, and research of successful OHV recreation management plans. Truesdell's report describes her work to identify "the needs, goals, conflicts, opportunities and barriers...to create successful outcomes." Those outcomes are communicated to the groups that can make policy and take action based on the advice of the Steering committee.

Minutes of the Steering Committee, and a copy of a report detailing the group's work to date can be found at <https://www.townofmarble.com/lead-king-loop-sc.html>. The report and other resources are also available on the CVEPA website at <https://cvepa.org/lead-king-loop>.

Another group made up of representatives of Gunnison County, the Town of Marble, the USFS, Colorado Parks and Wildlife and others recently met to discuss options for mitigating impacts from ATV traffic. While the county currently has no proposal in front of it to ban ATV traffic through town, the commissioners have expressed their desire to work collaboratively with the Trustees and other stakeholders as they examine solutions. As they vet the practicalities of a ban, restrictions on speed, noise, and parking are also being considered. Future meetings are planned. The Commissioners welcome comments and suggest that email is the best way to reach them.

On March 4, yet another meeting was held at which ATV use was discussed. In response to the passionate opinions expressed in the community email chain, the **Marble Board of Trustees** added an agenda item on ATVs to their regular meeting. Alex Menard, curator of the Marble Museum, spoke in favor of a ban of ATV traffic between Beaver Lake and Daniel's Hill as a means to help bring a stop to the impacts from what he calls "Motorized Madness." Some community members suggested having "Pedestrian Only" days on the Loop. Others suggested that

motorized traffic is the only way in which some users can access the Loop.

The trustees listened respectfully to attendees but did not take action. To some attendees, they appeared unwilling to revisit their earlier decision to allow OHV traffic in town. As Marble and Crystal residents know well, government actions require time. With few actions available that could create immediate change, this option appeared promising, having the potential to impact traffic as early as this



summer.

CVEPA board president, John Armstrong, encouraged the Town of Marble to petition Gunnison commissioners to rescind their earlier action and restrict the road according to state law. CVEPA believes the exception allowing ATV traffic has been detrimental to the environment and to the quality of life in Marble and Crystal. Data collection of OHV users on the Loop and meetings of stakeholders can proceed while the state law is being enforced. CVEPA believes a test period should be considered.

Meanwhile, **a large contingent of locals**, frustrated over the lack of action, crafted their own proposal. It suggests providing Loop User Permits to Crystal Valley residents and emergency vehicles with limited permits available to users from outside the area. The proposal suggests the Town and County administer the process with permit fees funding administrative costs. They also propose a noise ordinance, parking restrictions and signage explaining the permitting process.

But regardless, standing above all the meetings and phone calls, Zoom conferences

and emails, the activities and opinions of local government, agencies, non-profit organizations, groups of concerned citizens and community boards, is the **United States Forest Service**. Whatever the group and whatever their solution, the Forest Service will play a large role in determining how impacts are ultimately addressed. The majority of the Loop is a Forest Service road and is designated as Open to All Vehicles in the current USFS Travel Management Plan. Changes to that plan require years of data collection and input from multiple stakeholders. Luckily, the USFS is represented in most of these groups and is aware of the issues and their impacts.

In addition to meeting the conditions of the Forest Service, all solutions must also deal with the need for enforcement. Enforcement requires funds and the large amount required to hire officers is difficult for many of these entities to come by. The Loop is also handicapped by the location of its main access point on the north edge of Gunnison county. Educational signage is good as is well-meaning advice from residents, but some users require a warning or ticket before changing their behavior.

One thing the Upper Crystal Valley does have in abundance is passionate folks who care about their quality of life, the health of the surrounding environment and the treasures hidden in its wilderness. Residents have chosen a type of life that requires toughness, patience, tenacity, resourcefulness and to a degree, a reliance on community. They have shown their commitment to a sense of place and a sense of history. Those lucky enough to live in the upper Crystal Valley clearly recognize the value of pristine wilderness and the serenity only it can provide. CVEPA recognizes the power in this unique group of individuals to craft the right solution to protect these increasingly rare attributes and is honored to help find that solution. We hope it will happen sooner than later. Edited to correct that Mr. Menard favors a ban on ATV traffic between Beaver Lake and Daniel's Hill, not through the town of Marble.

