



Crystal Clear

Spring, 2023

Published by the Crystal Valley Environmental Protection Association, Environmental Watchdog for Colorado's Crystal Valley since 1972.
Photo of The Drool courtesy of Ann Driggers

USFS Issues Final Environmental Assessment for Crystal Trail

Late January brought both bluebird days and the final Environmental Assessment (EA) and draft decision notice from the White River National Forest approving the construction of a 7-mile, soft-surface, non-motorized recreation trail connecting Redstone with the top of McClure Pass.

As proposed by Pitkin County, five miles of the trail would be located on National Forest land, which triggered the EA, as required by the National Environmental Policy Act (NEPA). The section of trail on Forest Service land consists of two historic decommissioned roads – Bears Gulch and Old McClure Pass. The remaining 2 miles would be on land owned by Pitkin County (including a short section of historic roadbed within Pitkin County's Drool Open Space) or within the State Highway 133 right-of-way.

In the "need for proposed action" section of the EA, it states *"The Redstone to McClure Pass Trail Project is proposed for implementation based on the findings and recommendations of Pitkin County's Carbondale to Crested Butte (CCB) Trail Plan. The proposed project is needed to:*

- *Meet the growing demand for local and regional trail connectivity within the upper Crystal River Valley, including Redstone, nearby subdivisions, McClure Pass, and other system trails.*
- *Address the existing unmanaged recreational use along the historic roads in the project area including the Rock Creek Wagon Road and Old McClure Pass Road.*

- *Improve safety for pedestrians and cyclists along Highway 133, including local residents and families seeking non-motorized access between Redstone, subdivisions, and national forest amenities.*

The proposed project is intended to meet these needs by implementing a safe and sustainable natural-surface trail that provides a high-quality visitor experience, is compatible with the surrounding landscape, and minimizes impacts on wildlife and other environmental resources."

CVEPA and many other organizations and individuals submitted comments when the draft EA was released (February 2022). We outlined our support for the trail, but expressed concerns in three primary areas. Our letter said:

- *Usage of the trails in the Bear Creek Basin will increase as a result of this action. Vigilant education, patrol and enforcement to deter social trail development and develop an attitude of stewardship is essential. Dog regulation is of great concern to us as mitigation of wildlife disturbance is a priority. We support science-based seasonal regulations to close the area for wildlife protection.*

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Crystal Trail, continued

- CVEPA adamantly recommends prohibition of commercial use on the trail. This should not preclude bicycle rentals in Redstone or the surrounding area but should disallow outfitters from bringing riders to the top (or bottom) of McClure Pass to ride the trail. Additional, profit motivated uses will bring more pressure to the trails system and the Bear Creek Basin.
- CVEPA also encourages both CDOT and Pitkin County to develop bicycle lanes within the Right of Way of State Highway 133 to accommodate road cyclists and to supply a seasonal option for all cyclists.

The EA identifies "Alternative 2 – Proposed Trail with Seasonal Closures" as the Proposed Action. Some key points from the EA we wish to highlight include:

- "The Proposed Action includes the construction or enhancement of a non-motorized recreation trail that is about 7 miles long and 2 to 8 feet wide depending on location."
- "The final 0.7 mile of trail, north of the McClure Pass summit, would consist of a newly constructed trail that does not follow a historic roadbed. One small parking area would be constructed, one existing informal parking area would be improved to support

trail access, and one existing informal parking area would be closed."

- "The sections of trail on National Forest System land (south of Hayes Falls, including the Bears Gulch/Rock Creek Wagon Road section and Old McClure Pass Road below the underpass) would be closed to all visitor use from December 1 through April 30 to protect winter range for elk. If elk calving activity is identified in the Bears Gulch or Lower Old McClure Pass Road areas, closures would be extended to June 30."

The release of the EA begins a 45-day objection period, which will be followed by objection resolutions, and then likely a final Record of Decision for the project. As reported in a Jan. 31 *Aspen Times* piece " (Pitkin County) Open Space will go back to the county commissioners to determine a budget for the trail construction if the Forest Service issues a final decision approving the construction of the trail. (Open Director Gary) Tennenbaum said it would most likely be included in the 2024 budget."

