

CRYSTAL CLEAR

Fall, 2020

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CVEPA Joins Wetlands Acquisition

Marble resident Alex Menard contacted CVEPA this June to alert us about a fascinating property in the upper Crystal River valley. Several years ago, a benevolent Marble woman offered to donate into conservation approximately 55 acres of riparian area and hillside to the Aspen Valley Land Trust and Colorado Parks and Wildlife. Both entities rejected the generous offer in spite of the wetland's spectacular views and relatively undisturbed fields and woods. Its easy walking distance from Marble bodes well for educational and interpretive opportunities. And the old road could be key to protecting access to the fabulous Yule Creek Waterfall.

Principally alarming to both organizations was the circa 1913 half acre smelter site on the property. No organization wants to assume a property that may be more of an environmental liability than an asset.

CVEPA toured the wetlands and felt that the smelter site may not be the toxic hurdle that some fear, so we initiated a dialogue with AVL. The conservation group agreed with us that this terrific opportunity needed closer scrutiny. Losing such unique land to development without putting our best effort forward would be a big mistake. CVEPA reached out to scientific and restoration specialists on the Western Slope and are encouraged.

In what may be our first venture involving land acquisition, CVEPA has pledged \$1,000 toward the scientific evaluation of the property. Uniquely partnering with us, Pitkin County Healthy Rivers and Streamspromised to bolster our donation with \$5,000! AVL is inspired by our efforts and would be very pleased to accept this property if the research proves favorable.

Join CVEPA on a walk of the property on Wednesday October 7th. Meet at the Marble Firehouse ParkingLot by the Quarry Millyard at 10:00.

---John Armstrong

CVEPA Honors Darrell Munsell

PROCLAMATION

*The Crystal Valley Environmental Protection Association (CVEPA) is very pleased to award a lifetime Honorary Membership to fine historian and fine gentleman **Dr. F. Darrell Munsell**. This honor is conferred for Darrell's contributions to our understanding of the history of the Crystal River Valley. His work is of lasting importance to the future of this exceptionally beautiful region. This honor is intended to reflect praise both on Dr. Munsell and on CVEPA.*

- Darrell and his wife Jane took up residence in the Crystal River Valley in 1997, leaving their home in Canyon, Texas and his faculty position in history at West Texas A&M University. They have been valued citizens of the Crystal River Valley. Now, in 2020, they have returned to their Texas roots and will be sorely missed.
- Darrell's training and instincts led him to examine some of the important historical facets of the Crystal River Valley. In his notably thorough research, he spent considerable time with original sources, utilizing old newspaper stories, personal interviews, and other material. This work led to three significant books. Of note, as Darrell investigated many of the Crystal Valley stories of the past several decades, he observed that a key player in maintaining the environmental quality of the valley was CVEPA. He was impressed by this to the degree that he felt that groups' efforts should be documented, resulting in the third book of the series.
- First, in "From Redstone to Ludlow: John Cleveland Osgood's Struggle against the United Mine Workers of America", the University Press of Colorado, states that Darrell has produced "The most comprehensive study of John Cleveland Osgood to date." It depicts the bipolarity of his approach to the threat of unionism. In the "Redstone experiment," Osgood fashioned a model industrial village designed to improve the lives of workers through social programs. Near this village, Osgood built a famous castle for himself. Conversely, the Ludlow tent colony and the events that transpired there, marked by armed gunmen and machine guns paid for by Osgood, illustrate his willingness to resort to violence and intimidation for the same purpose. A leading participant in the transformation of the West, Osgood helped to shape the character of the Gilded Age. Today, the beautiful village of Redstone and a granite memorial at Ludlow are reminders of Osgood's complex role in the clash between labor and management during the most violent industrial struggle in American history.
- His second book, in "Colorado Artist Jack Roberts: Painting the West", Darrell captures the authentic personality and talent of Jack Roberts, who first lived in Colorado in a cabin at the trailhead to Hanging Lake and then lived for thirty-one years in a cabin edging against sheer, red sandstone cliffs south of Redstone. Darrell shows the vitality and rambunctiousness of a gifted and serious interpreter of the American West. Munsell states "Roberts was a radical environmentalist who loved the Crystal River Valley. He vowed to do anything he could do to preserve it." Roberts was a strong supporter of CVEPA and used his artistic talents to generate two pen and ink cartoon series that supported CVEPA's fights against the development of a proposed ski area at Marble and the attempts of the West Divide Project to construct a dam

Darrell Munsell, continued.

at Placita. These hard-hitting images were published in local newspapers and were followed closely by the public. They greatly contributed to CVEPA's winning those fights.

