SAN JUAN COUNTY, COLORADO

BOARD OF COMMISSIONERS MEETING AGENDA

March 8, 2023

Due to the continuing COVID-19 concerns, San Juan County meetings will be conducted in a hybrid virtual/in-person format. All persons including Board Members, Staff and those with appointments scheduled on the agenda may meet in person or via zoom. At risk participants are strongly encouraged to wear a mask. We encourage community members to participate via zoom. The information necessary to connect to the public meeting is listed below.

CALL TO ORDER: 8:30 A.M.

OLD BUSINESS:
Consider Bills and Authorize Warrants
BOCC Regular Meeting Minutes for February 22, 2023

APPOINTMENTS:
8:40 A.M. - Becky Joyce, Public Health Director
9:30 A.M. - Road Supervisor, Lois Girodo
10:00 A.M. - Sunnyside Land Proposal (Phase I Environmental Report can be accessed at 900_B11-San_Juan_County_Mining_Claim_Parcels__Phase_I_ESA_-_Draft_v1.pdf)

CORRESPONDENCE:
San Juan Basin Public Health
GMUG National Forests AML Safety Closures

NEW BUSINESS:
Ouray County-Winter Road Closure Case
Commissioner and Staff Reports

OTHER:

ADJOURN: Next Regular Meeting – 6:30 PM, Wednesday March 22, 2023
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 MET MARCH 8, 2023
AND THE FOLLOWING BILL WERE APPROVED FOR PAYMENT.

24221	VISA	COMMUNICATIONS BILL	173.63
24222	COFFEE BEAR	DRINKS FOR TOOKEY PARTY	57.38
24223	WEX BANK	SHERIFF FUEL	1322.40
24224	MAISEL EXCAVATION LLC	HOSPITAL COAL	1240.20
24225	CO COUNTY CLERK ASSOC	2023 DUES	796.95
24226	MCMANUS & ASSOC	WORK ON QUICK BOOKS	600.00
24227	VERO	BILL	1151.85
24228	CENTURY LINK	SHERIFFS BILL	357.53
24229	MAISEL EXCAVATION LLC	HOSPITAL COAL	1225.50
24230	ANGELES CONSTRUCTION	SENIOR SHOVELING	1433.75
24231	ANTHEM BLUE CROSS	MEDICAL INSURANCE	17536.22
24232	DIGICOM ELECTRONICS	OEM BILL	95.00
24233	JESUS INZUNZA	SHOVEL HOSPITAL ROOF-STEPS	90.00
24234	AMAZON CAPITAL SERVICES	CUSTODIAN SUPPLIES	356.76
24235	IMAGE NET CONSULTING	SHERIFFS BILL	114.54
24236	SPATIALIST INC	ASSESSORS BILL	5000.00
DD	ABIGAIL H. ARMISTEAD	SHERIFFS DEPUTY WAGES	3607.14
DD	AMIE R. BICOCCHI	NURSE & DEPUTY WAGES	3299.83
DD	ANTHOBY D. EDWARDS	COMMUNICATIONS WAGES	2543.19
DD	ARTHUR J. DONOVAN	EPD WAGES	4491.57
DD	AUSTIN P. LASHLEY	COMMISSIONERS WAGES	2273.99
DD	BRUCE T. CONRAD	SHERIFF WAGES	4293.06
DD	DEANNA M. JARAMILLO	TREASURERS WAGES	3567.95
DD	ERNEST F. KUHLMAN	REIMB SUPPLEMENTAL	198.28
DD	24252	SHERIFFS DEPUTY WAGES	1540.52
DD	KERI METZLER	CORONER WAGES	993.03
DD	KIMBERLY A. BUCK	ASSESSORS WAGES	4234.98
DD	KRISTINA L. RHOADES	SOCIAL SERVICE WAGES	2179.00
DD	LADONNA L. JARAMILLO	COUNTY CLERK WAGES	3620.76
DD	LINSLEY SWEET	DEPUTY CLERK WAGES	667.39
DD	PETER C. MAISEL	COMMISSIONERS WAGES	2182.03
DD	REBECCA B. JOYCE	COUNTY NURSE WAGES	5124.33
DD	REBECCA J. RHAODES	CUSTODIAN WAGES	1052.18
DD	ROBERT W. GARDINER	NURSE FINANCIAL WAGES	3363.70
DD	SARAH B. FRIDEN	SENIOR SHOVELING	1720.53
DD	STEPHEN W. LOWRANCE	UNDERSHERIFF WAGES	4055.33
24237	FRED W. CANFIELD	SENIOR SHOVELING	885.04
24238	SCOTT L. FETCHENHIER	COMMISSIONERS WAGES	2138.03
24239	TOMMY WIPF	VETERNS OFFICER WAGES	356.40
24240	WILLIAM A. TOOKEY	ADMINISTRATORS WAGES	4738.35
24241	REPLACED CHECK # 24115		
24242	CITIZENS STATE BANK	ANVIL PAYMENT	5558.98
24243	CITIZENS STATE BANK	FEDERAL TAXES WITHHILD	20902.46
24244	CITIZENS STATE BANK	STATE TAXES WITHHELD	3347.00

24245	GREAT-WEST LIFE	GROUP RETIREMENT	5468.50
24246	CITIZENS STATE BANK	H S A SAVINGS	1600.00
24247	KANSAS CITY LIFE	DENTAL & LIFE INSURANCE	821.52
24248	VOID		
24249	AFLAC	INDIVIDUAL INSURANCE	177.10
24250	AMAZON CAPITAL SERVICES	CUSTODIAN SUPPLIES	15.78
24251	AMWINS GROUP BENEFITS	VISION INSURANCE	152.53
24252	VISA	BILLS	3598.29
24253	CENTURY LINK	SHERIFFS BILL	72.22
24254	SILVERTON SCHOOL	REIMB SCHOOL NURSE-COUN	10239.50
24255	ROCK ENVIRONMENTAL	NURSES BILL	120.00
24256	SILVERTON CLINIC	REIMB FOR AUDREY RATHEY	456.08
24257	BRUCE E. HARING	MENTAL HEALTH PROGRAM	4942.00
24258	DAYNA KRANKER	NURSE ASSISTANT PAY-REIMB	1320.43
24259	AVALANCHE CAFÉ	HOLIDAY GIFT	25.00
24260	WEX BANK	SHERIFFS FUEL	1049.25
24261	DENNIS R. GOLBRICHT	FEBRUARY 23 SERVICES	2642.25
24262	VERO BROADBAND LLC	BILL	1151.85
24263	SILVERTON HARDWARE	BILLS	412.06
24264	ALEXANDER CLARK PRINT.	PARKING CITATION	431.67
24265	SILVERTON CLINIC	REIMB LOIS MACKENZIE	1474.10
24266	SILVERTON LP GAS	TANK FILL UPS	5312.18
24267	SANI SERV, LLC	TOILET ON RED MOUNTAIN	160.00
24268	CO CUSTOM ELEVATOR	SEMI-ANNUAL MAINTENANCE	750.00
24269	SILVERTON AMBULANCE	FEB 23 MONTHLY PAYMENT	7200.00
24270	SILVERTON AMBULANCE	FEB 23 SALES TAX MONTH PYMT	41933.33
24271	PEI	INSPECTIONS	450.00
24272	SILVERTON HARDWARE	SUPPLIES	36.32
24273	STATE OF COLORADO DPA	RENEWAL-REGS	38.64
24274	DEANNE GALLEGOS	NURSE-EPD BILLS	2310.00
24275	SILVERTON STANDARD	LEGALS	205.96
24276	VOID		
24277	COMMUNTY RESOURCE	2023 SW RURAL SPONSORSHIP	1000.00
24278	SILVERTON ELECTRIC	TROUBLE CH BOILER	192.50
24279	SAN JUAN MOUNTAINS AS	FINAL REPORT	13683.54
24280	KEENAN'S PLUMBING	FIX CH BOILER SYSTEM	942.72
24281	KLINKE & LEW CONTRACT	HELPED WITH BOILER SYSTEM	475.00
24282	ASHLEY ALVAREZ	CLEAN APARTMENT	570.00
24283	BEST CLEANING & DISASTER	CLEAN APARTMENT	250.00
24284	VERIZON	SHERIFFS BILL	122.10
24285	MICHAEL F. ARNALL, MD	AUTOPSY (DANNY CHACON)	1300.00
24286	NMS	POST MORTEM-BASIC BLOOD -	218.00
	TOTAL GENERAL		237807.18

ROAD

7037	CATERPILLAR FINANCIAL	PAYMENT	5724.36
7038	ANTHEM BLUE CROSS	MEDICAL INSURANCE	3639.96
7039	WHISTLESTOP	FUEL	8277.24
7040	CENTURY LINK	BILL	154.19
7041	DEERE CREDIT, INC	PAYMENT	29623.64
DD	DAVID L. ANDREWS	ROAD FOREMAN WAGES	3755.66
DD	LOUIS K. GIRODO	ROAD OVERSEER WAGES	4602.45
DD	RUSTY D. MELCHER	ROAD OPERATOR WAGES	3446.89
7042	CITIZENS STATE BANK	FEDERAL TAXES WITHHELD	4306.90
7043	CITIZENS STATE BANK	STATE TAXES WITHHELD	649.00
7044	GREAT-WEST LIFE	GROUP RETIREMENT	685.48
7045	CITIZENS STATE BANK	H S A SAVINGS	300.00
7046	KANSAS CITY LIFE	DENTAL & LIFE INSURANCE	304.51
7047	AMWINS GROUP BENEFITS, INC	VISION INSURANCE	47.25
7048	AFLAC	INDIVIDUAL INSURANCE	62.01
7049	JOHN DEERE FINANCIAL	PAYMENT	45523.53
7050	VISA	BILL	1750.00
7051	SILVERTON LP GAS	TANK FILL UP & RENT	638.17
7052	FOUR CORNERS WELDING	KOX-MAC	45.00
7053	HONNEN EQUIPMENT	BILL	4744.82
7054	ALSCO	BILL	74.00
	TOTAL ROAD		118355.06

GENERAL	237807.18
ROAD	118355.06
TOTAL ALL FUNDS	356162.24

WERE ALLOWED SETTLEMENT IN FULL BY ORDER OF SAN MUAN COUNTY COMMISSIONERS.

AUSTIN PL LASHLEY, CHAIRMAN

SCOTT L. FETCHENHIER, COMMISSIONER

PETER C. MAISEL, COMMISSIONER

LADONNA L. JARAMILLO, CLERK

SAN JUAN COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING WEDNESDAY, February 22, 2023
AT 6:30 P.M.

Call to Order: The meeting was called to order by Chairman Austin Lashley. Present were Commissioners Scott Fetchenhier and Pete Maisel and Administrator William Tookey.

Minutes: Commissioner Fetchenhier moved to approve the minutes of March 8, 2023 with two corrections. The first was to change Commissioner Kuhlman to Commissioner Maisel in the 8th paragraph and the second was to change sight to site in the 7th paragraph. Commissioner Lashley seconded the motion. The motion passed unanimously.

Public Information Officer DeAnne Gallegos was present to provide the Commissioners with an update concerning the power outage and road closures that had occurred that day.

Sara Mordicai of the Silverton Family Learning Center was present to provide an update on the preschool. She is planning on doing some improvements to the premises to increase the capacity. She would also like to expand the building in the future as funding becomes available. The Commissioners also reviewed the current lease agreement. Commissioner Fetchenhier moved to renew the lease agreement with the Silverton Family Learning Center for 5 years. Commissioner Maisel seconded the motion. The motion passed unanimously.

Terry Morris was present to provide an CAG update and to discuss the BPMD superfund site with the Commissioners.

Commissioner Fetchenhier moved to: 1. remove MacKenzie Gillespie as a check signature and to add Linsley Sweet and Austin Lashley as signatures. 2. Cancel Ernest Kuhlman and MacKenzie Gillespie county credit cards. 3. To approve credit cards with a $2,000.00 limit for Austin Lashley, Pete Maisel and Linsley Sweet. Commissioner Maisel seconded the motion. The motion passed unanimously.

Administrator Tookey informed the Commissioners that there have been additional Opioid settlements. It was the consensus of the Commissioners to include these new settlements with the Secretary of State MOU.

Having no further business, the meeting adjourned at 8:52 P.M.

Austin Lashley, Chairman

Ladonna L. Jaramillo, County Clerk

Gmail

Willy Tookey <admin@sanjuancolorado.us>

Fwd: Board of Health Training update and Year 2 release

3 messages

Becky Joyce <director@sjcph.org> Fri, Feb 24, 2023 at 10:19 AM
To: Willy Tookey <admin@sanjuancolorado.us>

Would you please distribute this to our wonderful BOCC please? Thank you!

Thank you~
Becky Joyce, RN

Becky Joyce, BSN, RN
San Juan County Public Health Director
1315 Snowden St
Silverton, CO 81433
(970) 387-0242
(970) 387-5036 (Fax)

---------- Forwarded message ---------
From: **Gangle-Wythe - CDPHE, Lauryn** <lauryn.gangle-wythe@state.co.us>
Date: Tue, Feb 21, 2023 at 9:05 AM
Subject: Board of Health Training update and Year 2 release
To: Kelly Weidenbach <kweidenbach@adcogov.org>, <bstmad@alamosacounty.org>, Jennifer Ludwig <jludwig@arapahoegov.com>, <pengland@bacacountyco.gov>, Bent County Public Health Director <director@bentcph.org>, Nolen, Alexandra (Lexi) <anolen@bouldercounty.org>, Jason Vahling <jvahling@broomfield.org>, Andrea Carlstrom <acarlstrom@chaffeecounty.org>, <ohn@co.cheyenne.co.us>, <timryan@clearcreekcounty.us>, Denise Jiron <djiron@co.conejos.co.us>, <pwertz@costillacounty-co.gov>, <publichealth@custercountygov.com>, Karen O'Brien <kobrien@deltacounty.com>, <bob.mcdonald@denvergov.org>, <bill.burman@dpha.org>, Tracey Beanland <dctracey@fone.net>, Michael Hill <mhill@douglas.co.us>, <heath.harmon@eaglecounty.us>, Susan Wheelan <SusanWheelan@elpasoco.com>, <dwayne.smith@elbertcounty-co.gov>, <sarah.miller@fremontco.com>, Joshua Williams <jwilliams@garfield-county.com>, Abbie Baker <abaker@co.grand.co.us>, Joni Reynolds <jreynolds@gunnisoncounty.org>, <ltolck@jacksoncountyco.gov>, Mcagan Hillman <mhillman@prowerscounty.net>, <Valerie.boyd@kiowacounty.org>, <cnielsen@co.lake.co.us>, <tgonzales@larimer.org>, Kim Gonzales <kgonzales@la-h-health.org>, Kelly Meier <lcph_1dir@lincolncountyco.us>, <jeff.kunz@mesacounty.us>, Sarah Copeland <saracopeland@moffatcounty.net>, Bobbi Lock <block@co.montezuma.co.us>, <jaustin@montrosecounty.net>, Trish McClain <trishm@nchd.org>, <rritter@oterogov.org>, Tanner Kingery <tkingery@ouraycountyco.gov>, Lynn Ramey <lramey@parkco.us>, Jordana Sabella <jordana.sabella@pitkincounty.com>, Evetts, Randy <evettsr@pueblocounty.us>, <Makala.Sheridan@rbc.us>, Kolawole Bankole <obankole@riograndecounty.org>, Roberta Smith <rsmith@co.routt.co.us>, <mlovato@saguachecounty-co.gov>, <LJoilon@sbpublichealth.org>, Becky Joyce <director@sjcph.org>, Grace Franklin <gracef@sanmiguelcountyco.gov>, Tara Hardy <tara@silvertonadcd.org>, Amy Wineland <amy.wineland@summitcountyco.gov>, Wolff, Michelle <WolffA@co.teller.co.us>, <contracts@tchd.org>, <jchessner@weld.gov>
Cc: Michele Shimomura - CDPHE <michele.shimomura@state.co.us>

Good morning, LPHA Executive Directors,

As you know, board of health training is a requirement per State Statute 25-1-508 for all boards of health in Colorado. We have a few announcements for the Board of Health Training

1. First, we now have two annual training courses. Your board of health members can take either one; although, we highly suggest that if they took the first one last year, that they take the second one this year. It will make it

more interesting for them and offer new material. A highly requested topic was public health law, so we have included a module on that topic. Attached is an Executive Summary of the topics in each course.

2. Secondly, both annual training courses are now in COTrain.
3. Lastly, please spread the word that if a board of health member has last year's training "in progress" in Canvas, they will have until the end of the month to complete it. Their place/location in the training course will not transfer to CO Train.

For BOH members with CO Trains accounts, these links will take them directly to the courses:

I. Public Health Introduction (CO Boards of Health Training)

II. Public Health Law and Emergency Management Case Study (CO Boards of Health Training)

For those BOH members without an account, attached is a user guide for them to get started. There is also information on our website.

After this email goes out to all LPHA Executive Directors, I will also send the information directly to the BOH members, and BOH administrators if we have that contact information. If there is someone that you want to make sure we send periodic reminders to for the training, just let us know.

Thank you and let me know if you have any questions!
Michele

--

Michele Shimomura, MS, MPH
Director, Office of Public Health Practice, Planning, & Local Partnerships
Preferred Pronouns: she/her/hers
COLORADO
Department of Public Health & Environment

P 303.692.2000 (main); 303.746.4323 (office cell)
4300 Cherry Creek Drive South, Denver, CO 80246
Michele.Shimomura@state.co.us | http://www.colorado.gov/cdphe

2 attachments

BOH User Guide.pdf
535K

Executive Summaries-BOH Trainings _Feb 2023.pdf
779K

EXECUTIVE SUMMARIES

Boards of Health Training

Abstract

This document provides a high level overview of the topics and learning presented in Boards of Health trainings

Office of Public Health Practice, Planning, & Local Partnerships
CDPHE
ophp@state.co.us

Executive Summaries – Boards of Health Trainings

Introduction

Training for Colorado Boards of Health (BOH) is mandated by House Bill 21-1115. This bill added provisions that required annual training for Boards of Health members to Colorado Revised Statutes 25-1-508.

There are currently two annual BOH trainings available on CO TRAIN. There will eventually be four, to include topics related to the work of Board of Health members in Colorado. Please visit the OPHP BOH Training Page for enrollment information.

The first training, *I. Public Health Introduction*, was released in January, 2022. *II. Public Health Law and Emergency Management Case Study* is the second annual training, and was released in January, 2023.

This document provides an executive summary of these two trainings. As future trainings are created and released, their summaries will also be included here. Please direct any questions to ophp@state.co.us.

I. Public Health Introduction

Description

This training has 2 modules: **Public Health Introduction** and **Introduction to Public Health and Medical Emergency Preparedness and Response,** with several content pages within each module.

Module 1

The first module, **Public Health Introduction**, includes a general introduction to public health and public health in Colorado specifically.

Topics addressed include:

- The history of the public health sector in Colorado.
- The role of Boards of Health in public health as described in State Statutes.
- Examples of programs or services provided by public health agencies.
- How public health differs from health care.
- Public health structures in the US and in Colorado, and the general services that are provided.

Continued on next page

Module 2

The second module, **Introduction to Public Health and Medical Emergency Preparedness and Response**, is an overview of emergency management.

Topics addressed include:

Public Health and medical emergency preparedness and response (EPR) basics:

- Differences between emergency and major disaster declarations.
- How a federal public health emergency (PHE) is declared.
- How public health and medical EPR aligns with national preparedness.
- Federal grant programs that support public health and medical EPR efforts

Public Health and medical emergency preparedness and response (EPR) in Colorado:

- An overview of the State Emergency Operations Plan (SEOP)
- Lead Emergency Support Function (ESF) 8 agency in Colorado
- Colorado's All Hazards Regional Structure
- How the Hospital Preparedness Program (HPP) and Public Health Emergency Preparedness (PHEP) grants are implemented at the local and regional levels.

CDPHE and OEPR roles in public health and medical EPR:

- Public Health and Medical EPR support responsibilities provided by CDPHE - OEPR
- An overview of Department Operations Center (DOC) Operations and staff expectations

II. Public Health Law and Emergency Management Case Study

Description

This training has 3 modules: **Introduction and Overview**, **Public Health Law and a Colorado Context**, and **Resilient Leadership and Marshall Fire Case Study**, with several content pages within each module.

Module 1

Introduction and Overview

This section provides an overview of the training through an introduction by Michele Shimomura, Director of OPHP. There are also interviews with two pairs of Executive Directors and Board members, discussing communication successes and challenges, and highlighting a project they are working on together. The first pair we hear from are Grand County Public Health Executive Director Abbie Baker and Grand County Board of Health Chair Rich Cimino. The second team includes Denver Department of Public Health and Environment Deputy Executive Director Ann Cecchine-Williams, and Denver Department of Public Health and Environment Board of Health Chair, Dr. Genene Duran.

Continued on next page

Module 2

Public Health Law and a Colorado Context

All levels of government-federal, state, and local, have a role in protecting the public's health. However, state-to-state differences can be confusing, and some powers and authorities are not clearly spelled out for every situation. Also, the responsibilities of different government agencies might overlap when it comes to addressing public health issues.

This training provides foundational information on the following topics:

- Basic structures and functions of government
- Separation of powers
- Expression of powers: types of laws
- Governmental public health authority
- Intergovernmental collaboration and improved health

The first training in this module provides an overview of public health law and legal authority generally, across the United States. In the second course, Ann Hause, Director of Legal and Regulatory Compliance at CDPHE, provides context to better understand the nuances and specifics of public health law in Colorado and what is most important for Board of Health members to know and understand to fulfill their roles.

This training provides foundational information on the following topics:

- Why intergovernmental collaboration is important for improving health outcomes
- The scope of public health law in Colorado
- Public health authority in communities
- Colorado's constitutional and statutory structure in government
- The interplay between federal, state and local authorities
- How state and local public health can operationalize their powers and duties
- When and why public health may perform legislative or judicial functions

Continued on next page

Module 3

Resilient Leadership and Marshall Fire Case Study

The first section of this module provides an overview of the roles and resources state agencies can offer and provide to prepare, respond, and recover from an emergency.

