



**BOARD OF COMMISSIONERS**  
HILARY COOPER KRIS HOLSTROM LANCE WARING

**REGULAR MEETING AGENDA**

**Wednesday, March 17, 2021**

Join a Meeting, Zoom.us, Meeting Id # 534.180.495, Password 014764, audio 1-301-715-8592 or 1-253-215-8782

1. **9:30 am CALL TO ORDER.**
2. **REVIEW OF AGENDA**
3. **CALENDAR REVIEW**
4. **9:32 a.m. CONSENT AGENDA**
  - a. Acceptance of the January 2021 Road Report.
  - b. Approval of the re-appointment of JJ Ossola to the Historical Commission.
  - c. Ratification of a comment letter concerning the San Miguel River Restoration project.
  - d. Ratification of a letter of support for a Farmers Water Emergency Grant application.
  - e. Approval of the San Miguel County Behavioral Health Solutions Community Partnership Agreement with Tri County Health Network.
  - f. Approval of the re-appointment of Josh Sinks to the San Miguel Basin Fair Board.
  - g. Ratification of Chair's signature on the County Veterans Service Officers monthly report for February 2021.
  - h. Approval of the February 2021 Payroll and Vendor Payments.
  - i. Approval of Minutes: Feb. 17, 2021, Feb. 24, 2021, and March 3, 2021.
  - j. Approval of the Chair's signature on Steincrusher agreement for gravel crushing for Road & Bridge
  - k. Other, as needed.
5. **9:35 a.m. ADMINISTRATIVE MATTERS**
  - a. 9:35 a.m. Update with Connie Clementson, BLM, Tres Rios Field Office.  
25 mins Connie Clementson and Nate West, Tres Rios Field Office
  - b. Other, as needed.

6. **10:00 a.m. PLANNING**

- a. 10:00 a.m. Public Hearing - Consideration of approval of the Telluride Legoff #2 Pipeline Replacement Project Special Use Permit./MOTION  
25 mins            Troy Hangen, Senior Planner
- b. Other, as needed.

7. **10:25 a.m. ADMINISTRATIVE MATTERS, Continued**

- a. Review of the CORE Program of the Sheriff's office.  
15 mins            Jennifer Dinsmore, Chief Administrative officer
- b. 10:40 a.m. Discussion on submitting comments on the SBEADMR proposed treatments.  
30 mins            Megan Eno, Norwood District Ranger
- c. 11:15 am Update with April Montgomery from the Southwest Basin Roundtable.  
15 mins            April Montgomery, Southwest Basin Roundtable Member
- d. Other, as needed.

8. **11:35 a.m. SOCIAL SERVICES MATTERS**

*(Board of Commissioners sitting as the San Miguel County Board of Social Services.)*

- a. Approval of Chair's signature on Social Services Department Balance Sheet January 2021, Earned Revenue and Expenditures January 2021, Expenditures through Electronic Benefit Transfers February 2021, Check Register for the Month of February 2021, MOE Report JAN-21 and 2021 Caseload Report/MOTION  
10 mins            Carol Friedrich, County Social Services Director
- b. Other, as needed.

9. **11:45 am UPDATE WITH THE COUNTY MANAGER**

- a. Discussion on impacts on a proposed bill called the Enhanced Prosecution Accountability Act  
15 mins            Mike Bordogna, County Manager and Hilary Cooper, Commissioner
- b. Potential Executive Session: Discussion on potential property for acquisition, citation (4)(e).  
Mike Bordogna, County Manager
- c. Break 12:10 pm - 12:45 pm
- d. Other, as needed.

10. **12:45 pm PUBLIC HEALTH AND ENVIRONMENT**

*(Board of Commissioners sitting as the San Miguel County Board of Public*



*Health and Environment.)*

- a. 12:45 pm Discussion and update with the San Miguel County Stakeholders concerning the COVID 19 outbreak.  
60 mins            Grace Franklin, Public Health Director
- b. Potential Executive Session: Concerning Public Health, Meeting with an Attorney, citation (4)(b).  
                         Hilary Cooper, Chair
- c. Other, as needed.

**11. COMMISSIONER UPDATES**

- a. Hilary Cooper - Outside Meetings, Updates on Legislation.
- b. Kris Holstrom - Update on Outside Meetings
- c. Lance Waring - Update on Outside Meetings.

**12. ATTORNEY MATTERS**

(Any of these items may involve an Executive Session C.R.S 24-6-402)

- a. Update on the State Board of Equalization notice of meeting.  
                         Amy Markwell, County Attorney
- b. Executive Session: Discussion with the County Attorney regarding litigation (San Miguel County District Court No. 18CV30004/Court of Appeals No. 10CA1913) for the purpose of receiving legal advice, citation (4)(b).  
                         Amy Markwell, County Attorney
- c. Tourism Marketing Contract Negotiation Strategy Discussion and Instructing Negotiators CRS 24-6-402 (4)(e)  
                         Amy Markwell, County Attorney
- d. Update on Litigation
- e. Other, as needed

**13. ADJOURNMENT**

**NOTE: This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. The County Manager reports may include administrative items not listed. Regular Meetings, Public Hearings, and Special Meetings are recorded, and ACTION MAY BE TAKEN ON ANY ITEM. Formal Action cannot be taken at Work Sessions. For further information, contact the County Administration office at 970-728-3174. If special accommodations are necessary per ADA, contact 970-728-3174 prior to the meeting.**

The official, designated posting place for all BOCC notices will be online at <https://www.sanmiguelcountyco.gov/liveagenda>. Use this link to view the live agenda with any last-minute changes. To be automatically notified, please sign up at [www.sanmiguelcountyco.gov](http://www.sanmiguelcountyco.gov), sign up for alerts, and follow the prompts.



AGENDA ITEM - 4.a.

**TITLE:**

Acceptance of the January 2021 Road Report.

**Presented by:**

**Time needed:**

**PREPARED BY:**

Ryan Righetti

**RECOMMENDED ACTION/MOTION:**

To approve as presented.

**INTRODUCTION/BACKGROUND:**

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Road and Bridge
Description:			

**ATTACHMENTS:**

Description

January 2021 Road Report

Upload Date

3/3/2021



## ROAD & BRIDGE DEPARTMENT

RYAN RIGHETTI, ROAD SUPERINTENDENT

### Road Report January 2021

#### **Deep Creek District 1:**

Crew from the Deep Creek shop spent time plowing snow during the several small storms we received during the start of the year. Crew worked in the Pathfinder Pit pushing material and prepping the site for the stockpile of cover material for the upcoming Matterhorn Mill reclamation Project. The Town of Telluride starting the new housing project along the 145 Spur. Material from the excavation is being hauled into the Pathfinder Pit. Inspection of CR 260 was performed in regards to a recent application for additional private snow removal on Horsefly Mesa. Personnel from Deep Creek fabricated two adaptor attachments for the loaders in Norwood and Deep Creek. These attachments will allow the machines to connect to multiple tools.

#### **Norwood District 2:**

Snow removal and sanding was done as needed throughout the District. Personnel installed and repaired delineators along County Roads 47Z, W35 and 44ZS. These markers are used to locate culvert inlets and outlets. Crew from Norwood assisted hauling gravel to CR 19Q in the Disappointment Basin. Crew removed trees, rocks and debris that fell from the slopes along CR W35. Trucks and equipment that were used were cleaned and wiped down daily. Vehicle and equipment maintenance and repairs were performed as needed.

#### **Basin and Egnar Districts 3 and 4:**

Crews in both Districts were busy during snow storms clearing roads and pushing back berms. Winds caused drifts on many roads in both districts requiring extra time between storms. There were periods of warm weather that enabled crews to continue work hauling gravel to CR 19Q. Gravel was placed to cover rough spots and area where drainage needed to be improved. This project is helping to clear areas in the Klondike Pit making room for new gravel stockpiles scheduled to be crushed in 2021. Tool and materials inventory was completed in both District Shops. Cattle Guard A-Frames were repaired on County Roads 23R, 19Q, 13R, 14R and P16. Personnel performed vehicle and equipment maintenance and repair as needed.

#### **Road and Bridge Mechanics:**

During the month of January, our mechanics performed the following repairs and services. Unit 310 (Ford F550 Service Truck), Unit 352 (Ford Ranger) and Unit 360 (Snow Blower) all received full services, with the Ranger receiving a tune up and shocks.

Unit 302 (JD 772D Grader) had new diff fluid, hydraulic brake valve and turn table shims.

Unit 225 (Cat D4H Dozer) had the starter replaced and bleeding of the fuel system.

Unit 82 (Cat 140G Grader) had the lift cylinders rebuilt, glow plugs and glow plug harness replaced, new alternator, engine bay panels were fabricated to protect the engine compartment from the cold and elements. New work lights were installed for night time operations.

Unit 200 (JD 772BH Grader) received a new cab heater, new work lights, broken bolts were extracted and replaced to repair the turn table pivot arm.

Units 365 and 366, our two new Ford F550 small plows, received upgrades to the sander boxes.

Unit 342 (JD 772GP Grader) and Unit 352 (Ford Ranger) had new block heaters installed for easier starting during cold weather.

Unit 370 (JD 772G Grader) had hydraulics plumbed for the snow wing.

Unit 262 (International Snowplow) had work performed to replace the differential.

The emergency strobe light was replaced on Unit 373 (JD 624K Loader).

A new hydraulic pump for the plow on Unit 328 (Ford F550) was installed.

A coolant leak on Unit 294 (International) was fixed.

A faulty fan was replaced on Unit 214 (Kenworth).

Road and Bridge welcomed the New Year and wasted no time getting ready for the upcoming seasons. Crews continue to work on their daily responsibilities while keeping themselves, their facilities and the equipment in clean and safe order.

Invitations to bid were sent out early for this year's gravel crushing contracts. We chose to structure the request differently this year to include a schedule of the pits with quantities for this season and next. Hopes are that contractors will be more likely to submit competitive bids by having a long term plan for work.

Road and Bridge continued to work with Russell Engineering on ways to keep the Applebaugh Bridge Project on track. We have been working diligently to reduce overall construction costs to keep the project as close to the original estimations. To date, we are down to several items that may be successful in bringing the costs within a percentage workable to get the project out to bid.

San Miguel County Attorney's office continued to reach out to the Town of Sawpit to finalize the Right-of-Way description and recording for CR 58P. The portion that was recently paved and improved is to be deeded to SMC and the length will be added to the primary road system map.

Road and Bridge worked on the final language for the updated resolution regulating activities within the County Roads and Right-of-Ways. Updated fee schedules, insurance and bonding requirements were included in the updated resolution.

The final reading of the new Parking Ordinance was performed. Interestingly, we have received calls from CCI and several Counties asking if our County was experiencing parking related issues in

the recent years and if we had taken any steps in managing the conflicts related to recreational use and parking.

Road and Bridge continued the discussion of improvements to the bridges on Tomboy Rd, CR K68. We are currently working with the USFS on a detailed plan that will include proposals for bridge materials and labor that will be needed for the repair and replacement of three structures near the old Town of Tomboy. That plan will be put before the Board for review and approval when completed.



AGENDA ITEM - 4.b.

**TITLE:**

Approval of the re-appointment of JJ Ossola to the Historical Commission.

**Presented by:**

**Time needed:**

**PREPARED BY:**

Janet Kask, County Parks and Open Space Director

**RECOMMENDED ACTION/MOTION:**

Historical Commission recommends re-appointment.

**INTRODUCTION/BACKGROUND:**

See attached.

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

**ATTACHMENTS:**

Description  
Request for Appointment

Upload Date  
3/12/2021



Carmen Warfield &lt;carmenw@sanmiguelcountyco.gov&gt;

## Online Form Submittal: County Boards and Commissions Request for Appointment

1 message

noreply@civicplus.com &lt;noreply@civicplus.com&gt;

Mon, Mar 1, 2021 at 10:18 AM

Reply-To: jjossola@gmail.com

To: bocc@sanmiguelcountyco.gov

### County Boards and Commissions Request for Appointment

#### Step 1

#### San Miguel County Boards & Commissions Request for Appointment

Name of Board or Commission: Historical Commission

Reappointment? Yes

(Section Break)

First Name J.J.

Last Name Ossola

Email jjossola@gmail.com

Address1

Address2 Field not completed.

City Telluride

State CO

Zip

#### Step 2

#### San Miguel County Boards & Commissions Request for Appointment

Professional Background/Personal Interests Preserving and maintaining the county's historical assets with the cooperation of local governments, the USFS, and property owners,

Reasons for interest in serving on this board As a member of the commission since its inception in 2000, I am committed to seeing a few projects to fruition. We are very



close to successfully preserving two of our most critical assets,  
namely the Matterhorn Mill and potentially the Pandora Mill.

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Email not displaying correctly? [View it in your browser.](#)



AGENDA ITEM - 4.c.

**TITLE:**

Ratification of a comment letter concerning the San Miguel River Restoration project.

**Presented by:**

**Time needed:**

**PREPARED BY:**

Commissioners

**RECOMMENDED ACTION/MOTION:**

To approve as presented.

**INTRODUCTION/BACKGROUND:**

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
<b>Description:</b>			

**ATTACHMENTS:**

Description

Comment Letter

Upload Date

3/5/2021



## BOARD OF COMMISSIONERS

HILARY COOPER KRIS HOLSTROM LANCE WARING

Jedd Sondergard, Hydrologist  
Bureau of Land Management  
Uncompahgre Field Office  
2465 South Townsend Avenue  
Montrose, CO 81401

Via <https://eplanning.blm.gov/eplanning-ui/project/2003906/595/8001913/comment> and email to: [jsondergard@blm.gov](mailto:jsondergard@blm.gov)

March 5, 2021

Re: San Miguel River Stabilization Project Conceptual Design Alternatives (DOI-BLM-CO-S050-2021-0003-OTHER\_NEPA)

Dear Mr. Sondergard,

Thank you for providing the Board of County Commissioners the opportunity to review the range of public comments received through January 29, 2021. We appreciate the opportunity to submit comments at this late date.

We represent a broad range of stakeholders and we recognize the importance of a healthy and natural ecological process, as well as the outdoor recreation opportunities on the San Miguel River and the protection of Highway 145, one of our main transportation routes.

The segment of the San Miguel River described is meandering and braiding in an effort to achieve equilibrium with its gradient, bedload, and extremely variable flows. Given the prior human disturbances from gravel mining and Highway 145, we recognize that the goals of protecting the highway and improving boating opportunities for larger watercraft are potentially at odds with allowing the San Miguel River to naturally enhance its ecological functions for fish and riparian habitat.

The BLM commissioned its September 2019 geomorphic study by Confluence Consulting, Inc. with two goals:

1. Determining whether the recent shift in channel alignment warrants bank stabilization measures along Highway 145, and
2. Developing alternatives for restoring safe boater passage through the closed river reach.

We would like to request that the BLM add the goal of allowing natural processes to preserve and enhance the riparian and aquatic ecosystems to any future consideration for actions on the San Miguel River.

The San Miguel River will continue to seek equilibrium with conditions that are exacerbated by climate change. We are experiencing more dynamic and unpredictable seasonal flows, with

diminishing overall flows from a hotter and drier climate. We are also experiencing unpredictable monsoonal precipitation events, which mobilize increasing amounts of sediment and debris. It is possible that the number of days boatable by larger commercial-sized watercraft will diminish regardless of the alternative chosen simply due to climate change. We are experiencing earlier peak runoff, smaller peak runoff volumes and winter precipitation falling as rain vs. snow, which provide challenges for all the stated goals.

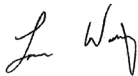
Years of restoration actions on the undammed San Miguel River teach us that the best course of action is to allow the river to meander naturally, changing its course over time in order to prevent the ongoing need for human intervention. We agree with Colorado Parks and Wildlife that if the BLM determines action is necessary, efforts are needed to preserve and enhance existing aquatic habitat while allowing safe boater passage. We also agree that actions to prevent the need for emergency stabilization measures for the highway are important as emergency measures often fail to prioritize habitat.

**While the No Action alternative would support the healthy ecological functions and long term stability of the river, we agree that Alternative 1 balances the ecological, recreational and infrastructure protection goals for the project.**

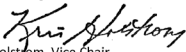
The study authors write that the “channel will naturally develop to a stable platform,” and we agree with Trout Unlimited that Alternative 1 will be more likely to provide a long-term solution. If the BLM takes this approach, the final design should allow the San Miguel River to utilize and retain connections to its floodplain and be judicious in removing woody debris, which provides habitat benefits, encourages successful microhabitats and increases floodplain roughness. The cost savings achieved by this alternative over alternatives 2, 3, and 4 should position the BLM to perform monitoring and evaluation of the ecosystem functions. We believe alternatives 2, 3, and 4 are likely to require ongoing interventions and have long-term costs beyond those noted in the March 2020 study. We also agree with the recommendations from CPW for habitat structures which allow for safe boater passage while providing habitat.

We appreciate the opportunity to review the materials and comments and to consider how the project could result in outcomes that allow the San Miguel River to continue to naturally enhance its riparian and aquatic ecosystems and maintain boating opportunities, while minimizing negative impacts to Highway 145.

Sincerely,  
San Miguel County  
Board of Commissioners



Lance Waring, Chair



Kris Holstrom, Vice Chair



Hilary Cooper, Commissioner



AGENDA ITEM - 4.d.

**TITLE:**

Ratification of a letter of support for a Farmers Water Emergency Grant application.

**Presented by:**

**Time needed:**

**PREPARED BY:**

Commissioners

**RECOMMENDED ACTION/MOTION:**

To approve as presented.

**INTRODUCTION/BACKGROUND:**

See attached.

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
<b>Description:</b>			

**ATTACHMENTS:**

Description

Letter of Support

Upload Date

3/11/2021



## BOARD OF COMMISSIONERS

HILARY COOPER KRIS HOLSTROM LANCE WARING

Southwestern Water Conservation District  
Emergency Grant  
Laura Spann  
SWCD 841 East 2<sup>nd</sup> Ave  
Durango, CO 81301

March 11, 2021

RE: Farmers Water Emergency Grant application

Dear SWCD Board Members,

The San Miguel County Board of County Commissioners is in full support of the Farmers Water Emergency Grant application.

The Gurley Reservoir is critical infrastructure for the west end communities of San Miguel County, including the Town of Norwood and unincorporated Wright's Mesa. It supplies water to the Town of Norwood and surrounding agricultural lands. The dam has been degrading over time and recently a breach occurred which will require more extensive repair. The repair is urgent to prevent additional damage and to restore the full capacity of the reservoir. The estimated repairs are beyond the financial capacity of Farmer's Water the owner/managing entity of the Gurley Reservoir.

Currently, the damage is limiting the capacity of the reservoir to 50 percent. As we face more extreme drought conditions, this places all of the County's west end communities at risk, threatening municipal water supplies, agriculture and water supplies for fire suppression.

The need and urgency for these funds are immediate and we ask for your support of this Emergency Grant Application.

Sincerely,  
San Miguel County  
Board of Commissioners

Lance Waring, Chair

Kris Holstrom, Vice Chair

Hilary Cooper, Commissioner



AGENDA ITEM - 4.e.

**TITLE:**

Approval of the San Miguel County Behavioral Health Solutions Community Partnership Agreement with Tri County Health Network.

**Presented by:**

**Time needed:**

**PREPARED BY:**

Paul Reich, Tri-County Health

**RECOMMENDED ACTION/MOTION:**

To approve as presented.

**INTRODUCTION/BACKGROUND:**

**Paul Reich**

8:24 AM (1 hour ago)

tome,Carol,Corinne

Hi Carmen,

Hope you have been well.

I have attached a revised partnership agreement for Tri-County Health Network. The San Miguel Behavioral Health Solutions Panel provided additional funding to TCHNetwork (as well as UMC and The Center for Mental Health) to provide funding for behavioral health services for San Miguel County residents. This revised agreement was reviewed by Amy Markwell.

Once it is executed by the BOCC, I'll send the invoice in to Ramona for payment. I haven't received similar agreements yet from the other organizations, but will send those along when I do.

Thanks and let me know if you have any questions.

Paul

Paul W. Reich  
Behavioral Health Program Manager  
Tri-County Health Network

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

**ATTACHMENTS:**

Description

Upload Data

Description  
Agreement

Original Date  
3/11/2021



## **SAN MIGUEL COUNTY BEHAVIORAL HEALTH SOLUTIONS COMMUNITY PARTNERSHIP AGREEMENT**

This Agreement is made and entered into this 11<sup>th</sup> day of March, 2021, by and between the Board of County Commissioners of San Miguel County, Colorado, hereinafter referred to as “County”, and Tri-County Health Network, a non-profit organization, school district, or other governmental entity or agency, hereinafter referred to as “Grantee.”

**WHEREAS**, Grantee has requested that the County authorize and appropriate funds in the County’s 2021 Mental Health Fund budget for the use of Grantee for activities that are of benefit to the public of the County; and

**WHEREAS**, County has determined that a contribution to Grantee of funds for the purposes requested is in the public interest, represents a worthwhile expenditure of public funds, and will benefit the citizens or residents of the County; and

**WHEREAS**, the County desires to formalize with Grantee the terms and conditions upon which such funding is being budgeted, authorized and appropriated;

**NOW, THEREFORE**, in consideration for the funding authorized and appropriated by the County to the Grantee, and for other good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the parties agree as follows:

1. The funding of \$15,840.00 for behavioral health services, provided to Grantee by the County may, or may not, be in the amount requested by Grantee.
2. If for any reason Grantee is unable to conduct the event, program, study, project, or activity for which the funds were requested, the funds shall be returned and shall not be invoiced to the County, and the Grantee will notify the County in writing that the purpose for which the funds were requested will not be completed as proposed or described in the funding request.
3. Any and all funds granted by the County to Grantee will be used for the purpose of ensuring care to all San Miguel County residents, and for no other purpose.
4. Grantee will recognize San Miguel County as a financial contributor, sponsor, or partner on our website, social media, and on any specifically created materials related to the provided funding.
5. Grantee will collaborate with San Miguel County about any creation of appropriate press releases, photo opportunities, or news articles related to the provided County funding with discretion on final language.
6. Grantee will provide the San Miguel Behavioral Health Solutions Panel with reports beginning 6 months after funding is approved. The report shall be submitted to the San Miguel Behavioral Health Solutions Panel. Such report shall contain sufficient detail to allow the County to verify that provided funding was used in accordance with the Grantee’s funding request and with the terms of this agreement. Grantee hereby acknowledges that failure to provide a written report on a timely basis may be cause for denial of future funding requests.
7. Notwithstanding the funds provided by County to Grantee, the County has no other responsibility to Grantee for completion of any project, event, study, or activity, and will neither bear liability nor responsibility for any injuries, damages, or claims related to such project, event, study project or other activity. Grantee agrees to insure County against any such claims resulting from the actions of Grantee, its agents, employees, officers, or directors by naming San Miguel County as an additional insured.

**IN WITNESS WHEREOF, THE PARTIES HERETO AFFIRM THEIR AGREEMENT WITH THEIR SIGNATURES BELOW AND WARRANT THAT THE PERSONS SIGNING THIS AGREEMENT ARE AUTHORIZED TO DO SO.**

Board of County Commissioners of San Miguel County, Colorado

\_\_\_\_\_  
Board of County Commissioners, Chair

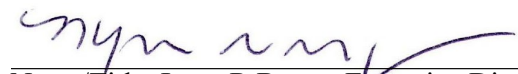
Date:

Attest:

\_\_\_\_\_  
Carmen Warfield, Deputy Clerk to the Board

Date:

Tri-County Health Network



\_\_\_\_\_  
Name/Title: Lynn R Borup, Executive Director

Date: 3/11/2021



AGENDA ITEM - 4.f.

**TITLE:**

Approval of the re-appointment of Josh Sinks to the San Miguel Basin Fair Board.

**Presented by:**

**Time needed:**

**PREPARED BY:**

**RECOMMENDED ACTION/MOTION:**

Recommended approval of re-appointment

**INTRODUCTION/BACKGROUND:**

Request for Appointment attached.

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
<b>Description:</b>			

**ATTACHMENTS:**

Description

Request for Appointment

Upload Date

3/12/2021



Carmen Warfield &lt;carmenw@sanmiguelcountyco.gov&gt;

## Online Form Submittal: County Boards and Commissions Request for Appointment

1 message

noreply@civicplus.com &lt;noreply@civicplus.com&gt;

Wed, Mar 10, 2021 at 4:21 PM

Reply-To: sinks.josh@yahoo.com

To: bocc@sanmiguelcountyco.gov

### County Boards and Commissions Request for Appointment

#### Step 1

##### San Miguel County Boards & Commissions Request for Appointment

Name of Board or Commission:	San Miguel Basin Fair Board
------------------------------	-----------------------------

Reappointment?	Yes
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(Section Break)

First Name	josh
------------	------

Last Name	sinks
-----------	-------

Email	
-------	--

Address1	
----------	--

Address2	Field not completed.
----------	----------------------

City	nucla
------	-------

State	co
-------	----

Zip	
-----	--

#### Step 2

##### San Miguel County Boards & Commissions Request for Appointment

Professional Background/Personal Interests	I have served on the fairboard for the past 4 years and was on the board before for 4 or 5 years
--	--

Reasons for interest in serving on this board	Background: my three kids have been sowing livestock for the past 15 years.
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3/11/2021

San Miguel County Mail - Online Form Submittal: County Boards and Commissions Request for Appointment

Email not displaying correctly? [View it in your browser.](#)



AGENDA ITEM - 4.g.

**TITLE:**

Ratification of Chair's signature on the County Veterans Service Officers monthly report for February 2021.

**Presented by:**

**Time needed:**

**PREPARED BY:**

Jim Botenhagen, VSO Officer

**RECOMMENDED ACTION/MOTION:**

To approve as presented.

**INTRODUCTION/BACKGROUND:**

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
<b>Description:</b>			

**ATTACHMENTS:**

Description

Feb. 2021 VSO Report

Upload Date

3/11/2021

sent 3/3/21



Colorado Department of Military and Veterans Affairs  
County Veterans Service Officers Monthly Report and Certification of Pay

County of SAN MIGUEL Month of FEB. 2021

Telephone Calls <u>15</u>	
Appointments	
Outreach	
Total Served <u>2</u>	

Surveys Submitted	
-------------------	--

**WIG #1** Governor's Challenge initiative adopted: (# of times shared)

     Lethal Means Safety Video      Gate Keeper Training      Caring Contacts

**WIG #2** How many trainings (virtual or in person) have you participated in this month? 5

**Certification by County Veterans Service Officer**

I hereby certify that the above monthly report is true and accurate to the best of my knowledge and belief. I have been employed as a county veteran service officer at a rate of:

☒ 35 hours per week or fewer

☐ 36 hours per week or more

For the month of FEB, 2021 from SAN MIGUEL county.

*[Signature]*  
Signature of County Veterans Service Officer

3-1-2021  
Date

**Certification by County Commissioner or Designee**

In accordance with CRS 28-5-707, I hereby certify the accuracy of the Report CVA-26 revised 2-15-2019:

*[Signature]* County Commissioner or Designee of  
SAN MIGUEL County  
3/3/21 Date

This certification, submitted monthly, properly signed and executed is considered as application for the monetary benefits to the County General Fund in accordance with 28-5-804 (2002) Colorado Revised State Statute.

Submit this form no later than the 15<sup>th</sup> day the following month to:

Colorado Division of Veterans Affairs West

482 28 Road


Grand Junction, CO 81501

Jessica.quackenbush@state.co.us

Telephone - T, Email - E	Month of <b>FEB. '21</b>
<b>Contact</b>	<b>Services Provided</b>
	Assistance with filling out forms and paperwork
T 2.17.21	Benefits Representation - Filing VA Claims and appeals, Pension and Aid
	Burial Benefits, funeral benefits, Headstones and Markers
	Colorado State and Veterans Nursing Homes/Nursing home care
	Community Outreach and Advocacy Type: _____
	Medals Request, Replacement of - military records, medals, awards
T 2.18.21	Disability Compensation - <b>SUPPLEMENT CLAIM</b>
	Education and Training
	Employment Assistance, Vocational rehabilitation
	Home Loans
	Incarcerated Veterans and Homeless Veterans
	Life Insurance
	Memorial benefits
	Operation Recognition
	Survivor benefits
	Other: _____

WEB-MEET WEDS. TO CO. DIV. VETS AFFAIRS  
 2-2 DIRECT SUBMIT TRAINING  
 2-3 COLO. SPIRIT WELLNESS PRG.  
 2-10 BRAIN INJURY ALLIANCE of CO.  
 2-17 HUTS FOR VETS  
 2-24 LEW BARR & MEDICARE RESOURCES

*Serving those who served*

  
 Signature of County Veterans Service Officer

3.1.2021

DATE





AGENDA ITEM - 4.h.

**TITLE:**

Approval of the February 2021 Payroll and Vendor Payments.

**Presented by:**

**Time needed:**

**PREPARED BY:**

Ramona Rummel, Finance and HR Director

**RECOMMENDED ACTION/MOTION:**

To approve as presented.

**INTRODUCTION/BACKGROUND:**

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
<b>Description:</b>			

**ATTACHMENTS:**

Description

February 2021 Vendor Payments

Upload Date

3/11/2021



## FINANCE OFFICE

RAMONA RUMMEL, FINANCE DIRECTOR

March 11, 2021

To: Board of County Commissioners  
Mike Bordogna, County Manager

Below please find a summary of payments issued during the month of February 2021. This presentation of claims is required per CRS 30-25-110.

Staff is recommending the approval of these payments via consent agenda on March 17, 2021.

Any questions, please let me know. Thank you.

*Per 30-25-110 C.R. S. Claims presented to the board - when-how paid.*

February 2021 Payments		
	PAYROLL	VENDOR PAYMENTS
101 - General Fund	\$516,329.10	\$365,547.31
102 - Road & Bridge Fund	\$89,387.48	\$82,466.36
103 - Social Services Fund	\$32,915.15	\$8,139.68
104 - Sales Tax Capital Fund		\$634,949.37
106 - Transit Fund		\$2,337.45
107 - Retirement Fund	\$26,119.66	
108- Parks and Open Space Fund	\$25,339.41	\$47,387.97
109 - Conservation Trust Fund		
110 - Lodging Tax Fund		\$144,198.88
111 - Vegetation Management Fund		\$218.36
112 - Early Childhood Education Fund		\$7,558.90
113 – Mental Health Fund		\$1,137.50
115 - Public Health & Environment Fund	\$22,126.90	\$9,794.68
116 - Energy Fund		
117 – COVID19 Fund	\$38,866.17	\$116,717.72
224 - Housing Authority		\$10,000.00
226 - Solid Waste Disposal District		\$5,023.10
301 – Grant Fund		\$120.00
<b>TOTALS</b>	<b>\$751,083.87</b>	<b>\$1,435,597.28</b>



AGENDA ITEM - 4.i.

**TITLE:**

Approval of Minutes: Feb. 17, 2021, Feb. 24, 2021, and March 3, 2021.

**Presented by:**

**Time needed:**

**PREPARED BY:**

Carmen Warfield, Clerk to the Board

**RECOMMENDED ACTION/MOTION:**

To approve as presented.

**INTRODUCTION/BACKGROUND:**

See attached.

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
<b>Description:</b>			

**ATTACHMENTS:**

Description	Upload Date
Corrected version Feb 17, 2021 Draft Minutes	3/16/2021
Corrected version Feb 24, 2021 Draft Minutes	3/16/2021
Corrected version March 3, 2021 Draft Minutes	3/16/2021

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS**  
**MINUTES**  
**Wednesday, February 17, 2021**  
Zoom.us

Present: Lance Waring, Chair  
Kris Holstrom, Vice Chair  
Hilary Cooper, Commissioner

Staff Present: Mike Bordogna, County Manager  
Amy Markwell, County Attorney  
Nancy Hrupcin, Legal Assistant  
Carmen Warfield, Chief Deputy Clerk

1. **CALL TO ORDER.**

9:31 a.m.

2. **REVIEW OF AGENDA/CALENDAR REVIEW**

3. **CONSENT AGENDA**

- a. Approval of appointing Yvette Henson to the Open Space Commission.
- b. Approval of re-appoint Jim Botenhagen to a two-year term as the Veteran Service Officer.
- c. Approval of Minutes: December 21, 2020; January 13, 2021; January 20, 2021, and January 22, 2021.
- d. Ratification of Chair's signature on County Veterans Service Officer's January 2021 Report.
- e. ~~Item Pulled - Approval of two Advanced Life Support Care Flight Permits and Ambulance Service Licenses for Care Flight of the Rockies.~~
- f. Approval of the Chair's signature on Renewal of Hotel and Restaurant with Optional Premises for Telski Food and Beverage Services d/b/a Alpino Vino, 12100 Camels Garden Road, Telluride, CO-based on the County Clerk's Written Findings.
- g. Acceptance of the January 2021 Payroll and Vendor Payments. (ATTACHMENT I)
- h. Approval of Chair's signature on a designation of a representative to the County Health Pool.

**MOTION** by Kris Holstrom to approve the consent agenda with item 4e removed to request additional information be provided. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

4. **ADMINISTRATIVE MATTERS**

- a. Presentation of the Annual report from the Wilkinson Public Library.

Presenter: Sarah Landeryou, Wilkinson Public Library Director and John Wontrobski, Board President

- b. Approval of the 7th Local Disaster Emergency Declaration.

Presenter: Amy Markwell, County Attorney

**MOTION** by Kris Holstrom to approve the 7th Local Disaster Emergency Declaration. **SECONDED** by Hilary Cooper. **PASSED 3-0.** (ATTACHMENT II)

13. **ATTORNEY MATTERS**

(Any of these items may involve an Executive Session C.R.S. 24-6-402)

- a. Late Addition: Opioid Litigation Update
- b. Update on Litigation
  1. Update on the injunction case concerning the violation of building codes.

Presenter: Amy Markwell, County Attorney

10:10 a.m. Recessed.

10:15 a.m. Reconvened.

5. **PLANNING MATTERS**

- a. Public Hearing: Consideration of an amendment to the San Miguel County Land Use Code Section 5-10 Special Uses and adopt Resolution No. 2021- 007 regarding Violations.

Presenter: Kaye Simonson, Planning Director

10:17 a.m. Chair Opened the Public Hearing.

10:18 a.m. Chair Closed the Public Hearing

**MOTION** by Hilary Cooper to approve the amendment to the San Miguel County Land Use Code Section 5-10 Special Uses and adopt Resolution No. 2021-007, regarding Violations, based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code. **SECONDED** by Kris Holstrom. **PASSED 3-0.** (ATTACHMENT III – Resolution 2021-007)

- b. Other, as needed.
  1. Update on the Society Turn Parcel and review.
  2. Update - RFQ - Affordable Housing Mitigation.

6. **SOCIAL SERVICES MATTERS**

*(Board of Commissioners sitting as the San Miguel County Board of Social Services.)*

- a. Approval of Chair's signature on Social Services Department Balance Sheet December 2020, Earned Revenue and Expenditures December 2020, Expenditures through Electronic Benefit Transfers January 2021, Check Register for the Month of January 2021, MOE Report DEC-21 and 2021 Caseload Report.

**MOTION** by Hilary Cooper to approve as presented. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

- b. Approval of Chair's signature on a Contract for Legal Services with Herb McHarg, 100th Meridian Law Group, P.C. for legal counsel for the calendar year 2021, San Miguel County Department of Social Services.

**MOTION** by Kris Holstrom to approve the contract as presented **SECONDED** by Hilary Cooper. **PASSED 3-0.**

9. **UPDATE WITH THE COUNTY MANAGER**

- a. Update and other, as needed.
  1. Upcoming scheduled meetings
  2. Update on agenda items scheduled for next week
  3. Update on the Small Business Relief Fund
  4. Update on legislation concerning commissioners unable to serve on the Board of Health
  5. Update on the Natural Resources and Special Projects Director position
  6. Region 10 - Regional Economic Plan
  7. Dolores County School District is offering the Egnar School Building to San Miguel County

Note: Mike will do a site visit and bring the information back to the board

8. COVID Migration study of Mountain Towns
9. 5-Star State Certification Program - HO2 sensors, 5-Star evaluators
10. The budget is prepared for the 5-star program – with a proposed match from each jurisdiction

7. **PARKS AND OPEN SPACE MATTERS**

- a. Update and review of the 2021 PES project conceptual budget.

Presenter: Chris Hazen, The Terra Firm, Inc.; Janet Kask, Director Parks and Open Space

8. **ADMINISTRATIVE MATTERS, Continued**

- a. Appreciation of Lynn Padgett and all the work she has done for the County.

Thank you, Lynn, for everything you have done.

- b. Consideration of a UFO BLM San Miguel River Restoration Project comment period

Presenter: Lynn Padgett, Government Affairs/Natural Resource Director

Note: Lynn Padgett will incorporate the shared thoughts and the advice from the Commissioners to create a draft working document.

11:43 a.m. Recessed.

12:48 p.m. Reconvened.

## 10. PUBLIC HEALTH AND ENVIRONMENT

*(Board of Commissioners sitting as the San Miguel County Board of Public Health and Environment.)*

- a. Discussion and update with the San Miguel County Stakeholders concerning the COVID 19 outbreak.

Presenter: Grace Franklin, Public Health Director

Public Who Addressed the Board:

Douglas Tooley, Part-time resident

Matt Skinner – County resident

Greg Craig – County resident

Matthew Thomas – Telluride Ski and Golf

Larry Mallard – Lodging Community

Jeffrey Kocher – County resident

Commissioner Updates:

Kris Holstrom - Norwood Town Trustee meeting; Farmer's Water, Western Slope Soil Conference, SMART Board Meeting

Hilary Cooper – Governor's Coronavirus Advisory Committee

Jurisdictional Updates:

DeLanie Young - Town of Telluride

Laila Benitez - Town of Mountain Village

2:09 p.m. Recessed.

2:17 p.m. Reconvened.

- b. Potential Executive Session: Concerning Public Health, Meeting with an Attorney, citation (4)(b).

Note: No executive session needed.

- c. Introduction of the Family Wellness Program of the San Juans.

Presenter: Amy Eriksen, Women, Infant and Children Director/Educator

## 11. HOUSING MATTERS

*(Board of Commissioners sitting as the San Miguel County Housing Authority.)*

- a. Discussion on local housing issues and solutions.

Presenter: Amy Levek, Trust for Community Housing

## 12. COMMISSIONER UPDATES

- b. Hilary Cooper – Update on Outside Meetings – and Legislative updates
  - 1. Colorado State Land Board comment letter will be drafted.
  - 2. Jenny Russel was nominated as Board President of the Southwestern Water Conservation District.
  - 3. Colorado Wilderness Bill - A proposed designation for the Norwood Canyon
  - 4. Event Producers are continuing to struggle through the COVID pandemic
- a. Kris Holstrom - SMART Board Meeting, Farmer's Water Meeting, Assisting at the Ridgway Community Garden
- c. Lance- No reports.

d. Public Comment. – No Public Comment.

**MOTION** by Kris Holstrom to adjourn the meeting. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

14. **ADJOURNMENT**  
3:20 p.m.

20210217-BOCC-Audio

Respectfully submitted,

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Carmen Warfield, Chief Deputy Clerk

Approved .

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

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Lance Waring, Chair

ATTEST:

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Mike Bordogna, County Manager

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS SPECIAL  
MEETING MINUTES  
Wednesday, February 24, 2021  
Telluride, Colorado**

Present: Lance Waring, Chair  
Kris Holstrom, Vice Chair  
Hilary Cooper, Commissioner

Staff Present: Mike Bordogna, County Manager  
Amy Markwell, County Attorney  
Nancy Hrupcin, Legal Assistant  
Carmen Warfield, Chief Deputy Clerk

1. **CALL TO ORDER**

9:32 a.m.

2. **REVIEW OF AGENDA**

Addition of Legislative Updates with Hilary Cooper.

3. **CALENDAR REVIEW**

4. **CONSENT AGENDA**

- a. Approval of a letter of support on behalf of Bruin Waste Management for support of a recycling resources grant through CDPHE.

**MOTION** by Kris Holstrom to approve the letter of support. **SECONDED** by Hilary Cooper.  
**PASSED 3-0.**

5. **ADMINISTRATIVE MATTERS**

- a. Update on the Applebaugh Bridge.

Presenter: Ryan Righetti, County Road and Bridge Superintendent

Note: The board supports the "path" moving forward.

- b. Discussion concerning the 5-Star State Certification Program/budget

Presenter: Mike Bordogna; County Manager; Kris Holstrom, Commissioner; Megan Ossola, Member of the Restaurant committee

- c. Review of the Hardrock Mining Comments.

Presenter: Hilary Cooper, Commissioner

- d. Discussion on the Wilson Mesa Trust parcel of land, citation (4)(b).

Presenter: Hilary Cooper, Commissioner; Mike Bordogna, County Manager; Harris Sherman, Resident of Wilson Mesa; MJ Schillaci, Resident of Wilson Mesa

Note: The letter to the State Land Board will be drafted, sent, and ratified at the next meeting.



- e. Late Addition: Consideration of an updated letter to request a Performance Audit of the Colorado Division of Property Taxation, a Division of the Colorado Department of Local Affairs.

Presenter: Amy Markwell, County Attorney

**MOTION** by Hilary Cooper to approve the letter to be sent the Colorado Division of Local Affairs. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

**6. Recess for agenda-setting with the Board and Staff (No decisions will be made).**

10:37 a.m. Recessed.

12:45 p.m. Reconvened.

**7. PUBLIC HEALTH AND ENVIRONMENT**

*(Board of Commissioners sitting as the San Miguel County Board of Public Health and Environment.)*

- a. Discussion and update with the San Miguel County Stakeholders concerning the COVID 19 outbreak.

Presenter: Grace Franklin Public Health Director; Mike Bordogna, County Manager

Commissioner Updates:

Kris Holstrom - 5 Star State Certification Program

Hilary Cooper - CCI Listening session; Governor's Coronavirus Advisory Committee Call

Lance - Lodging Oversight Committee

Stakeholders Update/and Elected Officials Who Addressed the Board:

DeLanie Young – Town of Telluride

Laila Benitez – Town of Mountain Village

Zoe Dohnal – Town of Mountain Village

Katherine Warren – Town of Mountain Village

Kim Montgomery – Town of Mountain Village

Public Who Addressed the Board:

Jeffrey Kocher, County resident

Matt Skinner, County resident

Greg Craig, County resident

Douglas Tooley, Part-time County resident

Larry Mallard, Lodging committee

Megan Ossola, Restaurant Community

Ross Martin, Restaurant Community

Matthew Thomas, Telluride Ski and Golf

Dan Jansen, County resident

2:45 p.m. Recessed.  
2:55 p.m. Reconvened.

Regular Outside Meeting Commissioner Updates:  
Kris Holstrom - Restaurant association, ERC meeting  
Hilary Cooper - Legislative Updates  
Lance - Strong Start

- b. Potential Executive Session: Concerning Public Health, Meeting with an Attorney, citation (4)(b).

8. **UPDATE WITH THE COUNTY MANAGER**

- a. Other, as needed.
  - 1. Village Court Apartments has a Studio apartment set aside for San Miguel County that will be available March 1st.

**MOTION** by Kris Holstrom to adjourn the meeting. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

9. **ADJOURNMENT**

3:15 p.m.

20210224-BOCC-Audio

Respectfully submitted,

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Carmen Warfield, Chief Deputy Clerk

Approved .

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

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Lance Waring, Chair

ATTEST:

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Mike Bordogna, County Manager

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS**  
**MINUTES**  
**Wednesday, March 3, 2021**  
Zoom.us

Present: Lance Waring, Chair  
Kris Holstrom, Vice Chair  
Hilary Cooper, Commissioner

Staff Present: Mike Bordogna, County Manager  
Amy Markwell, County Attorney  
Nancy Hrupcin, Legal Assistant  
Carmen Warfield, Chief Deputy Clerk

1. **CALL TO ORDER.**  
9:30 a.m.
2. **REVIEW OF AGENDA**
3. **CALENDAR REVIEW**
4. **CONSENT AGENDA**
  - a. Ratification of a comment letter to the Colorado State Land Board, Wilson Mesa Trust parcel of land.
  - b. Ratification of the Hardrock Mining comment letter.
  - c. Approval of Minutes: January 27, 2021, February 3, 2021, and February 10, 2021.
  - d. Ratification of Chair's signature on the 2020 Colorado Parks and Wildlife Impact Assistance Grant Application

**MOTION** by Kris Holstrom to approve as presented. **SECONDED** by Hilary Cooper.  
**PASSED 3-0.**

10. **ATTORNEY MATTERS**  
(Any of these items may involve an Executive Session C.R.S 24-6-402)
  - a. Update on Litigation
  - b. Other, as needed
    1. Update on the proposed legislation on the restructure on the Statues concerning contiguous status (HB 21-1083).

Presenter: Amy Markwell, County Attorney

5. **ADMINISTRATIVE MATTERS**
  - a. Hearing Consideration of a request by the Assessor to Deny Petition for abatement or refund of taxes, TY2018-19 Bildor Real Estate Lot 383R Filing 34 TMW, R1080960383.

**MOTION** by Kris Holstrom to approve the denial of Petition for abatement, year's 2018 and 2019 Bildor Real Estate, Lot 383R, Filing 34, Telluride Mountain Village, as presented.  
**SECONDED** by Hilary Cooper. **PASSED 3-0.**

- b. HEARING: Consideration of a request by the Assessor to Deny Petition 2021-31 for abatement or refund of taxes, TY2020, Barnett, Jerry L & Karen S as JT, Lot 12 Hasting Mesa Estates, R1040011175.

**MOTION** by Kris Holstrom to approve the denial of petition 2021-31 for abatement year 2020, Barnett Jerry L and Karen S, Lot 12, Hastings Mesa Estates, as presented. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

- c. HEARING: Consideration of a request by the Assessor to Deny Petition 2021-17 for abatement or refund of taxes, TY2018, Curly, Richard O Jr., Lot 84 Wilson Mesa Ranch, R1060050018.

**MOTION** by Kris Holstrom to deny petition 2021-17 for abatement, year 2018, Curly, Richard O jr., Lot 84, Wilson Mesa Ranch, as presented. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

- d. Hearing Consideration of a request by the Assessor to Deny Petition #2020-14 for abatement or refund of taxes, TY2018, Telluvista LLC c/o Duff & Phelps Lot 304, Fil #10, TMV R1080088304.

**MOTION** by Kris Holstrom approve the denial Petition #2020-14 abatement for the year 2018, Telluvista LLC, Lot 304, Fil #10, Telluride Mountain Village, as presented. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

- e. Consideration of a request by the Assessor to approve Petition #2021-18 for abatement or refund of taxes TY 2018 Baxter, Leigh Anne, Lot 116 TMV, R1080000116, Over \$10,000.

**MOTION** by Kris Holstrom to deny the recommendation of approval by the Assessor on Petition #2021-18 abatement for the year 2018, Baxter, Leigh Anne, Lot 116, Telluride Mountain, as presented. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

- f. Consideration of a request by the Assessor to approve Petition #2021-14 for abatement or refund of taxes TY2018 Butler, Alice L Trustee, Lot 89 3B TMV, R1080090896, Over \$10,000.

**MOTION** by Hilary Cooper to deny the recommendation of approval by the Assessor on Petition #2021-14, abatement of taxes for year 2018, Butler, Alice L Trustee, Lot 89 3b, Telluride Mountain Village, as presented. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

Presenter: Peggy Kanter, County Assessor - (ATTACHMENT I – Abatements 5.a – 5.f.)

- h. Administrative discussion and consideration of a comment letter concerning the San Miguel River Restoration.

Item continued to a future meeting with an updated comment letter provided.

6. **UPDATE WITH THE COUNTY MANAGER**

- a. Approval of the Chair's signature on Resolution for the updated San Miguel County Organizational Chart.

Presenter: Mike Bordogna, County Manager

**MOTION** by Kris Holstrom to approve the resolution updating the County Organizational Chart  
**SECONDED** by Hilary Cooper. **PASSED 3-0.** (ATTACHMENT II – Resolution 2021-008)

- b. Potential Executive Session: Update on the Coronavirus Relief Fund and "Pay it Forward" concept, citation (4)(b).

Presenter: Mike Bordogna; County Manager; Kris Holstrom, Commissioner

- c. Discussion concerning options for the US 50 Little Blue Canyon project.

Presenter: Mike Bordogna, County Manager; Kris Holstrom, Commissioner; Hilary Cooper, Commissioner

5. **ADMINISTRATIVE MATTERS – Continued.**

- g. Potential Executive Session: Discussion and Update with Paul Major on the Norwood Housing Development, citation (4)(e).

Presenter: Paul Major and David Bruce, Telluride Foundation

11:36 a.m. Recessed.

12:00 p.m. Reconvened.

- h. Thank you to Tony Gallob, Road & Bridge Department and Vicki Gallob, Finance Department for their many years of service to San Miguel County

Presenter: Ryan Righetti, Road and Bridge Superintendent; Ramona Rummel, Director of Finance

Thank you, Tony and Vicki Gallob. Best of luck with your future endeavors.

7. **Break**

12:09 p.m. Recessed

12:46 p.m. Reconvened.

8. **PUBLIC HEALTH AND ENVIRONMENT**

*(Board of Commissioners sitting as the San Miguel County Board of Public Health and Environment.)*

- a. Discussion and update with the San Miguel County Stakeholders concerning the COVID 19 outbreak.

Presenter: Grace Franklin, Public Health Director; Greg Craig, Dr. Jeffrey Kocher

Commissioner Updates:

Hilary Cooper – Upcoming Intergovernmental meeting – preparing for the summer season

Kris Holstrom - 5 Star State Cert Program, CO2 Meters

Lance – Lodging Association call

Jurisdictional Updates:

Patti Grafmyer - Town of Norwood

Kim Montgomery- Town of Mountain Village

DeLanie Young - Town of Telluride

- b. Potential Executive Session: Concerning Public Health, Meeting with an Attorney, citation (4)(b).

No Executive Session was needed.

6. **UPDATE WITH THE COUNTY MANAGER –Continued.**

e. Other, as needed.

- 1. Escrow Agreement with Zions Bank has requested that Ramona Rummel be added as an additional Authorized Representative.

Note: All three commissioners agreed to have Ramona Rummel added as an authorized representative of San Miguel County and Zions Bank

- 2. Region 10 Business Loan Committee - 1 county member opening - Kris Holstrom will participate for now.
- 3. March 11, 2020 - Colorado State Trails meeting - Hilary Cooper will be attending and representing the County.
- 4. Doris Ruffe Memorial Scholarship Announcement of Recipient is scheduled for May 18, 2021 - Lance Waring will attend on behalf of the County.
- 5. Update on the 5 Star State Certification Program funding request.
- 6. Interviews for the Natural Resources and Special Projects Director- 3 finalists
- 7. Site Visit - The remodeled/built Sheriff Office in Ilium and Norwood – days available are April 5 or April 6; please notify Mike when you know which day would work best for the Commissioners

9. **COMMISSIONER UPDATES**

- a. Kris Holstrom - 5 - Star State Certification Program, Regenerative Recovery Coalition
- b. Hilary Cooper - Legislative Updates, Update on the Dolores NCA
- c. Lance Waring - Gondola Subcommittee, EcoAction Partner Meeting, MTI Neogiating Group concerning a new contract

**MOTION** by Kris Holstrom to adjourn the meeting. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

11. **ADJOURNMENT**

2:13 p.m.

20210303-BOCC-Audio

Respectfully submitted,

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Carmen Warfield, Chief Deputy Clerk

Approved .

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

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Lance Waring, Chair

ATTEST:

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Mike Bordogna, County Manager



AGENDA ITEM - 4.j.

**TITLE:**

Approval of the Chair's signature on Steincrusher agreement for gravel crushing for Road & Bridge

**Presented by:**

**Time needed:**

**PREPARED BY:**

**RECOMMENDED ACTION/MOTION:**

To approve as presented.

**INTRODUCTION/BACKGROUND:**

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
<b>Description:</b>			

**ATTACHMENTS:**

Description

Steincrusher Contract

Upload Date

3/12/2021



## AGREEMENT FOR SERVICES

Independent Contractor

**PROJECT: 2021-2022 Gravel Crushing**

**CONTRACTOR NAME: Steincrusher LLC**

**LOCATION: San Miguel County: Klondike, Norwood, Pathfinder & Zadra Gravel Pits**

San Miguel County (the "County") wishes to engage the services of an independent contractor. The undersigned contractor ("Contractor") has agreed to provide such services, as an independent contractor, in return for the compensation stated herein. Contractor has read and agrees to the terms and conditions stated herein.

