

SAN JUAN COUNTY, COLORADO

BOARD OF COMMISSIONERS MEETING AGENDA

April 22, 2020

DO TO THE COVID 19 EMERGENCY SAN JUAN COUNTY WILL CONDUCT ALL OF ITS PUBLIC MEETING VIRTUALLY UNTIL FURTHER NOTICE. THE INFORMATION NECESSARY TO CONNECT TO THIS PUBLIC MEETING IS LISTED BELOW

CALL TO ORDER: 6:30 P.M.

BOCC Meeting Minutes for April 8, 2020

APPOINTMENTS:

6:45 P.M. Becky Joyce, Public Health Director, Jim Donovan, OEM and Sheriff Bruce Conrad - COVID 19 Update
7:15 P.M. Elijah Waters, BLM Gunnison Field Manager
7:45 P.M. Louis Girodo, Road Supervisor

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

County Road 22 and 22A Comments on Proposed Actions.
Public Comment
Commissioner and Staff Reports

Next Regular Meeting – May 13, 2020 8:30 A.M.

Join Zoom Meeting
<https://zoom.us/j/93664936548>

Meeting ID: 936 6493 6548
One tap mobile
+13462487799,,93664936548# US (Houston)
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Dial by your location
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
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+1 301 715 8592 US
+1 312 626 6799 US (Chicago)
+1 646 876 9923 US (New York)
Meeting ID: 936 6493 6548

SAN JUAN COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING WEDNESDAY, APRIL 8, 2020
AT 8:30 A.M.

Call to Order: The meeting was called to order by Chairman Peter McKay. Present were Commissioners Scott Fetchenhier, Ernie Kuhlman, and Administrator William Tookey. The meeting was held via Zoom video conferencing.

Payment of Bills: Commissioner Fetchenhier moved to authorize payment of the warrants as presented. Commissioner Kuhlman seconded the motion. The motion passed unanimous.

Minutes: Commissioner Kuhlman moved to approve the minutes of March 24, 2020 with the correction of one typo. Commissioner Fetchenhier seconded the motion. The motion passed unanimous.

Resolution 2020-02 Supporting Reform of The 1872 Mining Law To Protect Lands And Local Economies was presented to the Commissioners. Commissioner Kuhlman moved to table the Resolution. Commissioner Fetchenhier seconded the motion. The motion passed with Kuhlman and Fetchenhier voting yes and McKay voting no.

Jim Donovan OEM, Becky Joyce Public Health Director were present to provide the Commissioners with an update on the COVID 19 and to discuss the Public Health Order and Economic Recovery.

Michelle Furi was present to discuss a DOLA Grant for MSI to provide technical assistance to develop a business plan for their proposed Innovation Initiative. They would like the County to sponsor the grant. Commissioner Fetchenhier moved to submit to DOLA a technical assistance grant. Commissioner Kuhlman seconded the motion. The motion passed unanimous.

The Commissioners discussed the opening of the back country roads. During this time of COVID 19 it was suggested that by not opening the roads the county would save money in fuel and equipment costs and by opening the roads they would encourage non-essential travelers to visit San Juan County increasing the risk of exposure to the virus. Commissioner Kuhlman moved to inform the Road and bridge crew to not open up any additional roads until further notification. Commissioner Fetchenhier seconded the motion. The motion passed unanimous. The Commissioners also requested the Road Supervisor Girodo attend the April 22nd meeting.

Social Services Director Martha Johnson was present to provide the Commissioners with a monthly update. Commissioner Fetchenhier moved to approve Transmittal #2 in the amount of \$20,199.99 as submitted. Commissioner Kuhlman seconded the motion. The motion passed unanimous.

Along with Director Johnson was School Superintendent Kim White to provide the Commissioners with an update on the summer programs supported by TANF monies.

A Public Hearing was held to receive comment concerning the Improvement Permit for Preliminary and Final Plan Review for the Construction of a Bed and Breakfast on the Hidden Treasure and Wildcat Revised Lodes submitted by C and G Alpine Partners, LLC. Planning Director Lisa Adair introduced the project. Project applicants Nick Croce and Vincent Gubin along with their engineer Eric Nelson and

contractor Mark Shenk explained their project and answered questions. The San Juan Regional Planning Commission recommended unanimously the approval of the project. Upon completion of the public hearing Commissioner Fetchenhier moved to approve the application contingent upon meeting the conditions listed by the Planning Director in her report. Commissioner Kuhlman seconded the motion. The motion passed unanimous.

Having no further business, the meeting was adjourned at 11:52 A.M.

GUIDELINES

OPENING UP

AMERICA AGAIN





Overview

CRITERIA

The data-driven conditions each region or state should satisfy before proceeding to a phased opening.

PREPAREDNESS

What States should do to meet the challenges ahead.

PHASE GUIDELINES

Responsibilities of individuals and employers during all phases, and in each specific phase of the opening.



Proposed State or Regional Gating Criteria

(Satisfy Before Proceeding to Phased Opening)

SYMPTOMS

Downward trajectory of influenza-like illnesses (ILI) reported within a 14-day period

AND

Downward trajectory of COVID-like syndromic cases reported within a 14-day period

CASES

Downward trajectory of documented cases within a 14-day period

OR

Downward trajectory of positive tests as a percent of total tests within a 14-day period (flat or increasing volume of tests)

HOSPITALS

Treat all patients without crisis care
AND

Robust testing program in place for at-risk healthcare workers, including emerging antibody testing

*State and local officials may need to tailor the application of these criteria to local circumstances (e.g., metropolitan areas that have suffered severe COVID outbreaks, rural and suburban areas where outbreaks have not occurred or have been mild). Additionally, where appropriate, Governors should work on a regional basis to satisfy these criteria and to progress through the phases outlined below.



Core State Preparedness Responsibilities

TESTING & CONTACT TRACING

- ✓ Ability to quickly set up safe and efficient screening and testing sites for symptomatic individuals and trace contacts of COVID+ results
- ✓ Ability to test Syndromic/ILI-indicated persons for COVID and trace contacts of COVID+ results
- ✓ Ensure sentinel surveillance sites are screening for asymptomatic cases and contacts for COVID+ results are traced (sites operate at locations that serve older individuals, lower-income Americans, racial minorities, and Native Americans)

HEALTHCARE SYSTEM CAPACITY

- ✓ Ability to quickly and independently supply sufficient Personal Protective Equipment and critical medical equipment to handle dramatic surge in need
- ✓ Ability to surge ICU capacity

PLANS

- ✓ Protect the health and safety of workers in critical industries
- ✓ Protect the health and safety of those living and working in high-risk facilities (e.g., senior care facilities)
- ✓ Protect employees and users of mass transit
- ✓ Advise citizens regarding protocols for social distancing and face coverings
- ✓ Monitor conditions and immediately take steps to limit and mitigate any rebounds or outbreaks by restarting a phase or returning to an earlier phase, depending on severity



OPENING UP AMERICA AGAIN

Proposed Phased Approach

BASED ON **UP-TO-DATE DATA** AND READINESS

MITIGATES RISK OF RESURGENCE

PROTECTS THE MOST VULNERABLE

IMPLEMENTABLE ON **STATEWIDE OR COUNTY-**
BY-COUNTY BASIS AT GOVERNORS' DISCRETION



Guidelines for All Phases: Individuals

CONTINUE TO PRACTICE GOOD HYGIENE

- ✓ Wash your hands with soap and water or use hand sanitizer, especially after touching frequently used items or surfaces.
- ✓ Avoid touching your face.
- ✓ Sneeze or cough into a tissue, or the inside of your elbow.
- ✓ Disinfect frequently used items and surfaces as much as possible.
- ✓ Strongly consider using face coverings while in public, and particularly when using mass transit.

PEOPLE WHO FEEL SICK SHOULD STAY HOME

- ✓ Do not go to work or school.
- ✓ Contact and follow the advice of your medical provider.

Continue to adhere to State and local guidance as well as complementary CDC guidance, particularly with respect to face coverings.



Guidelines for All Phases: Employers

Develop and implement appropriate policies, in accordance with Federal, State, and local regulations and guidance, and informed by industry best practices, regarding:

- ✓ Social distancing and protective equipment
- ✓ Temperature checks
- ✓ Testing, isolating, and contact tracing
- ✓ Sanitation
- ✓ Use and disinfection of common and high-traffic areas
- ✓ Business travel

Monitor workforce for indicative symptoms. Do not allow symptomatic people to physically return to work until cleared by a medical provider.

Develop and implement policies and procedures for workforce contact tracing following employee COVID+ test.



