

MEMORANDUM

TO: Planning Commission

FROM: Mark Bean

DATE: January 2, 1996

RE: Teepee Park Special Use permit - continued hearing

Post-it® Fax Note	7671	Date	1/10	# of pages ▶	3
To	DAVID LEVY	From	M. Bean		
Co./Dept.		Co.	Gar Co		
Phone #		Phone #	303-945-8212		
Fax #	916 265-1976	Fax #			

On August 14, 1996, the public hearing for the Teepee Park Special Use permit was opened and the initial testimony on the application was presented to the Commission. (See minutes pgs. 4-6) At that time the Commission continued the hearing subject to additional documentation being submitted to verify legal and adequate access to the applicant's property. Since that time there have been continuances for the hearing approved at each subsequent meeting. There have been a number of different documents submitted by the applicant and other parties, which are included as attachments to this memo, along with the original staff report. At the September P&Z meeting, a copy of the entire application was presented to the Commission.

In the interest of trying to address the issues, the following comments are being made and subsequent recommendations for conditions of approval:

Legal Access: Enclosed on pg. 7, is a letter from Veto Lasalle, White River Forest Supervisor, stating that the Forest Service Road No. 824 is a legal right-of-way, over which the applicant's logging operation can travel. At the first hearing, copies of deeds were submitted in behalf of Mike Bishop, which indicated that the access granted to the DOW, was for "recreational and agricultural" purposes. This is an issue that may end up being contested in court, so any approval should only be valid as long as there is no court order contradicting the Forest Service's interpretation of the right to use the right-of-way granted to the DOW.

Adequate access: At the initial hearing, a number of questions were raised regarding the adequacy of the County roads accessing the property. In October, a Traffic Study done by Lee Engineering was presented in support of the application. (See pgs. 8-15) This study only dealt with the traffic capacity and did not include an analysis of the physical capacity of the roads in question. Subsequently, additional analysis of the physical capability of the Road 320 was done by Hepworth - Pawlak Geotechnical, Inc.. (See pgs. 16-17) Combined together, the studies recommended that County Road 320 have a 1 1/2 inch overlay on CR 320 and that there be intervisible turnouts on the Beaver Creek road (CR 317).

Enclosed on pages 18-19, is a memo from the County Road and Bridge Supervisor, King Lloyd, addressing the previous studies. He notes that the proposed 1 1/2 inch overlay is a minimum to deal with the possible impacts from the proposed logging operation. In addition to the proposed overlay, he suggests that a road bond be placed with the Road and Bridge Department. Given the length of the road, this amount will need to be \$100,000. The intervisible turnouts are recommended as the preferred alternative and are partially acceptable to the Road and Bridge Department, if there is some provision for dealing with the potential for damage during certain times of the year that there is too much moisture in the road base. At those times, the Department imposes a frost restriction, that only allows for travel on the roads during the late night hours, when the roadway is frozen. As proposed, the days and hours of operation would not allow any hauling activity by the logging company during a frost restriction. The intervisible turnouts could be a problem, if there is not enough right-of-way available to place the turnouts without infringing on private property. Since there is no specific plan for the turnouts, it is difficult to assess whether or not there is an adequate right-of-way width to accommodate the turnouts without private land acquisition. Any approval of this application should be conditioned upon the applicants putting together an engineered plan for the construction of the intervisible turnouts and that any land necessary for the construction of the turnouts be acquired at the expense of the applicants.

Environmental Issues: There have been a number of concerns raised about the potential environmental impacts to the water shed, wildlife habitat and soil erosion. A letter was submitted by Susanna and Chris Locher, who own a large piece of property on Beaver Creek and have grazing rights on the applicant's property and public lands in the area. (See pgs. 20-23)

Additional Conditions of Approval:

1. Approval of this application is based on the representations of the Forest Supervisor of the White River National Forest that Forest Service Road No. 824 is a legal right-of-way for the proposed Special Use permit. Such approval is only valid so long as the Forest Service determination is considered valid and not subject to a court order overturning the interpretation.
2. That prior to the issuance of a Special Use permit, the applicant submit engineered plans for the construction of intervisible turnouts on CR 317 meeting the Forest Service standards for sizing and spacing. Additionally, the applicant will be responsible for the acquisition any additional right-of-way necessary for the placement of the turnouts.
3. That prior to the issuance of a Special Use permit, the applicant shall pay for an overlay of at least 1 1/2 inches asphalt overlay of County Road 320 from the City Limits of Rifle to the intersection of CR 317 and 320, that is acceptable to the

Board of County Commissioners. A road bond of \$100,00 will be placed with the Road and Bridge Department to be used for the repair of CR 320 due to damage attributable to the applicant's activities. The bond shall be valid for the period of time that the applicant is actively logging on their property.

limitations, no trash burning, weed control, access to greenbelt, and design of the proposed lots.

Jim Snyder moved to approve with all conditions recommended by Staff and to include the density consistent with the Sketch Plan Submittal. Motion was not seconded.

Philip Vaughan moved to approve the proposal as presented. Motion was not seconded.

Calvin Lee moved to continue to the proposal to the next meeting on September 11, 1996 with comments given to the applicants. Stacy Ehlers seconded. Motion passed 7-0.