### BE IT AGREED AS FOLLOWS:

1. **CONTRACT DOCUMENTS.** The "Contract Documents" shall consist of the following:
  - a) This Agreement;
  - b) Invitation to Bid; Exhibit A;
  - c) SMC Road Department 2021 Gradation Specifications; Exhibit B;
  - d) Steincrusher LLC's pricing proposal; 2021 Crushed Gravel Requirements Bid Form as Exhibit C;
  - e) CDPHE Construction Permit as Exhibit D;
  - f) Certificate of Liability Insurance as Exhibit E;
  - g) Workman's Compensation Insurance Exhibit F;
  - h) Contractor's W-9 as Exhibit G.
1. **DESCRIPTION OF SERVICES.** Contractor warrants that it is fully qualified to perform the below-described Services and shall perform the Services following generally recognized professional practices and standards of Contractor's profession, to the reasonable satisfaction of the County, and in strict accordance with the provisions of the Contract Documents. No adjustment or modification of the Contract Documents shall be allowed for any misunderstanding of the Services or of the terms and provisions contained in the Contract Documents. Contractor agrees to perform the following services for San Miguel County: Crush gravel in all four of San Miguel County's Pits for unit cost in the attached bid form.  
  
Pathfinder Pit, 15,000 cy ¾" Class 6 @ 6.30 & 5,000 cy 3" Class 2 @ 6.30 = \$ 126,000  
Klondike Pit, 15,000 cy ¾" Class 6 @ 6.30 & 5,000 cy 3" Class 2 @ 6.30 = \$126,000  
Norwood Pit 15,000 cy ¾" Class 6 @ 6.30 = \$94,500  
Zadra Pit 10,000 cy ¾" Class 6 @ 8.10 = \$81,000
2. **COMPENSATION.** San Miguel County agrees to pay \$283,500 in 2021 and \$144,000 in 2022. Total amount is not to exceed \$427,500.

Invoices must be submitted to and approved by the County Representative, Ryan Righetti, Road Superintendent, designated in the "Authorized Representative" paragraph herein and delivered to the San Miguel County Finance Office. Approved invoices that are received by the Finance Office before the 1<sup>st</sup> day of the month will be paid on the tenth day of the month; invoices received in the Finance Office the 2<sup>nd</sup> through the 10<sup>th</sup> day of the month will be paid on the 20<sup>th</sup> day of the month; invoices received on the 11<sup>th</sup> through the 20<sup>th</sup> day of the month will be paid on the last working day of the month. Payment of invoices does not constitute final acceptance of work, nor shall it be construed as a waiver by the County of any of its rights as may be provided by law.

Contractor represents and warrants that the prices, charges, or fees outlined in this Agreement (on the whole) are at least as favorable as the prices, charges, or fees Contractor charges (on the whole) to other of its customers/clients for the same or substantially similar services provided under the same or similar circumstances, terms, and conditions. If Contractor agrees or contracts with other customers/clients similarly

situated during the term of this Agreement, and offers or agrees to a financial term more favorable than those set forth herein (on the whole), Contractor agrees that it will reduce the prices, charges, or fees charged to the County concerning the products/services hereunder to the most favorable rates received by those other customers/clients.

3. **TERM OF AGREEMENT.** The term of this Agreement expires **December 31, 2022.**
4. **AUTHORIZED REPRESENTATIVES.** The County designates **Ryan Righetti, Road Superintendent**, as the County Representative under this Agreement. Contractor designates **Daniel Eckstine** as the Contractor Representative. Said Representatives shall have the authority to bind the parties concerning the Services. The County Representative shall be present at the worksite and/or review Contractor's work as necessary to assure the Contractor's satisfactory performance under this Agreement. The Contractor Representative shall also be responsible for advising the County Representative of the status of the Services and agrees to take direction only from the County Representative and to comply promptly and fully with the reasonable requests and directives issued by the County Representative from time to time. The County may change its representative at any time by giving Notice to Contractor as set forth herein. Contractor shall not replace the Contractor Representative unless: (a) the County requests a replacement or (b) Contractor terminates the employment of the Contractor Representative and provides a satisfactory substitute. The County must approve the substitute Contractor Representative, and, if no substitute is acceptable, the County may terminate this Agreement.
5. **APPROVAL & ACCEPTANCE OF SERVICES.** The County Representative shall be the sole judge of the acceptability of the Services by the Contractor and the sufficiency of any supporting data submitted by the Contractor. If at the sole discretion of the County conferences with Contractor are necessary or desirable to explain or correct Services, Contractor shall make no additional charge for time or costs for attendance as such conference or for making the required explanations or corrections.
6. **INDEPENDENT CONTRACTOR.** The parties agree that the relationship created by this Agreement is that of employer-independent contractor. Contractor is not an employee of San Miguel County and is not entitled to any benefits provided by San Miguel County to its employees. Unless otherwise specified in writing, Contractor shall furnish all supervision, labor, materials, equipment, supplies, and other incidentals to complete the requirements of the job. Contractor has the authority to control and direct the details of the work; the County is interested only in the results. Contractor agrees to comply with all state and federal requirements pertaining to workers' compensation, general liability and employment liability insurance relating to the performance and completion of this Agreement. The Services as defined herein, are subject to San Miguel County's right of inspection and approval. Contractor may practice their profession for others during periods when not performing work under this Agreement for San Miguel County. The County may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Contractor performs.
7. **WORK PERFORMED AT CONTRACTOR'S RISK.** Contractor warrants that it is fully qualified to perform the Services as set forth herein and shall perform the Services following the professional standards of the industry and in strict accordance with the provisions of the Contract Documents. Contractor shall take all precautions necessary and shall be responsible for the safe performance of the services described herein. All work shall be done at Contractor's risk. Contractor shall be responsible for any damage or loss to San Miguel County property used or held for use in connection with the work performed.
8. **INSURANCE & LICENSURE.** Contractor and any subcontractors shall procure and maintain until all of their obligations under this Agreement have been discharged, including any warranty periods, insurance against claims for injury to persons or damages to property which may arise from, or in connection with the performance of work hereunder by the Contractor, its agents, representatives, employees, or subcontractors. The County shall be endorsed as an additional insured on any policy of Commercial General Liability insurance ("CGL") that the Contractor has obtained, as evidenced by a current certificate of liability insurance which the

Contractor shall provide to the County upon execution of this Agreement. The insurance requirements herein are minimum requirements for this Agreement and in no way limit the Contractor's indemnity obligations to the County as set forth herein. The County in no way warrants that the minimum limits of insurance specified herein are sufficient to protect the Contractor from liabilities that may arise out of the performance of the work under this Agreement by Contractor. The minimum Scope and Limits of insurance coverages that the Contractor is to maintain in effect and to which the County shall be endorsed as an additional insured, shall be: General Aggregate - \$1,000,000; Products/Completed Operation Aggregate - \$1,000,000; Each Occurrence Limit - \$1,000,000; Personal Advertising Injury - \$1,000,000; Automobile Liability (if applicable) Bodily Injury/Property Damage - \$350,000 (each person)/\$1,000,000 (each occurrence); Workers' Compensation and Employers' Liability – Coverage A (Workers' Compensation) – statutory; Coverage B (Employers' Liability) - \$100,000/\$500,000, or such higher coverage limits as the Contractor's insurance coverage provides. Contractor shall provide a copy of their valid professional license/certification and professional liability insurance coverage prior to commencing the Services under this Agreement and during the term of this Agreement shall provide the County written evidence of continuing insurance coverage within three (3) business days upon request from the County. Certificates of insurance shall name San Miguel County as an additional insured. The County shall also be endorsed as a party on said policy and, if requested by the County, Contractor shall provide proof of the endorsement to the insurance policy for this Agreement

9. **GOVERNMENTAL IMMUNITY.** The County does not intend to waive, by any provision of this Agreement, any rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. §24-10-101, *et seq*, as currently in effect and as it may be subsequently amended. This indemnity continues beyond the termination of this Agreement for the acts or omissions which occurred during the Agreement Term.
10. **INDEMNIFICATION.** Contractor shall indemnify, release, save, hold harmless and defend San Miguel County, its officials, employees and agents from and against all liabilities, claims, actions, damages, losses, and expenses, including without limitation reasonable attorneys' fee and costs (hereinafter referred to collectively as "claims") for bodily injury or personal injury, including death, or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the Contractor or any of its owners, officers, directors, agents, employees, or subcontractors. The indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such Contractor to conform to any federal, state, or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the County shall, in all instances, except for claims arising solely from the negligent or willful acts or omissions of the County, be indemnified by Contractor from and against any and all claims. It is agreed that Contractor will be responsible for primary loss investigation, defense, and judgment costs where this indemnification is applicable. In consideration of the award of this Agreement, the Contractor agrees to waive all rights of subrogation against the County, its officials, agents, and employees for losses arising from the work performed by the Contractor for the County according to this Agreement. Notwithstanding any other provision of the Contract Documents, Contractor acknowledges that the County, as a governmental entity, is not legally permitted to and does not agree to indemnify Contractor.
11. **APPROPRIATION OF FUNDS.** Time is of the essence in Contractor's performance of its obligations under this Agreement. San Miguel County's expenditure of any funds under this Agreement beyond the current County fiscal year shall be expressly subject to and contingent upon the County's budgeting and appropriating funds for such purposes according to the Colorado Local Government Budget Law and C.R.S. §29-1-110. Should such funds not be budgeted and appropriated for the County's obligations under this Agreement for future fiscal years, this Agreement shall terminate at the end of the fiscal year for which such funding has been lawfully budgeted and appropriated, and the County shall provide the contractor with prior written notice of such termination.
12. **SUSPENSION & TERMINATION.** Without terminating this Agreement, the County may suspend Contractor's Services following a five (5) day written Notice to Contractor. In the event of suspension, Contractor shall incur no additional expenses and shall perform no further services for the County under this Agreement after the date of receipt of the notice of suspension unless otherwise specified by the County. If resumption of Contractor's

Services requires any waiver or change in this Agreement, the parties must mutually agree to such waiver or change, in writing, and the writing must be attached as an addendum to this Agreement. Additionally, the County reserves the right to terminate this Agreement, in whole or in part, with or without cause by the giving of a fifteen (15) day written Notice to Contractor. In the event of termination, Contractor shall incur no additional expenses and shall perform no further services for the County under this Agreement after the date of receipt of the notice of termination, unless otherwise specified by the County. Upon termination for any reason, the County shall be entitled to a prorated refund for the remainder of the current term. In the event the County terminates this Agreement for cause, the provisions of the paragraph titled "Damages" shall apply.

13. **DAMAGES.** If Contractor fails to comply with any material provision of the Agreement, Contractor shall be liable for any and all damages, including with limitation, the cost of procuring similar supplies or services and all other costs and expenses incurred by the County because of such failure. All time limits stated in the Agreement are of the essence. Contractor's failure to substantially complete the services in conformance with the Agreement shall result in damages suffered by the County, including, without limitation, the County's cost to complete the services together with any other expenses incurred, as determined by the County. The County may offset any amounts owed to it as damages against any monies due and owing to Contractor under this Agreement. In addition, the County shall be entitled to any other rights and remedies available to it in law or equity.
14. **DATA SECURITY.** Any data or documentation Contractor receives from the County under this Agreement is the property of the County and shall be returned at the expiration of the Agreement. The data and documentation may contain confidential information and/or personal identifying information. As such, Contractor shall use reasonable care to ensure said information is secure.

Contractor will take adequate steps and security precautions to prevent unauthorized disclosure of information which is County property including, but not limited to: (a) instructing employees that have access to such information not to copy or duplicate the same or any part thereof; (b) to withhold disclosure or access or reference thereto from unauthorized third parties, and; (c) maintaining proper control of passwords and security procedures to prevent unauthorized access to Contractor's computer systems.

Contractor shall notify the County of any actual or suspected data security incident as soon as practicable, but no later than 24 hours after it becomes aware of it, to include but not limited to: (a) access, use or disclosure of a County's confidential information not permitted by this Agreement; (b) breach of a County's unsecured confidential information; (c) security breach or intrusion or; (d) use or disclosure of a County's confidential information in violation of any applicable federal or state laws or regulations.

If applicable, all data shall be encrypted at rest and in transmission. Contractor's collection, access, use, storage, disposal, and disclosure of data under this Agreement shall comply with all applicable data protection laws, as well as all other applicable regulations and directives.

Upon termination of this Agreement for any reason, Contractor will provide access to all County data for a transition period for up to three (3) months. Once all of the data has been moved and the three (3) month period has expired, Contractor's obligations to maintain the stored data will end. County will also have access to search, playback, and download features. County data will include all associated metadata. Contractor will provide assistance to move County data in a timely and organized manner to another provider at no additional cost during the transition period.

15. **NONDISCRIMINATION.** Contractor agrees to comply with the letter and spirit of the Colorado Anti-Discrimination Act, C.R.S. §24-34-401, et seq., as amended and all applicable local, state, and federal laws regarding discrimination and unfair employment practices. Contractor shall not refuse to hire, discharge, promote or demote, or discriminate in matters of compensation against any person otherwise qualified solely because of race, color, creed, religion, gender, gender identity, national origin or ancestry, disability, age, sex, sexual orientation, socio-economic status, marital status, veteran status, or any other basis prohibited by federal, state or local law.

16. **COLORADO LABOR PREFERENCE.** The provisions of C.R.S. sections 8-17-101 and 102 may apply to this Agreement. If this Agreement includes federal funds, this paragraph does not apply. If the work to be performed under this Agreement falls within the definition of “public works project,” then the Colorado Labor Preference applies. Colorado labor must be employed to perform the work to the extent of not less than eighty percent (80%) of each type or class of labor in the several classifications of skilled and common labor employed on the project. “Colorado labor” means any person who is a resident of the State of Colorado at the time of the public works project, without discrimination as to race, color, creed, sex, age or religion except when sex or age is a bona fide occupation qualification. A resident of the State of Colorado is a person who can provide a valid Colorado driver’s license, a valid Colorado state-issued photo identification or documentation that they have resided in Colorado for the last thirty (30) days.

17. **COMPLIANCE WITH PUBLIC CONTRACTS FOR SERVICES REQUIREMENTS - UNDOCUMENTED WORKERS.**

Contractor certifies that, at the time of the certification, and before its execution of this Agreement, that it does not knowingly employ or contract with an illegal alien who will perform work under this Agreement or enter into a contract with a subcontractor that fails to certify to the Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Contract. Contractor represents, warrants, and agrees that it: (a) has confirmed or attempted to confirm the employment eligibility of all employees who are newly hired for employment in the United States through participation in the e-verify program or through the Colorado Department of Labor and Employment (“CDLE”) and; (b) otherwise will comply with the requirements of C.R.S. §8-17.5-101(2)(b). Contractor is prohibited from using either the e-verify program or CDLE program procedures to undertake pre-employment screening of job applications while Services are being performed under this Agreement. If Contractor obtains actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with an illegal alien, Contractor shall notify the subcontractor and San Miguel County within three days that Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien and terminate the subcontract with the subcontractor if within three (3) days of receiving the notice the subcontractor does not stop employing or contracting with the illegal alien; except that Contractor shall not terminate the contract with the subcontractor if during such 3 days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien. Contractor shall comply with any reasonable request CDLE made in the course of an investigation that CDLE is undertaking according to the authority established in C.R.S. §8-17.5-102. If Contractor fails to comply with any requirement of this provision or C.R.S. §8-17.5-101 et seq., the County may terminate this Agreement for a breach and Contractor shall be liable for actual and consequential damages to the County.

If Contractor is a natural person over eighteen years of age and a sole-proprietor, a condition precedent to the County’s execution of this Agreement is that the County has verified that contractor is lawfully present in the United States in accordance with H.B. 06 -1023, C.R.S., Title 24, Article 76.5, Restrictions on Public Benefits and that the contractor has executed the statutorily required affidavit regarding their lawful presence in the United States. Contractor shall provide a copy of their valid legal presence affidavit before commencing the Services under this Agreement.

18. **COLORADO OPEN RECORDS ACT.** The parties acknowledge that San Miguel County is a governmental entity formed according to Colorado law, and as such, is subject to the Colorado Open Records Act, C.R.S. § 24-72-200 et seq. (“CORA”). In the event the County receives a request under CORA that would require production of records related to Contractor, the County will inform Contractor of such request and provide Contractor with a copy of any such written request. Contractor shall promptly notify the County if: (a) production of the requested record would disclose Contractor’s trade secrets, privileged information, and/or confidential commercial or financial data pursuant to C.R.S. § 24-72-204(3)a(IV) or; (b) Contractor desires to pursue a legal action to prevent disclosure of such documents. The County shall determine whether to deny the request. If the County’s denial of a request is challenged, the County will notify Contractor of such challenge and provide the Company with a written copy of any such challenge. Contractor shall indemnify and hold the County harmless from any claim or

judgment as well as any costs and attorney's fees incurred in denying such request or otherwise assisting Contractor in response to a denial and/or legal challenge to the denial.

19. **GOVERNING LAW, JURISDICTION & VENUE.** This Agreement will be governed by and construed in accordance with the laws of Colorado. Should there be a dispute between the parties, jurisdiction and venue shall lie in the 7<sup>th</sup> Judicial District of San Miguel County, Colorado.
20. **WARRANTY.** Contractor represents that the Services pursuant to the Contract Documents will be performed in accordance with industry standards in all material respects.
21. **NOTICE.** Notice under this Agreement shall be given in writing and shall be deemed received if given by: (a) confirmed electronic transmission (as defined below) when transmitted, if transmitted on a business day and during the normal business hours of the recipient, and otherwise on the next business day following transmission; (b) certified mail, return receipt requested, postage prepaid, three (3) business days after being deposited in the United States mail; or (c) overnight carrier service or personal delivery when received. Notice shall be given to the parties at the following addresses:

**San Miguel County Representative:**

Name Ryan Righetti  
Title: Road Superintendent  
Mailing Address PO Box 426  
Phone: (970) 327-4835  
Email: ryanr@sanmiguelcountyco.gov

**Contractor Representative:**

Name: Daniel Eckstine  
Title: Steincrusher LLC  
Mailing Address: 5083 Hwy 348, Delta CO 81424  
Phone (970) 250-2910  
Email: steincrsheer2017@gmail.com

**Copy to: San Miguel County Attorney**

Attn.: Amy Markwell  
PO Box 1170 (mailing)  
333 W. Colorado Ave. (physical)  
Telluride, CO 81435  
970-728-3879  
[attorney@sanmiguelcountyco.gov](mailto:attorney@sanmiguelcountyco.gov)

"Electronic Transmission" means any form of communication not directly involving the physical transmission of paper that creates a record that may be retained, retrieved, and reviewed by a recipient thereof, and that may be directly reproduced in paper form by such a recipient through an automated process, but specifically excluding facsimile transmissions and texts. The parties agree that: (a) any notice or communication transmitted by electronic transmission shall be treated in all manner and respects as an original written document; (b) any such notice or communication shall be considered to have the same binding and legal effect as an original document, and; (c) at the request of either party, any such notice or communication shall be re-delivered or re-executed, as appropriate, by the party in its original form.

22. **MISCELLANEOUS.**

- a) Assignability. Contractor shall not assign its rights or delegate its obligations under this Agreement without the County's prior written consent.
- b) Severability. Should a court of competent jurisdiction determine that any provision or term of this Agreement be legally void or otherwise legally unenforceable, such provision or term shall be deemed severable from the remainder of this Agreement, which shall remain in full force and effect.
- c) Officials Not to Benefit. No elected or employed member of the County government shall be paid or receive, directly or indirectly, any share or part of this Agreement or any benefit that may arise therefrom.

d) Conflict of Interest. Contractor shall not knowingly perform any act that would conflict in any manner with the performance of services under this Agreement. Contractor certifies that it is not engaged in any current project or business transaction, directly or indirectly, nor has any interest, direct or indirect, with any person or business that might result in a conflict of interest in the performance of services.

e) Records Retention. Contractor shall maintain all records, including working papers, notes, and financial records, and make them available for County inspection and audit which they may require for any purpose authorized by law.

f) Entire Agreement. This Agreement, together with any attached exhibits, represents the complete, integrated, and merged understanding of the parties with regard to the subject matter of this Agreement, and any prior or contemporaneous provision, term, condition, promise, representation, or understanding, shall be of no legal force or effect unless embodied herein in writing, or in a written amendment to this Agreement mutually agreed to and executed by the parties. A party's waiver of a specific right set forth herein shall not be deemed to be a waiver by that party of any other of its rights contained in this Agreement. In the event of a conflict between an Exhibit to this Agreement and the body of this Agreement, the Agreement will govern resolution of the conflict.

g) Execution by Counterparts; Electronic Signatures. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The parties approve the use of electronic signatures for execution of this Agreement. All use of electronic signatures shall be governed by the Uniform Electronic Transactions Act, C.R.S. §24-71.3-101 et seq.

**IN WITNESS WHEREOF**, the parties have executed and entered into this Agreement as of the latter day and year indicated below.

**San Miguel County, Colorado**

Date signed \_\_\_\_\_

By \_\_\_\_\_

Name: **Ryan Righetti**

Title: **Road Superintendent**

**Contractor Name: Steincrusher LLC**

Date signed \_\_\_\_\_

By \_\_\_\_\_

Name: **Daniel Eckstine**

Title: **Contractor**

Reviewed by the County Attorney for form and content.

\_\_\_\_\_  
Amy T. Markwell

\_\_\_\_\_  
Date

## **EXHIBIT “A”**





## ROAD & BRIDGE DEPARTMENT

RYAN RIGHIETTI, ROAD SUPERINTENDENT

### INVITATION TO BID

San Miguel County will receive sealed bids at the Road & Bridge Office, in the Glockson Building, 1120 Summit St, PO Box 426, Norwood, CO 81423 until 9:00 a.m. on Friday, January 29, 2021, at which time all bids will be publicly opened and read aloud for the 2021 crushed gravel requirements of San Miguel County. In an effort to comply with the recent restrictions regarding the Coronavirus epidemic, travel between communities is not recommended and distancing between individuals is strongly encouraged. For this reason, Road & Bridge is making available a secure email link that will not be opened until the official bid opening. Please review and ensure your bid is complete as we will not be reviewing or opening this account until the deadline posted. We ask that bids be submitted using this link. We will still accept sealed bids mailed or delivered to our office. We will set up a conference call for those who would like to listen in on the live opening and reading of the received bids. The number to call in is 1-862-799-9015. Thank you all for your patience and please feel free to call with any questions or concerns regarding the process. The secure email address for bidding is ([roadandbridgessealedbid@sanmiguelcountyco.gov](mailto:roadandbridgessealedbid@sanmiguelcountyco.gov))

No bid shall be withdrawn after the opening of bids without the consent of the Board of County Commissioners for a period of 30 days after the scheduled time of opening bids.

Bid Packages may be obtained by calling (970) 327-4835, emailing [phylliss@sanmiguelcountyco.gov](mailto:phylliss@sanmiguelcountyco.gov) or visit San Miguel County's Website ([www.sanmiguelcountyco.gov](http://www.sanmiguelcountyco.gov))

All bids must be submitted on the form provided and signed by the bidder, or his duly authorized agent and all bids **must include proof of (MSHA) registration and training according to CFR Part 46 of the Mine Safety Health Administration regulations and proof that an Air Pollution Permit has been obtained from the Colorado Department of Public Health & Environment.**

The Board of County Commissioners reserves the right to reject any or all bids, and waive any, or all, irregularities.

  
Ryan Righetti, Director

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#### Publishing instructions and distribution:

Norwood Post – Please publish on January 6 & 13, 2021 (total 2 ads)

Telluride Daily Planet – Please publish on January 8 & 15, 2021 (total 2 ads)

Montrose Daily Press – Please publish on January 8 & 15, 2021 (total 2 ads)

San Miguel County's website – [www.sanmiguelcountyco.gov](http://www.sanmiguelcountyco.gov)

3B Enterprises  
ARY Corp  
Anson Excavating  
Black Canyon Aggregates  
C & J Gravel Products, Inc.  
Colorado Crushing

Crowley Construction  
Dillon Construction  
Elk Creek Sand & Gravel  
J E Sutherland Construction  
Mountain View Enterprises  
Overlook Mine

Rocky Mountain Aggregates  
Steincrusher LLC  
Stone Sand & Gravel  
Western Gravel Constructors  
Williams Construction

## **EXHIBIT “B”**

**SAN MIGUEL COUNTY ROAD DEPARTMENT  
2021 GRADATION SPECIFICATIONS**

<b>Base Course – CDOT Class 6</b>	
<b>Passing <math>\frac{3}{4}</math>" Sieve</b>	<b>100%</b>
<b>Passing #4 Sieve</b>	<b>30-65%</b>
<b>Passing #8 Sieve</b>	<b>25-55%</b>
<b>Passing #200 Sieve</b>	<b>3-12%</b>

<b>Base Course – CDOT Class 2</b>	
<b>Passing 4" Screen</b>	<b>100%</b>
<b>Passing 3" Screen</b>	<b>95-100%</b>

## **EXHIBIT “C”**



9:00 A.M.

CONTRACTOR'S PROPOSAL  
2021 CRUSHED GRAVEL REQUIREMENTS BID FORM

San Miguel County Road Department  
PO Box 426  
Norwood, CO 81423

Gentlemen:

The undersigned, having familiarized himself/themselves with the local conditions and specifications affecting the cost of work, hereby proposes to furnish all the labor (including equipment to push or haul raw material to the crushing area from the extraction site), materials, necessary tools, expendable equipment and all utility and transportation services necessary to perform and furnish all of the following material for San Miguel County, all in accordance with the specifications, for the sums set forth in the following Bidding Schedule.

Bidding Schedule						
Year	Unit	Description	Location	Quantity	Unit Cost	Total Cost
2021	1	CDOT Class 6 Road Base	Pathfinder Pit	12,000 cy	6.30	75,600
2021	2	CDOT Class 2 Road Base	Pathfinder Pit	3,000 cy	6.30	18,900
2021	3	CDOT Class 6 Road Base	Klondike Pit	12,000 cy	6.30	75,600
2021	4	CDOT Class 2 Road Base	Klondike Pit	3,000 cy	6.30	18,900
2022	5	CDOT Class 6 Road Base	Norwood Pit	10,000 cy	6.30	63,000
2022	6	CDOT Class 6 Road Base	Zadra Pit	5,000 cy	8.10	40,500
Total of Bid						292,500

If awarded this contract, the undersigned agrees to complete the work in accordance with the attached Gradation Specifications and also according to the following schedule. San Miguel County reserves the right to reasonably adjust the schedule as necessary to accommodate the County work plans.

The successful bidder must comply with the Pathfinder Pit hours of operation, from 7:00 am to 6:00 pm, including no activity on weekends or holidays. Crushing cannot begin until May 1<sup>st</sup> at the Klondike Pit.

The successful bidder agrees to extract material in accordance with San Miguel County's approved mining plan at each location, and to comply with Mine Safety & Health Administration (MSHA) Regulations 30 CFR Part 46.

Quantities or line items may be adjusted, added or removed depending on Unit Cost provided by bidder. San Miguel County will require the successful bidder to enter into the attached Agreement for Services.

In submitting this bid, it is understood that the right is reserved by the County to reject any and all bids.

Steincrusher LLC  
Name of Firm

  
Signature

5083 Hwy 348  
Address

970-250-2910  
Telephone

Delta, CO. 81416  
City, State & Zip Code

Jan 25, 2021  
Date

Steincrusher2017@gmail.com  
Email Address

**U.S. Department of Labor**

Mine Safety and Health Administration  
Educational Field and Small Mine Services  
1301 Airport Road  
Beaver, West Virginia 25813-9426  
Telephone: (304) 256-3223  
Fax Number: (304) 256-3319



EDUCATIONAL FIELD and SMALL MINE SERVICES

November 2, 2020

Mr. Daniel Eckstine  
Steincrusher LLC  
5083 Hwy 348  
Delta, CO 81416

Re: Part 46 Training Plan  
Mine ID 05-04546

Dear Mr. Eckstine:

Thank you for the Part 46 training plan you submitted to this office. We have reviewed your plan, and it satisfies the requirements outlined in 30 CFR Part 46.

Future revisions to this plan will be considered approved as long as they meet the requirements of Part 46, or they may be submitted to this office for approval.

If you have any further questions, or need additional assistance implementing your plan, please call the Educational Field and Small Mine Services office at (202) 693-9570.

Sincerely,

*John Poe for Kevin Deel*

Kevin Deel  
Manager  
Educational Field and Small Mine Services  
Enclosure



## **EXHIBIT “D”**



COLORADO

Air Pollution Control Division

Department of Public Health & Environment

## CONSTRUCTION PERMIT

Permit number: **18PO0126**

Issuance: **1**

Date issued: April 4, 2018

Issued to: **Stein Crusher LLC**

Facility Name: SteinCrusher #1  
Plant AIRS ID: 777/4368/001  
Physical Location: Homebased at 3001 North Townsend Avenue, Montrose  
County: Montrose  
General Description: Portable rock/stone processing facility

Equipment or activity subject to this permit:

Facility Equipment ID	AIRS Point	Description
Unit #6 Screen Deck	001	Portable Aggregate Screen Make: Cedarapids, Model: 6x20 Screen Deck, Serial: #34K0487 Design rated at 150 tons per hour Controlled with water spray bars

THIS PERMIT IS GRANTED SUBJECT TO ALL RULES AND REGULATIONS OF THE COLORADO AIR QUALITY CONTROL COMMISSION AND THE COLORADO AIR POLLUTION PREVENTION AND CONTROL ACT C.R.S. (25-7-101 et seq), TO THOSE GENERAL TERMS AND CONDITIONS INCLUDED IN THIS DOCUMENT AND THE FOLLOWING SPECIFIC TERMS AND CONDITIONS:

### REQUIREMENTS TO SELF-CERTIFY FOR FINAL APPROVAL

1. Point 001: YOU MUST notify the Air Pollution Control Division (Division) no later than fifteen days after commencement of operation under this permit by submitting a Notice of Startup (NOS) form to the Division. The Notice of Startup (NOS) form may be downloaded online at <https://www.colorado.gov/pacific/cdphe/other-air-permitting-notices>. Failure to notify the Division of startup of the permitted source is a violation of AQCC Regulation Number 3, Part B, III.G.1 and can result in the revocation of the permit.
2. Within one hundred and eighty days (180) after issuance of this permit compliance with the conditions contained on this permit must be demonstrated to the Division. It is the permittee's responsibility to self certify compliance with the conditions. Failure to demonstrate compliance within 180 days may result in revocation of the permit or enforcement action by the Division.



COLORADO

Air Pollution Control Division

Information on how to certify compliance was mailed with the permit or can be obtained from the Division's website at <https://www.colorado.gov/pacific/cdphe/air-permit-self-certification>. (Reference: Regulation Number 3, Part B, III.G.2).

3. This permit will expire if the owner or operator of the source for which this permit was issued: (i) does not commence construction/modification or operation of this source within 18 months after either, the date of issuance of this construction permit or the date on which such construction or activity was scheduled to commence as set forth in the permit application associated with this permit; (ii) discontinues construction for a period of eighteen months or more; (iii) does not complete construction within a reasonable time of the estimated completion date. The Division may grant extensions of the deadline per Regulation Number 3, Part B, III.F.4.b. (Reference: Regulation Number 3, Part B, III.F.4.)
4. Within one hundred and eighty days (180) after issuance of this permit the operator must complete all initial compliance testing and sampling as required in this permit and submit the results to the Division as part of the self-certification process. (Reference: Regulation Number 3, Part B, III.G.2.)
5. Within thirty (30) days after issuance of this permit the permit number must be marked on the subject equipment for ease of identification. (Reference: Regulation Number 3, Part B, III.E.) (State only enforceable)

### **EMISSION LIMITATIONS AND RECORDS**

6. Emissions of air pollutants must not exceed the following limitations. Annual records of the actual emission rates must be maintained by the applicant and made available to the Division for inspection upon request. (Reference: Regulation Number 3, Part B, II.A.4.)

#### **Annual Limits:**

Facility Equipment ID	AIRS Point	Tons per Year							Emission Type
		PM	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	SO <sub>2</sub>	VOC	CO	
Unit #6 Screen Deck	001	0.3	-	-	-	-	-	-	Point

See "Notes to Permit Holder" for information on emission factors and methods used to calculate limits.

### **PROCESS LIMITATIONS AND RECORDS**

7. This source must be limited to the following maximum consumption, processing and/or operational rates as listed below. Annual records of the actual process rate must be maintained by the applicant and made available to the Division for inspection upon request. (Reference: Regulation Number 3, Part B, II.A.4)

#### **Process/Consumption Limits**

Facility Equipment ID	AIRS Point	Process Parameter	Annual Limit
Unit #6 Screen Deck	001	Throughput of screened material	250,000 tons/yr



## STATE AND FEDERAL REGULATORY REQUIREMENTS

8. Visible emissions must not exceed twenty percent (20%) opacity during normal operation of the source. During periods of startup, process modification, or adjustment of control equipment visible emissions must not exceed 30% opacity for more than six minutes in any sixty consecutive minutes. Opacity must be determined using EPA Method 9. (Reference: Regulation Number 1, II.A.1. & 4.)
9. The owner or operator must use the equipment listed in the table below to control particulate matter emissions as needed to meet the applicable opacity limits if material moisture content alone is insufficient. The emission control devices must be inspected, monitored, maintained / renewed, and operated as per the manufacturers' recommendations, or maintained in accordance with good air pollution control practices to ensure the satisfactory performance of the devices. (Reference: Regulation Number 3, Part B, III.E.)

Facility Equipment ID	AIRS Point	Control Device	Controlled Pollutants
Unit #6 Screen Deck	001	Spray bars	PM, PM <sub>10</sub> , PM <sub>2.5</sub>

10. This source will be subject to the New Source Performance Standards requirements of Regulation number 6, Subpart 000 *whenever* there is primary crushing capacity greater than 150 tons per hour (portable equipment) or 25 tons per hour (fixed equipment) at this location as follows:

[The requirements below reflect the rule language of 40 CFR Part 60 Subpart 000 published in the Federal Register on 4/28/2009. However, if revisions to this Subpart are published at a later date, the owner or operator is subject to the requirements contained in the revised version of 40 CFR Part 60, Subpart 000.]

- a. Visible emissions from each screen and transfer point shall not exceed seven percent (7%) opacity.

In addition, the following requirements of Regulation Number 6, Part A, Subpart A, General Provisions, apply.

- b. At all times, including periods of start-up, shutdown, and malfunction, the facility and control equipment shall, to the extent practicable, be maintained and operated in a manner consistent with good air pollution control practices for minimizing emissions. Determination of whether or not acceptable operating and maintenance procedures are being used will be based on information available to the Division, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. (Reference: Regulation 6, Part A. General Provisions from 40CFR60.11)
- c. No article, machine, equipment or process shall be used to conceal an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere. (§ 60.12)
- d. Written notification of construction and initial startup dates shall be submitted to the Division as required under § 60.7.

- e. Records of startups, shutdowns, and malfunctions shall be maintained, as required under § 60.7.
- f. Written notification of opacity observation or monitor demonstrations shall be submitted to the Division as required under § 60.7.
- g. Compliance with opacity standards shall be demonstrated according to § 60.11.

## **REGULATORY REQUIREMENTS SPECIFIC TO PORTABLE SOURCES**

11. When relocating this equipment the owner or operator must (Reference: Regulation Number 3, Part A, II.C.1.f and Part B, III.E.):
  - a. Submit a Relocation Notice each time this equipment is moved to a new location. The Relocation Notice must be received by the Division at least ten (10) days prior to the change in location.  
  
The Relocation Notice must include a facility emission inventory that includes all emission units at the new location. An ambient air quality impact analysis for the site must be submitted with the Relocation Notice for this equipment if so requested by the Division.
  - b. Maintain records of compliance with all additional requirements that are triggered by the relocation. Such requirements may include, but are not limited to:
    - (1) State or Federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Maximum Achievable Control Technology (MACT), and Generally Available Control Technology (GACT) requirements; and
    - (2) Major source requirements, including Title V Operating Permit, Nonattainment Area New Source Review (NANSR) and Prevention of Significant Deterioration (PSD) program requirements; and
    - (3) Permitting requirements for sources no longer permit exempt due to the relocation of this unit to the site (i.e. previously Air Pollutant Emission Notice (APEN) required, permit exempt sources).
  - c. Keep a record of all relocation notices submitted to the Division.
12. This unit must not remain at any one site for more than two (2) years. Permittee must keep records of time spent at each site (Reference: Regulation Number 3, Part A, I.B.36.). If this unit remains at a site for two years then the permittee must submit a revised Air Pollutant Emission Notice (APEN) requesting a permit as a non-portable stationary source.
13. If this source relocates to a site causing the facility to become Title V Operating Permit major (see Regulation Number 3, Part A, I.B.25.) or relocates to an existing Title V Permitted source then this source is subject to the provisions of Regulation Number 3, Part C, Operating Permits (Title V of the 1990 Federal Clean Air Act Amendments). The application for the Operating Permit, or modification for inclusion in the existing Operating Permit, is due within one year of the date of commencement of operation at the site.

## **OPERATING & MAINTENANCE REQUIREMENTS**



COLORADO  
Air Pollution Control Division  
1000 14th Street, Suite 1000, Denver, CO 80202

14. The owner or operator must follow good air pollution control practices for minimizing emissions. During operating months, the owner or operator must also conduct monthly inspections and maintenance of the water spray systems and maintain a record of inspection dates, findings, and any maintenance that is performed on that system. See **Attachment A** for an example recordkeeping format. This source is not required to submit an operating and maintenance plan for Division review and approval.

## **COMPLIANCE TESTING AND SAMPLING**

### **Initial Testing Requirements**

15. Within 180 days of startup, the owner or operator must demonstrate compliance with Conditions 8 and 10, using EPA Method 9 to measure opacity from the screen.

### **NSPS Subpart 000:**

If the equipment included in this permit is located at a facility that has primary crushing capacity greater than 150 tons per hour (portable equipment) or 25 tons per hour (fixed equipment):

For screens and transfer points (except for the transfer to a stockpile) this measurement must consist of consecutive readings taken at fifteen second intervals over a 30 minute period (five 6-minute averages). Compliance with the applicable opacity limits must be based on the average of the five 6-minute averages (Reference: §60.675(c)(3)).

If the equipment included in this permit is NOT located at a facility that has primary crushing capacity greater than 150 tons per hour (portable equipment) or 25 tons per hour (fixed equipment):

For screens and transfer points this measurement must consist of a minimum twenty-four consecutive readings taken at fifteen second intervals over a six minute period. (Reference: Regulation Number 1, II.A.1 & 4)

## **ADDITIONAL REQUIREMENTS**

16. The permit number must be marked on the subject equipment for ease of identification. (Reference: Regulation Number 3, Part B, III.E.) (State only enforceable)
17. A Revised Air Pollutant Emission Notice (APEN) must be filed: (Reference: Regulation Number 3, Part A, II.C.)
  - a. By April 30 of the year following a significant increase in emissions. A significant increase in emissions is defined as follows:

### **For any criteria pollutant:**

For sources emitting **less than 100 tons per year**, a change in actual emissions of five tons per year or more, above the level reported on the last APEN submitted; or

For volatile organic compounds (VOC) and nitrogen oxide (NO<sub>x</sub>) sources in an ozone non-attainment area emitting **less than 100 tons of VOC or nitrogen oxide per year**, a change in actual emissions of one ton per year or more or five percent, whichever is greater, above the level reported on the last APEN submitted; or





For sources emitting **100 tons per year or more of a criteria pollutant**, a change in actual emissions of five percent or 50 tons per year or more, whichever is less, above the level reported on the last APEN submitted; or

For sources emitting **any amount of lead**, a change in actual emissions, above the level reported on the last APEN submitted, of fifty (50) pounds of lead

**For any non-criteria reportable pollutant:**

If the emissions increase by 50% or five (5) tons per year, whichever is less, above the level reported on the last APEN submitted to the Division.

- b. Whenever there is a change in the owner or operator of any facility, process, or activity; or
- c. Whenever new control equipment is installed, or whenever a different type of control equipment replaces an existing type of control equipment; or
- d. Whenever a permit limitation must be modified; or
- e. No later than 30 days before the existing APEN expires.

**GENERAL TERMS AND CONDITIONS:**

- 18. This permit and any attachments must be retained and made available for inspection upon request. The permit may be reissued to a new owner by the Division as provided in Regulation Number 3, Part B, II.B upon a request for transfer of ownership and the submittal of a revised APEN and the required fee.
- 19. If this permit specifically states that final approval has been granted, then the remainder of this condition is not applicable. Otherwise, the issuance of this construction permit is considered initial approval and does not provide "final" approval for this activity or operation of this source. Final approval of the permit must be secured from the APCD in writing in accordance with the provisions of 25-7-114.5(12)(a) C.R.S. and AQCC Regulation Number 3, Part B, III.G. Final approval cannot be granted until the operation or activity commences and has been verified by the APCD as conforming in all respects with the conditions of the permit. Once self-certification of all points has been reviewed and approved by the Division, it will provide written documentation of such final approval. **Details for obtaining final approval to operate are located in the Requirements to Self-Certify for Final Approval section of this permit.** The operator must retain the permit final approval letter issued by the Division after completion of self-certification with the most current construction permit.



20. This permit is issued in reliance upon the accuracy and completeness of information supplied by the applicant and is conditioned upon conduct of the activity, or construction, installation and operation of the source, in accordance with this information and with representations made by the applicant or applicant's agents. It is valid only for the equipment and operations or activity(ies) specifically identified in this permit. If subsequent operations or testing at the source indicate the information supplied to obtain this permit and relied upon in the creation and issuance of this permit is inaccurate, the source must submit an application to modify the permit to address the inaccuracy(ies). (Reference: Regulation Number 3, Part B III.E.)

By: Aaron Moseley  
Aaron Moseley  
Permit Engineer

#### Permit History

Issuance	Date	Description
Issuance #1	This Issuance	Initial Approval issued to Stein Crusher LLC.

Notes to Permit Holder (as of date of permit issuance):

- 1) The production or raw material processing limits and emission limits contained in this permit are based on the production/processing rates requested in the permit application. These limits may be revised upon request of the permittee providing there is no exceedence of any specific emission control regulation or any ambient air quality standard. A revised air pollutant emission notice (APEN) and application form must be submitted with a request for a permit revision. (Reference: Regulation Number 3, Part B II.A.4.)
- 2) This source is subject to the Common Provisions Regulation Part II, Subpart E, Affirmative Defense Provision for Excess Emissions During Malfunctions. The permittee must notify the Division of any malfunction condition which causes a violation of any emission limit or limits stated in this permit as soon as possible, but no later than noon of the next working day, followed by written notice to the Division addressing all of the criteria set forth in Part II.E.1. of the Common Provisions Regulation. See: <https://www.colorado.gov/pacific/cdphe/aqcc-reg>.
- 3) The emission levels contained in this permit are based on the following emission factors:

Point 001:  
Screens:

Pollutant	Uncontrolled	Emission Factors (lbs/ton)	
		Controlled	Source
PM	0.025	0.0022	AP-42 Table 11.19.2-2
PM10	0.0087	0.00074	AP-42 Table 11.19.2-2
PM2.5	0.0013	0.00011	15% of PM10

- 4) In accordance with C.R.S. 25-7-114.1, each Air Pollutant Emission Notice (APEN) associated with this permit is valid for a term of five years from the date it was received by the Division. A revised APEN must be submitted no later than 30 days before the five-year term expires. Please refer to the most recent annual fee invoice to determine the APEN expiration date for



each emissions point associated with this permit. For any questions regarding a specific expiration date call the Division at (303)-692-3150.

- 5) This facility is classified as follows:

Applicable Requirement	Status
Operating Permit	Minor Source PM, PM <sub>10</sub> , PM <sub>2.5</sub>
PSD	Minor Source PM, PM <sub>10</sub> , PM <sub>2.5</sub>
NANSR	N/A

- 6) Full text of the Title 40, Protection of Environment Electronic Code of Federal Regulations can be found at the website listed below:

[http://www.ecfr.gov/cgi-bin/text-idx?gp=&SID=2a3f8e8f5c2f47006ad49ae4b4c080&mc=true&tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?gp=&SID=2a3f8e8f5c2f47006ad49ae4b4c080&mc=true&tpl=/ecfrbrowse/Title40/40tab_02.tpl)

Part 60: Standards of Performance for New Stationary Sources		
NSPS	60.670 - 60.676	Subpart 000

- 7) The permit holder is required to pay fees for the processing time for this permit. An invoice for these fees will be issued after the permit is issued. Failure to pay the invoice will result in revocation of this permit. The permit holder must pay the invoice within 30 days of receipt of the invoice (Reference: Regulation Number 3, Part A, VI.B.).
- 8) Unless specifically stated otherwise, the general and specific conditions contained in this permit have been determined by the Division to be necessary to assure compliance with the provisions of Section 25-7-114.5(7)(a), C.R.S.
- 9) Each and every condition of this permit is a material part hereof and is not severable. Any challenge to or appeal of a condition hereof must constitute a rejection of the entire permit and upon such occurrence, this permit must be deemed denied *ab initio*. This permit may be revoked at any time prior to self-certification and final authorization by the Division on grounds set forth in the Colorado Air Pollution Prevention and Control Act and regulations of the AQCC including failure to meet any express term or condition of the permit. If the Division denies a permit, conditions imposed upon a permit are contested by the applicant, or the Division revokes a permit, the applicant or owner or operator of a source may request a hearing before the AQCC for review of the Division's action. (Reference: Regulation Number 3, Part B III.F.)
- 10) Section 25-7-114.7(2)(a), C.R.S. requires that all sources required to file an Air Pollutant Emission Notice (APEN) must **pay an annual emission fee**. If a source or activity is to be discontinued, the owner must notify the Division in writing requesting a cancellation of the permit. Upon notification, annual fee billing will terminate.
- 11) Violation of the terms of a permit or of the provisions of the Colorado Air Pollution Prevention and Control Act or the regulations of the AQCC may result in administrative, civil or criminal enforcement actions under Sections 25-7-115 (enforcement), -121 (injunctions), -122 (civil penalties), -122.1 (criminal penalties), C.R.S.

## Monthly Inspection & Maintenance Log for Dust Suppression Systems

[illegible]

## **EXHIBIT “E”**



STEIN-3

OP ID: SL

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/02/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER  
Western Group Inc - Delta  
254 Main  
PO Box 79  
Delta, CO 81416  
Rodney Stevens

970-874-4455

CONTACT NAME: Rodney Stevens

PHONE (A/C, No, Ext): 970-874-4455

FAX (A/C, No): 970-874-0931

E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: Liberty Mutual Insurance

23043

INSURER B: Pinnacol Assurance

41190

INSURER C:

INSURER D:

INSURER E:

INSURER F:

INSURED  
Steincrusher LLC  
Dan Eckstine  
5083 Highway 348  
Delta, CO 81416

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					
	CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		BKS62116036	10/01/2020	10/01/2021	EACH OCCURRENCE \$ 1,000,000
						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
						MED EXP (Any one person) \$ 15,000
						PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					GENERAL AGGREGATE \$ 2,000,000
	POLICY PROJECT LOC					PRODUCTS - COMP/OP AGG \$ 2,000,000
	OTHER					\$
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$
	ANY AUTO OWNED AUTOS ONLY SCHEDULED AUTOS					BODILY INJURY (Per person) \$
	HIRED AUTOS ONLY NON-OWNED AUTOS ONLY					BODILY INJURY (Per accident) \$
						PROPERTY DAMAGE (Per accident) \$
						\$
	UMBRELLA LIAB OCCUR					EACH OCCURRENCE \$
	EXCESS LIAB CLAIMS-MADE					AGGREGATE \$
	DED RETENTION \$					\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					PER STATUTE OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	4226124	09/17/2020	10/01/2021	E.L. EACH ACCIDENT \$ 100,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				E.L. DISEASE - EA EMPLOYEE \$ 100,000
						E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

STONE CRUSHING

## CERTIFICATE HOLDER

## CANCELLATION

San Miguel Road and Bridge  
Department  
P.O Box 426  
Norwood, CO 81423

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE  
Rodney Stevens

## **EXHIBIT “F”**

September 16, 2020  
Policy #: 4226124

**ITEM 1. INSURED**

Steincrusher LLC  
5083 Highway 348  
Delta, CO 81416-9442

Western Group, Inc - Delta  
PO Box 79  
Delta, CO 81416  
(970) 874-4455

ITEM 2. POLICY PERIOD: FROM: 09/17/2020 TO 10/01/2021  
12:01 A.M. MOUNTAIN STANDARD TIME

Legacy/4.00

ITEM 3. A. Workers' Compensation Insurance: Part One of the policy applies to the workers' compensation law of the states listed here:

COLORADO

B. Employers Liability Insurance: Part Two of the policy applies to work in each state listed in Item 3 A. The limits of our liability under part two are:

BODILY INJURY BY ACCIDENT	\$100,000	EACH ACCIDENT
BODILY INJURY BY DISEASE	\$100,000	EACH EMPLOYEE
BODILY INJURY BY DISEASE	\$500,000	POLICY LIMIT

C. Other States Insurance: Part Three of the policy applies to the states, if any, listed here:

NONE

(Please contact Pinnacol Assurance for information on coverage outside the state of Colorado)

D. This policy includes the attached endorsements and schedules:

337	Exclude From Coverage
414	Notification of Change in Ownership Endorsement
511	Other State Endorsement
CAT09	Catastrophe (Other than Certified Acts of Terrorism)
TRPRA	Terrorism Risk Insurance Program Reauthorization Act of 2015

ITEM 4. We will determine the premium for this policy by our manuals of rules, classifications, rates and rating plans. All information required below is subject to verification and change by audit. The statements of estimated advanced premium are also a part of this policy.



U.S. Department of Labor

Mine Safety and Health Administration  
Educational Field and Small Mine Services  
1301 Airport Road  
Beaver, West Virginia 25813-9426  
Telephone: (304) 256-3223  
Fax Number: (304) 256-3319



EDUCATIONAL FIELD and SMALL MINE SERVICES

November 2, 2020

Mr. Daniel Eckstine  
Steincrusher LLC  
5083 Hwy 348  
Delta, CO 81416

Re: Part 46 Training Plan  
Mine ID 05-04546

Dear Mr. Eckstine:

Thank you for the Part 46 training plan you submitted to this office. We have reviewed your plan, and it satisfies the requirements outlined in 30 CFR Part 46.

Future revisions to this plan will be considered approved as long as they meet the requirements of Part 46, or they may be submitted to this office for approval.

If you have any further questions, or need additional assistance implementing your plan, please call the Educational Field and Small Mine Services office at (202) 693-9570.

Sincerely,

*John Poe for Kevin Deel*

Kevin Deel  
Manager  
Educational Field and Small Mine Services  
Enclosure

## **EXHIBIT “G”**



# Request for Taxpayer Identification Number and Certification

► Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Give Form to the  
requester. Do not  
send to the IRS.

Print or type.  
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <b>Steinerasher LLC</b>	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only <b>one</b> of the following seven boxes.  <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► <b>C</b> <b>Note:</b> Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ►	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>
5 Address (number, street, and apt. or suite no.) See instructions. <b>5083 Hwy 348</b>	Requester's name and address (optional)
6 City, state, and ZIP code <b>Delta CO 81416</b>	
7 List account number(s) here (optional)	

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
				-				-	
or									
Employer identification number									
4	6	-	2	6	2	2	0	3	6

## Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ► <b>Judy Delmonico</b>	Date ► <b>March 3, 2021</b>
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## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.



AGENDA ITEM - 5.a.

**TITLE:**

9:35 a.m. Update with Connie Clementson, BLM, Tres Rios Field Office.

**Presented by:** Connie Clementson and Nate West, Tres Rios Field Office

**Time needed:** 25 mins

**PREPARED BY:**

**RECOMMENDED ACTION/MOTION:**

**INTRODUCTION/BACKGROUND:**

**Clementson, Connie J**

9:07 AM (2 hours ago)

tome, Nathaniel, Connie

Hi Carmen, in anticipation of our briefing, here are the items for the BOCC briefing packet.