Topics addressed include:

- The role of state agencies, county and local public health agencies in emergency prevention and response
- The roles and responsibilities in an emergency response at various levels of governments, and specifically for Local Boards of Health
- The necessary steps to prepare and respond to an emergency in your community

The second section of this module illustrates these concepts in action as we hear state and local public health officials describe their role and the role of public health in responding to an emergency, using the 2021 Marshall Fire in Boulder as a case study. In this segment, we hear from:

Scott Bookman, Director, Division of Disease Control and Public Health Response, CDPHE
Bill Hayes, Air Quality Program Coordinator, Boulder County Public Health
Gregg Thomas, Boulder County Board of Health

ANNUAL BOARD OF HEALTH TRAINING

User Guide

Rationale

Training for Boards of Health is mandated by House Bill 21-1115. This bill added provisions that required annual training for Board of Health members to Colorado Revised Statutes 25-1-508. Boards of Health orientation and training was developed by the Colorado Department of Public Health and Environment (CDPHE). *This Guide was revised 2/23.*

Office of Public Health Practice, Planning, and Local Partnerships
ophp@state.co.us

Table of Contents

Preface 2
Creating a CO TRAIN Account 3
Searching and Registering for a CO TRAIN Course 7
Evaluation and Course Completion 9

Preface

Introduction

CO TRAIN is the Colorado version of the nationwide TRAIN Learning Management System (LMS) which is a free source of information and training for learners and course providers, administered by the Public Health Foundation.

The Colorado Department of Public Health and Environment (CDPHE) became a TRAIN Affiliate to provide an LMS for public health professionals in Colorado. It is a separate system from CDPHE; therefore, it requires users to create a CO TRAIN account.

CO TRAIN Used for Board of Health Trainings

CO TRAIN is the LMS used to access online training provided by the Office of Public Health Practice, Planning, & Local Partnerships (OPHP) for your annual Board of Health (BOH) trainings.

OPHP's goal in using CO TRAIN is to provide a user-friendly resource that presents public health training, information, and resources to develop and sustain a competent and qualified public health workforce, and to share these resources with Colorado's public health community.

Purpose of this Document

The CO TRAIN User Guide will help you navigate the following:

- Creating a CO TRAIN account
- Searching for courses on CO TRAIN
- Registering for courses on CO TRAIN

Note: You must first create an account on CO TRAIN prior to registering for online courses. Do not create a new account if you think you may have a previous account. You may check to see if you have an account by entering your email address(s) here: https://www.train.org/colorado/admin/forgotPassword

Already Have a CO TRAIN Account?

If you already have a CO TRAIN account, you can go directly to the courses linked here:

I. Public Health Introduction (CO Boards of Health Training)
II. Public Health Law and Emergency Management Case Study (CO Boards of Health Training)

Creating a CO TRAIN Account

Introduction

A CO TRAIN account is required for participation in the Board of Health annual training through OPHP.

- If you do not have a COTRAIN account, review this section to get set up.
- If you already have a COTRAIN account, you can skip to the next section: Searching and Registering for a CO TRAIN Course, or select the links above.

Steps for Creating a CO TRAIN Account

Below are the steps required to set-up a CO TRAIN Account. Each of these steps is further described in the sections that follow.

Step	Action
1	Go to the TRAIN website, choose create an account
2	Create login, password, etc.
3	Select your profile, complete fields
4	Manage groups
5	Edit "Group"
6	Edit "Account"
7	Fill out the Contact, Address, etc.
8	Save

Step 1

The first step in creating a CO TRAIN account is to visit https://www.train.org/colorado and on the main page, choose 'Create an Account' as seen in the screenshot below.

Continued on next page

Creating a CO TRAIN Account, Continued

Step 2

The second step in creating an account is to enter the following information in CO TRAIN:

- Create a login name
- Password
- Email address
- First and Last Name
- Time Zone
- Zip Code

Once you have entered the required information you will need to complete the following:

- Click I agree to all Agree to all TRAIN policies box
- Select Create Account

Note: Your account is NOT yet completed. Please continue to step 3.

Step 3

Next, you will need to select Your Profile from the drop down menu that appears by clicking on your name as seen in the screenshot below.

Anything with a red exclamation mark after needs to be filled out. You may also need to clear out notifications on your main page.

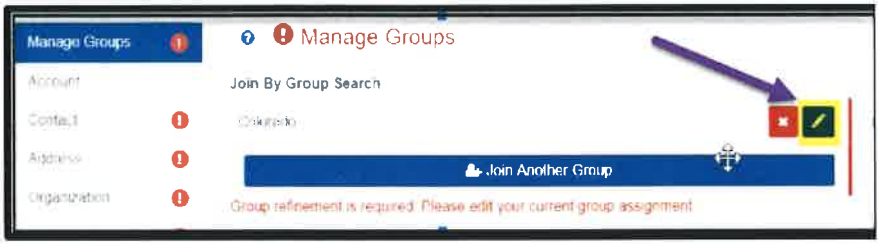
Your account is NOT completed until your Profile is filled out.
You will not be able to take any training until it is complete.

Continued on next page

Creating a CO TRAIN Account, Continued

Step 4

The fourth step requires you to choose a group by clicking on the blue pencil icon to the right of Colorado as seen below. Here you can manage your groups based on the zip code entered in the initial account creation.



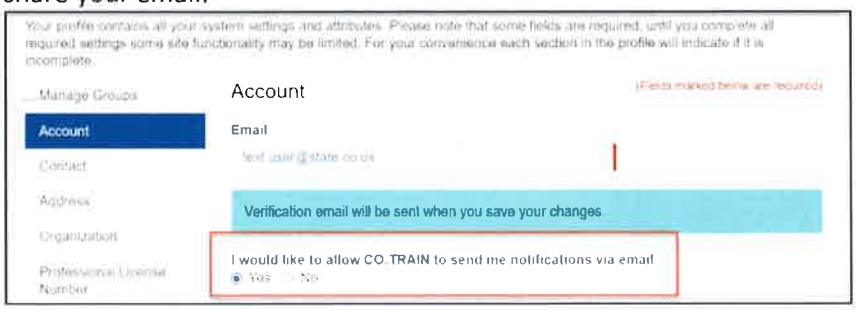
Note: Please do not click 'Join Another Group' in the blue bar, as this step is not necessary.

Step 5

Once in the Edit Group screen, you will be asked to select a discipline. It is optional to select a discipline and will not impact your courses or training plan in any way.
You can also select No Discipline or Select a Discipline to narrow down the job field. You will have to select Confirm these selections twice. This step completes the requirements for the Manage Groups section.

Step 6

Next, choose Account, where you will see the option to allow notifications from CO TRAIN. You must choose "yes" to receive important information including completion certificates and other details strictly related to the course you are taking. CO TRAIN will not share your email.



Continued on next page

Creating a CO TRAIN Account, Continued

Step 7

The seventh step requires you to fill out the Contact, Address, Organization, Professional Role, and Work Settings sections as prompted. See below for some guidance on the specific sections.

1. Organization: You may enter N/A in any field that is not relevant.

Professional Role & Work Settings: Select the settings that best match your profession; you can always select OTHER.

Step 8

The final step is for you to save your work! Be sure to select SAVE in the top right corner of the screen. When you no longer see (!), your profile is complete and you can now register for the necessary courses.

Searching and Registering for a CO TRAIN Course

Introduction

Once you have created your CO TRAIN account and completed set-up, you may begin taking courses. Follow the steps below to search and register for a course.

Step	Action
1	Click on the website links or here for BOH courses: I. Public Health Introduction (CO Boards of Health Training) II. Public Health Law and Emergency Management Case Study (CO Boards of Health Training)
2	Select a course
3	Click on Launch to begin course
4	Click on Launch each time you return to the course
Note	Instructions for Group viewings

Step 1

From the website, choose the BOH training you want to take. In CO TRAIN, Select the magnifying glass that appears on the top right of the screen. Enter in the BOH training you wish to take (i.e. *I. Public Health Introduction CO Boards of Health Training*) and press the enter key to find this training.

If you've already taken *I. Public Health Introduction,* please choose *II. Public Health Law and Emergency Management Case Study (CO Boards of Health Training).*

Step 2

Click on a course to get started. Once you've selected the course, it will take you to a new page showing the course details. Here you can see information about the following:

- Course name
- Contacts
- Reviews
- Discussion

Continued on next page

Searching and Registering for a CO TRAIN Course, Continued

Step 3

Begin the course by selecting the green 'Launch' button, shown in the example below.

Step 4

Once you have started a course, you may leave the course and resume at a later time by selecting 'Launch' on the course details page from the screenshot above.

Note

If a group of Board members or the whole Board wants to complete the course together, only 1 person will need to have a CO TRAIN account.

If you will have a group taking the course at the same time, please let us know by sending an email to ophp@state.co.us.

Let us know the date you completed or will complete the course, the names of the Board members who are taking the course, and the email address of each person taking the course.

Each Board member will then receive an email with a link to a Qualtrics Evaluation Survey (described below) that needs to be completed in order to receive credit for taking the course this year. Each person will need to fill out the survey individually.

Evaluation and Course Completion

Introduction

In order for your BOH training course to be marked as completed, you must take the Qualtrics Evaluation Survey. The link is embedded in the course. Once you complete the evaluation you will receive an email confirming that you have successfully completed the course.

MEMORANDUM

March 8, 2023

TO: San Juan County Commissioners
FR: William A. Tookey
RE: Sunnyside Gold Land Proposal

On October 31, 2023, San Juan County signed a Letter of Intent with Sunnyside Gold Corporation to proceed with the potential acquisition of the Sunnyside Gold properties. The property consists of 31 parcels with a total 1202 acres. The property would be donated to San Juan County.

A Phase I Environmental Site Assessment Report was completed by Iron Women Construction and Environmental Services LLC. The complete report is 1555 pages. The project report and Appendices A and B are included in the packet. The entire report including Appendices C-L has been posted on the County's website

900_B11-San_Juan_County_Mining_Claim_Parcels__Phase_I_ESA_-_Draft_v1.pdf

where it can be viewed online. One complete paper copy has been printed and will be located in the County Clerk's Office and made available for the public to revue.

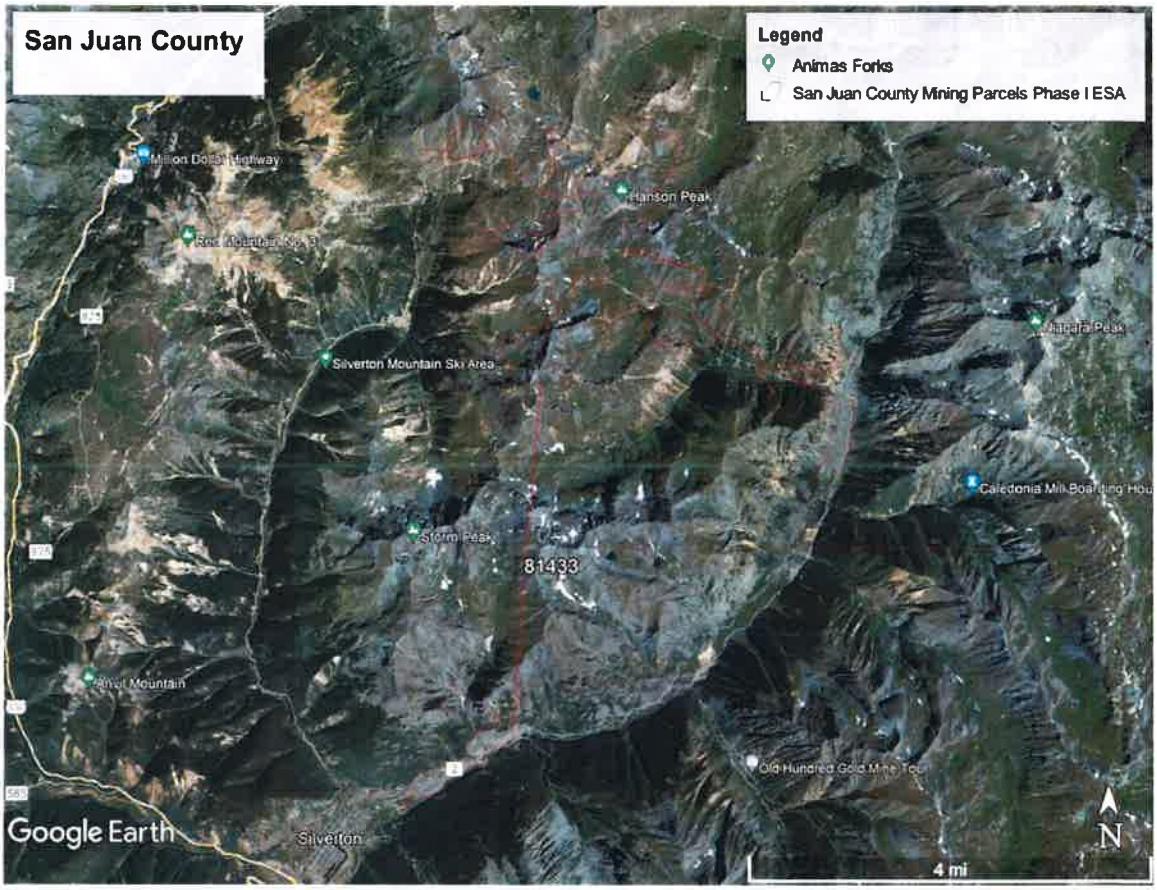
We are still waiting for our Environmental Attorney Rebecca Almon to complete her report and legal analysis on the Phase I Assessment. It should be completed shortly.

Assuming that the Commissioners would like to proceed you will need to refer the potential property transfer to the March 21, 2023 San Juan Regional Planning Commission for their review and recommendation. Also, you will need schedule a Public Hearing for the March 22, 2023 BOCC meeting.

PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT

San Juan County Mining Claim Parcels

Silverton, Colorado



Prepared by

Iron Woman Construction and Environmental Services LLC

12503 East Euclid Drive

Centennial, Colorado 80111

Iron Woman
Construction and Environmental Services LLC

Iron Woman
Construction and Environmental Services LLC

December 20, 2022

William Tookey
San Juan County
PO Box 466
Silverton, Colorado, 81433

Re: Phase I Environmental Site Assessment
Sunnyside Gold Corporation Mining Claims
San Juan County, Colorado 81433

Dear Mr. Tookey,

Iron Woman Construction and Environmental Services LLC has performed a Phase I Environmental Site Assessment (ESA) in conformance with the scope and limitations of ASTM E2247-16, Standard Practice for Environmental Site Assessment Process for Forestland or Rural Property of former mining parcels located in San Juan County, Colorado 81433 that are under the ownership of the Sunnyside Gold Corporation (Properties).

This Phase I ESA did not reveal evidence of Recognized Environmental Conditions (RECs) in connection with the Properties.

This Phase I ESA did not reveal evidence of Historical RECs in connection with the Properties.

This Phase I ESA revealed evidence of Controlled RECs in connection with the Property.

According to ASTM E2600-15, based upon the absence of known or reported hazardous chemicals or volatile organic compounds released to the Properties or surrounding immediate area, a vapor encroachment condition can be ruled out.

We appreciate the opportunity to provide our services to you. Please feel to contact us if you have any questions or comments.

Sincerely,

Iron Woman Construction and Environmental Services LLC

Steven B. Hoffman, P.G.
Program Manager

Shelly Hoover, P.E.
Director of Environmental Compliance

Project Summary

Iron Woman Construction and Environmental Services LLC (IWC) has performed this Phase I Environmental Site Assessment (ESA) at the request of the San Juan County Board of Commissioners of the former mining claim parcels located in Silverton, San Juan County, Colorado 81433 and are owned by the Sunnyside Gold Corporation (SGC) (Properties).

This Phase I ESA did not reveal Recognized Environmental Conditions (RECs) in connection with the Properties.

This Phase I ESA did not reveal evidence of Historical RECs (HRECs) in connection with the Properties.

This Phase I ESA revealed evidence of Controlled RECs (CRECs) in connection with the Properties. The Properties are former mining claim sites located on approximately 1,202 acres that were part of active mining in the County from the 1870's until 1991. Over 400 abandoned or inactive mines are present in the area where the Properties are located. As a result of this mining, contamination from heavy metals and sediments impacted the soil, groundwater, and surface water that were dispersed over three drainages. Due to this contamination, the United States Environmental Protection Agency (EPA) listed the area as the Bonita Peak Mining District Superfund site and added it to the National Priorities List on September 9, 2016.

According to the Colorado Department of Public Health and Environment, the SGC mining claim parcels have been investigated and remediated to the satisfaction of the EPA. The SGC portals and adits have been secured in compliance with the Colorado Division of Reclamation, Mining and Safety regulations.

As outlined in the Consent Decree issued by the United States District Court for the District of New Mexico and filed April 29, 2022, the SGC Properties included in this ESA have been remediated to the satisfaction of and in compliance with EPA requirements and monetary settlements to affected stakeholders by SGC have been fulfilled.

Additional environmental assessment and remedial actions will be performed by EPA and as required by the Intern Record of Decision (May 2019) and the Adaptive Management Site Management Plan (November 2020) to further address the following:

- Water discharge from the Terry Tunnel;
- Mayflower Mill tailings pile 4; and
- Groundwater treatment remedial investigation and feasibility study.

Pursuant to ASTM E2600-15 and based upon the absence of known or reported hazardous chemicals or volatile organic compounds released to the Properties or the surrounding immediate area, a vapor encroachment condition can be ruled out.

	Report Section	No Further Action	REC	CREC	HREC	Other Environmental Considerations
3.0	User Provided Information			✓		
4.1	Regulatory Report Summary			✓		
4.3	Historical Use Information on the Subject Property			✓		
4.4	Historical Use Information on Adjacent Properties			✓		
5.0	Site Reconnaissance			✓		
6.0	Interviews			✓		

Table of Contents

INTRODUCTION 1

Scope of Services 1

Limiting Conditions 2

Deviations and Exceptions 2

Significant Assumptions 2

Special Terms and Conditions 2

User Reliance 2

SITE INFORMATION 2

General Description and Site History 2

Property Description 4

Regulatory Filings 5

Physical Settings 6

Current Uses of Adjoining Properties 8

USER PROVIDED INFORMATION 8

Additional Information 9

RECORDS REVIEW 9

Regulatory Report Summary 9

Historical Resources Reviewed 29

Historical Use Information on the Subject Property 29

Historical Use Information on Adjacent Properties 30

Data Failure/Data Gaps 31

SITE RECONNAISSANCE 31

INTERVIEWS 33

EVALUATION 33

ENVIRONMENTAL PROFESSIONAL'S STATEMENT 34

REFERENCES 35

TABLE OF APPENDICES

Appendix A Figure 1 Site Location/Topographic Map

Figure 2 Site Detail

Figure 3 Parcel Map

Appendix B Mining Parcel List

Appendix C Regulatory Filings

Appendix D County Assessors Information

Appendix E Physical Settings Report

Appendix F User Questionnaire

Appendix G Database Report

Appendix H Aerial Photographs

Appendix I Historical Topographic Maps

Appendix J Photographs

Appendix K SGC Regulatory Correspondence

Appendix L Qualifications

1.0 INTRODUCTION

Iron Woman Construction and Environmental Services (IWC) was retained by San Juan County Board of Commissioners (User), to perform a Phase I Environmental Site Assessment (ESA) of former mining claim parcels located in San Juan County, Silverton, Colorado 81433 (Figures 1, 2 and 3, Appendix A). A listing of these parcels (Properties) is provided in Appendix B. It is our understanding that these Properties are owned by the Sunnyside Gold Corporation (SGC) that would like to transfer ownership to San Juan County. The User has requested this Phase I ESA to identify potential Recognized Environmental Conditions (RECs), as defined by ASTM Standard E2247-16, in connection with the Properties and to satisfy one of the requirements to qualify for the innocent landowner, contiguous Property owner, or bona fide prospective purchaser limitations under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. §9601) (hereinafter, the "landowner liability protections," or "LLPs"). The methods used for this ESA are in general conformance with ASTM E2247-16, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property.

IWC's investigation included personal interviews, background research of legal filings in connection with the Properties, reviewing database reports, historical aerial photographs and topographic maps, reviewing available local, state, and federal regulatory records regarding the presence of petroleum products and/or hazardous materials and a reconnaissance of the Properties and adjacent properties.

IWC contracted Environmental Risk Information Services (ERIS) to perform a computer database search for local, state, and federal regulatory records pertaining to environmental concerns for the Properties and properties in the vicinity (see Section 4.0).

Services rendered were completed in accordance with the standard practice guidelines established in ASTM E2247-16, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, for Forestland or Rural Property and the United States Environmental Protection Agency's Standards and Practices for All Appropriate Inquiries (AAI), 40 CFR, Part 312.

1.1 Scope of Services

The scope of services was to perform a Phase I ESA in a manner generally consistent with ASTM E2247-16. A Phase I ESA is intended to inspect the Properties with respect to petroleum products and the hazardous substances listed in CERCLA (42 U.S.C. §9601). A Phase I ESA is not intended to take the place or be considered an environmental or regulatory compliance inspection.

This Phase I ESA was conducted to provide a reasonable level of investigation to identify RECs in connection with the Properties. As defined by ASTM standards, the term "REC" means (1) the presence of hazardous substances or petroleum products in, on, or at the Property due to a release to the environment; (2) the likely presence of hazardous substances or petroleum products in, on, or at the Property due to a release or likely release to the environment; or (3) the presence of hazardous substances or petroleum products in, on, or at the Property under conditions that pose a material threat of a future release to the environment. A de minimis condition is not a REC.

A Controlled REC (CREC) is a REC affecting the Property that has been addressed to the satisfaction of the applicable regulatory authority or authorities with hazardous substances or petroleum products allowed to remain in place subject to implementation of required controls.