Public Hearing for a Special Use Permit for a Logging Operation, located in Beaver Creek. Applicant: Clay Tucker and Tim Frase. David Levy and his assistant from David Levy Forestry represented the owners. Don DeFord questioned Mr. Levy regarding the proof of publication. Mr. DeFord determined that publication was sufficient and the hearing could continue. Cheryl Chandler was appointed a voting member. Mark Bean entered the following exhibits into the record:

- a. Proof of publication
- b. Return receipts
- c. Application and attachments
- d. Staff comments and attachments
- e. Letter from City of Rifle
- f. Letter from Resource Engineering
- g. Letter from Colorado State Forest Service
- h. Memo from King Lloyd
- i. Deed identification

Mr. Bean told the Commission that the deeds that are being presented includes only access for recreational and agricultural purposes, Mr. Mike Bishop owns property there, and the indications are that there is not legal access. Mr. Bean said that there should be a continuance to next month's meeting so that the legal access issue can be worked out. If there are other issues that need to be addressed, the applicants would like to know about them so that they can address all the issues at the next meeting. Compensation would be given to the County as per use. Mark Bean summarized the proposal. The property is located primarily in the Beaver Creek drainage and is the headwaters for Porcupine Creek, Spruce Creek and West Mamm Creek. The site contains topography that slopes generally to the north, that varies from gently slopes to vertical cliffs and elevation ranges from 8,700 to approximately 10,270 feet. The property contains a number of Englemann Spruce-Alpine Fir, Aspen and Gamble Oak stands mixed in with riparian and high mountain meadows. There is a small cabin located in Teepee Park and another one on the ridge north of Houston Mountain.

The applicant has requested a special use permit for a commercial logging operation in Teepee Park area of Beaver Creek. The request to allow the logging of 1454 acres of non-contiguous aspen, Englemann Spruce and Alpine Fir stands on the 4464 acre tract of land. The applicants

propose to cut between 8 to 11 million board feet of Engelmann Spruce and Alpine Fir and 1090 units of Aspen over a three year period after all permits are approved. The applicants propose to harvest the timber using a variety of different silvicultures including group selection, shelterwood removal, single tree selection and commercial thinning. The application notes that the forest is advanced in age and, generally the stands have deteriorated to different degrees and are not uniform.

The applicant propose to use three different yarding methods, tractor yarding, cable yarding and helicopter yarding.

To harvest the timber, it will be necessary to add approximately 8.3 miles of roads to the existing 3.8 miles of road on the property today. Roads will be private unsurfaced single land roads with turnouts at appropriate locations. Roads with water protection zones will be surfaced with gravel a minimum of 35 ft. each side of culvert. All road cuts within 200 ft. of a perennial watercourse will be seeded with a mix already tested on portions of the property and inspected by the City of Rifle and Forest Service representatives. The public will be allowed to travel through the property on the historic access to the public lands located above the property, but all other roads will be gated and or marked no trespassing.

It is estimated that there will be 10-12 loads per day during the working season. Log trucks will be 5 axle, with a maximum weight limit of 70,000 lbs. The haul route is proposed to be from the property through a portion of National Forest to County Road 317, to County Road 320 to the Rifle I-70 Interchange. Worker access and related trips are not included in the application. The applicants note the potential for conflict with other traffic and have proposed to schedule truck hauling during hours that will not conflict with children loading and unloading from school buses. The applicant has proposed to do improvement work on roads prior to hauling, leave roads in at least as good a condition as they were initially and to apply dust retardant to roads that pass within 500 ft. of occupied residences during the term of the permit.

The logging operation will employ between 32 to 44 people, depending upon the time of year and the needs of the operation. There will be no man camp on the property. The working season is expected to be from late June or early July until snows prevent normal winter operations. Fire safety will be the responsibility of the subcontractors working on the property. During the time that fire danger is high, each contractor will be required to have a water truck or pumper of minimum capacity of 150 gallons, along with a fire plan to be submitted to the Sheriff.

Major issues and concern included zoning, utilities, street improvements, impact statement, wildlife, truck and automobile traffic, use of adjacent land, existing lawful use of water, design of the proposed use, industrial performance standards, access routes, surface water impacts, impacts on adjacent lands, wildlife impact, truck and automobile impacts, site rehabilitation, and water pollution.

Paul Bussone told the Commission that the City of Rifle has some concerns and they will be analyzed as the City issues the permits. Mr. Bussone addressed the runoff and quality of water.

Chris Locher, representing Mike Bishop and his attorney addressed the Commission regarding the issue of legal access that Mike Bishop owns. There is no other easement granted to any other person other than the Forest Service.

Other comments from the audience included water quality, amount of irrigation water, and water quality standards.

Comments from the Commission included group selection, water quality, legal access, road impacts, and access routes.

Jim Snyder moved to continue the hearing until September 11, 1996. Stacy Ehlers seconded. Motion passed 7-0.

