

**SAN JUAN COUNTY, COLORADO**  
**BOARD OF COMMISSIONERS MEETING AGENDA**

July 8, 2020

**DUE 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:** 8:30 A.M.

**OLD BUSINESS:**

Consider Bills and Authorize Warrant  
Minutes May 27, 2020

**APPOINTMENTS:**

8:40 A.M. - Becky Joyce, Public Health, Jim Donovan Office of Emergency Management  
9:10 A.M. - Sheriff Conrad - Fire Ban Discussion  
9:30 A.M. - Martha Johnson, Social Services

Lunch – Location to be Determined

**CORRESPONDENCE:**

Ryan Bennett – Sheep Grazing  
- OHVs

**NEW BUSINESS:**

State of Colorado Intergovernmental Agreement  
PILT Payment  
Commissioner and Staff Reports

**OTHER:**

Public Comment

**ADJOURN: Next Regular Meeting – 6:30 PM, Wednesday July 22, 2020**

Join Zoom Meeting

<https://zoom.us/j/92136473203>

Meeting ID: 921 3647 3203

One tap mobile

+16699006833,,92136473203# US (San Jose)

+12532158782,,92136473203# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

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+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 921 3647 3203



SAN JUAN COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING WEDNESDAY, JUNE 24, 2020  
AT 6:30 P.M.

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

Commissioner Fetchenhier moved to approve the minutes of June 10, 2020 as submitted. Commissioner Kuhlman seconded the motion. The motion passed unanimous.

Public Health Director Becky Joyce, Emergency Manager Jim Donovan and Public Information Officer DeAnne Gallegos were present to provide the Commissioners with an update on the COVID 19 emergency. Director Joyce stated that the Face Mask Advisory was not working as well as hoped for and that a mandatory health order requiring the wearing of face mask would be necessary to achieve greater compliance. Commissioner Fetchenhier moved on behalf of both the County Commissioners and the San Juan County Board of Health that Public Health Director Joyce be directed to issue a Public Health Order requiring the mandatory use of face masks. Commissioner McKay seconded the motion. The motion passed with Fetchenhier and McKay voting yes and Commissioner Kuhlman voting no.

Emergency Manager Jim Donovan informed the Commissioners that he was working on a variance to allow for the Kendall Mountain Run and the Silverton Alpine Marathon. The variance request would allow the maximum participants to increase from 175 to 250. Chairman Kuhlman moved to authorize a letter of support for the variance request and to authorize letters of support for future variance requests. Commissioner Fetchenhier seconded the motion. The motion passed unanimous.

A public hearing was held to receive comment concerning Kevin Farmer, San Juan Cultivation LLC, CannaFarmer for an Annual License Renewal for a Retail Marijuana Cultivation Facility. Upon completion of the public hearing Commissioner Fetchenhier moved to approve the license renewal and to waive the license fee due to the hardship of Covid 19. Commissioner Kuhlman seconded the motion. The motion passed unanimous.

A public hearing was held to receive comment concerning the improvement permit application from Grizzly Peaks Sales and Distribution LLC, for a Water Treatment Building at Cascade Village. Upon the completion of the public hearing Commissioner Fetchenhier moved to approve the improvement permit application for sketch, preliminary and final with the conditions as recommended by staff. Commissioner Kuhlman seconded the motion. The motion passed unanimous.

David Singer and Loren Lew were present to provide the Commissioners with an update on the Hospital Building Renovation. Loren noted that tree roots were causing problems to the sewer line and that a treatment should be added to the drains twice a year.

Terry Morris was present to update the Commissioners on the CAG. The CAG is sending a letter to the EPA expressing their concerns that they should be involved earlier in the planning process. It was the consensus of the Commissioners to send a letter to the EPA expressing similar concerns. There was also a consensus of the Commissioners to send a letter to the BLM expressing concerns of the impact grazing sheep may have on remediated sites.

The Commissioners discussed county roads. They instructed the County Administrator to notify the Road Department to place a barrier on CR 22A near the Jepson Property line and to post a sign that states no motorized traffic beyond this point-non motorized allowed. Also, to remove the no OHV sign on CR 22A. They asked that the boulders on CR 22 be moved to prevent dirt bikes from driving through them. They also asked that the 35 mph signs be replaced with 20 mph signs. It was also a consensus to not apply any dust control product at this time.

A plat for the consolidation of MS 16993 Wild Cat Lode and MS 19018 Hidden Treasure Lode was presented to the Commissioners for review. Commissioner Fetchenhier moved to approve the consolidation of the two claims as present on the plat. Commissioner Kuhlman seconded the motion. The motion passed unanimously.

The proposed Amended Anvil Mountain Replat was presented to the Commissioners. Commissioner Fetchenhier moved to approve the Anvil Mountain Amended Plat as presented. Commissioner Kuhlman seconded the motion. The motion passed unanimously.

A proposed Covid 19 Memorandum of Understanding with the Town of Silverton was presented to the Commissioners for their consideration. Commissioner Fetchenhier moved to approve the MOU as submitted. Commissioner Kuhlman seconded the motion. The motion passed unanimously.

Having no further business, the meeting adjourned at 9:40 P.M.

JUNE 28, 2020

SAN JUAN COUNTY, COLORADO  
SAN JUAN COUNTY PUBLIC HEALTH DEPARTMENT  
PO Box 619, Silverton, CO 81433

**PUBLIC HEALTH ORDER NO. 2020-04  
REGARDING THE COVID-19 PANDEMIC**

**1. Purpose, Effective Area.** This Order is being issued by the San Juan County Public Health Director to limit the health impacts of COVID-19. This Order sets forth requirements and guidelines for personal responsibility and additional mandates to slow the spread of COVID-19. This Order is effective within the entirety of San Juan County, including Silverton. This Order shall rescind and replace all prior San Juan County Public Health Orders regarding the Covid-19 Pandemic.

**2. Findings and Intent.** The Public Health Director finds that according to the Colorado Department of Public Health and Environment (CDPHE), as of June 27, 2020, there are 32,022 known cases of COVID-19 in Colorado and 1,482 Coloradoans have died from COVID-19. There is clear evidence that some individuals who contract COVID-19 have no symptoms or have very mild symptoms, which means they are likely unaware they carry the virus. Asymptomatic individuals can transmit the disease, and evidence shows the disease is easily spread, so gatherings of people facilitate transmission of COVID-19.

The Public Health Director further finds that the presence of visitors to San Juan County from many communities throughout the state and the country, if unregulated, may introduce increased illness into the community, imposing burdens on the local economy, local workers, our health care system, public services, first responders, food supplies and other essential services during the ongoing COVID-19 pandemic.

The Public Health Director determines that, in the absence of a widely available vaccine and/or treatment, community mitigation tools, such as physical distancing, face coverings, hand washing, self quarantining and isolating if sick and reporting symptoms to public health officials, are necessary to reduce the spread of COVID-19 to protect health and save lives.

On March 25, 2020 the Board of County Commissioners and the Board of Health signed a Disaster Declaration and a Declaration of Local Epidemic.

**3. Effective Date and Time, Limitations.** This Order will become effective at 6:00 p.m. on June 28th 2020, and will remain in effect until 11:59 p.m. September 30th, 2020, unless extended, rescinded, superseded, or amended in writing.

**4. Legal Authority.** This Order is adopted pursuant to the legal authority set forth in sections 25-1-506 and 25-1-508, 25-1-509, Colorado Revised Statutes, as well as all other applicable laws, rules, regulations, orders and declarations. Under this authority, the Public Health Director has the duty to investigate and control the causes of the epidemic or communicable diseases and

conditions affecting public health; to establish, maintain, and enforce isolation and quarantine; to exercise physical control over the property and over the persons of the people within the territorial limits of San Juan County; and to prohibit the gatherings of people to protect the public health; all as the Public Health Director may find necessary for the protection of the public health. Issuance of this Order is deemed reasonable under the existing circumstances and necessary for the immediate preservation of the public health, safety and welfare.

**5. Most Restrictive Standard Controls.** The requirements of this Order shall be in addition to any and all local, State and/or Federal orders. In the event that any such other orders or laws are more or less restrictive than what is set forth herein, the more restrictive orders control.

Individuals should be aware that Executive Orders from Governor Polis and State Public Health Orders from the Director of the Colorado Department of Public Health and Environment (CDPHE) are being issued on a regular basis, and all members of the public are responsible for following the Governor's orders, CDPHE orders, and local orders.

**6. Face Coverings.**

A. All persons shall be required to wear a Face Covering when entering, waiting in line to enter and while in the following locations within San Juan County:

- i. Any place of business engaged in any sales or other transactions of any kind to the general public and any place that offers services, facilities, privileges, or advantages to the general public, including any outside courtyard, patio, seating, waiting or parking area associated with the place of business or place of service in which any kind of delivery, pick up or other service is provided;
- ii. Any County owned or operated building or indoor facility of any kind;
- iii. Any mass transportation; and
- iv. Any other public place whether indoor or outdoor where persons are unable to maintain safe social distancing (six or more feet separation) from others who are not residents of their own household.

B. As used in this Order, "Face Covering" shall mean a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face, and that fits snugly but comfortably against the side of the face and remains in place without the use of one's hands. Face coverings include, but are not limited to, bandanas, medical masks, cloth masks, buffs and gaiters. Face coverings do not include any mask that incorporates a one-way valve that is designed to facilitate easy exhaling, and such masks are not to be used to comply with this Order.

