

**SAN JUAN COUNTY, COLORADO BOARD OF COMMISSIONERS
TOWN OF SILVERTON BOARD OF TRUSTEES
MEETING AGENDA**

May 24, 2023

San Juan County Commissioner meeting will be conducted in a hybrid virtual/in-person format. All persons including Board Members, Staff, those with appointments scheduled on the agenda and the general public may attend the meeting in person or via Zoom. The information necessary to connect to the meeting via Zoom is listed below.

CALL TO ORDER: 6:30 P.M.

BOCC Meeting Minutes for May 10, 2023

APPOINTMENTS

6:35 P.M. Todd Hennis - Regarding the actions of EPA and DRMS
7:00 P.M. Kristie Borchers – Alpine Loop Scenic Byways Grant
7:30 P.M. Tony Casternovia – Use of Rock Trucks on County Roads
7:45 P.M. Louis Girodo, County Road Supervisor – John Deere Equipment Lease Agreements

Correspondence:

Public Comment

Commissioner and Staff Reports

Other

Adjourn

Times listed above are approximate.

Discussion of an agenda item may occur before or after the assigned time.

Next Regular Meeting – June 14, 2023 8:30 A.M.

Join Zoom Meeting

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

Meeting ID: 921 3647 3203

One tap mobile

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Meeting ID: 921 3647 3203

SAN JUAN COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING WEDNESDAY, May 10, 2023
AT 8:30 A.M.

Call to Order: The meeting was called to order by Chairman Pro-Tem Scott Fetchenhier. Present via Zoom were Commissioners Austin Lashley and Pete Maisel. County Attorney Dennis Golbright and Administrator William Tookey were also present.

Payment of Bills: Commissioner Lashley moved to authorize payment of the warrants as presented. Commissioner Maisel seconded the motion. The motion passed unanimously.

Minutes: Commissioner Lashley moved to approve the minutes of April 26, 2023, with the typo correction. Commissioner Maisel seconded the motion. The motion passed unanimously.

Public Health Director Becky Joyce was present to provide the Commissioners with an update.

Social Services Director Martha Johnson was present to provide the Commissioners with an update.

Commissioner Maisel moved to approve Transmittal #3 in the amount of \$8144.53. Commissioner Lashley seconded the motion. The motion passed unanimously.

A Liquor License renewal for CORE Mountain Enterprises was presented to the Commissioners for their consideration. Commissioner Lashley moved to approve the liquor license. Commissioner Lashley seconded the motion. The motion passed unanimously.

The Treasurer's monthly report was presented to the Commissioners for their review.

Memorandum of Understanding (MOU) Between San Juan County, Colorado and Silverton-San Juan County Ambulance Association, Inc. Regarding Search and Rescue Operations was presented to the Commissioners for their review. Ambulance Association Director Tyler George, Emergency Manager Jim Donovan and County Attorney Dennis Golbright were present to explain the MOU and to answer questions. Commissioner Lashley moved to approve the Memorandum of Understanding as presented. Commissioner Maisel seconded the motion. The motion passed unanimously.

Emergency Manager Jim Donovan provided the Commissioners with an update.

Kirsten Brown of the Colorado Division of Reclamation, Mining and Safety (DRMS) was present to provide the Commissioners with an update of the work DRMS has planned for this summer.

Megan Mast and Jon Kaminski of BLM were present to provide the Commissioners with an update on what will be happening within the County.

Klem Branner of the Silverton Single Track Society was present to provide the Commissioners with an update concerning the grants that they have received and the work that they plan on accomplishing this summer season.

The County Administrator provided the Commissioners with a Sales Tax update.

The Commissioners continued their hearing concerning the requested Plat Amendment to Lot 1 of the Cole Ranch Subdivision as submitted by Julie and Todd Sams. Nick Anesi of the Anesi Law Firm was present to represent the Sams. Julie and Todd Sams attended the meeting via Zoom. Also present via Zoom was Karmen King an environmental consultant for the Sams that provided a toxicology report concerning the human health risks of building on the east side or west side of CR 2. The toxicology report concluded that the human health risks were reduced on the west side. Upon completion of the discussion Commissioner Lashley moved to approve the Plat Amendment as requested with the conditions as recommended by staff. Commissioner Maisel seconded the motion. The motion passed unanimously.

Having no further business, the meeting was adjourned at 12:34 P.M.