Meeting Adjourned,

Respectfully submitted,

Stacy Ehlers

SE/sa

United States
Department of
Agriculture

Forest
Service

White River
National
Forest

P.O. Box 948
Glenwood Springs,
Colorado 81602
970 945-2521

Reply to: 5460

Date: August 22, 1996

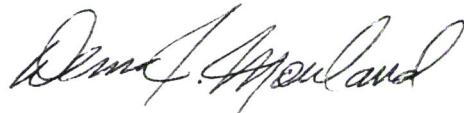
Mr. Mark Bean
Garfield County Planning
109 8th Street
Glenwood Springs, CO 81601

Dear Mr. Bean,

This letter is in regards to claims made by a Mr. Mike Bishop of the lack of legal right-of-way access across his land located in Section 24, Township 7 South, Range 94 West (Beaver Creek). We have researched our records and have concluded we enjoy a full and completely legal right-of-way across his lands on Forest Road No. 824. Further, this right-of-way is considered public access by this agency, as our title to the easement reads as such. If Mr. Bishop has evidence showing some other situation, he should seek legal counsel and provide us with that information.

Mr. Bishop's claim that the existing road is outside of the right-of-way cannot be further considered without a valid survey. The Forest Service had the road right-of-way surveyed when the DOW originally acquired it, and we consider this survey to be correct. Mr. Bishop needs to provide a survey by a licensed Professional Surveyor showing any validity to his claim before we will take any further action. It is our opinion the road is in the correct location, and we have a full easement open to the public upon it.

If you have any further questions, please call Gary Osier at 625-2371.


for VETO J. LASALLE
Forest Supervisor

cc: Rifle RD



5031 SOUTH ULSTER STREET
SUITE 205
DENVER, COLORADO 80237
303/773-3356 FAX 303/773-3357

LEE ENGINEERING PHOENIX DENVER DALLAS

October 8, 1996

Mr. David Levy
David Levy Forestry
305 Railroad Avenue, Suite 7
Nevada City, CA 95959

Subject: Teepee Park Forest Management Plan

Dear Mr. Levy:

Lee Engineering has completed our review of the traffic operations for the referenced plan. Our enclosed report shows our recommendations for trucking along Beaver Creek Road and Rifle/Rulison Road.

Should you have any questions, please do not hesitate to contact me. I appreciate the opportunity to work with you on this project.

Sincerely,

David Hook, P.E.
Vice President

**Traffic Study
Teepee Park Forest Management Plan**

Prepared for:

**Tucker Frase
David Levy Forestry**

Prepared by:

**Lee Engineering
5031 S. Ulster, Suite 205
Denver, CO 80237
(303) 773-3356**

October 8, 1996

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INTRODUCTION

This traffic study has been prepared to address the traffic issues associated with logging under the Teepee Park Forest Management Plan. Under this plan, approximately 2,000 to 3,000 logging trucks will travel Beaver Creek Road 12 times a day, five days a week for two seasons. In addition, there will be other vehicles associated with the logging using the road on a daily basis.

This study has been undertaken at the request of Garfield County to address the traffic concerns. In an August 14, 1996 memorandum, the Garfield County Engineer mentioned several items that needed further addressing. A discussion was held with the Garfield County Engineer to further clarify the issues and the following are those that need to be addressed:

- The one-lane section of Beaver Creek does not have inter-visible turnouts. Should two vehicles meet head-on, there is not room in this section for passing.
- Rifle/Rulison Road has two sharp hairpin curves which might pose a problem for large vehicles.
- Logging trucks traveling in convoys may be intimidating for residents of Rifle.
- Additional vehicles along Rifle/Rulison Road may impact traffic operations.

This report describes each of these issues in detail and proposes mitigation measures for each one.

TRAFFIC DATA

Machine counts were conducted at three locations along the route. Using classification counters, traffic volumes were collected at the north end of Beaver Creek Road where it meets Rifle / Rulison Road. From the collected counts, it appears that the largest traffic volume occurred from the period 6:00 PM Friday to 6:00 PM Saturday. The following table lists the traffic volume and vehicle classification at this location.

Table 1. Vehicle Classification Beaver Creek Road

Category	NB Vehicles	SB Vehicles	Total
Motorcycle, Passenger Cars 2-axle SUV, Buses	31	22	61
2-axle six tire	10	18	28
3-axle Single Unit Trucks	9	15	24
Four or more Axle	4	2	6
Total	54	57	111

The ADT of 111 is appropriate for a non-paved surface. Paving a roadway surface is usually viable at volumes of around 300 - 500 vehicles per day.

In addition, non-recording counters were placed both north and south of the Rifle Village intersection along Rifle/Rulison Road. The counters were placed for a five day period beginning 10/2/96. The average count at these two locations is provided in Table 2.

Table 2. ADT counts along Rifle/Rulison Road.

Location	5-day Average Volume
North of Rifle Village Intersection	1770
South of Rifle Village Intersection	330

As can be seen from the counts, there is a much higher volume north of the Rifle Village intersection than south. The addition of 12 trucks a day will add 24 vehicles per day additional traffic along Rifle/Rulison Road. Assuming a normal diurnal distribution of traffic, this equates to 2 or 3 trucks during the peak hours. This additional traffic will not impact the traffic operations along Rifle/Rulison Road.

ONE-LANE SECTION OF BEAVER CREEK ROAD

There are several potential solutions to mitigate the use of large trucks in the one-lane section of Beaver Creek Road. Each of these needs to be evaluated as to its safety, effectiveness, and cost.

