

SAN JUAN COUNTY, COLORADO
BOARD OF COMMISSIONERS MEETING AGENDA
August 14, 2024

CALL TO ORDER: 8:30 A.M.

OLD BUSINESS:

Consider Bills and Authorize Warrants
BOCC Regular Meeting Minutes for July 24, 2024

APPOINTMENTS:

8:40 A.M. - Security of Remediated Sites
9:00 A.M. - Martha Johnson. Social Services
9:30 A.M. - Public Hearing: Kirk Huff and Teri Alexander-Improvement Permit Sketch Plan Application to Construct a Residential Cabin, a Gravel Driveway with Bridge over Cunningham Creek, Site Grading and Associated Utility Improvements on the Winnemucca Mill Site MS #563B
10:00 A.M. - Anthony Edwards – Emergency Services Request
10:30 A.M. - Public Hearing - Silver Cloud Lodge Planned Unit Development Preliminary Plan Application. Bonanza Boy LLC continued from July 10, 2024
 -Bonanza Boy Site Visit
 -Reconvene Public Hearing Upon Completion of Site Visit
Lunch – Location to be determined
Other

CORRESPONDENCE:

Meg Broughton. EPA: BPMD Tour – September 20, 2024

NEW BUSINESS:

San Juan Basin Area Agency on Aging Contract
New Employee Hires
Cascade Village Wildfire Mitigation Request
Resolution 2024-06 A Resolution Adopting a Revised Open Records Act Policy and Procedure and Approving the Sheriff's Office CCJRA Fee Schedule
Treasure's Report
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 – 6:30 PM, Wednesday August 28, 2024

Join Zoom Meeting

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

Meeting ID 921 3647 3203

By Telephone: Dial 669-900-6833 and enter the Webinar ID 92136473203 when prompted

You Tube (live and recorded for later viewing, does not support public comment):

https://www.youtube.com/watch?v=7sanjuancountycolorado_streams

SAN JUAN COUNTY BOARD OF COMMISSIONERS MET AUGUST 14, 2024
AND THE FOLLOWING BILLS WER APPROVED FOR PAYMENT.

25274	MOREHART MURPHY	SUPPLIES SHERIIS TRUCK	2726.26
25275	CITIZENS STATE BANK	2NT QTR UNEMPLOYMENT	373.20
25276	CO CUSTOM ELEVATOR	REPAIR-MATERIALS	991.30
25277	AMAZON CAPITAL SERVICES	ASSESSORS REMAINDER	31.98
25278	TECHNOLOGY WEST	REMOTE SERVICE CAMERAS	290.70
25279	IDS	TITLES-REG	68.20
25280	DR JOEL	MESH AP IN BASEMENT	668.00
25281	SILVERTON STANDARD	LEGALS	78.08
25282	CENTURY LINK	SHERIFFS BILL	363.37
25283	LA PLATA CO DENTION	JUNE 24 JAIL BILL	2730.00
25284	SILVERTON FIRE AUTHORITY	CLEAN FIRE STATION	360.00
25285	IMAGENET CONSULTING	SHERIFFS BILL	120.97
25286	KLINKE & LEW CONTRACTORS	MATERIALS & LABOR (CH)	15000.00
25287	ALSCO UNIFORMS	BILL	144.06
25288	VISA	ELECTION BILL	6.00
25289	ANTHEM BLUE CROSS	MEDICAL INSURANCE	19176.04
25290	SILVER SAN JUAN	REPAIR IRIGATION LINE	136.00
25291	AMAZON CAPITAL SERVICES	CUSTODIAN BILL	16.82
25292	TECHNOLOGY WEST	TROUBLE SHOOT PROBLEM	757.43
25293	CITIZENS STATE BANK	JULY 24 ANVIL PAYMENT	6770.33
25294	CITIZENS STATE BANK	AUG 24 ANVIL PAYMENT	6770.33
25295	CO BUREAU OF INVESTIGATION	BACK GROUND CHECK	105.00
25296	CO ASSOC OF LOCAL PUBLIC	NURSE RENEWAL	506.00
25297	CENTURY LINK	CUSTODIAN BILL (ELEVATOR)	91.49
DD	ABIGAIL H. ARMISTEAD	SHERIFF DEPUTY WAGES	3796.72
DD	ADAM D. CLIFTON	SHERIFF DEPUTY WAGES	3864.72
DD	AMIE R. GARDINER	SHERIFF-NURSE ASSISTANT	3247.80
DD	ANTHONY D. EDWARDS	COMMUNICATIONS WAGES	4582.96
DD	ARTHUR J. DONOVAN	EPD WAGES	4725.49
DD	AUSTIN P. LASHLEY	COMMISSIONERS WAGES	2289.99
DD	BRUCE T. CONRAD	SHERIFF WAGES	4331.99
DD	CHARLES A. LANIS	CLERK DEPUTY WAGES	2789.67
DD	DEANNA M. JARAMILLO	TREASURERS WAGES	3685.80
DD	JOHN A. JACOBS	SHERIFF DEPUTY WAGES	3711.40
DD	KERI METZLER	CORONERS WAGES	1002.03
DD	KIMBERLY A. BUCK	ASSESSORS WAGES	4254.99
DD	KRISTINA L. RHOADES	SOCIAL SERVICE WAGES	3244.61
DD	LADONNA L. JARAMILLO	COUNTY CLERK WAGES	3756.59
DD	PETER C. MAISEL	COMMISSIONERS WAGES	2192.03
DD	REBECCA B. JOYCE	COUNTY NURSE WAGES	4398.90
DD	REBECCA J. RHOADES	CUSTODIAN WAGES ¹	1798.18
DD	ROBERT W. GARDINER	NURSE FINANCIAL WAGES	669.62
DD	STEPHEN W. LOWRANCE	UNDERSHERIFF WAGES	4263.01
25298	SCOTT L. FETCHENHIER	COMMISSIONERS WAGES	2149.03

25299	TOMMY WIPF	VETS OFFICER WAGES	375.27
25300	WILLIAM A. TOOKEY	ADMINISTRATOR WAGES	5610.54
25301	CITIZENS STATE BANK	FEDERAL TAXES WITHHELD	22901.38
25302	BETH KREMMER	REIMB LUNCH Feb 2024	105.62
25303	SAN JUAN DEVELOPMENT	SJDA'S MAIN ST ART	219.55
25304	CITIZENS STATE BANK	STATE TAXES WITHHELD	3681.00
25305	GREAT-WEST LIFE	GROUP RETIREMENT	6427.44
25306	CITIZENS STATE BANK	H S A SAVINGS	1950.00
25307	KANSAS CITY LIFE	DENTAL -LIFE INSURANCE	867.76
25308	AMWINS GROUP BENEFITS INC	VISION INSURANCE	170.97
25309	AFLAC	INDIVIDUAL INSURANCE	295.14
25310	SPRUCE ELECTRICAL SERVICES	FIX ELECTRIC ANVIL	196.00
25311	VISA	BILLS	12826.26
25312	CO SHERIFFS OF COLO	SHERIFF REGISTRATION	150.00
25313	TOWN OF SILVERTON	W/S THRU 6-30-24	4213.73
25314	SILVERTON GROCERY	CUSTODIAN BILL	33.10
25315	VOID		
25316	LAUTZENISER'S STATIONERY	ELECTION BINDER	196.10
25317	LA PLATA CO TREASURER	APR-JUNE 24 EXPENSES	6923.22
25318	SILVERTON AMBULANCE	JULY 24 MONTHLY PAYMENT	49133.33
25319	BIGHORN CONSULTING	BILL	11600.00
25320	IRELAND STAPLETON	JUNE 24 SERVICES	2800.00
25321	CENTURY LINK	SHERIFFS BILL	72.22
25322	VERO	BILL	961.64
25323	SILVERTON HARDWARE LLC	BILLS	315.82
25324	DENNIS R. GOLBRICHT	JUY 24 SERVICES	8346.00
25325	BRUCE E. HARING	JULY 24 PSYCHTHERAPY PAY	5100.14
25326	JOEL BERDIE	JUY 24 NURSE COUNSELING	300.00
25327	CASSANDRA ROOF	JULY SENIOR FITNESS PAY	455.00
25328	ROBERT ROOF, LPC	JULY 24 COUNSELING PAY	500.00
25329	DISASTER RECONSTRUCTION	1/2 ESTAMATE OF REPAIR	9110.46
25330	CENTURY LINK	SHERIFFS BILL	337.14
25331	DAYNA KRANKER	NURSE ASSISTANT PAY	1254.00
25332	ALEXANDER CLARK PRINTING	4PG SJC SUMMONS	880.84
25333	IMAGENET CONSULTING	SHERIFFS BILL	120.97
25334	VISA	COMMUNICATIONS-SOC SER	704.95
25335	SILVERTON STANDARD	TREASURERS BILL	198.08
25336	DEANNE GALLEGOS	JAN-JULY 24 INFO PAY	6080.00
35337	ALPIN E WATER RESOURCES	BILL	23130.00
25338	CREATIVE CRACKERJACK	PRINT DESIGN	100.00
25339	SIPA	GOOGLE WOOKSPACE 3531	77.00
25340	SILVERTON FIRE AUTHORITY	MAR-APR 24 ADMIN TIME	2380.00
25341	LA PLATA DETENTION	UJULY 24 JAIL BILL	858.00
25342	INTEGRATED DOCUMENT	TITLES-REG-REN	76.26
25343	CENTURY LINK	ELEVATOR ROOM	183.41
25344	MASTER'S TOUCH	MAIL DELINQUENT NOTICES	486.76
25345	SAN MIQUEL POWER	BILLS	2712.27

25346 WEX BANK
TOTAL GENERAL

SHERIFFS FUEL

2308.46
320762.92

ROAD

7402	LAWSON PRODUCTS	MEGA PATCH H2O 6MM 50 LBS	895.00
7403	CITIZENS STATE BANK	2ND QTR UNEMPLOYMENT	109.47
7404	ANTHEM BLUE CROSS	MEDICAL INSURANCE	5321.80
7405	ECONOP SIGNS	SIGNS	2382.50
7406	LAWSON PRODUCTS	5 GAL YELLOW TRAFIC PAINT	1125.00
DD	LOUIS K. GIRODO	ROAD OS RETIREMENT BONUS	16150.50
DD	RUSTY D. MELCHER	ROAD FOREMAN WAGES	4141.82
DD	WILLIA T. MACDOUGALL	ROAD OPERATOR WAGES	1092.20
DD	MATHEW J. ZIMMERMAN	ROAD OPERATOR WAGES	3602.39
DD	KRISNOW MICHAEL W.	ROAD OPERATOR WAGES	3742.98
7407	CITIZENS STATE BANK	FEDERAL TAXES WITHHELD	13702.82
7408	CITIZENS STATE BANK	STATE TAXES WITHHELD	1707.00
7409	GREAT-WEST LIFE	GROUP RETIREMENT	624.40
7410	CITIZENS STATE BANK	S H A SAVINGS	500.00
7411	KANSAS CITY LIFE	DENTAL & LIFE INSURANCE	319.44
7412	AMWINS GROUP BENEFITS	VISION INSURANCE	36.88
7413	DEERE CREDIT, INC	JD GRDR PAYMENT	6589.95
7414	LOUIS K. GIRODO	PAPER WORK-PLOWING	600.00
7415	VISA	SUPPLIES	445.63
7416	TOWN OF SILVERTON	W/S THRU 6-30-24	618.37
7417	FOUR CORNERS WELDING	BILL	45.00
7418	LAWSON PRODUCTS	BILL	989.19
7419	SILVERTON HARDWARE	BILL	1530.80
7420	ALSCO	BILL	80.00
7421	CATERPILLAR FINANCIAL	D6TVP/WES00376 PAYMENT	5274.36
7422	CENTURY LINK	BILL	155.46
7423	4RIVERS EQUIPMENT	BILL	2530.15
7424	WHISTLESTOP	FUEL	2973.64
7425	SAN MIGUEL POWER	BILLS	172.51
	TOTAL ROAD		77459.26

TOURISM

1092	TOURISM FUND BOARD	JULY 2024 TOURISM FUND	25000
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GENERAL	320762.92
ROAD	77459.26
TOURISM	25000.00
TOTAL ALL FUNDS	423222.18

SAN JUAN COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING WEDNESDAY, July 24, 2024
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, County Attorney Dennis Golbricht and Administrator William Tookey.

Commissioner Fetchenhier moved to approve the July 10, 2024 minutes as presented. Commissioner Maisel seconded the motion. The motion passed unanimously.

A Petition for Abatement or Refund of Taxes for the property tax year 2023 from Morehead Property One, LLC. for property located at 50827 Highway 550, Durango, CO in the amount of \$33,413.15 was presented to the Commissioners for their consideration. The petitioner was represented by Alexander Powell. Assessor Kim Buck agreed with the petition. Commissioner Fetchenhier moved to approve the petition as submitted. Commissioner Maisel seconded the motion. The motion passed unanimously.

The BLM District Manager Stephanie McCormick was present to introduce the new Deputy District Manager, Robert Potts.

Sheriff Bruce Conrad was present to discuss potential solutions for reducing speeds and dust on CR 2 and other County Roads.

Resolution 2024-04 A Resolution Repealing The County Improvement And Development Impact Fee For Fire Protection, Rescue And Emergency Services As Enacted In Resolution Number 2022-11, And Further Terminating The IGA Between The County And The Durango Fire Protection District Related To That Impact Fee was presented to the Commissioners for their consideration. Commissioner Fetchenhier moved to approve Resolution 2024-04 as presented. Commissioner Maisel seconded the motion. The motion passed unanimously.

Commissioner Fetchenhier moved to go into Executive Session pursuant CRS Section 24-6-402(4)(b) for the purpose of receiving legal advice from counsel regarding legal matters related to HR policies and the possible property acquisition. No minutes or recording will be kept upon advice of counsel. The Executive Session included the Commissioners, Administrator Tookey, County Attorney Dennis Golbricht, Attorney Rebecca Almon, and Anthony Edwards. The Executive Session began at 7:39 pm.

The regular meeting reconvened at 8:23 pm.

Resolution 2024-05 A Resolution Approving The Acceptance Of Donated Real Properties From Sunnyside Gold Corporation With Conditions And Obligations As Set Forth In The Property Transfer Agreement And Convenience Deed, And Authorizing Execution Any Necessary Documents was presented to the Commissioners. County Attorney Golbricht read Resolution 2024-05 into the record. Commissioner Maisel moved to adopt resolution 2024-05 as submitted. Commissioner Fetchenhier seconded the motion. The motion passed unanimously.

Mark Rudolph informed the Commissioners that there was a trip planned beginning September 30, 2024, for the CAG to visit water treatment plants in Black Hawk, Central City and Summitville if anyone was interested in going.

The Sales Tax report for July was presented to the Commissioners for their review.

A joint meeting with the Town of Silverton was scheduled for September 5th at 5:00 pm.

Having no further business, the meeting was adjourned at 9:15 P.M.

Austin Lashley, Chairman

Ladonna L. Jaramillo, County Clerk

Notes on Mine Site Vandalism

August 13, 2024

- Nature of vandalism
 - Examples
- Social media presence
 - Need to monitor
 - Use as platform to educate and respond
 - Who and how?
 - How and who to manage
 - Funding
 - Facebook (example of local groups)
 - Mine Explorers of Colorado
 - San Juan Mountain Adventures
 - San Juan Mountain Trails Group
 - Silverton Colorado Community Bulletin Board
 - San Juan Mountains Complaint Group
 - See the San Juan Mountains!
 - Southwest Colorado and San Juan Mountains hiking
 - San Juan County Colorado Mines (this is a private group, access has not been approved)
 - Instagram
- Law enforcement
 - Better understand who is involved in vandalism (local, out of town, what does this demographic look like?)
 - Agencies involved
 - San Juan County Sheriff
 - How do we increase presence?
 - Visibility
 - BLM Law Enforcement Rangers
 - USFS
 - EPA
 - "Public"
 - Funding
 - Penalties
 - How to make examples and publicize
- Education
 - San Juan County Historical Society

- Silverton Colorado Chamber of Commerce
- MSI
- BLM
- EPA
- BPMD CAG
- CDPHE
- DRMS
- Social media
- Pamphlets and brochures
- Interpretive signs
- Lectures
- Dealing with CERCLA sites
 - Forty-eight dispersed across county, many remote
 - Nature of vandalism
 - Owners
 - Destruction of remedies
 - Maintenance
 - Monitoring
 - Security
 - Funding

Ryan T. Bennett
Manager
San Juan Land Holding Company, LLC



Mine Explorers of Colorado

Like

Comment

Share

Top comments ▾



Write a public comment...



Jeremy Cochrane

Bring a grinder and go to Silverton. Cut your way in. It's bs that our tax dollars are used to shut down our access to our national parks and wildlife

3w **Angry** Reply Share



Ryan Bennett

Jeremy Cochrane The vast majority of the mines in San Juan County Colorado that are secured by locked gates are on private patented mining claims. Furthermore, it isn't your tax dollars paying for their closure.

2d Like Reply Share



Jeremy Cochrane

Ryan Bennett well it is on all of the trails they've cut us out of. Most of those claims are abandoned and it was not the individual or companies that gated them off

2d Like Reply Share



Ryan Bennett

Jeremy Cochrane If you are talking about gated roads in San Juan County, there are very few, and if so are on private property, mostly patented mining claims and the gates installed by private entities. If what you are alluding to in your first post a... See more

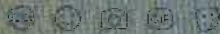
2d Like Reply Share



Write a public reply...



Write a public reply...



Johnny O'Donnell

I'm visiting Colorado next month and would love to check out a old mine. Anyone have any tips on where to go?



Search





Department of Social Services
Phone 970-387-5631 * Fax 970-387-5326
Martha Johnson, Director
5/31/2024

Date 7/15/2024
Transmittal No. 5

Vendor	Date	Num	Amount
La Plata County	05/31/2024	11684	\$ 5,858.58
San Juan Cty	05/31/2024	11683	\$ 4,028.55
TOTAL			\$ 9,887.13

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

Martha Johnson
MARTHA JOHNSON

7-16-2024

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

Austin Lashley

12:35 PM
 07/15/24
 Accrual Basis

San Juan County Social Services Profit & Loss Budget vs. Actual

January through December 2024

	January through December 2024					TOTAL	
	Jan 24	Feb 24	Mar 24	Apr 24	May 24	Jan - Dec 24	Budget
Ordinary Income/Expense							
Income							
400.001 REVENUE-State Alloc	7,298.35	7,188.94	7,298.55	7,838.49	3,026.42	32,650.75	142,005.00
400.010 Property Tax Current	0.00	159.03	5,599.24	2,142.51	5,902.43	13,803.21	22,149.00
400.020 Specific Ownership tax	99.34	100.87	146.43	139.64	125.27	611.55	1,200.00
400.040 Penalties/Int on Tax	0.00	0.00	0.00	0.98	0.48	1.46	120.00
400.145 REVENUE-CSGB Grant	506.76	0.00	0.00	0.00	0.00	506.76	1,000.00
400.180 REVENUE-EOC	281.25	0.00	0.00	188.01	0.00	469.26	900.00
400.220 REVENUE-Program Refunds	0.00	0.00	0.00	0.00	0.00	0.00	935.00
Total Income	8,185.70	7,448.84	13,044.22	10,309.63	9,054.60	48,042.99	168,309.00
Expense							
500.100 EXPENSE-Administration	6,587.49	6,681.46	6,792.50	7,082.45	7,528.85	34,672.75	72,000.00
500.110 EXPENSE-Adult Protectio	0.00	0.00	0.00	0.00	0.00	0.00	500.04
500.120 EXPENSE-Child Care	386.20	0.00	39.71	26.66	50.01	502.58	360.00
500.130 EXPENSE-Child Support	460.91	68.58	34.03	34.03	160.26	757.81	204.00
500.140 EXPENSE-Child Welfare	180.12	235.26	0.00	73.34	0.00	488.72	1,200.00
500.145 EXPENSE-CSGB Grant	0.00	0.00	0.00	0.00	0.00	0.00	1,000.00
500.150 EXPENSE-Colorado Works	145.44	140.00	330.77	228.99	148.01	993.21	57,000.00
500.160 EXPENSE-Core Services	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	10,000.00	24,000.00
500.200 EXPENSE-LEAP	0.00	0.00	0.00	0.00	0.00	0.00	5,000.00
Total Expense	9,760.16	9,125.30	9,197.01	9,445.47	9,887.13	47,415.07	161,264.04
Net Income	-1,574.46	-1,676.46	3,847.21	864.16	-832.53	627.92	7,044.96

San Juan County
CDHS Allocation and Expenditures report
For State Fiscal Year 2023-24
5/31/2024

FIPS

111

Program	Allocation	Expenditures	Remaining	% Remaining	% of Fiscal Year Remaining
CDHS County Admin	88,433	18,506	69,927	79.07%	8.33%
HCPF Regular	23,299	9,444	13,855	59.47%	8.33%
HCPF Enhanced	45,271	3,242	42,029	92.84%	8.33%
APS Admin	30,000	3,872	26,128	87.09%	8.33%
APS Client	2,000	0	2,000	100.00%	8.33%
Child Care	7,610	8,886	-1,276	-16.77%	8.33%
CARE CRSSA Funding	1,043	1,119	-76	-7.27%	8.33%
CARE CRSSA Funding Expan	1,039	1,367	-328	-31.61%	8.33%
Colorado Works	44,697	38,785	5,912	13.23%	8.33%
Colorado Works HB 22-1259 ARPA	3,624	2,062	1,562	43.10%	8.33%
Child Welfare 80/20	26,664	27,035	-370	-1.39%	8.33%
Child Welfare 100%	2,225	415	1,810	81.35%	8.33%
CORE 80/20	8,724	6,000	2,724	31.22%	8.33%
CORE 100%	15,902	16,000	-98	-0.62%	8.33%
SEAP	374	0	374	100.00%	8.33%
LEAP L300.5200	530	530	0	0.00%	33.33%
LEAP L305.5200	20,000	280	19,720	98.60%	33.33%
Locked-in PHE Enhanc (M215.5400)	576	0	576	100.00%	8.33%
Locked-in PHE Enhanc (M216.5405)	2,570	0	2,570	100.00%	8.33%
Total	324,580	137,543	187,037		



