



CRYSTAL CLEAR

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Environmental Watchdog for the Crystal Valley since 1972.

Photo by Peter Westcott

Colorado Stone Quarries and the Destruction of Yule Creek

The Yule Quarry began operations in 1895, and played a significant role in the industrialization of the Crystal Valley. The quarry assumed ownership of the Crystal Railroad in 1918 and was the primary reason for its continuing operation until abandonment in 1941. The Lincoln Monument and the Tomb of the Unknown are perhaps the most famous products pulled from Treasury Mountain and sent down the rails before both ceased operations in 1941.

Unlike the railroad, the quarry came back to life in modern times, resuming mining in 1989. In 2011, the quarry was purchased by the Red Graniti group from Carrara, Italy. The Carrara Quarries boast of producing 4,000,000 tons of marble annually. The scale of the impact on Italy's Apuan Alps is far far beyond what most Crystal residents would expect from the heretofore quaint historic operations in Marble. One might rather picture the large open pit mines of Kentucky, where "Mr. Peabody's Coal train hauled it away." See "Inside Italy's \$1 Billion Marble Mountains" <https://www.youtube.com/watch?v=PcOPVyb7EQ>

Unbeknownst to most Crystal Valley residents, in 2016, the Colorado Division of Reclamation, Mining and Safety (DRMS)

approved an eleven-fold increase in the scale of Red Graniti's operations, from 10 acres to a total 124 permitted acres; a 114 acre expansion. The operation is now doing business as Colorado Stone Quarries (CSQ) and we are getting our first taste of the dramatic increase in the intensity of use.

Yule Creek is a perennial tributary to the Crystal River, characterized by a series of step-pools, chutes, and waterfalls. USFS lands lie adjacent to the quarry site, and the Raggeds Wilderness is directly upstream. Given the steep slopes and short growing season, such creeks are inherently fragile.

Yule Problems Begin

Beginning in November of 2018, and with no permits, CSQ diverted approximately 1,600 linear feet of the creek through a constructed channel that flows approximately 1,700 linear feet around the east side of Franklin Ridge. (There is some evidence the Creek had been on that side in geologic time.) After forcing the stream to the east, the creek bed was buried under approximately 97,000 cubic yards of waste rock and other materials to create a new road access to the existing mining operation and to facilitate surface mining of Franklin Ridge itself.

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Yule Creek, continued

Maciej Mrotek has released a video documentary of this carnage, called the Destruction of Yule Creek by Colorado Stone Quarries Marble, CO 2018- see <https://www.youtube.com/watch?v=qK3fvmNLFCK>

As we have reported previously, on October 16, 2019, approximately 5,500 gallons of diesel spilled from above-ground storage tanks located on the Franklin Ridge and in close proximity to the natural western alignment of Yule Creek. The ongoing remediation of the diesel spill is expected to take several years and is being directed by DRMS. CVEPA alerted the Corps about the re-route of the creek in early December. In response, the Corps initiated an enforcement investigation on December 18, 2019, and has now determined that the devastation of Yule Creek violated the Clean Water Act. Graniti claims it had thought its actions were exempt. The Corp has rejected this contention noting that the claimed exemption was intended only for temporary access, not for permanent haulage roads as have now been installed over the creek.

So CSQ is now requesting an after-the-fact Corps permit to expand mining operations by permanently retaining the current realignment of Yule Creek around the east side of the Franklin Ridge. The Corp has required the quarry to evaluate several alternatives. Several of these would seek to return Yule Creek to its historic channel, while building various new roads and bridges to facilitate haulage from the existing quarries and the surface mining of Franklin Ridge. The mine's preferred alternative would allow the creek to remain in its new alignment, and would allow the surface mining of Franklin Ridge to proceed.

In evaluating this sad situation, the CVEPA board has reached out to two stream ecologists for input, Stephen Ellsperman and Liza Mitchell. Based on input from each, we are skeptical that it would now be advisable to seek to return Yule Creek to its historic channel. The 97,000 cubic yards of waste rock and other materials placed in the former chute have destroyed any semblance of the old creek, and are now furthermore contaminated with the 5500 gallons of spilled fuel. Remediation efforts are under way with specific monitoring to ensure that diesel is not making it into the downstream watershed. Disturbing this area would now undermine this containment.

While we, therefore, have reluctantly concluded that Yule Creek should remain in its new channel, we do not agree that restoration efforts to date, or as proposed in the permit application, are adequate. Restoration of damage on the scale Yule Creek has now suffered will be a serious undertaking, and will likely require decades of careful work to recover full ecosystem functionality. Though the creek was previously disturbed due to historic mining practices, the realigned creek is now decimated, with scoured edges devoid of vegetation and its waters now tumbling through piles of rip rap. The mine has undertaken some grading and seeding of adjacent slopes, but any casual observer will easily see that significant additional restoration efforts are needed.

