SAN MIGUEL COUNTY PLANNING COMMISSION

PLANNING COMMISSION MEETING AGENDA
THURSDAY, JULY 11, 2024 – 9:00 AM

Online & 1110 Summit Street, Norwood, Colorado

MEETING INFORMATION - This meeting will be held online and in person. To join the meeting: http://zoom.us/join, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8692 or 1-253-215-8782 (long-distance rates may apply)

1. 9:00 A.M. CALL TO ORDER

2. APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS

a. June 13, 2024 Minutes
6.13 minutes A DRAFT.docx

3. LAND USE CODE AMENDMENT RECOMMENDATION

a. Consideration of an amendment to the Land Use Code for Solar Energy Systems with related amendments / MOTION
CPC packet Solar Regulations 071124.pdf
Comments Received After Packet.pdf

4. Informational presentation regarding updates to Land Use Code Appendix B, Street Naming and Numbering Standards

a. Land Use Code Appendix B - Street Naming and Addressing Standards Update
CPC packet Addressing 071224.pdf

5. PUBLIC HEARING: LAND USE APPLICATION WITHDRAWN

a. Applicant: Sherri Reuland, President, KSCR Colorado LLC
Proposal: Social and Scenic Uses Special Use Permit to allow special events with up to 200 guests at Silver Pick Ranch, Wilson Mesa
Location: 1050 Posey Road
Size: 70 acres
Zone: Forestry, Agricultural and Open (F) / APPLICATION WITHDRAWN
CPC Project Report - Reuland Social-Scenic Uses SUP 070124 Withdrawn.docx

6. 12:30 P.M. BREAK FOR LUNCH

7. LAND USE APPLICATION

a. Applicant: Nicole Galloway Warland, Thor Energy PLC
Proposal: Mining Special Use Permit for Mineral Exploration for the Wedding Bell/Radium Hill Project to establish fourteen drill pads and associated activities on BLM public lands
Location: "Groundhog Area" and "Section 23 Area" near Montrose County Line

Size: 1.09 acres
Zone: West End (WE)
CPC Packet Materials -Thor Energy PLC Wedding Bell-Radium Hill Project Mineral Exploration 7.11.24.pdf
SMC Natural Resources comments 070924.pdf
Nucla.Naturita COC letter 070924.pdf

8. ELECTION OF PLANNING COMMISSION SECRETARY

9. ADJOURN

NOTE: All times are approximate; items may begin earlier (except public hearings) or later than scheduled. For more information contact Planning Department at (970) 728-3083.

If special accommodations are necessary per ADA, contact 970-728-3844, via email at bocc@sanmiguelcountyco.gov prior to the meeting.

The official, designated posting place for all meeting 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, sign up for alerts, and follow the prompts.

AGENDA ITEM 2.a

TITLE:
June 13, 2024 Minutes

Presented by:
Time needed:

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:
6.13 minutes A DRAFT.docx

Description:

SAN MIGUEL COUNTY PLANNING COMMISSION

MINUTES – REGULAR MEETING

June 13, 2024

333 West Colorado Avenue Online Meeting

Present:	Lee Taylor, Chair Josselin Lifton-Zoline, Vice-Chair M.J. Schillaci, Secretary Ian Bald, Member Matthew Bayma, Member Galena Gleason, Alternate
Planning Staff Present:	Kaye Simonson, Planning Director John Huebner, Senior Planner Nicola Kerr, Associate Planner
County Staff Present:	Amy Markwell, County Attorney Jarrod Biggs, Assistant County Manager

9:00 a.m. Chair called the meeting to order.

APPROVAL OF MINUTES

MOTION by M.J. Schillaci to approve the May 9, 2024 minutes

SECONDED by Galena Gleason. **VOTE PASSED 6-0**

Lee Taylor	**Aye**	**Nay**	**Abstain**	**Absent**
Ian Bald	**Aye**	**Nay**	**Abstain**	**Absent**
M.J. Schillaci	**Aye**	**Nay**	**Abstain**	**Absent**
Josselin Lifton-Zoline	**Aye**	**Nay**	**Abstain**	**Absent**
Matthew Bayma	**Aye**	**Nay**	**Abstain**	**Absent**
Galena Gleason	**Aye**	**Nay**	**Abstain**	**Absent**

PLANNING COMMISSION AND STAFF COMMENTS

Kaye Simonson, Planning Director, updated the commission. The county is working on remediating all of its online documents to be ADA accessible and we will make sure the EEMP is remediated before putting it out to the public. Additionally, it is M.J.'s final day on the Planning Commission.

PROCLAMATION

Recognizing M.J. Schillaci for 9 years of service to the Planning Commission.

MOTION by Lee Taylor to approve Planning Commission Proclamation 2024-02

SECONDED by Ian Bald motion **PASSED 6-0**

Lee Taylor	**Aye**	**Nay**	**Abstain**	**Absent**
Ian Bald	**Aye**	**Nay**	**Abstain**	**Absent**
M.J. Schillaci	**Aye**	**Nay**	**Abstain**	**Absent**
Josselin Lifton-Zoline	**Aye**	**Nay**	**Abstain**	**Absent**
Matthew Bayma	**Aye**	**Nay**	**Abstain**	**Absent**
Galena Gleason	**Aye**	**Nay**	**Abstain**	**Absent**

9:15 A.M. PUBLIC HEARING: LAND USE APPLICATION

Applicant: Helen Thomas, Fermi Uranium Corp
Project Name: Pitchfork Project
Parcel Pin #: 455103200002
Parcel Size: 621 acres
Location: HWY 141 and CR 23, Big Gypsum Valley
Zone District: West End (WE)
Proposal: Pitchfork drilling project Mineral Exploration, Mining Special Use Permit

John Huebner, Senior Planner, presented Fermi's application.

Ian Bald asked if the only road improvements would be grading.

John Huebner responded yes.

Josselin Lifton-Zoline asked what would happen if rare plants were discovered.

Kaye responded that Planning would work with other staff and agencies to ensure their protection and appropriate cautions.

Helen Thomas, Fermi Geologist, provided a supplemental presentation.

Lee Taylor asked why there is a recent uptick in applications for uranium mining.

Bob Larson responded that it is driven by the market price and the United States is leading the market for uranium and vanadium. The shift towards nuclear energy as well as the reluctance to use Russian minerals both play a role as well.

Matthew Bayma asked if the improvements to the loop County Road 23 S road would be considered a new access road.

Bob Larson replied that he was unaware that these were county roads until today and it is something that will have to be discussed further.

Ryan Righetti, County Road and Bridge Director, commented that it is a Public road for access to BLM land.

Josselin Lifton-Zoline commented that there is a water source listed as available for the project on the property for drilling and will it be available for revegetation efforts?

Helen Thomas replied that there needs to be an addendum added that when the agricultural pond is not full, which it is not right now, the project will have to purchase water from the town of Naturita.

Josselin Lifton-Zoline asked whether this land is open to the public and what sort of fencing will be in place.

Bob Larson responded that it is private property where cattle are run and it is already gated as private land.

Lee Taylor asked if the area is fenced off.

Bob replied that there is a fence from the highway but the area itself does not have a continuous fence.

Galena Gleason asked if it seems reasonable and feasible to hire local contractors for the project.

Bob Larson, replied yes and that they will use local contractors as much as possible.

Ian Bald asked if there is intention to keep the uranium in the United States.

Bob Larson replied that we are dealing with the nuclear generating companies in the US and they are acquiring their fuel on the open market. There is no guarantee that outside countries won't make a bid on the resources.

10:14 a.m. The Chair opened the floor for public comment.

Fredrick Peterson, Highbury Resources, and family to the Barrett Brothers, stated that the county road is a joke, it is undriveable and does not go very far, he has never seen a piece of equipment on the road. Russian ore is 19 percent of what the United States uses and we would like to replace that.

10:17 a.m. Public Comment closed.

M.J. Schillaci commented that something should be added regarding the water source and the project should not be limited to purchasing solely from Naturita.

Kaye Simonson stated that a standard condition is to inform the Planning Department of the water source.

Galena Gleason asked if staff could prepare a cumulative report regarding all the permitted mining operations thus far.

MOTION by Mathew Bayma to **RECCOMEND** to the San Miguel County Board of Commissioners to approve a Mining Special Use Permit (SUP) for Fermi Uranium Corp. or its contractor, for mineral exploration from drill pads on mining claims on private lands located in the Big Gypsum Valley in west San Miguel County, based on the finding that the proposed use is consistent with the County Master Plan, and with the Land Use Policies in LUC Section 2-8, Natural and Man-Made Hazard and Resource Area; LUC Section 2-11, Erosion; LUC Section 2-34, Revegetation with Native Species; LUC Section 2-35, Mining and Mineral Processing Operations, and complies with the Land Use Code review standards in Section 5-407 Wildlife Habitat Areas; Section 5-10, Special Uses; Section 5-11, Conditional Uses on Federal Lands; and Section 5-16, Mining; and Section 5-320 K, Review Standards for WE Zone District Special Uses, subject to the following specific terms and conditions:

1. The Special Use Permit is issued to the Applicant, Fermi Uranium Corp., and does not run with the Land.
2. No future mining activity at the project site by Fermi Uranium Corp., its lessees, or the property owners or its lessees is authorized by this approval.
3. Contact the Planning Department, Road and Bridge Department and County Sheriff's Office prior to mobilization of and the start of drilling activities.
4. Provide a list of onsite contacts for Fermi Uranium Corp. and the drilling project contractor.
5. This Special Use Permit conditional approval is subject to the terms and conditions of the Notice of Intent approved by Colorado Division of Reclamation and Mining and Safety (CDRMS) concerning this drilling program.
6. The project drilling program and reclamation plan shall be consistent with and comply with the applicable provisions as approved by the County, unless specifically modified in the CDRMS approval action.
7. Provide progress reports to County Planning.
8. All written representations of the applicant, in the original submittal and all supplements, are deemed to be conditions of approval except to the extent modified by this approval.
9. Exploration activities shall be limited to summer 2024, and shall end no later than November 30.
10. The County shall be informed of any cultural resources discovered in the course of work. Pads and road disturbance should avoid any areas with cultural resources. All appropriate mitigation measures shall be taken to protect cultural resources.
11. The revegetation plan shall include best practices to maximize available water.
12. Prefer that a local contractor be used and report to Planning.
13. Comply with all terms and conditions of the Colorado Department of Public Health and Environment Stormwater Discharge Permit. Provide a copy of the permit to County Planning.
14. Applicant shall obtain a Road and Bridge Aboveground Work in the Right-of-Way Permit prior to commencing operations.

15. Applicant shall obtain a Biological survey to identify rare plants in the project area, and provide a copy to County Planning Department prior to commencing operations. The applicant shall follow all recommendations in that report.
16. Resolve the County Road Location issues prior to the BOCC hearing.
17. The Applicant shall report to the planning department the source of the water.

SECONDED by M.J. Schillaci. **VOTE PASSED 4-1**

Lee Taylor	**Aye**	**Nay**	**Abstain**	**Absent**
Ian Bald	**Aye**	**Nay**	**Abstain**	**Absent**
M.J. Schillaci	**Aye**	**Nay**	**Abstain**	**Absent**
Josselin Lifton-Zoline	**Aye**	**Nay**	**Abstain**	**Absent**
Matthew Bayma	**Aye**	**Nay**	**Abstain**	**Absent**
Galena Gleason	**Aye**	**Nay**	**Abstain**	**Absent**

10:35 a.m. Recessed.

10:40 a.m. Reconvened.

10:30 A.M. LAND USE CODE AMENDMENT RECOMMENDATION

Amending Land Use Code Section 5-1305 to update affordable housing provisions governing initial qualifications / MOTION (continued from May 9, 2024)

Lee Taylor discussed whether he needs to recuse himself and the commission decided no. Mathew and M.J. disclosed potential conflicts as well and it was decided everyone could make an unbiased decision.

Kaye Simonson, Planning Director, gave an overview of the proposed amendment and announced that a FAQ sheet was online answering a lot of the questions about deed restrictions and covenants.

Amy Markwell, County Attorney, clarified that anyone who has already signed a deed restriction with the county would not be impacted.

Courtney McEleney commented that she doesn't expect the update to have much effect on the next compliance check, the biggest issue during the 2023 compliance check was people simply not turning in the form.

M.J. asked if someone is disabled and cannot work is that a qualifying exception.

Courtney McEleney said she did not know.

Kaye Simonson stated that we would have to accommodate someone under the fair housing act if they became disabled and could no longer work.

11:24 a.m. chair opened the floor to public comment

Tom Kennedy, attorney for Lawson Hill, commented that when the deed restriction was created 20 years ago it was a mess with plat note agreements. There have been lots of procedural changes which shouldn't affect someone's deed restriction but has. We need to pause what we are doing and reform stakeholder groups. Amendments and updates are good but should involve much more public input. There are 4 or 5 communities that hold the bulk of the deed restricted housing and they need to be involved in the conversation.

Shellie Duplan, manager of Aldasoro Ranch HOA, agrees with Tom Kennedy and believes that outreach to associations was included in the original covenant and that needs to happen with this amendment. The hourly wage requirement is going to start squeezing out professionals who are the foundation of our community. She would like an answer to her question regarding the binding covenant.

Laura Ellison, Lawson Hill property owners board, commented that she felt caught off guard by the proposed amendment and they would like to be a greater part of the conversation, there is a lot of confusion. There are people who were involved in the 2008 process who should be included again.

Ginny Gordon, member of the Lawson Hill HOA board, commented that it seems like there is not process going out to stakeholders as required in the covenant. The BOCC has changed the covenant in 2023 to be much more restrictive. The Land Use Code does not match the covenant anymore, and Lois wanted to clean up this up to have the Land Use Code match once again, and the rush stemming from Lois's impending retirement is not fair. She continued that she listened to the previous meetings and took copious notes and is still confused.

Lee Roufa, resident of Aldasoro Ranch, stated that this is about defining the definition of W2 self-employed people. Lee would not qualify to live in Lawson under this current deed restriction. People are received large gifts from family members and should not be disqualified due to this.

Camille Price, homeowner in Lawson Hill, said that she did not take the time to compare to the old version of the LUC, it would be very helpful to have a redlined version to be able to know what is being changed. There needs to be more time for people to understand, she does not even know if she is under a covenant or who to ask about her documentation.

Amy Markwell commented that redline changes were included in the packet.

Mike Bordogna commented that we are doing this now due to the confusion in the recent compliance check.

Jake Mctigue, homeowner in Aldasoro, commented that this is very confusing and we are at a point where we need to unite the public. FAQ's being published a day before the hearing is not acceptable.

11:51 Public comment closed

Mathew Bayma commented that Kaye had mentioned the scheduling of a work session.

Kaye Simonson responded that the BOCC acting as the Housing Authority is planning to schedule a work session.

Josselin asked when the next round of compliance checks are.

Courtney responded that the next compliance check is in 2025 but these proposed changes would immediately affect renters looking to qualify.

Galena Gleason commented that she really supports the stakeholder group and work session.

Mathew Bayma stated that he agrees with the idea of forwarding it to the BOCC since the Planning Commission doesn't have the ability to look at the larger picture regarding covenants etc.

Galena agreed.

MOTION by M.J. to **FORWARD** to the Board of County Commissioners for the consideration of the amendment to San Miguel County Land Use Code Sections 5-1305 as noted in the packet with a very strong recommendation that a stakeholder group be formed to discuss and resolve the issues surrounding the deed restriction and the covenant;

SECONDED by Galena Gleason. **VOTE PASSED 5-0**

Lee Taylor	**Aye**	**Nay**	**Abstain**	**Absent**
Ian Bald	**Aye**	**Nay**	**Abstain**	**Absent**
M.J. Schillaci	**Aye**	**Nay**	**Abstain**	**Absent**
Josselin Lifton-Zoline	**Aye**	**Nay**	**Abstain**	**Absent**
Matthew Bayma	**Aye**	**Nay**	**Abstain**	**Absent**
Galena Gleason	**Aye**	**Nay**	**Abstain**	**Absent**

12:15 pm recessed

1:00 pm reconvened

1:00 P.M. PUBLIC HEARING

Kaye Simonson debriefed the commission on the current state of the Master Plan and the work done on it so far.

1:20 pm The Chair opened the floor for public comment.

The following people addressed the commission:

Pete Johnson

Johnnie Stevens

Catherine Winchester

Ray Bowers

Randy Liebler

Betty Hastings

Fran Berg

Jolana Vanek

Morgan Smith

Ed O' Sullivan

Pam Bennett.

James Lucarelli

Shellie Duplan

James Caruso

Tim Trulock

Robyn Van Gelder

Lauren Murray

Sill Hastings

Scott Bennet

Peter Ricciardelli

Kelly Kramer

Carolyn Jackson

Nick Farkouh

Emily Masson

Brett Porterfield

David Duty

Amy Levek

3:50 pm public comment closed and recessed

4:00 pm reconvened

MOTION by M.J. Schillaci to **CHANGE** the future land use designation of the irregular Zoline parcel A to Low Density

SECONDED by Ian Bald **VOTE PASSED 4-0** with Josselin Lifton Zoline abstaining

Lee Taylor	**Aye**	**Nay**	**Abstain**	**Absent**
Ian Bald	**Aye**	**Nay**	**Abstain**	**Absent**
M.J. Schillaci	**Aye**	**Nay**	**Abstain**	**Absent**
Josselin Lifton-Zoline	**Aye**	**Nay**	**Abstain**	**Absent**
Matthew Bayma	**Aye**	**Nay**	**Abstain**	**Absent**
Galena Gleason	**Aye**	**Nay**	**Abstain**	**Absent**

MOTION by Matthew Bayma to **CHANGE** the name of the Future Land Use ‘Opportunities’ Map to the Future Land Use ‘Map’

SECONDED by M.J. Schillaci **VOTE PASSED 5-0**

Lee Taylor	**Aye**	**Nay**	**Abstain**	**Absent**
Ian Bald	**Aye**	**Nay**	**Abstain**	**Absent**
M.J. Schillaci	**Aye**	**Nay**	**Abstain**	**Absent**
Josselin Lifton-Zoline	**Aye**	**Nay**	**Abstain**	**Absent**
Matthew Bayma	**Aye**	**Nay**	**Abstain**	**Absent**
Galena Gleason	**Aye**	**Nay**	**Abstain**	**Absent**

MOTION by Galena Gleason to **INCLUDE** in Chapter 3 a summary of public comment received up to date

SECONDED by Ian Bald **VOTE PASSED 5-0**

Lee Taylor	**Aye**	**Nay**	**Abstain**	**Absent**
Ian Bald	**Aye**	**Nay**	**Abstain**	**Absent**
M.J. Schillaci	**Aye**	**Nay**	**Abstain**	**Absent**
Josselin Lifton-Zoline	**Aye**	**Nay**	**Abstain**	**Absent**
Matthew Bayma	**Aye**	**Nay**	**Abstain**	**Absent**
Galena Gleason	**Aye**	**Nay**	**Abstain**	**Absent**

MOTION by M.J. Schillaci to **ADOPT** the East End Master Plan as an element of the San Miguel County Comprehensive Development, and to adopt Resolution 2024-05, pursuant to Colorado Revised Statute Section 38-28-106(1), and to certify the adoption of the Plan to the Board of County Commissioners and to the Towns of Telluride, Mountain Village, Ophir, Sawpit and Norwood, pursuant to Colorado Revised Statute Section 38-28-109. Adoption of the Plan is based on the following findings of fact:

1. The East End Master Plan is consistent with Land Use Code Section 1-4, Purposes of the Land Code.
2. The East End Master Plan implements the Land Use Policies of Article 2 of the Land Use Code, and more specifically, Section 2-2, Comprehensive Planning.
3. The East End Master Plan complies with the statutory powers of the County Planning Commission to make and adopt Land Use Plans within all or any part of the unincorporated territory of San Miguel County pursuant to C.R.S § 30-28-106 et seq., and meets all statutory requirements regarding public process and required content.

Further, it is moved that the Telluride Regional Area Master Plan, a part of the San Miguel County Comprehensive Development Plan, is replaced in its entirety by the East End Master Plan. All references to the Telluride Regional Area Master Plan contained in the San Miguel County Comprehensive Development Plan shall be changed to East End Master Plan.

Further, staff is directed to make corrections to all typographical and scrivener's errors prior to publishing the East End Master Plan

SECONDED by Ian Bald **VOTE PASSED 5-0**

Lee Taylor	**Aye**	**Nay**	**Abstain**	**Absent**
Ian Bald	**Aye**	**Nay**	**Abstain**	**Absent**
M.J. Schillaci	**Aye**	**Nay**	**Abstain**	**Absent**
Josselin Lifton-Zoline	**Aye**	**Nay**	**Abstain**	**Absent**
Matthew Bayma	**Aye**	**Nay**	**Abstain**	**Absent**
Galena Gleason	**Aye**	**Nay**	**Abstain**	**Absent**

5:10 p.m. Adjourned

Respectfully Submitted,

_____
Nicola Kerr, Associate Planner

Approved on _____, 2024.

SAN MIGUEL COUNTY PLANNING COMMISSION

_____
M.J. Schillaci, Secretary
:\PC Planning Commission\PC Minutes\2023\pc.5.23.minutes.docx]

AGENDA ITEM 3.a

TITLE:
Consideration of an amendment to the Land Use Code for Solar Energy Systems with related amendments / MOTION

Presented by:
Time needed:

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:
CPC packet Solar Regulations 071124.pdf
Comments Received After Packet.pdf

Description:

PUBLIC MEETING RECORD

San Miguel County Planning Commission
Application: Amendment to the San Miguel County Land Use Code – Solar Energy Systems
Date: July 11, 2024

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 Planning Commission from Kaye Simonson, Planning Director, dated July 11, 2024
4. Memorandum to Kaye Simonson and Amy Markwell from Torie Jarvis and David Baumgarten, Sullivan Green Seavy Jarvis LLC, dated July 3, 2024
5. Redlined Draft Regulations for Solar Energy Systems in response to referral agency comments
6. Draft Regulations for Solar Energy Systems with related Land Use Code Amendments as submitted to referral agencies
7. Planning Commission Agenda published in the Telluride Daily Planet and Norwood Post on June 28, 2024
8. Press release issued June 18, 2024

AGENCY COMMENTS

9. Memo from Kaye Simonson to Referral Agencies dated June 10, 2024.
10. Email from Dan Roussin, CDOT, received June 10, 2024
11. Letter from Adrienne Dorsey and Jeremiah Garrick, COSSA Institute, dated June 25, 2024, with attachments
12. Letter from Rachel Sralla, Colorado Parks and Wildlife, dated June 21, 2024, with attachments
13. Letter from Tony Daranyi, Norwood Water Commission, dated May 1, 2024
14. Letter from David Rodenberg, State Land Board, dated June 26, 2024
15. Email from Shannon Armstrong, San Miguel County Emergency Manager, received May 29, 2024, with attachments
16. Letter from Candy Meehan, Mayor, Town of Norwood, dated June 12, 2024

PUBLIC COMMENT

17. Email from Alexandra Thompson received May 14, 2024
18. Letter from Alexandra Thompson received June 27, 2024
19. Email from Joan May received May 16, 2024
20. Email from Tami St. Germain received May 8, 2024
21. Email from Tony Daranyi received June 24, 2024
22. Letter from Rick Hollinbeck received July 3, 2024

OTHER

None

M E M O R A N D U M

TO: San Miguel County Planning Commission
FROM: Kaye Simonson, AICP, Planning Director
RE: Land Use Code Amendment - Regulations for Solar Energy Systems
DATE: July 11, 2024

Background
In the past few years, the Planning Department has had inquiries regarding significant utility-scale solar projects. In order to provide thorough and adequate review that is responsive to today's energy needs and technology and address the concerns of the community, a moratorium was put in place to allow the preparation of draft regulations on May 24, 2023, and extended on November 15, 2023 to May 15, 2024. The moratorium was subsequently extended to November 15, 2024. At the time of the moratorium, the County was in the process of contracting with Sullivan Green Seavy Jarvis LLC to prepare Land Use Code amendments related to natural resources (mining, oil and gas, logging). Solar regulations were added to the scope of work and prioritized.

On October 10, 2023, a community open house was held in Norwood to gather public input on solar energy and natural resources. Approximately 80 people attended. Participants were asked to identify specific issues and concerns regarding both solar and natural resources, and also asked to provide written feedback with other issues and concerns. A summary of the community feedback, as well as the display posters, are available on the "Renewable Energy and Natural Resources" webpage at https://www.sanmiguelcountyco.gov/781/Renewable-Energy-and-Natural-Resources.

The Board of County Commissioners and the Planning Commission have held three work sessions to discuss the draft solar regulations, on January 24, March 27, and May 8, 2024. Prior to the May 8 work session, a subcommittee of two Planning Commissioners and one County Commissioner met with staff to discuss key issues and provide recommendations to both bodies. Additionally, staff gave an informational presentation at the Board of County Commissioners meeting in Egnar on May 1. The draft Land Use Code amendment incorporates direction given by the BOCC and CPC in the work sessions.

Work Sessions
Within the three work sessions, there was significant discussion and community input around a number of topics. A number of changes were made to the drafts over the course of the work sessions, particularly regarding size and location of large-scale facilities. It should be noted that in response to review agency comments, there may be additional changes affecting some of these items.

- Large Scale facilities are now defined as being 40 acres or more. The intent is to allow the development of "solar farms," as defined in State statute, which have a generating capacity of up to 5 megawatts. Based on industry averages, solar facilities on 8 to 10 acres produce about 1 megawatt of energy. Actual output would depend on site conditions, design, and layout of arrays.
- Medium-scale facilities must be less than 40 acres.
- Clarification has been added regarding how the project area is defined.
- The Wright's Mesa Rural Agriculture zone district was removed from zone districts where Large-Scale facilities could be considered. As drafted, Large-Scale facilities may

be proposed in the Forestry, Agriculture and Open (F) zone and in the West End (WE) zone, as well as the Heavy Commercial (HC), Light Industrial (LI) and Public (P) zone districts.