A Historical REC (HREC) pertains to a previous release of hazardous substances or petroleum products affecting the Property that has been addressed to the satisfaction of the applicable regulatory authority or authorities and meeting unrestricted use criteria established by the applicable regulatory authority or authorities without subjecting the Property to any controls.

1.2 Limiting Conditions

The findings and conclusions contain all the limitations inherent in the methodologies that are referred to in ASTM E2247-16. Limitations or exceptions encountered during the completion of this ESA occurred due to the rugged mountainous terrain preventing a physical inspection of some parcels. Generally, the parcels that were not physically inspected were observed using telescopic equipment.

1.3 Deviations and Exceptions

There were no notable deviations or exceptions from the scope of work.

1.4 Significant Assumptions

There is a possibility that even with the proper application of these methodologies there may exist on the Properties conditions that could not be identified within the scope of the ESA, or which were not reasonably identifiable from the available information. IWC believes that the information obtained from the records review and the interviews concerning the Properties is reliable. However, IWC cannot and does not warrant or guarantee that the information provided by these other sources is accurate or complete. The methodologies of this ESA are not intended to produce all-inclusive or comprehensive results, but rather to provide San Juan County Board of Commissioners with information relating to the Properties.

1.5 Special Terms and Conditions

The conclusions and findings set forth in this report are strictly limited in time and scope to the date of the evaluations. The conclusions presented are based solely on the described and not on scientific tasks or procedures beyond the scope of agreed-upon services. No subsurface exploratory drilling or sampling were performed under the scope of this work.

Some of the information provided is based upon personal interviews, and research of available documents, records, and maps held by the appropriate government and private agencies. This information is subject to the limitations of historical documentation, availability, and accuracy of pertinent records, and the personal recollections of those persons contacted.

1.6 User Reliance

The findings, opinions, and conclusions of this Phase I ESA are for the confidential and exclusive use of San Juan County Board of Commissioners, its affiliates, employees, agents, successors, and assigns. Reliance on this Phase I ESA for any use by parties other than specifically stated is prohibited without the express written consent of IWC and San Juan County Board of Commissioners.

2.0 SITE INFORMATION

2.1 General Description and Site History

The Properties are located in northeast San Juan County and consist of 31 parcels that total approximately 1,202 acres. These parcels are located east of San Juan County Road 110 and north of San Juan County Road 2 and are owned by SGC. Site Location Maps are provided as Figures 1 and 2 and the parcels included in this ESA are illustrated on Figure 3 (Appendix A). A listing of the parcels is provided in Appendix B.

Mining began in San Juan County in the 1870's and ended in 1991 when the Sunnyside Mine ceased operation. The Sunnyside Mine was the last significant mining operation in the Bonita Peak Mining District (BPMD) and was the largest and most productive mine in the area. The Sunnyside Mine is situated at the

headwaters of Eureka Gulch near historic Lake Emma at an approximate elevation of 12,320 feet. SGC operated the Sunnyside Mine from 1985 to 1991 and acquired ownership of the Mine in 1992.

As a result of mining in the BPMD, contamination to soil, groundwater, and surface water from heavy metals and sediments were dispersed over three drainages in the watershed. Over 400 abandoned or inactive mines are present in these three drainages.

During the 1990's the EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the area. This assessment identified severe impacts to aquatic life in the Upper Animas River and its tributaries from heavy metals. SGC and the Colorado Water Quality Control Division entered into a Consent Decree on May 8, 1996 which resolved litigation related to the State's Water Quality Control Act.

On September 9, 1996, the Bonita Peak Mining District Superfund site was added to the National Priority Pollutant List (NPL). Between 1996 and 2004, SGC installed 11 bulkheads within the Sunnyside Mine to stop the uncontrolled flow of water from the Mine. During this time period, other mine portals and adits associated with SGC were closed and safety secured in accordance with Colorado Division of Reclamation, Mining and Safety (DRMS) regulations. These closures have been inspected for compliance by representatives of the state of Colorado and the EPA.

From 2005 through 2014 SGC, EPA, the US Bureau of Land Management, and the state of Colorado conducted remedial investigation and reclamation activities in the Upper Animas Watershed. These efforts have included diverting water runoff away from and capping mine waste piles, moving mine waste piles away from drainages, consolidating mine waste piles, creating sediment retention ponds, placing bulkheads in draining adits, and re-vegetating mine waste piles.

The BPMD is organized into five operable units (OUs):

- OU1: Site-wide – OU1 encompasses the entire Bonita Peak Mining District Superfund site.
- OU2: Mayflower – OU2 includes the Mayflower Tailing Ponds No. 1, No. 2, No. 3, and No. 4 and the Mayflower Mill and Tailings Study Area.
- OU3: Bonita Peak Groundwater System – OU3 generally includes the saturated and unsaturated workings of the Sunnyside Mine, associated drainage and haulage tunnels, nearby mines not known to be connected to the Sunnyside Mine workings (e.g. Red & Bonita Mine and Gold King Mine), and the surrounding geographic area that may be hydraulically connected or influenced by current and/or historical releases from or due to the management of these mines.
- OU4: Ben Franklin Mine - The Mine is located immediately below and east of the confluence of the two headwaters of Eureka Gulch.
- OU5: London Mine - Located located north of Burrows Creek, a tributary to the North Fork of the Animas River.

During an inspection of the Gold King Mine outer bulkhead by EPA personnel on August 5, 2015, a release from the Mine of approximately 3 million gallons of water containing metals and sediments occurred. This discharge entered into Cement Creek which is a tributary to the Animas River. SGC entered into a Consent Decree with the United States District Court for the District of New Mexico on May 11, 2017 for this incident.

The EPA issued a "Unilateral Administrative Order for Remedial Investigation" on March 18, 2018 for investigation of the Groundwater System as OU3. Under this Order, EPA performed remedial investigation and feasibility studies that identified 48 mining related source areas of contamination from historic hard rock mines, tailings, and waste rock within Mineral Creek, Cement Creek, and Upper Animas River drainages. These areas include 35 mines, seven tunnels, and four tailings impoundments. Known contaminants associated with both waste rock and water discharges from adits include arsenic, cadmium, copper, manganese, and zinc.

The EPA signed an Interim Record of Decision (IROD) for OU1 on May 20, 2019 that identified 23 source areas and two dispersed campgrounds for interim remedial actions (IRAs). These IRAs included stabilization of the mine source areas and measures to reduce contaminant loading to surface waters.

The EPA adopted an Adaptive Management Site Management Plan (AMP) for the Bonita Peak Mining District in November 2020 to provide the framework for decision making for the continuous planning, remedial implementation, and assessments to prioritize and manage environmental processes in the BPMD.

San Juan County Ordinance Number 2020-01 was adopted on December 15, 2020 for the regulation of land use within the BPMD. This ordinance establishes San Juan County with jurisdiction over Mine Waste Source Areas to control and regulate land use within unincorporated San Juan County where residual mine waste and remediation components exist, specifically the BPMD Superfund site. According to the Ordinance, the EPA and CDPHE have performed and will continue to conduct CERCLA response actions including, but not limited to, response actions selected in the IROD and possible other future CERCLA response actions, at portions of the BPMD Superfund site (collectively referred to as "CERCLA response actions").

SGC satisfied the requirements of the Consent Decree and was released of further environmental liability associated with these Properties, as filed on April 29, 2022 with the United States District Court for the District of New Mexico.

A copy of the regulatory documents are provided in Appendix C.

2.2 Property Description

San Juan County Assessor's parcel information is provided in Appendix D. A summary of the assessor's parcel numbers, acreages, and remedial status is listed below.

Parcel ID	Acreage	Ordinance 2020-1 Remedial Status
47730190030005	17.7	Remediated
47730190030006	13.8	Remediated
47730190050004	51.34	Remediated
47730300020001	41.65	Remediated
47730300020002	93.36	Remediated
47730300020003	23.84	Remediated
47730300020004	19.32	Remediated
47750090050001	25.28	Remediated
47750100050003	42.49	Remediated
47750100050031	8.0	Remediated
47750100050051	2.41	Remediated
47750110050002	89.17	Remediated
47750110050022	9.74	Remediated
47750130050001	43.92	Remediated

Parcel ID	Acreage	Ordinance 2020-1 Remedial Status
47750130050003	26.11	Remediated
47750140050002	194.92	Remediated
47750150050001	35.66	Remediated
47750150050002	17.43	Remediated
47750150050011	18.9	Remediated
47750160050006	24.26	Remediated
47750220050003	113.44	Remediated
47750230050001	10.33	Remediated
47750230050002	44.27	Remediated
47750240050001	89.19	Remediated
48290090010033	22.73	Remediated
48290090010039	32.83	Remediated
48290090010041	5.91	Remediated
48290090010042	12.66	Remediated
48290090010043	38.14	Remediated
48290090010044	10.33	Remediated
48290100010006	23.43	Remediated

2.3 Regulatory Filings

A summary of significant regulatory filings by the EPA and states of Colorado and New Mexico on the SGC Properties is provided below. This is not a listing of all regulatory filings pertaining to the Properties. A copy of the documents is provided in Appendix C.

- May 8, 1996: Consent Decree between SGC and the Colorado Water Quality Control Division, for the resolution of litigation related to the State's Water Quality Control Act.
- September 9, 2016: The EPA lists the area as the Bonita Peak Mining District Superfund site and added it to the National Priorities List.
- November 15, 2016: State of New Mexico files Motion v. EPA, ET AL - includes SGC.
- May 11, 2017: The EPA and SGC enter into an Administrative Settlement Agreement and Order on Consent for Remedial Investigation.
- March 15, 2018: A Unilateral Administrative Order for Remedial Investigation is issued by EPA for investigation of the Groundwater System as Operatable Unit 3.
- May 20, 2018: Interim Record of Decision for the BPMD Superfund Site Operable Unit 1 San Juan County, Colorado.
- September 3, 2020: Administrative Order Directing Compliance with the Request for Access to the Mayflower impoundment area.
- November 2020: Adaptive Management Site Management Plan for the BPMD San Juan County, Colorado is adopted.

- December 15, 2020: San Juan County Ordinance Number 2020-01 for the regulation of land use within the BPMD.
- December 10, 2021: Consent Decree, United States District Court for the State of Colorado, The State of Colorado Through the Colorado Natural Resources Trustees v. Sunnyside Gold Corporation.
- April 28, 2022: Consent Decree, United States District Court for the District of New Mexico, Case 1:18-md-02824-WJ, Document 1634.
- June 14, 2022: Settlement Agreement Between New Mexico and the US (re State of New Mexico v. USEPA, et al., 1:16-cv-00465) ("the New Mexico Action").

2.4 Physical Settings

Physical Setting Sources
Physical setting source information is included in Appendix E.

Surface Water:

During the site reconnaissance, stormwater runoff was not observed. Based upon the local slope of the individual Properties in this mountainous terrain, runoff will occur from the higher elevations to the lower elevations and ultimately to the tributaries draining into the Animas River. A review of the National Wetlands Inventory Map published by the United States Department of the Interior, Fish and Wildlife Service, revealed the following parcels that are in a wetlands designated area:

Parcel	Designation
47730190030005	Portions of this parcel are located in a Freshwater Pond area.
47730300020001	Portions of this parcel are located in a Freshwater Pond area.
47730300020002	Portions of this parcel are located in a Freshwater Pond area.
47730300020003	Portions of this parcel are located in a Freshwater Pond area.
47730300020004	Portions of this parcel are located in a Freshwater Pond area.
47730300020005	Portions of this parcel are located in a Freshwater Pond area.
47750090050001	Portions of this parcel are located in a Freshwater Emergent Wetlands.
47750140050002	Portions of this parcel are located in Freshwater Emergent Wetlands and Freshwater Pond areas.
47750150050001	Portions of this parcel are located in a Freshwater Pond area.
47750150050002	Portions of this parcel are located in a Freshwater Pond Area.
47750230050001	Portions of this parcel are located in a Freshwater Pond area.
47750240050001	Portions of this parcel are located in Freshwater Emergent Wetlands and Freshwater Pond areas.
48290090010033	Portions of this parcel are located in a Freshwater Pond area.
48290090010039	Portions of this parcel are located in a Freshwater Pond area.
48290090010041	Portions of this parcel are located in a Freshwater Pond area.

Parcel	Designation
48290090010043	Portions of this parcel are located in Freshwater Emergent Wetlands and Freshwater Pond areas.
48290090010044	Portions of this parcel are located in a Freshwater Pond area.

Geology:

The San Juan Mountain Range consists of geologic units that range in age from Precambrian crystalline rocks to late Cenozoic deposits of the San Juan volcanic field. The San Juan Mountains were created during tectonic building as two continental plates came together that pushed mountain peaks to over 14,000 feet in elevation. These tectonics resulted in volcanic activity with magma that produced rich veins of gold and silver deposits. During numerous periods of volcanic activity, andesitic lava and ash filled the valleys and fissures. After the eruptions ended, the pools of subsurface magma shrank creating calderas and valleys. The mountain sides and valleys were then cut by glaciers during the Eocene and the three glaciation periods in the Quaternary Period. The current topography is the erosional remnant of the Oligocene-age San Juan volcanic field cut by glaciers.

Surficial Soils:

The soils over the Properties include multiple units that are indicative of mountainous terrain. These soils include the Cryorthents-Rubble land complex consisting of well drained colluvium and slope alluvium derived from rhyolite with 30 percent to 75 percent slopes. Other soils include the Whitecross stony-rock outcrop complex units derived from volcanic rock and ash consisting of very stony sandy loam to extremely gravelly sandy loam and rubble consisting of fragmental materials with slopes between 15 percent to 75 percent.

Hydrology:

The Properties are in the Dolores/San Juan River Basin that covers an approximate area of 10,169 square miles. The headwaters of both the San Juan and Dolores Rivers begin in the San Juan Mountains at an elevation between 13,000 feet and 14,000 feet, according to the Colorado Water Conservation Board (CWCB) and the Colorado Department of Water Resources (DWR). The San Juan River originates north of Pagosa Springs and flows southwest to an elevation of 4,800 feet before entering New Mexico, and then into Utah where it joins the Colorado River. The Dolores River is located north of the San Juan River and south of the Town of Telluride and flows southwest to McPhee Reservoir. The river then flows northwest to an elevation of 4,100 feet as it enters Utah where it joins the Colorado River.

Major tributaries to the San Juan River include the Navajo, Piedra, Los Pinos, Animas, Florida, La Plata, Rio Blanco, and Mancos Rivers, and McElmo Creek. Major tributaries to the Dolores River include the West Fork of the Dolores, the San Miguel Rivers, Lost Canyon, Disappointment, and West Paradox Creeks. Major reservoirs in the Dolores/San Juan Basin include the McPhee, Vallecito, Lemon, Cascade, Groundhog, and Narraguinnep Reservoirs.

Groundwater flow and depth under the Properties is highly variable due to the mountainous terrain. Groundwater flow and depth is influenced by subterrain pressures and bedrock fractures. Groundwater flows through the bedrock in these fractures.

Flood Zones:

Flood zone maps have not been created for this area.

Other:

Based upon the ERIS Physical Setting Report, no oil or gas wells have been constructed or permitted on the Properties or within a ½ mile radius. There are no oil and gas pit locations on the Properties or within ½ mile radius.

According to the ERIS Physical Setting Report, the Water Wells Permit Database lists 89 registered water wells constructed or permitted on either the Properties or within a ½ mile radius of the Properties. The United States Geological Society have 40 monitoring wells registered on or within ½ mile radius of the Properties.

2.5 Current Uses of Adjoining Properties

Direction from Subject Property	Current Use
North	Undeveloped mountainous terrain with remnants of former mining activities.
East	Undeveloped mountainous terrain with remnants of former mining activities.
South	Undeveloped mountainous terrain with remnants of former mining activities. San Juan County Road 2 running east and west along the Animas River to Silverton.
West	Undeveloped mountainous terrain with remnants of former mining activities. San Juan County Road 110 running north and south.

The Properties are located within the Bonita Peak Mining District Superfund site and the surrounding properties are part of the Superfund listings. Therefore, our observations of the adjoining properties reveal evidence of former mining activities and remedial efforts to stabilize and reclaim the former mining properties.

3.0 USER PROVIDED INFORMATION

IWC requested that a representative for the purchaser complete the User Questionnaire (Appendix F). On behalf of San Juan County Board of Commissioners, Anthony Edwards, BPMD Communications Liaison completed the questionnaire for the potential recipient of the Properties (User). The results of the questionnaire are summarized below:

User Provided Information	Issue Identified (Y/N)	Comments
Environmental Liens, Activity, or Use Limitations	Y	The area reviewed is included in a CERCLA designated site on the National Priority Listing. In addition, San Juan County is aware the property is subject to environmental covenants. In regards to local law, the property is subject to the institutional controls.
Engineered Controls	Y	San Juan County is aware of use limitations set forth in the institutional controls, land use restrictions and covenants required for property within designated Superfund Sites.
	N	

User Provided Information	Issue Identified (Y/N)	Comments
Specialized Knowledge of the User		
Valuation Reduction for Environmental Issues	Y	
Commonly Known or Reasonably Ascertainable Information	Y	San Juan County is aware of the documentation, research and sampling the Animas River Stakeholders, the State of Colorado, USGS, the Owner and EPA have gathered and/or prepared over the decades.
Obvious Indicators of Environmental Impact	Y	Yes, some areas within the property boundaries include the remnants of historic mining activity. In regards to the tailings ponds (1-4) those areas contain waste rock and other contamination based on historic activity.

3.1 Additional Information

Fire insurance maps were not created for this area.

4.0 RECORDS REVIEW

Regulatory database information from federal, state, and local environmental record sources was provided by ERIS. The purpose of the records review was to identify RECs in connection with the Properties.

Results of the database search in the ERIS Radius Report found 177 listings for the Properties and surrounding properties. Those identified listings are further discussed below within the applicable subsections. A copy of the database report is provided in Appendix G.

4.1 Regulatory Report Summary

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
SUPER - FUND NRD	NPL EQUIV	Superfund National Priorities List and Natural Resource Damages sites	BONITA PEAK MINING DISTRICT	CO	Y		Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10119165	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	BLACK HAWK ET AL	SAN JUAN COUNTY	Y	Dep ID: 10107815	Considered a CREC in connection

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
				SILVERTON CO 81433			with the Properties
MRDS	MINE	Mineral Resource Data System	AZTEC	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10167745	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	BARNES TUN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10265002	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	TERRY TUNNEL	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10191718	Considered a CREC in connection with the Properties
PDES	NPDES	Permitted Facilities Listing	Terry Tunnel	CR 25 Silverton CO 81433	Y		Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	BEN FRANKLIN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018672	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	BEN FRANKLIN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10143362	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	SUNNYSIDE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10167210	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	LEAD CARBONATE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018661	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	GRIVITZA, MOUNTAIN EAGLE, NORMAN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10108456	Considered a CREC in connection with the Properties
MRDS	MINE		GOLD KING	SAN JUAN COUNTY	Y		Considered a CREC in

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
		Mineral Resource Data System		SILVERTON CO 81433		Dep ID: 10018670	connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10288829	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	GEORGE WASHINGTON	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10264377	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	GEORGE WASHINGTON	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018671	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	SILVER QUEEN MINE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10107848	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	NATALIE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10143070	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10289291	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	MINNEHAHA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10143192	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	GRIVITZA, MOUNTAIN EAGLE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10143319	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	KITTIMAC MINE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018545	Considered a CREC in connection with the Properties

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
MRDS	MINE	Mineral Resource Data System	SILVER BAY MINE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10009691	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	BLACK HAWK, OCCIDENTAL	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10107859	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	BLACK HAWK	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018662	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	MINNEHAHA MINE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10107856	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	MINNEHAHA MINE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018663	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	TREASURE MTN. GOLD MINING CO.	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10108249	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	PRIDE OF BONITA GROUP	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018647	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	BURROWS - LITTLE IOLA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10108450	Considered a CREC in connection with the Properties
PDES	NPDES	Permitted Facilities Listing	Sunnyside Basin	CR 9 Silverton CO 81433	Y		Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	GOLD PRINCE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10289152	Considered a CREC in connection

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
							with the Properties
MRDS	MINE	Mineral Resource Data System	NO NAME	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10167197	Considered a CREC in connection with the Properties
NPL	NPL	National Priority List	BONITA PEAK MINING DISTRICT; BONITA PEAK MINING DISTRICT	Multiple sources near Animas River headwaters; Multiple sources near AnimasRiver headwaters UNINCORPORATED CO 81433	Y	EPA ID: CON000802497	Considered a CREC in connection with the Properties
SEMS	NPL	SEMS List 8R Active Site Inventory	BONITA PEAK MINING DISTRICT	Multiple sources near Animas River headwaters UNINCORPORATED CO 81433	Y	EPA ID: CON000802497	Considered a CREC in connection with the Properties
FINDS/ FRS	SITE	Facility Registry Service/Facility Index	BONITA PEAK MINING DISTRICT	MULTIPLE SOURCES NEAR ANIMAS RIVER HEADWATERS UNINCORPORATED CO 81433	Y	Registry ID: 110070058573	Considered a CREC in connection with the Properties
SUPER-FUND ROD	NPL	Superfund Decision Documents	BONITA PEAK MINING DISTRICT	Multiple sources near Animas River headwaters UNINCORPORATED CO 81433	Y		Considered a CREC in connection with the Properties
FED INST	CONT-ROLS	Federal Institutional Controls- ICs	BONITA PEAK MINING DISTRICT	Multiple sources near Animas River headwaters UNINCORPORATED CO 81433	Y	EPA ID: CON000802497	Considered a CREC in connection with the Properties
FED ENG	CONTROLS	Federal Engineering Controls-ECs	BONITA PEAK MINING DISTRICT	Multiple sources near Animas River headwaters UNINCORPORATED CO 81433	Y	EPA ID: CON000802497	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	LEAD CARBONATE MINE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10264986	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	BLACK HAWK	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10265018	Considered a CREC in connection