CVEPA Recommendations

Specifically, we believe that biological inputs should be incorporated to restore habitat, river function, riparian function, Section 7 NEPA, fisheries, or other functions incorporated in the USACE requirements under the Clean Water Act. Despite the note in the public notice that describes that wetland habitat was likely not impacted in the new creek diversion – that does not mean that ecological functions should not be incorporated into the design alternatives for review.

To that end, CVEPA believes the quarry should be required to contract with a qualified and independent organization with the requisite skills to design and monitor efforts to ensure that ecological functionality is restored to the same quality as undisturbed upstream reference sites from within the Raggeds Wilderness. Based on comparisons with such referenced sites, the monitoring should include success matrices with targets for macro invertebrates and water quality.

Our valley is blessed with at least one organization qualified to oversee this work; the Roaring Fork Conservancy. We have discussed this challenge with RFC Director Rick Lofaro, who is interested in lending the skills of his organization to this effort as part of the Corps permit requirements. We believe that requiring a long term restoration effort, with ongoing monitoring and management adjustments as needed to optimize outcomes is entirely appropriate mitigation for such a large violation.

At the same time, we recognize that the loss of the historic creek bed, and the seeming impossibility of bringing that back, suggests that additional compensatory mitigation is also appropriate. For years, watershed advocates have been evaluating riparian restoration sites elsewhere in the Crystal Valley that were similarly impacted by the heavy hand of highway construction and mining. CVEPA plans to submit with its comment a list of offsite projects that can be added to the onsite restoration efforts, consistent with the above.

We certainly hope that recent events are not an indication of what life will be like with Graniti on an ongoing basis. The scale of the open pit mining seen in the Apuan Alps will hopefully not be our future. But be assured we'd all better hunker down for the long haul. According to Graniti, there is enough marble within its expanded permit area on Yule Creek to continue mining at the current rate for more than 100 years.

Wetlands Conservation Easement Progresses

For millennia, the Crystal River has tumbled through the high country, and when the spring runoff occurs, it can come in force. Water rises up the banks, picking up detritus from the forest floor and turning from crystal water to a muddy, roiling power. One of the first places it has a chance to slow down and spread out is in the Marble wetlands. As the flood tops the banks and spreads over a much wider area, it slows and drops some of the sediment it is carrying.

Wetlands are special places. Wildlife thrives here; seventy five percent of species depend on wetlands, although they make up only two percent of land area. Wetlands recharge ground water, stabilize river banks, control floods, and purify water. And because wetlands are sometimes covered in water, humans have not easily been able to build structures in them, except on the banks and edges surrounding them.

The Clean Water Act of 1972 protects wetlands from being drained or filled in without a permit from the Army Corp of Engineers. Under the Trump administration's Navigable Waters Protection Rule, those protections have been weakened to only include lakes, steady-flowing streams, and other major water bodies putting pressure on seasonal or ephemeral waterways.

The Marble wetlands were likely used by the Utes as a hunting ground. When white settlers came to the area, they largely avoided them, but in 1898 the Hoffman brothers did choose a site of about an acre to place a smelter just on the banks. Why here? That's an interesting question. Silver ore was brought by mule train down from the Schofield Pass area, and coal was brought in, also by mule, from Crested Butte. Perhaps this was the closest place to bring the resources together.

The smelter had a relatively short history, operating from 1898 to 1904, just over five years. It was plagued by mismanagement and the problems of bringing resources together by mule. Since its closure, the land has changed hands several times, and one rather creative owner placed large upright rock slabs atop some of the

small mounds also on the edge of the wetlands, and the area is often referred to as the 'Marble Stonehenge' by locals.

The current owner, Pam Hepola, lived in Marble for a while, but now resides in Vermont. However, she has a love of the area and is most generous. She donated the land

that is now the Marble Town Park, and would like to put her 55 acres, which includes almost all of the wetland, into conservation easement.

Hepola approached both Colorado Parks and Wildlife (CPW) and the Aspen Valley Land Trust (AVLT), offering to donate the land, but both turned her down because of fears of having to clean up the smelter site.

CVEPA heard of the impasse and is working with many agencies to get the slag (the waste material from the smelting

process) tested for toxic materials and, if results come back fairly benign, move forward with the conservation easement. Results are due in early December. "We're hoping to get a great report, and that AVLT will promptly act on it," said CVEPA president John Armstrong. Potentially everything could come together in the spring of 2021.