Department of Social Services
Phone 970-387-5631 * Fax 970-387-5326
Martha Johnson, Director
6/30/2024

Date 7/29/2024
Transmittal No. 6

Vendor	Date	Num	Amount
La Plata County	06/30/2024	11687	\$ 4,717.46
San Juan Cty	06/30/2024	11688	\$ 5,273.79
TOTAL			<u>\$ 9,991.25</u>

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


 MARTHA JOHNSON 8-6-2024

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

 Austin Lashley

**San Juan County Social Services
Profit & Loss Budget vs. Actual
January through December 2024**

Ordinary Income/Expense	2024						TOTAL	
	Jan 24	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jan - Dec 24	Budget
Income								
400.001 REVENUE-State Alloc	7,298.35	7,188.94	7,298.55	7,838.49	3,026.42	6,864.77	39,345.52	142,005.00
400.010 Property Tax Current	0.00	159.03	5,939.24	2,142.51	5,902.43	1,836.91	15,640.12	22,149.00
400.020 Specific Ownership tax	99.34	100.87	146.43	139.64	125.27	146.30	757.85	1,200.00
400.040 Penalties/Int on Tax	0.00	0.00	0.00	0.98	0.48	6.57	8.03	120.00
400.145 REVENUE-CSGB Grant	506.76	0.00	0.00	0.00	0.00	0.00	506.76	1,000.00
400.180 REVENUE-EOC	281.25	0.00	0.00	188.01	0.00	0.00	469.26	900.00
400.220 REVENUE-Program Refunds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	935.00
Total Income	8,185.70	7,448.84	13,044.22	10,309.63	9,054.60	8,684.55	56,727.54	168,305.00
Expense								
500.100 EXPENSE-Administration	6,587.49	6,681.46	6,792.50	7,082.45	7,528.85	7,569.90	42,242.65	72,000.00
500.110 EXPENSE-Adult Protectio	0.00	0.00	0.00	0.00	0.00	0.00	0.00	500.04
500.120 EXPENSE-Child Care	386.20	0.00	39.71	26.66	50.01	172.30	674.88	360.00
500.130 EXPENSE-Child Support	460.91	68.68	34.03	34.03	160.26	249.05	1,006.86	204.00
500.140 EXPENSE-Child Welfare	180.12	235.26	0.00	73.34	0.00	0.00	488.72	1,200.00
500.145 EXPENSE-CSGB Grant	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,000.00
500.150 EXPENSE-Colorado Works	145.44	140.00	330.77	228.99	148.01	0.00	993.21	57,000.00
500.160 EXPENSE-Core Services	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	12,000.00	24,000.00
500.200 EXPENSE-LEAP	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,000.00
Total Expense	9,760.16	9,125.30	9,197.01	9,445.47	9,887.13	9,991.25	57,406.32	161,264.04
Net Income	-1,574.46	-1,676.46	3,847.21	864.16	-832.53	-1,306.70	-678.78	7,044.96

San Juan County
CDHS Allocation and Expenditures report
For State Fiscal Year 2023-24
6/30/2024

FIPS

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Program	Allocation	Expenditures	Remaining	% Remaining	% of Fiscal Year Remaining
CDHS County Admin	88,433	21,776	66,657	75.38%	0.00%
CDHS ARPA (F302.4013)			0	#DIV/0!	0.00%
HCPF Regular	23,299	9,862	13,437	57.67%	0.00%
HCPF Enhanced	45,271	4,912	40,359	89.15%	0.00%
APS Admin	30,000	3,952	26,048	86.83%	0.00%
APS Client	2,000	0	2,000	100.00%	0.00%
Child Care	7,610	10,299	-2,689	-35.33%	0.00%
CARE CRSSA Funding	1,043	1,289	-246	-23.59%	0.00%
CARE CRSSA Funding Expan	1,039	1,576	-537	-51.64%	0.00%
Colorado Works	44,697	40,555	4,142	9.27%	0.00%
Colorado Works HB 22-1259 ARPA	3,624	2,191	1,433	39.54%	0.00%
Child Welfare 80/20	26,664	26,062	603	2.26%	0.00%
Child Welfare 100%	2,225	2,225	0	0.00%	0.00%
CORE 80/20	8,724	7,724	1,000	11.46%	0.00%
CORE 100%	15,902	16,276	-374	-2.35%	0.00%
SEAP	374	0	374	100.00%	0.00%
LEAP L300.5200	530	530	0	0.00%	25.00%
LEAP L305.5200	20,000	280	19,720	98.60%	25.00%
Locked-in PHE Enhanc (M215.5400)	576	0	576	100.00%	0.00%
Locked-in PHE Enhanc (M216.5405)	2,570	0	2,570	100.00%	0.00%
Total	324,580	149,508	175,073		

Agency contracted with CDHS – State Unit on Aging: San Juan Basin Area Agency on Aging, Inc.	Option Letter Number
Subcontractor: San Juan County Social Services	Contract Number
Current Contract Maximum Amount Initial Term for SFY25 (Year 2/4) 07/1/2024 to 06/30/2025	SJBAAA Option Letter Contract # 24 IHEA 181459
Extension Terms State Fiscal Year 2026	Contract Performance Beginning Date July 1, 2024
State Fiscal Year 2027	Current Contract Expiration Date June 30, 2025
GRAND TOTAL	

1. **OPTIONS:**
 - A. Option to extend for an Extension Term.
 - B. Option to change the quantity of Services under the Contract at the rates set by the Older Americans Act.

2. **REQUIRED PROVISIONS:**
 - A. In accordance with Page 1, Paragraph "Options" on the Original Contract's Signature and Cover Page, and Page 4, Section 2(C) of the Original Contract referenced above, the State hereby exercises its option for an additional term, beginning July 1, 2024, and ending on the current contract expiration date shown above, at the rates stated in the Original Contract, as amended.
 - B. In accordance with Page 1, Paragraph "Options" on the Contract's Signature and Cover Page, Page 9, Section 5(B)(v) of the Original Contract referenced above, and Page 2, Section 5(E) of Amendment 1, the State hereby exercises its option to increase the quantity of the Services for State Fiscal Year (SFY) 2025 at the rates mandated by the Older Americans Act.
 - C. The SFY 2025 funds to the San Juan Basin Area Agency on Aging are increased in the amount of **\$1,616,444.00**. The Contract Maximum Amount table on the Contract's Signature and Cover Page is hereby deleted and replaced with the Current Contract Maximum Amount table shown above.
 - D. Exhibit D-6, "Contract Budget", which is attached and incorporated by reference.
 - E. Exhibit E-6, "Supplemental Provisions for Federal Awards" replaces previous Exhibit E-5, which is attached and incorporated by reference.

3. **THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT.** Each person signing this Amendment represents and warrants that he or she is duly authorized to execute this Amendment and to bind the Party authorizing his or her signature.

<p>SUBCONTRACTOR</p> <p>San Juan County Social Services</p> <p>_____ Signed By:</p> <p>_____ (Print Name)</p> <p>Date: _____</p>	<p>CONTRACTOR WITH CDHS</p> <p>San Juan Basin Area Agency on Aging 10 Burnett Court Suite 302A Durango, CO 81301</p> <p>970 264 0500 – telephone 970 403 9744 – mobile 888 290 3566 – fax chairman@sjbaaa.org</p> <p>_____ By: Sue Fletcher, Chairman, Board of Directors</p> <p>Date: _____</p>
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SUBCONTRACTOR agrees to place SJBAAA logo on all promotional materials that may include but are not limited to senior newsletters, press releases, and any brochures that relate to the services and programs funded by this Contract. Language should read as follows:



Funding for Older Americans Act Programs is made possible by

EXHIBIT D-6

SFY25 CONTRACT FOR: SAN JUAN COUNTY SOCIAL SERVICES

SERVICE	State/Federal Funds
Shoveling/Home Chore	\$10,960.00
TOTAL AMOUNT AWARDED	\$10,960.00

- i. Federal award project description: **Older Americans Act Title III – Grants for State and Community Programs on Aging and Older Americans Act Title VII – Allotments for Vulnerable Elder Rights Protection Activities;**
 - ii. The name of the Federal awarding agency is **Department of Health and Human Services, Administration for Community Living**; the name of the pass-through entity is the State of Colorado, Department of Human Services (CDHS); and the contact information for the awarding official is **Percy Devine, 303.844.7815**;
 - iii. The Catalog of Federal Domestic Assistance (CFDA) numbers are:

CONTRACT OR FISCAL YEAR	PROGRAM TITLE	GRANT #	CFDA #
07/01/2024 TO 06/30/2025	TITLE III B SUPPORTIVE SERVICES	2301COOASS	93.044
07/01/2024 TO 06/30/2025	TITLE III C1 CONGREGATE MEALS	2301COOACM	93.045
07/01/2024 TO 06/30/2025	TITLE III C2 HOME-DELIVERED MEALS	2301COOAHD	93.045
07/01/2024 TO 06/30/2025	TITLE III D PREVENTIVE HEALTH	2301COOAPH	93.043
07/01/2024 TO 06/30/2025	TITLE III E NFCSP	2301COO AFC	93.052
07/01/2024 TO 06/30/2025	TITLE VII ELDER ABUSE PREVENTION	2301COOAEA	93.041
07/01/2024 TO 06/30/2025	TITLE VII OMBUDSMAN	2301COOAOM	93.042

- iv. This award is **not** for research & development;
 - v. The indirect cost rate for the Federal award (including if the de minimis rate is charged per 2 CFR §200.414 Indirect (F&A) costs) is pre-determined based upon the State of Colorado and CDHS cost allocation plan.
- 1) All requirements imposed by CDHS on Subrecipient so that the Federal award is used in accordance with Federal statutes, regulations, and the terms and conditions of the Federal award, are stated in **Exhibit A**.
 - 2) Any additional requirements that CDHS imposes on Subrecipient in order for CDHS to meet its own responsibility to the Federal awarding agency, including identification of any required financial and performance reports, are stated in **N/A**.
 - 3) Subrecipient’s approved indirect cost rate is **no (0%) indirect rate**.
 - 4) Subrecipient must permit CDHS and auditors to have access to Subrecipient’s records and financial statements as necessary for CDHS to meet the requirements of 2 CFR §200.331 Requirements for pass-through entities, §§ 200.300 Statutory and National Policy Requirements through §200.309 Period of performance, and Subpart F—Audit Requirements of this Part.
 - 5) The appropriate terms and conditions concerning closeout of the subaward are listed in Section 16 of this Exhibit and Exhibit A.

- 6) **Performance and Final Status.** Subrecipient shall submit all financial, performance, and other reports to CDHS no later than **45** calendar days after the period of performance end date or sooner termination of this Contract containing an evaluation and review of Subrecipient's performance and the final status of Subrecipient's obligations hereunder.

1) Matching Funds

If a box below is checked, the accompanying provision applies.

- i. Subrecipient is not required to provide matching funds.
- ii. Subrecipient shall provide matching funds as stated in **Exhibit A**. Subrecipient shall have raised the full amount of matching funds prior to the Effective Date and shall report to CDHS regarding the status of such funds upon request. Subrecipient's obligation to pay all or any part of any matching funds, whether direct or contingent, only extends to funds duly and lawfully appropriated for the purposes of this Contract by the authorized representatives of the Subrecipient and paid into the Subrecipient's treasury or bank account. Subrecipient represents to CDHS that the amount designated as matching funds has been legally appropriated for the purposes of this Contract by its authorized representatives and paid into its treasury or bank account. Subrecipient does not by this Contract irrevocably pledge present cash reserves for payments in future fiscal years, and this Contract is not intended to create a multiple-fiscal year debt of the Subrecipient. Subrecipient shall not pay or be liable for any claimed interest, late charges, fees, taxes or penalties of any nature, except as required by Subrecipient's laws or policies.

1. DEFINITIONS.

1.1 For the purposes of these Federal Provisions, the following terms shall have the meanings ascribed to them below.

- 1.1.1. "Award" means an award of Federal financial assistance, and the Contract setting forth the terms and conditions of that financial assistance that a non-Federal Entity receives or administers
- 1.1.1.1.1. Awards may be in the form of:
 - 1.1.1.1.2. Grants;
 - 1.1.1.1.3. Contracts;
 - 1.1.1.1.4. Cooperative Contracts, which do not include cooperative research and development Contracts (CRDA) pursuant to the Federal Technology Transfer Act of 1986, as amended (15 U.S.C. 3710);
 - 1.1.1.1.5. Loans;
 - 1.1.1.1.6. Loan Guarantees;
 - 1.1.1.1.7. Subsidies;
 - 1.1.1.1.8. Insurance;
 - 1.1.1.1.9. Food commodities;
 - 1.1.1.1.10. Direct appropriations;
 - 1.1.1.1.11. Assessed and voluntary contributions; and
 - 1.1.1.1.12. Other financial assistance transactions that authorize the expenditure of Federal funds by non-Federal Entities.
 - 1.1.1.1.13. Any other items specified by OMB in policy memoranda available at the OMB website or other source posted by the OMB.
- 1.1.1.2. Award **does not** include:

- 1.1.1.2.1. Technical assistance, which provides services in lieu of money;
- 1.1.1.2.2. A transfer of title to Federally-owned property provided in lieu of money; even if the award is called a grant.

Any award classified for security purposes; or

- 1.1.1.2.1. Any award funded in whole or in part with Recovery funds, as defined in section 1512 of the American Recovery and Reinvestment Act (ARRA) of 2009 (Public Law 111-5).
- 1.1.2. “Contract” means the Contract to which these Federal Provisions are attached and includes all Award types in § of this Exhibit.
- 1.1.3. “Contractor” means the party or parties to a Contract funded, in whole or in part, with Federal financial assistance, other than the Prime Recipient, and includes grantees, subgrantees, Subrecipients, and borrowers. For purposes of Transparency Act reporting, Contractor does not include Vendors.
- 1.1.4. “Unique Entity ID number” or “UEI” is the Unique Entity ID number established by the federal government in the Unique Entity ID System to uniquely identify a business entity. For more, see: www.sam.gov.
- 1.1.5. “Entity” means:
 - 1.1.5.1. If the source of funding is a Grant:
 - 1.1.5.1.1. a Non-Federal Entity;
 - 1.1.5.1.2. a foreign public entity;
 - 1.1.5.1.3. a foreign organization;
 - 1.1.5.1.4. a non-profit organization;
 - 1.1.5.1.5. a domestic for-profit organization (for 2 CFR parts 25 and 170 only);
 - 1.1.5.1.6. a foreign non-profit organization (only for 2 CFR part 170) only;
 - 1.1.5.1.7. a Federal agency, but only as a Subrecipient under an Award or Subaward to a non-Federal entity (or 2 CFR 200.1); or
 - 1.1.5.1.8. a foreign for-profit organization (for 2 CFR part 170 only).
 - 1.1.5.2. If the source of funding is not a Grant:
 - 1.1.5.2.1. all of the following as defined at 2 CFR part 25, subpart C:
 - 1.1.5.2.2. A governmental organization, which is a State, local government, or Indian Tribe;
 - 1.1.5.3. a foreign public entity;
 - 1.1.5.4. a domestic or foreign non-profit organization;
 - 1.1.5.5. a domestic or foreign for-profit organization; and
 - 1.1.5.6. a Federal agency, but only a Subrecipient under an Award or Subaward to a non- Federal entity.
- 1.1.6. “Executive” means an officer, managing partner or any other employee in a management position.
- 1.1.7. If the source of funding is a Grant, “Federal Awarding Agency” means a Federal agency providing a Federal Award to a Recipient as described in 2 CFR 200.1. If the source of funding is not a Grant, “Federal Award Identification Number (FAIN)” means an Award number assigned by a Federal agency to a Prime Recipient.
- 1.1.8. “FFATA” means the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), as amended by §6202 of Public Law 110-252. FFATA, as amended, also is referred to as the “Transparency Act.”
- 1.1.9. “Federal Provisions” means these Federal Provisions subject to the Transparency Act and Uniform Guidance, as may be revised pursuant to ongoing guidance from the relevant Federal or State of

Colorado agency or institutions of higher education.

- 1.1.1. If the source of funding is a Grant, "Grant" as used herein is the Contract to which these Federal Provisions are attached.
- 1.1.2. "Grantee" means the party or parties identified as such in the Grant to which these Federal Provisions are attached if the source of funding is a Grant.
- 1.1.3. "Non-Federal Entity" means a State, local government, Indian tribe, institution of higher education, or nonprofit organization that carries out a Federal Award as a Recipient or a Subrecipient.
- 1.1.4. "Nonprofit Organization" means any corporation, trust, association, cooperative, or other organization, not including IHEs, that:
 - 1.1.4.1. Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;
 - 1.1.4.2. Is not organized primarily for profit; and
 - 1.1.4.3. Uses net proceeds to maintain, improve, or expand the operations of the organization.
- 1.1.5. "OMB" means the Executive Office of the President, Office of Management and Budget.
- 1.1.6. "Pass-through Entity" means a non-Federal Entity that provides a Subaward to a Subrecipient to carry out part of a Federal program.
- 1.1.7. "Prime Recipient" means a Colorado State agency or institution of higher education that receives an Award, or, if the source of funding is a Grant it is that agency or institution identified as the Grantor in the Grant to which these Federal Provisions are attached.
- 1.1.8. "Subaward" means an award by a Prime Recipient to a Subrecipient funded in whole or in part by a Federal Award. The terms and conditions of the Federal Award flow down to the Subaward unless the terms and conditions of the Federal Award specifically indicate otherwise in accordance with 2 CFR 200.101 or 2 CFR 200.38, as applicable. The term does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program.
- 1.1.9. "Subrecipient" or, if the source of funding is a Grant, "Subgrantee" means a non-Federal Entity (or a Federal agency under an Award or Subaward to a non-Federal Entity) receiving Federal funds through a Prime Recipient to support the performance of the Federal project or program for which the Federal funds were awarded. A Subrecipient is subject to the terms and conditions of the Federal Award to the Prime Recipient, including program compliance requirements. The term "Subrecipient" includes and may be referred to as Subgrantee. The term does not include an individual who is a beneficiary of a federal program.
- 1.1.10. "Subrecipient Parent UEI Number" means the subrecipient parent organization's 12-digit Unique Entity ID System (UEI) number that appears in the subrecipient's System for Award Management (SAM) profile, if applicable.
- 1.1.11. "System for Award Management (SAM)" means the Federal repository into which an Entity must enter the information required under the Transparency Act, which may be found at <http://www.sam.gov>.
- 1.1.12. "Total Compensation" means the cash and noncash dollar value earned by an Executive during the Prime Recipient's or Subrecipient's preceding fiscal year (see 48 CFR 52.204-10, as prescribed in 48 CFR 4.1403(a), as applicable) and includes the following:
 - 1.1.12.1. Salary and bonus;
 - 1.1.12.2. Awards of stock, stock options, and stock appreciation rights, using the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2005) (FAS 123R), Shared Based Payments;
 - 1.1.12.3. Earnings for services under non-equity incentive plans, not including group life, health,

hospitalization or medical reimbursement plans that do not discriminate in favor of Executives and are available generally to all salaried employees.

- 1.1.12.1. Change in present value of defined benefit and actuarial pension plans;
 - 1.1.12.2. Above-market earnings on deferred compensation which is not tax-qualified;
 - 1.1.12.3. Other compensation, if the aggregate value of all such other compensation (e.g., severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the Executive exceeds \$10,000.
- 1.1.13. "Transparency Act" means the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), as amended by §6202 of Public Law 110-252. The Transparency Act may also be referred to as FFATA.
- 1.1.14. "Uniform Guidance" means the Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, which, unless the source of funding is a Grant, supersedes requirements from OMB Circulars A-21, A-87, A-110, and A-122, OMB Circulars A-89, A-102, and A-133, and the guidance in Circular A-50 on Single Audit Act follow-up. The terms and conditions of the Uniform Guidance flow down to Awards to Subrecipients unless the Uniform Guidance or the terms and conditions of the Federal Award specifically indicate otherwise.
- 1.1.15. "Vendor" means a dealer, distributor, merchant or other seller providing property or services required for a project or program funded by an Award. A Vendor is not a Prime Recipient or a Subrecipient and is not subject to the terms and conditions of the Federal award. Program compliance requirements do not pass through to a Vendor.

2. COMPLIANCE.

- 2.1. Contractor/Grantee shall comply with all applicable provisions of the Transparency Act and the regulations issued pursuant thereto, all applicable provisions of the Uniform Guidance, including, but not limited to, all applicable Federal Laws and regulations required by this Federal Award. Any revisions to such provisions or regulations shall automatically become a part of these Federal Provisions, without the necessity of either party executing any further instrument. The State of Colorado, at its discretion, may provide written notification to Contractor/Grantee of such revisions, but such notice shall not be a condition precedent to the effectiveness of such revisions.

3. SYSTEM FOR AWARD MANAGEMENT (SAM)

AND UNIQUE ENTITY ID SYSTEM (UEI) REQUIREMENTS

- 3.1. SAM. Contractor/Grantee shall maintain the currency of its information in SAM until the Contractor/Grantee submits the final financial report required under the Award or receives final payment, whichever is later. Contractor/Grantee shall review and update SAM information at least annually after the initial registration, and more frequently if required by changes in its information.
- 3.2. UEI. Contractor/Grantee shall provide its UEI number to its Prime Recipient, and shall update Contractor's/Grantee's information in www.sam.gov at least annually after the initial registration, and more frequently if required by changes in Contractor's/Grantee's information.

4. TOTAL COMPENSATION.

- 4.1. Contractor/Grantee shall include Total Compensation in SAM for each of its five most highly compensated Executives for the preceding fiscal year if:
- 4.1.1. The total Federal funding authorized to date under the Award is \$30,000 or more if the source of funding is a Grant, or otherwise \$25,000 or more if the source of funding is not a Grant; and
 - 4.1.2. In the preceding fiscal year, Contractor/Grantee received:
 - 4.1.2.1. 80% or more of its annual gross revenues from Federal procurement contracts and subcontracts and/or Federal financial assistance Awards or Subawards subject to the

Transparency Act; and

- 4.1.2.1. \$30,000,000 or more in annual gross revenues from Federal procurement contracts and subcontracts and/or Federal financial assistance Awards or Subawards subject to the Transparency Act if the source of funding is a Grant or otherwise \$25,000,000 or more in annual gross revenues from Federal procurement contracts and subcontracts and/or Federal financial assistance Awards or Subawards subject to the Transparency Act if the source of funding is not a Grant; and
- 4.1.2.2. The public does not have access to information about the compensation of such Executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d) or § 6104 of the Internal Revenue Code of 1986.