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
							with the Properties
MRDS	MINE	Mineral Resource Data System	MIDWAY	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10167630	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	BENITOITE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10119446	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	BELLE CREOLE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10264607	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10167148	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	MOCKING BIRD	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10167595	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	WASHINGTON	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10216227	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	HIDDEN TREASURE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10108457	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	HIDDEN TREASURE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10240501	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	SILVER QUEEN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018674	Considered a CREC in connection with the Properties
MRDS	MINE			SAN JUAN COUNTY	Y		Considered a CREC in

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
		Mineral Resource Data System	BLACK HAWK MINE	SILVERTON CO 81433		Dep ID: 10119261	connection with the Properties
MRDS	MINE	Mineral Resource Data System	MONTEZUMA NO. 1 AND PLAIN STREAK	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018648	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	MAGNOLIA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018507	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	NATALIE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10016737	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	SILVER LEDGE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10108454	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	ROSS BASIN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10289028	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	MASTODON	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018673	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	MASTODON	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10118758	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN GROUP	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10240592	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	SILVER QUEEN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018675	Considered a CREC in connection with the Properties

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
MRDS	MINE	Mineral Resource Data System	GOLD PRINCE, MASTEDON	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10009757	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	SILVER QUEEN MINE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10107900	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	GOLD PRINCE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10281398	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	LEAD CARBONATE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10240085	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	SILVER QUEEN LEAD ZINC GR	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10142879	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	PRIDE OF BONITA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10107846	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	EAGLE MOUNTAIN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10009762	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	ROSE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10108299	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	GOLD KING	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10167198	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	GOLD KING	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10215736	Considered a CREC in connection

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
							with the Properties
MRDS	MINE	Mineral Resource Data System	SILVER WING PROPERTY	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018649	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	RANSOME LODE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10009487	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	INDEPENDENCE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10264760	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	ADELPHIN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10167141	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	SOUND DEMOCRAT	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018556	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	SOUND DEMOCRAT	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10143010	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	GLADSTONE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10142997	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	PLAIN STREAK	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10191688	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	RED AND BONITA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018669	Considered a CREC in connection with the Properties
MRDS	MINE		BISMARCK	SAN JUAN COUNTY	Y		Considered a CREC in

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
		Mineral Resource Data System		SILVERTON CO 81433		Dep ID: 10018668	connection with the Properties
MRDS	MINE	Mineral Resource Data System	SILVER LEDGE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10119122	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	MONTEZUMA #1	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10143533	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	SILVER QUEEN LEAD ZINC GROUP	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10108298	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10215720	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	RED & BONITA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10264483	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	BIG COLORADO	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10240500	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	ADAMS	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10108455	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	EARLY BIRD	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10017829	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	ADAMS LODE - BISMARK	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10119011	Considered a CREC in connection with the Properties

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
MRDS	MINE	Mineral Resource Data System	UNKNOWN GROUP	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10216117	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	MOUNTAIN QUEEN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10119275	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	STANDARD MILL	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10240259	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	AMERICAN TUNNEL	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10265079	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	PRIDE OF BONITA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10143474	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10118706	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	GOLD KING MILL PLACER	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018664	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	PITTSBURGH	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10191550	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	BIG COLORADO	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018659	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	GOLD THREAD	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018660	Considered a CREC in connection

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
							with the Properties
MRDS	MINE	Mineral Resource Data System	BLACK DIAMOND	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10017770	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	EZRA R	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10119212	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	GOLD KING	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10017775	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	MOGUL	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10118864	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	EVENING STAR	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10167415	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	EVENING STAR	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10017769	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	QUEEN ANNE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10017771	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	COLUMBIA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10017776	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	COLUMBIA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10264880	Considered a CREC in connection with the Properties
MRDS	MINE		CUSTER	SAN JUAN COUNTY	Y		Considered a CREC in

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
		Mineral Resource Data System		SILVERTON CO 81433		Dep ID: 10289358	connection with the Properties
MRDS	MINE	Mineral Resource Data System	CUSTER	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10017768	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	QUEEN ANNE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10142939	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	INDIAN CHIEF	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10119458	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10119404	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10158833	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	COMO CONSOLIDATED	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10191907	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	ENDLESS CHAIN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10167378	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	AUBURN GROUP	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10167186	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	ROLLO	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10216484	Considered a CREC in connection with the Properties

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
MRDS	MINE	Mineral Resource Data System	ROLLO	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10091010	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10191938	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	DAKOTA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018599	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	SILVER CHORD	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10240212	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	BELCHER	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018641	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	BELCHER TUN NO.1	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10191916	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	BONANZA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10240027	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	BONANZA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10016736	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10215850	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	SEVEN-THIRTY	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10017789	Considered a CREC in connection

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
							with the Properties
MRDS	MINE	Mineral Resource Data System	RED ROGERS	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10143492	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	RED ROGERS	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10017774	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10264862	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	SILVER CLOUD	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018642	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	HESPERIAN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10216263	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	SERRANO	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10143330	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	PICKET	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10118789	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN GROUP	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10216002	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	BURROWS	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018643	Considered a CREC in connection with the Properties
MRDS	MINE		EVENING STAR	SAN JUAN COUNTY	Y		Considered a CREC in

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
		Mineral Resource Data System		SILVERTON CO 81433		Dep ID: 10167581	connection with the Properties
MRDS	MINE	Mineral Resource Data System	LITTLE IDA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10119036	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	CALEDONIAN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10017777	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	ACAPULCA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10167815	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	ACAPULCA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018637	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	ALASKA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10108449	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	VALLEY FORGE MINE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10288746	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	OCCIDENT TUN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10192209	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	STAR OF THE WEST	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10264573	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10192286	Considered a CREC in connection with the Properties

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
MRDS	MINE	Mineral Resource Data System	UNKNOWN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10191931	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	ALASKA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10288721	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	SAXON	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018639	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	MAXWELL	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10118765	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10288905	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10143041	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	MAYFLOWER MILL	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10288826	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10289254	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	VALLEY FORGE GROUP	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018502	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	ASPEN MINE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10215928	Considered a CREC in connection

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
							with the Properties
MRDS	MINE	Mineral Resource Data System	ASPEN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10108415	Considered a CREC in connection with the Properties
SWF/LF	SWFLF	Solid Waste Facilities and Landfills	CLOSED SILVERTON LANDFILL	APPROXIMATELY 1 MILE EAST OF TOWN SILVERTON CO	Y		Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10240506	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10281162	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	LACKAWANNA MINE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10108414	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	LACKAWANNA MINE	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10118703	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	SILVERTON RESERVOIR BOG IRON DEPOSIT	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018500	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	DORA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10143211	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	LITTLE DORA	SAN JUAN COUNTY SILVERTON CO 81433	Y	Dep ID: 10018497	Considered a CREC in connection with the Properties
MRDS	MINE			SAN JUAN COUNTY	Y		Considered a CREC in

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
		Mineral Resource Data System	CORNING WONDER MINE	SILVERTON CO 81433		Dep ID: 10108413	connection with the Properties
SWF/LF	SWFLF	Solid Waste Facilities and Landfills	NEW SILVERTON TRANSFER STATION	Silverton CO	N		Considered a CREC in connection with the Properties
CERCLIS	CERCLIS	Comprehensive Environmental Response, Compensation and Liability Information System - CERCLIS	RED AND BONITA MINE	COUNTY ROAD 52 SILVERTON CO 81433	N	Site EPA ID: CON000802811	Considered a CREC in connection with the Properties
CERCLIS	CERCLIS	Comprehensive Environmental Response, Compensation and Liability Information System - CERCLIS	MOGUL/ GRAND MOGUL MINE(S)	CEMENT CREEK SILVERTON CO 81433	N	Site EPA ID: CON000802803	Considered a CREC in connection with the Properties
BROWN -FIELDS	BROWN -FIELD	Brownfield Sites	Lackawanna Mill Site	468 County Road 20 Silverton CO 81433	N		Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	OURAY COUNTY OURAY CO 81427	N	Dep ID: 10143374	Considered a CREC in connection with the Properties
SUPER-FUND NRD	NPL EQUIV	Superfund National Priorities List and Natural Resource Damages sites	IDARADO MINE	TELLURIDE CO	N		Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	VERNON MINE	OURAY COUNTY OURAY CO 81427	N	Dep ID: 10215673	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	OURAY COUNTY OURAY CO 81427	N	Dep ID: 10287962	Considered a CREC in connection with the Properties

Database	ASTM Type	Name	Company Site Name	Address	On Site	Facility Status	Comments
MRDS	MINE	Mineral Resource Data System	UNKNOWN	OURAY COUNTY OURAY CO 81427	N	Dep ID: 10118530	Considered a CREC in connection with the Properties
MRDS	MINE	Mineral Resource Data System	UNKNOWN	OURAY COUNTY OURAY CO 81427	N	Dep ID: 10143073	Considered a CREC in connection with the Properties

4.2 Historical Resources Reviewed

IWC obtained historical sources from ERIS including oil and gas wells (Physical Settings Report - Appendix E), agency records (Database Report - Appendix G), aerial photographs (Aerial Photographs - Appendix H), topographic maps (Historical Topographic Maps - Appendix I), for the Properties and vicinity. Copies of these historical sources are provided in the identified appendices.

Historical Resource	Years Reviewed
Aerial Photographs	1945, 1951, 1960, 1972, 1975, 1986, 1988, 1998, 2005, 2009, 2011, 2013, 2015, 2017, 2019, 2021
Historical Topographic Maps	1897, 1901, 1902, 1955, 1972, 1975, 2001, 2013, 2016, 2019
Colorado Division of Oil and Public Safety	through October 2022
Colorado Department of Public Health and Environment	through October 2022
US Environmental Protection Agency	through October 2022

4.3 Historical Use Information on the Subject Property

Historical Summary Table

Dates	Issue Identified?	Uses	Source(s)
1897	No	Mines and building structures are present. Early roadways and railroad tracks extending east along the Animas River from Silverton to Arrastre Creek are visible. Eureka townsite is present.	Topographic Maps
1901, 1902	No	Mines, building structures, and roadways are present. The Silverton and Northern Railroad tracks extend past Arrastre Creek to the Eureka Townsite.	Topographic Maps
1945, 1951, 1955	No	Mines, building structures, and roadways are present. The Silverton and Northern Railroad tracks are gone. The Eureka townsite is gone. The Mayflower Mill tailings ponds are present.	Aerial Photographs, Topographic Maps
1955, 1960, 1972, 1975	No	Mines and roadways are present and the road along Animas River is visible. San Juan County Road 2 crossing the southern Properties is further developed.	Aerial Photographs, Topographic Maps
1986, 1988, 1998	No	Significate develop of the Mayflower Mill tailing ponds. Fewer mining claims indicated.	Aerial Photographs, Topographic Maps
2001, 2003, 2005, 2009, 2011, 2013, 2015, 2016, 2017, 2019, 2021	No	The Properties appear relatively unchanged. Fewer mine symbols are illustrated on the topographic maps.	Aerial Photographs, Topographic Maps

4.4 Historical Use Information on Adjacent Properties

Historical Summary North Adjacent Property

Dates	Issue Identified?	Uses	Source(s)
1897, 1901, 1902	No	Sunnyside Mine and Sunnyside Mill are present. Few mines, building structures, and roadways are visible.	Topographic Maps
1945, 1951, 1955, 1960, 1972, 1975,	No	Increased mining activity.	Aerial Photographs, Topographic Maps
1986, 1988, 1998	No	Mining activity appears stagnant.	Aerial Photographs, Topographic Maps
2013, 2015, 2016, 2017, 2019, 2021	No	Lake Emma is gone due to drainage into the American and Terry Tunnels. Mining activities appear to be nonexistent. Properties are undeveloped mountain terrain.	Aerial Photographs, Topographic Maps

Historical East Adjacent Property

Dates	Issue Identified?	Uses	Source(s)
1897, 1901, 1902	No	Few mines and building structures are present. Early roadways and the Eureka townsite is visible. Midway Mill located approximately one-mile east of Eureka is present.	Topographic Maps
1945, 1951, 1955, 1960, 1972, 1975	No	Increased mining activity. Eureka townsite and Midway Mill are gone.	Aerial Photographs, Topographic Maps
1986, 1988, 1998	No	Mining activity appears stagnant.	Aerial Photographs, Topographic Maps
2013, 2015, 2016, 2017, 2019, 2021	No	Mining activities appear to be nonexistent. Properties are undeveloped mountain terrain. The Eureka Campground is present in the former townsite.	Aerial Photographs, Topographic Maps

Historical South Adjacent Property

Dates	Issue Identified?	Uses	Source(s)
1897, 1901, 1902	No	Few mines and building structures are present. Early roadways and railroad tracks extending east along the Animas River from Silverton to Arrastre Creek are visible.	Topographic Maps
1945, 1951	No	Little mining activity and development.	Aerial Photographs, Topographic Maps
1955	No	An airstrip and a powerplant are present above and to the east of the town of Silverton.	Aerial Photographs, Topographic Maps

Dates	Issue Identified?	Uses	Source(s)
1960, 1972, 1975, 1986, 1988, 1998, 2013, 2015, 2016, 2017, 2019, 2021	No	Little to no development occurs during this time and the area remains relatively unchanged as undeveloped mountainous terrain.	Aerial Photographs, Topographic Maps

Historical West Adjacent Property

Dates	Issue Identified?	Uses	Source(s)
1897, 1901, 1902	No	Town of Silverton, few mines and building structures are present. Early roadways are visible.	Topographic Maps
1945, 1951, 1955, 1960, 1972, 1975	No	Increased mining activity.	Aerial Photographs, Topographic Maps
1986, 1988, 1998	No	Mining activity appears stagnant and the area remains relatively unchanged.	Aerial Photographs, Topographic Maps
2013, 2015, 2016, 2017, 2019, 2021	No	Mining activities appear to be nonexistent. Properties are undeveloped mountain terrain.	Aerial Photographs, Topographic Maps

4.5 Data Failure/Data Gaps

Based on the definition presented in ASTM E2247-16, data failure occurs when all the standard historical sources that are reasonably-ascertainable and likely to be useful have been reviewed and the historical use of the Property has not been documented back to the Property's first developed use, or 1940, whichever is earlier. When data failure occurs, ASTM E2247-16 requires the Environmental Professional to document the data failure and assess the potential impact on the ability of the Environmental Professional to identify RECs.

IWC obtained historical use data of the Properties in accordance with ASTM E2247-16 and therefore no related data failure was identified.

No data gaps occurred during the performance of this ESA. This ESA was completed in accordance with ASTM E2247-16.

5.0 SITE RECONNAISSANCE

Issue	Subject Property	Adjacent Properties
Hazardous Substances and Petroleum Products	No	No
Underground Storage Tanks	No	No
Aboveground Storage Tanks	No	No
Odors	No	No
Pools of Liquid	No	No

Issue	Subject Property	Adjacent Properties
Unidentified Substances	No	No
Drums	No	No
On-Site Chemicals	No	No
Hydraulic Oil	No	No
Polychlorinated Biphenyl's (PCBs)	No	No
Pits, Ponds, or Lagoons	Yes	Yes
Stained Soil or Pavement	No	No
Stains or Corrosion	No	No
Stressed Vegetation	No	No
Soil Waste	No	No
Transformers	No	No
Wastewater	No	No
Wells	No	No
Septic System	No	No
Drains and Sumps	No	No

John Trujillo Sr and John Trujillo Jr of IWC conducted the site reconnaissance from October 21 to October 23, 2022, to assess for the possible presence of petroleum products and hazardous materials at the Properties. Prior to performing the field inspections, IWC personnel met with Mr. Anthony Edwards, liaison for San Juan County to discuss aspects of the Properties. The weather at the time of site reconnaissance was clear and approximately 30-45 degrees Fahrenheit. IWC personnel drove, walked, and observed the Properties and the surrounding properties.

Many of the Properties were discovery diggings where in order to establish a mining claim the property was developed with shallow digging. Other Properties that had been mined for ore appeared to be remediated by relocation and stabilization of the mine tailings. Engineered water collection and settlement ponds were constructed in areas where mine water was discharging. There are areas of scattered debris that were from the former mining and historic development activities. Remnants are present on Parcel 47750140050002 of the former boiler house used in the operation of the tramway, wood and metal debris, concrete tramway foundation, and a powder magazine cut into the mountain side that was used for the storage of explosives during active mining. Due to the inaccessibility of some of the parcels, physical inspections were not possible, however, these parcels were observed for meaningful mine workings using telescopic visualizations. Photographs of the Properties are included in Appendix J.

6.0 INTERVIEWS

Title	Name	Comments
Vice President, Kinross Gold USA	Dennis McHarness	October 6, 2022: SGC operated the Sunnyside Mine and Properties of this ESA from 1985 to 1991 and acquired ownership in 1992. All mining operations ceased in 1991. SGC entered into a Consent Decree with the CWQCD in 1996 and the EPA in August 2015. Since this time, remedial investigations and corrective actions have been completed. SGC was released from environmental responsibility by the EPA in April 2022. Mr. McHarness provided Acreage Reduction Approval letters issued by the Colorado Division of Minerals and Geology, Permit to Discharge termination letters issued by the CDPHE, and Financial and Performance Warranty Release Approvals issued by the Colorado Division of Mining and Safety. These documents are provided in Appendix K.
San Juan County Liaison - User	Anthony Edwards	October 21, 2022: Mr. Edwards has been the liaison for San Juan County since August 2015. He is familiar with legal and environmental issues associated with the BPMD. Mr. Edwards completed the User Questionnaire on behalf of San Juan County.
Colorado Department of Public Health and Environment	Mark Rudolph	October 13, 26, 2022: The SGC mining parcels have been investigated and remediated to the satisfaction of the EPA. The SGC portals and adits have been closed or safety secured in accordance with the Colorado Division of Reclamation, Mining and Safety regulations. Active and pending remediation is on-going at the Terry Tunnel and the Mayflower Mill tailings ponds. The EPA and CDPHE are working on a remedial investigation and feasibility study for management of the groundwater. Activity on these area will be on-going for over 10 years. SGC was release of environmental liability in 2022 on these Properties. He has not observed fuel storage tanks or other potential hazardous conditions on the SGC Properties.

7.0 EVALUATION

IWC has performed a Phase I ESA in conformance with the scope and limitations of ASTM Standard Practice E2247-16 of the former mining properties owned by SGC and located in San Juan County Mining Claim Parcels, Silverton, Colorado, 81433.

This Phase I ESA revealed that the Properties are located entirely in a EPA Superfund designated area. Based on aerial photographs, topographic maps, regulatory agency records, the San Juan County Assessor, and on-site observations, the Properties are former mining claim parcels. Mining began in San Juan County in the 1870's and ended in 1991 when the last producing mine ceased production. These accumulated mining activities resulted in contamination from heavy metals and sediments that impacted the soil, groundwater, and surface water over three drainages in the watershed. Over 400 abandoned or inactive mines are present

in these three drainages. Due to this contamination, the EPA listed the area as the Bonita Peak Mining District Superfund site and added it to the National Priorities List on September 9, 2016.

Environmental investigations and remedial actions have been performed by SGC and the EPA to reduce or eliminate loading to the waterways by metals mine disturbance sediments. Based upon the San Juan County Assessor's Property and Map Search website on October 20, 2022, and a interview with CDPHE, the SGC Properties have been remediated to the extent required by the regulations of the Bonita Peak Mining District Superfund. While these Properties have been remediated to the extent required by regulation for the Superfund listing, the Properties have not been remediated for unrestricted use. Therefore, the Superfund listing is considered a CREC in connection with the Properties.

This Phase I ESA did not reveal evidence of RECs in connection with the Properties. Water drainage from Terry Tunnel, the Mayflower Mill Tailing ponds, and groundwater impacted with metals are environmental concerns in connection with the Properties that are being addressed by the EPA.

This Phase I ESA did not reveal evidence of HRECs in connection with the Properties. While regulatory closure was issued on the Properties, these closures are based upon the Superfund regulatory requirements and not for unrestricted use.

According to ASTM E2600-15 and based upon the absence of known or reported hazardous chemicals or volatile organic compounds released to the Properties or immediate surrounding area, a vapor encroachment condition can be ruled out.

8.0 ENVIRONMENTAL PROFESSIONAL'S STATEMENT

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR Part 312. I have the specific qualifications based on education, training, and experience to assess a property. I have developed and performed all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312. Qualifications for the Environmental Professional are included in Appendix L.

9.0 REFERENCES

American Society for Testing and Materials (ASTM), Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property, ASTM Designation: E2247-16.

ASTM, Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions, ASTM Designation: E2600-15.

Colorado Department of Public Health and Environment: Online records review, October 2022.

Colorado Division of Water Resources: Online well permit search, October 27, 2022.

Colorado Department of Labor and Employment-Division of Oil and Public Safety: Online records search, October 27, 2022.

ERIS, 2520 South Interstate Highway 35, Suite 200 Austin, Texas, (512) 823-0217: Database Report dated, October 12, 2022.

ERIS, 2520 South Interstate Highway 35, Suite 200 Austin, Texas, (512) 823-0217: Physical Settings Maps, Oil and Gas Report, Water Well Report, October 11, 2022.

San Juan County Board of Commissioners: Ordinance No. 2020-01, December 15, 2020.

San Juan County Assessors: Property and Map Search, October 2022.

United States District Court for the District of New Mexico: Consent Decree, August 5, 2015.
United States District Court for the District of New Mexico: Consent Decree, April 29, 2022.

