

SAN JUAN COUNTY, COLORADO
BOARD OF COMMISSIONERS MEETING AGENDA

October 28, 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: 5:30 P.M.
BOCC Meeting Minutes for October 14, 2020

APPOINTMENTS:

5:30 P.M. Budget Work Session
6:45 P.M. Monique DiGiorgio, Director Local First
7:15 P.M. Charlie Smith, Southwest Water Update
7:30 P.M. Julian Roberts – San Juan Composting
7:45 P.M. CDPHE Mark Rodolph – Environmental Ordinance
8:15 P.M. Community Builders Proposal

CORRESPONDENCE

CCI Winter Conference
CDOT Michael D. McVaugh

OLD BUSINESS

Appeal to Travel Management Plan

NEW BUSINESS

REDI Grant Award
Ordinance Consideration
2019 Audit
Public Comment
Commissioner and Staff Reports

Next Regular Meeting – Thursday November 12, 2020 8:30 A.M.

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)
+1 646 876 9923 US (New York)
+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, OCTOBER 14, 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 Kuhlman moved to authorize payment of the warrants as presented. Commissioner Fetchenhier seconded the motion. The motion passed unanimous.

Minutes: Commissioner Fetchenhier moved to approve the minutes of September 23, 2020 with the correction of two typos. Commissioner Kuhlman seconded the motion. The motion passed unanimous.

Incident Management Team members Jim Donovan OEM, Becky Joyce Public Health Director and DeAnne Gallegos Public Information Officer were present to provide the Commissioners with an update on the COVID 19. They provided information concerning the State's Protect Our Neighbor classification. If the State were to approve the County to move to the Protect Our Neighbor classification it would allow more local control at the County level and allow for less stringent COVID 19 restrictions. The OEM Team is not recommending that San Juan County pursue Protect Our Neighbor classification at this time.

County Assessor Kim Buck was present to request that the Commissioners enter into to agreements for mapping. Both agreements would be paid for with moneys from CDPHE. Commissioner Fetchenhier moved to enter into the agreement with Sidwell GIS Professional Services as presented. Commissioner Kuhlman seconded the motion. The motion passed unanimous. Commissioner Fetchenhier moved to enter into the agreement with Spatialest Agreements as presented. Commissioner Kuhlman seconded the motion. The motion passed unanimous.

Social Services Director Martha Johnson was present to provide the Commissioners with a monthly update. Commissioner Fetchenhier moved to approve Transmittal #8 in the amount of \$14,955.84 as submitted. Commissioner Kuhlman seconded the motion. The motion passed unanimous. Director Johnson presented to the Commissioners the proposed 2021 Social Services Budget.

Jimbo Buickerood of the Southwest Alliance was present to request that the Commissioners adopt proposed Resolution 2020-09 to appeal the BLM travel management plan. Commissioner Fetchenhier moved to approve Resolution 2020-09 with the amendment to the resolution title to read: A RESOLUTION OF THE SAN JUAN COUNTY BOARD OF COUNTY COMMISSIONERS TO APPEAL THE DECISION RECORD FOR THE SILVERTON TRAVEL MANAGEMENT PLAN AS IT PERTAINS SPECIFICALLY TO THE DECISION TO ALLOW FOR MOTORIZED SINGLE TRACK USE IN THE UPPER MINNIE GULCH AREA TO THE INTERIOR BOARD OF LAND APPEALS. Commissioner Kuhlman seconded the motion. The motion passed unanimous.

Resolution 2020-10 San Juan County Colorado Resolution Urging The State General Assembly And Colorado Public Utilities Commission To Ensure That Tri-State Generation And Transmission Reduce Carbon Emissions From Electricity To Colorado Customers 80 Percent By

2030 In Order To Meet The Goals Of Hb19-1261 was introduced to the Commissioners for their consideration. Commissioner Fetchenhier moved to adopt Resolution 2020-10 as presented. Commissioner Kuhlman seconded the motion. The motion passed unanimous.

The Commissioners received correspondence from Darlene Watson concerning the need for daycare.

The Commissioners also received correspondence from Linda Davis concerning the need for a Senior Center.

Lisa Bloomquest Executive Director of the Homefund was present to request the Commissioners enter into a regional Intergovernmental Agreement. Commissioner Fetchenhier moved to enter into the IGA as presented. Commissioner Kuhlman seconded the motion. The motion passed unanimous.

Planning Director Lisa Adair provided the Commissioners with a staff report.

It was the consensus of the Commissioners to have a budget workshop beginning at 5:30 pm on October 28th before the regular meeting.

It was the Consensus of the Commissioners to move the November meeting to Thursday November 12th in consideration of Veterans Day.

Having no further business, the meeting was adjourned at 12:08 P.M.

A work session was held beginning at 1:30 pm to discuss the impacts of both the motorized and non-motorized users on the backcountry. Participants in the work session included the Federal Land Agencies, neighboring counties and the Town of Silverton as well as representatives from both the motorized and non-motorized communities.



Willy Tookey <admin@sanjuancolorado.us>

Seeking Partners for Municipal Composting System in Silverton Colorado

1 message

Malcom Guevara <hwceei@gmail.com>

Sun, Sep 13, 2020 at 5:52 PM

To: jeremy@mountainstudies.org, marcie@mountainstudies.org, dana@mountainstudies.org, admin@sanjuancolorado.us, sfuhrman@silverton.co.us, sbarney@silverton.co.us, jbierma@silverton.co.us, jharper@silverton.co.us, jlwegert@gmail.com, brandt_k@fortlewis.edu, kehilimire@fortlewis.edu, clausen_r@fortlewis.com, admin@sanjancountyhistoricalsociety.org, connect@madagriculture.org, alashley@silverton.co.us, mollybtown@yahoo.com, supt@silvertonschool.org, ebarszcz@silvertonschool.org

To whom it may concern,

The Headwaters Center for Environmental and Economic Independence is a new organization located in the San Juan Mountains. We are an Organization Dedicated to the Diversification of rural economies and Industry and serve as an advocate for the development of ecologically minded sustainable infrastructure projects.

San Juan County is in a unique position in Colorado as we are the ONLY community in Colorado that has zero agriculture production, zero livestock production, and minimal cost saving waste disposal programs.* Most residents have to drive over an hour to access fresh fruits and vegetables, and all of the food that is served in restaurants and supplied to the local grocer, is not only 100% imported but is done so at an increased carbon, and monetary cost from sources at least 50 miles away. Our citizens are asking how we change our dependence on the outside world, how we become self-sufficient, how do we survive?

We are seeing the beginnings of a grass roots cultural revolution that is taking place all over the globe. Fifty individuals in Silverton have started their own home gardens. The increasing productivity of the Silverton Public School's Memory Garden not only is supplying vegetables to the community but is providing a platform for the children of our community to understand our food production system through a local and sustainable lens. We do, however, face unique challenges in the development of agriculture as a sustainable diversification of our economy.

Top soil is being depleted all over the world by unsustainable farming practices, and the amount of food waste that is being tossed into our landfills, by our communities alone tops 150,000 tons a year. The Headwaters Center is currently working on creating a stop gap to both of these issues in the San Juans. The SARE 2020 R2GR Grant from the USDA, is a research and development grant for sustainable farming practices and we believe that by establishing a community composting network and beginning our San Juan Soil Share program we can begin address both of these critical issues and begin putting money back into the pockets of all participating members and businesses.

We are reaching out to your organization because we at HWCEEI believe that as a partner in this process you would be able to assist with any one of the following: data collection, compost management, content creation, educational event planning, green house development and visioning for the coming 2021 project.

This composting system will serve as the corner stone for the creation of a sustainable agricultural system which will eventually support 70% of the food needs of the year round residents of Silverton Colorado, and will allow businesses, families, and individuals to become directly involved with their food production and economic future. Our aim is a radical cultural shift toward a locally driven, environmentally conscious, economically responsible future.

We are sending you this as a call to action for all public community-oriented organizations.

We will continue to advocate for the rights of the citizens of San Juan county.

We will continue to support creative solutions to our community's issues.

We will adhere to the tenants of compassion, transparency, and responsibility.

We encourage you to reach out to your friends, family, neighbors, and us.

Spread the word, The Headwaters are rising.

Julian Emerys Roberts,

President of The Headwaters Center for Environmental and Economic Independence

*See USDA AG CENSUS 2017 Full Report for more information

ORDINANCE NO. 2020-01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, COLORADO FOR THE REGULATION OF LAND USE, DEVELOPMENT AND ACTIVITIES UPON ANY PROPERTY WITHIN UNINCORPORATED SAN JUAN COUNTY CONTAINING MINE WASTE SOURCE AREAS WHERE RESIDUAL MINE WASTES AND REMEDIATION COMPONENTS EXIST, SPECIFICALLY INCLUDING THE BONITA PEAK MINING DISTRICT SUPERFUND SITE

WHEREAS, San Juan County (the “County”) has jurisdiction over Mine Waste Source Areas, as defined herein, where residual mine wastes and remediation components exist, and the Board of County Commissioners adopts this Ordinance to control and regulate land use at all such Mine Waste Source Areas within unincorporated San Juan County, specifically including, but not limited to, the Bonita Peak Mining District Superfund site, pursuant to authority granted in C.R.S. § 29-20-104 and C.R.S. § 30-11-101, *et seq.*; and

WHEREAS, the United States Environmental Protection Agency (“EPA”) and the Colorado Department of Public Health and Environment (“CDPHE”) will conduct Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”) response actions including, but not limited to, response actions selected in the Interim Record of Decision dated May 20, 2019 (“IROD”) and possible further CERCLA response actions, at portions of the Bonita Peak Mining District Superfund Site (collectively referred to as “CERCLA response actions”), in San Juan County; and

WHEREAS, the sites included within the Bonita Peak Mining District (“BPMD” or “Site”) are more fully described in the inventory of Remediated Mine Waste Source Areas, **attached hereto as Attachment A** (“Inventory”), and as may be modified from time to time and maintained within the Office of the San Juan County Clerk and Recorder for public viewing. Specifically, the subject CERCLA response actions may include: managing acidic water discharging from mine portals with diversion trenches; diverting storm water around mine waste piles; maintaining existing mine portal sediment ponds; excavating in-stream mine wastes; and containing and isolating contaminated soils at mine-impacted recreation staging areas using covers; and

WHEREAS, prior to the BPMD Superfund site listing, non-CERCLA remediation measures were implemented on other Mine Waste Source Areas in San Juan County within and beyond the BPMD. These sites may be more fully described in the Inventory, as may be modified from time to time and maintained within the Office of the San Juan County Clerk and Recorder for public viewing. Specifically, the subject non-CERCLA remediation measures may include: managing acidic water discharging from mine portals with diversion trenches; diverting storm water around mine waste piles; maintaining existing mine portal sediment ponds; excavating in-stream mine wastes; and containing and isolating contaminated soils at mine impacted recreation staging areas using covers; and

WHEREAS, although the CERCLA response actions are conducted to protect human health and the environment in accordance with the National Contingency Plan (40 C.F.R. Part 300), residual mine waste will remain at many of the BPMD Remediated Mine Waste Source Areas, including

all of the IROD Mine Waste Source Areas. Likewise, residual mine waste remains at the non-CERCLA Remediated Mine Waste Source Areas. Contact with residual mine waste could result in unacceptable human exposure to lead and arsenic; and

WHEREAS, the CERCLA response actions and non-CERCLA remediation measures include engineered components such as diversion trenches, sediment ponds and covers that will not function as intended if disturbed; and

WHEREAS, the Colorado Environmental Covenants Law, C.R.S. § 25-15-320(2), requires environmental covenants for environmental remediation projects related to remedial decisions made after July 1, 2001, that result in residual contamination levels determined safe for one or more specific uses, but not all uses, or where engineered features or structures are incorporated requiring monitoring, maintenance or operation or that will not function as intended if disturbed. Environmental covenants are only required for remedial decisions made pursuant to the: Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921-6939e, 6972, 6973 and 6991-6991i; CERCLA, 42 U.S.C. § 9601, *et seq.*; Uranium Mill Tailings Radiation Control Act of 1978, 42 U.S.C. § 7901 *et seq.*; Colorado Radiation Act, C.R.S. §§ 25-11-101 to 114 and 301-205; Colorado Hazardous Waste Act, C.R.S. §§ 25-15-310 to 328; and Colorado Solid Waste Disposal Sites and Facilities Act, § 30-20-100.5 *et seq.*; and

WHEREAS, BPMD response actions, including those in the IROD, are selected pursuant to CERCLA and after July 1, 2001, thus triggering the requirement for environmental covenants at BPMD Remediated Mine Waste Source Areas. The non-CERCLA remediation measures were not conducted pursuant CERCLA or other statutes listed in the recital above, many of which were completed prior to July 1, 2001, and therefore are not subject to the environmental covenant requirement; and

WHEREAS, C.R.S. § 25-15-320(3)(b) authorizes CDPHE to waive the requirement for an environmental covenant for parcels of land where the owner does not grant an environmental covenant under C.R.S. § 25-15-320 and where the County, City, or municipality having jurisdiction over the affected land has enacted an ordinance or resolution imposing the relevant environmental use restrictions, and has entered into an intergovernmental agreement with CDPHE; and

WHEREAS, the County finds that this Ordinance is necessary to protect human health and the environment and to maintain remediation measures, including engineered components at the subject CERCLA and non-CERCLA Remediated Mine Waste Source Areas.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, COLORADO as follows:

Section 1. Title.