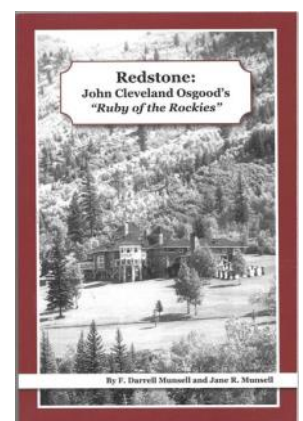
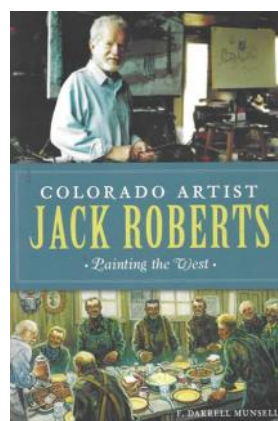
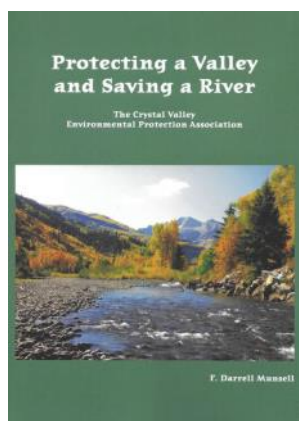
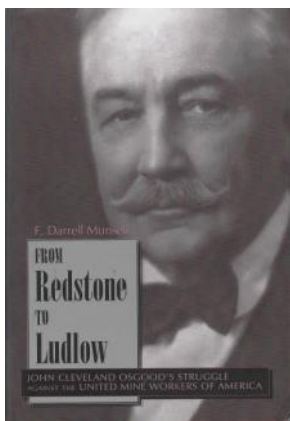
- Munsell's third book in this series was "Protecting a Valley and Saving a River: The Crystal Valley Environmental Protection Association", where he showed how a small volunteer organization (CVEPA), founded in 1972, successfully challenged and defeated large commercial threats to the environment of the Crystal River valley. The initial challenge was to stop the development of a major winter sports area that would absorb the small community of Marble. Shortly thereafter, the organization with a broadened membership began more than a forty-year campaign against the construction of the West Divide Project, a massive Bureau of Reclamation project to build dams on the Crystal River and divert water from it to the West Divide and Mamm Creek drainages south of the towns of Silt and Rifle in western Colorado. Critical to this study was a thorough file of correspondence of members and newspaper articles pertaining to all these activities. Munsell's study is significant for several reasons. CVEPA was the first and for a time only group to face the forces that threatened the ecological balance of the Crystal River Valley. It effectively used federal and

state laws to press its case. From broadening the scope of environmental impact studies to defending the state's minimum stream flow to demanding the enforcement of the Surface Mining and Control Act, the association brought environmentalism to the Crystal River Valley. In writing this history, the author encapsulates the never-before written histories of the Marble Ski Area, West Divide Project, and the restoration of the mine-scared Coal Basin west of the village of Redstone in a state and national perspective. In the late 1980s, CVEPA challenged Mid-Continent Resources, a coal mining operation, to stop polluting the Crystal River, and during the 1990s worked with state and federal agencies to complete the Coal Basin Restoration Project after Mid-Continent declared bankruptcy and ceased operations. These were the major issues that CVEPA successfully confronted during its illustrious history.

- CVEPA thanks Darrell for giving significance to our work and in placing this work in a historical perspective. Darrell advises that CVEPA's future challenges in our valley are to help preserve the balance between commercial human activity and the inherent natural environment and scenic resources.

--Bill Spence

Darrell's books can be purchased at the Redstone Art Gallery and the Redstone Castle. The Castle also carries his latest book "Redstone: Osgood's Ruby of the Rockies," co-authored by Darrell and Jane.