OPENING UP AMERICA AGAIN

Phase One

FOR STATES AND REGIONS
THAT SATISFY THE GATING CRITERIA



Phase One

INDIVIDUALS

ALL VULNERABLE INDIVIDUALS* should continue to shelter in place. Members of households with vulnerable residents should be aware that by returning to work or other environments where distancing is not practical, they could carry the virus back home. Precautions should be taken to isolate from vulnerable residents.

All individuals, **WHEN IN PUBLIC** (e.g., parks, outdoor recreation areas, shopping areas), should maximize physical distance from others. Social settings of more than 10 people, where appropriate distancing may not be practical, should be avoided unless precautionary measures are observed.

Avoid **SOCIALIZING** in groups of more than 10 people in circumstances that do not readily allow for appropriate physical distancing (e.g., receptions, trade shows)

MINIMIZE NON-ESSENTIAL TRAVEL and adhere to CDC guidelines regarding isolation following travel.

*See Appendix 1 for Definition of Vulnerable Individual



Continue to **ENCOURAGE TELEWORK**, whenever possible and feasible with business operations.

If possible, **RETURN TO WORK IN PHASES.**

Phase One

EMPLOYERS

Close **COMMON AREAS** where personnel are likely to congregate and interact, or enforce strict social distancing protocols.

Minimize **NON-ESSENTIAL TRAVEL** and adhere to CDC guidelines regarding isolation following travel.

Strongly consider **SPECIAL ACCOMMODATIONS** for personnel who are members of a **VULNERABLE POPULATION.**

EACH PHASE OF THIS GUIDANCE ADDRESSES THOSE ASPECTS OF DAILY LIFE FOR WHICH RESTRICTIONS REMAIN APPROPRIATE DUE TO COVID.



Phase One

SPECIFIC TYPES OF EMPLOYERS

SCHOOLS AND ORGANIZED YOUTH ACTIVITIES (e.g., daycare, camp) that are currently closed should remain closed.

VISITS TO SENIOR LIVING FACILITIES AND HOSPITALS should be prohibited. Those who do interact with residents and patients must adhere to strict protocols regarding hygiene.

LARGE VENUES (e.g., sit-down dining, movie theaters, sporting venues, places of worship) can operate under strict physical distancing protocols.

ELECTIVE SURGERIES can resume, as clinically appropriate, on an outpatient basis at facilities that adhere to CMS guidelines.

GYMS can open if they adhere to strict physical distancing and sanitation protocols.

BARs should remain closed.

EACH PHASE OF THIS GUIDANCE ADDRESSES THOSE ASPECTS OF DAILY LIFE FOR WHICH RESTRICTIONS REMAIN APPROPRIATE DUE TO COVID.



OPENING UP AMERICA AGAIN

Phase Two

FOR STATES AND REGIONS WITH NO EVIDENCE OF
A REBOUND AND THAT SATISFY THE GATING
CRITERIA A SECOND TIME



Phase Two

INDIVIDUALS

ALL VULNERABLE INDIVIDUALS should continue to shelter in place. Members of households with vulnerable residents should be aware that by returning to work or other environments where distancing is not practical, they could carry the virus back home. Precautions should be taken to isolate from vulnerable residents.

All individuals, **WHEN IN PUBLIC** (e.g., parks, outdoor recreation areas, shopping areas), should maximize physical distance from others. Social settings of more than 50 people, where appropriate distancing may not be practical, should be avoided unless precautionary measures are observed.

NON-ESSENTIAL TRAVEL can resume.

EACH PHASE OF THIS GUIDANCE ADDRESSES THOSE ASPECTS OF DAILY LIFE FOR WHICH RESTRICTIONS REMAIN APPROPRIATE DUE TO COVID.



Phase Two

EMPLOYERS

Continue to **ENCOURAGE TELEWORK**, whenever possible and feasible with business operations.

Close **COMMON AREAS** where personnel are likely to congregate and interact, or enforce moderate social distancing protocols.

NON-ESSENTIAL TRAVEL can resume.

Strongly consider **SPECIAL ACCOMMODATIONS** for personnel who are members of a **VULNERABLE POPULATION**.

EACH PHASE OF THIS GUIDANCE ADDRESSES THOSE ASPECTS OF DAILY LIFE FOR WHICH RESTRICTIONS REMAIN APPROPRIATE DUE TO COVID.



SCHOOLS AND ORGANIZED YOUTH ACTIVITIES (e.g., daycare, camp) can reopen.

VISITS TO SENIOR CARE FACILITIES AND HOSPITALS should be prohibited. Those who do interact with residents and patients must adhere to strict protocols regarding hygiene.

LARGE VENUES (e.g., sit-down dining, movie theaters, sporting venues, places of worship) can operate under moderate physical distancing protocols.

ELECTIVE SURGERIES can resume, as clinically appropriate, on an outpatient and in-patient basis at facilities that adhere to CMS guidelines.

GYMS can remain open if they adhere to strict physical distancing and sanitation protocols.

BARs may operate with diminished standing-room occupancy, where applicable and appropriate.

Phase Two

SPECIFIC TYPES OF EMPLOYERS

EACH PHASE OF THIS GUIDANCE ADDRESSES THOSE ASPECTS OF DAILY LIFE FOR WHICH RESTRICTIONS REMAIN APPROPRIATE DUE TO COVID.



OPENING UP AMERICA AGAIN

Phase Three

FOR STATES AND REGIONS WITH NO EVIDENCE OF
A REBOUND AND THAT SATISFY THE GATING
CRITERIA A THIRD TIME



Phase Three

INDIVIDUALS

VULNERABLE INDIVIDUALS can resume public interactions, but should practice physical distancing, minimizing exposure to social settings where distancing may not be practical, unless precautionary measures are observed.

LOW-RISK POPULATIONS should consider minimizing time spent in crowded environments.

Phase Three

EMPLOYERS

Resume **UNRESTRICTED STAFFING** of worksites.

EACH PHASE OF THIS GUIDANCE ADDRESSES THOSE ASPECTS OF DAILY LIFE FOR WHICH RESTRICTIONS REMAIN APPROPRIATE DUE TO COVID.



- VISITS TO SENIOR CARE FACILITIES AND HOSPITALS** can resume. Those who interact with residents and patients must be diligent regarding hygiene.
- LARGE VENUES** (e.g., sit-down dining, movie theaters, sporting venues, places of worship) can operate under limited physical distancing protocols.
- GYMS** can remain open if they adhere to standard sanitation protocols.
- BARS** may operate with increased standing room occupancy, where applicable.

Phase Three

SPECIFIC TYPES OF EMPLOYERS

EACH PHASE OF THIS GUIDANCE ADDRESSES THOSE ASPECTS OF DAILY LIFE FOR WHICH RESTRICTIONS REMAIN APPROPRIATE DUE TO COVID.



Appendix

Vulnerable Individuals

- 1. Elderly individuals.*
- 2. Individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy.*

CALPHO

Colorado Association of Local Public Health Officials

The Honorable Jared Polis,
The Governor of Colorado
200 East Colfax Avenue
Denver, CO 80203

Dear Governor Polis,

The Colorado Association of Local Public Health Officials represents every public health agency on the frontlines of the COVID-19 response, serving every county and every person in the state of Colorado.

We are writing to present an evidence-based, data-driven, best practice public health approach to relaxing stay-at-home orders and other limitations on commerce and social activity. This framework was developed using a number of reference documents including AEI's [National Coronavirus Response A Roadmap to Reopening](#), [When and How to Close due to COVID-19 Spread](#) from [Prevent Pandemics](#), and the Occupational Safety and Health Administration [Guidance on Preparing Workplaces for COVID-19](#).

First let us say that throughout all of this, we believe that continued use of face-coverings is critical to any phase of reopening prior to the availability of pharmaceutical interventions (vaccines). Page one of this framework lays out the specific indicators that, if completely met, could lead communities to consider degrees of re-opening. Page two describes the approach to reopening and identifies the crucial triggers and conditions to be met as communities evaluate critical businesses readiness to phase in reopening. believe that by using this checklist format and referencing familiar iconography and the metaphor of Colorado's ski industry the basic message is clear.

While additional guidance and detail will need to be created and agreed upon for some of the protocols, you can see that this approach can address the immediate need of getting a plan in place to begin relaxing the stay-at-home orders, while giving public health the opportunity to research and develop guidance that is meaningful, widely applicable across all counties and remains protective of the public's health.

We appreciate this opportunity to present to you this model that represents the power of public health's thought partnership and collaboration. Please do not hesitate to contact us with additional questions.

