

CRYSTAL CLEAR Summer, 2021

Published by the Crystal Valley Environmental Protection Association, Environmental Watchdog for the Crystal Valley since 1972.

What's All the Fuss About Marble?

The last several years it seems that every time you pick up the paper there is an article about Marble. It might be the Marble Quarry, the Off Road Vehicle impacts, Wild and Scenic Designation or simply overcrowding. Why all the interest in this little hamlet way up the Crystal River? For those of us who have called Marble home for so many years the answers are simple. The Crystal Valley is one of the gems of Colorado! We came for the natural beauty, to be at the head of a pristine watershed with unspoiled vistas, to get away from the hub-bub, not to be bothered and to revel in the peace and quiet of this sleepy mountain town. Marble has the best hikes, the best lakes, the best flowers. Someone asked a good friend of mine if he thought he was escaping from reality. He answered without hesitation "I am escaping to reality!"

For so many decades we seemingly had this all to ourselves.

Ask people now and they will tell you that Marble has the best skiing, the best statuary stone, the best off highway vehicle trail, the best stand-up paddle boarding and the best BBQ joint. Being at the back door to the Maroon Bells just past the famous Crystal Mill brings challenges unforeseen decades ago. Sharing all this bounty can be difficult when you see your valley being loved to death

and your lifestyle threatened. CVEPA regards clean air and water and safety and tranquility as inalienable.

Fifty years ago we were told that Marble was going to be the best new ski area with a town the size of Grand Junction and a tramway to bring you over the mountains to Snowmass. A handful of brave men and women who loved this valley met around a kitchen table in Marble and vowed that this would not be this valley's fate. So they formed CVEPA. They were in solidarity, they were maligned and called selfish, they were ostracized by many but they worked hard and they prevailed. Marble and Redstone are CVEPA's roots. Today, the onus of environmental defense is on all of us.

We are at another juncture and Marble can decide what it wants to be. It has all the natural resources to help create its future. There are people who want what Marble has to offer. One thing we can be sure of is that the world is not going to go away. We have the opportunity to influence what our future will be but if we aren't involved, if we aren't vocal and if we don't work together then someone else will make that decision for us. Elected officials are listening to you, the press hears you. Speak to the town council, the commissioners and the land managers. Communication and collaboration is the key.

No one gets everything they want, but if we work together, we all get what we need.

CVEPA has worked for 12 months to clear the 55 acre wetlands property across from Beaver Lake from environmental liabilities. CVEPA attained a state grant that assisted in the evaluation of the old Hoffman smelter site earning significant savings. CVEPA Board Member Peter Westcott obtained certified laboratory analysis of the suspect materials pro bono. After receiving the State's final report the Aspen Valley Land Trust will acquire the property for conservation to keep the property out of development for perpetuity. The land is a living laboratory for our schools and a quiet preserve for wildlife, locals and visitors alike. The wetland sits at the confluence of the Crystal River and Yule Creek and acts as a filter for particulate and contaminants in the water.

The Pride of America Marble Quarry, operated by Colorado Stone Quarries (CSQ), is located 3 miles up Yule Creek. CSQ has submitted their plan for compensatory mitigation to the US Army Corps of Engineers for their unpermitted relocation of a ¼ mile section of Yule Creek. CVEPA initially reported the infraction to the Army Corps. Through the Freedom of Information Act, CVEPA and its partners received the CSQ plan.

Continued Page 2

Partnerships Make Progress Toward OHV Solutions

Efforts to address the quality of the back country experience on the Lead King Loop east of Marble are continuing as multiple jurisdictions that have a say over the area investigate options. In the meantime, Gunnison County has announced a significant partnership with the White River National Forest, and a new “Three Pronged Approach” will be in place in time for the expected summer onslaught of Off Highway Vehicle traffic.

At their May 4 meeting, Gunnison County Commissioners met to consider an amendment to a resolution that would extend legal use of OHVs further east on CR3. The previous resolution, approved in 2018, allowed legal use only on the first 0.7 miles of the road beyond the Marble town limits, leaving approximately another 0.8 miles to the junction with US Forest Service roads at the top of Daniel’s Hill where OHV use is legal.

Commissioners described the new resolution as “ministerial,” and said the purpose was to address an error in language rather than indicate support of increased OHV traffic.

However, notice of the pending action did not become public until days before the meeting, causing concern amongst stakeholders. CVEPA responded to the agenda item with a Call to Action to members and friends, and together with efforts of Marble residents, inspired a barrage of emails to the commissioners that communicated a solidified voice against the unmitigated impacts of OHV traffic.