5. REPORTING.

- 5.1. If Contractor/Grantee is a Subrecipient of the Award pursuant to the Transparency Act. Grantee shall report data elements to SAM and to the Prime Recipient as required in this Exhibit. No direct payment shall be made to Grantee for providing any reports required under these Federal Provisions and the cost of producing such reports shall be included in the Contract/Grant price. The reporting requirements in this Exhibit are based on guidance from the US Office of Management and Budget (OMB), and as such are subject to change at any time by OMB. Any such changes shall be automatically incorporated into this Contract/Grant and shall become part of Contractor's/Grantee's obligations under this Contract/Grant.

6. EFFECTIVE DATE AND DOLLAR THRESHOLD FOR REPORTING.

- 6.1. If the source of funding is a Grant, Reporting requirements in §8 below apply to new Awards as of October 1, 2010, if the initial award is \$30,000 or more. If the initial Award is below \$30,000 but subsequent Award modifications result in a total Award of \$30,000 or more, the Award is subject to the reporting requirements as of the date the Award exceeds \$30,000. If the initial Award is \$30,000 or more, but funding is subsequently de-obligated such that the total award amount falls below \$30,000, the Award shall continue to be subject to the reporting requirements.
- 6.2. If the source of funding is not a Grant, Reporting requirements in §8 below apply to new Awards as of October 1, 2010, if the initial award is \$25,000 or more. If the initial Award is below \$25,000 but subsequent Award modifications result in a total Award of \$25,000 or more, the Award is subject to the reporting requirements as of the date the Award exceeds \$25,000. If the initial Award is \$25,000 or more, but funding is subsequently de-obligated such that the total award amount falls below \$25,000, the Award shall continue to be subject to the reporting requirements.
- 6.3. The procurement standards in §8 below are applicable to new Awards made by Prime Recipient as of December 26, 2015. The standards set forth in §10 below are applicable to audits of fiscal years beginning on or after December 26, 2014.

7. SUBRECIPIENT REPORTING REQUIREMENTS.

- 7.1. If Contractor/Grantee is a Subrecipient, Contractor/Grantee shall report as set forth below.
 - 7.1.1. To SAM. A Subrecipient shall register in SAM and report the following data elements in SAM *for each* Federal Award Identification Number (FAIN) assigned by a Federal agency to a Prime Recipient no later than the end of the month following the month in which the Subaward was made:
 - 7.1.1.1. Subrecipient UEI Number;
 - 7.1.1.2. Subrecipient UEI Number if more than one electronic funds transfer (EFT) account;
 - 7.1.1.3. Subrecipient parent's organization UEI Number;
 - 7.1.1.4. Subrecipient's address, including: Street Address, City, State, Country, Zip (+ 4 if source of funding is a Grant or as otherwise directed per SAM directives for proper reporting), and Congressional District;
 - 7.1.1.5. Subrecipient's top 5 most highly compensated Executives if the criteria in §4 above are

met: and

- 7.1.1.1. Subrecipient's Total Compensation of top 5 most highly compensated Executives if the criteria in §4 above met.
- 7.1.2. To Prime Recipient. A Subrecipient shall report to its Prime Recipient, upon the effective date of the Contract/Grant, the following data elements:
 - 7.1.2.1. Subrecipient's UEI Number as registered in SAM.
 - 7.1.2.2. Primary Place of Performance Information, including: Street Address, City, State, Country, Zip code + 4, and Congressional District.

8. PROCUREMENT STANDARDS.

- 8.1. Procurement Procedures. A Subrecipient shall use its own documented procurement procedures which reflect applicable State, local, and Tribal laws and applicable regulations, provided that the procurements conform to applicable Federal law and the standards identified in the Uniform Guidance, including without limitation, 2 CFR 200.318 through 200.327 thereof.
- 8.2. If the source of funding is a Grant: Domestic preference for procurements (2 CFR 200.322). As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.
- 8.3. Procurement of Recovered Materials. If a Subrecipient is a State Agency or an agency of a political subdivision of the State, its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247, that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

9. ACCESS TO RECORDS.

- 9.1. A Subrecipient shall permit Recipient/Prime Recipient and its auditors to have access to Subrecipient's records and financial statements as necessary for Recipient to meet the requirements of 2 CFR 200.311-200.332 (Requirements for pass-through entities), 2 CFR 200.300 (Statutory and national policy requirements) through 2 CFR 200.309 (Period of performance), and Subpart F-Audit Requirements of the Uniform Guidance.

10. SINGLE AUDIT REQUIREMENTS.

- 10.1. If a Subrecipient expends \$750,000 or more in Federal Awards during the Subrecipient's fiscal year, the Subrecipient shall procure or arrange for a single or program-specific audit conducted for that year in accordance with the provisions of Subpart F-Audit Requirements of the Uniform Guidance, issued pursuant to the Single Audit Act Amendments of 1996, (31 U.S.C. 7501-7507). 2 CFR 200.501.
 - 10.1.1. Election. A Subrecipient shall have a single audit conducted in accordance with Uniform Guidance 2 CFR 200.514 (Scope of audit), except when it elects to have a program-specific audit conducted in accordance with 2 CFR 200.507 (Program-specific audits). The Subrecipient may elect to have a program-specific audit if Subrecipient expends Federal Awards under only one Federal program (excluding research and development) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of Prime Recipient. A program-specific audit may not be elected for research and development unless all of the Federal Awards expended were received from Recipient and Recipient approves in advance a program-

specific audit.

- 10.1.1. Exemption. If a Subrecipient expends less than \$750,000 in Federal Awards during its fiscal year, the Subrecipient shall be exempt from Federal audit requirements for that year, except as noted in 2 CFR 200.503 (Relation to other audit requirements), but records shall be available for review or audit by appropriate officials of the Federal agency, the State, and the Government Accountability Office.
- 10.1.2. Subrecipient Compliance Responsibility. A Subrecipient shall procure or otherwise arrange for the audit required by Subpart F of the Uniform Guidance and ensure it is properly performed and submitted when due in accordance with the Uniform Guidance. Subrecipient shall prepare appropriate financial statements, including the schedule of expenditures of Federal awards in accordance with 2 CFR 200.510 (Financial statements) and provide the auditor with access to personnel, accounts, books, records, supporting documentation, and other information as needed for the auditor to perform the audit required by Uniform Guidance Subpart F-Audit Requirements.

11. CONTRACT/GRANT PROVISIONS FOR SUBRECIPIENT CONTRACTS.

- 11.1. In addition to other provisions required by the Federal Awarding Agency or the Prime Recipient, Contractors/Grantees that are Subrecipients shall comply with the following provisions. Subrecipients shall include all of the following applicable provisions in all subcontracts entered into by it pursuant to this Contract/Grant.
 - 11.1.1. [Applicable to federally assisted construction contracts.] Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 shall include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.
 - 11.1.2. [Applicable to on-site employees working on government-funded construction, alteration and repair projects.] Davis-Bacon Act. Davis-Bacon Act, as amended (40 U.S.C. 3141-3148).
 - 11.1.3. Rights to Inventions Made Under a contract/grant or agreement. If the Federal Award meets the definition of “funding agreement”/ “funding Contract” under 37 CFR 401.2 (a) and the Prime Recipient or Subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,”/“funding Contract”, the Prime Recipient or Subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the Federal Awarding Agency.
 - 11.1.4. Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251- 1387), as amended. Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal awardee(s) to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal Awarding Agency and the Regional Office of the Environmental Protection Agency (EPA).
 - 11.1.5. Debarment and Suspension (Executive Orders 12549 and 12689). A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235). “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

- 11.1.1. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352). Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- 11.1.2. Never contract with the enemy (2 CFR 200.215). Federal awarding agencies and recipients are subject to the regulations implementing "Never contract with the enemy" in 2 CFR part 183. The regulations in 2 CFR part 183 affect covered contracts, grants and cooperative agreements that are expected to exceed \$50,000 within the period of performance, are performed outside the United States and its territories, and are in support of a contingency operation in which members of the Armed Forces are actively engaged in hostilities.
- 11.1.3. Prohibition on certain telecommunications and video surveillance services or equipment (2 CFR 200.216). Grantee is prohibited from obligating or expending loan or grant funds on certain telecommunications and video surveillance services or equipment pursuant to 2 CFR 200.216.

12. CERTIFICATIONS.

- 12.1. Unless prohibited by Federal statutes or regulations, Recipient/Prime Recipient may require Subrecipient to submit certifications and representations required by Federal statutes or regulations on an annual basis. 2 CFR 200.208. Submission may be required more frequently if Subrecipient fails to meet a requirement of the Federal award. Subrecipient shall certify in writing to the State at the end of the Award that the project or activity was completed or the level of effort was expended. 2 CFR 200.201(3). If the required level of activity or effort was not carried out, the amount of the Award must be adjusted.

13. EXEMPTIONS.

- 13.1. These Federal Provisions do not apply to an individual who receives an Award as a natural person, unrelated to any business or non-profit organization he or she may own or operate in his or her name.
- 13.2. A Contractor/Grantee with gross income from all sources of less than \$300,000 in the previous tax year is exempt from the requirements to report Subawards and the Total Compensation of its most highly compensated Executives.

14. EVENT OF DEFAULT AND TERMINATION.

- 14.1. Failure to comply with these Federal Provisions shall constitute an event of default under the Contract/Grant and the State of Colorado may terminate the Contract/Grant upon 30 days prior written notice if the default remains uncured five calendar days following the termination of the 30-day notice period. This remedy will be in addition to any other remedy available to the State of Colorado under the Contract/Grant, at law or in equity.
- 14.2. Termination (2 CFR 200.340). The Federal Award may be terminated in whole or in part as follows:
 - 14.2.1. By the Federal Awarding Agency or Pass-through Entity, if a Non-Federal Entity fails to comply with the terms and conditions of a Federal Award:
 - 14.2.2. By the Federal awarding agency or Pass-through Entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities:

- 14.2.1. By the Federal awarding agency or Pass-through Entity with the consent of the Non-Federal Entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated;
- 14.2.2. By the Non-Federal Entity upon sending to the Federal Awarding Agency or Pass-through Entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal Awarding Agency or Pass-through Entity determines in the case of partial termination that the reduced or modified portion of the Federal Award or Subaward will not accomplish the purposes for which the Federal Award was made, the Federal Awarding Agency or Pass-through Entity may terminate the Federal Award in its entirety; or
- 14.2.3. By the Federal Awarding Agency or Pass-through Entity pursuant to termination provisions included in the Federal Award.

AAA Subcontract Provisions

Indemnification

Contractor shall indemnify, save, and hold harmless the San Juan Basin Area Agency on Aging and the State of Colorado, as well as both entities' employees, agents and assignees (the "Indemnified Parties"), against any and all costs, expenses, claims, damages, liabilities, court awards and other amounts (including attorneys' fees and related costs) incurred by any of the Indemnified Parties in relation to any act or omission by Contractor, or its employees, agents, Subcontractors, or assignees in connection with this Contract. No term or condition of this Contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions of the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq. or the Federal Tort Claims Act, 28 U.S.C. 2671 et seq., as now in effect or hereafter amended.

Background Checks (only required for contractors providing services via one-on-one contact or any of the following services: personal care, counseling, homemaker, chore, adult day, respite, transportation, Long-Term Care Ombudsman, home delivered meals, support groups, legal services, evidence-based services, and one-to-one services).

Prior to the delivery of services, a records check through the Colorado Bureau of Investigation (CBI) or another background check system that provides information at the same level of detail or higher than the CBI records check, shall be conducted for all employees, volunteers, and contractors providing services.

If an employee, volunteer, or contractor has resided in Colorado for less than two years, national background check shall be completed.

Volunteers under the age of 18 years old shall not be required to undergo a background check as long as they are directly supervised and overseen by someone who is over the age of 18 years old who has successfully passed the background check requirement and they are not volunteering for unsupervised one-to-one services or any of the services listed above with the exception of Chore services and Home delivered meals.

If a potential employee, volunteer, or contractor, or contractor's employee has been convicted of any of the following offenses, that individual shall be disqualified.

- (a) A crime of violence;
- (b) Any felony offense involving unlawful sexual behavior;
- (c) Any felony domestic violence;
- (d) Any felony offense of child abuse; or
- (e) Any similar felony offense in any other state.

If a potential employee, volunteer, contractor, or contractor's employee has been convicted of any of the following offenses, that individual shall be disqualified if less than ten years has passed since the final discharge of all terms of the sentence imposed as a result of the conviction.

- (a) Third degree assault;
- (b) Any misdemeanor domestic violence;
- (c) Violation of a protection order;
- (d) Any misdemeanor offense of child abuse;
- (e) Any misdemeanor offense of sexual assault on a client by a psychotherapist; or
- (f) Any similar misdemeanor offense in any other state.

Employees, volunteers, or contractors responsible for transporting individuals shall possess a valid Colorado driver's license, and shall not have had any alcohol/substance related convictions in the past three years, or an accident where the individual was at fault within the past two years.

Insurance

Contractor shall obtain and maintain, and ensure that each Subcontractor shall obtain and maintain, insurance as specified in this section at all times during the term of this Contract. All insurance policies required by this Contract shall be issued by insurance companies as approved by the State.

A. General Liability

Commercial general liability insurance covering premises operations, fire damage, independent contractors, products and completed operations, blanket contractual liability, personal injury, and advertising liability with minimum limits as follows:

- i. \$1,000,000 each occurrence;
- ii. \$1,000,000 general aggregate;
- iii. \$1,000,000 products and completed operations aggregate; and
- iv. \$50,000 any 1 fire.

1. Workers' Compensation

"Workers' compensation insurance as required by state statute, and employers' liability insurance covering all Contractor or Subcontractor employees acting within the course and scope of their employment."

NOTE: "Additional Insured" status doesn't exist on a work comp policy with any carrier, therefore a waiver of subrogation is required instead.

B. Automobile Liability

Automobile liability insurance covering any auto (including owned, hired and non-owned autos) with a minimum limit of \$1,000,000 each accident combined single limit.

C. Protected Information

Liability insurance covering all loss of State Confidential Information, such as PII, PHI, PCI, Tax Information, and CJJ, and claims based on alleged violations of privacy rights through improper use or disclosure of protected information with minimum limits as follows:

- i. \$1,000,000 each occurrence; and
- ii. \$2,000,000 general aggregate.
- iii. Notwithstanding sections D(i) and (ii) above, if Contractor has State Confidential Information for 10 or fewer individuals or revenues of \$250,000 or less, Contractor shall maintain limits of not less than \$50,000.
- iv. Notwithstanding sections D(i) and (ii) above, if Contractor has State Confidential Information for 25 or fewer individuals or revenues of \$500,000 or less, Contractor shall maintain limits of not less than \$100,000.

D. Professional Liability Insurance

Professional liability insurance covering any damages caused by an error, omission or any negligent act with minimum limits as follows:

- i. \$1,000,000 each occurrence; and
- ii. \$1,000,000 general aggregate.

E. Cyber/Net. Security-Privacy Liability Insurance

Protected Information Insurance (described above) covers only the cost of a data breach (e.g. release of PII or PHI). The Contract requires only Protected Information Insurance, but if the AAA holds Cyber Liability, it will often include Protected Information coverage.

Cyber Liability is more comprehensive in that it covers the costs of an entity to recover from a data breach or a cyber attack. For example, costs to repair the network if it was damaged during the attack or the costs of data restoration.

Both types of coverage will normally provide credit monitoring services to third parties whose data has been breached.

NOTE: The current contract does not require this type of insurance; only Protected Information Insurance is required. However, you may find that insurance providers are bundling these two types of insurance together.

F. Additional Insured

The State shall be named as additional insured on all commercial general liability policies (leases and construction contracts require additional insured coverage for completed operations) required of Contractor and Subcontractors.

G. Public Entities

If Contractor is a "public entity" within the meaning of the Colorado Governmental Immunity Act, §24-10-101, et seq., C.R.S. (the "GIA"), Contractor shall maintain, in lieu of the liability insurance requirements stated above, at all times during the term of this Contract such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the GIA. If a Subcontractor is a public entity within the meaning of the GIA, Contractor shall ensure that the Subcontractor maintain at all times during the terms of this Contract, in lieu of the liability insurance requirements stated above, such liability insurance, by commercial policy or self-insurance, as is necessary to meet the Subcontractor's obligations under the GIA.

MEMORANDUM

August 14, 2024

TO: Board of County Commissioners

FR: William A. Tookey

RE: Kirk Huff and Teri Alexander – Winnemucca Mill Site MS #563B

Kirk Huff and Teri Alexander have submitted a Preliminary/Final Plan Improvement Permit application for the development of the Winnemucca Mill Site in Howardsville. The proposed improvements include a two-story residential cabin, a gravel driveway connecting CR2 to the house with a bridge over Cunningham Creek, site grading, a ramp over the historic tramway, and associated utility improvements. The development will be done in two phases. Phase 1 will consist of site preparation and access, the bridge, ramp, and utilities. The cabin will be constructed in phase 2. The total acreage is 5 acres.

The property is currently owned by Kirk Huff and Teri Alexander and the taxes are current. The application was prepared by DHM Design.

The property is located in Howardsville and will be accessed from Country Road 2.

The Sketch Plan application was previously reviewed by the Planning Commission and approved by the Board of County Commissioners with conditions.

The applicant has acknowledged and agreed to or completed the conditions of approval as required by the County Commissioners.

I was able to visit the site with the applicant Kirk Huff, his wife and the County Building Inspector Bevin Harris. The property where the driveway is located on the south side of Cunningham Creek is higher in elevation than CR 2. I've attached the profile for the driveway to show the cut of the driveway. The applicant plans to use the material excavated from the driveway to elevate the proposed house to eliminate any flooding concerns. 4-110.1 of the Zoning and Land Use Regulations requires that:

The design and development of the site shall preserve, to the greatest extent possible, the natural terrain and drainage of the land, the existing topsoil and existing vegetation. Disturbed areas shall be re-vegetated with native plant, grass and wildflower species that are certified weed free as soon as possible after disturbance in order to prevent the establishment and dominance of non-native invasive species.

I believe the applicant has made a good attempt to minimize the visual impact of the structure. I would suggest some strategic vegetation to screen the proposed house from the Bill Ogle property to minimize the impact upon his neighbor and to provide some privacy for his property as well.

Upon completion of their review on July 16, 2024, the Planning Commission has recommended approval with the following conditions:

1. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.
2. All improvements to the Winnemucca Mill Site MS #563B shall fully and completely comply with, and strictly conform to, all terms, conditions and restrictions contained in the San Juan County Zoning and Land Use Regulation, all permits issued, and all applicable State and Federal rules and regulations including the Army Corps of Engineers Wetland Regulations.
3. The applicant shall fully and completely comply with the San Juan County Zoning and Land Use Regulation 4-110 Design and Development Standards for all Improvement and Use Permits.
4. The applicant shall preserve, to the greatest extent possible, the natural terrain and drainage of the land, the existing topsoil and existing vegetation. Disturbed areas shall be re-vegetated with native plant, grass and wildflower species that are certified weed free as soon as possible after disturbance in order to prevent the establishment and dominance of non-native invasive species as required by 4-110.1
5. That vegetative screening be provided to minimize the visual impact to the William Ogle property.
6. That the applicant be placed on the Town of Silverton's Utility billing system for refuse.
7. The failure to comply with these conditions shall be grounds for the revocation of this Improvement Permit.

The Commissioners may approve the application as submitted, approve with conditions, deny the application or table the application for additional information.

Should the Commissioners choose to approve the application it is staff's recommendation that they do so with the conditions as recommended by the Planning Commission and any additional conditions that the Commissioners deems appropriate.

It should be noted that the applicant had previously requested a special use permit to allow for a vacation rental. The Commissioners approved the special use permit with conditions that are listed below.

7. That the applicant obtains a sales tax license from the Colorado Department of Revenue and collects sales tax and lodging tax as required.
8. That the applicant submits a renewal application annually providing the number and dates that the Vacation Rental was occupied.
9. Proof of insurance to operate a vacation rental is provided.
10. That the applicant fully and completely understands that in addition to applicability of the provisions of the San Juan County Zoning and Land Use Regulations, the County may deny renewal or revoke the Special Use Permit based upon a failure to comply with any conditions, a failure to adequately demonstrate the ability to comply in the future, and/or high levels of risk to the public based upon continued similar use. Together with any other relevant evidence of high levels of risk, the County may consider past incidents, expert opinions, and recommendations of emergency services personnel.

The conditional approval to operate a vacation rental is contingent upon the Preliminary/Final Improvement Permit approval and completion for the single-family dwelling unit and associated improvements as submitted on the Winnemucca Mill Site.

Additionally, the applicant will need to provide the maximum capacity for the cabin. Documentation that the water quality and quantity is adequate for that maximum capacity. If treatment of the water is required provide the necessary documentation and approvals of water treatment and testing. Provide documentation that the wastewater treatment system is adequate for that maximum capacity.

The application fees have been paid.

The adjacent landowners have been notified via US Mail of the proposed Improvement Permit application. The list of adjacent property owners and copy of the letter are included.

Mountain Zoning District. The property is located within the Mountain Zoning District. Any development located within the Mountain Zoning District is a Use Subject to Review and requires a minimum site of 5 acres. The property is 5 acres. The minimum setback of 30 ft. from private property and 20 ft. from public property has been met. The property is also located within the Historic Overlay District.

The applicant has substantially met the requirements for application submittals as required by 3-102 Requirements for Uses and Improvements.

All applications for review will be examined initially to determine whether the proposal is consistent with the County's Master Plan.



Looking at the Little Nation Mill from the proposed house site

Listed below was the Sketch Plan Application Review for your convenience.

