

CRYSTAL CLEAR

Winter, 2021

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Coal Basin Methane Mitigation

The view from the Dutch Creek Mine Number One above Redstone was breathtaking but the air was breathless. The stillness made the constant coursing of the methane gas from the old mine portal even more pronounced. Chris Caskey is a climatologist from Paonia and owner of the Delta Brick and Climate Company. This October Caskey had invited a sundry group of US Forest Service and BLM Rangers, staff from Community Office for Resource Efficiency, a Pitkin County Open Space Board Trustee and Crystal Valley Environmental Protection Association (CVEPA) board members to climb to the mine portal at 10,500 feet to observe the methane vent. Shrubs close to the vent holes waivered back and forth constantly. Caskey is the driving force behind the effort to mitigate the destructive methane emanating from the Mid-Continent Coal and Coke Mine which was decommissioned in 1991.

Carbon Dioxide is the primary greenhouse gas representing 80% of the total while methane accounts for only 10% of the greenhouse gases, (source: U.S. E.P.A.)

"Methane has more than 80 times the warming power of carbon dioxide over the first 20 years after it reaches the atmosphere. The atmospheric concentration of methane is increasing faster now than at anytime since the 1980s. Estimates say the "gas and oil industry was emitting at least 13 million metric tons of methane a year, enough natural gas to fuel 10 million homes." (Source: Environmental Defense Fund). The four abandoned mine portals reportedly account for approximately 50% of the annual output of greenhouse gases in Pitkin County. Scientists trust that this quantity will sustain for at least another 20 years.

Upon arrival at the vent, Caskey activated an instrument which measured the ambient methane concentration of the gas which was around 1.6%. The gas is not flammable but voluminous when considering it flows 24/7 all year. This problem is widespread at active

and retired coal mines across the west.

Methane was a hot topic at the Glasgow Climate Summit, so what do we do with it? Caskey is a chemist with a doctorate and is a former research assistant professor at Colorado School of Mines.

He is passionate about climate change and he has some big ideas. Caskey recognizes three means of dealing with the gas: 1: status quo/ do nothing 2: flare and destroy the methane by burning it off on site in a tall stack 3: capture the gas at the source, pipe it down to a generating facility in Coal Basin and burn it to produce electricity. Caskey is seeking a grant which will provide funding for accurately measuring the location and concentration of the gas by helicopter aided exploration.

Before anything is done a plethora of rules and regulations on harvesting gas, some of which are not yet established, would have to be navigated.

The mine portals are accessed by a network of wide, stable roads which were reclaimed decades ago. Existing electrical lines in the lower Basin have the capacity to transfer power production to the grid. There is a large flat area suitable for construction of an electrical generation plant. Methane could be destroyed and significant energy provided to the public. That technology is in use at the old Somerset Mine which provides most of the power for the Aspen Ski Company's four mountains from methane generation.

Who doesn't want to destroy the methane, slow global warming and refresh clean air? Like everything in life, each action affects everything around it. A big part of the CVEPA legacy is the reclamation and revegetation of Coal Basin. Mid Continent Coal and Coke had posted a meager bond when they closed the mine, declared bankruptcy and left a heavily exploited and damaged environment. Their bond paid for little of the reclamation. When that money ran out

Continued on page 2.

Closing in on Lead King Loop Solutions

The latest in a string of processes dedicated to resolving the impacts of unregulated Off Highway Vehicle traffic on the Lead King Loop took its first steps on Wednesday, December 8 at the Marble Fire Station. About 50 people gathered in person and remotely to participate in the first of two listening sessions planned by the newest kid on the block, the LKL Working Group.

The new Working Group grew out of the LKL Steering Committee, the group that was originally tasked by the Town of Marble to lay the groundwork for a recreation development plan for the loop and who has been meeting regularly since 2018. In June, Gunnison County wrote the White River National Forest asking to develop a partnership to “address challenges related to parking and the volume of recreators attempting to access the Lead King Loop.” (See BOCC Letter at <https://cvepa.org/lead-king-loop>) Their discussions led to the creation of a facilitated process that will involve a new group of stakeholders tasked with developing proposals to address the long-lived needs of the community and surrounding environment.

Dr. Melanie Armstrong, associate professor of the Masters of Environmental Management program at the Center for Public Lands at Western Colorado University, will facilitate the new process which is planned to include two public listening sessions and three stakeholder workshops over the next few months. The Working Group will gather ideas from the community and use that information to develop formal consensus-based proposals. The USFS and the county each contributed \$11,500 to fund the project, with \$16,537 coming from CPL.