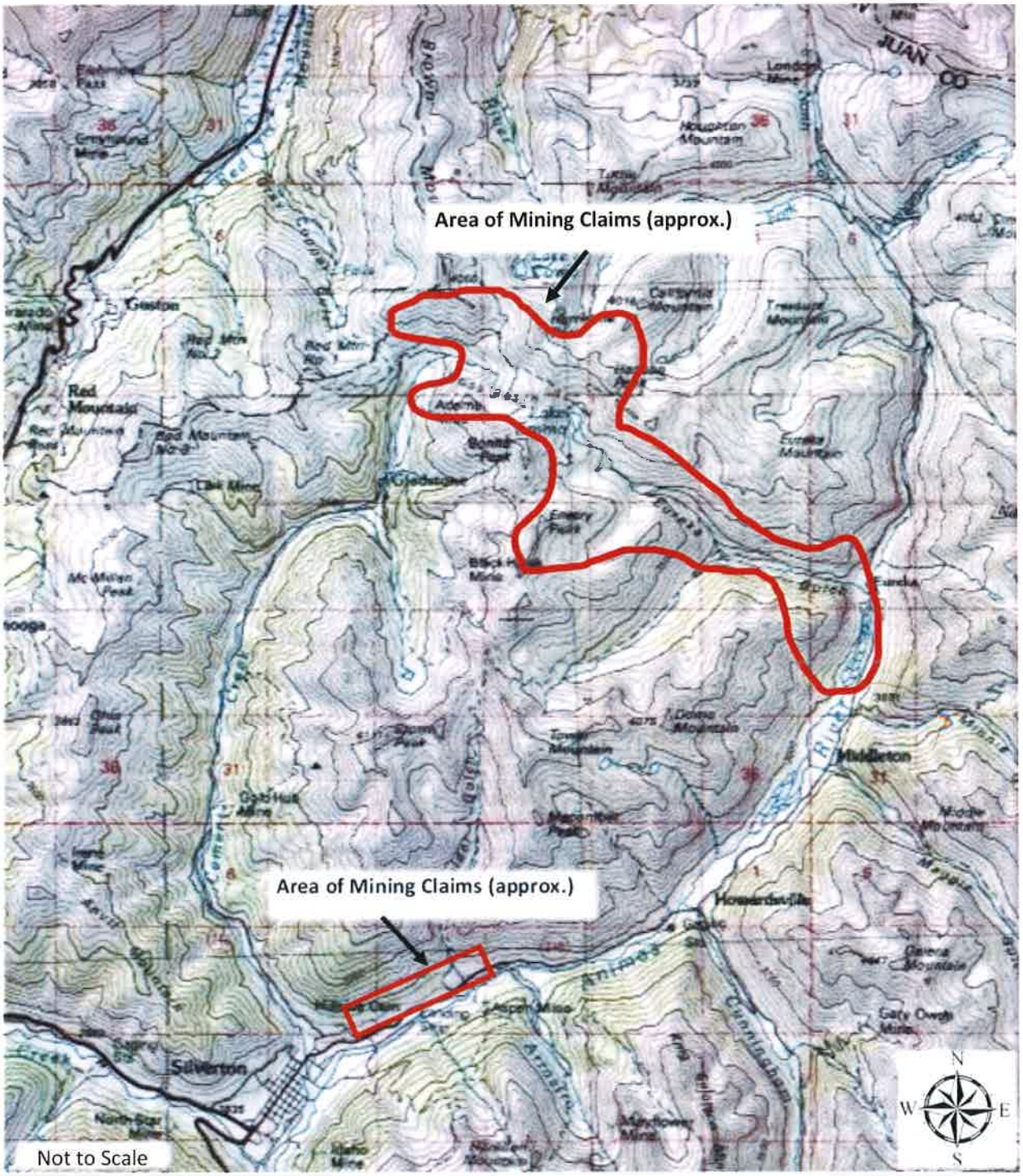
United States Environmental Protection Agency (EPA):
- Unilateral Administrative Order for Remedial Investigation, March 15, 2010.
- Interim Record of Decision, Bonita Peak Mining District Superfund Operable Unit 1, May 20, 2019.
- Adaptive Management Site Management Plan for the Bonita Peak Mining District, November 2020.

United States Geological Survey 7.5 & 15 Minute Series Topographic Maps;
- Silverton, CO 1897, 1901, 1902, 1955, 1972, 1975, 2001, 2013, 2016, 2019
- Handies Peak, CO, Ironton, CO, Howardsville, CO 1955, 1972, 1975, 2001, 2013, 2016, 2019.

Appendix A

Figure 1

Site Location/Topographic Map

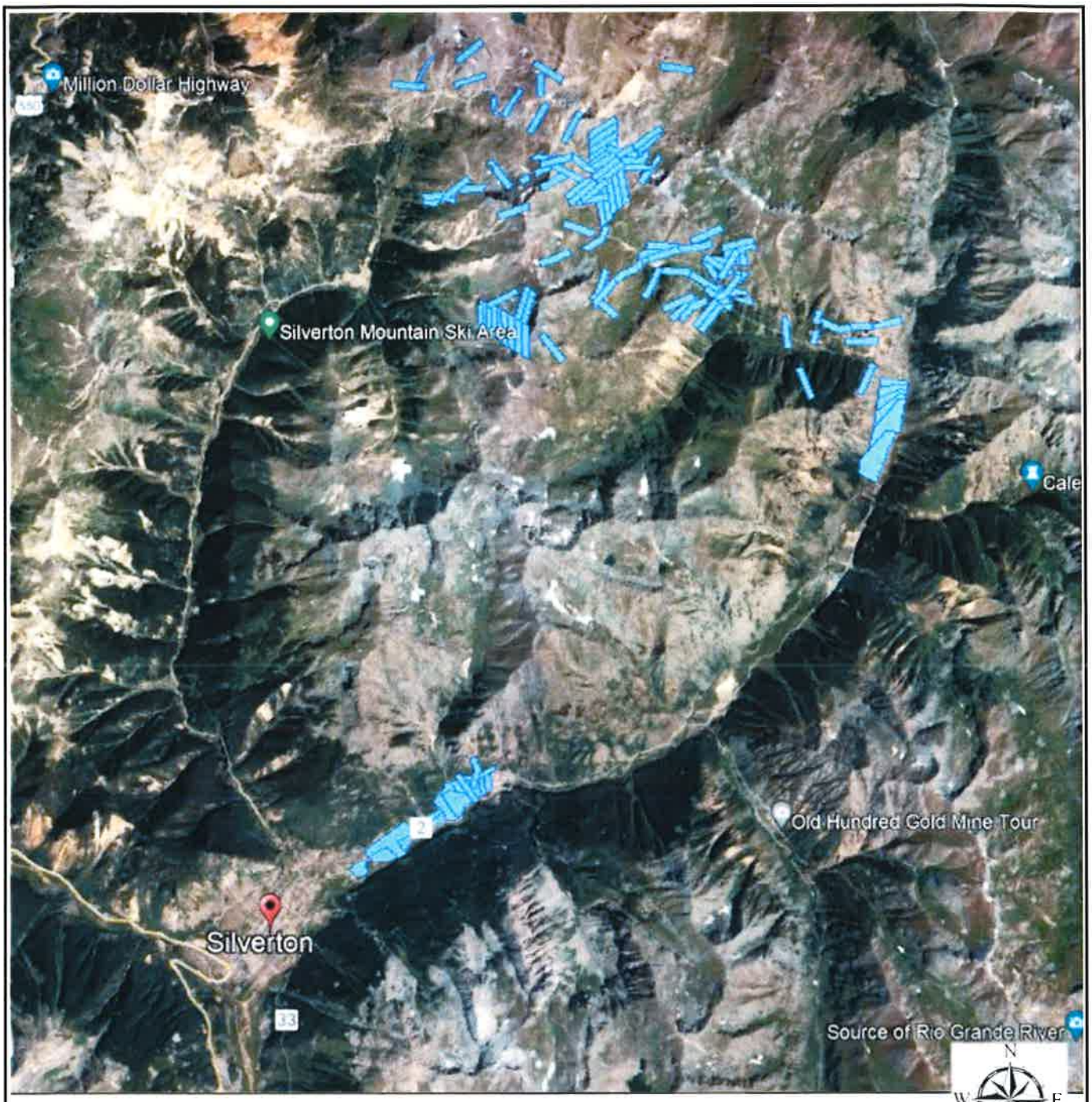


IronWoman
Construction and Environmental Services LLC

Site Location/Topographic Map
Sunnyside Gold Corporation Mining Claims
San Juan County, Colorado

FIGURE No. 1

Figure 2
Site Detail



Not to Scale

IronWoman
Construction and Environmental Services LLC

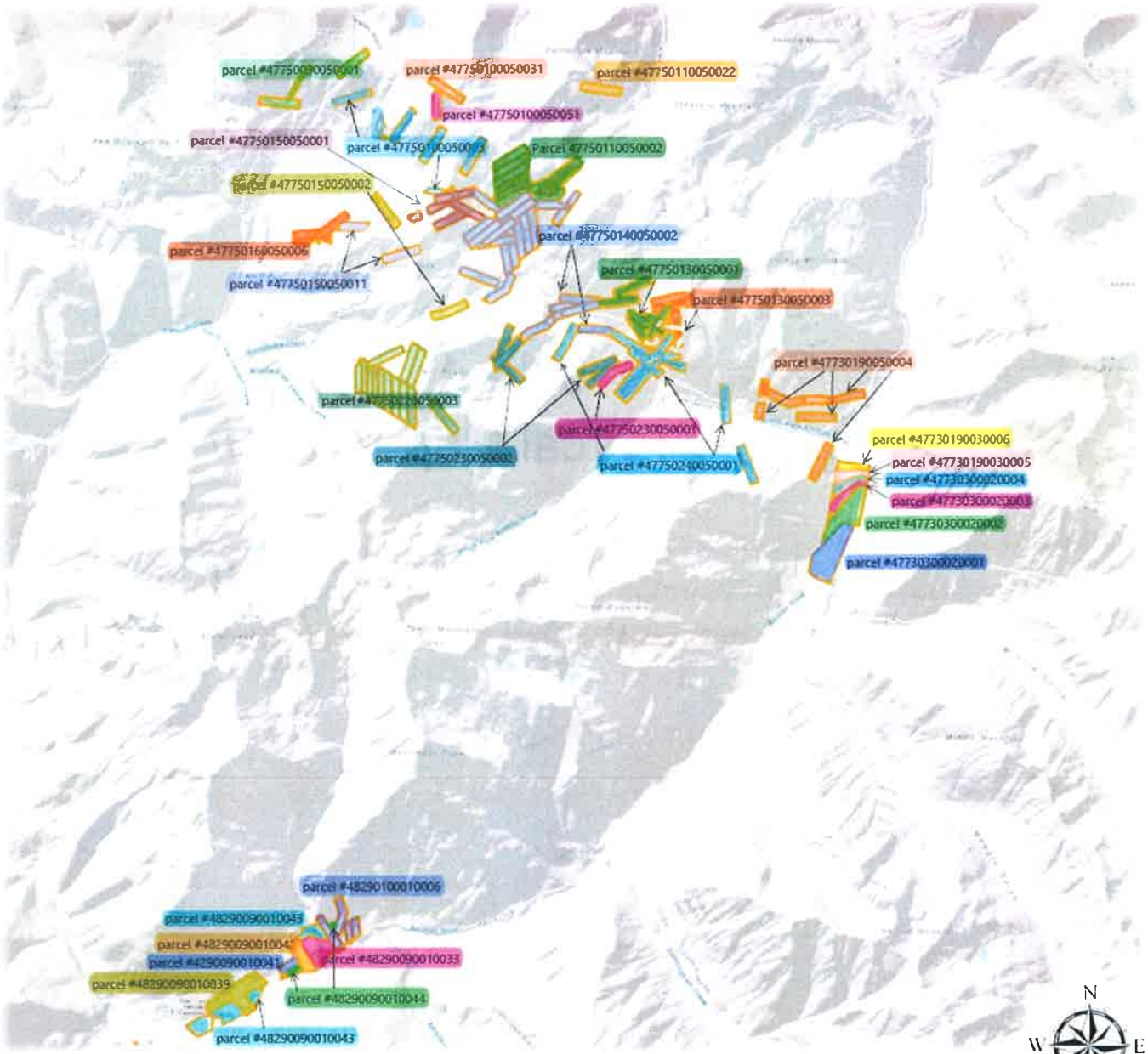
Site Detail Map
Sunnyside Gold Corporation Mining Claims
San Juan County, Colorado

Subject Mine Claim

FIGURE No. 2

Figure 3

Parcel Map



Not to Scale

IronWoman
Construction and Environmental Services LLC

Parcel Map
Sunnyside Gold Corporation Mining Claims
San Juan County, Colorado

FIGURE No. 3

Appendix B
Mining Parcel List

Exhibit A

The Following Properties are Located in Township 42 North, Range 6 West, Township 42 North, Range 7 West, and Township 41 North, Range 7 West, N.M.P.M.

Property Tax Parcel ID	Description/Claim Name and Mineral Survey No.
#47730190030005	EUREKA TOWNSITE LOT 5 ACCORDING TO THE RECORDED BOUNDARY ADJUSTMENT THEREOF FILED FOR RECORD SEPTEMBER 30, 2011 AS RECEPTION #148168
#47730190030006	EUREKA TOWNSITE LOT 6 ACCORDING TO THE RECORDED BOUNDARY ADJUSTMENT THEREOF FILED FOR RECORD SEPTEMBER 30, 2011 AS RECEPTION #148168
#47730190050004	CASHIER LODE - MS 134 (UND 9/10 INT IN 10.5 ACRES), CENTENNIAL - MS 16635, NASBY - MS 2508, ROVING RANGER LODE - MS 151 A, TAGNER - MS 16804, WHITE STAR - MS 14368
#47730300020001	EUREKA TOWNSITE LOT 1 ACCORDING TO THE RECORDED BOUNDARY ADJUSTMENT THEREOF FILED FOR RECORD SEPTEMBER 30, 2011 AS RECEPTION #148168
#47730300020002	EUREKA TOWNSITE LOT 2 ACCORDING TO THE RECORDED BOUNDARY ADJUSTMENT THEREOF FILED FOR RECORD SEPTEMBER 30, 2011 AS RECEPTION #148168
#47730300020003	EUREKA TOWNSITE LOT 3 ACCORDING TO THE RECORDED BOUNDARY ADJUSTMENT THEREOF FILED FOR RECORD SEPTEMBER 30, 2011 #148168
#47730300020004	EUREKA TOWNSITE LOT 4 ACCORDING TO THE RECORDED BOUNDARY ADJUSTMENT THEREOF FILED FOR RECORD SEPTEMBER 30, 2011 #148168
#47750090050001	CASHIER - MS 442, ORIENTAL - MS 566, PRIDE OF THE ALPS - MS 572
#47750100050003	EMMA - MS 2273, LULU CARROLL - MS 873, MOTHER GOOSE - MS 17234, MOULTRIE LODE - MS 173, PAYMASTER - MS 1301, PONY - MS 2336 (UND 2/3 INT IN 8.10 ACRES)
#47750100050031	MIDNIGHT - MS 5616
#47750100050051	TAGGART - MS 2338 (UND 1/3 INT IN 7.22 ACRES)

#47750110050002	PALOS - MS 18732, PALOS #1 - MS 18732, PALOS #2 - MS 18732, SUNNYSIDE #2 - MS 20003, SUNNYSIDE EXT - MS 1180, TERRY - MS 17986, MASTODON - MS 216, NO NAME - MS 2272, CROWN JEWEL - MS 20003, DOCTOR - MS 2093 A, ESMARALDA - MS 16165, GOLD PRINCE - MS 20003
#47750110050022	FEARLESS - MS 17011
#47750130050001	MUSKEGON - MS 1394, RARUS - MS 1401, NANTUCKET - MS 6954 (UND 5/12 INT IN 10.28 ACRES), DENVER - MS 1403, ALMA - MS 1708, CHARLTON - MS 1706
#47750130050003	CLIMAX #3 - MS 19474, TIP TOP - MS 18108, TIP TOP #2 - MS 19474, TIP TOP #3 - MS 19474
#47750140050002	REPUBLIC - MS 12724, RUBY - MS 18020, SHOSHONE - MS 17201, SILVER BOW - MS 18020, SUNNYSIDE - MS 438, SUNNYSIDE ANNEX - MS 16668, THUNDERBERG - MS 1395, WEDGE - MS 18160, ANACONDA - MS 18020, BAVARIAN - MS 1396, BRIGGS - MS 8400, BUTTE CITY - MS 18020, CLIMAX - MS 12723, CLIPPER - MS 1689, HERMAN - MS 1397, HIDDEN TREASURE EXT - MS 20003, LAKE - MS 2027, LAST CHANCE - MS 17901, LITTLE MARY - MS 2038, METROPOLIS - MS 1398, PEARL - MS 5975, QUAIL - MS 20003, RAYMOND - MS 18020
#47750150050001	GEORGE WASHINGTON - MS 2028, GRAND VIEW - MS 17202, MOUNTAIN SHEEP - MS 17432, OREGON - MS 17233
#47750150050002	HONECK - MS 16200, SILVER KING - MS 1857
#47750150050011	PAYMASTER - MS 18080, WATERLOO - MS 17429
#47750160050006	EMMA #1 - MS 17538, EMMA #2 - MS 17538, SMUGGLER - MS 1758
#47750220050003	AMA - MS 18849, BLUE HEEL - MS 18849, DOVER - MS 1690, GOLD PEAK - MS 16393, JOE - MS 18849, MILANO - MS 16393, RED - MS 18849, ROCK - MS 18849, ROSA - MS 18849, ROSSO - MS 18849, ROUENA O - MS 16393, TREASURE - MS 18849, YANKEE BOY - MS 18849
#47750230050001	BEAUBREC - MS 1709
#47750230050002	A D SEARL - MS 1714, DANEBURG - MS 1780, HILDERBRAND - MS 1707, KNICKERBOCKER - MS 1717, UNDERWOOD - MS 1719

#47750240050001	BLUCHER - MS 1400, EIGHTY NINE - MS 16997, ESTEY - MS 13189, LIZZIE NORRIS - MS 1702, GRAND - MS 2573, GRAND PRIZE - MS 1701, GREAT EASTERN - MS 1691, NEW YORK - MS 8399, WELLINGTON - MS 16997, SUNBEAM - MS 1419
#48290090010033	BEND PLACER - MS 11596, C H MILL SITE - MS 20594. FORMERLY PART OF SCHEDULE 48290090010031
#48290090010039	SUNNYSIDE GOLD CORPORATION - PERINO BOUNDARY ADJUSTMENT PARCEL C, RECORDED AS RECEPTION NO. 151146, IN SUSPENDED T41N R7W. FORMERLY PART OF ANN HARRIS PLACER - MS 11596 AND FORMER PARCEL BB, RECORDED AS RECEPTION NO. 186140. FORMERLY PART OF SCHEDULES 48290090010003 AND 48290090010036.
#48290090010041	SUNNYSIDE GOLD CORPORATION - PERINO BOUNDARY ADJUSTMENT PARCEL E, RECORDED AS RECEPTION NO. 151146, IN SUSPENDED T41N R7W. FORMERLY PORTIONS OF M D THATCHER - MS 17699 AND POLAR STAR MILL SITE - MS 7608. FORMERLY PART OF SCHEDULE 48290090010031 AND 48290090010032.
#48290090010042	SUNNYSIDE GOLD CORPORATION - PERINO BOUNDARY ADJUSTMENT PACEL F, RECORDED AS RECEPTION NO. 151146, IN SUSPENDED T41N R7W. FORMERLY PART OF PETER PLACER - MS 11596, AND SMALL PORTIONS OF M D THATCHER - MS 17699 AND BLM TRACT 41. FORMERLY PART OF SCHEDULE 48290090010031 AND 48290090010032.
#48290090010043	BLAIR PLACER - MS 841, GOLD -MS 14012, JEANNETTE ROUX PLACER MS 11596 MINERAL RIGHTS ONLY, RIVERSIDE (PART) - MS 8801, H V B MILL SITE - MS 20594 B. FORMERLY PART OF SCHEDULE 48290090010003
#48290090010044	TRACTS 42, 43, 44, 45, AND PARCEL DD IN T41N R7W
#48290100010006	BUENA VISTA - MS 14012, M B MILLSITE - MS 20595 B, N N MILLSITE - MS 20595 B, T H W M S TRACT A - MS 20595 B, T H W M S TRACT B - MS 20595 B

LETTER OF INTENT BETWEEN SGC AND SAN JUAN COUNTY

October 31, 2022

This Letter of Intent ("LOI") confirms the understanding between San Juan County ("County") and Sunnyside Gold Corporation ("SGC") (together the "Parties") regarding the potential acquisition by the County of SGC's rights to the properties and patented mining claims identified in the attached **Exhibit A** ("Properties"), on the terms set forth in this letter, and other terms mutually agreeable to the Parties. SGC and the County recognize that this potential transaction will require further documentation including notices to the U.S. Environmental Protection Agency and the State of Colorado ("Agency Notices"), and including a definitive fully executed Purchase and Sale agreement to be negotiated by the Parties ("Transaction Agreement"). By signing this letter, the Parties are evidencing their present intention to proceed in mutual good faith and diligence toward such a potential transaction ("Potential Transaction").

If efforts toward the Potential Transaction lead to a fully executed Transaction Agreement and Agency Notices, the closing of the Transaction Agreement would occur as soon as reasonably practical as permitted by the terms of the Consent Decree titled *In re Gold King Mine Release In San Juan Cnty. Colorado, on August 5, 2015, 1:18-md-02824-WJ* (D.N.M. Aug. 6, 2021) ("Consent Decree"). At closing, SGC would quitclaim and release all its right, title and interest in the Properties, the County would execute any and all documents necessary to assume ownership of the Properties, and the County would comply with, and be bound by, only the provisions of Section XII of the Consent Decree and related provisions applicable to the Properties. The Parties acknowledge that the County is relying on its own due diligence with respect to the Properties and any related rights and responsibilities. To that end, the County has retained Iron Woman Construction and Environmental Services, LLC ("Iron Woman") to conduct a Phase I Environmental Site Assessment ("Phase I") at a cost of $19,700. Only the County is a party to that Iron Woman services agreement, not SGC. The County agrees to use its best efforts to have the Phase I completed in the fall of 2022, or as soon as is reasonably possible, and the County shall promptly provide SGC with a copy of the Phase I report. If the Transaction Agreement closes, SGC will donate $14,400 to the County to partially reimburse the County for the Phase I cost. In the event the County, fails to meet its obligations under the Transaction Agreement, the County will pay all of the Phase I cost without any donation from SGC. In the event SGC fails to meet its obligations under the Transaction Agreement, SGC will donate $19,700 to the County to reimburse the County for the Phase I cost. If the Parties are unable, despite mutual good faith negotiations, to reach agreement on a Transaction Agreement or provide Agency Notices, SGC will donate $9,850 to the County to partially reimburse the County for the Phase I cost.