The applicant had also requested a special use permit to allow for a vacation rental. The Commissioners approved the special use permit with the following conditions:

1. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.
2. That adequate emergency communications are provided on site.
3. That sufficient off-street parking be designated on the property and that parking on CR 2 be prohibited.
4. That the applicant acknowledges that CR 2 may not be maintained during times of hazardous winter and avalanche dangers.
5. That the vacation rental is only operated from May 1st through October 31st of each year.
6. The applicant agrees to indemnify and hold harmless the County, its Commissioners, officers, administrators, employees, representatives, and emergency personnel, for any claims and/or damages related to the leasing, usage and operation of the vacation rental.



House Site



Looking at Bill Ogle's House from the proposed house site



Driveway from house



Bridge Crossing looking south



Bridge Crossing looking north



Little Nation Mill from driveway



Driveway from CR 2- Centerline Staked



Driveway looking back to CR 2

The Master Plan notes that private property rights are respected in San Juan County.

Master Plan Goal LU-2 Focus future development on mining claims into growth corridors that are environmentally suitable, where public services are available and that provide feasible opportunity for growing the community and the economy.

Master Plan Strategy LU-2.1 Encourages future development in the economic corridors which include the upper Animas Valley from Silverton to Eureka, Cement Creek from Silverton to Gladstone and the South County Line to just above the Mill Creek Subdivision. I believe this application is attempting to meet the intent of the Master Plan.

- a. Adequate potable water is available or can be developed to safely support the proposed use.

The applicant plans to use well water to provide water to the site. A well drilling permit has been issued.

- b. Adequate sewage disposal can be provided to support the proposed use.

The applicant plans on installing a septic system to service the property. The applicant will need to submit an On-Site Wastewater Treatment Application to the La Plata County Public Health.

- c. Will the proposed use have any adverse impact on public or private property in the vicinity of the development?

The proposed improvements should have minimal impact on the adjoining properties. Adjoining property owners have been notified and at this time I have received no comments.

- d. Will the proposed use have any adverse effect on scenic values, historic sites or structures, air or water or environmental quality, wildlife, erosion or other geological conditions?

The applicant has included a scenic quality report. The applicant has located the structure to minimize the visual impact and to preserve the view of the Little Nation Mill.

Cultural Resource Inventory of The Winnemucca Mill Site was prepared by Alpine Archaeological Consultants. Three sites were encountered during the inventory. Two sites were considered non-contributing. The third site was the Little Nation Tramway. The applicant proposes a 20-foot building buffer to protect the physical elements of the tramway and to allow for the uninterrupted views of the tramway along CR 2.

The improvements should create minimal adverse impacts upon wildlife. All solid waste, garbage and refuse must be kept within wildlife/bear-resistant containers until it is properly disposed of at the Transfer station. The applicant plans on constructing a trash enclosure that would be connected to the garage until it was removed to the transfer station.

The bridge and driveway improvements will need to comply with Army Corps of Engineers regulations. The applicant will need to demonstrate that they are in compliance.

- e. Adequate road access exists or can be developed to ensure access appropriate to the use.

The applicant will access the property via a private driveway from CR 2. This driveway would include a bridge crossing on Cunningham Creek.

- f. The design and development of the site shall preserve, insofar as possible, the natural terrain and drainage of the land, the existing topsoil and existing vegetation. Disturbed areas shall be revegetated with native plant species certified weed free as soon as possible after disturbance in order to prevent the establishment and dominance of non-native invasive species.

The proposed improvements will have minimal impact on the natural terrain and drainage of the land. All disturbances will need to be revegetated with native plant species certified to be weed free.

- g. Sites subject to hazardous conditions, for example avalanche, flood, land slide, rock fall, mud flow, open mine shaft, corrosive water, etc, shall be identified and shall not be built upon or used until satisfactory plans have been approved by the County for eliminating or appropriately mitigating such hazards. The provisions of Chapters 8, 9, 10 and 11 shall govern the evaluation of those natural hazards covered by such provisions.

An avalanche study was prepared by Wilbur Engineering. A portion of the property is located within an avalanche hazard area. The applicant plans on constructing the structure outside of the avalanche hazard area.

The property is located within a debris fan.

- h. The applicant shall permit continued public access to any historic public trails that cross the property.

If any historic trails are identified they will need to be added to the certified survey plat.

- i. Individual building sites shall be placed on the Town of Silverton's utility billing system for water and refuse when water is hauled to the site., Any applicant who shows that it is obtaining water from an approved permitted well or is purchasing water from an acceptable source of potable water other than the Town of Silverton may be permitted to be placed on the Town of Silverton's billing system for refuse only.

The applicant will be required to be placed on the Town's utility billing system for refuse.

The applicant plans to use propane gas or wood fireplace/stoves for heating the units. For fire safety and air quality issues I would recommend that only propane heating systems be allowed.

If the applicant plans on having individual or communal fire pits or rings, they should also be fueled by propane gas.

The applicant will also need to provide a plan for fire prevention and fire protection for the site. His plans would need to be reviewed and approved by the Fire Chief and Sheriff.

**San Juan Regional
Planning Commission**
SAN JUAN COUNTY TOWN OF SILVERTON
Silverton, Colorado 81433
P.O. Box 223

July 16, 2024

Board of County Commissioners
San Juan County
Silverton, CO 81433

Members of the Commission:

RE: County Improvement Permit Application
Preliminary/Final Plan Winnemucca Mill
Site 563B For Single-family dwelling and
associated utility improvements located in
Howardsville accessed from CR 2.

At the regular meeting of the San Juan Regional Planning Commission on July 16, 2024, members of that Commission held a meeting to discuss the Proposed County Improvement Permit Application for a Preliminary/Final Plan for the development of a two-story residential cabin, a gravel driveway connecting CR2 to the house with a bridge over Cunningham Creek, a ramp over the historic tramway, and associated utility improvements located on Winnemucca Mill Site MS 563B located in Howardsville. The owner Kirk Huff was present to answer questions.

After considerable discussion and background of the project, questions and presentations from William Tookey, Land use Administrator, and the applicant, the Planning Commission voted unanimously to recommend to the San Juan County Commissioners that you approve the proposed County Improvement Permit Application and Preliminary/Final Plan with the 7 proposed conditions of approval. The motion passed unanimously.

Thank you for considering these recommendations.

Sincerely,
The Planning Commission Members and
James Weller, Chairman

PUBLIC HEARING

Notice is hereby given to the members of the general public that the San Juan County Colorado Board of County Commissioners will hold a Public Hearing at the San Juan County Courthouse, 1557 Greene St., Silverton, CO, at 9:30 AM on Wednesday, August 14, 2024 in person and via Zoom to receive public comments on a County Improvement Permit Application for a proposed single family dwelling on the Winnemucca Mill Site MS563B, County Road 2, Howardsville. The Applicant is Kirk Huff and Teri Alexander. The purpose of the Application is to request approval of a two-story residential cabin, gravel driveway including bridge over Cunningham Creek, and associated utility improvements.

NOTICE is further given that all persons may present oral/written testimony regarding this Application prior to/during the Public Hearing. Comments may be sent by email to admin@sanjuancolorado.us, by mail to San Juan County, PO Box 466, Silverton CO 81433, or hand-delivered to the County Courthouse. Interested persons may contact the Land Use Administrator at 970-387-5766 with any questions or comments about the Application.

Join Zoom Meeting

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

by Phone - 1 669 900 6833

Meeting ID: 921 3647 3203

Published in the Silverton Standard & Miner: July 25, 2024



Willy Tookey <admin@sanjuancolorado.us>

Comments and Concerns on Winnemucca Mill Site MS #563B Land Use Application

3 messages

William Ogle <bogle@airmail.net>

Wed, Jul 24, 2024 at 10:37 AM

To: Willy Tookey <admin@sanjuancolorado.us>

Cc: Bill Ogle <bogle@airmail.net>, Bev Rich <beverlyerich@gmail.com>

Hi Willie,

In pulling up the Meeting Packets & Applications on the County WEB site July 22nd, I discovered that there was a Planning Commission meeting on July 16th.

I was listed on the Winnemucca Adjacent Property owners list, but I never received the original Winnemucca Land Use Application and LUA Appendix. I did hear about it later and pulled up the 5/2/2024 documents.

I asked my neighbor, Kim Eisner, if she was aware of the July 16th Planning Commission meeting covering the Winnemucca, and she was not.

Short of checking the Web site daily, it would be nice to have been notified.

I was preparing some inputs on the Winnemucca Application and will present them now.

I have no problem with the residential cabin, however an Air B&B (reference design map), located next to the Historic Little Nation Mill, should not be allowed. Per the Land Use Application, LUA Appendix, and your Memorandum of July 12th:

“Project Description The project will include the construction of an **Air B&B Building** on the northeastern side of Cunningham Creek, the construction of a road and associated bridge over the creek, and the **eventual construction of a dry camping area on the southwestern side of the creek (Figure 1)**. Project activities will include blading and grading to level the area and mechanical excavation.”

The application is vague and contradictory in several areas:

It is unclear if vacation rental is only allowed from **May 1st through October 31st**. If so, why does this document say:

“That the vacation rental is only operated from May 1st through October 31st of each year.”

“Should the Planning Commission choose to recommend approval of the Vacation Rental, they should do so with the following conditions prior to the

issuance of a Special Use Permit:"

"That CR 2 may not be maintained during times of hazardous winter and avalanche dangers."

"The applicant would also need to ensure that the driveway was maintained during the winter so that guests could park their vehicles off CR 2."???

"The proposed vacation rental also needs to be safely accessible year-round not only to occupants but to emergency services as well."???

"While CR 2 can be impacted by avalanches the vacation rental does not appear to have any safety issues on site. The applicant should warn their guests of the potential avalanche danger on the property."???

"The applicant agrees to indemnify and hold harmless the County, its Commissioners, officers, administrators, employees, representatives, and emergency personnel, for any claims and/or damages related to the leasing, usage and operation of the vacation rental."

The above statements totally contradict the "seasonal only" planned usage.

Should a guest be **warned** and caught in an avalanche, like a few years ago, when the bridge was under 40 feet of snow, the **"indemnity clause"** might not protect the **County**, should guest be hurt, stranded, or buried under the snow coming or going. What County resources would be required? Is the County really prepared to support this?

If approved, how is the County going to enforce the **May 1st through October 31st** rule?

The Application Plan also shows a future area designated for **"Dry Camping Future Phase"**. I do not believe this is consistent with **Historic Howardsville! An Air B&B** and a **Dry Camping Area** on one Mill Site? Is this part of the requested approval?

Can I put **"Dry Camp Sites"** on the hill across the Animas on the Lorilla? The Winnemucca appears to be more of a Commercial Project than a Residence. Can anyone with a Cabin on a 5-6 acre Mill Site add Dry Camp Sites?

We must remember that even though Howardsville is in the

Silverton to Eureka Economic Corridor, it is **Historic Howardsville**, and needs to be preserved!

The site is right next to the Little Nation Mill, owned by the San Juan Historic Society, which has, in the past has been broken into and vandalized. I am a lifetime Member of the Historical Society and an annual contributor. A campfire at the Winnemucca Air B&B could endanger the Little Nation Mill. Air B&B's or VRBO's are often shared by one or more families, usually with children (who like to explore the area). With

strangers in and out constantly, who is responsible for damage to neighboring properties? Would dogs be allowed? Most are friendly, some are not.

Willie, please share my comments and concerns with the BOCC, Planning Commission members, SJ Historic Society and anyone else involved.

What is the next step in decision making?

Thank you for your consideration,

Sincerely,

Bill & Julie Ogle

972-740-5784

Willy Tookey <admin@sanjuancolorado.us>

Wed, Jul 24, 2024 at 11:50 AM

To: William Ogle <bogle@airmail.net>

Hi Bill,

Letters were sent out to all property owners within 1500 feet of the Winnemucca property notifying them of the application and the Planning Commission Meeting of April 16, 2024. A legal notice was put in the Silverton Standard stating that a Public Hearing would be held to receive comment concerning the application at the County Commissioner's Meeting of May 8th, 2024. Kim Eisner did provide written comments. There will be another legal notice in the Standard for a Public Hearing at the BOCC meeting on August 14th at 9:30 am. I will provide the Commissioners with a copy of your email. You are also welcome to attend the meeting in person or via Zoom to provide comments.

The Commissioners did conditionally approve the use of the house as a vocational rental during their meeting on May 8th with the following conditions:

1. That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.
2. That adequate emergency communications are provided on site.
3. That sufficient off-street parking be designated on the property and that parking on CR 2 be prohibited.
4. That the applicant acknowledges that CR 2 may not be maintained during times of hazardous winter and avalanche dangers.
5. That the vacation rental is only operated from May 1st through October 31st of each year.
6. The applicant agrees to indemnify and hold harmless the County, its Commissioners, officers, administrators, employees, representatives, and emergency personnel, for any claims and/or damages related to the leasing, usage and operation of the vacation rental.
7. That the applicant obtains a sales tax license from the Colorado Department of Revenue and collects sales tax and lodging tax as required.
8. That the applicant submits a renewal application annually providing the number and dates that the Vacation Rental was occupied.
9. Proof of insurance to operate a vacation rental is provided.

10. That the applicant fully and completely understands that in addition to applicability of the provisions of the San Juan County Zoning and Land Use Regulations, the County may deny renewal or revoke the Special Use Permit based upon a failure to comply with any conditions, a failure to adequately demonstrate the ability to comply in the future, and/or high levels of risk to the public based upon continued similar use. Together with any other relevant evidence of high levels of risk, the County may consider past incidents, expert opinions, and recommendations of emergency services personnel.

The conditional approval to operate a vacation rental is contingent upon the Preliminary/Final Improvement Permit approval and completion for the single-family dwelling unit and associated improvements as submitted on the Winnemucca Mill Site.

The Improvement Permit Application is for the House, Driveway, Bridge and associated utilities. Any future uses or improvements would be required to come back through the full review process.

If you have any additional questions let me know.

Thanks,

Willy

William Tookey
San Juan County Administrator
970-387-5766
admin@sanjuancolorado.us
PO Box 466, Silverton CO 81433

[Quoted text hidden]

William Ogle <bogle@airmail.net>
To: Willy Tookey <admin@sanjuancolorado.us>

Wed, Jul 24, 2024 at 4:46 PM

Thanks Willie

[Quoted text hidden]



Willy Tookey <admin@sanjuancolorado.us>

Winnemucca

1 message

Eisner <burlesonfund@gmail.com>
To: Willy Tookey <admin@sanjuancolorado.us>

Fri, Jul 26, 2024 at 4:13 PM

Kim Eisner
kim@artsilverton.com
817-236-2411

TO: Willie Tookey and Commissioners

RE: Winnemucca Mill Site Use and Zoning

Date: July 26, 2024

I sent my concerns and negative thoughts at the first notification on this subject. However I was not notified about the most recent meeting. I do not get the paper, so did not see the meeting notice. Is there a way the adjacent owners can be notified about important meetings such as the recent one? I am a concerned citizen and own neighboring property.

I am still against this use of the Winnemucca property. The location of driveway and bridge over the wetlands is where I see deer and moose often. This would definitely be a disruption to the wildlife. As well as a disruption to the wetlands ecosystem.

With a rental property on the site and an absentee owner, I am also concerned about the likely possibility of disturbance or removal of artifacts in and about the historic Little Nation property. It would be impossible to keep it secured from unwelcome destruction or disturbance. There are also other historic buildings in area that could be in danger of unwanted intrusion or destruction.

In addition, with the usual strong summer winds, the fire danger from an outside fire pit and blowing embers would be headed straight to the Little Nation property which has old, very flammable, wood siding! It would be up in flames before the firemen could even be alerted. Most of our historic mills have been taken down with only foundations remaining. That makes this Little Nation property even more important to our local history.

Rental units in town often are packed with guests. I know 4 bedrooms and lots of other interior and outdoor spaces would attract a big group. The likely possibility of unsupervised disruption in our small, quiet neighborhood is a scary thought. I can just imagine the flying debris from garbage or stuff left outside overnight or when the renters leave and do not clean up.

I believe the negative impact and disruption to the ecosystem, the wildlife, our historic buildings, and the lack of local supervision would be good reasons to reject the vacation rental proposal.

In addition, I am against dry camping on the property due to some of the same conditions and reasons listed above. Especially worrisome is the lack of local supervision and oversight.

Please seriously consider rejecting the rental proposal presented to the Commissioners.

DHM DESIGN

LANDSCAPE ARCHITECTURE | LAND PLANNING | ECOLOGICAL PLANNING | URBAN DESIGN

June 24th, 2024

San Juan County
Attention: Willy Tookey, County Administrator
1557 Greene St
PO Box 466, Silverton CO 81433

Subject: Winnemucca Prelim/Final LUA Submittal

Dear Willy and Commissioners,

This package contains the requested items for the Winnemucca Mill Site combined prelim and final land use application submittal. This cover letter responds to the conditions of approval. The attached appendix contains the amended site plan, a staking diagram, and the Cumulative Impact Report. Please let us know if you have any questions upon review and we will look forward to hearing next steps.

Conditions of Approval | Improvements

1. *That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.*

Acknowledged.

2. *All improvements to the Winnemucca Mill Site MS #563B shall fully and completely comply with, and strictly conform to, all terms, conditions and restrictions contained in the San Juan County Zoning and Land Use Regulation, all permits issued, and all applicable State and Federal rules and regulations including the Army Corps of Engineers Wetland.*

All improvements to the Winnemucca Mill Site will comply with and conform to San Juan County Zoning and Land Use Regulations, permits issued, and all applicable State and Federal regulations, including USACE.

3. *The applicant shall fully and completely comply with the San Juan County Zoning and Land Use Regulation 4-110 Design and Development Standards for all Improvement and Use Permits.*

All improvements to the Winnemucca Mill Site will comply with the San Juan County Zoning and Land Use Design and Development Standards for Improvement and Use Permits.

4. *That the proposed improvements are identified and staked on site by a Colorado Licensed Surveyor.*

Willy's notes: I will need to visit the site with the applicant or their representative prior to the submittal of the Preliminary/Final Improvement Permit application. The improvements, including

DHM DESIGN

the driveway, bridge, and cabin will need to be staked on site by a Colorado Licensed Surveyor prior to the visit.

Complete. Willy, Kirk, and the building inspector met at Winnemucca on Friday 6.21.2024 to review the staked driveway, bridge and house. Please see staking diagram in appendix.



5. *That a cumulative impact report be completed prior to the Preliminary/Final review.*

See attached Appendix for Cumulative Impact Report.

6. *That the applicant be placed on the Town of Silverton's Utility billing system for refuse.*

Acknowledged.

7. *The failure to comply with these conditions shall be grounds for the revocation of this Improvement Permit*

Acknowledged.

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Conditions of Approval | Special Use Permit

1. *That the applicant acknowledges that emergency services will not be available in a timely manner and perhaps not at all.*

Acknowledged.

2. *That adequate emergency communications are provided on site.*

Acknowledged. Starlink wifi and a land-line phone line will be provided on site.

3. *That sufficient off-street parking be designated on the property and that parking on CR 2 be prohibited.*

The applicant acknowledges that sufficient off-street parking will be provided on the property and that parking on CR 2 is prohibited.

4. *That the applicant acknowledges that CR 2 may not be maintained during times of hazardous winter and avalanche dangers.*

The applicant acknowledges that CR 2 may not be maintained during times of hazardous winter and avalanche dangers.

5. *That the vacation rental is only operated from May 1st through October 31st of each year.*

Acknowledged and accepted.

6. *The applicant agrees to indemnify and hold harmless the County, its Commissioners, officers, administrators, employees, representatives, and emergency personnel, for any claims and/or damages related to the leasing, usage and operation of the vacation rental.*

The applicant agrees.

7. *That the applicant obtains a sales tax license from the Colorado Department of Revenue and collects sales tax and lodging tax as required.*

Acknowledged.

8. *That the applicant submits a renewal application annually providing the number and dates that the Vacation Rental was occupied.*

The applicant will submit a renewal application annually with vacation rental occupation number and dates.

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9. *Proof of insurance to operate a vacation rental is provided.*

Acknowledged.

10. *That the applicant fully and completely understands that in addition to applicability of the provisions of the San Juan County Zoning and Land Use Regulations, the County may deny renewal or revoke the Special Use Permit based upon a failure to comply with any conditions, a failure to adequately demonstrate the ability to comply in the future, and/or high levels of risk to the public based upon continued similar use. Together with any other relevant evidence of high levels of risk, the County may consider past incidents, expert opinions, and recommendations of emergency services personnel.*

The applicant acknowledges the County's right to deny renewal or revoke an SUP based on the conditions stated above.

The appendix items are found on the following pages. Again, thank you very much for your time and please let us know if any questions arise during your review.