1. Brief March 2021 - overall summary of items/projects Tres Rios is working on. The items highlighted in yellow pertain to San Miguel County.
2. Gypsum Valleys Range Allotment map - map for range permit re-issuance EA that will be issued for comment (scoping ends March 15).
3. Draft Proposed Action - relates to the specifics of the proposed action for Gypsum Valleys Ranger permit re-issuance EA that will be issued for comment (scoping ends March 15).
4. Dawson RX 2021 Press Release map - map for the fuels project to be implemented this spring (weather permitting).
5. News Release TRFO Dawson - press release for Dawson prescribed burning project for Spring.
6. DCB Landscape Habitat Restoration Project - summary of proposed habitat improvement project (scoping to initiate ~March 19).
7. EA MAPS - maps for the proposed DCB Landscape Habitat Restoration Project proposal.

Nate will present the DCB project, otherwise I can go over any additional questions that come from these documents.

**Connie Clementson, Field Manager**  
**Tres Rios Field Office**  
**29211 Highway 184**  
**Dolores, CO 81323**  
**970.882.1150 (office)**  
**970.394.4045 (cell)**

On Fri, Feb 19, 2021 at 9:45 AM Clementson, Connie J <cclementson@blm.gov> wrote:

I'd like to place on the agenda (within the BLM time slot) a quick presentation of an proposed habitat restoration project.

Nate West will present this project and we'll be preparing a info packet so please let me know when you need that.

I think 15 min for the presentation and Q&A should be ample.

Thanks!

Connie Clementson, Field Manager  
Tres Rios Field Office  
29211 Highway 184  
Dolores, CO 81323  
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970.394.4045 (cell)

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

**ATTACHMENTS:**

Description	Upload Date
Grazing letter	3/11/2021
Prescribed Burns	3/11/2021
Brief March 2021	3/12/2021
Dawson Press Release Map	3/12/2021
Landscape Habitat Restoration Project	3/12/2021
Draft Proposed Action	3/12/2021
EA Maps	3/12/2021
Gypsum Valleys Allotment Map	3/12/2021
News Release	3/12/2021



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Tres Rios Field Office  
29211 Highway 184  
Dolores, Colorado 81323

In Reply Refer To:  
4180 (LLCOS01000)

February 24, 2021

Dear Interested Public:

The Tres Rios Field Office, BLM has completed a Land Health Assessment and Evaluation Report of existing resource conditions within the Gypsum Valleys Allotment (#08068) in Southwest Colorado.

The Evaluation Report contains an analysis and interpretation of the findings resulting from the land health assessment relative to the Colorado Public Land Health Standards, to include an evaluation of the degree of achievement of these standards. This evaluation relied on all available monitoring information and identifies factors for non-attainment of one or more of the Standards if applicable.

This Land Health Assessment initiates the process for renewal of grazing permits within this allotment. The Final Report is available for public review on the BLM Land Use Planning website at: <https://eplanning.blm.gov/eplanning-ui/project/1501702/570>

If you have any questions or concerns regarding the land health assessment and associated evaluation report, please contact Michael Jensen, Rangeland Management Specialist on my staff at (970) 882-1126.

Sincerely,

Connie Clementson  
Field Manager

3/2/21 sent via email



U.S. Department of the Interior  
Bureau of Land Management

# News Release

BLM Tres Rios Field Office, Colorado

**Media Contacts:** Ian Barrett 970-676-1010 or Tyler Corbin 970-799-2957

March 8, 2021

## **Prescribed Burning Begins in Disappointment Valley East of Egnar and Burning Continues in West Dolores Rim Project East of Dove Creek**

**DOLORES, Colo.** – The Bureau of Land Management Tres Rios Field Office plans to conduct several prescribed burns beginning April 15 or as conditions allow. The burns will treat up to 885 acres of pinyon, juniper, and mixed mountain shrub within the Dawson Project Area. The project area is split between San Miguel and Dolores counties located 13 miles east-northeast of Dove Creek and 10 miles east of Egnar. In addition, crews will continue treating up to 2,685 acres of ponderosa pine and Gambel oak within the West Dolores Rim Project Area located about seven miles east of Dove Creek and locally referred to as the “East and North Pines.”

The planned burns are part of a larger project to reduce hazardous fuels; protect wildland-urban interface communities; improve big game habitat, sage grouse habitat, and range conditions; and reintroduce fire to a fire-adapted ecosystem to restore healthy forests and species diversity. Several units of the West Dolores Rim Project were successfully treated last spring/fall and are already showing signs of improved habitat.

A detailed burn plan outlines the parameters for prescribed burning. “The burn plan contains specific criteria regarding weather conditions and air quality that must be met to help ensure control of the burn, as well as to minimize the potential smoke impacts to local communities,” said Ian Barrett, BLM Fire Management Specialist.

While no road closures are expected during the project, camping near the units is discouraged due to increased traffic and likelihood of smoke in the area, particularly at night. Multiple days of burning may occur throughout the spring into summer and then again in the late summer into fall, as fuel conditions and weather permit. Project areas will be monitored once completed to ensure public safety. While smoke may be visible in the area at times, most of the smoke will lift and dissipate during the warmest parts of the day. Expect visible smoke in the area for several days after each burn is completed as vegetation in the interior continues to smolder.

The BLM obtained smoke permits from the Colorado State Air Pollution Control Division, which identify atmospheric conditions under which the burns can be implemented. Prescribed fire smoke may affect your health. For more information, visit <https://www.colorado.gov/pacific/cdphe/wood-smoke-and-health>.

For information on wildfires, prescribed burns, and fire restrictions in the area, visit the Durango Dispatch website ([WCCODRC \(wildcad.net\)](http://www.wccodrc.com)) or follow us on Twitter ([https://twitter.com/SWD\\_Fire](https://twitter.com/SWD_Fire)) and Facebook (<http://www.facebook.com/BLMMontroseFireUnit>).

-BLM-



*The Southwest Colorado Fire and Aviation Management Unit covers the BLM Gunnison Field Office, Uncompahgre Field Office, and Tres Rios Field Office in the Colorado counties of Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mesa, Mineral, Montezuma, Montrose, Ouray, Rio Grande, Saguache, San Juan and San Miguel.*

*The BLM manages more than 245 million acres of public land located primarily in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. The agency's mission is to sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations. Diverse activities authorized on these lands generated \$111 billion in economic output across the country in fiscal year 2019—more than any other agency in the Department of the Interior. These activities supported more than 498,000 jobs.*



# Tres Rios Field Manager Report

March 2021

## Tres Rios Field Office (TRFO) including Canyons of the Ancients National Monument (CANM)

### *Planning*

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#### Transportation and Access Plans (TAP)

**Travel Area Plan 1 (TAP1)** - TRFO worked closely with Montezuma, La Plata and Archuleta counties, Colorado Parks and Wildlife (CPW), and the City of Durango to develop a Proposed Action for a transportation network on 100,000 acres of public land managed by the BLM. Additionally, the BLM convened an intergovernmental working group, the Durango Area Trails Alliance, to look closer at any management overlap for recreation trails in the Durango area. TRFO signed a Decision Record and Finding of No Significant Impact (DR/FONSI) on December 18, 2020. Three appeals were filed and are presently under review by the Interior Board of Land Appeals.

**Travel Area Plan (TAP 2)** - The BLM is working with CPW, Dolores, San Miguel, and Montrose counties in a process similar to TAP1. In early 2019, the BLM used a collaborative alternative and dispute resolution contractor to engage in a public process that included conducting surveys with local government and interest groups for the three-county area. The surveys sought to understand how the public is using the transportation network, what values the land holds for the public, and how transportation and access planning could tie in with local economic developments. In August 2019, the TRFO held public workshops in Nucla and Dove Creek to receive public input on developing a proposed action for travel planning and to confirm survey information.

The BLM is in the process of identifying areas of key resource concerns on public lands managed by the BLM. The BLM will then overlay those areas with the existing route inventory to identify conflicts. With this information, an interdisciplinary team will develop a proposed action that balances the multiple resources BLM manages the transportation and access needs of the public land users.

### *Fuels and Vegetation Projects*

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#### Durango Area Hazardous Fuels Project

The purpose of this project is to meet an immediate need to re-enter 5,638 acres that have been treated previously for maintenance and to enter 2,710 acres for initial treatment. The project will reduce hazards associated with vegetation that are in close the proximity to values at risk in the Durango area. The BLM will implement a variety of treatment options, including prescribed fire, manual tree removal/felling, pile burning, understory burning, and vegetative mastication. This project addresses a long-term need to manage vegetation adjacent to critical infrastructure, which includes reducing tree and shrub densities and fuel loads as well as protecting ecosystem heterogeneity.

The BLM issued a Decision Record and Finding of No Significant Impact (DR/FONSI) on January 20, 2021. There were no appeals filed and this project will begin implementation as soon as Summer 2021.

### **Dawson Creek**

The Dawson Creek project area is 15 miles northeast of Dove Creek, Colorado, on the south side of Disappointment Valley. Over the next 20 years (when favorable conditions exist), BLM plans to conduct prescribed burns within a 34,376-acre project area for a total proposed treatment of approximately 8,900 acres. Mastication and hand thinning would be used to reinforce containment lines as needed. Some supplemental seeding and/or herbicide treatment would follow if determined necessary. Annual project work would take approximately a week to complete each year.

The goal of the treatments is to create vegetative diversity that will increase the ecosystem's resiliency to catastrophic fire, insect outbreak, and/or disease and benefit wildlife by providing nutrient-rich growth critical to the survival of big game species during the winter. A Decision Record and Finding of No Significant Impact was signed on September 24. No appeals were received. Implementation will begin Spring 2021 with 3 planned prescribed burns.

### **Winter Pile Burning**

With the objective of restoring riparian habitat, the BLM plans to burn slash piles of invasive tamarisk as conditions allow, including 240 acres along McElmo Creek and Yellow Jacket Canyon, 104 acres in **Dry Creek Basin**, and 27 acres at Summit Reservoir. All pile burning has been completed for the year.

### **Weeds**

The local BLM weeds crew directly treats approximately 300 acres of BLM-managed lands on TRFO and CANM annually. These acres are treated strategically to benefit functioning ecosystems and to prevent new outbreaks from spreading, particularly in critical and potential habitat for Gunnison sage grouse.

### ***Wildlife***

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#### **Gunnison Sage-Grouse Rangewide Plan Amendment**

This BLM planning effort to incorporate clear and consistent conservation measures into land use plans and prepare an associated EIS to protect Gunnison Sage-Grouse habitat across the range of the species remains on hold. On October 23, 2020, the U.S. Fish and Wildlife Service (FWS) completed the final recovery plan for Gunnison sage-grouse. The TRFO is awaiting final direction from the BLM State Office on the status of the RMP Amendment.

### **Habitat Improvement Projects**

The BLM completed two projects in 2020 to improve Gunnison Sage-Grouse habitat in Dry Creek Basin, consisting of: A) Replacing 1 mile of fence within 1 mile of Gunnison Sage-Grouse leks that provide hundreds of perching opportunities for common ravens and other aerial predators. The TRFO removed all the wood posts and replaced them with sage-grouse friendly, cone-up wood posts and metal t-posts. The BLM plans to mark the fence flag markers as part of the FY2021 work plan. B) Removing pinyon and juniper on 531 acres in Dry Creek Basin. This project was completed this past summer and addressed phase 1 pinyon and juniper encroachment and improved habitat effectiveness on thousands of acres.



## Dry Creek Basin Landscape Restoration EA

The goal of this project is to restore key habitat components that enhance high-quality habitats for Gunnison Sage-Grouse. Habitat restoration will be completed using various techniques to include but not limited to: mowing, hydro-ax, masticator, Lawson aerator, roller chop, and prescribed fire. Approximately 7,500 total acres would be treated over the life of the project, with 456 acres planned in first year and approximately 500 (+/-) acres treated annually, depending on treatment type and funding available. The proposed action would be implemented on public lands managed by the BLM in Dry Creek Basin, San Miguel County, Colorado. These programmatic restoration treatments may begin as early as 2021 and continue over the next 10-15 years.

## GUSG Working Groups

The BLM is an active member of the San Miguel Basin and Monticello-Dover Creek Gunnison Sage-Grouse Working Groups and attended the Summer 2020 San Miguel Working Group tour.

**FY2021:** The TRFO will:

- complete a pinyon and juniper lop and scatter project to remove phase 1 encroachment of pinyon and juniper into stands of Wyoming big sagebrush.
- replace 1.5 mile of 6 strand barbed wire fence with 1.5 mile of wildlife friendly fencing designed to minimize perching opportunities for raptors and corvids.
- installing permanent gates in the Durango SRMA to improve compliance with winter wildlife closures that protect big game on critical winter range.

## Range and Weeds Management

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### General Permit Administration

Land Health Assessments and other related resources clearances are planned. Great interest in grazing actions continues to be expressed by various NGOs, resulting in a steady workload of FOIA requests and litigation as well as increased consultation timeframes for some permits.

<b>Tres Rios Field Office</b>		
	Active Allotments	75
	Permitted AUMs	18,968
<b>Canyons of the Ancients National Monument</b>		147,601
	Active Allotments	23
	Permitted AUMs	7,250

## Gypsum Valleys Grazing Permit Renewals

The Colorado Bureau of Land Management (BLM) Tres Rios Field Office (TRFO) is seeking input on a proposal to renew the livestock grazing permits for the Gypsum Valleys Grazing Allotment (#08068) consisting of approximately 41,052 acres of public lands and 4,100 acres of private lands for a total of 45,152 acres within both San Miguel and Montrose Counties to renew 10-year term grazing permits for livestock grazing within the allotment. Tribal notification and scoping ended March 15, 2021.

## ***Wild Horse and Burro Program***

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### **Spring Creek Basin Wild Horse and Burro Herd Management Area (HMA)**

In August 2020, the BLM signed a decision updating the Herd Management Area Plan (HMAP), which conveys long-term direction for managing the wild horse herd within the HMA. The BLM will continue to administer the fertility-control vaccine PZP to manage the wild horse population and work with volunteers to dart selected mares in the HMA to strategically manage foal rates. 2021 PZP efforts will begin in March with plans to treat 20 mares (about 50% each year are treated). The current population is 65 – which is within the Appropriate Management Level (AML).

## ***Recreation***

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### **Phil's World Trail System**

In 2018, TRFO issued a decision authorizing the construction of 22 miles of non-motorized sustainable single-track trail and the addition of two parking areas/trailheads. As of October 30, 2020, all approved trails and trailheads have been constructed using Southwest Conservation Corps (Montezuma Inspire Coalition) youth crews and volunteers from the Southwest Colorado Cycling Association. A total of 573 volunteer hours were contributed towards this popular trail system.

### **Box Elder Campground 'Refresh'**

Boxelder Campground is undergoing updates and improvement which involve applying aggregate to the access road and camping spurs and defining the spurs with boulder barriers to indicate allowable/intended parking areas. In addition, a loop will be created at the end of the campground to allow vehicles to turn around without entering an occupied camping site.

### **Durango Area Trails Alliance (DATA)**

The TRFO continues to lead an inter-governmental working group with the City of Durango, La Plata County, CPW, and the San Juan National Forest. The purpose of the group is to balance enhanced recreational opportunities with improved coordinated wildlife habitat management around Durango, primarily through coordinated inter-agency trail management. In 2021, DATA is pursuing grant funding options to improve resource management and recreation user experience across land ownership boundaries.

## ***Minerals (Fluid)***

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### **Lease Sale EAs**

The BLM Colorado State Office released an EA for San Juan National Forest proposed parcels proposed for oil and gas leasing. BLM Colorado received consent to lease 16 parcels from the San Juan National Forest, White River National Forest, and Pawnee National Grassland. The comment period closed November 25, 2020 (BLM Colorado extended the 15-day public comment period to 30 days for parcels in the San Juan National Forest, White River National Forest, and the Pawnee Grasslands). Due to Executive Order 3395, leasing has been suspended at this time.

## **Oil and Gas Development Projects**

Kinder Morgan submitted (July 2020) two Applications for Permit to Drill (APD) to re-enter the Risley Canyon #3 and #4 wells and upgrade the well pads and access roads. Tribal notifications were mailed Dec 10, 2020 (45-day comment period). Scoping will be initiated after an on-site with CPW (slated for March 2021).

## *Minerals (Solid)*

### **Sunday Mines Complex Plan of Operations**

On May 4, 2020 TRFO received a Mine Plan from Pinon Ridge Resources and began the internal 30-day review of a new Plan of Operations (POO) that proposes combine the operating plans for five individual uranium mines located on Gypsum Ridge in western San Miguel County, Colorado. The BLM provided comments back to the Company on June 3, 2020. Completeness review is an iterative process that ensures that a Mine Plan is detailed enough to conduct meaningful environmental review. To date, BLM has not received a response comments provided. Once the POO has been deemed complete, the BLM can begin the NEPA process, including public involvement.

### **Mineral Materials**

Several gravel and stone quarry pits are in the works of being renewed, assigned, or having new permits offered and processed, including gravel pits within Montezuma, Dolores, and San Miguel counties. A stone quarry known as Dry Creek Basin Quarry was recently assigned to a new operator.

### **Abandoned Mine Lands**

TRFO completed the Abandoned Mine Lands (AML) inventory of approximately 272 locations and remediated physical safety hazards on 54 sites.

Northwind will complete physical safety hazard inventory on hundreds of mine openings in western San Miguel and Montrose counties Summer 2021.

The Department of Energy is slated to begin inventory work Summer 2021 for Cold War-era defense-related uranium mines (DRUM) where they are estimating inventory of over 400 locations.

## ***Lands and Reality***

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### **Tri-State Montrose-Nucla-Cahone 230kV Transmission Line Upgrade Project**

Tri-State completed their upgrade of the Montrose-Nucla-Cahone Transmission Line. The 115kV power line passes through both UFO and TRFO. The original line was authorized in 1958. The project will increase the existing 115kV power transmission line to 230kV to meet the ever-increasing needs for power in Southwest CO. Along with the new power lines and existing fiber optic lines are re-strung across the taller, more stable H-structure poles within the ROW corridor. Final reclamation and rehabilitation of the entire project will begin in the spring of 2021 and is expected to be completed in FY22.

### **Burro Mines Complex Reclamation Project**

The BLM is a cooperating agency with the DOE to prepare an EA that will reclaim the Burro Mine Complex

located in San Miguel County, Colorado. The DOE original plan to work on BLM lands as well as on DOE withdrawn land has been revised. The project's plan of action will no longer include BLM land as so no ROW is needed. BLM will continue to be a cooperating agency on the NEPA document. A FONSI/DR is expected sometime in early spring 2021.

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### *Canyons of the Ancients National Monument*

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#### **Visitor Center and Museum Schedule**

CANM Visitor Center and Museum closed to the public in March 2020 due to COVID. A priority for staff is to re-open in the Spring 2021. The Monument and hiking trail to the Escalante Pueblo at the Visitor Center and Museum remain open year-round. Currently, BLM is installing a special exhibit highlighting the BLM's wild horse and burro program and expect it will be in place when the visitor center re-opens.

#### **Yellow Jacket and Flodine Park Grazing Allotments**

CANM initiated Section 106 consultation for a proposal to reissue permits for livestock grazing on the vacant Yellow Jacket and Flodine Park allotments. BLM sent notifications and invitations to consult to the Advisory Council on Historic Preservation, Colorado SHPO, 26 affiliated Native American tribes, permit applicants, and other interested parties and are awaiting consultation.

#### **Painted Hand Road Relocation and Trailhead Improvements Project**

CANM issued a Decision Record and Finding of No Significant Impact (DR/FONSI) December 18, 2020 to relocate a road from private property onto nearby public lands managed by the BLM. No appeals were received. This decision will: (1) ensure public access, (2) formalize and expand the current parking lot to accommodate up to 20 passenger vehicles, (3) re-route sections of the trail accessing Painted Hand Pueblo, and (4) add new infrastructure, including interpretive signing, a vault toilet system, and picnic tables. Construction will begin once funding becomes available.



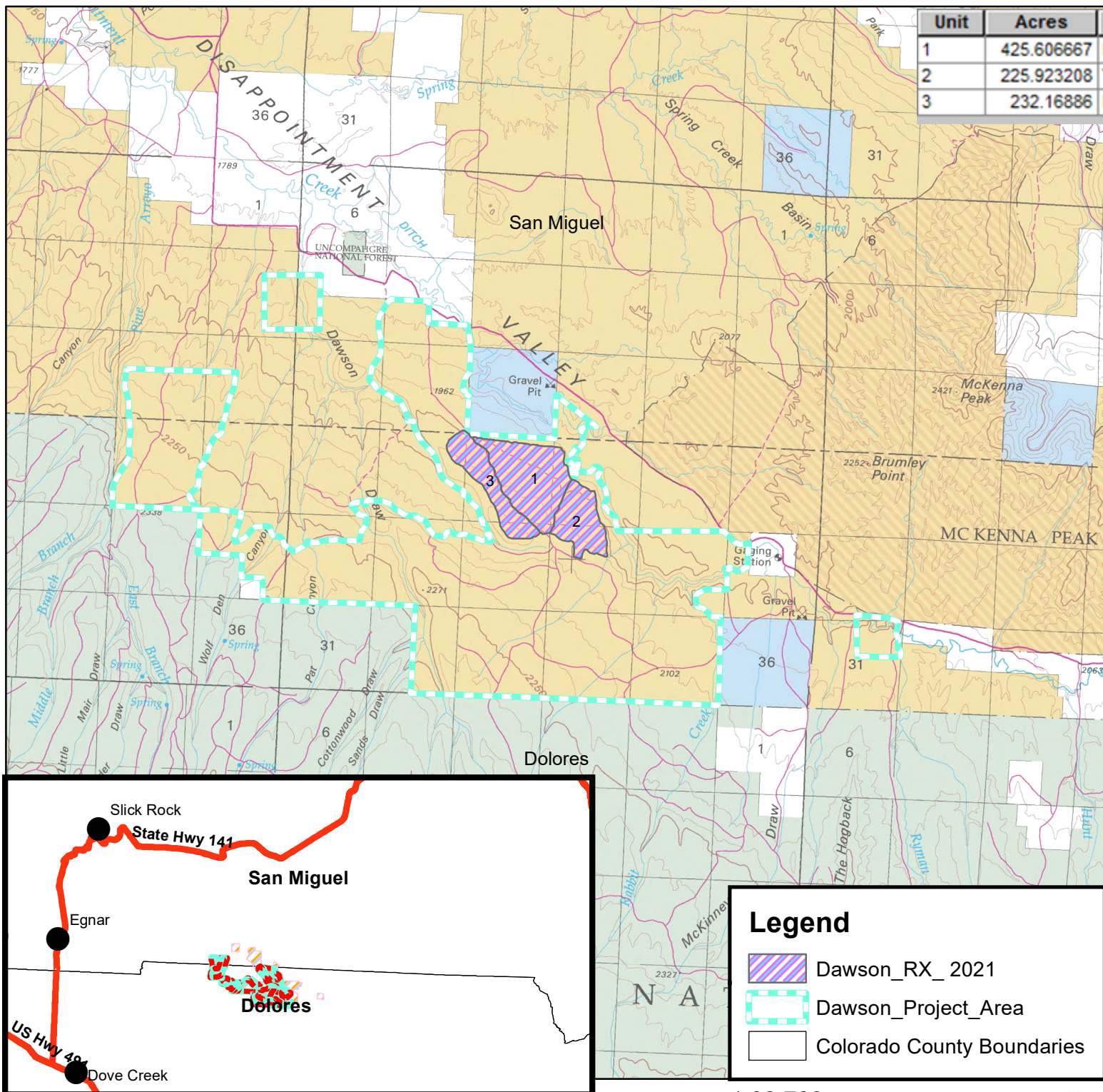


U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

COLORADO

Dawson RX 2021

Tres Rios Field Office











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## Introduction:

The Bureau of Land Management Tres Rios Field Office is preparing an environmental assessment to analyze habitat restoration in designated critical habitat for Gunnison Sage-Grouse. The environmental assessment will be used to implement restoration actions identified in the Gunnison Sage-Grouse Recovery Implementation Strategy developed by the U.S. Fish and Wildlife Service.

The environmental analysis covers 62,000 acres in Dry Creek Basin in San Miguel and Montrose County, CO, and considers treating up to 7,500 acres over a 15 year time frame to improve Gunnison Sage-Grouse habitat. Of the 62,108 acres, 35,027 are public lands managed by the BLM. 9,812 acres are managed by Colorado Parks and Wildlife.

## Key Points:

-  This project is in coordination with Colorado Parks and Wildlife
-  This project has been developed in close coordination with the U.S. Fish and Wildlife Service in Grand Junction Colorado.
-  Fish and Wildlife Service suggested making a not likely to adversely affect Gunnison Sage-Grouse and designated critical habitat.
-  Implements actions identified in the U.S. Fish and Wildlife Service's Recovery and Implementation Strategy.
-  Sagebrush assessment in the Project Area revealed that majority of sagebrush is unhealthy and not suitable for sage-grouse nesting.
-  Uses state and transition models for sagebrush ecological sites to focus restoration on steady states.
-  Improves resistance to wildland fires and reduces the risk of stand replacement fires.
-  Habitat treatment options include: hydro-ax, brush hog, Lawson aerator, roller chop, drill seeding, broadcast seeding, seedling planting, hand thinning, chaining, chemical treatment of invasive and non-native species, and prescribed fire.

The proposed action alternative would issue term grazing permits to Rick & Kelly Oliver and Larry Don & Rowdy Suckla for a period of 10-years with the following terms and conditions:

**Rick and Kelly Oliver:**

Allotment	Allotment Number	Livestock Number	Kind	Begin Date	End Date	Percent Public Land	Type Use	AUMs
Gypsum Valleys	08068	156	Cattle	11/1	5/31	71	Active	777

1. The Gap, Carnation, Hughes Gyp, East Lavender, West Lavender and Dunham Pastures would be assigned to Rick and Kelly Oliver for grazing use and will be referred to as the Big Gypsum Valleys Use Area.

**Larry Don and Rowdy Suckla:**

Allotment	Allotment Number	Livestock Number	Kind	Begin Date	End Date	Percent Public Land	Type Use	AUMs
Gypsum Valleys	08068	156	Cattle	11/1	5/31	92	Active	1000

1. The Magpie, River, Bullington, Raven, Silvey's Pocket and Coyote Wash Pastures would be assigned to Larry Don and Rowdy Suckla for grazing use and will be referred to as the Little Gypsum Valleys Use Area.

**Terms and Conditions for Grazing Common to Both Permittees:**

1. A 3-year pasture rotation cycle using a deferred grazing system will be implemented in each use area to provide grazing rest on forage species during the critical spring growing season on at least two pastures every year.
2. On an annual basis the grazing permittee and BLM will develop an agreed upon pasture rotation schedule. During the course of the grazing season the pasture rotation schedule may be modified based on environmental conditions.
3. An average allowable livestock forage utilization guideline of 35% will be implemented on key forage species within the allotment.
4. Livestock browsing should not remove more than 25% of the annual leader growth of hydrophytic shrubs and trees.
5. The placement of salt blocks, supplemental feed, temporary water tanks, holding pens or other facilities on public lands requires prior authorization from BLM.
6. The placement of salt and/or supplemental feed must be at least ¼ mile from live water sources which include natural seeps, springs and streams.
7. Permittees are responsible for the maintenance of existing authorized range improvements as assigned.

8. Actual grazing use records must be submitted at the end of the grazing season every year.
9. Written authorization is required prior to construction of any new range improvements on public lands.
10. If it is determined through monitoring that authorized grazing use by livestock is damaging existing cultural sites within the allotment, then appropriate mitigation measures will be developed and implemented in order to address these effects. If appropriate mitigation measures cannot be implemented and continued livestock use is jeopardizing cultural resources on public lands within the allotment, the grazing permit may be modified or cancelled in whole or in part to address the affects.
11. If archaeological or historic artifacts (for example structures or burials) are discovered by the permittee or their representatives on lands during the course of allotment operations, the BLM will be notified as soon as possible so that further deterioration and resource loss can be prevented.
12. The operator is responsible for informing all persons associated with their livestock operation that they will be subject to prosecution for knowingly disturbing Native American Indian shrines, historic and prehistoric archaeology sites, or for collecting artifacts of any kind, including historic items and/or arrowheads and pottery fragments from Federal lands.

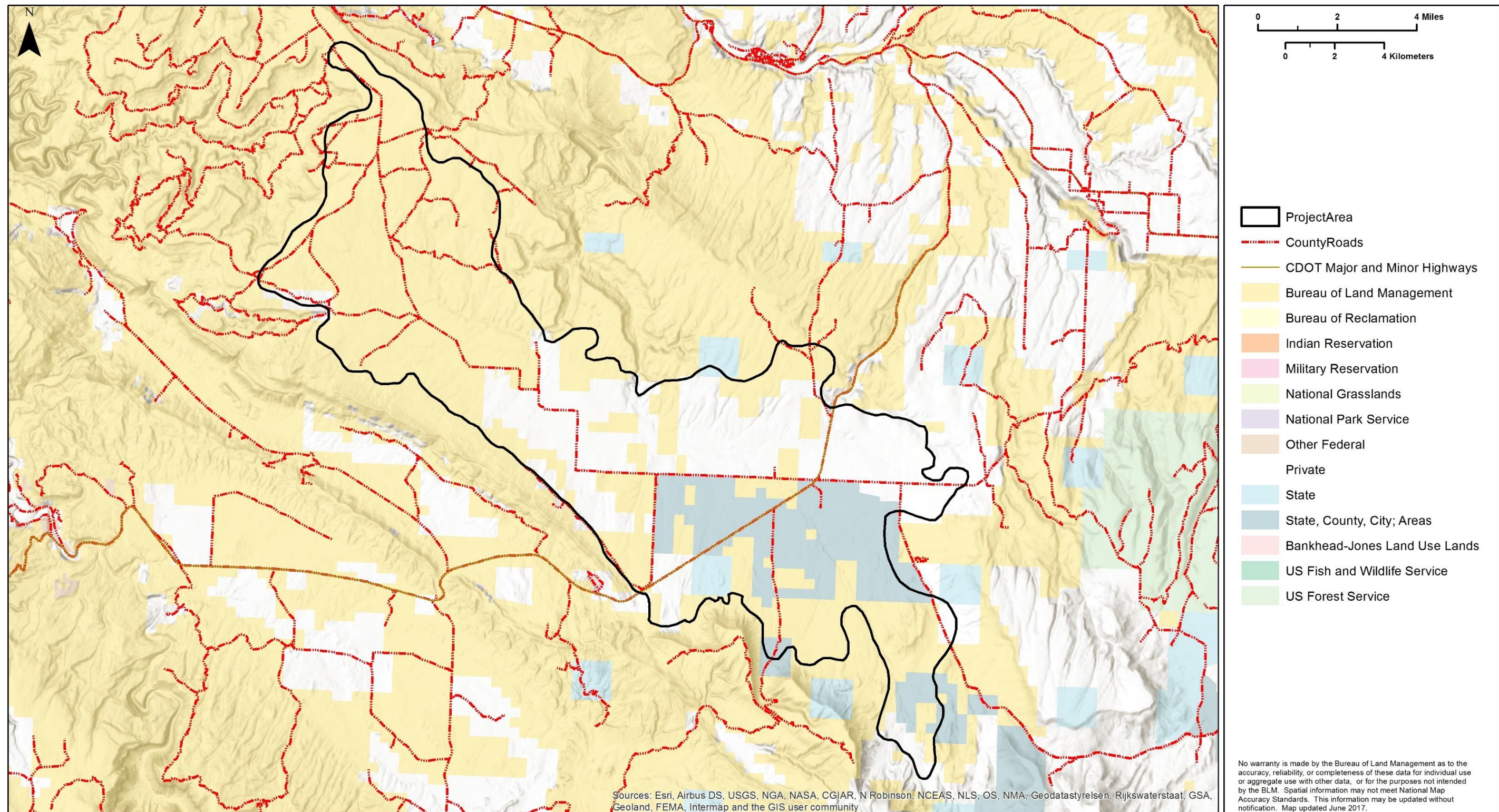




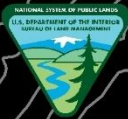
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BUREAU OF LAND MANAGEMENT

COLORADO

## Dry Creek Basin Programmatic Habitat Restoration



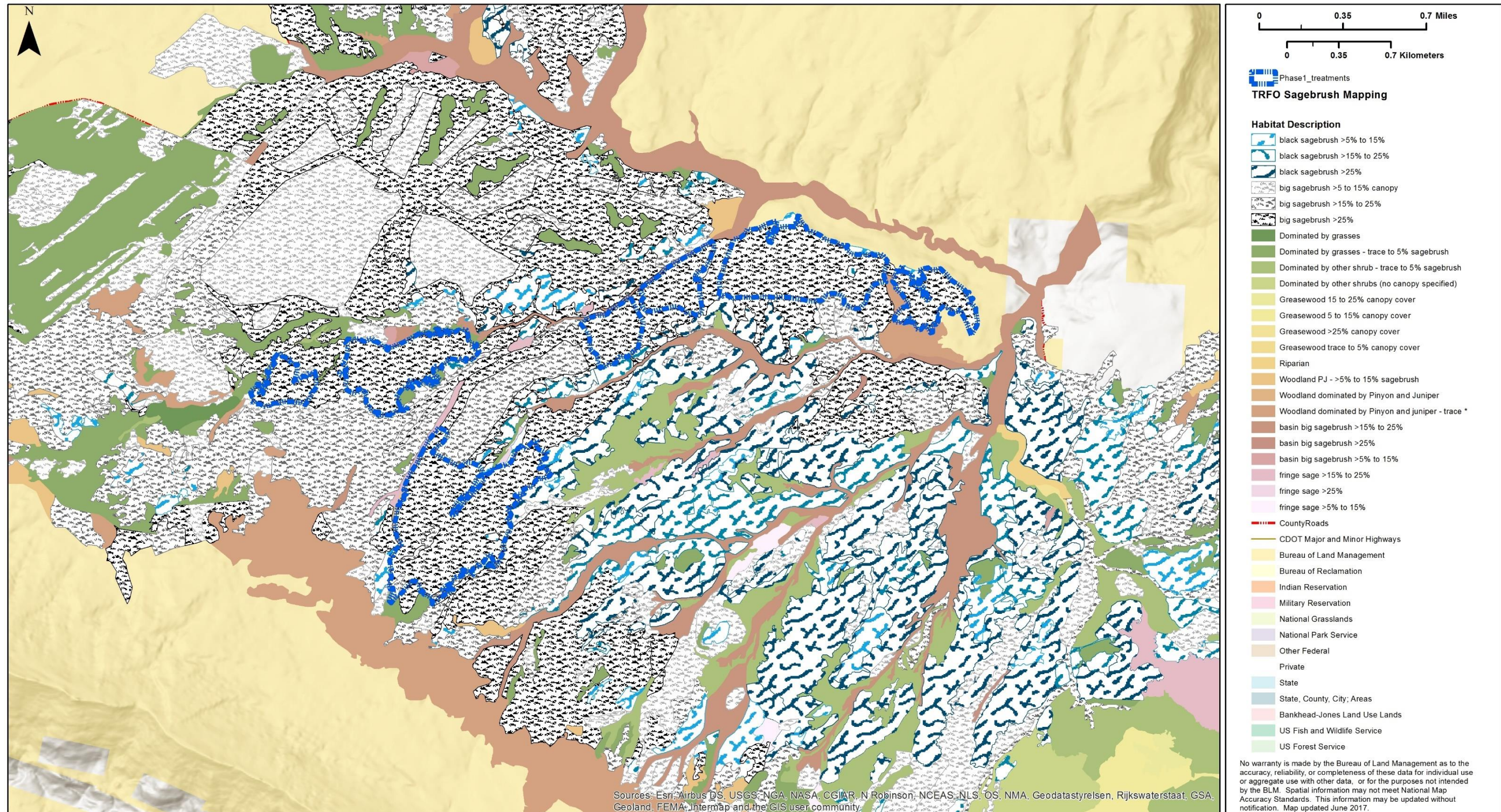




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## Dry Creek Basin Programmatic Habitat Restoration



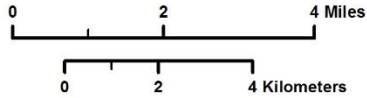
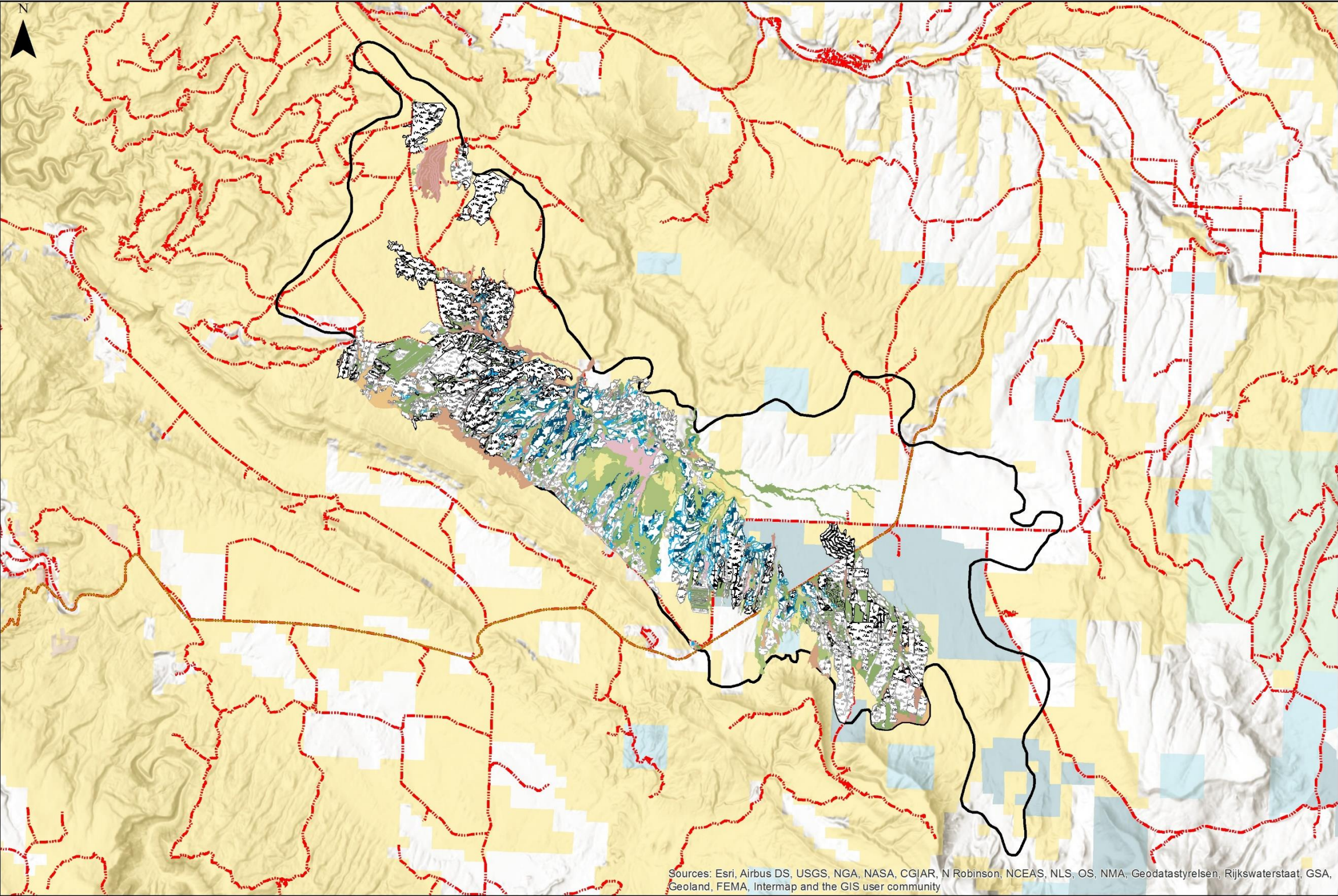




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COLORADO

Dry Creek Basin Programmatic Habitat Restoration



TRFO Sagebrush Mapping

Habitat Description

- black sagebrush >5% to 15%
- black sagebrush >15% to 25%
- black sagebrush >25%
- big sagebrush >5 to 15% canopy
- big sagebrush >15% to 25%
- big sagebrush >25%
- Dominated by grasses
- Dominated by grasses - trace to 5% sagebrush
- Dominated by other shrub - trace to 5% sagebrush
- Dominated by other shrubs (no canopy specified)
- Greasewood 15 to 25% canopy cover
- Greasewood 5 to 15% canopy cover
- Greasewood >25% canopy cover
- Greasewood trace to 5% canopy cover
- Riparian
- Woodland PJ - >5% to 15% sagebrush
- Woodland dominated by Pinyon and Juniper
- Woodland dominated by Pinyon and juniper - trace \*
- basin big sagebrush >15% to 25%
- basin big sagebrush >25%
- basin big sagebrush >5% to 15%
- fringe sage >15% to 25%
- fringe sage >25%
- fringe sage >5% to 15%
- ProjectArea
- CountyRoads
- CDOT Major and Minor Highways
- Bureau of Land Management
- Bureau of Reclamation
- Indian Reservation
- Military Reservation
- National Grasslands
- National Park Service
- Other Federal
- Private
- State
- State, County, City; Areas
- Bankhead-Jones Land Use Lands
- US Fish and Wildlife Service
- US Forest Service

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

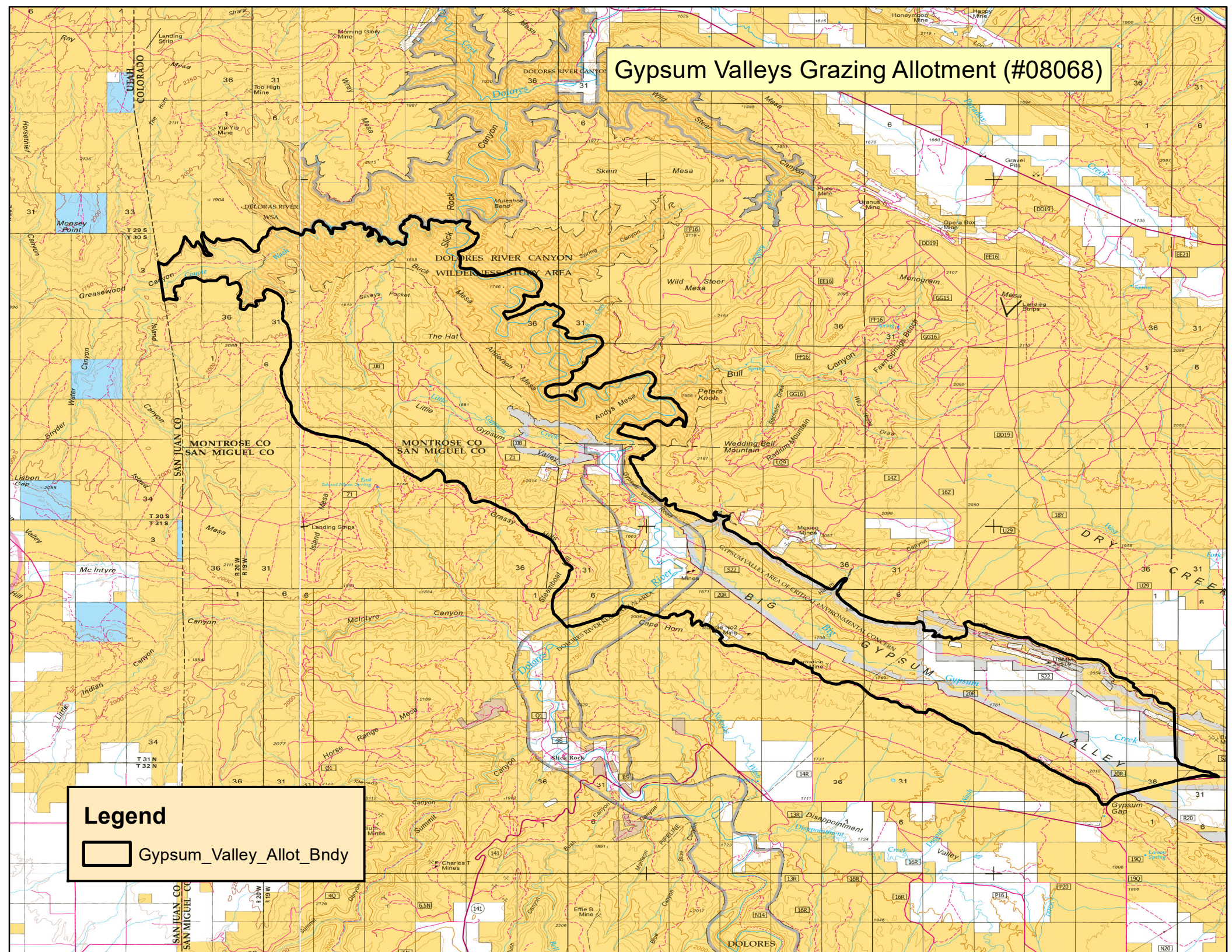
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# Gypsum Valleys Grazing Allotment (#08068)

**Legend**

Gypsum\_Valley\_Allot\_Bndy







U.S. Department of the Interior  
Bureau of Land Management

# News Release

BLM Tres Rios Field Office, Colorado

**Media Contacts:** Ian Barrett 970-676-1010 or Tyler Corbin 970-799-2957

March 8, 2021

## **Prescribed Burning Begins in Disappointment Valley East of Egnar and Burning Continues in West Dolores Rim Project East of Dove Creek**

**DOLORES, Colo.** – The Bureau of Land Management Tres Rios Field Office plans to conduct several prescribed burns beginning April 15 or as conditions allow. The burns will treat up to 885 acres of pinyon, juniper, and mixed mountain shrub within the Dawson Project Area. The project area is split between San Miguel and Dolores counties located 13 miles east-northeast of Dove Creek and 10 miles east of Egnar. In addition, crews will continue treating up to 2,685 acres of ponderosa pine and Gambel oak within the West Dolores Rim Project Area located about seven miles east of Dove Creek and locally referred to as the “East and North Pines.”

The planned burns are part of a larger project to reduce hazardous fuels; protect wildland-urban interface communities; improve big game habitat, sage grouse habitat, and range conditions; and reintroduce fire to a fire-adapted ecosystem to restore healthy forests and species diversity. Several units of the West Dolores Rim Project were successfully treated last spring/fall and are already showing signs of improved habitat.

A detailed burn plan outlines the parameters for prescribed burning. “The burn plan contains specific criteria regarding weather conditions and air quality that must be met to help ensure control of the burn, as well as to minimize the potential smoke impacts to local communities,” said Ian Barrett, BLM Fire Management Specialist.

While no road closures are expected during the project, camping near the units is discouraged due to increased traffic and likelihood of smoke in the area, particularly at night. Multiple days of burning may occur throughout the spring into summer and then again in the late summer into fall, as fuel conditions and weather permit. Project areas will be monitored once completed to ensure public safety. While smoke may be visible in the area at times, most of the smoke will lift and dissipate during the warmest parts of the day. Expect visible smoke in the area for several days after each burn is completed as vegetation in the interior continues to smolder.

The BLM obtained smoke permits from the Colorado State Air Pollution Control Division, which identify atmospheric conditions under which the burns can be implemented. Prescribed fire smoke may affect your health. For more information, visit <https://www.colorado.gov/pacific/cdphe/wood-smoke-and-health>.

For information on wildfires, prescribed burns, and fire restrictions in the area, visit the Durango Dispatch website ([WCCODRC \(wildcad.net\)](http://www.wccodrc.com)) or follow us on Twitter ([https://twitter.com/SWD\\_Fire](https://twitter.com/SWD_Fire)) and Facebook (<http://www.facebook.com/BLMMontroseFireUnit>).

-BLM-

*The Southwest Colorado Fire and Aviation Management Unit covers the BLM Gunnison Field Office, Uncompahgre Field Office, and Tres Rios Field Office in the Colorado counties of Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mesa, Mineral, Montezuma, Montrose, Ouray, Rio Grande, Saguache, San Juan and San Miguel.*

*The BLM manages more than 245 million acres of public land located primarily in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. The agency's mission is to sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations. Diverse activities authorized on these lands generated \$111 billion in economic output across the country in fiscal year 2019—more than any other agency in the Department of the Interior. These activities supported more than 498,000 jobs.*



AGENDA ITEM - 6.a.

**TITLE:**

10:00 a.m. Public Hearing - Consideration of approval of the Telluride Legoff #2 Pipeline Replacement Project Special Use Permit./MOTION

**Presented by:** Troy Hangen, Senior Planner

**Time needed:** 25 mins

**PREPARED BY:**

Troy Hangen, Senior Planner

**RECOMMENDED ACTION/MOTION:**

Recommendation

Planning Staff recommends the Board of County Commissioners APPROVE the Telluride Legoff #2 6-inch Pipeline Replacement Project Special Use Permit, and Resolution, based on the finding that the uses, as proposed in the application, are consistent with and comply with the review standards in 5-307 F. V. Uses Allowed Subject to Two-step Special Use Permit Review, 5-709 – Public Utility Structures and Electricity Transmission and Distribution Lines, and 5-10: Special Uses, and the County Master Plan, with the following conditions:

1. The Special Use Permit is issued to the Applicant, Rocky Mountain Gas LLC (dba Black Hills Energy) and runs with the land.
2. The applicant is required to work with San Miguel County Vegetation Management pertaining to existing noxious weed elimination and future revegetation and weed management.
3. The applicant shall make efforts to contact or notify any property owner, lease holder, permittee or rancher that uses or needs access to public or private property or infrastructure during the spring months when alternative access is not available from the eastern side of the mesa. The applicant shall coordinate with USFS and BLM personnel to determine which permittees may be impacted.
4. Place ads in the Telluride and Norwood newspapers advising the traveling public of the work and possible closures.
5. The applicant, Rocky Mountain Gas LLC, shall work from 6am-6pm daily Monday - Friday. If CR X48 is closed for the season from the eastern part of the project to State HWY 62, then at the end of each working day, Rocky Mountain Gas LLC shall make it so there is public access from the western part of the project to the eastern part of the project. If CR X48 is open from the eastern part of the project to State HWY 62, Rock Mountain

Gas LLC may have CR X48 closed from 6am Monday – 6pm Friday.

6. The applicant shall post signs on each end of the project that has on it the contact information for the project supervisor and/or manager so access can be scheduled or planned during times when access may otherwise be restricted or unavailable.
7. Place signs near State HWY 145 and State HWY 62 advising of the work and possible road closures. Signs shall meet MUTCD standards as approved by the County Road and Bridge Supervisor. Signs shall be placed in the County right-of-way and placement shall be approved by the County Road and Bridge Supervisor.
8. The applicant will be required to obtain a Road and Bridge permit for the authorization of work and activities within the County Road Right-of-Way.
9. The distribution line will need to be placed at least 48” below the borrow ditch grade anywhere within the County Road or Right-of-Way.
10. The gas line must be placed under all existing culverts, regardless of depth in the County Road.
11. Any permanent structures must be placed as far off the roadway as possible near the Right of-Way line or written easements on private property and must be properly marked to prevent damage.
12. No staging or storage of material, equipment, or vehicles will be authorized within the County Road or Right-of-Way.
13. All written representations of the applicant in the original submittal and all supplements, letters and emails are deemed to be conditions of approval, except to the extent modified by this Motion.