C. Exceptions. Nothing herein shall require the wearing of face coverings by the following persons under this Order:

- i. Persons in restaurants or other food establishments which are permitted by state and local regulations to serve food for consumption on the premises, while such person is in the act of eating or drinking; provided, however, that face coverings must be worn while entering and exiting the restaurant, and while ordering, paying, or otherwise interacting with employees or other customers of the restaurant, and once the food and drink have been consumed;
- ii. Persons working in a place of business who do not come into contact with the public and who do not share workspace with other persons not of their household; provided, however, that face coverings shall be worn while entering or exiting the building or otherwise when within six feet of another person in or around that place of business and as may otherwise be required under any other orders or directives issued by any entity with jurisdiction;
- iii. Persons 3 years of age or younger or children within a childcare facility;
- iv. Persons for whom a face covering would cause impairment due to an existing health condition or persons who, because of a disability, are unable to wear a face covering; and
- v. Persons in a place of business such as banks, financial institutions or other security sensitive businesses who are requested to remove or lower their face covering for purposes of verifying their identity to carry out a sale or transaction; provided, however, that face coverings must otherwise be worn while in the establishment.

D. General Information for all Persons regarding face coverings. Pursuant to Federal Centers for Disease Control (CDC) guidance, the public is strongly encouraged to wear cloth Face Coverings that: Fit snugly but comfortably against the side of the face; Are secured with ties or ear loops; Include multiple layers of fabric; Allow for breathing without restriction; and Are able to be laundered and machine dried without damage or change to shape. Information on making such face coverings can be found at: [CDC.gov How to Make Cloth Face Coverings to Help Slow Spread](https://www.cdc.gov/media/releases/2020/s110520-cloth-face-coverings.html).

**7. Five Commitments of Containment.** Preventing an outbreak of COVID-19 in San Juan County requires all individuals and businesses to comply with the mandatory provisions of this Order. In addition, all persons in San Juan County are strongly encouraged to assume additional personal responsibility and adopt the Five Commitments of Containment to minimize transmission of COVID-19.

These are:

**- I will maintain 6 feet of physical distance from other individuals.**

-Physical distance is one of the most effective COVID-19 prevention measures.

-I will keep this distance from any person who is not from my household.

- **I will wash my hands frequently and thoroughly for at least 20 seconds.**
  - Hand washing is especially important after visiting public settings and businesses and before eating or touching my face.
  
- **I will cover my face in public.**
  - I will wear a face covering whenever I am outside and may not be able to maintain 6 feet of physical distance from others.
  - I will wear a face covering whenever I am in indoor areas open to the public.
  - Face coverings are not a substitute for maintaining physical distance.
  
- **I will stay home when I am sick.**
  - Isolating myself from others, including household members, will help protect others and limit the spread.
  
- **I will get tested immediately if I have COVID-19 symptoms.**
  - Testing early after COVID-19 symptoms develop can provide valuable information to help prevent spreading COVID-19 to other people and to inform public health officials about the extent of disease spread in the community.

**8. Required Signage.** All places of business or other public accommodation subject to this Order shall display at each entrance a sign advising all persons of the requirements of this Order, and that face coverings are required to enter or remain within the establishment.

**9. Enforcement.** The County will attempt to seek voluntary compliance through education and warning notices prior to the issuance of any citations or commencement of legal action. Anyone failing to comply with this Order is subject to the penalties contained in Section 25-1-516 and 18-1.3-501, Colorado Revised Statutes, including a fine of up to five thousand (\$5,000) dollars and imprisonment in the county jail for up to eighteen (18) months. The County may additionally pursue any other legal remedy to secure enforcement.

Becky Joyce, Director of Public Health San Juan County, Colorado

Signed: B. Joyce, RN

Date: June 28, 2020





## San Juan County Colorado Office of Emergency Management

Release date: 6/28/20  
Release Number: SJC\_024

Public Information Officer: DeAnne Gallegos  
Email: pio@sanjuancolorado.

### PRESS RELEASE San Juan County, Colorado

**SAN JUAN COUNTY COLORADO: San Juan County Public Health with support from the San Juan County Colorado Board of Health releases a new Public Health order that emphasizes the “5 Commitments to contain COVID-19” and moves the Face Covering Advisory to a Public Health Order when entering public buildings, businesses and outdoors when 6 foot social distancing from non- household members can not be accomplished.**

Silverton, CO. Sunday, June 28th at 6:00pm, San Juan County Public Health (SJCPH) issued a new public health order that emphasizes the “Five Commitments” as well as requiring wearing face coverings in public. A 24 hour grace period is implemented to allow the community to learn about the Order. The San Juan County Incident Management Team, The San Juan County Board of Health/Board of County Commissioners supported the Public Health Director to draft and implement the order during their regular meeting of June 24, 2020.

The findings to implement the new public health order are due to:

- The increase of COVID-19 positive cases in the United States
- In the last 25 days, people under 30 have accounted for 40% of state’s cases
- The increase of COVID-19 positive cases in states bordering Southwest Colorado
- The increase of travelers from locations with outbreaks
- The large influx of visitors during the summer months coming into San Juan County
- Face coverings protect the individual and the community
- A decrease in the consistent application of community mitigation strategies by the general public
- Emphasize the importance of reporting symptoms and viral testing.
- Explicit emphasis on the importance of face coverings, social distancing, washing hands, staying home if sick and getting tested if symptomatic or have been exposed to an infected person.

*“There are numerous news reports about record highs being set throughout our nation. This is especially remarkable in Arizona, Texas, and Florida as well as other states. It is affecting young people with more severe consequences such as the need for lung transplants. I urge you not to rely on antibody testing as those results are extremely difficult to interpret. Mask wearing and social distancing is our only help in combating this pandemic and disease. An important concern is to avoid a return to lock down state wide such as we had in April, we must all do our part to help prevent that from occurring again.”*

**Dr. Bob Brokering, Medical Director for SJCPH**



## San Juan County Colorado Office of Emergency Management

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Public Information Officer: DeAnne Gallegos  
Email: pio@sanjuancolorado.

### Why Now?

In the past week, the team has been concerned about outbreaks occurring where many San Juan County visitors come from (Texas, Arizona and Utah). We have also seen a steady increase in asymptomatic transmission in La Plata County among younger persons, ages ranging from 20-30 years old.

The IMT (Incident Management Team) wanted to make it clear and unambiguous that 1) face coverings, 2) social distancing, 3) hand washing, 4) staying home when sick and 5) getting tested are the tools needed to reduce the transmission of COVID-19.

It is important for the public to realize that the IMT evaluates and adapts to information about the pandemic. The IMT looks ahead every 2 weeks and adjusts our decisions accordingly.

The team recognizes that antibody testing information has been misinterpreted in the community. The team uses viral testing (PCR nasal swabs) in its decision making process in order to determine if COVID-19 is active in the community.

The Public Health Department is being proactive with this Public Health Order by emphasizing the importance of risk reduction using the 5 steps to containment.

The re-opening strategy is working for San Juan County, implementing this Public Health Order will help keep the community on the right path.

The intent of this Public Health Order is to protect the safety and well being of the San Juan County community and its visitors. The health and well being of our community will be taken seriously and citations will be issued if violators create the necessity.

**To read the Public Health Order and the Frequently Asked Questions go to:**

<https://sanjuancounty.colorado.gov/COVID19>



## SAN JUAN COUNTY CO COVID-19 FREQUENTLY ASKED QUESTIONS

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### **My antibody test said I already had COVID-19. Aren't I immune?**

NO. Antibody testing is useful only in understanding if the disease has spread through the community in the past. Based on the current scientific consensus, immunity has not been established yet for the novel coronavirus.

If you tested positive for the antibodies we suggest you consult a physician for a check up. The IMT uses viral testing for decision making. Viral testing indicates if there is an active viral load in the human body.

### **Where can I find more information about the County services during the pandemic?**

Please visit [COVID-19 Local Info | San Juan County](#) for official updates. Do not listen to rumors.

Make sure to stay up to date via email by signing up for email alerts at [pio@sanjuancolorado.us](mailto:pio@sanjuancolorado.us)

The San Juan County website stays up to date: [COVID-19 Local Info | San Juan County](#)

For emergency information follow the Office of Emergency Management Facebook Page [Office of Emergency Management, San Juan County Colorado](#)

For Public Health follow the Facebook Page [San Juan County Public Health](#)

For Emergency Alerts sign up for Nixle by texting "81433" to 888-777

### **I don't see my question answered?**

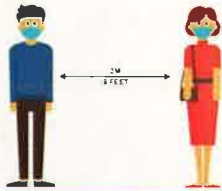
Contact us! 970 387-0242 or email [covid19@sanjuancolorado.us](mailto:covid19@sanjuancolorado.us) or [pio@sanjuancolorado.us](mailto:pio@sanjuancolorado.us)



# PUBLIC HEALTH ORDER

## 2020-04

**IN SAN JUAN COUNTY COLORADO :**



**I WILL MAINTAIN 6 FEET  
OF SOCIAL DISTANCE.**



**I WILL WASH MY HANDS  
OFTEN.**



**I WILL COVER MY FACE IN  
PUBLIC.**



**I WILL STAY HOME WHEN I  
AM SICK.**



**I WILL GET TESTED  
IMMEDIATELY IF I HAVE  
SYMPTOMS.**

**SAN JUAN COUNTY  
PUBLIC HEALTH**

*preventive health at its peak*

SAN JUAN COUNTY

"Experience a

*Silverton Safe  
Summer."*





Welcome!

# Face Coverings are Required in San Juan County Colorado

Public Health Order 2020-04



THANK YOU FOR  
HELPING KEEP  
SILVERTON  
BUSINESSES OPEN

SAN JUAN COUNTY  
PUBLIC HEALTH

SILVERTON

"Experience a  
*Silverton Safe*  
Summer!"