Yours in health,



Liane Jollon, RN
Executive Director
San Juan Basin Public Health Department
President, Colorado Association of Local



Jason Vahling, MPH
Director, Broomfield Public Health Department
Health and Human Services
President Elect, Colorado Association of Local

CC: Kacey Wulff, Jill Hunsaker Ryan, Jay Want, Michele Lueck

1385 S. Colorado Blvd, #622
Denver, CO 80222
(303) 861-4995

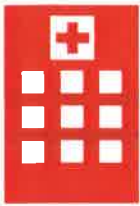
Colorado Roadmap - The New Normal

Indicators that must be met to move into the Stabilization Phase



1. A sustained decrease in cases for at least 14 days

- Measured by new cases per day, self-reports (where applicable), and positivity rates
- Proxy measurement - new cases among healthcare workers
- Proxy measurement - outbreaks and/or new cases within skilled nursing facilities
- Proxy measurement - hospital admission for COVID-19



2. Hospitals are safely able to treat patients without resorting to crisis standards of care

- Hospital census - regional census may be helpful
- Access to regional alternative care center or regional plans are in place
- Hospitalizations are stable or decreasing



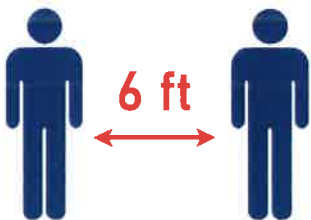
3. Testing can be performed for all people with symptoms consistent with COVID-19 infection

- Working towards testing capacity that is routinely accessible to every person who is symptomatic within 24 hours and results can be returned within 12-24 hours of specimen collection.



4. Active monitoring can be accomplished for all COVID-19 cases and their contacts

- Isolation orders can be delivered within 6 hours of case report
- Active monitoring and isolation must be in place
- Capacity improved and maintained at state and local level with roles delineated
- Enforcement capacity and process is clear in every jurisdiction







5. Clear protocol in place that requires social distancing and assists with case identification

- Older adults (age 60 and older) and individuals with underlying medical conditions that are at increased risk of serious COVID-19 are encouraged not to attend (including employees) or to tele-work where possible.
- Employees must be screened for COVID-19 symptoms each day. Anyone symptomatic will be excluded from work for at least 7 days, will be tested within 48 hours, and will have face coverings provided for all household members.
- Social distancing measures must be employed to ensure that employees and the public can easily maintain a minimum of 6 foot distance.
- Social distancing protocol is provided to all employees and available to any customer
- Enforcement capacity and process is clear in every jurisdiction

Getting to the Recovery Phase will require that vaccine is widely available

Approach for the Stabilization Phase - The New Normal

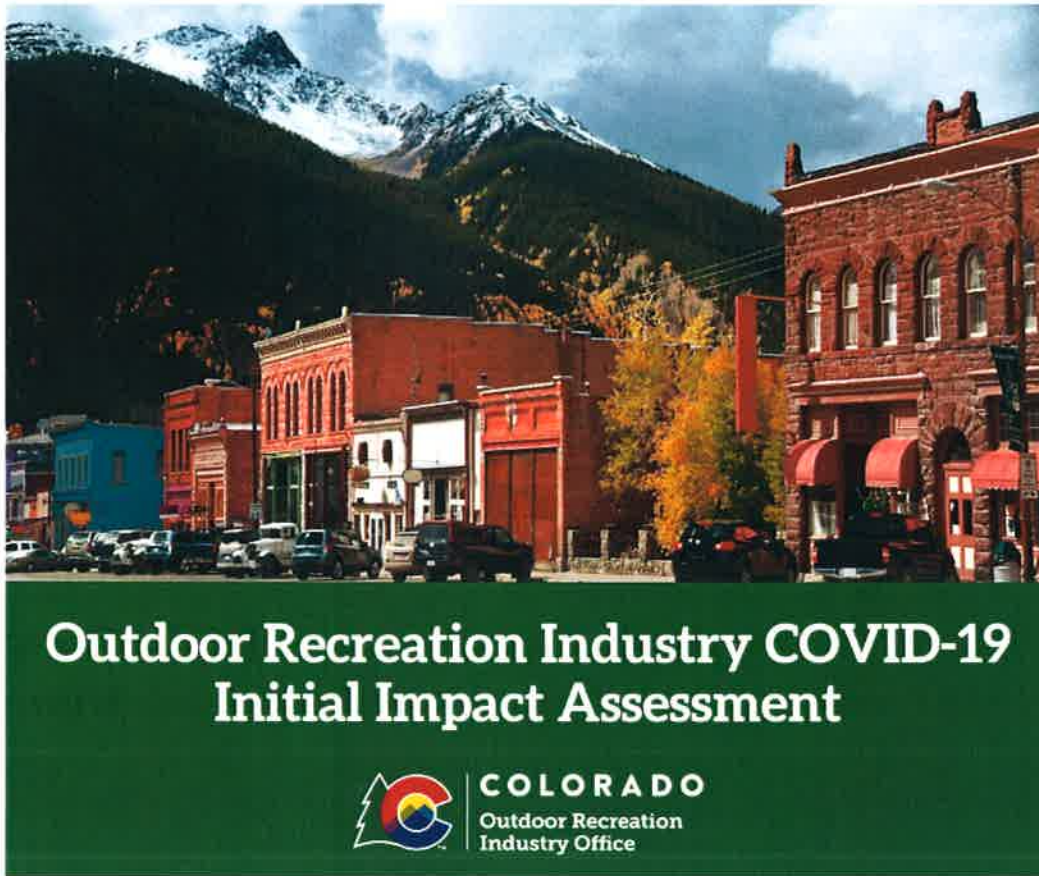
 Actions	 Green Circle Initial reopening Meet the 1-5 Criteria	 Blue Square 4-8 weeks after initial reopening No significant increase in cases Criteria 1-5 met & maintained	 Black Diamond 8-16 weeks after initial reopen No significant increase in cases Criteria 1-5 met & maintained
Hand Hygiene	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Cough/sneeze etiquette	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Minimum of 6 feet distance between individuals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Protect most susceptible individuals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Symptom screening	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Report and test	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Face covering in public if minimum 6 feet distance can't be kept	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Face covering for sick individuals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Isolate	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Case contact active monitoring and face covering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Phased Reopening			
Critical Business	Operate with social distancing protocol and exempted from gathering size		
Gathering Size increased	10	25-50	250
High risk businesses	Re-open with guidance	Continue with guidance	Continue with guidance
Medium risk businesses	Re-open with guidance	Continue with guidance	Continue with guidance
Low risk businesses	Re-open with guidance	Continue with guidance	Continue with guidance
Special Events	No	With social distance protocol	With social distance protocol
Restaurants	Delivery and take out only	With social distance protocol	With social distance protocol
Bars	No	With social distance protocol	With social distance protocol
K-12	No	Re-open with guidance	Continue with guidance
Child care	Open with guidance	Continue with guidance	Continue with guidance
Summer Camps	No	Re-open with Guidance	Continue with guidance
Recreation and sports	Reopen with restrictions	Expand by gathering size	No Limit
Incoming Travel	Strictly limited	Limited	Open

Closure Criteria

Action	Tighten immediately (if not already on)	Maximum tightening
Wash hands often	Already on	Continue
Cover coughs	Already on	Yes
Don't go out if sick	Already on	Yes
Face mask if sick to go out	Already on	Yes
Face mask for all in community	No	Consider
Surface and object cleaning	Already on	Yes
Increase ventilation	Already on	Yes
Quarantine of contacts of cases	Already on	Yes
Physical distancing to 6 feet when possible – avoid crowding	Turn on	Yes
Stop visits to nursing homes, hospitals, congregate facilities	Already on	Yes
Ban all gatherings including religious (above 10, 50 people)	Yes for 50 or more*	Yes, all non-household
Restaurant closures	Open – only delivery/to go	Open - only delivery/ to go
Bar closures	Open – only delivery/to go	Turn on
Special situation business closures**	Partial closure*	Yes, all
General business closures (non-essential)	Turn on	Yes
University closures	Yes (Online encouraged)	Yes (Online encouraged)
K-12 closures	Yes (Online encouraged)	Yes (Online encouraged)
Day care closures	Yes	Yes
Quarantine of travelers from high-prevalence areas	Yes, voluntary	Yes, mandatory

*People over age 60 and those who are medically vulnerable , including employees, continue to shelter in place, including employees.

**Special business situations include strategically important entities (e.g., infrastructure), entities which can reopen while ensuring safe commute, physical distancing, exclusion of anyone ill, and mandatory handwashing/sanitizing at entry and periodically during day.