Intervisible Turnouts

One solution that is used on other forest roads and mentioned by Garfield County is to create intervisible turnouts along the route. Intervisible turnouts would be located at distances along the road so that each turnout can be seen from the previous turnout. In such a manner, there will always be a turnout available should two opposing vehicles come within sight distance of each other. In order to have intervisible turnouts it is estimated that an additional 8-10 would need to be constructed in addition to the 7 turnouts that already exist along Beaver Creek Road.

A sign would be posted at the entrance road warning motorists of logging operations. The sign would read as follows:

Caution Logging Operations
Listen for Trucks
Backing Up May Be Required

Flaggers

Another option would be to have flaggers at each end of the one-lane section. By using two-way communication, a flagger can hold traffic at each end of the one-way section to make sure the roadway is cleared before allowing a vehicle to enter. If a vehicle or logging truck desires to enter the one-lane section, the flagger at that end notifies the flagger at the other end that a vehicle is on the roadway. The vehicle then begins along the route. Once at the other end, the flagger at the opposite end then notifies the original flagger that the vehicle is no longer a factor.

As only one vehicle can occupy the one-lane section at a time, it is important to determine the capacity (or number of vehicles that can use the section in an hour). Based upon a length for the one-way section of 2.4 miles, and an average speed of 15 mph, it is assumed that approximately 6 vehicles per hour could be accommodated. It does not appear that this method would handle the existing plus logging traffic.

Pilot Car Operation

A third option is to have a second pilot vehicle clear the road prior to use by a logging truck. This lead vehicle would travel ahead of the logging vehicle. If another vehicle was encountered, the lead vehicle would notify that a logging truck was heading through the one-lane section and would have the vehicle either pull into a turnout or exit the section. There are adequate areas where vehicles could pass in existence at approximately every 1500 feet. The capacity of the roadway under this scenario is approximately 50 vehicles per hour.

Citizen Band Radio Communication

A fourth option would be to handle vehicle conflicts via CB radio communications. The logging company would ensure that two-way CB radio communication is available for all logging trucks. The CB channel should be posted at the entrance to the one-lane section. In addition, any property owners in the area should monitor this CB channel for trucking activity. Should any owner not have a CB radio, the logging company should loan them one for use during logging.

A sign would be posted at the beginning of the one-way section notifying vehicles of logging operations. The sign would read as follows:

Caution Logging Operations
Monitor CB Channel XX
Listen for Trucks
Backing Up May Be Required

One problem with CB radio communication is that many users of the road are not regular users. A high percentage of users of the road do so for recreational purposes and would not be regular enough for CB radio communications to be effective.

Preferred Alternatives

Of these options, it appears that intervisible turnouts would be the most cost effective and provide a safe operation. The location of the additional turnouts would be determined in the field at the time of construction. Care should be taken to keep sediment from entering the stream.

A second option would be to provide pilot car operation. This would add traffic to the road but would also provide a safe operation while handling the anticipated traffic.

ANALYSIS OF TRUCKS TURNING PATHS

Another issue addressed by Garfield County was the turning radius of the logging trucks at the switchbacks and the sharp turns on each side of the residential area. Currently, there are oil/gas trucks using the same roadways. These trucks are able to make the turning movements at the hairpin curves. The logging trucks are somewhat smaller than those used by the oil/gas company and should therefore not have a problem with transversing through the sharp hairpin curves.

The switchbacks were measured and it was determined that the upper switchback had the limiting geometry. The radius of the upper switchback to the outside edge of pavement was measured to be 69 feet. This geometry is sufficient to handle a WB-50 vehicle. Logging trucks are smaller than a WB-50 vehicle and should therefore have no problem transversing these curves. It should be mentioned that the full-width of pavement will be necessary and the logging vehicle will need to watch for oncoming traffic. The sight distance at the two switchbacks was reviewed to be adequate.

Outside of the switchback areas, Rifle/Rulison Road provides adequate width for truck operations. There should be no problem with trucks passing each other in these areas.

LOGGING TRUCK OPERATIONS

Each truck operator will be required to sign a 'manual of operation' prior to being allowed to log this area. The manual will provide guidance as to how the logging trucks are to operate both along Beaver Creek Road and Rifle /Rulison Road.

Convoys

The manual will dictate that no more than three logging trucks will be able to form a convoy either along Beaver Creek Road or Rifle/Rulison Road. This is to address concerns about having large convoys in the residential section. Once at the interchange, this convoy restriction will no longer be a concern.

Truck Speed

The manual will also inform the logging trucks of the maximum speed through the route. The route begins in the Town of Rifle at the intersection of Rifle/Rulison Road with south 9th Street and ends at the boundary to the White River National Forest at mi 9.0. Based upon a field review of the area, the following speeds are recommended:

Table 3. Recommended Speed Limits

Section	Limits	Maximum Speed
Rifle/Rulison Road	From beginning (mi 0.0) to past residential area (mi 0.5)	20 mph (10 mph through curves)
Rifle /Rulison road	From past residential area (mi 0.5) to Beaver Creek Road (mi 3.0)	25 mph (loaded) 35 mph (unloaded) (10 mph through hairpin curves)
Beaver Creek Road	wide section (mi 3.0 to mi 6.6)	25 mph
Beaver Creek Road	Narrow section (mi 6.6 to mi 9.0)	15 mph

December 6, 1996

David Levy Forestry Services
Attn: David Levy
P.O. Box 1797
Nevada City, California 95959

Job No. 195 392

Subject: Evaluation of Asphalt Pavement Overlay, Road 320, Garfield County,
Colorado

Dear Mr. Levy:

As requested, we have evaluated the paved portion of the existing road for an asphalt pavement overlay to support the additional logging truck traffic. We previously conducted an evaluation of the existing pavement and subgrade conditions of the road and presented our findings in a report dated October 10, 1996, Job No. 195 392.