Sincerely,



Jason Jaynes, Managing Principal
DHM Design



Jeremy Allinson, Natural Resource Programs Manager
DHM Design

On behalf of Kirk Huff, Property Owner

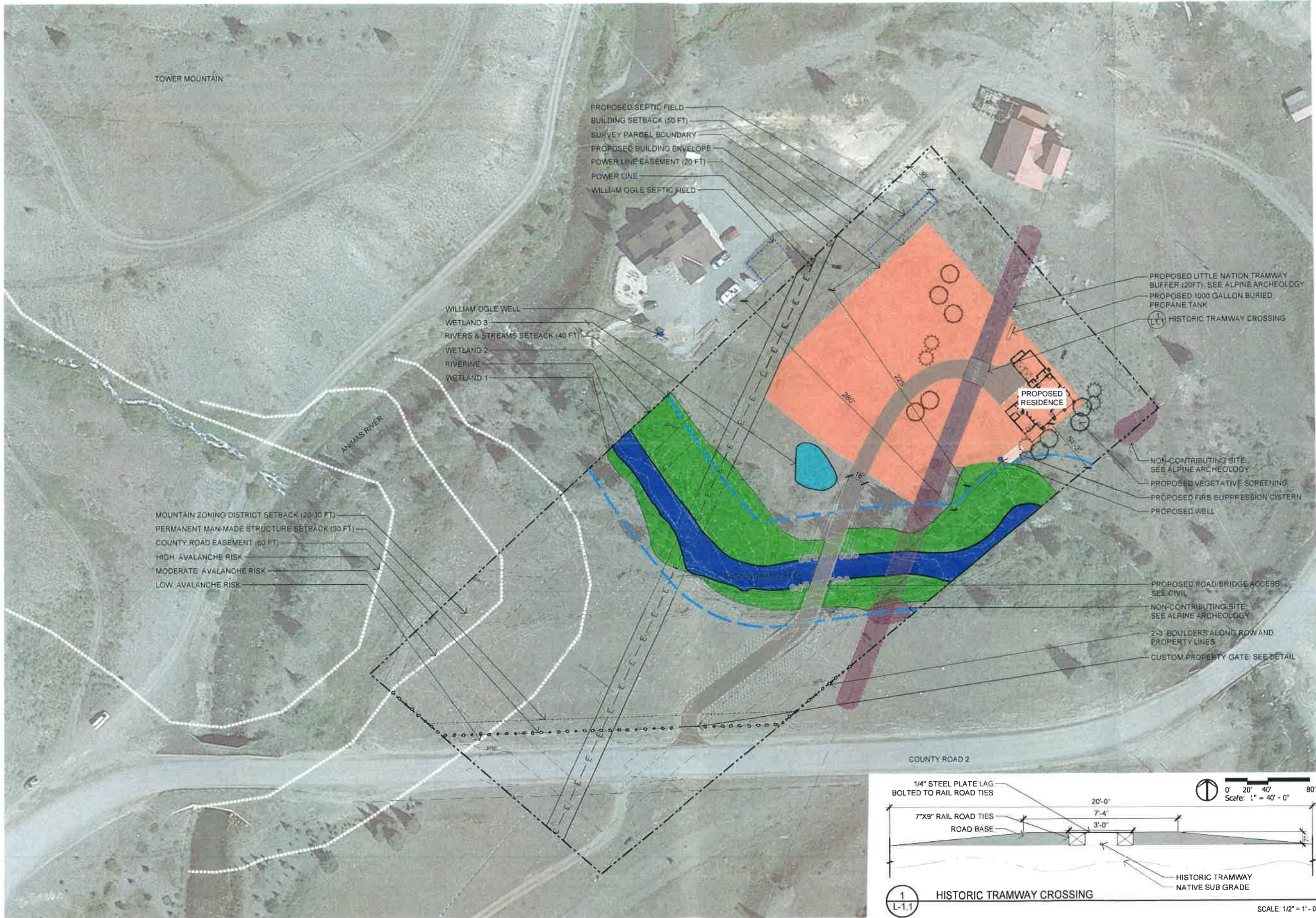
Winnemucca Mill Site

Combined Prelim and Final Land Use Application

Appendix

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3. Staking Diagram.....	8
4. Cumulative Impact Report.....	9



Winnemucca Mill Site
San Juan County, Colorado

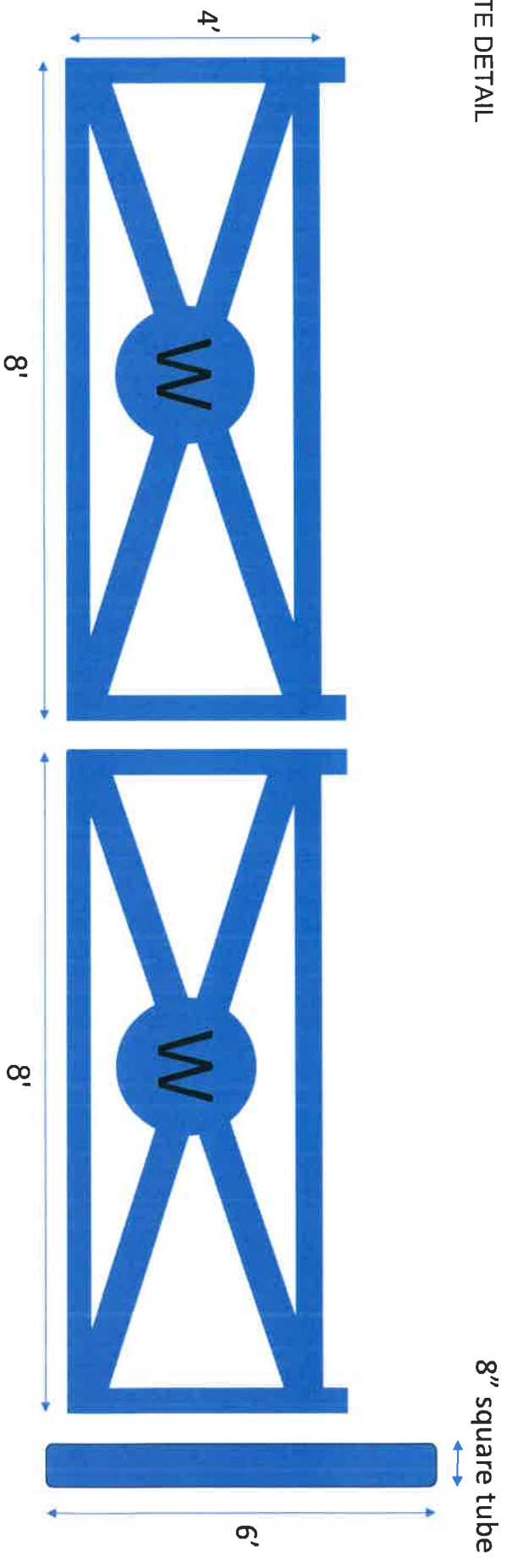
PRODUCT NUMBER: 22053
DATE: APRIL, 2024
DESIGNED BY: JA
DRAWN BY: AD
CHECKED BY: JH
REVISIONS:

JOB DESCRIPTION:
SHEET TITLE:
SITE PLAN

SHEET NUMBER:

L1.1

WINNEMUCCA PRELIM/FINAL APP SUBMITTAL
GATE DETAIL

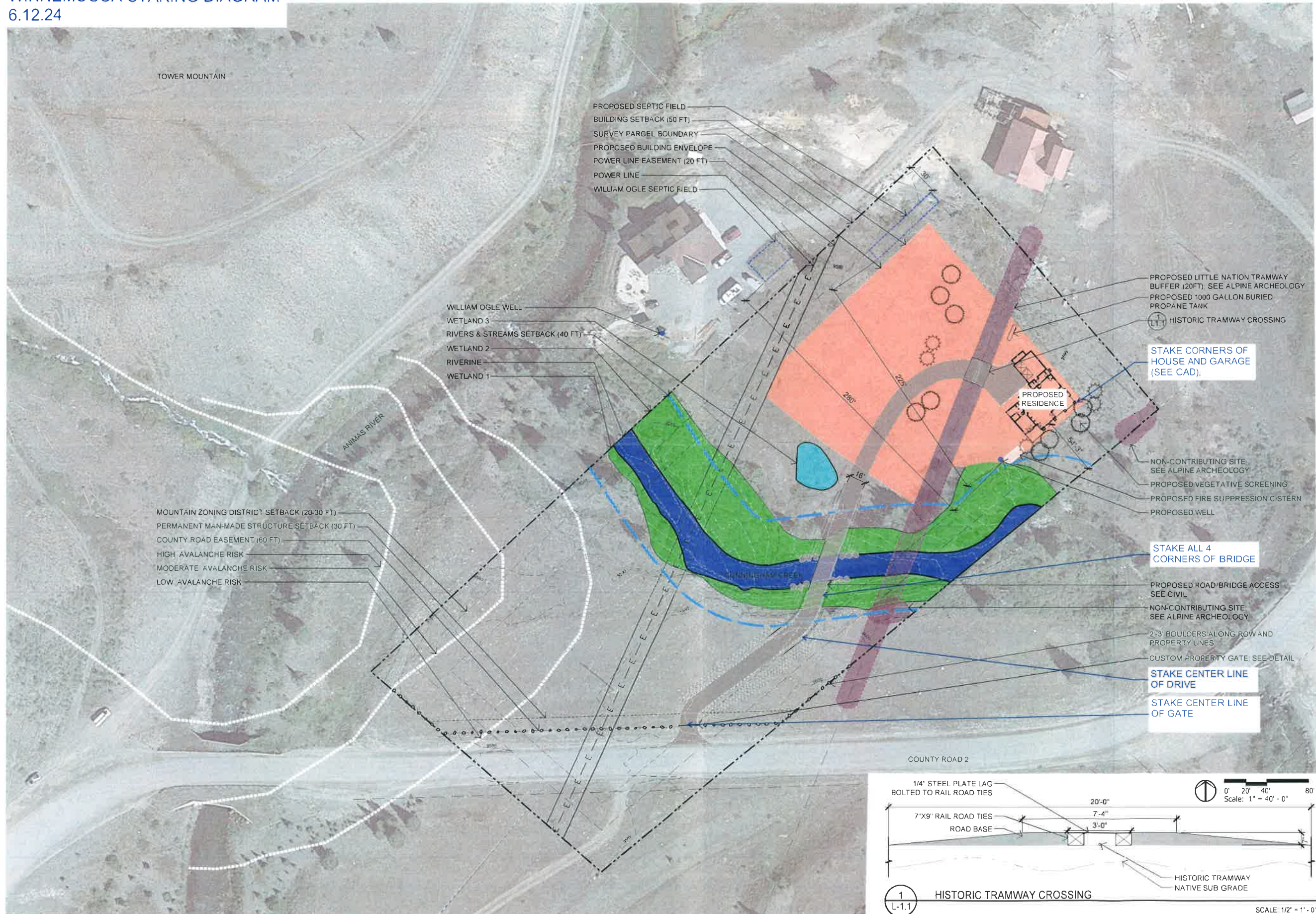


Gate will be custom built.

3" x 6" steel tube with 24" round W water jet cut in center

Hung off of 8" square tube on each side

WINNEMUCCA STAKING DIAGRAM
6.12.24



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400 S Broadway
Suite 500
Durango, CO 81301
303.872.5346
www.dhmdesign.com

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Winnemucca Mill Site
San Juan County, Colorado

PROJECT NUMBER: 22053
DATE: APRIL 2024
DESIGNED BY: JH
EXAMINED BY: AD
CHECKED BY: JH
REVISIONS:

SHEET TITLE
WINNEMUCCA STAKING DIAGRAM
SHEET NUMBER:

L1.1

Winnemucca Mill Site Land Use Application | Cumulative Impact Report June, 2024

Introduction

The following is a Cumulative Impact Report (CIR) for the Winnemucca MS in Howardsville, CO, as required as a condition of approval for Winnemucca's Sketch Plan Improvement Permit Application received on 5.10.24. This report was prepared in accordance with the County Zoning and Land Use Regulations, Section 4-103.

We have included a narrative section describing the development potential of the adjacent properties, the cumulative impact excerpt section from the San Juan County Planning Packet, along with an adjacent neighbor parcel map and correlating neighbor development assessment spreadsheet on the following pages.

The "Vicinity"

In this document, we have selected the 1,500' adjacent neighbors boundary as the "relative area" of impact to evaluate the development potential of the "vicinity" surrounding the project. As articulated in the code, this number encapsulates properties that have the potential to be affected by the Winnemucca MS improvements (enough to warrant mailings. This offset was also used as the "vicinity" in other CIR found on the County's website.

Parcel Demographics

Winnemucca MS has 43 neighboring parcels located within a 1,500' radius. These parcels have 35 separate owners. See spreadsheet in the following pages.

Access Summary:

- 10 adjacent parcels have direct public ROW access from CR2.
- 20 parcels appear to have access via an existing easement / driveway or are accessed via another County Road (CR22 or CR22a).
- 11 parcels do not have access.
- 2 parcels are owned by the County and are substantially the access, CR2.
- 43 total parcels

Developability Assessment:

The following is an estimate of the development potential of the cumulative 30 parcels with public ROW or private drive access.

- 7 **Developed: Residential**
 - #1 Lorilla MS
 - #3 Gold Hill MS
 - #26 None Such MS
 - #28 Keystone – 562
 - #30 Keystone MS
 - #31 Diamond L MS
 - #35 Springtime MS

- 3 **Developed: Industrial**
 - #5 Pride of the West: Howardsville Placer
 - #6 Pride of the West: Little Nation Tract III
 - #7 Pride of the West: Little Nation Tract IV

- 2 **Developed: Commercial**
 - #32: CB Cobb: Rock Pirates
 - #33: Little Nation MS: San Juan Historical Society

- 17 **Undeveloped with Future Development Potential**
 - #2 Enterprise MS- “vacant”
 - #4 Henry M Teller MS- “vacant”
 - #8 Silver Star 1781-“natural resources”
 - #9 Commodore – “natural resources”
 - #11 Progressive - “natural resources”
 - #12 Rochester- “natural resources”
 - #17 Garfield - “natural resources”
 - #18 Minnesota - “natural resources”
 - #19 Vienna Placer – “natural resources”
 - #20 DUX - “natural resources”
 - #21 Vampire- “natural resources”
 - #22 Katy- 797 - “natural resources”
 - #23 Katy MS- “natural resources”
 - #24 Cascade MS – “vacant”
 - #25 Howardsville MS – “vacant”
 - #27 Springtime-15565 - “vacant”
 - #29 Winnemucca-563 - “natural resources”

- 14 **Undeveloped and Unlikely to be Developed**
 - #10: JIC: San Juan Holding Company- San Juan Land Holding
 - #13: Iron Side- no access
 - #14: Obolus- no access
 - #15: Colfax- no access
 - #16: Snow Bird #1- no access
 - #34: Hayden Campsite- no access
 - #36: Lorilla-19063- no access

- #37: Monitor- no access
- #38: Henry M Teller- no access
- #39 Columbia- no access
- #40: Standard- no access
- #41: Democrat- no access
- #42: Cascade MS- CR2 Bridge
- #43: CR2 ROW

Notes:

1. JIC is owned by Houghton unlimited LLC c/o San Juan Land Holding Company LLC. According to LinkedIn, "San Juan Land Holding Company, LLC managed a number of entities which hold properties in the San Juan Mountains for conservation and historic preservation purposes."
2. We assume that the 11 parcels without access are unlikely to be developed in the future. The 2 parcels that are CR2 also have no further development potential.

Developability Summary:

Already Developed Parcels: **12 parcels (28%)**

Undeveloped and Unlikely to be Developed: **14 parcels (33%)**

- 11 have no access and thus no development potential.
- 2 are part of CR2 and thus have no development potential.
- 1 property held in conservation

Undeveloped w/ Future Development Potential: **17 parcels (39%)**

39% of the adjacent parcels within 1,500' of Winnemucca have the potential for future development. Winnemucca is located within the Silverton to Eureka Economic Corridor. This percentage is consistent with the San Juan County Masterplan Goal LU-2 to focus future mining claim development into growth corridors.

Cumulative Impact Excerpt from the San Juan County Planning Packet:

6. How many properties/parcels/claims are located within a relevant area for determination of cumulative impacts under (4-103.1 and .2))?

43 neighboring parcels are located within a 1,500' radius of the Winnemucca Mill Site Property. These 43 parcels have 35 different owners.

Describe the area deemed to be relevant and the basis for that determination.

The “relevant area” is defined as the 1,500’ adjacent neighbor boundary. This was the criteria used for other Cumulative Impact Reports found on the San Juan County website.

A. How many other parcels are accessed via same road?

The Winnemucca property is located along CR2, within the Silverton to Eureka Economic Corridor, where the County’s long range planning documents have stipulated a clustering of development. As such, within 1,500’ of Winnemucca, 10 adjacent parcels have direct public ROW access from CR2. 20 parcels appear to have access via an existing easement / driveway, or are accessed via another County Road (CR22 or CR22a). 11 parcels do not have access. 2 parcels are owned by the County and are the road CR2.

B. How many other parcels are located within the same drainage basin or other relevant area and might be affected by drainage from the property?

The Winnemucca property is bisected by Cunningham Creek, a tributary of the Animas River. As such, in its existing condition, run off from the Winnemucca parcel is mostly contained on site. The runoff from new improvements or changes in grade will be directed away from adjacent landowners and will not impact the drainage on neighboring properties.

C. How many other parcels are located within the same air shed?

43 neighboring properties within 1,500’.

D. Are any other parcels likely to obtain water from any underground source which is interconnected with any underground water source which is proposed to be tapped for water for use on the property? If so, how many?

The follow is a list of the three wells found within ~1,500’ of the Winnemucca Mill Site based on the Colorado Division of Water Resources Well Permit Map Viewer:

1. Neighbor Bill Ogle, LP: Lorilla MS. Depth=60, permit # 287613, likely tapping into the same shallow ground water source.
2. Applicant: Davey F Bruce. This looks like it is on Kim Davey Eisner’s property: Diamond MS. Depth= 305, permit # 203314.
3. Applicant: Janet Powell. This looks like it’s on the Pride of the West’s property: Howardsville Placer. Depth= 96, permit #289198.

8. Historic Impact Review (3-105) Might the proposed development have any impact on historic sites or assets located either on or off the property? (4-103.3(e)) If so, identify the historic sites or assets which might be affected and explain how they might be affected and how the applicant proposes to avoid such effects.

On the property: Alpine Archaeological Consultants conducted a cultural resource inventory of the Winnemucca Mill Site in August of 2023. Three sites were encountered during the inventory: two historic artifact concentrations (non-contributing) and the Little Nation Tramway. The tramway is eligible for inclusion in the National Register of Historic Places. See Cultural Resource Inventory in appendix.

Adjacent to the property: We are lucky to be neighbors with the Little Nation Mill, owned by the Historical Society, to which the tramway on our property connects.

While the proposed development was sited to reduce visual impact to the neighboring properties and to keep the viewsheds of the historic tramway from CR 2 intact, the improvements will invariably impact the Mill and neighbors in some capacity.

9. Potential Health Impacts – Might the proposed use (when considered cumulatively with existing or potential development on all other properties within the relevant area – see number listed in 6 and in 6(a – d)above) have any adverse impact on health of humans, wildlife or natural habitat or on environmental quality? (3-106, 4-103.3(a) and (e))

Y N Wildlife

Y N Dust, smoke, fumes, contaminants or air pollution

Y N Noise

Y N Water pollution

Y N Adverse affect on quality of water for human consumption? (1-115.3)

Y N Soil contamination, erosion, etc.

Y N Hazardous materials/substances

Explain the nature of each potential impact and how the applicant proposes to minimize or avoid such risks.

Does not apply.

10. Might the proposed development (when considered cumulatively with existing or potential development on all other properties within the relevant area – see number listed in 6(a) above) have any adverse impacts on County roads? (3-107) Y N

Explain the nature of each potential impact and how the applicant proposes to minimize or avoid such risks.

The property has been approved conditionally as a vacation rental for the summer months only. The amount of wear and tear and dust on CR2 created by the new development will be similar to that created by the adjoining residential parcels.

11. Might the proposed development (when considered cumulatively with existing or potential development on all other properties within the relevant area – see numbers listed in 6 and 6(a – d) above) have any adverse impacts on other property? (4-103.3(d)) [] Y [x] N.

Explain the nature of each potential impact and how the applicant proposes to minimize or avoid such risks.

The proposed residence will be visible from adjoining properties and from CR2; the impact of development of access improvements and a single-family residence is similar to the adjoining parcels and general local context.

12. Might the proposed development (when considered cumulatively with existing or potential development on all other properties within the relevant area – see numbers listed in 6 and 6(a – d) above) have any adverse impacts on scenic values? (4-103.3(e)) [] Y [x] N

Explain the nature of each potential impact and how the applicant proposes to minimize or avoid such risks.

The house is sited lower than CR2 and will be partially screened from the road and neighbors, conforming to the context of the neighborhood. The site plan includes buffers around the Winnemucca's historic assets to ensure continued sight lines from CR to the Tramline.

13. Might the proposed development (when considered cumulatively with existing or potential development on all other properties within the relevant area – see numbers listed in 6 and 6(a – d) above) have any adverse impacts on wildlife (habitat, food sources, migration, hunting, etc.)? (4-103.3(e)) [] Y [x] N

Explain the nature of each potential impact and how the applicant proposes to minimize or avoid such risks.

The proposed improvements do not impact any known critical habitat, nor sever wildlife movement patterns. The proposed density (one, single-family residence) and location on the 5-acre parcel will not substantively impact wildlife.

14. Might the proposed development (when considered cumulatively with existing or potential development on all other properties within the relevant area – see numbers listed in 6 and 6(a – d) above) have any adverse impacts on erosion or other natural condition? (4-103.3(e)) [] Y [x] N.

Explain the nature of each potential impact and how the applicant proposes to minimize or avoid such risks.

The proposed improvements will have no impact on erosion. All site disturbance will be revegetated.

Winnemucca | Cumulative Impact Report

Adjacent Neighbor Development Assessment

June 2024

Key:
 No Access
 CR2 Access
 Private Drive Access
 Road Parcel

Notes:
 1. Spreadsheet is organized by owner, not by parcel. As such, multiple lines can be devoted to the same parcel and individual lines can contain multiple parcels.
 2. **Bolded text**, within a larger list, are commonly owned mining claim parcels that are within the 1,500' boundary. Non-bolded claims within a list are owned by the same owner, but are not located within 1,500'.