CVEPA encourages its members to learn about the project and the analysis White River National Forest conducted, by reading the final EA and draft decision notice. Materials can be found at www.fs.usda.gov/project/?project=56913

President's Letter

John Armstrong



"Since when is public access part of CVEPA's mission" an old friend asked me this winter. This is certainly a valid question and one that has been discussed at length amongst our board.

Whenever we leave our homes to recreate on public lands, or for that matter go anywhere, we bear the onus of our environmental impact. Without making ourselves crazy or living in a bubble, we weigh whether can we take the bus or bike, drive a Prius or an F350 truck (if we even have those choices!) and whether we hike, ski or seek wildflowers locally or we drive for 3 hours. Are we disturbing

wintering elk or nesting waterfowl as we seek the road less traveled?

CVEPA has a strong belief that the environment is not limited to wild animals or designated wilderness areas. The human component of the environment is respected and must be **respectful**. As we the public go forward in search of what enriches and feeds "the wild" in us can we exercise the restraint necessary to protect and preserve our natural environment?

CVEPA involvement in public access is a timely question given that the Redstone to McClure Pass Trail just received preliminary authorization from the US Forest Service. The CVEPA Board discussed unregulated human access versus the proposed seasonal closure to protect ungulate habitat, the intrusion of man and canine in a secluded area and the value of restoring the continuity of the historic route with the specter of trail proliferation in the sensitive area. The pros and cons of the trail development were debated by the board before we voted to narrowly lend our conditional support.

Public access is no simple question when we look locally at entry's cause and effect. The access to Pitkin County Open Space's

Filoha Meadows Nature Preserve (via Dorais Way or the Wildrose Trail) has been closed by neighbors, illegally we believe. The Right of Way to this historic route will now be decided by a judge. The crafting of the Filoha public access agreement was a long and sometimes emotional public process in which CVEPA was involved. CVEPA supports Pitkin County's efforts to reopen the road and remains committed to tempered access as a public amenity and a privilege. Unfettered year-round access is not appropriate with respect to wintering wildlife nor should access on the historic road be only for the financially privileged. Both reasons justify CVEPA's scrutiny.

A recent petition for access through the reclaimed Coal Basin mining area is an incredibly complex example of the sensitivity of access to public lands. The Coal Basin Methane Group seeks access to the Basin in order to ascertain locations and quantities of escaping methane with the ultimate aspiration of mitigating the effects of the prolific gas. Evaluating the balance between mitigating the climate threatening methane and protecting the restored land, water and wildlife habitat could not be more in line with CVEPA's ethos.

CVEPA's mission statement of "protection and preservation of the natural environment and its scenic resources; responsible enjoyment and protection and restoration of the natural environment" was carefully articulated. As our valley grows in popularity and population at an unprecedented rate the onus is clearly on us personally, as a community and as members of the only organization solely dedicated to the environmental defense of the Crystal Valley to engage in issues of public access. Scenic values are important to us all but it is naive to think that our naturalist soul could be fulfilled from the window of an automobile. Public access to public land is not just a right but it is a privilege that comes with responsibility.

"We have fallen heirs to the most glorious heritage a people have ever received, and each one of us must do his part if we wish to show the nation is worthy of its good fortune" --Teddy Roosevelt

CVEPA and TLR Receive Donation of Land for Future Generations

In partnership with the Crystal Valley Environmental Protection Association (CVEPA), the Trust for Land Restoration (TLR) recently received a generous donation of 8.5 acres from long time Crystal Valley residents, Jeff and Janette Bier. The parcel sits upland of the recently conserved Marble Wetlands and sets into process the long-term conservation of the one of the last highly visible private land puzzle pieces in the area.

This is not the first parcel donated by the Biers. A number of years ago, they donated two old mining claims on Sheep Mountain to the Trust for Public Lands for their High Elk Corridor program. A conversation with the donor of the Marble Wetlands inspired the additional contribution of the 8.5 acre parcel since it lays adjacent to the wetlands, United States Forest Service and Colorado Parks and Wildlife lands.