Austin Lashley, Chairman

Ladonna L. Jaramillo, County Clerk

[View this email in your browser](#)



April 28, 2023



National Scenic Byway Program Grant Awards Announced

The Federal Highway Administration (FHWA) officials today announced National Scenic Byway Program Grant Awards for the first time this decade. See the NSBP website for more information: https://www.fhwa.dot.gov/hep/scenic_byways/grants/2022_awards/

State	Project Name	Project Number	Funding Amount
Arkansas	Restoration of Cold War Cultural Artifacts along Arkansas' Great River Road	SB-2022-AR-01	\$500,000
California	Sierra County -- Kentucky Mine Historical Park Trestle and Portal Reconstruction	SB-2022-CA-02	\$96,000
Colorado	Alpine Loop/Silver Thread Toilets, Safety Pull-Outs, Observatory	SB-2022-CO-01	\$640,250
Delaware	Expanding and Broadening Use of the Delaware Bayshore Byway, a National Scenic Byway	SB-2022-DE-01	\$913,420
Florida	Green Mountain Scenic Overlook and Trailhead 40' Tower Addition	SB-2022-FL-01	\$650,000
Idaho	Interpretive Byway Signage	SB-2022-ID-01	\$153,760

Illinois	Gilbert Lake Recreational Facilities Rehabilitation and Enhancement	SB-2022-IL-01	\$480,000
Indiana	Preserving Accessibility along the Ohio River Scenic Byway	SB-2022-IN-01	\$1,060,000
Iowa	Go the Distance: Reconnecting the Great River Road in Burlington	SB-2022-IN-01	\$1,071,780
Iowa	Interpreting the Intrinsic Qualities and Resources along all of Iowa's 14 Byways	SB-2022-IA-02	\$714,224
Kansas	The Gypsum Hills Scenic Byway - Memorial Peace Park Corridor Rest Area and Unique Green Space	SB-2022-KS-01	\$342,079
Louisiana	Public Restroom at Holly Beach on the Creole Nature Trail	SB-2022-LA-01	\$113,160
Maine	Village Gateways and Connector Hubs	SB-2022-ME-01	\$481,650
Maryland	Marketing Maryland Byways for Economic Growth	SB-2022-MD-01	\$824,000
Minnesota	All American Great River Road – Spring Lake Park Reserve, Fischer Avenue Trailhead	SB-2022-MN-01	\$700,000
Minnesota	Skyline Parkway Overlook and Interpretive Marker Project	SB-2022-MN-02	\$1,500,000
Mississippi	Natchez Trace Parkway Multi-State Research, Branding, Marketing Implemented for Byway & Communities	SB-2022-MS-01	\$500,000
New Hampshire	Walk a Mile in Their Shoes (A Byway Transportation Alternative)	SB-2022-NH-01	\$734,417
New York	Palisades Interstate Parkways Scenic Byway Visitor's Center, Safety, and Signage Improvement	SB-2022-NY-01	\$350,000
North Carolina	Blue Ridge Byways: Comprehensive Digital Traveler Information, Branding, & Marketing	SB-2022-NC-01	\$460,000
North Dakota	Lake Metigoshe Shared Use Path	SB-2022-ND-01	\$400,000
Ohio	Ohio's Byways Resources Protection and Enhancement	SB-2022-OH-01	\$800,000
Oklahoma	Improving Safety and Mobility on Historic Route 66 in Oklahoma County	SB-2022-OK-01	\$1,000,000
Pennsylvania	Creek Road Pedestrian and Recreational Safety Improvements	SB-2022-PA-01	\$408,000
Rhode Island	Revolutionary Heritage Byway Hope Street Pedestrian and Resiliency Enhancements	SB-2022-RI-01	\$750,000
Utah	Utah's Patchwork Parkway (UPP) Interpretive Signage & Kiosk Project	SB-2022-UT-01	\$249,886
Virginia	South Turkey Run Park – Trail Planning, Design, and Construction	SB-2022-VA-01	\$600,000
Washington	SR 105 Scenic Byway Corridor Management Plan	SB-2022-WA-01	\$40,000

Total**\$16,532,626****Federally Recognized Tribes**

Tribe Name and State Abbreviation	Project Name	Project Number	Fundin g
Elk Valley Rancheria – CA	Elk Valley Rancheria Elk Trails Project	SB-2022-CA-01	\$3,440,834
Tolowa Dee-ni' – CA	Tolowa Interpretive Center	SB-2022-CA-03	\$969,600
Bay Mills Indian Community – MI	Whitefish Bay Scenic Byway Resource Protection Project	SB-2022-MI-01	\$103,736
Klamath Tribes – OR	Huckleberry Harvest Restoration Program	SB-2022-OR-01	\$500,000
Forest County Potawatomi Community – WI	Pathway to Wellness: Multimodal, Safety & Connectivity Project	SB-2022-WI-01	\$302,893
Total			\$5,317,063

The National Scenic Byway Foundation congratulates each of these byways and their byway leaders for their tenacity in seeking and securing National Scenic Byway Program Grant Awards.