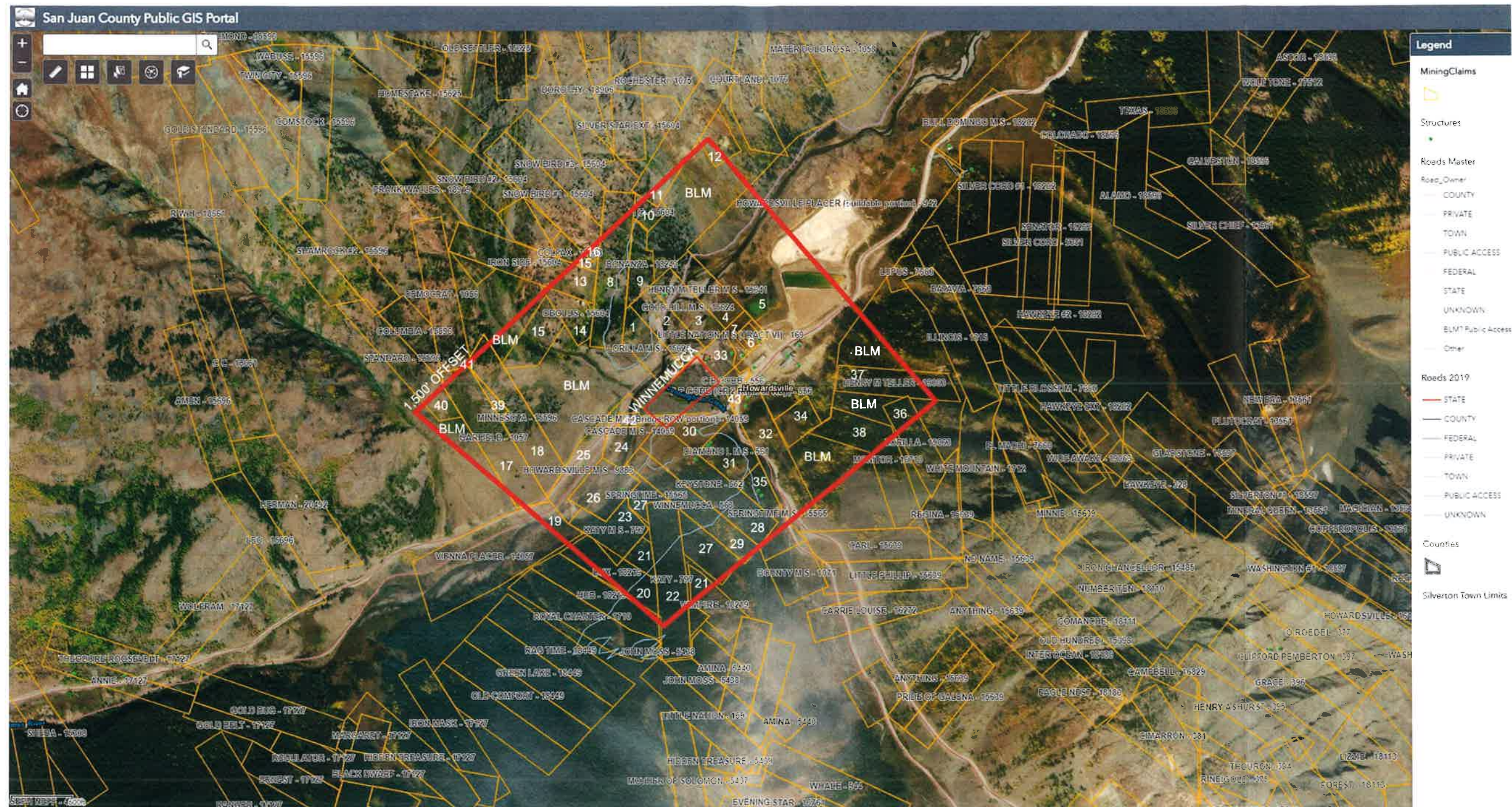
#	Property	Parcel #	Owner	Acres	Access	Developability
1	LORILLA M S - 15625 B	48290020010010	HOWARDSVILLE HOLDINGS LP	4.48	Yes, driveway easement	Developed: House
2	ENTERPRISE M S - 15604 B	48290010010008	PAVIGLIANITI OSCAR M & SHANNON	5	yes, via CR22A, and neighbor (Lorilla MS) driveway easement through property	Undeveloped with future development potential
3	GOLD HILL M S - 15624 B	48290010010071	RENFROE LYNDOL & JOYCE TRUST	5	Yes, via CR22A, plus access agreement from Tusco Inc	Developed: House
4	HENRY M TELLER M S - 15641 B	48290010010007	SULLIVAN R L	5	yes, via CR22A	Undeveloped with future development potential
5,6,7	HOWARDSVILLE PLACER - 942 (portion of), LITTLE NATION M S - 1698 TRACTS III AND VI.	48290010010091	PRIDE OF THE WEST LLC; c/oTODD C HENNIS	118.96	yes, via CR2 and CR22A	Developed: industrial- pride of the west mill
8	SILVER STAR - 1781	48290020010009	RINGHOFFER SANDOR	10.3	yes, existing private road	Undeveloped with future development potential
9	BONANZA - 18243, COMMODORE - 15604	48290020010003	KAPLAN RICHARD W & BRIDGET H	10.36	yes, existing private road	Undeveloped with future development potential
10	DOROTHY - 18906, IIC - 15604, SOUTH CHALLENGE - 15624.	48290020010032	HOUGHTON UNLIMITED LLC; c/oSan Juan Land Holding Company LLC	25.12	yes, existing private road	Undeveloped and unlikely to be developed
11,12	COURTLAND - 1076, PROGRESSIVE - 1074, ROCHESTER - 1075	48290010010005	RINGHOFFER SANDOR	28.3	yes, existing private road	Undeveloped with future development potential
13	IRON SIDE - 15604, SILVER STAR EXT - 15604	48290020010001	CLOUD RICHARD R	12	no access	Undeveloped, unlikely to be developed
14	OBOLUS - 15604.	48290020010027	SALEM MINERALS INC	2.69	no access	Undeveloped, unlikely to be developed
15	COLFAX - 16138.	48290020010033	HENNIS TODD C	3.47	no access	Undeveloped, unlikely to be developed
16	LITTLE ANNIE - 15596 MINERAL RIGHTS ONLY, PROTECTION - 15596 UND 1/2 INT IN 10.33 ACRES, TWIN CITY - 15596 UND 1/2 INT IN 6.624 ACRES, SNOW BIRD #1 - 15604, SNOW BIRD #2 - 15604, SNOW BIRD #3 - 15604	48290020010007	SNOWBIRD LLC	43.84	no access	Undeveloped, unlikely to be developed
17	GARFIELD - 1057 UND 1/3 INT IN 10.30 ACRES	48290020010021	NORQUIST BRUCE	3.43	yes- CR2	Undeveloped with future development potential
18	MINNESOTA - 15596 UND 1/12 INT IN 9.475 ACRES	47750001110001	SANDBERG JEFF AND JERRY	7.08	Yes- CR2	Undeveloped with future development potential
18	MINNESOTA - 15596 UND 1/9 INT IN 9.475 ACRES, MINNEAPOLIS - 15596	48290020010014	ROCK FREDERICK UHLMAN II	11.23	yes- - CR2	Undeveloped with future development potential
18	MINNESOTA - 15596 UND 1/9 INT IN 9.475 ACRES	48290020010142	CALHOUN DELMAR E	1.05	yes- - CR2	Undeveloped with future development potential
18	MINNESOTA - 15596 UND 1/9 INT IN 9.475 ACRES	48290020010143	GOODWIN LE ROY W II	1.05	yes- - CR2	Undeveloped with future development potential
18	MINNESOTA - 15596 UND 1/9 INT IN 9.475 ACRES	48290020010144	HALLOCK LARRY	1.05	yes- - CR2	Undeveloped with future development potential
18	MINNESOTA - 15596 UND 1/6 INT. OF 9.475 ACRES	48290020010145	PERSON JOHN & BETTY; c/oGAIL PE	1.58	yes- - CR2	Undeveloped with future development potential
18	MINNESOTA - 15596 UND 2/9 INT IN 9.475 ACRES	48290020010147	GOODWIN LE ROY W II	2.11	yes- - CR2	Undeveloped with future development potential
18,17	MINNESOTA - 15596 UND 1/24 INT IN 9.475 ACRES, GARFIELD - 1057 UND 1/6 INT IN 10.30 ACRES	48290020010212	HOUGHTON HOLDINGS LLC; c/oSan	2.11	yes- - CR2	Undeveloped with future development potential
18,17	MINNESOTA - 15596 UND 1/24 INT IN 9.475 ACRES, GARFIELD - 1057 UND 1/6 INT IN 10.30 ACRES	48290020010213	GRAYJAY MEADOWS LLC	2.11	yes- - CR2	Undeveloped with future development potential
19	VIENNA PLACER - 14057	48290110010005	BURDINE DANE AND TERESA	19.81	yes, CR2 and CR 22.	Undeveloped with future development potential

Winnemucca | Cumulative Impact Report

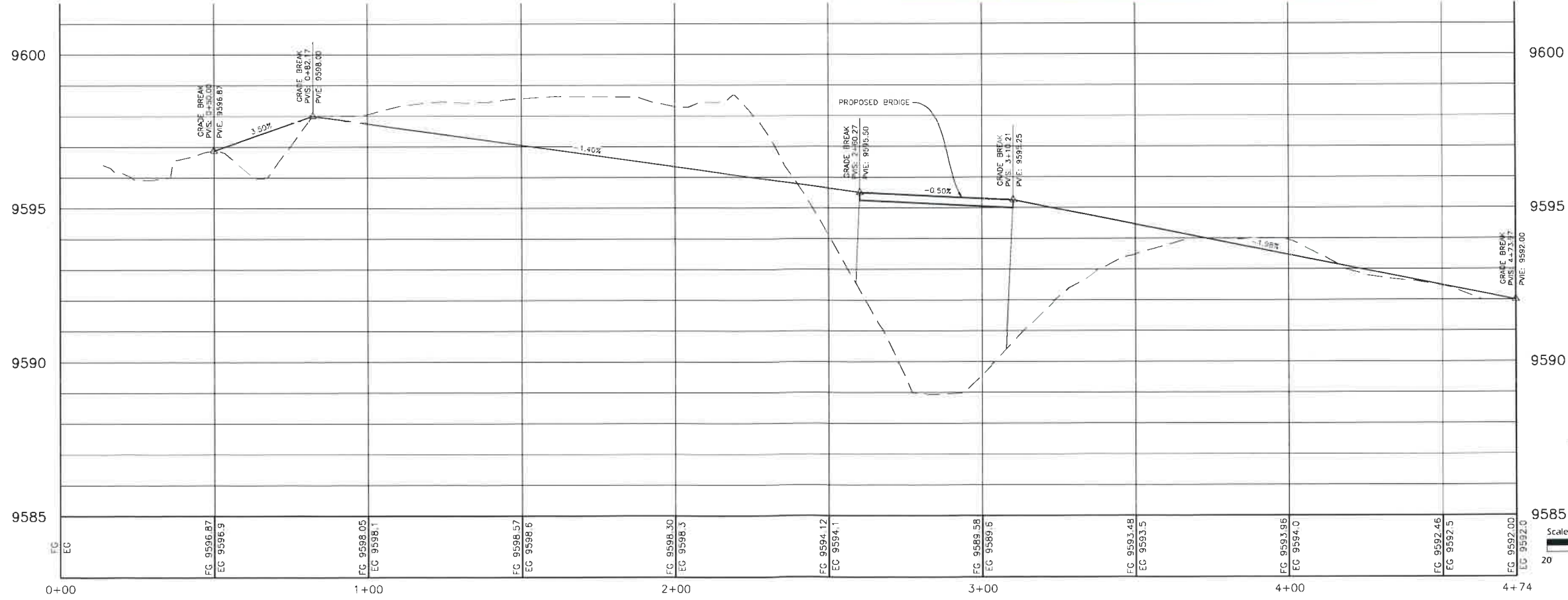
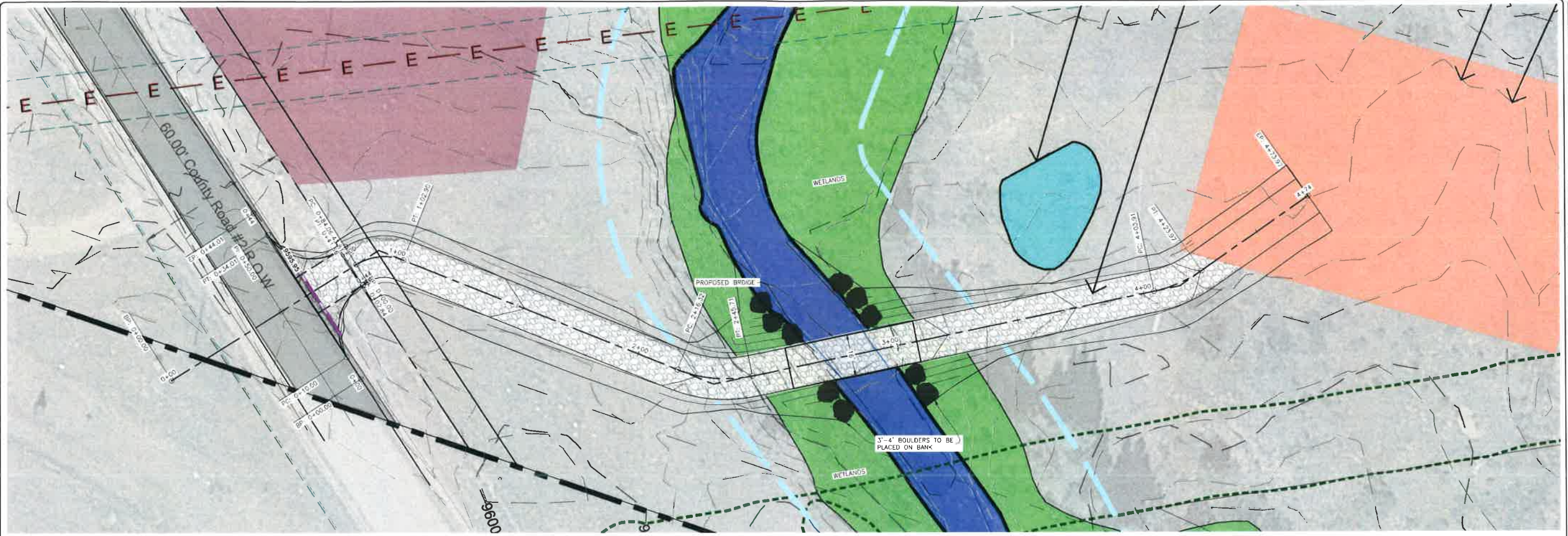
Adjacent Neighbor Development Assessment

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 Notes:
 1. Spreadsheet is organized by owner, not by parcel. As such, multiple lines can be devoted to the same parcel and individual lines can contain multiple parcels.
 2. **Bolded text**, within a larger list, are commonly owned mining claim parcels that are within the 1,500' boundary. Non-bolded claims within a list are owned by the same owner, but are not located within 1,500'.

20	DUX - 18219	48290110010002	FIELD JAMES R	7.25	yes, private drive access	Undeveloped with future development potential
21	VAMPIRE - 18219	48290120010010	HARWELL RICHARD E & SUSAN H; ROGERS GEORGE L JR & CRYSTAL	5.98	yes, private drive access	Undeveloped with future development potential
22	KATY - 797	48290120010022	FIELD JAMES R	10.2	yes, private drive access	Undeveloped with future development potential
23	KATY M S	48290110010013	GILBERT DON	2.31	yes, private drive access	Undeveloped with future development potential
24,25	CASCADE M S - 14059 B, HOWARDSVILLE M S - 9883 B	48290020010022	HUDSON R E & KATHY	9	yes, CR2 and CR 22.	Undeveloped with future development potential, although owners own adjacent parcel with
26	NONE SUCH M S - 1864 B	48290020010023	HUDSON R E & KATHY	5	yes, private drive access	Developed: house
27	SPRINGTIME - 15565	48290120010009	VANDEBERG RANDY N & KRISTI A	6.24	yes, private drive access	Undeveloped with future development potential
28, 29	KEYSTONE - 562 A, WINNEMUCCA - 563	48290010010009	BRADLEY G CLARK	17.56	yes, private drive access	Keystone: Developed: house; Winnemucca: undeveloped with potential for development
30	KEYSTONE M S - 562 B	48290010010111	EISNER KIM DAVEY	4.69	yes, CR2	Developed: house
31	DIAMOND L M S - 561 B	48290010010011	EISNER KIM DAVEY	4.5	yes, CR4 and private drive	Developed: house
32	C B COBB - 556	48290010010022	HR1 LLC	10.14	yes, CR2 and CR4	Developed: multiple cabins
33	LITTLE NATION M S - 169 B	48290010010023	SAN JUAN COUNTY HISTORICAL SOC	2.43	yes, private drive	Developed: little nation mill
34	HAYDEN CAMPSITE PART OF HOWARDSVILLE PLACER	48290010010092	SAN JUAN COUNTY HISTORICAL SOC	2.65	no access	Hayden Campsite, unlikely to be developed
35	BOUNTY M S - 1071 B, SPRINGTIME M S - 15565 B	48290120010008	EISNER KIM DAVEY	9.83	yes, private drive	Developed: house
36,37,38	LORILLA - 19063, MONITOR - 16710, WHITE MOUNTAIN - 1712, MINNIE - 15639 UND 1/2 INT IN 4.92 ACRES, HENRY M TELLER - 19063, ILLINOIS - 1315	48290010010012	30 LLC	41.78	no access	Undeveloped, unlikely to be developed
39, 40	COLUMBIA - 15596, SHAMROCK #2 - 15596, STANDARD - 15596	48290020010017	GIBSON REBECCA JANE	24.35	no access	Undeveloped, unlikely to be developed
41	DEMOCRAT - 1056	48290020010011	DE JULIO ANGELO	10.33	no access	Undeveloped, unlikely to be developed
42	CASCADE M S - 14059 B (HOWARDSVILLE BRIDGE LAND)	48290020010230	SAN JUAN COUNTY	1	CR2 bridge	Developed: bridge
43	CR2 ROW	48290010010096	SAN JUAN COUNTY	0.52	CR2	Developed: county road



PLOTTED BY: BAJLAN, FILE PATH & NAME: \\DMST4\PROJECTS\ACTIVE PROJECTS\02024\028-HUFF-WINNEMUCCA MILL SITE\FIGS\FIG24025C_BASE.DWG, PLOT DATE: 2/13/2024 3:27 PM



NO	DATE	REVISIONS	BY

DMC DELMONT CONSULTANTS, INC.
 1700 S. 10th St., Suite 100, Silverton, CO 81062
 970.586.1111 • www.dmcinc.com • info@dmcinc.com

PROJECT NO: 24025
 DATE: 2024-02-13
 DRAWN BY: BAJ
 CHECKED BY: BAJ
 SCALE: AS NOTED
 DATE: 2024-02-13
 DESIGNED BY: DWS



HUFF WINNEMUCCA
 HUFF-WINNEMUCCA MILL SITE
 SILVERTON, CO

**WETLANDS IMPACT
 PLAN AND PROFILE**

24025



Willy Tookey <admin@sanjuancolorado.us>

Winnemucca Mill Site - U.S. Army Corps Submittal and Coordination

1 message

Jeremy Allinson <jallinson@dhmdesign.com>

Mon, Jul 15, 2024 at 3:11 PM

To: "admin@sanjuancolorado.us" <admin@sanjuancolorado.us>

Cc: KIRK HUFF <kdhuff213@msn.com>, Evelyn Volz <EVolz@dhmdesign.com>, Jason Jaynes <jjaynes@dhmdesign.com>

Willy,

Good afternoon. I wanted to provide you an update on our U.S. Army Corps coordination and submittals. I met with the Kara Helige, Acting Chief of the Regulatory Division for the Southern Albuquerque District on Monday, June 24th. In that meeting I described the project and we discussed the permit authorization request process and that the Nationwide Permit 14 – Linear Transportation was the appropriate permit for the project (attached). She did not see any issues or red flags with the permit submittal documentation reviewed or the project overall.

Today (7/15), I finalized and submitted a pre-construction notification request for the project and it has been received and is being processed (see email below).

Please let me know if you have any questions regarding the USACE permitting process or status for this project.

Regards,

Jeremy Allinson

Senior Environmental Planner

Natural Resources Programs Manager

DHM DESIGN

Landscape Architecture | Land Planning | Ecological Planning | Urban Design

D: 970.963.6520 x 115 | O: 970.963.6520 | C: 970.231.7457

DENVER | CARBONDALE | DURANGO | BOZEMAN

[Website](#) · [Instagram](#) · [Facebook](#) · [LinkedIn](#) · [Library](#)**From:** rrs@usace.army.mil <rrs@usace.army.mil>**Sent:** Monday, July 15, 2024 2:56 PM

To: Jeremy Allinson <jallinson@dhmdesign.com>; Jeremy Allinson <jallinson@dhmdesign.com>
Subject: Department of the Army Nationwide Permit (ENG 6082) Request - Winnemucca Mill Bridge Access

The U.S. Army Corps of Engineers, Albuquerque District has received your submission for a Nationwide Permit (ENG 6082) through the Regulatory Request System. The U.S. Army Corps of Engineers Regulatory program is committed to providing you with the highest level of public service.

Your request will be processed in the order it was received, and the assigned project manager will contact you if any additional information is required to complete the review of your request.

General information about the U.S. Army Corps of Engineers' Regulatory Program is available on the Regulatory Request System homepage at: <https://rrs.usace.army.mil>

Information specific for your region can be found at the Albuquerque District website at: <https://regulatory.ops.usace.army.mil/offices/>

This mailbox is not monitored. If you have any questions, please contact your assigned project manager or reach out the Albuquerque District directly.

 **NWP-14.pdf**
271K

Nationwide Permit 14 - Linear Transportation Projects

Effective Date: February 25, 2022; Expiration Date: March 14, 2026
(NWP Final Notice, 86 FR 73522)

Nationwide Permit 14 - Linear Transportation Projects. Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, driveways, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge of dredged or fill material in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges of dredged or fill material for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

2021 Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. **Navigation.** (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain

low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. **Spawning Areas.** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. **Migratory Bird Breeding Areas.** Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. **Shellfish Beds.** No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. **Suitable Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. **Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. **Adverse Effects From Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. **Management of Water Flows.** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. **Fills Within 100-Year Floodplains.** The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. **Equipment.** Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. **Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. **Removal of Temporary Structures and Fills.** Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. **Proper Maintenance.** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. **Single and Complete Project.** The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. **Wild and Scenic Rivers.** (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. **Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. **Endangered Species.** (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of “effects of the action” for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding “activities that are reasonably certain to occur” and “consequences caused by the proposed action.”

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal

applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWP.

(e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

19. **Migratory Birds and Bald and Golden Eagles.** The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and

available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. **Historic Properties.** (a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. **Discovery of Previously Unknown Remains and Artifacts.** Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. **Designated Critical Resource Waters.** Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP's 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWP's 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWP's only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. **Mitigation.** The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream

rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan

may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may

be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. **Safety of Impoundment Structures.** To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. **Water Quality.** (a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. **Coastal Zone Management.** In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. **Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state,

Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

30. **Compliance Certification.** Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. **Activities Affecting Structures or Works Built by the United States.** If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. **Pre-Construction Notification.** (a) *Timing.* Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Pre-Construction Notification:* The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no

more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification:* The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) *Agency Coordination:* (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile

transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWP, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

2021 District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the single and complete crossings of waters of the United States that require PCNs to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by an NWP. If an applicant requests a waiver of an applicable limit, as provided for in NWPs 13, 36, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by an NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure that the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

2021 Further Information

1. District engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

2021 Nationwide Permit Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which

remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term “discharge” means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This

term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has surface water flowing continuously year-round during a typical year.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic

characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or

improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized jurisdictional stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWP, a waterbody is a "water of the United States." If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).