In consideration of the time and expense that the County is prepared to invest in the Potential Transaction, SGC agrees that from the execution of this LOI until 60 days after the date the County receives the Phase I report from Iron Woman, SGC will not solicit, negotiate, or enter into any other agreement with respect to the acquisition of the Properties, provided however, that in no event shall such exclusivity period extend past August 31, 2023. This LOI will terminate upon execution of the Transaction Agreement, written mutual agreement of the Parties, or expiration of the exclusivity period.

To facilitate the Potential Transaction, SGC agrees to provide the County with non-privileged title-related materials on the Properties within 30 days after this LOI is signed, recognizing that doing so does not affect that the County is relying on its own due diligence with respect to the Properties.

The Parties agree that this LOI is non-binding, and it shall be construed only as a letter of intent summarizing the discussions between the Parties, and that the respective rights and obligations of the Parties remain to be defined further through the Transaction Agreement and other final transaction documents.

Execution Version

By signing below, each party confirms such party's understanding to this LOI as of the date set forth above.

San Juan County

By: _____

Its: Chairman

Sunnyside Gold Corporation

By: _____

Its: Vice President

Exhibit A

The Following Properties are Located in Township 42 North, Range 6 West, Township 42 North, Range 7 West, and Township 41 North, Range 7 West, N.M.P.M.

Property Tax Parcel ID	Description/Claim Name and Mineral Survey No.
#47730190030005	EUREKA TOWNSITE LOT 5 ACCORDING TO THE RECORDED BOUNDARY ADJUSTMENT THEREOF FILED FOR RECORD SEPTEMBER 30, 2011 AS RECEPTION #148168
#47730190030006	EUREKA TOWNSITE LOT 6 ACCORDING TO THE RECORDED BOUNDARY ADJUSTMENT THEREOF FILED FOR RECORD SEPTEMBER 30, 2011 AS RECEPTION #148168
#47730190050004	CASHIER LODE - MS 134 (UND 9/10 INT IN 10.5 ACRES), CENTENNIAL - MS 16635, NASBY - MS 2508, ROVING RANGER LODE - MS 151 A, TAGNER - MS 16804, WHITE STAR - MS 14368
#47730300020001	EUREKA TOWNSITE LOT 1 ACCORDING TO THE RECORDED BOUNDARY ADJUSTMENT THEREOF FILED FOR RECORD SEPTEMBER 30, 2011 AS RECEPTION #148168
#47730300020002	EUREKA TOWNSITE LOT 2 ACCORDING TO THE RECORDED BOUNDARY ADJUSTMENT THEREOF FILED FOR RECORD SEPTEMBER 30, 2011 AS RECEPTION #148168
#47730300020003	EUREKA TOWNSITE LOT 3 ACCORDING TO THE RECORDED BOUNDARY ADJUSTMENT THEREOF FILED FOR RECORD SEPTEMBER 30, 2011 #148168
#47730300020004	EUREKA TOWNSITE LOT 4 ACCORDING TO THE RECORDED BOUNDARY ADJUSTMENT THEREOF FILED FOR RECORD SEPTEMBER 30, 2011 #148168
#47750090050001	CASHIER - MS 442, ORIENTAL - MS 566, PRIDE OF THE ALPS - MS 572
#47750100050003	EMMA - MS 2273, LULU CARROLL - MS 873, MOTHER GOOSE - MS 17234, MOULTRIE LODE - MS 173, PAYMASTER - MS 1301, PONY - MS 2336 (UND 2/3 INT IN 8.10 ACRES)
#47750100050031	MIDNIGHT - MS 5616
#47750100050051	TAGGART - MS 2338 (UND 1/3 INT IN 7.22 ACRES)

#47750110050002	PALOS - MS 18732, PALOS #1 - MS 18732, PALOS #2 - MS 18732, SUNNYSIDE #2 - MS 20003, SUNNYSIDE EXT - MS 1180, TERRY - MS 17986, MASTODON - MS 216, NO NAME - MS 2272, CROWN JEWEL - MS 20003, DOCTOR - MS 2093 A, ESMARALDA - MS 16165, GOLD PRINCE - MS 20003
#47750110050022	FEARLESS - MS 17011
#47750130050001	MUSKEGON - MS 1394, RARUS - MS 1401, NANTUCKET - MS 6954 (UND 5/12 INT IN 10.28 ACRES), DENVER - MS 1403, ALMA - MS 1708, CHARLTON - MS 1706
#47750130050003	CLIMAX #3 - MS 19474, TIP TOP - MS 18108, TIP TOP #2 - MS 19474, TIP TOP #3 - MS 19474
#47750140050002	REPUBLIC - MS 12724, RUBY - MS 18020, SHOSHONE - MS 17201, SILVER BOW - MS 18020, SUNNYSIDE - MS 438, SUNNYSIDE ANNEX - MS 16668, THUNDERBERG - MS 1395, WEDGE - MS 18160, ANACONDA - MS 18020, BAVARIAN - MS 1396, BRIGGS - MS 8400, BUTTE CITY - MS 18020, CLIMAX - MS 12723, CLIPPER - MS 1689, HERMAN - MS 1397, HIDDEN TREASURE EXT - MS 20003, LAKE - MS 2027, LAST CHANCE - MS 17901, LITTLE MARY - MS 2038, METROPOLIS - MS 1398, PEARL - MS 5975, QUAIL - MS 20003, RAYMOND - MS 18020
#47750150050001	GEORGE WASHINGTON - MS 2028, GRAND VIEW - MS 17202, MOUNTAIN SHEEP - MS 17432, OREGON - MS 17233
#47750150050002	HONECK - MS 16200, SILVER KING - MS 1857
#47750150050011	PAYMASTER - MS 18080, WATERLOO - MS 17429
#47750160050006	EMMA #1 - MS 17538, EMMA #2 - MS 17538, SMUGGLER - MS 1758
#47750220050003	AMA - MS 18849, BLUE HEEL - MS 18849, DOVER - MS 1690, GOLD PEAK - MS 16393, JOE - MS 18849, MILANO - MS 16393, RED - MS 18849, ROCK - MS 18849, ROSA - MS 18849, ROSSO - MS 18849, ROUENA O - MS 16393, TREASURE - MS 18849, YANKEE BOY - MS 18849
#47750230050001	BEAUBREC - MS 1709
#47750230050002	A D SEARL - MS 1714, DANEBURG - MS 1780, HILDERBRAND - MS 1707, KNICKERBOCKER - MS 1717, UNDERWOOD - MS 1719

#47750240050001	BLUCHER - MS 1400, EIGHTY NINE - MS 16997, ESTEY - MS 13189, LIZZIE NORRIS - MS 1702, GRAND - MS 2573, GRAND PRIZE - MS 1701, GREAT EASTERN - MS 1691, NEW YORK - MS 8399, WELLINGTON - MS 16997, SUNBEAM - MS 1419
#48290090010033	BEND PLACER - MS 11596, C H MILL SITE - MS 20594. FORMERLY PART OF SCHEDULE 48290090010031
#48290090010039	SUNNYSIDE GOLD CORPORATION - PERINO BOUNDARY ADJUSTMENT PARCEL C, RECORDED AS RECEPTION NO. 151146, IN SUSPENDED T41N R7W. FORMERLY PART OF ANN HARRIS PLACER - MS 11596 AND FORMER PARCEL BB, RECORDED AS RECEPTION NO. 186140. FORMERLY PART OF SCHEDULES 48290090010003 AND 48290090010036.
#48290090010041	SUNNYSIDE GOLD CORPORATION - PERINO BOUNDARY ADJUSTMENT PARCEL E, RECORDED AS RECEPTION NO. 151146, IN SUSPENDED T41N R7W. FORMERLY PORTIONS OF M D THATCHER - MS 17699 AND POLAR STAR MILL SITE - MS 7608. FORMERLY PART OF SCHEDULE 48290090010031 AND 48290090010032.
#48290090010042	SUNNYSIDE GOLD CORPORATION - PERINO BOUNDARY ADJUSTMENT PACEL F, RECORDED AS RECEPTION NO. 151146, IN SUSPENDED T41N R7W. FORMERLY PART OF PETER PLACER - MS 11596, AND SMALL PORTIONS OF M D THATCHER - MS 17699 AND BLM TRACT 41. FORMERLY PART OF SCHEDULE 48290090010031 AND 48290090010032.
#48290090010043	BLAIR PLACER - MS 841, GOLD -MS 14012, JEANNETTE ROUX PLACER MS 11596 MINERAL RIGHTS ONLY, RIVERSIDE (PART) - MS 8801, H V B MILL SITE - MS 20594 B. FORMERLY PART OF SCHEDULE 48290090010003
#48290090010044	TRACTS 42, 43, 44, 45, AND PARCEL DD IN T41N R7W
#48290100010006	BUENA VISTA - MS 14012, M B MILLSITE - MS 20595 B, N N MILLSITE - MS 20595 B, T H W M S TRACT A - MS 20595 B, T H W M S TRACT B - MS 20595 B

SAN JUAN BASIN
public health

281 Sawyer Drive, Ste. 300 | Durango, CO 81303
502 South 8th Street | Pagosa Springs, CO 81147
970 247 5702 | sjbpublichealth.org

Community Health Programs Division

Kalisha Crossland, Division Director

kcrossland@sjbpublichealth.org

970-335-2002

SafeCare Colorado

SafeCare works with families in their homes to build on their existing skills and provide them with support and encouragement to be the best parent they can be. The SafeCare Colorado program offers a free, voluntary service that supports families in gaining additional skills to provide a safe home, address child health needs, and engage in positive interactions with their children ages five and under. Trained Parent Support Providers deliver services to families on a weekly basis. Families typically work with SafeCare Colorado for an average of four to six months. SafeCare is primarily a home visiting program, but we can also offer virtual visits by phone or video chat.

Funding Source	Colorado Department of Early Childhood La Plata County Department of Human Services Archuleta County Department of Human Services

Nurse-Family Partnership

Nurse-Family Partnership is a home visitation program available to first-time mothers who enroll during pregnancy or before the child turns 1 month old. San Juan Basin Public Health's NFP serves La Plata, Archuleta, and San Juan counties in Colorado. Participants must meet income and eligibility guidelines. NFP works by having specially trained nurses regularly visit first-time parents starting early in pregnancy and continuing through the child's second birthday.

Funding Source	Colorado Department of Early Childhood

Maternal Child Health/Care Coordination

This program works to identify and address maternal and child health needs to improve the health and well-being of mothers and children. The nurse navigator implements activities to improve access to pediatric specialty care for children and youth with special health care needs.

Funding Source	Colorado Department of Public Health and Environment

SAN JUAN BASIN
public health

281 Sawyer Drive, Ste. 300 | Durango, CO 81303
502 South 8th Street | Pagosa Springs, CO 81147
970 247 5702 | sjbpublichealth.org

Regional Oral Health Specialist/Dental

The Regional Oral Health Specialist (ROHS) provides dental navigation and care coordination to community members.

Services include:

- Referrals to oral health resources and providers
- Navigation of oral health benefits
- Advocation for members
- Assistance with complex oral health needs

The ROHS school-based dental program provides preventative dental services to children ranging from pre-k to high school. Southwest Colorado has many rural communities where access to dental care is limited and numerous barriers to care exist. By providing these services at school, parents and guardians do not have to take time off work and students spend less time away from school.

The ROHS also facilitates the Southwest Oral Health Coalition, which is comprised of dental experts, organizations, businesses, and interested citizens that serves as a catalyst for action to improve oral health in our communities. The coalition meets quarterly and provides a nonpartisan forum that allows a diverse network of stakeholders to work together to make oral health accessible, equitable, and available to all residents in Southwest Colorado.

Recent funding from the Delta Dental Foundation of Colorado is supporting work to integrate tele oral health practices into the region. Currently this work is in the planning phase, following the lead of partners in the Eagle/Vail valley.

Funding Source	Colorado Department of Public Health and Environment & Delta Dental Foundation of Colorado

Health Insurance Literacy

San Juan Basin Public Health's Health Insurance Literacy Program believes that access to affordable healthcare is a right. This program works to increase awareness in the community of health insurance options and provides assistance with obtaining private coverage and financial assistance through Connect for Health Colorado. This program also offers enrollment application guidance for public programs, such as Health First Colorado and CHP+. By providing individual consultations we help community members reach their highest potential for health.

Funding Source	Connect for Health Colorado

SAN JUAN BASIN
public health

281 Sawyer Drive, Ste. 300 | Durango, CO 81303
502 South 8th Street | Pagosa Springs, CO 81147
970 247 5702 | sjbpublichealth.org

Supplemental Nutrition Program for Women, Infant and Children (WIC)

WIC is the Special Supplemental Nutrition Program for Women, Infants and Children. WIC does not ask or keep information about visa status or citizenship. All responses are kept confidential. WIC gives you resources, knowledge and tools to help you and support your family. It's free for moms, dads, grandparents, foster parents and all Colorado families who qualify. Whether you're pregnant, already a mom or raising a child younger than 5, you can get the right personalized support for you and your family. WIC's goal is to help keep pregnant and breastfeeding women and children younger than age 5 healthy. WIC offers you the following benefits: Breastfeeding support, Free, healthy food, nutrition education and referrals to other programs for families.

Funding Source	Colorado Department of Public Health and Environment

Maternal Child Health/Care Coordination

This program works to identify and address maternal and child health needs to improve the health and well-being of mothers and children. The nurse navigator implements activities to improve access to pediatric specialty care for children and youth with special health care needs.

Funding Source	Colorado Department of Public Health and Environment

United States Department of Agriculture
Forest Service
Ouray Ranger District
2505 South Townsend
Montrose, CO 81401
970-240-5300
Fax: 970-240-5367

File Code: 2840
Date: February 23, 2023

Dear Interested Party,

The Ouray Ranger District of the Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG) is proposing to physically close or modify 22 abandoned, inactive mine adits through the Ironton Abandoned Mine Lands (AML) Physical Safety Closures Project. The mine openings are located about five miles south of the City of Ouray on National Forest System (NFS) lands along U.S. Highway 550, National Forest System Road (NFSR) 886 (Corkscrew Road), and NFSR 887 (Grey Copper Road) in Ouray and San Juan Counties, Colorado. The 22 sites are in T. 42 N., R., 7 W., Section 5, 6, 7, 8; T. 42 N., R. 8 W. Section 11, 14; T. 43 N., R. 7 W., Sections 16, 30, 32; T. 43 N., R. 8 W. Section 35, 36, N.M.P.M., and are described in the table below.

The GMUG is proposing this project in partnership with the Colorado Division of Reclamation, Mining, and Safety (DRMS). The project would be implemented under a contract administered by the DRMS. Stabilization and removal of mine hazards benefit both agencies by making these lands safer for the public. All heritage/cultural surveys and biological reviews have been completed. All direct and indirect effects are expected to be contained within a 20' radius of the individual closure sites, with a potential maximum surface disturbance area of less than .03 acres for the entire project. The construction work is tentatively planned for Summer of 2023, and is expected to take 6-8 weeks to complete.

To maintain the mining legacy of this area, mining-related materials will be left where they are found as much as possible. No removal or cleanup of historic resources will be done at the sites. A screening process for the suitability of potential bat habitat at each adit was completed. Twelve of the 22 sites were considered to have at least some potential for suitable, temporary bat roosting habitat. The preferred closure methods or modifications planned for the mine features is consistent with the bat-friendly installations and exclusionary methods recommended in biological evaluation report for the project.

Closure methods may include backfill, metal grate, bulkhead, PUF (polyurethane foam application), corrugated steel pipe (CSP), or cable net installations. Minor amounts of nearby waste rock material will be used for bulkhead, backfill, PUF and CSP closures. Bat ladders and slot gates are planned at twelve of the adits and shafts and pre-construction bat exclusionary methods will be implemented if field conditions dictate that the installation cannot accommodate a recommended bat ladder or slot gate. In addition, the preferred closure methods cited in the table may need to be adjusted during construction and, if so, they must still meet the cultural and environmental protection measures required at each site. DRMS shall request Forest Service concurrence if such revisions are needed.

The closure work will be performed by one or two crews comprised of two to five people each, utilizing primarily hand construction techniques. However, heavy construction equipment and

helicopter support may be needed. Full-size 4WD and/or off-highway motorized vehicles will be used to approach the sites. A few sites will require short hikes on foot along existing trails or cross-country routes. NFSRs 886 and 887 are accessed from U.S. Highway 550. Most of the sites are located off of these roads. Three sites are located along NFSR 895 (Spirit Gulch/Greyhound Mine Road). The Forest Service has granted access to the crew(s) to utilize off-highway motorized vehicles on this route.

The work crew(s) will set up a small basecamp/staging location. This will likely be in a dispersed camping area on NFS lands at either the St. Germain Foundation or Ironton Park area along the U.S. Highway 550 corridor. The crew(s) may opt to obtain lodging in the town of Ouray or camp in developed campgrounds near the project area (i.e. Thistledown, Angel Creek, or Amphitheater Campgrounds). If helicopter support is needed to drop equipment and supplies to remote sites, a temporary helispot will be located on either nearby private lands or on NFS lands at the St. Germain Foundation sites, plus drop zones near the closure sites.

Ironton Abandoned Mine Land Physical Safety Closures Site Table

Site No.	Feature Type	Location (Lat./Long.)	Elevation (feet)	Preferred Primary/Secondary Closure Methods
AG 24	Adit	N37° 56' 51.57", W107° 39'06.42"	11,300'	Bulkhead with Slot Gate & with/without CSP / Grate with Slot Gate
BG 29	Adit	N37° 56' 36.31", W107° 39' 36.21"	10,150'	Bulkhead with Slot Gate & with/without CSP / Grate with Slot Gate
CG 10	Adit	N37° 55' 05.72", W107° 43' 01.43"	11,700'	Cable Net / Backfill with PUF (hand backfill)
CG 43	Prospect Pit	N37° 54' 48.82", W107° 40' 13.73"	11,240'	Bulkhead with Slot Gate & with/without CSP / Grate with Slot Gate
CP 17	Adit	N37° 55' 44.29", W107° 40' 35.60"	10,400'	Grate with Bat Ladder or Slot Gate / Bulkhead with Slot Gate & with/without CSP
CS01 13	Adit	N37° 54' 22.24", W107° 39' 34.21"	12,100'	Bulkhead with/without CSP / Backfill with/without PUF
GC 20	Adit	N37° 55' 16.0", W107° 39' 25.9"	11,100	Grate with Bat Ladder or Slot Gate / Bulkhead with Slot Gate & with/without CSP
GC 20a	Prospect Shaft	N37° 55' 14.68", W107° 39' 26.5"	11,140	Backfill with PUF (hand backfill) / Backfill (hand backfill)
GC 21	Prospect Adit	N37° 55' 17.5", W107° 39' 24.8"	11,040	Grate with Bat Ladder or Slot Gate / Bulkhead with Slot Gate & with/without CSP
GC 22	Adit	N37° 55' 24.04", W107° 39' 18.58"	10,750	Grate with Bat Ladder or Slot Gate / Bulkhead with Slot Gate & with/without CSP

GC 44	Adit	N37° 55' 27.83", W107° 39' 26.25"	10,700	Bulkhead with Slot Gate & with/without CSP / Cable Net with Slot Gate
GM 15	Adit	N37° 56' 22.22", W107° 42' 06.09"	11,700	Grate with Bat Ladder or Slot Gate / Bulkhead with Slot Gate & with/without CSP
GM-15a	Drill Hole	N37° 56' 17.35", W107° 42' 03.63"	11,700	Cement Plug
RM 45	Adit	N37° 58' 57.4", W107° 39' 41.7"	9,800	Cable Net with Slot Gate / Grate with Slot Gate
RMP 40	Adit	N37° 53' 56.82", W107° 42' 46.33"	11,100	Grate / Bulkhead with/without CSP
SG 12	Adit	N37° 56' 10.87", W107° 42' 58.04"	12,200	Cable Net / Backfill with PUF (Hand backfill)
Trnx 14	Adit	N37° 54' 44.03", W107° 40' 31.00"	11,300	Grate with Bat Ladder or Slot Gate / Bulkhead with Slot Gate & with/without CSP
Trnx 41	Adit	N37° 54' 49.30", W107° 40' 38.74"	11,500	PUF with CSP and Slot Gate / CSP with Slot Gate
Trnx 42	Prospect Adit	N37° 54' 37.10", W107° 40' 32.83"	11,400	Backfill with PUF (Hand Backfill) / Bulkhead with/without CSP
CL 47	Prospect Adit	N37° 57' 20.77", W107° 40' 08.33"	9,700	Backfill with PUF (Hand Backfill) / Bulkhead with/without CSP
GC 49	Prospect Pit	N37° 56' 02.63", W107° 39' 51.63"	10,200	Backfill (machine) / PUF
GC 26	Adit	N37° 56' 00.43", W107° 39' 49.84"	10,200	Backfill (machine) / Bulkhead with/without CSP

BACKFILL: using local, broken rock material, usually adjacent to the mine opening, to refill and seal the excavated feature.
BULKHEAD: an upright, wall-like structure constructed of concrete, concrete blocks, PUF, and/or local rock material.
CABLE NET: pre-fabricated steel cable nets used to close large diameter mine openings while allowing for ingress and egress of wildlife
CSP: corrugated steel pipe (CSP) sections, usually 3'-10' long and 24"-48" diameter and embedded in PUF, loose dirt, local rock material, or a bulkhead, usually with metal grates or access doors installed on the outer end of the pipe.
GRATE: an open framework of metal bars, rods or grills secured with bedrock anchors & sometimes concrete footers, or attached or embedded within one end of a section of CSP.
PUF: expandable polyurethane foam (PUF) used to fill void space and create a solid plug to seal the mine opening and then backfilled or covered with dirt, local rock material or concrete.
BAT LADDER/SLOT GATE: a "bat-friendly" opening with one or more gaps at least 24" W x 6" H that allows bat ingress/egress.
EXCLUDE & CLOSE: used for closure methods that are not bat-friendly where, at least 5 days prior to permanent closure construction, a section of mesh or screening is placed over a mine opening with a gap along the bottom that allows bats to exit near ground level and prevents later re-entry.