SAN JUAN COUNTY  
PUBLIC HEALTH

*preventive health at its peak*

2020-04

Experience a  
*Silverton Safe*  
Summer"



# Welcome!

## Face Coverings are Required in San Juan County Colorado



**#DoingMyPartCO**

STOPPING THE SPREAD OF COVID-19 IN COLORADO

### Public Health Order 2020-04



RESOLUTION 2020-06

A RESOLUTION OF THE SAN JUAN COUNTY BOARD OF COUNTY COMMISSIONERS IMPLEMENTING AN IMMEDIATE FIRE BAN

WHEREAS, the Board of County Commissioners of San Juan County is empowered under C.R.S. 30-11-107 (1) (e), to provide for the management of the business and concerns of the County; and

WHEREAS, pursuant to C.R.S. 30-15-401 (n.5), the Board of County Commissioners of San Juan County has the power to adopt an ordinance to ban open fires to a degree and in a manner that is deemed necessary to reduce the danger of wildfires; and

WHEREAS, the Board of County Commissioners of San Juan county has received competent evidence that there exists within the unincorporated areas of San Juan County a high danger of forest of grass fires; and

WHEREAS, the Board of County Commissioners of San Juan County have received a request from the San Juan County Sheriff acting as the Fire Marshall to impose a county-wide fire ban; and

WHEREAS, the enactment of this Resolution is necessary for the immediate preservation of the public health, safety and welfare.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, COLORADO;

1. That a fire ban is necessary to reduce the danger of wildfires within all private land in the unincorporated areas of San Juan County.
2. That a fire ban prohibiting open burning within all private land in the unincorporated areas of San Juan County and within all land owned by San Juan County is hereby enacted.
3. That the fire ban is hereby proclaimed to be implemented on June 10, 2020 Stage I Fire Restrictions to prohibit the follow acts:
  - I. Building, maintaining, attending or using a campfire or other type of fire is limited to permanent fire rings or grates within a developed campground or a commercially constructed grill.
  - II. Smoking is allowed only inside a vehicle, a building or a 3" wide area cleared of all vegetation.

- III. Chainsaws and other internal-combustion engines must have approved, work spark arresters.
- IV. Welding or use of acetylene and other torches with an open flame is prohibited.
- V. Use of explosives is prohibited including fireworks, blasting caps or any incendiary device, which may result in the ignition of flammable material. Commercial, professional and municipal fireworks displays are allowed if specific written approval has been granted by the San Juan County Sheriff.

4. That the fire ban shall remain in effect until the following occurs:

The Sheriff, acting as Fire Marshall, or the Fire Chiefs of the affected districts shall request in writing that the fire ban be removed from all or part of their various jurisdictions.

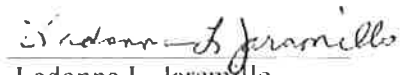
READ, PASSED AND ADOPTED this 10<sup>th</sup> day of June, 2020 by the Board of Commissioners of San Juan County, Colorado.

  
Peter C. McKay, Chair

  
Scott Fatchenhier

  
Ernest F. Kullamn

Attest:

  
Ladonna L. Jaramillo  
Clerk and Recorder

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READ, PASSED AND ADOPTED this 10<sup>th</sup> day of June, 2020 by the Board of Commissioners of San Juan County, Colorado.



Peter C. McKay, Chair




Scott Fetchenhier



Ernest F. Kuhlmann

Attest:



Ladonna L. Jaramillo  
Clerk and Recorder

# SAN JUAN COUNTY, CO STAGE 1 FIRE RESTRICTIONS

As of May 28, 2020, the following acts are  
**prohibited until further notice:**



- 1** Building, maintaining, attending, or using a fire, campfire, coal, or wood burning stove, any type of charcoal fueled broiler or open fire of any type in undeveloped areas.



- 2** Smoking, except within an enclosed vehicle or building, in a developed recreation site or while stopped in an area at least 3 feet in diameter that is barren or cleared of all flammable vegetation.



- 3** Using explosive material: fireworks, blasting caps or any incendiary device which may result in the ignition of flammable material.



- 4** Welding, or operating acetylene or other similar torch with open flame



- 5** Operating or using any internal combustion engine without a spark arresting device properly installed, maintained and in effect working order meeting either:

- a. Department of Agriculture, Forest Service Standard 5100-1a;  
or
- b. Appropriate Society of Automotive Engineers (SAE)  
recommended practice J335(b)







Department of Social Services  
 Phone 970-387-5631 \* Fax 970-387-5326  
 Martha Johnson, Director  
 5/31/2020

Date 6/25/2020 Transmittal # 5

<b>Administrative Payroll</b>	Payroll 5/20	\$7,272.26
<b>Child Care</b>	Payroll 5/20	\$ -
<b>Colorado Works</b>	Payroll 5/20	\$ 392.00
<b>LEAP</b>	Payroll 5/20	\$ 700.00
<b>Old Age Pension</b>	Payroll 5/20	\$ 32.00
<b>AND</b>	Payroll 5/20	\$ -
<b>TOTAL</b>		<u><u>\$ 8,396.26</u></u>

I, MARTHA JOHNSON, Director of Social Services of San Juan County of Colorado, hereby certify that the payrolls listed above are available for inspection and have been paid to the payees listed.

*Martha Johnson*  
 MARTHA JOHNSON

7/6/2020

I, PETER C MCKAY, Chairman of the San Juan County Board of Commissioners, hereby certify that the payments as set forth above have this date been approved and warrants in payment thereof issued upon the Social Services Fund.

PETER C MCKAY

**San Juan County Report of Activities through May-2020**  
**COUNTY BUDGET 1/1/2020 THRU 12/31/2020**  
**5/31/2020**

Program Desc	Allocation	Y-T-D	Balance	% Budget YTD	% Year
<b>Child Support Expenditures</b>	\$ 2,000.00	\$ 40.74	\$ 1,959.26	2.04%	42%
Revenues	\$ 1,390.00	\$ 26.10	\$ 1,363.90	1.88%	42%
County Share	\$ 610.00	\$ 14.64	\$ 595.36	2.40%	42%
<b>Medicaid Transportation</b>	\$ 5,000.00	\$ -	\$ 5,000.00	0.00%	42%
Revenues	\$ 5,000.00	\$ -	\$ 5,000.00	0.00%	42%
County Share	\$ -	\$ -	\$ -	0.00%	42%
<b>Child Care Expenditures</b>	\$ 8,525.00	\$ 1,354.81	\$ 7,170.19	15.89%	42%
Revenues	\$ 6,820.00	\$ 1,022.71	\$ 5,797.29	15.00%	42%
County Share	\$ 1,705.00	\$ 332.10	\$ 1,372.90	19.48%	42%
<b>Child Welfare Expenditures</b>	\$ 42,648.00	\$ 6,683.00	\$ 35,965.00	15.67%	42%
Revenue	\$ 34,706.00	\$ 5,748.92	\$ 28,957.08	16.56%	42%
County Share	\$ 7,942.00	\$ 934.08	\$ 7,007.92	11.76%	42%
<b>Leap Administration</b>	\$ 1,500.00	\$ -	\$ 1,500.00	0.00%	42%
Revenue	\$ 1,500.00	\$ -	\$ 1,500.00	0.00%	42%
County Share	\$ -	\$ -	\$ -	0.00%	42%
<b>Colorado Works Expenditures</b>	\$ 44,697.00	\$ 6,700.93	\$ 37,996.07	14.99%	42%
Revenue	\$ 35,758.00	\$ 3,949.33	\$ 31,808.67	11.04%	42%
County Share	\$ 8,939.00	\$ 2,751.60	\$ 6,187.40	30.78%	42%
<b>Regular Administration</b>	\$ 55,000.00	\$ 19,155.47	\$ 35,844.53	34.83%	42%
Revenue	\$ 44,000.00	\$ 15,788.64	\$ 28,211.36	35.88%	42%
County Share	\$ 11,000.00	\$ 3,366.83	\$ 7,633.17	30.61%	42%
<b>CORE Services</b>	\$ 24,000.00	\$ 6,000.00	\$ 18,000.00	25.00%	42%
Revenue	\$ 23,255.20	\$ 6,000.00	\$ 17,255.20	25.80%	42%
County Share	\$ 744.80	\$ -	\$ 744.80	0.00%	42%
<b>Old Age Pension</b>	\$ 2,000.00	\$ 724.93	\$ 1,275.07	36.25%	42%
Revenue	\$ 2,000.00	\$ 724.93	\$ 1,275.07	36.25%	42%
County Share	\$ -	\$ -	\$ -	0.00%	42%
<b>Adult Protection</b>	\$ 3,530.00	\$ 892.20	\$ 2,637.80	25.27%	42%
Revenue	\$ 2,824.00	\$ 713.75	\$ 2,110.25	25.27%	42%
County Share	\$ 706.00	\$ 178.45	\$ 527.55	25.28%	42%
<b>Special Projects</b>	\$ 14,000.00	\$ -	\$ 14,000.00	0.00%	42%
Revenue	\$ 14,000.00	\$ -	\$ 14,000.00	0.00%	42%
County Share	\$ -	\$ -	\$ -	0.00%	42%
<b>General Assist</b>	\$ 500.00	\$ -	\$ 500.00	0.00%	42%
<b>TOTAL EXPEND</b>	<b>\$ 179,400.00</b>	<b>\$ 41,552.08</b>	<b>\$ 143,847.92</b>	<b>23.16%</b>	<b>42%</b>
<b>TOTAL REVENUE</b>	<b>\$ 147,998.00</b>	<b>\$ 33,974.38</b>	<b>\$ 120,023.62</b>	<b>22.96%</b>	<b>42%</b>
<b>TOTAL COUNTY</b>	<b>\$ 30,696.00</b>	<b>\$ 7,577.70</b>	<b>\$ 23,824.30</b>	<b>24.69%</b>	<b>42%</b>