- The review process for both Medium- and Large-Scale facilities is a two-step process, with review and recommendation from the Planning Commission, and final decision by the BOCC.
- Microgrids are defined, and are listed as permitted in the higher density residential and mixed-use zone districts in order to provide power to neighborhoods.
- Requirements for Small-Scale facilities were removed, as those are typically accessory to the principal use of the property, and are reviewed administratively as part of the development and building permit process. Additional regulation is not needed.
- In response to concerns about impacts on agricultural lands, requirements to locate at least half of any project on non-prime farmland (as mapped by NRCS) were added. Requirements to show irrigation and agricultural drainage ditches were added. It is recognized that sites may be developed as "agrivoltaics" projects, where ground crops, pollinator crops, and grazing are incorporated into the project. A statement was added noting it is preferred to locate facilities on disturbed areas where possible.
- The distance from which Visual Quality would be considered for Large-Scale projects was increased to one mile. Assessment of visual impacts for Medium-Scale projects was clarified, identifying "nearby roads and properties" as the area of potential impact.
- The required setback to Large-Scale facilities was increased to a minimum of 200 feet. This is consistent with oil and gas regulations. Setbacks to Medium-Scale facilities are required to be a minimum of 50 feet. Setbacks are measured to the fence or other enclosures, panels, equipment and structures. They do not include berms or landscaping used to screen the project. In response to referral agency comments, some flexibility has been added wherein setbacks can be modified through the review process. For example, a facility that abuts public lands may not need the setback specified in the regulations.
- Water resources and hydrologic impacts have been improved and clarified.
- Consideration of cumulative impacts was added. This is already a requirement for other Special Use Permits, but because this section stands alone, it was advisable to restate it here.
- Compensatory mitigation for wildlife and other impacts was added. Such mitigation may occur within a regionally defined area in a manner that is still beneficial to the area.
- A number of other terms have been defined, including "Adverse," "Impact," Mitigation," and "Significant." These are in the General section of the new Article 6, and are expected to be applied to all Natural Resource topics. The definition of "Solar Energy System" has been clarified to describe it as a "photovoltaic or low temperature thermal system," to allay concerns regarding concentrating solar energy systems.

Additionally, language regarding interconnection, financial security, enforcement and decommissioning has been refined. Consideration has been given to whether application materials and standards are necessary to address impacts of potential development. The County's interest is to ensure that a project, once construction commences, will be reclaimed if not completed, and that once built, that the facility can be removed and the site can be reclaimed if it ceases operation; therefore, performance bonds will be required.

Several of the earlier requirements for detailed technical and financial information has been removed or scaled back, as those are part of an applicant's business plan, and it is up to them to determine if a project makes sense financially. The submission of some items, such as an interconnection agreement, may be deferred to the Development Permit stage. Term of Permit

was added, stating the applicant has three years to commence construction. A section was added regarding Transfer of Permit; this is to provide a process by which a subsequent operator is made aware of all conditions of a permit and agrees to abide by those conditions. Most of the requirements regarding financial guarantees, transfer of permits, and decommissioning are intended to avoid problems the County has experienced with other natural resource permits.

Current Code
Land Use Code (LUC) Article 5, Standards, contains the various zone district standards that identify where specific uses are permitted, as well as development review standards for uses subject to Special Use Permit. Within the specific zone districts, there are enumerated a number of uses related to construction of utilities and infrastructure. However, the listed uses vary between the zone districts. The Code does not specifically identify solar generation (commercial or small-scale) as a permitted use. Under basic planning principles, applications for solar developments have been classified as permitted based on the most similar use in the Code, e.g. “Public Utility Structure.”

LUC Section 5-709 provides standards for the consideration of “Public Utilities Structures and Electricity Transmission and Distribution Lines.” Other sections of the Code used in past review of solar and utility projects include LUC Section 5-10 Special Uses, as well as Article 2, Land Use Policies, and Section 5-4, Areas of State and Local Interest. There are two solar facilities in the County; both are relatively small at between one and one and a half acres.

Proposed Code Amendment
The regulations for Solar Energy Systems will be included in a new section in the Land Use Code, Article 6, Natural Resources. (Article 6, Definitions, will be renumbered to Article 7 and all references within the LUC amended accordingly.) In the future, other sections related to natural resources can be added to the new Article. Corresponding changes related to Land Use Policies, permits, and hearing procedures are also proposed (Articles, 2, 3, 4 and 5).

The complete draft amendments as sent to referral agencies and published on the website follow this report in the meeting packet. In response to comments and suggestions from referral agencies, additional changes have been made to the draft, as described in the memorandum from the consultants, Torie Jarvis and David Baumgarten of Sullivan Green Seavy Jarvis LLC, dated July 3, 2024.

PLEASE REFER TO THE VERSION WITH “UPDATED PER REVIEW COMMENTS” IN THE HEADER FOR THE MOST CURRENT PROPOSED LANGUAGE

<u>Regulatory Approach to Mitigating Impacts</u>
The intent of the solar regulations is to facilitate the development of solar energy systems while mitigating the impacts of such development. The regulations are structured to achieve this goal.

The regulations require an applicant for development of a large-scale or medium-scale solar energy system to provide reports, plans, and studies that analyze impacts of the project and to explain in the application materials how the applicant will mitigate those impacts. Review standards align with application materials. The burden of proof is on the applicant to demonstrate through the application materials how the review standards are met.

A desire for more prescriptive standards has been stated by commissioners, the public, and referral agencies. To the extent practical, dimensional standards have been included. However, given the wide variety of site conditions throughout the County, as well as the

abundance of design options, it is not possible to provide more specific standards. It will be the responsibility of the applicants to prepare an application that meets the submittal requirements and review standards. It is likely that, as with all land use applications, Planning staff will need to work with applicants and make judgements regarding compliance with the Code.

In addition to projects on private and state lands, these regulations apply to private activity on federal land because the regulations are focused on mitigating impacts of the activity, not on dictating whether or not solar development may occur on federal land.

Application Materials and Review Standards

The number of topics and issues to be considered for both Large- and Medium-Scale Solar energy systems is extensive. Staff and the consultant have worked to right-size the required submittal materials and the review standards to suit the two project scales. More detailed plans and studies are required for large-scale projects. Requirements for Medium-Scale Solar Energy Systems are similar to that for Large-Scale, but with adjustments in recognition of the lesser impacts of the smaller facility. It is intended that the Solar Energy standards replaces all other review criteria within the Code, except where other LUC sections are specifically referenced.

A number of required plans, studies and reports will be required, including a "Decommissioning and Restoration Plan," a "Hazardous Materials Management Plan," and an "Emergency Preparedness and Response Plan." These plans would become part of the development approval. It would be a requirement to update the "Decommissioning and Restoration Plan" every five (5) years or more frequently to ensure the Financial Security is adequate, and that best practices are included in the plan.

Section 6-1 General:

The new article begins with statements of Purpose and Authority. Definitions that are expected to apply to all natural resources are also included in Section 6-1.

Section 6-2, Solar Energy Systems

As a stand-alone section, all zone districts where solar energy systems may be permitted are listed, rather than amending each zone district. It also contains all application requirements, and provides all review standards, except where referenced (e.g. lighting). This reduces the number of cross-references within the LUC and minimizes potential omissions and errors. The application requirements are very specific and are directly connected to corresponding review standards.

6-201 General Provisions:

A. Purpose
B. Applicability
C. Permit Required, including on federal land
D. Solar Energy Systems Permitted in Certain Zone Districts, according to large-scale, medium-scaled, microgrid, small-scale, and on federal lands
E. Permit Review Procedures
F. Term of Permit and Commencement of Project
G. Transfer of Permits
H. Definitions

The General Provisions outline the purpose, applicability, where facilities are permitted, the review processes, and definitions specific to solar. Notably, as discussed in the work sessions,

large-scale facilities would not be allowed in the Wright's Messa zone districts, and Large-Scale facilities are defined as occupying 40 acres or more.

Zone Districts (Section 6-201 D):
This section lists the zone districts in which large-scale, medium scale, and medium-scale microgrids may be permitted.

Zone districts where Large-Scale Solar Energy Systems (Section 6-201 D.I) may be permitted are:
- Forestry, Agriculture and Open (F)
- Heavy Commercial (HC)
- Low Intensity Industrial (I)
- Public (PUB)
- West End (WE)

Zone districts where Medium-Scale Solar Energy Systems (Section 6-201 D.II) may be permitted are:
- Forestry, Agriculture and Open (F)
- Heavy Commercial (HC)
- Low Intensity Industrial (I)
- Public (PUB)
- Wright's Mesa Light Industrial (WMLI) (may require rezoning from Wright's Mesa (WM) to WMLI)
- Wright's Mesa Rural Agriculture (WMRA) (may require rezoning from Wright's Mesa (WM) to WMRA)
- West End (WE)

Zone Districts where Microgrid Medium-Scale Solar Energy Systems (Section 6-201 D.III) may be permitted, in addition to those zones listed in D.II above, are:
- High Density (HD)
- Medium Density (MD)
- Low Density (LD)
- Affordable Housing PUD (AHPUD)
- Low Density Residential (LDR)
- Mixed Use Development (MXD)
- Community Housing (CH)

Small-Scale Solar Energy Systems would be permitted by right in all zone districts as accessory uses, consistent with current practice.

The zoning map can be viewed online (Interactive Map or PDF) through the Geographic Information Systems page at https://www.sanmiguelcountyco.gov/185/MappingGIS.

Permit Review Procedures (Section 6-201 E):
- Large-Scale, Medium-Scale and Micro-grid Medium-Scale Solar projects are all proposed to be subject to Two-Step Review (CPC and BOCC review).
- Small-Scale systems are subject to administrative review (a development permit), aligning with the current process for solar energy systems that are primarily intended to provide power to the use on the site.

Definitions (Section 6-201 H):

There are three levels of Solar Energy Systems, defined as follows:

- Large-Scale Solar Energy System: A Solar Energy System consisting of ground-mounted solar arrays occupying forty (40) acres or more of land.
- Medium-Scale Solar Energy System: A Solar Energy System consisting of roof-mounted solar arrays with a rated capacity of greater than 250 kW or ground-mounted solar arrays occupying more than one-half (1/2) acre and less than forty (40) acres of land.
- Small-Scale Solar Energy System: A Solar Energy System consisting of roof-mounted solar arrays with a rated capacity of less than 250 kW or ground-mounted solar arrays occupying no more than one-half (1/2) acre of land that primarily will be used to produce electric power to onsite principal uses.
- Other defined terms include Grid, Interconnection, Microgrid, and Solar Energy System.

Section 6-202 Permit Requirements for All Solar Energy Systems:

A. Application Fee
B. Consultants and Referral Agency Costs
C. Expansion of Solar Energy Systems or Sequential Projects
D. Waiver of Application Materials
E. Confidential Materials

This section describes permit requirements that apply to all applications for solar energy systems. This section is consistent with requirements set forth in the Land Use Code for other land development application types. Section 6-202 C specifies how system expansion are to be reviewed, so that cumulative impacts can be considered. 6-202 E addresses the industry concern regarding confidential and proprietary information.

As with all land use applications, the Planning Director may waive, modify or defer application requirements when it is determined that a particular topic is not applicable or when certain information is not needed in the earlier steps. This may occur at the pre-application meeting, or the applicant may request waivers or modifications during the application process, wherein they will provide information as to why a modification should be made.

Section 6-203 Application Materials for Large-Scale Solar Energy Systems

There are 27 listed submission requirements. Throughout the work sessions, the submission materials were refined to ensure we were receiving all the materials necessary to fully consider the application. In preparing the application, the applicant will need to not only describe the project but assess the potential impacts and explain how those impacts are being mitigated. The submission requirements are:

A. Information Describing the Applicant
B. Information Describing the Large-Scale Solar Development
C. Technical Feasibility of the Large-Scale Solar Development
D. Property Rights, Permits and Approvals
E. Vicinity Map
F. Water Quality Conditions Impact Assessment
G. Floodplains, Riparian Areas, and Fens Impact Assessment
H. Stormwater Management Plan
I. Wildlife and Wildlife Habitat Impact Assessment
J. Terrestrial Plans Impact Assessment and Mitigation
K. Grading, Erosion and Sediment Control Plan

L. Revegetation and Weed Management Plan
M. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment
N. Glare, Glint and Lighting Impact Assessment
O. Visual Quality Impact Assessment
P. Natural Hazards Impact Assessment
Q. Local Government Services Impact Assessment
R. Housing Impact Assessment
S. Water Services Availability
T. Traffic Route Plan
U. Road and Rights-of-Way Improvements and Maintenance Plan
V. Emergency Preparedness and Response Plan
W. Hazardous Materials Management Plan
X. Agricultural Resources and Heritage Impact Assessment
Y. Recreational Resources Impact Assessment
Z. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment
AA. Decommissioning and Restoration Plan

6-204 Review Criteria for Large-Scale Solar Energy Systems

There are 31 review criteria for Large-Scale Solar Energy Systems. While the numbering doesn't precisely align with the numbering of the submission requirements, each topic criterion matches a specific submission requirement and follows in the same order.

A. Applicant Expertise
B. Utility Interconnection Agreement
C. Site Design Review Criteria
D. Signage
E. Technical Feasibility
F. Facility Maintenance
G. Necessary Property Rights, Permits and Approvals
H. Water Quality
I. Drainage/Stormwater Runoff
J. Floodplains, Wetlands, Riparian Areas, and Fens
K. Wildlife and Wildlife Habitat
L. Terrestrial Plants
M. Erosion and Sediment Control
N. Revegetation and Weed Management
O. Noise, Dust, Fumes, Vibration, and Odor
P Glare and Glint
Q. Exterior Lighting
R. Visual Quality
S. Risk from Natural Hazards
T. Impact to Local Government Services
U. Housing
V. Water Services Availability
W. Construction Traffic
X. Roads and Rights-of-Way Improvements and Maintenance
Y. Emergency Preparedness and Response
Z. Hazardous Materials Management
AA. Agricultural Resources
BB. Recreational Resources

CC. Areas of Paleontological, Historical, or Archaeological Importance
DD. Decommissioning and Restoration
EE. Compliance with Required Plans/Studies/Reports

6-205 Application Materials for Medium-Scale Solar Energy Systems
There are 24 listed submission requirements. While similar to the requirements for large-scale systems, there is some simplification or combination of topics in recognition that the impacts of medium-scale facilities are less.

A. Information Describing the Applicant
B. Information Describing the Medium-Scale Solar Development
C. Technical Feasibility of the Medium-Scale Solar Development
D. Property Rights, Permits and Approvals
E. Water Resource Impact Assessment
F. Stormwater Management Plan
G. Wildlife, Wildlife Habitat, and Terrestrial Plants Impact Assessment
H. Grading, Erosion and Sediment Control Plan
I. Revegetation and Weed Management Plan
J. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment
K. Glare, Glint and Lighting Impact Assessment
L. Visual Quality Impact Assessment
M. Natural Hazards Impact Assessment
N. Local Government Services Impact Assessment
O. Housing Impact Assessment
P. Water Services Availability
Q. Traffic Route Plan
R. Road and Rights-of-Way Improvements and Maintenance Plan
S. Emergency Preparedness and Response Plan
T. Hazardous Materials Management Plan
U. Agricultural Resources and Heritage Impact Assessment
V. Recreational Resources Impact Assessment
W. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment
X. Decommissioning and Restoration Plan

Section 6-206 Review Criteria for Medium-Scale Soar Energy Systems
There are 29 review criteria, also similar to those required for Large-Scale systems but adjusted to recognize that the impacts of the medium-scale facilities would be less.

A. Applicant Expertise
B. Utility Interconnection Agreement
C. Site Design Review Criteria
D. Signage
E. Technical Feasibility
F. Facility Maintenance
G. Necessary Property Rights, Permits and Approvals
H. Water Resources
I. Drainage/Stormwater Runoff
J. Wildlife, Wildlife Habitat, and Terrestrial Plants
K. Erosion and Sediment Control
L. Revegetation and Weed Management
M. Noise, Dust, Fumes, Vibration, and Odor

N Glare and Glint
O. Exterior Lighting
P. Visual Quality
Q. Risk from Natural Hazards
R. Impact to Local Government Services
S. Housing
T. Water Services Availability
U. Construction Traffic
V. Roads and Rights-of-Way Improvements and Maintenance
W. Emergency Preparedness and Response
X. Hazardous Materials Management
Y. Agricultural Resources
Z. Recreational Resources
AA. Areas of Paleontological, Historical, or Archaeological Importance
BB. Decommissioning and Restoration
CC. Compliance with Required Plans/Studies/Reports

Section 6-207 Financial Security

This section requires an applicant to provide a guarantee of financial security for Large-Scale Solar Energy Systems, and allows the County to require a guarantee for Medium-Scale systems if determined necessary. The purpose of the guarantee is to ensure performance of the permit, including mitigation actions, and to decommission, remove and reclaim the site if it becomes necessary. This section includes requirements for determining the amount, release the guarantee, forfeiture, and substitution. This section is related to the requirements for the Decommissioning and Restoration Plan.

Section 6-208 Enforcement and Penalties

In the event a developer or operator of a solar facility fails to meet the conditions of their approval, this section identifies the steps that will be taken to enforce compliance and seek appropriate remedies. It also spells out the inspection process. The enforcement provisions state that if the Hazardous Materials Management Plan is not followed, the County-Designated Emergency Response Authority (DERA) may take necessary actions regarding prevention, control, countermeasures, containment and clean-up of the site.

Related Land Use Code Amendments

There are several related LUC amendments needed to integrate the solar regulations into the Code. They include the following:

Land Use Policies, Section 2-30, Energy Conservation:

Add Land Use Policy 2-3002, “In order to meet greenhouse gas emission targets (pursuant to board of Commissioner Resolution 2023-4), encourage the development of renewable and alternative energy sources.”

Section 3-101, Development Permits:

Add Solar Energy Systems to uses requiring development permits in the West End (WE) Wright’s Mesa (WM) zone districts.

Section 3-103, Building Permits:

Add Solar Energy Systems to uses requiring building permits in the West End (WE) zone district.

Figure 3-1, Land Use Activities and Review Procedures and Section 3-6, Two Step Reviews:
Add Medium-Scale Solar Energy Systems and Large-Scale Solar Energy Systems to the list of projects subject to two-step review.

Section 4-2, Minimum Submission Contents for all Land Use Applications:
In recognition that the new solar regulations contain specific submission requirements, add: "Applications for Land Use Applications shall include the following minimum submission contents, except where the Land Use Code identifies more detailed application requirements for specific uses."

Figure 4-1, Land Use Activity Group II:
Add Medium-Scale and Large-Scale Solar Energy Systems to the table.

Section 5-3, Zone District Standards:
Add Section 5-301 C, Solar Energy Systems, to refer to Section 6-2.

Section 5-320, West End (WE):
Clarify that solar development to power data centers shall meet the requirements of Section 6-2.

Section 5-2203, Development in Wetland Areas:
Clarify that development of Solar Energy Systems will follow the requirements within Section 6-2 rather than Section 5-2203.

Article 6, Definitions
Article 6, Definitions, will become Article 7, Definitions. All references within the Code to the Definitions article will be amended.

Public Notice
The agenda for the July 11 Planning Commission meeting was published in the Telluride Daily Planet and Norwood Post on June 28, 2024.

The draft solar regulations have been available online since June 10. A press release was issued on June 18, 2024, display ads have been published in both newspapers for the past several weeks, and emails were sent to interested parties on June 20, 2024.

Referral Agencies
The proposed Land Use Code text amendment was sent to 61 local, state and federal agencies, municipalities, and organizations, as listed in the referral memo contained in the packet. Responses were received from the following:

Colorado Department of Transportation, Dan Roussin, Access Management: CDOT has no concerns regarding the regulations but noted that if any proposed project causes a 20% traffic volume change at the highway, CDOT will require an access permit.

COSSA Institute, Adrienne Dorsey and Jeremiah Garrick: Colorado Solar & Storage Association (COSSA) submitted a number of recommended revisions, with the goal of improving clarity regarding what is required from developers for project acceptance, and improving clarity about requirements for both construction and operation of the system. Refer to the consultant's memo dated July 3, 2024 and the revised draft amendments with redlines for staff and consultant responses to the COSSA recommendations. COSSA also submitted Solar

Energy FAQs to help people understand solar energy and find additional resources.

Colorado Parks and Wildlife, Rachel Sralla, Montrose Area Wildlife Manager: CPW submitted a letter with recommendations and attached redlines intended to improve the CPW consultation process and provide clarity to all parties. They ask for clarification of the definition of "Mitigation," particularly with respect to where compensatory mitigation might occur. They also provided recommendations regarding fencing, and attached CDOT wildlife fencing specifications. Refer to the consultant's memo dated July 3, 2024 and the revised draft amendments with redlines for staff and consultant responses to the CPW recommendations.

Norwood Water Commission, Tony Daranyi, Chairperson: The Norwood Water Commission letter specifically references the potential One Energy project, for which there is no application and that is not under consideration. They note concerns with potential impacts on water systems and resources, and state a belief that water and soil contamination may occur from facilities. They also reference concerns regarding a loss of agricultural lands.

State Land Board, David Rodenberg, Renewable Energy Program Manager: The State Land Board reiterated that the County has final decision-making authority regarding what uses may be permitted on Trust parcels, pursuant to the Colorado Constitution. They suggested clarifying the criteria that will be used to determine if recreational resources exist on a property, and clarifying how NRCS-designated prime farmland acreage will be calculated. They also provided information regarding the State Land Board's renewable energy portfolio and leasing process. Refer to the consultant's memo dated July 3, 2024 and the revised draft amendments with redlines for staff and consultant responses to the State Land Board recommendations.

San Miguel County Sherriff's Office, Shannon Armstrong, Emergency Manager: The Office of Emergency Management (OEM) requested changes to the regulations to ensure updated Emergency Preparedness and Response Plans are updated and provided to OEM every two years. They also requested recognition of the Designated Emergency Response Authority (DERA), and asked that they may undertake all prevention, control, containment and clean-up measures in the event of a spill or incident, and that the DERA may submit a claim for reimbursement of costs for such activities. These comments were received prior to the draft being finalized and were incorporated into the draft regulations, with some adjustments.

Town of Norwood, Candy Meehan, Mayor: The Town of Norwood requested that Large-Scale Solar Energy Systems be limited to a maximum of 30 acres and that setbacks be 75 feet from the road. (Note: the draft requires a setback of 200 feet from all property lines.) They also ask that Medium-Scale Solar Energy Systems be a maximum of 20 acres, with a 50-foot setback. (Note: the proposed setback for Medium-Scale systems is 50 feet.) They also ask for documentation from "Wright's Mesa Dark Sky" regarding lighting impacts, from water providers to confirm availability, and from Emergency Service providers to ensure adequacy of services.

Public Comments
Since the May work session and as of the writing of this report, six emails and letters have been received from five individuals. All letters are in included in the meeting packet.

Land Use Code Amendment Review Standards

Review Standards for Land Use Code Amendments are contained in LUC Section 5-1802 and state, "Land Use Code Amendments may be initiated by the County or by persons who are residents of, or own property in, San Miguel County subject to compliance with the following

standard." This amendment was initiated by the Board of County Commissioners concurrent with establishment of the moratorium.

The only review standard, LUC Section 5-1802 A., states "Land Use Code Amendments shall be drafted in a form consistent with the organizational format and style of the code." The proposed amendment has been drafted in the format and style of the code.

In addition, Section 1-4, Purposes of the Land Use Code, should be considered.

> 1-402 Implement Policies
> To implement the policies of San Miguel County regarding land use and development, housing, growth and related issues, as adopted and amended from time to time.
>
> 1-403 Create Common System of Administration and Regulation
> To combine the regulation of all aspects of land use and development and the use of land and natural resources into a common system of administration and regulation.
>
> 1-404 Simplify the Land Use Regulatory Process
> To simplify the application and review process for such regulatory system.
>
> 1-405 Protect Health, Safety and Welfare
> To protect the health, safety and public welfare of San Miguel County.

The proposed Land Use Code amendment implements in part the policies of Section 2-30, Energy Conservation, which states "It is the policy of the County to encourage features in any development that will conserve energy resources and minimize the consumption of energy."

The proposed Land Use Code amendment supports the BOCC's goals regarding becoming carbon neutral. The development of solar facilities will help the County meet its goals of reducing greenhouse gas emission levels as set forth in BOCC Resolution No. 2023-04. It will help implement the San Miguel County Climate Action Plan Objective, "Increase the percentage of electricity provided by renewable energy sources," and the related actions within the Plan.

Sample Motion
I move to recommend to the Board of County Commissioners to amend the San Miguel County Land Use Code and adopt the regulations for Solar Energy Systems, adding Article 6, Natural Resources, and make necessary amendments related to Solar Energy Systems throughout the Land Use Code, based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and are consistent with Land Use Code Section 1-4, Purposes of the Land Use Code, and Section 2-30, Energy Conservation. Further, it is consistent with the goals set forth in BOCC Resolution No. 2023-04, and with the San Miguel County Climate Action Plan. I further move that:

1. The amendments shall include all changes as shown in the updated redlined version provided by the consultant in response to referral agency comments.

2. *List any other amendments to be forwarded to the BOCC.*

Sullivan Green Seavy Jarvis LLC

To: Kaye Simonson, Planning Director
Amy Markwell, County Attorney
San Miguel County

FROM: Torie Jarvis and David Baumgarten
Sullivan Green Seavy Jarvis LLC ("SGSJ")

DATE: July 3, 2024

RE: Summarizing agency comments regarding draft County solar regulations, dated June 11, 2024

Dear Kaye and Amy,

SGSJ met with County staff on June 28th to develop the following responses and redline revisions to the June 11th draft solar regulations. The new draft of the solar regulations that incorporates responsive revisions is dated July 11, 2024 in preparation for the San Miguel County Planning Commission meeting.

I. Colorado Parks and Wildlife

The following summarizes comments or revisions suggested by Colorado Parks and Wildlife ("CPW") and responses from County staff and SGSJ. CPW made several other small redline changes that are incorporated in the redline revisions.

A. CPW Recommendation: "Mitigation" Definition and Compensatory Mitigation (Section 6-101.D, 6-203.I, and 6-205.G). CPW recommended several clarifications related to the definition of mitigation, and compensatory mitigation in particular.

Responses: We addressed narrative comments from CPW by:

- Simplifying the definition of "mitigation" in Section 6-101.D and moved information about "compensatory mitigation" to the Wildlife & Wildlife Habitat Application Materials (both for Large- and Medium-Scale) to acknowledge CPW's point that compensatory mitigation may at times be the best form of mitigation for certain species and in certain locations, depending on the Project location.
- Clarifying that compensatory mitigation for wildlife resources must occur within the individual home range of the impacted wildlife resource, for example the Game Management Unit for big game species or the same stream corridor for aquatic species.

B. CPW Recommendation: Wildlife Mitigation Plan in Application Materials (Sections 6-203.I. and 6-205.G)

Response: Consistent with CPW recommendations redlines, in application materials for Large- and Medium-Scale Solar now include a Wildlife Mitigation Plan ("WMP") similar in concept to

the existing application materials required to describe proposed mitigation. The WMP includes additional guidance as to what type of mitigation and compensatory mitigation is required.

C. CPW Recommendation: "Known or Anticipated Changes" in Application Materials (Sections 6-203.I. and 6-205.G). In a number of subsections of the Application Materials, CPW recommended clarifying that "changes" to be analyzed in various subsections should be updated to be "known or anticipated changes."

Response: We recommend including this concept in the definition of "mitigation" instead. In the current staff draft of the solar regulations, "mitigation" in defined in part as "An action or actions to be implemented to address *known, anticipated, or reasonably foreseeable impacts* . . ." (emphasis added).