This Ordinance shall be known and referred to as the San Juan County and Bonita Peak Mining District Environmental Regulations.

Section 2. Authority to Promulgate Ordinance.

The Board of County Commissioners has authority to regulate land use, development and activities in hazardous areas pursuant to C.R.S. § 29-20-104, and to adopt and enforce ordinances and resolutions regarding health, safety and welfare pursuant to C.R.S. § 30-11-101, *et seq.*

Section 3. Purpose.

The Board of County Commissioners of San Juan County, Colorado, finds and declares that residual contamination following remediation at Mine Waste Source Areas may pose a threat to the health, safety, and welfare, of the citizens of San Juan County, Colorado. The Board of County Commissioners also finds and declares that the land use restrictions are necessary to protect remediation measures, including engineered components at Remediated Mine Waste Source Areas.

Section 4. Scope of Ordinance.

This Ordinance shall apply to all Remediated Mine Waste Source Areas located within unincorporated San Juan County. Remediated Mine Waste Source Areas are hereby defined as any portion of real property upon which mine waste and any remediation components designed to contain, treat, divert, avoid or otherwise address any aspect of such mine waste, are located, either partially or wholly. Remediated Mine Waste Source Areas may be more fully described in the Inventory, and as may be modified from time to time and maintained within the Office of the San Juan County Clerk and Recorder for public viewing. The determination as to whether a specific property is subject to this Ordinance shall be made by the CDPHE and/or the County. This Ordinance is intended to create an additional permitting process applicable to Remediated Mine Waste Source Areas, in addition to any process required by the San Juan County Zoning and Land Use Regulations. Nothing herein shall be construed as limiting the scope or the authority of the San Juan County Zoning and Land Use Regulations, or any other applicable local, state or federal law, rule or regulation.

Section 5. Regulation of Land Use Activities.

A. Regulation of Excavation Activities at Remediated Mine Waste Source Areas

- (1) No excavation, drilling, grading, digging, tilling, or any other soil-disturbing activity is allowed within any Remediated Mine Waste Source Areas containing residual contamination at levels that have been determined to be safe for one or more specific uses, but not all uses, including mine tailings, waste-rock impoundments, or engineered structures or features that require monitoring, maintenance, or operation or that will not function as intended if it is disturbed, except as authorized in a remedial decision document or with the prior written authorization of CDPHE as set forth in this Section 5.

B. Remediated Mine Waste Source Area Permit – CDPHE Consult Required

- (1) Any application to the County for any building permit, zoning, subdivision, planned unit development, use by right, special review use, or any development activity (“Permit application”) that will result in any soil-disturbing activity within the boundary of a Remediated Mine Waste Source Area shall be preceded by an application for consultation with CDPHE.
- (2) CDPHE consultation prior to a County Permit application may be requested by any person having an interest in the property for which a County Permit will be sought. At a minimum, the consultation application must include:
 - (a) A general site plan showing the major details of the proposed development, consisting of the location of building and structures, off-street parking and loading areas, service and refuse areas, means of ingress and egress, major landscaping and screening proposals, and signs and pedestrian areas, or a relevant summary of the development activity proposed to be conducted within the boundaries of the Remediated Mine Waste Source Areas;
 - (b) A time schedule for the proposed development;
 - (c) A plan for maintaining the integrity of any engineered component of the remedial action; and
 - (d) Any other information the applicant believes will support his or her request.
- (3) Prior to proceeding to the CDPHE consultation and County Permit process, any applicant may request a determination as to whether the subject property is within a Remediated Mine Waste Source Area. Upon written request, the CDPHE and the County shall make such a determination within a reasonable period of time. Said time-frame may be impacted by such factors as weather, snowpack, and general access. The applicant, upon such a request, shall provide a survey plat as well as a corresponding survey staking of

the subject site, as may be required by the County and CDPHE. The determination regarding inclusion or exclusion of a specific property is subject to change for reasons including but not limited to changes on the ground, current or proposed remediation measures, and/or the discovery or processing of additional information.

- (4) The following activities shall be exempt from the County Permit and CDPHE authorization processes set forth herein:
 - (a) Operations, inspection and maintenance activities undertaken at a Remediated Mine Waste Source Area by EPA, CDPHE or their duly authorized contractors;
 - (b) Operations, inspection and maintenance activities undertaken at a Remediated Mine Waste Source Area by the County or their designee(s);
 - (c) Any other activity exempted from the provision of this Ordinance pursuant to the joint written consent of the County and a duly authorized representative of CDPHE.

C. CDPHE Consultation Review and Results

- (1) Within a reasonable time following written submittal of a consultation application to the CDPHE representative, along with the minimum required application information and any additional information requested, the CDPHE representative shall prepare a letter to the County setting forth the position of the CDPHE as to the permit being sought. The letter shall include either: 1) a denial of authorization to proceed; 2) authorization to proceed with the permit as described in the application; 3) authorization with conditions; or 4) a determination by the CDPHE to participate in the County Permit process, with a final position to be deferred.

D. County Permit Application

- (1) Following receipt of CDPHE's written authorization, authorization with conditions, or request to participate jointly in the County Permit process, the County shall proceed with processing the application pursuant to the San Juan County Zoning and Land Use Regulations. If CDPHE is participating in the County Permit process prior to issuing authorization, said authorization or denial by CDPHE may be determined at any point during the County Permit process. Final Authorization by CDPHE and final issuance of a County Permit shall authorize CDPHE to review and work with the County Permit recipient to assure no activity disturbs the engineered features of the remediated areas of the property unless authorized in a remedial decision document.

E. No Development without Permit

- (1) No application for any building permit, zoning, subdivision, planned unit development, use by right, special review use, or any other development activity that will result in any soil-disturbing activity within the boundaries of a Remediated Mine Waste Source Area shall be allowed until such time as the property owner or applicant has secured CDPHE's written authorization and a County Permit, and has fully complied with any conditions set forth in the Permit. The issuance of CDPHE's written authorization shall be a condition precedent to any soil-disturbing activity within the boundaries of a Remediated Mine Waste Source Area.

Section 6. Violations and Penalties.

A. This Ordinance may be enforced pursuant to the provisions of the San Juan County Zoning and Land Use Code and C.R.S. §§ 30-28-124, 124.5, 209 and 209.5. Violation of any provision of this Ordinance, or a Permit issued pursuant to Section 5, shall constitute a violation of the San Juan County Zoning and Land Use Code which shall carry such penalties and entitle the County to seek such remedies as are provided by the San Juan County Zoning and Land Use Code or state law.

B. Any person who violates the Ordinance or a Permit Section shall also be guilty of a class 2 petty offense, and, upon conviction thereof, shall be punished by a fine of not more than one thousand (\$1,000) dollars for each separate violation.

C. The penalty assessment procedure provided in C.R.S. § 16-2-201 shall be followed for any violation of this Ordinance. Any person found in violation pursuant to subsection (A) of this Section 6 shall be assessed a penalty by the apprehending peace officer or by the County Code Enforcement Officer. The penalty assessment shall be a summons and complaint which:

- (1) identifies the alleged offender by name, address and social security number (if available);
- (2) specifies the offense with which the person is charged;
- (3) states both the applicable maximum one thousand (\$1,000) fine and maximum six (6) months jail sentence (if convicted and sentenced by the Court) and the violator's option to instead voluntarily pay a fine of five hundred (\$500) dollars payable to the County Treasurer; and
- (4) states the requirement that the alleged offender either pay the optional five hundred (\$500) fine to the County Treasurer in person or by mail within fourteen (14) days of the issuance of the penalty assessment or else appear to answer the charge before the County Court at 9:00 a.m. on the date of its next regular session at the San Juan County Courthouse.

Any person who chooses to acknowledge his or her guilt may, within fourteen (14) days of the date of issuance of the penalty assessment, voluntarily pay a fine of five hundred (\$500) to the San Juan County Treasurer either in person or by mail at the address as shown on the penalty assessment. Any such payment shall be accompanied by a copy of the penalty assessment signed by said person acknowledging his or her guilt. Payment of the foregoing fine shall relieve the person receiving the penalty assessment of any further obligation to appear in the County Court to answer the offense charged in the penalty assessment.

D. When imposing a fine under this Ordinance, the Court shall separately state, as a part of the total fine, the surcharge specified in C.R.S. § 24-4.2-104(1). The defendant shall also pay Court costs and docket fees.

E. Pursuant to C.R.S. § 25-15-322, this Ordinance, and the Intergovernmental Agreement referenced herein, whenever CDPHE and/or the County finds that any person is or has been in violation of any requirement of this Ordinance or a Permit as it relates specifically to property or actions at a Remediated Mine Source Area, CDPHE and/or the County may bring suit in district court for injunctive relief, enforcement of this Ordinance, or a Permit, and recovery of attorneys' fees and costs for any such enforcement action pursuant to C.R.S. § 25-15-322. CDPHE may also issue an administrative order identifying the factual and legal elements of such violation and requiring the person to comply with any such requirements to remedy the violation. All remedies for violations of this Ordinance shall be cumulative.

Section 7. Prosecution.

All prosecutions pursuant to Section 6(A)-(D), shall be by the 6th Judicial District, District Attorney according to the Colorado County Court Rules of Criminal Procedure in the San Juan County Court. The simplified county court procedures set forth in part 1 of article 2 of title 16, C.R.S., shall be applicable to the prosecution of violations of this Ordinance.

Section 8. Severability.

If a Court of competent jurisdiction shall hold any part of this Ordinance void or unconstitutional, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions of the Ordinance.

Section 9. Disposition of Fines, Fees, and Forfeitures.

All fines and forfeitures obtained through enforcement actions initiated under Section 6 for violations of the provisions of this Ordinance shall be paid into the treasury of San Juan County upon payment of said fines and forfeitures.

Section 10. Effective Date.

This Ordinance shall be in full force and effect thirty days after publication of the Notice of Adoption in the *Silverton Standard*.

INTRODUCED, FIRST READING AND ORDERED PUBLISHED IN FULL this
_____ of _____, 2020.

ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL this
_____ of _____, 2020.

Ernest Kuhlman, Chairman

Peter McKay

Scott Fetchenhier

ATTEST:

**THE STATE OF COLORADO
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

AND

SAN JUAN COUNTY, COLORADO

INTERGOVERNMENTAL AGREEMENT

REGARDING

SAN JUAN COUNTY ORDINANCE 2020-1

THIS INTERGOVERNMENTAL AGREEMENT ("IGA") is executed by the State of Colorado, acting through the Colorado Department of Public Health and Environment ("CDPHE"), whose address is 4300 Cherry Creek Drive South, Denver, CO 80246, and San Juan County, State of Colorado, ("County") whose address is .