The resolution was not originally slated for public discussion on the May 4 agenda, but thanks in part to the outcry, the commissioners did allow comments. At that meeting, commissioners acknowledged the “explosion of use” of large and more powerful OHV units since 2015.

Commissioner Jonathan Houck explained the purpose of the 2018 resolution, which passed during his earlier tenure, saying it was intended to create a link that would legalize OHV use between two locations, the Marble town limits and the USFS road (the Loop) where it was already allowed. However, it was also intended to work hand-in-hand

with a parking area at the base of Daniel’s Hill. It’s unclear why the proposed parking area didn’t materialize but the resolution remains. The result has been that the problem of finding parking for ATV trailers and hikers’ vehicles was forced onto Marble’s shoulders.

The resolution was continued until the May 18 meeting, at which time it passed, but with the addition of an expiration date of December 31, 2021. The sunset clause was added as assurance to the community that the new efforts implemented this summer would be evaluated at that time, with the goal of finding more permanent, long-term solutions.

At their June 1 meeting, Gunnison Commissioners confirmed their commitment to finding solutions by approving a letter to the USFS asking for a partnership that would address challenges related to parking and the volume of users on the Loop. The letter states: “although many of these impacts take place outside the boundaries of the White River National Forest, they are a direct result of the absence of suitable parking and policies that do not restrict the volume of motorized vehicles on the Lead King Loop.”

The letter acknowledges community concerns over safety, parking, noise and environmental pollution and asks for specific solutions, like parking and a permitting system, to be in place in time for the 2023 season.

For their part, the USFS has launched a Motorized Mixed Use study of the loop this summer which will look at the safety of Forest Service roads used by both licensed and unlicensed vehicles.

Until the results of these encouraging actions are realized, the Gunnison BOCC, together with Marble Trustees, favor a three-pronged approach to managing impacts of OHV traffic in the Upper Crystal Valley. They hope that enforcement, education and improved signage will positively impact the behavior of motorists this summer.

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Marble, continued

Recommendations for mitigation were submitted last year to the Corps by Gunnison and Pitkin Counties, the Crystal Caucus, Wilderness Workshop, Roaring Fork Conservancy, High Country Conservation Advocates and others. None of the recommendations were included by CSQ in their proposal except the onsite stream restoration.

Expectedly disappointed by CSQ’s proposal, CVEPA’s environmental consultant deemed it inadequate.

“In order to provide a real restoration – a project that is going to be actually successful – they (CSQ) are going to have to do more than throw a plan with 2600 linear feet of live willow cuttings along a basically carved out bedrock straight channel.”

Protection of property downstream, water quality, flood and siltation risks, and environmental degradation are greater concerns to CVEPA and our partners than the unsightly trench lined with marble blocks. This group of partners and citizens will continue to work in solidarity with the USACE, and hopefully with the quarry, to achieve mitigation that is fair and beneficial to all.

CVEPA’s Position on OHV Use in the Upper Crystal Valley

The Crystal Valley Environmental Protection Association (CVEPA) supports the Gunnison County Commissioners “Three Pronged Approach” for management of efforts to mitigate the impacts of increased Off Highway Vehicles (OHVs) in the Upper Crystal River Valley. CVEPA has long realized that the unbridled use of OHVs accessing the Lead King Basin Loop brings unacceptable consequences for residents, tourists and the environment. The vehicles pose detrimental effects to the health, safety and pursuit of tranquility to the residents of the valley and users of the National Forest. CVEPA will support and work with Gunnison County in outreach and education efforts, compliance and enforcement. CVEPA supports the Lead King Loop Steering Committee and their efforts to gather critical data. It is imperative that any parking provided for off road vehicles not infringe on existing tourist amenities (i.e. Marble Town Park). We believe that the ultimate mitigation lies in a comprehensive and equitable regulatory system that restricts overuse.

Every effort to move the United States Forest Service to implement a reservation/permit system for OHV use must be made by the County and the Town of Marble. CVEPA encourages local jurisdictions to use all tools in their power to limit overuse in the Upper Crystal River Valley. The results of summer 2021 must be evaluated by December 31, 2021, the date approved by the Gunnison County Commissioners at their May 18, 2021 meeting. Substantive and positive change should be implemented by Spring of 2022.

OHV Solutions, continued

Both entities contributed funds for Forest Protection Officers to patrol the loop for two days a week from late May to late September. In addition to that coverage, the Gunnison County Sheriff's office has committed to have a new deputy in place later this summer. The deputy will alternate between marked and unmarked vehicles to better understand what is happening where.