Sign up for our National Scenic Byway Foundation free Newsletter for future FHWA byway program grant information as it becomes available. Sign up and see archived newsletters here - <https://nsbfoundation.com/about/newsletter/>

<https://www.fhwa.dot.gov/byways/>

National
SCENIC BYWAY
Foundation



WEBINAR SERIES

BYWAY BOARD DEVELOPMENT

From Appointment to
Engagement in Five Steps

May 4, 3pm ET



Your Volunteer Board: From Appointment to Engagement in 5 Steps:

Effective board engagement is critical to your organization's success and it begins prior to board nominations. In this interactive workshop, Alysia Cook will share tips on how to secure the right committed board members and how to keep them engaged. She will also explore specific techniques to transform your board meetings into solutions sessions and convert your underperforming committees into high-value work teams.

Read more and sign up now: <https://nsbfoundation.com/training-events-advocacy/webinars/>

Cost is \$35 for non-members

Free for NSBF members



Join NSBF - We seek your support!

The Byway Community needs to be stronger to advocate for Federal funding support. Your membership is a quantifiable measure of the broad support across America for the [vision and mission](#) of the National Scenic Byway Foundation as *The National Voice of Scenic Byways and Roads.*

By becoming a member or a sponsor of NSBF you are supporting the Byway Community by:

- Advocating for federal funding support for the National Scenic Byway Program
- Helping to provide expert advice and mentoring for Byway Leaders
- Supporting the expansion of www.travelbyways.com
- Providing education, webinars and training to the Byway Community

Contact sharon.strouse@nsbfoundation.com to inquire about sponsor or donor

opportunities. To Join as a member: Click on www.nsbfoundation.com, go to the '[Become A Member](#)' page, select your preferred membership category and either pay online by PayPal or send a check to the National Scenic Byway Foundation Office with your completed [Membership Form](#), PO Box 212, Millersburg, OH 44654-0212.



**National
SCENIC
BYWAY
Foundation**

Sharon

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*The National Voice
of Scenic Byways
& Roads*



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SAN JUAN COUNTY ROAD DEPARTMENT

Monthly Road Maintenance Report

APRIL 2023

County Road #110 Gladstone, Snow removal, push banks, rock and ice removal. Minor grading and dig out culvert intakes. Road patrols etc.

1-772G grader/plow, 21 hours.

2-772G grader/plow, 10 hours.

936 loader, 4 hours.

D6T tractor, 18 hours.

Pickups, 28 hours.

County road #2 to Eureka, snow, ice and rock removal. Pull ditches push back banks. Road patrols.

1-772G grader/plow, 13 hours.

2-772G grader/plow, 18 hours.

936 loader, 2 hours.

Pickups, 20 hours.

D6N tractor, 3 hours.

County road #4-4A Cunningham Gulch and to Mine Tour and Buffalo Boy tram house. Snow and avalanche removal and rock removal. A couple fair sized slides. Opened on 4/13/23.

D6N tractor, 20 hours.

1-772G grader, 3 hours.

936 loader, 2 hours.

Pickups, 2 hours.

County road #7 South Mineral, Snow removal open part way out.

D6N tractor, 12 hours.

2-772G grader/plow, 4 hours.

Peterbilt truck, 2 hours haul tractor.

County road #21 and 20A Arrastra Gulch and Aspen Mine. Snow removal and runoff control.

D6N tractor, 5 hours on Arrastra.

D6N tractor, 13 hours to the Aspen Mine.

County Road #2 above Eureka towards A-Forks, snow removal and slide removal.

D6T tractor, 7 hours.

Pickup, 1 hour.

Peterbilt truck/trailer, haul tractor from town, 2 hours.

Anvil Mt. snow removal, some grading.

936 loader, 10 hours.

772G grader/plows, 9 hours.

Courthouse, County shops, Fire Dept. and Pre-School, parking areas, snow removal.

936 loader, 13 hours.

772G graders, 4 hours.

Equipment Maintenance and Repairs, 98 hours, Rusty welded ice cleats on both tractors, have had more hydraulic issues with graders repaired. Had a pin come out of front blade lift on #2 grader and broke lift boom this will cost around \$6,000 for new parts!! Rusty had a least 60 hours welding time.

We really need a New pickup truck is hard to check on crew and if something happens, Since we have limited radio or phone contact. I need to travel between Dave and Rusty on the tractors.

IMPROVEMENT PERMITS

Date	Applicant	Property Description	Process	Improvement
1/6/2023	CORE Mountain Enterprises	Ski Area PUD	Amend Existing PUD - Approved	Chairlift
1/25/2023	Nick Croce-C&G Alpine Partners	Wildcat Lode & Anglo Saxon	Amend Existing Permit - Approved	Water Storage/Parking Area
2/8/2023	Careaga	Sandusky Lode	Sketch Plan Review - Approved	Cabin
2/17/2023	Fred App	Charleston Placer MS 12365	Application - Approved	Secure Basement Storage
2/17/2023	George Riley	Lot 2-4 Cole Ranch	Amend Existing Permit - In Process	Driveway
3/1/2023	Steve and Melanie Stalzer	Lot 6 Cole Ranch	Administrative Review In Process	Single Family Dwelling
3/7/2023	Parker Harrell	Lot 13R Twilight Meadow	Administrative Review In Process	3226 sf home
3/7/2023	Wise Westerholm	Tract 4 Know Your Neighbor	Amend Existing Permit In Process	Single Family Dwelling
3/15/2023	Adam Rex	Forst Lode	Administrative Review In Process	2000 sf cabin
3/17/2023	Mineral King LLC	Mineral King MS 2051	Administrative Review In Process	1000 sf cabin
4/24/2023	Todd and Julie Sams	Lot 1 Coler Ranch	Amend Subdivision Plat - Approved	Single Family Dwelling
5/19/2023	Michael and Carrie Anne Oliver	Lot 7 Mill Creek Lodge	Administrative Review In Process	Single Family Dwelling