RECITALS:

WHEREAS, the United States Environmental Protection Agency ("EPA") and the CDPHE will conduct Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") response actions including, but not limited to, response actions selected in the Interim Record of Decision dated May 20, 2019 ("IROD") and possible further CERCLA response actions, at portions of the Bonita Peak Mining District Superfund Site (collectively referred to as "CERCLA response actions") in San Juan County; and

WHEREAS, the sites included within the Bonita Peak Mining District ("BPMD" or "Site") are more fully described in an inventory of Remediated Mine Waste Areas ("Inventory"), attached to the San Juan County Ordinance described below, as may be modified from time to time and maintained within the Office of the San Juan County Clerk and Recorder for public viewing. Specifically, the subject CERCLA response actions will: manage acidic water discharging from mine portals with diversion trenches; divert storm water around mine waste piles; maintain existing mine portal sediment ponds; excavate in-stream mine wastes; and contain and isolate contaminated soils at mine impacted recreation staging areas using covers; and

WHEREAS, prior to the BPMD Superfund site listing, non-CERCLA remediation measures were implemented on other Mine Waste Source Areas in San Juan County within and beyond the BPMD. These sites may be more fully described in the Inventory, as may be modified from time to time and maintained within the Office of the San Juan County Clerk and Recorder for public viewing. Specifically, the subject non-CERCLA remediation measures: manage acidic water discharging from mine portals with diversion trenches and

engineered bulkheads; divert storm water around mine waste piles; excavated in-stream mine wastes; and consolidated and contained mine wastes; and

WHEREAS, although the CERCLA response actions are conducted to protect human health and the environment in accordance with the National Contingency Plan (40 C.F.R. Part 300), residual mine waste will remain at many of the BPMD Remediated Mine Waste Source Areas, including all of the IROD Mine Waste Source Areas. Likewise, residual mine waste remains at the non-CERCLA Mine Waste Source Areas. Contact with residual mine waste could result in unacceptable human exposure to lead and arsenic; and

WHEREAS, the CERCLA response actions and non-CERCLA remediation measures include engineered components such as diversion trenches, sediment ponds and covers that will not function as intended if disturbed; and

WHEREAS, the Colorado Environmental Covenants Law, C.R.S. § 25-15-320(2), requires environmental covenants for environmental remediation projects related to remedial decisions made after July 1, 2001, that result in residual contamination levels determined safe for one or more specific uses, but not all uses, or where engineered features or structures are incorporated requiring monitoring, maintenance or operation or that will not function as intended if disturbed. Environmental covenants are only required for remedial decisions made pursuant to the: Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921-6939e, 6972, 6973 and 6991-6991i; CERCLA, 42 U.S.C. § 9601, *et seq.*; Uranium Mill Tailings Radiation Control Act of 1978, 42 U.S.C. § 7901 *et seq.*; Colorado Radiation Act, C.R.S. §§ 25-11-101 to 114 and 301-205; Colorado Hazardous Waste Act, C.R.S. §§ 25-15-310 to 328; and Colorado Solid Waste Disposal Sites and Facilities Act, § 30-20-100.5 *et seq.*; and

WHEREAS, BPMD response actions, including those in the IROD, are selected pursuant to CERCLA and after July 1, 2001, thus triggering the requirement for environmental covenants at BPMD Remediated Mine Waste Source Areas. Remediation activities at non-superfund Mine Waste Source Areas were not conducted pursuant CERCLA or other statutes listed in the recital above, many of which were completed prior to July 1, 2001, and therefore not are subject to the environmental covenant requirement; and

WHEREAS, C.R.S. § 25-15-320(3)(b) authorizes CDPHE to waive the requirement for an environmental covenant for parcels of land where the owner does not grant an environmental covenant under C.R.S. § 25-15-320 and where the County, City, or municipality having jurisdiction over the affected land has enacted an ordinance or resolution imposing the relevant environmental use restrictions, and has entered into an intergovernmental agreement with CDPHE; and

WHEREAS, the County enacted Ordinance No. 2020-01 on [date] for the regulation of land use, development and activities upon any property within unincorporated San Juan County containing Remediated Mine Waste Source Areas where residual mine wastes and engineered components exist, specifically including the Bonita Peak Mining District Superfund Site (“Ordinance”); and

WHEREAS, The Ordinance implements environmental use restrictions and consultation requirements for land use permit applications that will protect human health and the environment and maintain engineered components at Remediated Mine Waste Source Areas; and

WHEREAS, compliance with the Ordinance shall result in conditions at the Mine Waste Source Areas that are protective of human health and the environment; and

WHEREAS, CDPHE and the County enter into this IGA pursuant to the authority in C.R.S. § 29-1-203 and § 25-15-320 for the purpose of protecting human health and the environment and maintaining engineered components at the Remediated Mine Waste Source Areas.

NOW THEREFORE, CDPHE and the County agree as follows:

1. The above recitals shall be incorporated into this IGA as if they were set forth below.
2. The term “Remediated Mine Waste Source Areas” are hereby defined as any portion of real property upon which mine waste and any remediation components designed to contain, treat, divert, avoid or otherwise address any aspect of such mine waste, are located, either partially or wholly. Remediated Mine Waste Source Areas are more fully described in the Inventory attached to the Ordinance, and as may be modified from time to time and maintained within the Office of the San Juan County Clerk and Recorder for public viewing. Remediated Mine Waste Source Areas include sites where CERCLA response actions and non-CERCLA remediation measures were performed and include engineered components such as diversion trenches, sediment ponds and covers that will not function as intended.
3. The County shall maintain the Ordinance, subject to its authority to repeal or amend, but then only in accordance with the following **requirements**:
 - a. The County shall give at least thirty (30) days written notice to CDPHE of any proposed amendment to or repeal of the Ordinance; and

- b. ~~The County and CDPHE. Any amendment or repeal of the Ordinance shall work together incorporate such requirements as CDPHE may recommend~~ to ensure continued protection of human health and the environment within Remediated Mine Waste Source Areas pursuant to C.R.S. § 25-15-320(3)(b) ~~(III)~~.
4. Upon receiving an application for a building permit, zoning, subdivision, planned unit development, use by right, special review use, or any development activity (“permit application”) for a Remediated Mine Waste Source Area, the County shall provide a copy of the Ordinance to the property owner and the building permit applicant.
5. The County agrees to not approve any permit application for a Remediated Mine Waste Source Area unless CDPHE provides prior written approval to the County.
6. As provided in C.R.S. § 25-15-320(3)(b)(III), this IGA authorizes the County and CDPHE to enforce the Ordinance at Remediated Mine Waste Source Areas. Pursuant to C.R.S. § 25-15-322, CDPHE and the County shall have the authority to file an action in San Juan County district court seeking injunctive relief to require compliance with the Ordinance at BPMD Remediated Mine Waste Source Areas. Pursuant to C.R.S. §§ 30-28-124, 124.5, 209 and 209.5, the County shall also have the authority to enforce Ordinance violations at all Remediated Mine Waste Source Areas in accordance with Section 6 of the Ordinance.
7. Nothing in this agreement shall require the County to perform remediation or create an environmental covenant on County owned property. ~~unless the Ordinance is repealed or amended, or unless the IGA is terminated.~~
8. This IGA does not prevent or limit the County from enforcing its Regulations as it would in the normal course of business.
9. This IGA does not prevent or limit the County from enforcing the Ordinance in any manner.
10. If CDPHE seeks to enforce the Ordinance to obtain injunctive relief from San Juan County District Court, CDPHE shall inform the County in writing of its intended actions not less than 14 days in advance of any filing. CDPHE shall not seek any reimbursement of its costs from the County.
11. This IGA shall become effective on the date of execution by the last signatory party to this IGA.

12. This IGA may be amended by mutual consent of the parties at the same organizational level as those who sign this IGA, or terminated by either party providing the other 14 days written notice.
13. CDPHE shall file a written notice in the chain of title for each property containing a Remediated Mine Waste Source Area identified in the Inventory by parcel ID number and name of mining claim. Said Notice shall be periodically updated.

IN WITNESS WHEREOF, the parties have executed this agreement on the date indicated for each respective signatory:

SAN JUAN COUNTY, COLORADO

By: _____
[name and title]

DATE

ATTEST:

[name and title]

APPROVED AS TO FORM

[name and title]

DATE

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

By: _____

Jennifer Opila, Director
Hazardous Materials Waste Management Division

DATE

APPROVED AS TO FORM

Jason E. King
Senior Assistant Attorney General
Colorado Attorney General's Office

DATE

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
4300 Cherry Creek Drive South
Denver, CO 80246
Phone (303) 692-2000

NOTICE OF ORDINANCE AND ENVIRONMENTAL USE RESTRICTIONS

The following described real property (Property) is within the boundaries of the Bonita Peak Mining District Superfund Site (Site), as described in the United States Environmental Protection Agency's Interim Record of Decision dated May 20, 2019, or contains Remediated Mine Waste Source Areas within San Juan County, Colorado. The Property is described as follows:

[Insert legal description as shown in County records]

For purposes of indexing this NOTICE in the County Clerk and Recorder's office Grantor-Grantee index only, [Insert property owner name] shall be considered the **Grantor**, and the Colorado Department of Public Health and Environment shall be considered the **Grantee**. Nothing in the preceding sentence shall be construed to create or transfer any right, title or interest in the Property.

The Property contains a Remediated Mine Waste Source Area where remediation measures have been conducted, and is therefore subject to Ordinance No. 2020-01 of the Board of County Commissioners of San Juan County, Colorado, titled "San Juan County and Bonita Peak Mining District Environmental Regulations" (Ordinance), **attached hereto as Attachment A**.

The Ordinance is for the regulation of land use, development and activities upon any property within unincorporated San Juan County containing a Remediated Mine Waste Source Area where residual mine wastes or engineered components exist, specifically including the Bonita Peak Mining District Superfund Site.

The Ordinance is necessary to protect human health and the environment and to maintain remediation measures, including engineered components at the subject Remediated Mine Waste Source Areas.

This NOTICE is to inform the public, the current occupant, and any prospective purchaser of the Property of these environmental conditions and the applicable land use restrictions set forth in Section 5 of the Ordinance.

This NOTICE and the Ordinance apply to the Property so long as residual mine wastes or engineered components exist on the Property.

The residual mine waste or engineered components on the Property necessitating this Notice may represent environmental conditions of which a seller would have current actual knowledge and thus, should be disclosed by the seller to the buyer prior to the sale or transfer of this Property.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
4300 Cherry Creek Drive South
Denver, CO 80246
Phone (303) 692-2000

Colorado Department of Public Health and Environment

By: _____ Date: _____

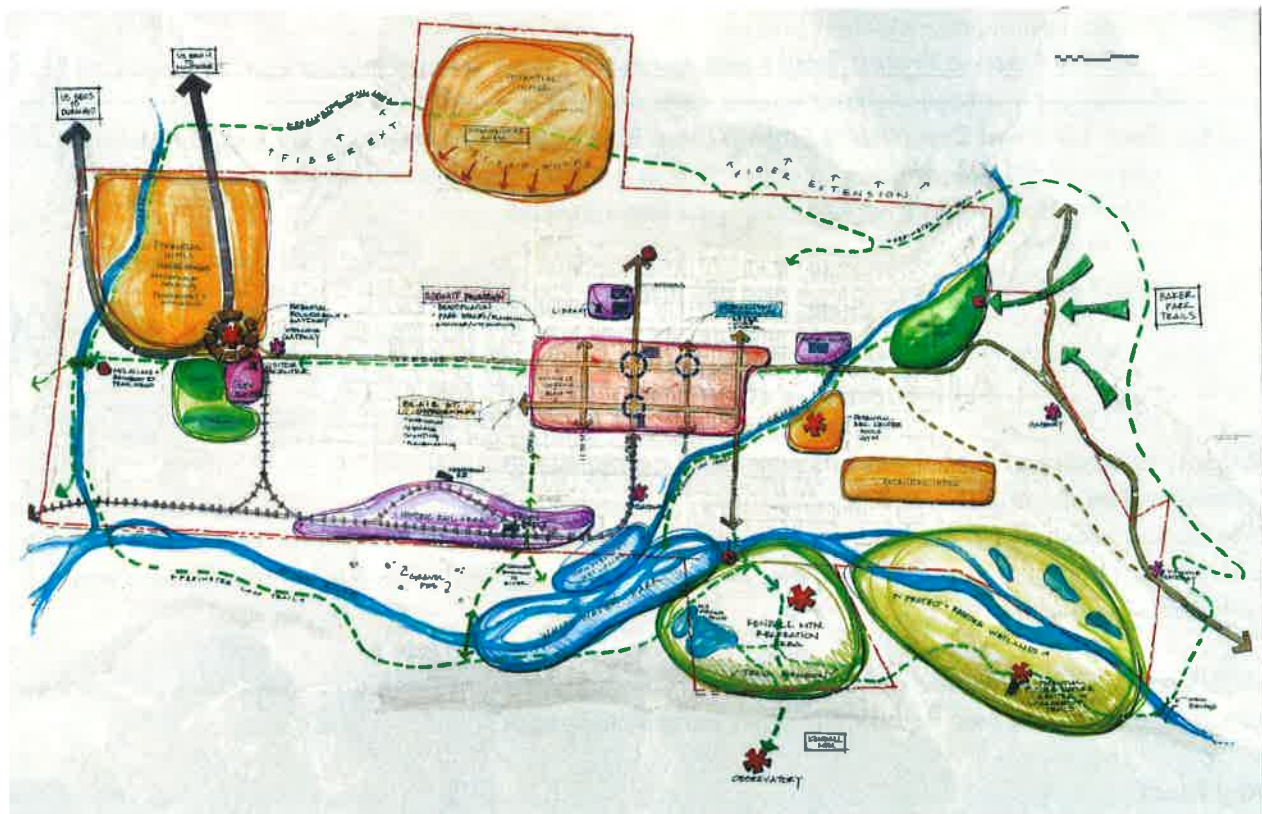
Tracie White
Remediation Program Manager
Colorado Department of Public Health and Environment

Overview. This project concept outlines a proposed approach for Community Builders to assist the Town of Silverton, in partnership with San Juan County, to develop a community-based vision to guide and support local planning and economic development efforts. This effort will engage the community in exploring where we are today, where we want to be in the future, and what we need to do to get there. This work would be designed to support the Town’s development of a new master plan and to connect and align that and other local planning efforts to a broader community vision.