Total county is different from budget because this spreadsheet does not include taxes collected

**\*STATE FISCAL YEAR\***

State budget 7/1/2019 thru 6/30/2020

CATEGORY:	Allocation	M-T-D	Y-T-D	Balance	% of budget
REGULAR ADMIN	\$132,715.00	\$3,255.41	\$42,968.27	\$89,746.73	32.38% 92%
COLORADO WORKS	\$44,697.00	\$1,288.95	\$23,257.82	\$21,439.18	52.03% 92%
CHILD CARE	\$8,526.00	\$233.22	\$6,923.01	\$1,602.99	81.20% 92%
80/20 CHILD WELFARE	\$38,296.60	\$531.28	\$12,887.92	\$25,408.68	33.65% 92%
100%CHILD WELFARE	\$2,937.00	\$2,001.41	\$4,427.64	(\$1,490.64)	150.75% 92%
ADULT PROTECTION	\$3,530.00	\$51.33	\$2,132.31	\$1,397.69	60.41% 92%
CORE SERVICES	\$24,626.00	\$0.00	\$18,000.00	\$6,626.00	73.09% 92%
GENERAL ASSISTANCE	\$500.00	\$0.00	\$0.00	\$500.00	0.00% 92%
<b>TOTALS</b>	<b>\$255,827.60</b>	<b>\$7,361.60</b>	<b>\$110,596.97</b>	<b>\$145,230.63</b>	<b>43.23% 92%</b>

# La Plata County Monthly SJC Charges

**Month:** May-20  
**From:** La Plata County Department of Human Services  
**Invoice No.:** 43982

Category	State Code	Munis	Quickbook Code	Hours	Wages
<b>Child Support:</b>	9100.8000.61910	1347204	444.052	0.25	\$ 7.96
	Contract Pymnts				
<b>Administrative:</b>	0500.7000.61910	1347604	444.000	19.25	\$ 1,069.67
	Contract Pymnts				
<b>Income Maintenance:</b>	3350.4010.61910	1347604	444.000	1.00	\$ 35.55
	Contract Pymnts				
<b>Child Care</b>	3150.2300.61910	1347104	444.183	0.00	\$ -
	Contract Pymnts				
<b>Adult Protection</b>	X260.1010.61910	1347004	444.260	0.00	\$ -
	Contract Pymnts				
<b>Adult Protection</b>	P260.1012.65791	1347104	444.260	0.00	\$ -
	Client Benefits				
<b>Colorado Works:</b>	I850.4210.61910	1347704	444.420	0.00	\$ -
	Contract Pymnts				
<b>Child Welfare 100</b>	3200.1220.61910	1347304	444.068	0.00	\$ -
	Comm Services				
<b>1/12th Core Services Allocation</b>	3200.1210.61910	13473040	444.068		\$ 2,000.00
	Purch Administrative Serv				
<b>CSBG grant food purchase</b>		1347604	444.100	0.00	\$ -
<b>Summit Training room paid by La Plata County</b>				0.00	\$ -
<b>Attorney Hours</b>	Code on invoice			0.00	\$ -
<b>4 Hot Line Calls at \$22.00 each</b>				0.00	\$ -
<b>TOTAL</b>				<b>20.50</b>	<b>\$ 3,113.18</b>

**La Plata County Monthly SJC Charges**

**May-20**

**Hourly wages for San Juan County**

**Prepared by: Emma Martin**

<b>Employee #</b>	<b>Employee</b>	<b>State Code</b>	<b>Category</b>	<b>Hours</b>	<b>Benefit \$</b>	<b>Salary \$</b>	<b>Total</b>
6878	Emma Martin	0500.7000.61910	Administrative	10.00	\$ 11.32	\$ 31.76	\$ 430.80
6656	Katie Hott	3350.4010.61910	Income Maint	1.00	\$ 7.82	\$ 27.73	\$ 35.55
6293	Lisa Sage-Lowe	9100.8000.61910	Child Support	0.25	\$ 9.96	\$ 21.89	\$ 7.96
5453	Martha Johnson	0500.7000.61910	Administrative	8.25	\$ 16.71	\$ 57.25	\$ 610.17
6928	Stephanie Jones	0500.7000.61910	Administrative	1.00	\$ 6.98	\$ 21.72	\$ 28.70
<b>Total</b>				<b>20.50</b>			<b>\$ 1,113.18</b>

# San Juan County Dept Of Human Services Transaction List by Vendor

Date	Num	Name	Memo	Account	Clr	Split	Debit	Credit
05/31/2020	MAY Payroll		MAY Payroll	101.1 - CASH- DSS FUND	-SPLIT-			1,783.57
05/31/2020	MAY Payroll		MAY Payroll	444.000 - EXPENSE-ADMINISTRATION	101.1 - CASH- DSS FUND		1,503.29	
05/31/2020	MAY Payroll		MAY Payroll	444.045 - EXPENSE-LEAP ADMIN	101.1 - CASH- DSS FUND		19.11	
05/31/2020	MAY Payroll		MAY Payroll	444.420 - EXPENSE-CO WORKS/TANF	101.1 - CASH- DSS FUND		261.17	
05/31/2020	11532	The Silverton Standard		101.1 - CASH- DSS FUND	-SPLIT-			192.00
05/31/2020	11532	The Silverton Standard	Yearly Renewal for newspaper *0500.7000.63121	444.000 - EXPENSE-ADMINISTRATION	101.1 - CASH- DSS FUND		48.00	
05/31/2020	11532	The Silverton Standard	LEAP ad for May 2020 *L300.5200	444.045 - EXPENSE-LEAP ADMIN	101.1 - CASH- DSS FUND		80.00	
05/31/2020	11532	The Silverton Standard	LEAP ad for June 2020 *L300.5200	444.045 - EXPENSE-LEAP ADMIN	101.1 - CASH- DSS FUND		64.00	
05/31/2020	11533	LA PLATA COUNTY DEPT OF HUMAN SERVICES	May 2020 Payment	101.1 - CASH- DSS FUND	-SPLIT-			3,113.18
05/31/2020	11533	LA PLATA COUNTY DEPT OF HUMAN SERVICES	CS May 2020 Payment *9100.8000.61910	444.052 - EXPENSE-CHILD SUPPORT	101.1 - CASH- DSS FUND		7.96	
05/31/2020	11533	LA PLATA COUNTY DEPT OF HUMAN SERVICES	Admin May 2020 Payment *0500.7000.61910	444.000 - EXPENSE-ADMINISTRATION	101.1 - CASH- DSS FUND		1,069.67	
05/31/2020	11533	LA PLATA COUNTY DEPT OF HUMAN SERVICES	IM May 2020 Payment *3350.4010.61910	444.000 - EXPENSE-ADMINISTRATION	101.1 - CASH- DSS FUND		35.55	
05/31/2020	11533	LA PLATA COUNTY DEPT OF HUMAN SERVICES	1/12 Core May Payment *3200.1210.61910	444.068 - EXPENSE-CHILD WELFARE 100%	101.1 - CASH- DSS FUND		2,000.00	
05/31/2020	11534	SAN JUAN COUNTY	May 2020 Payment	101.1 - CASH- DSS FUND	-SPLIT-			2,183.51
05/31/2020	11534	SAN JUAN COUNTY	May 2020 Payment Net & Gross Plus Fringe	444.000 - EXPENSE-ADMINISTRATION	101.1 - CASH- DSS FUND		1,840.39	
05/31/2020	11534	SAN JUAN COUNTY	May 2020 Payment Leap *111.L300.5200	444.045 - EXPENSE-LEAP ADMIN	101.1 - CASH- DSS FUND		23.39	
05/31/2020	11534	SAN JUAN COUNTY	May 2020 Payment CO Works	444.420 - EXPENSE-CO WORKS/TANF	101.1 - CASH- DSS FUND		319.73	