Willy Tookey <admin@sanjuancolorado.us>

Silverton Clinic

1 message

Kim Eisner <kim@artsilverton.com>
To: Willy Tookey <admin@sanjuancolorado.us>

Thu, May 18, 2023 at 11:34 AM

Update on Clinic changes this Month:

Lois is retiring as of June 1, 2023. We are having a Retirement Party for her on that day, June 1, at the Clinic from 3-5pm. We would like to formally invite you and the Commissioners to join us. There will be an announcement in the paper next week, but wanted to give you a more timely update.

We are again looking for a qualified RN to fill her position. Terri Brokering, RN is filling in for this summer, but will be out of town after September. So we are aiming to have a position filled by that time.

So far we are working toward our longer term goals and have instituted a computerized program of patient records. Also getting the credentials and details in place to offer clinic services specifically for veterans.

We greatly appreciate all the County's support of the Clinic for primary health services to the residents of San Juan County.

Kim Eisner
President, Silverton Clinic

TOWN HALL PRESENTS

Silverton Community Info. Night

**MONDAY, JUNE 5TH FROM 6PM-8PM AT
TOWN HALL**

**WELCOME BACK SUMMER RESIDENTS
& BUSINESSES!**

**WE INVITE YOU TO COME ENGAGE WITH
OUR COMMUNITY'S ORGANIZATION
LEADERS AND HEAR ABOUT SUMMER
PROJECTS & THE COMPASS MASTER
PLAN**

**ATTENDING REPRESENTATIVES FROM THE FOLLOWING
ORGANIZATIONS:
TOWN, COUNTY, SJDA, BLM, CREATIVE DISTRICT, SJCPH,
CHAMBER OF COMMERCE, FAMILY LEARNING CENTER, AND
MORE!**

FOOD & DRINK PROVIDED



Gmail

Willy Tookey <admin@sanjuancolorado.us>

Baker's Park Groundbreaking & Ironhorse Fundraiser

2 messages

Silverton Singletrack Society <info@silvertonsingletracksociety.org>

Mon, May 22, 2023 at 9:01 AM

Reply-To: Silverton Singletrack Society <info@silvertonsingletracksociety.org>

To: admin@sanjuancolorado.us

[View this email in your browser](#)

Silverton

Singletrack Society

Breaking Ground on Baker's Park

Mark your calendars! We are breaking ground on Baker's Park on July 15th! We will host a groundbreaking celebration at the trailhead that Saturday afternoon and construction will begin on July 17th.