About Community Builders

Community Builders (CB) is a nonprofit organization dedicated to creating strong, livable communities throughout the American West. Based in Glenwood Springs, Colorado, we specialize in helping small cities, towns and rural regions define the future they want, and to create the tools, resources and action needed to make it happen.

Project Support. Community Builders leads the Colorado Brownfields Partnership, which provides resources to support revitalization efforts in Colorado communities. This program, which is funded by the Colorado Department of Public Health and Environment, is able to provide a portion of the funding needed to work in partnership with the project partners to carry out this work.



The image above was developed during the Silverton Revitalization Workshop in 2018, which explored a wide range of community needs, challenges and opportunities.

Proposed Project Approach

The following outline offers a proposed approach to this work. We would plan to work with local partners to update and finalize this scope to ensure it fits local needs. CB will work at project start-up to scope the project to the funding available and, if needed, is able to work with partners to raise additional funds needed to carry out the project.

Activity 1: Groundwork and Project Start Up

Timeframe: Early-Mid October

This activity builds the partnerships, tools, systems, teams, resources and capacity to successfully launch and carry out the project. With the project's strong focus on community engagement, this activity dedicates time to designing strategies for communications, outreach and public involvement.

Guiding Questions: What is the best way to carry out this project? What tools and resources do we need? What teams and structures can we create to make sure it is successful?

Key Tasks

- **Task 1.1. Build Project Teams.** We propose two teams, one (Project Management Team) to support day-to-day project management and another (Project Stewardship Team) to support the community engagement process.
- **Task 1.2 Finalize Project Scope and Approach.** Work with project partners to review and finalize project approach, schedules, roles and desired outcomes.
- **Task 1.3 Build Community Engagement Plans / Systems.** This task will focus on building a community engagement strategy as well as a communication and outreach tools to assist in keeping community members engaged and informed.

Potential Deliverables

- Partnership Agreements
- Project Scope and Timeline
- Community Engagement Strategy

Activity 2: Where are we today? (Community Assessment)

Tentative Timeframe: December - February

This activity aims to help the community explore current and trending conditions. This work will enable an informed dialogue about where the community is today as a foundation for thinking about where it wants to be in the future.

Guiding Questions: What is happening in our community today? Where do current trends suggest we are headed? What are we doing well? What are our challenges?

Key Tasks

- **Task 2.1 Review Existing Plans and Information.** We will review existing plans and documents to build a solid understanding of current and past issues, needs and priorities.

- **Task 2.2 Trends and Existing Conditions Research.** This task brings together relevant information about current conditions and trends. This will be focused research to bring together a limited, not overwhelming, amount of information to support informed dialogue about where the community is now and where it is headed.
- **Task 2.3 Community Assessment Engagement Sessions.** Engage community members through a mix of on-line, virtual and in-person opportunities to share and discuss current conditions and issues in the community, including needs, challenges, assets and opportunities.

Potential Deliverables

- Trends and Conditions Summary
- Community Needs and Assets Mapping / Framework

Activity 3. Community Goals, Vision and Strategies

Timeframe: February - March

This activity transitions the community from exploring how things are today and what trends suggest the future could look like, to a forward-looking discussion about the type of future the community wants to create. This activity will involve a variety of community engagement methods to identify clear community goals and high-level strategies for realizing Silverton's vision for the future.

Guiding Questions: *What are our goals and aspirations for the future? How do we describe community and economy we want? What does success look like?*

- **Task 3.1 Broad Community Engagement.** CB will assist project partners in creating tools to collect public input in ways that make it simple and fun for the community to participate.
- **Task 3.2 Goal-setting Workshops.** Building on the broader engagement above, CB will work with project partners to host a mix of virtual and in-person (physically distanced) community meetings to identify the Silverton's goals and aspirations for the future. The details for how these engagement efforts will take place will be developed in Activity 1 and may need to be adjusted depending on COVID-19 conditions.
- **Task 3.3 Capture and Refine Goals.** The CB team will work with project partners and teams to synthesize community input into high-level goals that provide a clear vision for the future. These will be taken back out to the community for feedback and refinement – asking “did we get it right” - to ensure the goals clearly reflect the community's intent.
- **Task 3.4 Community Storytelling.** Community storytelling, through video and other various communications channels, is a powerful way to both engage the community and communicate concerns, aspirations and vision people have for their community. Budget allowing, we propose to work with project partners to use storytelling to support this stage of the process.

Potential Deliverables

- Goals and Vision Summary Document
- Storytelling Products

Task 4. Strategies and Action Planning

Timeframe: March - May

The purpose of this activity is to translate the community's goals into clear priorities, strategies and actions. Through a collaborative and iterative process, we will work with the community, stakeholders, and project ambassadors to build and cycle ideas to create specific strategies and actions for realizing the Silverton's Goals and Vision. This work will begin with identifying key priorities to focus on in order to create a manageable number of actionable strategies to carry forward.

As with previous activities, we will employ a variety of engagement tactics - virtual, on-line, in-person - to encourage public participation. This is not a task where the CB team will take back information from previous activities and build solutions in a vacuum. Rather, the community itself, with support from CB, will explore and design solutions to the challenges and opportunities they have been discussing.

Guiding Questions. *What priorities do we commit to? What are the strategies and actions that will move us from where we are today, to where we want to be? What resources or capacity do we have or need to create to act?*

- **Task 3.1 Setting Priorities.** The first step will be to discuss priorities for action. The CB team will help the community and local leaders consider several factors to help identify key priorities to focus on in developing strategies and action plans.
- **Task 3.2 Strategies.** With priorities in place, the community will talk about different ways to strategically advance their priorities. This will likely include opportunities to learn how other communities are working to address similar needs or opportunities.
- **Task 3.3 Action Planning.** Finally, CB will support project partners in developing three to four action plans for priority strategies. These action plans will provide a clear path forward for each of the priority strategy, outlining specific steps, resource needs, timing, and roles and responsibilities.
- **Task 3.4. Implementation and Stewardship.** At the conclusion of the project, CB will work with local leaders to discuss how to build on and sustain the momentum built in the project, as well as how to carry forward some of the engagement activities to support implementation. This work is designed to help keep the plan off the shelf and in the hands of community leaders who can make it happen.

Potential Deliverables

- Priorities Summary
- Community Strategies
- Action Plans



Willy Tookey <admin@sanjuancolorado.us>

A Message from John Swartout - CCI Foundation Winter Conference

1 message

Annie Olson <aolson@ccionline.org>

Tue, Oct 20, 2020 at 9:23 AM

To: Annie Olson <aolson@ccionline.org>

Cc: John Swartout <JSwartout@ccionline.org>, Kristin Dunn <kdunn@ccionline.org>, Eric Bergman <ebergman@ccionline.org>, Gini Pingnot <gpingnot@ccionline.org>, Kiley Burress <KBurress@ccionline.org>, Daphne Gervais <DGervais@ccionline.org>

Commissioners & Administrators,

The convergence of a public health crisis, political and social unrest, and economic uncertainty place us all -- as public servants to Colorado communities -- in uncommon circumstances that call for a graceful, absolute and bold approach to what lies ahead.

I reach out to you today with more than just a message about our annual winter conference.

This is also my call for unity as an organization for both the known and the unknown during the upcoming General Assembly. In addition to advancing the 2021 CCI Legislative agenda, it is anticipated that we will face a parade of unfunded mandates more challenging than at any time in the past decade.

As we prepare to enter our 114th year as an organization, our history tells us that we can and will meet our future head-on -- in the public interest.

In spite of our differences and perhaps, at times even because of them, we ultimately speak with one voice -- the CCI voice.

It is in this spirit that we bring you the opportunity to participate in a very different CCI Foundation annual winter conference this year, Nov. 30 -- Dec. 2. We surveyed the membership and feel the approach my staff has come up with will fit everyone's needs. We realize this is a difficult time and are pleased to offer a hybrid conference.

The conference will be delivered virtually and in-person with all of the public health restrictions you would expect. With the public health restrictions in mind, due to space and social distancing restrictions, this year's conference is designed for County Commissioners, Administrators and other key administrative staff only. There is no track for human service directors or road and bridge professionals.

The required business of the conference, election of board members and approval of dues, will all be held virtually via zoom on Monday, November 30th. This gives the opportunity for everyone to be on a level playing field during this business.

The tentative schedule (attached) is what we have in mind.

Monday, Nov. 30 *(virtual)*:

- District meetings to elect 2021 Board members
- Business Meeting to review the 2021 budget

Tuesday, Dec. 1 *(in-person and livestreamed)*:

- Beginning mid-day, the in-person event portion of the day will be held at the Hotel Elegante in El Paso County.

Wednesday, Dec. 2 *(in-person and livestreamed)*

- Content will conclude mid-day.

You may register as an in-person attendee or as a virtual attendee to watch a livestreaming of content.

Registration is now open. You can find more information on our website - <http://ccionline.org/home/conference/>.

I look forward to your engagement in the 2020 CCI Foundation Winter Conference.

Best,

John

 **2020 Tentative Winter Conference Agenda.pdf**
135K



Tentative Schedule

As of October 19, 2020

Monday, November 30

All Meetings on Monday, November 30th will be held via Zoom

- | | |
|-----------------|---|
| 8:30 – 9:15am | Eastern District Meeting
<i>Elect Eastern District Board Member</i> |
| 9:30 – 10:15am | Mountain District Meeting
<i>Elect Mountain District Board Member</i> |
| 10:45 – 11:30am | Southern District Meeting
<i>Elect Southern District Board Member</i> |
| 1 – 1:45pm | Western District Meeting
<i>Elect Western District Board Member</i> |
| 2 -2:45pm | Front Range District Meeting
<i>Elect Front Range District Board Member</i> |
| 2:45 – 3:15pm | 50,000 Caucus Meeting
<i>Elect Secretary & Treasurer of CCI Board</i> |
| 3:30 – 4:30pm | CCI Business Meeting
<i>Review of 2021 Budget and Dues</i> |

Tuesday, December 1

Meetings will be held in person in El Paso County & Livestreamed

- | | |
|------------|--|
| Noon | Registration Open |
| 1 – 2:30pm | CCI General Opening Session
The 2020 Election – Trends & Analysis |
| 2:30 – 3pm | Coffee Break/Visit Vendors |
| 3 – 4:15pm | CCI Session
Inspiration in a time of Transition |

4:15 – 4:30pm **Coffee Break/Visit Vendors**

4:30 – 5:45pm **CCI Session**
New Fiscal Reality: State Budget Reductions in the Face of COVID 19

20% decrease or \$3 billion dollars. This is the amount State revenue decreased from the SFY 2019-2020 (\$13.3 billion) to SFY 2020-2021 (\$10.3 billion). Many of those cuts were one-time in nature and included eliminating programs and substituting state support with federal funds. Members of the Joint Budget Committee and a state economist will share their outlook for the remaining 7 months of the fiscal year and the next fiscal year. Join this session to hear their prognosis and what it may mean for communities around the state.