The new LKL Working Group includes representatives from the Town of Marble and the Gunnison County community, the Gunnison County Sheriff, Colorado Parks and Wildlife, a motorized recreation user, a non-motorized recreation user, a mechanized recreation rep, a community economic development rep and an environmental/conservation rep.

The CPL website says the purpose of the listening sessions “will inform the Lead King Loop Working Group, the Forest Service,

and the County about the values the community of Marble wants to prioritize on the Lead King Loop.”

With that in mind, the first listening session focused on developing a list of priorities for the Loop based on each participant’s point of view. The various interests and perspectives of those attending the meeting resulted in an equally varied list. Folks broke up into small groups to identify single words that described their priorities. Words from the first breakout group included communication, education, enforcement, parking, environment and safety, among others. Brainstorming continued in two additional breakout sessions to further focus the list. At the end of the two hour meeting the list included: respect, permits, freedom, commercialism, education/safety, displacement, governance, infrastructure, bathrooms, parking, volume. The hope is that a focused list of priorities will identify the problem sufficiently for the USFS to address the current travel management plan.

One participant pointed out that both residents and ATV users felt sufficiently overrun by the unmitigated traffic that they were both in support of a permit system.

Another community member said these concerns had been expressed before and it was time to turn them into action items. Dr. Armstrong assured all that they will be turned into action items over the course of the five meetings.

Another participant suggested the term “protective management” as a way of summarizing the priorities.

All agreed that the loop is experiencing overuse and there is a need to limit volume.

Dr. Armstrong, assisted by students in the Masters of Environmental Management program, will communicate the results of the listening session to the stakeholders represented on the LKL Working Group who will meet early in 2022. The next listening session is slated for sometime in late February and will be followed by two more stakeholder meetings to further address the challenges of managing increased motorized recreation and to explore management options available to the USFS and the County.

“Methane,” continued

the State of Colorado was ready to forsake Coal Basin. CVEPA, and specifically Michael Mechau of Redstone, worked relentlessly to assist the State in finding funds to finish the reclamation. Over six years and at a cost of almost four million dollars, the State of Colorado and CVEPA accomplished an impressive restoration of Coal Basin. A quarter of a century later, the efforts of CVEPA and the State of Colorado and natural succession have healed many of the wounds of the industrial extraction.

Both flaring or harvesting and generating would require re-opening reclaimed roads in the high basin to create infrastructure. Road and facility construction represent a significant carbon footprint. Electrical generation would require installation of low pressure methane pipelines to a central generating facility. Holy Cross estimates a generating plant is the size of four shipping containers which Caskey says is very loud. Will power lines need to be installed to each portal? What will be the effects on water, wildlife and now recreation? The more CVEPA learns the more questions we have weighing benefits vs detriments.

This is an interesting twist compared to so many of our environmental challenges. We strive for answers between a construction project which would benefit the environment and at the same time have serious environmental impacts on a hard earned reclamation success.

Educate yourself on this issue! Search Sopris Sun and Aspen Journalism for Coal Basin Methane.

New Board Member



CVEPA is excited to welcome Grant Stevens to the CVEPA board of directors! Grant moved to the Roaring Fork Valley in late 2020 and is the Communication Director at Wilderness Workshop, where he strategically leads WW’s communications, branding, and marketing work. Wilderness Workshop and CVEPA are proud to work together as members of the Wild & Scenic Coalition to obtain that designation for the Crystal River.

Prior to Wilderness Workshop, Grant worked at the National Trust for Historic Preservation where he served in a number of communications and marketing roles for seven years, working in the DC and Denver Offices; in 2019 he completed a Master of Environmental Law and Policy degree from the Vermont Law School.

Grant, like so many others, quickly fell in love with the Crystal Valley, and it holds a special place in his heart – the blend of wild places, fascinating history, and decades of people passionate about protecting it all makes for an extraordinary combination. This fall, Grant ran the Lead King Loop 25K, giving him a new appreciation for the Upper Crystal Valley (and some very sore legs!) When not at work you can find him out running, admiring old buildings, or continuing his hunt for the best breakfast burrito in Colorado.

Letter From The President



Greetings and Happy Holidays,

Each year is unprecedented in its challenges. CVEPA has been on the run trying to keep up with the issues, represent your best interests and protect the abundant gifts that this valley bestows on us every day. So many of our projects have carried on year after year, reminding us that patience is a virtue which redefines flexibility.