Earlier this month, we asked Colorado's outdoor recreation businesses to participate in a survey designed to help the State understand how the COVID-19 pandemic is impacting our industry now, and into the future. Working in partnership with berbur llc, OnSight Public Affairs, and Keating Research, we have provided an overview of our initial assessment:

Colorado Outdoor Recreation Industry: Covid-19 Initial Impact Assessment Results

Over 300 businesses participated in this effort, and we thank you all for taking the time to provide thoughtful feedback. The story is a sobering one.

In the two weeks between April 1-April 13:

- 3 of 4 businesses had partially or fully shutdown operations
- 15% of businesses reduced their workforce by over 90%
- 25% of businesses reduced their workforce by half
- 27% of the workforce has been let go
- revenues were down 50% on average (25% of businesses lost over 80% of revenue)



Willy Tookey <admin@sanjuancolorado.us>

FW: OREC: COVID-19 Initial Impact Assessment Results

1 message

Lisa Branner <lbranner@silverton.co.us> Mon, Apr 20, 2020 at 8:39 AM
To: Kim White <supt@silvertonschool.org>, John Reiter <JReiter@silverton.co.us>, "admin@sanjuancolorado.us" <admin@sanjuancolorado.us>, "DeAnne Gallegos - PIO (pio@sanjuancolorado.us)" <pio@sanjuancolorado.us>, Anthony Edwards <Anthony@sholleredwards.com>

Here are the results of the COVID impact study the Outdoor Rec office recently completed for outdoor rec industry businesses in the state. Sobering info.

Lisa K. Branner
Community Relations Manager
Town of Silverton
PO Box 250
1360 Greene Street
Silverton, CO 81433
970-759-5557

From: Colorado Outdoor Recreation Industry Office [mailto:orec@state.co.us]
Sent: Saturday, April 18, 2020 9:01 AM
To: Lisa Branner
Subject: OREC: COVID-19 Initial Impact Assessment Results

Without assistance, 4 of 10 businesses say they cannot survive longer than 3 months.

While the results are sobering, as the State and other partners work to support employees, businesses, and communities in the months ahead, your input will help provide critical insight into response efforts and help us change the course for where we were headed earlier this month.

There are several federal and state resources available now, and the OREC office is working with many businesses to help support the immediate needs and to identify alternative sources of funding beyond federal assistance programs. For more information on recovery resources please access our Economic Injury Hotline at **303-860-5881**, our Small Business Navigator email at oedit_sbnavigator@state.co.us, or visit **Colorado's COVID-19 Business Resource Center** for real time updates and links to Alternative Funding Sources and nonprofit lenders in Colorado.

Many of the relief and recovery needs that respondents identified through the survey are being presented to the Governor and our federal delegation. Much of this work is being coordinated through the **Governor's Emergency Council on Economic Stabilization and Growth**. This Council is made up of industry experts from the private sector, organizations representing workers, public sector elected officials, and other leaders around the state working to get our economy moving forward.

To each of you that participated in our survey, THANK YOU. Stay healthy and safe. It will take all of us working together to stabilize this economic disruption and chart a path back towards growth for our industry.

All Forward!

Nathan Fey

Director

OREC | Covid-19 Initial Impact Assessment Results



Colorado Office of Outdoor Recreation Industry

14750 South County Avenue #5100 Silverton Colorado 81362

Phone: (970) 526-1611

Colorado Office of Economic Development and International Trade

Colorado Office of Economic Development and International Trade | 1600 Broadway, Suite
2500, Denver, CO 80202

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Sent by orec@state.co.us



Willy Tookey <admin@sanjuancolorado.us>

Disturbing News on Cares Act Funding

1 message

John Swartout <JSwartout@ccionline.org>

Fri, Apr 17, 2020 at 9:11 AM

To: John Swartout <JSwartout@ccionline.org>

Cc: Kristin Dunn <kdunn@ccionline.org>, Annie Olson <aolson@ccionline.org>, Gini Pingnot <gpingnot@ccionline.org>, Eric Bergman <ebergman@ccionline.org>, Daphne Gervais <DGervais@ccionline.org>, Kyley Burress <KBurress@ccionline.org>

Commissioners, Councilmembers and Mayors,

It appears that the Polis Administration has made the decision to use the state and local government portion of the CARES ACT funding, almost \$1.7 billion dollars, to balance the state's budget and make no distribution to local governments under 500,000 in population as Congress intended.

CCI is working with CML and SDA to push back on this decision.

Counties are on the frontline in the response to the COVID 19 crisis and getting very little support from the state for the surge in county services Coloradans need in this unprecedented time.

In addition to increased service demands and revenue losses, counties still lack adequate medical supplies, PPE and test kits. All disasters are local – including public health disasters – and the cost of response and recovery are borne by local governments.

To use money that Congress intended to help local governments to backfill the state's budget is a disappointing blow and shows a lack of understanding of the work you do day in and day out in this crisis.

We will need your help to alter this decision and ask that you reach out to the administration and your legislators immediately.

John

Sent from my iPhone
John Swartout
Executive Director
Colorado Counties, Inc
jswartout@ccionline.org
303-916-4105



Willy Tookey <admin@sanjuancolorado.us>

E-Bike communications materials and guidance.

5 messages

Waters, Elijah <EWaters@blm.gov>

Wed, Apr 15, 2020 at 10:48 AM

To: "sanjuancounty@frontier.net" <sanjuancounty@frontier.net>, "sfetchenhier@aol.com" <sfetchenhier@aol.com>, "commmckay@hotmail.com" <commmckay@hotmail.com>

Greetings Commisioners and Officials,
I'm back in my regular job, and unfortunately this COVID-19 situation has me chained to Gunnison.

If the BOCC is doing any kind of virtual meetings, I would be happy to call in and answer any BLM questions or give any updates.

I am very happy to announce that two Silverton residents have been appointed to the Resources Advisory Council. Melanie Rousek and Grady Ham. I think that they will both make excellent RAC members.

Suzanne mentioned that you guys were really interested in the e-bike policy development. Attached is the federal register notice. The comment period is open now. If I had to sum it up in one sentence, I would say that the proposed rule gives the BLM discretion to treat e-bikes as regular bikes only after going through NEPA. This aligns with where we are on the travel management plan.

Speaking of the travel management plan, since we now have RAC appointments, I think that it is very important that the travel management plan document is briefed to the RAC prior to us making a decision. We are working out the details of how and when that will happen due to the COVID-19 restrictions. It is still our goal to have a decision in time to allow for some level of implementation this season.

You probably heard that Stuart Schneider retired at the end of December. Stuart was a calming, steady presence and I have a hard time imagining work without him. On the bright side, Ryan Kay has been selected as the new Associate Field Manager. I'll bring him down and introduce him when things get back to normal. He is on the job and doing a great job.

Finally, I was really bummed to see Andy Welsh and his family leave. I am working to fill that position, and my plans are to locate that position in Silverton. I plan to again open the announcement up to locals as well as non-locals. I think that a realistic time frame to advertise is mid-May.

I don't have an email for Ernie, so if you guys could make sure that he gets this I would appreciate it. Feel free to reach out if you have any questions.

Thanks,
Elijah

Elijah Waters
Gunnison Field Manager
BLM Colorado
Interior Region 7

o-970-642-4941
c-970-570-0042



News Release

Washington, D.C.

DATE: April 2, 2020

Contact: Blm_Press@blm.gov

BLM seeks public comment on proposed e-bike regulations

WASHINGTON – The Bureau of Land Management (BLM) today announced a 60-day public comment period on proposed electric bike, or e-bike, regulations, intended to make it easier for more Americans to recreate on and experience their public lands. This effort is in line with Secretary of the Interior David Bernhardt’s call for the BLM and other Interior bureaus to expand access on public lands to e-bikes. E-bikes have small electric motors that help with pedaling, make bicycle travel easier for people with disabilities, younger children and people who aren’t experienced mountain bikers.

“We want all Americans to have a chance to create life-long memories exploring and enjoying the great outdoors,” said BLM Deputy Director for Policy and Programs William Perry Pendley. “The BLM is working hard to implement Secretary Bernhardt’s directive wherever it can because our agency believes these public lands are managed in trust for all citizens, and that people of every ability should be able to explore them to the greatest extent possible.”

Given their use of a small (1 horsepower or less) electric motor, the BLM currently manages e-bikes as off-highway vehicles. As a result, there is some uncertainty among e-bike users as to where they may ride their bikes on BLM-managed public land.