Panelists

Bob Rankin, Colorado State Senator

Julie McCluskie, Colorado State Representative

6pm **CCI Awards Dinner**

Wednesday, December 2

Meetings will be held in person in El Paso County & Livestreamed

7 am – Noon **Registration Open**

7– 8:30am **CCI Breakfast for All Delegates**

8:40 – 10am **CCI Session**
Spending your CARES Act Funding, Covid-19 update, Looking Forward to 2021

10am – 10:15am Coffee Break/Visit Vendors

10:15 -11:30am **CCI Session**
The Interface between Local Governments, the State, and Public Health – Streamlining Emergency Management to Strengthen Pandemic Response

COVID-19 has revealed both opportunities and vulnerabilities in the way local & state governments manage emergencies. The pandemic has emphasized the need for consistent and robust coordination between the state, counties, municipalities, and local public health agencies, and has showcased the results that can be achieved from effective collaboration. Simultaneously, COVID-19 has highlighted the shortcomings in our current pandemic response and the impact that these have had on protecting Coloradoan's public health and our economy.

Please join us for a discussion on some of the challenges counties have faced throughout the pandemic, but also to hear COVID-19 success stories that remind us of what's achievable when disasters like the ones we've experienced this year are taken on together.

11:30am **Grab-and-Go Lunch**



Willy Tookey <admin@sanjuancolorado.us>

San Juan County Annual Follow Up Letter

1 message

Morschauer - CDOT, Linda <linda.morschauer@state.co.us>

Fri, Oct 16, 2020 at 4:02 PM

To: Sanjuancounty@frontier.net, Mike McVaugh <Mike.McVaugh@state.co.us>, Tony Cady <Tony.Cady@state.co.us>, Matt Muraro <Matt.Muraro@state.co.us>, Kevin Curry <Kevin.Curry@state.co.us>, Julie Constan - CDOT <julie.constan@state.co.us>, Mike Watson - CDOT <mike.watson@state.co.us>, Sidny Zink <szink@durangocpas.com>

Dear Commissioners,

Attached to this email you will find a letter and chart outlining your concerns, and CDOT's responses to those concerns, from our last round of county meetings.

Also attached is our latest construction update for the Southwest TPR.

We will not be hosting in- person county meetings this year. If you would like to request a virtual meeting to discuss projects or anything not covered in the follow-up items, please contact me.

Thank you.

Linda Morschauer

Administrative Assistant II

Region 5 - Environmental & Planning

**COLORADO****Department of Transportation**

P 970.385.1452 | F 970.385.1410

linda.morschauer@state.co.us | www.codot.gov | www.cotrip.org

3803 N. Main Ave., Suite 300, Durango, CO 81301

3 attachments

 **2020 County Follow Up Letter- San Juan.pdf**
273K

 **San Juan County Follow Up Items.pdf**
85K

 **2020 SWTPR Projects October 20.pdf**
1663K



COLORADO
Department of Transportation

Region 5 Director's Office
3803 N. Main Avenue, Suite 306
Durango, CO 81301

October 12, 2020

Attention: William Tookey
San Juan County Commissioners
P.O. Box 466
Silverton, CO 81433

Re: CDOT Region 5 Update

Dear County Commissioners,

This letter provides information regarding our planning process, an update on regional items discussed at our last meeting, and an overview of the current status of our construction projects; since this year we will not be able to meet in person.

The current transportation planning process was the most expansive and inclusive effort in CDOT's history. In addition to the County Meetings you hosted, there were public Transportation Planning Region meetings, "Telephone Town Halls", online surveys, community events; along with online, social, and print media. This input was used to inform the following documents:

- 10-Year Vision
- Statewide Transportation Plan 2045
- Statewide Transit Plan 2045
- Regional Transportation Plans (RTPs) 2045 &
- Regional Transit Plans 2045

Thank you for your participation and feedback throughout the process. All of these plans are available here: <https://www.codot.gov/programs/your-transportation-priorities>

The Statewide Transportation Advisory Committee and Colorado Transportation Commission (TC) adopted the 2045 Statewide Transportation Plan in August of this year. The Southwest Transportation Planning Region adopted their plans on October 8th, 2020.



Due to the funding provided by the legislature through Senate Bill (SB) SB 262, SB 1 and SB 267, CDOT was able to fund a number of projects in these plans throughout the region. CDOT's SB Dashboards show the status of each project's schedule and budget, along with a breakdown of project costs into the various types of project expenditures so the public can see where project dollars are going. This information is linked here: <https://www.codot.gov/programs/your-transportation-priorities/projects-funded>

Additionally, the two attachments provide region specific information including:

1. Follow-up on regional items discussed at our last meeting
2. CDOT Construction Update for 2020

Please review this information and reach out to contact Linda Morschauser at: linda.morschauser@state.co.us or 970 385-1452, if you have any questions or would like to schedule a virtual meeting this fall.

Sincerely,



Michael D. McVaugh
Region Transportation Director

cc: Transportation Commissioner S. Zink
J. Constan
K. Curry
T. Cady
M. Muraro
M. Watson
File





COLORADO
Department of Transportation

Region 5 Director's Office
3803 N. Main Avenue, Suite 306
Durango, CO 81301

October 12, 2020

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Sincerely,



Michael D. McVaugh
Region Transportation Director

cc: Transportation Commissioner S. Zink
J. Constan
K. Curry
T. Cady
M. Muraro
M. Watson
File



2019 COUNTY MEETING FOLLOW UP

SAN JUAN COUNTY MEETING – 7/10/19

COUNTY COMMENTS	CDOT RESPONSE	CURRENT STATUS
<p>1. With growing tourism congestion, the need for facilities on the mountain passes is a bigger issue. Bathrooms at overlooks need to be open year round. County requests CDOT stress the issue with the Forest Service who administers these types of facilities.</p>	<p>Although CDOT supports the continued use of these facilities, we do not have a dedicated funding source for this type of maintenance. Please notify CDOT if the closure or removal of these facilities is imminent.</p>	<p>Although CDOT supports the continued use of these facilities, we do not have a dedicated funding source for this type of maintenance. Please notify CDOT if the closure or removal of these facilities is imminent.</p>
<p>2. The Wye intersection configuration is confusing and there are a lot of near miss accidents here. If a signal is not warranted, there is interest in discussing other options to fund improvements at this location.</p>	<p>An intersection study would need to be done to qualify for improvement funds.</p>	<p>The Southwest Transportation Planning Region, in concert with CDOT, recently completed its long range planning process which is summarized in the Southwest 2045 Regional Transportation Plan. This plan was developed with the most expansive and inclusive public outreach process in CDOT's history. Although this project is included in the plan it was not prioritized for funding within the 10-year plan. Please take a look at the plan to see which projects are a priority in your area: https://www.codot.gov/programs/your-transportation-priorities/regional-transportation-plans</p>
<p>3. The installation of Fiber Optics on US 550 within the county is greatly needed.</p>	<p>CDOT would like to partner on upcoming construction projects to install conduit for future fiber. Typically, the local agency provides the conduit at no cost. CDOT then installs it as part of the project. Please contact Program Engineer, Kevin Curry at 970-385-1436 or kevin.curry@state.co.us to discuss future project partnerships and to formalize the agreement.</p>	<p>CDOT would like to partner on upcoming construction projects to install conduit for future fiber. Typically, the local agency provides the conduit at no cost. CDOT then installs it as part of the project. Please contact Program Engineer, Kevin Curry at 970-385-1436 or kevin.curry@state.co.us to discuss future project partnerships and to formalize the agreement</p>
<p>4. With growing tourism and an overall increase in recreational activities, the need for additional parking and pullouts on US 550 is crucial. More parking options for recreation will improve safety for vehicles on and off the roadway.</p>	<p>The County should apply for FLAP funding in the next round of grants.</p>	<p>The US 550 Red Mountain Pass Access Improvement Project was a successful FLAP application. Please reach out to Matt Muraro, CDOT Region 5 Planner, at: matt.muraro@state.co.us or 970-385-1433 for more information.</p>
<p>5. The County wants to improve pedestrian safety across the Cement Creek bridge. A separate pedestrian bridge or other improvements are needed. In addition, there is a safety issue with children crossing the road in front of the Visitor's Center.</p>	<p>A meeting can be scheduled to discuss possible grant opportunities to help with this is requested, ie: Safe Routes to School (SRTS) grant application.</p>	<p>CDOT did not receive a SRTS, TAP or MMOF application for these projects in the last call for applications.</p>



RECENTLY COMPLETED PROJECTS

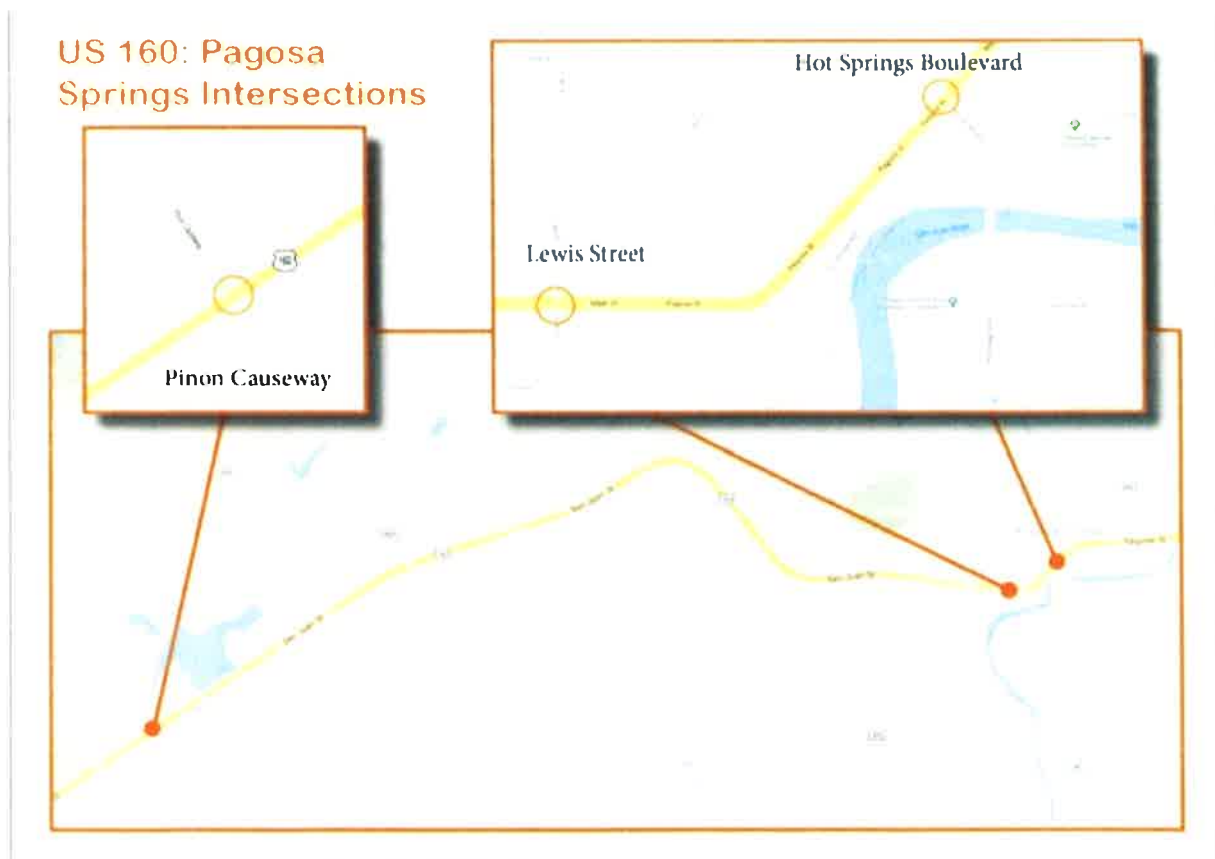
US 160 Pagosa Signals Pinon Hot Springs Lewis- 21235

Budget: \$1.5 million

Funding: Type: Signal Asset

Awarded: Bixby Construction

This project was located on US 160 in the town of Pagosa Springs. Signal replacement and improvements took place at 3 intersections- US 160 and Pinion Causeway on the west side of Pagosa Springs, as well as the intersections of US 160 and Lewis Street and US 160 and Hot Springs Blvd. in downtown Pagosa. Crews removed and replaced outdated equipment, installed new traffic signals, vehicle detection systems, and pedestrian movement systems. These multi-modal improvements will improve the safety and efficiency for all users, including motor vehicles, bicyclists and pedestrians. This project began on March 2nd and was completed on August 5th.



US 160 Towaoc to Cortez Chipseal- 21257

Budget: \$2 million

Funding Type: SUR

Awarded: Intermountain Slurry Seal, Inc.

This project was located on US 160 from approximate MP 29.7 to 34.8 in Montezuma County. The work included a double chipseal, micro-surfacing, rumble strips and new pavement markings. Due to issues related to COVID-19 the start of this project was delayed to June 23rd and was completed on August 28th, 2020.