#### **INTRODUCTION/BACKGROUND:**

#### **FISCAL IMPACT:**

<b>Contract Number:</b>	<b>Date Executed</b>	<b>End Date</b>	<b>Department(s)</b>
YYYY-###			Board of County Commissioner Staff
<b>Description:</b>			

#### **ATTACHMENTS:**

Description	Upload Date
Memo	3/11/2021
Late backup to be considered.	3/16/2021



## MEMORANDUM

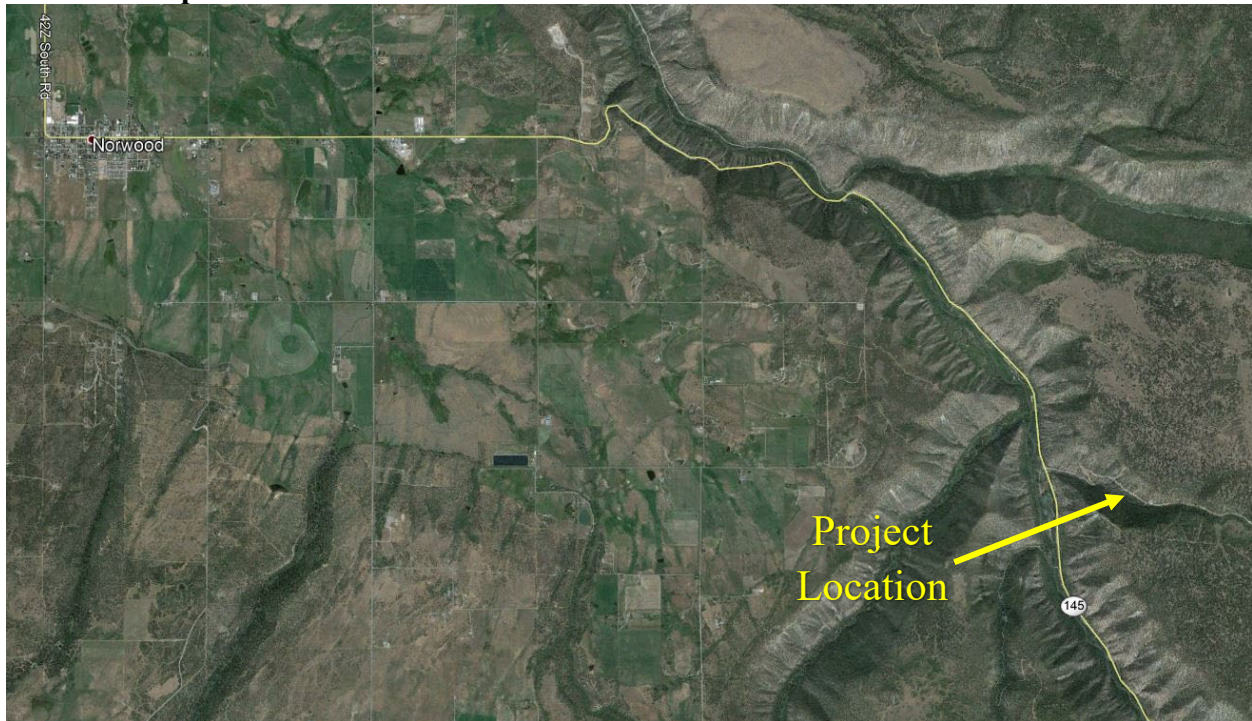
**TO:** San Miguel County Board of County Commissioners  
**FROM:** Troy Hangen, Senior Planner  
**RE:** Telluride Legoff #2 Pipeline Replacement Project Special Use Permit  
**DATE:** March 17, 2021 [Z:\Applications\2020\_Telluride\_NO2\_Public Utility Structure\_Black Hills]

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### Background

Black Hills Energy initiated this project under the Rocky Mountain Natural Gas (RMNG) System Safety Integrity Rider (SSIR) program to help improve the system integrity of the existing transmission Telluride 6-inch pipeline. The scope of the project is to replace an existing above-grade segment of pipeline that was installed in 1987 with a new buried segment. Phase 1 of the project consisted of planning and design in 2020 with Phase 2 being construction and in-service in 2021. The current pipeline diameter and Maximum Allowable Operating Pressure (MAOP) will be maintained.

### Location Map



### Proposal

Rocky Mountain Natural Gas LLC (RMNG), doing business as (dba) Black Hills Energy (BHE), is planning to conduct a maintenance replacement along the existing transmission Telluride 6-inch Pipeline within County Road X48 and private property approximately 10 miles northwest of Placerville, CO and approximately a third of a mile off of Highway 145.

## Description

Black Hills Energy proposes to bury approximately 5,834 linear feet of gas pipeline on the land owner's property, Jason Atwood, and within the right-of-way of County Road X48. The existing pipe was constructed above ground, leaving it exposed to the changing weather, natural disasters, trees and other vegetation, and rock falls. All of these present a risk to public welfare and safety. Dents, leaks, ruptures, explosions are all risks of exposed pipelines.

The proposed work will involve the replacement of approximately 1,400 feet of exposed above-ground 6-inch steel transmission pipeline with approximately 5,834 lineal feet of buried 6-inch steel transmission pipeline. The majority of the new pipeline will be buried within the ROW of CR X48 to reduce safety concerns of burying the new pipeline on steep topography. After completion of the new pipeline, the exposed section will be removed and the buried section on the southwest part of the parcel will be abandoned in place. The project is proposed to begin May 1, 2021 and last for 16 weeks.

During construction, the gas will continue to flow through the existing pipe. Upon completion of the reroute along X48 Road, the two ends of the reroute will be tied into the existing pipeline via stopple fittings. The legoff will be removed and the remaining pipe from the top of the legoff to the new tie-in location will be retired and abandoned in place. Customers will not be negatively impacted by lack of flow of natural gas at any point during construction.

This Special Use Permit is a use allowed with a Two Step process in the Forestry, Agriculture and Open (F) Zone District pursuant to San Miguel County LUC -

5-307 F. V. Public utility structures, including dams and reservoirs (refer to Section 5-709)

## Site Plan



The application submission contains significant amounts of information pertaining to:

Road Right-of-Way

Temporary Use Areas (TUAs) and Staging Areas outside of ROW

Replacement Work Activities

Construction Timeline

Estimated Construction Equipment

Alternative Construction Method Considered

Design Features

General

Air

Cultural and Paleontological Resources

Geologic Hazards

Hazardous Materials

Noise

Traffic and Access Routes

Vegetation and Land Use

Visual Resources

Water and Soil Health

Geologic Hazards

Wildlife

Vegetation

### **Public Noticing**

As required by C.R.S. § 30-28-106(1), a Notice of Public Meeting was published in the Telluride Daily Planet and in the Norwood Post on Wednesday, February 24, 2021. The required posting was completed by David C. Gremel (ROW agent) on March 1, 2021. Notice was mailed to all property owners within 500 feet of the proposed special use the same day.

### **Referral Agencies**

The application was referred to the County Administrator, County Attorney, County Road and Bridge, County Director of Government Affairs / Natural Resources, Colorado Department of Transportation, San Miguel County Vegetation Management, and Norwood Fire Protection District for review and comment.

County Administrator – No Comment

County Attorney – No Comment

County Director of Government Affairs / Natural Resources – No Comment

Colorado Department of Transportation – No concerns

Norwood Fire Protection District – No concerns

San Miguel County Vegetation Management – Julie Kolb would like to analyze the existing weed survey for present noxious weeds

Ryan Righetti, County Road and Bridge - In an effort to reduce conflict and mitigate negative impacts related to access:

1 - Every attempt shall be made to leave the road passable at the completion of work each day. Understanding that this may pose challenges, the applicant shall have in place, a plan to make the road passable upon notice that access is needed so that a time can be scheduled before the proposed weekend opening.

2 - The applicant should make efforts to contact or notify any potential property owner, lease holder or rancher that uses or needs access to public or private property or infrastructure during the spring months when alternative access is not available from the eastern side of the mesa.

3 - The applicant shall post signs on each end of the project that has on it the contact information for the project supervisor or manager so access can be scheduled or planned during times when alternative access is restricted.

For County Road related impacts, use and activity:

1 - The applicant will be required to obtain a Road and Bridge permit for the authorization of work and activities within the County Road Right-of-Way.

2 - The distribution line will need to be placed at least 48” below the borrow ditch grade anywhere within the County Road or Right-of-Way.

3 - The gas line must be placed under all existing culverts, regardless of depth in the County Road.

4 - Any permanent structures must be placed as far off the roadway as possible near the Right-of-Way line and must be properly marked to prevent damage.

5 - No material, equipment, vehicle staging or storage will be authorized within the County Road or Right-of-Way.

**Public Comments**

At the time of this report, no public comment has been received.

**Review Standards**

This Special Use Permit is a use allowed with a Two Step process in the Forestry, Agriculture and Open (F) Zone District pursuant to San Miguel County LUC

5-307 F. V. Public utility structures, including dams and reservoirs (refer to Section 5-709)

**SECTION 5-10: SPECIAL USES**

**5-1001 General**

This section of the Code establishes standards to review special uses subject to either one-step Planning Commission or Board of County Commission review or two-step special use permit review. Special uses may or may not be appropriate in certain locations depending on degree of conformance with adopted, relevant standards and policies. For certain special uses these standards may supplement special standards for specific uses. Refer to Section 3-5 for one-step review procedures, Section 3-6 for two-step review procedures and Section 4-7 for submission contents.

**5-1002 Standards for All Special Uses and Other Uses Requiring One-step and Two-step Review**

All Uses requiring One-step and Two-step Review, except Oil and Gas Exploration and Development (Section 5-26), shall comply with the standards in this section.

**5-1002 A. Consistency with Master Plan, Land Use Policies, Zone District and Neighborhood**  
The Uses to be reviewed shall be:

- I. Consistent with the County Master Plan;
- II. Consistent with County Land Use Policies in Article 2;
- III. Consistent with the purpose of the Zone District in which it is proposed to be located;
- IV. Consistent with and Compatible with the Character of the Neighborhood of the Parcel proposed for Development and surrounding land Uses, and may enhance the mixture of complementary Uses and activities in the Neighborhood of the Parcel proposed for Development;
- V. Necessary for public convenience at the proposed location; and
- VI. Designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

5-1002 B. Impacts on Surrounding Area

Compatibility with the Character of Parcels adjacent to the Parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, as well as, the control and Minimization of adverse Impacts including Noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, Impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions.

5-1002 C. Public Facilities

Adequate public facilities and services shall exist or shall be provided to serve any reviewable Use including, but not limited to, roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical, hospital and medical, drainage system and schools.

5-1002 D. Bond Requirement

A bond may be required, as a condition of any reviewable Use permit as deemed necessary by the Board of Commissioners or the Planning Commission, sufficient to cover the cost of Site remediation and/or satisfaction of the other conditions and requirements.

5-1002 E. The following must be addressed as part of any application:

- I. A Site plan including:
  - a. Ownership, Use and zoning of all adjacent Parcels;
  - b. Driveways, streets and right-of-way, Access ways, including points of ingress, egress, parking plan;
  - c. Easements;
  - d. Location and dimensions of Structures and Signs;
  - e. Typical elevations/Heights of such Buildings;
  - f. Landscaping;
  - g. Topography; and
  - h. Specific areas proposed for specific types of land Use/the identification of specific land Uses;
  - i. Information regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of

employees, number of students, number of rooms for rent, etc., as applicable;

- II. Lighting plan;
- III. Signs – all Signs must meet Section 5-704 standards;
- IV. Water/sewer plan – must meet state standards and may include verification of a commercial well permit;
- V. Drainage plan;
- VI. Grading plan;
- VII. Dust control plan;
- VIII. Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;
- IX. Weed control plan that must include use of weed free hay or straw;
- X. Fencing Plan; and
- XI. Additional permits as necessary from other agencies.

*The application generally addresses all the requirements contained in Section 5-10 Special Uses and issues identified by the Planning staff. One of the Goals in the SMC Master Plan in the San Miguel Canyon Area is “To develop and maintain public utility service systems and public facilities adequate and located appropriately to serve the existing and potential population.” (SMC Master Plan 2.4 Utilities and Facilities) This purpose of this project is to continue to provide reliable natural gas service to San Miguel County residents. The County Road and Bridge (R&B) Director has requested some restrictions and regulations that should be agreed upon before construction begins. The applicant has addressed the possible impacts on the surrounding areas pertaining to noise, vegetation, and geologic hazards. The applicant shall work with San Miguel County Weed Management before and after construction pertaining to the subject of noxious weeds and revegetation.*

#### **5-709 Public Utilities Structures and Electricity Transmission and Distribution Lines**

All public utility structures and electricity transmission lines more than 115 kilovolts shall comply with the standards in this section. Additionally, all above ground electricity transmission or distribution lines in excess of 1,000 linear feet in length in San Miguel County are subject to compliance with the standards in this section. These standards do not apply to the normal construction of local service natural gas lines.

5-709 A. The proposed development poses no significant threat to the health, welfare and safety of the citizens of San Miguel County or the citizens of the region.

5-709 B. Construction and operation of the facility will not unreasonably impact the physical, economic, or social environment of San Miguel County or this region, including agricultural land and water.

5-709 C. Adverse impacts to the County and/or region have been identified, and the applicant has presented a satisfactory program of mitigation, including assurances of implementation.

5-709 D. Alternative sites and routes and methods to reduce the impact to the land such as combining new lines with existing lines, placing new lines underground, etc., have been identified



and approved by the San Miguel County Board of County Commissioners.

5-709 E. All costs associated with the construction of new distribution lines, including any costs resulting from mitigation of visual impacts, shall be paid by the utility provider and/or the individual property owners who will connect to the new lines.

5-709 F. The benefits of the development outweigh the unavoidable and unmitigatable impacts upon the physical, social, and economic environment of San Miguel County and this region.

5-709 G. Proposed uses in Airport Reservations shall be for use by the facility and these and any other allowed facility shall meet the navigable airspace requirements of AC No. 70-7460-2-E, dated 7/5/73 and issued by the U.S. Federal Aviation Administration, Department of Commerce, as may be amended.

5-709 H. All proposed above ground extensions are routed wherever possible to:

- I. Avoid paralleling of major transportation routes;
- II. Cross any transportation route at as close to a right angle as possible;
- III. Avoid "tunnel" effect of clearing areas visible from a population concentration or major transportation route;
- IV. Avoid clear-stripping of right-of-way;
- V. Avoid corrosive soils;
- VI. Avoid creation of access way scars visible as above;
- VII. Avoid historic and archaeological sites; natural phenomenon;
- VIII. Avoid impact on wildlife and wildlife habitat;
- IX. Preserve as much as possible the natural landscape;
- X. Minimize conflict with existing and planned uses shown on the County Master Plan Map;
- XI. Maximize the natural screening potential of vegetation and topography; and
- XII. Avoid crossing or use interference with a fishery.

5-709 I. All proposed extensions of central service plant whose curvature, grade or other constraint inherent in such facility tends to require alignment along valley floors or public ways, shall avoid impacts listed in C. above; provide for recompaction to restore the original density of

disturbed irrigated ground; provide for restoration of the original slope of hillsides and ridge cuts; and by innovative construction techniques minimize the width of clearing and cuts, including those required for installation of normally buried facilities above ground where such might be less disturbing to the sum of criteria of this plan.

5-709 J. These regulations shall not apply to the normal construction of individual telephone subscriber service, distribution and feeder cables, including the delivery of cable television, toll service, and extended area service telephone lines.

5-709 K. Approval shall not be considered until such time as the Public Utilities Commission has granted a Certificate of Public Necessity and Convenience, if such Certificate is required from the Public Utilities Commission.

*The application generally addresses all the requirements contained in Section 5-709 Public Utilities Structures and Electricity Transmission and Distribution Lines and issues identified by the Planning staff. After reviewing the submission, staff feels that there is no threat to the health and safety of the neighboring citizens and will not impact the economic and social environment due to the requirement to be in constant relations with the surrounding owners with pre construction notifications and contact sign postings. All the costs of the project will be absorbed by the applicant and the main benefit of the project is to maintain the pipeline in a safer way underground away from the elements of above ground deterioration. After completion of the project, the applicant will return the disturbed area to the same quality and presentation as before the project started.*

### **County Planning Commission**

The Planning Commission, at its February 11, 2021 meeting, voted 5-0 to recommend the Board of County Commissioners approve the Telluride Legoff #2 6-inch Pipeline Replacement Project Special Use Permit finding that the application is consistent with the applicable County LUC Standards and Master Plan, and subject to 13 terms and conditions. The text of the Planning Commission's motion is included in the County Planning Staff Recommendation section of this report. Key issues were making sure the USFS grazing permittees and traveling public would have advanced notice of possible closures. The recommendation to the Board builds on that intent, but provides more detail and clarity.

### **Recommendation**

Planning Staff recommends the Board of County Commissioners APPROVE the Telluride Legoff #2 6-inch Pipeline Replacement Project Special Use Permit, and Resolution, based on the finding that the uses, as proposed in the application, are consistent with and comply with the review standards in 5-307 F. V. Uses Allowed Subject to Two-step Special Use Permit Review, 5-709 – Public Utility Structures and Electricity Transmission and Distribution Lines, and 5-10: Special Uses, and the County Master Plan, with the following conditions:

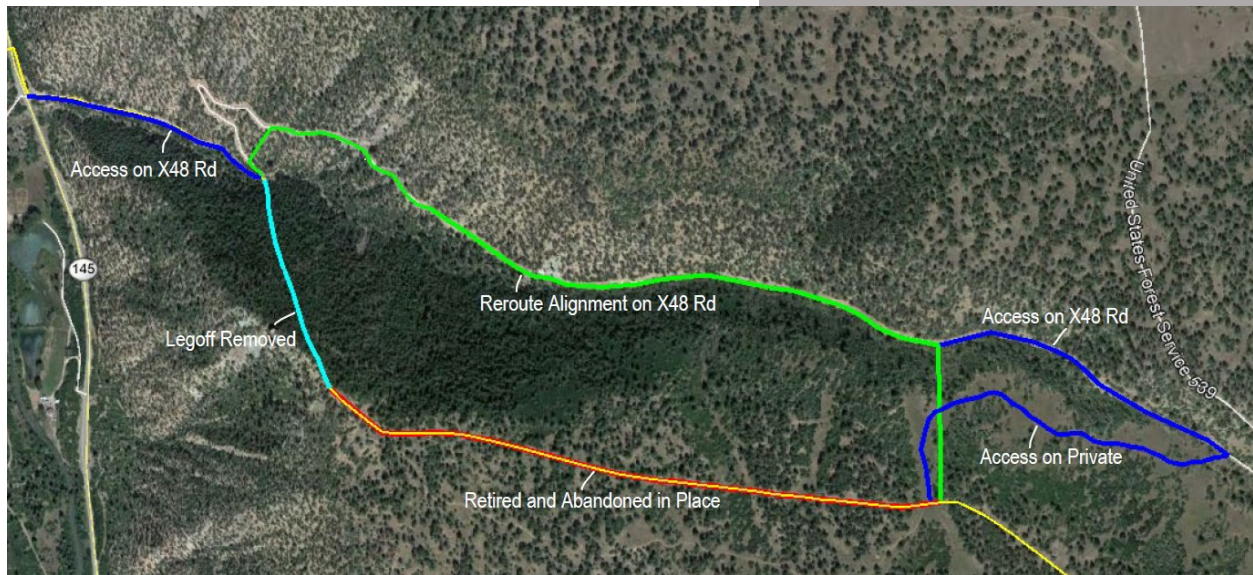
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2. The applicant is required to work with San Miguel County Vegetation Management pertaining to existing noxious weed elimination and future revegetation and weed



management.

3. The applicant shall make efforts to contact or notify any property owner, lease holder, permittee or rancher that uses or needs access to public or private property or infrastructure during the spring months when alternative access is not available from the eastern side of the mesa. The applicant shall coordinate with USFS and BLM personnel to determine which permittees may be impacted.
4. Place ads in the Telluride and Norwood newspapers advising the traveling public of the work and possible closures.
5. The applicant, Rocky Mountain Gas LLC, shall work from 6am-6pm daily Monday - Friday. If CR X48 is closed for the season from the eastern part of the project to State HWY 62, then at the end of each working day, Rocky Mountain Gas LLC shall make it so there is public access from the western part of the project to the eastern part of the project. If CR X48 is open from the eastern part of the project to State HWY 62, Rock Mountain Gas LLC may have CR X48 closed from 6am Monday – 6pm Friday.
6. The applicant shall post signs on each end of the project that has on it the contact information for the project supervisor and/or manager so access can be scheduled or planned during times when access may otherwise be restricted or unavailable.
7. Place signs near State HWY 145 and State HWY 62 advising of the work and possible road closures. Signs shall meet MUTCD standards as approved by the County Road and Bridge Supervisor. Signs shall be placed in the County right-of-way and placement shall be approved by the County Road and Bridge Supervisor.
8. The applicant will be required to obtain a Road and Bridge permit for the authorization of work and activities within the County Road Right-of-Way.
9. The distribution line will need to be placed at least 48” below the borrow ditch grade anywhere within the County Road or Right-of-Way.
10. The gas line must be placed under all existing culverts, regardless of depth in the County Road.
11. Any permanent structures must be placed as far off the roadway as possible near the Right-of-Way line or written easements on private property and must be properly marked to prevent damage.
12. No staging or storage of material, equipment, or vehicles will be authorized within the County Road or Right-of-Way.
13. All written representations of the applicant in the original submittal and all supplements, letters and emails are deemed to be conditions of approval, except to the extent modified by this Motion.

# Telluride Legoff #2 6-Inch Legoff Pipeline Replacement Project San Miguel County, CO Land Use Application



Rocky Mountain Natural Gas LLC  
(dba Black Hills Energy)



December 8, 2020

**PRINCIPLES**

Rocky Mountain Natural Gas LLC  
dba Black Hills Energy  
7001 Mount Rushmore Road  
Rapid City, SD 57702

**PROJECT CONTACTS**

Linda Straface – Project Manager (303) 204-8504  
Donald Green – Utility Construction Planner (970) 618-1521  
Cole McClure – Compressor/Operations Technician  
David Gremel – Right of Way Agent (303) 548-5451  
Ally Little – Environmental Professional (307) 778-2123

**PROPERTY OWNER**

Landowner Name:	Parcel ID#
Jason Atwood, Cameron Atwood, Heather McKie, Kirk Stutler, Kip Stutler and Kasey Stutler	452503400002
San Miguel County, Colorado	n/a
US Forest Service	TBD

Please refer to **Appendix G** for the Ownership and Encumbrance Report for the Atwood, et al parcel.

The Signed Letter of Authorization will be provided prior to final permit approval.

**RIGHTS OF WAY AND EASEMENTS**

A new Easement for Gas Pipelines and Appurtenances will be secured covering the following parcel: Jason Atwood, et al – Parcel ID# 452503400002. Said Easement is designated to be a permanent 50-foot wide Easement centered on the pipeline.

**CONTRACTORS**

Construction – TBD  
Environmental Services – Westwater Engineering Inc.  
Geotechnical Engineering and Survey – DOWL

**SCOPE**

Rocky Mountain Natural Gas LLC (RMNG), doing business as (dba) Black Hills Energy (BHE), is planning to conduct a maintenance replacement along the existing transmission Telluride 6-inch Pipeline within County Road X48 and private property approximately 10 miles northwest of Placerville, CO approximately a third of a mile off of Highway 145. This project begins within RMNG's existing ROW just East of State Highway 145 in Section 3, Township 44 North, Range 12 West, New Mexico PM in San Miguel County, Colorado. Please refer to the Vicinity and Location Map in **Appendix A**.

The existing bare pipe was constructed above ground, leaving it exposed to the changing weather, natural disasters, trees and other vegetation, rock falls, and recreators. All of these present a risk to public welfare and safety. Dents, leaks, ruptures, explosions are all risks of exposed pipelines. This pipeline is the main

source of natural gas for Telluride, so dents or leaks would restrict the amount of gas that could flow to town. Leaks would also negatively impact air quality in the valley and would propose risk of fire. The purpose of this project is to bury the existing top-of-ground pipe segment to ensure the safety and integrity of the line, as encouraged by agreements between Rocky Mountain Natural Gas and Colorado Public Utilities Commission (PUC) and as required by the Span and Exposed Pipe Replacement program under 49 CFR, Part 192, Subpart O.

The proposed work will involve the replacement of approximately 1,400 feet of exposed above-ground 6-inch steel transmission pipeline with approximately 5,834.3 lineal feet of buried 6-inch steel transmission pipeline. The new pipeline will be installed via open trench in a new ROW along X48 Road. RMNG has determined this reroute along X48 Road is a safer route to bury the pipeline because it removes the risks associated with steep-slope construction and, also minimizes the environmental impact by working in previously disturbed areas. The exposed section will be removed upon completion of the reroute and the buried section on top of the mountain on private land that lies between the two new tie-ins will be abandoned in place.

During construction, the gas will continue to flow through the existing pipe. Upon completion of the reroute along X48 Road, the two ends of the reroute will be tied into the existing pipeline via stopple fittings. The legoff will be removed and the remaining pipe from the top of the legoff to the new tie-in location will be retired and abandoned in place. Customers will not be negatively impacted by lack of flow of natural gas at any point during construction.

Since the pipeline is being rerouted into X48 Road, the road will need to be closed during construction. Understanding that this road is used for public access to areas beyond the project area, RMNG will plan on closing the project section of the road Monday through Friday to help expedite the construction duration and will open the road Saturdays and Sundays to allow public access. Any additional special conditions surrounding the road closure will be determined in conjunction with San Miguel County.

Work vehicles and construction equipment will access the pipeline route on X48 Road off Highway 145. Blue lines in Figure 1 below show areas of X48 Road that will be utilized for access only throughout the construction duration. Additional access may be required for large vehicles (i.e. pipe truck, flatbeds, etc.) that will not be able to navigate the sharp switchback at the project location. Those vehicles may need to access the project site from the other end of X48 Road via Highway 62. All project work will remain in the disturbed areas as outlined below:

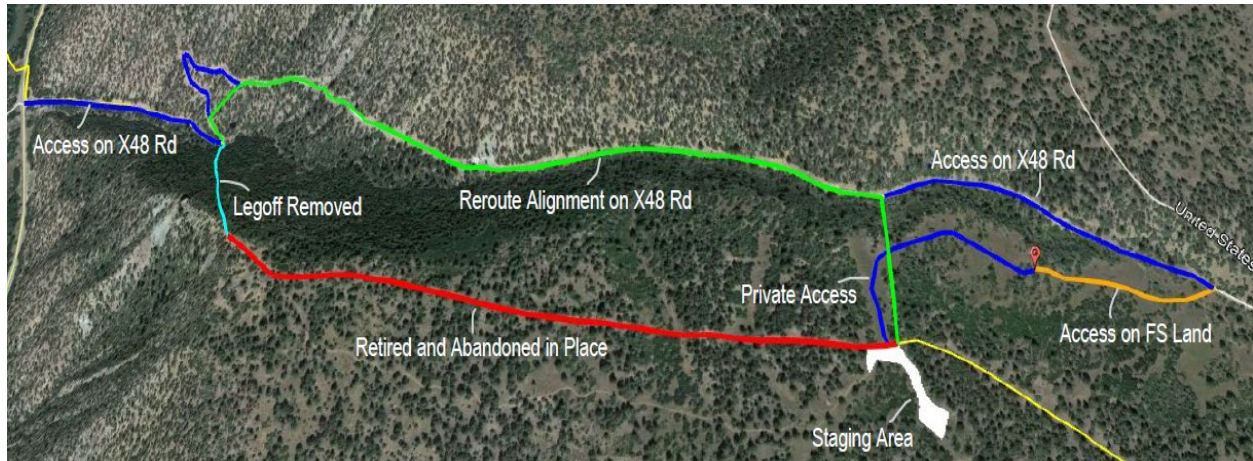
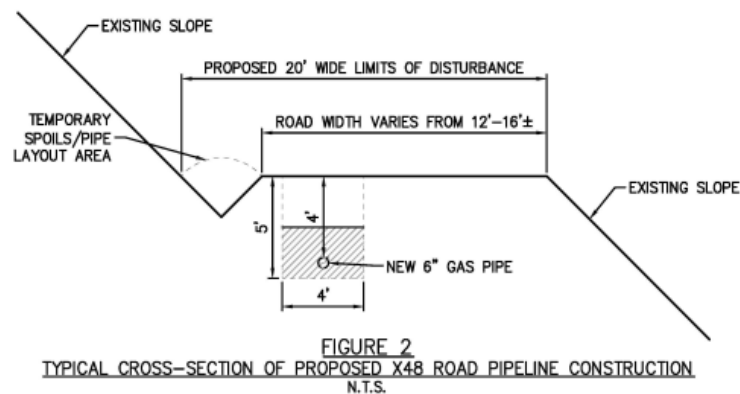


Figure 1: Telluride Legoff #2 Replacement

➤ **ROW:**

Approximately 4,673 linear feet of County Road X48 will be temporarily disturbed for the installation of the new replacement pipeline. Although the exhibit identifies a 20-foot width along X48 Road, the road width ranges between 12 to 16 feet. RMNG understands the need to avoid the downslope side of the road to avoid disturbance of the compacted area of the edge of road. The requirement to avoid the compacted area of the downslope side of the road will be adhered to. If the trench area needs to be expanded for spoils or storage when the road is reopened on the weekends, it will be placed on the upslope side possibly getting closer to the 20-foot depiction. Please refer to Figure 2 below.



The work activities in this area will include the excavation of a 4,673 ft long trench approximately 4-ft wide by 5-ft deep (where feasible), and excavation of two bell holes approximately 10-ft square by 8-ft deep for the two tie-in locations at either end of the re-rerouted segment. In addition, approximately 227.7 lineal feet for Easement 1 and 933.6 lineal feet for Easement 2 will be temporarily disturbed for the installation of the new replacement pipeline at the crossovers on private property.

➤ **Temporary Use Areas (TUAs) and Staging Areas outside of ROW:**

Proposed are two temporary use areas (TUA) on both sides of the proposed 50-foot wide pipeline ROW on private land.

- TUA #1, 7.5 feet wide on each side of the proposed ROW (15 ft total width) by approximately 227.7 feet in length (3,415.5 sq. ft.) will be located at the west end of the project just north of the tie in location.
- TUA #2, 7.5 feet wide on each side of the proposed ROW (15 ft total width) by approximately 933.6 feet in length (14,004 sq. ft.) will be located at the east end of the project just north of the tie in location.
- Staging Area 1, approximately 41,000 sq. ft. in size, will be situated on private property just South of the tie-in location.

The TUAs will be utilized for work activity, stringing pipe and stockpiling of soils. The staging area will be used for a construction trailer and storing equipment, delivered pipe, porta-johns, miscellaneous materials and a dumpster.

Total proposed disturbance outside of pipeline ROW: 58,420 sq. ft, (1.34 acres).

Overall disturbance for the entire project is estimated to be 116,259 sq. ft or 2.67 acres. For a depiction of the locations of these disturbance areas, please refer to the Disturbance Areas Map in **Appendix B**. Within the TUAs and new ROW outside X48 Road, RMNG will use selective cutting and clearing practices that preserve the maximum amount of vegetation as possible. Only the trees and vegetation crucial to accessing and constructing the pipeline will be removed. The contractor also understands that maintaining trees and shrubs and their root systems is important to preserve the natural erosion control and management on the slopes.

**REPLACEMENT WORK ACTIVITIES**

Proposed work activities within the designated disturbance areas will consist of:

- Installation of Control Measures (CMs) as identified in the Stormwater Management Plan
- Trimming and/or removing existing vegetation where necessary,
- Excavation and stockpiling of soils along new pipeline route,
- Installation of new buried pipeline,
- Filling in excavated areas,
- Cutting and welding the exposed pipeline,
- Removal of existing above-ground pipeline,
- Regrading X48 Road where necessary to direct road water runoff so it flows into natural drainage areas or culverts,
- Repairing existing culverts and adding new ones as deemed necessary,
- Re-grading and installation of slope stabilization features, and

- Reseeding with weed-free seed mix and soil amendment approved by both San Miguel County and the private landowner.

### **CONSTRUCTION TIMELINE**

**Work will begin immediately after San Miguel County approval- May 1<sup>st</sup>**

Anticipate ~16 weeks to complete work activities.

### **Estimated Construction Equipment**

Excavators, 2-3 (during construction)

Skid steer, 1 (during construction)

Bulldozer, 1 (during construction)

Stoppie By-pass equipment

Compaction equipment

Single axle crew vehicle, 2-3 (+/- during construction), including welders' trucks

Tandem axle dump trucks, 1-2 (+/-during construction)

Personnel on site at one time, 20 estimated (+/- during construction)

### **Alternative Construction Method Considered**

1. Directional boring- RMNG met with a directional boring contractor to consider the possibility of boring the new replacement pipeline; however, it was determined that boring the new line would be impractical for several key reasons:
  - Terrain- Based on experience on similar projects in rocky terrain with large boulders, the contractor felt like boring this segment would be risky, if not impossible. The risks include hitting impenetrable rock layers, damaging pipe, and inability to track the bore due to the steep terrain.
  - Timing- If a bore was attempted and failed, open trenching would be the only way to continue and would be necessary prior to cold weather to ensure adequate supply of natural gas to homes in the area served by this pipeline. The schedule of this project is already reduced and pushing the overall timeline close to cooler weather and possible snow.
  - Future leak surveys- When a pipeline is installed via directional boring, it is installed at an arc. Due to the severe elevation change over a short distance, the final depth would be located underground at a depth much greater than desired to perform the required annual leak surveys.
  - Location- Logistically boring would also be difficult in the location where the pipe is needed because all 1,400' of pipe, if installed via a bore, would need to be pulled from the bottom of the slope where there is only a small flat area before the next steep hillside. Also, due to the significant elevation changes, there would be high fluid pressures required during drilling operations that would increase the risk of inadvertent returns.

While there are many visual benefits to directional boring, the feasibility of a successful bore and the pipeline depth ultimately outweigh those positive benefits.

### **Design Features**



### **General**

G-1: RMNG and its contractors will comply with all federal, state, and local environmental laws, orders, and regulations. This includes compliance with County Land Use provisions and agreements with the landowner. Prior to construction, all personnel will be instructed on the protection of cultural and ecological resources.

G-2: RMNG Environmental Professional will convey the areas of environmental sensitivity and/or required monitoring to the contractor.

G-3: RMNG and hired contractor will adhere to the final permit, which includes keeping all construction and future maintenance activities within the permitted right-of-way. Any deviation from the final permit will require submittal and approval of a variance request from San Miguel County.

### **Air**

A-1: The existing pipeline is bare steel and will be replaced with fusion bond epoxy (FBE) protected steel. The new modern protected steel provides a lower emission factor, thus lowering volatile organic compound fugitive emissions and greenhouse gases.

A-2: RMNG and contractor will utilize practicable methods and devices as are reasonably available to control, prevent, and otherwise minimize atmospheric emissions or discharges of air contaminants.

A-3: Vehicles and equipment showing excessive emission of exhaust gases due to poor engine adjustments or other inefficient operating conditions will not be operated until corrective adjustments or repairs are made.

A-4: Post seeding mulch or other approved methods will be utilized during reclamation activities to help reduce wind erosion and blowing dust. Soil stabilization will be performed as soon as possible after completion of project activities to minimize potential fugitive dust generation as re-vegetation occurs.

A-5: Contractor will turn off equipment when it is not in use.

### **Cultural and Paleontological Resources**

C-1: Prior to construction and future heavy maintenance activities, all construction personnel will be instructed on the protection of cultural and paleontological resources with reference to relevant laws and penalties, and the need to cease work in the location if cultural resource items are discovered.

C-2: Should any previously unknown historic/prehistoric sites or artifacts be encountered during construction, all land altering activities at that location will be immediately suspended and the discovery left intact until such time that the appropriate land management agency is notified and appropriate measures taken to assure compliance with the National Historic Preservation Act and enabling legislation.

C-3: Although no known historic properties exist within the proposed area of disturbance, if discovered, sensitive cultural resource locations in proximity to the area of potential effect will be flagged prior to construction and major maintenance activities to ensure avoidance.

### **Geologic Hazards**



GH-1: Large rocks and boulders will be displaced during construction. Contractor has extensive experience in similar terrain and will use safe excavation practices for rock fall mitigation.

### **Hazardous Materials**

HM-1: RMNG will comply with all applicable federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials during both construction and future maintenance activities. In any event, RMNG will comply with the Toxic Substance Control Act of 1976, as amended (15 United States Code 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the ROW or on facilities authorized under this ROW grant (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 will be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency or state government as a result of a reportable release or spill of any toxic substance will be furnished to the authorized officer concurrent with the filing of the reports to the involved federal agency or state government.

HM-2: No bulk fuel storage will occur within the public lands portion of the ROW project. All fuel and fluid spills within this area will be handled in accordance with appropriate state and federal spill reporting and response requirements. RMNG's contractor will notify Environmental Professional of any spills so appropriate notifications can be made to the appropriate regulatory authorities/landowners and managers.

HM-3: The following hazardous materials management procedures will be used during maintenance and operation activities:

- Storage of hazardous materials, chemicals, fuels, and oils and fueling of construction equipment will not be performed within 100 feet of an ephemeral drainage.
- An effort will be made to store only enough products required to do the job.
- Materials will be stored in a neat, orderly manner, in appropriately closed containers, in secondary containment and, if possible, under a roof or other enclosure.
- Products will be kept in their original containers with the original manufacturer's label.
- Substances will not be mixed with one another unless recommended by the manufacturer.
- Whenever possible, all product will be used up before disposing of the container.
- Manufacturer's recommendations for proper use of a product will be followed.
- If surplus product must be disposed of, local and state recommended methods for proper disposal will be followed.

HM-4: Any waste generated as a result of the project will be properly disposed in a permitted facility. Solid waste generated during construction and periodic maintenance periods will be minimal. All hazardous materials will be handled in accordance with applicable local, state, and federal hazardous material statutes and regulations.

### **Noise**

N-1: Construction vehicles and equipment will be maintained in proper operating condition and will be equipped with manufacturers' standard noise control devices or better (e.g. mufflers, engine enclosures). Improperly functioning equipment will be removed from the construction site until the issue is corrected.

N-2: All work will be conducted Monday-Saturday from 7 AM to 5:30 PM to avoid noise impacts to recreating citizens and residential homes nearby during quiet hours

#### **Traffic and Access Routes**

T-1: No construction or heavy maintenance activities will be performed during periods when the soil is too wet to adequately support equipment and vehicles. If equipment or vehicles create ruts in excess of 4 to 6 inches deep for a distance of 10 feet on native surface roads, the soil will be deemed too wet to adequately support construction equipment. If equipment or vehicles create ruts in excess of 2 inches deep on graveled roads, the roads will be deemed too wet to support construction equipment.

T-2: Contractor equipment will not be staged on Highway 145 and no traffic impacts are expected on the highway.

T-3: RMNG' construction contractor and maintenance crews will be required to remain within authorized access ROWs. Access outside of permitted access ROWs will need to be approved by the affected land management agency/owner prior to use. Future maintenance work and inspections will also occur entirely within the ROWs unless otherwise authorized by the affected agency/landowner.

T-7: Emergency access will be allowed during any time of the year. In the event of an emergency, RMNG will notify SMC as soon as possible. If emergency access to the pipeline is required during wet weather, or if other maintenance activities result in the removal of vegetation, or substantial vehicle impacts to existing native vegetation, revegetation of disturbed areas will be completed as directed by the SMC or affected landowner. Reclamation and revegetation will be implemented, as required, as soon as practical after any emergency road access or maintenance work needed to repair the transmission line. If emergency line maintenance is required during the winter or spring months, care will be taken to minimize erosion and sedimentation to the extent practicable and effects will be mitigated after the emergency has been resolved in coordination with the affect land management agency or landowner.

#### **Vegetation and Land Use**

V-1: Vegetation will be brush-hogged on the private landowner section of the project prior to construction. Vegetation material removed from the right-of-way will be stockpiled as identified in the SWMP to use as a brush barrier to control erosion.

V-2: Post-construction, the brush barrier will be chipped and reused as mulch on the disturbed area.

V-3: A certified weed-free and native seed mix will be used to establish vegetation after construction is complete. Please refer to the weed control plan in **Appendix C**.

V-4: All activities associated with the construction, operation and maintenance of the transmission line will take place within the authorized limits of the transmission line ROW and access routes. Additional access routes or cross-country travel will not be allowed outside of the authorized routes prior to review and approval by the agency authorized officer/landowner.

Please refer to the CDPS permit in **Appendix D**.

#### **Visual Resources**

VR-1: RMNG will exercise care to preserve the natural landscape and will conduct construction operations to prevent any unnecessary destruction, scarring or defacing of the natural surroundings in the vicinity of the work. Except where clearing is required for permanent work, approved temporary or permanent construction roads, staging areas or excavation operations, vegetation will be preserved and will be protected from damage by the contractor's construction operations and equipment.

VR-2: All construction and future maintenance materials, waste, and debris will be removed from the project area in a timely manner. Burning or burying of waste materials on the ROW or construction sites will not be allowed. All materials resulting from the contractor's clearing operations will be removed from the ROW.

VR-3: Vegetation clearing on the hillside is necessary for project, but contractors will only remove what is critical for installation of the pipeline. Vegetation clearing/scarring is unlikely to be seen by recreators or drivers on the river or Highway 145 due to location on a hillside slope away from the road.

VR-4: An aerial survey was conducted to determine any visual impacts from Highway 145. Based on this survey, it has been determined that there will be no visual impact other than trucks and equipment exiting or entering the highway from/to X48 Road. Please refer to the Line-of-Sight photos in **Appendix E**.

#### **Water and Soil Health**

W-1: Topsoil will be stockpiled in a continuous berm on the down gradient edge of the ROW. Topsoil will be stockpiled to preserve existing organic material and replaced on top of the trench as construction is completed.

W-2: Topsoil piles stored for longer than 30 days will be immediately seeded with a County approved seed mix, pending seasonality, to provide cover to reduce erosion, provide competition for weed species, and to maintain viability of the soil fungi and microbial communities.

W-3: On the disturbed area on private property, a windrow of the cleared vegetation will be placed inside the stockpiled topsoil, providing a dual function for protecting stockpiled topsoil and providing a barrier for run-off leaving the ROW.

W-5: Inside the topsoil stockpile, but surrounding the working surface perimeter, a minimum 18" high dirt berm will be installed to prevent stormwater from leaving the site. If there is a lack of soil on site to construct the 18" dirt berm, a control measure will be used in place of the dirt berm with check dams to slow runoff.

W-6: Drainage water bars will be placed leading across the ROW to sediment basins at the edge of disturbance, as well as three large sediment basins at the base (downgradient limit of disturbance) of the ROW.

W-7: Once the ROW has been backfilled and compacted and before seeding begins, the soil will be prepared. Topsoil will be spread followed by the mulch. The objective is to have the top 12 inches of soil decompacted to allow for root growth and still be firm enough on the surface to allow for good seed to soil contact.

W-8: The soil will be imprinted, if safe and practical, to help reduce soil runoff. Imprinting can be in the form of dozer tracks or furrows perpendicular to the direction of slope.

W-9: The disturbed ROW will be seeded once construction activities are complete. Seeding should be conducted as close to 24 hours following completion of final seedbed preparation as possible, pending weather and weekend delays.

W-10: Seed will be applied via hydroseeder or no-till drill-seeding. Soil amendments in the form of vesicular-arbuscular mycorrhizal fungi (AMF) should be applied across the disturbed area in areas of thin topsoil. Soil amendment and erosion control mulch will be a product such as the ProFlex System by Profile or a similar commercial product.

W-11: After two years of controlling weeds (with herbicides) and allowing the grasses to become established, woody species will be inter-seeded or hand-planted to increase the diversity and value of the reclamation plantings.

W-12: The project will remain in interim reclamation until disturbed areas have been reclaimed with a uniform cover of at least 70% of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed. Stormwater compliance inspections will be performed by 3<sup>rd</sup> party contractor at required intervals until final stabilization is reached. Please refer to the Revegetation Plan in **Appendix H**.

### **Geologic Hazards**

G-1: Large rocks and boulders will be displaced during construction. Contractor has extensive experience in similar terrain and will use safe excavation practices for rock fall mitigation.

### **Wildlife**

Wi-1: To ensure compliance with the Migratory Bird Treaty Act, RMNG will incorporate Colorado Parks and Wildlife (CPW), and US Fish and Wildlife Service (USFWS) guidelines for raptor protection if construction occurs during the breeding season. Raptor nest surveys will be conducted prior to construction. If an active raptor nest is found within the project area, seasonal buffers and timing restrictions will be determined through coordination with the affected agency and will utilize guidance as outlined in CPW's Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors. Buffers will be determined according to species, existing disturbance in the area, and line of sight. If complete avoidance of a buffer is not feasible, a qualified biological monitor could be used to observe the nest during construction activities to ensure the activity does not disturb nesting activities. The biological monitor will have the authority to halt or modify construction if an activity is likely to result in nest abandonment.

Wi-2: RMNG will coordinate with SMC to determine if additional wildlife surveys will be required based on season of construction.

### **Vegetation**

V-1: Vegetation will be brush-hogged prior to construction.

V-2: A certified weed-free and native seed mix will be used to establish vegetation after construction is complete. RMNG will submit seed mix to San Miguel County for approval prior to use.

**OTHER PLANS**

RMNG and their contractor will implement measures outlined in the Operation and Maintenance Plan and Fire Plan, both included in **Appendix F**. These plans are universal and meant for all RMNG work in the area. Specific to this project, RMNG and contractor will follow current fire restriction guidelines from the County. RMNG and the contractor will also use welding tents to reduce spread of sparks and fire blankets as necessary. A water truck will be kept on site to wet down the area prior to welding and in the event of a fire.

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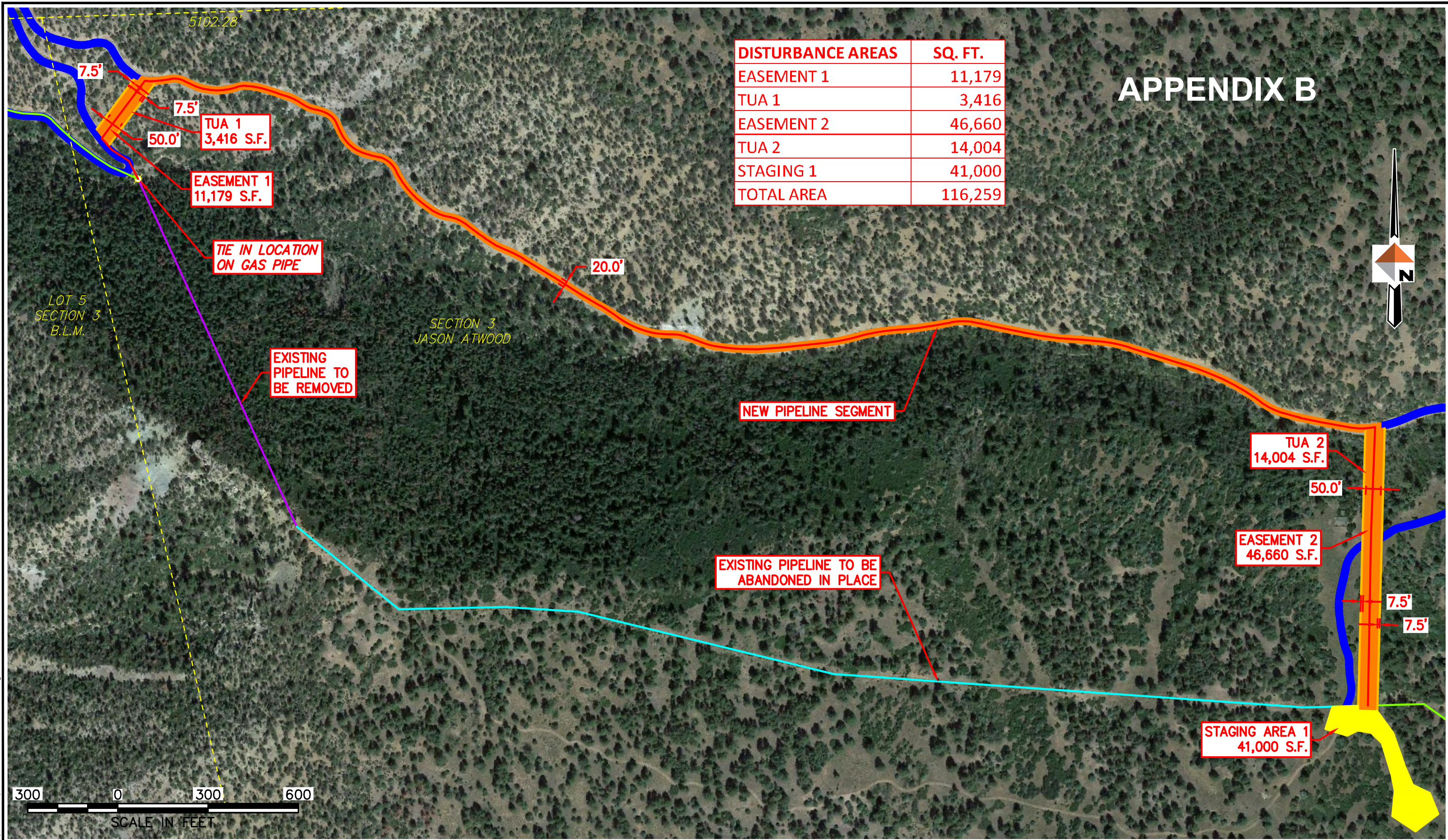
TELLURIDE LEGOFF  
GAS PIPELINE

VICINITY MAP  
NORWOOD COLORADO

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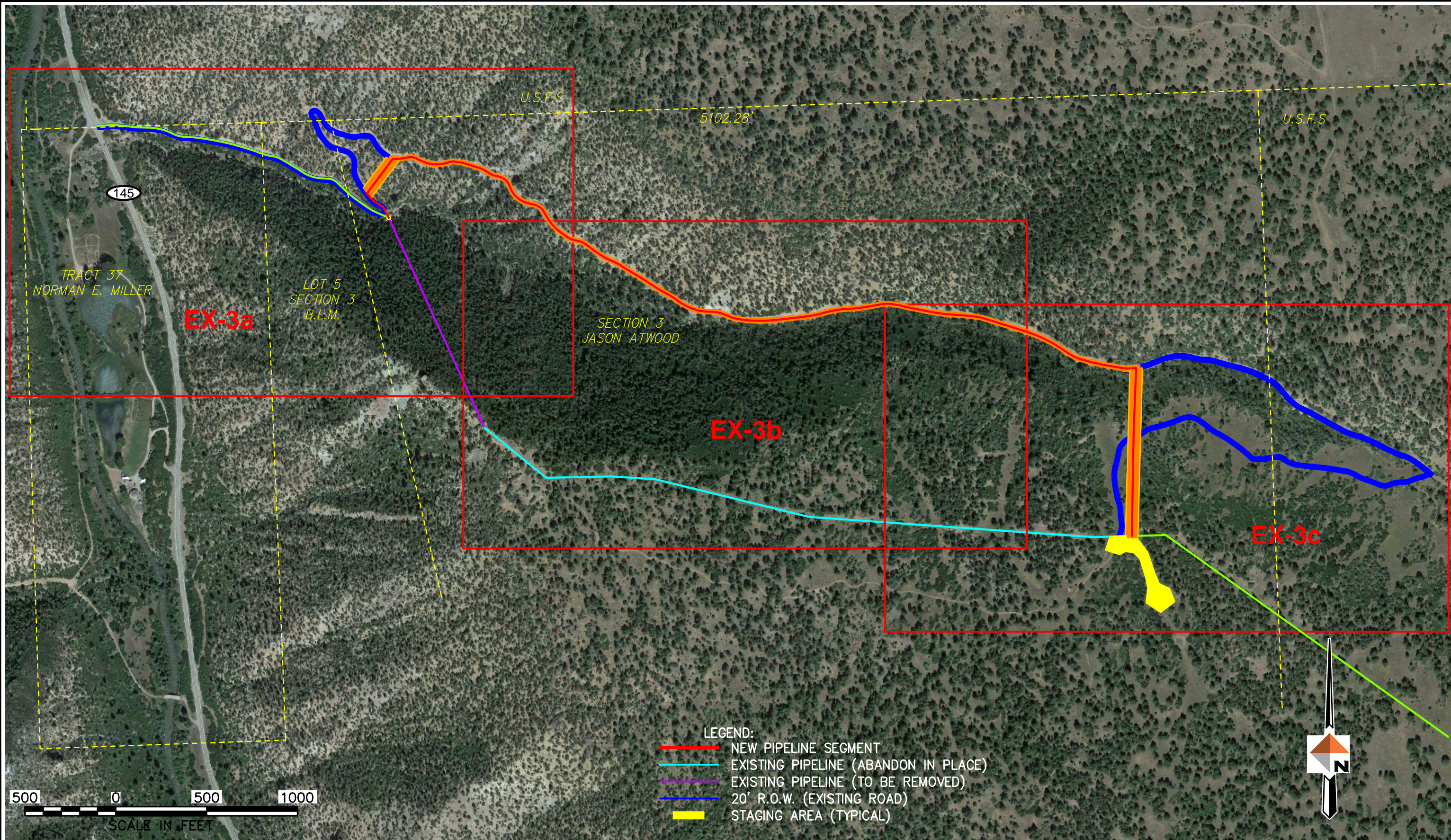
DISTURBANCE AREAS	SQ. FT.
EASEMENT 1	11,179
TUA 1	3,416
EASEMENT 2	46,660
TUA 2	14,004
STAGING 1	41,000
TOTAL AREA	116,259

APPENDIX B

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LEGEND:

- NEW PIPELINE SEGMENT
- EXISTING PIPELINE (ABANDON IN PLACE)
- EXISTING PIPELINE (TO BE REMOVED)
- 20' R.O.W. (EXISTING ROAD)
- STAGING AREA (TYPICAL)


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TELLURIDE LEGOFF  
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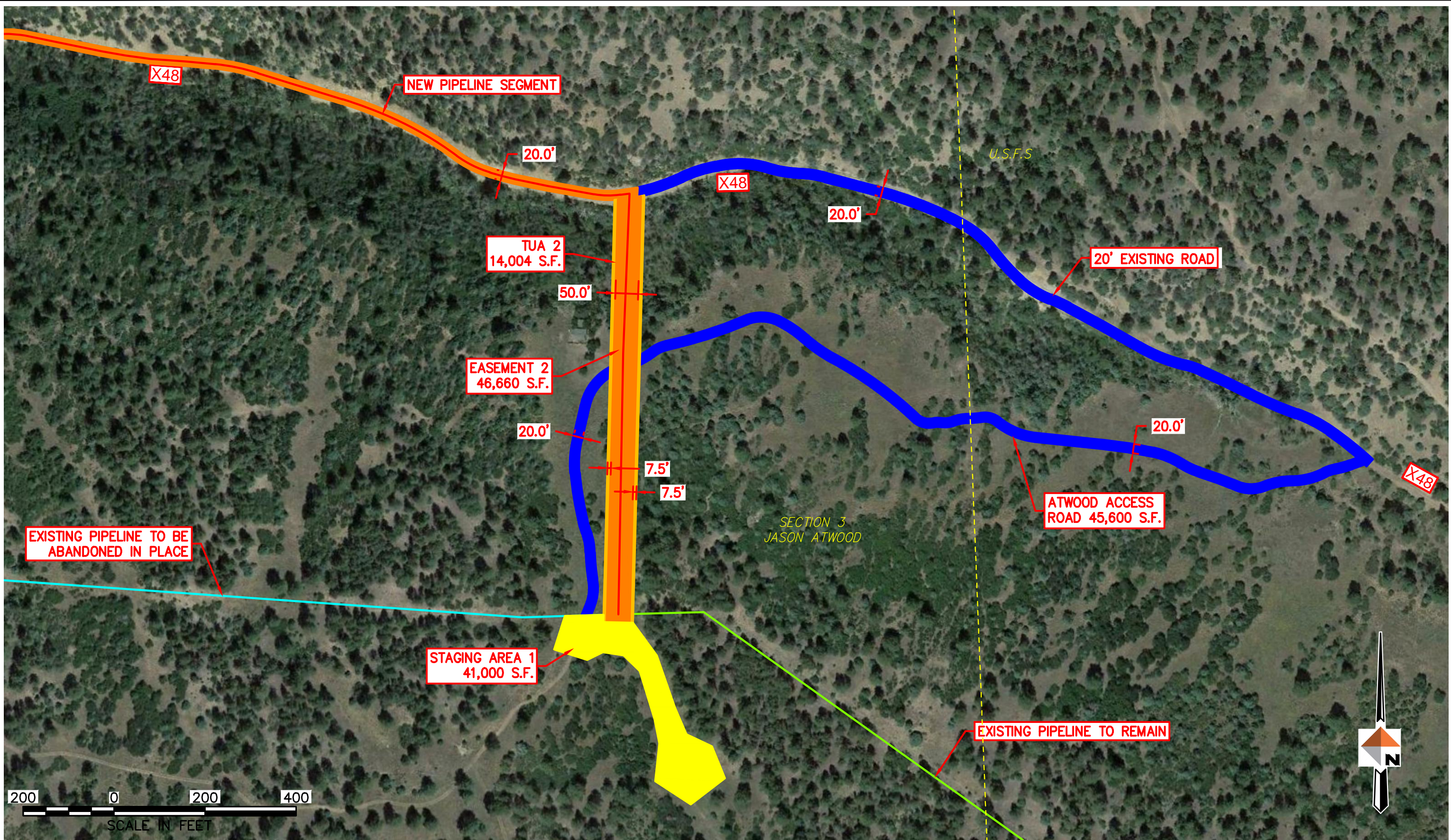
TELLURIDE LEGOFF  
GAS PIPELINE

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# **APPENDIX C**

**ROCKY MOUNTAIN NATURAL GAS, LLC.  
(DBA BLACK HILLS ENERGY)  
TELLURIDE 6-INCH LEGOFF PIPELINE REPLACEMENT PROJECT  
NOXIOUS WEED MANAGEMENT PLAN**

Prepared for:  
**Black Hills Energy  
1301 W 24<sup>th</sup> Street  
Cheyenne, WY 82001**

Prepared by:  
**WestWater Engineering, Inc.  
2516 Foresight Cr. #1  
Grand Junction, CO 81505  
Phone (970) 241-7076**

**June 2020**

## **1.0 INTRODUCTION**

### **1.1 Project Description**

At the request of Black Hills Energy (Black Hills), WestWater Engineering (WestWater) has prepared this Noxious Weed Management Plan for the proposed Telluride 6-inch Legoff Replacement Pipeline Project.