This year, renewed energy to achieve designation and protection of the Crystal River under the Wild and Scenic Act emanated from Pitkin County and the Crystal Caucus. The

campaign has been slow but deliberate with focus on education and inclusivity. Wilderness Workshop has taken the reins as the effort gains momentum.

The hottest issue this spring was the impact of recreation in the Upper Crystal Valley, especially that of Off Highway Vehicles (OHV). The Gunnison County Commissioners inherited the flawed OHV exemption allowing use of County Rd 3 (The Marble Rd) which has abetted unrestricted use of the road and access to the Lead King Basin. Through our participation on the steering committee we have forged strong relationships with citizens and lawmakers on both sides of the Schofield Divide. (See article page 2.)

CVEPA was encouraged when the offices of Senator Bennet and Hickenlooper reached out to us this summer to better understand issues effecting the Crystal Valley. State Representative Julie McCluskie also accompanied us on a site visit to the Marble Hepola Wetlands Property.

CVEPA has stayed in touch with the USACE (Army Corps of Engineers) awaiting a decision on compensatory mitigation for the Marble Quarry's (CSQ) infraction of burying ¼ mile of Yule Creek. To our disappointment, USACE has decided against any enforcement action. CVEPA expressed concern that if no punitive measures were taken that would empower the multinational corporation to offend again. USACE responded "We hope that they would not." USACE seems poised to accept the CSQ offer that will finish the trail commitment required of them by Gunnison County. CSQ will do some work at the Muds Gulch perennial mudslide area. CVEPA finds this agreement unsatisfactory as it overlooks all the proposals local organizations recommended. Most troubling was that a Freedom of Information Act request had to be filed repeatedly in order to learn of any decisions USACE was making. CVEPA is pleased that CSQ has asked to speak at the next CVEPA meeting and will also host a

CVEPA tour of the quarry next spring. We welcome collaboration with CSQ.

CVEPA successfully received a favorable report from the Colorado Department of Public Health and Environment (CDPHE) on the antique Hoffman Smelter Site on the 55 acre Hepola Wetlands Property across from Beaver Lake. The report protects any owner from environmental liability. The property donation must be transferred into conservation before the end of this year. As we go to press, we anticipate the Aspen Valley Land Trust will accept this most wonderful Christmas present before the new year.

CDOT completed several fabulous rock mitigation projects along SH 133 this summer. When CVEPA observed that CDOT recommenced dumping at the decommissioned Placita Rock Dump, CVEPA asked to see the required CDOT reclamation plan but we were "stonewalled". The plan had never been designed. We went to the White River National Forest Supervisors Office and were able to connect landscape specialists from both CDOT and USFS who then developed the plan. Rains and mudslides probably not seen in a century ravaged our valley. In an incredible show of force CDOT cleared the highway and has hauled off hundreds of truckloads of debris. Thank you CDOT! The dedicated debris dump at McClure Pass was filled with at least 10 years of mud and rock in one storm cycle!

The annual August CVEPA meeting and festivity at Propaganda Pie in Redstone was a delightful event. State Historian, professor and author Duane Vandenbusche educated and entertained approximately 45 locals for an hour. Crystal City and Mill Site owner Chris Cox and his partner Stuart Gillespie unveiled their vision for a four season resort in the woods around Crystal City. DBA Treasure Mountain Ranch consists of approximately 760 acres of land around the town and up into the high basins above Crystal. In depth planning, permitting and coordination with Gunnison County and USFS are required for the complex proposal.

If this wasn't a full plate, enter the proposal to reopen Coal Basin to access and capture the copious methane flows from the portals of the defunct and reclaimed Mid-Continent Coal Mine. CVEPA helped facilitate that reclamation and as vested stewards of Coal Basin we are carefully monitoring this initiative. (See article page 1.)

CVEPA cannot continue our environmental defense of the Crystal Valley without your critical support.

You are CVEPA. Please inform your friends and neighbors about our work and bolster our membership. Our strength is in our numbers and our united voice!