CURRENT PROJECTS

R5 Chain Station Improvements- 22809

Budget: \$1,300,000

Funding Type: Freight

Awarded: Morton Electric, Inc.

This project made improvements to existing chain stations throughout Region 5. Chain stations included Red Mountain Pass, Monarch Pass, Poncha Pass, La Veta Pass, La Manga Pass and Lizard Head Pass. Improvements included new or updated lighting at each location. A new road closure gate was installed at the La Manga Pass location. This project will improve safety for truck drivers and motorists by giving trucks a safe location off the road with adequate lighting to put chains on during winter storms. Construction began on April 20th, 2020. Work has been completed with a final walkthrough scheduled for next week. Exact locations are below.

- Red Mountain Pass- US 550, MP 71.6- COMPLETE
- Monarch Pass- US 50, MP 204.7- COMPLETE
- Poncha Pass- US 285, MP 125.4- COMPLETE
- Poncha Pass- US 285, MP 119.1- COMPLETE
- Lizard Head Pass- SH 145, MP 54.9- COMPLETE
- La Veta Pass- US 160, MP 262.1- COMPLETE
- La Manga Pass- SH 17, MP 17.0- FINAL STAGES

US 550 MP 90.15 & 90.2, SH 145 MP 24.5 & 49.3 Wall Repairs- 22145

Budget: \$1.5 million

Funding Type: Geohazard and Wall

Awarded: Oldcastle SW Group, Inc.

This project is a combination of wall repairs on US 550 and SH 145. The wall locations on US 550 include MP 90.15 and MP 90.2, just south of the town of Ouray. Work consists of removal of 2 failing cribwalls, rock excavation & construction of new walls to accommodate shoulder widening & new asphalt surfacing. Construction on SH 145 was completed in July and crews have moved to the US 550 portion. Construction began on April 20th and should be complete by mid- October.



Hawkins Signal & Curb Ramps Cortez- 22118

Budget: \$1.5 million

Funding Type: Safety

Awarded: Oldcastle SW Group, Inc.

This project is located on US 160 within Cortez city limits, from approximate MP 38- 40. A new traffic signal is being installed at the intersection of US 160 and Hawkins Street, which will include signal poles, mast arms, signal heads, conduit, cabinet/controllers, and detection controls. Work also includes constructing Americans with Disabilities Act (ADA) enhancements on 34 ramps at 9 additional intersections along US 160/Main Street: Maple St., Linden St., Washington St., Madison St., Harrison St., Park St., Mildred Rd., Sligo St. and Hawkins St. This project began on July 27th and should be complete by late November 2020.



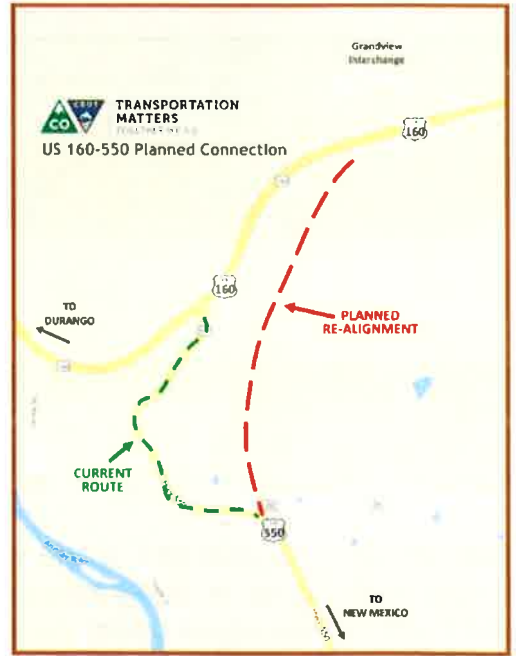
US 160 Hawkins Signal and ADA Ramps Project



US 550/160 Connection South Design- Build- 22420

Budget: \$99.6 million (estimated total cost)
Funding Type: FASTER/ SB 267/ SUR/ RPP
Awarded: Lawrence Construction Co.

This project — focused on the US Highway 550 connection to US Highway 160 in La Plata County — is part of the long-range plan to enhance transportation for Southwest Colorado. The connection will realign US 550 directly into the existing US 160 interchange, eliminating the steep and windy grade of the current US 550 Farmington Hill and improving roadway geometry. The project will include wildlife highway mitigation features which will reduce animal-vehicle collisions. Lawrence Construction Co. has been awarded this project. Construction began in August, 2020 with an estimated completion date in Fall 2022.



UPCOMING PROJECTS

R5 SH 184 MP 11.73, 12.29 Priority Culverts- 21453

Budget: \$1.2 million

Funding Type: Structures

Awarded: American West Construction

This project will take place on SH 184 in Montezuma County. Five CMP culverts located at various locations will be improved using a spin casting technique that has proved successful on other pipes. This project has been awarded with construction starting in October 2020.



US 160 Wolf Creek West Fiber- 22107

Budget: \$12 million

Funding Type: Traffic

Ad Date: September 2020

This project will take place on US 160 Wolf Creek pass from approximate MP 153- 168, within Archuleta and Mineral Counties. Conduit, fiber optic cables and manholes will be installed on the western side of Wolf Creek Pass, from the summit down to Pagosa Springs. The project will also install ITS devices such as variable speed limits tied to friction sensors, a downhill truck warning system for the west side of the pass, and additional cameras. This project is currently under advertisement with construction planned for Spring 2021.

US 160/SH 151 Wildlife Crossing Project- 22024

Budget: \$8.6 million

Funding Type: SUR, CDOT/SUIT/CPW partnership

Awarded: Ralph L. Wadsworth Construction

This project is located on US 160, between approximate MP 126.4 & 128.2, in Archuleta County. The location is roughly centered around the US 160 & SH 151 intersection, between Pagosa Springs (13 miles to the east) and Bayfield (18 miles to the west). In an effort to ease traffic congestion, promote safer travel for motorists and wildlife, and reduce motorist conflicts, several traffic and safety improvements are proposed. Work will include extending an existing passing lane for westbound motorists and the installation of large game crossing structures to reduce wildlife-vehicle collisions in the project corridor. Two large game crossing structures, made of pre- cast concrete arches, will be installed. The structure west of the US 160/SH 151 intersection will be placed beneath the highway

grade and perform as an underpass for wildlife, while the arch structure east of the intersection will be placed over US 160 to perform as an overpass for wildlife. Other work will include installing 8 ft. exclusion fence along both sides of US 160 throughout the project limits, along with earthen escape ramps and a large deer guard on SH 151 to prevent wildlife entry into the fenced corridor. This project has been awarded with construction estimated for Spring 2021.



US 160 McCabe Creek Pagosa - 19263

Budget: \$7.35 million
Funding Type: SB 267
Ad Date: TBD

This project is located on US 160 at approximate MP 143, near downtown Pagosa Springs in Archuleta County. The work will consist of replacing 2 existing, twin CMP culverts with a multi cell box culvert and re-establishing the existing channel. Due to reductions of SB 267 funding for 2020, construction of this project will depend on funding availability.



US 160 West & Cortez PCCP Diamond Grind- 21750

Budget: \$5 million
Funding Type: SUR
Ad Date: November 2020

This project is located on US 160 between approximate MP 37 to 40, in the town of Cortez in Montezuma County. The project is a combination of ADA improvements and a diamond grind/surface rehab. The work will include milling and grinding the surface of the roadway, manhole improvements and new striping. Improvements to the intersection SH 491 and

CR G will also be performed. The Ad date is currently scheduled for November of 2020 with construction tentative for Spring 2021.

SH 145 Dolores Rico US 160 Cortez Htr Repave- 22085

Budget: \$7.6M

Funding Type: SUR, BR, ADA

Ad Date: January 2021

This project is located on SH 145, approximate MP 9- 13 and 46- 47, through the towns of Dolores and Rico in Dolores County. The work for this mill and fill surface treatment project will include a heated pavement application and improvements to ramps and accesses within the project limits. Additional work includes south of Cortez to CR G and East of Cortez from MP 39 to 41, through the intersection of SH 145. The Ad date is scheduled for January 2021 with construction tentative for Summer 2021.

US 160 Four Corners to Aztec Creek-22193

Budget: \$10.65 million

Funding Type: SUR, RRST

Ad Date: Fall 2021

This possible surface treatment project is located on US 160 from MP 0- 8, in Montezuma County. Planned work includes a leveling course and overlay, shoulder widening, and guardrail, depending on funding. Construction would occur in CY 2023.

US 160 San Juan River Bridge Scour- 20685

Budget: \$2 million

Funding Type: BR

Ad Date: TBD

This project is located on US 160 at the Colorado/ New Mexico state line, approximate MP 0. The project will provide scour protection for the bridge which will help contain the increase in runoff. The Ad date and start of construction is tentatively anticipated for CY 2023.

**APPEAL ISSUES FOR THE SILVERTON TRAVEL MANAGEMENT PLAN (STMP) / SUBJECT TO
CONTINUING INVESTIGATION**

I. BLM's Decision to Allow Motorized Use in Minnie Gulch is Arbitrary and Unsupported

- a. The decision does not align with the Tres Rios Resource Management Plan (RMP), as required by the Federal Land Policy and Management Act (FLPMA), which requires site-specific analysis of motorized route designations. BLM did not conduct site-specific analysis of impacts from noise, user conflicts, soundscape, and other impacts in approving construction of a motorized trail in Minnie Gulch.
- b. The STMP decision also was not guided by consideration of the Recreation Setting Characteristics Matrix, as required by the RMP. SJCA raised this issue in their comments on the preliminary EA, but BLM did not attempt to respond to the comments or rationalize its failure to consider the Matrix in approving the motorized trail.
- c. The EA also does not include an accurate, site-specific map or description of the approved motorized trail in Minnie Gulch. Without an accurate map or description, the public is precluded from commenting and reviewing the exact location of the trail and commenting on site-specific impacts to important resources, including wetlands, wildlife, and others. Moreover, without an accurate planning document (including maps), BLM staff cannot manage effectively or consistently over the life of the STMP.
- d. BLM approved a motorized trail in Minnie Gulch over the County's clear objections and contrary to the County's goal, as stated in the County's 2010 Master Plan and 2019 Silverton Area Trails Plan, to not expand the motorized footprint in San Juan County and to balance opportunities for motorized and non-motorized recreation.
- e. BLM failed to analyze how its approval of a motorized trail in Minnie Gulch impacts the Continental Divide National Scenic Trail (CDNST) and ignores the management direction for the CDNST provided by the Trail's Comprehensive Plan.

II. The ROD is Invalid as it is a Function or Duty Performed by the Acting BLM Director during his Illegal Tenure

- a. The U.S. District Court of Montana recently held that BLM Director Pendley has been holding the position of BLM Director unlawfully since July 2019 under the Federal Vacancies Reform Act. The court further concluded that any function or duty of the BLM Director that was performed by Mr. Pendley has no force or effect and must be set aside. The STMP was approved during Mr. Pendley's illegal tenure and thus should be set aside.

III. BLM Failed to Comply with the National Historic Preservation Act (NHPA)

- a. BLM failed to comply with the National Historic Preservation Act's regulations with respect to resolving adverse effects. BLM has not entered into a Memorandum of Agreement with the Colorado State Historic Preservation Office and the Southern Ute Indian Tribe to resolve the adverse effects to the eligible archaeological site in Minnie Gulch by the motorized trail, which were acknowledged in the EA.

- b. The Southern Ute Indian Tribe and the Gunnison Field Office Archaeologist have identified adverse effects that would result from the motorized trail. The ROD states that the BLM will implement “mitigation resolve” [*sic*] to the adverse effects, but the mitigation is not identified in the EA, nor has the BLM consulted with the SHPO, Advisory Council for Historic Preservation, or the Southern Ute Indian Tribe on a mitigation plan, nor have they entered into a MOA after all parties have concurred on the mitigation. These are required prior to the signing of the final EA and ROD. Thus, BLM has violated its legal obligations under the National Historic Preservation Act.

October 26, 2020
San Juan Citizens Alliance



COLORADO
Department of Local Affairs
Division of Local Government

October 19, 2020

Peter McKay, Commissioner
San Juan County
PO Box 466
Silverton, CO 81433

RE: REDI 20-211 Town of Silverton Science and Innovation Project

Dear Commissioner McKay,

In response to your recent request, I am offering to enter into a contract for a grant in the amount of \$32,953 to assist with the above mentioned project. We are pleased to make this investment to encourage growth, diversity and resiliency in the local economy.