**7,272.26   7,272.26**



# STATE OF COLORADO INTERGOVERNMENTAL AGREEMENT

## COVER PAGE

<b>State Agency</b> The Colorado Department of Health Care Policy and Financing	<b>Contract Number</b> 2021CMIP057		
<b>Contractor</b> San Juan County	<b>Contract Performance Beginning Date</b> The later of the Effective Date or July 1, 2020		
<b>Contract Maximum Amount</b> Initial Term  <div style="text-align: center;">                     State Fiscal Year 2021                      \$6,072.29                 </div>	<b>Initial Contract Expiration Date</b> June 30, 2021		
<b>Contract Authority</b> Authority to enter into this Contract exists in C.R.S. §25.5-1-101 et. seq. and 10 CCR 2505-10 et. seq.			
<b>Contract Purpose</b>  The purpose of this Contract is to create performance-based benchmarks and deliverables for county departments of human/social services to achieve certain performance standards related to County Administration, Medical Assistance Eligibility and cooperation with other Medical Assistance-related entities.			
<b>Exhibits and Order of Precedence</b> The following Exhibits and attachments are included with this Contract: <ol style="list-style-type: none"> <li>1. Exhibit A – Statement of Work</li> <li>2. Exhibit B – Rates</li> <li>3. Exhibit C – Small, Medium and Large County List</li> <li>4. Exhibit D – Sample Option Letter</li> </ol> <p>In the event of a conflict or inconsistency between this Contract and any Exhibit or attachment, such conflict or inconsistency shall be resolved by reference to the documents in the following order of priority:</p> <ol style="list-style-type: none"> <li>1. Colorado Special Provisions in §0 of the main body of this Contract.</li> <li>2. The provisions of the other sections of the main body of this Contract.</li> <li>3. Exhibit A, Statement of Work.</li> <li>4. Exhibit D, Sample Option Letter.</li> </ol>			
<b>Principal Representatives</b> <table style="width: 100%;"> <tr> <td style="width: 50%;">                             For the State:                              Joshua Montoya                              Department of Healthcare Policy and Financing                              Policy, Communications &amp; Administration Office                              1570 Grant Street                              Denver, CO 80203                              Joshua.montoya@state.co.us                         </td> <td style="width: 50%;">                             For Contractor:                              Martha Johnson                              San Juan County                              10 Burnett Court, First Floor                              Durango, CO                              81301                              Martha.johnson@co.laplata.co.us                         </td> </tr> </table>		For the State: Joshua Montoya Department of Healthcare Policy and Financing Policy, Communications & Administration Office 1570 Grant Street Denver, CO 80203 Joshua.montoya@state.co.us	For Contractor: Martha Johnson San Juan County 10 Burnett Court, First Floor Durango, CO 81301 Martha.johnson@co.laplata.co.us
For the State: Joshua Montoya Department of Healthcare Policy and Financing Policy, Communications & Administration Office 1570 Grant Street Denver, CO 80203 Joshua.montoya@state.co.us	For Contractor: Martha Johnson San Juan County 10 Burnett Court, First Floor Durango, CO 81301 Martha.johnson@co.laplata.co.us		

**SIGNATURE PAGE**

**THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT**

Each person signing this Contract represents and warrants that the signer is duly authorized to execute this Contract and to bind the Party authorizing such signature.

<p><b>CONTRACTOR</b> San Juan County</p> <p>_____</p> <p>By: Martha Johnson</p> <p>Date: _____</p>	<p><b>STATE OF COLORADO</b> Jared S. Polis, Governor Health Care Policy and Financing Kim Bimestefer, Executive Director</p> <p>_____</p> <p>By: Kim Bimestefer, Executive Director</p> <p>Date: _____</p>
<p>2nd State or Contractor Signature if Needed</p> <p>_____</p> <p>By: Peter C. McKay, Chair of San Juan County Board of County Commissioners</p> <p>Date: _____</p>	<p><b>LEGAL REVIEW</b> Philip J. Weiser, Attorney General</p> <p>By: _____</p> <p>Assistant Attorney General</p> <p>Date: _____</p>
<p>In accordance with §24-30-202, C.R.S., this Contract is not valid until signed and dated below by the State Controller or an authorized delegate.</p> <p><b>STATE CONTROLLER</b> <b>Robert Jaros, CPA, MBA, JD</b></p> <p>By: _____</p> <p>Health Care Policy and Financing</p> <p>Effective Date: _____</p>	





Willy Tookey &lt;admin@sanjuancolorado.us&gt;

**FW: Sheep Grazing in Eureka Gulch**

2 messages

**Ryan T. Bennett** <rtbenn@comcast.net>

Sun, Jun 21, 2020 at 6:10 PM

To: sfetchenhier@aol.com

Cc: admin@sanjuancolorado.us, sjcom.fetch@gmail.com, commckay@hotmail.com, solkepler@gmail.com

Scott,

Not surprising, but I have had no response from the BLM regarding this matter. Maybe they have yet to figure out that they are not immune to this issue given the work that they are doing on sites located on public lands. Nevertheless, I have been doing some thinking. You will recall that the county needs to adopt an ordinance (I am looking at 2019-01, which appears to be draft) for the regulation of environmental remediation matters within the Bonita Peak Superfund Site. This ordinance is obviously designed to protect and preserve remedial work done at each of the sites. Could the county not include a provision which prohibited grazing on these sites? Now I know that Colorado has antiquated and impractical grazing laws (which the BLM likes to hide behind), but I would like to think that this is not a matter of grazing law. We also all know that it is utterly impossible to erect a fence in the San Juan County alpine environment (tried that 25 years ago at the Ben Franklin and it didn't last a year). Thus the only way to manage this issue is to make it illegal to knowingly graze on privately owned CERCLA sites.

I also reference an article from the Durango newspaper which is quite interesting. <https://durangoherald.com/articles/72717>. In essence "There is a second section to the fence statute (CRS 35-46-102). The second part says that a landowner can get trespass damages if the livestock owner grazes animals where he knows he has no permission to do so, even in the absence of a fence." The case it refers to occurred in Archuleta County. A worthwhile read.

Obviously we don't want to have sheep destroy the good work that is occurring in the BPMD. I am happy to chat about. Time is of the essence as I am told that the sheep (and accompanying flies) are likely to arrive around July 6.

Regards,

Ryan

**From:** Ryan T. Bennett <rtbenn@comcast.net>**Sent:** Thursday, June 11, 2020 11:05 AM**To:** tdevaloi@blm.gov; ewaters@blm.gov; jlovelac@blm.gov**Cc:** 'Richardson, Lisa D' <lmerrill@blm.gov>; 'Brown - DNR, Kirstin' <kirstin.brown@state.co.us>; mmedina@blm.gov; kdoebble@blm.gov**Subject:** Sheep Grazing in Eureka Gulch

Dear Tara,

By way of introduction my name is Ryan Bennett and I am the Manager of San Juan Land Holding Company, LLC ("SJLHC"). SJLHC owns roughly 3,200 acres of patented mining claims in San Juan County through a number of wholly

owned subsidiaries. These claims are held for the purpose of historic and alpine tundra preservation.

As you may be aware, a number of mines have been identified as part of EPA's Bonita Peak Mining District CERCLA site. One of these sites is known as the Ben Franklin Mine in Eureka Gulch. The owner, Eureka Gulch Properties LLC, a subsidiary of SJLHC has entered into an administrative agreement and order on consent ("ASAOC") with the EPA. As part of the ASAOC and in conjunction with CDRMS, certain reclamation activities occurred on this site last year (I had notified Andy Welsh of this at the time and I believe he communicated that back to the Gunnison office). A key activity included the revegetation of the site. Given that sheep grazing season is once again approaching, I want to make sure that you are aware of this and that Mr. Etchart respects the work that has been done on this site, keeping his sheep well away from the Ben Franklin mine, if he is grazing Eureka Gulch. I think that you can agree that we do not need the vegetation destroyed in this fragile environment.

I note that in the "Environmental Impact Statement for Domestic Sheep Grazing Permit Renewals" DOI-BLM-CO-S060-2014-0001-EIS dated December 2019 page 4, permit renewals will be considered for Picayne-Mineral Point and Eureka allotments in 2020. Being a significant landowner in these allotments, SJLHC would like to know what will be taken into consideration in their renewals and what input will be sought from stakeholders (on that note, please register SJLHC as an interested party)? SJLHC would also like to know what analysis has been done to understand the potential release of heavy metals into the environment as the result of sheep grazing in naturally heavily mineralized alpine environments?

Regards,

Ryan T. Bennett

Manager

San Juan Land Holding Company, LLC

Mobile – 720-319-1240

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**Ryan T. Bennett** <rtbenn@comcast.net>

Wed, Jul 1, 2020 at 5:12 PM

To: "Waters, Elijah" <EWaters@blm.gov>

Cc: "Kay, Ryan M" <rmkay@blm.gov>, "De Valois, Tara M" <tdevaloi@blm.gov>, "Richardson, Lisa" <lrichard@blm.gov>

Mr. Waters,

I apologize for not responding sooner as I was relocating to our residence in Silverton for the remainder of the summer. I appreciate your response and understand that sheep continue to be a challenging issue in San Juan County.

As to the EIS I referred to below, I understand that the Picayne-Mineral Point and Eureka allotments were not considered in this analysis. Is it correct that the last EA (Silverton Landscape Grazing Analysis) which considered these allotments was conducted in 2009? How often is an environmental assessment of grazing allotments required?

I am glad to hear that the BLM has similar concerns around potential sheep impact to the reclamation activities which are being conducted as part of the BPMD. I think we would all like to see the cleanup (where necessary) completed as expeditiously as possible.

I am familiar with CRS 35-46-102. What people tend to disregard is subsection (2) of the statute. Subsection (2) outlines two exceptions to the "lawful fence" bar to recovery provided in subsection (1). If a person (1) overstocks unenclosed land on which he has permission to release livestock, and those livestock trespass on the lands of another in search of water or food, or (2) stocks livestock upon land when he has no right to do so and the livestock grazes on that land, the person "shall be deemed a trespasser and shall be liable in damages and subject to injunction."

The Fence Law is not a license for sheep owners to graze their animals anywhere they please. Rather, the statute provides a defense to liability for damages caused by a non-willful trespass; it does not eliminate the underlying trespass or injury. Courts have recognized a common law action for willful trespass by livestock since the earliest iterations of the Fence Law. A willful trespass occurs where a person conducts sheep onto land despite knowledge that he has no right to pasture livestock on that land. The Colorado supreme court has recognized that the Fence Law does not protect livestock owners who deliberately pasture their livestock on unenclosed lands of another, particularly when done against the owner's will.

After several decades of observation (much of it documented with photographs), I would suggest that those grazing the two aforementioned allotments have consistently violated subsection (2). It is logical to assume that one of the reasons for them to consistently graze private property (as they do have knowledge of private property and its location within the allotments) is that the sheep are being grazed at a density that requires them to seek food and water on such property. Additionally, they simply have no right to graze the private property. Historically, the BLM has been notified of this. To be clear, San Juan Land Holding Company, LLC ("SJLHC") will be notifying both parties that they have no right to pasture sheep on lands held by subsidiaries of SJLHC.