ADDITIONAL INFORMATION

Information about the U.S. Army Corps of Engineers Regulatory Program, including nationwide permits, may also be accessed at

<http://www.swt.usace.army.mil/Missions/Regulatory.aspx> or
<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx>

Memo

To: SJCBOCC

From: Anthony Edwards

cc: Administrator William Tookey

Date: August 13, 2024

Re: Emergency Services Public Health Tax Fund Request

The ESPH Agencies have met a couple of times this year and based upon discussions and considering the balance of funds available are recommending the BOCC consider the following:

1. Allocate and approve \$97,000.00 from 2024 funds to support the SSJCF&R Authority and the Office for Emergency Management submission for Wildland Fire Protection Equipment, Development and Coordination. (*See Exhibits A and B*).
2. Provide separate accounts for each entity (SJCSO, SJCPH, SJCAA, SJCF&RA and SJCOEM) and place \$150,000.00 in each account so entities can draw monies down for grant matches, emergencies and needs throughout the year. For clarification, each entity would still need to go through the two-step process to apply for the dedicated funds in their account.

These requests have been made with the understanding that dedicating these monies to separate accounts will not result in a decrease in any agencies' annual budget support.



Fire Department Immediate Needs – August 2024

Wildland PPE and Equipment – \$46,000

Dodge Pickup/Chase Vehicle – \$26,000

Administration – \$15,000

Total – \$87,000

Wildland Pricelist

PPE			QTY	Total		QTY	Total
	Shirt	265.05	10	2650.50		20	5301.00
	Pants	271.70	10	2717.00		20	5434.00
	Boots	500.00	5	2500.00		10	5000.00
	Helmet	82.53	5	412.65		10	825.30
	Face Shroud	85.00	5	425.00		10	850.00
	Eye Pro	55.00	5	275.00		10	550.00
	Gloves	58.99	5	294.95		10	589.90
	Shelter	709.50	5	3547.50		10	7095.00
					12822.60		
Pack							
	Pack	284.95	5	1424.75		10	2849.50
	First Aid	55.99	5	279.95		10	559.90
	Water canteen	16.99	10	169.90		20	339.80
	Headlamp	67.45	5	337.25		10	674.50
	Flashlight	45.95	5	229.75		10	459.50
	Multitool	89.95	3	269.85		6	539.70
	GPS:Compass	349.99	1	349.99		2	699.98
	Kestrel 5500FW	399.00	1	399.00		2	798.00
	Kestrel 3000	170.00	1	170.00		2	340.00
	Wx Kit	224.95	1	449.90		2	899.80
	Sleeping Bag	69.95	5	349.75		10	699.50
	Pad	46.95	5	234.75		10	469.50
	Tent	319.95	5	1599.75		10	3199.50
	Signal Mirror	22.99	5	114.95		10	229.90
					6379.54		
Radios							
	BKR5000 kit	2340.00	5	11700.00		10	23400.00
	Batteries (Clam)	163.00	5	815.00		10	1630.00
	Batteries	273.00	5	1365.00		10	2730.00
	Chargers/Acc.	1484.00	1	1484.00		2	2968.00
	Harness	42.00	5	210.00		10	420.00
					15574.00		
Saws							
	Stihl 462R	1389.00	2	2778.00		4	5566.00
	Accessories	700.00	2	1400.00		4	2800.00
	Chaps	399.99	2	799.98		4	1599.96
					4977.98		
Medical							
	Trauma Kit	234.99	2	469.98		4	939.96
	Sked	699.00	1	699.00		2	1398.00
					1168.98		
Firing							
	Drip Torch	229.95	5	1149.75		10	2299.50
	Very Pistol	895.99	1	895.99		2	1791.98

	Flares/Fusees (case)	259.99	1	259.99			2	519.98
	Flare Bag	44.95	5	224.75			10	449.50
					2530.48			
Red Bag								
	Bag/Duffle	209.95	5	1049.75			10	2099.50
					1049.75			
Line Tools								
	Pulaski	154.95	3	464.85			6	929.70
	Rogue Hoe	86.95	3	260.85			6	521.70
	Felling Axe	68.95	3	206.85			6	413.70
	Combi	143.16	2	286.32			4	572.64
	McLeod	150.99	1	150.99			2	301.98
					1369.86			
Totals					45873.19			

5060.96
2099.50
2739.72
91756.38



Anthony Edwards <solkepler@gmail.com>

OEM 10K funds

1 message

Jim Donovan <oem@sanjuancolorado.us>
To: Anthony Edwards <solkepler@gmail.com>

Fri, Aug 9, 2024 at 4:37 PM

OEM was awarded a grant for 2024 for \$10,000 to create a wildfire community risk program. We need a \$10,000 hard match to release the funds. Matching funds have been tied with other grants, namely the Emergency Management Performance Grant (EMPG-DHSEM). The project is working in coordination with the Fire Dept on developing mitigation projects in the county, creating a wildland fire council, creating a wildland fire preparedness day and updating the community wildland fire protection plan.

"Coalitions and Collaboratives Inc. (COCO), a Colorado-based nonprofit, started the Action, Implementation and Mitigation (AIM) Program to accelerate fire adaptation concepts and reduce the risk from wildfire across the U.S by increasing capacity and on-the-ground work. COCO is funded by the USFS and BLM <https://co-co.org/get-involved/grants/aim-grant/>" \$5,000 had been committed earlier in the year for a match that was to be used for a Cascade Village wildland fire mitigation program. That would not be able to be used as a match. The 5k funds should be committed to Cascade Village.

--
Jim Donovan
Emergency Manager
San Juan County CO
PO Box 184
Silverton Co 81433
970-903-7039



Willy Tookey <admin@sanjuancolorado.us>

BPMD Tour - Silverton and SJC - September 20th

1 message

Broughton, Meg <Broughton.Meg@epa.gov>

Fri, Aug 9, 2024 at 4:04 PM

To: Anthony Edwards <bpmd@sanjuancolorado.us>

Cc: "admin@sanjuancolorado.us" <admin@sanjuancolorado.us>, "Jenkins, Joy" <Jenkins.Joy@epa.gov>

Hi Anthony,

As you know, we have selected a date for a tour of the BPMD for both San Juan and La Plata County Commissioners, the CAG, and congressional staff. I know you also mentioned inviting the new Mayor and potentially some other representatives of the Town. This tour will be on **Friday, September 20th**.

Would you please work with San Juan County and Town of Silverton folks to see how many might be interested?

Please let me know your interest and RSVP by Friday, 9/6, and I will send details on what to expect to our attendees.

Thank you,

Meg

Meg Broughton
Remedial Project Manager
U.S. EPA Region 8



Mobile: +1 720-762-7444

Email: broughton.meg@epa.govAddress: 1595 Wynkoop Street
Denver, CO 80202



Willy Tookey <admin@sanjuancolorado.us>

Cascade Village Wildfire Mitigation Grant Update

12 messages

James Whiting <Whiting47@outlook.com>

Tue, Feb 20, 2024 at 9:00 AM

To: Willy Tookey <admin@sanjuancolorado.us>, Jim Donovan <oem@sanjuancolorado.us>

Good morning Willy and Jim,

I wanted to give you an update on the wildfire mitigation grant application that we submitted to the Colorado Forest Service. Unfortunately, our request was denied for the funding. Based on the comments we received, it appears the Forest Service was more focused on larger projects that were integrated with broader landscapes. Our project is less than 10 acres. As a refresher, we submitted a request for approximately \$40,000 for the grant. We included \$5,000 from the Cascade Village 2024 budget plus a \$5,000 match from San Juan County to meet the estimated \$50,000 cost of the project.

I am already working with Wildfire Adaptive Partners to identify additional grant and funding opportunities. In the meantime, we plan to have Wildfire Adaptive Partners and Durango Fire visit Cascade Village in the spring to help prioritize smaller projects if we cannot get funding for the full mitigation.

Would San Juan County still be able to contribute the \$5,000 to match the \$5,000 from Cascade Village if we are able to complete a smaller project in 2024? The thought is that we can still mitigate smaller, but higher risk pieces of the larger project area.

Thank you again for your help and support in our mitigation efforts!

Please let me know if you have any questions or if I can help with anything.

James Whiting

SAN JUAN COUNTY
RESOLUTION 2024 – 06

**A RESOLUTION ADOPTING A REVISED COLORADO OPEN RECORDS ACT
(CORA) POLICY AND PROCEDURE AND APPROVING THE SHERIFF'S OFFICE
CCJRA FEE SCHEDULE**

WHEREAS, San Juan County is committed to transparency and open government; and

WHEREAS, a revised policy has been developed in order to implement the Colorado Open Records Act (§ 24-72-201 to 206, C.R.S.) in a uniform manner and better serve the people of San Juan County; and

WHEREAS, the revised Policy will help the County balance the demands of the Colorado Open Records Act and the County's statutory obligations; and

WHEREAS, the BOCC is required to approve a fee schedule for the Sheriff's Office Criminal Records (CCJRA) Policy; and

THEREFORE, FOLLOWING A MOTION AND A SECOND AND A VOTE BE IT RESOLVED, by the Board of County Commissioners of the County of San Juan, State of Colorado, that:

1. The attached revised County CORA Policy is hereby adopted as a County policy to be implemented immediately. All prior CORA policies are hereby superseded herewith.
2. The revised CORA Policy shall be published on the County website.
3. The fee schedule contained in the Sheriff's Office CCJRA Policy attached hereto is hereby approved as appropriate.

APPROVED and ADOPTED the _____ day of August 2024.

Pete Maisel

Attest:

Scott Fetchenhier

Ladonna L. Jaramillo
Clerk and Recorder

Austin Lashley, Chair

SAN JUAN COUNTY POLICY IMPLEMENTING COLORADO OPEN RECORDS ACT (CORA)

SAN JUAN COUNTY (the “County”) is committed to transparency and open government. The following Policy has been developed in order to implement the Colorado Open Records Act (§ 24-72-201 to 206, C.R.S.) in a uniform manner. This Policy will help the County balance the demands of CORA requests and the County’s statutory obligations. It is the policy of the County that a requesting party should, as much as statutorily allowed, bear the financial burden of CORA requests.

PROCEDURE FOR HANDLING RECORDS REQUESTS

The County will accept only CORA requests made in writing via U.S. Mail, hand delivery, or e-mail. CORA requests made via social media shall not be accepted. Requests shall be made directly to the appropriate records custodian, or to the County Administrator for proper routing. Contact information may be found on the County Website. The written request shall contain at least the following information:

- Mailing address or email address;
- Telephone number;
- A concise detailed description of the records requested and whether inspection of records or copies are requested; and
- The timeframe and format sought for production or inspection.

The County reserves the right to require the submittal of CORA requests through an approved request form. A CORA request that seeks recurring records on an ongoing basis will not be fulfilled. Requests for records already available on the County Website will not be fulfilled.

All CORA requests submitted to any County office or personnel shall be immediately provided to the County Administrator and the County Attorney to ensure a timely response. The request will then be directed to the correct custodian of records. The County Attorney or the County Administrator will relay CORA responses except when agreed otherwise.

TIMING FOR INSPECTION/PRODUCTION

When responding to a CORA request, the County shall make every effort to respond within three working days as required by § 24-72-203(3)(b), C.R.S. The County may add up to seven working days if extenuating circumstances apply, as described in § 24-72-203(3)(b), C.R.S. A CORA request shall be considered received the day an e-mail or letter containing a clear CORA request is opened by the appropriate records custodian. The response time begins the first working day following receipt of the request. A CORA request received after noon, or on any day the County is officially closed, will be considered received as of the following working day.

In the event that clarification is sought by the County due to unclear, vague or over-broad language, the response time shall be reset as clarification is sought. In the event that the County determines that the CORA request will result in fees as set forth below, the

requesting party shall be provided an estimate of said fees prior to processing the request. The County may require confirmation by the requesting party that the fees will be paid and/or a deposit of all or a portion of the estimated fees prior to proceeding. The County may make suggestions to the requesting party on narrowing the request in order to lessen fees. If a deposit is required, the request shall not be processed until the deposit is received. In the event that the deposit is not consumed by the actual fees incurred, the balance shall be returned. All amounts owed in excess of the deposit shall be paid in full prior to release of the records sought.

When feasible, the County will endeavor to provide electronic copies of records. When responsive records cannot be easily or cost-effectively provided electronically to a requestor, the County will work with the requestor to schedule a time to inspect the records in person during normal working hours, or arrange for hard copies. In the event that a large number of electronic copies are required, the requesting party shall pay for a jump drive suitable for the download.

FEE AMOUNTS

When a substantial CORA request is made, requiring more than one hour of staff and/or attorney time to process, the County will charge the requestor any copying charges, as well as for staff and attorney time in accordance with § 24-72-205(5)(a), C.R.S., and consistent herewith. When an unsubstantial request is made, requiring less than one hour of staff or attorney time, the requestor shall be charged copying costs only. Multiple CORA requests in the same 12-month period regarding the same or similar subject matter shall be treated as one request for purposes of calculating fees. Any requests for Fee Waivers shall be addressed by the County Administrator.

Copy Charges

The County will charge \$0.25 per standard page for all documents copied or a fee not to exceed the actual cost of providing a copy, printout, or photograph of a public record in a format other than a standard page.

Document Retrieval and Production of Records – Hourly Rate

When processing and completing a CORA response consumes more than one hour of staff and/or attorney time, the County shall charge \$41.37 for all such time in excess of the first hour. “Processing and completing” shall include time related to: searching for, locating and retrieving records, supervising inspections when deemed necessary, arranging for copies, researching and reviewing legal issues related to the request, redacting appropriate information, communicating with the requesting party regarding records sought and formats, or otherwise processing the CORA request. In extraordinary circumstances, the use of a third-party contractor may be necessary, and cost will be discussed with the requestor in advance.

If, in response to a specific request, the County has agreed to perform a manipulation of data to generate a record in a form not used by the County, a reasonable fee may be charged

to the requestor. Such fee shall not exceed the actual cost of manipulating the said data and generating the said record in accordance with the request.

If the public record is a result of computer output other than word processing, the fee for a copy, printout, or photograph thereof may be based on recovery of the actual incremental costs of providing the electronic services and products together with a reasonable portion of the costs associated with building and maintaining the information system.

THE FORMAT OF RECORDS PRODUCED

CORA guarantees that “all public records shall be open for inspection by any person at reasonable times, except as provided in this part 2 or as otherwise specifically provided by law” (§ 24-72-201, C.R.S.). CORA does not guarantee access to public records in a specific format. When the production or review of records in a specific format would interfere with the regular discharge of duties of the staff or personnel of the County (§ 24-72-203(1)(a), C.R.S.) or levy an undue burden upon the County, the County Administrator or the County Attorney will determine the appropriate format for the records to be produced. The County may require that members of the public only be allowed to review copies of documents when the custodian of records determines that allowing access to originals could interfere with the regular discharge of duties of the County personnel, or its staff or production of original records could jeopardize the condition of the records.

DENIAL OF RECORDS

In accordance with CORA, certain public records are either prohibited from disclosure or may be withheld from public inspection. Reasons for denial may include that disclosure is contrary to statute, court order or the public interest. Any denial of inspection or copies of records will be specific and the justification for such denial, as authorized under CORA, will be provided in writing upon request. Where practicable, the County will redact portions of responsive documents rather than withholding the entire document.

Inspection and copies of the following records shall be denied or have limited release, unless otherwise provided by law or unless requested by the person in interest (this is not intended as a complete list. See specific CORA provisions of § 24-72-204, et seq. C.R.S.):

- Medical, mental health, sociological, or scholastic achievement data on individuals;
- Personnel files, except that such files are available to the person in interest and to the elected and appointed officials who supervise that person’s work;
- Letters of reference (not available to the person in interest if they concern employment, licensing or the issuance of permits);
- Trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data, including a social security number, furnished by or obtained from any person;
- Addresses and telephone numbers of students in any public elementary or secondary school;
- Library records identifying users;
- Records concerning sexual harassment complaints and investigations;
- Any records of the investigations conducted by any sheriff, prosecuting

attorney, or police department, any records of the intelligence information or security procedures of any sheriff, prosecuting attorney, or police department, or any investigatory files compiled for any other law enforcement purpose;

- Electronic mail addresses, telephone numbers, or home addresses provided by a person to an elected official, agency, institution, or political subdivision of the state for the purposes of future electronic communications to the person from the elected official, agency, institution, or political subdivision;
- Records of applicants for an executive position; and
- Records protected by common law privileges such as the governmental or “deliberative privilege”, the deliberative process privilege, work product privilege, or attorney-client privilege. If a record is withheld pursuant to the deliberative process privilege, the custodian shall provide the requestor with a sworn statement specifically describing each document withheld, explaining why each document is privileged and why disclosure would cause substantial injury to the public interest.

CLOSED REQUESTS

A CORA request will be considered closed and a new request must be submitted under any of the following circumstances:

- The records have been made available for inspection, the records have been inspected and no copies of the records were requested;
- After the records have been made available for inspection, have been inspected by the requestor, and/or copies of the records have been provided consistent with this Policy;
- If the requestor fails to provide clarification as requested by the County within ten business days;
- If the requestor fails to appear for the scheduled review of the records; or
- If the requestor fails within ten business days to a) make arrangements for review of the records after request; b) pre-pay a deposit required; or c) does not pay the total of actual costs.

RECORDS SUBJECT TO THE COLORADO CRIMINAL JUSTICE RECORDS ACT

The inspection and/or production of certain public records, including certain records maintained by the San Juan County Sheriff’s Office or Coroner, may be governed by the Colorado Criminal Justice Records Act (“CCJRA”) rather than by CORA. Production of criminal justice records pursuant to CCJRA is handled directly by the Sheriff’s Office under separate policy. All CCJRA requests shall be made either in writing by delivering a request to the Sheriff’s Office or by email.

For additional information concerning this policy, including any accessibility issues or requests for accessibility accommodations, please contact the County Administrator. This Policy supersedes all prior County CORA policies.

**SAN JUAN COUNTY SHERIFF POLICY
COLORADO CRIMINAL JUSTICE RECORDS ACT (CCJRA)
REVISED 2024**

THE SAN JUAN COUNTY SHERIFF (the “Sheriff”) is committed to transparency and open government, however, as the custodian of criminal justice records, the Sheriff must consider and balance the public and private interests relevant to the inspection of each record request. The following Policy has been developed in order to comply with the Colorado Criminal Justice Records Act (the “CCJRA”) § 24-72-301 to 309, C.R.S. It is the policy of the Sheriff and the County that a requesting party should, as much as statutorily allowed, bear the financial burden of document requests.

The legislative policy regarding access to criminal justice records under the CCJRA is more limited than access to public records under CORA. The official custodian of CCJRA records may make such rules and regulations with reference to the inspection of such records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his office. § 24-72-303(1), C.R.S.

CATEGORIES OF AND DEFINITIONS OF RECORDS

Definitions:

“Criminal justice records” means all books, papers, cards, photographs, tapes, recordings, or other documentary materials, regardless of form or characteristics, that are made, maintained, or kept by any criminal justice agency in the state for use in the exercise of functions required or authorized by law or administrative rule, including but not limited to the results of chemical biological substance testing to determine genetic markers conducted pursuant to sections 16-11-102.4 and 16-23-104, C.R.S. (§ 24-72-302(4), C.R.S.).

"Official action" means an arrest; indictment; charging by information; disposition; pretrial or posttrial release from custody; judicial determination of mental or physical condition; decision to grant, order, or terminate probation, parole, or participation in correctional or rehabilitative programs; and any decision to formally discipline, reclassify, or relocate any person under criminal sentence. § 24-72-302(7), C.R.S.

The CCJRA creates two categories of records:

- 1) Records of official action. The records of official action must be open for inspection, subject to certain limitations and redactions.
- 2) Except for records of official actions, which must be available for inspection, all other criminal justice records may be open for inspection **subject to the discretion of the official custodian**. Common grounds for denial include that the records sought involve, investigations, security procedures, intelligence gathering, or the release would be contrary to the public interest or law. § 24-72-305, C.R.S.

Adopted August 2024

THE PROCESS FOR CCJRA REQUESTS

A detailed request must be submitted via email, hand delivery, or U.S. Mail to the Sheriff. The request must include the requester's name, contact information with email, preferred delivery method or inspection, timeframe requested for production or inspection, and a signed statement affirming that the records will not be used for the direct solicitation of business for pecuniary gain. § 24-72-305.5, C.R.S. The County and the Sheriff reserve the right to require the use of a specific form for all requests. A request that seeks recurring records on an ongoing basis will not be fulfilled.

A request shall be considered received the day an e mail or letter containing a clear request is opened by the records custodian. The response time begins the first working day following receipt of the request. A request received after noon, or on any day the County is officially closed, will be considered received as of the following working day.

CCJRA REQUEST RESPONSE

All criminal justice records are released in accordance with the provisions of the CCJRA. As such, not all records may be available for release or may have information redacted (blacked out) prior to release. Electronic records are normally released in PDF format.

If a CCJRA request for non-official action records is denied, the requesting party may seek a written explanation, which shall be provided within 72 hours.

Unless otherwise specifically set forth in the CCJRA, the timing for production of records or allowing inspections shall be a reasonable time based upon the work schedule and availability of key personnel, the current work-load of personnel, the volume of records requested, the possible need for third-party assistance, and the time necessary for review and possible redaction of subject records. Reasonable requests for clarification of the request may be made by the records custodian. Any such requests shall toll any deadline for response or production.

