TO: GUNNISION COUNTY, TOWN OF MARBLE, USFS

FROM: PETER MERTZ, 7298 CR3, MARBLE, CO 81623

RE: PROPOSED PARKING AREA AT BASE OF DANIEL’S HILL

DATE: AUG 13, 2024

**1. OVERVIEW**

This proposed construction affects County Road 3 residents from the top of Daniel’s Hill to properties that overlook Beaver Lake a mile away, County Road 3 (CR3) follows a babbling ditch that flows from a man-made conduit located up Daniel’s Hill that diverts water from Lost Trail Creek for use by residents who live below.

This ditch water is used by seven (7) individual houses on Rainbow Dr. using a yellow pumphouse on the side of CR3, as well as seven (7) additional properties along CR3 whose owners are Linda LeBeau, Steve and Allison Finn, Sasha Paris and Carey Levin, Peter Mertz, the Kelly and Massey LLC (7300), Teri Havens, and Susan Blue. All but one of these 14 properties use this water for drinking.

There is no doubt that the quality of said water will be impacted by the proposed parking area, especially if a bathroom is part of the plan. The ditch in question runs along the proposed parking area’s west boundary – only a few feet away from where construction, using heavy equipment, is set to occur.

Local residents are concerned about a number of issues surrounding the proposed parking area that include public health and safety, property-devaluation, destruction of the eco-system, and possible contamination of their drinking water.

**2. POTENTIAL WATER CONTAMINATION**

The local property owners understand that this “parking area “includes a toilet or porta potty of some sort - an element that greatly concerns all of us whose drinking water comes from the adjacent ditch.

1. What would happen if this septic system leached into our drinking water source?

2. How many feet away from our drinking water source will this feature be located?

3. Who is designing this feature, and does it include safeguards for flooding?

4. What size containment system will be designed for human waste?

5. Will chemicals and neutralizing agents be added to the human waste that would be collected at this site? If so, what chemicals will these include?

6. Every year, usually during the monsoon season, Daniel’s Hill gets flooded by run-off water, that flows uncontested down the hill, and due to erosion on CR3 up Daniel’s Hill, these floods have worsened greatly in the past few years. This flooding causes significant damage to the area exactly where the proposed parking area will be located. What safeguards and studies have been implemented to ensure this construction project doesn’t get washed away, that could also cause irreparable damage to the ditch?

7. In this regard, please list the engineers involved in this process and please furnish their reviews and findings.

**3. MAINTENANCE PLAN?**

This is critical, and seemingly the biggest problem with USFS projects. Past experience shows that USFS doesn’t monitor, maintain, repair or upkeep projects like this once they are built. And this project is in an extremely remote location. So how’s this going to work?

1. Whose budget will pay for maintenance/upkeep/repairs?

2. How often will the parking area be monitored?

3. Who is responsible re enforcement?

4. Who will enact trash removal, toilet cleaning and pumping, grading of the parking areas? How often?

5. Winter use/winterization?

6. Is GunnCo budgeting for additional road base/impaction costs required each year when monsoon rains wash some of this area away?

**4. DETRIMETAL ENVIRONMENTAL IMPACT**

By building this parking area, USFS staff will increase public use of the Lead King Loop and that of OHV use, that has already caused significant erosion damage all the way up Daniel’s Hill. USFS has failed to address the existing damage by erosion and run-off. Why should we believe this project will produce better USFS stewardship?

1.What is the plan to mitigate and reduce this erosion that is responsible for flooding every year, down below?

2. What similar parking projects have been done next to ditch water that supplies homes with drinking water? Surely this isn’t the first time a parking lot and toilet have been placed next to an open aquifer stream (ditch) that supplies homes with water.

3. Currently one-branch of the ditch also flows through a large beaver community, cascading down more than 100-yards through several dams and pools of water. This branch also flows back into the Crystal River, but supplies deer, elk, raccoons, bears, Bobcat, foxes, and other indigenous animals with drinking water. What experts have been consulted about the potential impact this construction will have on these wild animals, and what did they say?

**5. CONCLUSION**

The people who actually live where this project is being proposed would like the aforementioned questions answered before this project goes any further. This project seems to completely ignore ANY environmental concerns, something that is remarkable and unfortunate in light if the pristine beauty that surrounds us here, in our neighborhood, and in this environment.

Of all places on Earth that deserve extra scrutiny and due diligence before heavy equipment construction occurs, we feel the place that we call home – where serenity, silence, solitude and spectacular scenery abound - deserves careful examination.

Finally, we are somewhat concerned and miffed by an apparent lack of good faith on the part of USFS’s staff. Last month, on July 17, USFS authored a letter that stated:

***“The stakeholder group provided the consensus-based recommendations that Gunnison County and Aspen-Sopris Ranger District should explore, develop, and plan to establish parking spots, landscaping, signage, turn around options, and facilities (e.g., bathrooms, trashcans, kiosks) on land adjacent to County Road 3 at the base of Daniel’s Hill. It is also recommended the Forest Service implement signage clarifying where it is legal and illegal to park at the base of Daniels Hill. Finally, Gunnison County and the Aspen-Sopris Ranger District should work closely with residents local to Daniel’s Hill during parking planning, especially regarding environmental.”***

So, we the people who actually live here have not seen any such “working closely with residents” during this process and would like to know if and when this will begin? We feel this project has been rammed down our throats by USFS staff eager to push it through without any proper due diligence.

We think a good place to begin, due to the many moving parts, intangible elements and reasonable, realistic concerns, that an Environmental Impact Study be done, and reject the exclusion cited by staff in this regard.

We would like an interpretation ASAP from the Gunnison County Attorney regarding the “Categorical Exclusion” position regarding an Environmental Impact Study position by USFS staff in their July 19 letter. In reading the 36 Code of Federal Regulations provided USFS, we do not see the link that provides the exclusionary validation, and we specifically question its authority and application here.

It seems on the surface that Kevin Warner and his staff are trying to dodge their responsibilities as good stewards of this lands by taking a position on this construction project to push it along without regard for locals or for the environment.