My immediate concern is that sheep are not grazed on the Ben Franklin mine site as it has been recently revegetated. I believe that Lisa has alerted Mr. Etchart and I am appreciative of the BLM doing this. Furthermore, given the environmental impact, SJLHC does not want nor will it allow grazing on any of its properties.

I am happy to discuss this matter further if you believe it to be beneficial.

Regards,

Ryan

Ryan Bennett

Manager

San Juan Land Holding Company, LLC

Cell- 720-319-1240

**From:** Waters, Elijah

**Sent:** Thursday, June 25, 2020 3:51 PM

**To:** Ryan T. Bennett <rtbenn@comcast.net>

**Cc:** Kay, Ryan M <rmkay@blm.gov>; De Valois, Tara M <tdevaloi@blm.gov>

**Subject:** Re: [EXTERNAL] RE: Sheep Grazing in Eureka Gulch

Mr. Bennett,

Thanks for contacting us. My apologies for the delayed response.

This is a complex issue. The sheep permits that are part of the aforementioned EIS are in the final stages of a decision. The issues for detailed analysis were identified through a public scoping process. The "potential release of heavy metals into the environment as the result of sheep grazing in naturally heavily mineralized alpine environments" was not identified at the time as an issue for detailed analysis.

The others allotments that you mention (Picayne-Mineral Point and Eureka) were renewed in March of 2020.

I appreciate your observation of of domestic sheep potentially compromising restoration efforts. This has also been pointed out by staff. We are absolutely committed to the cleanup of the BPMD sites that we are responsible for. We will be working through this to ensure success. I'm not sure what that will ultimately look like, but options considered will be better communication, timing, avoidance, and temporary electric fencing.

As for private property, the state of Colorado is a "fence out" state. This means that it is the landowner's responsibility to prevent unwanted livestock from coming on to private land. If you communicate your areas of concern, I am happy to pass that along to permittees, but to make that a condition of their permit would be contrary to state law. You mention Mr. Etchhart. From a BLM perspective, he is a model permittee and I feel like he would be receptive to suggestions.

If you have any additional questions, feel free to contact us.

Thanks,

Elijah

Elijah Waters

Gunnison Field Manager

BLM Colorado

Interior Region 7

o-970-642-4941

c-970-570-0042

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**From:** Ryan T. Bennett <rtbenn@comcast.net>

**Sent:** Monday, June 22, 2020 8:38 AM

**To:** De Valois, Tara M <tdevaloi@blm.gov>; Waters, Elijah <EWaters@blm.gov>; Lovelace, James F <jlovelac@blm.gov>

**Cc:** Merrill, Lisa D <lmerrill@blm.gov>; 'Brown - DNR, Kirstin' <kirstin.brown@state.co.us>; Medina, Marnie

<mmedina@blm.gov>; Doebbler, Krista A <kdoebble@blm.gov>; mark.rudolph@state.co.us <mark.rudolph@state.co.us>

**Subject:** [EXTERNAL] RE: Sheep Grazing in Eureka Gulch

Dear Tara,

As I have not had a response to my email, I am wondering if I have sent it to the correct person. If I haven't, could you please direct me to the proper person? If I have, I would certainly appreciate a response. I would hope that the BLM understands that it is not immune to the issue of sheep grazing on public land BPMD sites. It would be a shame that the work that the BLM has done could be damaged by sheep.

[Quoted text hidden]





Willy Tookey &lt;admin@sanjuancolorado.us&gt;

**OHVs**

1 message

**Ryan T. Bennett** <rtbenn@comcast.net>

Fri, Jul 3, 2020 at 10:39 AM

To: commckay@hotmail.com, sjcom.fetch@gmail.com, admin@sanjuancolorado.us

Cc: sfetchenhier@aol.com, sjcsheriff@frontier.net

Dear Commissioners,

Listening to the incessant whine of OHVs today from our house (I can only imagine how bad it is in our backcountry), it reminded me of a photo (attached) I took several weeks ago in Park County. I was wondering why San Juan County couldn't do something sensible like this? I did note the sign at 22A. That is a good start.

Regards,

Ryan Bennett

**IMG\_20200608\_0949579.jpg**  
5747K











Willy Tookey <admin@sanjuancolorado.us>

# FW: Interior Distributes More than \$514 Million to Communities, Supports Critical Local Services

1 message

**Whitney, John (Bennet)** <John\_Whitney@bennet.senate.gov>  
To: "Whitney, John (Bennet)" <John\_Whitney@bennet.senate.gov>

Mon, Jun 29, 2020 at 5:05 PM

Here is the press release from DOI with the official announcement of this year's PILT payment. The link at the bottom of this email will take you to a full list of funding by county. This is the funding that was approved in last year's final appropriation bill passed just before Christmas last year. Thanks and please let me know if you have any questions.

**John Whitney** | Western Slope Regional Director

U.S. Senator Michael F. Bennet | 970-903-4467 cell

Having trouble viewing this email? [View it as a Web page.](#)



**Date:** Monday, June 29, 2020

**Contact:** [Interior\\_Press@ios.doi.gov](mailto:Interior_Press@ios.doi.gov)

## Interior Distributes More Than \$514 Million to Communities, Supports Critical Local Services

*1,900 local governments receive Payments in Lieu of Taxes*

**WASHINGTON** – U.S. Secretary of the Interior David L. Bernhardt announced today that more than 1,900 local governments around the country will receive \$514.7 million in Payments in Lieu of Taxes (PILT) funding for 2020.

“This year’s distribution of \$514.7 million to more than 1,900 counties will help small towns pay for critical needs like emergency response, public safety, public schools, housing, social services, and infrastructure,” **said Secretary Bernhardt.**

PILT payments are made annually for tax-exempt Federal lands administered by U.S. Department of the Interior (DOI) agencies including the Bureau of Land Management (BLM), the National Park Service (NPS), the U.S. Fish and Wildlife Service (FWS), for lands administered by the U.S. Department of Agriculture’s U.S. Forest Service (USFS); and for Federal water projects and some military installations.

Using a statutory formula, the annual PILT payments to local governments are computed based on the number of acres of Federal land within each county or jurisdiction and on the population of that county or jurisdiction. The lands include the national forest and national park systems; lands in the FWS Refuge System; areas managed by the BLM and U.S. Army Corps of Engineers, respectively; U.S. Bureau of Reclamation water resource development projects; and others.

Since PILT payments began in 1977, DOI has distributed over \$9.7 billion dollars to States and the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands.

DOI collects more than \$13.2 billion in revenue annually from commercial activities on public lands, such as oil and gas leasing, livestock grazing, and timber harvesting. A portion of these revenues are shared with States and counties. The balance is deposited in the U.S. Treasury, which in turn pays for a broad array of Federal activities, including PILT funding.

Individual county payments may vary from year to year as a result of changes in acreage data, which is updated annually by the Federal agency administering the land; prior-year Federal revenue sharing payments reported annually by the Governor of each State; and population data, which is updated using information from the U.S. Census Bureau.

Federal revenue sharing payments are made to local governments under programs other than PILT during the previous fiscal year, including payments such as those made under the Bankhead-Jones Farm Tenant Act, the Refuge Revenue Sharing Fund, the National Forest Fund, the Taylor Grazing Act, the Mineral Leasing Act, the Federal Power Act, and the Secure Rural Schools and Community Self-Determination Act of 2000, as authorized.

Under the law, local officials retain the authority to allocate these funds. However, as President Donald J. Trump’s Executive Order on “Protecting American Monuments, Memorials, and Statues and Combating Recent Criminal Violence,” highlighted, “[o]ver the last 5 weeks, there has been a sustained assault on the life and property of civilians, law enforcement officers, government property, and revered American monuments such as the Lincoln Memorial.” Much of this destruction is taking place on historic landmarks that populate the very lands that are receiving PILT payments. These symbols of American exceptionalism greatly contribute to the value of the public lands the Department maintains.

Like other monuments and landmarks, these pieces represent unique aspects of our storied history. Their cultural and economic contributions to local residents and institutions is undeniable and should be protected. Consistent with the Executive Order and applicable law, “it is the policy of the United States, to withhold Federal support tied to public spaces from State and local governments that have failed to protect public monuments, memorials, and statues from destruction or vandalism.” Any recipient of funding pursuant to this program agrees they will enforce the rule of law and defend these important public monuments, memorials, and statues.

A full list of funding by State and county is available at [www.doi.gov/pilt](http://www.doi.gov/pilt).

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## About the U.S. Department of the Interior

The Department of the Interior conserves and manages the Nation's natural resources and cultural heritage for the benefit and enjoyment of the American people, provides scientific and other information about natural resources and natural hazards to address societal challenges and create opportunities for the American people, and honors the Nation's trust responsibilities or special commitments to American Indians, Alaska Natives and affiliated island communities to help them prosper.