CVEPA would like to thank the many groups and organizations with whom we have collaborated during 2021:

American Rivers
Aspen Journalism
Aspen Valley Land Trust
Bureau of Reclamation and Army Corps of Engineers
Colorado Departments of Public Health and Environment, Parks and Wildlife
Community Office for Resource Efficiency
Crystal River Caucus
Crystal Valley Echo
Delta Brick and Climate Company
Eco-Flight
Department of Reclamation and Mine Safety
Department of Transportation
Dr. Duane Vandenbusche
Gunnison County Commissioners, Sheriff and Public Works
High Country Conservation Advocates

Holy Cross Energy
Marble Museum Alex Menard
Marble Town Council, City Manager Leach and Parks Department McMahonill
Pitkin County Open Space and Trails and Healthy Rivers and Streams
Propaganda Pie
Representative Julie McCluskie
Senator Michael Bennet,
Senator John Hickenlooper
Sopris Sun
Trust for Land Restoration
Third Street Center
United States Forest Service
Western Colorado University
Wilderness Workshop
and all our members and friends!

CVEPA's 50th Year

CVEPA began in 1972 when a small group of Crystal Valley residents banded together to address the threat of a major ski area proposed for the upper Crystal. Kitchen table meetings of the original three, Lloyd Blue, Marge Orlosky and Esther Fogle Neal, drew interest from others passionate about the environment, and the Crystal Valley Environmental Protection Association was born. After successfully defeating its first foe, the Marble Ski Area, the organization has gone on to passionately fight numerous threats to the valley. CVEPA is excited to celebrate 50 years of grassroots advocacy during 2022, and is grateful to be able to continue the legacy of its founders. We're honoring the good old days with stories from some of those dedicated folks who were there in the beginning. Look for more in our next issue, published in March, and please plan to join us this summer for a valley-wide 50th anniversary celebration.

At The Beginning

Patricia Neal Gray

"My main interest is protecting the environment anywhere...I don't give a damn where...if it's up in Alaska, down in New Mexico or anywhere else, the public lands are our lands."

These words were spoken to a reporter by my mother, Fogle Neal during the Marble Ski Area fight. I am Patricia Neal Gray, retired professional staff, U. S. Senate. I was involved in small ways during this struggle to protect public lands. There are three individuals who made CVEPA possible and without whom the organization would not have succeeded in their objective. These were: Fogle Neal of Marble/Crystal, Mayor of Marble, Lloyd Blue and J.E.

DeVillbiss, attorney and later Judge DeVillbiss for the 9th Judicial District. These friends often met AT THE BEGINNING for coffee around the kitchen table. Many local families and friends joined in the struggle, the Mechau family in Redstone and their wide circle of friends were essential.

In 1957-1972 a couple in Marble seeing that Colorado was experiencing a boom of ski villages being built, bought large tracts of land in and above Marble and got a U. S. Forest Service permit to start a feasibility study for a ski area. By 1964 they sold part of the land to Oberlander Corp to begin planning a ski complex. In 1968 another developer bought options on the Darien Ranch. Then in 1970 bought options on the Marble property, combined with the Darien Ranch, and announced the new corporation Marble Ski Area. The project was contingent on obtaining a Forest Service special use permit that applied to federal land.

Also, importantly, MSA applied to Gunnison County for a special use permit on *adjacent* property and the Commissioners approved a plat for 140 home sites and MSA started building and using a ski lift. In 1971-72 MSA created Marble Metropolitan Services District for water and sewer service with no input from Marble residents. The build-out assumed population for Marble would be 20,000. So you may ask "where was the Forest Service?" The Forest Supervisor had said it is too large, something smaller might work. So the MSA, fearing lot sales would slow down if this was known, sent their lobbyist to a Wyoming congressman in Washington and asked him to get the Supervisor's statement suppressed which the Congressman was happy to do. At the same time, the Colorado state geologist issued a report on the area citing geologic hazards, including potential for rapid erosion, mudslides, landslides and flooding.

Nevertheless, MSA continued to promote sales of land they didn't own. It's 1972 and you're wondering where in the heck were Lloyd, Fogle and J.E. sitting around the kitchen table and what were they thinking. According to Mom they thought MSA was on shaky ground selling land with leas on it, they didn't own the land yet, they had no water, no power, 8,893 units on the wrong side of the hill and they thought they would self-destruct. The kitchen table trio realized they had to kick into gear. First, they knew you cannot fight a cause alone. Gotta have a name. They decided to call themselves CVEPA. J.E signed on as Counsel to CVEPA in 1973 and to the town of Marble and helped them appeal the

Forest Service permit for the 624 acres adjacent. Lloyd started the process of town of Marble reincorporating itself so they could have a say in how MSA was developed.

About 70 people attended the first CVEPA meeting to oppose MSA. Pitkin County also got involved over sewage issues.