Logging Truck Loading: Logging trucks are proposed to travel the road between June and October for two years. Twelve trips per day for five days per week are proposed (total of 1200 trips per year). The trucks will be highway legal and we have assumed that each loaded truck has an 18 kip EDLA of 1. For an annual loading condition (CDOT Design Nomograph), the 18 kip EDLA of the logging trucks would be 8 (1200/150 days).

Subgrade Strength: The Hveem stabilometer 'R' value of the clay subgrade was previously determined to be 15. This represents saturated (spring time) conditions. We have assumed an 'R' value of 25 for summer time drier subgrade conditions.

Existing Pavement Support: The load capacity of the existing pavement section was calculated based on structural coefficients of 0.25 for chip seal and 0.12 for road base, and a Regional Factor of 1.0. For the typical 3 inches of chip seal on 6 inches of road base and a subgrade 'R' value of 25, the existing pavement will support an 18 kip EDLA of 2.

Overlay Thickness: The asphalt pavement overlay thickness was calculated for the same conditions as the existing pavement capacity with the 18 kip EDLA traffic loading increased to 10 (8 plus 2). Under the additional loading and structural coefficient of 0.44 for new asphalt pavement, the overlay thickness calculated to support the additional logging truck traffic is 1.5 inches. The overlay is designed to support the logging truck loading and the pavement could still be overloaded and fail as a result of existing truck traffic. Existing pavement failures should be repaired prior to placing the overlay. A civil engineer should specify the treatment of the existing pavement surface prior to the overlay and any other design considerations (such as improving drainage).

GARFIELD COUNTY
ROAD AND BRIDGEP.O. BOX 2254
Glenwood Springs, Colorado 81602-2254
Phone 945-6111

DATE: DECEMBER 31, 1996

TO: MARK BEAN

FROM: KING

RE: BEAVER CREEK LOGGING UTILIZING COUNTY ROADS

In response to the information passed on to me by Hepworth/Pawlack Engineers addressing the potential impacts to County Road 320, they have recommended after doing a general analysis of the existing road structure, an inch and one half (1 1/2") asphalt overlay to the existing conditions.

The inch and a half overlay should be considered as a minimum approach to the mitigation of the logging wheel load impact.

In real life when a paving company would propose to do that inch and a half overlay in a lot of areas due to irregularity of the surface there will have to be a leveling course that will preempt the inch and half structural course. So in some areas the new paved surface could potentially end up being three inches thick.

IN addition, the analysis that was done could be viewed as a generalization of what actually exists. There is still the potential that there are a few isolated structurally deficient portions of the roadway that could fail even with the inch and a half minimum overlay. With that in mind I think that there still needs to be a road bond acquired to address the potential of that problem in the event that it should occur.

The second concern is County Road 317, otherwise known as Beaver Creek. It had been relayed to me through the planning department that Lee Engineering has made several recommendations to address safety concerns. I feel that the one that needs a minimum criteria is the standard of inter-visible turnouts where its not appropriate for there to be two lanes of traffic. The concept of inter-divisible accommodation is one that the forest service uses on their logging roads though I am not familiar with the minimum standards, I think that the forest service standards might be acceptable.

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Additionally on the Beaver Creek Road, there is the concern for the road to remain passable during wet weather conditions. The upper portion of the road now has the status of a primitive seasonal access road. Therefore the road receives no regular gravel maintenance and the natural gas industry addresses the maintenance needs when the road becomes heavily rutted due to their drilling activities.

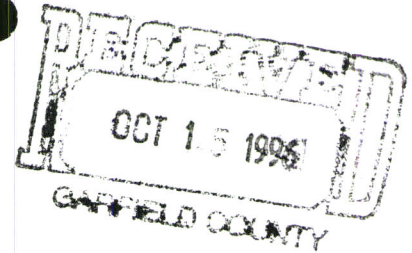
So many times during the wet season the natural gas industry utilizes dozers to mobilize drilling equipment in the upper regions of the road.

The times when the road becomes impassable due to these conditions could be as early as October. Unfortunately we have no regulations in place to require any financial participation by the gas industry to upgrade the road. The County does not have adequate resources to upgrade the road.

The gas company does try to mitigate their impact with cooperative equipment efforts. So there is a potential for a conflict between the gas industry and the logging industry during the wet season on this roadway.

Should the logging industry choose to continue until they are snowed out on top, it could mean a prolonged period of dealing with practically impassable road conditions on the lower portions of Beaver Creek. To date I have seen no information or proposed mitigative measures to deal with this situation.