D. CPW Recommendation: CDOT Security Fence Guidelines (Sections 6-204.K. and 6-206.K.). CPW recommends that security fences constructed for Large- and Medium-Scale Solar follow Colorado Department of Transportation Deer Fence, Gate, and Game Ramps Standard Plan NO. M-607-4, as may be amended, or substantially similar design.

Response: The July 11th draft includes this recommendation.

E. Declined CPW Recommendations: The July 11th draft does not include a few CPW comments, namely:

- The draft does not move the sage grouse habitat mapping provisions from 6-203(II)(c) to part (b). Part (c) includes habitat-related requirements, which should include sage grouse habitat mapping, while Part (b) includes species-related requirements.
- The draft does not include a statement that the impact assessment should assess impacts ID'ed by "CPW, Planning staff, and/or Commission" because 1) BOCC is not involved in the application materials review process, and 2) there is no need for such a list. Instead, the planning department should deem an application incomplete if it does not address all impacts identified by the County.

II. Colorado State Land Board ("SLB")

The SLB provides two recommended clarifications to the draft solar regulations:

A. Recreational Resources (Sections 6-204.BB and 6-206.Z): "Clarify the criteria the County will use to determine a property's recreational resources."

Response: No change recommended. Similar to other review criteria, the burden is on the applicant to identify recreational resources that might be impacted by a Project along with identifying impacts and proposed mitigation. This is a site-specific determination, as the information available will vary depending on the location of the site and the scale of the Project.

B. Agricultural Resources (Section 6-204.AA and 6-206.Y): "Clarify how the County will determine the applicable acreage when calculating the acreage for the NRCS-designated prime farmland threshold. For instance, how will the acreage include or not include the undisturbed acres located between panels that are viable for agrivoltaics?"

Response: No change recommended. The regulations currently require "no more than fifty percent (50%) *of the land disturbed*" to be categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS (emphasis added). This criterion would likely not count undisturbed land between solar panels. However, it's possible that land previously undisturbed would be considered disturbed if, for example, grazing livestock were introduced on land previously not impacted by grazing. The applicant has the burden to evaluate these impacts in the application.

III. Colorado Solar and Energy Storage Association Institute

A summary of comments from Colorado Solar and Energy Storage Association Institute ("COSSA") and responses follow.

A. Definition of "Adverse" and "Agrivoltaics" (Section 6-101.D). COSSA recommends clarifying the definition of "adverse" and adding definitions for "agrivoltaics" and "community solar garden."

Response: Partially addressed. The July 11th draft regulations to add the definition of "agrivoltaics" recommended by COSSA since that term appears in the draft regulations currently. SGSJ does not recommend any changes to adverse or a new term "community solar garden."

B. Transfer of Permits (Section 6-201.G). COSSA recommends removing the public hearing requirement for the transfer of permits for Large- and Medium-Scale Solar.

Response: No change recommended. The draft instead retains the public hearing requirement for transparency and County oversight of permit transfers.

C. Waiver of Application Materials (Section 6-202.D). COSSA requests additional explanation as to when a waiver may be provided for and/or requested.

Response: Addressed. The July 11th draft further explains that "The Planning Director may consider waiving application material(s) at the pre-application conference or upon request of the applicant."

D. Information Describing the Application (Sections 6-203.A & 6-205.A). COSSA states that an applicant may not know the firm or individuals responsible for the construction and operation of the solar energy system upon submitting an application, and requests the application not require such information.

Response: No change recommended. An applicant can address where they are in their internal process during the application process for a specific Project. The County staff can work with an applicant to submit iterative responsive information, and County Commissioners may consider issue a Permit with a condition that requires such information to be submitted before Project construction starts.

E. Location and Extent of Existing and Proposed Disturbed Areas (Sections 6-203.B.I. & 6-205.B.I.a.). COSSA requests that an applicant who does not propose to disturb any existing disturbed areas be exempt from this requirement.

Response: No change recommended. The rationale for explaining the "location and extent of existing and proposed disturbed areas" is to evaluate to what extent the applicant is prioritizing existing disturbed areas.

F. Technical Feasibility (Sections 6-203.C & 6-205.C). COSSA requests that the application material requiring an explanation of "costs for proposed mitigation measures" be removed.

Response: Addressed. The costs for proposed mitigation are required for calculation of the Financial Security in Section 6-207; thus the costs are not also needed in this section. This section does retain the requirement to explain the techniques used for proposed mitigation measures.

G. "Letter of Interconnection" (Sections 6-203.D.VI. & 6-205.D.III. & 6-204 B). COSSA continues to state concerns with requiring a "letter of interconnection" before Project construction begins.

Response: No change recommended. The solar regulations have previously been updated to explain that a "letter to interconnect" may be a condition of the Permit and thus may not be required at application submission. The solar regulations also already only require this application material "if proposing to interconnect to a utility."

H. Stormwater Management Plan (Sections 6-203.H & 6.205.F). COSSA requests that the Stormwater Management Plan ("SWMP") not be required for the solar permit.

Response: No change recommended. The SWMP is how the applicant demonstrates compliance with the standard "Runoff will be kept on the site in a stormwater detention system, and waters in excess of historic run-off will be prevented from leaving the site" at Sections 6-204.I. and 6-206.I. The regulations explicitly allow an applicant to submit the SWMP that is required by the Colorado Water Quality Control Division for the application requirement as long as it also meets Best Management Practices in the regulations.

I. Wildlife, Wildlife Habitat, and Terrestrial Application Materials and Standards (Sections 6-203.I, 6-203-J, 6-204.K, 6-204.L, 6-205.G, and 6-206.J): COSSA questions how an applicant might demonstrate that a solar development will not have an adverse impact on wildlife or wildlife habitat. The comments also request the applicant not include an analysis of impacts to waterfowl.

Response: Addressed. Changes based on CPW comments, as outlined above, address COSSA concerns as well. Mitigation is the tool applicants should use to demonstrate no adverse impact on wildlife, and the regulations have additional information on how this might occur through avoidance, minimization, and compensation.

J. Grading, Erosion, and Sediment Control Plan (Sections 6-203.K and 6-205.H) and Water Services Availability (Sections 6-203.S, 6-206.T, 6-204.V, & 6-205.P). COSSA requests that the Grading, Erosion, and Sediment Control Plan and information regarding the availability of water services be required during some later administrative review process.

Response: No change recommended. For a specific Project, the County may be consider issuing a Permit with a condition that requires an applicant to submit a final Plan or confirmation of water supply acquisition before Project construction. It is appropriate for this information to be considered as part of the BOCC decision of whether to issue a permit for solar development.

L. Risk from Natural Hazards and Impact Assessment (Sections 6-203.P, 6-205.M, 6-204.S, & 6-206.Q). COSSA states that it's difficult to propose a Project that could be completely avoid being "subject to risk from natural hazards."

> **Response:** Addressed. The current standards are legally defensible. However, to address COSSA's concern, the July 11 draft proposed to update the standards related to risk from natural hazards to add the word "significant" as shown in italics: "The Medium-Scale Solar Development will not be subject to *significant* risk from natural hazards and will not *significantly* exacerbate natural hazards."

M. Hazardous Materials Management Plan (Sections 6-203.W, 6-205.T, & 6.204.Z). COSSA suggests that a Hazardous Materials Management Plan is not appropriate for a solar development because no hazardous materials are stored onsite.

> **Response:** No change recommended. Information on what hazardous materials (or not) may be stored onsite and the management of hazardous materials is clearly within the County's health, safety, welfare, and the environment purview. If an applicant will not store any hazardous materials onsite, the application materials can certainly state this to meet the requirement. However, we can envision instances were fuel for service vehicles or other hazardous materials may be stored and should be disclosed.

N. Removal of Components (Sections 6-203.AA.IV. & 6-205.X.III). COSSA recommends a blanket exception for the remove of components on the development site that are more than 36 inches below the ground surface as part of decommissioning.

> **Response:** Addressed. The July 11th draft clarifies that an applicant may provide a rationale for why certain features should remain on the site, which provides opportunity for the BOCC to review such rationale to ensure health, safety, welfare, and environmental concerns are addressed. The application materials at Sections 6-203.AA.IV. & 6-205.X.III are updated to read:
>
> > Where features will be left on site, provide the rationale for such features remaining and evidence of ~~an~~ agreement with the landowner on the placement and maintenance of those features ~~is required~~.

O. Monitoring Plan (Sections 6-203.AA.VI. & 6-205.X). COSSA recommends post-decommissioning monitoring requirements be removed or shortened from 3 years.

> **Recommendation:** No change recommended. With short growing seasons at elevation, County staff reports that 3 years of monitoring is regularly required for other types of development and necessary to ensure proper decommissioning and revegetation of sites.

P. Introduction to Review Criteria for Large- and Medium-Scale Solar (Sections 6-204 & 6-206). COSSA asks for an explanation of the term "geographic area" when the regulations state "The evaluation of cumulative impacts shall consider other Solar Permits and other Special Use Permits in the geographic area."

Recommendation: No change recommended. The relevant geographic area will be defined for each Project, as it is dependent on the location and the scope and scale of a proposed Project.

Q. Underground Utility Connection (Sections 6-204.C.I. & 6-206.C.I.). COSSA recommends that the requirement to place electrical connection lines underground be potentially waived "due to technical engineering considerations," and to allow overhead transmission lines from the Project substation to the point of electrical interconnection.

Recommendation: Partially addressed. The July 11th draft allows for overhead transmission lives from Project substation to the point of electrical interconnection. The draft does not include allowing overhead lines "due to technical engineering considerations." The draft regulations already allows for an applicant to propose above-ground utility lines where underground connections would create significant adverse environmental impacts.

P. Setbacks (Sections C.II & 6-206 C.II). COSSA recommends additional flexibility in the setback calculations, including measuring setbacks from structures instead of property lines and instituting setbacks from Scenic Byways.

Recommendation: Addressed**.** The July 11th draft added a statement that "Setbacks may be increased or decreased during the review and evaluation of the application," allowing an applicant to propose smaller setbacks with a rationale. The draft regulations also include a ¼ mile setback from a Scenic Byway.

Q. Wildlife and Wildlife Habitat Review Criteria (Sections 6-204 K.II, 6-205 G.II., 6.206 J.II.). COSSA recommends a single map for Gunnison Sage Ground habitat be included in the regulations and that additional information regarding consistency with Sage Grouse Plans referenced in the materials be provided.

Recommendation: No change recommended. The cited maps rely on substantially the same information, so it's appropriate for an applicant to use any of them. The applicability of the Sage Grouse management plans to a proposed Project will be case-specific; the applicant should review the Plans and describe to the BOCC what does or doesn't apply to the Project.

R. Constructed Wildlife Corridors (Section 6-204.K.III.e). COSSA recommends the current requirement to construct corridors for wildlife movement through Large-Scale Solar Development be removed as a blanket condition.

Recommendation: Addressed, based on CPW comments. CPW, like COSSA, recommended adding that the construction should be based on best available science and removing some of the requirements for the shape and size of the corridors. The July 11th draft accepts CPW comments that also address COSSA comments.

S. **Visual Quality (Sections 6-204.R & 6-206.P):** COSSA voices concern over the potential breadth of the visual quality review criteria.

Recommendation: No change recommended. The review criteria is within the County's land use authority to institute, and was the focus of considerable discussion during the three work sessions.

T. Agricultural Resources (Sections 6-204.AA. & 6-206.Y): COSSA poses questions about how the BOCC will evaluate the review criteria "no adverse impacts to" agricultural resources. COSSA also requests an exemption from the review criteria for projects incorporating agrivoltaics.

> **Recommendation:** No change recommended. The evaluation of the review criteria will be Project-specific and based in part on proposed mitigation, like all other review criteria. The BOCC should also evaluate adverse impacts to agricultural resources for all solar projects, as incorporating agrivoltaics into a Project, while encouraged, does not necessarily mean that there are no adverse impacts to agricultural resources.

U. Timing of Financial Security (Section 6-207.B.III): COSSA requests that the Financial Security only be required approximately 5 years prior from the end date of the interconnection agreement.

> **Recommendation:** No change recommended. The purpose of a financial security is to ensure mitigation and decommissioning occur in the event the applicant is unable to cover costs of those commitments. Such a change as COSSA requests would conflict with this goal.

V. Forfeiture of Guarantee (Section 6-207.D): COSSA requests additional procedural steps and standards for the forfeiture of a guarantee.

> **Recommendation:** No change recommended. The BOCC may initial a process for forfeiture "because of any violation of the permit or these Regulations." The permittee receives due process through notification of the BOCC findings and a Public Hearing. The remedy for alleged improper forfeiture would be in court.

IV. "Clean-Up" Redlines from County staff/ SGSJ

County staff and SGSJ made conforming and "clean up" comments throughout the document as they continued to review the regulations. Substantive changes include:

- **Definition of "Wetlands" (Section 6-101.D):** The definition was updated, as shown in italics, to state that wetlands may be determined to be wetlands "whether or not such areas are subject to the jurisdiction of the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act *or the Colorado Water Quality Control Commission and Division under C.R.S. § 25-8-205.1*" to reflect the new Colorado Dredge and Fill program established by House Bill 24-1379 which was signed into law May 29, 2024.
- **Construction and Operation of Project:** Removal of some instances in application materials that said "during construction and operation" because it's stated at the beginning of the application materials section that it applies to both. *See*, for example, Section 6-203.J, Terrestrial Plans Impact Assessment and Mitigation.
- **Facility Maintenance (Sections 6-204.F and 6-206.F)**: Updated to add to the criterion in italics: "The Large-Scale Solar Development shall be maintained in good condition for the life of the Project *in a manner that will not interfere with the use and enjoyment of property nor cause a risk to public health and safety*" to establish guidance for when the development site is not "in good condition."

- **Medium-Scale Decommissioning Removal of Components (Section 6-205.X):** The section of the Decommissioning and Restoration Plan that required the removal of components from the site did not contain two sentences that were present in the Large-Scale Decommissioning and Restoration Plan Requirements, and were added. Those sentences read, “Materials should be recycled or otherwise reused to the extent reasonably practicable. Where features will be left on site, provide the rationale for such features remaining and evidence of agreement with the landowner on the placement and maintenance of those features.”
- **Financial Security Amount (Section 6-207.A.III and 6-207.B.II.):** The information about how to calculate an adequate financial security was repeated, appearing in both 6-207.A.III and 6-207.B.II. The July 11th draft removes the repeated information.
- **Forfeiture of Guarantee (Section 6-207.D):** The July 11th draft updates the required notice to a permittee if the County initiates the process of forfeiture of the financial guarantee.

SAN MIGUEL COUNTY LAND USE CODE

ARTICLE 6

NATURAL RESOURCES

SECTION 6-1: GENERAL

6-101 A. Title

This Article of the San Miguel County Land Use Code ("County Land Use Code" or "LUC") is titled Regulations for Natural Resources ("these Regulations").

6-101 B. Purpose

This Article of the Code establishes land use standards applicable to natural resource development in San Miguel County.

6-101 C. Authority

These Regulations are adopted pursuant to, *inter alia*, C.R.S. § 29-20-101, *et seq*. and C.R.S. § 30-28-101, *et seq*.

6-101 D. Definitions

The words and terms used in this Article 6 shall have the meanings set forth below. If a definition is not included in the Section listed below then the definition listed in the LUC, Article 7, shall govern. If there is a conflict between the definitions in Article 7 and the definitions in this Article then the definitions in this Article shall prevail. If the term is not found in these Regulations or in Article 7, the term shall have its common meaning.

Adverse

Unfavorable, harmful, or negative.

Impact

Any alteration or change to the natural or human environment resulting directly or indirectly from development or cumulatively in combination with other past, present, and reasonably foreseeable future development.

Mitigation

Those steps, measures, or activities to address known, anticipated, or reasonably foreseeable adverse impacts identified in the application impact assessments for a project. The purpose of mitigation when implemented is to address those impacts so that the project will comply with the applicable review criteria in the County Land Use Code, Article 6. ~~An action or actions required to be implemented in the following order:~~

~~a. Avoiding an impact by not taking a certain action or parts of an action;~~

~~b. Minimizing an impact by limiting the degree or magnitude of the action or its implementation or by changing the location;~~

~~c. Rectifying an impact by repairing, rehabilitating, or restoring the impact area, facility, or service;~~

~~d. Reducing or eliminating an impact over time by preservation and maintenance operations; and~~

~~e. Compensating for an impact by replacing or providing equivalent suitable biological, social, environmental, and physical conditions, services, facilities, or a combination thereof, called "compensatory mitigation." Compensatory mitigation must occur within the area impacted by the Solar Energy System development~~.

Significant

Deserving to be considered important, notable, worthy of consideration, and not trifling or trivial**.**

Wetlands

An area or areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation, whether or not such areas are subject to the jurisdiction of the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act or the Colorado Water Quality Control Commission and Division under C.R.S. § 25-8-205.1.

SECTION 6-2: SOLAR ENERGY SYSTEMS

Section 6-201 General Provisions

6-201 A. Purpose

The purpose of this Section 6-2 ("this Section") is to facilitate the development of Solar Energy Systems in appropriate locations that prioritize such development on existing disturbed areas while preserving farmland, and to foster the County's sustainability-related goals and policies and its scenic, agricultural, environmental, recreational, and cultural values.

6-201 B. Applicability

I. This Section applies~~y~~ to the proposed development of Solar Energy Systems located partially or wholly in unincorporated San Miguel County, including on federal land.

II. If any provisions of this Section conflict with other provisions in the LUC, this Section shall control.

6-201 C. Permit Required

A permit issued pursuant to this Section is required prior to the development of Solar Energy Systems located wholly or partially in unincorporated San Miguel County, including on federal land.

6-201 D. Solar Energy Systems Permitted in Certain Zone Districts

Solar Energy Systems may be permitted only in certain zone districts as follows:

I. Large-Scale Solar Energy Systems
   a. Forestry, Agriculture, and Open
   b. Heavy Commercial
   c. Low Intensity Industrial
   d. Public
   e. West End

II. Medium-Scale Solar Energy Systems
   a. Forestry, Agriculture and Open
   b. Heavy Commercial
   c. Low Intensity Industrial
   d. Public
   e. Wright's Mesa Light Industrial
   f. Wright's Mesa Rural Agriculture
   g. West End

III. Microgrid Medium-Scale Solar Energy Systems. In addition to zones where all Medium-Scale Solar Energy Systems may be permitted pursuant to 6-201.D.II., Medium-Scale Solar Energy Systems that are also microgrids may be permitted in the following zone districts:
   a. High Density
   b. Medium Density
   c. Low Density
   d. Affordable Housing Planned Unit Development
   e. Low Density Residential
   f. Mixed Use Development
   g. Community Housing

IV. Small-Scale Solar Energy Systems may be permitted in all zone districts.

V. Federal Land. Solar Energy Systems on federal land may be permitted in all zone districts pursuant to this Section.

6-201 E. Permit Review Procedures

A permit application for the development of Solar Energy Systems is subject to the following levels of review:

I. Large-Scale and Medium-Scale Solar Energy Systems, including Microgrid Medium-Scale Solar Energy Systems, are subject to Two-Step Review (Planning Commission and Board of County Commissioners review) as set forth in the LUC, Article 3, Section 3-6 and as it may be amended.

II. Small-Scale Solar Energy Systems are subject to Administrative Review procedures as set forth in the LUC, Article 3, Section 3-4, and as it may be amended.

III. Amendments to permit applications are subject to review as set forth in the LUC, Article 3 and as it may be amended.

6-201 F. Term of Permit and Commencement of Project

I. The permit may be issued for an indefinite term, or for a specified period, depending upon the size and complexity of the Solar Energy System Project ("Project").

II. If construction of a permitted Project has not been initiated within three (3) years of permit issuance or if construction of a permitted Project does not satisfy the time benchmarks identified in the permit, the permit shall be void and of no further force and effect. The Board of County Commissioners may grant extension(s) of the approval for good cause shown.

6-201 G. Transfer of Permits

~~Permits~~ Any permit for Large-Scale and Medium-Scale Solar Energy Systems, including Microgrid Medium-Scale Solar Energy Systems, approved by the County may be transferred to another owner/operator only after a public hearing by the Board of County Commissioners. The County must ensure, in approving any transfer, that:

I. The proposed transferee shall comply with all the requirements, terms, and conditions contained in the permit and this Section;

II. That such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public, environment, and wildlife; and

III. That an adequate guarantee of financial security can be made.

6-201 H. Definitions

In addition to definitions in Section 6-101.D., the words and terms used in this Section 6-2 shall have the meanings set forth below.

Agrivoltaics

The integrated use of land for both solar panels and agricultural production, such as crop or livestock production or pollinator habitats, underneath or adjacent to solar panels (may also be referred to as agrophotovoltaics, agrisolar, or dual-use solar).

Grid

The interconnected group of power lines and associated equipment for moving electric energy at high voltage between points of supply and points at which it is delivered to other electric systems or transformed to a lower voltage delivery to customers.

Interconnection

The technical and electrical link between the Solar Energy System and the power grid.

Large-Scale Solar Energy System

A Solar Energy System consisting of solar arrays occupying forty (40) acres or more of land. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.

Medium-Scale Solar Energy System

A Solar Energy System consisting of roof-mounted solar arrays with a rated capacity of greater than 250 kW or solar arrays occupying more than one-half (1/2) acre and less than forty (40) acres of land. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.

Microgrid

A Solar Energy System that can act independently of the larger electrical grid. A microgrid can connect and disconnect from the grid to enable it to operate in both grid-connected or "island-mode," where the system transmits and distributes energy within defined boundaries while not connected to the grid. A remote microgrid is a variation of a microgrid that only operates in islanded conditions.

Small-Scale Solar Energy System

A Solar Energy System either consisting of roof-mounted solar arrays with a rated capacity of less than 250 kW or solar arrays occupying no more than one-half (1/2) acre of land that primarily will be used to produce electric power to onsite principal uses. The acreage calculation shall include the total area within the fenced or

enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.

Solar Energy System

A photovoltaic or low temperature thermal system composed of arrays, panels, or devices that convert sunlight into thermal, chemical, mechanical, or electric energy, and any on-site energy storage facilities and components for the transmission and distribution of transformed energy including without limitation all mounting structures, modules or panels, batteries, inverters, transformers, structures, trenches, conduits, tanks, pumps, associated battery energy storage systems, and other elements of the system.

Section 6-202 Permit Application Requirements for All Solar Energy Systems

6-202 A. Application Fee

All applications for the development of Solar Energy Systems must include the application fee pursuant to the applicable Board of County Commissioner Resolution for Fee Schedule and consistent with C.R.S. § 24-48.5-113 to the extent applicable. Fees shall be as set by the Board of County Commissioners pursuant to the LUC, Article 3, Section 3-1410 and as it may be amended, and as set forth in the adopted fee schedule.

6-202 B. Consultants and Referral Agency Costs

The costs of consultant and referral agency reviews are the responsibility of the applicant. The Planning Director may authorize all or a portion of the review of any phase of the application to be performed by a consultant or consultants of the County's choosing and sent to referral agencies that the County deems appropriate for the application. Copies of any such referral agency comments received must be forwarded to the applicant for its response.

6-202 C. Expansion of Solar Energy Systems or Sequential Projects

If an applicant receives a permit for a Solar Energy System project that is classified as a Small-Scale or Medium-Scale Solar Energy System, and proposes an additional project at a later date as an addition to or expansion of the approved Solar Energy System such that the projects considered together would have been classified as at least the next higher level of size classification, then the additional and any such subsequent proposals shall be reviewed as the next-higher level of size classification. The cumulative impacts of the sequential projects or expansions, considered together and in combination with other past, present, and reasonably foreseeable future development, shall be the basis on which compliance with this Section is determined.

6-202 D. Waiver of Application Materials

The Planning Director may waive one or more of the application materials when the Planning Director determines that the information would not be relevant to a determination as to whether the Solar Energy System complies with the review criteria that apply to the application. The Planning Director may waive application material(s) at the pre-application conference or upon request of the applicant.

6-202 E. Confidential Materials

An applicant may work with the County Attorney to address how confidential information may be appropriately handled in the application materials.

Section 6-203 Application Materials for Large-Scale Solar Energy Systems

The applicant shall submit an application for the development of a Large-Scale Solar Energy System ("Large-Scale Solar Development") to the Planning Director. The application shall include, at a minimum, the information and materials specified in this Section 6-203 and shall address both the construction and operation of the Large-Scale Solar Development either separately or together.

All detailed plans and specifications must be prepared by a Colorado-licensed Professional Engineer ("P.E.") or as otherwise approved by the Planning Director. All maps must be prepared at a scale and in sufficient detail to evaluate the application against applicable review criteria. The applicant shall provide shapefiles or other GIS data for any mapping created for this application at the request of County staff.

6-203 A. Information Describing the Applicant

I. The contact information, including email address, organizational form, and business of the applicant and, if different, the owner of the Large-Scale Solar Development.

II. The names, addresses, and qualifications of the entity or individuals responsible for managing the construction and operation of the Large-Scale Solar Development, including areas of expertise and experience with Large-Scale Solar Developments directly related or similar to the Large-Scale Solar Development.

III. Authorization of the application package by the owner of the Large-Scale Solar Development, if different than the applicant.

IV. Written authorization of the application package by the owner of the property on which any feature or component of the Large-Scale Solar Development is located.

V. Documentation of the applicant's technical capability to develop, operate, and decommission the Large-Scale Solar Development, including a description of the applicant's experience with similar Large-Scale Solar Developments.

VI. Written qualifications of those preparing the reports, plans, and studies in this application.

6-203 B. Information Describing the Large-Scale Solar Development

Maps, plans, specifications, and description of the Large-Scale Solar Development in sufficient detail to evaluate the application against applicable permit approval review criteria in Section 6-204, Review Criteria for Large-Scale Solar Energy Systems, including without limitation:

I. Location and extent of existing and proposed disturbed areas and description of how the Large-Scale Solar Development will prioritize development of existing disturbed areas.

II. Access route(s) to the Large-Scale Solar Development including adequate emergency access.

III. Structures, fencing, equipment, and other improvements related to the facility.

IV. Setbacks from roads and adjacent ~~residential~~ properties and the rationale for proposing smaller setbacks than those established in the review criteria in Section 6-204.C.II.

V. Method, design, and necessary upgrades to accommodate interconnection.

VI. Security measures to prevent uninvited access to or trespass upon any of the facilities.

VII. Estimated life span of the Large-Scale Solar Development.

VIII. Other proposed uses for property, if any.

IX. Proposed end use of the property following decommissioning.

6-203 C. Technical Feasibility of the Large-Scale Solar Development

A description of the technical feasibility of the Large-Scale Solar Development, including the estimated techniques ~~and costs~~ for proposed mitigation measures.