This noxious weed management plan applies to the areas where Black Hills plans to cause surface disturbance associated with the proposed pipeline replacement.

### **1.2 General Survey Information**

Pedestrian surveys of the project were conducted by WestWater biologists during the May of 2020 on Black Hills' Telluride Legoff #1 project located approximately 2 miles east to determine the presence of noxious weeds along the existing pipeline ROW. This Noxious Weed Management Plan was prepared to recommend species-specific treatment methods. An additional site survey of Telluride Legoff #2 will be completed in the spring of 2021 and this plan will be updated accordingly.

## **2.0 LANDSCAPE SETTING**

The proposed pipeline replacement project would be located along the steep side slopes of the San Miguel River Canyon north of State Highway 145 at an elevation of approximately 7,400 feet. The San Miguel River is located just south of the proposed project on the south side of Highway 145. The surrounding area is composed of steep side slopes rising rapidly to Specie Mesa to the south and Iron Springs Mesa to the north. The proposed buried pipeline would be constructed within a vegetation community primarily composed of pinyon/juniper (*Pinus edulis/Juniperus scopulorum*) woodlands intermixed with Douglas-fir (*Pseudotsuga menziesii*) and Gambel oak (*Quercus gambelii*) with a sparse understory composed of native grasses, forbs, and shrubs.

## **3.0 NOXIOUS WEEDS**

### **3.1 Introduction to Noxious Weeds**

Most noxious weed species in Colorado were introduced, mostly from Eurasia, either unintentionally or as ornamentals that established wild populations. These plants compete aggressively with native vegetation and tend to spread quickly because the environmental factors that normally control them are absent. Disturbed soils, altered native vegetation communities, and areas with increased soil moisture often create prime conditions for weed infestations. The primary vectors that spread noxious weeds include humans, animals, water, and wind.

The Colorado Noxious Weed Act (State of Colorado 2005) requires local governing bodies to develop noxious weed management plans. The State of Colorado maintains a list of plants that are considered to be noxious weeds (State of Colorado 2019). The State of Colorado noxious weed list segregates noxious weed species based by priority for control:

1. List A species must be eradicated whenever detected.
2. List B species spread should be halted; may be designated for eradication in some counties.
3. List C species are widespread and the State will assist local jurisdictions which choose to manage those weeds.

### 3.2 Observations

Common mullein and field bindweed were the only Colorado State listed noxious weed species observed within the project area. Isolated occurrences of both species were observed near State Highway 145 and scattered common mullein was observed along portions of the buried pipeline. The remaining portions of the existing ROW were free of noxious weeds. Noxious weeds observed in the project area are described in Table 1.

**Table 1. Noxious weed observations.**

<b>Common Name</b>	<b>Scientific Name</b>	<b>State Listing Status</b>	<b>Abundance</b>
Common mullein	<i>Verbascum thapsus</i>	C	Scattered isolated occurrences along ROW.
Field bindweed	<i>Convolvulus arvensis</i>	C	Isolated occurrence along ROW near SH 145.

### 3.3 Integrated Weed Management

Control of invasive species is a difficult task and requires intensive on-going control measures. Care must be taken to avoid negatively impacting desirable plant communities and inviting infestation by other pioneer invaders. Weed management is best achieved by employing varied methods over several growing seasons, including inventory (surveys), direct treatments, prevention through best management practices, monitoring of treatment efficacy, and subsequent detection efforts. Weed management is often limited to controlling existing infestations and prevention of further infestations, rather than eradication, but through effective weed management practices eradication can be possible in small to medium sized weed populations.

Assessment of the existence and extent of noxious weeds in an area is essential for the development of an integrated weed management plan. This report provides an initial assessment of the occurrence of noxious weeds for the project area. In order to continue effective management of noxious weeds, further inventory and analysis will be necessary to 1) determine the effectiveness of the past treatment strategies; 2) modify the treatment plan, if necessary; and 3) detect new infestations early, all of which would result in more economical and effective treatments.

### 3.4 Prevention of Noxious Weed Infestations

Weed management can be costly, and heavy infestations may exceed the economic threshold for practical treatment. Prevention is an especially valuable and economical strategy for noxious weed management. Several simple practices should be employed to prevent weed infestations. The following practices will prevent infestation and thereby reduce costs associated with noxious weed control:

- Prior to delivery to the site, all equipment and vehicles, including maintenance vehicles, should be thoroughly cleaned of soils from previous sites which may be contaminated with noxious weed seeds.
- If working in sites with weed-seed contaminated soil, equipment should be cleaned of potentially seed-bearing soils and vegetative debris at the infested area prior to moving to uncontaminated terrain.
- Avoid driving vehicles through areas where weed infestations exist.
- Use of weed-seed-free reclamation materials including mulch and seed.

### 3.5 Treatment and Control of Noxious Weed Infestations

The treatment method and timing will be determined by the project proponent and their contracted licensed pesticide applicators. The recommendations provided in this report will be considered when developing annual treatment plans. General control methods for the species detected in the project area are provided for reference in Table 2.

**Table 2. General noxious weed control methods for species in the project area.**

Common Name Scientific Name	Type	Control Methods
Common mullein <i>Verbascum thapsus</i>	Biennial	Mechanical treatment (hand pull or dig) when soil is moist, prior to flowering and seed production. Herbicide treatment during rosette stage in spring or fall prior to bolting.
Field bindweed <i>Convolvulus arvensis</i>	Perennial	Herbicide treatment during full bloom or just after bloom. For large infestations treatment and control may be achieved with the bindweed gall mite. Mechanical treatment has negligible effect unless done early in the seedling stage.

### 3.6 Recommended Treatment Strategies

The following treatment strategies are presented for reference. It is important to know whether the weed species being managed is an annual, biennial, or perennial to select strategies that effectively control and eliminate the target. Treatment strategies vary depending on plant type, which are summarized in Tables 3 and 4. Herbicides should not always be the first treatment of choice when other methods can be effectively employed.

**Table 3. Treatment Strategies for Annual and Biennial Noxious Weeds**

***Target: Prevent Seed Production***

1. Hand grub (pull), hoe, till, cultivate in rosette stage and before flowering or seed maturity. If flowers or seeds develop, cut and bag seed heads.
2. Cut roots with a spade 2"-3" below soil level.
3. Treat with herbicide in seedling, rosette or bolting stage, before flowering.
4. Mow biennials after bolting stage but before seed set. Mowing annuals will not prevent flowering but can reduce total seed production.

(Sirota 2004)

**Table 4. Treatment Strategies for Perennials**

***Target: Deplete nutrient reserves in root system, prevent seed production***

1. Allow plants to expend as much energy from root system as possible. Do not treat when first emerging in spring but allow growth to bud/bloom stage. If seeds develop cut and bag if possible.
2. Herbicide treatment at bud to bloom stage or in the fall (recommended after August 15 when natural precipitation is present). In the fall plants draw nutrients into the roots for winter storage. Herbicides will be drawn down to the roots more efficiently at this time due to translocation of nutrients to roots rather than leaves. If the weed patch has been present for a long period of time another season of seed production is not as important as getting the herbicide into the root system. Spraying in fall (after middle August) will kill the following year's shoots, which are being formed on the roots at this time.



**Table 4. Treatment Strategies for Perennials**  
***Target: Deplete nutrient reserves in root system, prevent seed production***

3. Mowing usually is not recommended because the plants will flower anyway, rather, seed production should be reduced. Many studies have shown that mowing perennials and spraying the regrowth is not as effective as spraying without mowing. Effect of mowing is species dependent therefore it is imperative to know the species and its basic biology. Timing of application must be done when biologically appropriate, which is not necessarily convenient.
4. Tillage may or may not be effective or practical. Most perennial roots can sprout from pieces only 0.5 inch – 1.0 inch long. Clean machinery thoroughly before leaving the weed patch.
5. Hand pulling is generally not recommended for perennial species unless you know the plants are seedlings and not established plants. Hand pulling can be effective on small patches but is very labor intensive because it must be done repeatedly.

(Sirota 2004)

Some weeds, particularly annuals and biennials, can develop resistance to herbicides. The ability to quickly develop immunity to herbicides, especially when they are used incorrectly, makes it imperative to use the proper chemicals at the correct time in the specified concentration according to the product label. Excessive application, either in frequency or concentration, can result in top kill without significantly affecting the root system. Repeated excessive applications may result in resistant phenotypes.

### **3.7 Noxious Weed Management – Best Management Practices**

**Construction:** The following practices should be adopted for any construction project to reduce the costs of noxious weed control and aid in prevention efforts. The practices include:

- Prior to delivery to the site, equipment should be cleaned of soils remaining from previous construction sites which may be contaminated with noxious weeds.
- Equipment and material handling should be done on established sites to reduce the area and extent of soil compaction.
- In all cases, temporary disturbance should be kept to a minimum.
- Top soil, where present, should be segregated from deeper soils and replaced as top soil on the final grade, a process known as live topsoil handling.
- If stored longer than one growing season, topsoil stockpiles should be seeded with non-invasive sterile hybrid grasses.
- If working in weed infested sites, equipment should be cleaned of potentially seed-bearing soils and vegetative debris prior to moving to uncontaminated terrain.
- After construction, disturbed areas outside the footprint of the development should be immediately reseeded with an appropriate seed mix.

**Herbicides:** Many of the listed noxious weed species in Colorado can be controlled with commercially available herbicides. Annual and biennial weeds are best controlled at the pre-bud stage after germination or in the spring of the second year. Selective herbicides are recommended to minimize damage to desirable grass species.

It is important that applicators adhere to concentrations specified on herbicide containers. Herbicides generally do not work better at higher concentrations. Herbicide failures are frequently related to high concentrations that result in top kill before the active ingredient can be transported to the roots through the nutrient translocation process. If directed on the herbicide label, a surfactant or other adjuvant should be added to the tank.

**Grazing:** In the event grazing is allowed in the project area, it should be deferred in reclaimed areas until revegetation of desirable species has been successfully established and seeded plants have had opportunity to reproduce.

**Monitoring:** Areas where noxious weed infestations are identified and treated should be inspected over time to ensure that control methods are working to reduce and suppress the identified infestation. The sites should be monitored until the infestations are eliminated. These inspections can then be used to prioritize future weed control efforts.

### 3.8 Commercial Applicator Recommendations

A certified commercial pesticide applicator licensed in rangeland and/or right-of-way/industrial weed control (depending on site characteristics) is a necessary choice for herbicide control efforts. An applicator has the full range of knowledge, skills, equipment, and experience desired when dealing with tough noxious weeds. In addition, the purchase and use of restricted use herbicides requires a Colorado pesticide applicator license.

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# APPENDIX D



## STATE OF COLORADO

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Division

CDPS GENERAL PERMIT  
STORMWATER DISCHARGES ASSOCIATED WITH  
CONSTRUCTION ACTIVITY  
AUTHORIZATION TO DISCHARGE UNDER THE  
COLORADO DISCHARGE PERMIT SYSTEM (CDPS)

In compliance with the provisions of the Colorado Water Quality Control Act, (25-8-101 et seq., CRS, 1973 as amended) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the "Act"), this permit authorizes the discharge of stormwater associated with construction activities (and specific allowable non-stormwater discharges in accordance with Part I.A.1. of the permit) certified under this permit, from those locations specified throughout the State of Colorado to specified waters of the State.

Such discharges shall be in accordance with the conditions of this permit. This permit specifically authorizes the facility listed on the certification to discharge in accordance with permit requirements and conditions set forth in Parts I and II hereof. All discharges authorized herein shall be consistent with the terms and conditions of this permit.

This permit becomes effective on April 1, 2019, and shall expire at midnight March 31, 2024.

Issued and signed this 1st day of November 2018.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Ellen Howard Kutzer, Permits Section Manager  
Water Quality Control Division

### Permit History

Originally signed and issued October 31, 2018; effective April 1, 2019.

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## Part I

Note: At the first mention of terminology that has a specific connotation for the purposes of this permit, the terminology is electronically linked to the definitions section of the permit in Part I.E.

**A. COVERAGE UNDER THIS PERMIT****1. Authorized Discharges**

This general permit authorizes [permittee\(s\)](#) to discharge the following to state waters: stormwater associated with [construction activity](#) and specified non-stormwater associated with construction activity. The following types of stormwater and non-stormwater discharges are authorized under this permit:

**a. Allowable Stormwater Discharges**

- i. Stormwater discharges associated with construction activity.
- ii. Stormwater discharges associated with producing earthen materials, such as soils, sand, and gravel dedicated to providing material to a single contiguous site, or within ¼ mile of a construction site (i.e. borrow or fill areas)
- iii. Stormwater discharges associated with [dedicated asphalt, concrete batch plants and masonry mixing stations](#) (Coverage under this permit is not required if alternative coverage has been obtained.)

**b. Allowable Non-Stormwater Discharges**

The following non-stormwater discharges are allowable under this permit if the discharges are identified in the stormwater management plan in accordance with Part I.C. and if they have appropriate [control measures](#) in accordance with Part I.B.1.

- i. Discharges from uncontaminated springs that do not originate from an area of land disturbance.
- ii. Discharges to the ground of concrete washout water associated with the washing of concrete tools and concrete mixer chutes. Discharges of concrete washout water must not leave the site as surface runoff or reach [receiving waters](#) as defined by this permit.
- iii. Discharges of landscape irrigation return flow.

**c. Emergency Fire Fighting**

Discharges resulting from emergency firefighting activities are authorized by this permit.

**2. Limitations on Coverage**

Discharges not authorized by this permit include, but are not limited to, the discharges and activities listed below. Permittees may seek individual or alternate general permit coverage for the discharges, as appropriate and available.

**a. Discharges of Non-Stormwater**

Discharges of non-stormwater, except the authorized non-stormwater discharges listed in Part I.A.1.b., are not eligible for coverage under this permit.

- b. Discharges Currently Covered by another Individual or General Permit
- c. Discharges Currently Covered by a Water Quality Control Division (division) Low Risk Guidance Document

### 3. Permit Certification and Submittal Procedures

#### a. Duty to apply

The following activities shall apply for coverage under this permit:

- i. Construction sites that will disturb one acre or more; or
- ii. Construction sites that are part of a [common plan of development or sale](#); or
- iii. Stormwater discharges that are designated by the division as needing a stormwater permit because the discharge:
  - (a) Contributes to a violation of a water quality standard; or
  - (b) is a significant contributor of pollutants to state waters.

#### b. Application Requirements

To obtain authorization to discharge under this permit, applicants applying for coverage following the effective date of the renewal permit shall meet the following requirements:

- i. Owners and operators submitting an application for permit coverage will be co-permittees subject to the same benefits, duties, and obligations under this permit.
- ii. Signature requirements: Both the [owner](#) and [operator](#) (permittee) of the construction site, as defined in Part I.E., must agree to the terms and conditions of the permit and submit a completed application that includes the signature of both the owner and the operator. In cases where the duties of the owner and operator are managed by the owner, both application signatures may be completed by the owner. Both the owner and operator are responsible for ensuring compliance with all terms and conditions of the permit, including implementation of the stormwater management plan.
- iii. Applicants must use the paper form provided by the division or the electronic form provided on the division's web-based application platform when applying for coverage under this permit.
- iv. The applicant(s) must develop a stormwater management plan (SWMP) in accordance with the requirements of Part I.C. The applicant(s) must also certify that the SWMP is complete, or will be complete, prior to commencement of any construction activity.



- v. The applicant(s) must submit a complete, accurate, and signed permit application electronically, by mail or hand delivery to the division at least 10 days prior to the commencement of construction activity except that construction activities that are in response to a [public emergency related site](#) shall apply for coverage no later than 14 days after the commencement of construction activities. The provisions of this part in no way remove a violation of the Colorado Water Quality Control Act if a point source discharge occurs prior to the issuance of a CDPS permit.
- vi. The application must be signed in accordance with the requirements of Part IA. Applications submitted by mail or hand delivered should be directed to:

Colorado Department of Public Health and Environment  
Water Quality Control Division  
Permits Section, WQCD-PS-B2  
4300 Cherry Creek Drive South  
Denver, CO 80246

- vii. The applicant(s) must receive written notification that the division granted permit coverage prior to conducting construction activities except for construction activities that are in response to a public emergency related site
- c. Division Review of Permit Application
- Within 10 days of receipt of the application, and following review of the application, the division may:
- i. Issue a certification of coverage;
  - ii. request additional information necessary to evaluate the discharge;
  - iii. delay the authorization to discharge pending further review;
  - iv. notify the applicant that additional terms and conditions are necessary; or
  - v. deny the authorization to discharge under this general permit.
- d. Alternative Permit Coverage
- i. Division Required Alternate Permit Coverage:  
The Division may require an applicant or permittee to apply for an individual permit or an alternative general permit if it determines the discharge does not fall under the scope of this general permit. In this case, the Division will notify the applicant or permittee that an individual permit application is required.
  - ii. Permittee Request for alternate permit coverage:  
A permittee authorized to discharge stormwater under this permit may request to be excluded from coverage under this general permit by applying for an individual permit. In this case, the permittee must submit an individual application, with reasons supporting the request, to the Division at least 180 days prior to any discharge. When an individual permit is issued, the permittee's authorization to discharge under this permit is terminated on the effective date of the individual permit.
- e. Submittal Signature Requirements

Documents required for submittal to the division in accordance with this permit, including applications for permit coverage and other documents as requested by the division, must include signatures by both the owner and the operator, except for instances where the duties of the owner and operator are managed by the owner.

Signatures on all documents submitted to the division as required by this permit must meet the Standard Signatory Requirements in Part II.K. of this permit in accordance with 40 C.F.R. 122.41(k).

i. Signature Certification

Any person(s) signing documents required for submittal to the Division must make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

f. Compliance Document Signature Requirements

Documents which are required for compliance with the permit, but for which submittal to the division is not required unless specifically requested by the division, must be signed by the individual(s) designated as the Qualified Stormwater Manager, as defined in Part I.E.

i. Any person(s) signing inspection documents required for compliance with the permit must make the following statement:

"I verify that, to the best of my knowledge and belief, all corrective action and maintenance items identified during the inspection are complete, and the site is currently in compliance with the permit."

g. Field Wide Permit Coverage for Oil and Gas Construction

At the discretion of the division, a single permit certification may be issued to a single oil and gas permittee to cover construction activity related discharges from an oil and gas field at multiple locations that are not necessarily contiguous.

h. Permit Coverage without Application

Qualifying Local Program: When a small construction site is within the jurisdiction of a qualifying local program, the owner and operator of the construction activity are authorized to discharge stormwater associated with small construction activity under this general permit without the submittal of an application to the division. Sites covered by a qualifying local program are exempt from the following sections of this general permit:

Part I.A.3.a.; Part I.A.3.b.; Part I.A.3.c.; Part I.A.3.d.; Part I.A.3.g.; Part I.A.3.i.; Part I.A.3.j.; Part I.A.3.k.

Sites covered by a qualifying local program are subject to the following requirements:

- i. **Local Agency Authority:** This permit does not pre-empt or supersede the authority of local agencies to prohibit, restrict, or control discharges of stormwater to storm drain systems or other water courses within their jurisdiction.
- ii. **Permit Coverage Termination:** When a site under a Qualifying Local Program is finally stabilized, coverage under this permit is automatically terminated.
- iii. **Compliance with Qualifying Local Program:** Qualifying Local Program requirements that are equivalent to the requirements of this permit are incorporated by reference. Permittees authorized to discharge under this permit, must comply with the equivalent requirements of the Qualifying Local Program that has jurisdiction over the site as a condition of this permit.
- iv. **Compliance with Remaining Permit Conditions.** Requirements of this permit that are in addition to or more stringent than the requirements of the Qualifying Local Program apply in addition to the requirements of the Qualifying Local Program.
- v. **Written Authorization of Coverage:** The division or local municipality may require any permittee within the jurisdiction of a Qualifying Local Program covered under this permit to apply for, and obtain written authorization of coverage under this permit. The permittee must be notified in writing that an application for written authorization of coverage is required.
- i. **Permittee Initiated Permit Actions**  
Permittee initiated permit actions, including but not limited to modifications, contact changes, transfers, reassignments, and terminations, shall be conducted following division guidance and using appropriate division-provided forms.
- j. **Sale of Residence to Homeowner**  
**Residential construction sites only:** The permittee may remove residential lots from permit coverage once the lot meets the following criteria:
  - i. the residential lot has been sold to the homeowner(s) for private residential use;
  - ii. a certificate of occupancy, or equivalent, is maintained on-site and is available during division inspections;
  - iii. the lot is less than one acre of disturbance;
  - iv. all construction activity conducted on the lot by the permittee is complete;
  - v. the permittee is not responsible for final stabilization of the lot; and
  - vi. the SWMP was modified to indicate the lot is no longer part of the construction activity.

If the residential lot meets the criteria listed above then activities occurring on the lot are no longer considered to be construction activities with a duty to apply and maintain permit coverage. Therefore, the permittee is not required to meet the final stabilization requirements and may terminate permit coverage for the lot.

k. Permit Expiration and Continuation of Permit Coverage

Authorization to discharge under this general permit shall expire at midnight on March 31, 2024. While Regulation 61.4 requires a permittee to submit an application for continuing permit coverage 180 days before the permit expires, the division is requiring that permittees desiring continued coverage under this general permit must reapply at least 90 days in advance of this permit expiration. The Division will determine if the permittee may continue to discharge stormwater under the terms of the general permit. An individual permit may be required for any facility not reauthorized to discharge under the reissued general permit.

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued and remain in force and effect. For permittees that have applied for continued permit coverage, discharges authorized under this permit prior to the expiration date will automatically remain covered by this permit until the earliest of:

- i. An authorization to discharge under a reissued permit, or a replacement of this permit, following the timely and appropriate submittal of a complete application requesting authorization to discharge under the new permit and compliance with the requirements of the new permit; or
- ii. The issuance and effect of a termination issued by the Division; or
- iii. The issuance or denial of an individual permit for the facility's discharges; or
- iv. A formal permit decision by the Division not to reissue this general permit, at which time the Division will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or
- v. The Division has informed the permittee that discharges previously authorized under this permit are no longer covered under this permit.

## B. EFFLUENT LIMITATIONS

### 1. Requirements for Control Measures Used to Meet Effluent Limitations

The permittee must implement control measures to **minimize** the discharge of pollutants from all potential pollutant sources at the site. Control measures must be installed prior to commencement of activities that may contribute pollutants to stormwater discharges. Control measures must be selected, designed, installed and maintained in accordance with good engineering, hydrologic and pollution control practices. Control measures implemented at the site must be designed to prevent pollution or degradation of state waters.

#### a. Stormwater Pollution Prevention

The permittee must implement structural and/or nonstructural control measures that effectively minimize erosion, sediment transport, and the release of other pollutants related to construction activity.

##### i. Control Measures for Erosion and Sediment Control



Control measures for erosion and sediment control may include, but are not limited to, wattles/sediment control logs, silt fences, earthen dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions, sediment basins, temporary vegetation, permanent vegetation, mulching, geotextiles, sod stabilization, slope roughening, maintaining existing vegetation, protection of trees, and preservation of mature vegetation. Specific non-structural control measures must meet the requirements listed below.

Specific control measures must meet the requirements listed below.

- (a) Vehicle tracking controls shall either be implemented to minimize vehicle tracking of sediment from disturbed areas, or the areas where vehicle tracking occurs shall meet subsection Part I.B.1.a.i(b);
- (b) Stormwater runoff from all disturbed areas and soil storage areas for which permanent or temporary stabilization is not implemented, must flow to at least one control measure to minimize sediment in the discharge. This may be accomplished through filtering, settling, or straining. The control measure must be selected, designed, installed and adequately sized in accordance with good engineering, hydrologic and pollution control practices. The control measure(s) must contain or filter flows in order to prevent the bypass of flows without treatment and must be appropriate for stormwater runoff from disturbed areas and for the expected flow rate, duration, and flow conditions (i.e., sheet or concentrated flow);
- (c) Outlets that withdraw water from or near the surface shall be installed when discharging from basins and impoundments, unless [infeasible](#).
- (d) Maintain pre-existing vegetation or equivalent control measures for areas within 50 horizontal feet of receiving waters as defined by this permit, unless infeasible.
- (e) Soil compaction must be minimized for areas where infiltration control measures will occur or where [final stabilization](#) will be achieved through vegetative cover.
- (f) Unless infeasible, topsoil shall be preserved for those areas of a site that will utilize vegetative final stabilization.
- (g) Minimize the amount of soil exposed during construction activity, including the disturbance of steep slopes.

ii. Practices for Other Common Pollutants

- (a) Bulk storage, 55 gallons or greater, for petroleum products and other liquid chemicals must have secondary containment, or equivalent protection, in order to contain [spills](#) and to prevent spilled material from entering state waters.
- (b) Control measures designed for concrete washout waste must be implemented. This includes washout waste discharged to the ground as authorized under this permit and washout waste from concrete trucks and masonry operations contained on site. The permittee must ensure the washing activities do not contribute pollutants to stormwater runoff, or receiving waters in accordance Part I.A.1.b.ii. Discharges that may reach groundwater must flow through soil

that has buffering capacity prior to reaching groundwater, as necessary to meet the effluent limits in this permit, including Part I.B.3.a. The concrete washout location shall not be located in an area where shallow groundwater may be present and would result in buffering capacity not being adequate, such as near natural drainages, springs, or wetlands. This permit authorizes discharges to the ground of concrete washout waste.

iii. Stabilization Requirements

The following requirements must be implemented for each site.

- (a) Temporary stabilization must be implemented for earth disturbing activities on any portion of the site where ground disturbing construction activity has permanently ceased, or temporarily ceased for more than 14 calendar days. Temporary stabilization methods may include, but are not limited to, tarps, soil tackifier, and hydroseed. The permittee may exceed the 14-day schedule when either the function of the specific area of the site requires it to remain disturbed, or, physical characteristics of the terrain and climate prevent stabilization. The SWMP must document the constraints necessitating the alternative schedule, provide the alternate stabilization schedule, and identify all locations where the alternative schedule is applicable on the site map.
- (b) Final stabilization must be implemented for all construction sites. Final stabilization is reached when all ground surface disturbing activities at the construction site are complete; and, for all areas of ground surface disturbing activities, either a uniform vegetative cover with an individual plant density of at least 70 percent of pre-disturbance levels is established, or equivalent permanent alternative stabilization methods are implemented. The division may approve alternative final stabilization criteria for specific operations.
- (c) Final stabilization must be designed and installed as a permanent feature. Final stabilization measures for obtaining a vegetative cover or alternative stabilization methods include, but are not limited to, the following as appropriate:
  - (1) Seed mix selection and application methods;
  - (2) Soil preparation and amendments;
  - (3) Soil stabilization methods (e.g., crimped straw, hydro mulch or rolled erosion control products);
  - (4) Appropriate sediment control measures as needed until final stabilization is achieved;
  - (5) Permanent pavement, hardscape, xeriscape, stabilized driving surfaces;
  - (6) Other alternative stabilization practices as applicable;

- (d) The permittee(s) must ensure all temporary control measures are removed from the construction site once final stabilization is achieved, except when the control measure specifications allow the control measure to be left in place (i.e., bio-degradable control measures).

b. Maintenance

The permittee must ensure that all control measures remain in effective operating condition and are protected from activities that would reduce their effectiveness. Control measures must be maintained in accordance with good engineering, hydrologic and pollution control practices. Observations leading to the required maintenance of control measures can be made during a site inspection, or during general observations of site conditions. The necessary repairs or modifications to a [control measure requiring routine maintenance](#), as defined in Part I.E., must be conducted to maintain an effective operating condition. This section is not subject to the requirements in Part I.B.1.c. below.

c. Corrective Actions

The permittee must assess the adequacy of control measures at the site, and the need for changes to those control measures, to ensure continued effective performance. When an [inadequate control measure](#), as defined in Part I.E., is identified (i.e., new or replacement control measures become necessary), the following corrective action requirements apply. The permittee is in noncompliance with the permit until the inadequate control measure is replaced or corrected and returned to effective operating condition in compliance with Part I.B.1. and the general requirements in Part I.B.3. If the inadequate control measure results in noncompliance that meets the conditions of Part II.L., the permittee must also meet the requirements of that section.

- i. The permittee must take all necessary steps to minimize or prevent the discharge of pollutants, until a control measure is implemented and made operational and/or an inadequate control measure is replaced or corrected and returned to effective operating condition. If it is infeasible to install or repair of control measure immediately after discovering the deficiency, the following must be documented and kept on record in accordance with the recordkeeping requirements in Part II.
  - (a) Describe why it is infeasible to initiate the installation or repair immediately; and
  - (b) Provide a schedule for installing or repairing the control measure and returning it to an effective operating condition as soon as possible.
- ii. If applicable, the permittee must remove and properly dispose of any unauthorized release or discharge (e.g., discharge of non-stormwater, spill, or leak not authorized by this permit.) The permittee must also clean up any contaminated surfaces to minimize discharges of the material in subsequent storm events.

2. Discharges to an Impaired Waterbody

a. Total Maximum Daily Load (TMDL)

If the permittee's discharge flows to or could reasonably be expected to flow to any water body for which a TMDL has been approved, and stormwater discharges

associated with construction activity were assigned a pollutant-specific Wasteload Allocation (WLA) under the TMDL, the division may:

- i. ensure the WLA is implemented properly through alternative local requirements, such as by a municipal stormwater permit; or
- ii. notify the permittee of the WLA and amend the permittee's certification to add specific effluent limits and other requirements, as appropriate. The permittee may be required to do the following:
  - (a) under the permittee's SWMP, implement specific control measures based on requirements of the WLA, and evaluate whether the requirements are met through implementation of existing stormwater control measures or if additional control measures are necessary. Document the calculations or other evidence demonstrating that the requirements are expected to be met; and
  - (b) if the evaluation shows that additional or modified control measures are necessary, describe the type and schedule for the control measure additions or modifications.
- iii. Discharge monitoring may also be required. The permittee may maintain coverage under the general permit provided they comply with the applicable requirements outlined above. The division reserves the right to require individual or alternate general permit coverage.

### 3. General Requirements

- a. Discharges authorized by this permit shall not cause, have the reasonable potential to cause, or measurably contribute to an exceedance of any applicable water quality standard, including narrative standards for water quality.
- b. The division may require sampling and testing, on a case-by-case basis, in the event that there is reason to suspect that the SWMP is not adequately minimizing pollutants in stormwater or in order to measure the effectiveness of the control measures in removing pollutants in the effluent. Such monitoring may include Whole Effluent Toxicity testing.
- c. The permittee must comply with the lawful requirements of federal agencies, municipalities, counties, drainage districts and other local agencies including applicable requirements in Municipal Stormwater Management Programs developed to comply with CDPS permits. The permittee must comply with local stormwater management requirements, policies and guidelines including those for erosion and sediment control.
- d. All construction site wastes must be properly managed to prevent potential pollution of state waters. This permit does not authorize on-site waste disposal.
- e. This permit does not relieve the permittee of the reporting requirements in 40 CFR 110, 40 CFR 117 or 40 CFR 302. Any discharge of hazardous material must be handled in accordance with the division's Noncompliance Notification Requirements (see Part II.L. of the permit).



**C. STORMWATER MANAGEMENT PLAN (SWMP) REQUIREMENTS****1. SWMP General Requirements**

- a. A SWMP shall be developed for each construction site covered by this permit. The SWMP must be prepared in accordance with good engineering, hydrologic and pollution control practices.
  - i. For public emergency related sites a SWMP shall be created no later than 14 days after the commencement of construction activities.
- b. The permittee must implement the provisions of the SWMP as written and updated, from commencement of construction activity until final stabilization is complete. The division may review the SWMP.
- c. A copy of the SWMP must be retained onsite or be onsite when construction activities are occurring at the site unless the permittee specifies another location and obtains approval from the division.

**2. SWMP Content**

- a. The SWMP, at a minimum, must include the following elements.
  - i. Qualified Stormwater Manager. The SWMP must list individual(s) by title and name who are designated as the site's qualified stormwater manager(s) responsible for implementing the SWMP in its entirety. This role may be filled by more than one individual.
  - ii. Spill Prevention and Response Plan. The SWMP must have a spill prevention and response plan. The plan may incorporate by reference any part of a Spill Prevention Control and Countermeasure (SPCC) plan under section 311 of the Clean Water Act (CWA) or a Spill Prevention Plan required by a separate CDPS permit. The relevant sections of any referenced plans must be available as part of the SWMP consistent with Part I.C.4.
  - iii. Materials Handling. The SWMP must describe and locate all control measures implemented at the site to minimize impacts from handling **significant materials** that could contribute pollutants to runoff. These handling procedures can include control measures for pollutants and activities such as, exposed storage of building materials, paints and solvents, landscape materials, fertilizers or chemicals, sanitary waste material, trash and equipment maintenance or fueling procedures.
  - iv. Potential Sources of Pollution. The SWMP must list all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with construction activity from the site. This shall include, but is not limited to, the following pollutant sources:
    - (a) disturbed and stored soils;
    - (b) vehicle tracking of sediments;
    - (c) management of contaminated soils;
    - (d) loading and unloading operations;

- (e) outdoor storage activities (erodible building materials, fertilizers, chemicals, etc.);
  - (f) vehicle and equipment maintenance and fueling;
  - (g) significant dust or particulate generating processes (e.g., saw cutting material, including dust);
  - (h) routine maintenance activities involving fertilizers, pesticides, herbicides, detergents, fuels, solvents, oils, etc.;
  - (i) on-site waste management practices (waste piles, liquid wastes, dumpsters);
  - (j) concrete truck/equipment washing, including washing of the concrete truck chute and associated fixtures and equipment;
  - (k) dedicated asphalt, concrete batch plants and masonry mixing stations;
  - (l) non-industrial waste sources such as worker trash and portable toilets.
- v. Implementation of Control Measures. The SWMP must include design specifications that contain information on the implementation of the control measure in accordance with good engineering hydrologic and pollution control practices; including as applicable drawings, dimensions, installation information, materials, implementation processes, control measure-specific inspection expectations, and maintenance requirements.

The SWMP must include a documented use agreement between the permittee and the owner or operator of any control measures located outside of the permitted area, that are utilized by the permittee's construction site for compliance with this permit, but not under the direct control of the permittee. The permittee is responsible for ensuring that all control measures located outside of their permitted area, that are being utilized by the permittee's construction site, are properly maintained and in compliance with all terms and conditions of the permit. The SWMP must include all information required of and relevant to any such control measures located outside the permitted area, including location, installation specifications, design specifications and maintenance requirements.

- vi. Site Description. The SWMP must include a site description which includes, at a minimum, the following:
- (a) the nature of the construction activity at the site;
  - (b) the proposed schedule for the sequence for major construction activities and the planned implementation of control measures for each phase. (e.g.: clearing, grading, utilities, vertical, etc.);
  - (c) estimates of the total acreage of the site, and the acreage expected to be disturbed by clearing, excavation, grading, or any other construction activities;
  - (d) a summary of any existing data used in the development of the construction site plans or SWMP that describe the soil or existing potential for soil erosion;

- (e) a description of the percent of existing vegetative ground cover relative to the entire site and the method for determining the percentage;
  - (f) a description of any allowable non-stormwater discharges at the site, including those being discharged under a division low risk discharge guidance policy;
  - (g) a description of areas receiving discharge from the site. Including a description of the immediate source receiving the discharge. If the stormwater discharge is to a municipal separate storm sewer system, the name of the entity owning that system, the location of the storm sewer discharge, and the ultimate receiving water(s); and
  - (h) a description of all stream crossings located within the construction site boundary.
- vii. Site Map. The SWMP must include a site map which includes, at a minimum, the following:
- (a) construction site boundaries;
  - (b) flow arrows that depict stormwater flow directions on-site and runoff direction;
  - (c) all areas of ground disturbance including areas of borrow and fill;
  - (d) areas used for storage of soil;
  - (e) locations of all waste accumulation areas, including areas for liquid, concrete, masonry, and asphalt;
  - (f) locations of dedicated asphalt, concrete batch plants and masonry mixing stations;
  - (g) locations of all structural control measures;
  - (h) locations of all non-structural control measures;
  - (i) locations of springs, streams, wetlands and other state waters, including areas that require pre-existing vegetation be maintained within 50 feet of a receiving water, where determined feasible in accordance with Part I.B.1.a.i.(d).; and
  - (j) locations of all stream crossings located within the construction site boundary.
- viii. Final Stabilization and Long Term Stormwater Management. The SWMP must describe the practices used to achieve final stabilization of all disturbed areas at the site and any planned practices to control pollutants in stormwater discharges that will occur after construction operations are completed. Including but not limited to, detention/retention ponds, rain gardens, stormwater vaults, etc.
- ix. Inspection Reports. The SWMP must include documented inspection reports in accordance with Part ID.

### 3. SWMP Review and Revisions

Permittees must keep a record of SWMP changes made that includes the date and identification of the changes. The SWMP must be amended when the following occurs:

- a. a change in design, construction, operation, or maintenance of the site requiring implementation of new or revised control measures;
- b. the SWMP proves ineffective in controlling pollutants in stormwater runoff in compliance with the permit conditions;
- c. control measures identified in the SWMP are no longer necessary and are removed; and
- d. corrective actions are taken onsite that result in a change to the SWMP.

For SWMP revisions made prior to or following a change(s) onsite, including revisions to sections addressing site conditions and control measures, a notation must be included in the SWMP that identifies the date of the site change, the control measure removed, or modified, the location(s) of those control measures, and any changes to the control measure(s). The permittee must ensure the site changes are reflected in the SWMP. The permittee is noncompliant with the permit until the SWMP revisions have been made.

#### 4. SWMP Availability

A copy of the SWMP must be provided upon request to the division, EPA, and any local agency with authority for approving sediment and erosion plans, grading plans or stormwater management plans within the time frame specified in the request. If the SWMP is required to be submitted to any of these entities, the submission must include a signed certification in accordance with Part I.A.3.e., certifying that the SWMP is complete and compliant with all terms and conditions of the permit.

All SWMPs required under this permit are considered reports that must be available to the public under Section 308(b) of the CWA and Section 61.5(4) of the CDPS regulations. The permittee must make plans available to members of the public upon request. However, the permittee may claim any portion of a SWMP as confidential in accordance with 40 CFR Part 2.

#### D. SITE INSPECTIONS

Site inspections must be conducted in accordance with the following requirements. The required inspection schedules are a minimum frequency and do not affect the permittee's responsibility to implement control measures in effective operating condition as prescribed in the SWMP. Proper maintenance of control measures may require more frequent inspections. Site inspections shall start within 7 calendar days of the commencement of construction activities on site.

##### 1. Person Responsible for Conducting Inspections

The person(s) inspecting the site may be on the permittee's staff or a third party hired to conduct stormwater inspections under the direction of the permittee(s). The permittee is responsible for ensuring that the inspector is a qualified stormwater manager.

##### 2. Inspection Frequency

Permittees must conduct site inspections in accordance with one of the following minimum frequencies, unless the site meets the requirements of Part ID.3

- a. At least one inspection every 7 calendar days. Or
- b. At least one inspection every 14 calendar days, if post-storm event inspections are conducted within 24 hours after the end of any precipitation or snowmelt event that causes surface erosion. Post-storm inspections may be used to fulfill the 14-day routine inspection requirement.
- c. When site conditions make the schedule required in this section impractical, the permittee may petition the Division to grant an alternate inspection schedule. The alternative inspection schedule may not be implemented prior to written approval by the division and incorporation into the SWMP.

### 3. Inspection Frequency for Discharges to Outstanding Waters

Permittees must conduct site inspections at least once every 7 calendar days for sites that discharge to a water body designated as an Outstanding Water by the Water Quality Control Commission.

### 4. Reduced Inspection Frequency

The permittee may perform site inspections at the following reduced frequencies when one of the following conditions exists:

#### a. Post-Storm Inspections at Temporarily Idle Sites

For permittees choosing to combine 14-day inspections and post-storm-event inspections, if no construction activities will occur following a storm event, post-storm event inspections must be conducted prior to re-commencing construction activities, but no later than 72 hours following the storm event. The delay of any post-storm event inspection must be documented in the inspection record. Routine inspections must still be conducted at least every 14 calendar days.

#### b. Inspections at Completed Sites/Areas

When the site, or portions of a site are awaiting establishment of a vegetative ground cover and final stabilization, the permittee must conduct a thorough inspection of the stormwater management system at least once every 30 days. Post-storm event inspections are not required under this schedule. This reduced inspection schedule is allowed if all of the following criteria are met:

- i. all construction activities resulting in ground disturbance are complete;
- ii. all activities required for final stabilization, in accordance with the SWMP, have been completed, with the exception of the application of seed that has not occurred due to seasonal conditions or the necessity for additional seed application to augment previous efforts; and
- iii. the SWMP has been amended to locate those areas to be inspected in accordance with the reduced schedule allowed for in this paragraph.

#### c. Winter Conditions Inspections Exclusion



Inspections are not required for sites that meet all of the following conditions: construction activities are temporarily halted, snow cover exists over the entire site for an extended period, and melting conditions posing a risk of surface erosion do not exist. This inspection exception is applicable only during the period where melting conditions do not exist, and applies to the routine 7-day, 14-day and monthly inspections, as well as the post-storm-event inspections. When this inspection exclusion is implemented, the following information must be documented in accordance with the requirements in Part II:

- i. dates when snow cover existed;
- ii. date when construction activities ceased; and
- iii. date melting conditions began.

## 5. Inspection Scope

### a. Areas to be Inspected

When conducting a site inspection the following areas, if applicable, must be inspected for evidence of, or the potential for, pollutants leaving the construction site boundaries, entering the stormwater drainage system, or discharging to state waters:

- i. construction site perimeter;
- ii. all disturbed areas;
- iii. designated haul routes;
- iv. material and waste storage areas exposed to precipitation;
- v. locations where stormwater has the potential to discharge offsite; and
- vi. locations where vehicles exit the site.

### b. Inspection Requirements

- i. Visually verify whether all implemented control measures are in effective operational condition and are working as designed in their specifications to minimize pollutant discharges.
- ii. Determine if there are new potential sources of pollutants.
- iii. Assess the adequacy of control measures at the site to identify areas requiring new or modified control measures to minimize pollutant discharges.
- iv. Identify all areas of non-compliance with the permit requirements and, if necessary, implement corrective action in accordance with Part IB.1.c.

### c. Inspection Reports

The permittee must keep a record of all inspections conducted for each permitted site. Inspection reports must identify any incidents of noncompliance with the terms and conditions of this permit. Inspection records must be retained in accordance with Part II.O. and signed in accordance with Part I.A.3.f. At a minimum, the inspection report must include:

- i. the inspection date;

- ii. name(s) and title(s) of personnel conducting the inspection;
- iii. weather conditions at the time of inspection;
- iv. phase of construction at the time of inspection;
- v. estimated acreage of disturbance at the time of inspection
- vi. location(s) of discharges of sediment or other pollutants from the site;
- vii. location(s) of control measures needing maintenance;
- viii. location(s) and identification of inadequate control measures;
- ix. location(s) and identification of additional control measures are needed that were not in place at the time of inspection;
- x. description of the minimum inspection frequency (either in accordance with Part I.D.2., I.D.3. or I.D.4.) utilized when conducting each inspection.
- xi. deviations from the minimum inspection schedule as required in Part I.D.2.;
- xii. after adequate corrective action(s) and maintenance have been taken, or where a report does not identify any incidents requiring corrective action or maintenance, the report shall contain a statement as required in Part I.A.3.f.

## E. DEFINITIONS

For the purposes of this permit:

- (1) Bypass - the intentional diversion of waste streams from any portion of a treatment facility in accordance with 40 CFR 122.41(m)(1)(i) and Regulation 61.2(12).
- (2) Common Plan of Development or Sale - A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules, but remain related. The Division has determined that "contiguous" means construction activities located in close proximity to each other (within ¼ mile). Construction activities are considered to be "related" if they share the same development plan, builder or contractor, equipment, storage areas, etc. "Common plan of development or sale" includes construction activities that are associated with the construction of field wide oil and gas permits for facilities that are related.
- (3) Construction Activity - Ground surface disturbing and associated activities (land disturbance), which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Construction does not include routine maintenance to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. Activities to conduct repairs that are not part of routine maintenance or for replacement are construction activities and are not routine maintenance. Repaving activities where underlying and/or surrounding soil is exposed as part of the repaving operation are considered construction activities. Construction activity is from initial ground breaking to final stabilization regardless of ownership of the construction activities.
- (4) Control Measure - Any best management practice or other method used to prevent or reduce the discharge of pollutants to state waters. Control measures include, but are not limited to, best management practices. Control measures can include other methods such as the installation, operation, and maintenance of structural controls and treatment devices.

- (5) Control Measure Requiring Routine Maintenance - Any control measure that is still operating in accordance with its design and the requirements of this permit, but requires maintenance to prevent a breach of the control measure. See also inadequate control measure.
- (6) Dedicated Asphalt, Concrete Batch Plants and Masonry Mixing Stations - are batch plants or mixing stations located on, or within  $\frac{1}{4}$  mile of, a construction site and that provide materials only to that specific construction site.
- (7) Final Stabilization - The condition reached when all ground surface disturbing activities at the site have been completed, and for all areas of ground surface disturbing activities where a uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed.
- (8) Good Engineering, Hydrologic and Pollution Control Practices: are methods, procedures, and practices that:
  - a. Are based on basic scientific fact(s).
  - b. Reflect best industry practices and standards.
  - c. Are appropriate for the conditions and pollutant sources.
  - d. Provide appropriate solutions to meet the associated permit requirements, including practice based effluent limits.
- (9) Inadequate Control Measure - Any control measure that is not designed or implemented in accordance with the requirements of the permit and/or any control measure that is not implemented to operate in accordance with its design. See also Control Measure Requiring Routine Maintenance.
- (10) Infeasible - Not technologically possible, or not economically practicable and achievable in light of best industry practices.
- (11) Minimize - reduce or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice.
- (12) Municipality - A city, town, county, district, association, or other public body created by, or under, State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or a designated and approved management agency under section 208 of CWA (1987).
- (13) Municipal Separate Storm Sewer System (MS4) - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
  - a) owned or operated by a State, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to state waters;
    - i. designed or used for collecting or conveying stormwater;
    - ii. are not a combined sewer; and
    - iii. are not part of a Publicly Owned Treatment Works (POTW). See 5 CCR 1002-61.2(62).
- (14) Municipal Stormwater Management Program - A stormwater program operated by a municipality, typically to meet the requirements of the municipalities MS4 discharge certification.

- (15) Operator - The party that has operational control over day-to-day activities at a project site which are necessary to ensure compliance with the permit. This party is authorized to direct individuals at a site to carry out activities required by the permit. (e.g. the general contractor)
- (16) Owner - The party that has overall control of the activities and that has funded the implementation of the construction plans and specifications. This is the party with ownership of, a long term lease of, or easements on the property on which the construction activity is occurring (e.g., the developer).
- (17) Permittee(s) - The owner and operator named in the discharge certification issued under this permit for the construction site specified in the certification.
- (18) Point Source - Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. Point source does not include irrigation return flow. See 5 CCR 102-61.2(75).
- (19) Pollutant - Dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, or any industrial, municipal or agricultural waste. See 5 CCR 1002-61.2(76).
- (20) Presentation of credentials - a government issued form of identification, if in person; or (ii) providing name, position and purpose of inspection if request to enter is made via telephone, email or other form of electronic communication. A Permittee's non-response to a request to enter upon presentation of credentials constitutes a denial to such request, and may result in violation of the Permit.
- (21) Process Water - Any water which, during manufacturing or processing, comes into contact with or results from the production of any raw material, intermediate product, finished product, by product or waste product.
- (22) Public Emergency Related Site - a project initiated in response to an unanticipated emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services.
- (23) Qualified Stormwater Manager - An individual knowledgeable in the principles and practices of erosion and sediment control and pollution prevention, and with the skills to assess conditions at construction sites that could impact stormwater quality and to assess the effectiveness of stormwater controls implemented to meet the requirements of this permit.
- (24) Qualifying Local Program - A municipal program for stormwater discharges associated with small construction activity that was formally approved by the division as a qualifying local program.
- (25) Receiving Water - Any classified or unclassified surface water segment (including tributaries) in the State of Colorado into which stormwater associated with construction activities discharges. This definition includes all water courses, even if they are usually dry, such as borrow ditches, arroyos, and other unnamed waterways.
- (26) Severe Property Damage - substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. See 40 CFR 122.41(m)(1)(ii).