An educational kiosk will be placed in the Mill parking area and will be run by volunteers with informational handouts to educate visitors about expectations regarding noise, speed, idling, and parking. Assistance will come from CVEPA, Roaring Fork Volunteers and the Town of Marble. Wilderness Workshop will help design the kiosk and brochure. Contact CVEPA if you would like to volunteer.

New "No Parking" signs will be placed at pull-outs, and traffic counters have been installed in Crystal. Until results of this summer's efforts are evaluated, the BOCC wants more conversation with the USFS about what tools they can use to halt OHV impacts.

The popular option of creating a permit or reservation system to limit OHV traffic on the Loop got a shot in the arm at the Marble Town Council meeting May 6 when the concept received unanimous support from the Trustees. However, a motion to encourage the Gunnison BOCC to place a temporary moratorium on OHV traffic on CR3 from Beaver Lake to the base of Daniel's Hill was voted down 2-3. CVEPA's official position supports a permit/reservation system

as the best means to regulate overuse and the associated impacts. (See page 2 for full statement.)

Meanwhile, the Lead King Loop Steering Committee plans to hire another student from Western Colorado University to continue the work of Corinne Truesdell who produced a convening report on the Committee's activities. <https://cvepa.org/lkl-working-group-report>. CVEPA has contributed \$1000 to fund that student who will continue data collection of Loop users as required by the USFS to quantify trends of usage.

The steering committee acts as a non-political advisory group to the Marble Trustees. They take no votes and do not create policy. The group is open to all who are interested, and considers itself a forum for interested stakeholders. Participants include representatives from Town of Marble, Gunnison County, CVEPA, the USFS, Colorado Parks and Wildlife, Wilderness Workshop and others.

CVEPA is encouraged by the commitment of so many government groups, organizations and individuals to craft the ultimate solution to benefit residents, wildlife and wilderness. To make your voice heard, please write us at cvepa@outlook.com, or the Gunnison BOCC at bocc@gunnisoncounty.org.

To read Aspen Journalism's excellent reporting on this issue, go to www.aspenjournalism.org.

Valley Voices:

"Visiting the Crystal Mill: Whose Road Is It Anyway?"

By Gregory Staple*

Recent efforts by CVEPA and others to reduce motorized traffic -- including a proposed ban on Off Highway Vehicles (OHVs) -- along the public roads leading to the historic Crystal Mill outside Marble (chiefly, County Road 3 (CR3) and the Lead King Loop (LKL)) have been hamstrung, in part, by confusion about many of the relevant facts.

Take the basic question raised above: *Whose road is it anyway?* "The Google" will not deliver a ready answer, although pinning down the responsible party (or parties) should logically help one to identify the "who" and the "how" of a solution.

The roads in question cross four distinct jurisdictions: the Town of Marble, Gunnison County, the State of Colorado and the United States, represented by the Forest Service, an agency of the Department of Agriculture.

Each of these jurisdiction has its own unique "rules of the road" for motorized vehicles and although they are written down, the relevant documents are not easy to find. They have been adopted at different times, in different ways and for different reasons with scant coordination among the overlapping jurisdictions.

This divided jurisdiction has frequently led to misinformation about the applicable rules as well as ongoing efforts to pass the jurisdictional buck when it comes to

reining in OHV traffic. Moreover, absent common knowledge of the applicable rules, or who might enforce them, harmful and frequently illegal OHV operation has gone mostly unchallenged.

Fragmented responsibility has also led to at least one notable regulatory error and several glaring omissions. That is so especially when it comes to public safety and protecting the rights of non-motorized uses (e.g. walkers, mountain bikers, horse-packers) on the roads in question.

To provide a common starting point for managing OHVs on the Crystal Mill access roads, the remainder of this article provides an annotated primer on relevant laws and regulations. It starts at the state level.

To read the entire editorial go to: <https://cvepa.org/whose-road-is-it-anyway>

To read the June 1 letter announcing a partnership between the Gunnison BOCC and the White River National Forest, go to: <https://cvepa.org/bocc-letter-to-usfs>

*The author, a former Washington D.C. lawyer, lives off CR3 just outside Marble. The opinions expressed here do not necessarily represent the positions of CVEPA and this primer is not intended to provide legal advice to anyone.