Please contact your regional manager, Patrick Rondinelli for information on how to proceed as well as discuss the scope of work and the Department's expectations. As you know, no state funds or matching funds can be obligated before a grant contract is fully executed. Expenditure of any funds prior to the contract being fully executed cannot be included in the contract budget or reimbursed by the state. Please note that funds need to be expended by June 30, 2022.

We wish you success with this project. Please let us know if we can be of any assistance.

Sincerely,

Rick Garcia
Executive Director

cc: Senator Don Coram
Representative Barbara McLachlan
Patrick Rondinelli, DOLA
William A. Tookey, San Juan County



PO Box 250
Silverton, CO 81433

970-387-5522



PO Box 466
Silverton, CO 81433

970-387-5766

Date: October 26, 2020.

For: October 28 Board of County Commissioners Meeting.

From: Town/County Planning Director.

Regarding: Some of the Planning Department Work During the Past Two Weeks.

County Projects

- Assisted the Owner of a Proposed Bed & Breakfast near Gladstone, and an adjacent land owner, with some parking, driveway, and water well questions.
- Two County projects will be reviewed by the Planning Commission on October 27, and preparation of the “packet” was completed last week.
- A Boundary Agreement of two adjacent mining claims on Ophir Pass is proposed.
- I received a Land Use Permit Application for an ongoing mining reclamation project adjacent to Cole Ranch.
- The Planning Commission will consider a Proposed Plat Amendment at the Cole Ranch Subdivision.
- A mining claim for sale above the Lackawanna Mill has generated some questions, regarding the County Improvement Permit Application process.
- A local College office contacted Planning about proposing a school backcountry learning structure.
- Assisted a land buyer with information on the County Improvement Permit application process, and County hazard maps, for a mining claim on the way to the Black Hawk Mine.
- Assisted a local realtor with land, Improvement Permit Application, and County Variance Application questions, for two adjacent claims at Howardsville, where an RV park might be proposed.
- Emergency services follow up call about proposing a communications tower at the area about Chattanooga.
- Many other calls and emails about ongoing and upcoming County projects and applications.
- If you have an interest in County applications, they are being posted on the County website, by the Courthouse staff, under Building & Planning, Pending Applications.

Town Projects

- Two Town projects will be reviewed by the Planning Commission on October 27, and preparation of the “packet” was completed last week.
- The Planning Commission will consider a small RV Park in the Town’s Avalanche Hazard Overlay District.
- The Planning Commission will consider proposed changes to the Town’s Vacation Rental (VR) regulations. Weekly Committee meetings have been occurring, to fine-tune the proposed VR changes.
- The Planning Department is getting inquiries about existing non-conforming two-lot parcels in the R1A zone, where three lots are required to build.
- Assistance is being given to landowners, buyers of land, and realtors, when they inquire regarding zoning, regulations, infrastructure, easements, wetlands, various Town application processes, along with the Building Inspector and the Public Works Director. Here are some of the parcels we are getting inquiries about, over the past 2 weeks: Stanley Placer near Cement Creek, several Taylor Addition sites near the Shrine, 7th & Snowden, 8th & Snowden, 2 sites at 9th & Snowden, 7th & Mineral, 8th & Mineral, 20th & Mineral, several sites within

the Town's Avalanche Hazard Overlay District, 6th & Greene, 11th & Keystone, 11th & Bluff, 12th & Snowden, Clemmons Placer, a half-Block at the wye.

-The Town has a Board of Adjustment, and I believe the Town Board will be appointing an Alternate tonight (10/26). That Town Board of Adjustment is going to be specially-convened soon, to consider three Town recently submitted Variance Applications. Adjacent land owner notification letters and newspaper legal notices will occur beforehand.

-The Town is considering a Sign Ordinance. It is a change regarding Temporary Signs, such as campaign signs.

-The Town Master Plan Committee will meet on November 3. Meeting is public, and info is on Town website.

-A recently licensed Proposed Retail Marijuana Store on Greene Street has submitted proposed signage, lighting, and entrance addition plans which will be reviewed by the Planning Commission at their next meeting.

-Two in-Town Vacation Rental applications have been recently submitted, with a third one enroute in the mail.

-The Town has a new staff member (Nathan Baxter) who is acting as an assistant to all of the Departments. I am going to work with the assistant to assemble some online information, to help reduce the number of inquiries we receive about zoning, Hazard Districts, permits, etc. That will reduce the Staff time and work for the Planning Department, Building Department, and the Public Works Director. Typical calls we receive ask valid questions related to: what is the zoning, what can I do in that zone, where are the closest utility mains, am I in the Avalanche District, downtown Historic District, am I in the Floodplain, can I do a Vacation Rental, are there wetlands, how do I get a survey, am I zoned for a duplex, what are the water and sewer tap requirements and fees, do I need a Variance, where is the form for the Avalanche District, who do I call about electric, when is the Town going to extend infrastructure to my site, et cetera. Putting together a basic document with maps and forms, and posting that online, will save a lot of Town/County Staff time. It could be called a basic Town Due Diligence & Development Guide.

-If you have an interest in Town applications, Town Committees, and/or Town/County Planning Commission meetings, the applications, agendas, and packets for those items are being posted on the Town website.

-Every two weeks I prepare a "one page form" style of Staff Report for the Town Board of Trustees. All of the Town Staff fills out the same "form." Those are posted on the Town website, if you would like to see them. They can be found in the online Town Board "packets." You can contact me anytime to discuss Town or County Planning issues. My email address is ladair@silverton.co.us and my Town Hall work cell phone is (970) 946-9408.



Economic Recovery Team

Meeting Date: 10/27/2020 10-11AM

Public Meeting

Short Term Economic Recovery:

Summer recap:

Willy: feeling good about how everything turned out despite COVID. Our restaurants using the street locations was successful. Our Emergency Management Team was quick to respond and did well at the beginning of the pandemic.

Deanne: October may have been a record month. All the way until Ice Fire began. Hotels full and buying locally was utilized by the fire teams as well. Cannot become complacent, winter is coming, and we'll need to keep up our diligence. John, upped projections for October, and we far succeeded those numbers. Becky is working to keep our COVID reporting accurate.

John R.: Thanks to the ERT team for the fire, Jim, Bruce, Becky, Deanne, etc. We took a proactive stance by closing the town for 2 months, and we have proven that doing so got us ahead of the rest of the state. Our closure, the food banks, the diligence all worked in our benefits. The way our community came together, the grants we were able to obtain, we bought 42,000 masks plus sanitizer to help protect our community. Eliminating the excuse of not having or getting a mask, helped keep COVID at bay. Consider street scaping in the future with how successful they were regardless if COVID still lingers. Great way that we completed high school graduation with a parade and kids riding the ladder truck.

Becky: Happy with our success so far but is concerned about the fall and what is yet to come.

Kim: Some of the successes this summer were from people getting ready for disasters over the past 10 years. Something we need to continue to prepare for future problems too.

Areas for Improvement:

Willy/Scott: Lack of employees was the biggest issue this summer. For example, Fetch's had double the business with half the employees. Brings up the housing issue and finding housing/rentals for workforce. Difficulty with daycare. People work 1/2-3/4 of their day just to pay for their daycare, plus their closure this year. Mask issues, people who get ugly. Political stress from visitors who come from different beliefs and made it

hard to deal with them. The trails and backcountry were over utilized. With the Ice Fire, Ice Lakes is much less of an issue right now, but its possible we need to go to a RSVP system for both Ice Lakes and South Mineral Campground. 350-385k vehicles on the Alpine Loop. Sheriff's department were busy with town issues and understaffed leaving the trails to the visitors. No mag chloride for budget but dust this year was outrageous. No monsoons made it much worse. Public bathroom problems on Greene Street.

Shane: There's part of our community focused on tourism, but there's much more focused on the remote sustainable members. Feels we need to see how to support the residents equally as the tourists.

John: Also need to include and support our senior population as well. And don't let your guard down.

Deanne: Communication needs to be better with the senior and Spanish speaking population. They do have the new resource and employee for this purpose, but its working. The visitor center is a physical hub for emergency communication. Getting that communication out they need to improve. Symbols/signage important to draw the attention of visitors. She'll work on making a template for communication plan too.

Becky would still like to put together a community mask for handing out. Also, she is thankful for the support her department has been given from the commissioners, the town, everybody.

Kim: Workloads are extremely high, even now, with the volunteers and everyone is still responding to the COVID pandemic.

2020-2021 Winter Season:

Willy numbers are bumping up with COVID, we may be in for a bumpy ride.

Andy: State ski area specific guidance with 2 step approval process including the PH department and the State COPHD. Silverton Mtn helped drafting the guidance the state is using. They are putting together a plan that meets or exceeds the state guidance. Closing tent, check-in outdoors, suspend liquor sales, mask requirements in public spaces, measure related to isolation for symptoms, screening of the base every day with thermometers, screening of guests before they show up/are admitted. Very protected and all-encompassing plan. Shuttle bus will be reduced capacity, regardless if a group has to wait for the rest of their group. Also distancing on the bus from the front area and the staff.

Lisa: Kendall – Base lodge and restrooms closed, no rentals, only online sales, season pass holders can have reservation free skiing and make reservations for non-season pass holders. Limiting and spacing lift lines. Pricing out ecommerce piece for ticket and rsvp sales. They will be open, but different than previous seasons. Anticipating much larger crowds this winter & recreation. New groomer will assist in keeping trails ready for visitors also.

Becky: Our area and terrain is set up for success. Biggest problem they see is when the staff do things like fraternize together or don't protect each other, passing the virus between them and taking out the whole work crew.

Willy: Even if there is a vaccine, it could be 3rd quarter 2021 before they have some normalcy. Mask/social distancing will need to stay vigilant.

Jim: Train is healthy and working hard to get locomotive ready for May 1 opening in spring. Diesel – 2 are already ready to go. They will be able to pull 7-9 cars, but it will be the best way for them to traverse the valley with dry spells and be vigilant. Now running at 50% about 700-1000 passengers. They are losing a lot of money at those numbers, so it is not sustainable. Working with the governor's office to up their ability to make it possible to operate at higher capacity. Bridge is repaired and ready to operate and the USFS allowed them to do some more fire mitigation.

Willy considers working with GOCO to work on trails down there too.

Other:

CO Relief Fund:

Kim: Silverton groups received 100k for food support through the collaborative grant. 100-200k is what she thinks we should go out for again. Partnership between Chamber/KMRA/Silverton Mtn for 100k for employee support when they're sick, changes for COVID this winter. Then the county + a couple other partners could propose for another 100k to attempt to fix the issues like bathrooms on Greene, replenishing backstock, expanded impact – workforce housing. School/PH/Town are out of it, but with some thought they can partner together and try. Time sensitive – needs to happen by early November. Can't be used for construction. Can be used to study impacts/information gathering from the impact of visitors.

Kim: Still putting the rest of their money from the first 100k they received into supporting families who have to stay home with sick kids, rent assistance, and food assistance. They have a group checking in to ensure they're spending where it's needed the most. She will put together a zoom meeting just for planning for this next week.

Quality of Life Survey:

Scott wants to hear what the community wants. Lisa confirms that they have not disseminated the data received in those surveys yet. Shane is on the committee. He says they are getting state forecasting and Lisa A. to learn where we've been in the past. Did a training with CO DOLA to direct them in moving forward. Next meeting of the Master Plan Committee is to talk about scope. He believes the QOL information will go to the public for feedback just like the master planning process.

Daycare:

Darlene: Problem with the daycare. Wants to see if there is a way for the town/grants to support daycare for employees. When kids don't have daycare, parents aren't at work. Big problem. Willy considers there may be funds in one of the grants to assist this.

REDI Grants:

Town: John, funds will pay for an employee/executive director for SJDA. They are deciding which way is best to best gain support there. 15-18 months of pay. Need this position to bring businesses back to town, new and year-round economies, determine Silverton's needs.

County: Willy 33k in partnership with MSI to do a business plan to create a sustainable innovation and technology center. To bring in professional assistance and get this facility on the ground. Could bring in jobs and be very positive thing for our area.



Willy Tookey <admin@sanjuancolorado.us>

2 confirmed COVID 19 cases today October 27th in Silverton

2 messages

SJC CO Office of Emergency Management <pio@sanjuancolorado.us>

Tue, Oct 27, 2020 at 3:01 PM

Reply-To: pio@sanjuancolorado.us

To: administrator@sanjuancolorado.us

**PRESS RELEASE San Juan County, Colorado**

Silverton, Colo.: San Juan County Public Health announces Tuesday October 27th that our community has 2 confirmed positive COVID-19 cases. Community members who may have been exposed are currently being rapid tested for COVID-19. If you feel any symptoms, please contact the San Juan County Public Health office at 970 387-0242.