- (27) Significant Materials - Include, but not limited to, raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the permittee is required to report under section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.
- (28) Small Construction Activity - The discharge of stormwater from construction activities that result in land disturbance of equal to, or greater than, one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan ultimately disturbs equal to, or greater than, one acre and less than five acres.
- (29) Spill - An unintentional release of solid or liquid material which may pollute state waters.
- (30) State Waters - means any and all surface and subsurface waters which are contained in or flow in or through this state, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed.
- (31) Steep Slopes: where a local government, or industry technical manual (e.g., stormwater BMP manual) has defined what is to be considered a "steep slope", this permit's definition automatically adopts that definition. Where no such definition exists, steep slopes are automatically defined as those that are 3:1 or greater.
- (32) Stormwater - Precipitation runoff, snow melt runoff, and surface runoff and drainage. See 5 CCR 1002-61.2(103).
- (33) Total Maximum Daily Loads (TMDLs) -The sum of the individual wasteload allocations (WLA) for point sources and load allocations (LA) for nonpoint sources and natural background. For the purposes of this permit, a TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes WLAs, LAs, and must include a margin of safety (MOS), and account for seasonal variations. See section 303(d) of the CWA and 40 C.F.R. 130.2 and 130.7.
- (34) Upset - an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation in accordance with 40 CFR 122.41(n) and Regulation 61.2(114).

## F. MONITORING

The division may require sampling and testing, on a case-by-case basis. If the division requires sampling and testing, the division will send a notification to the permittee. Reporting procedures for any monitoring data collected will be included in the notification.

If monitoring is required, the following applies:

1. the thirty (30) day average must be determined by the arithmetic mean of all samples collected during a thirty (30) consecutive-day period; and
2. a grab sample, for monitoring requirements, is a single "dip and take" sample.



**G. Oil and Gas Construction**

Stormwater discharges associated with construction activities directly related to oil and gas exploration, production, processing, and treatment operations or transmission facilities are regulated under the Colorado Discharge Permit System Regulations (5 CCR 1002-61), and require coverage under this permit in accordance with that regulation. However, references in this permit to specific authority under the CWA do not apply to stormwater discharges associated with these oil and gas related construction activities, to the extent that the references are limited by the federal Energy Policy Act of 2005.

**Part II: Standard Permit Conditions**

**A. DUTY TO COMPLY**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Water Quality Control Act and is grounds for:

- a. enforcement action;
- b. permit termination, revocation and reissuance, or modification; or
- c. denial of a permit renewal application.

**B. DUTY TO REAPPLY**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain authorization as required by Part I.A.3.k. of the permit.

**C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**D. DUTY TO MITIGATE**

A permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**E. PROPER OPERATION AND MAINTENANCE**

A permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit. This requirement can be met by meeting the requirements for Part I.B., I.C., and I.D. above. See also 40 C.F.R. § 122.41(e).

**F. PERMIT ACTIONS**

This permit may be modified, revoked and reissued, or terminated for cause. The permittee request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. Any request for modification, revocation, reissuance, or termination under this permit must comply with all terms and conditions of Regulation 61.8(8).

**G. PROPERTY RIGHTS**

In accordance with 40 CFR 122.41(g) and 5 CCR 1002-61, 61.8(9):

1. The issuance of a permit does not convey any property or water rights in either real or personal property, or stream flows or any exclusive privilege.

2. The issuance of a permit does not authorize any injury to person or property or any invasion of personal rights, nor does it authorize the infringement of federal, state, or local laws or regulations.
3. Except for any toxic effluent standard or prohibition imposed under Section 307 of the Federal act or any standard for sewage sludge use or disposal under Section 405(d) of the Federal act, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Sections 301, 302, 306, 318, 403, and 405(a) and (b) of the Federal act. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in Section 61.8(8) of the Colorado Discharge Permit System Regulations.

**H. DUTY TO PROVIDE INFORMATION**

The permittee shall furnish to the division, within a reasonable time, any information which the division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the division, upon request, copies of records required to be kept by this permit in accordance with 40 CFR 122.41(h) and/or Regulation 61.8(3)(q).

**I. INSPECTION AND ENTRY**

The permittee shall allow the division and the authorized representative, upon the presentation of credentials as required by law, to allow for inspections to be conducted in accordance with 40 CFR 122.41(i), Regulation 61.8(3), and Regulation 61.8(4):

1. to enter upon the permittee's premises where a regulated facility or activity is located or in which any records are required to be kept under the terms and conditions of this permit;
2. at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit;
3. at reasonable times, inspect any monitoring equipment or monitoring method required in the permit; and
4. to enter upon the permittee's premises in a reasonable manner and at a reasonable time to inspect or investigate, any actual, suspected, or potential source of water pollution, or any violation of the Colorado Water Quality Control Act. The investigation may include: sampling of any discharges, stormwater or process water, taking of photographs, interviewing site staff on alleged violations and other matters related to the permit, and assessing any and all facilities or areas within the site that may affect discharges, the permit, or an alleged violation.

The permittee shall provide access to the division or other authorized representatives upon presentation of proper credentials. A permittee's non-response to a request to enter upon presentation of credentials constitutes a denial of such request, and may result in a violation of the permit.

**J. MONITORING AND RECORDS**

1. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.

2. The permittee must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date the permit expires or the date the permittee's authorization is terminated. This period may be extended by request of the division at any time.
3. Records of monitoring information must include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
4. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.

#### K. SIGNATORY REQUIREMENTS

##### 1. Authorization to Sign:

All documents required to be submitted to the division by the permit must be signed in accordance with the following criteria:

- a. For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means:
  - i. a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
  - ii. the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
- c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes
  - i. (i) the chief executive officer of the agency, or

- ii. (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency. (e.g., Regional Administrator of EPA)

## 2. Electronic Signatures

For persons signing applications for coverage under this permit electronically, in addition to meeting other applicable requirements stated above, such signatures must meet the same signature, authentication, and identity-proofing standards set forth at 40 CFR § 3.2000(b) for electronic reports (including robust second-factor authentication). Compliance with this requirement can be achieved by submitting the application using the Colorado Environmental Online Service (CEOS) system.

## 3. Change in Authorization to Sign

If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the division, prior to the re-authorization, or together with any reports, information, or applications to be signed by an authorized representative.

# L. REPORTING REQUIREMENTS

## 1. Planned Changes

The permittee shall give advance notice to the division, in writing, of any planned physical alterations or additions to the permitted facility in accordance with 40 CFR 122.41(l) and Regulation 61.8(5)(a). Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.41(a)(1).

## 2. Anticipated Non-Compliance

The permittee shall give advance notice to the division, in writing, of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. The timing of notification requirements differs based on the type of non-compliance as described in subparagraphs 5, 6, 7, and 8 below.

## 3. Transfer of Ownership or Control

The permittee shall notify the division, in writing, ten (10) calendar days in advance of a proposed transfer of the permit. This permit is not transferable to any person except after notice is given to the division.



- a. Where a facility wants to change the name of the permittee, the original permittee (the first owner or operators) must submit a Notice of Termination.
- b. The new owner or operator must submit an application. See also signature requirements in Part II.K, above.
- c. A permit may be automatically transferred to a new permittee if:
  - i. The current permittee notifies the Division in writing 30 calendar days in advance of the proposed transfer date; and
  - ii. The notice includes a written agreement between the existing and new permittee(s) containing a specific date for transfer of permit responsibility, coverage and liability between them; and
  - iii. The division does not notify the existing permittee and the proposed new permittee of its intent to modify, or revoke and reissue the permit.
  - iv. Fee requirements of the Colorado Discharge Permit System Regulations, Section 61.15, have been met.

#### 4. Monitoring reports

Monitoring results must be reported at the intervals specified in this permit per the requirements of 40 CFR 122.41(l)(4).

#### 5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule in the permit, shall be submitted on the date listed in the compliance schedule section. The fourteen (14) calendar day provision in Regulation 61.8(4)(n)(i) has been incorporated into the due date.

#### 6. Twenty-four hour reporting

In addition to the reports required elsewhere in this permit, the permittee shall report the following circumstances orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances, and shall mail to the division a written report containing the information requested within five (5) working days after becoming aware of the following circumstances:

- a. Circumstances leading to any noncompliance which may endanger health or the environment regardless of the cause of the incident;
- b. Circumstances leading to any unanticipated bypass which exceeds any effluent limitations in the permit;
- c. Circumstances leading to any upset which causes an exceedance of any effluent limitation in the permit;

- d. Daily maximum violations for any of the pollutants limited by Part I of this permit. This includes any toxic pollutant or hazardous substance or any pollutant specifically identified as the method to control any toxic pollutant or hazardous substance.
- e. The division may waive the written report required under subparagraph 6 of this section if the oral report has been received within 24 hours.

7. Other non-compliance

A permittee must report all instances of noncompliance at the time monitoring reports are due. If no monitoring reports are required, these reports are due at least annually in accordance with Regulation 61.8(4)(p). The annual report must contain all instances of non-compliance required under either subparagraph 5 or subparagraph 6 of this subsection.

8. Other information

Where a permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Permitting Authority, it has a duty to promptly submit such facts or information.

**M. BYPASS**

1. Bypass not exceeding limitations

The permittees may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part II.M.2 of this permit. See 40 CFR 122.41(m)(2).

2. Notice of bypass

- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, the permittee must submit prior notice, if possible at least ten days before the date of the bypass. See 40 CFR §122.41(m)(3)(i) and/or Regulation 61.9(5)(c).
- b. Unanticipated bypass. The permittee must submit notice of an unanticipated bypass in accordance with Part II.L.6. See 40 CFR §122.41(m)(3)(ii) .

3. Prohibition of Bypass

Bypasses are prohibited and the division may take enforcement action against the permittee for bypass, unless:

- i. the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;

- ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- iii. proper notices were submitted to the division.

**N. UPSET**

**1. Effect of an upset**

An upset constitutes an affirmative defense to an action brought for noncompliance with permit effluent limitations if the requirements of Part II.N.2. of this permit are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review in accordance with Regulation 61.8(3)(j).

**2. Conditions necessary for demonstration of an Upset**

A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed contemporaneous operating logs, or other relevant evidence that

- a. an upset occurred and the permittee can identify the specific cause(s) of the upset;
- b. the permitted facility was at the time being properly operated and maintained; and
- c. the permittee submitted proper notice of the upset as required in Part II.L.6. (24-hour notice); and
- d. the permittee complied with any remedial measure necessary to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. In addition to the demonstration required above, a permittee who wishes to establish the affirmative defense of upset for a violation of effluent limitations based upon water quality standards shall also demonstrate through monitoring, modeling or other methods that the relevant standards were achieved in the receiving water.

**3. Burden of Proof**

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

**O. RETENTION OF RECORDS**

**1. Post-Expiration or Termination Retention**

Copies of documentation required by this permit, including records of all data used to complete the application for permit coverage to be covered by this permit, must be

retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of EPA at any time.

**2. On-site Retention**

The permittee must retain an electronic version or hardcopy of the SWMP at the construction site from the date of the initiation of construction activities to the date of expiration or inactivation of permit coverage; unless another location, specified by the permittee, is approved by the division.

**P. REOPENER CLAUSE**

**1. Procedures for modification or revocation**

Permit modification or revocation of this permit or coverage under this permit will be conducted according to Regulation 61.8(8).

**2. Water quality protection**

If there is evidence indicating that the stormwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, the permittee may be required to obtain an individual permit, or the permit may be modified to include different limitations and/or requirements.

**Q. SEVERABILITY**

The provisions of this permit are severable. If any provisions or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances and the application of the remainder of this permit shall not be affected.

**R. NOTIFICATION REQUIREMENTS**

**1. Notification to Parties**

All notification requirements, excluding information submitted using the CEOS portal, shall be directed as follows:

**a. Oral Notifications, during normal business hours shall be to:**

Clean Water Compliance Section  
Water Quality Control Division  
Telephone: (303) 692-3500

**b. Written notification shall be to:**

Clean Water Compliance Section  
Water Quality Control Division  
Colorado Department of Public Health and Environment  
WQCD-WQP-B2  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530

**S. RESPONSIBILITIES****1. Reduction, Loss, or Failure of Treatment Facility**

The permittee has the duty to halt or reduce any activity if necessary to maintain compliance with the effluent limitations of the permit. It shall not be a defense for a permittee in an enforcement action that it would be necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**T. Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 (Oil and Hazardous Substance Liability) of the CWA.

**U. Emergency Powers**

Nothing in this permit shall be construed to prevent or limit application of any emergency power of the division.

**V. Confidentiality**

Any information relating to any secret process, method of manufacture or production, or sales or marketing data which has been declared confidential by the permittee, and which may be acquired, ascertained, or discovered, whether in any sampling investigation, emergency investigation, or otherwise, shall not be publicly disclosed by any member, officer, or employee of the Water Quality Control Commission or the division, but shall be kept confidential. Any person seeking to invoke the protection of of this section shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data.

**W. Fees**

The permittee is required to submit payment of an annual fee as set forth in the 2016 amendments to the Water Quality Control Act. Section 25-8-502 (1.1) (b), and the Colorado Discharge Permit System Regulations 5 CCR 1002-61, Section 61.15 as amended. Failure to submit the required fee when due and payable is a violation of the permit and will result in enforcement action pursuant to Section 25-8-601 et. seq., C.R.S.1973 as amended.

**X. Duration of Permit**

The duration of a permit shall be for a fixed term and shall not exceed five (5) years. If the permittee desires to continue to discharge, a permit renewal application shall be submitted at least ninety (90) calendar days before this permit expires. Filing of a timely and complete application shall cause the expired permit to continue in force to the effective date of the new permit. The permit's duration may be extended only through administrative extensions and not through interim modifications. If the permittee anticipates there will be no discharge after the expiration date of this permit, the division should be promptly notified so that it can terminate the permit in accordance with Part I.A.3.i.

**Y. Section 307 Toxics**

If a toxic effluent standard or prohibition, including any applicable schedule of compliance specified, is established by regulation pursuant to Section 307 of the Federal Act for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the discharge permit, the division



shall institute proceedings to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition

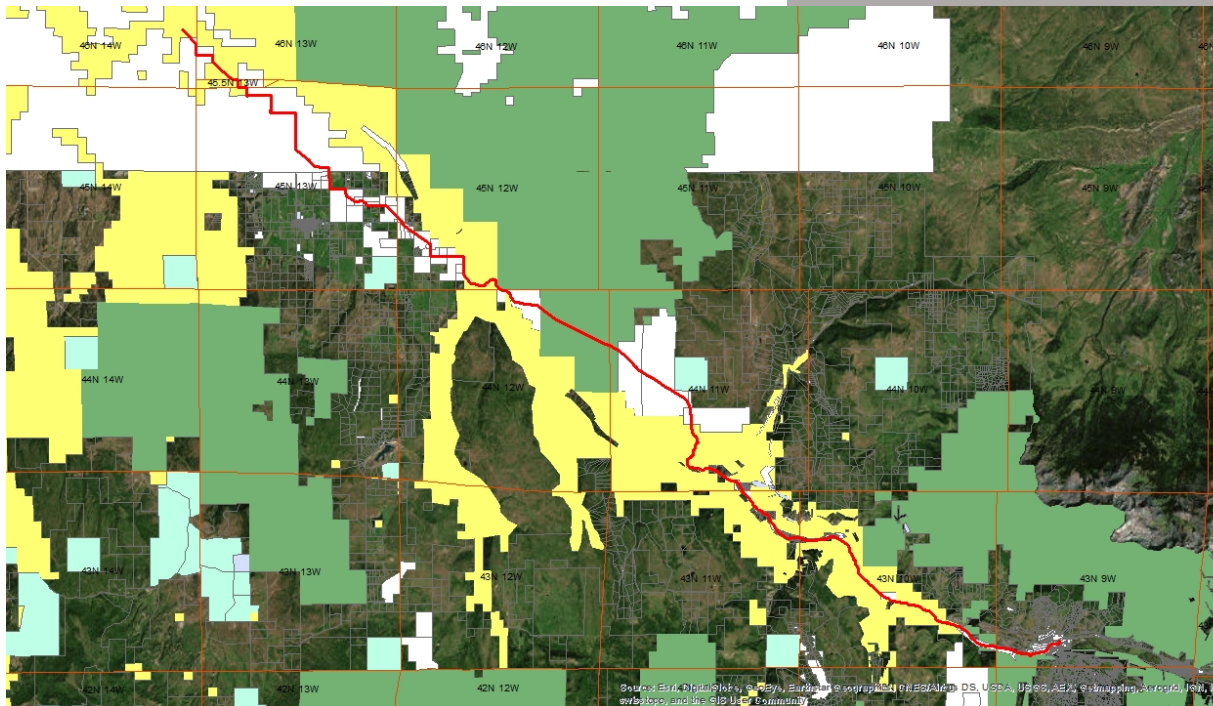
## APPENDIX E



*Figure 1: Line of Sight from Highway 145*

# APPENDIX F

## Norwood to Telluride Pipeline Fire Plan



Rocky Mountain Natural Gas LLC  
(dba Black Hills Energy)



April 2, 2018

## **Introduction**

The Norwood to Telluride Pipeline is an existing, buried 6-inch pipeline located in Montrose and San Miguel Counties, Colorado. Installed in 1987, the 37.82-mile pipeline is located on public and private lands, as well as within CDOT and County right-of-ways (ROWs). The portions of the pipeline located on federal lands are associated with the Bureau of Land Management (BLM) ROW grant #COC042629, which describes a 35-ft width ROW, centered on pipe. The primary function of this buried pipeline is to transmit natural gas received from 3<sup>rd</sup> party suppliers directly to down-valley users.

Rocky Mountain Natural Gas (RMNG), doing business as (dba) Black Hills Energy (BHE), has developed this Fire Plan (Plan) as part of the application to the BLM for a ROW renewal grant. This Plan will also be applicable to any project-specific Plan of Developments (PODs) associated with this pipeline corridor, currently submitted or to be submitted in the future to the BLM. If the ROW renewal grant is approved, the final POD and all appendices will be attached to the Decision Record. This Plan provides guidance to operation/maintenance, construction, and field personnel on measures identified by the BLM and U.S. Forest Service (USFS) to minimize effects during any maintenance and/or construction activities associated with the operation of this pipeline. It will be the responsibility of BHE and/or its project contractors, working with designated environmental inspectors, to comply with measures identified in this Plan.

Due to the route of the existing pipeline corridor, maintenance and/or construction activities may have the potential to create fire hazards to the surrounding environmental resources, and as a result, fire protection measures have been developed and will be implemented, as applicable, to minimize such potential impacts.

## **Purpose**

The objective of this Plan is to identify best management practices (BMPs) for preventing fires and responding to inadvertent fires that could result from the operation and maintenance of this natural gas pipeline. This Plan should be considered supplemental to the final Operation and Maintenance Plan (dated March 28, 2018), which was drafted for the pipeline's grant renewal process.

This Plan provides an implementation strategies to ensure immediate action to suppress inadvertent fires that occur during any operation and/or construction activities along this pipeline corridor and establishes protocol and lines of communication for reporting any fires that occur. This Plan also outlines the proper types and quantities of safety and fire extinguishing equipment that must be available. The Plan should also be utilized to familiarize BHE's employees, contractors, and employees of contractors with basic fire emergency planning, response, and suppression expectations and procedures in order to aid them to effectively respond in the event of a fire, thereby avoiding or minimizing injuries and/or damage to property or the environment.

This Plan is generally accepted on all federal units within the State of Colorado. As the fire season progresses, each BLM or USFS office may impose closures for fire prevention reasons. BHE's operations are subject to Stage I and Stage II fire restrictions on federal lands, as described in the items below. Under Colorado law, the San Miguel County Sheriff's Office is responsible for responding to wildfires located on private property located outside a fire protection district, and all contractors are advised to stay in touch with local fire dispatch offices to be of service and for personal safety. The attached map depicts the

locations of fire dispatch and 911 call centers with associated contact phone numbers, along with locations of hospitals and medical clinics.

**Fire Prevention and Suppression Requirements for Operations on Bureau of Land Management and National Forest Lands**

1. BHE (hereafter referred to as the operator) will require its employees, contractors, and employees of contractors to do everything reasonable within their power, expertise, and assessment of human safety, both independently and upon request of the BLM and USFS, to prevent and suppress fires resulting from transmission construction or maintenance activities on or near the lands to be occupied under this permit. In case of fire suppressed by the operator, the operator will report its occurrence to the appropriate Interagency Dispatch Center immediately (see attached map). The operator is responsible for all suppression costs and resource damage for any fire resulting from its operations and practices.
2. The operator is responsible to ensure that each employee, subcontractor, or any other individual or company working in this pipeline corridor is aware of the provisions of this Plan, is familiar with the location and proper use of firefighting equipment, and conducts themselves in a fire-safe manner.
3. No material will be disposed of by burning in open fires without a written permit from the BLM or USFS.
4. Exhaust systems of vehicles will have an acceptable muffler and will be in proper working condition. All motorized equipment and machinery will be equipped with spark arresters.
5. Vehicles will be parked only in cleared areas.
6. All smoking will be done only inside of vehicles or in areas cleared of flammable material and consistent with precautionary measures listed in Item 9 below.
7. Fuels and flammable materials may not be stored on BLM or National Forest System lands. They may be located in approved containers in a truck. For example, an approved diesel tank in the back of a truck or dolmar with chainsaw fuel. No fuel or flammable substance will be stored in any glass container.
8. A separate fire cache of tools will be required and maintained at the site of all operations. Tools must be kept sharp and handles smooth, ready for immediate use. Fire tools will not be used on the job for other purposes. When Stage I restrictions are implemented, a 300-gallon water package will be required at the site of all operations (see also Item 14 below). When no restrictions are in place, the cache will contain at a minimum:
  - One shovel per person;
  - One water filled 4 or 5 gallon backpack pump ("Indian" or equivalent); and
  - One axe or Pulaski.
9. Type ABC rated fire extinguishers are required and will be available during all operations at the following capacities:
  - One 2 pound per pick up;
  - One 5 pound for trucks over 1 ton Gross Vehicle Weight; and
  - One 10 pound per dozer, motor patrol, scraper or other earthmoving equipment.
10. During the period of April 1<sup>st</sup> thru November 30<sup>th</sup>, a fire watch person (lookout) is required at the site of all welding, blasting, propane torch use, fueling, tractor or other mechanized equipment operation, etc., unless specifically excepted in Item 15 below. This person will have no other duty than to watch for fire starts, have all required items of the fire cache immediately available, and be ready to take fire suppression actions. The fire watch person will remain on site observing for smoke or fire for a



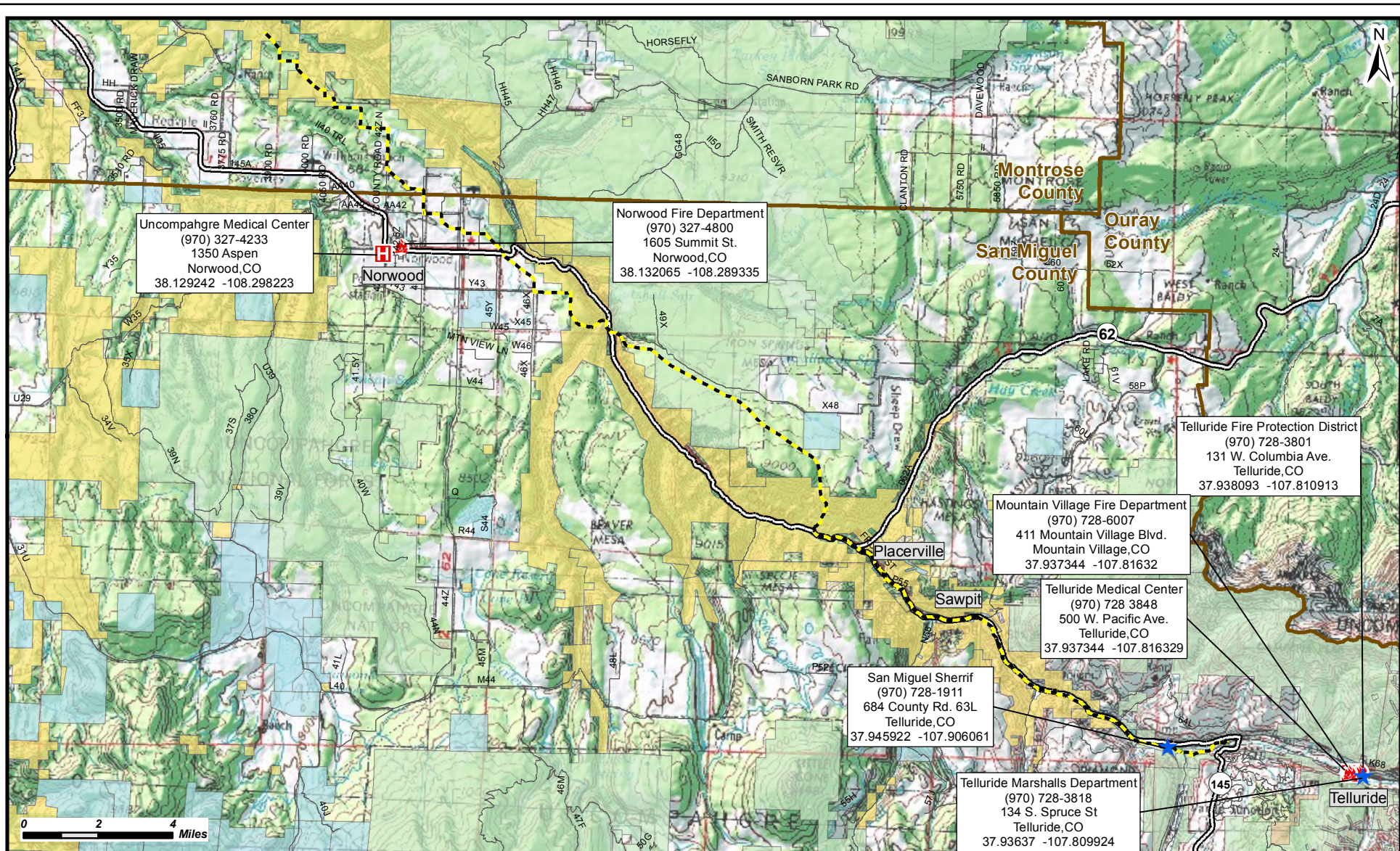
RMNG Norwood to Telluride Pipeline

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minimum of 30 minutes after cessation of the operations that required them. The fire watch person will be in good physical condition and able to fight fires.

11. Welding is herein used to mean electric arc welding; arc or gas cutting or heating; gas welding; grinding of metal; use of any flammable gas, carbon or hydrocarbon fuel for heating or forging metal.
12. Welding operations are subject to the following additional provisions:
  - There will be no welding when winds are over 15 miles per hour; and
  - Welding will occur only in areas cleared of all flammable vegetation and materials at a minimum radius of 30 feet from the welding operation.
13. Blasting: Use of explosives is authorized, but is subject to the following additional provisions:
  - Operator must have a valid, current Explosives Permit from the State of Colorado;
  - Overnight storage of explosives is not authorized on BLM or USFS land;
  - There will be no blasting when winds over 15 mph occur; and
  - Adequate safety lookouts and traffic control will be provided to insure public safety during all blasting operations.
14. In addition, when Stage I restrictions are implemented, all fire caches including in areas of welding, blasting, and torch use operations, the fire watch and crew must have immediately available to them a water tank of not less than 300 gallon capacity with a pump capable of pumping 20 gallons per minute at 100 pound-force per square inch and not less than 100 feet of hose.
15. Additional Stage I and Stage II prohibited acts will also apply when enacted. Details and updates of restrictions, areas, and additional prohibited acts can be acquired by calling the respective Dispatch office (see attached map) or by going to the following websites:
  - [Colorado Emergency Management: Fire Bans & Danger](#)
  - [Montrose Interagency Dispatch Center \(MTC\) - Fire Restrictions](#)
  - [Durango Interagency Dispatch Center \(DRC\)-Fire Restrictions](#)
16. Operations may be suspended if inspection by a BLM or USFS representative reveals noncompliance with the provisions of these fire prevention and suppression requirements.





# **Location of Emergency Responders Telluride Pipeline**

San Miguel and Montrose Counties, CO

DISCLAIMER: This representation and the Geographic Information System (GIS) used to create it are designed as a source of reference and not intended to replace official records and/or legal surveys. HRL assumes no responsibility for any risks, dangers, or liabilities that may result from its use and makes no guarantee as to the quality or accuracy of the underlying data.



Author: E. Fought  
Revision: 0  
Date: 4/4/2018

## **Features**

- Hospital
- Volunteer Fire Department
- 911 Dispatch Centers
- Pipeline Route

County Boundary

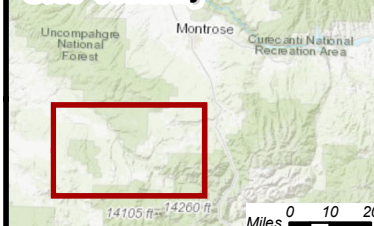
**Land Ownership**

- Federal
- USFS
- State
- BLM

## **Transportation**

- State Route
- Local Roads

## **Site Vicinity**







**APPENDIX G**  
TITLE DEPARTMENT – DELIVERY  
TRANSMITTAL  
8055 E Tufts Ave, Suite 300  
Denver, CO 80237  
(720) 324-5865 Fax:

## OWNERSHIP AND ENCUMBRANCE REPORT

**Date:** December 3, 2020  
**Effective Date:** November 25, 2020  
**Attn:** Cybel Manzanares  
**Company:** Cybel Manzanares office  
**Address:** 9712 Centre Cir. Suite 204  
**Phone:** (720) 345-7676  
**Fax:** (000) 000-0000  
**Email:**

**O & E Order Number:** H0627241

**Schedule No.:** 452503400002 R2040026180  
**Vesting:** Jason Atwood and Cameron Atwood and Heather McKie and Kirk Stutler and Kip Stutler and Kasey Stutler  
**Vesting Deed Info.:** Quit Claim Deed - [315453](#)  
**Property Address:** Vacant land CO  
**Legal Description:**

See attached Quit Claim Deed

### Encumbrances:

None

***NOTE: This information is for your sole use and benefit and is furnished as an accommodation. The information has been taken from our tract indices, without reference to, or examination of, instruments which purport to affect the real property. The information is neither guaranteed nor certified, and is not an Abstract of Title, Opinion of Title, nor a Guarantee of Title, and our liability is limited to the amount of the fees.***

**Prepared By:** Patricia Keyes  
**Email:** pkeyes@heritagetco.com  
**Phone:** 970-328-5211

# **APPENDIX H**

**ROCKY MOUNTAIN NATURAL GAS LLC.  
(DBA BLACK HILLS ENERGY)  
TELLURIDE 6-INCH LEGOFF PIPELINE REPLACEMENT  
PROJECT REVEGETATION PLAN**

Prepared for:  
**Black Hills Energy  
1301 W 24<sup>th</sup> Street  
Cheyenne, WY 82001**

Prepared by:  
**WestWater Engineering, Inc.  
2516 Foresight Cr. #1  
Grand Junction, CO 81505  
Phone (970) 241-7076**

**Revegetation Plan developed for Telluride Legoff #1- January 2020  
Site specific information and maps will be added in January 2021**

## I. INTRODUCTION

At the request of Black Hills Energy (Black Hills), WestWater Engineering (WestWater) has prepared this Revegetation Plan for the proposed Telluride 6-inch Legoff Pipeline Replacement Project. Black Hills proposes to remove an existing portion of their pipeline that is a surface line and install a new segment of buried pipeline within County Road Right-of-Way (ROW) and partially on private land. This Revegetation Plan applies to the areas where Black Hills plans to cause surface disturbance associated with the proposed buried pipeline project.

## II. PROJECT AREA DESCRIPTION

The following information in this Plan is specific to the Telluride Legoff #1 project that was completed in 2020. The Telluride Legoff #2 project anticipated to start in 2021 is located approximately 8 miles northwest of that project in similar terrain. Project specific information will be developed and available for review prior to construction.

The proposed pipeline replacement project would be located along the steep side slopes of San Miguel Canyon north of State Highway 145 at an elevation of approximately 7,400 feet. The San Miguel River is located just south of the proposed project on the south side of Highway 145. The surrounding area is composed of steep side slopes rising rapidly to Specie Mesa to the South and Iron Springs Mesa to the North.

### *Soils*

Soils in the survey area vary and are generally derived from on-site sandstone (Table 1 and Figure 2) (Natural Resources Conservation Service [NRCS] 2020). The proposed buried pipeline would be located in an area that has been classified as having moderate to high erosion potential

**Table 1. Soils found in the project area.**

Map Unit Symbol	Soil Series	Description
41	Fivepine-Nortez-Rock outcrop complex, 12 to 30 percent slopes	This soil type occurs on mesas and is formed from residuum weathered from sandstone. This soil type is not prime farmland.
88	Rock outcrop-Orthents complex, 40 to 90 percent slopes	This soil type occurs on benches, mesas, and canyons and is formed from residuum weathered from sandstone. This soil type is not prime farmland.
98	Specie gravelly loam, 5 to 15 percent slopes	This soil type occurs on alluvial fans and terraces and is formed from colluvium derived from sandstone. This soil type is not prime farmland.

### *Vegetation*

The existing pipeline that is planned for removal and the new section of buried pipeline that would be installed as a result of this project would be located within a vegetation community composed primarily of pinyon/juniper (*Pinus edulis/Juniperus scopulorum*) woodlands intermixed with Douglas-fir (*Pseudotsuga menziesii*) and Gambel oak (*Quercus gambelii*) with a



sparse understory composed of scattered shrubs, forbs, and grasses. The proposed project would disturb approximately 1.7 acres of pinyon/juniper woodlands.

### **III. REVEGETATION, RECLAMATION, & SOILS RECOMMENDATIONS**

Successful reclamation of the project area is dependent upon soil type and texture, slope gradient and aspect, proper weed control, available water, and revegetation with suitable plant species. Site-specific reclamation plans utilizing native species should be developed with a qualified reclamation contractor. Reclamation services using multiple seed bin range drills and specialized equipment are available and should be used for reclamation seeding projects.

#### ***Noxious Weeds***

A Noxious Weed Management Plan was prepared for this project by WestWater and includes site specific noxious weed recommendations (WestWater 2020a).

#### ***Working Surface Preparation/Construction Activities***

During pipeline construction, it is recommended that areas of bare soil are minimized as much as possible within the work zone. Vegetation that is cleared and grubbed during initial ground clearing activities should be set aside in wind-rows, separate from soil stockpiles for later use to help support reclamation (BLM 2019). The vegetation debris and woody materials would then be pulled and scattered along the pipeline ROW, as advised by the BLM Authorized Officer (AO), to aid in reclamation success.

#### ***Topsoil Handling***

Proper handling and storage of topsoil is critical to successful revegetation, especially in the case of reestablishing important native plant species on disturbed areas. The topsoil contains soil microbes (bacteria, micorrhiza, invertebrates), and seed banks of viable seed for the native plants present on the site. Many native plant species depend upon the activity of soil microbes for germination in some instances and for establishment and survival of most seedlings.

The top 4 to 6 inches of soil should be stockpiled and separated to prevent mixing with other trench material. Topsoil stock piles should be no greater than 4-inches in depth and uncompacted. Stockpiling topsoil in deep (greater than 4 inches), unstable piles for long periods (over 30 days) results in the loss or limitation of topsoil microbes and viable seed. This is especially so where soils are stockpiled more than several feet in height and biological activity is diminished from lack of oxygen.

Topsoil should be protected from erosion and weed invasion. Topsoil should be stockpiled in separate piles from other soil horizons on stable slopes and be positioned to minimize exposure to wind and water erosion. Topsoil piles stored for longer than 30 days should be immediately seeded with a BLM approved seed mix to provide cover to reduce erosion, provide competition for weed species, and to maintain viability of the soil fungi and microbe communities. Using the recommended seed mixes on long-term storage piles will help maintain biological activity and provide a seed bank of viable seed. If long-term stockpiling or deep stockpiling cannot be avoided, application of micorrhizal inoculants (see section below) may be beneficial.

The stockpiled topsoil should be spread out along the ROW after construction has been completed. Re-contouring of the pipeline ROW to its original or near original grade should occur after soils have been re-spread.

Additional descriptions of soil stabilization methods and Best Management Practices (BMPs) that should be used along the pipeline ROW during and post construction are described in the storm water management plan prepared for this project (WestWater 2020b).

### ***Soil Preparation***

Before seeding begins, the soil needs to be prepared. The objective is to have the top 12 inches of soil decompacted to allow for root growth and still be firm enough on the surface to allow for good seed to soil contact (Whisenant 2003). Compaction can reduce water infiltration and also hinder the penetration of the sprouting seed. Once the ROW has been backfilled and compacted, it is recommended that the following practices are implemented to help reduce compaction and prepare the seedbed: scarification, tillage, disking, chisel plowing, cultipacking, or harrowing (Colorado Natural Areas Program et al. 1998).

The proposed project will be located on moderate (15% to 50% slope) to very steep slopes (greater than 50%) which can potentially affect reseeding success due to laminar flows from runoff (Figure 3). Imprinting the soil is recommended to help reduce soil runoff. Imprinting can be in the form of dozer tracks or furrows perpendicular to the direction of slope. When utilizing hydro-seeding followed by mulching, imprinting should be done prior to seeding unless the mulch is to be crimped into the soil surface. If broadcast seeding and harrowing, imprinting should be done as part of the harrowing. Other simple imprinting methods include deep hand raking and harrowing, always perpendicular to the direction of slope. In addition to imprinting, it is also recommended that several water bars are built along the slope to slow runoff down and increase seeding success along the steep slopes.

### ***Soil Amendments***

The addition of soil amendments in rangeland reclamation projects can create more optimal growing conditions for non-native or invasive plant species, with which native plants compete poorly. There is potential that the use of soil amendments (fertilizer) containing nitrogen will disproportionately benefit undesirable annual plants (Perry et al. 2010). If the company determines the use of soil amendments to be beneficial, the type and rate should be based on results from lab analysis of soil samples collected at the site.

A potentially beneficial alternative method to enhance reclamation success, particularly where there is poor or destroyed topsoil, is the application of vesicular-arbuscular mycorrhizal fungi (AMF). These fungi, mostly of the genus *Glomus*, are symbiotic with about 80 percent of all vegetation. Endo-mycorrhizal fungi are associated mostly with grasses and forbs and could be helpful in reclamation. In symbiosis, the fungi can increase water and nutrient transfer capacity of the host root system (Barrow and McCaslin 1995). Over-the-counter commercial products are available, and the best products should contain more than one fungus species.

Compacted soils respond well to fossilized humic substances and by-products called humates. These humates, including humic and fulvic acids and humin were formed from pre-historic plant and animal deposits and can benefit reclamation efforts on compacted soils when applied as directed.

### Seed Mixture

The recommended seed mix (Table 2 and Figure 4) is adapted from the Bureau of Land Management's Uncompahgre Field Office seed menu recommendations (BLM 2020). This seed mix is well suited for pinyon-juniper woodlands and loamy soils that are present in the project area. The mix includes perennial native grasses and forbs that should establish well, protect topsoil, and provide a basis for rehabilitation of the site upon reclamation.

**Table 2. Recommended seed menu for pine grasslands/loamy slopes zone mid-elevations (6,000-8,000 feet).**

Common Name	Scientific Name	Variety	PLS lbs/acre*	PLS lbs of species for project (1.6 acres disturbance)
Muttongrass	<i>Poa fendleriana</i>	UP/Ruin Canyon	2.0	3.2
Bottlebrush Squirreltail	<i>Elymus elymoides</i>	VNS	4	6.4
Indian Ricegrass	<i>Achnatherum hymenoides</i>	Rimrock	4	6.4
Slender Wheatgrass	<i>Elymus trachycaulus</i>	San Luis	4	6.4
Prairie junegrass	<i>Koeleria macrantha</i>	UP Sims Mesa	1	1.6
Bluestem Penstemon+	<i>Penstemon cyanocaulis</i>	UP	0.2	0.32
Northern (Utah) Sweetvetch	<i>Hedysarum boreale</i>	VNS	1	1.6
Lewis Flax	<i>Linum lewisii</i> spp. <i>lewesii</i>	Maple Grove	0.5	0.8
Showy Fleabane	<i>Erigeron speciosus</i>	UP	0.1	0.16
Showy Goldeneye++	<i>Heliomeris multiflora</i>	UP	0.05	0.08

**\*Based on 60 pure live seeds (PLS) per square foot, drill-seeded. Double this rate (120 PLS per square foot) if broadcast or hydroseeded**

**+ If volumes are not readily available substitute Rocky Mtn. Penstemon (Bandera)**

**++ If volumes are not readily available substitute VNS variety**

The seed application rate should be doubled for broadcast applications such as hydroseeding or hand broadcasting of seed (CNHP 1998).

### Seeding Methods

Seeding should be conducted no more than 24 hours following completion of final seedbed preparation (BLM 2019). For best results and success, reseeding should be done in late autumn. If seeding is completed in the late autumn it is recommended that a hydromulch is applied post-construction to stabilize the soils until seeding is completed. However, if Black Hills'

determines it is more beneficial and cost-effective to seed immediately following project construction it is recommended that hydroseeding and/or hand broadcast seeding is completed.

Due to the moderate to steep slopes of the site, the preferred seeding method would be hydroseeding or broadcast seeding at double the seeding rate. If the site is hydroseeded it is recommended that a soil amendment and erosion control mulch is applied to help with vegetation establishment such as the ProFlex System by Profile or a similar commercial product. For broadcast seeding the following two seeding methods can also be implemented to improve germination success.

- harrow with just enough soil moisture to create a rough surface, broadcast seed and re-harrow, preferably at a 90-degree angle to the first harrow; or
- hand raking and broadcast followed by re-raking at a 90-degree angle to the first raking.

These are not the only means of replanting the site. However, these methods have been observed to be effective in similar landscapes.

After two years of controlling weeds (with herbicides) and allowing the grasses to become established, woody species should be inter-seeded or hand-planted to increase the diversity and value of the reclamation plantings.

### ***Mulching***

If areas are broadcast seeded it is recommended that an application of certified weed-free straw, mulch, erosion control netting (Jute, wood excelsior, etc.), or erosion control blankets are installed within 24 hours of seeding to help protect soil from erosion and increase soil moisture content. Potential detrimental effects of mulching include the introduction of weed species and the establishment of non-native cereal grains. Use of a certified weed-free sterile wheat hybrid straw mulch would limit these effects. Straw mulch is most effective on gentle to moderate slopes and can be hand broadcast in a uniform depth across the project site of 2-3 inches. The application rate of straw mulch is approximately 2 tons per acre (NRCS 2002). If straw mulch is used it should be crimped into the soil surface. Erosion control blankets and/or netting should be used on slopes that are moderate to steep. Erosion control blankets and netting help maintain soil stability while seedlings establish. The material is often biodegradable and does not need to be removed once it has been installed.

### ***BMPs***

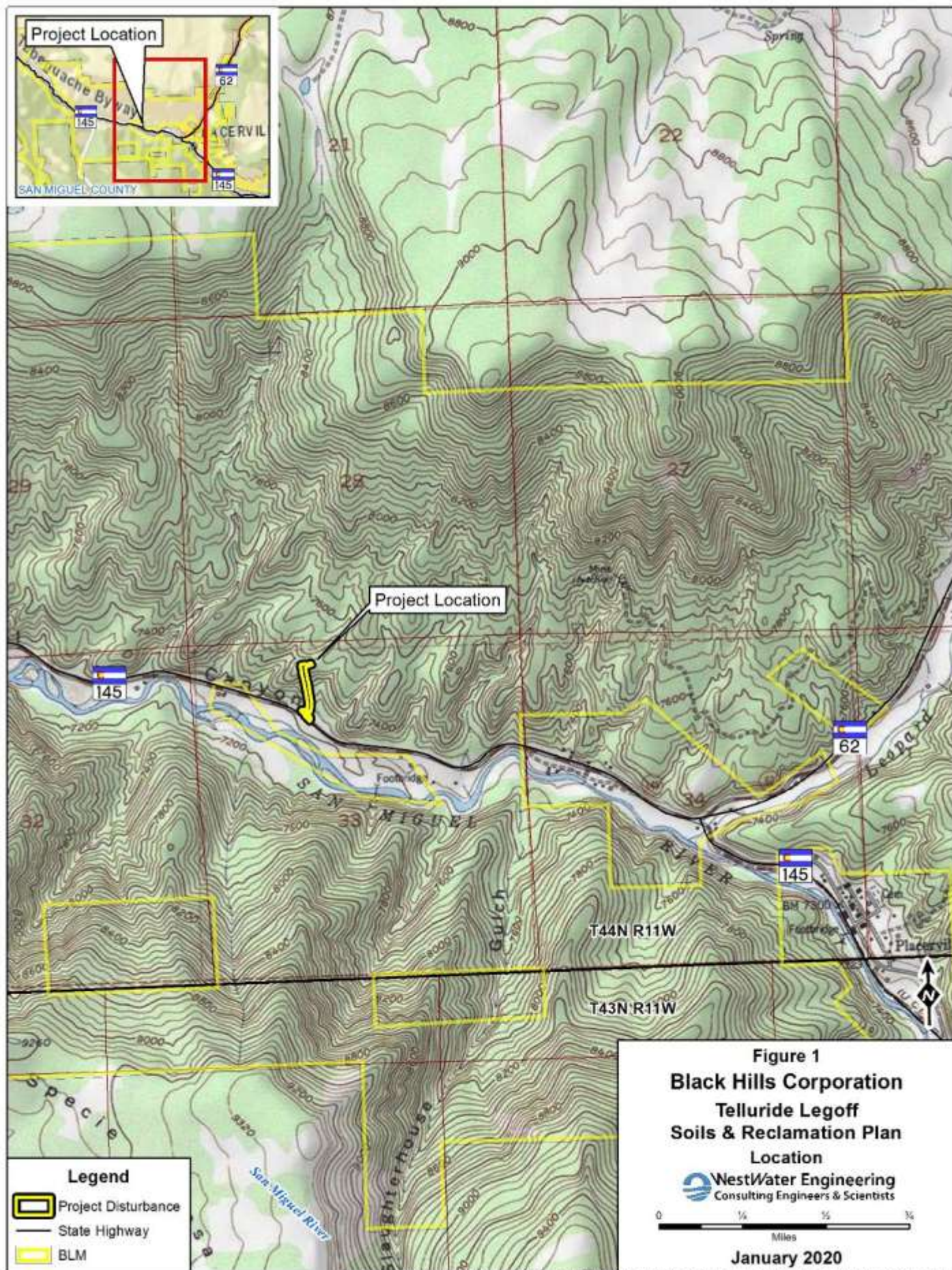
A Storm Water Management Plan (SWMP) has been prepared for this project which provides details for the appropriate Best Management Practices (BMPs) to be utilized during and post-construction activities (WestWater 2020b).

## **IV. REFERENCES**

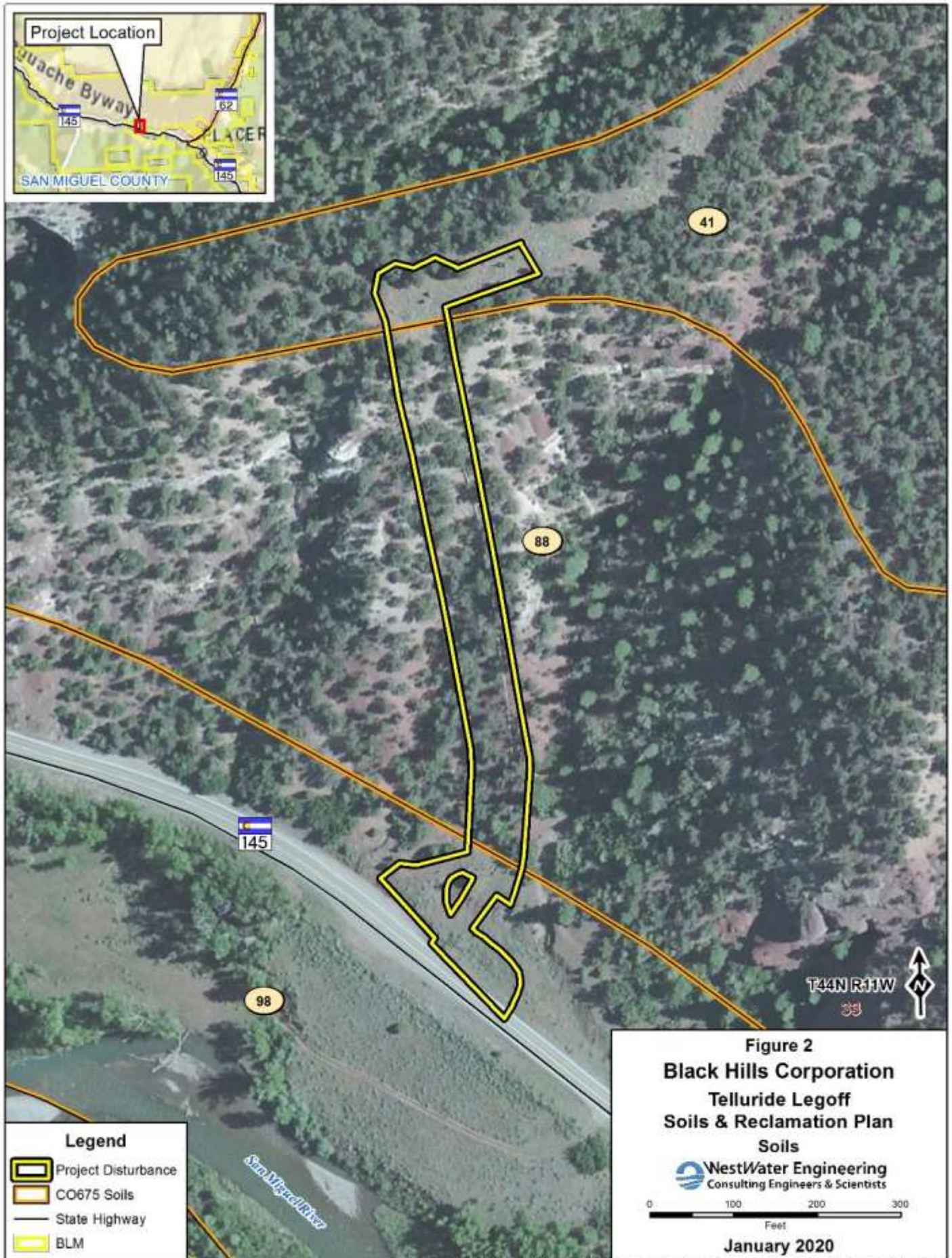
Barrow, J. R., and Bobby D. McCaslin. 1995. Role of microbes in resource management in arid ecosystems. In: Barrow, J. R., E. D. McArthur, R. E. Sosebee, and Tausch, R. J., comps. 1996. Proceedings: shrubland ecosystem dynamics in a changing environment. General Technical Report, INT-GTR-338, Ogden, Utah: U.S. Department of Agriculture, U.S. Forest Service, Intermountain Resource Station, 275 pp.

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- NRCS. 2020. Natural Resources Conservation Service Web Soil Survey. Available online: <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>
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- Perry, L.G., D.M. Blumenthal, T.A. Monaco, M.W. Paschke, and E.F. Redente. 2010. Immobilizing nitrogen to control plant invasion. *Oecologia*: 163:12-24.
- WestWater. 2020a. Telluride 6-inch Legoff Pipeline Replacement Project, Noxious Weed Management Plan. WestWater Engineering, Grand Junction, CO.
- WestWater. 2020b. Telluride 6-inch Legoff Pipeline Replacement Project, Stormwater Management Plan. WestWater Engineering, Grand Junction, CO.
- Whisenant, Steven. 2003. *Repairing Damaged Wildlands*, 4<sup>th</sup> Edition. Cambridge University Press, Cambridge, United Kingdom.