Finally in 1973 the Gunnison county commissioners held a public hearing on MSA's PUD with the audience packed with MSA supporters. CVEPA was represented by J.E. and Bill Jochems, CVEPA president Leo Paschal and Pitkin County resident Michael Kinsley. *Note I'm nostalgic to be typing the names of Mom's old friends. Gunnison continued the hearing

to April where they approved the MSA PUD even though Jochems pointed out their data was less than required under county code and therefore unreasonable and illegal.

In February, Marble's 31 eligible voters cast votes to reincorporate, held election, picked officers. Lt. Gov. Vanderhoof swore Lloyd Blue in as Mayor and trustees included Karin Lindquist who continues her long love and support of the Crystal Valley today. This event was covered by all major Colorado press. Later J.E. DeVillbiss asked the Forest Supervisor to hold a hearing on the MSA and he refused.

On May 14, 1973 a mudslide tore down the mountain and across the road and into Beaver Lake. A few days later Carbonate Creek crashed through town into the Crystal River. CVEPA requested and received from the Forest Service an extension on public comment on their

Environment Impact Statement. In Denver, a CVEPA member, Conny Erhard got in touch with the Colorado Land Use Commission to ask them to stop sales of MSA land because of the slides. They refused and said they would consult with Gunnison County. In the meantime, mother Fogle went to the slide area, took pictures of the whole mess, made up an album, hopped a plane to Washington, DC and stayed with me and family to make the rounds. She called to make the appointments. (I could have. I was Senator Hubert Humphrey's scheduler but I didn't think it was appropriate.) And I think she knew as a representative of CVEPA that her position represented what was happening first hand in Colorado. She saw the EPA, the Forest Service, both Senators and Congressmen, Interior Dept. and her request was a Forest Service Public Hearing on MSA. Got a very nice reception from everyone.

By July 25 the Colorado Land Commission declared the whole MSA a public hazard and told Gunnison County to stop the development. Then everything started to fall apart. MSA bonding agency left them. No money for sewers or anything having to do with water. Finally, and this was a triumph for CVEPA, the Forest Service in a landmark decision said hence forth they "must consider environmental impacts on private property rather than just ski areas developments on public land." So why would this little widow with no money take on MSA? In her words, "the only way to go about fighting these things is well, shit, just go to Washington and raise hell... and know people who are interested in the ecology and water in the area. Don't give up."



Esther Fogle Neal in her favorite mode of transportation.

CVEPA's 50th Year

The Birth of CVEPA and the Death of the Marble Ski Area

Bill Jochems

Sometimes bad ideas provoke good reactions. And sometimes those good reactions and their heirs can keep going long after the death of the bad idea. CVEPA was created, and the Town of Marble reincorporated, in reaction to the bad idea of the Marble Ski Area (MSA). The ski area idea, with its south facing runs and multiple filings of residential lots, died in the mid 1970s, but CVEPA and Marble endure today. Likewise, the bad idea of the Placita and Osgood Reservoirs provoked the upper Crystal Wild and Scenic Designation campaign back in 1988. The reservoir rights were canceled by Water Court Decree in 2011, but the campaign for Wild and Scenic Designation is more vigorous today than ever before.

Back in 1970, some Marble residents, Fogel Neal and others, decided to organize a group to oppose MSA. J E Devilbiss, Carbondale lawyer who later became District Judge, drafted the charter for CVEPA. DeVilbiss also did the legal work to re-incorporate the Town of Marble believing that an incorporated town would have a stronger voice to oppose MSA. And stronger voices were surely needed. The Gunnison County Commissioner was handing out approvals like popcorn to MSA including residential lots all the way from the Darien property on the west, to Beaver Lake on the east, and nearly a mile up the hill north of town. The MSA proposal would have surrounded and dwarfed the Town of Marble.

During the years 1971 through 1973, CVEPA opposed the MSA at meetings of the Gunnison County Commissioners, and the Colorado Real Estate Commission in Denver. Gunnison meetings were raucous, with MSA supporters ridiculing and booing us. It was during one these commissioner meetings that MSA principal John Zacovitch, said: **"We're going to develop this valley the way God would have, if He had our money."**

Despite the opposition by CVEPA, and others, to the MSA development, Gunnison County continued to approve and support it. It was the Colorado Real Estate Commission who finally paid attention, and in the face of title problems in the lot sales, this agency entered an order preventing MSA from selling lots. Bankruptcy of

MSA followed and the Crystal River Valley was left with only God's level of development.