FEES FOR REQUESTS

Pursuant to § 24-72-306(1), C.R.S., unless waived by the Sheriff, the requesting party shall pay the total cost of the records production, including but not limited to personnel and equipment for the search, retrieval, and redaction of criminal justice records requested, and supervision of inspection or records reproduction pursuant to § 24-72-306(2), C.R.S. The cost shall include:

1. County Administrator: \$60.42 per hour;
2. Sheriff: \$48.91 per hour;
3. Undersheriff: \$45.60 per hour;
4. Deputy Sheriff: \$39.28 per hour;

5. County Attorney: \$195.00 per hour for review and determination of legal issues, such as proper inclusion and or redaction;
6. If a third-party service is required for completion of the request, copying, printing, or photographing, due to the impractical burdens or restrictions of in-house production, the requesting party shall be responsible for the third-party charges; and
7. Copy charges shall be \$.25 per copy; and

The requesting party shall be provided with an estimate of the total cost associated with the request. A deposit of the full amount shall be required prior to commencement of processing the request. At the time of production, the requesting party shall either be provided a refund of the unused portion of the deposit or shall be required to pay the outstanding amount due over and above the deposit, prior to receiving the records.

CLOSED REQUESTS

A CCJRA request will be considered closed and a new request must be submitted under any of the following circumstances:

- The records have been made available for inspection, the records have been inspected and no copies of the records were requested;
- After the records have been made available for inspection, have been inspected by the requestor, and/or copies of the records have been provided consistent with this Policy;
- If the requestor fails to provide clarification as requested by the Sheriff within ten business days;
- If the requestor fails to appear for the scheduled review of the records; or
- If the requestor fails within ten business days to a) make arrangements for review of the records after request; b) pre-pay a deposit required; or c) does not pay the total of actual costs.

For additional information concerning this Policy, including any accessibility issues or requests for accessibility accommodations, please contact the Sheriff or County Administrator. This Policy supersedes all prior County and Sheriff CCJRA policies.

Fund Status Report

San Juan County

Report Selection Criteria:

Selected Fund Type: ALL
 Include Encumbrances? NO
 Include Pri Yr Liabilities? NO
 Printed in Alpha by Fund Name? NO
 Exclude Additional Cash? NO
Selected Funds :

Fiscal Year: 2024
 From Period: 7
 To Period: 7
 From Date: 7/1/2024
 Thru Date: 7/31/2024
 Option: Period

	Beginning Balance	Receipts	Disbursements	Transfers	Ending Balance
General Fund (01)					
010 - COUNTY GENERAL FUND	\$1,667,964.43	\$352,230.34	(\$362,469.61)	\$0.00	\$1,657,725.16
020 - COUNTY ROAD & BRIDGE	\$215,561.82	\$37,734.13	(\$66,332.33)	\$0.00	\$186,963.62
030 - CONTINGENT FUND	\$54,554.94	\$0.00	\$0.00	\$0.00	\$54,554.94
035 - AMENDMENT 1-EMERGENCY FUN	\$30,000.00	\$0.00	\$0.00	\$0.00	\$30,000.00
040 - SOCIAL SERVICE FUND	\$70,859.20	\$9,497.58	(\$4,717.46)	\$0.00	\$75,639.32
045 - AFFORDABLE HOUSING FUND	\$422,536.48	\$11,971.98	\$0.00	\$0.00	\$434,508.46
050 - CONSERVATION TRUST	\$14,317.80	\$37.45	\$0.00	\$0.00	\$14,355.25
051 - LODGING TAX FUND	\$500,059.52	\$1,906.05	\$0.00	\$0.00	\$501,965.57
052 - TOURISM BOARD FUND	\$7,250.71	\$0.15	\$0.00	\$0.00	\$7,250.86
055 - NOXIOUS WEED FUND	\$11,896.78	\$0.00	\$0.00	\$0.00	\$11,896.78
060 - TOWN OF SILVERTON	\$144.34	\$62,502.24	(\$60,970.50)	\$0.00	\$1,676.08
070 - DURANGO FIRE PROTECTION DIS	\$0.00	\$11,550.75	(\$11,550.75)	\$0.00	\$0.00
080 - SOUTHWEST WATER CONSERVAT	\$0.00	\$3,267.43	(\$3,267.43)	\$0.00	\$0.00
090 - ADVERTISING FEES	\$11,523.40	\$0.00	\$0.00	\$0.00	\$11,523.40
100 - REDEMPTION	\$312.30	\$180.93	(\$180.93)	\$0.00	\$312.30
110 - SCHOOL GENERAL	\$0.00	\$133,156.10	(\$133,156.10)	\$0.00	\$0.00
116 - SCHOOL BOND	\$0.00	\$11,636.84	(\$11,636.84)	\$0.00	\$0.00
200 - SPECIAL ASSESSMENTS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
210 - 911 AUTHORITY	\$83,725.20	\$4,259.90	(\$2,418.44)	\$0.00	\$85,566.66
220 - TREASURER'S FEES	\$20,978.05	\$0.00	\$0.00	\$0.00	\$20,978.05
230 - ASSESSOR'S PENALTY	\$5,548.41	\$0.00	\$0.00	\$0.00	\$5,548.41
240 - TREASURER'S DEEDS/FORECLOS	\$10,708.41	\$0.00	\$0.00	\$0.00	\$10,708.41
250 - CLERK TECHNOLOGY FEES	\$5,555.40	\$20.00	\$0.00	\$0.00	\$5,575.40
260 - ADMIN FEE	\$2,698.42	\$0.00	\$0.00	\$0.00	\$2,698.42
270 - PEAK INVESTMENTS	\$48,176.93	\$977.63	\$0.00	\$0.00	\$49,154.56
280 - ABATEMENTS	(\$2,333.91)	\$0.00	\$0.00	\$0.00	(\$2,333.91)

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 Thru Date: 7/31/2024
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300 - ESCROW-AMBULANCE	\$94,472.01	\$109.79	\$0.00	\$0.00	\$94,581.80
350 - ESCROW-COMPUTER EQUIP	\$4,523.98	\$22.06	\$0.00	\$0.00	\$4,546.04
360 - ASSESSOR/TREASURER ESCROW	\$3,769.29	\$31.08	\$0.00	\$0.00	\$3,800.37
400 - ESCROW-GRAVEL	\$145,502.87	\$49.63	\$0.00	\$0.00	\$145,552.50
410 - COUNTY BARN ESCROW	\$61,808.58	\$230.10	\$0.00	\$0.00	\$62,038.68
420 - ROAD EQUIP PURCHASE ESCROW	\$10,467.62	\$246.14	\$0.00	\$0.00	\$10,713.76
430 - LOST 4-WHEELERS ESCROW	\$4,223.62	\$16.54	\$0.00	\$0.00	\$4,240.16
440 - SEARCH & RESCUE ESCROW	\$21,101.19	\$71.44	\$0.00	\$0.00	\$21,172.63
450 - COURTHOUSE ESCROW	\$86,948.02	\$2,200.01	\$0.00	\$0.00	\$89,148.03
460 - MSI ESCROW	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
470 - EMERGENCY PREPAREDNESS	\$2,933.09	\$35.59	\$0.00	\$0.00	\$2,968.68
500 - HISTORICAL ARCHIVES ESCROW	\$557.29	\$10.53	\$0.00	\$0.00	\$567.82
550 - ASPHALT ESCROW	\$98,032.68	\$365.95	\$0.00	\$0.00	\$98,398.63
570 - FOREST RESERVE ESCROW	\$139,258.39	\$0.00	\$0.00	\$0.00	\$139,258.39
590 - EMERGENCY SERVICES SALES TA	\$2,001,350.20	\$68,828.78	\$0.00	\$0.00	\$2,070,178.98
600 - FIRE TRUCK FUND	\$111,907.91	\$316.32	\$0.00	\$0.00	\$112,224.23
650 - LAND USE ESCROW	\$65,191.38	\$138.36	\$0.00	\$0.00	\$65,329.74
700 - WORKFORCE HOUSING ESCROW	\$4,149.46	\$76.70	\$0.00	\$0.00	\$4,226.16
750 - ESCROW-SHERIFF VEHICLE	\$45,299.55	\$36.09	\$0.00	\$0.00	\$45,335.64
800 - PUBLIC TRUSTEE	\$15.00	\$176.00	(\$41.00)	\$0.00	\$150.00
810 - SPECIFIC OWNERSHIP TAX	\$26,183.98	\$17,504.15	(\$26,183.99)	\$0.00	\$17,504.14
820 - TAX HOLDING FUND	\$380,824.50	\$172,686.22	(\$375,555.17)	\$0.00	\$177,955.55
900 - ADVANCED COLLECTIONS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
950 - WEST SIDE SPECIAL IMP. DISTRICT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
960 - HOSPITAL GRANT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
* Fund Type Total *	\$6,490,559.24	\$904,080.98	(\$1,058,480.55)	\$0.00	\$6,336,159.67

Fund Status Report

San Juan County

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* Report Total *	\$6,490,559.24	\$904,080.98	(\$1,058,480.55)	\$0.00
				\$6,336,159.67

San Juan County

Composition of Cash Balances and Investments

As Of: 7/31/2024 Including Account Details

	Net Bank Balance	Investments	Cash on Hand/ In Transit	Total
<i>Cash and Cash Items</i>				
<i>Cash on Hand</i>	Cash on Hand	\$0.00	\$200.00	\$200.00
	Cash on Hand:	\$0.00	\$200.00	\$200.00
<i>Demand and Time Deposits</i>				
<i>Citizens State Bank</i>				
	Tourism Fund Checking	\$7,373.25	\$0.00	\$7,373.25
	Affordable Housing Checking	\$453,124.89	\$0.00	\$453,124.89
	911 Authority Checking	\$85,910.73	\$0.00	\$85,910.73
	General Checking	\$3,254,485.36	\$0.00	\$3,254,485.36
	Citizens State Bank:	\$3,800,894.23	\$0.00	\$3,800,894.23

Investment Pool

		Net Bank Balance	Investments	In Transit	Cash on Hand/ Total
Citizens State Bank					
	100120367	\$0.00	\$1,117,922.80	\$0.00	\$1,117,922.80
	Citizens State Bank:	\$0.00	\$1,117,922.80	\$0.00	\$1,117,922.80
COLOTRUST					
	CO-01-0646-8001	\$0.00	\$1,106,747.18	\$0.00	\$1,106,747.18
	COLOTRUST:	\$0.00	\$1,106,747.18	\$0.00	\$1,106,747.18
Sigma Financial Corporation					
	GTR-041850	\$0.00	\$310,395.46	\$0.00	\$310,395.46
	Sigma Financial Corporation:	\$0.00	\$310,395.46	\$0.00	\$310,395.46
		<u>\$3,800,894.23</u>	<u>\$2,535,065.44</u>	<u>\$200.00</u>	<u>\$6,336,159.67</u>



Willy Tookey <admin@sanjuancolorado.us>

Red Mountain Electrical Reliability & Broadband Improvement Project Update

1 message

Alex Shelley <alex@smpa.com>

Wed, Aug 7, 2024 at 5:25 PM

To: "clarkes@cityofouray.com" <clarkes@cityofouray.com>, "funke@cityofouray.com" <funke@cityofouray.com>, "smithj@cityofouray.com" <smithj@cityofouray.com>, "guldet@cityofouray.com" <guldet@cityofouray.com>, "lindseyp@cityofouray.com" <lindseyp@cityofouray.com>, "gboyd@ouraycountyco.gov" <gboyd@ouraycountyco.gov>, "martensenb@cityofouray.com" <martensenb@cityofouray.com>, "abailey@cityofouray.com" <abailey@cityofouray.com>, "gray@cityofouray.com" <gray@cityofouray.com>, "woodkj@cityofouray.com" <woodkj@cityofouray.com>, "colemanj@cityofouray.com" <colemanj@cityofouray.com>, "fire@cityofouray.com" <fire@cityofouray.com>, "mike@ouraynews.com" <mike@ouraynews.com>, "lpadgett@ourayco.gov" <lpadgett@ourayco.gov>, "jniece@ourayco.gov" <jniece@ourayco.gov>, "mnauer@ourayco.gov" <mnauer@ourayco.gov>, "chunt@ourayco.gov" <chunt@ourayco.gov>, "admin@sanjuancolorado.us" <admin@sanjuancolorado.us>, "oem@sanjuancolorado.us" <oem@sanjuancolorado.us>, "pio@sanjuancolorado.us" <pio@sanjuancolorado.us>, "jclark@town.ridgway.co.us" <jclark@town.ridgway.co.us>, "ruth@ouraymountainrescue.com" <ruth@ouraymountainrescue.com>, "jpeterson@ourayco.gov" <jpeterson@ourayco.gov>, "jperry@ourayco.gov" <jperry@ourayco.gov>, "administrator@sanjuancountycolorado.us" <administrator@sanjuancountycolorado.us>, "sheriffsoffice@sanjuancolorado.us" <sheriffsoffice@sanjuancolorado.us>, "pneill@town.ridgway.co.us" <pneill@town.ridgway.co.us>, "chamber@silvertoncolorado.com" <chamber@silvertoncolorado.com>, "sfuhrman@silverton.co.us" <sfuhrman@silverton.co.us>, "gkaasch-buerger@silverton.co.us" <gkaasch-buerger@silverton.co.us>, "editor@silvertonstandard.com" <editor@silvertonstandard.com>, "chris@fontier.net" <chris@fontier.net>, "kwhite@silvertonschool.org" <kwhite@silvertonschool.org>, Terry Rhoades <terryr@smpa.com>, "ddean@tristategt.org" <ddean@tristategt.org>, "kimpaq@gmail.com" <kimpaq@gmail.com>, "kimmethd@yahoo.com" <kimmethd@yahoo.com>, "heidi@visitglenwood.com" <heidi@visitglenwood.com>, "mary.kusnir@usda.gov" <mary.kusnir@usda.gov>, "Lindsey.Binder@usda.gov" <Lindsey.Binder@usda.gov>, "rebecca.smith@usda.gov" <rebecca.smith@usda.gov>, "Kimberlee.Phillips@usda.gov" <Kimberlee.Phillips@usda.gov>, "lisa.schwantes@state.co.us" <lisa.schwantes@state.co.us>, "jennifer.allison@state.co.us" <jennifer.allison@state.co.us>, "shawkins@montrosecounty.net" <shawkins@montrosecounty.net>, "julie.constan@state.co.us" <julie.constan@state.co.us>, "pdamke@me.com" <pdamke@me.com>, "colin.mitchell@state.co.us" <colin.mitchell@state.co.us>, "telluridemountainclub@gmail.com" <telluridemountainclub@gmail.com>, "onsight1@me.com" <onsight1@me.com>, "adventure@ryderwalker.com" <adventure@ryderwalker.com>, "info@redmountainalpinelodge.com" <info@redmountainalpinelodge.com>, "jamie.gomez@cowildfire.org" <jamie.gomez@cowildfire.org>, "leigh.robertson@cowildfire.org" <leigh.robertson@cowildfire.org>, "director@ironhorsebicycleclassic.com" <director@ironhorsebicycleclassic.com>

Officials of Silverton, San Juan County and the City and County of Ouray:

This message is to update all community stakeholders on progress of the Red Mountain Electrical Reliability and Broadband Improvement Project, and to apprise you of upcoming work and planned highway impacts.

After completing necessary vegetation management last year, SMPA contracted the first of three construction phases of the project, the re-construction of 4.5 miles of 44kV transmission line between the Idarado and Red Mountain electrical substations. The work includes the replacement of existing line / poles with new, upgraded structures for better service reliability.

Thus far, the old system has been removed, and about half of new structures are in place and ready to be strung with new wire. We are projecting completion of this phase by the end of September.

Our contractor has provided us with their schedule for work for August. Based on this, we will start enforcing the Ironton townsite closure order on Monday August 12th. We began notifying campers in the closure area this week along with posting laminated closure orders at the entry points to the closure area. On next Friday, August 9th, we will put up

ropes/barriers and additional signage to attempt to keep the area clear so that work crews can start work on Monday the 12th.

This will also be the week that we will start having the single lane alternating traffic closures on Hwy 550 at the locations where the line crosses Hwy 550. Per the CDOT permit, these impacts will be taking place from 6am-9am and 6pm-9pm.

We want you, your local businesses and members of your community to be aware of the highway impacts so that you can make what preparations are necessary. We appreciate your engagement and invite you to reply with any specific questions or concerns.

Alex Shelley

Communications Executive



P.O. Box 1150

Ridgway, CO 81432

Office: 970-626-5549 x212

Mobile: 970-209-5593

alex@smpa.com

www.smpa.com



It is the Mission of the San Miguel Power Association, Inc. to provide our members with safe, reliable, cost-effective, and environmentally responsible electrical service while demonstrating cooperative responsibility and support for the community we serve.

SMPA is an equal opportunity provider and employer.

San Miguel Power Association is an equal opportunity provider and employer. In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202)720-2600 (voice and TDD) or contact USDA through the Federal Relay Service at (800)877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form (AD-3027), found online at <https://www.usda.gov/offerings/2015/01/01/USDA-Program-Discrimination-Complaint-Form>, or call (800)795-3000, and file the completed form at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866)632-6892. Submit your completed form or letter to USDA by:

• Mail: 1492 IOWA Avenue, Washington, DC 20250-1527



Willy Tookey <admin@sanjuancolorado.us>

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1 message

Alex Shelley <alex@smpa.com>

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Our contractor has provided us with their schedule for work for August. Based on this, we will start enforcing the Ironton townsite closure order on Monday August 12th. We began notifying campers in the closure area this week along with posting laminated closure orders at the entry points to the closure area. On next Friday, August 9th, we will put up

ropes/barriers and additional signage to attempt to keep the area clear so that work crews can start work on Monday the 12th.

This will also be the week that we will start having the single lane alternating traffic closures on Hwy 550 at the locations where the line crosses Hwy 550. Per the CDOT permit, these impacts will be taking place from 6am-9am and 6pm-9pm.

We want you, your local businesses and members of your community to be aware of the highway impacts so that you can make what preparations are necessary. We appreciate your engagement and invite you to reply with any specific questions or concerns.

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Willy Tookey <admin@sanjuancolorado.us>

Public Comment on Silver Cloud Developmet

Dustin Eldridge <dustin.eldridge6@gmail.com>
To: Willy Tookey <admin@sanjuancolorado.us>

Tue, Jul 30, 2024 at 3:36 PM

Hi Willy,

I was hoping to submit a public comment regarding the Silver Cloud Development in Mill Creek. I apologize if my timing is incorrect. However, I believe there are two important considerations for the development that require additional scrutiny.

The first consideration is the nature of Silver Cloud's avalanche mitigation program. It is a complex, multi-agency program that deserves the full attention and scrutiny of San Juan County, the Town of Silverton, CDOT, and the Colorado Avalanche Information Center (CAIC). Due to Silver Cloud's proximity to Highway 550, the highway would need to be closed during many of Silver Cloud's avalanche control routes (Silver Cloud Resort Avalanche Safety Plan 6.5.1 Logistics, Page 203 Silver Cloud PUD Part B). Because CDOT uses a Howitzer for avalanche mitigation they can perform that mitigation in any weather. However, Silver Cloud plans to use an unidentified avalanche contractor with a helicopter to perform avalanche mitigation. This presents multiple issues. First, Silver Cloud would require another highway closure in addition to the CDOT closure to perform avalanche mitigation. I do not believe that Highway 550 should be opened and closed at the discretion of a private company. In many ways, should the commissioners approve the Silver Cloud's Avalanche Mitigation plan, this would be an unprecedented act. I am not aware of any private company that holds the power to open and close a vital route of public transportation particularly in the context of avalanche mitigation for the recreational benefit of 36 guests.

What is CDOT and CAIC's opinion regarding these potential closures? Silver Cloud's PUD states that there must be coordination between CDOT, CAIC, and Silver Cloud but I did not find any comments from CDOT outside of a Traffic Study.

Silver Cloud's Avalanche Mitigation Plan also advocates for evacuating their clients from the premises prior to mitigation. This would likely increase the closure times for the highway. Additionally, the Plan states that it may not be possible to evacuate clients prior to mitigation. It is dangerous to have people housed at the bottom of avalanche paths while performing avalanche mitigation. Even if the buildings are built to withstand avalanche pressures it is not uncommon for explosives placed by either hand or helicopter to encounter firm snow upon impact and slide down the length of the avalanche path. Clearly this would be an issue if clients were not evacuated from the premises.

I think it is important to note that the Avalanche Mitigation Plan for Silver Cloud goes well beyond the limits of a small, limited impact, backcountry lodge that the literature from Silver Cloud portrays itself as. This is a highly complex Avalanche Mitigation Plan on par with a large ski resort with measurable economic and public safety impacts to the Town, County, and all communities attached to Highway 550. I personally do not believe that the potential benefits of Silver Cloud's winter skiing program are worth the additional highway closures and safety issues for our community.

My second consideration is in regards to Silver Cloud's plans for camping up in Mill Creek above the lodge site. I believe that this area is a travel corridor for elk and will be greatly degraded if camping areas and/or infrastructure is established in this area. Yesterday evening, July 29th at 8:00 pm I witnessed a herd of 16 cow and calf elk grazing on the south-facing hillsides above the proposed Silver Cloud Development. This herd likely travelled from a bedding area on the north facing, treed terrain of Mill Creek through what would become the upper camping areas for Silver Cloud. This area is a natural bottleneck with cliffs above and below and is the only viable travel corridor for wildlife in this area. If a camping area was established it would cut wildlife, particularly elk, off from foraging on the abundant south-slopes above Mill Creek. Elk herds in the area are struggling to maintain healthy populations due to a lack of calf recruitment. This means that elk calves are dying at high rates.

"Cumulative impacts to critical habitat, including winter range, migration corridors, production areas, and high elevation summer range, due to human population growth is a concern in the DAU (Data Analysis Unit)... outdoor recreation continues to grow, placing more people into areas used by elk. Increased recreational trails and recreation use is decreasing the amount of effective habitat. Managers and the public are concerned over cumulative and prolonged impacts of development and recreation disrupting migration and decreasing quality and quantity of habitat." Hermosa Elk Herd Management Plan, Colorado Parks and Wildlife. https://cpw.state.co.us/Documents/Commission/2020/July/Item.30-E30_plan_DRAFT_May2020-Brian_Dreher-DNR.pdf

Wildlife habitat degradation should be addressed in Silver Cloud's development plans.

Thank you for your time.
Sincerely,
Dustin Eldridge