If everything works out as hoped both AVLT and CPW will be involved, one as the owner and the other holding the conservation easement. Little will change other than some interpretive signage and a few more hiking trails. It will be a non-motorized area. The 55 acres abuts some land currently managed by the CPW, and the road that runs through it runs to private property that includes the lowest of the Yule Creek Falls. The owner of the private property seems amenable to allowing access, as he has placed "no trespassing" signs further up the road beyond the access to the falls.

While the Crystal waters will continue to flow through the Marble wetlands no matter the outcome, getting the land into conservation easement will allow the public use and enjoyment of the area, and allow for better management. CVEPA is proud to be the leader in this effort.



CVEPA members and friends, including students from Marble Charter School, enjoyed the view from the slag heap during CVEPA's Wetlands hike October 7.

Gratitude to CDOT

So often in environmental defense it is necessary to be critical or to take the offensive, so it is a pleasure for the Crystal Valley Environmental Protection Association (CVEPA) to offer thanks and commendation to the Colorado Department of Transportation.

CDOT is responsible for the day to day safety of highway travel in the Crystal River Corridor, come sunshine or blizzard. To that end, the department plans proactive and expensive geo-hazard mitigation on highway 133. In the summer of 2021, CDOT plans to scale five different sites that endanger the highway from above. "Scaling" is the act of removing specified, unstable rocks from an overhead slope. By implementing a high-tech remote-control drone helicopter and sophisticated video equipment, CDOT can map the most dangerous rocks and target them for removal. Removal can come in the form of people with hand or power tools, sometimes working from hydraulic lifts. Heavy equipment can be used if it can reach the culprit rocks, but explosives are widely used. We are aware that our state is full of unstable slopes that threaten our roadways, and we are grateful to have CDOT focus on the Crystal River Valley.

CDOT was preoccupied for months this summer due to the fire in the Glenwood Canyon. When released from the canyon the highway crew completed a tall berm around the McClure Horseshoe Dump Site. This site is designated for mudslide debris and rockfall. CDOT works closely with the U.S. Forest Service as the site is on federal land. The berm shields the debris dump from view along the West Elk Loop Scenic Byway. The Horseshoe is an integral part of the rock scaling disposal plan.

Crystal Valley residents have been long aware of the active rockslide directly across from Penny Hot Springs. Concurrent with the improvements to the Hot Springs parking area, CDOT has a major slope stabilization project planned across the road. The toe of the rockslide borders

approximately 150 meters of route 133. CDOT plans a 16-foot-tall wall to stop the loose rock. At its base, the wall is approximately 8 feet thick. If it sounds unsightly be assured that CDOT has sensitively designed the color and texture of the wall to fit into the surrounding appearance of the Hellgate area geology. (Hellgate is the historic name for the towering cliffs defining the Crystal River Narrows.) A meeting of concerned and active stakeholders was held this summer to determine the type of retention system and the appearance of the finished product. Participating with a cadre of engineers and CDOT personnel were Forest Service staff, our CVEPA delegate and a Pitkin County Open Space and Trails officer.

The project will no doubt generate traffic delays along the route and travelers will need to be patient knowing that the wait will pay safety dividends in the end.

Most people don't know about the project CDOT completed on the McClure Pass road cut about 6 years ago. With a tremendous investment, the highway department stabilized much of the fractured strata of the road cut. They used new technology implementing pressurized polyurethane injections into the cracks which hardens and glues loose rock together. This system could only be done in the warmest summer months due to temperature differentials. After "gluing" the strata CDOT then hung a lengthy system of metal mesh netting from the top of the cliffs. Choosing a color which best blended with the existing shale rock, CDOT draped the mesh over the cliff face in order to catch the rock before it could land on the roadway. In the upper Crystal Valley we have had several fatalities attributed to rock fall in the past decades. These efforts by CDOT have made traveling route 133 safer for everyone in all kinds of weather. Locals, tourists and travelers are grateful to CDOT for their work and foresight.

FS Installs New Closure Gate

The Forest Service has installed a vehicle closure gate on the paved Coal Creek road about one mile above the Coke Ovens. This location is where the Pitkin County winter snow plowing stops and is also the boundary of the White River National Forest.

The decision to locate a gate on Coal Creek road stems from a requirement in the 2011 Forest Management Plan which requires the Forest Service to manage all vehicle roads within the forest. The Forest Service confirmed that the Coal Creek gate is not a response to any specific environmental or user concerns within the Coal Basin drainage.

This year the gate will remain open for the full winter season. However, in 2021, the gate will be closed starting in early spring (likely early March) when the snow starts to melt, and then remain closed until May 20. In future years, the gate will be closed to vehicle traffic on November 23 and remain closed through the winter and early spring seasons until May 20. The road will be open year-round for use by horse, foot, ski and snow machine traffic.