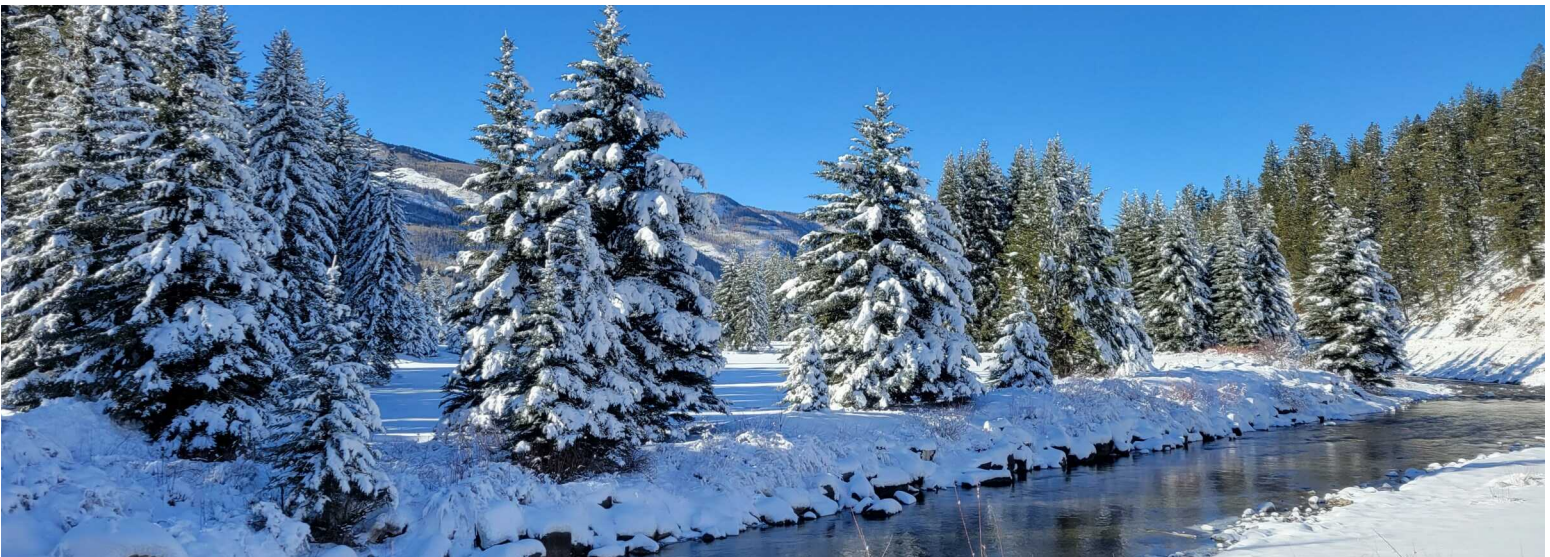
The next major bad idea addressed by CVEPA was the West Divide Project, principally the Placita Reservoir with its plan to pump Crystal River water over Huntsman's Ridge, to irrigate hayfields in the West Divide watershed. And then possibly dry up those hayfields and transfer the water to oil shale development. Paula Mechau voiced her strong opposition, traveling to the West Divide Board meetings in Rifle, where she was dismissed as "that little lady from Redstone". But Paula did persuade CVEPA board member Gregory Durrett to apply and get himself appointed to the West Divide Board, where he served for 18 years as the sole voice against the Placita and Osgood Reservoirs.

At the same time, Kathy Menke, Michael Mechau and Gregory Durrett were leaders in the 1988 effort to get the Crystal River Designated Wild and Scenic. Their hope was that a designation would prevent the West Divide Project reservoirs from being built. Then, along about 2009, a number of entities, including CVEPA, Crystal River Caucus, Pitkin County, and individuals, including Durrett, filed statements of opposition to the conditional water rights for these reservoirs. The West Divide District, rather than go to trial on the issue of their lack of diligence, abandoned the reservoirs. The bad idea died, the campaign for Wild and Scenic Designation survives, more vigorously than ever.

Well readers, if any there may be, that's my memory of what happened, and that's the way I put it together in my mind.

Thank You,

Bill Jochems, (who moved to Redstone in 1971, and for 50 years has done what he could, to preserve the character of the upper Crystal River Valley.)



Thank You for Your Support

As a grassroots organization, CVEPA relies on your support to continue our 50 year legacy of protecting the natural environment of the beautiful Crystal River Valley. Please consider joining or renewing by returning the enclosed envelope, or by visiting cvepa.org/become-a-member-join-us. Membership begins at only \$20. Every name we add to our membership list represents another voice who loves the Crystal Valley and helps widen our ability to advocate on behalf of such a special place.



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