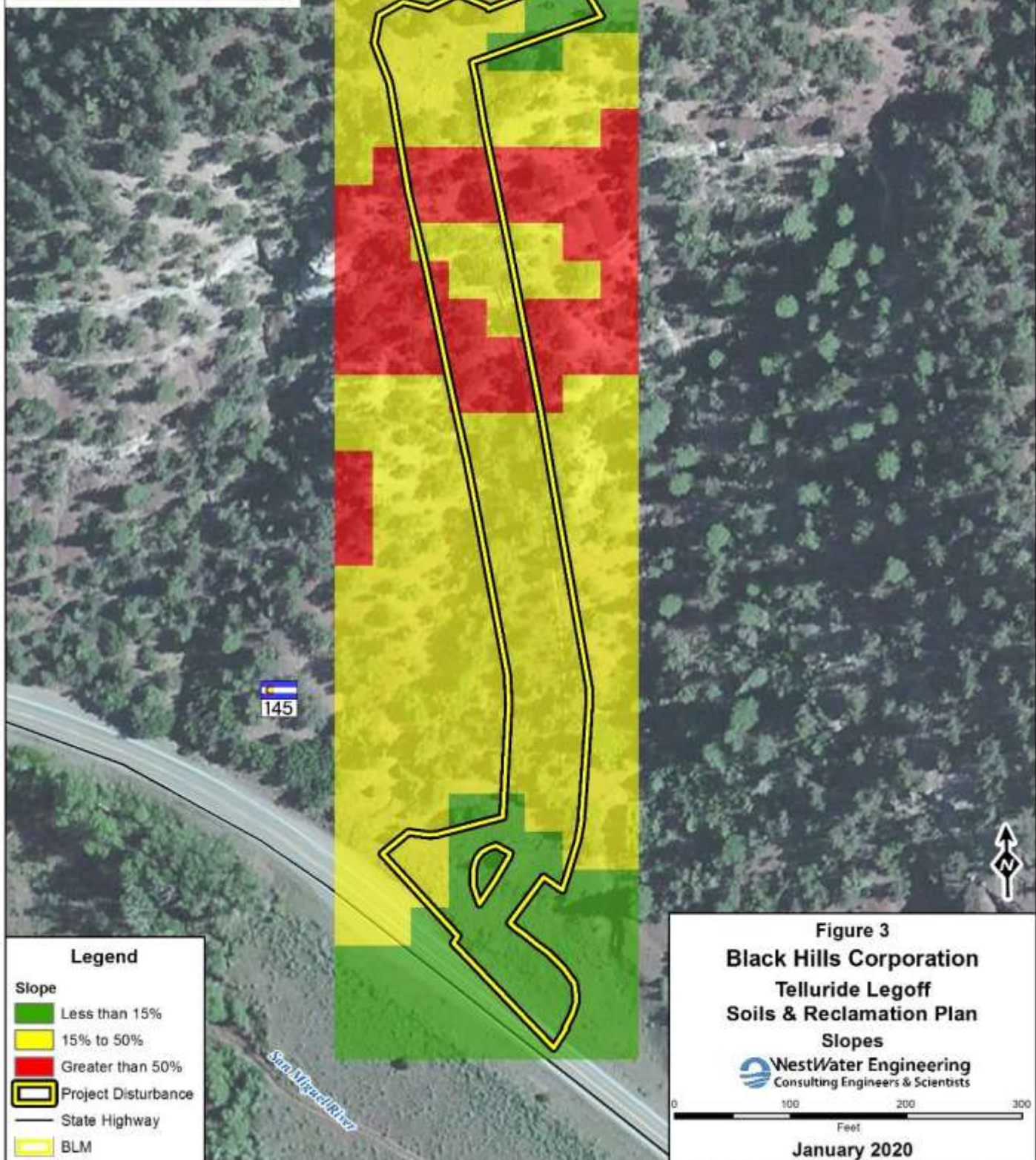












**Legend**

**Slope**

- Less than 15%
- 15% to 50%
- Greater than 50%

**Project Disturbance**

**State Highway**

**BLM**

**Figure 3**

**Black Hills Corporation**

**Telluride Legoff**

**Soils & Reclamation Plan**

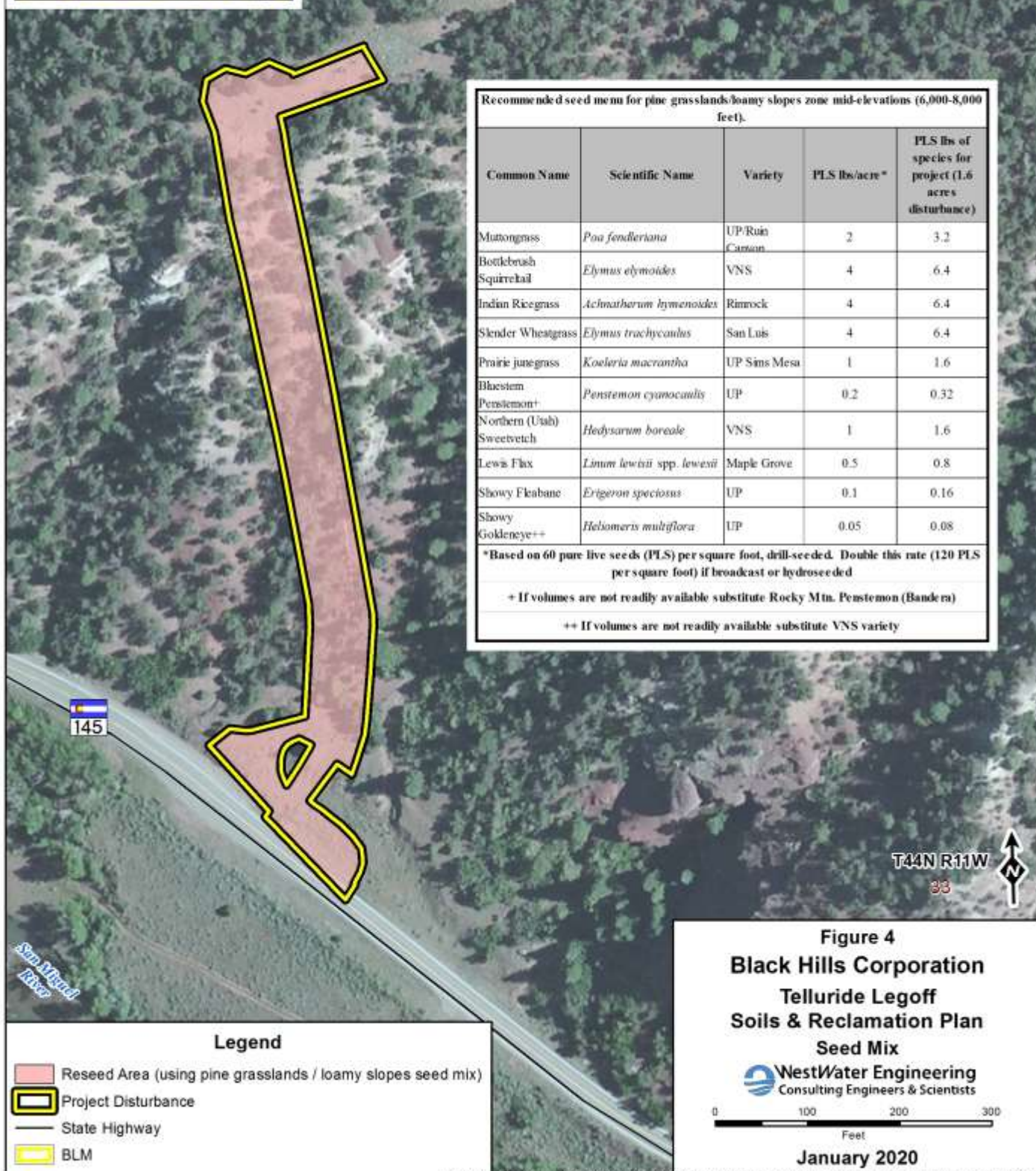
**Slopes**

**WestWater Engineering**  
Consulting Engineers & Scientists

0 100 200 300  
Feet

**January 2020**





Recommended seed menu for pine grasslands/loamy slopes zone mid-elevations (6,000-8,000 feet).

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\* Based on 60 pure live seeds (PLS) per square foot, drill-seeded. Double this rate (120 PLS per square foot) if broadcast or hydroseeded

+ If volumes are not readily available substitute Rocky Mtn. Penstemon (Bandera)

++ If volumes are not readily available substitute VNS variety



**APPLICANT'S CERTIFICATION OF COMPLIANCE WITH THE PUBLIC NOTICING  
REQUIREMENTS OF THE SAN MIGUEL COUNTY LAND USE CODE SECTION 3-9**

ROCKY MOUNTAIN NATURAL GAS LLC

d/b/a BLACK HILLS ENERGY, Applicant, or the duly designated agent(s) of Applicant, has applied to San Miguel County for approval of a land use application. Applicant recognizes that the provisions of the San Miguel County Land Use Code (LUC) Section 3-9 require public notice by First Class mail and posting of the property not less than twenty (20) days before the date scheduled for a public meeting or hearing.

Applicant or Applicant's agent(s) have examined the current tax records of San Miguel County as they appeared either in the records of the San Miguel County Assessor or under the San Miguel County Geographic Information Systems\* (GIS) mapping program no more than sixty (60) days prior to the date of the public meeting or hearing. Applicant or Applicant's agent(s) hereby certifies that: (Applicant must check all.)



Following an examination of the records in the San Miguel County Assessor or under the San Miguel County GIS\* mapping program, the Applicant has provided public notice, in compliance with LUC § 3-903C not less than twenty (20) days before the date scheduled for a public meeting or hearing, by First Class mail to every property owner and condominium unit owner within 500 feet of the perimeter of the subject property. **I hereby certify that I have attached a copy of this public notice letter and mailing list to this certification.**

AND



Not less than twenty (20) days before the date scheduled for a public meeting or hearing, I hereby certify that, in compliance with LUC § 3-903B, public notice has also been provided by posting a sign in a conspicuous place on the property that is the subject of the land use application.

I understand that San Miguel County requires completion and delivery of this Certification of Compliance to the San Miguel County Planning Department at least ten (10) days prior to the initial public meeting or hearing on a land use application. I further understand that failure to submit the required Certification of Compliance to the County Planning Department at least ten (10) days prior to the initial public meeting on a land use application will result in the public meeting or hearing being rescheduled to a later date.

\_\_\_\_\_  
Name

\_\_\_\_\_  
(Insert Applicant's name if executed by agent)

PART OF SECTION 3, TOWNSHIP 45 NORTH, RANGE 12 WEST, NMPM  
Physical location of Property and/or legal description

BLACK HILLS ENERGY  
7001 MT RUSHMORE RD., RAPID CITY, SD 57702  
Mailing Address (if different from above)

Date: 3-1-2021

Signature: [Signature]

[text/luc/certification.property.owner]

DAVID C. GREMEL, SENIOR RIGHT OF WAY AGENT for BLACK HILLS ENERGY

\* GIS data may not accurately or completely reflect owners in multi-unit, multi-floor buildings in San Miguel County. In such instance, the applicant must examine the Assessor's information in addition to the GIS data in order to provide the required public notice.



February 23, 2021

NOTICE TO PROPERTY OWNERS:

The San Miguel County Board of County Commissioners has been asked to consider an application submitted by Linda Straface on behalf of Black Hills Energy, and the owner of Parcel Number 452503400002, an approximately 500 acre parcel zoned Forestry, Agricultural and Open (F) located on CR X48 just east of Colorado State HWY 145 to replace the existing transmission Telluride 6-inch Pipeline within County Road X48 and described private property.

A public hearing on the above application will be held by the San Miguel County Planning Commission on Wednesday, March 17, 2021 at 10:00AM. This hearing will be held online due to the COVID-19 virus. To provide comment or ask questions regarding the proposal, please join the meeting at <https://zoom.us/join>, Meeting Id # 534.180.495, Password 014764, audio 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Written comments may not receive complete consideration if not received by **March 8, 2021**. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435, or email to [planning@sanmiguelcountyco.gov](mailto:planning@sanmiguelcountyco.gov)

The hearing on this proposal is not limited to those receiving copies of this notice. If you know of any neighbor or potentially affected property owner who, for any reason, has not received a copy of this notice, it would be appreciated if you would inform them of this public meeting.

Respectfully,

*Linda Straface*

---

Linda Straface, on behalf of Black Hills Energy

NAME1	NAME2	ADDRESS1	ADDRESS2	CITY	STATE	ZIPCODE
ATWOOD JASON AND CAMERON AND HEATHER	MCKIE AND STUTLER KIRK AND KIP AND KASEY		13298 MARINE DR	MONTROS E	CO	81401
MILLER NORMAN E		C O INTERSTATE BATTERIES	12770 MERIT DRIVE STE 300	DALLAS	TX	75251
UNITED STATES OF AMERICA BLM	BUREAU OF LAND MANAGEMENT		2465 S. Townsend Ave.	Montrose	CO	81401
USFS			P.O. Box 388	Norwood	CO	81423

Legal Notices

**PUBLIC HEARING**  
PLEASE TAKE NOTICE THAT pursuant to Colorado Revised Statute 44-10-303(3)(a), a public hearing before the **Town of Norwood Local Licensing Authority, Board of Trustees**, will be held on Wednesday, March 03, 2021 at 7:00 pm at Norwood Town Hall, 1670 Naturita St, Norwood, Colorado to consider an application by **Alpine Wellness, LLC** doing business as **Alpine Wellness** for a new Retail Marijuana Store License for use at 1630 Grand Ave, Norwood, Colorado. Application information available by calling 970- 327-4288 and Zoom call in information can be found online at norwoodtown.com.

The Farmers' Water Development Company (FWDC) has received written request to replace a lost, destroyed or wrongfully taken share certificate #969 currently issued in the name Ilona Bernice Oliver. Unless written notice of objection to the issuance of a replacement share certificate is filed with FWDC, PO Box 10, Norwood, CO 81423 within 30 days of the last date of publication in the Norwood Post, a replacement share certificate will be issued to the shareholder and the original share certificate will be permanently cancelled on the records of FWDC.

NORWOOD WATER COMMISSION  
RATE RAISE

The Norwood Water Commission will be taking public comment on the consideration of a rate increase at their regular meeting on March 9th, 2021 at 7:00PM of \$1 on the Monthly Minimum and \$1 on the Right To Serve fee.

PUBLIC NOTICE AND NOTICE OF PUBLIC HEARING

The Telluride Foundation for the Rural Homes Project will submit an application to the Colorado Division of Housing (DOH). The purpose of this application is to request \$500,000 to develop approx. 15 homes for purchase at 7th Avenue and Grape Street, Nucla CO. The request of funding from DOH is to benefit persons with low and moderate incomes by increasing the availability of affordable housing in Nucla, CO. The proposed development is planned for on vacant land, therefore no residents will be displaced.

All interested persons are encouraged to contact the applicant for further information. Written comments should be sent to Telluride Foundation P.O. Box 4222, Telluride CO 81435 or by email to elaine@telluridefoundation.org. All comments received will be forwarded to DOH for consideration during the application process.

A public hearing will be held at the Nucla First Park Community Center, 1045 Main Street, March 4th starting at 5:30 p.m. to obtain citizen views and to respond to questions about this application and project. If reasonable accommodations are needed for persons attending the public meeting, please contact the Applicant.

Members of the public may request additional public meetings which can be arranged via a request with the Applicant. Applicant will post notice of all public meetings to ensure other members of the public are aware of meeting.

please call the assessor's office at 970-728-3174.

**DISABLED VETERAN EXEMPTION:**  
Basic Qualifications – Generally, each of the following statements must be true to qualify:

- The applicant must be a veteran who sustained a service-connected disability while serving on active duty in the Armed Forces of the United States. This includes members of the National Guard and Reserves who sustained injuries while serving on active duty;
- The applicant must have been honorably-discharged;
- The federal Department of Veterans Affairs has rated the applicant's service-connected disability as a one hundred percent permanent disability through disability retirement benefits pursuant to a law or regulation administered by the department, the U.S. Department of Homeland Security, or the Department of the Army, Navy, or Air Force.
- The applicant must be the owner of record and must have been the owner of record since January 1 of the current year; and
- The applicant must have occupied the property as his/her primary residence since January 1 of the current year.
- In many cases, an eligible surviving spouse of a previously qualified disabled veteran may continue to receive the exemption by submitting a disabled veteran surviving spouse form to the assessor's office.

Exceptions to Basic Qualifications – The applicant may still qualify if one or more of the following statements are true:

- Ownership is in the spouse's name, and the spouse also occupies the property;
- Ownership has been transferred to or purchased by a trust, corporate partnership or other legal entity solely for estate planning purposes;
- The qualifying disabled veteran or his/her spouse was or is confined to a health care facility.
- The applicant was forced to move when the prior residence was condemned in an eminent domain proceeding.
- The applicant is the surviving spouse of a previously qualified veteran who met the requirements through the Colorado Division of Veterans Affairs.

How to Apply - To apply, you must file a completed application with the Colorado Division of Veterans Affairs by July 1. The Division of Veterans Affairs may accept late applications until August 2 if the applicant can show good cause for missing the July 1 deadline. The surviving spouse of a prequalified veteran must apply directly to the assessor's office no later than July 1. If you would like to receive an application form or a brochure that explains the disabled veteran exemption in greater detail, or if you have any questions regarding the exemption, please call the assessor's office at 970-728-3174.

PUBLIC HEARING NOTICE

The San Miguel County Board of County Commissioners has been asked to consider an application submitted by Linda Straface on behalf of Black Hills Energy, and the owner of Parcel Number 452503400002, an approximately 500 acre parcel zoned Forestry, Agricultural and Open (F) located on CR X48 just east of Colorado State HWY 145 to replace the existing transmission Telluride 6-inch Pipeline within County Road X48 and described private property. Public utility structures, including dams and reservoirs are subject to Two-step Review, i.e. review and recommendation at a Public Meeting by the Planning Commission (CPC) and review and action at a public meeting by Board of County Commissioners (BOCC). This Public Hearing is the final step of a Two-step Planning Commission and Board of County Commissioner Review pursuant to Land Use Code Sections 5-307 F.V., 5-709, and 5-10. A Public Hearing on the above proposal will be held by the San Miguel County Planning Commission on Thursday, March 17, 2021 at 10:00 AM. This meeting will be held online due to the COVID-19 virus. To provide comment or ask questions regarding the proposed application(s), please join the meeting at https://zoom.us/join, Meeting ID: 534.180.495, Password: 014764; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply). Please call the Planning Department at 970-728-3083 for more information on the application. A complete text of this proposal may be viewed at https://societyturn.info/

Written comments may not receive full consideration if not received by March 8, 2021. Send comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or planning@sanmiguelcountycogov

SAN MIGUEL COUNTY  
2020 EMPLOYEE COMPENSATION

*Includes all Full-time, Part-time, and Temporary Employees. Includes all OT, Housing Allowance, Clothing Allowance, Firearm Allowance, Tool Allowance, Deferred Compensation Match, On-Call Pay, and Termination Pay*

Corrections Deputy	67,688.68	COVID-19 Public Health Educator	10,476.75
Election Judge	1,184.00	Election Judge	180.00
Sr Admin Asst	7,217.22	Public Information Officer	49,904.74
Deputy Sheriff	21,961.43	Corrections Deputy	60,981.16
Equipment Operator	51,860.57	COVID-19 Vaccine Asst	356.31
COVID-19 Contact Tracer	209.25	Deputy Sheriff	81,792.06
Vegetation Control Tech	8,601.22	County Attorney	154,200.08
IT Support Tech	58,729.54	Appraisal Supervisor	95,258.86
COVID-19 Contact Tracing Supervisor	22,958.60	Corrections Deputy	7,527.69
Deputy Sheriff	55,921.25	Deputy Sheriff	89,555.71
Sr Sheriff's Asst	74,575.91	Sheriff	114,651.88
Election Judge	184.00	Equipment Operator	52,680.30
Undersheriff	157,520.78	Corrections Deputy	60,935.50
Case Manager - Social Services	87,266.98	Corrections Deputy	69,021.02
Corrections Deputy	65,796.93	Election Judge	1,832.00
County Administrator	90,149.70	Emergency Manager	72,833.71
Corrections Deputy	11,314.93	Election Judge	768.00
County Manager	168,577.23	Sr Permit Technician	58,989.98
Veterans Officer	11,100.00	Sr Equipment Operator	78,212.51
Election Judge	2,436.00	Deputy Sheriff	75,785.84
Deputy Coroner	1,529.50	Corrections Deputy	1,140.00
COVID-19 Contact Tracer	486.00	COVID-19 Contact Tracer	2,366.00
COVID-19 Public Health Educator	6,201.09	Deputy Sheriff	28,618.00
Deputy Clerk	54,962.13	Chief Deputy Assessor	62,571.60
COVID-19 Contact Tracer	3,072.16	Equipment Operator	16,151.98
Election Judge	664.00	Parks & Open Space - Seasonal	11,734.89
Fairgrounds Coordinator	57,262.66	Data Collector	44,123.61
Maintenance Worker/Carpenter	55,152.30	Deputy Clerk	46,718.92
Admin Asst - Temporary	18,394.65	Election Judge	392.00
COVID-19 Contact Tracer	892.50	Election Judge	668.00
Election Judge	704.00	Behavioral Health Clinician	10,085.76
Front Office Coord	37,369.34	COVID-19 Contact Tracer	116.75
Commissioner	79,611.00	COVID-19 Contact Tracer	418.75
Operations Sergeant	120,101.84	Govt Affairs & NR Director	101,063.65
Civil Processor	85,749.13	Corrections Sergeant	108,141.09
COVID-19 Contact Tracer	3,474.24	Election Judge	464.00
Juvenile Services Officer	77,224.45	COVID-19 Contact Tracer	2,822.85
EM Coord/Chief Admin Officer	118,301.85	Corrections Corporal	79,124.38
Corrections Corporal	83,432.20	Corrections Deputy	54,868.28
Deputy Sheriff	81,861.44	Election Judge	2,027.00
Deputy Treasurer - Temporary	1,289.80	COVID-19 Contact Tracer	1,974.00
COVID-19 Contact Tracer	15,169.08	Deputy Sheriff SAR Specialist II	119,368.25
Corrections Deputy	1,263.75	Mechanic & Light Equipment Operatr	9,364.00
Plant Technician - Seasonal	4,624.03	R&B Director	103,587.62
Staff Accountant	53,200.80	Equipment Operator	10,714.00
Deputy Assessor	46,100.42	Corrections Deputy	49,012.49
Equipment Operator	49,890.52	Case Manager - Juvenile Services	14,942.10
Maintenance - Seasonal	4,519.04	COVID-19 Vaccine Admin	243.00
Surveyor	4,554.00	Equipment Operator	53,276.12
Part-Time/Sheriff	8,160.00	Planning Director	30,084.40
Part-Time/Clerk	11,525.16	Election Judge	1,440.80
Public Health Director	81,152.84	Finance/HR Director	106,728.01
Social Services Director	117,196.84	Corrections Deputy	3,000.00
Election Judge	520.00	Coroner	48,150.72
Operations Sergeant	155,277.73	Equipment Operator	49,458.49
COVID-19 Contact Tracer	2,484.00	Data Collector	44,907.99
COVID-19 Contact Tracer	243.88	Corrections Deputy	33,688.92
R&B District Supervisor	101,431.65	Deputy Clerk	33,455.84
Staff Accountant	52,883.63	Sr Admin Asst	63,542.91
Systems Analyst	67,737.50	COVID-19 Contact Tracer	1,014.78
Property Appraiser	55,279.62	Case Manager - Social Services	38,820.82
Site Inspector	61,847.61	Planning Director	120,138.37
Corrections Deputy	10,973.04	COVID-19 Vaccine Asst	168.53
Chief Deputy Clerk	87,010.97	Behavioral Health Clinician	69,547.60
Corrections Deputy	61,986.01	Election Judge	136.00
PTWO Participant	122.10	Environmental Health Specialist	74,382.44
Corrections Corporal	83,130.63	Equipment Operator	17,018.00
COVID-19 Contact Tracer	725.00	Mechanic	58,574.16
Parks & Open Space - Seasonal	12,495.32	Equipment Operator	57,142.16
Park Supervisor	69,124.04	Deputy Sheriff	52,573.69
Senior Planner	63,413.68	Deputy Sheriff	64,146.92
R&B District Supervisor	77,307.29	Maintenance Tech	45,848.81
Equipment Operator	48,564.06	Equipment Operator	27,788.61
Corrections Deputy	30,693.63	Deputy Coroner	3,095.00
Deputy Sheriff	5,374.96	Treasurer	98,275.37
Grant Coordinator	14,220.00	Sr Sheriff's Asst	50,567.49
Chief Deputy Treasurer	65,614.60	Equipment Operator	54,654.19
R&B District Supervisor	81,291.98	Mechanic & Light Equipment Operatr	32,229.35
Corrections Sergeant	103,770.15	Deputy Clerk	43,330.35
Corrections Deputy	63,930.45	COVID-19 Vaccine Asst	144.45
Extension Director	5,000.00	Election Judge	484.00
Building Official	38,301.14	Case Manager - Juvenile Services	66,729.66
Equipment Operator	26,286.48	HR Manager	50,213.86
Election Judge	2,868.00	R&B Admin Secretary	24,710.09
COVID-19 Contact Tracer	427.00	Election Judge	1,496.00
Commissioner	79,234.20	Parks & Open Space - Seasonal	8,628.69
GIS Mapper	54,517.60	Election Judge	96.00
Corrections Deputy	10,406.16	Clerk	83,887.29
HR Director	27,595.75	Health Educator	47,917.99
Legal Assistant	57,256.01	Case Manager - Social Services	75,543.47
Sr Planner	87,888.76	Election Judge	1,027.20
COVID-19 Vaccine Reg Coord	1,323.00	Case Manager - Social Services	55,471.92
COVID-19 Contact Tracer	1,363.50	Deputy Sheriff	4,311.38
Election Judge	2,768.00	Chief Deputy - BOCC	74,227.44
Corrections Deputy	13,543.91	Commissioner	84,478.29
Deputy Clerk	42,591.22	Sr Admin Asst	62,933.23
Election Judge	184.00	Equipment Operator	49,883.43
Assessor	85,099.95	Operations Sergeant	143,536.00
Parks & Open Space Director	91,557.86	Property Appraiser	18,781.22
Election Judge	976.00	Deputy Sheriff SAR Specialist I	99,196.77
LEAP Outreach Coordinator	127.56	COVID-19 Contact Tracer	793.80
COVID-19 Testing Admin	1,471.50	GIS Coordinator	68,296.09
Corrections Deputy	1,740.00	Deputy Sheriff	54,000.30
Election Judge	695.75	Election Judge	2,312.00
COVID-19 Contact Tracer	3,449.79	Deputy Clerk	46,344.88
IT Director	86,293.54	Corrections Corporal	90,855.78
Emergency Responder	1,206.25	COVID-19 Contact Tracer	3,737.07
Election Judge	516.00		
Deputy Treasurer	48,462.99	<b>TOTAL</b>	<b>\$9,016,944.64</b>

*Full-time employees receive additional compensation in the form of fringe benefits paid by San Miguel County. These include social security, medicare, retirement, health, dental, vision, life, and disability insurance. The county average for such benefits was 34.79% for the year of 2020.*

# Testing

TESTING, from page 3

Nasal Swab PCR Test with San Miguel County Public Health mobile testing

- Thursday, Feb. 25 at the Norwood Fairgrounds from 10 a.m. to 3 p.m. — Nasal Swab PCR Test with CDPHE testing
- Friday, Feb. 26 at Telluride Airport from 2 to 5 p.m. — Nasal Swab PCR Test with CDPHE testing

The regular weekly testing schedule includes drive-through clinics in Lawson Hill on Monday and Tuesday, and mobile testing clinics on Tuesdays in Norwood and Wednesdays in Telluride and Mountain Village. Registration links for all testing opportunities, as a well as the weekly schedules, can be found on the county COVID-19 dashboard at bit.ly/smcphtesting.

# Dogs

DOGS, from page 3

ney Dan Rubinstein said. “Use of facility dogs at trials to comfort victims has been growing over the years, and the legislature's stamp of approval last legislative session by enacting a statute favoring their use has been a great victory for victims in Colorado.”

The Colorado General Assembly enacted a statute in 2019 allowing the use of court facility dogs. The appellate court said this was the first contention within the state that argued the dogs violated the defendant's confrontation rights.

Rubinstein called the animals “valuable tools” and said the dogs help witnesses calmly recount the facts of the case and enhance the truth-seeking function of the trial process.

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HOROSCOPE
By SALLY BROMPTON
www.sallybrompton.com

BIRTHDAY WEDNESDAY:
Don't endure life, enjoy it. That, in a nut-shell, is the challenge you must set yourself this year and if you can find reasons to smile in even trying situations the universe will reward you in numerous ways.

ARIES (March 21 - April 20):
No one expects you to know how to do everything, so why expect it of yourself? If there is something you are not sure how to deal with today get a friend to help you.

TAURUS (April 21 - May 21):
There is a line between taking a risk you know you can control and throwing yourself into a situation where anything might happen. If you are too cautious today you could miss a great opportunity, but if you are reckless you might regret it.

GEMINI (May 22 - June 21):
Tackle one task at a time over the next 24 hours and don't worry too much if you don't seem to get much done. What you put in place today will be the foundation for better progress tomorrow.

CANCER (June 22 - July 23):
Others seem to believe you rely more on feeling than intellect, and to an extent that is true. You are so attuned to their emotions that you automatically know what they are up to.

LEO (July 24 - Aug. 23):
You may have to do something you don't enjoy today but the good news is if you knuckle down and make a good job of it you will soon be able to move on to more enjoyable things.

VIRGO (Aug. 24 - Sept. 23):
Try not to focus on anything too serious over the next 24 hours. Save your energy for dealing with the full moon in your sign at the weekend, because that's when what you say and do will have the most widespread effects.

LIBRA (Sept. 24 - Oct. 23):
Even if you have something hugely interesting lined up for today you may have to postpone it, because duty calls and you must answer. In the greater scheme of things doing right by other people is more important than taking a break or vacation.

SCORPIO (Oct. 24 - Nov. 22):
There is no point trying to hide your feelings because those who know you well can see something is wrong. You don't have to be

ashamed of your emotions, of course, but you do have to make sure you control them rather than the other way round.

SAGITTARIUS (Nov. 23 - Dec. 21):
The approaching full moon will bring changes in your social situation and in your professional standing, but will they be changes for the better or changes for the worse? That depends on your outlook.

CAPRICORN (Dec. 22 - Jan. 20):
You can take the view that a minor success is really a major triumph, or you can take the view that a major triumph is nothing more than a minor success.

AQUARIUS (Jan. 21 - Feb. 19):
If you have been struggling to find a solution to a problem that changes from day to day it may be the case that the universe is hinting that you give up on it.

PISCES (Feb. 20 - Mar. 20):
You may think you have cause for complaint about something today but if you are smart you will bite your tongue, count to ten and say nothing at all.

Legal Notices

TOWN OF MOUNTAIN VILLAGE NOTICE
Notice is hereby given that the following Ordinance passed on the first reading at the Town of Mountain Village Town Council meeting held February 18, 2021. The second reading, public hearing and final Council vote will take place on Thursday, March 18, 2021 at 8:30 a.m., in a virtual Zoom meeting to be posted in Mountain Village.

PUBLIC HEARING NOTICE
The San Miguel County Board of County Commissioners has been asked to consider an application submitted by Linda Straface on behalf of Black Hills Energy, and the owner of Parcel Number 452503400002, an approximately 500 acre parcel zoned Forestry, Agricultural and Open (F) located on CR X48 just east of Colorado State HWY 145 to replace the existing transmission Telluride 6-inch Pipeline within County Road X48 and described private property.

PUBLIC HEARING NOTICE
The San Miguel County Planning Commission has been asked to consider an application submitted by Thomas G. Kennedy, Attorney on behalf of Genesee Properties, Inc. for a Land Use Code Amendment to add a new Mixed-Use Development Zone District and for a Sketch Plan Subdivision and Planned Unit Development (PUD) for the "Society Turn Parcel" a 20 acre property parcel three miles west of the Town of Telluride on Highway 145 located southwest of the Society Turn Roundabout.

This Public Hearing is the first step of a Two-step Planning Commission and Board of County Commissioner Review pursuant to Land Use Code Sections 5-1802, 3-601 C and 3-702 A.

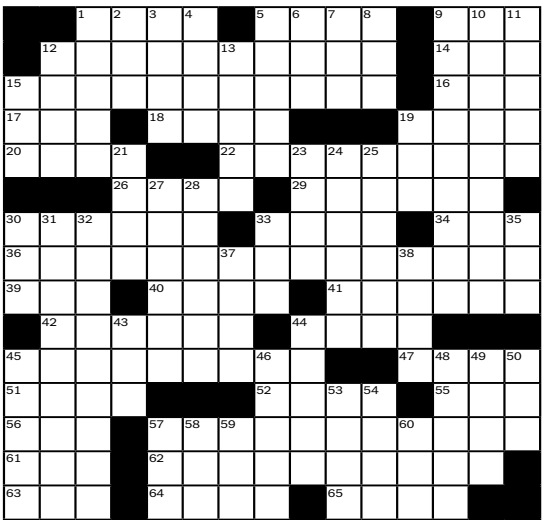
A Public Hearing on the above proposal was continued from February 11, 2021 and will be held by the San Miguel County Planning Commission on Thursday, March 11, 2021 at 10:45 AM. This meeting will be held online due to the COVID-19 virus. To provide comment or ask questions regarding the proposed application(s), please join the meeting at https://zoom.us/join.

Written comments of more than one page may not receive full consideration if not received by March 1, 2021. Send comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or planning@sanmiguelcountycoco.gov.

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NEW YORK TIMES CROSSWORD

- ACROSS
1 "God is the perfect \_\_\_\_": Robert Browning
5 Hormel product
9 "Avatar" f/x, e.g.
12 Subjects of some insurance company reports
14 An oil, maybe
15 Sharing thoughts like a Vulcan [Detroit, Fargo]
16 Brillo rival
17 Wise alternative
18 What the nose knows
19 Little matter
20 "Iron Lady" of Israeli politics
22 Classic of daytime TV first aired in 1962 [Atlanta, Bangor]
26 Germany's von Bismarck
29 \_\_\_ Belt (part of a constellation)
30 Certain ant



PUZZLE BY NATAN LAST, ANDY KRAVIS AND THE J.A.S.A. CROSSWORD CLASS

- DOWN
1 Kind of scheme
2 Bygone
3 Muppet who once helped Emeril on "Emeril Live"
4 One up, for example
5 Libya's Gulf of \_\_\_
6 Taro dish
7 She's a doll
8 Only ingredient in Accent, in brief
9 They might click on a dance floor
10 Some bachelor party attendees
11 Self proclamation?
12 Mention
13 It helps you see details
15 Shh ... it's the word!
19 Way back when
21 Digital media player since 2008

ANSWER TO PREVIOUS PUZZLE
CALL THE SHOTS
MUSEUM EXHIBIT
LET IT GO ALREADY
GARETH BRIO MER
APRS AKIMBO APE
GUITA LEELE MASON
SPA FLEE RUDE
MERYL TRAMP
SAWV SEEP PBS
AREEL SCRAPBOOK
RIB UNPAIR URSI
AGS GILL EASTON
NATIONAL ANTHEM
ATEASE SOLDIER
CORNISH PASTY

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**SAN MIGUEL COUNTY PLANNING COMMISSION  
MINUTES – REGULAR MEETING**

**February 11, 2021**

**On-line Meeting**

Present: Lee Taylor, Chair  
Pamela Hall, Vice-chair  
M.J. Schillaci, Secretary  
Ian Bald, Member  
Josselin Lifton-Zoline, Member  
Matthew Bayma, Sr. Alternate  
Tobin Brown, Jr. Alternate

Planning Staff Present: Kaye Simonson, Planning Director  
John Huebner, Senior Planner  
Troy Hangen, Senior Planner

County Staff Present: Ryan Righetti, SMC Roads Superintendent  
Nancy Hrupcin, Legal Assistant, County Attorney's Office

9:00 a.m. Chair called the meeting to order.

**APPROVAL OF MINUTES**

**MOTION** by Pamela Hall to approve the January 13, 2021 minutes as presented.  
**SECONDED** by Mary Jo Schillaci. **VOTE PASSED 5-0.**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	Aye	Nay	Abstain	Absent
Tobin Brown	Aye	Nay	Abstain	Absent

**BLACK HILLS ENERGY SPECIAL USE PERMIT:** Review and Recommendation for Black Hills Energy Public Utility Special Use Permit for a new natural gas distribution line off State Highway 145 via CR 48X on a 500 acre private parcel (PIN#452503400002) located in the Forestry, Agricultural and Open (F) Zone District, San Miguel County, CO

Those who addressed the commission:

Linda Straface Black Hills Energy/Rocky Mountain Natural Gas Project Manager  
Ryan Righetti, SMC Road & Bridge Superintendent  
Dave Gremel, Project Management Team right-of-way agent  
Kaye Simonson, Planning Director  
Troy Hangen, Senior Planner



Troy Hangen, Senior Planner, presented the Telluride Legoff #2 Project application submitted by Black Hills Energy, Rocky Mountain Natural Gas, for Special Use Permit for a new natural gas distribution line, which is a maintenance replacement of existing pipeline, with the legoff portion removed, a portion abandoned in place, and new gas distribution rerouted through the property owned by Jason Atwood. The existing pipe that was placed on top of the land in 1987 being above ground and exposed to the changing elements has become a danger to public welfare and safety. The scope of the project is to replace an existing above-grade segment of pipeline with a new buried segment. The majority of the new pipeline will be buried within the ROW of CR X48. This addresses safety concerns from burying a new pipeline segment on steep topography. After completing the new pipeline, the exposed section will be removed and the buried section of pipe on the southwest part of the parcel will be retired and abandoned in place.

Concerns were expressed by the Planning Commission regarding the proposed closure of CR X48 road closure during the project and notification of residents, lessees, and the public of the closures. It was suggested to require additional signage posted at Hwy 145 & Hwy 62 within CDOT's right-of-way. The project's right-of-way team will identify land ownership and grazing tenants that might be affected and notify them by US Mail. In addition, the commission asked that advance notice of the road closures be published in the local newspaper(s). It was mitigated with the applicant that the road would be closed Monday-Friday, but open weekends with signage that notes the contact information for a project supervisor who will be available to open the road on both ends of the project. The portion of the road utilized for project construction will be the only portion of CR X48 to be closed.

Linda Straface, Project Manager, stated this project is part of Rocky Mountain Natural Gas System Safety Integrity Rider (SSIR) and she reported working with the Public Utilities Commission to make sure the project is on track and meets expectations. The project will be highly regulated. She addressed the work schedule and proposed road closures. She stated owner Jason Atwood has authorized use of his property and has no issues with the project. She said she reviewed all recommendations with her team and can work with them. She responded to Josselin Lifton-Zoline's question concerning abandoning some pipe in the ground. She cited the primary reason is cost, and that it is a common procedure to not disturb the soil to remove abandoned pipe.

**MOTION** by MJ Schillaci to recommend to the Board of County Commissioners to approve the Telluride Legoff #2 6-inch Legoff Pipeline Replacement Project Special Use Permit to allow Rocky Mountain Natural Gas LLC (RMNG), doing business as (dba) Black Hills Energy (BHE), to conduct a maintenance replacement along the existing transmission Telluride 6-inch Pipeline within County Road X48 and private property approximately 10 miles northwest of Placerville, CO, based on the finding that the uses as proposed in the application are consistent with and comply with the review standards in 5-307 F.V. Uses Allowed Subject to Two-step Special Use Permit Review, 5-709 – Public Utility Structures and Electricity Transmission and Distribution Lines, and 5-10: special Uses, and the County Master Plan, *with the following conditions as stated in the project report, with the changes agreed upon shown as a ~~strike through~~ or in bold italics.*

1. The Special Use Permit is issued to the Applicant, Rocky Mountain Gas LLC (dba) Black Hills Energy and runs with the land.
2. The applicant is required to work with San Miguel County Vegetation Management pertaining to existing noxious weed elimination and future revegetation and weed management.
3. ~~Every attempt shall be made to leave the road passable at the completion of work each day. Understanding that this may pose challenges, the applicant shall have in place a plan to make the road passable upon notice that access is needed so that a time can be scheduled before the proposed weekend opening.~~
4. The applicant should make efforts to contact or notify any potential property owner, lease holder or rancher that uses or needs access to public or private property or infrastructure during the spring months when alternative access is not available from the eastern side of the mesa **and place ads in local newspapers with closure notices.**
5. The applicant shall post signs on each end of the project, **with additional signs at the end of 62 and 145 to provide advance notice of closures that** has on it the contact information for the project supervisor or manager so access can be scheduled or planned during times when alternative access is restricted.
6. The applicant will be required to obtain a Road and Bridge permit for the authorization of work and activities within the County Road Right-of-Way.
7. The distribution line will need to be placed at least 48” below the borrow ditch grade anywhere within the County Road or Right-of-Way.
8. The gas line must be placed under all existing culverts, regardless of depth in the County Road.
9. Any permanent structures must be placed as far off the roadway as possible near the Right-of-Way line and must be properly marked to prevent damage.
10. No material, equipment, vehicle staging or storage will be authorized within the County Road or Right-of-Way.
11. All written representation of the applicant in the original submittal and all supplements, letters and emails are deemed to be conditions of approval, except to the extent modified by this Motion.
12. **Investigate adding conduit under the County’s Dig Once policy.**

13. *The Planning and Zoning Commission gives direction to staff to collect information on efforts to contact potential property owners and leaseholders and to recommend closures to the BOCC.*

**SECONDED** By Josselin Lifton-Zoline. **VOTE PASSED 5-0**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	Aye	Nay	Abstain	Absent
Tobin Brown	Aye	Nay	Abstain	Absent

10:03 Planning Commission Break.

10:11 Reconvened.

### **SOCIETY TURN DEVELOPMENT PLAN:**

#### **A. PUBLIC HEARING FOR A SKETCH PLANNED UNIT DEVELOPMENT (PUD) AND SUBDIVISION PLAN**

PUD/Subdivision Sketch Plan for a mixed-use development (including commercial, medical, lodging, utility, open space, trails and transportation, and associated residential employee housing) on the “Society Turn Parcel,” a 20 acre property parcel three miles west of the Town of Telluride on Highway 145 located southwest of the Society Turn Roundabout.

#### **B. LAND USE CODE AMENDMENT REVIEW AND RECOMMENDATION**

Creating a new Mixed-Use Development – MXD Zone District

Those who addressed the commission:

Kaye Simonson, Planning Director  
Tom Kennedy, Attorney, Applicant  
Chris Touchette, CCY Architects  
Dan Quigley, DOWL Engineering  
Alex Nees, Wetlands consultant  
Rich Bechtolt, Traffic Engineer  
Dave Bulson, Project Surveyor

Lee Taylor introduced the agenda item, the proposed mixed use development on the Society Turn Parcel. He reminded the Commission that today’s meeting is about hearing and clarifying what the applicant’s intentions are for this project. The commission’s intention is to review the proposal in terms of the public health, safety and welfare; environmental impacts; and economic development impacts in order to see if the proposal fits within the Land Use Code standards and within the Telluride Regional Area Master Plan.

He disclosed he is a resident and business owner located in Lawson Hill, but that he has no financial interests with the proposal herein and does not have a conflict of interest. Pam Hall stated she too is a resident of Lawson Hill and the Manager of the Lawson Hill Property Owners Co. as an independent contractor, has no financial interests, and said she felt she had no conflict of interest.

Tobin Brown stated for the record he sits on the SMPA Board. The Planning Commission did not register any objections regarding possible conflicts of interest for Lee, Pam or Tobin.

Kaye Simonson, Planning Director stated that the property is zoned Planned Unit Development – Reserve (PUDR), which is a temporary zoning designation used until a site-specific development plan is proposed, at which time the property would then be rezoned. The PUDR zone district does not have development standards or allowed uses.

Consideration of a Land Use Code Amendment to establish the Mixed Use Development (MXD) zone district will occur concurrently with the Sketch Plan PUD/Subdivision review process. The stated purpose of the proposed PUD plan for the Society Turn Parcel is to establish development standards and permitted uses. Rezoning the property to the MXD zone district will be considered concurrent with the Preliminary PUD subdivision application. Both the LUC Amendment and the Rezoning are two-step review processes requiring both review and recommendation from the Planning Commission, and review and final approval by the BOCC in a public hearing. Pursuant to Land Use Code Section 3-8 Consolidation of Applications, the LUC Rezoning Amendment and PUD Sketch Plan will be considered comprehensively by the decision making bodies.

This first step of this five step review process for the PUD/Subdivision Plan is the Sketch Plan. It is intended to address the general concept of the proposal. If the Sketch Plan is approved by the BOCC, following the Planning Commission review and recommendation, a more detailed application will then be submitted for the Preliminary PUD/Subdivision, the third and fourth steps of the five step process. It would then be followed by the fifth and final step, Final Plan.

On behalf of the applicant, Genesee Properties, Inc., Chris Touchette, CCY Architects and Tom Kennedy, Attorney presented a virtual site walk of the property, identifying its current uses, including the Telluride wastewater treatment plant, the Black Hills Energy yard, SMPA yard, parking, trails and wetlands. They stated it is a sunny piece of property that can support the proposed development. The Society Turn Parcel Development Plan proposes to create a number of development parcels, along with open space parcels. The applicant proposes to install the necessary infrastructure for the property after approval. Five development parcels, or planning areas, are proposed within the subdivision, including a site for the proposed new Medical Center, along with two open space/public use parcels and one parcel for wastewater treatment plant expansion. Their development team has studied the property to establish goals and objectives for a balance of public and private uses. As there is a limited amount of land available in the Telluride region, Genesee Properties, Inc. offers needed public benefits and proposes commercial and public uses that are necessary for an economically viable plan.

The allowable uses and density of the project are connected to the Town of Telluride's ability to provide water and sewer service for the project. The draft MXD zone district provides guidance relative to community needs, growth effects, transportation, facility type and associated amenities, and operational and management structure.

Touchette and Kennedy discussed access to the property and circulation of traffic and their consultation process with CDOT. They presented building a new access road and proposed onsite parking. Rich Bechtolt, traffic consultant, Bechtolt Engineering, conducted an extensive consultation process with CDOT in preparing the traffic study. He iterated their process of how they collected the



traffic data and how they analyzed and projected their calculations forward 20 years. As designed, the improvements will meet CDOT standards and take into account existing conditions and propose adequate traffic measures, site distance and separation from other intersections and driveways. Dan Quigley of DOWL Engineering presented the infrastructure proposed and responded to public comments already received including SMPA requesting access to its yard for 80-foot semi-tractor trucks at least once a week for deliveries. Many of comments received expressed concerns regarding the Last Dollar Subdivision access drive of HWY 145 and the potential issues with the new access into the proposed Society Turn Development.

Building heights and scenic quality were presented along with setbacks from the highway. A modification to county highway setback requirements is the primary PUD variance that is being requested. Otherwise, all standards of the Land Use Code will generally be met. The request is to allow building setbacks of 72 feet on the north and 30 feet on the east, as measured to the property line. Parking is proposed to be allowed within 20 feet of the property line. The development plan calls for a mixture of 1, 2 and 3 story buildings with varying roof lines, the use of brick for a historical aesthetic, surface parking, and some underground parking. The lower levels of buildings would contain commercial space and flex space. Three story buildings would have the appearance of 1-1/2 to two stories as seen from the highway. There is significant vegetation and landscaping proposed to screen the development and direct sightlines from the site to the Telluride Valley. Touchette presented visual mock ups of the landscape buffer and the continuity of the Valley Floor and how the building does not stick up into the ridgeline or obscure the box canyon.

Employee housing is the only residential use allowed in the PUD; free-market residential development is not an allowed use. The employee housing is envisioned to be located on the top floors of buildings, and would be built as required with the commercial developments. The draft MXD zone district could allow an additional 12 feet in building height to facilitate construction of a 4<sup>th</sup> floor, provided that the additional floor area be entirely dedicated to employee housing in excess of the required mitigation.

Due to the mixed-use nature of the development, the required parking for each individual use would result in excess parking than what would be needed at any given time. The project is expected to have shared surface parking on the north side, as well as subgrade parking and some on-street parking. The parking plan shows 602 parking spaces, excluding the Medical Center site. It is also planned that each building phase could have interim surface lots during development.

The site will be developed over time to ensure the Town of Telluride has water and sewer service capacity for the project. The applicant, upon recording the Final Plat, Subdivision Improvements Agreement and Development Agreement between the County and the developer, would convey the Medical Center parcel to the Telluride Hospital District; convey the wastewater treatment plant parcel to the Town, and a portion of the open space parcel south of the river to the County. Transfer of the open space parcel north of the river to the County would not occur until development of Planning Area 5. Prior to its conveyance, there would be an access easement enabling the County to use, operate and manage the area.

As the site will be developed over time, possibly by a number of developers, an Architectural Review Plan is not being submitted as part of the PUD. The draft MXD zone district allows for the deferral of the Architectural Review Plan for individual lots until such a time as applications for development permits are submitted to the county. There will be a Design Review Committee established that will

have primary responsibility for review and approval of Design elements and Guidelines and will be presented to the Commission a later time during the 5-step process.

Under Colorado Statute, vested property rights exist for a period of three (3) years from final approval of a site-specific development plan. Because of the applicant's need to phase the project, and since most of the public benefits are provided up front, the Applicant is requesting extended vesting rights for up to 25 years. Once the water and sewer infrastructure is installed, the vesting clock is proposed to start. The applicant estimates it would take 15 years to market and sell the property. Applicant would like to lock in the employee housing mitigation rate that is currently in effect, and establish the scale, height and infrastructure requirements. The area most affected by the proposed vesting is the affordable housing mitigation. If not vested and county requirements for employee housing mitigation increase, more affordable housing would be required, which would have a cascading impact on the distribution of uses within the overall development as well as with the water and sewer service agreement with the Town.

Touchette then went over the landscape islands proposed in the parking area to break up parking into rooms and to break up the visual impact from the highway. There will be a mix of trees, spruce and aspen, groundcovers and shrubs. The applicant is designing an irrigation system to be used on Planning Areas 2-5. The system will use an onsite well and an underground storage tank and will not use potable water for irrigation. Julie Kolb, Vegetation Control and Management has requested that a bond be required to ensure the management of noxious weeds post-construction. Full landscaping of the site will occur over time, but in between phases, vegetation should be planted and maintained to control dust and prevent weeds from getting established. This should be addressed in a Subdivision Improvements Agreement.

The proposed commuter and open space trails and landscaping plan were discussed. The project includes a variety of non-motorized paths and trails. A paved trail will extend from the current underpass to the site, allowing all-season pedestrian and bike access to and from the Town of Telluride and Lawson Hill. From the southwest end of the Medical Center parking lot, another trail connection will lead to Lawson Hill open space, bridge and ultimately to the Keystone Gorge and Galloping Goose trail. The Remine Creek trail will be re-routed to run along the north side of Highway 145, with a pedestrian crossing closer to the roundabout. This location was determined in consultation with CDOT. The trail realignment and site design could facilitate future construction of an underpass for the Remine Creek trailhead, but construction of an underpass would be by an entity other than the Applicant. It is not part of this proposal. Rich Hamilton, SMC Parks Supervisor submitted questions regarding the disposition of the historic structures; how the bridge and pond will be built on the west open space parcel; the realignment of Remine Creek trail and the highway crossing; and the impact of a utility easement on the County open space parcel that were not able to be addressed during the presentation.

In regards to public transit, it is expected that the site is planned to be served by San Miguel Area Regional Transit (SMART). There are one or more bus stops planned, at locations to be determined in consultation with SMART.

A number of reports regarding environmental conditions and natural resources were included, but were not directly addressed in the presentation. Storm water management on the site and not restricting dogs on the site were briefly discussed.

San Miguel County Surveyor, David Foley submitted a number of comments and questions regarding surveying, easements, and design that were not addressed due to time.