As a remedy, the proposed rule would amend the BLM’s current off-road vehicle regulations to add a definition for e-bikes, compatible with [Secretarial Order 3376, *Increasing Recreational Opportunities through the use of Electric Bikes*](#). This proposed change would then give local BLM land managers the authority to use that definition to conduct their own lawful decisions on whether e-bikes may be operated on public lands in their jurisdictions.

In addition, the proposed rule would direct the entire BLM to specifically address e-bike usage in future land-use or implementation-level decisions.

Public lands designated by Congress as “wilderness areas” will remain off-limits to both traditional bicycles and e-bikes. Also, e-bikes would not be given special access beyond what traditional, non-motorized bicycles are allowed.

While the BLM has already empowered its local land managers to permit the use of e-bikes wherever they have the statutory authority to do so, the comment period provides an opportunity for the public to offer feedback on the proposed rule. The BLM will consider informative and unique feedback as part of crafting its final rule.

The 60-day public comment period will commence on the date that the proposed rule is published in the Federal Register. Following publication in the Federal Register, interested parties may submit comments on the proposed regulation, identified by the number RIN 1004-AE72, by any of the following methods:

- *Mail:* U.S. Department of the Interior, Director (630), Bureau of Land Management, Mail Stop 2134 LM, 1849 C St., N.W., Washington, D.C. 20240, Attention: RIN 1004-AE72.
- *Personal or messenger delivery:* U.S. Department of the Interior, Bureau of Land Management, 20 M Street, S.E., Room 2134LM, Washington, DC 20003, Attention: Regulatory Affairs.
- *Federal eRulemaking portal:* <http://www.regulations.gov>. In the Searchbox, enter “RIN 1004-AE72” and click the “Search” button. Follow the instruction at this website.

###

The BLM manages more than 245 million acres of public land located primarily in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. In fiscal year 2018, the diverse activities authorized on BLM-managed lands generated \$105 billion in economic output across the country. This economic activity supported 471,000 jobs and contributed substantial revenue to the U.S. Treasury and state governments, mostly through royalties on minerals.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 8340—OFF-ROAD VEHICLES

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RIN 1004-AE72

Increasing Recreational Opportunities through the use of Electric Bikes

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management (BLM) proposes to amend its off-road vehicle regulations at 43 CFR part 8340 to add a definition for electric bikes (e-bikes) and, where certain criteria are met and an authorized officer expressly determines through a formal decision that e-bikes should be treated the same as non-motorized bicycles, expressly exempt those e-bikes from the definition of off-road vehicles. This proposed change would facilitate increased recreational opportunities for all Americans, especially those with physical limitations, and would encourage the enjoyment of lands and waters managed by the BLM.

DATES: Please submit comments on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER.]

ADDRESSES: You may submit comments, identified by the number RIN 1004-AE72, by any of the following methods:

- *Mail/ Personal or messenger delivery:* U.S. Department of the Interior, Director (630), Bureau of Land Management, Mail Stop 2134 LM, 1849 C St., N.W., Attention: RIN 1004-AE72, Washington, D.C. 20240.

- *Federal eRulemaking portal:* <http://www.regulations.gov>. In the Searchbox, enter "RIN 1004-AE72" and click the Search button. Follow the instruction at this website.

FOR FURTHER INFORMATION CONTACT: Britta Nelson, National Conservation Lands and Community Partnerships, 303-236-0539. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339, 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

Executive Summary

- I. Public Comment Procedures
- II. Background
- III. Discussion of the Proposed Rule
- IV. Procedural Matters

I. Public Comment Procedures

You may submit comments, identified by the number RIN 1004-AE72, by any of the methods described in the ADDRESSES section.

Please make your comments on the proposed rule as specific as possible, confine them to issues pertinent to the proposed rule, and explain the reason for any changes you recommend. Where possible, your comments should reference the specific section or

paragraph of the proposal that you are addressing. The comments and recommendations that will be most useful and likely to influence agency decisions are:

1. Those supported by quantitative information or studies; and
2. Those that include citations to, and analyses of, the applicable laws and regulations.

The BLM is not obligated to consider or include in the Administrative Record for the final rule comments that we receive after the close of the comment period (see "DATES") or comments delivered to an address other than those listed above (see "ADDRESSES").

Comments, including names and street addresses of respondents, will be available for public review at the address listed under "ADDRESSES: Personal or messenger delivery" during regular hours (7:45 a.m. to 4:15 p.m.), Monday through Friday, except holidays.

Before including your address, telephone number, email address, or other personal identifying information in your comment, be advised that your entire comment--including your personal identifying information--may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

II. Background

The Federal Land Policy and Management Act (FLPMA) directs the BLM to manage public lands it administers for multiple use and sustained yield (unless otherwise provided by law) and to provide for outdoor recreation (43 U.S.C. 1701). Many visitors bicycle on BLM-managed public lands. Improvements in bicycle technology have made bicycling an option for more people and have made public lands more accessible to

cyclists. One bicycle design modification growing in popularity is the addition of a small electric motor that provides an electric power assist to the operation of the bicycle and reduces the physical exertion demands of the rider. Electric bicycles (also known as e-bikes) are available in an ever-expanding range of design types (urban commuter, full suspension mountain, fat-tire, gear hauler bikes, etc.) and electric assist capabilities (limited by speed, wattage, output algorithms, etc.). E-bikes are commonly used in different capacities, such as transportation and recreation. While they come in many varieties, the proposed rule focuses on Class 1, 2, and 3 e-bikes.

The integration of a small electric motor onto bicycles has reduced the physical demand required to operate an e-bike and, in turn, has increased the public's access to recreational opportunities, including for people with limitations stemming from age, illness, disability or fitness, and in more challenging environments, such as high altitudes or mountainous terrain. The integration of a small electric motor onto bicycles has also created uncertainty regarding whether e-bikes should be treated in the same manner as other types of bicycles or as motorized vehicles subject to the BLM's off-road vehicle regulations at 43 CFR part 8340.

On August 29, 2019, the Secretary of the Interior issued Secretary's Order (S.O.) 3376 to address regulatory uncertainty on how agencies within the Department of the Interior should manage e-bikes. Specifically, S.O. 3376 set forth the policy of the Department of the Interior that e-bikes should be allowed where other, non-motorized types of bicycles are allowed and not allowed where other, non-motorized types of bicycles are prohibited. S.O. 3376 directs the BLM to revise its off-road vehicle regulations at 43 CFR 8340.0-5 to be consistent with S.O. 3376. The National Park

Service, Fish and Wildlife Service, and Bureau of Reclamation are also revising their regulations for consistency with S.O. 3376.

III. Discussion of Proposed Rule

Existing BLM regulations do not explicitly address the use of e-bikes on public lands. However, under the BLM's current Travel and Transportation Management Manual (MS-1626), e-bikes are managed as off-road vehicles, as defined at 43 CFR 8340.0-5(a), and are allowed only in those areas and on those roads or trails that are designated as open or limited to off-road vehicle use. Additionally, e-bikes currently must be operated in accordance with the regulations governing off-road vehicle use at 43 CFR subpart 8341.

The proposed rule would direct authorized officers to generally allow, through subsequent decision-making, Class 1, 2, and 3 e-bikes whose motorized features are being used as an assist to human propulsion on roads and trails upon which mechanized, non-motorized use is allowed, where appropriate. The authorization for Class 1, 2, and 3 e-bikes whose motorized features are being used as an assist to human propulsion to be used on roads and trails upon which mechanized, non-motorized use is allowed, would be included in a land-use planning or implementation-level decision. Such decisions would be made in accordance with applicable legal requirements, including compliance with the National Environmental Policy Act (NEPA). Under the proposed rule, where an authorized officer determines that Class 1, 2, and 3 e-bikes should be allowed on roads and trails upon which mechanized, non-motorized use is allowed, such e-bikes would be excluded from the definition of off-road vehicle at 43 CFR 8340.0-5(a) and would not be subject to the regulatory requirements in 43 CFR part 8340. Additionally, e-bikes

excluded from the definition of off-road vehicle at 43 CFR 8340.0-5(a) would be afforded all the rights and privileges, and be subject to all of the duties, of a non-motorized bicycle. Under the proposed rule, authorized officers would not allow e-bikes where mechanized, non-motorized bicycles are prohibited.

A primary objective of the BLM's travel and transportation management is to establish a long-term, sustainable, multimodal travel network and transportation system that addresses the need for public, authorized, and administrative access to and across BLM-managed lands and related waters. Travel management planning occurs as part of regional or site-specific land use and implementation decisions. Such decisions typically involve public participation and must comply with NEPA. Travel management is an ongoing and dynamic process through which roads and trails for different modes of travel can be added and/or subtracted from the available travel system at any time through the appropriate planning and NEPA processes. These changes may be necessary based on access needs, resource objectives, and impacts to natural resources or the human environment. Any such decisions are made through an amendment to the existing land use plan, or through implementation level actions for a travel management plan.