Defend Your Public Access

Six months ago, none of us could have imagined the new reality in which we live. Many of the constraints we endure daily seem logical given the nature of the insidious virus. Other collateral effects could not be predicted. Camper and RV sales are burgeoning, competition for campsites and boat launches is more difficult than ever. Real estate sales are going through the roof as we are marketed as the best place to weather the pandemic. (And just try to find a place to park your Learjet!) Local trail use has doubled and even tripled in places. Our mountain paradise is seeing increased pressure on all fronts.

Crystal Valley Environmental Protection Association (CVEPA) sees another very disturbing trend that was well in motion before COVID. As people scramble to buy up the last bits of the Rocky Mountain West a darker side of human nature surfaces. The exclusivity, the desire to shut everyone else out of "My Private Valhalla" is pervasive. CVEPA respects private property rights and we expect the same respect for the people's access to public lands.

Perhaps I was naive when I regarded our Federal Lands, National Forest and Parks in particular, as inalienable assets. We have seen the wealthy assert their power to buy public lands to enhance their estates. We watch as the State of Utah attempts to take over large tracts of federal land.

On a local level we see the avarice in new "neighbors" trying to usurp legal and historical public access from you. Public access to the fabulous and diverse Pitkin County Open Space Filoha Meadows below Redstone is closed to the public this year. The Rock Creek Association, a group of residents along Dorais Way, installed a heavy metal electronic gate closing the 135 year public right of way which was the original Crystal Valley route. Many Pitkin County signs were stolen in the action. Newcomer and co-president Terry Knapp along with Phil Youngman claim they have the legal right to lock the public out of their historic right of way. CVEPA has supported Pitkin County's attorneys in filing the District Court lawsuit and even more recently in Federal Court as well. We hope these be settled with a permanent judgment in favor of the people. Meanwhile, the Filoha access remains blocked.

By the confluence of the Crystal River and the Roaring Fork we have watched another effort to usurp public access unfold. Teaming with Garfield County, the State Historical Society and the Town of Carbondale, John Hoffman of CVEPA and the Carbondale Trails Committee worked tirelessly to restore the 1900 Satank Bridge. The oldest wooden trussed bridge in Colorado sits adjacent to the Rio Grande Trail (administered by Roaring Fork Transit Authority) and has become increasingly more

popular every year. Locals cycle, walk, and jog and with children, dogs and fishing poles come to this spot to commune with the river or beat the heat. The bridge is 120 years old but the road and public use predates Garfield County.

RFTA holds a 200 foot right of way for the Rio Grande Trail through this area of the valley. They also own outright (fee simple) this section of the riparian corridor. Sometime around 2015 Amy Fulstone bought the property several hundred meters downstream of the bridge, DBA Confluence Lodge. The public access to the river is steep and slippery. In 2017 Roaring Fork Outdoor Volunteers were poised to install stone steps to the river to create the long-awaited safer access route. Improved access had been long planned by both RFTA and the Garfield County Commissioners (BOCC). The week of the volunteer workday Fulstone intimidated RFOV claiming she owned the property. RFOV abandoned the project. The improved safer access to the river has now languished for over three years.

In 2016 a district court judge issued a Consent Order with an injunction forbidding Fulstone from interfering, contacting or harassing RFTA employees or the public in their work or peaceful enjoyment of the property. CVEPA thanks RFTA for persevering in the legal action. In defiance of this Consent Order, Fulstone continues to harass the public informing them that they are trespassing on her property. She has circulated erroneous flyers with maps and even installed metal signs in the middle of the Roaring Fork River.

This spring CVEPA contacted RFTA agents and the Garfield County BOCC to insist on completion of the safe descent to the river. Through meetings, phone calls and a letter writing campaign we have received RFTA and Garfield County's pledges that the overdue work will be completed this summer. Appearing before the BOCC on July 6th Fulstone proposed moving the river access point to someone else's property. "In a perfect world" Fulstone stated that fencing the people out of their 130 year old historic access "is the perfect solution" "to keep the public from doing harm to themselves."

CVEPA has a different vision of a perfect world in which we protect, conserve and share our environment and the public's access to it. If we fail to defend these values now it will be a very different world for the next generation.