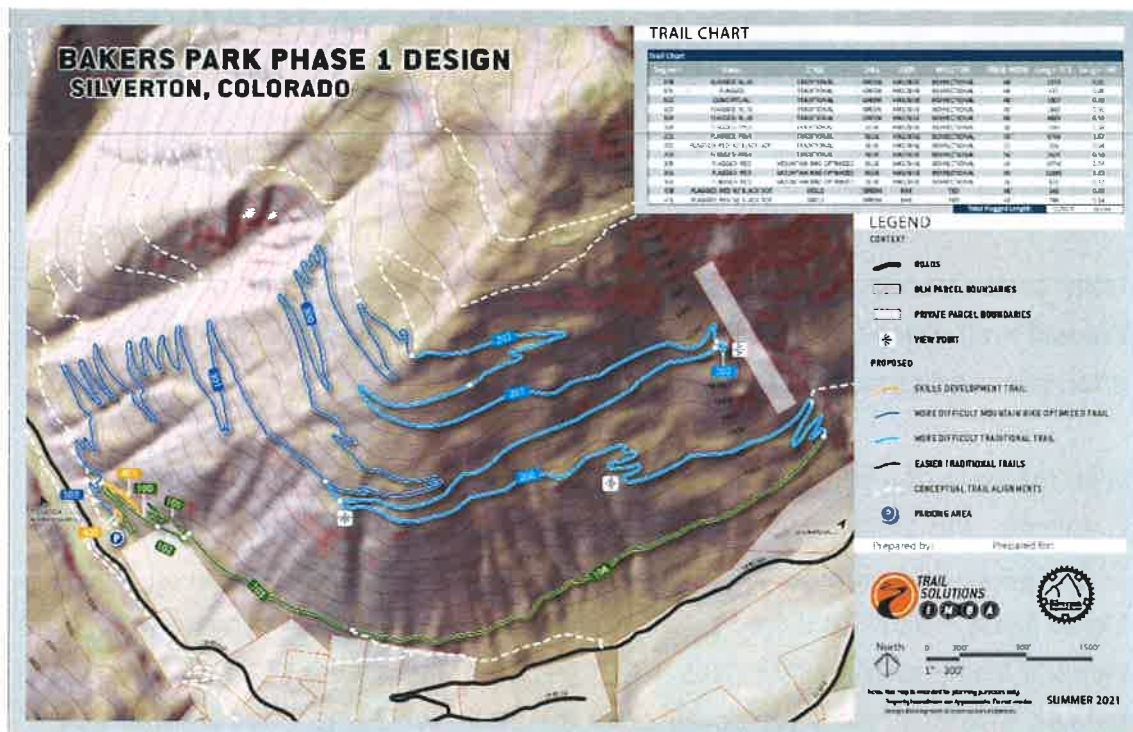
With the help of grants from Colorado Parks & Wildlife, Great Outdoors Colorado, and Colorado Youth Corps Association, we are bringing IMBA Trail Solutions to Silverton for 13 weeks and a Southwest Conservation Corps (SCC) crew for 6 weeks. The IMBA crew will rough in approximately 3.5 miles of trail (sections 100, 102, 103, 104, 200, and a third of 201 - see map below). The SCC crew will come in for the last 6 weeks to work on drainage and anything else IMBA needs help with. Due to the challenging terrain and access in the area, we anticipate a two-year build for this first portion of the trail system. We'll have multiple teams working simultaneously in summer of 2024 to finish the first 3.5 miles and complete another 6.5 miles, for a total of 10 miles of singletrack.

We know many of you are excited to help work on these trails. We are too, but this summer we're leaving it to the pros. We anticipate there will be plenty of need for volunteers next summer, and will reach out when the time comes. In

the meantime, SSS will be doing maintenance work on existing trails like Rainbow and Boulder Gulch, so we hope you will join us for other opportunities to get your hands dirty this summer!

Stay tuned for more details on the groundbreaking and upcoming volunteer opportunities soon!

Funds for this project were awarded by Great Outdoors Colorado (GOCO), which receives a portion of Colorado Lottery proceeds, to the Colorado Youth Corps Association for use by accredited conservation service corps. The goal of the program is to employ crews throughout the state on critical outdoor recreation and land conservation projects in partnership with local governments and open space agencies.



Ironhorse Fundraiser

We are once again raising money for Baker's Park by selling Ska Brewing beers at the finish line of the Ironhorse Bicycle Classic, this Saturday May 27th in Silverton's Memorial Park (1800 Greene Street). If you are interested in helping out, please email us at info@silvertonsingletrackociety.org.



Community Information Night

We will be at Town Hall for the Silverton Community Information Night on Monday, June 5th from 6pm-8pm. Stop by and let's talk trails.

Boost Baker's Park Campaign

The Baker's Park project would not be where it is today without the generosity of individuals like you! We are continuing to raise funds to see this project through to its completion, and every dollar counts. Visit our GoFundMe campaign, show your support, and help leave a legacy that will impact future generations of mountain bikers!

[Donate Now](#)



THANK YOU PARTNERS



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To: sanjuancounty@frontier.net

Mon, May 22, 2023 at 9:01 AM

[Quoted text hidden]

You have viewed 1 of 3 of your monthly page views for May. [Subscribe now.](#)

State announces \$5 million settlement for Gold King, mining damages

Federal government will open its wallet to address natural resource harms in Bonita Peak Mining District

by Rebecca Schuchman and Staff Writer

The Journal May 11, 2023 4:02 PM Updated 11:46 AM May 11, 2023 4:02 PM



Colorado will receive \$5 million for environmental restoration necessary as a result of mining operations near Silverton. The settlement is only the latest to result from the 2015 Gold King mine spill, which sent 3 million gallons of yellow heavy metal-laden water down the Animas River. (Durango Herald file)

✕

The office of Colorado Attorney General Phil Weiser announced Thursday that the state has agreed to a \$5 million settlement with the federal government to resolve natural resource damages claims in the Bonita Peak Mining District, located in San Juan County near Silverton.

The federal government did not admit any liability in the settlement, although the agreement releases it from any future liability for damages to natural resources as a result of mining contamination in the district. The government's liability stems from federal agencies' management of lands in the district, as well as the Environmental Protection Agency's role in the Aug. 5, 2015, Gold King mine spill.

The funds will be distributed at the direction of the state's natural resource trustees Weiser; Jill Ryan, Colorado's top public health official; and Dan Gibbs, executive director of the Colorado Department of Natural Resources.

The use and distribution of funds will be determined in collaboration with local and regional stakeholders.