6-203 D. Property Rights, Permits, and Approvals

I. A list of the federal, state, and local permits or approvals that have been or will be required for the Large-Scale Solar Development, together with any proposal for coordinating these permits or approvals with the County permitting process.

a. Copies of draft permit applications or draft permits as available.

b. Copies of approved permits and approvals.

II. The applicant's right to use any water necessary for the construction and operation of the Large-Scale Solar Development, including adjudicated decrees, applications for decrees, and judicially decreed augmentation plans.

III. Copies of any consultation correspondence with official federal, state, and local authorities prepared for the Large-Scale Solar Development.

IV. Copies of any draft or final environmental assessments or impact statements prepared for the Large-Scale Solar Development.

V. Description and documentation of property rights, easements, and rights-of-way agreements that are necessary for or that will be affected by the Large-Scale Solar Development.

VI. If proposing to interconnect to a utility, a copy of a "letter of intent to interconnect" or interconnection agreement signed by the utility. The County may condition the permit on the issuance of a “letter of intent to interconnect” or an interconnection agreement.

6-203 E. Vicinity Map

Map and description of the location of the Large-Scale Solar Development and topographic and cultural features and federal and state-owned lands, including ownership and specific designations at minimum within one (1) mile of the Large-Scale Solar Development, shown in a form acceptable to the Planning Director.

6-203 F. Water Quality Conditions Impact Assessment

I. Map and description of the hydrologic features including intermittent and ephemeral water features, wetlands, riparian areas, natural and artificial drainageways, ditches, wells, reservoirs, stock ponds, and the one hundred (100)-year floodplain boundaries in the area affected by the Large-Scale Solar Development.

II. Description of existing conditions for surface water and groundwater quality affected by the Large-Scale Solar Development, including without limitation current water quality data, water body classifications, and water quality standards adopted by the Colorado Water Quality Control Commission.

III. Description of the direct, indirect, and cumulative impacts that the Large-Scale Solar Development would have on surface water and groundwater quality, including without limitation, increases in impervious surfaces, stormwater runoff, and concentrations of pollutants.

IV. Description of proposed techniques that will be used to mitigate impacts to water quality.

6-203 G. Floodplains, Wetlands, Riparian Areas, and Fens Impact Assessment

I. Map and description of existing conditions for floodplains, wetlands, riparian areas, and fens affected by the Large-Scale Solar Development. The description must include without limitation:

a. Structure, function, and aerial extent of floodplains, wetlands, riparian areas, and fens.

b. Flood attenuation, sediment capture, and ecosystem services provided by wetlands and riparian areas.

c. Floodplains, wetlands, riparian areas, and fen species composition and diversity.

d. Transition from wetland to upland species.

e. Aerial extent, function, and channel connectivity of floodplains.

f. Alteration in hydrology that would allow succession to upland species.

II. Description of the direct, indirect, and cumulative impacts that the Large-Scale Solar Development would have on floodplains, wetlands, riparian areas, and fens.

III. ~~Describe~~ Description of proposed techniques that will be used to mitigate impacts to floodplains, wetlands, riparian areas, and fens.

6-203 H. Stormwater Management Plan

A plan for the management of stormwater, drainage, and runoff for construction and operation of the Large-Scale Solar Development. The applicant may submit the stormwater management plan approved by the Colorado Water Quality Control Division and best management practices including, without limitation:

I. Adequate permeable space between rows of solar panels so that runoff from the panels does not adversely impact nearby surface flows.

II. Maintenance of aquifer recharge rates, groundwater levels, and aquifer capacity, including seepage losses through aquifer boundaries and at aquifer-stream interfaces.

III. Grading the site to a slope of less than five percent (5%), or terracing the site to maintain sheet flow conditions.

IV. Minimizing site compaction during construction or tilling and amending soil following construction to maintain the natural infiltration capacity of the soil.

V. Limiting the vertical distance between the ground and the panel drip edge to minimize soil erosion.

VI. Establishing native ground cover that will help prevent erosion, promote infiltration, and support ecological function.

6-203 I. Wildlife and Wildlife Habitat Impact Assessment

The applicant shall consult with Colorado Parks and Wildlife ("CPW") in developing the Wildlife and Wildlife Habitat Impact Assessment required by this Section and shall provide documentation of such consultation.

I. Map and description of existing wildlife and wildlife habitat conditions affected by the construction and operation of the Large-Scale Solar Development, including without limitation:

a. Wildlife including the status and relative importance of game and non-game wildlife and any other ~~animals~~species identified by the County or CPW during consultation.

b. Any species (a~~A~~nimal, bird, and insect) ~~species~~ listed as threatened or endangered under the Endangered Species Act or listed by CPW as State Threatened or Endangered, Species of Special Concern, or Species of Greatest Conservation Need.

c. Critical wildlife habitat including migration ~~routes~~corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, nest sites, aquatic species habitats, U.S. Fish and Wildlife Service Critical Habitat, and endangered species habitat including all occupied and unoccupied Gunnison Sage-Grouse habitat according to the most recent CPW, Bureau of Land Management ("BLM"), and U.S. Fish and Wildlife Service ("USFWS") maps.

II. Description of the direct, indirect, and cumulative impacts that the construction and operation of the Large-Scale Solar Development ~~will~~ would have on wildlife and wildlife habitat including without limitation:

a. Changes to wildlife species composition or density.

b. Changes in the number of and habitat of threatened or endangered species.

c. Changes in extent, quality, quantity, and fragmentation of wildlife habitat such as changes to migration ~~routes~~corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the conservation, protection, and propagation of wildlife species.

d. Alteration, conversion, or destruction of ~~major~~ vegetation that serves as wildlife habitat (trees, shrublands, riparian areas).

e. ~~How~~ The degree to which the siting, construction, and operation of the Large-Scale Solar Development will allow for species movement among panels, through and around facilities, and provide continued access to forage and habitat.

f. The potential to attract, entrain, harm, or cause mortality to waterfowl and other bird species to the Large-Scale Solar Development.

g. Consistency with or impacts to plans addressing the protection and preservation of the Gunnison Sage-Grouse, including but not limited to BLM *Gunnison Sage-Grouse Resource Management Plan ("RMP") and RMP Amendment(s),* the USFWS *Recovery*

Implementation Strategy for the Gunnison Sage-Grouse and the CPW *Gunnison Sage-Grouse Rangewide Conservation Plan* as these plans may be amended in the future.

III. ~~Description~~ Development of a Wildlife Mitigation Plan ("WMP") that describes~~of~~ consultation with CPW and proposed techniques that will be used to mitigate impacts to wildlife and wildlife habitat ~~during construction and operation of the Large-Scale Solar Development, .~~ ~~including~~ The WMP may include a compensatory mitigation plan with a level of detail commensurate with the scale, scope, intensity, and duration of the impacts to wildlife and their habitat. Compensatory mitigation for wildlife and wildlife habitat should occur within the individual home range of the impacted wildlife resource, such as the same Game Management Unit for big game species or the same stream corridor for aquatic species. WMPs shall describe ~~plans for~~ proposed avoidance of impacts to wildlife and habitat during construction and maintenance activities. ~~, specifically including occupied and unoccupied Gunnison Sage-Grouse Habitat, and~~ In addition, the WMP shall include wildlife-friendly fencing in accordance with the best management practices in Section 6-204 K., Review Criteria for Wildlife and Wildlife Habitat.

6-203 J. Terrestrial Plants Impact Assessment and Mitigation

I. Map and description of terrestrial plant life sufficient to evaluate the Project impacts and ensure the adequacy of proposed monitoring and mitigation, including:

a. The type and density of terrestrial plants in the area affected by the Project;

b. Plant species listed as threatened or endangered under the Endangered Species Act, listed on the Rare Plant List from the Colorado Natural Heritage Program, or otherwise listed as species of concern by a federal or state agency.

II. Assessment of direct, indirect, and cumulative impacts of the Project to terrestrial plant life that includes without limitation:

a. Changes to habitat of threatened or endangered plant species or species of concern.

b. Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.

c. Changes in advancement or succession of desirable and less desirable plant species, including noxious weeds.

III. Description of proposed techniques that will be used to mitigate impacts to terrestrial plant life ~~during construction and operation of the Large-Scale Solar Development~~.

6-203 K. Grading, Erosion, and Sediment Control Plan

A plan for grading, erosion, and sediment control for construction and operation of the Large-Scale Solar Development, including without limitation:

I. Existing (solid lines) and proposed (dashed lines) contours at two (2)-foot intervals or other contour intervals approved by staff.

II. Narrative description and scaled drawings of specific measures to avoid soil disturbance, when possible, and to minimize erosion and control sediment. Narrative description and drawing will include approximate locations of any proposed drainage facilities and drainage patterns and wetlands or other water bodies receiving storm runoff from the site. Typical erosion control measures should be depicted using standard map symbols.

III. Construction schedule indicating the anticipated starting and completion time periods of the site grading and/or construction phases including the installation and removal of erosion and sediment control measures, and the estimated duration of exposure of each area prior to the completion of temporary erosion and sediment control measures.

IV. Estimated total cost of the required soil erosion and sediment control measures.

V. Calculations made for determining rainfall runoff and sizing of any sediment basins, diversions, conveyance, or detention/ retention facilities.

VI. Copies of any required Colorado Department of Public Health and Environment or Colorado Division of Water Resources permits, including without limitation general permits for stormwater discharges or dewatering activities.

6-203 L. Revegetation and Weed Management Plan

A plan for revegetation and weed control for construction and operation of the Large-Scale Solar Development, including without limitation:

I. Description of the species, character, and density of existing vegetation within areas disturbed by the Large-Scale Solar Development.

II. Soil test with baseline soil conditions prior to construction of the Large-Scale Solar Development. Soil test samples will be representative of the overall area through a minimum of five (5) sample spots in the area. Areas that have a clear difference in soil type, drainage, or plant growth will be avoided for sample collection.

III. Summary of potential impacts on vegetation as a result of the Large-Scale Solar Development.

IV. Plan for revegetation and weed management that provides for:

a. Removal of existing vegetation no more than thirty (30) calendar days prior to commencement of initial site grading.

b. Revegetation of areas that have been filled, covered, or graded as soon as practicable after construction of the Large-Scale Solar Development.

c. Use of site-specific native plant and seed mix and mulching to support vegetation growth in coordination with the San Miguel County Manager of Vegetation Control Management.

d. Incorporation of pollinator plants or agrivoltaic uses that include browse crops to the greatest extent practicable.

e. Topsoil from disturbed areas that is stripped and stockpiled on-site for redistribution over the completed final grade; stockpiling that conforms to best management practices and ensures that soil organisms in stockpiled soil remain viable until completion of the redistribution process.

f. Weed control and monitoring at all locations disturbed by the Large-Scale Solar Development and along access roads during the life of the Project.

6-203 M. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment

I. Description of the impact of noise, dust, fumes, vibration, and odor caused by the construction or operation of the Large-Scale Solar Development.

II. Description of proposed techniques that will be used to mitigate nuisance impacts caused by the construction or operation of the Large-Scale Solar Development.

6-203 N. Glare, Glint, and Lighting Impact Assessment

I. Map and description of the existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots that could be affected by glare, glint, or lighting, including lighting at night, from construction or operation of the Large-Scale Solar Development.

II. Site plan identifying the location and type of outdoor lighting in the Large-Scale Solar Development and a description of how that lighting complies with the requirements in the LUC, Article 5, Section 5-710, Exterior Lighting Requirements, and as it may be amended.

III. Description of the direct, indirect, and cumulative impacts that the glare, glint, or lighting of the construction or operations of the Large-Scale Solar Development would have on existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots, considering daily and annual differences in sun and solar array positioning, and to light pollution and any applicable Dark Sky Places designation(s).

IV. Description of proposed techniques that will be used to mitigate impacts of glare, glint, and lighting ~~during construction and operation of the Large-Scale Solar Development~~.

6-203 O. Visual Quality Impact Assessment

I. Map and description of the existing scenic rural landscape within one (1) mile of the outer perimeter of the Large-Scale Solar Development, including without limitation adjacent lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations. The applicant shall provide at least four (4) visual renderings of the proposed development from key vantage points, to be determined in consultation with the Planning Department.

II. Describe the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on the visual quality of the scenic rural landscape within one (1) mile of the Large-Scale Solar Development.

III. Description of proposed techniques that will be used to mitigate impacts to the visual quality of the scenic rural landscape within one (1) mile of the outside perimeter of the Large-Scale Solar Development such as proposed visual buffering, natural topography, plantings, earth berms, or fencing. Proposed visual buffering should utilize existing vegetation and natural topography wherever possible.

6-203 P. Natural Hazards Impact Assessment

I. Map and description of geological characteristics and hazardous conditions potentially affected by the Large-Scale Solar Development including without limitation:

a. Description of drainage areas, floodplains, slopes, avalanche areas, debris fans, mudflows, rockslide areas, faults and fissures, seismic history, and wildfire hazard areas.

b. Geotechnical assessment of all geologic hazards that have the potential to affect the Large-Scale Solar Development and which may be de-stabilized or exacerbated by the siting, construction, and operation of the Large-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on natural hazards, and the direct, indirect, and cumulative impacts created by natural hazards on the siting, construction, and operation of the Large-Scale Solar Development.

III. Description of proposed techniques that will be used to mitigate impacts of the Large-Scale Solar Development on natural hazards and a description of proposed techniques to mitigate the impacts of natural hazards on the Large-Scale Solar Development.

6-203 Q. Local Government Services Impact Assessment

I. Map and description of the existing capacity and demand for services provided by the County, special districts, and other entities providing services, including roads, emergency services, schools, water and wastewater treatment, water supply, transportation, infrastructure, and other services necessary to accommodate Large-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on the capacity of the County, special districts, and other entities providing services and infrastructure for delivering services.

III. Description of proposed techniques that will be used to mitigate impacts on local government services ~~from the construction and operation of the Large-Scale Solar Development~~.

6-203 R. Housing Impact Assessment

I. Description of the existing conditions of short- and long-term housing availability and an estimate of the number of workers associated with the construction and operational phase of the Large-Scale Development.

II. Description of the direct, indirect, and cumulative impacts of construction and operation of the Large-Scale Solar Development on housing availability, including without limitation the workforce associated with construction and operations of the Large-Scale Solar Development, estimated salary ranges of workers, an analysis of whether there are sufficient numbers of dwelling units at an appropriate cost to house workers, and the potential to displace existing residents.

III. Description of the proposed techniques that will be used to mitigate impacts on housing ~~during the construction and operation of the Large-Scale Solar Development~~.

6-203 S. Water Services Availability

If the proposed Large-Scale Solar Development includes the provision of water, the application must include a description of the source and capacity of the water supply sufficient to evaluate the water source and its consistency with the corresponding review criteria, including location and size of well(s) and/or water lines to serve the proposed Large-Scale Solar Development. The applicant must provide proof of adequate physical and legal supply to serve the Large-Scale Solar Development, including a letter of approval from the Office of the State Engineer documenting that any proposed well water used for the supply is adequate to serve the proposed use.

6-203 T. Traffic Route Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for control of traffic during construction and operation of the

Large-Scale Solar Development, including without limitation:

I. Map indicating proposed trip routes for all traffic serving the Large-Scale Solar Development.

II. Description of vehicular traffic associated with the Large-Scale Solar Development including vehicle types, sizes, weight, and numbers of axles; the traffic volume, frequency (daily, weekly, total), and timing (times of day).

III. Routes that are designed to avoid to the greatest extent possible residential areas, commercial areas, environmentally and visually sensitive areas, critical wildlife habitat, schools and other civic buildings, and already congested locations.

IV. Limitation of traffic on public roads during seasons when heavy vehicle use, weather conditions, or water saturation may result in significant damage.

V. Restriction on the weight of trucks so that they do not exceed County road or bridge weight capacity requirements.

VI. Operational measures to minimize impacts on the public such as limitations on time of day and week; vehicle fuel and emissions reduction technology; noise minimization; and traffic control safety measures.

VII. Proposed phasing of construction to minimize interference with traffic movement.

VIII. Reduction in the use of single-occupancy vehicles accessing the site, such as by using shuttles or van pools for workers.

6-203 U. Road and Rights-of-Way Improvements and Maintenance Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for improvements and maintenance of roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the construction and operation of the Large-Scale Solar Development, including without limitation:

I. A plan for the maintenance practices on the proposed travel route(s) during construction and operation of the Large-Scale Solar Development, including dust suppression, snow and ice management, prevention of tracking of dirt and mud off-site onto roads and highways, sweeping of paved roads/shoulders, pothole patching, repaving, crack sealing, and chip sealing necessary to maintain an adequate surface of paved roads.

II. A plan for the maintenance practices for any County rights-of-way or infrastructure such as sidewalks, curbs, gutters, or alleys impacted by the construction and operation of the Large-Scale Solar Development.

III. The applicant will enter into a Maintenance Agreement with the County whereby the applicant provides for private maintenance or reimburses the County for such increased costs or provides a bond or other financial

security in an amount acceptable to the County to cover the costs of mitigating impacts to public roads, rights-of-way and/or infrastructure.

6-203 V. Emergency Preparedness and Response Plan

Emergency preparedness and response plan that addresses events such as explosions, fires and wildland fires, toxic emissions, transportation of hazardous material, vehicle accidents, or spills. The plan must include proof of adequate personnel, supplies, procedures, and infrastructure such as water supply, and funding to immediately implement the emergency response ~~during both construction and operation of the Large-Scale Solar Development~~ and to repair damage caused by emergencies.

6-203 W. Hazardous Materials Management Plan

A plan that describes all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed, or produced in connection with the construction and operation of the Large-Scale Solar Development, including:

I. The type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure.

II. Measures, procedures, and protocols for handling, spill prevention, storage, and containment.

III. Measures, procedures, and protocols for reporting spills and storage to local, state, and federal officials.

IV. Measures, procedures, and protocols for clean-up and description of the financial security for these provisions. Impacts resulting from spills and releases will be investigated and cleaned up as soon as practicable.

6-203 X. Agricultural Resources and Heritage Impact Assessment

I. Map and description of existing agricultural resources and assets, including livestock and lands in the area affected by the Large-Scale Solar Development.

II. Description of the agricultural productivity of the land affected by the Large-Scale Solar Development using Natural Resource Conservation Service ("NRCS") classifications, including whether the land is rated "prime farmland," "prime farmland if irrigated," or "not prime farmland."

III. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on agricultural resources including changes in the amount or productivity of agricultural lands; changes to the carrying capacity of livestock; changes in soil productivity; increased susceptibility to noxious weed invasion; and changes to irrigation and agricultural drainage ditches and systems.

IV. Description of proposed techniques that will be used to mitigate impacts to agricultural resources.

V. Description of proposed agricultural activities on the site after construction.

6-203 Y. Recreational Resources Impact Assessment

I. Map and description of existing recreational resources and uses in the area affected by the Large-Scale Solar Development.

II. Description of the impacts of the Large-Scale Solar Development on recreational resources and uses.

III. Description of proposed techniques that will be used to mitigate impacts to recreational resources and uses.

6-203 Z. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment

I. Map and description of all sites of paleontological, historical, or archaeological importance affected by the Large-Scale Solar Development, including without limitation:

a. Historical or archaeological landscape, features, structures, and artifacts historical and archaeological features, including purposes, functions, and use(s) of those features such as agricultural, grazing, recreation, or religious purposes.

b. State historic site survey and inventory form(s) completed by a qualified professional acceptable to the State Historic Preservation Officer for all paleontological, historical, or archaeological resources affected by the Large-Scale Solar Development.

c. List of properties, structures, objects, districts, and sites listed on the National Register of Historic Places, eligible for inclusion on the National Register of Historic Places, listed on the State Register of Historic Properties, or listed on the San Miguel County Historic Register in the area affected by the Large-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on sites of paleontological, historical, or archaeological importance and proof of compliance with the procedures for notification to the State Historical Preservation Office, Office of the State Archaeologist, San Miguel County Historical Commission, and to applicable local historical societies/organizations upon discovery of historical or archaeological resources during the construction and operation of the Large-Scale Solar Development.

III. Description of the proposed techniques that will be used to mitigate impacts on sites of paleontological, historical, or archaeological importance.

6-203 AA. Decommissioning and Restoration Plan

A plan for decommissioning and restoring the Large-Scale Solar Development that will begin no later than twelve (12) months after power production has permanently ceased. The *Decommissioning and Restoration Plan* must be updated every five (5)

years or more frequently upon request by the County based on changed circumstances. The Plan must include:

I. The name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing the plan.

II. Timeline and Process. The projected lifespan of the Large-Scale Solar Development and a description of the timeline, the process for decommissioning the Large-Scale Solar Development and reclaiming the site, and a proposed process for extending the projected lifespan and notifying the County if such changes should occur.

III. Reasonably Similar Condition. Description of how the land will be restored to a condition similar to or better than its condition prior to development and how it will remain available for productive use.

IV. Removal of Components. Provisions for removal or conversion of all components of the Solar Energy System, including without limitation panels, structures, fencing, foundations, equipment, conduit, gravel areas, access roads, and erosion and sediment control infrastructure, regardless of whether such components are above or below the surface of the site. Materials should be recycled or otherwise reused to the extent reasonably practicable. Where features will be left on site, provide the rationale for such features remaining and evidence of ~~an~~ agreement with the landowner on the placement and maintenance of those features ~~is required~~.

V. Site Restoration. Restoration of soil and vegetation on the site after decommissioning in cooperation with the San Miguel County Manager of Vegetation Control Management.

a. Land disturbed as part of the decommissioning process must be reseeded or re-vegetated with crops or vegetative species that provide ecological services, such as carbon sequestration, increased soil health, habitat preservation, or water quality improvements, such as those recommended in the CPW's "Colorado Seed Mix Tool."

b. Revegetation and other land disturbance mitigation must occur within twelve (12) months of removal of the solar facility.

c. Restoration must include soil tests after the system ceases production but before any equipment is removed, and if needed a second set of tests after decommissioning and restoration. Soil test samples will be representative of the overall area through a minimum of five (5) sample spots in the area. Sample collection must avoid areas that have a clear difference in soil type, drainage, or plant growth.

VI. Monitoring Plan. A plan to monitor the site after decommissioning and restoration for a minimum of three (3) years and a schedule for reporting monitoring results to the County. Groundwater and surface water monitoring may be required on a case-by-case basis where an adverse

impact on groundwater or surface water quality may reasonably be expected. Monitoring shall be extended for an additional period of three (3) years if the site is not decommissioned and restored consistent with the *Decommissioning and Restoration Plan*.

VII. Cost of Decommissioning and Restoration. Decommissioning and restoration cost estimates, which must be updated every five (5) years from the establishment and submittal of the Financial Security pursuant to Section 6-207, including the following costs:

a. Labor, equipment, transportation, and disposal costs associated with the removal of all facility components from the facility site.

b. Restoration.

d. Decommissioning and restoration activity management, monitoring, site supervision, and site safety costs.

e. Any other costs, including administrative costs, associated with the decommissioning and restoration of the facility site.

f. Costs of outside technical and legal experts to assist with any phase of inspection and determination of compliance with the *Decommissioning and Restoration Plan*.

VIII. Process for Updating Plan. A plan for updating the *Decommissioning and Restoration Plan* and submitting any necessary updates to the County for review and approval at minimum every five (5) years or more often as warranted.

Section 6-204 Review Criteria for Large-Scale Solar Energy Systems

The following review criteria apply to the review of a permit application for Large-Scale Solar Development. The County shall take into account the impacts of construction, operation, and reclamation of the proposed activity in determining whether the review criteria are satisfied. The evaluation of cumulative impacts shall consider other Solar Permits and other Special Use Permits in the geographic area.

These review criteria replace the review criteria in the LUC, Article 5, except where Article 5 is explicitly referenced herein.

6-204 A. Applicant Expertise

The applicant has the necessary expertise to develop and operate the Large-Scale Solar Development consistent with all requirements and conditions.

6-204 B. Utility Interconnection Agreement

If proposing to interconnect to a utility, the utility has entered into a “letter of intent to interconnect” or interconnection agreement with the applicant. The County may condition the permit on the issuance of a “letter of intent to interconnect” or interconnection agreement.

6-204 C. Site Design Review Criteria

I. Underground Utility Connection. Electrical collection lines within the Large-Scale Solar Development shall be placed underground unless placing them underground would have significant adverse environmental impacts. Overhead transmission lines are permissible from the project substation to the point of electrical interconnection.

II. Setbacks. Fencing or other enclosures, solar panels, equipment, and structures shall be set back a minimum of two-hundred (200) feet from all property lines and one quarter (¼) mile from a Colorado designated Scenic Byway. Setbacks may be increased or decreased during the review and evaluation of the application.

III. Access. Road access to the Large-Scale Solar Development must be adequate for emergency and fire response access.

IV. Safety and Security. The Large-Scale Solar Development must be protected by fencing or other barriers to prevent unauthorized access to the Large-Scale Solar Development.

6-204 D. Signage

All signage must comply with the LUC, Article 5, Section 5-704, Sign Requirements, and as it may be amended. The operator of the Large-Scale Solar Development shall post and maintain in legible condition warning signs at all entrances identifying emergency contact information.

6-204 E. Technical Feasibility

The Large-Scale Solar Development shall be technically feasible.

6-204 F. Facility Maintenance

The Large-Scale Solar Development shall be maintained in good condition for the life of the Project in a manner that will not interfere with the use and enjoyment of property nor cause a risk to public health, safety, welfare, or the environment.

6-204 G. Necessary Property Rights, Permits, and Approvals

The Applicant will obtain all necessary property rights and federal, state, and local permits or approvals for the Project prior to any site disturbance. The County may defer making a final decision on the Application until outstanding property rights, permits, and approvals are obtained.

6-204 H. Water Quality

The Large-Scale Solar Development will not have an adverse impact on surface water or groundwater quality. In determining whether this criterion is satisfied, the Board of County Commissioners may take into account, without limitation, changes to the amount of impervious surfaces, increases in stormwater runoff, and concentrations of pollutants.

6-204 I. Drainage/Stormwater Runoff

Runoff will be kept on the site in a stormwater detention system, and waters in excess of historic run-off will be prevented from leaving the site during the construction and operation of the Large-Scale Solar Development in conformance with the approved *Stormwater Management Plan*.

6-204 J. Floodplains, Wetlands, Riparian Areas, and Fens

The Large-Scale Solar Development will not have an adverse impact on floodplains, wetlands, riparian areas, and fens. This criterion applies whether or not the U.S. Army Corps of Engineers or U.S. Environmental Protection Agency have jurisdiction over the wetlands. In determining whether this criterion is satisfied, the Board of County Commissioners may take into account, without limitation:

I. Changes to the naturally-mediated energy transfer in the channel and floodplain.

II. Changes to the structure, function, and aerial extent of wetlands, fens, and the floodplain.

III. Disturbance to wetlands or fens during construction and operation.

IV. Replacement of wetland species with upland species.

V. Where wetlands mitigation is proposed, off-site mitigation may be allowed in the same watershed as the Large-Scale Solar Development if on-site mitigation is not feasible or when greater benefits may be realized.