Best Management Practices:

The operator will power-wash all equipment including full-size 4-wheel drive vehicles, ATVs/OHVs, and lowboy or other trailers to remove noxious weed seeds. Equipment shall be cleaned prior to entering the GMUG NF and is subject to inspection by the Forest Service representative or Contracting Officer.

The operator is subject to the GMUG Travel Management Plan. Any project-related travel beyond that allowed to the general public will need access authorization from the Forest Service.

Physical distancing, hand washing or sanitizing, and the use of facemasks to reduce the spread of COVID-19 is required by all project participants.

Any Forest Service campsite(s) will be kept clean. All food waste will be secured from wildlife and all trash shall be disposed of at a permitted landfill facility. Portable toilets will be provided by the contractor for use by the crew in any undeveloped campsite areas. DRMS shall identify and notify the Forest Service of camping locations at least two weeks prior to initiating project work.

DRMS and its contractors shall immediately notify the Forest Service of all antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins or artifacts discovered in connection with the project. These discoveries shall remain intact and in place until directed otherwise by the Forest Service.

The Forest Service will approve seed mixes for any site reclamation that may be needed.

Responsible Official:

The Responsible Official making the decision on this project is Dana Gardunio, Ouray District Ranger. The preliminary assessment by the Responsible Official for this project is that the proposal falls within actions Categorically Excluded under 36 CFR 220.6 from documentation in an environmental assessment (EA) or environmental impact statement (EIS). No extraordinary circumstances have been identified that would preclude this project from Categorical Exclusion under the categories cited in 36 CFR 220.6(e)(8) "Short-term (one year or less) mineral… investigations and incidental support activities…[such as] approving interim and final site restoration activities."

How to Comment and Timeframe:

The Forest Service invites comments on this proposal. Comments may be submitted as follows:

- Hand-delivered, USPS Mailed, Emailed or FAXed to: Ouray Ranger District, ATTN: Lindsey Binder - Ironton AML Physical Safety Closures Project Comments, 2505 S. Townsend Ave., Montrose, CO 81401, lindsey.binder@usda.gov, FAX: 970-240-5367

This comment period coincides with public scoping and will be the only comment opportunity offered on this project (36 CFR 215.5 and 215.6). This comment period is intended to provide those interested in or affected by this proposal an opportunity to comment on the proposed action before a decision is made by the Responsible Official.

If you have questions or would like more information on this proposal, please visit the project page at https://www.fs.usda.gov/project/?project=63597. You may also contact Pamela Leschak, Minerals Program Manager, GMUG NF at pamela.leschak@usda.gov or Lindsey Binder, Lands and Minerals Staff, Ouray Ranger District at lindsey.binder@usda.gov.

All comments must be received by the GMUG NF by close of business, March 31, 2023.

Sincerely,

X DANA GARDUNIO Digitally signed by DANA GARDUNIO Date: 2023.02.23 08:03:37 -07'00'

Dana Gardunio
District Ranger

The summaries of the Colorado Court of Appeals published opinions constitute no part of the opinion of the division but have been prepared by the division for the convenience of the reader. The summaries may not be cited or relied upon as they are not the official language of the division. Any discrepancy between the language in the summary and in the opinion should be resolved in favor of the language in the opinion.

DATE FILED: February 2, 2023
CASE NUMBER: 2021CA1525

SUMMARY
February 2, 2023

2023COA10

No. 21CA1525, *San Juan Hut Systems, Inc. v. Board of County Commissioners* — Regulation of Vehicles and Traffic — Right to Restrict Highway Use — Snow-packed Conditions

In a case of first impression, a division of the court of appeals considers a county's statutory authority under section 42-4-106(3)(d), C.R.S. 2022, to restrict vehicular traffic during periods when "snow-packed conditions are . . . likely to exist" and to direct nonvehicular, over-the-snow traffic from that road to a designated trail. Concluding that the county was granted this express statutory authority while the appeal was pending, the division dismisses in part and otherwise affirms.

COLORADO COURT OF APPEALS **2023COA10**

Court of Appeals No. 21CA1525
Ouray County District Court No. 19CV30000
Honorable J. Steven Patrick, Judge

San Juan Hut Systems, Inc.,

Intervenor-Appellant,

v.

Board of County Commissioners of the County of Ouray, Colorado,

Defendant-Appellee,

and

Wolf Land Company, LP; Stephen King; Christina King; Gary R. Hollowell Revocable Trust; Jenny Lee Philips Revocable Funded Living Trust; Sophia Arjana; English Enterprises II, LLC; Phillips Kelly, LLC; Clara C. Moore Trust Dated November 7, 2008; Eric C. Faust; Jennifer W. Faust; Mesa Preservation, LLC; Clay Alfred Hartmann; Steven Phillip Dieckmann; and Lapointe Joint Trust Dated December 12, 2016,

Appellees.

APPEAL DISMISSED IN PART AND ORDER AFFIRMED

Division I
Opinion by JUDGE FURMAN
Dailey and Davidson*, JJ., concur

Announced February 2, 2023

Eggleston Kosnik LLC, Paul Kosnik, Durango, Colorado, for Intervenor-Appellant

Leonardo Caselli, County Attorney, Ouray, Colorado, for Defendant-Appellee

Karp Neu Hanlon, P.C., James F. Fosnaught, Jeffrey J. Conklin, Shoshana Rosenthal, Glenwood Springs, Colorado, for Appellee Wolf Land Company, LP

Anderson Notarianni McMahon LLC, Geoffrey P. Anderson, Joshua D. McMahon, Denver, Colorado, for Appellees Stephen King; Christina King; Gary R. Hollowell Revocable Trust; Jenny Lee Philips Revocable Funded Living Trust; Sophia Arjana; English Enterprises II, LLC; Phillips Kelly, LLC; Clara C. Moore Trust Dated November 7, 2008; Eric C. Faust; Jennifer W. Faust; Mesa Preservation, LLC; Clay Alfred Hartmann; Steven Phillip Dieckmann; and Lapointe Joint Trust Dated December 12, 2016

Hall & Evans, LLC, Andrew D. Ringel, Ethan E. Zweig, Denver, Colorado, for Amicus Curiae Colorado Counties, Inc.

Alpern Myers Stuart, LLC, Stephen P. Harris, Colorado Springs, Colorado, for Amici Curiae Ridgway-Ouray Community Council; Colorado Mountain Club; Ouray Backcountry Alliance; Western Colorado Alliance for Community Action; San Juan Citizens Alliance; Winter Wildlands Alliance; and Sheep Mountain Alliance

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2022.

¶ 1 This case began as a dispute between the Board of County Commissioners of the County of Ouray (County) and a group of property owners (Landowners) over vehicular access to approximately three and a half miles of Ouray County Road 5 (CR 5).

¶ 2 The Landowners own real property that is accessed from CR 5. In the past, the Landowners entered into winter maintenance agreements (WMAs) with the County. But some years ago, the County decided not to enter into a new WMA and closed CR 5 to vehicular traffic by closing a cattleguard gate that crosses the road. The Landowners proposed a new WMA. But the Landowners and County disagreed over the terms, and the County ultimately decided it would adopt a WMA with more restrictions and conditions than the Landowners liked. So the Landowners filed a C.R.C.P. 106(a)(4) action in the district court to challenge the County's decision.

¶ 3 San Juan Hut Systems, Inc. (SJHS) operates rental huts, two of which are located in the Grand Mesa, Uncompahgre and Gunnison National Forests (National Forest) and are most easily accessed from CR 5.

¶ 4 SJHS filed, and the district court granted, a motion to intervene in the Landowners' C.R.C.P. 106(a)(4) action. SJHS's intervenor complaint sought declaratory and injunctive relief to bar the County from entering into any WMAs that would permit only the Landowners to have vehicular access along upper CR 5. It argued that vehicular traffic on the road should either be open to all or closed to all.

¶ 5 Both SJHS and the Landowners filed C.R.C.P. 56 summary judgment motions against the County. The district court considered the motions and found that there were no material facts in dispute. The court concluded that the County had not (1) violated any protected property right possessed by the Landowners; (2) violated section 43-2-201.1, C.R.S. 2022; or (3) exceeded the scope of its discretion under its statutorily granted authority. So the court denied both motions.

¶ 6 The County and the Landowners eventually settled their dispute and entered into a new winter maintenance easement agreement (WMEA). This WMEA granted the Landowners a nonexclusive right to plow and access their properties along CR 5 by installing an additional gate. In exchange, it also mandated the

construction of a separate trail that substantially parallels CR 5 to provide nonvehicular, over-the-snow access to the upper portion of CR 5. And shortly thereafter, the district court dismissed SJHS's claims under the reasoning from its order denying summary judgment.

¶ 7 On appeal of the order denying its motion for summary judgment, SJHS contends that the district court erred in concluding that (1) the County had the authority to allow only the Landowners access to CR 5 by vehicle during winter and (2) the County was not in violation of section 43-2-201.1.

¶ 8 The County and Landowners contend that (1) SJHS lacks standing; (2) the issue of the County's authority is now moot; and (3) the County neither exceeded its authority nor violated section 43-2-201.1.

¶ 9 The County filed two notices of supplemental authority to bring a statutory change to this court's attention. In response, we directed all parties to address two issues in supplemental briefs: (1) the scope of authority granted to the County under section 42-4-106(3)(d), C.R.S. 2022, to enter into WMAs that also limit vehicular road access; and (2) whether reversing the district court's decision

denying SJHS's summary judgment motion would afford the relief sought based on the current state of affairs along the upper portion of CR 5.

¶ 10 We dismiss this appeal in part and otherwise affirm.

I. Standing

¶ 11 The County and Landowners contend that SJHS lacks standing. We disagree.

A. Applicable Law

¶ 12 Standing requires the plaintiff to show that it has suffered an injury in fact to a legally protected interest. *Hickenlooper v. Freedom from Religion Found., Inc.*, 2014 CO 77, ¶ 8; *Wimberly v. Ettenberg*, 194 Colo. 163, 168, 570 P.2d 535, 539 (1977).

¶ 13 To meet the injury-in-fact requirement, the plaintiff must show that the activity complained of "has caused or has threatened to cause injury to the plaintiff such that 'a court [can] say with fair assurance that there is an actual controversy proper for judicial resolution.'" *Dunlap v. Colo. Springs Cablevision, Inc.*, 829 P.2d 1286, 1289 (Colo. 1992) (quoting *O'Bryant v. Pub. Utils. Comm'n*, 778 P.2d 648, 653 (Colo. 1989)). The injury does not have to be tangible (e.g., physical or economic harm), *Ainscough v. Owens*, 90

P.3d 851, 856 (Colo. 2004), but "the remote possibility of a future injury" or an injury that is "overly 'indirect and incidental' to the defendant's action" is not sufficient to establish standing, *id.* (quoting *Brotman v. E. Lake Creek Ranch, L.L.P.*, 31 P.3d 886, 890-91 (Colo. 2001)).

¶ 14 "To determine whether there is an injury-in-fact, we accept as true the allegations set forth in the complaint." *Id.* at 857 (citing *Dunlap*, 829 P.2d at 1289).

¶ 15 The second prong, the legally protected interest, "is a question of whether the plaintiff has a claim for relief under the constitution, the common law, a statute, or a rule or regulation." *Id.* at 856 (citing *Bd. of Cnty. Comm'rs v. Bowen/Edwards Assocs., Inc.*, 830 P.2d 1045, 1053 (Colo. 1992)).

¶ 16 "Whether a party has standing is determined as of the time the action is filed." *Am. Comp. Ins. Co. v. McBride*, 107 P.3d 973, 976 (Colo. App. 2004) (citing *Grossman v. Dean*, 80 P.3d 952 (Colo. App. 2003)). "In Colorado, parties to lawsuits benefit from a relatively broad definition of standing." *Ainscough*, 90 P.3d at 855.

B. Standard of Review

¶ 17 Standing is an issue of law that we review de novo. *Ainscough*, 90 P.3d at 856. We may consider any evidence submitted on the issue to determine whether a party has standing. *Bowen/Edwards Assocs.*, 830 P.2d at 1053; *Rangeview, LLC v. City of Aurora*, 2016 COA 108, ¶ 11.

C. SJHS's Standing

¶ 18 The County and Landowners contend that SJHS lacks standing because their settlement agreement altered the way that nonvehicular over-the-snow traffic reaches the upper portion of CR 5 such that any alleged injuries to SJHS have already been remedied. We disagree.

¶ 19 SJHS alleged the following in its complaint, supported by an affidavit.

- SJHS has owned and operated a series of huts as an overnight rental business since 1994.
- Two of its huts, located in the National Forest, are directly accessed from CR 5.

- For many years, the County closed CR 5 to vehicles during the winter, and access to SJHS's huts was restricted to over-the-snow travel.
- A few years before this litigation began, the County entered into a WMA that allowed a select group of Landowners to plow and access by vehicle the portion of CR 5 behind the gate. The public was not allowed the same access to this gated upper portion of CR 5.
- "When the gate has been closed and limited vehicles were able to enter through the gate, the Upper Portion of CR 5 has been unsafe for people to traverse to access SJHS's huts and the . . . National Forest."
- "For the majority of SJHS's customers to access [its] Huts, they must be able to either park at the intersection of CR 5 and CR 5-A and utilize the closed road that is free of vehicular traffic, or they too must be permitted to drive their vehicles on all plowed sections of the Upper Portion of CR 5. The [two] Huts are not practically accessed from any other County road besides CR 5."

¶ 20 Taking these allegations as true, the WMA made traversing CR 5 more difficult for SJHS's guests. *See Ainscough*, 90 P.3d at 857. This was an injury in fact because a potentially difficult or dangerous trek from the parking area up to SJHS's huts endangered its guests, possibly damaged its reputation, and thus hurt its business. An injury in fact may be tangible — such as economic harm — or intangible — such as damage to an aesthetic interest — and business revenue is a legally protected interest. *See id.* at 856; *Colo. Med. Soc'y v. Hickenlooper*, 2012 COA 121, ¶ 24.

¶ 21 We therefore conclude that SJHS has standing.

II. Closing the Road to Vehicles

¶ 22 The County and Landowners also contend that this case is moot because, after this appeal was filed, the General Assembly amended a statute to expressly authorize the County to close roads when they are likely to be snow packed and to enter into WMA agreements. SJHS counters that its interest in having vehicular access remains unsatisfied and the same issues it raised in its intervenor complaint still apply. SJHS maintains that a decision in its favor will have a practical legal effect because a declaration that the County exceeded its authority would require the County to

either open or close the road to all. *See Russell v. City of Central*, 892 P.2d 432 (Colo. App. 1995).

¶ 23 We agree in part with the County and Landowners' contention and conclude that part of this case is moot.

A. Mootness by Statutory Change

1. Law and Doctrine

¶ 24 "A case is moot when a judgment, if rendered, would have no practical legal effect upon the existing controversy." *Van Schaack Holdings, Ltd. v. Fulenwider*, 798 P.2d 424, 426 (Colo. 1990); *see Zoning Bd. of Adjustment v. DeVilbiss*, 729 P.2d 353, 356 (Colo. 1986).

¶ 25 When issues presented in litigation become moot due to subsequent events, an appellate court will not render an opinion on the merits of the appeal. *Campbell v. Meyer*, 883 P.2d 617, 618 (Colo. App. 1994). "[N]ew legislation can cause a case to be moot when it forecloses the prospect of meaningful relief." *Giuliani v. Jefferson Cnty. Bd. of Cnty. Comm'rs*, 2012 COA 190, ¶ 14.

2. County's Statutory Authority

¶ 26 After this litigation began, the General Assembly amended section 42-4-106 by adding a new subsection (3)(d). Ch. 94, sec. 1,

§ 42-4-106, 2022 Colo. Sess. Laws 451. This subsection provides as follows:

> Local authorities, with respect to highways under their jurisdiction, may . . . , by ordinance or resolution:
>
> . . . .
>
> (d)(I) When snow-packed conditions exist on a highway or for a continuous seasonal period designated by the local authority when snow-packed conditions are, as determined by the local authority, likely to exist on a highway, designate all or a portion of a highway for over-snow use only, which the local jurisdiction may further limit to travel by human-powered or animal-powered means, or both.
>
> . . . .
>
> (IV) When wheeled winter access is requested along a highway, nothing in this subsection (3)(d) prohibits a local authority from entering into private winter maintenance agreements and such requests shall be considered.

§ 42-4-106(3)(d)(I), (IV).

¶ 27 Counties are statutorily authorized "[t]o make all contracts and do all other acts in relation to the property and concerns necessary to the exercise of its corporate or administrative powers" and "[t]o sell, convey, or exchange any real or personal property owned by the county and make such order respecting the same as

may be deemed conducive to the interests" of the county's residents. § 30-11-101(1)(c)-(d), C.R.S. 2022.

¶ 28 "The powers of a county as a body politic and corporate shall be exercised by a board of county commissioners therefor." § 30-11-103, C.R.S. 2022.

3. Winter Maintenance Agreement

¶ 29 The district court entered findings that CR 5 is County property and within the County's jurisdiction to regulate.

¶ 30 Pursuant to its authority to regulate traffic and roads, the County adopted Resolution 2016-019 to announce the County's criteria for entering into WMAs. The County considered the relevant criteria under this Resolution and then entered into, and adopted through Resolution 2020-049, the WMEA for CR 5 as part of its settlement with the Landowners.

¶ 31 Based on the new express statutory authority to enter into WMAs provided by section 42-4-106(3)(d)(IV), and the County's existing authority, we conclude that the issue of whether the County exceeded its authority by entering into this WMA is moot.

¶ 32 The relief that SJHS requested from the district court was a declaratory judgment that the County had exceeded its statutory

authority and an injunction to prevent any actions taken in excess of that authority. But we conclude that the statutory authority to enter into these WMAs has been expressly granted by section 42-4-106(3)(d), so an appellate decision in SJHS's favor regarding the previous statute would have no practical effect on the controversy as it exists now. *See Van Schaack Holdings*, 798 P.2d at 426; *Giuliani*, ¶ 14. We reach this conclusion for the following four reasons.

¶ 33 First, section 42-4-106(3)(d)(IV) grants broad authority to the County to enter into WMAs. This statute expressly provides that local authorities "shall" consider WMAs when wheeled winter access is requested. *Id.* Section 42-4-106(3)(d)(IV) explicitly contemplates private parties maintaining roads in the winter, and this implies that the extent of those efforts would include maintaining the portions of a road in which a private party is interested. WMAs, such as the WMEA, that permit, but do not require, plowing to the degree requested by private parties fit within that purview.

¶ 34 Second, section 42-4-106(3)(d)(I) expressly authorized the County to designate all or a portion of the road for only over-the-snow travel when it finds that snow-packed conditions are likely to

exist. The power to so designate roads implies that the County has the authority to prevent vehicles from traversing the designated portion of the road, and locking a gate to prohibit vehicular traffic is a reasonable way of doing so. *See* § 42-4-111(1)(c), C.R.S. 2022 (local government is authorized to regulate traffic on roads within its jurisdiction by using official traffic control devices); *see also* § 42-1-102(64), C.R.S. 2022 ("'Official traffic control devices' means all signs, signals, markings, and devices, not inconsistent with this title, placed or displayed by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.").

¶ 35 Third, the County has broad regulatory authority over its highways to control the flow of traffic and dictate where cars may park. *See, e.g.*, § 42-4-111(1)(a), (u), (w), (y). Under this authority, the County can reasonably designate a trail to the side of the roadway for over-the-snow access and designate a specific public parking area for those who access the over-the-snow trail. *See* §§ 42-4-106(3)(d)(I), 42-4-111(1)(a), (u), (y).

¶ 36 Fourth, section 42-4-106(3)(d) does not preclude the County from both entering into a WMA for a portion of CR 5 and exercising

its authority to designate a portion of the road for over-the-snow travel under section 42-4-106(3)(d)(I). The WMEA allows, but does not require, the Landowners to plow to their properties along CR 5. If partial or irregular plowing leaves it likely that snow-packed conditions exist on portions of CR 5, the County may exercise its authority as described above. *See* § 42-4-106(3)(d)(I).

B. The Landowners' Easement

¶ 37 SJHS acknowledges that the County has implied statutory authority to enter into some WMAs. But SJHS contends that this statutory authority does not authorize the County to enter into a WMA pursuant to section 42-4-106(3)(d) that does not fully open vehicular access on the road to the public. We disagree.

¶ 38 We begin by considering how the County granted the Landowners access, by a nonexclusive easement, and then consider whether a reversal of the district court's order would undo this grant. We conclude that such a reversal would have no practical effect on either the County's authority to close CR 5 to vehicles or the Landowners' right to wheeled access.

1. Law

¶ 39 "An easement creates a nonpossessory property right to enter and use land in the possession of another and obligates the possessor [of land] not to interfere with the uses authorized by the easement." *Matoush v. Lovingood*, 177 P.3d 1262, 1264 n.2 (Colo. 2008) (quoting Restatement (Third) of Prop.: Servitudes § 1.2(1) (Am. L. Inst. 2000)). "An easement is said to be 'appurtenant' to property when the benefit or burden of the easement 'runs with' an interest in property. Owners of the property are entitled to the benefit, or subject to the burden, of the easement due to their relation to the property." *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229, 1234 (Colo. 1998).

> [W]here an easement is non-exclusive in nature, both the holder of the easement and the owner of the land burdened by the easement have rights to use the property. Consequently, the interests of both parties must be balanced in order to achieve due and reasonable enjoyment of both the easement and the servient estate.

Id. at 1238.