According to Jeff "we felt the development of this claim would be detrimentally visible from East Marble, the Ski Area road, Lake View Estates and various properties along County Road 3. In our minds, the protection of the lower part of Raspberry Ridge outweighed any modest funds generated by a sale, hence the donation."

This donation comes one year after the dramatic, last-minute conservation of 55 acres of pristine wetlands adjacent to Beaver Lake that was compromised by the potential liability from an obsolete

smelter slag pile located on the property. CVEPA President John Armstrong engaged the resources of Pat Willits of TLR, based in Ridgeway, CO, Aspen Valley Land Trust, and the Colorado Department of Public Health and the Environment (CDPHE) to ensure necessary environmental mitigation would take place at the wetlands and ensure acceptance of the deed. CVEPA's diligence and TLR's swift action meant the deed was recorded on December 31, 2021, within two hours of the donor's deadline.

Since then, TLR has worked with the CDPHE and Trout Unlimited to clean up the slag pile to standards set by the State of Colorado's Voluntary Clean-up Program. Loose slag has been buried and the hardened slag pile has been capped with inert road base. Visitors to the wetlands will have noticed the new fence and signage placed to discourage walking on the site. Approximately one mile of the Crystal River riparian corridor from Beaver Lake through to the historic Marble Millyard is now protected.

It is anticipated that the Town of Marble will become one of the partners engaged with preservation and management of the wetlands.

CVEPA and TLR join with residents of the Crystal Valley in thanking the Biers for their generosity and commitment to helping preserve part of the Colorado we all know and love.

Land Conservation as an Act of Philanthropy

Dale Will

On December 20, 2022, Jeff and Janette Bier donated 8.5 acres adjacent the Marble Wetlands to the Trust for Land Restoration. The contiguous 55 acre Marble Wetlands was donated a year earlier by an anonymous individual to the same environmental organization. Both donations lie between lands already owned by the Division of Colorado Parks and Wildlife, and the assemblage now protects a about a mile of riparian habitat just upstream of the Town of Marble. Efforts are underway to remediate some damage done during the mining era. The Crystal Valley has thus quietly secured lands similar to Aspen's "North Star Nature Preserve," equally important to wildlife and humans in our fragile watershed.

All of this has got me feeling deep gratitude towards landowners who have donated lands and conservation easements. It's also got me thinking about what a profound act such a donation really is.

Aldo Leopold was perhaps our first "deep ecologist." In "The Land Ethic" written in 1948, Leopold grasped the conflict between the status of land as mere property, and its transcendent value to our communities and to our biosphere. He wrote, "(t)here is as yet no ethic dealing with man's relation to land and to the animals and plants which grow upon it. Land, like Odysseus' slave-girls, is still property. The land relation is still strictly economic, entailing privileges but no obligations." Odysseus had hung slave girls without moral compunction because they were simply property. And so too our property laws allow community values and critical ecological functions to be destroyed at private whim. Leopold essentially characterized mindless development as land slavery. He propounded "The Land Ethic" to challenge the simple concept of

ownership as determinative of the fate of open land.

As a technical matter, when people like the Biers donate land to a conservation organization, they simply execute a deed to a conservation entity. But, on a deeper level, they set the land free from the tyranny of unlimited private control. It is an emancipation.

"...when people like the Biers donate land to a conservation organization...they set the land free from the tyranny of unlimited private control. It is an emancipation."

Given the ecological and social importance of open lands, it is fortunate that our friends Jeff and Janette are not alone. One of the first conservation easements donated in Colorado occurred in the Crystal Valley in 1981 when George Stranahan conserved the Flying Dog Ranch off Prince Creek Road. Over the ensuing years, many others have quietly followed George's example; Ginny Parker's donation of a conservation easement on Happy Day Ranch in Emma, and Tom and Rose Rupert's 2022 donation of a conservation easement in Old Snowmass come to mind. Others have worked with open space departments and land trusts to donate or sell, rarely achieving the private gain that might have occasioned development. My gratitude extends also to the anonymous 2018 donation of several

key parcels to the Town of Carbondale. One of those parcels is now known as Chacos Park.