This issue is anything but simple. The rights of way (ROW) of RFTA, Garfield County, the ditch company and a century of public use overlay each other. There can be numerous rights of way and they seem to be in dispute.

(Continued on page 5)

I do not have the time, training or education to sort out such convoluted claims. I have deferred to the District Courts decision (Consent Order CA # 16-cv-2550-WJM-GPG and Injunctive Relief) for clarity. They have supported RFTA in their decision.

Garfield County Commissioner Martin said the County would make the necessary access improvement through County ROW before summers end. This safe access, Martin stated, was part of the County's vision since renovation of the bridge in 2013. Neither entity has done anything to improve the access.

In a most recent conversation, Commissioner Martin told me that the accord with Satank Bridge Restoration stakeholder Colorado Historical Society forbids any development in the immediate area of the historic bridge. Development would include rustic wood or stone steps to the river. Garfield County Commissioners have voiced opposition to rail banking (railstotrails.org) as unfair. I have not seen cooperation between the County and RFTA on the river access issue.

Complex and convoluted indeed. With all its complexities, this continuous historical public use of over 120 years is a prescriptive easement which the people must defend.
John Armstrong

Take a Hike With CVEPA!

Join us for a tour of the scenic wetlands area near Marble that is being considered for acquisition by Aspen Valley Land Trust with the assistance of CVEPA. Known by some as the "Stonehenge of Marble," the 55 acres at the base of the quarry road skirts river and beaver ponds as it winds towards Yule Creek Falls. This is an easy trail with a negligible elevation change.

See our cover story for more information.

Wednesday, October 7, 10am.
Meet at the Marble Firehouse
Parking Lot by the Quarry Millyard.

Open Space Acquires Key Inholding at the Redstone Boulders

The Gerbaz family recently decided to sell its 1.9 acre parcel that is otherwise surrounded by Open Space lands near Redstone. This inholding lies entirely within a beautiful open space corridor along Redstone Blvd. just north of the historic village. Through its purchase of the Redstone Boulders (2008, 19 acres) and the Delaney River parcel (2013, 21 acres), the County has protected a 2,500-foot-wide buffer connecting Forest Service lands to the Crystal River. This area creates separation between the Redstone Firehouse and the historic cottages of the Osgood era. The East Creek Trail runs through the Open Space, connecting Redstone Campground to the village itself. The 1.9 acre Gerbaz inholding lies within this preserve. Development of the Gerbaz parcel would have intruded into this open area. Furthermore, the parcel is outside the Redstone Historic District but near enough that development could have compromised the historic preservation success there.

The Open Space Board had its eye on this 1.9 acre vacant property since last fall, when the

Gerbaz family had first explored a sale prior to listing. No agreement was reached, and the parcel was recently listed for \$295,000. The listing, which highlighted the adjacent open space setting, immediately began attracting much interest as a residential lot. We're now in a real estate boom as folks seem to be flocking to our valley amidst the COVID crisis and values are likely rising. One potential buyer had set up a Pre-App with the Community Development office and had a contingent offer pending. Faced with a pending offer and the need to act very quickly, the Open Space Board moved to secure a contract at the listing price.

There is no development on the property except for a well and fencing. The Open Space Department will remove the fencing and manage the property consistent with the Redstone Parks and Open Space Management Plan. See Redstone Boulders section, <https://pitkincounty.com/DocumentCenter/View/1075/Redstone-Parks-and-Open-Space-Management-Plan-PDF>

--Dale Will

CVEPA Annual Meeting

A well masked and physically distanced group of about 30 CVEPA members and friends gathered in late August for the 49th annual meeting outside Propaganda Pie in Redstone. While Covid has changed life in so many ways, the meeting offered a sense of hope that life will carry on, and that there is still a strong love for the Crystal Valley and a desire to protect it.

President John Armstrong reviewed much of the work CVEPA has been involved in during the past year, some of which is being covered in other articles in this issue of the "Crystal Clear." He also honored other organizations with which CVEPA has partnered, especially highlighting the work of Ecoflight and Aspen Journalism.

Bruce Gordon, Jane Pargiter and Michael Gorman explained the work of Ecoflight and how it has helped national environmental organizations but also small ones like CVEPA. Heather Sackett of Aspen Journalism explained about her collaboration with CVEPA on the Yule Mine issues, and how investigative reporting is so important since many of the regulatory agencies really don't know what is going on with the companies they are supposed to be overseeing.