6-204 K. Wildlife and Wildlife Habitat

I. The Large-Scale Solar Development will not have an adverse impact on wildlife or wildlife habitat. In determining whether this criterion is satisfied, the Board of County Commissioners may take into account, without limitation:

a. ~~C~~Changes ~~C~~The degree of anticipated changes in species composition, density, or diversity.

b. The degree of anticipated c~~C~~hanges to the number of and habitat of ~~animal, bird, and insect~~ species, including but not limited to endangered or threatened species or species of greatest conservation need.

c. The degree of anticipated c~~C~~hanges to on-site activity that may disturb or displace wildlife or habitats at critical times or locations.

d. The potential for the Large-Scale Solar Development to attract, entrain, harm, or cause mortality to waterfowl and other bird species.

e. The degree of anticipated c~~C~~hanges to wildlife habitat, including migration ~~routes~~corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, nest site, or any

other habitat features necessary for the conservation, protection, and propagation of wildlife species.

f. The sufficiency of the Wildlife Mitigation Plan to avoid, minimize, and compensate for impacts to wildlife and wildlife habitat

II. No components of the Large-Scale Solar Development shall be located in occupied and unoccupied Gunnison Sage-Grouse Habitat as identified in the most recent habitat maps from CPW, BLM, or USFWS.

III. Proposed fencing shall be wildlife-friendly to the maximum extent possible. The following best practices or alternatives proposed by the Applicant that achieve the same or better results shall be employed.

a. Minimize the footprint of fenced area(s). Consolidate facilities and roads to the greatest extent possible to minimize the amount of land that is fragmented.

b. During operation, regularly inspect for the presence of wildlife that may be trapped in the fenced area ~~regularly~~ and install temporary structures to allow animals to escape if necessary.

c. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals. Security fence designs shall follow Colorado Department of Transportation Deer Fence, Gate, and Game Ramps Standard Plan NO. M-607-4, as may be amended, or substantially similar design. Install structures (ramps, gates, etc.) to allow large animals (e.g. deer and elk) to escape security fencing.

~~d. Construct the fence with at least seven (7) inches of vertical space between the ground and vertical fencing to allow safe passage of small and medium-sized animals.~~

~~e~~d. Construct unfenced wildlife passageways through large facilities to allow big mammals like deer, coyotes, and bears to traverse the area. Such passageways should be informed by best available science and include as appropriate, ~~high-quality wildlife habitat~~open space with natural vegetation or habitat features that make these passageways attractive for use by wildlife. ~~, be shorter and wider instead of longer and thinner,~~ and connection to potential wildlife habitat on either side.

~~f~~e. Any non-security fencing shall be wildlife-friendly fencing pursuant to CPW's "Fencing with Wildlife in Mind" guidance, or as updated in the future, consistent with the LUC, Article 5, Section 5-407(A)(IX), general standards related to fencing for Wildlife Habitat Areas, and as it may be amended.

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6-204 L. Terrestrial Plants

The Large-Scale Solar Development will not have an adverse impact on terrestrial plants.

6-204 M. Erosion and Sediment Control

Erosion and sedimentation control measures will be implemented in conformance with the approved *Grading, Erosion, and Sediment Control Plan* to prevent erosion and sediment runoff and ensure that disturbed areas and soil stockpiles are stabilized.

6-204 N. Revegetation and Weed Management

Areas disturbed by the construction and operation of the Large-Scale Solar Development will be adequately revegetated within two (2) growing seasons and maintained for the life of the Project in conformance with the approved *Revegetation and Weed Management Plan*.

6-204 O. Noise, Dust, Fumes, Vibration, and Odor

I. The Large-Scale Solar Development will not interfere with the use and enjoyment of property, cause a risk to public health, ~~and~~ safety, and welfare, or the environment, nor create an unreasonable attractive nuisance for birds, wildlife, or persons.

II. Sound emissions shall be less than fifty decibels (50 dB) at all property lines.

6-204 P. Glare and Glint

I. The glare and glint from the Large-Scale Solar Development will not unreasonably interfere with the use and enjoyment of existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots, nor result in a risk to public health, ~~and~~ safety, welfare, or the environment.

II. Glint and glare produced by the Large-Scale Solar Development will not create an unreasonable attractive nuisance for birds, wildlife, or persons.

6-204 Q. Exterior Lighting

The Large-Scale Solar Development will not cause light trespass nor light pollution and will comply with the LUC, Article 5, Section 5-710, Exterior Lighting Requirements, and as it may be amended.

6-204 R. Visual Quality

The Large-Scale Solar Development will not cause a significant adverse impact to the visual quality of the scenic rural landscape within one (1) mile of the Large-Scale Solar Development, including without limitation views from adjacent lots,

towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations.

6-204 S. Risk from Natural Hazards

The Large-Scale Solar Development will not be subject to significant risk from natural hazards and will not significantly exacerbate natural hazards.

6-204 T. Impact to Local Government Services

The Large-Scale Solar Development will not have an adverse impact to the current or future capability of local districts to provide services or on the capacity of their infrastructure for delivering services.

6-204 U. Housing

The Large-Scale Solar Development will not reduce the availability of housing during construction or operation of the Large-Scale Solar Development.

6-204 V. Water Services Availability

If the Large-Scale Solar Development will be served by water, the water supply facilities must:

I. Be adequate to serve the Large-Scale Solar Development.

II. Be non-consumptive in total water use.

III. Have no adverse impact on water resources in the area impacted by the Large-Scale Solar Development.

IV. Comply with state standards.

6-204 W. Construction Traffic

Construction traffic associated with the Large-Scale Solar Development will not cause an adverse impact on local traffic conditions, water quality, wildlife, or wildlife habitat.

6-204 X. Road and Rights-of-Way Improvements and Maintenance

I. All roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the Large-Scale Solar Development will be maintained in accordance with the *Improvements and Maintenance Plan*.

II. The applicant has obtained access and/or road use permits required from the County Road and Bridge Department, and easements have been established where necessary.

III. The owner/operator will bear the cost of all repairs and maintenance to roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure necessitated by the construction and operation of the Large-Scale Solar Development.

IV. If the use of public roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure results in a need for increased maintenance, the owner/operator will enter into an agreement with the County whereby the owner/operator assumes responsibility for the repairs and additional maintenance or reimburses the County for repairs and maintenance.

V. The owner/operator will maintain financial security to secure the maintenance and repair obligation in an amount and form approved by the County.

VI. Staging activities and parking of equipment and vehicles will occur on-site and on private rights-of-way and are prohibited on maintained County roads, except for temporary road closures during construction with prior notice to the road manager.

6-204 Y. Emergency Preparedness and Response

The construction and operation of the Large-Scale Solar Development will be in compliance with the *Emergency Preparedness and Response Plan*, which shall be approved by the local fire district, County Sheriff, and Emergency Manager. The applicant shall provide an updated Emergency Preparedness and Response Plan to the San Miguel County Office of Emergency Management every two years.

6-204 Z. Hazardous Materials Management

The handling, spill prevention, storage, and containment of hazardous materials will be conducted in accordance with the *Hazardous Materials Management Plan*.

The County Emergency Manager or their designee may work with applicants to make sure they comply with their obligations under the Hazardous Materials Management Plan.

6-204 AA. Agricultural Resources

I. The Large-Scale Solar Development will not have an adverse impact on the productivity of agricultural lands, the conduct of agricultural operations, the delivery of irrigation water, or irrigation drainage systems.

II. No more than fifty-percent (50%) of the land disturbed by the Large-Scale Solar Energy System will be categorized as “prime farmland” or “prime farmland if irrigated” by the NRCS.

6-204 BB. Recreational Resources

The Large-Scale Solar Development will not have an adverse impact on the quality or quantity of recreational experiences and opportunities.

6-204 CC. Areas of Paleontological, Historical, or Archaeological Importance

The Large-Scale Solar Development will not have an adverse impact on areas of paleontological, historical, or archaeological importance.

6-204 DD. Decommissioning and Restoration

The Large-Scale Solar Development will be decommissioned, and the site will be restored, consistent with the approved *Decommissioning and Restoration Plan*.

6-204 EE. Compliance with Required Plans/Studies/Reports

The Large-Scale Solar Development will be constructed, operated, maintained, and decommissioned/restored in compliance with all plans and reports required under Section 6-203 and as approved by the Board of County Commissioners.

Section 6-205 Application Materials for Medium-Scale Solar Energy Systems

The applicant shall submit an application for the development of a Medium-Scale Solar Energy Systems ("Medium-Scale Solar Development"), including Microgrid Medium-Scale Solar Energy Systems, to the Planning Director. The application shall include, at a minimum, the information and materials specified in this Section 6-205 and shall address both the construction and operation of the Medium-Scale Solar Development either separately or together.

All detailed plans and specifications must be prepared by a Colorado-licensed Professional Engineer ("P.E.") or as otherwise approved by the Planning Director. All maps must be prepared at a scale and in sufficient detail to evaluate the application against applicable review criteria. The applicant shall provide shapefiles or other GIS data for any mapping created for this applicant at the request of County staff.

6-205 A. Information Describing the Applicant

I. The names, addresses, including email address, organizational form, and business of the applicant and, if different, the owner of the Medium-Scale Solar Development.

II. The names, addresses, and qualifications of individuals responsible for constructing and operating the Medium-Scale Solar Development, including areas of expertise and experience with solar energy systems directly related or similar to the Medium-Scale Solar Development.

III. Authorization of the application package by the owner of the Medium-Scale Solar Development, if different than the applicant.

IV. Authorization of the application package by the owner of the property on which any feature or component of the Medium-Scale Solar Development is located.

V. Documentation of the applicant's technical capability to develop, operate, and decommission the Medium-Scale Solar Development, including a description of the applicant's experience with similar Solar Energy Systems.

VI. Written qualifications of those preparing the reports, plans, and studies in this application.

6-205 B. Information Describing the Medium-Scale Solar Development

I. Maps, plans, specifications, and description of the Medium-Scale Solar Development in sufficient detail to evaluate the application against applicable permit approval review criteria in Section 6-206, including:

a. Location and extent of existing and proposed disturbed areas and description of how the Medium-Scale Solar Development will prioritize development of existing disturbed areas.

b. Access route(s) to the Medium-Scale Solar Development including adequate emergency access.

c. Structures, fencing, equipment, and other improvements related to the facility.

d. Setbacks from roads and adjacent ~~residential~~ properties and the rationale for proposing smaller setbacks than those established in the review criteria in Section 6-206.C.II.

e. Method, design, and necessary upgrades to accommodate interconnection.

f. Security measures to prevent uninvited access to or trespass upon any of the facilities.

g. Estimated life span of the Medium-Scale Solar Development.

h. Other proposed uses for the property, if any.

i. Expected end use of the property following decommissioning.

II. Vicinity map showing the location of the Medium-Scale Solar Development and topographic and cultural features and federal and state-owned lands within one (1) mile of the Medium-Scale Solar Development on a USGS quadrangle map.

6-205 C. Technical Feasibility of the Medium-Scale Solar Development

Description of the technical feasibility of the Medium-Scale Solar Development, including the estimated techniques ~~and costs~~ of proposed mitigation measures.

6-205 D. Property Rights, Permits, and Approvals

I. Federal, state, and local permits or approvals that have been or will be required for the Medium-Scale Solar Development, together with any proposal for coordinating these permits or approvals with the permitting process, and copies of approved permits.

II. Description and documentation of property rights, easements, and rights-of-way agreements that are necessary for or that will be affected by the Medium-Scale Solar Development.

III. If proposing to interconnect to a utility, a copy of a "letter of intent to interconnect" or interconnection agreement signed by the utility. The

County may condition the permit on the issuance of a "letter of intent to interconnect" or interconnection agreement.

6-205 E. Water Resource Impact Assessment

I. Map and description of the existing hydrologic features including intermittent and ephemeral water features, wetlands, riparian areas, floodplains, fens, natural and artificial drainageways, ditches, wells, reservoirs, stock ponds, and the one hundred (100)-year floodplain boundaries in the area affected by the Medium-Scale Solar Development.

II. Description of the existing conditions for surface water quality or groundwater quality affected by the Medium-Scale Solar Development.

III. Description of the direct, indirect, and cumulative impacts that the Medium-Scale Solar Development would have on water resources, including without limitation surface water and groundwater quality and existing hydrologic features including without limitation wetlands, fens, floodplains, riparian areas, or agricultural water features such as drainage ditches and irrigation systems. Water resource impacts include but are not limited to increases in impervious surfaces, stormwater runoff, and concentrations of pollutants and adverse impacts to floodplains, wetlands, riparian areas, and fens.

IV. Description of the proposed techniques that will be used to mitigate impacts to water resources.

6-205 F. Stormwater Management Plan

A plan for the management of stormwater, drainage, and runoff for construction and operation of the Medium-Scale Solar Development. The applicant may submit the stormwater management plan approved by the Colorado Water Quality Control Division and best management practices including, without limitation:

I. Adequate permeable space between rows of solar panels so that runoff from the panels does not adversely impact nearby surface flows.

II. Maintenance of aquifer recharge rates, groundwater levels, and aquifer capacity, including seepage losses through aquifer boundaries and at aquifer-stream interfaces.

III. Grading the site to a slope of less than five percent (5%), or terracing the site to maintain sheet flow conditions.

IV. Minimizing site compaction during construction or tilling and amending soil following construction to maintain the natural infiltration capacity of the soil.

V. Limiting the vertical distance between the ground and the panel drip edge to limit soil erosion.

VI. Establishing native ground cover that will help prevent erosion, promote infiltration, and support ecological function.

6-205 G. Wildlife, Wildlife Habitat, and Terrestrial Plant Impact Assessment

The applicant may consult with CPW in developing the Wildlife, Wildlife Habitat, and Terrestrial Impact Assessment.

I. Map and description of the existing wildlife, including any threatened or endangered species identified by any state or federal agency, in the area affected by the Medium-Scale Solar Development.

II. Map and description of existing wildlife habitat in the area affected by the Medium-Scale Solar Development, including without limitation migration ~~routes~~corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, nest sites, aquatic species habitat, and endangered species habitat including all occupied and unoccupied Gunnison Sage-Grouse habitat according to the most recent CPW, BLM, and USFWS maps.

III. Map and description of existing terrestrial plant life (trees, shrubs, riparian areas), including any threatened or endangered species, in the area affected by the Medium-Scale Solar Development.

IV. Description of the direct, indirect, and cumulative impacts that the Medium-Scale Solar Development will have on wildlife, wildlife habitat, and terrestrial plants that includes without limitation:

a. Changes to wildlife and plant species composition or density.

b. Changes in the number of and habitat of threatened or endangered species.

c. Changes in extent, quality, quality, and fragmentation of wildlife habitat, including migration ~~routes~~corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the conservation, protection, and propagation of wildlife species.

d. ~~How~~ The degree to which the siting, construction, and operation of the Medium-Scale Solar Development will allow for species movement among panels, through and around facilities, and provide continued access to forage and habitat.

e. The potential to attract, entrain, harm, or cause mortality to waterfowl and other bird species to the Medium-Scale Solar Development.

f. Changes to the structure and function of vegetation.

g. Consistency with or impacts to plans addressing the protection and preservation of the Gunnison Sage-Grouse, including but not limited to the BLM *Gunnison Sage-Grouse Resource Management Plan ("RMP") and RMP Amendment(s),* the USFWS *Recovery Implementation Strategy for the Gunnison Sage-Grouse* and the

CPW *Gunnison Sage-Grouse Rangewide Conservation Plan* as these plans may be amended in the future.

V. Development of a Wildlife Mitigation Plan ("WMP") that describes proposed techniques that will be used to mitigate impacts to wildlife and wildlife habitat. The WMP may include a compensatory mitigation plan with a level of detail commensurate with the scale, scope, intensity, and duration of the impacts to wildlife and their habitat. WMPs shall describe proposed avoidance of impacts to wildlife and habitat during construction and maintenance activities. In addition, the WMP shall include wildlife-friendly fencing in accordance with the best management practices in Section 6-206 J., Review Criteria for Wildlife and Wildlife Habitat.~~Description of the proposed techniques that will be used to mitigate impacts to wildlife and wildlife habitat, including wildlife-friendly fencing and plans for avoidance of impacts to wildlife and habitat during construction and maintenance activities.~~

6-205 H. Grading, Erosion, and Sediment Control Plan

A plan for grading, erosion, and sediment control for construction and operation of the Medium-Scale Solar Development.

6-205 I. Revegetation and Weed Management Plan

A plan for revegetation and weed control for construction and operation of the Medium-Scale Solar Development, including without limitation:

I. Removal of existing vegetation no more than thirty (30) calendar days prior to commencement of initial site grading.

II. Revegetation of areas that have been filled, covered, or graded as soon as practicable after construction of the Medium-Scale Solar Development.

III. Use of site-specific native plant and seed mix and mulching to support vegetation growth in coordination with the San Miguel County Manager of Vegetation Control Management.

IV. Incorporation of pollinator plants or agrivoltaic uses that include browse crops to the greatest extent practicable.

V. Topsoil from disturbed areas that is stripped and stockpiled on-site for redistribution over the completed final grade; stockpiling that conforms to best management practices and ensures that soil organisms in stockpiled soil remain viable until completion of the redistribution process.

VI. Weed control and monitoring at all locations disturbed by the Medium-Scale Solar Development and along access roads during the life of the Project.

6-205 J. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment

I. Description of the noise, dust, fumes, vibration, and odor caused by the construction or operation of the Medium-Scale Solar Development. (Glare and glint are analyzed in the following Section 6-205 K.)

II. Description of the proposed techniques that will be used to mitigate nuisance impacts caused by the construction or operation of the Medium-Scale Solar Development.

6-205 K. Glare, Glint, and Lighting Impact Assessment

I. Map and description of the existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots that could be susceptible to glare, glint, or lighting, including lighting at night, from construction and operation of the Medium-Scale Solar Development.

II. Site plan identifying the location and type of outdoor lighting in the Medium-Scale Solar Development and a description of how that lighting complies with the requirements in the LUC, Article 5, Section 5-710, Exterior Lighting Requirements, and as it may be amended.

III. Description of the direct, indirect, and cumulative impacts that the glare, glint, or lighting of the construction or operation of the Medium-Scale Solar Development would have on existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots, considering daily and annual differences in sun and solar array positioning, and to light pollution and any applicable Dark Sky Places designation(s).

IV. Description of the proposed techniques that will be used to mitigate impacts of glare, glint, and lighting during construction and operation of the Medium-Scale Solar Development.

6-205 L. Visual Quality Impact Assessment

I. Map and description of the existing roads and properties nearby to the Medium-Scale Solar Development including lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations. The applicant shall provide at least two (2) visual renderings of the proposed development from key vantage points, to be determined in consultation with the Planning Department.

II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development to the visual quality of the nearby roads and properties.

III. Description of the proposed techniques that will be used to mitigate impacts to the visual quality of nearby roads and properties, such as proposed visual buffering, natural topography, plantings, earth berms, or fencing. Proposed

visual buffering should utilize existing vegetation and natural topography wherever possible.

6-205 M. Natural Hazards Impact Assessment

I. Map and description of the existing geological characteristics and hazardous conditions affected by the Medium-Scale Solar Development including without limitation drainage areas, floodplains, slopes, avalanche areas, debris fans, mudflows, rockslide areas, faults and fissures, seismic history, and wildfire hazard areas.

II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development to natural hazards and the impacts created by natural hazards on the siting, construction, and operation of the Medium-Scale Solar Development.

III. Description of the proposed techniques that will be used to mitigate impacts of the Medium-Scale Solar Development to natural hazards and a description of proposed techniques to mitigate the impacts of natural hazards on the Medium-Scale Solar Development.

6-205 N. Local Government Services Impact Assessment

I. Map and description of the existing capacity and demand for services provided by the County, special districts, and other entities providing services, including roads, emergency services, transportation, infrastructure, and other services necessary to accommodate Medium-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development on the capacity of the County, special districts, and other entities providing services and infrastructure for delivering services.

III. Description of the proposed techniques that will be used to mitigate impacts on local government services from the construction and operation of the Medium-Scale Solar Development.

6-205 O. Housing Impact Assessment

I. Description of the existing conditions of short- and long-term housing availability and an estimate of the number of workers associated with the construction and operational phase of the Medium-Scale Development.

II. Description of the direct, indirect, and cumulative impacts of construction and operation of the Medium-Scale Solar Development on housing availability, including without limitation the workforce associated with construction and operations of the Medium-Scale Solar Development, estimated salary ranges of workers, an analysis of whether there are sufficient numbers of dwelling units at an appropriate cost to house workers, and the potential to displace existing residents.

III. Description of the proposed techniques that will be used to mitigate impacts on housing during the construction and operation of the Medium-Scale Solar Development.

6-205 P. Water Services Availability

If the proposed Medium-Scale Solar Development includes the provision of water, the application must include a description of the source and capacity of the water supply sufficient to evaluate the corresponding review criteria.

6-205 Q. Traffic Route Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for control of traffic during construction and operation of the Medium-Scale Solar Development, including without limitation:

I. Map indicating proposed trip routes for all traffic serving the Medium-Scale Solar Development.

II. Routes designed to avoid to the greatest extent possible residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, and already congested locations.

III. Restriction on the weight of trucks so that they do not exceed County road or bridge weight capacity requirements.

IV. Proposed phasing of construction to minimize interference with traffic movement.

6-205 R. Road and Rights-of-Way Improvements and Maintenance Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for improvements and maintenance of roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the construction and operation of the Medium-Scale Solar Development, including without limitation dust suppression, snow and ice management, sweeping of paved roads/shoulders, pothole patching, repaving, crack sealing, and chip sealing necessary to maintain an adequate surface of paved roads.

If determined necessary, the applicant will enter into a Maintenance Agreement with the County whereby the applicant provides for private maintenance or reimburses the County for such increased costs or provides a bond or other financial security in an amount acceptable to the County to cover the costs of mitigating impacts to public roads, rights-of-way, or infrastructure.

6-205 S. Emergency Preparedness and Response Plan

Emergency preparedness and response plan that addresses events such as explosions, fires and wildland fires, toxic emissions, transportation of hazardous material, vehicle accidents, or spills. The plan must include proof of adequate personnel, supplies, procedures, and infrastructure such as water supply, and funding to immediately implement the emergency response during both

construction and operation of the Medium-Scale Solar Development and to repair damage caused by emergencies.

6-205 T. Hazardous Materials Management Plan

A plan that describes all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed, or produced in connection with the construction and operation of the Medium-Scale Solar Development.

6-205 U. Agricultural Resources and Heritage Impact Assessment

I. Map and description of any existing agricultural resources and assets, including livestock and lands in the area affected by the Medium-Scale Solar Development.

II. Description of the agricultural productivity of the land affected by the Medium-Scale Solar Development using NRCS classifications, including whether the land is rated "prime farmland," "prime farmland if irrigated," or "not prime farmland."

III. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development on agricultural resources including changes in the amount or productivity of agricultural lands; changes to the carrying capacity of livestock; changes in soil productivity; increased susceptibility to noxious weed invasion; and changes to irrigation and agricultural drainage ditches and systems.

IV. Description of proposed techniques that will be used to mitigate impacts to agricultural resources.

V. Description of proposed agricultural activities on the site after construction.

6-205 V. Recreational Resources Impact Assessment

I. Map and description of existing recreational resources and uses in the area affected by the Medium-Scale Solar Development.

II. Description of the impacts of the Medium-Scale Solar Development on recreational resources and uses.

III. Description of proposed techniques that will be used to mitigate impacts to recreational resources and uses.

6-205 W. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment

I. Map and description of all sites of paleontological, historical, or archaeological importance affected by the Medium-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development on sites of paleontological, historical, or archaeological importance.

III. Description of the proposed mitigation techniques that will be used to mitigate sites of paleontological, historical, or archaeological importance.

6-205 X. Decommissioning and Restoration Plan

A plan for decommissioning and restoring the Medium-Scale Solar Development commencing no later than twelve (12) months after power production has permanently ceased. The Plan must include:

I. The projected lifespan of the Medium-Scale Solar Development, a description of the timeline and process for decommissioning the Medium-Scale Solar Development and restoring the site, and a proposed process for extending the projected lifespan and notifying the County if such changes should occur.

II. Description of how the land will be restored to a condition similar to its condition prior to development and how it will be available for productive use.

III. Provisions for removal or conversion of all components of the Solar Energy System, including without limitation solar panels, structures, fencing, foundations, equipment, conduit, gravel areas, access roads, and erosion and sediment control infrastructure regardless of whether such components are above or below the surface of the site. Materials should be recycled or otherwise reused to the extent reasonably practicable. Where features will be left on site, provide the rationale for such features remaining and evidence of agreement with the landowner on the placement and maintenance of those features.

IV. Description of restoration of soil and vegetation, conducted in cooperation with the San Miguel County Manager of Vegetation Control Management.

a. Land disturbed as part of the decommissioning process must be reseeded or re-vegetated with vegetative species that provide ecological services, such as carbon sequestration, increased soil health, habitat preservation, or water quality improvements, such as those recommended in the CPW "Colorado Seed Mix Tool."

b. Revegetation and other land disturbance mitigation must occur within twelve (12) months of removal of the solar facility.

V. Decommissioning and restoration cost estimates as part of the Financial Security pursuant to Section 6-207, including all costs associated with the dismantlement, recycling, and safe disposal of facility components and site restoration activities, and the process for updating those estimates every five (5) years.

Section 6-206 Review Criteria for Medium-Scale Solar Energy Systems

The following review criteria apply to the review of a permit application for Medium-Scale Solar Development, including Microgrid Medium-Scale Solar Energy Systems. The County shall take into account the impacts of construction, operation, and reclamation of the proposed activity in determining whether the review criteria are satisfied. The evaluation of cumulative impacts shall consider other Solar Permits and other Special Use Permits in the geographic area.

These review criteria replace the review criteria in the LUC, Article 5, except where Article 5 is explicitly referenced herein.

6-206 A. Applicant Expertise

The applicant has the necessary expertise to develop and operate the Medium-Scale Solar Development consistent with all requirements and conditions.

6-206 B. Utility Interconnection Agreement

If proposing to interconnect to a utility, the utility has entered into a "letter of intent to interconnect" or interconnection agreement with the applicant. The County may condition the permit on the issuance of a "letter of intent to interconnect" or interconnection agreement.

6-206 C. Site Design Review Criteria

I. Underground Utility Connection. Electrical collection lines within the Medium-Scale Solar Development must be placed underground unless placing them underground would have significant adverse environmental impacts. Overhead transmission lines are permissible from the project substation to the point of electrical interconnection.