The BPMD Superfund Site was formed following the 2015 Gold King mine spill. The mine blowout sent 3 million gallons of mustard-yellow mine drainage containing heavy metals down Cement Creek and into the Animas River. The startling images of the yellow river were burned into the national consciousness and businesses that rely on the river still face questions about whether the water is safe for recreation (it is).

In September 2016, the district, containing 48 abandoned mines, was added to the Superfund National Priorities List.

Thursday's settlement is not the first time the federal government has opened its checkbook following the spill, nor is it the only entity to do so.

In January 2022, Colorado received \$4 million of a larger \$90 million settlement with the Sunnyside Gold Corp. and the federal government that will go toward the Superfund cleanup. Sunnyside owns an eponymously named mine downhill of the Gold King. A federal investigation found that the volume of polluted water in the Gold King grew after one of the main access tunnels to the Sunnyside Mine was plugged, contributing to the spill.

In 2021, the state's natural resource trustees agreed to a \$1.6 million settlement with Sunnyside, which, unlike the January 2022 settlement, allocated funds for natural resource damage restoration.

The state has also recovered six-figure settlements from other mining corporations involved in activities within the district.

Downstream, New Mexico has inked a \$32 million settlement with the federal government, \$10 million of which was set aside for natural resource damage restoration. The state reached an additional \$11 million settlement with Sunnyside.

The Navajo Nation also reached a \$31 million settlement with the federal government.



Butler

Peter Butler, chairman of the Bonita Peak Community Advisory Group, which provides citizen input on the cleanup, said it may be some time before funds from this latest settlement are dispensed.



Get the Inside Scoop on How These Companies Used Amazon Business to Transform Procurement

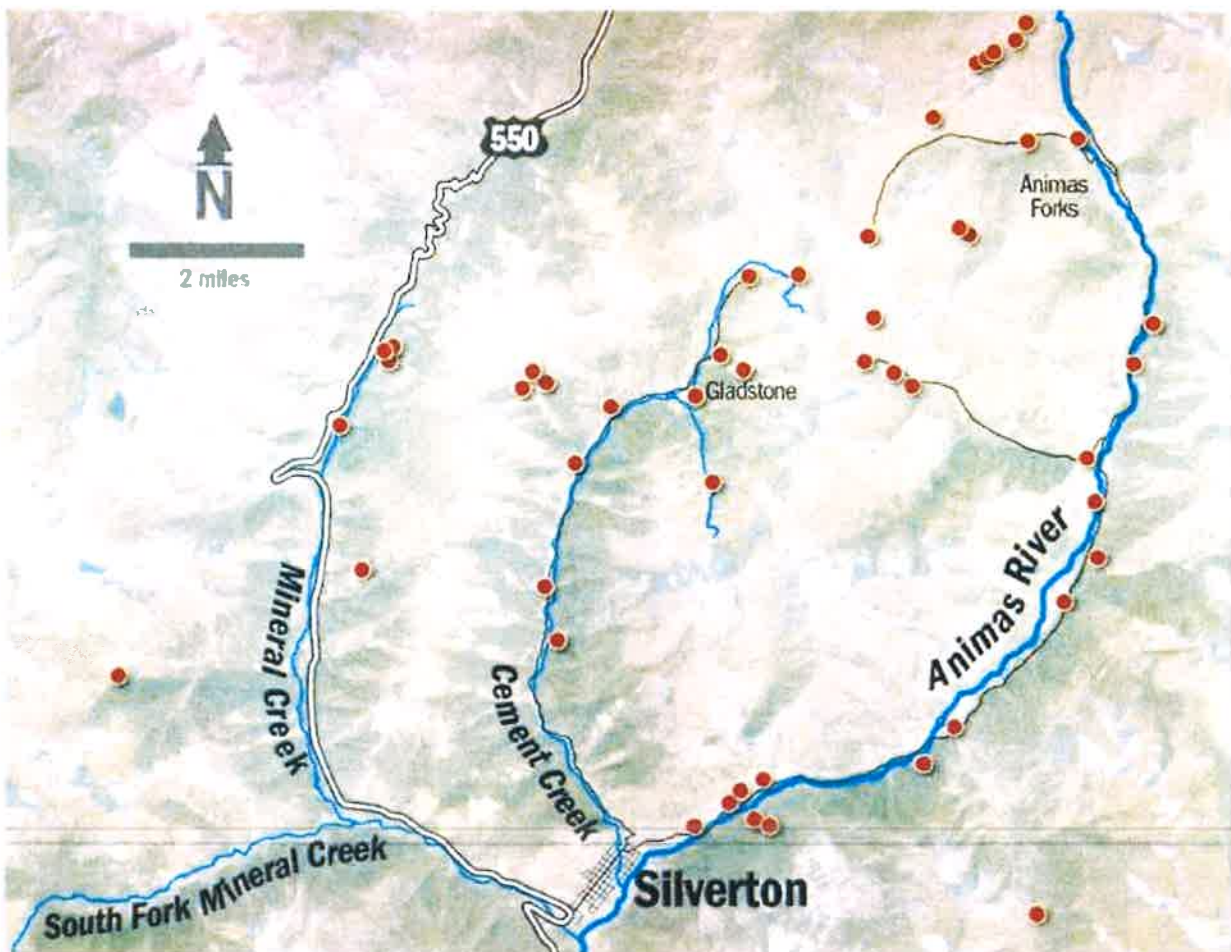
By Amazon Business

He said the state may prudently wait and see how to best spend funds until the Environmental Protection Agency cleanup in the Bonita Peak Mining District is further along, which could be another 10 or 15 years.