San Juan County Public Health Director Becky Joyce reported 2 confirmed positive COVID-19 cases in Silverton on Tuesday October 27th. The SJCPH department is conducting contact tracing and if you were potentially exposed, they will contact you. If you feel as though you may have been exposed or are starting to experience symptoms, please self isolate immediately and contact the SJCPH office asap.

SJCPH Director Becky Joyce states *"If you are around someone who is exhibiting symptoms, don't be afraid to encourage them to get tested for COVID 19 and stay home. It takes the entire community to cooperate to stop COVID-19 in its tracks."*

COVID-19 testing is available here in Silverton, Call for appointment at 970 387-0242.

Most common symptoms for COVID-19 include:

- Fever
- Dry cough
- Tiredness

Less common symptoms:

- Aches and pains

- Sore throat
- Diarrhea
- Conjunctivitis
- Headache
- Loss of taste or smell
- a rash on skin, or discoloration of fingers or toes

Serious symptoms:

- Difficulty breathing or shortness of breath
- Chest pain or pressure
- Loss of speech or movement

Seek immediate medical attention if you have serious symptoms. Always call before visiting your doctor or health facility.

On average it takes 5–6 days from when someone is infected with the virus for symptoms to show, however it can take up to 14 days

[CLICK HERE TO READ PRESS RELEASE](#)

###

For more information on Safer At Home order, please visit <https://covid19.colorado.gov/safer-at-home>

To sign up for the updates from the Office of Emergency Management and San Juan County Public Health, email pio@sanjuancolorado.us to get on the email list. Make sure to sign up for emergency alerts through Nixle for San Juan County.
Text 81433 to 888-777.

Thank you.

DeAnne Gallegos
Public Information Officer
San Juan County Office of Emergency Management
pio@sanjuancolorado.us

San Juan County Colorado [Website](#)



San Juan County CO Office of Emergency Management | PO Box 184, Silverton, CO 81433

Unsubscribe administrator@sanjuancolorado.us

About our service provider

Sent by pio@sanjuancolorado.us powered by

FYI.....Just to keep everyone in the loop. This is a communication I sent out to all of our families today. I hope this continues to be a manageable situation. It is a strong reminder to me or how wide the connections from the school are to the community.

Please let me know if you have any questions or need additional information.

Kim

Hi all,

Today we were notified by San Juan County Public Health (SJCPH) that a 4th/5th student has tested positive for COVID-19. The school is working proactively with SJCPH to make the appropriate notifications and provide next steps for those believed to have been in close contact with this individual.

While the student's privacy is protected by law, those students and/or staff members who were in direct contact with the student are in the process of being contacted by the School and SJCPH. At this time, this incident is isolated to the 4th/5th grade cohort at the school. This cohort will move to a remote learning structure for a 14 day quarantine period. This includes the 4th/5th grade students and the teachers in their cohort. The rest of the school remains open for in person learning for the other non 4th/5th grade students.

At this time, siblings of any 4th/5th graders do not have to quarantine and can continue to come to school AS LONG AS they are not showing any signs or symptoms of being sick and do not have a fever. It is worth noting that siblings of 4th/5th grade students are in each of the other cohorts, including in K-1, 2-3, MS and HS. Because of these connections, it is incredibly important that you increase your monitoring of the health of all of your household members over the next two weeks. Please do not send anyone to school if they have any symptoms of COVID -19. We do not want to have to shut down the entire school to in-person learning for several weeks.

As a community, we are fortunate to have access to Rapid Testing through SJCPH which allows for results to be returned within an hour or less. This has helped the school to quickly identify and respond to finding a positive result.

We are asking all families to increase their monitoring of the health of their household members over the next two weeks. Please make sure that anyone who is feeling sick stays home. Remember, now more than ever, that wearing a mask, maintaining social distancing, regularly washing hands, and recognizing symptoms quickly is the key to helping us get through this challenge as quickly as possible.

Our entire community must remain vigilant so that we can keep our schools and our community safe and open as COVID -19 continues to be a presence in our lives.

At this time, we have no reason to believe that the Silverton Family Learning Center has been impacted as there are currently no known direct links between the 4th/5th Cohort and the SFLC program.

Please reach out to Mrs. B., Nurse Kelly Kamm, or myself with any specific questions or concerns you may have.

Kim

--
Kim White

Superintendent

San Juan County School District #1

Silverton Public Schools

PO Box 128

Silverton, CO 81433

970-387-5544 work

970-799-0963 cell



Willy Tookey <admin@sanjuancolorado.us>

FW: Release 10/27: Several counties moving to stricter levels on Colorado's COVID dial to protect their residents

1 message

Claire Ninde <CNinde@sjbpublichealth.org>
To: Claire Ninde <CNinde@sjbpublichealth.org>

Tue, Oct 27, 2020 at 12:40 PM

INFORMACIÓN SEGUIDA EN ESPAÑOL TAN PRONTO ESTÉ DISPONIBLE

----- Forwarded message -----

From: Colorado State Joint Information Center <media_info@state.co.us>

Date: Tue, Oct 27, 2020 at 12:18 PM

Subject: Release 10/27: Several counties moving to stricter levels on Colorado's COVID dial to protect their residents

To: SOC_JICMediaList <soc_jicmedialist@state.co.us>

INFORMACIÓN SEGUIDA EN ESPAÑOL TAN PRONTO ESTÉ DISPONIBLE**COLORADO****Office of Communications**

Department of Public Health & Environment

FOR IMMEDIATE RELEASE

CONTACT:

COVID-19 MEDIA LINE: 303-900-2849 (Please leave a message)

Email: media_info@state.co.us**Several counties moving to stricter levels on Colorado's COVID dial to protect their residents**

REMOTE, (Oct. 27, 2020): Today the Colorado Department of Public Health and Environment (CDPHE) announced several Colorado counties are moving to stricter levels on the state's [COVID-19 dial](#). After two weeks of growing cases and mounting pressure on the health care system, the following counties, in consultation with CDPHE, are moving to more restrictive levels:

- Adams County is moving to Safer at Home 3 tomorrow.
- Arapahoe County is moving to Safer at Home 2 tomorrow.
- Denver County is moving to Safer at Home 3 tomorrow.
- Otero County is moving to Safer at Home 2 on Friday.

- Crowley County is moving Safer at Home 2 on Friday.

La Plata County moved to Safer at Home 2, and Mesa County moved to Safer at Home 1 yesterday.

The counties have submitted mitigation plans to the CDPHE and are working to reverse the concerning trends in their counties.

Every Safer at Home level limits personal gatherings to 10 or fewer people from no more than two households, and there are various capacity limits for other activities. Review a comparative chart of every level.

"We need everyone to stay **vigilant**. Colorado is experiencing a swift rise in cases right now that is worrisome," **said Jill Hunsaker Ryan, executive director, CDPHE**. "As we head into winter and spend more time indoors, the virus is going to be harder to suppress. The dial is designed for the long haul, in an attempt to control infections based on local conditions. We are grateful for the cooperation of counties, and the seriousness with which they are taking their response."

Colorado's dial framework standardizes different levels of "openness" at the county level and enables counties to balance, to the greatest extent possible, controlling the virus with our social and economic needs. The dial framework has five levels that guide a county's response to COVID-19. Capacity restrictions for businesses, restaurants, schools, places of worship, and other locations vary based on a county's dial level. A county's dial level is determined by three metrics:

- **New cases:** how much the virus is circulating in a county.
- **Percent positivity:** whether there is sufficient COVID-19 testing to capture the level of virus transmission.
- **Impact on hospitalizations:** whether hospitalizations are increasing, stable, or declining.

This tool is intended to help counties determine when and how they should move from one dial level to another. The COVID-19 dial includes five levels, from least to most restrictive:

- **Protect Our Neighbors - Careful:** Local public health agencies are able to contain surges in cases and outbreaks through testing, case investigation, contact tracing, isolation, quarantine, site-specific closures, and enforcement of public health orders.
- **Safer at Home 1 - Cautious:** Less restrictive than Safer at Home Level 2, this level is for counties with low virus transmission that have not yet achieved Protect Our Neighbors.
- **Safer at Home 2 - Concern:** The baseline. While we are all still safer at home, we are also able to practice greater social distancing in our great outdoors than in confined indoor spaces.
- **Safer at Home 3 - High Risk:** This is more restrictive than Safer at Home Level 2, for counties experiencing increased metrics. Action is needed, but Stay at Home may not be warranted.
- **Stay at Home:** Everyone is required to stay at home except for grocery shopping, exercise and necessary activities. Only critical businesses are open.

In order to move from a more restrictive level to a less restrictive level, a county needs to meet and sustain the less restrictive level's required metrics for two weeks.

For information about Colorado's COVID dial and county status, visit the dial dashboard at <https://covid19.colorado.gov/data/covid-19-dial/covid-19-dial-dashboard>

Download graphics for each dial level: [Protect Our Neighbors](#), [Safer at Home 1](#), [Safer at Home 2](#), [Safer at Home 3](#), [Stay at Home](#).

Continue to stay up to date by visiting covid19.colorado.gov.

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Our Mission is to lead and support Colorado's effort to prevent, protect, mitigate, respond to and recover from all-hazard events.

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COLORADO
Department of Public
Health & Environment

October 26, 2020

Mayor Michael B. Hancock
City and County of Denver
Office of the Mayor
via email

Robert M. McDonald
Public Health Administrator, City and County of Denver
Executive Director, Denver Department of Public Health and Environment
via email

RE: Denver County Safer at Home Dial Level Change

Dear Mayor Hancock and Director McDonald:

On October 8, 2020, Colorado Department of Public Health and Environment (CDPHE) reached out to you regarding Denver County's mitigation plan and requested additional restrictions. At that time, the county's incidence rates exceeded the Safer at Home Dial Level 2 metrics as follows:

- Two-week cumulative incidence rate: 200.48/100,000 people
- Percent positivity: 4.01%
- 2-week COVID-19 case count (new cases): 1,462

Director McDonald issued several Public Health Orders on October 16th which aided the mitigation efforts. As of today Denver County's metrics are as follows:

- Two-week cumulative incidence rate: 384.65/100,000 people
- Percent positivity: 7.03%
- 2-week COVID-19 case count (new cases): 2,805

Given the severity of these increases, CDPHE is moving Denver County to Safer at Home Dial Level 3. CDPHE also reserves the right to move the county to a more restrictive level at any point should circumstances warrant more aggressive sector restrictions.

The change from Level 2 to Level 3 is effective today, October 26, 2020 and the county should work to inform communities and stakeholders and ensure the transition is complete by Wednesday, October 28, 2020. This process will require the county to implement restrictions across all sectors as described in Section II D of [Public Health Order 20-35](#), as amended.

Denver County Dial Change - Level 2 to Level 3
October 26, 2020

Should the county restore metrics for Level 2 at any time during the more restrictive phase, the county would need to maintain those metrics for two weeks and complete the request process described [here](#) in order to be moved back to Level 2.

Additionally, when the State transitioned to Safer at Home Dial 20-35 on September 15, 2020, any sector or site-specific variances that exceeded the new dial framework remained intact. This included Denver County's site-specific variances for Denver Zoo, Botanic Gardens, Cherry Creek Mall, Four Mile Park, and National Western Complex. While sector variances are permanently lost when a county moves to a more restrictive level in Safer at Home Dial, site-specific variances remain intact. Therefore, the Botanic Gardens, Denver Zoo, Cherry Creek Mall, Four Mile Park, and National Western Complex can continue to operate according to the allowances and conditions of the original variance approvals on May 19, 2020 (Botanic Gardens), June 6, 2020 (Denver Zoo) and June 15, 2020 (Cherry Creek Mall, Four Mile Park and National Western Complex).

I want to assure you that we appreciate the unique challenges facing Denver County and commend you for your efforts and diligence. Stopping the spread of this persistent virus takes the cooperation of everyone consistently practicing good disease prevention strategies and your partnership has been critical. Thank you.

Lastly, if we can be a resource for you in any capacity, please let us know. We would be happy to consult with you on additional supports and services.

Sincerely,

A handwritten signature in black ink that reads "Jill Hunsaker Ryan". The signature is written in a cursive, flowing style.

Jill Hunsaker Ryan, MPH
Executive Director
Colorado Department of Public Health and Environment