II. Setbacks. Fencing or other enclosures, solar panels, equipment, and structures shall be set back fifty (50) feet from all property lines and one quarter (1/4) mile from a Colorado-designated Scenic Byway. Setbacks for Medium-Scale Solar Development do not include landscaping and berming. Setbacks may be increased or decreased during the review and evaluation of the application.

III. Access. Road access to the Medium-Scale Solar Development must be adequate for emergency and fire response access.

IV. Safety and Security. The Medium-Scale Solar Development must be protected by fencing or other barriers to prevent unauthorized access to the Medium-Scale Solar Development.

6-206 D. Signage

All signage must comply with the LUC, Article 5, Section 5-704, Sign Requirements, and as it may be amended. The operator shall post and maintain in legible condition warning signs at all entrances identifying emergency contact information.

6-206 E. Technical Feasibility

The Medium-Scale Solar Development must be technically feasible.

6-206 F. Facility Maintenance

The Medium-Scale Solar Development shall be maintained in good condition in a manner that will not interfere with the use and enjoyment of property nor cause a risk to public health, safety, welfare, or the environment.

6-206 G. Necessary Property Rights, Permits, and Approvals

The Applicant will obtain all necessary property rights and federal, state, and local permits or approvals for the Project prior to any site disturbance. The County may defer making a final decision on the Application until outstanding property rights, permits, and approvals are obtained.

6-206 H. Water Resources

The Medium-Scale Solar Development will not have an adverse impact on surface water or groundwater quality or the quality of hydrologic features including without limitation wetlands, fens, floodplains, riparian areas, or agricultural water features such as drainage ditches and irrigation systems. The following considerations may be taken into account in determining whether this criterion is satisfied, without limitation: changes to the amount of impervious surfaces, increases in stormwater runoff and concentrations of pollutants, and adverse impacts to wetlands, fens, floodplains, or riparian areas.

6-206 I. Drainage/Stormwater Runoff

Runoff will be kept on the site in a stormwater detention system, and waters in excess of historic run-off will be prevented from leaving the site during the construction and operation of the Medium-Scale Solar Development in conformance with the approved *Stormwater Management Plan*.

6-206 J. Wildlife, Wildlife Habitat, and Terrestrial Plants

I. The Medium-Scale Solar Development will not have an adverse impact on wildlife, wildlife habitat, or terrestrial plants. The following considerations may be taken into account in determining whether this criterion is satisfied, without limitation:

a. The degree of anticipated c~~C~~hanges in species composition, density, or diversity.

b. The degree of anticipated c~~C~~hanges to the number of and habitat of animal, bird, insect, and plant species.

c. The degree of anticipated c~~C~~hanges to on-site activity at critical times or locations.

d. The potential for the Medium-Scale Solar Development to attract waterfowl and other bird species.

e. The degree of anticipated c~~C~~hanges to wildlife habitat, including migration ~~routes~~corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the protection and propagation of wildlife species.

f. The degree of anticipated c~~C~~hanges to the structure and function of vegetation.

II. No components of the Medium-Scale Solar Development shall be located in occupied and unoccupied Gunnison Sage-Grouse Habitat as identified in the most recent habitat maps from CPW, BLM, or USFWS.

III. Proposed fencing shall be wildlife-friendly to the maximum extent possible. The following best practices or alternatives proposed by the Applicant that achieve the same or better results shall be employed.

a. Minimize the footprint of fenced area(s). Consolidate facilities and roads to the greatest extent possible to minimize the amount of land that is fragmented.

b. During operation, regularly inspect for the presence of wildlife that may be trapped in the fenced area and install temporary structures to allow animals to escape if necessary.

c. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals. Security fence designs shall follow Colorado Department of Transportation Deer Fence, Gate, and Game Ramps Standard Plan NO. M-607-4, as may be amended, or substantially similar design. Install structures (ramps, gates, etc.) to allow large animals (e.g. deer and elk) to escape security fencing.

~~b. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals.~~

~~c. Construct the fence with at least seven (7) inches of vertical space between the ground and vertical fencing to allow safe passage of small and medium-sized animals.~~

d. Any non-security fencing shall be wildlife-friendly fencing pursuant to CPW's "Fencing with Wildlife in Mind" guidance, or as updated in the future, consistent with the LUC, Article 5, Section 5-407(A)(IX), general standards related to fencing in Wildlife Habitat Areas, and as it may be amended.

6-206 K. Erosion and Sediment Control

Erosion and sedimentation control measures will be implemented in conformance with the approved *Grading, Erosion, and Sediment Control Plan* to prevent erosion and sediment runoff and ensure that disturbed areas and soil stockpiles are stabilized.

6-206 L. Revegetation and Weed Management

Areas disturbed by the construction and operation of the Medium-Scale Solar Development will be adequately revegetated within two (2) growing seasons and maintained for the life of the Project in conformance with the approved *Revegetation and Weed Management Plan*.

6-206 M. Noise, Dust, Fumes, Vibration, and Odor

I. The Medium-Scale Solar Development will not interfere with the use and enjoyment of property, cause a risk to public health and safety, nor create an unreasonable attractive nuisance for birds, wildlife, or persons.

II. Sound emissions shall be less than fifty decibels (50 dB) at all property lines.

6-206 N. Glare and Glint

I. The Medium-Scale Solar Development will not unreasonably interfere with the use and enjoyment of existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots nor result in a risk to public health and safety from glare or glint.

II. Glint and glare produced by the Medium-Scale Solar Development will not create an unreasonable attractive nuisance for birds, wildlife, or persons.

6-206 O. Exterior Lighting

The Medium-Scale Solar Development will not cause light trespass nor light pollution and will comply with the LUC, Article 5, Section 5-710, Exterior Lighting Requirements, and as it may be amended.

6-206 P. Visual Quality

The Medium-Scale Solar Development will not cause a significant adverse impact to the visual quality of nearby roads and properties.

6-206 Q. Risk from Natural Hazards

The Medium-Scale Solar Development will not be subject to significant risk from natural hazards and will not significantly exacerbate natural hazards.

6-206 R. Impact to Local Government Services

The Medium-Scale Solar Development will not have an adverse impact to the current or future capability of local districts to provide services or on the capacity of their infrastructure for delivering services.

6-206 S. Impact to Housing

The Medium-Scale Solar Development will not reduce the availability of housing during construction or operation of the Medium-Scale Solar Development.

6-206 T. Water Services Availability

If the Medium-Scale Solar Development will be served by water, any facilities associated with the Medium-Scale Solar Development must:

I. Be adequate to serve the Medium-Scale Solar Development.

II. Be non-consumptive in total water use.

III. Have no adverse impact on water resources in the area impacted by the Medium-Scale Solar Development.

IV. Comply with state standards.

6-206 U. Construction Traffic

Construction traffic associated with the Medium-Scale Solar Development will not cause an adverse impact on local traffic conditions, water quality, wildlife, or wildlife habitat.

6-206 V. Road and Rights-of-Way Improvements and Maintenance

I. All roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the Medium-Scale Solar Development must be maintained in accordance with the *Improvements and Maintenance Plan*.

II. The applicant has obtained access and/or road use permits required from the County Road and Bridge Department, and easements have been established where necessary.

III. The owner/operator will bear the cost of all repairs and maintenance to roads, sidewalks, curbs, gutters, alleys, County rights-of-way, or infrastructure necessitated by the construction and operation of the Medium-Scale Solar Development.

IV. If the use of public roads, sidewalks, curbs, gutters, alleys, other County rights-of-way, or infrastructure results in a need for increased maintenance, the owner/operator will enter into an agreement with the County whereby the owner/operator assumes responsibility for the repairs and additional maintenance or reimburses the County for repairs and maintenance.

V. The owner/operator will maintain financial security to secure the maintenance and repair obligation in an amount and form approved by the County.

6-206 W. Emergency Preparedness and Response

The construction and operation of the Medium-Scale Solar Development will be in compliance with the *Emergency Preparedness and Response Plan*, which shall be approved by the local fire district, County Sheriff, and emergency manager. The applicant shall provide an updated Emergency Preparedness and Response Plan to the San Miguel County Office of Emergency Management every two years.

6-206 X. Hazardous Materials Management

The handling, spill prevention, storage, and containment of hazardous materials will be conducted in accordance with the *Hazardous Materials Management Plan*. The County Emergency Manager or their designee may work with applicants to make sure they comply with their obligations under the Hazardous Materials Management Plan.

6-206 Y. Agricultural Resources

I. The Medium-Scale Solar Development will not have an adverse impact on the productivity of agricultural lands, the conduct of agricultural operations, the delivery of irrigation water, or irrigation drainage systems.

II. No more than fifty percent (50%) of the land disturbed by the Medium-Scale Solar Development shall be categorized as “prime farmland” or “prime farmland if irrigated” by the NRCS.

6-206 Z. Recreational Resources

The Medium-Scale Solar Development will not have an adverse impact on the quality or quantity of recreational experiences and opportunities.

6-206 AA. Areas of Paleontological, Historical, or Archaeological Importance

The Medium-Scale Solar Development will not have an adverse impact on areas of paleontological, historical, or archaeological importance.

6-206 BB. Decommissioning and Restoration

The Medium-Scale Solar Development will be decommissioned and restored consistent with the approved *Decommissioning and Restoration Plan*.

6-206 CC. Compliance with Required Plans/Studies/Reports

The Medium-Scale Solar Development will be constructed, operated, maintained, and decommissioned/restored in compliance with all plans and reports required under Section 6-205.

Section 6-207 Financial Security

6-207 A. Financial Security Required

I. The County shall require the applicant for a permit for a Large-Scale Solar Energy System to file a guarantee of financial security ("guarantee"), in a form and amount acceptable to the County.

II. The County in its sole discretion may require the applicant for a permit for a Medium-Scale Solar Energy System to file a guarantee, in a form and amount acceptable to the County.

~~III. The guarantee must be adequate to provide personnel and equipment to accomplish any unperformed obligations under the guarantee, based on the Applicant's submitted cost estimate and the County's estimate of any additional costs. In determining the amount of the guarantee, the County may also consider, without limitation:~~

~~a. Faithful performance of the requirements of the permit and these Regulations.~~

~~b. Solar Energy System is decommissioned or removed from the site and the impacted area is properly reclaimed.~~

~~c. Permittee performs all mitigation requirements and permit conditions.~~

6-207 B. Amount of Guarantee

I. The amount of the guarantee must be based on the applicant's submitted cost estimate and the County's estimate of any additional costs to bring in personnel and equipment to accomplish any unperformed obligations under the guarantee.

II. In determining the amount of the guarantee, the County will also consider:

a. Estimated cost of reclaiming any impacted areas to their original condition or a condition acceptable to the County.

b. Estimated cost of decommissioning the Solar Energy System.

c. Estimated cost of performing all mitigation requirements and permit conditions.

III. The guarantee will be set forth as a permit condition and shall specify as follows:

a. The guarantee may be adjusted upon receipt of bids or other cost estimates to perform the requirements of the permit and these Regulations.

b. The guarantee may be increased at any time that the County determines that the guarantee is insufficient to cover the purposes of the guarantee.

IV. The County may review the guarantee for adequacy at any time. If the County determines that the guarantee is insufficient to perform its purpose, the County shall provide the permittee with written notice to increase the guarantee.

a. The permittee shall post the additional guarantee within sixty (60) days from the date of the written notice. If the amount of the increased guarantee has not been provided within sixty (60) days from the date of the written notice, the County may schedule a duly noticed Public Hearing before the Board of County Commissioners for possible revocation of the permit.

b. If the permittee disagrees with the notice to increase the guarantee, the County shall schedule a duly noticed Public Hearing before the Board of County Commissioners on the matter and consider the permittee's rationale.

6-207 C. Release of Guarantee

The County may cause the guarantee to be released upon the request of the permittee, based on one or more of the following conditions:

I. The permittee has surrendered the permit to the County before the commencement of any physical activity or disturbance associated with the Solar Energy System.

II. The County determines that the Solar Energy System has been abandoned and areas impacted by the Solar Energy System have been returned to their original or other acceptable condition.

III. The County determines that the Solar Energy System has been completed in compliance with the permit.

IV. The County determines that a phase or phases of the Solar Energy System have been completed in compliance with the permit allowing for partial release of the guarantee consistent with Solar Energy System phasing.

V. The County determines that applicable guaranteed conditions have been satisfied.

6-207 D. Forfeiture of Guarantee

I. If the County determines that a guarantee should be forfeited because of any violation of the permit or these Regulations, the County shall provide written notice to the surety and to the permittee by mailing the notice to the last known address provided by the permitee, that the guarantee will be forfeited unless the permittee requests a duly noticed Public Hearing before the Board of County Commissioners within thirty (30) calendar days after permittee's receipt of notice. If a request for a hearing is not made by the permittee, the County shall order the guarantee forfeited.

II. If the permittee requests a duly noticed Public Hearing, the Board of County Commissioners shall hold a hearing after the receipt of the request. At the Public Hearing, the permittee may present statements, documents, and other information for the County's consideration with respect to the alleged violation. At the conclusion of the hearing, the County shall either withdraw the notice of violation or enter an order forfeiting the guarantee.

III. If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the guarantee, the County's Attorney shall take such steps as deemed proper to recover such costs where recovery is deemed possible including costs and attorney fees.

6-207 E. Substitute Guarantee

If the state-issued business license of the surety upon a guarantee filed pursuant to this Section is suspended or revoked, within thirty (30) calendar days after receiving notice thereof the permittee shall substitute a good and sufficient surety licensed to do business in Colorado. The County's Attorney may extend the period for receiving the substitute guarantee if the permittee submits a written request detailing the need for such extension. If the permittee fails to make a substitution in accordance with this Section, the County shall suspend the permit until proper substitution has been made.

Section 6-208 Enforcement and Penalties

6-208 A. General

I. Any ~~person~~ owner/operator constructing or operating a Solar Energy System who does not obtain a permit pursuant to this Section, who does not comply with permit requirements, or who acts outside the jurisdiction of the permit, shall be in violation of these Regulations. Such violations shall be deemed a violation of the LUC and as it may be amended.

II. The County will enforce and remedy violations of these Regulations consistent with the LUC, Article 1, and as it may be amended.

III. The County's authority to enforce or abate a violation of these Regulations and any other remedy shall be cumulative and in addition to any other remedy provided by law.

IV. If the violation is not abated within the prescribed period, the County ~~Attorney~~ may cause the violation to be abated by San Miguel County employees or by private contract, or by any other means provided by Colorado law. The costs of abating the violation shall be the responsibility of the violating party. If the violating party fails to pay, the costs shall become a lien against the land.

6-208 B. Inspection

I. The Planning Director or their designee may enter and inspect any property subject to these Regulations ~~at reasonable hours~~at any time for the purpose of determining compliance with these Regulations.

a. The Planning Director or their designee shall first make a reasonable effort to locate the owner, operator, or other person having charge or control of the premises, or portion thereof desired to be inspected, and request consent to enter and inspect the premises.

b. In the event the owner, operator, or other person having charge or control of the premises to be inspected fails to respond within ten (10) business days, or consent is unreasonably withheld, the Planning Director or their designee may enter the property to be inspected after providing twenty-four (24)-hour notice of the time and location of the inspection.

II. If the Planning Director or their designee discovers a violation of these Regulations, the Planning Director or their designee may charge the violator for the actual cost to the County of any follow-up inspections and testing to determine the violation has been remedied.

III. Persons performing such field inspections for the County will be deemed licensees for liability purposes pursuant to C.R.S. § 13-21-115.

6-208 C. Hazardous Materials

If the applicant fails to comply with its obligations under the *Hazardous Materials Management Plan* submitted as part of the Large-Scale or Medium-Scale Solar Development application, the County Designated Emergency Response Authority (DERA) or their designee may undertake prevention, control, countermeasure, containment, and clean-up measures. Applicant will pay all costs incurred by the County for any such measures.

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SAN MIGUEL COUNTY LAND USE CODE

ARTICLE 6

NATURAL RESOURCES

SECTION 6-1: GENERAL

6-101 A. Title

This Article of the San Miguel County Land Use Code ("County Land Use Code" or "LUC") is titled Regulations for Natural Resources ("these Regulations").

6-101 B. Purpose

This Article of the Code establishes land use standards applicable to natural resource development in San Miguel County.

6-101 C. Authority

These Regulations are adopted pursuant to, *inter alia*, C.R.S. § 29-20-101, *et seq*. and C.R.S. § 30-28-101, *et seq*.

6-101 D. Definitions

The words and terms used in this Article 6 shall have the meanings set forth below. If a definition is not included in the Section listed below then the definition listed in the LUC, Article 7, shall govern. If there is a conflict between the definitions in Article 7 and the definitions in this Article then the definitions in this Article shall prevail. If the term is not found in these Regulations or in Article 7, the term shall have its common meaning.

Adverse

Unfavorable, harmful, or negative.

Impact

Any alteration or change to the natural or human environment resulting directly or indirectly from development or cumulatively in combination with other past, present, and reasonably foreseeable future development.

Mitigation

An action or actions required to be implemented in the following order:

a. Avoiding an impact by not taking a certain action or parts of an action;

b. Minimizing an impact by limiting the degree or magnitude of the action or its implementation or by changing the location;

c. Rectifying an impact by repairing, rehabilitating, or restoring the impact area, facility, or service;

d. Reducing or eliminating an impact over time by preservation and maintenance operations; and

e. Compensating for an impact by replacing or providing equivalent suitable biological, social, environmental, and physical conditions, services, facilities, or a combination thereof, called "compensatory mitigation." Compensatory mitigation must occur within the area impacted by the Solar Energy System development.

Significant

Deserving to be considered important, notable, worthy of consideration, and not trifling or trivial**.**

Wetlands

An area or areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation, whether or not such areas are subject to the jurisdiction of the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act.

SECTION 6-2: SOLAR ENERGY SYSTEMS

Section 6-201 General Provisions

6-201 A. Purpose

The purpose of this Section 6-2 ("this Section") is to facilitate the development of Solar Energy Systems in appropriate locations that prioritize such development on existing disturbed areas while preserving farmland, and to foster the County's sustainability-related goals and policies and its scenic, agricultural, environmental, recreational, and cultural values.

6-201 B. Applicability

I. This Section apply to the proposed development of Solar Energy Systems located partially or wholly in unincorporated San Miguel County, including on federal land.

II. If any provisions of this Section conflict with other provisions in the LUC, this Section shall control.

6-201 C. Permit Required

A permit issued pursuant to this Section is required prior to the development of Solar Energy Systems located wholly or partially in unincorporated San Miguel

County, including on federal land.

6-201 D. Solar Energy Systems Permitted in Certain Zone Districts

Solar Energy Systems may be permitted only in certain zone districts as follows:

I. Large-Scale Solar Energy Systems
   a. Forestry, Agriculture, and Open
   b. Heavy Commercial
   c. Low Intensity Industrial
   d. Public
   e. West End

II. Medium-Scale Solar Energy Systems
   a. Forestry, Agriculture and Open
   b. Heavy Commercial
   c. Low Intensity Industrial
   d. Public
   e. Wright's Mesa Light Industrial
   f. Wright's Mesa Rural Agriculture
   g. West End

III. Microgrid Medium-Scale Solar Energy Systems. In addition to zones where all Medium-Scale Solar Energy Systems may be permitted pursuant to 6-201.D.II., Medium-Scale Solar Energy Systems that are also microgrids may be permitted in the following zone districts:
   a. High Density
   b. Medium Density
   c. Low Density
   d. Affordable Housing Planned Unit Development
   e. Low Density Residential
   f. Mixed Use Development
   g. Community Housing

IV. Small-Scale Solar Energy Systems may be permitted in all zone districts.

V. Federal Land. Solar Energy Systems on federal land may be permitted in all zone districts pursuant to this Section.

6-201 E. Permit Review Procedures

A permit application for the development of Solar Energy Systems is subject to the

following levels of review:

I. Large-Scale and Medium-Scale Solar Energy Systems, including Microgrid Medium-Scale Solar Energy Systems, are subject to Two-Step Review (Planning Commission and Board of County Commissioners review) as set forth in the LUC, Article 3, Section 3-6 and as it may be amended.

II. Small-Scale Solar Energy Systems are subject to Administrative Review procedures as set forth in the LUC, Article 3, Section 3-4, and as it may be amended.

III. Amendments to permit applications are subject to review as set forth in the LUC, Article 3 and as it may be amended.

6-201 F. Term of Permit and Commencement of Project

I. The permit may be issued for an indefinite term, or for a specified period, depending upon the size and complexity of the Solar Energy System Project ("Project").

II. If construction of a permitted Project has not been initiated within three (3) years of permit issuance or if construction of a permitted Project does not satisfy the time benchmarks identified in the permit, the permit shall be void and of no force and effect. The Board of County Commissioners may grant extension(s) of the approval for good cause shown.

6-201 G. Transfer of Permits

Permits for Large-Scale and Medium-Scale Solar Energy Systems, including Microgrid Medium-Scale Solar Energy Systems, approved by the County may be transferred to another owner/operator only after a public hearing by the Board of County Commissioners. The County must ensure, in approving any transfer, that:

I. The proposed transferee shall comply with all the requirements, terms, and conditions contained in the permit and this Section;

II. That such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public, environment, and wildlife; and

III. That an adequate guarantee of financial security can be made.

6-201 H. Definitions

In addition to definitions in Section 6-101.D., the words and terms used in this Section 6-2 shall have the meanings set forth below.

Grid

The interconnected group of power lines and associated equipment for moving electric energy at high voltage between points of supply and points at which it is delivered to other electric systems or transformed to a lower voltage delivery to customers.

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Interconnection

The technical and electrical link between the Solar Energy System and the power grid.

Large-Scale Solar Energy System

A Solar Energy System consisting of solar arrays occupying forty (40) acres or more of land. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.

Medium-Scale Solar Energy System

A Solar Energy System consisting of roof-mounted solar arrays with a rated capacity of greater than 250 kW or solar arrays occupying more than one-half (1/2) acre and less than forty (40) acres of land. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.

Microgrid

A Solar Energy System that can act independently of the larger electrical grid. A microgrid can connect and disconnect from the grid to enable it to operate in both grid-connected or "island-mode," where the system transmits and distributes energy within defined boundaries while not connected to the grid. A remote microgrid is a variation of a microgrid that only operates in islanded conditions.

Small-Scale Solar Energy System

A Solar Energy System either consisting of roof-mounted solar arrays with a rated capacity of less than 250 kW or solar arrays occupying no more than one-half (1/2) acre of land that primarily will be used to produce electric power to onsite principal uses. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.

Solar Energy System

A photovoltaic or low temperature thermal system composed of arrays, panels, or devices that convert sunlight into thermal, chemical, mechanical, or electric energy, and any on-site energy storage facilities and components for the transmission and distribution of transformed energy including without limitation all mounting structures, modules or panels, batteries, inverters, transformers, structures, trenches, conduits, tanks, pumps, associated battery energy storage systems, and other elements of the system.

Section 6-202 Permit Requirements for All Solar Energy Systems

202 A. Application Fee

All applications for the development of Solar Energy Systems must include the application fee pursuant to the applicable Board of County Commissioner Resolution for Fee Schedule and consistent with C.R.S. § 24-48.5-113 to the extent applicable. Fees shall be as set by the Board of County Commissioners pursuant to the LUC, Article 3, Section 3-1410 and as it may be amended, and as set forth in the adopted fee schedule.

202 B. Consultants and Referral Agency Costs

The costs of consultant and referral agency reviews are the responsibility of the applicant. The Planning Director may authorize all or a portion of the review of any phase of the application to be performed by a consultant or consultants of the County's choosing and sent to referral agencies that the County deems appropriate for the application. Copies of any such referral agency comments received must be forwarded to the applicant for its response.

202 C. Expansion of Solar Energy Systems or Sequential Projects

If an applicant receives a permit for a Solar Energy System project that is classified as a Small-Scale or Medium-Scale Solar Energy System, and proposes an additional project at a later date as an addition to or expansion of the approved Solar Energy System such that the projects considered together would have been classified as at least the next higher level of size classification, then the additional and any such subsequent proposals shall be reviewed as the next-higher level of size classification. The cumulative impacts of the sequential projects or expansions, considered together and in combination with other past, present, and reasonably foreseeable future development, shall be the basis on which compliance with this Section is determined.

202 D. Waiver of Application Materials

The Planning Director may waive one or more of the application materials when the Planning Director determines that the information would not be relevant to a determination as to whether the Solar Energy System complies with the review criteria that apply to the application.

202 E. Confidential Materials

An applicant may work with the County Attorney to address how confidential information may be appropriately handled in the application materials.

Section 6-203 Application Materials for Large-Scale Solar Energy Systems

The applicant shall submit an application for the development of a Large-Scale Solar Energy System ("Large-Scale Solar Development") to the Planning Director. The application shall include, at a minimum, the information and materials specified in this Section 6-203 and shall address both the construction and operation

of the Large-Scale Solar Development either separately or together. All detailed plans and specifications must be prepared by a Colorado-licensed Professional Engineer ("P.E.") or as otherwise approved by the Planning Director. The applicant shall provide shapefiles or other GIS data for any mapping created for this application at the request of County staff.

6-203 A. Information Describing the Applicant

I. The contact information, including email address, organizational form, and business of the applicant and, if different, the owner of the Large-Scale Solar Development.

II. The names, addresses, and qualifications of the entity or individuals responsible for managing the construction and operation of the Large-Scale Solar Development, including areas of expertise and experience with Large-Scale Solar Developments directly related or similar to the Large-Scale Solar Development.

III. Authorization of the application package by the owner of the Large-Scale Solar Development, if different than the applicant.

IV. Written authorization of the application package by the owner of the property on which any feature or component of the Large-Scale Solar Development is located.

V. Documentation of the applicant's technical capability to develop, operate, and decommission the Large-Scale Solar Development, including a description of the applicant's experience with similar Large-Scale Solar Developments.

VI. Written qualifications of those preparing the reports, plans, and studies in this application.

6-203 B. Information Describing the Large-Scale Solar Development

Maps, plans, specifications, and description of the Large-Scale Solar Development in sufficient detail to evaluate the application against applicable permit approval review criteria in Section 6-204, Review Criteria for Large-Scale Solar Energy Systems, including without limitation:

I. Location and extent of existing and proposed disturbed areas and description of how the Large-Scale Solar Development will prioritize development of existing disturbed areas.

II. Access route(s) to the Large-Scale Solar Development including adequate emergency access.

III. Structures, fencing, equipment, and other improvements related to the facility.

IV. Setbacks from roads and adjacent residential properties.

V. Method, design, and necessary upgrades to accommodate interconnection.

VI. Security measures to prevent uninvited access to or trespass upon any of the facilities.

VII. Estimated life span of the Large-Scale Solar Development.

VIII. Other proposed uses for property, if any.

IX. Proposed end use of the property following decommissioning.

6-203 C. Technical Feasibility of the Large-Scale Solar Development

A description of the technical feasibility of the Large-Scale Solar Development, including the estimated techniques and costs for proposed mitigation measures.