I hope this is of some assistance to you on your evaluation of the proposed logging proposal. Contact me if you should have any further questions.



LUCKY 13 RANCH
SUSANNA & CHRIS LOCHER
2309 317 RD.
RIFLE, CO 81650

P.O. BOX 2567
GLENWOOD SPRINGS, CO 81602
TEL. (970)625-3620

PLANING AND ZONING COMMISSIONERS
COUNTY OF GARIFIELD
STAFF BUILDING AND PLANING DEPT.
ATTN. MARK BEAN

GLENWOOD SPRINGS, CO 81601

RIFLE 10.15.96

RE: TUCKER AND FRASE PROPOSED TIMBER "MANAGEMENT PLAN"

DEAR MARK,
LADIES AND GENTLEMEN,

LET ME INTRODUCE OURSELVES FIRST. WE OWN THE LUCKY 13 RANCH, 2309 317 RD, THE LAST RANCH ON BEAVER CREEK IN SECTION 36. WITH THE RANCH WE GOES BLM PERMITS AND A FOREST SERVICE PERMIT. THE BLM PERMIT (BEAVER-MAMM) HAS BOUNDARIES SOUTH OF RIFLE, BEHIND MC DONALDS, TO THE EAST GRASS MESA, THE FOREST SERVICE LINE ON THE SOUTHERN SIDE AND THE BEAVER CREEK VALLEY MORE OR LESS. THE ENTIRE FLATIRON IS PART OF THIS PERMIT. OUR FOREST SERVICE PERMIT ENCOMPASSES PROPERTY WITHIN THE BEAVER CREEK WATERSHED UP TO SOUTH MAMM PEAK. FURTHERMORE WE OPERATE A BLM PERMIT TOGETHER WITH ROY SAVAGE AND THE MEAD'S IN PORCUPINE. ALL TOGETHER APPROX. 23'000 ACRES COMBINED. THE RANCH TOGETHER WITH THE CITY AND THE SAVAGES HAS WATER RIGHTS DATING BACK TO 1872. WE ARE IN 3 PRIORITY. 240 BASIS ACRES ARE DRY PASTURE, 80 ACRES ARE ALFALFA IRRIGATED FIELDS. DURING THE PAST YEARS THE FEDERAL GOVERNMENT (SOIL CONSERVATION) IN PARTNERSHIP WITH US, HAVE INVESTED SUBSTANTIAL AMOUNTS TO IMPROVE THE OUTDATED IRRIGATION SYSTEM AND PREVENT SOIL EROSION.

SOME HISTORY.... LESS THAN 2 YEARS AGO, FINALLY A LONG LASTING EXPENSIVE LEGAL BATTLE OVER 1/10 FOOT OF WATER IN BEAVER CREEK BETWEEN THE CITY OF RIFLE AND THE STOCKWATERERS CAME TO AN END. AT LEAST FOR NOW. THE LEGAL BILLS EXCEEDED \$ 70'000.- IN STOCKWATERERS- AND THE CITIZEN OF RILE'S FUNDS.

CONSIDERING A SPECIAL USE PERMIT (COUNTY) OR A SPECIAL PERMIT TO TRANSPORT TIMBER ON PUBLIC LAND AND OR PUBLIC ROADS, THE FOLLOWING 5 MAYOR ISSUES SHOULD BE CAREFULLY ADDRESSED:

- WATER, ENVIRONMENTAL IMPACTS
- ROAD SYSTEM, SUITABILITY
- EXISTING HISTORICAL USES
- FUTURE USE OF DEFORESTED LANDS
- IMPACT ON NEIGHBORHOOD

1. WATER

OUR WATER RIGHTS WERE ADJUDICATED DURING THE LATER PART OF THE LAST CENTURY AND DURING THE FIRST 2 DECADES DURING THIS CENTURY. PRESIDENT T. ROOSEVELT BY HIS SECRETARY MADE OUR DITCH (DAME DITCH) PATENT IN 1916. TUCKER / FRASE'S PROPOSAL TO LOG (DEFOREST) 4000 +/- ACRES IN A VERY FRAGILE AND SENSITIVE ECOSYSTEM SEEMS OUT OF TOUCH WITH REALITY. I'M SURPRISED HOW "EXPERTS" HAVE THE COURAGE TO DECLARE PUBLICLY, THAT LOGGING WILL HAVE NO EFFECT ON THE WATER SHED. OPERATING MOST OF BEAVER CREEK'S WATER SHED WITH CATTLE FROM SPRING TILL FALL GIVES US AN INDEPTH PICTURE ON HOW THIS VERY COMPLEX SYSTEM WORKS. DURING THE RUN-OFF MONTHS APRIL/MAY AND JUNE, SNOW MELTS - THE MAJORITY SHOWS UP AS SPRING RUN-OFF. DURING JULY TILL OCTOBER, THE CREEK IS FED BY THOUSANDS OF LITTLE SPRINGS. THIS TREMENDOUS STORAGE SYSTEM COMPRISES OF A RICH MOISTURE RETAINING SOIL SYSTEM, RETAINED BY TREES AND SHRUBS. ONCE DESTROYED OR ALTERED, IT WILL LOOSE IT'S FUNCTION. ONCE THE TOP SOIL HAS ERODED THE ECOSYSTEM WILL NEVER BE RESTORED EVER AGAIN. HAVEN'T WE LEARNED FROM THE PAST? I SINCERELY HOPE, WE CAN DO BETTER.