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 **Enclosure 1- 1920 SummaryByState.pdf**  
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## Summary of State &amp; Counties - CO

COUNTY	PAYMENT	TOTAL ACRES
ALAMOSA COUNTY	\$202,569	78,142.00
ARAPAHOE COUNTY	\$1,843	4,609.00
ARCHULETA COUNTY	\$1,220,923	434,403.00
BACA COUNTY	\$558,600	204,756.00
BENT COUNTY	\$59,471	21,385.00
BOULDER COUNTY	\$404,209	163,564.00
CHAFFEE COUNTY	\$1,372,649	503,124.00
CLEAR CREEK COUNTY	\$337,503	169,656.00
CONEJOS COUNTY	\$1,230,543	500,903.00
COSTILLA COUNTY	\$1,203	708.00
CROWLEY COUNTY	\$11,467	4,055.00
CUSTER COUNTY	\$446,989	172,980.00
DELTA COUNTY	\$933,414	404,447.00
DOLORES COUNTY	\$167,029	417,893.00
DOUGLAS COUNTY	\$337,867	144,612.00
EAGLE COUNTY	\$2,405,257	851,544.00
EL PASO COUNTY	\$215,764	100,998.00
FREMONT COUNTY	\$1,199,929	455,254.00
GARFIELD COUNTY	\$3,341,064	1,188,269.00
GILPIN COUNTY	\$107,030	43,079.00
GRAND COUNTY	\$1,762,219	795,930.00
GUNNISON COUNTY	\$1,341,378	1,632,003.00
HINSDALE COUNTY	\$154,413	677,418.00
HUERFANO COUNTY	\$550,465	208,780.00
JACKSON COUNTY	\$205,776	514,832.00
JEFFERSON COUNTY	\$159,473	103,655.00
KIOWA COUNTY	\$26,562	10,552.00
LA PLATA COUNTY	\$920,515	433,092.00
LAKE COUNTY	\$446,204	187,688.00
LARIMER COUNTY	\$1,941,802	806,453.00
LAS ANIMAS COUNTY	\$798,252	302,896.00
LINCOLN COUNTY	\$4,235	2,066.00
LOGAN COUNTY	\$0	0.00
MESA COUNTY	\$3,700,938	1,556,414.00
MINERAL COUNTY	\$147,653	522,278.00
MOFFAT COUNTY	\$968,258	1,672,064.00
MONTEZUMA COUNTY	\$193,028	482,938.00
MONTROSE COUNTY	\$2,727,986	980,482.00

MORGAN COUNTY	\$1,287	3,221.00
OTERO COUNTY	\$477,466	173,894.00
OURAY COUNTY	\$450,233	159,471.00
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PITKIN COUNTY	\$1,593,362	562,951.00
PROWERS COUNTY	\$172	430.00
PUEBLO COUNTY	\$158,399	63,588.00
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SAN JUAN COUNTY	\$98,113	216,843.00
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SUMMIT COUNTY	\$451,092	313,471.00
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TOTAL	\$41,738,943	23,698,103



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PO Box 250  
Silverton, CO 81433

970-387-5522



**SAN JUAN COUNTY**

PO Box 466  
Silverton, CO 81433

970-387-5766

Date: July 5, 2020.

For: July 8 County Commissioners Meeting.

From: Town/County Planning Director.

Regarding: Two Week Update on Town & County Planning Projects.

#### County Projects

- The existing Improvement Permit and Commissioners' requirements were located for a site on CR 14, near Red Mountain Pass, with a permit valid until at least August 9, 2020. The proposed culvert and driveway are being constructed this week, supervised by Building Inspector and the County Road & Bridge Supervisor.
- Inquiry was received about a permit to construct a single family house on a vacant lot in the Know Your Neighbor Subdivision on Lime Creek Road.
- Improvement Permit Application process was described to a new owner of three claims on County Road 20A, and adjacent land owner contact info was provided.
- Assistance provided to a land/cabin owner on County Road 20, regarding the cutting of a dangerous "snag" tree, with the roots rotted out from beetle kill.
- Lot owner in Cole Ranch Subdivision was assisted with contact information for the BLM and EPA regarding the apparent placement of tailings and a staging area on BLM land adjacent to the lot.
- Owner of a mining claim was informed that currently zircons (shipping containers) are not permitted in San Juan County. Current RV camping regulations and the County variance process was described.
- Building Inspector requested the location of the May Day mine in preparation for BLM work.
- Ongoing coordination with Assessor, Administrator, Building Inspector, regarding the current zoning of and assigning of addresses to parcels within the Anvil Mountain Subdivision.
- Improvement Permit Application was received from the owner of a mining claim for a proposed pole mounted solar panel adjacent to an existing cabin.
- Inquiry received from a land buyer regarding three claims, which the Building Inspector found to be located between Black Bear and Porphyry.
- Site visit with Building Inspector to the Cole Ranch Subdivision to observe existing signage. Also we visited Eureka Campground and discussed speeding, dust, traffic, and fire with campground hosts.
- Coordination with Administrator and Applicant regarding the permitting for a Poker Run, in August, in the County, and crossing BLM land.
- Ongoing County work with several County Improvement/Land Use Permit holders, and applicants, with assistance being provided by the Building Inspector.

#### Town Projects

- Meetings included the weekly Town Code Committee, in which we are discussing revisions to the Town's Vacation Rental (VR) and Accessory Dwelling Unit (ADU) Regulations. Planning

Department is making proposed regulation changes each week, which are then reviewed by Admin. Reiter and Bldg. Inspector MacDougall during our weekly Code Committee meetings.

- First meeting of the Town's newly-created Master Plan Committee, with the discussion being selection of two members-at-large. The Town Master Plan Committee consists of Mayor Fuhrman, Planning Commissioner Childs, Town Trustee Wegert, Staff Adair, plus two TBD members-at-large.
- Town Personnel & Ordinance Committee met with the Town Code Committee, to review revisions to the Town's ADU regulations. The P&O Committee is Trustees Barela and Harper, Mayor Fuhrman.
- Attended Town Board meeting, and discussions mostly related to downtown Covid 19 issues.
- Attended weekly Town Staff meetings, where discussions mostly related to the ongoing Covid 19 issues, especially downtown and at the Town's Molas Lake Campground, as well as July 4 issues.
- Bldg. Inspector and I discussed an owner asking to place OHV(s)/camper(s) on a vacant BP parcel.
- I have been distributing the Army Corps of Engineers Jurisdictional Determination (JD) Request Form, to persons inquiring about in-Town lots with likely wetlands. Much of the vacant land in Town is prone to the following issues: wetlands, avalanche, floodplain, and lack of infrastructure.
- Ongoing work with Town Public Works Director, on proposed sewer main infrastructure, for development of an in-Town half-block, located on the Truck Bypass Road.
- Ongoing work with Town Public Works Director, Building Inspector, and landowner, on an easement deed for an existing water main, on a parcel which is an abandoned street right-of-way per a 1985 Ordinance and Exhibit A.
- Ongoing coordination with local structural engineer, regarding a likely Town Variance Application, to avoid the required joining of two new structures using a proposed breezeway, in order for the two structures to be classified as a triplex.
- Ongoing review of a Town Use Subject to Review Application, for a proposed mixed-use building in the Town's avalanche "blue zone." This project is headed to the Planning Commission in July; location is Mineral Street between 12<sup>th</sup> and 13<sup>th</sup>.
- Vacation Rental application is in process for 957 Empire, and has been posted on the Town website. Adjacent land owners were notified, and have been commenting on this VR, and VRs in general.
- With the Assessor, the Silverton Lakes RV Resort property deeds were located for the Town Attorney.
- Please note that almost all Applications received by the Planning Department are now being posted on the Town and County websites, for citizen and adjacent land owner review.
- Town Application fees are being reviewed, with the current fees being updated on the Town website.
- Inquiries on land in the vicinity of the CDOT sand shed: infrastructure, roads, wetlands, soils, zoning.
- Inquiry on the zoning and spot-rezoning in the vicinity of Blocks 75 and 76 near 5<sup>th</sup> and Reese.
- Inquiry was received from a new homeowner, wanting to request a Town Variance, in order to have a Vacation Rental with less than the required minimum 150 feet setback from an existing VR.
- Ongoing Town work with several applicants, with assistance being provided by the Building Inspector and Public Works Director.

Prepared By: Town & County Planning Director, Lisa Adair PE, (970) 387-0500 or 946-9408.



## Economic Recovery Team

Meeting Date: 6/30/2020 10-11AM

### **Updates:**

1. It's much busier in town.
2. San Juan County now has a mandatory mask requirement. Pagosa looking at mandatory mask requirement as well.
3. Fourth of July reminders are in the paper this week and on the Facebook. Ads include that there's no camping at Kendall or Shrine Hill and Fire restrictions.
4. Not much to report on the train. They are working toward removing debris. The ETA is looking like early September. With the compromised concrete in the culvert/bridge, it will be a big job and time consuming to complete. Jim will know more after this week's executive meeting.
5. Sales tax was good through April, boosted from online sales. Amazon etc.
6. Willy – Housing solutions of the SW has low interest loans for homes, rental units etc.

### **Long Term:**

Kim – Wants to stress that we have a way to track progress on things like fiber lines etc.

John R – Spoke with Rusty Melcher and Michelle, about lumber/construction industry. Building is booming, and it's a good idea to address their challenges and improve that industry in town.

Deanne – Houses are selling fast. One sold sight-unseen in the 400k range this week. With houses selling so high, we need to consider the slim availability of homes. Scott expands, we need to rethink employee and affordable housing if homes become unavailable. Lisa adds that the prospectus meeting also spoke about affordable housing, and we need to consider those parcels scattered throughout town as well as the big areas like Anvil. Vacation rentals are an issue, when 40 some homes are no longer available for families and work force housing it makes a difference, we must compensate. Kim makes the point that much of the housing currently available for rent is substandard heat/lead paint etc. which makes it an unhealthy choice to rent.

Jim H -Food bank is expecting a pallet of dry goods/food Thursday and he will be coordinating with Kim W and Durango about it. Originally it was \$3500 in cost but were able to decrease the cost to \$350. They tried to get a second pallet but couldn't. Will have it delivered to the school.