CVEPA strives to promote a land ethic in the management of both private and public lands. We hold in high esteem those individuals who place the common interest above their own, and value open and wild lands. The emancipation of one's own land from the pure dictates of the self is perhaps one of the most lasting legacies an individual might achieve. Thank you Jeff and Janette.

Valley Voices:

“Farmer: A Thriving Member of our Community or a Profession of the Past?”

Casey Piscura

Dear CVEPA Friends,

It is with great respect and admiration that I write you today. A renaissance of local agriculture has gained momentum over the last decade, a movement that may not have happened without the belief and support of a community that cares. The future of local agriculture is bright and the steps for building the foundation for a stronger local food shed are in front of us!

Many of you may know, Seed Peace, a farm that has operated for the last decade on Jason and Alex Sewell's Sunfire ranch has merged with Roaring Fork Valley based non-profit "The Farm Collaborative." The merger is an effort to strengthen and unify similar visions for the local food movement. Just like the communities of animals, plants, insects and fungi that live in a symphony of collaborations that form the environment, we believe collaboration will define the success of local agriculture as we move forward.

There is no disputing that human populations in Colorado's mountain valleys continues to grow. The popularity of once small towns is astounding. Who would have imagined the value placed on a piece of earth would reach the levels we have today? This new reality is being digested, and the fabric that has and will comprise our communities comes into increased focus. With the continued increase in wealth, and the astounding cost of living, it often makes me wonder, will a farmer, a steward of the land, provider of health, a once essential member of our community become a profession of the past?

It is with humility and having experienced first-hand the struggles associated with a career in agriculture, that I ask that you stay engaged. I trust our community will join together in collaboration to find solutions to continue to grow local farmers. The rapidly

inflating environment brings the equity of many professions into focus and it will take community support to remedy the situation. The progress made to conserve and provide land to aspiring and practicing farmers is commendable, but how will these farmers afford a home or raise a family? Is it possible to create social equity for farmers?

New programs come to mind, perhaps ones that support affordable housing may be necessary, or even wage equity. Could we create innovative value-added business models that highlight unique agricultural products that thrive in our region? Could it become in vogue and have increased tax advantages to lease land to a farmer or house an aspiring agrarian? I believe it possible to build the supportive system needed to attract farmers to the profession, but without action, it may be too difficult for a farmer to make it work on their own.

The time has come to develop a new regenerative pattern, one built on innovation and unification so to preserve and develop the future stewards of the Roaring Fork Valley's farmland. I want to be part of a community that firmly says, "Farming is a thriving profession here in the valley" and I hope you do to!

Sincerely,
Casey Piscura

Casey Piscura is the Agricultural Director of The Farm Collaborative and Founder/Farmer/Educator/Seed Breeder with Seed Peace & Wild Mountain Seeds. To for information about the work of these organizations, visit <https://seedpeace.org/> or email community@seedpeace.org.



Crystal Valley Updates

Coal Basin Methane Group

Two community meetings were held in Redstone during March to update all on the effort to explore solutions to address methane escaping from the abandoned coal mines in Coal Basin. The Coal Basin Working Group and the Delta Brick and Climate Company will submit a proposal to the USFS that seeks approval to conduct flow tests at the portals to determine the quantity and quality of methane that is escaping into the atmosphere. The group hopes to receive approval soon to allow testing to take place this summer. CVEPA Board member Jay Engstrom is a member of the Coal Basin Advisory Committee and represents CVEPA's conditional support that access be granted in order to ascertain the location and flow rates of methane in Coal Basin. That said, CVEPA is particularly protective of the area due to our significant role in the reclamation efforts at Coal Basin after Mid-Continent Coal and Coke ceased operations and declared bankruptcy. Consequently, CVEPA believes re-entering the Basin must be done with the lightest footprint and reclamation must be ongoing from the beginning and guaranteed by a large reclamation bond.