6-203 D. Property Rights, Permits, and Approvals

I. A list of the federal, state, and local permits or approvals that have been or will be required for the Large-Scale Solar Development, together with any proposal for coordinating these permits or approvals with the County permitting process.

a. Copies of draft permit applications or draft permits as available.

b. Copies of approved permits and approvals.

II. The applicant's right to use any water necessary for the construction and operation of the Large-Scale Solar Development, including adjudicated decrees, applications for decrees, and judicially decreed augmentation plans.

III. Copies of any consultation correspondence with official federal, state, and local authorities prepared for the Large-Scale Solar Development.

IV. Copies of any draft or final environmental assessments or impact statements prepared for the Large-Scale Solar Development.

V. Description and documentation of property rights, easements, and rights-of-way agreements that are necessary for or that will be affected by the Large-Scale Solar Development.

VI. If proposing to interconnect to a utility, a copy of a "letter of intent to interconnect" or interconnection agreement signed by the utility. The County may condition the permit on the issuance of a "letter of intent to interconnect" or an interconnection agreement.

6-203 E. Vicinity Map

Map and description of the location of the Large-Scale Solar Development and topographic and cultural features and federal and state-owned lands, including ownership and specific designations at minimum within one (1) mile of the Large-Scale Solar Development, shown in a form acceptable to the Planning Director.

6-203 F. Water Quality Conditions Impact Assessment

I. Map and description of the hydrologic features including intermittent and

ephemeral water features, wetlands, riparian areas, natural and artificial drainageways, ditches, wells, reservoirs, stock ponds, and the one hundred (100)-year floodplain boundaries in the area affected by the Large-Scale Solar Development.

II. Description of existing conditions for surface water and groundwater quality affected by the Large-Scale Solar Development, including without limitation current water quality data, water body classifications, and water quality standards adopted by the Colorado Water Quality Control Commission.

III. Description of the direct, indirect, and cumulative impacts that the Large-Scale Solar Development would have on surface water and groundwater quality, including without limitation, increases in impervious surfaces, stormwater runoff, and concentrations of pollutants.

IV. Description of proposed techniques that will be used to mitigate impacts to water quality.

6-203 G. Floodplains, Wetlands, Riparian Areas, and Fens Impact Assessment

I. Map and description of existing conditions for floodplains, wetlands, riparian areas, and fens affected by the Large-Scale Solar Development. The description must include without limitation:

a. Structure, function, and aerial extent of floodplains, wetlands, riparian areas, and fens.

b. Flood attenuation, sediment capture, and ecosystem services provided by wetlands and riparian areas.

c. Floodplains, wetlands, riparian areas, and fen species composition and diversity.

d. Transition from wetland to upland species.

e. Aerial extent, function, and channel connectivity of floodplains.

f. Alteration in hydrology that would allow succession to upland species.

II. Description of the direct, indirect, and cumulative impacts that the Large-Scale Solar Development would have on floodplains, wetlands, riparian areas, and fens.

III. Describe proposed techniques that will be used to mitigate impacts to floodplains, wetlands, riparian areas, and fens.

6-203 H. Stormwater Management Plan

A plan for the management of stormwater, drainage, and runoff for construction and operation of the Large-Scale Solar Development. The applicant may submit the stormwater management plan approved by the Colorado Water Quality Control Division and best management practices including, without limitation:

I. Adequate permeable space between rows of solar panels so that runoff from the panels does not adversely impact nearby surface flows.

II. Maintenance of aquifer recharge rates, groundwater levels, and aquifer capacity, including seepage losses through aquifer boundaries and at aquifer-stream interfaces.

III. Grading the site to a slope of less than five percent (5%), or terracing the site to maintain sheet flow conditions.

IV. Minimizing site compaction during construction or tilling and amending soil following construction to maintain the natural infiltration capacity of the soil.

V. Limiting the vertical distance between the ground and the panel drip edge to minimize soil erosion.

VI. Establishing native ground cover that will help prevent erosion, promote infiltration, and support ecological function.

6-203 I. Wildlife and Wildlife Habitat Impact Assessment

The applicant shall consult with Colorado Parks and Wildlife ("CPW") in developing the Wildlife and Wildlife Habitat Impact Assessment required by this Section and shall provide documentation of such consultation.

I. Map and description of existing wildlife and wildlife habitat conditions affected by the construction and operation of the Large-Scale Solar Development, including without limitation:

   a. Wildlife including the status and relative importance of game and non-game wildlife and other animals.

   b. Animal, bird, and insect species listed as threatened or endangered under the Endangered Species Act or listed by CPW as Species of Special Concern or Species of Greatest Conservation Need.

   c. Critical wildlife habitat including migration routes, calving areas, summer and winter range, mating grounds, nesting grounds, and endangered species habitat including all occupied and unoccupied Gunnison Sage-Grouse habitat according to the most recent CPW, Bureau of Land Management ("BLM"), and U.S. Fish and Wildlife Service ("USFWS") maps.

II. Description of the direct, indirect, and cumulative impacts that the construction and operation of the Large-Scale Solar Development will have on wildlife and wildlife habitat including without limitation:

   a. Changes to wildlife species composition or density.

   b. Changes in the number of and habitat of threatened or endangered species.

c. Changes in extent, quality, and fragmentation of wildlife habitat such as changes to migration routes, calving areas, summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the protection and propagation of wildlife species.

d. Alteration or destruction of major vegetation that serves as wildlife habitat (trees, shrublands, riparian areas).

e. How the siting, construction, and operation of the Large-Scale Solar Development will allow for species movement among panels and continued access to forage and habitat.

f. The potential to attract waterfowl and other bird species to the Large-Scale Solar Development.

g. Consistency with or impacts to plans addressing the protection and preservation of the Gunnison Sage-Grouse, including but not limited to BLM *Gunnison Sage-Grouse Resource Management Plan ("RMP") and RMP Amendment(s),* the USFWS *Recovery Implementation Strategy for the Gunnison Sage-Grouse* and the CPW *Gunnison Sage-Grouse Rangewide Conservation Plan* as these plans may be amended in the future.

III. Description of proposed techniques that will be used to mitigate impacts to wildlife and wildlife habitat during construction and operation of the Large-Scale Solar Development, including plans for avoidance of impacts to wildlife and habitat during construction and maintenance activities, specifically including occupied and unoccupied Gunnison Sage-Grouse Habitat, and wildlife-friendly fencing in accordance with the best management practices in Section 6-204 K., Review Criteria for Wildlife and Wildlife Habitat.

6-203 J. Terrestrial Plants Impact Assessment and Mitigation

I. Map and description of terrestrial plant life sufficient to evaluate the Project impacts and ensure the adequacy of proposed monitoring and mitigation, including:

a. The type and density of terrestrial plants in the area impacted by the Project;

b. Plant species listed as threatened or endangered under the Endangered Species Act, listed on the Rare Plant List from the Colorado Natural Heritage Program, or otherwise listed as species of concern by a federal or state agency.

II. Assessment of direct, indirect, and cumulative impacts of the Project to terrestrial plant life that includes without limitation:

a. Changes to habitat of threatened or endangered plant species or species of concern.

b. Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.

c. Changes in advancement or succession of desirable and less desirable plant species, including noxious weeds.

III. Description of proposed techniques that will be used to mitigate impacts to terrestrial plant life during construction and operation of the Large-Scale Solar Development.

6-203 K. Grading, Erosion, and Sediment Control Plan

A plan for grading, erosion, and sediment control for construction and operation of the Large-Scale Solar Development, including without limitation:

I. Existing (solid lines) and proposed (dashed lines) contours at two (2)-foot intervals or other contour intervals approved by staff.

II. Narrative description and scaled drawings of specific measures to avoid soil disturbance, when possible, and to minimize erosion and control sediment. Narrative description and drawing will include approximate locations of any proposed drainage facilities and drainage patterns and wetlands or other water bodies receiving storm runoff from the site. Typical erosion control measures should be depicted using standard map symbols.

III. Construction schedule indicating the anticipated starting and completion time periods of the site grading and/or construction phases including the installation and removal of erosion and sediment control measures, and the estimated duration of exposure of each area prior to the completion of temporary erosion and sediment control measures.

IV. Estimated total cost of the required soil erosion and sediment control measures.

V. Calculations made for determining rainfall runoff and sizing of any sediment basins, diversions, conveyance, or detention/ retention facilities.

VI. Copies of any required Colorado Department of Public Health and Environment or Colorado Division of Water Resources permits, including without limitation general permits for stormwater discharges or dewatering activities.

6-203 L. Revegetation and Weed Management Plan

A plan for revegetation and weed control for construction and operation of the Large-Scale Solar Development, including without limitation:

I. Description of the species, character, and density of existing vegetation within areas disturbed by the Large-Scale Solar Development.

II. Soil test with baseline soil conditions prior to construction of the Large-Scale Solar Development. Soil test samples will be representative of the overall area through a minimum of five (5) sample spots in the area. Areas

that have a clear difference in soil type, drainage, or plant growth will be avoided for sample collection.

III. Summary of potential impacts on vegetation as a result of the Large-Scale Solar Development.

IV. Plan for revegetation and weed management that provides for:

a. Removal of existing vegetation no more than thirty (30) calendar days prior to commencement of initial site grading.

b. Revegetation of areas that have been filled, covered, or graded as soon as practicable after construction of the Large-Scale Solar Development.

c. Use of site-specific native plant and seed mix and mulching to support vegetation growth in coordination with the San Miguel County Manager of Vegetation Control Management.

d. Incorporation of pollinator plants or agrivoltaic uses that include browse crops to the greatest extent practicable.

e. Topsoil from disturbed areas that is stripped and stockpiled on-site for redistribution over the completed final grade; stockpiling that conforms to best management practices and ensures that soil organisms in stockpiled soil remain viable until completion of the redistribution process.

f. Weed control and monitoring at all locations disturbed by the Large-Scale Solar Development and along access roads during the life of the Project.

6-203 M. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment

I. Description of the impact of noise, dust, fumes, vibration, and odor caused by the construction or operation of the Large-Scale Solar Development.

II. Description of proposed techniques that will be used to mitigate nuisance impacts caused by the construction or operation of the Large-Scale Solar Development.

6-203 N. Glare, Glint, and Lighting Impact Assessment

I. Map and description of the existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots that could be affected by glare, glint, or lighting, including lighting at night, from construction or operation of the Large-Scale Solar Development.

II. Site plan identifying the location and type of outdoor lighting in the Large-Scale Solar Development and a description of how that lighting complies with the requirements in the LUC, Article 5, Section 5-710, Exterior Lighting Requirements, and as it may be amended.

III. Description of the direct, indirect, and cumulative impacts that the glare, glint, or lighting of the construction or operations of the Large-Scale Solar Development would have on existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots, considering daily and annual differences in sun and solar array positioning, and to light pollution and any applicable Dark Sky Places designation(s).

IV. Description of proposed techniques that will be used to mitigate impacts of glare, glint, and lighting during construction and operation of the Large-Scale Solar Development.

6-203 O. Visual Quality Impact Assessment

I. Map and description of the existing scenic rural landscape within one (1) mile of the outer perimeter of the Large-Scale Solar Development, including without limitation adjacent lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations. The applicant shall provide at least four (4) visual renderings of the proposed development from key vantage points, to be determined in consultation with the Planning Department.

II. Describe the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on the visual quality of the scenic rural landscape within one (1) mile of the Large-Scale Solar Development.

III. Description of proposed techniques that will be used to mitigate impacts to the visual quality of the scenic rural landscape within one (1) mile of the outside perimeter of the Large-Scale Solar Development such as proposed visual buffering, natural topography, plantings, earth berms, or fencing. Proposed visual buffering should utilize existing vegetation and natural topography wherever possible.

6-203 P. Natural Hazards Impact Assessment

I. Map and description of geological characteristics and hazardous conditions potentially affected by the Large-Scale Solar Development including without limitation:

a. Description of drainage areas, floodplains, slopes, avalanche areas, debris fans, mudflows, rockslide areas, faults and fissures, seismic history, and wildfire hazard areas.

b. Geotechnical assessment of all geologic hazards that have the potential to affect the Large-Scale Solar Development and which may be de-stabilized or exacerbated by the siting, construction, and operation of the Large-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on natural hazards, and the direct, indirect, and

cumulative impacts created by natural hazards on the siting, construction, and operation of the Large-Scale Solar Development.

III. Description of proposed techniques that will be used to mitigate impacts of the Large-Scale Solar Development on natural hazards and a description of proposed techniques to mitigate the impacts of natural hazards on the Large-Scale Solar Development.

6-203 Q. Local Government Services Impact Assessment

I. Map and description of the existing capacity and demand for services provided by the County, special districts, and other entities providing services, including roads, emergency services, schools, water and wastewater treatment, water supply, transportation, infrastructure, and other services necessary to accommodate Large-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on the capacity of the County, special districts, and other entities providing services and infrastructure for delivering services.

III. Description of proposed techniques that will be used to mitigate impacts on local government services from the construction and operation of the Large-Scale Solar Development.

6-203 R. Housing Impact Assessment

I. Description of the existing conditions of short- and long-term housing availability and an estimate of the number of workers associated with the construction and operational phase of the Large-Scale Development.

II. Description of the direct, indirect, and cumulative impacts of construction and operation of the Large-Scale Solar Development on housing availability, including without limitation the workforce associated with construction and operations of the Large-Scale Solar Development, estimated salary ranges of workers, an analysis of whether there are sufficient numbers of dwelling units at an appropriate cost to house workers, and the potential to displace existing residents.

III. Description of the proposed techniques that will be used to mitigate impacts on housing during the construction and operation of the Large-Scale Solar Development.

6-203 S. Water Services Availability

If the proposed Large-Scale Solar Development includes the provision of water, the application must include a description of the source and capacity of the water supply sufficient to evaluate the water source and its consistency with the corresponding review criteria, including location and size of well(s) and/or water lines to serve the proposed Large-Scale Solar Development. The applicant must provide proof of adequate physical and legal supply to serve the Large-Scale Solar

Development, including a letter of approval from the Office of the State Engineer documenting that any proposed well water used for the supply is adequate to serve the proposed use.

6-203 T. Traffic Route Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for control of traffic during construction and operation of the Large-Scale Solar Development, including without limitation:

I. Map indicating proposed trip routes for all traffic serving the Large-Scale Solar Development.

II. Description of vehicular traffic associated with the Large-Scale Solar Development including vehicle types, sizes, weight, and numbers of axles; the traffic volume, frequency (daily, weekly, total), and timing (times of day).

III. Routes that are designed to avoid to the greatest extent possible residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, and already congested locations.

IV. Limitation of traffic on public roads during seasons when heavy vehicle use, weather conditions, or water saturation may result in significant damage.

V. Restriction on the weight of trucks so that they do not exceed County road or bridge weight capacity requirements.

VI. Operational measures to minimize impacts on the public such as limitations on time of day and week; vehicle fuel and emissions reduction technology; noise minimization; and traffic control safety measures.

VII. Proposed phasing of construction to minimize interference with traffic movement.

VIII. Reduction in the use of single-occupancy vehicles accessing the site, such as by using shuttles or van pools for workers.

6-203 U. Road and Rights-of-Way Improvements and Maintenance Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for improvements and maintenance of roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the construction and operation of the Large-Scale Solar Development, including without limitation:

I. A plan for the maintenance practices on the proposed travel route(s) during construction and operation of the Large-Scale Solar Development, including dust suppression, snow and ice management, prevention of tracking of dirt and mud off-site onto roads and highways, sweeping of paved roads/shoulders, pothole patching, repaving, crack sealing, and chip sealing necessary to maintain an adequate surface of paved roads.

II. A plan for the maintenance practices for any County rights-of-way or infrastructure such as sidewalks, curbs, gutters, or alleys impacted by the construction and operation of the Large-Scale Solar Development.

III. The applicant will enter into a Maintenance Agreement with the County whereby the applicant provides for private maintenance or reimburses the County for such increased costs or provides a bond or other financial security in an amount acceptable to the County to cover the costs of mitigating impacts to public roads, rights-of-way and/or infrastructure.

6-203 V. Emergency Preparedness and Response Plan

Emergency preparedness and response plan that addresses events such as explosions, fires and wildland fires, toxic emissions, transportation of hazardous material, vehicle accidents, or spills. The plan must include proof of adequate personnel, supplies, procedures, and infrastructure such as water supply, and funding to immediately implement the emergency response during both construction and operation of the Large-Scale Solar Development and to repair damage caused by emergencies.

6-203 W. Hazardous Materials Management Plan

A plan that describes all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed, or produced in connection with the construction and operation of the Large-Scale Solar Development, including:

I. The type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure.

II. Measures, procedures, and protocols for handling, spill prevention, storage, and containment.

III. Measures, procedures, and protocols for reporting spills and storage to local, state, and federal officials.

IV. Measures, procedures, and protocols for clean-up and description of the financial security for these provisions. Impacts resulting from spills and releases will be investigated and cleaned up as soon as practicable.

6-203 X. Agricultural Resources and Heritage Impact Assessment

I. Map and description of existing agricultural resources and assets, including livestock and lands in the area affected by the Large-Scale Solar Development.

II. Description of the agricultural productivity of the land affected by the Large-Scale Solar Development using Natural Resource Conservation Service ("NRCS") classifications, including whether the land is rated "prime farmland," "prime farmland if irrigated," or "not prime farmland."

III. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on agricultural resources including changes in the

amount or productivity of agricultural lands; changes to the carrying capacity of livestock; changes in soil productivity; increased susceptibility to noxious weed invasion; and changes to irrigation and agricultural drainage ditches and systems.

IV. Description of proposed techniques that will be used to mitigate impacts to agricultural resources.

V. Description of proposed agricultural activities on the site after construction.

6-203 Y. Recreational Resources Impact Assessment

I. Map and description of existing recreational resources and uses in the area affected by the Large-Scale Solar Development.

II. Description of the impacts of the Large-Scale Solar Development on recreational resources and uses.

III. Description of proposed techniques that will be used to mitigate impacts to recreational resources and uses.

6-203 Z. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment

I. Map and description of all sites of paleontological, historical, or archaeological importance affected by the Large-Scale Solar Development, including without limitation:

a. Historical or archaeological landscape, features, structures, and artifacts historical and archaeological features, including purposes, functions, and use(s) of those features such as agricultural, grazing, recreation, or religious purposes.

b. State historic site survey and inventory form(s) completed by a qualified professional acceptable to the State Historic Preservation Officer for all paleontological, historical, or archaeological resources affected by the Large-Scale Solar Development.

c. List of properties, structures, objects, districts, and sites listed on the National Register of Historic Places, eligible for inclusion on the National Register of Historic Places, listed on the State Register of Historic Properties, or listed on the San Miguel County Historic Register in the area affected by the Large-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Large-Scale Solar Development on sites of paleontological, historical, or archaeological importance and proof of compliance with the procedures for notification to the State Historical Preservation Office, Office of the State Archaeologist, San Miguel County Historical Commission, and to applicable local historical societies/organizations upon discovery of historical or archaeological resources during the construction and operation of the Large-Scale Solar Development.

III. Description of the proposed techniques that will be used to mitigate impacts on sites of paleontological, historical, or archaeological importance.

6-203 AA. Decommissioning and Restoration Plan

A plan for decommissioning and restoring the Large-Scale Solar Development that will begin no later than twelve (12) months after power production has permanently ceased. The *Decommissioning and Restoration Plan* must be updated every five (5) years or more frequently upon request by the County based on changed circumstances. The Plan must include:

I. The name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing the plan.

II. Timeline and Process. The projected lifespan of the Large-Scale Solar Development and a description of the timeline, the process for decommissioning the Large-Scale Solar Development and reclaiming the site, and a proposed process for extending the projected lifespan and notifying the County if such changes should occur.

III. Reasonably Similar Condition. Description of how the land will be restored to a condition similar to or better than its condition prior to development and how it will remain available for productive use.

IV. Removal of Components. Provisions for removal or conversion of all components of the Solar Energy System, including without limitation panels, structures, fencing, foundations, equipment, conduit, gravel areas, access roads, and erosion and sediment control infrastructure, regardless of whether such components are above or below the surface of the site. Materials should be recycled or otherwise reused to the extent reasonably practicable. Where features will be left on site, an agreement with the landowner on the placement and maintenance of those features is required.

V. Site Restoration. Restoration of soil and vegetation on the site after decommissioning in cooperation with the San Miguel County Manager of Vegetation Control Management.

a. Land disturbed as part of the decommissioning process must be reseeded or re-vegetated with crops or vegetative species that provide ecological services, such as carbon sequestration, increased soil health, habitat preservation, or water quality improvements, such as those recommended in the CPW's "Colorado Seed Mix Tool."

b. Revegetation and other land disturbance mitigation must occur within twelve (12) months of removal of the solar facility.

c. Restoration must include soil tests after the system ceases production but before any equipment is removed, and if needed a second set of tests after decommissioning and restoration. Soil test samples will be representative of the overall area through a minimum of five (5) sample spots in the area. Sample collection

must avoid areas that have a clear difference in soil type, drainage, or plant growth.

VI. Monitoring Plan. A plan to monitor the site after decommissioning and restoration for a minimum of three (3) years and a schedule for reporting monitoring results to the County. Groundwater and surface water monitoring may be required on a case-by-case basis where an adverse impact on groundwater or surface water quality may reasonably be expected. Monitoring shall be extended for an additional period of three (3) years if the site is not decommissioned and restored consistent with the *Decommissioning and Restoration Plan*.

VII. Cost of Decommissioning and Restoration. Decommissioning and restoration cost estimates, which must be updated every five (5) years from the establishment and submittal of the Financial Security pursuant to Section 6-207, including the following costs:

a. Labor, equipment, transportation, and disposal costs associated with the removal of all facility components from the facility site.

b. Restoration.

d. Decommissioning and restoration activity management, monitoring, site supervision, and site safety costs.

e. Any other costs, including administrative costs, associated with the decommissioning and restoration of the facility site.

f. Costs of outside technical and legal experts to assist with any phase of inspection and determination of compliance with the *Decommissioning and Restoration Plan*.

VIII. Process for Updating Plan. A plan for updating the *Decommissioning and Restoration Plan* and submitting any necessary updates to the County for review and approval at minimum every five (5) years or more often as warranted.

Section 6-204 Review Criteria for Large-Scale Solar Energy Systems

The following review criteria apply to the review of a permit application for Large-Scale Solar Development. The County shall take into account the impacts of construction, operation, and reclamation of the proposed activity in determining whether the review criteria are satisfied. The evaluation of cumulative impacts shall consider other Solar Permits and other Special Use Permits in the geographic area.

These review criteria replace the review criteria in the LUC, Article 5, except where Article 5 is explicitly referenced herein.

6-204 A. Applicant Expertise

The applicant has the necessary expertise to develop and operate the Large-Scale Solar Development consistent with all requirements and conditions.

6-204 B. Utility Interconnection Agreement

If proposing to interconnect to a utility, the utility has entered into a "letter of intent to interconnect" or interconnection agreement with the applicant. The County may condition the permit on the issuance of a "letter of intent to interconnect" or interconnection agreement.

6-204 C. Site Design Review Criteria

I. Underground Utility Connection. Electrical collection lines within the Large-Scale Solar Development shall be placed underground unless placing them underground would have significant adverse environmental impacts.

II. Setbacks. Fencing or other enclosures, solar panels, equipment, and structures shall be set back a minimum of two-hundred (200) feet from all property lines.

III. Access. Road access to the Large-Scale Solar Development must be adequate for emergency and fire response access.

IV. Safety and Security. The Large-Scale Solar Development must be protected by fencing or other barriers to prevent unauthorized access to the Large-Scale Solar Development.

6-204 D. Signage

All signage must comply with the LUC, Article 5, Section 5-704, Sign Requirements, and as it may be amended. The operator of the Large-Scale Solar Development shall post and maintain in legible condition warning signs at all entrances identifying emergency contact information.

6-204 E. Technical Feasibility

I. The Large-Scale Solar Development shall be technically feasible.

6-204 F. Facility Maintenance

The Large-Scale Solar Development shall be maintained in good condition for the life of the Project.

6-204 G. Necessary Property Rights, Permits, and Approvals

The Applicant will obtain all necessary property rights and federal, state, and local permits or approvals for the Project prior to any site disturbance. The County may defer making a final decision on the Application until outstanding property rights, permits, and approvals are obtained.

6-204 H. Water Quality

The Large-Scale Solar Development will not have an adverse impact on surface water or groundwater quality. In determining whether this criterion is satisfied, the Board of County Commissioners may take into account, without limitation,

changes to the amount of impervious surfaces, increases in stormwater runoff, and concentrations of pollutants.

6-204 I. Drainage/Stormwater Runoff

Runoff will be kept on the site in a stormwater detention system, and waters in excess of historic run-off will be prevented from leaving the site during the construction and operation of the Large-Scale Solar Development in conformance with the approved *Stormwater Management Plan*.

6-204 J. Floodplains, Wetlands, Riparian Areas, and Fens

The Large-Scale Solar Development will not have an adverse impact on floodplains, wetlands, riparian areas, and fens. This criterion applies whether or not the U.S. Army Corps of Engineers or U.S. Environmental Protection Agency have jurisdiction over the wetlands. In determining whether this criterion is satisfied, the Board of County Commissioners may take into account, without limitation:

I. Changes to the naturally-mediated energy transfer in the channel and floodplain.

II. Changes to the structure, function, and aerial extent of wetlands, fens, and the floodplain.

III. Disturbance to wetlands or fens during construction and operation.

IV. Replacement of wetland species with upland species.

V. Where wetlands mitigation is proposed, off-site mitigation may be allowed in the same watershed as the Large-Scale Solar Development if on-site mitigation is not feasible or when greater benefits may be realized.

6-204 K. Wildlife and Wildlife Habitat

I. The Large-Scale Solar Development will not have an adverse impact on wildlife or wildlife habitat. In determining whether this criterion is satisfied, the Board of County Commissioners may take into account, without limitation:

a. Changes in species composition, density, or diversity.

b. Changes to the number of and habitat of animal, bird, and insect species.

c. Changes to on-site activity that may disturb wildlife or habitats at critical times or locations.

d. The potential for the Large-Scale Solar Development to attract waterfowl and other bird species.

e. Changes to wildlife habitat, including migration routes, calving areas, summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the protection and propagation of wildlife species.

II. No components of the Large-Scale Solar Development shall be located in occupied and unoccupied Gunnison Sage-Grouse Habitat as identified in the most recent habitat maps from CPW, BLM, or USFWS.