The Forest Service said that in future years, the opening and closing dates given above will be flexible and primarily depend on how snow conditions develop through the winter months. The District Ranger will make gate closure decisions.

Give Wildlife a Break

A break indeed is what CVEPA is asking for in the new “super fence” which is being installed along Prince Creek Road. This year, the Tom Turnbull Ranch up Prince Creek was sold to Tom Bailey, Janus Funds founder. Tom Bailey is now well known in the valley for purchasing large tracts of land and water rights.

Bailey is famous for “erasing” existing dwellings and returning the land to a more natural state. He demolished a million dollar “mansion” that was built in the middle of a lovely alfalfa field, highly visible from 133. Numerous other houses and buildings have also been eliminated on his ranches.

Tom Bailey’s projects are built to last, and this is evidenced by the new fence along the road. Built of 2 ½” steel pipe approximately 6’ tall, the barrier is strung with barb wire then reinforced with cedar uprights to form an impenetrable barrier. This creates a problem for wildlife because the fence is impossible to cross by deer and elk. The lengthy run of fence will drastically change the pattern of ungulates (deer and elk) in their search for water in the difficult winter months.

Upon viewing this construction, CVEPA contacted Colorado Parks and Wildlife (CPW) Officer John Groves to discuss the fence and request that he contact Bailey to mitigate the hazard it creates. Groves agreed that the fence would cause difficulty for large animals and admits he is also disturbed by the new fence. Groves agreed to speak with Bailey about the fence, noting that although CPW has no powers of enforcement they can make recommendations to landowners. CVEPA and Groves know that removal or drastic redesign of the barrier is unlikely. The best scenario may be the installation of fence crossing devices along the routes where animals traditionally migrate.

The ranch is in Garfield County, less than ½ mile from the Pitkin County line. Neither county has regulations establishing parameters for wildlife friendly fences. I spoke with rancher Bill Fales about the fence. He and his wife, Marj Perry, run the Cold Mountain Ranch which straddles the Pitkin/Garfield line along 133. This working ranch is almost entirely in a conservation easement. Fales deals with many miles of fence and hundreds of wild animals that move through his property. In conversation Fales noted that he is now surrounded on three sides by billionaires!

Bailey has also acquired the Bob Perry Ranch behind the Fish Hatchery, the Foley Ranch along the Roaring Fork River from highway 133 to the Ranch at Roaring Fork and the Turnbull Ranch from 133 up Prince Creek Road for approximately one mile.

About 25 years ago, clothing magnate Leslie Wexner and his wife, Abigail, bought the Two Shoes Ranch,

previously known as the upper Turnbull Ranch which skirts Mount Sopris. He has augmented his domain with the controversial acquisition of another 2 ½ square miles of BLM land which wraps around the base of Mount Sopris. Wexner has bought up numerous houses around his property. Unlike Bailey, Wexner empties the houses then leaves them uninhabited. This can be evidenced by the numerous vacant homes along Thomas Road.

To the northwest of Cold Mountain Ranch is the iconic Crystal River Ranch owned by Sue Anschutz Rogers. The largest of the ranches, Crystal River is a very active, sprawling, cattle-raising operation. This ranch is the winter home to at least two large herds of elk. (Sue Rogers knows elk and knows fences having cohabitated with wildlife for ages!)

“The New West” comes with its own suite of problems, benefits and idiosyncrasies. In spite of the challenges, area ranchers impeccably maintain their properties and enhance our beautiful valley. The wide-open spaces are one of the reasons we love where we live. CVEPA strives for an environment where private landowners and public land managers work with agencies to protect wildlife and conserve wild and agricultural lands.

—John Armstrong



Grateful To Our Partners

For every one of us, 2020 has been a year we will never forget. It has been a very active year for CVEPA and our hard-working board. We could not travel this road alone, and in the spirit of the season we offer our thanks to the many entities we have partnered or worked with this year:

The United States Forest Service, Crystal River Caucus, Aspen Valley Land Trust, Trout Unlimited, US Army Corps of Engineers, Colorado Department of Parks and Wildlife, Department of Public Health and Environment (Active and Inactive Mines), Department of Reclamation, Mining and Safety, the County Commissions of Gunnison, Pitkin and Garfield Counties, Roaring Fork Conservancy, Roaring Fork Outdoor Volunteers, Aspen Journalism, Sopris Sun newspaper, Town of Marble, EcoFlight, Pitkin County Open Space and Trails, Pitkin County Healthy Rivers and Streams, Trust for Land Restoration, Marble Charter School, Colorado Department of Transportation, Maciej Mroteck, Two Rivers Unitarian Universalist, the Third Street Center, Environmental Testing and Consulting, DHM Design, Propaganda Pie and our members and friends.

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