2. ROAD SYSTEM

THE FOLLOWING USE ON 320 AND 317 ROAD REACH A LEVEL, SOMETIMES COMPARABLE WITH TRAFFIC IN A MAJOR CITY: LOCAL RESIDENTIAL TRAFFIC, AGRICULTURE, GAS WELL (MAINTENANCE) GAS WELL (NEW DRILL RIGGS) TOURISTS AND HUNTERS. THE FIRST 3 MILES ON 317 RD. ARE OF SUCH SIZE, THAT 2 CARS CAN CROSS AT REDUCED SPEED. A TRUCK AND A PASSENGER CAR HAVE PROBLEMS IN SOME AREAS, PARTICULARLY WHEN WET. 2 TRUCKS CAN NOT CROSS SAFELY. PAST OUR RANCH (SOUTH OF SECTION 36) 80 % OF THE COUNTY RD. IS BUILT FOR SINGLE LANE ONLY. IT IS BEYOND OUR COMPREHENSION HOW ADDITIONAL 20 TRUCK MOTIONS/DAY PLUS 40 EMPLOYEES WITH THEIR CARS PLUS SUPPORT TRAFFIC (FUEL, REPAIRS, PARTS, HELICOPTER SUPPORT, GOVERNMENT OFFICIALS, PORTER POTTY SERVICE, FOOD, BUILDING MATERIAL, ETC.) SHOULD BE ABSORBED ON A SINGLE LANE ROAD. RECENT EXPERIENCES WITH BARRETT DURING THIS SUMMER HAVE SHOWN MAJOR DISRUPTION OF OUR CATTLE OPERATION. AN ACCIDENT WAITING TO HAPPEN.

3. EXISTING AND HISTORICAL USES

RE: WATER

THE APPLICANTS EXPERT CLAIM (SEE ORIGINAL APPLICATION TUCKER/FRASE FOREST MANAGEMENT PLAN) THAT WATER WOULD SHOW UP IN THE SPRING EARLIER THAN HISTORICAL. THIS WOULD BE DETRIMENTAL FOR RANCHING! IF WATER IS APPLIED TOO EARLY IN THE SEASON, ALFALFA PLANTS ARE DESTROYED. AS LONG AS TEMPS ARE DROPPING BELOW FREEZING, OUR IRRIGATION SYSTEM (BIG GUNS, SIDE ROLLERS) IS FREEZING UP AND RENDERS ITSELF WORTHLESS. THERE IS A WELL BALANCED SYSTEM BETWEEN SNOW MELTING AND IRRIGATION, THAT SHOULD NOT BE CHALLENGED. A SOLUTION TO MITIGATE THIS PROBLEM WOULD BE A HOLDING POND, (MAJOR DAM).

EARLY RUN-OFF RESULTS IN LESS WATER DURING THE SUMMER/FALL MONTHS, ASSUMING SAME AMOUNTS OF SNOW.

LESS TREES MEANS LESS SHADE - THEREFORE MORE SUN EXPOSURE OF EXISTING SNOW PACK. SINCE 60 - 80 % OF SNOW EVAPORATES IN COLORADO, THESE NUMBERS WILL BE PUSHED UPWARDS - DEFINITELY LESS RUN-OFF.

ONCE THE TREES ARE CUT DOWN, THE ROOT SYSTEM WILL NOT RETAIN THE TOP SOIL. NOT ONLY WILL WATER APPEAR ALL AT ONCE, IT'S TURBIDITY WILL BE VERY HIGH. OUR NOZZLES ARE NOT DESIGNED TO HANDLE SUCH QUALITY OF WATER. THE TAXPAYERS INVESTMENT ON TAUGENBOUGH MESA (WATER TREATMENT PLANT) WILL RENDER ITSELF USELESS, SINCE IT CAN NOT HANDLE MUD WATER EITHER.

RE: GRAZING/HUNTING

MOST OF THESE VALLEYS HAVE BEEN GRAZED BY CATTLE FOR CENTURIES. WITHOUT THE TREES, LESS MOISTURE IN THE SOIL, GRASSES WILL DRY UP EARLIER IN THE SEASON. WE DEPEND ON GRAZING AT THAT ALTITUDE AFTER MID OF JULY, OTHERWISE LARKSPUR WILL KILL EVEN MORE COWS. ONCE GRAZING BECOMES EXTINCT THE DEER AND ELK WILL CHANGE THEIR HABITS TOO. CONSIDERING HUNTING BEING THE MOST IMPORTANT "INDUSTRY" IN COLORADO (3 BILLION DOLLARS/YEAR) IT SEEMS SHORT SIGHTED TO TAKE THE RISK TO LOOSE THIS VITAL SOURCE OF INCOME AND TOURIST ATTRACTION.

4. FUTURE USE OF DEFORESTED LAND

THE FOLLOWING FUTURE USES COULD BE CONSIDERED BY THE PRESENT LAND OWNERS: 130 35 ACRE TRACTS, PROPERTY OFFERED TO FOREST SERVICE IN EXCHANGE, SKI AREA, AS PROPOSED BY MR. TUCKER SENIOR TO MARK BEAN DURING A TELEPHONE CONVERSATION OF 2 WEEK IN OCT.96.