Under current land use plans and travel management plans, the use of off-road vehicles (and, therefore, e-bikes) is currently allowed on the majority of roads and trails on BLM-administered public lands. The proposed rule would have no effect on the use of e-bikes and other motorized vehicles on such roads and trails; e-bikes, which the BLM currently manages as off-road vehicles, and other motorized vehicles could continue to use roads and trails upon which off-road vehicle use is currently allowed. However, the proposed rule would, by directing authorized officers to allow certain e-bike use where

mechanized, non-motorized bicycle use is allowed, facilitate an increase in recreational opportunities for all Americans, especially those with physical limitations, and encourage the enjoyment of the Department of the Interior (DOI)-managed lands and waters.

The BLM expects that the changes directed by the proposed rule would result in an increase in e-bike ridership on public lands. The BLM recognizes that the appeal of many BLM-managed roads and trails to cyclists is the opportunity to experience a challenging road or trail which may have inherently limited ridership. Under the proposed rule, the use of an e-bike could cause increased ridership on these roads or trails. To address site-specific issues, the BLM would consider the environmental impacts from the use of e-bikes through a subsequent analysis. E-bike use would be subject to the governing land use plans, including conditions of use that may be specific to an area. The BLM requests information from the public on the potential social and physical impacts of e-bike use on public lands.

§8340.0-5 Definitions.

The proposed rule would add a new definition for electric bicycles, or e-bikes, and define three classifications of e-bikes (see new paragraph (j) of this section). The proposed rule would also exclude e-bikes from the definition of off-road vehicle, pursuant to subsequent action by an authorized officer, where specific criteria are met (see new paragraph (a)(5) of this section).

Paragraph (a) of this section defines an off-road vehicle as “any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain...” and includes 5 exceptions. The proposed rule would move existing paragraph (a)(5) of this section to (a)(6) and add a new (a)(5) that addresses e-bikes. Under

proposed paragraph (a)(5) of this section, an e-bike would be excluded from the definition of off-road vehicle if: 1) the e-bike is being used on roads and trails where mechanized, non-motorized use is allowed; 2) the e-bike is not being used in a manner where the motor is being used exclusively to propel the e-bike; and 3) an authorized officer has expressly determined, as part of a land-use planning or implementation-level decision, that e-bikes should be treated the same as non-motorized bicycles on such roads and trails.

Notably, some e-bikes are capable of propulsion without pedaling. For example, Class 2 e-bikes allow for the motor to propel the rider without pedaling. Under the proposed rule, e-bikes operated in a fully motorized method that does not involve pedal assistance would not be eligible to be excluded from the definition of off-road vehicle at 43 CFR 8340.0-5(a) and would continue to be regulated as off-road vehicles.

New paragraph (j) of this section includes the definition for electric bicycles, or e-bikes. E-bikes may have 2 or 3 wheels and must have fully operable pedals. The electric motor for an e-bike may not exceed 750 watts (one horsepower). E-bikes must fall into one of three classes, as described in paragraphs (j)(1) through (j)(3) of this section.

Proposed paragraph (j)(1) describes class 1 e-bikes, which are equipped with a motor that only provides assistance when the rider is pedaling and ceases to provide assistance when the speed of the bicycle reaches 20 miles per hour.

Proposed paragraph (j)(2) of this section describes class 2 e-bikes, which have a motor that in addition to pedal assistance, can propel the bicycle without pedaling. This

propulsion and pedal assistance ceases to provide assistance when the speed of the bicycle reaches 20 miles per hour.

Proposed paragraph (j)(3) of this section describes class 3 e-bikes, which have a motor that only provides assistance when the rider is pedaling and ceases to provide assistance when the speed of the bicycle reaches 28 miles per hour.

The definition of e-bike in proposed paragraph (j), including the three classes of e-bikes included in that definition, is consistent with other DOI agencies which are also proposing revisions to their regulations to address e-bike use. The BLM believes that having the same definition as other DOI agencies will ensure consistent implementation across public lands administered by the DOI and help coordination with other local, State, and Federal agencies.

Considering that this technology is new and evolving, the BLM requests information from the public on use of Class 1, 2, and 3 e-bikes on roads and trails on public land.

Subpart 8342—Designation of Areas and Trails

§8342.2 Designation procedures.

The proposed rule would add a new paragraph (d) to this section that addresses how the BLM would issue decisions to authorize the use of e-bikes on public lands. Authorized officers would generally be encouraged to authorize the use of e-bikes whose motorized features are being used to assist human propulsion on roads and trails upon which mechanized, non-motorized use is allowed. The proposed rule provides authorized

officers with discretion, however, to determine that the use of e-bikes (or certain classes of e-bikes) would be inappropriate on roads or trails.

This proposed rule would not, on its own, change the existing allowances for e-bike usage on BLM-administered public lands. In other words, no additional e-bike use would be allowed on BLM-administered public lands as a direct result of this proposed rule becoming effective. Rather, the proposed rule directs the BLM to specifically consider e-bike usage in future land use planning or implementation-level decisions. This new paragraph also provides the authorized officer with discretion to determine whether e-bike use generally, or the use of certain classes of e-bikes, would be inappropriate on certain roads or trails. While the BLM believes that increasing public access to public lands through the use of e-bikes would generally be appropriate on roads and trails upon which mechanized, non-motorized use is permitted, there are certain instances where that is not the case. For example, some trails may be particularly steep or narrow and the use of an e-bike at speeds higher than originally intended could present a danger to some users. In some situations, legislation or a presidential proclamation may restrict motorized use of a trail. Another example of where e-bike use might be limited is a non-motorized trail that originates on BLM public land and feeds into a trail system under the jurisdiction of another agency that does not allow e-bike use on that trail. Proposed paragraph (d) of this section would allow the BLM the flexibility to utilize local knowledge and determine the propriety of e-bike use on site-specific basis.

Under new paragraph (d) of this section, e-bikes being used on roads and trails where mechanized, non-motorized use is allowed pursuant to a decision by an authorized officer will be given the same rights and privileges of a traditional, non-motorized bicycle

and will be subject to all of the duties of a traditional, non-motorized bicycle. While the BLM intends for this proposed rule to increase accessibility to public lands, e-bikes would not be given special access beyond what traditional, non-motorized bicycles are allowed. For example, e-bikes would not be allowed on roads or trails or in areas where traditional, non-motorized bicycle travel is prohibited, such as in designated wilderness.

IV. Procedural Matters

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs has waived review of this proposed rule and, at the final rule stage, will make a separate decision as to whether the rule is a significant regulatory action as defined by Executive Order 12866.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

The proposed rule addresses how the BLM would allow visitors to operate e-bikes on public lands and directs the BLM to specifically address e-bike usage in future land-use planning or implementation-level decisions. The proposed rule would amend 43 CFR 8340.0-5 to define class 1, 2, and 3 of e-bikes. The proposed rule would direct authorized officers to generally allow, through subsequent decision-making in a land-use planning or implementation-level decision, Class 1, 2, and 3 e-bikes whose motorized features are being used as an assist to human propulsion on roads and trails upon which mechanized, non-motorized use is allowed, where appropriate. The proposed rule, where certain criteria are met, would exclude e-bikes from the definition of off-road vehicle.

The proposed rule would not be self-executing. The proposed rule, in and of itself, would not change existing allowances for e-bike usage on BLM-administered public lands. It would neither allow e-bikes on roads and trails that are currently closed to off-road vehicles but open to mechanized, non-motorized bicycle use, nor affect the use of e-bikes and other motorized vehicles on roads and trails where off-road vehicle use is currently allowed. While the BLM intends for this proposed rule to increase accessibility to public lands, e-bikes would not be given special access beyond what traditional, non-motorized bicycles are allowed.

The BLM reviewed the requirements of the proposed rule and determined that it would not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. For more detailed information, see the Economic and Threshold analysis prepared for this proposed rule. This analysis has been posted in

the docket for the proposed rule on the Federal eRulemaking Portal:

<https://www.regulations.gov>. In the Searchbox, enter "RIN 1004-AE72", click the "Search" button, open the Docket Folder, and look under Supporting Documents.

Reducing Regulation and Controlling Regulatory Costs (E.O. 13771)

The BLM has complied with E.O. 13771 and the OMB implementation guidance for that order¹. The proposed rule is not a significant regulation action as defined by E.O. 12866 or a significant guidance document. Therefore, the proposed rule is not an "E.O. 13771 regulatory action," as defined by OMB guidance. As such, the proposed rule is not subject to the requirements of E.O. 13771.