Sunfire Ranch Conserved Forever

The iconic Sunfire Ranch has been owned by the Sewell family since 1880. The family are direct descendants of the original patentee, Myron Thompson. The only structures on the Ranch today are a few residential structures, agricultural buildings, and the remnants of the historic homestead. The ranch is located on the west side of Hwy 133 about five miles south of Carbondale. In the early seventies the Ranch was subdivided into 29 lots of 35-acres each, spread over the ridgelines at the mouth of Thompson Canyon. The full development of these lots would have significantly degraded important habitat along Thompson Creek while filling our night sky with lights that would have been visible from Carbondale.

The Ranch's steep and varied topography hosts a diverse and thriving wildlife population and plant communities. It is in a relatively undisturbed condition and is connected to large expanses of public lands reaching into the Thompson Divide, and other conserved private lands, such as Cold Mountain Ranch and Sustainable Settings. The elevation of the Ranch ranges from irrigated lands at approximately 6,380 feet, to uplands that reach to 7,540 feet. The uplands lie partially within the Smith Gulch Potential Conservation Area (PCA) identified in the Colorado Natural Heritage Program's Roaring Fork Biological Inventory.

The irrigated portions of the ranch have been in continuous agricultural production for over 130 years. The historic hay and livestock production are customary. Just as important, there has been a resurgence in local food production in the Roaring Fork Valley, and the Ranch is providing a home for a small farm known as Wild Mountain Seeds,



(<http://www.wildmountainseeds.com/>), a vegetable producer, transplant nursery, a seed breeding farm and a high altitude research and education facility. Wild Mountain Seeds offers classes on high altitude vegetable growing and seed saving as well as seeds and transplants for mountain climate. The Ranch owners desire to continue to provide a place for Wild Mountain Seeds and potentially incubate other agricultural enterprises.

The Ranch pastures and wild uplands are visible along several miles of the West Elk Byway and the Crystal Trail. The development of the upland areas would significantly impact the view shed of the lower Crystal Valley. In sum, the Ranch is replete with habitat, agricultural and scenic conservation values

that merit our best protection efforts.

After over ten years of discussions and negotiations, on December 23, 2020, Pitkin County completed its purchase of a conservation easement that limits all future development to a few building envelopes near the highway. The County Open Space Fund contributed \$9million and \$1 million was awarded by Great Outdoors Colorado. Jason Sewell and his family have achieved their dream of ensuring the ranch will remain viable for seven more generations (at least). The conservation of this 1240 acres is a major step forward towards our community goal of protecting the Crystal River Valley for its wildlife, waters, agriculture and scenery! <https://www.sunfireranch.farm/>

Offer for CVEPA Members



Frank Mechau, influential American artist, was a resident of Redstone Colorado. His life in the Crystal Valley helped shape and inspire the unique style and sense of place his work is known for. Frank's wife, Paula, was a founding member of CVEPA, and his son, Mike, is a board member emeritus. A new documentary on PBS, explores the amazing work and life of this great artist. <https://video.pbs12.org/video/frank-mechau-zlx9je/>

Thanks to the generosity of the Mechau family, 15% of proceeds from sales to CVEPA members of items purchased from the www.frankmechau.com website by Dec. 31, 2021 will benefit CVEPA. Reproductions, note cards and books of Mechau's work are available on the website. When checking out, please mention that you are a CVEPA member in the "Order Notes" field. CVEPA thanks the Mechau family for this generous gift.

Wild and Scenic Effort Revived

A community-based effort to gain Wild and Scenic status for a portion of the Crystal River is being reinvigorated. This most recent push for the rare federal designation was begun by the Crystal River Caucus and has been joined by CVEPA, Pitkin County, Wilderness Workshop, Roaring Fork Conservancy, American Whitewater, American Rivers, the Roaring Fork Chapter of the Sierra Club and others.

The Wild and Scenic Rivers Act was authorized by Congress in 1968 to “protect selected rivers with outstanding remarkable natural, cultural and/or recreational values to be preserved in a free flowing condition; and to insure that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.” There is only one river in Colorado, the Cache la Poudre, designated as Wild and Scenic.

The Crystal River has long been, and continues to be, under threat from entities outside of the valley in search of water. One of the earliest threats came from the West Divide Project authorized by Congress in the 1960’s, before CVEPA was formed. The project was initially designed primarily to provide irrigation water to farmland south of Silt and Rifle. Later, it was seen as a source of water for the burgeoning oil shale industry north of Rifle and Parachute. Construction of the project depended upon Congress to appropriate the necessary funds. The project, as designed by the Bureau of Reclamation with water rights held by the Colorado River Water Conservation District, provided for a 301 foot high dam on the Crystal at Placita.