TAKING INTO ACCOUNT PRESENT TIMBER PRICES, LABOR COSTS, INSURANCE, WATER RETAINING DAMS, MAJOR ROAD IMPROVEMENT EXPENSES, STUDIES, ENGINEERING AND LEGAL FEES, THE SALE OF TIMBER ALONE IS INSUFFICIENT TO RECOVER THE ORIGINAL INVESTMENT OF TUCKER/FRASE. THEY ARE MOST LIKELY INVOLVED IN ANY OF THE ABOVE EXPLOITATION OF THE PROPERTY. ALL DISCUSSION SHOULD INCORPORATE THE STRICT LIMITATION OF ANY SUCH USES, UNLESS DETAILED PLANS ARE PRESENTED AT THIS TIME, FOLLOWED BY SUBDIVISION/PUD APPROVAL PROCESS. WE ARE AFRAID, ONCE LOGGING IS DONE, THE PROPERTY IS LEFT WITHOUT ATTENTION - THE PUBLIC IS HOLDING THE BAG, FACED WITH A MAJOR CLEAN-UP OR A VALLEY STRIPPED OF IT'S VALUES AND IT'S BEAUTY. WE HAVE EXAMPLES IN MARBLE, REDSTONE, PARACHURE AND NEW CASTLE.

5. IMPACT ON NEIGHBORHOOD

HARVESTING OF ANY KIND IS BASICALLY NATURAL TO THE HUMAN BEING. WE ARE NOT AGAINST SUCH USE OF LAND. HOWEVER, TIMES HAVE CHANGED. MORE AND MORE PEOPLE ARE LIVING IN THIS AREA. THE DAYS OF "IT IS MY LAND I CAN DO AS I PLEASE" ARE OVER. CITIZEN WITH A LITTLE BIT OF FORESIGHT, A CERTAIN DOSES OF RESPONSIBILITY AND COMMON SENSE, UNDERSTAND THAT HARVESTING AT ANY COST HAS BECOME A BEHAVIOR OF THE PAST. IF WE HAVE SOME COMPASSION, SOME CONSIDERATION FOR THE NEXT GENERATION, WE CAN'T JUST EXPLOIT NATURE AND TREAT A VERY SENSITIVE ECO SYSTEM WITH DISREGARD. MORE AND MORE SUBDIVISIONS ARE BEING BUILT ALONG THE ROARING FORK AND THE GRAND RIVER. THE WATER CONSUMPTION WILL INEVITABLY GO UP. WE SHOULD SERIOUSLY THINK ABOUT JEOPARDIZING ONE OF THE MOST IMPORTANT WATER SHEDS FOR THE CITY OF RIFLE. PRESENTLY A THIRD OF RIFLES WATER IS DIVERTED FROM BEAVER CREEK. DURING THE PAST 3 MONTHS THE TREATMENT PLANT ON TAUGENBOUGH MESA HAD TO SHUT DOWN EVERY OTHER DAY DUE TO LACK OF WATER. THAT PICTURE COULD SIGNIFICANTLY CHANGE FOR THE WORSE, IF WE DON'T PROTECT THE BEAVER CREEK DRAINAGE. ONCE GONE, WE CAN'T BRING IT BACK. IT WAS NOT IN THE TAX PAYERS ORIGINAL INTENTION TO SPEND HARD EARNED MONEY ON A WATER TREATMENT PLANT, TO WATCH IT RENDERED USELESS, DUE TO PROFIT MAKING OF AN INEXPERIENCED GROUP OF PEOPLE. TIM FRASE, ACTING AS THE CHIEF OF OPERATION HAS NEVER DURING HIS LIFETIME BEEN IN CHARGE OF SUCH AN UNDERTAKING. IT IS SCARY TO THINK HE AND HIS PARTNERS COULD RUIN OUR NEIGHBORHOOD.

THESE ARE SOME OF THE ISSUES MOST PRESSING IN OUR OPINION. ONCE YOU CONSIDER THE IMPACT, THE LIST GOES ON AND ON. EPA REGULATIONS, ENVIRONMENTAL IMPACT STUDIES, NOISE FACTORS, TAX ISSUES, SAFETY CONCERNS, COMPREHENSIVE PLANING, NET GAIN COMPUTATION, LIABILITY, PERFORMANCE BOND, ACCOUNTABILITY, OVERSIGHT ORGANIZATION, EXPERT DEFINITION, EXPERT RELATIVITY, LEGAL, CONDEMNATION, ETC.

WE APPRECIATE YOUR TIME, TAKING OUR OPINION IN CONSIDERATION. THIS IS NOT A "NOT IN MY BACKYARD" TYPE LETTER, BUT A COMPILED LIST OF CONCERNS, THAT SHOULD BE STUDIED AND ANSWERED BEFORE ANY CONSIDERATION IS GIVEN TO WHAT KIND OF SPECIL USE PERMIT MUST BE ISSUED TO TUCKER AND FRASE.

SINCERELY YOURS

LUCKY 13 RANCH

SUSANNA AND CHRIS LOCHER

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