John Armstrong reviewed issues with the Colorado Department of Transportation (CDOT). CVEPA basically initiated the review of Penny Hot Springs use and abuse, which Pitkin County and CDOT have since worked on. There was a 15-member commission (including John Armstrong for CVEPA) which came up with recommendations for a more sustainable plan for the area. It recommended limited parking near the hot springs, working with law enforcement to control crowds, signage explaining the history and proper use, and eventual sanitary facilities. There is now a substantial commitment from CDOT to construct a 16' tall wall which will protect Route 133 and Penny Hot Springs from rock fall.

The rock fall near McClure Pass continues to be an issue, both for safety and for environmental concerns of rock disposal. CVEPA is grateful to CDOT who will invest in rock fall mitigation (scaling) at six locations above Redstone in 2021. A significant amount of rock will have to be placed somewhere. CVEPA still insists that CDOT and the Forest Service complete the visual screening berm at the agreed upon Horseshoe Dump disposal site on McClure Pass before summer 2021.

The annual meeting highlighted both the problems facing the Crystal Valley and the people who are committed to finding solutions, even in this challenging year of 2020.

—Peter Westcott

Yule Creek Video

CVEPA thanks Maciej Mrotek for sharing a compelling video with CVEPA members and friends. It shows the destruction of Yule Creek by Colorado Stone Quarries after they diverted the creek from its natural channel during the fall of 2018.

To view the video, go to <https://youtu.be/gK3fvmNLFck>

Dorais Way Access Issue Proceeds in Two Courts

Pitkin County's effort to protect public trail access on Dorais Way is proceeding on two tracks:

As reported in prior issues of the "Crystal Clear," last summer some members of the "Rock Creek Association" erected a gate on Dorais Way just below the North Redstone Bridge and posted "No Trespassing" signs. This route had been continuously used by the public since the 1880s when Pitkin County originally built a wagon road there. The Association claims that a 2015 quit claim deed from Mid Continent Coal Company to a sliver of the old Crystal Rail ROW within the National Forest allows them to block access. Ironically, public access *within* their subdivision was reaffirmed on the subdivision plat itself and subject to a settlement agreement on the same topic.

The Rock Creek Association argued to the State District Court that since the section of road they claim to control is surrounded by USFS lands, that any litigation should be heard in Federal Court. The lower State Court agreed. In response, the County has re-filed its case in Federal Court while also appealing the decision of the lower State Court. Hence, there are now two separate lawsuits by the County pending.

It is a shame that the summer has passed and Redstone residents and Campground visitors, both long accustomed to enjoying the river's edge below the bridge, and strolling or jogging down to Filoha Meadows, have all been blocked by some selfish members of the Rock Creek Assn. We wish the County well in its ongoing effort to re-open this historic public access corridor.

--Dale Will

Meet Jeffrey Evans

Candidate for Pitkin County Commissioner District 5

CVEPA invited both candidates for Pitkin County Commissioner for District 5 to introduce themselves to our readership. Francie Jacober's column appeared in our June, 2020 issue. As a 501c3 organization, CVEPA will not endorse any candidate.

My name is Jeffrey Evans, and I am a candidate for Pitkin County commissioner. I have lived in District 5 for nearly 25 years, first in Swiss Village across from Avalanche Creek, and now in the southern portion of Basalt. I have never belonged to a political party, and in today's environment find that to be very liberating. The theme of my campaign is "Back to Basics", and for me that often means digging through layers of partisan obfuscation to find the core elements of an issue.

The invitation to address you through your newsletter was a welcome opportunity, but it seemed prudent to start by better acquainting myself with your organization. To that end, I attended a CVEPA meeting on June 16th. It was great fun and reminded me of the days of Common Sense Alliance, where I served as Treasurer and spokesman for a number of years. One of our early projects was to assist Dorothea Ferris and Shellie Roy in their successful campaigns for Pitkin County commissioner.

At the meeting of CVEPA I attended it was heartening to see that, when the subject of the Yule Mine came up, it was suggested that the group find a copy of the mine's original permit. This is the sort of commitment to a factual basis for discussion that will be extremely helpful should I become an elected representative.