Responding to major efforts of the River District to build the project, CVEPA mounted a campaign in opposition, utilizing the efforts of Paula Mechau, her son Mike, Greg Durrett, Jack Snobble, Adolf Diemoz and others, that lasted for years. As time passed, public sentiment against damming the Crystal grew. CVEPA, nevertheless aware of the growing thirst for water, made an early failed attempt to secure Wild and Scenic designation to permanently protect the river on account of opposition from

ranchers and owners who feared restrictions on their property rights.

In 2010, the River District revealed renewed interest in developing its water rights to dam and divert the Crystal.

In 2012, the Crystal River was named one of the “10 Most Endangered Rivers” in the country by American Rivers, a national environmental organization that works for clean and healthy rivers. The designation brought more attention to risks to the free-flowing nature of the Crystal, and reminded many that in spite of its scenic beauty, the river was still viewed by some as a potential source for municipal and irrigation water outside of the valley.

At the instance of Bill Jochems, the Caucus and CVEPA successfully called upon Pitkin County to oppose the attempt of the District to renew its hold on the necessary water rights as the law required. Pitkin County’s decision to mount a major battle in court led to a settlement in which the District agreed in 2013 to abandon its rights to dam or divert the Crystal River.

Since that time, drought and talk of water augmentation plans have raised concerns about additional threats to the Crystal. A “Save the Crystal” project involving Pitkin County and CRV residents Dorothea Farris, Bill Jochems and Chuck Ogilby was formed in 2013 to assess the level of support among locals for Wild & Scenic & Recreational status. Forums to explain what W & S entailed were held and well attended. The group determined support did exist for protection of one of the last and largest free-flowing rivers and proceeded to draft a bill for Congress that would meet local needs and will not interfere with private property rights, mining claims, or water rights.

Legislation to protect a river under the Wild & Scenic Act can be drafted to meet the individual needs of the designated River.

“Although there are other political means to establish wild and scenic rivers, the primary process is through studies by federal land management agencies, which then present recommendations to Congress. This study process requires two steps

before a river can be included in the National Wild and Scenic Rivers System (NWSRS). The first is an evaluation of a river's eligibility. This evaluation considers the area within one-quarter mile of the high water marks on both sides of a river, and other features outside this corridor if their inclusion is essential for the protection of the river's outstandingly remarkable values. To be eligible for inclusion in the national system a river must be free-flowing and have at least one outstandingly remarkable value.”

The Crystal River above the Sweet Jessup Ditch has been found eligible twice, by the National Park Service and by the U.S. Forest Service.

“The Wild and Scenic Rivers Act defines ‘free-flowing’ as existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence of low dams, diversion works, or other minor structures at the time any river is proposed for inclusion in the NWSRS does not automatically disqualify it for designation, but future construction of such structures is not allowed. The guidelines state, ‘the fact that a river segment may flow between large impoundments will not necessarily preclude its designation. Such segments may qualify if conditions within the segment meet the eligibility criteria.”

Today, some of the same players have joined with new ones to again address the process to obtain Wild and Scenic status for the Crystal. They recognize that demands for water are growing as flows are shrinking and they hope to benefit from the recent changes in Washington to remove the threats once and for all. Key to their efforts is securing support from all areas of the valley, and from all users. The group recognizes that all entities must work together to project their river and ensure its pure and free-flowing state will remain far into the future.

Dorik Mechau

CVEPA was saddened to hear of the passing of Dorik Mechau in early February. Dorik was the brother of Mike and the daughter of Paula, both founding members of our organization.

Dorik was portrayed in the beautiful work "Dorik and His Colt" painted by his father, the well-known artist Frank Mechau, in 1944. Dorik was also a member of the Mechau Balladeers. This family vocal group, made up of Paula and her four children, performed extensively during the 1940's and 1950's. They were featured in an article in the May, 1951 issue of Collier's Magazine that not only provided a charming portrait of the family, but also a glimpse into life in the Crystal Valley years ago. The article has been featured in serial form in the last four issues of the "Crystal Valley Echo," and may also be found on the Redstone Historical Society webpage at:

<https://history.redstonecolorado.org/vintage-valley/mechau-balladeers/>

Dorik appeared the PBS documentary about his father's life and work.

We know that Dorik was well-loved in Palisade, where he lived, and in the Crystal Valley. The CVEPA Board of Directors sends its deepest condolences to the Mechau family.

The "Crystal Clear" is published quarterly by the Crystal Valley Environmental Protection Association, a 501c3 organization. CVEPA has been the environmental watchdog of the Crystal Valley since 1972. Meeting minutes and past issues of the "Clear" are available at <https://cvepa.org/>.

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