Lee Taylor asked about the Lawson Hill scenic setbacks from Hwy 145 including to Conoco and Alpine Lumber. Kaye Simonson responded that there were modifications to their required setbacks.

MJ Schillaci asked about density and uses and clarification regarding how the applicant can change density and uses. Tom Kennedy replied that an absolute density is planned; and there are ranges of uses allowed for individual planning areas that could be re-assigned, but not to exceed the absolute density amount.

Matt Bayma asked if there was a procedure in place for extending vesting rights beyond the vesting time. Kennedy replied that he is not sure there is much comfort in that process as in asking for it at the end of three years, at that time, the answer could be no.

Lee Taylor asked about backed-up traffic in the west bound turn lane into the project and left bound turners backing up traffic. Rich Bechtolt replied that the three lane lengths are based on a standard and are also calculated on speed limit and turning volumes. Lee then asked about addressing the concerns of the Last Dollar PUD residents and if Genesee would ask CDOT to lower the speed limit west bound, after the roundabout, until after their intersection. Rich responded that Genesee is not opposed to that request. The process for traffic speed updates is to send a request to the CDOT region office, which would then go to Denver; CDOT has a defined process and would do a speed study to see what the speed limits should be. It is hard to say if it would be approved. Tom Kennedy added that the request might hold more weight coming from the county.

Pam Hall asked about density on the open space parcels. Tom Kennedy replied that the private open space parcels do not have any density on them. They are not including the waste treatment plant or the county open space in their CCR development agreement. Secondly, she asked about the timeframe for the landscaping. Tom replied it is a discussion point with the team and that it makes sense to put it in earlier and give the landscape time to mature. She then asked about the Medical Center's landscaping, to which Tom replied is not part of the landscape plan. They will have to go through their own architectural review process both with the HOA (DRB) and the Planning Commission.

Josselin Lifton-Zoline inquired about Section 4.10 Development Covenant and Restrictions and asked if what is being proposed were typical for a PUD. Tom replied yes, it will be a formal homeowners association, very routine CC and Rs. She then asked about affordable housing being determined by the number of units rather than employees. She queried if Genesee had gotten input from the housing authority regarding housing needs and who would be managing it. She said she would appreciate more information on the affordable housing.

Tom replied that they would work with the county Deed Restriction and look to the LUC as to what the housing unit mitigation requirements are. It is planned that the end user developers will determine the building uses mix and then provide the employee housing as required by the LUC. Chris Touchette added that affordable housing mix of unit types evolved from discussions of what persons would likely be living at Society Turn and they concluded that the most likely demographic would be single persons, young couples, maybe with one child, rather than for larger families. The unit sizes were created using the midpoint of the Town of Telluride's sizes for those types of units. Josselin Lifton-Zoline asked if we were to move forward and agree to the square footage, is there any

flexibility in the units. Kaye Simonson responded that some of the mix requirements would need to be included in the matrix. There is no cap in the affordable housing, so more square footage could be dedicated to affordable housing. Chris Touchette added that there are still many details to figure out, but as developers propose a building they would have to deliver the affordable housing required for those uses and then follow the proposed mix of uses. Lee Taylor added that the developer would have to submit a development application to the Planning Department that would then be referred to the regional housing authority to lean on their opinions as part of the approval. Josselin Lifton-Zoline then asked if lodging generates less employee housing than commercial development. Kaye Simonson replied yes, because commercial uses are calculated on a square foot basis but lodging is based on number of guest rooms, it pencils out differently.

Lee Taylor noted CDOT was adamant about no encroachments on the Hwy 145 ROW. Tom Kennedy replied that there is an area between the pavement and their property line, and they did not want the embankment to taper off into the road. It now tapers off where the trail is planned and is supported under current CDOT rules.

Ian Bald asked about Dave Foley's reference to the portion of the old Rio Grande Railroad ROW and does it still belong to the county. David Bulson, project surveyor, replied via text that the Railroad ROW grade had been conveyed to the county in 1953 but was later transferred to Genesee's predecessor. There were also inquiries as to what would happen to the tipple structure, as is it historic.

MJ Schillaci asked regarding the letter received from Mark Caddy, Wildlife Manager if sedimentation from the site could impact water quality in the San Miguel River. Alex Nees in his wetland report replied that there is a robust plan for sediment basins to mitigate the storm water discharges. MJ asked if the hydrology supports underground parking on the site. Dan Quigley replied that there is no ground water at shallow depths and the soils are amenable for construction of underground parking.

1:53 PM Break

2:11 Reconvened

Lee Taylor opened the Public Comment portion of the meeting.

Public who addressed the Board:

Jake Burns, resident Wilson Mesa-opposition to the project

John Miller, TMV Senior Planner

Denise Traylor, resident- Questions regarding square footage of the project

Dan Caton, Mayor Pro Temp TMV

Jim Link, SMPA

Diana Koeliker, MD, Medical Director TMC

Sharon Grundy, MD, Chief Medical Officer SMC

Randy Root, Last Dollar Subdivision – Traffic concerns

David Avrill, SMART

Rich Hamilton, Park Supervisor, SMC Parks & Open Space

Leslie Root, Last Dollar Subdivision – Light and sound impacts

Anton Benitez, TMVOA

Richard Betz, Member of the Board, Telluride Medical Center



3:06 pm Lee Taylor closed public comment.

Kaye Simonson answered some of the additional questions that were raised during the presentation:

1. The maximum floor area is 334,348 square feet including medical center and employee housing. There could be additional square footage with added employee housing about the mitigation requirements.
2. Retail, office and lodging numbers can be flexible. The market may show a need for more office or flex space, but only to the maximum numbers in the table. There would be a corresponding reduction with another use. Within that there can be up to two hotels but a hard cap of 150 hotel rooms total.
3. Transportation plan on page 15 shows 270 cars out in the am and 129 cars in, and 260 out in the pm. Perhaps the engineers could explain the volumes better as there is a lot of technical items in the transportation plan
4. Good idea at a staff level to talk with the applicant regarding Rich Hamilton's questions and trails and open space plans.
5. There will be lighting plans and design standards on a development level.

John Huebner added that the complaints regarding bright lighting at the roundabout and the county parking lot projects were guided under CDOT's requirements and not LUC requirements.

Lee Taylor stated that his preference is to continue this item to the March 11, 2021 CPC meeting.

**MOTION** by Josslin Lifton-Zoline to continue this item until the next regularly scheduled County Planning Commission meeting in March (March 11).

Mary Jo Schillaci stated that there are additional items that need to be reviewed including wildlife, the potential DRB, County Parks and Open Space, and Historical Commission concerns, wetlands and Dave Foley's concerns. If we are going to introduce new subjects, we need to also permit additional public comment at the meeting.

Lee Taylor stated he would favor additional public comment.

**AMENDMENT TO THE MOTION** by M.J. Schillaci to discuss the issues that did not get addressed today and to include a period of public comment at the next Planning Commission meeting. **ACCEPTED** by Lifton-Zoline.

Kaye suggested that Planning Commission questions be submitted by email to her by Friday, February 19, 2021 to give staff and the applicant adequate time for thoughtful answers and to include such questions and comments into the Planning Commission's packet that will be completed by March 4, 2021.

**SECONDED** By Ian Bald. **VOTE PASSED 5-0**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent

Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent

**LAND USE CODE AMENDMENT RECOMMENDATION** New LUC Section 5-323 for Mixed-Use Development (MXD) Zone District, with related amendments to LUC Sections 3-401, 3-501, 5-317, and Article 6.

**MOTION** by M.J. Schillaci to continue the Land Use Code Amendment recommendation to create the Mixed Use Development - MXD zone district proposed by Genesee Properties Inc. until the next regular meeting in March (March 11).

**SECONDED** by Ian Bald. **VOTE PASSED 5-0.**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent

3:25 p.m. Adjourned.

Respectfully Submitted,

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Nancy Hrupcin, Legal Assistant, County Attorney

Approved on \_\_\_\_\_, 2021.

SAN MIGUEL COUNTY PLANNING COMMISSION

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M.J. Schillaci, Secretary



Troy Hangen &lt;troyh@sanmiguelcountyco.gov&gt;

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**Referral Comments for Telluride #2 Black Hills gas line**

2 messages

**Troy Hangen** <troyh@sanmiguelcountyco.gov>

Thu, Jan 7, 2021 at 1:15 PM

To: Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Lynn Padgett <lynnp@sanmiguelcountyco.gov>, Kaye Simonson <kayes@sanmiguelcountyco.gov>, John Huebner <johnh@sanmiguelcountyco.gov>, megan.eno@usda.gov, cclementson@blm.gov, "Reider - CDOT, Randee" <randee.reider@state.co.us>

All,

Please find the application submitted by Linda Straface, Project Manager on behalf of Black Hills Energy for a Special Use Permit for a reroute of an existing 6" gas line. The planning letter certifying the application complete is attached for your reference. Thank you for reviewing this application and providing your feedback.

The Planning Department requests that you please provide your review comments by January 28, 2021 to Troy Hangen, Senior Planner [troyh@sanmiguelcountyco.gov](mailto:troyh@sanmiguelcountyco.gov)

--

**Troy Hangen**

Senior Planner

San Miguel County

P:970-728-3083

333 W Colorado Ave, 3rd Flr

Telluride, CO 81435

[www.sanmiguelcountyco.gov](http://www.sanmiguelcountyco.gov)

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**2 attachments****Telluride2.Black.Hills.SUP.pdf**

222K

**Telluride #2 Legoff SMC TUA 12-8-20 Submittal.pdf**

10621K

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**Heinlein - CDOT, Jo** <jo.heinlein@state.co.us>

Tue, Jan 12, 2021 at 10:28 AM

To: troyh@sanmiguelcountyco.gov

Cc: "Reider - CDOT, Randee" &lt;randee.reider@state.co.us&gt;, "Copeland - CDOT, Tayla" &lt;tayla.copeland@state.co.us&gt;

Hi Troy,

Since they will be using an existing county road (X48) to access the area where the pipeline is being relocated, they will not need an access permit for this temporary use.

Thanks,

**Jo Heinlein**

Access Manager



Traffic & Safety

P 970.385.3626 | F 970.385.8361

3803 N. Main Ave., Suite 100, Durango, CO 81301

[jo.heinlein@state.co.us](mailto:jo.heinlein@state.co.us) | <http://www.codot.gov/business/permits/accesspermits>

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On Tue, Jan 12, 2021 at 10:15 AM Reider - CDOT, Randee <[randee.reider@state.co.us](mailto:randee.reider@state.co.us)> wrote:

Hi Jo,

It doesn't look like you were included in this email.

I don't see any issues from a utility standpoint but figured you should look at it from an access standpoint.

Thank you,

**Randee Reider**

Utility/Special Use Permit Manager

Region 5 - Traffic & Safety



P 970.385.3630 | F 970.385.8361

3803 N. Main Ave., Suite 100, Durango, CO 81301

[randee.reider@state.co.us](mailto:randee.reider@state.co.us) | [www.codot.gov](http://www.codot.gov) | [www.cotrip.org](http://www.cotrip.org)

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[Quoted text hidden]



Troy Hangen <troyh@sanmiguelcountyco.gov>

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## Telluride Legoff #2 Reclamation and Weed Plans

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**Julie Kolb** <juliek@sanmiguelcountyco.gov>

Thu, Jan 21, 2021 at 12:35 PM

To: Troy Hangen <troyh@sanmiguelcountyco.gov>

Hello Troy

Here are my comments for the weed portion of this project.

Comments for the Telluride Legoff # 2 Project

"The vegetation debris and woody materials would then be pulled and scattered along the pipeline ROW, to aid in reclamation success." Mulch is a good idea in terms of encouraging seeds to germinate. I would caution that if noxious weeds are present in the area you may be spreading the noxious weed seeds through the process.

Any noxious weed listed on the CDA's website may be elevated to a different list (ie: A, B). Any species listed on San Miguel County's Weed Website as priority should be managed with the goal of elimination of the population.

When the results of the weed survey are available I would like to see them.

Thank you

Julie

[Quoted text hidden]

--

Julie Kolb

San Miguel County Vegetation Management

[Juliek@sanmiguelcountyco.gov](mailto:juliek@sanmiguelcountyco.gov)





## ROAD & BRIDGE DEPARTMENT

RYAN RIGHETTI, ROAD SUPERINTENDENT

01/21/2021

To: SMC Planning Department;  
From: San Miguel County Road and Bridge; Ryan Righetti

RE: Road and Bridge Comments on BHE Telluride Legoff #2 Project CR X48

Road and Bridge has reviewed the proposed scope of work for the Black Hills Energy Telluride Legoff #2 Pipeline Replacement Project and has the following comments.

This project is proposed to begin on or as close as possible to May 1<sup>st</sup>, 2020 and is anticipated to last about 16 weeks. CR X48 is not winter maintained and is the only access to both public and private lands on the western portion of Iron Springs Mesa. Road and Bridge is concerned that long term closures will negatively impact ranchers or homeowners that need early access to infrastructure related to grazing or other purposes where time is of the essence. The following comments discuss access during the months it is not available from the eastern side of Iron Springs Mesa.

In an effort to reduce conflict and mitigate negative impacts related to access:

- Every attempt shall be made to leave the road passable at the completion of work each day. Understanding that this may pose challenges, the applicant shall have in place, a plan to make the road passable upon notice that access is needed so that a time can be scheduled before the proposed weekend opening.
- The applicant should make efforts to contact or notify any potential property owner, lease holder or rancher that uses or needs access to public or private property or infrastructure during the spring months when alternative access is not available from the eastern side of the mesa.
- The applicant shall post signs on each end of the project that has on it the contact information for the project supervisor or manager so access can be scheduled or planned during times when alternative access is restricted.

For County Road related impacts, use and activity:

- The applicant will be required to obtain a Road and Bridge permit for the authorization of work and activities within the County Road Right-of-Way.
- The distribution line will need to be placed at least 48" below the **borrow ditch** grade anywhere within the County Road or Right-of-Way.
- The gas line must be placed under all existing culverts, regardless of depth in the County Road.
- Any permanent structures must be placed as far off the roadway as possible near the Right-of-Way line and must be properly marked to prevent damage.
- No material, equipment, vehicle staging or storage will be authorized within the County Road or Right-of-Way.

The above comments are in response to certain, specific details noted within projects scope of work, additional standards and conditions related to work within public roads and Rights-of-Way will be attached to the final permit and should be expected by the applicant.

Road and Bridge understands that it is in the best interest of both the applicant and County to see the expeditious completion of this project. Road and Bridge will be available to respond and answer any questions related to use or authorization of work if needed.



Troy Hangen &lt;troyh@sanmiguelcountyco.gov&gt;

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## New Project

3 messages

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**Troy Hangen** <troyh@sanmiguelcountyco.gov>  
To: "John J. Bockrath" <norwoodchief@gmail.com>

Wed, Jan 27, 2021 at 1:17 PM

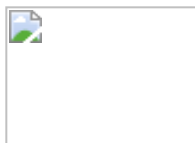
I am sorry that I did not send this to you earlier. Black Hills is doing some work on their pipeline just southeast of the Norwood hill. Outside chance you'd like to make some comments over the next 48 hours?

Once again, I apologize for this late notice.

--

**Troy Hangen**  
Senior Planner  
San Miguel County  
P:970-728-3083  
333 W Colorado Ave, 3rd Flr  
Telluride, CO 81435

[www.sanmiguelcountyco.gov](http://www.sanmiguelcountyco.gov)



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**Telluride #2 Legoff SMC TUA 12-8-20 Submittal.pdf**  
10621K

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**John J. Bockrath** <norwoodchief@gmail.com>  
To: Troy Hangen <troyh@sanmiguelcountyco.gov>

Thu, Jan 28, 2021 at 9:04 AM

Hi Troy,

I have reviewed the attached land use application and the Norwood Fire Protection District has no issues with the upgrades to the system; everything appears to be within code.

If you would like a formal statement please let me know and I will provide one.

John

John J Bockrath. District Chief  
Norwood Fire Protection District

Office: 970-327-4800  
Cell: 970-729-0934

[Quoted text hidden]

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**Troy Hangen** <troyh@sanmiguelcountyco.gov>  
To: "John J. Bockrath" <norwoodchief@gmail.com>

Thu, Jan 28, 2021 at 9:07 AM

1/28/2021

San Miguel County Mail - New Project

This is perfect Chief.

Thanks

[Quoted text hidden]



Troy Hangen &lt;troyh@sanmiguelcountyco.gov&gt;

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## questions

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**Linda Straface** <linda.straface@camposepc.com>

Mon, Feb 22, 2021 at 11:19 AM

To: Troy Hangen &lt;troyh@sanmiguelcountyco.gov&gt;

Hi Troy,

I passed on the contact information to Ally who is the project environmental specialist for BHE. She was on PTO on Friday and today so she said she would reach out tomorrow. I feel very confident they can come to a consensus on what needs to be done so I am not at all worried about this requirement.

My ROW team has reached out to the FS to get information on people who have grazing permits. The FS considers that information confidential and will not provide it. They came to a compromise that BHE would draft a notification letter and Spencer at the FS would send the letters to the appropriate people. The letter has already been drafted and submitted to the FS. Spencer agreed to follow that up with a written notification that the letters had been sent. Hopefully, this meets the SMC requirements because if the information is confidential, nothing will be recorded publicly and there is no other way for us to get that information. Let me know what you think.

Thanks,

**Linda Straface, PMP**

**Senior Project Manager | Campos EPC, LLC**

1401 Blake Street, Denver, CO 80202

Cell 303-204-8504 | Office 303-586-2128

[linda.straface@camposepc.com](mailto:linda.straface@camposepc.com) | [www.camposepc.com](http://www.camposepc.com)



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---

**From:** Troy Hangen <troyh@sanmiguelcountyco.gov>

**Sent:** Monday, February 22, 2021 10:35:42 AM

**To:** Linda Straface <linda.straface@camposepc.com>

**Subject:** questions



[ EXTERNAL ]

[Quoted text hidden]



Adam Clark <adamclarkrow@gmail.com>

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## SF-299 for Road Use on USFS land

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**Haley, Spencer - FS** <spencer.haley@usda.gov>

Tue, Mar 2, 2021 at 3:18 PM

To: Adam Clark <adamclarkrow@gmail.com>

Adam, we have mailed copies of BHE's letter to those that might be affected by the proposed closures.

[Quoted text hidden]

**RESOLUTION OF THE BOARD OF COMMISSIONERS,  
SAN MIGUEL COUNTY, COLORADO,  
GRANTING A SPECIAL USE PERMIT TO CONDUCT A MAINTENANCE  
REPLACEMENT ALONG AN EXISTING TRANSMISSION 6-INCH PIPELINE ON  
PRIVATE PROPERTY AND COUNTY ROAD X48**

**Resolution 2021-009**

**WHEREAS**, Rocky Mountain Natural Gas LLC (RMNG), doing business as (dba) Black Hills Energy (BHE), submitted an application for a Special use Permit (SUP) for a maintenance replacement along the existing transmission Telluride 6-inch Pipeline within County Road X48 and private property approximately 10 miles northwest of Placerville, CO and approximately a third of a mile off of Highway 145. The project lies entirely within the County right-of-way (R.O.W.) and on private property owned by Jason Atwood and is in the Forestry, Agriculture and Open (F) Zone District;

**WHEREAS**, a Public utility structure, including dams and reservoirs is a Two Step process in the Forestry, Agriculture and Open (F) Zone District pursuant to San Miguel County LUC 5-307 F.V. (refer to Section 5-709), and Section 5-10: Special Uses;

**WHEREAS**, the SUP application was referred to the County Administrator, County Attorney, County Road and Bridge Director, County Director of Government Affairs / Natural Resources, Colorado Department of Transportation, San Miguel County Vegetation Management, and Norwood Fire Protection District for review and comment;

**WHEREAS**, the Applicant sent Notice of the application and the Board of County Commissioners (BOCC) public hearing to be held on March 17, 2021 to all property owners within 500 feet of the subject parcel, and a sign was posted on the property noticing the proposed SUP and the BOCC meeting to be held on March 17, 2021;

**WHEREAS**, a Public Hearing Notice for the proposed Special Use Permit application and the Board of County Commissioners meeting to be held on March 17, 2021 was published in the Norwood Post and the Telluride Daily Planet on February 24, 2021;

**WHEREAS**, a list of the items included in the Public Hearing Record is attached to this resolution as Exhibit "B";

**WHEREAS**, the Board of Commissioners of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony, at a public hearing in Telluride on Wednesday, March 17, 2021. No written or other public comments were received.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of San Miguel County, Colorado, approves the proposed Special Use Permit to conduct a maintenance replacement along the existing transmission Telluride 6-inch Pipeline within County Road X48 and private property approximately 10 miles northwest of Placerville, CO and approximately a third of a mile off of Highway 145 finding the proposed Special Use Permit is in compliance with all applicable Land Use Code standards in Section 5-10: Special Uses and 5-709: Public Utilities Structures and Electricity Transmission and Distribution, with the following conditions,

1. The Special Use Permit is issued to the Applicant, Rocky Mountain Gas LLC (dba Black Hills Energy) and runs with the land.
2. The applicant is required to work with San Miguel County Vegetation Management pertaining to existing noxious weed elimination and future revegetation and weed management.
3. The applicant shall make efforts to contact or notify any property owner, lease holder, permittee or rancher that uses or needs access to public or private property or infrastructure during the spring months when alternative access is not available from the eastern side of the mesa. The applicant shall coordinate with USFS and BLM personnel to determine which permittees may be impacted.
4. Place ads in the Telluride and Norwood newspapers advising the traveling public of the work and possible closures.
5. The applicant, Rocky Mountain Gas LLC, shall work from 6am-6pm daily Monday - Friday. If CR X48 is closed for the season from the eastern part of the project to State HWY 62, then at the end of each working day, Rocky Mountain Gas LLC shall make it so there is public access from the western part of the project to the eastern part of the project. If CR X48 is open from the eastern part of the project to State HWY 62, Rock Mountain Gas LLC may have CR X48 closed from 6am Monday – 6pm Friday.
6. The applicant shall post signs on each end of the project that has on it the contact information for the project supervisor and/or manager so access can be scheduled or planned during times when access may otherwise be restricted or unavailable.
7. Place signs near State HWY 145 and State HWY 62 advising of the work and possible road closures. Signs shall meet MUTCD standards as approved by the County Road and Bridge Supervisor. Signs shall be placed in the County right-of-way and placement shall be approved by the County Road and Bridge Supervisor.
8. The applicant will be required to obtain a Road and Bridge permit for the authorization of work and activities within the County Road Right-of-Way.
9. The distribution line will need to be placed at least 48” below the borrow ditch grade anywhere within the County Road or Right-of-Way.

10. The gas line must be placed under all existing culverts, regardless of depth in the County Road.
11. Any permanent structures must be placed as far off the roadway as possible near the Right-of-Way line or written easements on private property and must be properly marked to prevent damage.
12. No staging or storage of material, equipment, or vehicles will be authorized within the County Road or Right-of-Way.
13. All written representations of the applicant in the original submittal and all supplements, letters and emails are deemed to be conditions of approval, except to the extent modified by this Motion.

**DONE AND APPROVED** by the Board of County Commissioners of San Miguel County, Colorado, on March 17, 2021.

**SAN MIGUEL COUNTY, COLORADO  
BOARD OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Lance Waring, Chair

Vote:	Hilary Cooper	Aye	Nay	Abstain	Absent
	Kris Holstrom	Aye	Nay	Abstain	Absent
	Lance Waring	Aye	Nay	Abstain	Absent

ATTEST:

By: \_\_\_\_\_  
Carmen Warfield, Chief Deputy Clerk

EXHIBIT “A” Legal Description, and

EXHIBIT “B”- Public Hearing Record list are attached to this resolution

[Z:\Applications\2020\_Telluride\_NO2\_Public Utility Structure\_Black Hills\5 Packets\BOCC\Bocc Reso 2021-009.docx]



EXHIBIT "A"

LOTS 1 2 3 AND NE4SW4 SE4 SEC 3 44 12 NE4NE4 SEC 10 44 12 URANIUM AND  
THORIUM RESERVED BK 169 PG 557 CONT 498.96 ACRES CALCULATED FROM BLM  
RESURVEYS FILED 3 2 90 AND 6 17 91

## Public Hearing Record

San Miguel County Board of County Commissioners

Application: Rocky Mountain Natural Gas LLC (RMNG), doing business as (dba) Black Hills Energy (BHE),  
Telluride Legoff #2 Pipeline Replacement Project Special Use Permit

Date: March 17, 2021

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the San Miguel County Board of County Commissioners from Troy Hangen, Senior Planner dated March 17, 2021.
4. Application submitted by Linda Straface, Project Manager, received December 9, 2020.
5. "Applicant's Certification of Compliance with the Public Noticing Requirements" of the San Miguel County LUC Section 3-9 and of C.R.S. § 24-65.5-103(1) dated March 1, 2021.
6. Public Hearing Notice Published in the Norwood Post and Telluride Planet on February 24, 2021
7. Planning Commission Minutes from the February 11, 2021 meeting

## AGENCY COMMENTS

8. Email received from Jo Heinlein, CDOT Access Manager, to Troy Hangen, Senior Planner, dated January 12, 2021.
9. Email received from Julie Kolb, SMC Vegetation Management, to Troy Hangen, Senior Planner, dated January 21, 2021.
10. Email received from Ryan Righetti, SMC Road and Bridge Director, to Troy Hangen, Senior Planner, dated January 21, 2021.
11. Email received from John Bockrath, District Chief, Norwood Fire Protection District, to Troy Hangen, Senior Planner, dated January 28, 2021.

12. Email received from Linda Straface, Project Manager, to Troy Hangen, Senior Planner, Dated February 22, 2021.
13. Email from Spencer Haley – USFS, to Linda Straface, Project Manager, Dated March 2, 2021

#### PUBLIC COMMENTS

None



AGENDA ITEM - 7.a.

**TITLE:**

Review of the CORE Program of the Sheriff's office.

**Presented by:** Jennifer Dinsmore, Chief Administrative officer

**Time needed:** 15 mins

**PREPARED BY:**

**RECOMMENDED ACTION/MOTION:**

**INTRODUCTION/BACKGROUND:**

3/1/2021 per request by Jennifer Dinsmore

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			



AGENDA ITEM - 7.b.

**TITLE:**

10:40 a.m. Discussion on submitting comments on the SBEADMR proposed treatments.

**Presented by:** Megan Eno, Norwood District Ranger

**Time needed:** 30 mins

**PREPARED BY:**

**RECOMMENDED ACTION/MOTION:**

**INTRODUCTION/BACKGROUND:**

Website link: <https://www.centerforpubliclands.org/currentstatus>

Per Hilary Cooper requested the following:

We will want specifics on:

- Road use and haul routes.
- Types & timing of treatments.
- Managing conflicts with trails
- Communication

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

**ATTACHMENTS:**



**Description**

SBEADMR and Taylor Park Combined Annual Comment Opportunity

**Upload Date**

3/11/2021



# How to Comment

SBEADMR and Taylor Park Combined Annual Comment Opportunity  
February 2021

This year we are trying something new! We have created a story map to allow for better reviewing of the treatment data and the capability to comment directly on a map.

## What is a story map?

A story map is a web application that integrates maps, legends, text, photos, and videos. It also provides functionality, such as pop-ups, that helps users explore its content.

### **Best Practice Tip**

The story maps were developed for use on a computer using a modern browser, such as Google Chrome or Firefox.

## The SBEADMR & Taylor Park Comment Story Map

Here is a link to the SBEADMR & Taylor Park Comment Platform story map:

<https://usfs.maps.arcgis.com/apps/MapJournal/index.html?appid=a669152b15154121bd020b9d78bfe0e7>.

Additionally, we have created another story map about the forest management specific to Taylor Park. If you are new to the forest management happenings in and around Taylor Park or if you have a specific interest in the area, we implore you to explore this story map first, at: <https://storymaps.arcgis.com/stories/10cc2fa68ac24a0d92d71ecba7e87c63>.

## How to submit a comment

The comment story map will walk you through the process, but to give you a feel for it, here is a summary.

First open the story map by clicking on the link above. Here is an outline of what you will find:

- Slide 1: An Introduction to the Purpose of this Application
- Slide 2: The Adaptive Implementation Process
- Slide 3: What feedback is useful
- Slide 4: The Review and Comment Map

This is where you access the map with the treatment data and can submit your comments. To do so, follow these steps:

**Step 1:** Proceed as a guest by clicking on the button in the center of the page to the right. A map will display to record your comments and you can see others' comments too (names and contact information will not be displayed).

**Step 2:** As you zoom into the map more detail becomes available. Click on the home button in the top left corner of the map, between the zoom in/out buttons, to reorient and see the whole map again.

**Step 3:** Click on SUBMIT A COMMENT. *If you have clicked on treatment points or polygons to view the pop-up information, SUBMIT A COMMENT may be hidden behind the treatment information. Click the left-pointing arrow to see SUBMIT A COMMENT.*

**Step 4:** Click on the map to locate the area you wish to comment about.

**Step 5:** Fill in the comment form.

**Step 6:** Click on REPORT IT to submit your comment.

- Slide 5: Contact information for further information or assistance.

***Comments will be accepted on the comment map through March 30, 2021.***

## Treatment Information Contacts

If you want to speak with the project lead for a treatment or you have information to share after March 30<sup>th</sup>, 2021, please contact the applicable Timber Manager Assistant (TMA) below:

### Grand Valley and Paonia Ranger Districts

Cari Johnson, North Zone TMA

Email: [cari.johnson@usda.gov](mailto:cari.johnson@usda.gov)

### Ouray and Norwood Ranger Districts

Joseph Gonzales, West Zone TMA

Email: [joseph.f.gonzales@usda.gov](mailto:joseph.f.gonzales@usda.gov)

### Gunnison Ranger District

Art Haines, East Zone TMA

Email: [art.haines@usda.gov](mailto:art.haines@usda.gov)

Comments are most useful by *March 30, 2021*

## Story Map and How to Comment Questions

If you have questions about using the story maps or commenting on the comment map, please contact:

Nicole Hutt, Timber Program Manager

Email: [nicole.hutt@usda.gov](mailto:nicole.hutt@usda.gov)

Or

Pamela King, Gunnison Ranger District NEPA Planner

Email: [pamela.r.king@usda.gov](mailto:pamela.r.king@usda.gov)

## Other Resources to Learn About the Projects and Treatments

### Colorado Forest Restoration Institute's SBEADMR Website

Information about the SBEADMR Adaptive Management Group, science team updates and publications, past and upcoming treatments and more. <https://cfri.colostate.edu/projects/sbeadmr/>

### Center for Public Lands' Taylor Park Website

Information about the Taylor Park Adaptive Management Group, science team, collaboration process, project information and more. <https://www.centerforpubliclands.org/project-list/taylor-park-group>



AGENDA ITEM - 7.c.

**TITLE:**

11:15 am Update with April Montgomery from the Southwest Basin Roundtable.

**Presented by:** April Montgomery, Southwest Basin Roundtable Member

**Time needed:** 15 mins

**PREPARED BY:**

**RECOMMENDED ACTION/MOTION:**

**INTRODUCTION/BACKGROUND:**

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			



AGENDA ITEM - 8.a.

**TITLE:**

Approval of Chair's signature on Social Services Department Balance Sheet January 2021, Earned Revenue and Expenditures January 2021, Expenditures through Electronic Benefit Transfers February 2021, Check Register for the Month of February 2021, MOE Report JAN-21 and 2021 Caseload Report/MOTION

**Presented by:** Carol Friedrich, County Social Services Director

**Time needed:** 10 mins

**PREPARED BY:**

Carol Friedrich, Dept. of Social Services

**RECOMMENDED ACTION/MOTION:**

Approval of Chair's signature on Social Services Department Balance Sheet January 2021, Earned Revenue and Expenditures January 2021, Expenditures through Electronic Benefit Transfers February 2021, Check Register for the Month of February 2021, MOE Report JAN-21 and 2021 Caseload Report

**INTRODUCTION/BACKGROUND:**

Director's Update

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
			Social Services
Description:			

**ATTACHMENTS:**

Description

Upload Date





# DEPARTMENT OF SOCIAL SERVICES

SAN MIGUEL COUNTY

PO BOX 96

TELLURIDE, CO 81435

phone (970) 728-4411

fax (970) 728-4412

---

I, Carol Friedrich, Director of Social Services of San Miguel County, Colorado, hereby present the attached financial reports:

Balance Sheet, January 2021

Earned Revenue and Expenditures, January 2021

Expenditures through Electronic Benefit Transfers, February 2021

Check Register for the Month of February 2021

County Allocation / MOE Report, JAN-21

2021 Caseload Report

and certify that detailed, additional financial reports are available for inspection.



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Carol Friedrich, Director

I, \_\_\_\_\_, Chair of San Miguel County Board of Commissioners, hereby certify that the payments that are listed and set forth on the attached reports have been approved, and the payments issued from the Social Services fund.

---

Chair, March 17, 2021

SAN MIGUEL COUNTY DEPT OF SOCIAL SERVICES  
BALANCE SHEET  
JANUARY 2021

ASSETS:

CASH:

101.1000	CASH - GENERAL	23,109.73	
101.2000	CASH - IV-E RESERVES	0.00	
101.3000	CASH - PARENTAL FEES	6,792.09	
101.4000	CASH - CSBG	0.00	
101.5000	CASH - PETTY	50.00	
101.4381	CASH - CBMS	0.00	
115.1000	A/R - TANF	15,916.57	
115.2000	A/R - AND	687.00	
115.3000	A/R - OAP	571.50	
115.4000	A/R - CC	0.00	
115.5000	A/R - LEAP	0.00	
115.6000	A/R - MEDICAID	0.00	
115.7000	A/R - FOOD ASSISTANCE	18,138.54	
115.8000	A/R - CHILD SUPPORT	125,549.19	
115.9000	A/R - ERRONEOUS DISBURSEMENTS	0.00	
TOTAL CASH			190,814.62

DUE TO DUE FROM

132.4200	DTDF - TANF	583.37	
132.2300	DTDF - CHILD CARE	(495.85)	
132.2500	DTDF - CORE	0.00	
132.1210	DTDF - CHILD WELFARE	16,099.95	
132.M100	DTDF - MEDICAID	2,488.22	
132.7000	DTDF - ADMIN	3,688.86	
132.4011	DTDF - NON ALLOCATED ADMIN	(69.24)	
132.1010	DTDF - ADULT PROTECTION	383.98	
132.8000	DTDF - CHILD SUPPORT	267.54	
132.6300	DTDT - FA JOB SEARCH	0.00	
132.5000	DTDF - LEAP	2,150.03	
132.4800	DTDF - AND	(43.40)	
132.4600	DTDF - HOME CARE ALLOWANCE	0.00	
132.4050	DTDF - OAP ADMIN	181.93	
132.9700	DTDF - TANF WORK PARTICIPATION	0.00	
132.8500	DTDF - TANF COLLECTIONS	115.30	
132.1296	DTDF - FA COLLECTIONS	0.00	
132.9800	DTDT - COST ALLOCATION	0.00	
132.9430	DTDF - STATE INCENTIVES	355.60	
132.9450	DTDF - FEDERAL INCENTIVES	0.00	
132.0000	DTDF - ADVANCES	4,000.00	
132.0310	DTDF - IV-E SANCTIONS	0.00	
132.1296	DTDF - CW DISCRETIONARY GRANT	0.00	
132.1590	DTDF - PARENTAL FEE	0.00	
132.9820	DTDF - CW SUB ADOPT	(109.83)	
TOTAL DUE TO DUE FROM			29,596.46

FIXED ASSETS

	18,749.00	
TOTAL ASSETS		18,749.00
		239,160.08

LIABILITIES:

215.1000	A/R CONTRA - TANF	(15,916.57)
215.2000	A/R CONTRA - AND	(687.00)
215.3000	A/R CONTRA - OAP	(571.50)
215.4000	A/R CONTRA - CC	0.00
215.5000	A/R CONTRA - LEAP	0.00
215.6000	A/R CONTRA - MEDICAID	0.00
215.7000	A/R CONTRA - FOOD ASSISTANCE	(18,138.54)
215.8000	A/R CONTRA - CHILD SUPPORT	(125,549.19)
215.9000	A/R CONTRA - ERRONEOUS DISBURSEMENTS	0.00
220.4000	DEFERRED REVENUE - IV-E	0.00
220.5000	DEFERRED REVENUE - PARENTAL	(6,792.09)
220.6000	DEFERRED REVENUE - CSBG	0.00
220.4381	DEFERRED REVENUE - CBMS	0.00
220.7000	A/P - INDIRECT COST ALLOCATION	0.00
220.8200	DEFERRED REVENUE IV-D FED INC	0.00
221.1000	SUSPENSE - MISC	(2,969.20)
221.2000	SUSPENSE - MT	(2,969.20)
221.4000	SUSPENSE - TEFAP	0.00
		<hr/>
TOTAL LIABILITIES		(173,593.29)

RESERVE:

FUND BALANCE AS OF 12/31/20	(49,786.99)
	<hr/>
TOTAL RESERVE	(68,535.99)
	<hr/>
TOTAL LIABILITIES AND RESERVE	(242,129.28)
	<hr/>

SAN MIGUEL COUNTY DSS  
EARNED REVENUE YTD 100%  
JANUARY 2021

	REVISED BUDGET	YTD REVENUES EARNED	% OF REVENUES COLLECTED
CURRENT PROPERTY TAX	135,382.00	4,181.10	3%
SPECIFIC OWNERSHIP	4,000.00	440.24	11%
DELINQUENT & INTEREST	700.00	185.20	-26%
 COLORADO WORKS			
ADMIN	40,000.00	847.87	2%
GRANTS	40,000.00	922.50	2%
 CHILD CARE			
ADMIN	10,000.00	648.98	6%
CLIENT BENEFITS	100,000.00	4,714.77	5%
 CHILD WELFARE			
CHILD WELFARE 80/20	280,000.00	21,084.51	8%
CHILD WELFARE 100%	10,000.00	22.99	0%
IV-E SANCTIONS		0.00	
CW - DISCRETIONARY GRANT		0.00	
 COUNTY ADMINISTRATION	80,000.00	3,743.82	5%
HCPF - MEDICAID	60,000.00	2,465.23	4%
ADULT PROTECTION	12,000.00	383.98	3%
ADULT PROTECTION CLIENT	1,600.00	0.00	0%
 CW CORE SERVICES 80/20	16,000.00	0.00	0%
CW CORE DAY TREATMENT 100%	28,000.00	0.00	0%
 CHILD SUPPORT	9,600.00	511.50	5%
 LEAP			
ADMIN/OUTREACH	26,450.00	2,150.03	8%
BASIC	50,000.00	3,892.37	8%
 OAP			
HOME CARE ALLOWANCE		0.00	
ADMIN	6,000.00	181.93	3%
GRANTS	40,000.00	457.16	1%
 AID TO NEEDY DISABLED	2,400.00	173.60	7%
 FOOD ASSISTANCE BENEFITS	450,000.00	62,967.99	14%
GRANTS/INCENTIVES	5,000.00	2,215.17	44%
RETAINED COLLECTIONS	800.00	115.30	14%
COUNTY BACKFILL	30,000.00	0.00	0%
 TOTAL BUDGETED REVENUES	<b>1,437,932.00</b>	<b>111,935.84</b>	<b>8%</b>



SAN MIGUEL COUNTY DSS  
EXPENDITURES YTD 100%  
JANUARY 2021

	REVISED BUDGET	EXPENDITURES YTD	% OF BUDGET EXPENDITURES SPENT
TANF			
ADMIN	45,000.00	996.27	2%
GRANTS	45,000.00	1,187.00	3%
CHILD CARE			
ADMIN	10,000.00	648.98	6%
CLIENT BENEFITS	128,600.00	8,074.77	6%
CHILD WELFARE			
CHILD WELFARE 80/20%	325,000.00	26,218.38	8%
CHILD WELFARE 100%	10,000.00	22.99	0%
CW - DISCRETIONARY GRANT	0.00	0.00	
		0.00	
COUNTY ADMINISTRATION	95,000.00	4,679.78	5%
HCPF - MEDICAID	71,000.00	2,921.81	
NON ALLOCATED ADMIN		69.24	
ADULT PROTECTION	15,000.00	479.98	3%
ADULT PROTECTION CLIENT	2,000.00	0.00	0%
CW CORE SERVICES 80/20	20,000.00	0.00	0%
CW CORE DAY TREATMENT 100%	28,000.00	0.00	0%
CHILD SUPPORT	12,000.00	793.96	7%
LEAP			
LEAP ADMIN/OUTREACH	26,450.00	2,150.03	8%
LEAP BASIC BENEFITS	50,000.00	3,892.37	8%
OAP			
OAP HOME CARE ALLOWANCE		0.00	
OAP ADMIN	6,000.00	181.93	3%
OAP GRANTS	40,000.00	457.16	1%
AID TO NEEDY DISABLED	3,000.00	217.00	7%
GENERAL ASSISTANCE	10,000.00	0.00	0%
FA REFUNDS		0.00	
FOOD ASSISTANCE BENEFITS	450,000.00	62,967.99	14%
DIRECT COST ALLOCATION	(6,000.00)	0.00	0%
COUNTY FUNDED GRANTS	60,500.00	0.00	0%
COUNTY ONLY EXPENSES		1,146.97	
<b>TOTAL BUDGETED EXPENDITURES</b>	<b>1,446,550.00</b>	<b>117,106.61</b>	<b>8%</b>

**SAN MIGUEL COUNTY DEPT OF SOCIAL SERVICES**

**CHECK REGISTER**

**FEBRUARY 2021**

<b>Warrant No.</b>	<b>Date</b>	<b>To</b>	<b>WARRANT AMOUNT</b>
	5-Feb	FIRST NET	\$196.24
	12-Feb	PAYROLL	\$16,515.87
	12-Feb	CCOERA	\$792.20
	12-Feb	CHP	\$7,786.85
	12-Feb	LINCOLN FINANCIAL	\$133.30
	18-Feb	CENTURY LINK	\$23.29
31137	25-Feb	SUSAN KERR	\$44.00
31138	25-Feb	NORTHWEST PARKWAY LLC	\$9.00
31139	25-Feb	CENTURY LINK	\$70.69
31140	25-Feb	XEROX	\$139.82
31141	25-Feb	ALPENGLOW PUBLISHERS	\$814.80
31142	25-Feb	CO CORRECTIONAL INDUSTRIES	\$175.62
31143	25-Feb	SAN MIGUEL FINANCE OFFICE	\$300.00
31144	25-Feb	MONTROSE COUNTY CSEU	\$800.00
31145	25-Feb	4IMPRINT	\$5,130.14
	26-Feb	PAYROLL	\$16,399.28
	26-Feb	CCOERA	\$788.91
<b>TOTALS</b>			<b><u><u>50,120.01</u></u></b>

SAN MIGUEL COUNTY DSS  
EXPENDITURES THROUGH ELECTRONIC BENEFIT TRANSFER  
FEBRUARY 2021

	CASES	TOTAL COST
TANF(Temporary Aid to Needy Families)	3	1,187.00
OAP(Old Age Pension)	7	617.50
AND(Aid to Needy Disabled)	1	217.00
CHILD CARE	17	7,760.75
CHILD WELFARE	5	5,655.95
CORE SERVICES	0	0.00
FOOD ASSISTANCE	184	63,670.00
LEAP(Low-income Energy Assistance Program)	8	4,232.98
TOTALS	225	83,341.18

\*THESE ARE OUR BEST ESTIMATES BASED  
ON THE DISCREPANCIES BETWEEN THE  
COLORADO FINANCIAL MANAGEMENT SYSTEM  
AND THE COLORADO BENEFIT MANAGEMENT  
SYSTEM.

# SAN MIGUEL COUNTY ALLOCATIONS/MOE REPORT

Period: DEC-21

CTY=113 (San Miguel)

	FY BUDGET BALANCES	FY ACTUAL YTD EXPENDITURES	FUNDS AVAILABLE	BUDGET VS ACTUALS FY VARIANCE
COLORADO WORKS BLOCK GRANT	97,065.00	31,064.10	66,000.90	0.32
NET COLORADO WORKS MOE	0.00	5,601.63	(5,601.63)	n/m
CHILD CARE ALLOCATION:				
CHILD CARE DIRECT	0.00	59,804.64	(46,278.72)	n/m
CHILD CARE TRANSFER		20,728.17	(20,728.17)	
CHILD CARE ADMINISTRATION	0.00	5,144.89	(5,144.89)	n/m
TOTAL CHILD CARE ALLOCATION	134,127.00	85,677.70	48,449.30	0.64
NET CHILD CARE COUNTY MOE	0.00	6,868.98	(6,868.98)	n/m
CHILD WELFARE ALLOCATION:				
CHILD WELFARE 80/20 ALLOCATION ITEMS:				
CHILD WELFARE OUT-OF-HOME ALLOCATION	0.00	23,616.07	(23,616.07)	n/m
CHILD WELFARE ADMIN 80/20	279,542.00	108,494.40	171,047.60	0.39
CHILD WELFARE CASE SERVICES	0.00	0.00	0.00	n/m
CHILD WELFARE RELATED CHILD CARE	0.00	2,928.26	(2,928.26)	n/m
CHILD WELFARE SUBSIDIZED ADOPTION	0.00	0.00	0.00	n/m
CHILD WELFARE 100% ADMINISTRATION	25,795.00	82.48	25,712.52	0.00
TOTAL CHILD WELFARE 80/20 AND 100% ALLOC	305,337.00	135,121.21	170,215.79	0.44
CHILD WELFARE RTC ALLOCATION	0.00	0.00	0.00	n/m
CHILD WELFARE CHRP ALLOCATION	0.00	0.00	0.00	n/m
CHILD WELFARE CPA-MHASA	0.00	0.00	0.00	n/m
TOTAL CHILD WELFARE ALLOCATION	305,337.00	135,121.21	170,215.79	0.44

<b>COUNTY ADMINISTRATION ALLOCATION</b>	80,762.00	57,642.05	23,119.95	0.71
<b>HCPF REGULAR ADMIN ALLOCATION</b>	20,531.75	17,281.79	3,249.96	0.84
<b>HCPF ENHANCED ADMIN ALLOCATION</b>	37,798.61	24,019.40	13,779.21	0.64
<b>ADULT PROTECTION ADMINISTRATION</b>	18,019.00	4,002.42	14,016.58	0.22
<b>ADULT PROTECTION CLIENT SERVICES</b>	2,000.00	-	2,000.00	0.00
<b>CORE SERVICES ALLOCATION:</b>				
<b>CORE SERVICES MENTAL HEALTH 100%</b>	0.00	1,460.00	(1460.00)	n/m
<b>CORE SERVICES ADAD 100%</b>	0.00	0.00	0.00	n/m
<b>CORE SERVICES SPECIAL ECONOMIC ASSIST 100%</b>	674.76	100.00	574.76	0.15
<b>CORE SERVICES OTHER 100%</b>	28,665.66	0.00	28,665.66	n/m
<b>CORE SERVICES 80/20</b>	15,725.26	277.50	15,447.76	n/m
<b>TOTAL CORE SERVICES ALLOCATION</b>	45,065.68	1,837.50	43,228.18	0.04
<b>LEAP OUTREACH ALLOCATION</b>	26,000.00	137.32	25862.68	0.01
<b>FEDERAL FISCAL YEAR PROGRAMS (ENDING SEP. 30): *</b>				
<b>NON-FISCAL YEAR PROGRAMS: *</b>				
<b>* - NOTE: Expenditures Refer to State Fiscal Year-To-Date</b>				



SAN MIGUEL COUNTY BOARD OF SOCIAL SERVICES  
CASELOAD REPORT 2020

	TANF	DIVER- SION	O.A.P + HCA	AND,SSI +SSA	HCBS	MED	LEAP	CHILD CARE	FS	GA	TOTAL
February 2020	2	0	7	73	15	632	57	31	121	0	<b>938</b>
March 2020	2	0	8	71	15	619	60	32	124	1	<b>932</b>
April 2020	3	6	8	71	18	717	74	3	200	0	<b>1100</b>
May 2020	4	3	8	74	17	763	83	37	221	0	<b>1210</b>
June 2020	3	1	8	75	18	774	88	34	228	1	<b>1230</b>
July 2020	3	4	8	75	17	807	99	32	237	0	<b>1282</b>
August 2020	1	1	7	74	15	826	99	32	223	0	<b>1278</b>
September 2020	2	2	7	75	16	834	0	28	210	0	<b>1174</b>
October 2020	1	0	5	75	16	863	3	21	168	0	<b>1152</b>
November 2020	2	0	6	76	16	876	13	28	172	0	<b>1189</b>
December 2020	3	1	7	75	16	894	26	24	180	0	<b>1226</b>
<b>January 2021</b>	2	0	7	75	17	916	43	23	183	0	<b>1266</b>
<b>February 2021</b>	2	1	7	78	17	951	50	22	194	0	<b>1322</b>
<b>TANF</b>	Temporary Need to Aid to Needy Families (Colorado Works)					LEAP		Low Income Energy Assistance Program			
<b>DIVERSION</b>	Colorado Works Diversion Program					CHILD CARE		Child Care Assistance Program			
<b>OAP + HCA</b>	Old Age Pension + Home Care Allowance					FS		Supplemental Nutrition Assistance Program			
<b>AND, SSI, SSA</b>	Aid to Needy Disabled, Social Security							(AKA Food Stamps)			
<b>HCBS</b>	Home Care Based Services					EF		Employment First			
<b>MED</b>	Medicaid					GA		General Assistance			



AGENDA ITEM - 10.a.

**TITLE:**

12:45 pm Discussion and update with the San Miguel County Stakeholders concerning the COVID 19 outbreak.

**Presented by:** Grace Franklin, Public Health Director

**Time needed:** 60 mins

**PREPARED BY:**

**RECOMMENDED ACTION/MOTION:**

**INTRODUCTION/BACKGROUND:**

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			



AGENDA ITEM - 10.b.

**TITLE:**

Potential Executive Session: Concerning Public Health, Meeting with an Attorney, citation (4)(b).

**Presented by:** Hilary Cooper, Chair

**Time needed:**

**PREPARED BY:**

**RECOMMENDED ACTION/MOTION:**

**INTRODUCTION/BACKGROUND:**

Update on the state dial 3.0 and the county.

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			



AGENDA ITEM - 11.a.

**TITLE:**

Hilary Cooper - Outside Meetings, Updates on Legislation.

**Presented by:**

**Time needed:**

**PREPARED BY:**

**RECOMMENDED ACTION/MOTION:**

**INTRODUCTION/BACKGROUND:**

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			



AGENDA ITEM - 11.b.

**TITLE:**

Kris Holstrom - Update on Outside Meetings

**Presented by:**

**Time needed:**

**PREPARED BY:**

**RECOMMENDED ACTION/MOTION:**

**INTRODUCTION/BACKGROUND:**

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			





AGENDA ITEM - 11.c.

**TITLE:**

Lance Waring - Update on Outside Meetings.

**Presented by:**

**Time needed:**

**PREPARED BY:**

**RECOMMENDED ACTION/MOTION:**

**INTRODUCTION/BACKGROUND:**

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			



AGENDA ITEM - 12.a.

**TITLE:**

Update on the State Board of Equalization notice of meeting.

**Presented by:** Amy Markwell, County Attorney

**Time needed:**

**PREPARED BY:**

**RECOMMENDED ACTION/MOTION:**

**INTRODUCTION/BACKGROUND:**

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			



AGENDA ITEM - 12.b.

**TITLE:**

Executive Session: Discussion with the County Attorney regarding litigation (San Miguel County District Court No. 18CV30004/Court of Appeals No. 10CA1913) for the purpose of receiving legal advice, citation (4)(b).

**Presented by:** Amy Markwell, County Attorney

**Time needed:**

**PREPARED BY:**

**RECOMMENDED ACTION/MOTION:**

**INTRODUCTION/BACKGROUND:**

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

**ATTACHMENTS:**

Description

Upload Date



AGENDA ITEM - 12.c.

**TITLE:**

Tourism Marketing Contract Negotiation Strategy Discussion and Instructing Negotiators CRS 24-6-402 (4) (e)

**Presented by:** Amy Markwell, County Attorney

**Time needed:**

**PREPARED BY:**

**RECOMMENDED ACTION/MOTION:**

**INTRODUCTION/BACKGROUND:**

**FISCAL IMPACT:**

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
<b>Description:</b>			

**ATTACHMENTS:**

Description

Upload Date