"I think that certainly there could be (stream) habitat improvements upstream of where Howardsville is," Butler said. "... But I think it's going to be quite a ways off in the future."

New Mexico received a natural resource damage settlement twice as large as Colorado's, although its total settlement funds amount to less than half what will be spent in Colorado on clean up and restoration.

"It's always hard to determine whether a settlement is enough or not," Butler said. "I don't think we really have any idea."



This Environmental Protection Agency document shows the 48 mining sites in the Bonita Peak Mining District. Howardsville is located 4 miles north of Silverton along the Animas River. (Courtesy of the Environmental Protection Agency)



Although the latest settlement may appear unimpressive stacked against its eight-digit predecessors, Butler is hopeful the state will wield the funds effectively.

He has criticized the EPA over inefficient spending on the Superfund site, which has exceed \$75 million according to the agency's estimate, but may be closer to \$115 million according to Butler. The money has yielded little in the way of tangible results, Butler says. The agency did install a wastewater treatment facility in the months following the spill and will begin construction on a permanent repository for solid mine waste this summer.

"The state will get a lot more out of \$5 million than the EPA will," Butler said.

Stakeholders who wish to give input on how funds from this settlement can be used on restoration projects can do so on Wednesday at a meeting with Attorney General Weiser. The community meeting will take place from 4-5 p.m. at the Fort Lewis College Center for Innovation in suite 225.

rschafir@durangoherald.com

You might also like



Almost 1,900 people signed up for Silverton ride in 2023 Iron Horse Bicycle Classic

May 10, 2023



Southwest Colorado Education Collaborative to host career pathway expo

May 10, 2023



Child dies in three-car crash south of Dove Creek

May 10, 2023

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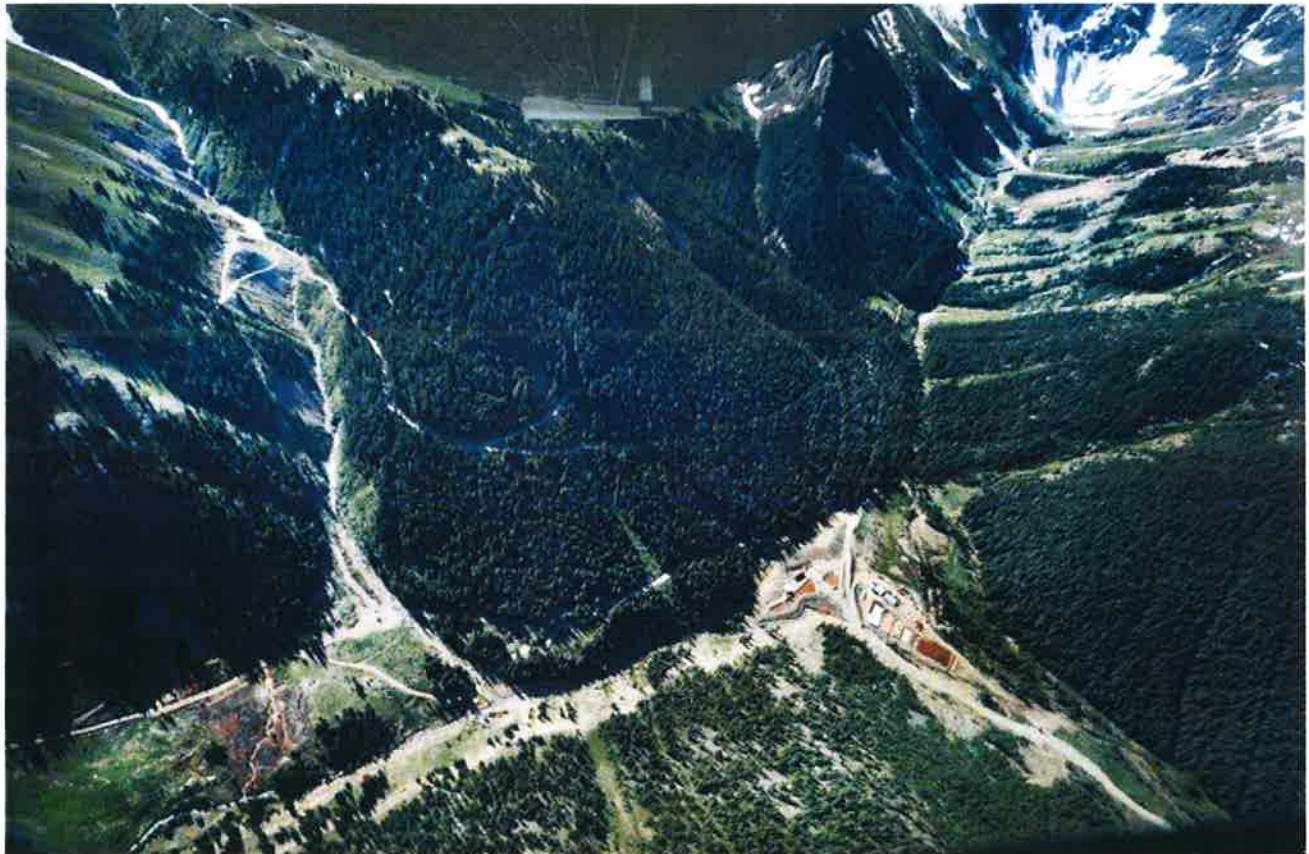
News Education Local News Nation & World New Mexico