Regulatory Flexibility Act

This rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). The RFA generally requires that Federal agencies prepare a regulatory flexibility analysis for rules subject to the notice-and-comment rulemaking requirements under the Administrative Procedure Act (5 U.S.C. 500 *et seq.*), if the rule would have a significant economic impact, whether detrimental or beneficial, on a substantial number of small entities. See 5 U.S.C. 601–612. Congress enacted the RFA to ensure that government regulations do not unnecessarily or disproportionately burden small entities. Small entities include small businesses, small governmental jurisdictions, and small not-for-

¹ Executive Office of the President, Office of Management and Budget, Executive Order 13771, January 30, 2017. 82 FR 9339. Available at <https://www.gpo.gov/fdsys/pkg/FR-2017-02-03/pdf/2017-02451.pdf>. See also, OMB Memorandum "Regulatory Policy Officers at Executive Departments and Agencies Managing and Executive Directors of Certain Agencies and Commissions," April 5, 2017. Available at <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/M-17-21-OMB.pdf>.

profit enterprises. The proposed rule is most likely to affect entities that participate in biking and other outdoor recreation. The industries most likely to be directly affected are listed in SBA Size Standards Table that follows, including the relevant SBA size standards.

SBA Size Standards Table

SBA Size Standards Table		
Industry	NAICS Code	Size standards in millions of dollars
Sporting Goods Stores	451110	\$16.5
Scenic and Sightseeing Transportation, Land	487110	\$8.0
Recreational Goods Rental	532284	\$8.0

Based on these thresholds, the proposed rule may affect small entities. In addition to determining whether a substantial number of small entities are likely to be affected by this proposed rule, the BLM must also determine whether the proposed rule is anticipated to have a significant economic impact on those small entities. The proposed rule is most likely to affect entities that participate in biking and other outdoor recreation. The industries most likely to be directly affected include sporting goods stores, scenic and sightseeing land transportation, and recreational goods rental. The BLM generally expects that the proposed rule would facilitate increased recreational opportunities on public lands, although these impacts would occur after future site-specific decisions, not as a direct result of the proposed rule. For these reasons, the magnitude of the impact on any individual or group, including small entities, is expected to be negligible. There is no reason to expect that these changes would place an undue burden on any specific individual or group, including small entities.

Based on the available information, we conclude that the proposed rule will not have a significant impact on a substantial number of small entities. Therefore, a final Regulatory Flexibility Analysis is not required, and a Small Entity Compliance Guide is not required.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Does not have an annual effect on the economy of \$100 million or more. The proposed rule would not have a direct and quantifiable economic impact, but is intended to increase recreational opportunities on public lands.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. This proposed rule would add a definition for e-bikes, direct the BLM to consider how they should be managed on public lands in future land-use planning and implementation-level decisions, and exclude e-bikes from the definition of off-road vehicle when certain criteria are met.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. The BLM expects this rule to facilitate additional recreational opportunities on public lands, which would be beneficial to local economies on impacted public lands.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. The BLM will coordinate with impacted entities, as necessary and appropriate, when it makes land use planning decisions regarding the use of e-bikes on public lands in a particular area. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (EO 12630)

This rule does not affect a taking of private property or otherwise have taking implications under Executive Order 12630. This proposed rule would only impact public lands and how they are managed by the BLM regarding the use of e-bikes. A takings implication assessment is not required.

Federalism (EO 13132)

Under the criteria in section 1 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. This proposed rule would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. The BLM would coordinate with State and local governments, as appropriate, when making future planning decisions under this rule regarding the use of e-bikes on public lands. A federalism summary impact statement is not required.

Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation with Indian tribes (E. O. 13175 and Departmental policy)

The DOI strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on federally recognized Indian tribes and that consultation under the Department's tribal consultation policy is not required. This rulemaking is an administrative change that directs the BLM to address e-bike use in future land-use planning or implementation-level decisions. The proposed rule does not change existing allowances for e-bike usage on BLM-administered public lands. The rulemaking does not commit the agency to undertake any specific action, and the BLM retains the discretion to authorize e-bike use where appropriate. Tribal consultation would occur as required on a project-specific basis as potential e-bike opportunities are considered by the BLM.

Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act (PRA) is not required.

National Environmental Policy Act

The BLM does not believe that this rule would constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the rule, as proposed, would be categorically excluded from further analysis or documentation under NEPA in accordance with 43 CFR 46.210(i), which applies to:

Policies, directives, regulations, and guidelines that are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case basis.

This proposed rule would not change the existing allowances for e-bike usage on public lands. It would neither allow e-bikes on roads and trails that are currently closed to off-road vehicles but open to mechanized, non-motorized bicycle use, nor affect the use of e-bikes and other motorized vehicles on roads and trails where off-road vehicle use is currently allowed. The proposed rule would (i) add a new definition for e-bikes; (ii) direct the BLM to specifically address e-bike usage in future land-use planning or implementation-level decisions; and (iii) set forth specific criteria for when e-bikes may be excluded from the definition of off-road vehicle at 43 CFR 8340.0-5(a). Before the

public could use e-bikes on any roads or trails that are not currently opened to off-road vehicle use, an authorized officer of the BLM would have to issue a land-use planning or implementation-level decision allowing for such use. That decision would have to comply with applicable law, including NEPA. As such, the proposed rule is administrative and procedural in nature and would not result in any environmental effects. Moreover, the environmental effects associated with future land-use planning or implementation-level decisions that do allow increased e-bike use are too speculative or conjectural at this time to lend themselves to meaningful analysis. Any environmental effects associated with future decisions would be subject to the NEPA process on a case-by-case basis. The BLM has also determined, as a preliminary matter, that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

Effects on the Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in Executive Order 13211. This proposed rule would not directly impact any allowed uses on public lands, only generally directs the BLM to consider allowing their use on existing trails and roads and in those areas where traditional bicycles are allowed. A Statement of Energy Effects is not required.

Clarity of this regulation

We are required by Executive Orders 12866 (section 1 (b)(12)), 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use common, everyday words and clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you believe that we have not met these requirements, send us comments by one of the methods listed in the "ADDRESSES" section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Author

The principal author(s) of this rule are Evan Glenn and David Jeppesen, Recreation and Visitor Services Division; Rebecca Moore, Branch of Decision Support; Scott Whitesides, Branch of Planning and NEPA; Britta Nelson, National Conservation Lands Division; Charles Yudson, Division of Regulatory Affairs; assisted by the Office of the Solicitor, Ryan Sklar.

Dated: _____

Casey Hammond

Acting Assistant Secretary

Land and Minerals Management

List of Subjects in 43 CFR Part 8340

Public lands, Recreation and recreation areas, Traffic regulations

43 CFR Chapter II

For the reasons set out in the preamble, the Bureau of Land Management proposes to amend 43 CFR part 8340 as follows:

PART 8340—OFF-ROAD VEHICLES

1. The authority citation for part 8340 continues to read as follows:

Authority: 43 U.S.C. 1201, 43 U.S.C. 315a, 16 U.S.C. 1531 et seq., 16 U.S.C. 1281c, 16 U.S.C. 670 et seq., 16 U.S.C. 4601-6a, 16 U.S.C. 1241 et seq., and 43 U.S.C. 1701 et seq.

Subpart 8340—General

2. Revise §8340.0-5 to read as follows:

§8340.0-5 Definitions.

As used in this part:

(a) Off-road vehicle means any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain, excluding:

(1) Any nonamphibious registered motorboat;

(2) Any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes;

(3) Any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved;

(4) Vehicles in official use;

(5) E-bikes, as defined in paragraph (j) of this section,

(i) While being used on roads and trails upon which mechanized, non-motorized use is allowed, (ii) That are not being used in a manner where the motor is being used exclusively to propel the E-bike, and (iii) Where the authorized officer has expressly determined, as part of a land-use planning or implementation-level decision, that E-bikes should be treated the same as non-motorized bicycles; and

(6) Any combat or combat support vehicle when used in times of national defense emergencies.

(b) Public lands means any lands the surface of which is administered by the Bureau of Land Management.

(c) Bureau means the Bureau of Land Management.

(d) Official use means use by an employee, agent, or designated representative of the Federal Government or one of its contractors, in the course of his employment, agency, or representation.

(e) Planning system means the approach provided in Bureau regulations, directives and manuals to formulate multiple use plans for the public lands. This approach provides for public participation within the system.