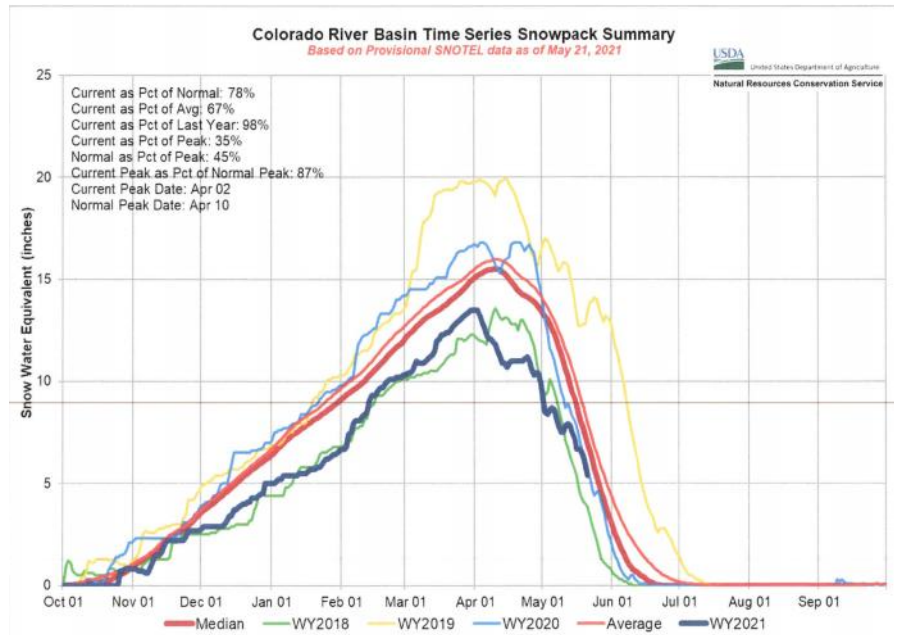
Low Snowpack Means Continued Drought for Western Colorado

The news is not good. According to the USDA Colorado SNOTEL data service, the statewide snowpack for the State of Colorado on May 21, 2021 was 71% of normal. The number for the Colorado River drainage was similarly dismal with 78% on the same day. The snowpack represents the total seasonal accumulation of snow on the ground on the specified date. The monster snowstorm in eastern Colorado this past March brought parts of the eastern slope up to seasonal average, but the western slope continues to fall short. For some better news, the total snowfall recorded at each of the four Aspen ski areas for the 2020/2021 season was above 90% of seasonal average.

Most of Nevada, Utah, New Mexico and Arizona still languish in drought ratings that range between extreme and exceptional. The drought rating for the western half of Colorado's western slope is also rated between "Extreme" and "Exceptional," the most severe stage on the U.S. Drought Monitor, including most of Pitkin County. As a result, most of the West will experience serious fire danger ratings and general water shortages this summer.

Reservoir levels throughout Colorado are expected to be below average throughout the summer months. The water level at Lake Powell on May 14, 2021 was only 35% full pool. Lake Mead has a similar fill percentage and is predicted to have a 2021 inflow of less than half of its 40-year intake average. For the first time in history, this is would trigger a federal crisis level call for Lake Mead at mid-summer.

To view this graph online, go to: <https://cvepa.org/co-river-basin-snowpack>



Placita Fill Site Reclamation



For over a decade, CVEPA has been working toward the reclamation of the CDOT rock dump site at Placita. The reclamation is called for in CDOT's own Plan of Development. Large quantities of debris from the current rock scaling operation on SH 133 are being dumped at Placita, **although the dedicated Horseshoe Bend dump site is less than a mile up the road.**

Although the Placita site was scheduled for decommission several years ago, the USFS and CDOT apparently agreed to reopen it for dumping this summer. (Previous resumed dumping efforts by CDOT had been halted by the USFS).

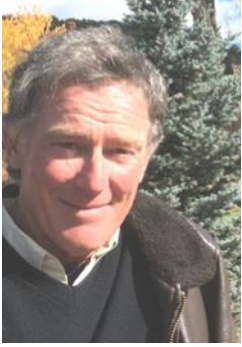
CVEPA has asked to view the reclamation and revegetation plan. A CDOT representative assured us that "The (rock scaling) contractor will reclaim it on the way out to mimic the other Placita (sic.) dump site."

The CDOT plan states "Reclamation at the old Placita site will continue to include removing unwanted material, re-grading to blend into the natural undisturbed surrounding landscape...The shape of the reclaimed mining area will be designed and shaped to blend with existing topography in a scale which is characteristic of the surrounding landscape, borrowing directional emphasis of form and line from natural features."

CVEPA has long held that the "other Placita dump site" was a failed effort in naturalization of the unpermitted disturbed area.