Fish Ponds Restoration

CVEPA received a number of calls after heavy equipment was spotted at the Fish Ponds behind the Redstone Inn during February and March. Pitkin County and the US Army Corps of Engineers have issued permits for this project which was designed to prevent further erosion and imminent capture of the fishing ponds by the Crystal River. The eroding bank will be stabilized with a boulder toe wall, cobbles, logs and native vegetation. Willow and seed plantings will occur as soon as the soil thaws. Engineering best management practices will be performed to route and care for the waters of the Crystal River during construction. All work complies with the Clean Water Act. Construction commenced January 16th, 2023 and will be completed well before Spring Runoff.

CVEPA supports this work to prevent further erosion as the main channel has migrated about 150 feet since 2005.

Redstone Pasture

On February 22, the Pitkin County commissioners considered a request by members of the Redstone Cattleman's Association, LLC, for two TDRs to prevent commercial or residential development on their 70 acre parcel immediately West of HW 133 across from the Redstone Fire Station. There are multiple owners of the land, who had originally purchased the land from Osgood's widow and who are bound by an agreement that limits how shares can be sold. According to one of the owners, 68% of the LLC do not ranch and would like to be bought out.

Pitkin County staff determined the lot was not constrained and that a portion could be developed, so recommended denial of the application. However, all commissioners expressed a desire to preserve the land from development and their support for agriculture in the Crystal Valley. They indicated that a conservation easement would be a preferable solution. The commissioners voted 5-0 to continue the motion for 90 days and they directed county staff to investigate other options for preserving the parcel.

Treasure Mountain Ranch

The Treasure Mountain Ranch (TMR) in Crystal City has been busy drilling for water this winter despite the immense snowfalls. The management team had hopes of hitting hotter water but thus far the water is approximately 83 degrees. Although less than they hoped for, the intense water pressure is a bonus. Gunnison County will not review proposals or enter into discussions with TMR until they can confirm the effectiveness of the reclamation work they demanded of TMR last summer. TMR partner Stuart Gillespie said the developers plans evolve as they continue to assess the complexities of the project.

Wild and Scenic Facilitator

The Wild and Scenic Feasibility Collaborative reached a new milestone in the effort to save the Crystal River when they hired Wellstone Collaborative Strategies and P2 Solutions to facilitate the community engagement and stakeholder process. According to the Collaborative's press release, "both Jacob Bornstein, founder of Wellstone...and Wendy Lowe, owner of P2...have strong backgrounds in natural resource issues and direct knowledge of the Crystal River." The release goes on to say: "the Collaborative envisions creating a structure to enable broad-reaching discussion and investigation of the feasibility of a Wild and Scenic designation or other protective measures." CVEPA Board member Tait Andersen represents our perspective on the Collaborative which begins its work in March.



Photo courtesy of Greg Staple.

About The Cover Photo: “The Drool”

The famous “Drool” sits on a 35-acre parcel located in the upper Crystal Valley, across Highway 133 from the Redstone Castle. The property was purchased by Pitkin County Open Space and Trails in 2007, with assistance from the Aspen Valley Land Trust, who now holds a conservation easement there.

Water dripping over the red cliffs on the western edge of the parcel freezes every winter, forming a frozen waterfall loved by local climbers who years ago named it “the Drool.” The 2007 purchase was spurred by the Access Fund, which feared a loss of climbing if the land were developed. This parcel has many other interesting attributes; a section of the original Rock Creek Wagon Road runs through it, and the round house for the Crystal Railroad sat in what is now the now open meadow next to the highway. The upper wooded slopes contain high-quality wildlife habitat. The property is also contiguous with federal lands and other conserved private parcels. Located along the West Elk Loop Scenic and Historic Byway, its preservation has protected the dramatic landscape of the Crystal Valley.

CVEPA thanks the photographer, Ann Driggers, for allowing us to reproduce her photo in this newsletter!

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. Past issues of the “Clear” are available at cvepa.org/newsletters

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