Colorado attorney general meets with stakeholders in Durango on Gold King Mine settlement spending

Goal was to explore how best to leverage funds

By Reuben Schafir Herald Staff Writer

Thursday, May 18, 2023 2:35 PM



Attorney General Phil Weiser met with community stakeholders in Durango on Thursday to discuss how to spend settlement funds to remediate environmental damages in and around the Bonita Peak Mining District Superfund site, as seen here on a 2016 Ecoflight. (Jerry McBride/Durango Herald file)



Colorado Attorney General Phil Weiser met with community stakeholders in Durango on Wednesday to discuss possible uses for a **\$5 million settlement** with the federal government. The agreement ends litigation over natural resource damages from mining activity that took place on land now managed by federal agencies.

The meeting was the first of what is likely to be many conversations on how best to leverage the funds.

Participants, who included commissioners from both San Juan and La Plata counties, representatives from the town of Silverton, members of the Bonita Peak Community Advisory Group and other environmental advocates, spent an hour with Weiser.

"My goal here is just to put this on your radar and encourage you to start thinking broadly (about) who else needs to be at the table, (and) what ideas can we think about," Weiser said. "We're then going to be in the position to start the process of asking for proposals that we will evaluate over time. We don't necessarily need to give all the money out right away, it's more likely that will happen over

Photo by Jerry McBride

time.”



Weiser



Weiser is one of three natural resource trustees who, as a body, are responsible for distributing the funds.

The settlement is intended to address natural resource damages in the area that are related to mining activity beyond what occurred Aug. 5, 2015, when 3 million gallons of mine drainage poured from the Gold King Mine into the watershed, infamously discoloring the Animas River.

The money will also address mining-related damage on land in and around the Bonita Peak Mining District Superfund site. Specifically, the federal government’s liability stems from the lands under the control of the U.S. Forest Service and Bureau of Land Management.

“An orange river focuses the mind, but there’s a history beyond that here, too,” Weiser said.

Some attendees, particularly those representing Silverton and San Juan County, lamented the fact that New Mexico and the Navajo Nation had received significantly larger awards for natural resource damages.

“Both La Plata County and San Juan County took a step and a pretty big risk by trying to play nicely with the EPA when this spill happened,” San Juan County Commissioner Austin Lashley told Weiser. “I think, in hindsight, we might look back and choose a different course based on our downstream neighbors and the remediation funding that they’ve been given from the federal government.”

The sentiment is shared by other stakeholders as well, who feel that the rippling impact of the one-time eye-catching flood has been outsized in comparison to the widespread contamination and damage to natural resources around Silverton.

“I think a lot of people are scratching their heads as to why they gave New Mexico as much money as they did,” said Peter Butler, chairman of the CAG, discussing the settlement last week with *The Durango Herald*. “I think that Colorado went the route of not trying to sue EPA and try to work with EPA and get things to happen and New Mexico took the route of ‘we’re gonna just sue and see what we can get.’”

San Juan County Administrator Willy Tookie also demanded that representatives of Silverton, not just the CAG, have a seat at the table. He stressed that the CAG is largely focused on Animas River water quality, while Silverton’s priorities may lay elsewhere at times. Weiser was receptive to Tookie’s comments and indicated that he wanted a diverse range of stakeholders to provide input.

Although \$5 million is dwarfed by the EPA’s spending of over \$75 million on the Superfund site, Weiser and the assembled stakeholders indicated that they are committed to finding ways to leverage the settlement as best they can.

Once the EPA leaves the Bonita Peak Mining District Superfund site, further remediation is likely to fall upon local governments.

“Our settlements with EPA are not going to have lasting impacts on our communities,” Lashley warned.

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