While we recognize CDOT's efforts to maintain the geologically active highway, and are grateful for the significant investment in safety along SR 133, we now seek assistance from local, regional, state and federal partners to assure that the Placita Reclamation along the West Elk Scenic Byway is done in a manner that we can all be proud of.

A Letter From Our President



On the weekend of May 1st CVEPA sent a membership group alert to many of you. The memo urged members to contact the Gunnison County Commissioners. An amendment to the County resolution proposed expanding the length of road allowed to Off Highway Vehicles (OHVs) in Marble. (See OHV article on page 2.) The amendment was announced on a Saturday with only several days notice. The issue was not open to public comment and was allotted 5 minutes on the agenda. CVEPA and

"You ... can take the credit for showing elected officials how important the public process that determines the health, safety and well-being of people and the environment in the Crystal Valley is to us!"

residents critical of the documented overuse by OHVs have been working with the county and the Marble Town Council for many months to find some relief to this problem. We believed this amendment warranted serious discussion.

Gunnison County cited a barrage of public input received via email over that weekend! Due to overwhelming citizen requests the County Commissioners opened the amendment to the resolution to public comment and devoted a substantial amount of time to the issue. Our elected officials were clearly impressed with the concern shown by respondents.

During my almost 15 years with CVEPA I don't ever remember our organization sending such an alert.

You, our membership and many other concerned citizens, can take the credit for showing elected officials how important the public process that determines the health, safety and well-being of people and the environment in the Crystal Valley is to us!

Such an alert would not have been possible until recently. Behind the scenes, our information technology specialist Denny Meredith-Orr has improved CVEPA's communication capability and created a website that gains immediate interest. I would encourage all members to share their email addresses with CVEPA. You can now receive the Crystal Clear via email (saving CVEPA about \$10 a year per recipient) and also be in the loop if such an emergency call to action is needed. CVEPA will use this tool with the utmost discretion and we will never pass your information on to anyone else.

In recent years CVEPA has worked closely with well-respected *Aspen Journalism* (AJ). CVEPA and AJ broke the story of the Marble Quarry's unpermitted burial and its relocation of Yule Creek. Investigative reporter Heather Sackett's exhaustive research and articles on Colorado water, the Marble Quarry, and Wild and Scenic Designation informs thousands of citizens in our watershed. Curtis Wackerle has delved deep into the Lead King Loop OHV issue and has also reported on the newest wetlands conservative initiative in Marble. This vital information is free to the public and to local news agencies. It is not without expense. Please consider giving your financial support to aspenjournalism.org now. Don't forget who supports our community in Carbondale, the *Sopris Sun* newspaper at soprisun.com and the *Crystal Valley Echo* of Redstone at thecrystalvalleyecho.com We need and

rely on each other.

Without these dedicated news outlets CVEPA would be operating in a vacuum. Please give them your support.

—John Armstrong

Take a Walk on the Wild Side

Alex Menard, curator of the Marble Museum and passionate wilderness advocate, will lead a series of walks focusing on the natural world this summer near Marble.

The first two walks will acquaint participants with local native plants including flowers, shrubs and trees. On **Sunday, June 6**, the walk focuses on wildflowers and begins at 1pm. On **Sunday, June 13, at 1pm**, the focus will be on trees and flowering shrubs.

The next walk focuses on weed invasion. Participants will learn how to identify and control the key species that threaten to take over native plants. A weed identification and control walk will be held **Sunday, July 11 at 1pm** followed by a weed work day **Saturday, July 18 at 8am**.

The next walk celebrates the recent conservation of the wetlands across from Beaver Lake, as promoted by CVEPA. Cosponsored by the Roaring Fork Conservancy, this walk will explore the wetlands on **Saturday, August 7 from 10am to 12 noon** with an emphasis on the most important resident: the beaver. This is the 6th annual Wetlands Walk and Beaver Talk, and is especially designed for the younger set but will be valuable for all.

Finally, during the August Perseid Meteor Showers, the focus turns upward to the dark skies. This event is not a walk, but rather a dark sky party on **Thursday, August 12**, which represents the resurrection of efforts to obtain Dark Sky Community designation. A dark sky ordinance is already in place in Marble. This event is the start of an Astronomy education program.

Dinner will be from 6-8pm followed by a 3D astronomy program. Bryon White of Star Party LLC will set up two large telescopes, including a 22 inch reflector, allowing views of Saturn and Jupiter, global star clusters, binary stars and more. Cost for everything is \$20.

The walks are cosponsored by the Marble Hub and the Marble Museum. All the walks are free, easy and designed for all. Meet at the Marble Hub.



Photo by John Armstrong



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 are available at cvepa.org/cvepa-minutes

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