Deanne – Business update, some places have limited days and hours but mostly because of staffing and lack of workers. Brown Bag, Sage Hen are permanently closed this year. Natalia's hopes to open once they find staffing. Town's busy and forest is packed. Hotels are booked. Jim updates they are down only about 17% when they projected about 40%. With the cancellation of July 4<sup>th</sup> events, the Sherriff's office did not request more support for the holiday.

John - Town got another 11.5k masks on order. They're getting blowback from people not wanting to purchase their own masks wants town to provide them. They will look for more grant money for it. Talking about doing an announcement that Sherriff's office and Bill MacDougall are the enforcement officers.



## MEMORANDUM

June 30, 2020

TO: Economic Recovery Team  
FR: William A. Tookey  
RE: Economic Recovery Plan

San Juan County is subject to the Governor's Public Health Order. The Governor has moved from Stay at Home to Safer at Home to Protect Our Neighbors.

### I. Construction

The issuance of new permits is allowed. Both local and out of town contractors can work on construction site.

Contractors must follow guidelines implemented by state order.

Building Inspector/Code Enforcement Officer Bill MacDougall will monitor work sites to make sure best practices are being implemented.

### II. Tourist Economy

A. Railroad – Scenic Railroads may run at 50% of capacity subject to local health department approval. A variance from the state would be required for occupancy to exceed 50%. The Railroad began service from Rockwood to Cascade Canyon on June 23rd. The bridge at Elk Creek has been damaged and will require repairs before service to Silverton can begin.

B. Restaurants/Food service – The Governor has provided guidance to allow restaurants to provide on premise dining at 50% of capacity or 50 people whichever is less, in addition to take out and curbside service. The Town has installed picnic tables in the business district to provide outdoor seating for restaurant customers. Bars may begin service at 25% of capacity or 50 people whichever is less, and following social distancing guidelines. Several restaurants have developed “bump out” expansions into adjoining parking spaces.

### C. Lodging

1. Hotel/Motels – Hotels and Motels are currently allowed to operate to provide lodging for travelers doing essential business.

2. RV Parks and Campgrounds – Effective May 25<sup>th</sup> private campsites are open.

3. Vacation Rentals – Vacation rentals are now allowed to operate.

D. Gift Shops – Retail businesses are allowed to operate provided they meet the Governor's Public Health Order.

### III. Back Country

- A. Jeep/ATV Tours
- B. Motorized use of the backcountry
- C. Non-Motorized use of the backcountry
  - 1. Hiking
  - 2. Biking
  - 3. Fishing
  - 4. Camping
  - 5. Hunting

Non-guided outdoor recreation of any kind can occur in groups up to 10, and must follow local policies.

Non-guided equipment rentals should follow retail guidelines.

Guided services for fishing, hiking, biking, horseback riding, canoeing, kayaking, stand up paddle boarding, ATV tours, and climbing can occur in groups up to 10, and must follow local policies.

River outfitters, rafting, or Jeep Tours can occur if parties in boats and Jeeps are limited to groups of household members only, and must follow local policies.

Currently most of the backcountry roads are open and the County Road Crew continue to work on those that are not.

San Juan County has enacted a Stage 1 fire ban which is similar to the San Juan National Forest's Fire Ban.

The Forest Service currently have implemented the following fire restrictions:

1. Igniting, building, maintaining, attending or using a fire, including charcoal grills and barbecues, coal and wood burning stoves, and shepherd's stoves. 36 CFR §261.52(a).
2. Smoking, except within an enclosed vehicle, trailer, or building. 36 CFR § 261.52(c).

The San Juan National Forest has opened their developed campgrounds in San Juan County.

Colorado Parks and Wildlife have reopened State Park Campgrounds by reservation only. BLM and Forest Service have installed Covid-19 signs.

Molas Lake and Eureka Campgrounds are open.

The Governor amended his Executive Order to state: Travel to within their local community or as necessary to access outdoor recreation areas. If travelling outside their community, Coloradans are urged to honor all restrictions in place at their destination and avoid travel to counties or municipalities that issue travel restrictions.

#### IV. Special Events

##### A. Outdoor Activities - Races etc.

A variance has been submitted to allow for Aravaipa Running to operate 2 running events in Silverton CO in July 2020. The events are the Kendall Mountain Run and the Silverton Alpine Marathon. The variance would increase the total participants from 175 to 250.

##### B. Indoor Activities – Concerts etc.

##### C. Public and Private Facilities

1. Receptions, events, concerts, indoor markets, indoor malls, non-critical auctions, theaters, trade shows, or other indoor venues not covered in other guidance documents.
  - a. Indoor Events - Limit capacity depending on venue size accounting for usable square footage with a maximum of 100 people per room. You would need a facility with 14,400 sq. ft. of usable space achieve the maximum capacity of 100 persons.
  - b. Outdoor Events – Limit capacity depending on venue size accounting for usable square footage with a maximum of 175 people per event. An area of about 25,000 sq. ft. would be required to achieve maximum capacity.

- V. Winter Activity
  - A. Ski Areas
  - B. Motorized winter activities
  - C. Non-Motorized winter activities

Ski resorts can now work with local authorities to develop a plan on how to open as safely as possible, and secure local approval.

- VI. Marketing
- VII. Other Businesses
- VIII. Long Term Economic Recovery
  - A. Workforce Mobility
  - B. Remote Workforce



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## EPA will temporarily plug 'bad boy' mine near Silverton

Experiment will help agency understand region's hydrology, evaluate long-term solution

By Jonathan Romeo

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County & environment reporter

Tuesday, July 7, 2020 5:04 AM



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The Environmental Protection Agency will temporarily close a bulkhead at one of the worst polluting mines near Silverton as an experiment to better understand hydrology in the region.

Bulkheads are essentially plugs placed at the entrance of a mine to hold back water that's usually laced with heavy metals.

In 2015, a bulkhead was installed at the Red & Bonita Mine, one of the worst loaders of heavy metals located about 8 miles north of Silverton up Cement Creek, a tributary of the Animas River.

Later that summer, however, an EPA-contracted crew dug too deeply into a pile of rock and dirt that had collapsed over the entrance of the Gold King Mine, releasing about 3 million gallons of mine wastewater into the Animas River.

In fall 2016, the Bonita Peak Mining District Superfund site was declared.

As a result, plans to close the valve to the bulkhead at the Red & Bonita Mine were delayed, that is, until this year, said Ian Bowen, a hydro-geologist for the EPA.

Bowen said the EPA spent the last few years fine-tuning the plan for closing the bulkhead, installing numerous wells and monitoring zones to have a firm grasp on what impact the closure will have on surrounding mines and springs.



A bulkhead was installed at the Red & Bonita Mine in 2015. The EPA next week will temporarily close the valve for a short-term monitoring project.

Courtesy of Environmental Protection Agency

“It’s been a long run from 2015 to now,” Bowen said. “But we really think we’re in a good spot to both monitor any potential effects from the bulkhead closure, and we’re ready to test the bulkhead itself.”

The network of mines around Cement Creek is considered the most vexing polluter into the Animas River

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By plugging the Red & Bonita, the EPA can monitor to see if other mines start discharging more water or if nearby seeps increase flows. That way, the agency can get a better understanding of how groundwater moves in the mountains.

“One of our biggest needs is to evaluate the potential connection with the Sunnyside Mine pool,” Bowen said.

James Hou, a remedial project manager with EPA, said the agency will close the valve July 13, and through a phased approach, start raising the mine pool behind the Red & Bonita bulkhead over a four-week period.

As water fills up, crews will be dispatched weekly around a carefully sketched out area that includes 35 sampling sites to see if water is seeping out.

The water will then be drained around mid-September for about five weeks, and treated at the EPA's temporary water treatment plant, which only takes in discharges from the Gold King Mine at this time. After the mine pool is drained, discharges out of the Red & Bonita will be returned untreated to Cement Creek.



The Red & Bonita Mine drains into Cement Creek, a tributary of the Animas River. The Environmental Protection Agency is evaluating whether closing the mine with a bulkhead is a long-term solution.

Durango Herald file

What's learned this summer, Hou said, will also help inform the EPA about whether a permanent closure of the bulkhead at the Red & Bonita is a possible long-term treatment plan for the mine.

"Maybe this is an option we'd like to employ," he said. "But that will take at least a year to evaluate."

Asked if one summer season is sufficient to have enough data to make that decision, Bowen said future monitoring projects are possible, but not planned at this time.

"We might take a longer crack at it," he said. "But that decision will be informed after the data we obtain this year."

Peter Butler, chairman of the Bonita Peak Mining District Community Advisory Group, said critics of bulkheads say plugging a mine just causes water to seep out in other areas of the watershed.

But Butler said bulkheads can force water to take paths with less mineralized rock, and it can limit the interaction between water and oxygen, which causes

water to become acidic and potentially toxic.

"It really varies on location," Butler said of the success of bulkheads. "Some are really successful, some are not."

Scott Fetchenheir, a San Juan County commissioner and former miner, said a local task force that advises EPA on Superfund matters is supportive of closing the Red & Bonita bulkhead.

Originally, Fetchenheir's main concern was having a good database of surrounding seeps and springs, and he said it appears the EPA, as well as Sunnyside Gold Corp., have accomplished that inventory.

Closing the bulkhead, he said, holds virtually zero risk, while at the same time, allows for a potential better understanding of how groundwater moves in one of the most complicated mining areas around Silverton.

And, Fetchenheir said it could lead to the permanent closure of the mine, which is a low-cost treatment option.

"I think it's a great experiment," he said. "This (mine) is one of the bad boys, as far as zinc loading, and if you can cut zinc by 20 to 30%, you've accomplished a lot while not having to treat the water (in perpetuity)."

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