The most difficult task in fulfilling the responsibility of representation is to find reliable information. This is compounded by the impossibility of personally speaking to every constituent. The combination of an organization which truthfully speaks for a significant number of people, and sticks to the facts, is invaluable. I trust the CVEPA will continue to work to maintain those attributes.

My investigation of CVEPA led to the discovery of a book(!) and a website, and I am very appreciative of the real information that can be found on your site. An actual map of the Thompson Divide! Heaven.

Speaking of the Thompson Divide, there is no clarity on whether the legislation to protect the area, the Colorado Outdoor Recreation and Economy (CORE) Act, will pass in Congress. Senator Cory Gardner intended to defer to, and was waiting for, direction from Congressman Scott Tipton, who will no longer be around. However, according to *The Colorado Sun*, a major sticking point is not a sticking point at all: "Notably, Gardner did not ask...for the removal of a long-controversial provision in the bill banning future oil and gas drilling on about 200,000 acres of public land along the Thompson Divide...Tipton also now approves of the provision."

A 10,000-word debate (Congressional Record, October 30, 2019) mentions oil and gas only three times, always in the context of settled issues. The discussion did not go into the details of all ten of the amendments to the Act

proposed by Congressman Tipton, but the expressed concerns mostly related to access - for both the public and fire suppression efforts.

If both Joe Biden and Diane Mitsch Bush are elected, it seems likely there would be no objections regardless of what happens in the Gardner/Hickenlooper race, and that the CORE Act will pass.

Congressional candidate Lauren Boebert, "would prefer to see more input from local stakeholders and she believes it should be more appropriate to run as a stand-alone bill instead of being tucked inside the National Defense Authorization Act." If that implies a new process, it also seems possible the extraordinarily ambitious (affecting 400,000 acres) Act might be broken up - so that dissimilar areas are handled separately. Only under those circumstances can I imagine this issue coming back before the Pitkin County commission.

I have no strong opinion on the bike path between Redstone and McClure Pass, and will let that proposal develop at its own speed. Everyone is invited to influence me one way or the other. Please use the Contact Form at <https://evansforcommissioner.com/> (I am curious about whether the bike trail responds to existing demand, or is intended to attract riders to the area. Or is it some of each?)

Federal Wild and Scenic Rivers designation for the Crystal River first struck me as something of a square peg for a round hole because of my understanding of the "Wild" part of the title. On further review, it seems possible the forest service could agree to suitability of the river under all three categories - Wild, Scenic, and Recreational - at different locations.

Land owners have reason to worry about being within (or near) a federal boundary of any sort, and the assurance that "Designation neither prohibits development nor gives the federal government control over private property," may not preclude unwelcome regulation. Legislation specific to the Crystal River will need to be very strong on this point, especially regarding potential augmentation plans for residential water users.

This is another issue which is out of the hands of Pitkin County - until we hear from the forest service - but there is no known (to me) local support for either reservoirs or major diversion projects on the Crystal River, regardless of any federal designation.

Though there are many issues yet to cover, I hope this introduction has given you some insight into the research effort that I think needs to be made for each new question.

Please vote for me to be your Pitkin County commissioner. I will really appreciate it.

Best Wishes to Bill



CVEPA recognizes Bill Spence for his decade plus of service to our organization. Bill's love of the Valley is manifest in all he has done to help preserve and protect the Crystal. Bill and his wife Sue Edelstein, show their passion and loyalty through time given and their benevolence in almost every corner of the community. They now join the hummingbirds in winter in the mountains of Guanajuato, MX. Bill will remain active as a board member emeritus. Thank you,

Bill, all you have done over with CVEPA the years.

Bill's seat has been filled by Francie Jacober. We are excited to have Francie's energy on the Board. You may recognize Francie's name as candidate for Pitkin County Commissioner District Five, coming to a vote this November. Read Francie's self-introduction in the June 2020 Crystal Clear to get acquainted.

The "Crystal Clear" is published quarterly by the Crystal Valley Environmental Protection Association, a 501c3 organization.

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[Crystal Valley Environmental Protection Association](http://www.cvepa.org)

PO Box 921

Carbondale, CO 81623

www.cvepa.org