(f) Open area means an area where all types of vehicle use is permitted at all times, anywhere in the area subject to the operating regulations and vehicle standards set forth in subparts 8341 and 8342 of this title.

(g) Limited area means an area restricted at certain times, in certain areas, and/or to certain vehicular use. These restrictions may be of any type, but can generally be accommodated within the following type of categories: Numbers of vehicles; types of vehicles; time or season of vehicle use; permitted or licensed use only; use on existing roads and trails; use on designated roads and trails; and other restrictions.

(h) Closed area means an area where off-road vehicle use is prohibited. Use of off-road vehicles in closed areas may be allowed for certain reasons; however, such use shall be made only with the approval of the authorized officer.

(i) Spark arrester is any device which traps or destroys 80 percent or more of the exhaust particles to which it is subjected.

(j) Electric bicycle (also known as an E-bike) means a two- or three-wheeled cycle with fully operable pedals and an electric motor of not more than 750 watts (1 h.p.) that meets the requirements of one of the following three classes:

(1) Class 1 electric bicycle shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(2) Class 2 electric bicycle shall mean an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(3) Class 3 electric bicycle shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

Subpart 8342—Designation of Areas and Trails

3. Amend §8342.2 by adding a new paragraph (d) to read as follows:

§8342.2 Designation procedures.

(d)(i) Authorized officers should generally allow, as part of a land-use planning or implementation-level decision, E-bikes whose motorized features are being used to assist human propulsion on roads and trails upon which mechanized, non-motorized use is allowed, unless the authorized officer determines that E-bike use would be inappropriate on such roads or trails; and

(ii) If the authorized officer allows E-bikes in accordance with this paragraph, an E-bike user shall be afforded all the rights and privileges, and be subject to all of the duties, of user of a non-motorized bicycle.

Douglas Bishop

to sanjuancounty

I have been a resident of Silverton since December of 1999. One of the things I always thought I understood was that it was unlawful for anyone to gate off an existing public road. Perhaps I am wrong, but I have seen the Boulder Gulch road closed with gates in recent years as well as segments of other roads. My wife and I frequently bike the lower "river road, and yes, we do encounter motorized vehicles there, but most occupants of those vehicles are very considerate and slow down or get over or even stop for us. There are some exceptions but very few in our experience. A large concern of ours is with people walking their dogs without lease and insufficient control of their pets. We have had encounters with them far more dangerous than with the motorized vehicles.

All that aside, my greatest concern is with people who want to limit or eliminate the rights of other at their own selfish desires. Whatever happened to "love your neighbor" and showing consideration for their rights and freedoms? For the price of the gates improved signage on those roads could be helpful in reducing issues and encouraging people to work together for the benefit of all.

What about the private landowners who need motorized access to their properties? What about the elderly who need motorized access to the river road to enjoy the close proximity to the river? Do they matter?

I shake my head in disappointment with so many people who are unwilling to work out a compromising solution that could benefit everyone. Please rethink the closure and gating of public roads.

Doug Bishop

Connie

to sanjuancounty

As I read comments about wanting the corridor closed to vehicles, I get upset and disappointed. Right now I am physically able to walk or ride my bicycle. I'm in my 70's. The day may come, as it might for everyone, where that stretch of road can only be enjoyed in a vehicle. It's close by and makes for a nice short drive. An all day outing in the backcountry may not be an option for the elderly. If you are still healthy, the all day adventure is still open to you. Think beyond yourself.
Connie Bishop, Silverton resident

Connie

to sanjuancounty

I am opposed to the proposed corridor being gated. I ride my bicycle on that road and I find people driving vehicles are quite courteous. I always wave and say thank you. There is room for all to enjoy. If someone wants to walk and avoid motorized traffic, the already gated road behind cemetery leading to Boulder Gulch is available. I've enjoyed that walk many times. I don't like the trend of gating off roads. It does not send a very warm message. Connie Bishop, Silverton resident

Edith Mary Eggett

9:10 AM (36 minutes ago)

to sanjuancounty

We do not live in a gated Community or County.

Do not gate off sections of the Lower River Road.

This is not a decision County Commissioners or a " Task Force " should make.

This is a decision for the People of Silverton and San Juan County.

Put this issue on the Ballot this November.

The people should decide.

Sincerely,
Edith Mary Eggett

Willy,

If in fact the lower river road is closed to through traffic, it would be wise if the upper road is treated periodically with magnesium chloride to cut the dust levels significantly as it gets so bad that it can be difficult to see, not to mention the pulmonary health hazard. We have an ATV, and that is the main reason we would use the lower road...to avoid the dangerous conditions that often occur on the upper road. Dust masks are helpful with the pulmonary issue but not 100% so, and they do nothing for the vision issue. Closing the lower road to through traffic will only intensify the problem on the upper road. During the years mag chloride is used, it isn't applied often enough, and when it is not used, the conditions can often be intolerable.

Thanks,

Doug Bishop
County Commissioners:

Do not gate off the Lower River Road in any way, shape or fashion.
It is a public road, for public use and paid for by the taxpayers.

Do not try to use what power you have been granted by the people of San Juan County to stop what you do not personally like.
The Lower River Road is not your road it belongs to the public.

Putting gates in the middle somewhere on both sections, limiting thru traffic is an overreach of government "power".

Sincerely,
Edith Mary Eggett

Karla Pendleton

to sanjuancounty@frontier.net

I encourage the county commissioners to take a second look at their proposal to gate off parts of the lower river road outside Silverton for the following reasons:

- It does not meet the requirement of providing dust mitigation for the few residents near the road and in fact could propagate even more dust as vehicles must turn around and make a second pass at these residences.
- This is a costly proposal, that does not benefit the majority of taxpayers in the county, and will require future expenditure to maintain.
- Many vehicles will find a way around the gates, so the area will need to be patrolled, further burdening taxpayer funded agencies, i.e. the sheriff's department
- Silverton and San Juan counties are not gated communities and have ALWAYS maintained dirt or graveled roadways which are, by the laws of the physical universe,...dusty during the summer months. People, like myself, who chose to build their homes near a roadway must also live with dust and know that going in. I'm ever so grateful for mag-chloride.
- Instead of attempting to subvert the laws of physics by providing gates, why not spend money on treatment of the roadways with mag-chloride more often...my daisies can't get enough of the stuff. Better yet, let's invest in pavement as a time tested method of dust control.
- San Juan county will be hard hit by the current government mandated emergency and the resultant economic downturn. Much harder hit than by COVID19. Let's not add to the misery and expense by sneaking in this restriction while citizens are distracted with more urgent matters.

I could probably go on...but that's enough for now. NO MAN MADE GATES ON LOWER RIVER ROAD.

Thank you for your kind consideration

Karla Pendleton, Silverton resident

Steve Pendleton

to sanjuancounty

I say NO gates on CR22. This subject has been brought up before. Again I say, NO to gates on the lower river road period!!! Steve Pendleton Silverton, Resident 1550 Mineral Street



Willy Tookey <admin@sanjuancolorado.us>

C&G Alpine Partners - Sincere Thanks

1 message

Croce <nickc82@optonline.net>

Wed, Apr 8, 2020 at 1:10 PM

To: administrator@sanjuancolorado.us, ladair@silverton.co.us, admin@sanjuancolorado.us

Cc: Vinny Gubin <vincentgubin@yahoo.com>, Mark Esper <editor@silvertonstandard.com>

Dear San Juan County Commissioners, Administrator and Planning Director,

On behalf of Vincent Gubin and myself, we would first like to express our sincere gratitude for approving our new Bed and Breakfast project. As stated, over the years we've grown to love the town of Silverton and the surrounding San Juan Mountains for all the same reasons you choose to call this place home. And as this project has progressed, we've only grown more passionate about becoming a part of your community.

Over the past several months, since the beginning of the planning process, we've heard a few different iterations of what this new B&B/Lodge might be called being expressed in varying contexts. We feel that now would be an appropriate time to let you all know what we plan to name this new business. Since the very first day I walked up to the build site on that property, I've said to myself that I feel like a bird, nestled high among the trees. The way the building will be constructed, perched up on the hillside with beautiful conifers surrounding it, reminds me of a nest. Accordingly, we plan to name this lodge "The Aerie". An aerie is essentially the nest of a large bird of prey, like an eagle or hawk.

We hope The Aerie lodge at Silverton becomes a highly valued asset among the community, helping to drive the tourist economy and keep local community members employed. Again, we are truly excited and grateful to get to work and look forward to seeing you all around town again some time soon.

Stay well...

Sincerely,
Nick Croce and Vincent Gubin
C&G Alpine Partners LLC
631-793-9902