2. Analysis

¶ 40 Access to the upper portion of CR 5 is controlled by three gates that are side by side, adjacent to a public parking area, and located at the point where the County stops clearing snow from CR 5. Two of these gates can allow vehicular traffic. One vehicular gate, a cattleguard gate across the middle of the road, is the central entry point for upper CR 5. The second vehicular gate, which was built off to the side, is an automated gate that the Landowners use to access their properties. Adjacent to the cattleguard gate is the entrance gate to a trail for nonvehicular travel that follows essentially the same route as the upper portion of CR 5; this is the over-the-snow trail.

¶ 41 Under the terms of the settlement agreement, the County retains control over the cattleguard gate and the entrance to the trailhead. The County may open or close the cattleguard gate, as it has in the past when the County restricted vehicular access to upper CR 5. And the terms of the settlement agreement require that the trailhead entrance remain unlocked and open to the public during the winter. The Landowners control the automated gate, which authority was granted to them under the easement.

¶ 42 The County's authority under the new statute allows it to (1) designate some or all of CR 5 "for over-snow use only" when "snow-packed conditions are . . . likely to exist"; (2) close the cattleguard gate to prevent vehicular traffic; and (3) direct travelers to the over-the-snow trail. *See* § 42-4-106(3)(d); *see also* §§ 42-4-111(1)(c), 42-1-102(64). But pursuant to the WMEA, the Landowners retain their right under the easement to plow and access their properties by wheeled travel on CR 5 from their gate to their driveways.

¶ 43 SJHS contends that this constitutes the County discretionarily limiting who may use vehicles to travel CR 5 during the winter. SJHS argues that if we reverse the district court's denial of summary judgment, then SJHS, its "clients, and the public [would have] the same rights as the private [L]andowners. [SJHS] would have the right to access its hut system by vehicle, over-snow access, or both, depending on the County's decision" to either open or close the road pursuant to its authority. We disagree.

¶ 44 SJHS has not challenged the County's authority to convey this easement as part of a WMA. Nor does SJHS continue to challenge the County's power to restrict vehicular access to the road. We therefore conclude that reversing the district court's order would

not alter how SJHS, the Landowners, or the public access upper CR 5. That is, reversing the order would not rescind the Landowners' easement or grant any new easements to SJHS or any other party. And it would not preclude the County from closing its gate and restricting vehicular travel under its new authority. Thus reversal would have no practical legal effect on this controversy. *See Van Schaack Holdings*, 798 P.2d at 426.

¶ 45 But wait, says SJHS. The County cannot evade statutory mandates by entering into contracts. SJHS argues broadly that the settlement agreement and WMEA between the County and Landowners violate section 42-4-106(1), (3)(a), (3)(b), and (3)(d)(I).

¶ 46 Each of the provisions of section 42-4-106 on which SJHS relies authorizes local authorities to restrict vehicular use on roads for different reasons and in different situations. The County's exercise of the statutory authority granted by one provision of section 42-4-106(3)(d) does not result in a conflict with these other provisions. And the WMEA does not affect the County's restriction on the use of the road; it conveys to the "[o]wners of the propert[ies] . . . the benefit . . . of the easement due to their relation to the property." *Lazy Dog Ranch*, 965 P.2d at 1234.

¶ 47 SJHS's reliance on the following cases for the proposition that the County and Landowners' settlement agreement violate section 42-4-106 is misplaced.

¶ 48 In *University of Denver v. Industrial Commission*, our supreme court was asked to determine whether an early settlement agreement between private parties would shorten the statutory period during which the Industrial Commission could review and amend a damage award. 138 Colo. 505, 507-10, 335 P.2d 292, 293-94 (1959). The court determined that such a settlement did not alter this period. *Id.* In *Guy v. Whitsitt*, the division held that the confidentiality terms in a town employee's contract and the employee's privacy interests must give way to the town's compliance with the Colorado Open Meetings Law. 2020 COA 93, ¶¶ 29-32. And *Cummings v. Arapahoe County Sheriff's Office* reaffirmed that the Sheriff's Office may not use contractual disclaimers to undo an implied employment contract created by statute. 2021 COA 122, ¶ 14. Each of these cases involved either a conflict between a government contract and a statutory provision or a contract between private parties limiting the government's statutory authority. But this case does not involve such questions.

¶ 49 We thus conclude that questions around the County's authority to restrict vehicular access on CR 5 under section 42-4-106(3)(d) and the Landowners' right to access their properties under their easement are moot. We dismiss this portion of the appeal. *See DeVilbiss*, 729 P.2d at 356; *Van Schaack Holdings*, 798 P.2d at 426.

¶ 50 To the extent that SJHS urges us to decide additional issues despite mootness, we decline. "The duty of this court, as of every other judicial tribunal, is to decide actual controversies by a judgment which can be carried into effect, and not . . . to declare principles or rules of law which cannot affect the matter in issue before it." *Barnes v. Dist. Ct.*, 199 Colo. 310, 312, 607 P.2d 1008, 1009 (1980) (quoting *People v. Dist. Ct.*, 78 Colo. 526, 530, 242 P. 997, 998 (1925)).

III. Do the Gates Violate Section 43-2-201.1?

¶ 51 SJHS contends that the County violated section 43-2-201.1 by installing, or allowing, a gate that closes CR 5 to vehicular traffic. We disagree.

A. Standard of Review

¶ 52 Ordinarily, a district court's order denying a motion for summary judgment is not reviewable on appeal. *Feiger, Collison & Killmer v. Jones*, 926 P.2d 1244, 1250 (Colo. 1996). But as our supreme court has explained, "[W]here the parties file cross-motions for summary judgment on the issue of liability and the district court grants one, denies the other, and then resolves the issue of damages at a bench trial, the judgment is final and we may review the order denying summary judgment." *Dep't of Nat. Res. v. 5 Star Feedlot, Inc.*, 2021 CO 27, ¶ 41.

¶ 53 In this case, the district court's order denied both the Landowners' and SJHS's motions for summary judgment and thus did not completely resolve the controversy. But the district court denied SJHS's summary judgment because the court concluded that the County had the statutorily vested authority to "allow limited vehicular access" on CR 5. Because SJHS had sought a declaratory judgment that the County did not have this specific authority, SJHS then filed a motion for determination of a question of law that (1) argued the law of the case precluded its requested relief and (2) asked the court to enter a final judgment to dismiss its

claims. The court agreed, dismissed SJHS's claims, and entered the final judgment. So while the ordinary effect of denying a summary judgment motion is that the case simply proceeds, here the court's legal conclusion from the denial order effectively ended SJHS's claims, just with an extra procedural step. Accordingly, we will review the order. *See id.*

¶ 54 We review an order granting or denying summary judgment de novo. *Westin Operator, LLC v. Groh*, 2015 CO 25, ¶ 19. Summary judgment "is appropriate only if 'the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.'" *Id.* (quoting C.R.C.P. 56(c)).

B. Statutory Law at Issue

¶ 55 Section 43-2-201.1(1) provides that

> [a]ny person, other than a governing body of a municipality or county acting pursuant to part 3 of this article 2, who intentionally blocks, obstructs, or closes any public highway, as described in section 43-2-201, that extends to any public land, including public land belonging to the federal government, *thereby closing public access to public lands*, without good cause therefor,

> commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501.

(Emphasis added.)

C. The Public Retains Access

¶ 56 SJHS contends that (1) section 43-2-201.1 applies to the County and (2) by constructing or allowing a gate over CR 5, the County has closed off access to public lands and violated the statute. We need not discuss whether section 43-2-201.1 applies to the County because we conclude that the County has not closed off all access, even with these gates in place.

¶ 57 As discussed above, the County has the express statutory authority to designate all or part of a CR 5 for over-snow use only. *See* § 42-4-106(3)(d)(I). This authority allows the County to restrict vehicular traffic's access to designated portions. *Id.* So the County exercising this authority and directing travelers to use an over-the-snow trail located to the side of a roadway is not the equivalent of closing off the public's access to public lands at the end of that roadway.

¶ 58 We therefore conclude that the district court did not err in denying SJHS's motion for summary judgment as it relates to an

alleged section 43-2-201.1 violation by the County and affirm this part of the order.

IV. Landowners' Appellate Attorney Fee Request

¶ 59 The Landowners' supplemental brief requests an award of appellate attorney fees. The Landowners argue that by continuing to pursue the appeal after the statute was amended, SJHS "is being stubbornly litigious and proceeding without injury." We disagree.

¶ 60 "Colorado law provides that a court shall assess attorney[] fees against a party if the party brought an action that lacked substantial justification or was for the purpose of delay or harassment." *Calvert v. Mayberry*, 2019 CO 23, ¶ 42 (citing § 13-17-102(4), C.R.S. 2022).

¶ 61 Even after the statutory change, SJHS presented rational arguments based on credible evidence to support its claims on appeal. And we find no indication that SJHS maintained its appeal in bad faith. We therefore conclude that SJHS's claims on appeal were not rendered substantially frivolous, groundless, or vexatious. *Id.* at ¶ 45. Accordingly, we decline to award appellate attorney fees to the Landowners.

V. Conclusion

¶ 62 The appeal is dismissed in part and the district court's order is affirmed.

JUDGE DAILEY and JUDGE DAVIDSON concur.

Court of Appeals

STATE OF COLORADO
2 East 14th Avenue
Denver, CO 80203
(720) 625-5150

PAULINE BROCK
CLERK OF THE COURT

NOTICE CONCERNING ISSUANCE OF THE MANDATE

Pursuant to C.A.R. 41(b), the mandate of the Court of Appeals may issue forty-three days after entry of the judgment. In worker's compensation and unemployment insurance cases, the mandate of the Court of Appeals may issue thirty-one days after entry of the judgment. Pursuant to C.A.R. 3.4(m), the mandate of the Court of Appeals may issue twenty-nine days after the entry of the judgment in appeals from proceedings in dependency or neglect.

Filing of a Petition for Rehearing, within the time permitted by C.A.R. 40, will stay the mandate until the court has ruled on the petition. Filing a Petition for Writ of Certiorari with the Supreme Court, within the time permitted by C.A.R. 52(b), will also stay the mandate until the Supreme Court has ruled on the Petition.

BY THE COURT: Gilbert M. Román,
Chief Judge

DATED: January 6, 2022

***Notice to self-represented parties**: You may be able to obtain help for your civil appeal from a volunteer lawyer through The Colorado Bar Association's (CBA) pro bono programs. If you are interested in learning more about the CBA's pro bono programs, please visit the CBA's website at www.cobar.org/appellate-pro-bono or contact the Court's self-represented litigant coordinator at 720-625-5107 or appeals.selfhelp@judicial.state.co.us.*

THE FUTURE OF WHAT'S HAPPENING NOW

Why Aren't More Solar Farms Built on Municipal Landfills?

Local opposition has blocked towns from building utility-scale solar installations. But there is an unexpected and newly incentivized alternative — thanks to the Inflation Reduction Act — the dump.

March 2, 2023 • **Taylor Kate Brown**

A 2.66 megawatt solar panel farm along the Old Erie Canal in New York state was constructed in an old landfill. (N. Scott Trimble | syracuse.com)

As director of the Indianapolis' Office of Sustainability, Morgan Mickelson has renewable energy goals to meet. But sourcing cleaner energy requires making both a financial *and* local community case to leadership.

The city explored a potential virtual power purchase agreement from a solar developer in Texas. It made more sense financially, but the downside was no additional benefit or connection to the city of Indianapolis itself.

"We'd be farming out jobs, we'd be investing in another locality outside of Indiana," Mickelson says. "I'm looking at all the different angles to get more solar in general. But at the end of the day, we also need to see all those intersectional benefits of creating jobs for our community and relying less on coal here locally."

ADVERTISEMENT

r Mickelson is considering an increasingly common solution for

municipalities: building a solar farm on top of a landfill.

“Our state doesn't have the most friendly policies,” Mickelson says. “But [with landfills] if you're able to determine there's no other better reuse for this land, it seems like a really smart investment for the community.”

Backers of the idea of putting more utility-scale solar farms on brownfield sites — landfills, old coal mines, superfund sites and closed industrial plants — include the U.S. Environmental Protection Agency. Despite thousands of landfills across the U.S., solar installations at these sites haven’t grown at the same rate as the wider industry over the past 10 years.

ADVERTISEMENT

That might change, with additional tax credits available for landfills and other brownfield sites, through the Inflation Reduction Act (IRA). But will the all-

around benefits to renewables included in the law mean just more solar overall?

Building Differently

Closed landfills are unavailable for traditional redevelopment and are often owned by local governments. That makes it an attractive alternative amid increasing neighborhood opposition against solar developments. Landfills also tend to have greater sun exposure, as well as access to power lines and other infrastructure nearby.

But placing solar modules on these sites requires a different kind of installation: a ballasted system that doesn't drive foundations deep into the ground, avoiding piercing the landfill cap and unsettling the waste below.

The site's settlement patterns also need to be tracked to make sure the panels don't become out of whack, and depending on the locality, building on a landfill can involve additional permitting questions and the agreement of multiple agencies. All of this adds up to often more time and cost spent than a greenfield site, like a farm.

While the IRA offers incentives for all solar installations, it also includes additional tax credits specifically available to projects on brownfields, as well as for renewable energy projects sited in or benefiting low-income communities.

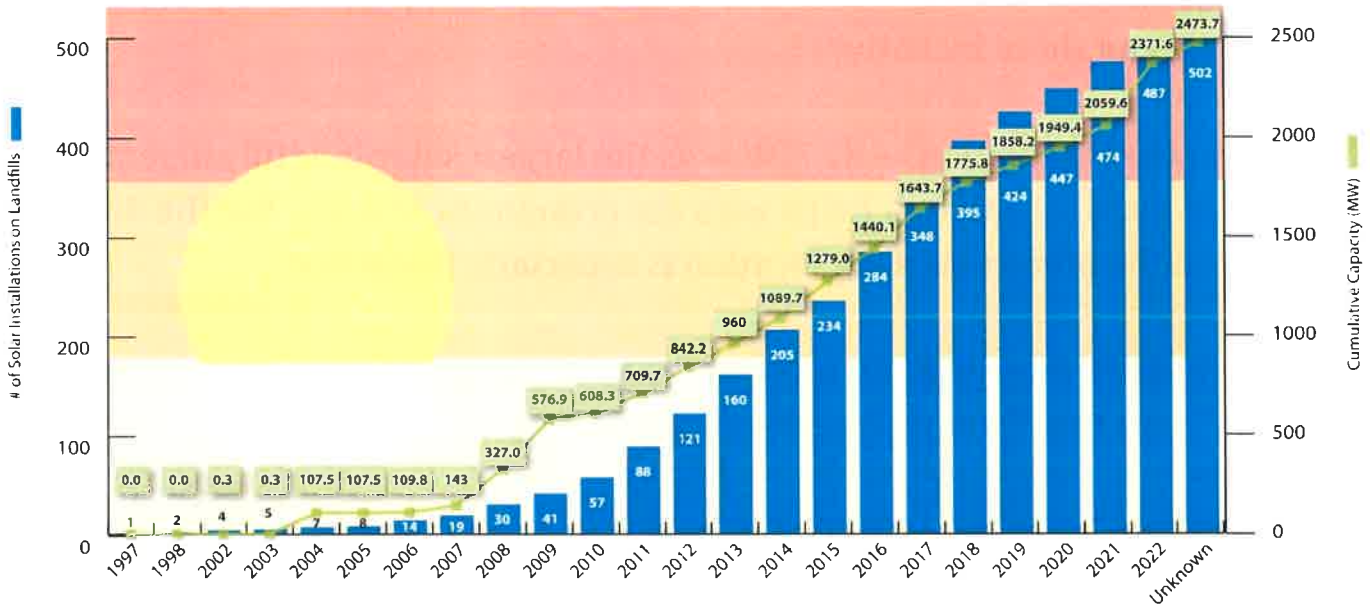
In the past, targeted state-level policies have made a difference. New Jersey included a specific brownfield carve out in its renewable portfolio standard and Maryland excludes large brownfield solar projects from its net-metering cap.

Massachusetts created additional subsidies for renewable projects on landfills and offered direct technical assistance. Going further, the state also specifically disincentivized solar built on undeveloped land, subtracting some of the financial benefits associated with building solar in the state in the first place.

Solar developers and towns in Massachusetts responded: by 2020, 52 percent of utility-scale landfill solar projects in the U.S. were in the state, despite the e having only 7 percent of the landfills in the U.S., according to EPA data

analyzed in a report by Rocky Mountain Institute (RMI). Three other northeastern states — Connecticut, New Jersey and New York — made up another quarter of the total projects.

Since then, the EPA has tracked at least two dozen more completed solar landfill projects across the U.S., with others under construction or planned. As of the end of 2022, solar landfills have a capacity of about 2.4 GW, or enough to power an estimated 500,000 homes. RMI estimates existing landfills could grow that capacity at least 25-fold.



Annual Growth in Solar Installations on Landfills. (EPA)

'Reverse Commuting'

"Unquestionably, the IRA is going to change the economics of all solar projects," says Matthew Popkin, an author of the RMI report and manager of its urban transformation program.

But Popkin believes the specific tax credits for brownfields and projects that benefit low-income communities will also encourage more landfill solar, especially given existing land-use debates.

en I look at the closed landfill, I see a really interesting opportunity where [solar energy] is not going to conflict with where that next park, where the next

housing project will be."

Combining the IRA incentives could mean a brownfield site could receive anywhere between a 40 percent-70 percent investment tax credit.

A planned landfill solar project in Houston's Sunnyside neighborhood checks all the IRA boxes: It's sited on a brownfield, it's located in a low-income neighborhood and part of its power will be sold through a community solar project to nearby residents.

But Sunnyside was already in the works before the IRA passed. How did it happen without these incentives?

The size of the installation — 52 MW — is the largest solar landfill currently planned in the U.S., and that helps with the economies of scale. But the developer working on the project says the location is especially important.

"Most renewable energy in the state of Texas is trying to get power to downtown Houston," says Paul Curran, founder of BQ Energy.

The power line build-out to do so has been a struggle, he adds, but the former landfill's location "is like reverse commuting … It is the best place to do renewable energy and battery storage in the entire state of Texas," says Curran. "It's right in the middle of where there's an awful lot of people."

BQ, bought by investment firm Clean Capital last year, is a repeat brownfield solar developer, building large-scale projects in Maryland, Massachusetts and New York. They make money by selling the electricity to a city, university or a utility over a long-term contract.

Originally a wind developer, Curran says his company can manage the costs of the additional work it takes to install solar on landfills because of their experience with the engineering particulars, and knowing when a site is more trouble than it's worth.

"We don't fear a landfill. We don't fear a superfund site." Curran says. "It's

normal for us, but it's not normal for most solar energy developers."

Getting It Right

While the solar panels themselves aren't any different, there are a number of "not normal" factors when building on landfills.

For one, the landfills must be closed. Popkin says a site should be at least several years past its closure to better track rates of settlement. Landfills with steep slopes are unlikely to be good — or at least cheap — candidates.

Developers have to consider unique concerns around the design and construction of the project. The EPA's best practices' guide calls for limiting the overall system weight, avoiding penetrating the landfill cap, maintaining vegetation and stormwater management after the solar panels are in place, among other particulars.

The EPA and the National Renewable Energy Laboratory have pre-screened nearly 200,000 brownfield sites and done site-specific analyses of some potential landfill solar farms. But there doesn't yet seem to be much in the way of long-term research on existing solar landfill projects compared to an average solar farm.

Getting it right matters, and not just for the immediate community.

"We talk to competitors because I don't want somebody to mess one up," Curran says. Being able to point to a landfill solar project that went wrong would be an easy way for municipalities to go cold on the idea.

Solar array at the Industrial Land Reclaiming (ILR) Landfill in Edison, N.J. The facility consists of 24,000 solar panels which will generate enough energy to power nearly 1,200 homes.
(Andre Malok/TNS)

'Time Is Money'

Over the past few years, there's been a marked increase in landfill projects — and the size of the installations being considered. That shows developers and communities are getting "more comfortable" with the idea, Popkin says.

Municipalities can also reduce costs by choosing sites where there's less community pushback to build solar and offering lower-cost leases to the developers.

"Time is money," he says. "The less time that is required for developers, planners, designers, engineers, city officials, municipal officials to have to spend working through this, that brings down the project soft costs as well."

But a traditional solar project without much pushback or complication is still an attractive option — and will benefit from the extension of the federal tax credits.

In 2020, Ellsworth, Maine, sought to buy solar power to lower their electricity

costs, and considered building on a local landfill. But the city decided against it, the *Ellsworth American* reported, because a solar landfill project was "more involved." Instead, Ellsworth purchased credits for energy produced at two large solar projects on private lots along a nearby state highway.

Several years ago, Edgartown on Martha's Vineyard didn't go forward with a solar installation on its own landfill, even as many neighboring island communities prioritized their own landfill solar projects. But the town has recently approved a 3.7 MW project by another repeat landfill solar developer, Ameresco.

In New Paltz, N.Y., a landfill solar site has been held up for years, first over the site planning, then the county trash agency requesting a revenue share and now the high costs of interconnecting the project with existing electrical infrastructure.

While Curran once had a town's model airplane club object to a project because they used the landfill surface for flying, he says most municipalities who decide against pursuing solar landfill do so because they're just not ready.

In Indianapolis, Mickelson said the IRA has already been a factor.

"It's often been tossed around as, 'What are we gonna do about that landfill?'," she says. "And then for a number of years, I think leadership has thought about a reuse solution with renewables, but it's just not panned out."

Now Mickelson says she's received multiple recommendations to look into it because of the new federal law, and specifically a change that allowed public entities to receive the tax credits.

"It seems much more likely that we'd be able to pursue some of this," Mickelson says.

Taylor Kate Brown is an independent journalist focused on local and state [illegible]*ate action. She's previously worked for* The San Francisco Chronicle *and*

the BBC *and publishes a weekly newsletter, The Planet You Save May Be Your Own.*

Related Articles

States Reimagine Power Grids for Wind and Solar Energy

Tags: Climate Change, Environment, Renewable Energy, Massachusetts

ADVERTISEMENT

Most Read