III. Proposed fencing shall be wildlife-friendly to the maximum extent possible. The following best practices or alternatives proposed by the Applicant that achieve the same or better results shall be employed.

a. Minimize the footprint of fenced area(s). Consolidate facilities and roads to the greatest extent possible to minimize the amount of land that is fragmented.

b. During operation, inspect for the presence of wildlife trapped in the fenced area regularly and install temporary structures to allow animals to escape if necessary.

c. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals.

d. Construct the fence with at least seven (7) inches of vertical space between the ground and vertical fencing to allow safe passage of small and medium-sized animals.

e. Construct unfenced wildlife passageways through large facilities to allow big mammals like deer, coyotes, and bears to traverse the area. Such passageways should include appropriate, high-quality wildlife habitat, be shorter and wider instead of longer and thinner, and connect to potential wildlife habitat on either side.

f. Any non-security fencing shall be wildlife-friendly fencing pursuant to CPW's "Fencing with Wildlife in Mind" guidance, or as updated in the future, consistent with the LUC, Article 5, Section 5-407(A)(IX), general standards related to fencing for Wildlife Habitat Areas, and as it may be amended.

6-204 L. Terrestrial Plants

The Large-Scale Solar Development will not have an adverse impact on terrestrial plants.

6-204 M. Erosion and Sediment Control

Erosion and sedimentation control measures will be implemented in conformance with the approved *Grading, Erosion, and Sediment Control Plan* to prevent erosion and sediment runoff and ensure that disturbed areas and soil stockpiles are stabilized.

6-204 N. Revegetation and Weed Management

Areas disturbed by the construction and operation of the Large-Scale Solar Development will be adequately revegetated within two (2) growing seasons and maintained for the life of the Project in conformance with the approved

Revegetation and Weed Management Plan.

6-204 O. Noise, Dust, Fumes, Vibration, and Odor

I. The Large-Scale Solar Development will not interfere with the use and enjoyment of property, cause a risk to public health and safety, nor create an unreasonable attractive nuisance for birds, wildlife, or persons.

II. Sound emissions shall be less than fifty decibels (50 dB) at all property lines.

6-204 P. Glare and Glint

I. The glare and glint from the Large-Scale Solar Development will not unreasonably interfere with the use and enjoyment of existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots, nor result in a risk to public health and safety.

II. Glint and glare produced by the Large-Scale Solar Development will not create an unreasonable attractive nuisance for birds, wildlife, or persons.

6-204 Q. Exterior Lighting

The Large-Scale Solar Development will not cause light trespass nor light pollution and will comply with the LUC, Article 5, Section 5-710, Exterior Lighting Requirements, and as it may be amended.

6-204 R. Visual Quality

The Large-Scale Solar Development will not cause a significant adverse impact to the visual quality of the scenic rural landscape within one (1) mile of the Large-Scale Solar Development, including without limitation views from adjacent lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations.

6-204 S. Risk from Natural Hazards

The Large-Scale Solar Development will not be subject to risk from natural hazards and will not exacerbate natural hazards.

6-204 T. Impact to Local Government Services

The Large-Scale Solar Development will not have an adverse impact to the current or future capability of local districts to provide services or on the capacity of their infrastructure for delivering services.

6-204 U. Housing

The Large-Scale Solar Development will not reduce the availability of housing during construction or operation of the Large-Scale Solar Development.

6-204 V. Water Services Availability

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If the Large-Scale Solar Development will be served by water, the water supply facilities must:

I. Be adequate to serve the Large-Scale Solar Development.

II. Be non-consumptive in total water use.

III. Have no adverse impact on water resources in the area impacted by the Large-Scale Solar Development.

IV. Comply with state standards.

6-204 W. Construction Traffic

Construction traffic associated with the Large-Scale Solar Development will not cause an adverse impact on local traffic conditions.

6-204 X. Road and Rights-of-Way Improvements and Maintenance

I. All roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the Large-Scale Solar Development will be maintained in accordance with the *Improvements and Maintenance Plan*.

II. The applicant has obtained access and/or road use permits required from the County Road and Bridge Department, and easements have been established where necessary.

III. The owner will bear the cost of all repairs and maintenance to roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure necessitated by the construction and operation of the Large-Scale Solar Development.

IV. If the use of public roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure results in a need for increased maintenance, the owner will enter into an agreement with the County whereby the owner assumes responsibility for the repairs and additional maintenance or reimburses the County for repairs and maintenance.

V. The owner will maintain financial security to secure the maintenance and repair obligation in an amount and form approved by the County.

VI. Staging activities and parking of equipment and vehicles will occur on-site and on private rights-of-way and are prohibited on maintained County roads, except for temporary road closures during construction with prior notice to the road manager.

6-204 Y. Emergency Preparedness and Response

The construction and operation of the Large-Scale Solar Development will be in compliance with the *Emergency Preparedness and Response Plan*, which shall be approved by the local fire district, County Sheriff, and Emergency Manager. The applicant shall provide an updated Emergency Preparedness and Response Plan to the San Miguel County Office of Emergency Management every two years.

6-204 Z. Hazardous Materials Management

The handling, spill prevention, storage, and containment of hazardous materials will be conducted in accordance with the *Hazardous Materials Management Plan*.

The County Emergency Manager or their designee may work with applicants to make sure they comply with their obligations under the Hazardous Materials Management Plan.

6-204 AA. Agricultural Resources

I. The Large-Scale Solar Development will not have an adverse impact on the productivity of agricultural lands, the conduct of agricultural operations, the delivery of irrigation water, or irrigation drainage systems.

II. No more than fifty-percent (50%) of the land disturbed by the Large-Scale Solar Energy System will be categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS.

6-204 BB. Recreational Resources

The Large-Scale Solar Development will not have an adverse impact on the quality or quantity of recreational experiences and opportunities.

6-204 CC. Areas of Paleontological, Historical, or Archaeological Importance

The Large-Scale Solar Development will not have an adverse impact on areas of paleontological, historical, or archaeological importance.

6-204 DD. Decommissioning and Restoration

The Large-Scale Solar Development will be decommissioned, and the site will be restored, consistent with the approved *Decommissioning and Restoration Plan*.

6-204 EE. Compliance with Required Plans/Studies/Reports

The Large-Scale Solar Development will be constructed, operated, maintained, and decommissioned/restored in compliance with all plans and reports required under Section 6-203 and as approved by the Board of County Commissioners.

Section 6-205 Application Materials for Medium-Scale Solar Energy Systems

The applicant shall submit an application for the development of a Medium-Scale Solar Energy Systems ("Medium-Scale Solar Development"), including Microgrid Medium-Scale Solar Energy Systems, to the Planning Director. The application shall include, at a minimum, the information and materials specified in this Section 6-205 and shall address both the construction and operation of the Medium-Scale Solar Development either separately or together. All detailed plans and specifications must be prepared by a Colorado-licensed Professional Engineer ("P.E.") or as otherwise approved by the Planning Director. The applicant shall provide shapefiles or other GIS data for any mapping created for this applicant at the request of County staff.

6-205 A. Information Describing the Applicant

I. The names, addresses, including email address, organizational form, and business of the applicant and, if different, the owner of the Medium-Scale Solar Development.

II. The names, addresses, and qualifications of individuals responsible for constructing and operating the Medium-Scale Solar Development, including areas of expertise and experience with solar energy systems directly related or similar to the Medium-Scale Solar Development.

III. Authorization of the application package by the owner of the Medium-Scale Solar Development, if different than the applicant.

IV. Authorization of the application package by the owner of the property on which any feature or component of the Medium-Scale Solar Development is located.

V. Documentation of the applicant's technical capability to develop, operate, and decommission the Medium-Scale Solar Development, including a description of the applicant's experience with similar Solar Energy Systems.

VI. Written qualifications of those preparing the reports, plans, and studies in this application.

6-205 B. Information Describing the Medium-Scale Solar Development

I. Maps, plans, specifications, and description of the Medium-Scale Solar Development in sufficient detail to evaluate the application against applicable permit approval review criteria in Section 6-206, including:

a. Location and extent of existing and proposed disturbed areas and description of how the Medium-Scale Solar Development will prioritize development of existing disturbed areas.

b. Access route(s) to the Medium-Scale Solar Development including adequate emergency access.

c. Structures, fencing, equipment, and other improvements related to the facility.

d. Setbacks from roads and adjacent residential properties.

e. Method, design, and necessary upgrades to accommodate interconnection.

f. Security measures to prevent uninvited access to or trespass upon any of the facilities.

g. Estimated life span of the Medium-Scale Solar Development.

h. Other proposed uses for the property, if any.

i. Expected end use of the property following decommissioning.

II. Vicinity map showing the location of the Medium-Scale Solar Development and topographic and cultural features and federal and state-owned lands within one (1) mile of the Medium-Scale Solar Development on a USGS quadrangle map.

6-205 C. Technical Feasibility of the Medium-Scale Solar Development

Description of the technical feasibility of the Medium-Scale Solar Development, including the estimated techniques and costs of proposed mitigation measures.

6-205 D. Property Rights, Permits, and Approvals

I. Federal, state, and local permits or approvals that have been or will be required for the Medium-Scale Solar Development, together with any proposal for coordinating these permits or approvals with the permitting process, and copies of approved permits.

II. Description and documentation of property rights, easements, and rights-of-way agreements that are necessary for or that will be affected by the Medium-Scale Solar Development.

III. If proposing to interconnect to a utility, a copy of a "letter of intent to interconnect" or interconnection agreement signed by the utility. The County may condition the permit on the issuance of a “letter of intent to interconnect” or interconnection agreement.

6-205 E. Water Resource Impact Assessment

I. Map and description of the existing hydrologic features including intermittent and ephemeral water features, wetlands, riparian areas, floodplains, fens, natural and artificial drainageways, ditches, wells, reservoirs, stock ponds, and the one hundred (100)-year floodplain boundaries in the area affected by the Medium-Scale Solar Development.

II. Description of the existing conditions for surface water quality or groundwater quality affected by the Medium-Scale Solar Development.

III. Description of the direct, indirect, and cumulative impacts that the Medium-Scale Solar Development would have on water resources, including without limitation surface water and groundwater quality and existing hydrologic features including without limitation wetlands, fens, floodplains, riparian areas, or agricultural water features such as drainage ditches and irrigation systems. Water resource impacts include but are not limited to increases in impervious surfaces, stormwater runoff, and concentrations of pollutants and adverse impacts to floodplains, wetlands, riparian areas, and fens.

IV. Description of the proposed techniques that will be used to mitigate impacts to water resources.

6-205 F. Stormwater Management Plan

A plan for the management of stormwater, drainage, and runoff for construction and operation of the Medium-Scale Solar Development. The applicant may submit the stormwater management plan approved by the Colorado Water Quality Control Division and best management practices including, without limitation:

I. Adequate permeable space between rows of solar panels so that runoff from the panels does not adversely impact nearby surface flows.

II. Maintenance of aquifer recharge rates, groundwater levels, and aquifer capacity, including seepage losses through aquifer boundaries and at aquifer-stream interfaces.

III. Grading the site to a slope of less than five percent (5%), or terracing the site to maintain sheet flow conditions.

IV. Minimizing site compaction during construction or tilling and amending soil following construction to maintain the natural infiltration capacity of the soil.

V. Limiting the vertical distance between the ground and the panel drip edge to limit soil erosion.

VI. Establishing native ground cover that will help prevent erosion, promote infiltration, and support ecological function.

6-205 G. Wildlife, Wildlife Habitat, and Terrestrial Plant Impact Assessment

I. Map and description of the existing wildlife, including any threatened or endangered species, in the area affected by the Medium-Scale Solar Development.

II. Map and description of existing wildlife habitat in the area affected by the Medium-Scale Solar Development, including without limitation migration routes, calving areas, summer and winter range, mating grounds, nesting grounds, and endangered species habitat including all occupied and unoccupied Gunnison Sage-Grouse habitat according to the most recent CPW, BLM, and UUSFWS maps.

III. Map and description of existing terrestrial plant life (trees, shrubs, riparian areas), including any threatened or endangered species, in the area affected by the Medium-Scale Solar Development.

IV. Description of the direct, indirect, and cumulative impacts that the Medium-Scale Solar Development will have on wildlife, wildlife habitat, and terrestrial plants that includes without limitation:

a. Changes to wildlife and plant species composition or density.

b. Changes in the number of and habitat of threatened or endangered species.

c. Changes in extent, quality, and fragmentation of wildlife habitat, including migration routes, calving areas, summer and winter range,

mating grounds, nesting grounds, or any other habitat features necessary for the protection and propagation of wildlife species.

d. How the siting, construction, and operation of the Medium-Scale Solar Development will allow for species movement among panels and continued access to forage and habitat.

e. The potential to attract waterfowl and other bird species to the Medium-Scale Solar Development.

f. Changes to the structure and function of vegetation.

g. Consistency with or impacts to plans addressing the protection and preservation of the Gunnison Sage-Grouse, including but not limited to the BLM *Gunnison Sage-Grouse Resource Management Plan ("RMP") and RMP Amendment(s),* the USFWS *Recovery Implementation Strategy for the Gunnison Sage-Grouse* and the CPW *Gunnison Sage-Grouse Rangewide Conservation Plan* as these plans may be amended in the future.

V. Description of the proposed techniques that will be used to mitigate impacts to wildlife and wildlife habitat, including wildlife-friendly fencing and plans for avoidance of impacts to wildlife and habitat during construction and maintenance activities.

6-205 H. Grading, Erosion, and Sediment Control Plan

A plan for grading, erosion, and sediment control for construction and operation of the Medium-Scale Solar Development.

6-205 I. Revegetation and Weed Management Plan

A plan for revegetation and weed control for construction and operation of the Medium-Scale Solar Development, including without limitation:

I. Removal of existing vegetation no more than thirty (30) calendar days prior to commencement of initial site grading.

II. Revegetation of areas that have been filled, covered, or graded as soon as practicable after construction of the Medium-Scale Solar Development.

III. Use of site-specific native plant and seed mix and mulching to support vegetation growth in coordination with the San Miguel County Manager of Vegetation Control Management.

IV. Incorporation of pollinator plants or agrivoltaic uses that include browse crops to the greatest extent practicable.

V. Topsoil from disturbed areas that is stripped and stockpiled on-site for redistribution over the completed final grade; stockpiling that conforms to best management practices and ensures that soil organisms in stockpiled soil remain viable until completion of the redistribution process.

VI. Weed control and monitoring at all locations disturbed by the Medium-Scale Solar Development and along access roads during the life of the Project.

6-205 J. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment

I. Description of the noise, dust, fumes, vibration, and odor caused by the construction or operation of the Medium-Scale Solar Development. (Glare and glint are analyzed in the following Section 6-205 K.)

II. Description of the proposed techniques that will be used to mitigate nuisance impacts caused by the construction or operation of the Medium-Scale Solar Development.

6-205 K. Glare, Glint, and Lighting Impact Assessment

I. Map and description of the existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots that could be susceptible to glare, glint, or lighting, including lighting at night, from construction and operation of the Medium-Scale Solar Development.

II. Site plan identifying the location and type of outdoor lighting in the Medium-Scale Solar Development and a description of how that lighting complies with the requirements in the LUC, Article 5, Section 5-710, Exterior Lighting Requirements, and as it may be amended.

III. Description of the direct, indirect, and cumulative impacts that the glare, glint, or lighting of the construction or operation of the Medium-Scale Solar Development would have on existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots, considering daily and annual differences in sun and solar array positioning, and to light pollution and any applicable Dark Sky Places designation(s).

IV. Description of the proposed techniques that will be used to mitigate impacts of glare, glint, and lighting during construction and operation of the Medium-Scale Solar Development.

6-205 L. Visual Quality Impact Assessment

I. Map and description of the existing roads and properties nearby to the Medium-Scale Solar Development including lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations. The applicant shall provide at least two (2) visual renderings of the proposed development from key vantage points, to be determined in consultation with the Planning Department.

II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development to the visual quality of the nearby roads and properties.

III. Description of the proposed techniques that will be used to mitigate impacts to the visual quality of nearby roads and properties, such as proposed visual buffering, natural topography, plantings, earth berms, or fencing. Proposed visual buffering should utilize existing vegetation and natural topography wherever possible.

6-205 M. Natural Hazards Impact Assessment

I. Map and description of the existing geological characteristics and hazardous conditions affected by the Medium-Scale Solar Development including without limitation drainage areas, floodplains, slopes, avalanche areas, debris fans, mudflows, rockslide areas, faults and fissures, seismic history, and wildfire hazard areas.

II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development to natural hazards and the impacts created by natural hazards on the siting, construction, and operation of the Medium-Scale Solar Development.

III. Description of the proposed techniques that will be used to mitigate impacts of the Medium-Scale Solar Development to natural hazards and a description of proposed techniques to mitigate the impacts of natural hazards on the Medium-Scale Solar Development.

6-205 N. Local Government Services Impact Assessment

I. Map and description of the existing capacity and demand for services provided by the County, special districts, and other entities providing services, including roads, emergency services, transportation, infrastructure, and other services necessary to accommodate Medium-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development on the capacity of the County, special districts, and other entities providing services and infrastructure for delivering services.

III. Description of the proposed techniques that will be used to mitigate impacts on local government services from the construction and operation of the Medium-Scale Solar Development.

6-205 O. Housing Impact Assessment

I. Description of the existing conditions of short- and long-term housing availability and an estimate of the number of workers associated with the construction and operational phase of the Medium-Scale Development.

II. Description of the direct, indirect, and cumulative impacts of construction and operation of the Medium-Scale Solar Development on housing availability, including without limitation the workforce associated with construction and operations of the Medium-Scale Solar Development,

estimated salary ranges of workers, an analysis of whether there are sufficient numbers of dwelling units at an appropriate cost to house workers, and the potential to displace existing residents.

III. Description of the proposed techniques that will be used to mitigate impacts on housing during the construction and operation of the Medium-Scale Solar Development.

6-205 P. Water Services Availability

If the proposed Medium-Scale Solar Development includes the provision of water, the application must include a description of the source and capacity of the water supply sufficient to evaluate the corresponding review criteria.

6-205 Q. Traffic Route Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for control of traffic during construction and operation of the Medium-Scale Solar Development, including without limitation:

I. Map indicating proposed trip routes for all traffic serving the Medium-Scale Solar Development.

II. Routes designed to avoid to the greatest extent possible residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, and already congested locations.

III. Restriction on the weight of trucks so that they do not exceed County road or bridge weight capacity requirements.

IV. Proposed phasing of construction to minimize interference with traffic movement.

6-205 R. Road and Rights-of-Way Improvements and Maintenance Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for improvements and maintenance of roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the construction and operation of the Medium-Scale Solar Development, including without limitation dust suppression, snow and ice management, sweeping of paved roads/shoulders, pothole patching, repaving, crack sealing, and chip sealing necessary to maintain an adequate surface of paved roads.

If determined necessary, the applicant will enter into a Maintenance Agreement with the County whereby the applicant provides for private maintenance or reimburses the County for such increased costs or provides a bond or other financial security in an amount acceptable to the County to cover the costs of mitigating impacts to public roads, rights-of-way, or infrastructure.

6-205 S. Emergency Preparedness and Response Plan

Emergency preparedness and response plan that addresses events such as explosions, fires and wildland fires, toxic emissions, transportation of hazardous

material, vehicle accidents, or spills. The plan must include proof of adequate personnel, supplies, procedures, and infrastructure such as water supply, and funding to immediately implement the emergency response during both construction and operation of the Medium-Scale Solar Development and to repair damage caused by emergencies.

6-205 T. Hazardous Materials Management Plan

A plan that describes all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed, or produced in connection with the construction and operation of the Medium-Scale Solar Development.

6-205 U. Agricultural Resources and Heritage Impact Assessment

I. Map and description of any existing agricultural resources and assets, including livestock and lands in the area affected by the Medium-Scale Solar Development.

II. Description of the agricultural productivity of the land affected by the Medium-Scale Solar Development using NRCS classifications, including whether the land is rated "prime farmland," "prime farmland if irrigated," or "not prime farmland."

III. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development on agricultural resources including changes in the amount or productivity of agricultural lands; changes to the carrying capacity of livestock; changes in soil productivity; increased susceptibility to noxious weed invasion; and changes to irrigation and agricultural drainage ditches and systems.

IV. Description of proposed techniques that will be used to mitigate impacts to agricultural resources.

V. Description of proposed agricultural activities on the site after construction.

6-205 V. Recreational Resources Impact Assessment

I. Map and description of existing recreational resources and uses in the area affected by the Medium-Scale Solar Development.

II. Description of the impacts of the Medium-Scale Solar Development on recreational resources and uses.

III. Description of proposed techniques that will be used to mitigate impacts to recreational resources and uses.

6-205 W. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment

I. Map and description of all sites of paleontological, historical, or archaeological importance affected by the Medium-Scale Solar Development.

II. Description of the direct, indirect, and cumulative impacts of the Medium-Scale Solar Development on sites of paleontological, historical, or archaeological importance.

III. Description of the proposed mitigation techniques that will be used to mitigate sites of paleontological, historical, or archaeological importance.

6-205 X. Decommissioning and Restoration Plan

A plan for decommissioning and restoring the Medium-Scale Solar Development commencing no later than twelve (12) months after power production has permanently ceased. The Plan must include:

I. The projected lifespan of the Medium-Scale Solar Development, a description of the timeline and process for decommissioning the Medium-Scale Solar Development and restoring the site, and a proposed process for extending the projected lifespan and notifying the County if such changes should occur.

II. Description of how the land will be restored to a condition similar to its condition prior to development and how it will be available for productive use.

III. Provisions for removal or conversion of all components of the Solar Energy System, including without limitation solar panels, structures, fencing, foundations, equipment, conduit, gravel areas, access roads, and erosion and sediment control infrastructure regardless of whether such components are above or below the surface of the site.

IV. Description of restoration of soil and vegetation, conducted in cooperation with the San Miguel County Manager of Vegetation Control Management.

a. Land disturbed as part of the decommissioning process must be reseeded or re-vegetated with vegetative species that provide ecological services, such as carbon sequestration, increased soil health, habitat preservation, or water quality improvements, such as those recommended in the CPW "Colorado Seed Mix Tool."

b. Revegetation and other land disturbance mitigation must occur within twelve (12) months of removal of the solar facility.

V. Decommissioning and restoration cost estimates as part of the Financial Security pursuant to Section 6-207, including all costs associated with the dismantlement, recycling, and safe disposal of facility components and site restoration activities, and the process for updating those estimates every five (5) years.

Section 6-206 Review Criteria for Medium-Scale Solar Energy Systems

The following review criteria apply to the review of a permit application for Medium-Scale Solar Development, including Microgrid Medium-Scale Solar Energy Systems. The County shall take into account the impacts of construction,

operation, and reclamation of the proposed activity in determining whether the review criteria are satisfied. The evaluation of cumulative impacts shall consider other Solar Permits and other Special Use Permits in the geographic area.

These review criteria replace the review criteria in the LUC, Article 5, except where Article 5 is explicitly referenced herein.

6-206 A. Applicant Expertise

The applicant has the necessary expertise to develop and operate the Medium-Scale Solar Development consistent with all requirements and conditions.

6-206 B. Utility Interconnection Agreement

If proposing to interconnect to a utility, the utility has entered into a "letter of intent to interconnect" or interconnection agreement with the applicant. The County may condition the permit on the issuance of a "letter of intent to interconnect" or interconnection agreement.

6-206 C. Site Design Review Criteria

I. Underground Utility Connection. Electrical collection lines within the Medium-Scale Solar Development must be placed underground unless placing them underground would have significant adverse environmental impacts.

II. Setbacks. Fencing or other enclosures, solar panels, equipment, and structures shall be set back fifty (50) feet from all property lines. Setbacks for Medium-Scale Solar Development do not include landscaping and berming.

III. Access. Road access to the Medium-Scale Solar Development must be adequate for emergency and fire response access.

IV. Safety and Security. The Medium-Scale Solar Development must be protected by fencing or other barriers to prevent unauthorized access to the Medium-Scale Solar Development.

6-206 D. Signage

All signage must comply with the LUC, Article 5, Section 5-704, Sign Requirements, and as it may be amended. The operator shall post and maintain in legible condition warning signs at all entrances identifying emergency contact information.

6-206 E. Technical Feasibility

The Medium-Scale Solar Development must be technically feasible.

6-206 F. Facility Maintenance

The Medium-Scale Solar Development shall be maintained in good condition.

6-206 G. Necessary Property Rights, Permits, and Approvals

The Applicant will obtain all necessary property rights and federal, state, and local permits or approvals for the Project prior to any site disturbance. The County may defer making a final decision on the Application until outstanding property rights, permits, and approvals are obtained.

6-206 H. Water Resources

The Medium-Scale Solar Development will not have an adverse impact on surface water or groundwater quality or the quality of hydrologic features including without limitation wetlands, fens, floodplains, riparian areas, or agricultural water features such as drainage ditches and irrigation systems. The following considerations may be taken into account in determining whether this criterion is satisfied, without limitation: changes to the amount of impervious surfaces, increases in stormwater runoff and concentrations of pollutants, and adverse impacts to wetlands, fens, floodplains, or riparian areas.

6-206 I. Drainage/Stormwater Runoff

Runoff will be kept on the site in a stormwater detention system, and waters in excess of historic run-off will be prevented from leaving the site during the construction and operation of the Medium-Scale Solar Development in conformance with the approved *Stormwater Management Plan*.

6-206 J. Wildlife, Wildlife Habitat, and Terrestrial Plants

I. The Medium-Scale Solar Development will not have an adverse impact on wildlife, wildlife habitat, or terrestrial plants. The following considerations may be taken into account in determining whether this criterion is satisfied, without limitation:

   a. Changes in species composition, density, or diversity.

   b. Changes to the number of and habitat of animal, bird, insect, and plant species.

   c. Changes to on-site activity at critical times or locations.

   d. The potential for the Medium-Scale Solar Development to attract waterfowl and other bird species.

   e. Changes to wildlife habitat, including migration routes, calving areas, summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the protection and propagation of wildlife species.

   f. Changes to the structure and function of vegetation.

II. No components of the Medium-Scale Solar Development shall be located in occupied and unoccupied Gunnison Sage-Grouse Habitat as identified in the most recent habitat maps from CPW, BLM, or USFWS.

III. Proposed fencing shall be wildlife-friendly to the maximum extent possible.

The following best practices or alternatives proposed by the Applicant that achieve the same or better results shall be employed.

a. Minimize the footprint of the fenced area(s). Consolidate facilities and roads to the greatest extent possible to minimize the amount of land that is fragmented.

b. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals.

c. Construct the fence with at least seven (7) inches of vertical space between the ground and vertical fencing to allow safe passage of small and medium-sized animals.

d. Any non-security fencing shall be wildlife-friendly fencing pursuant to CPW's "Fencing with Wildlife in Mind" guidance, or as updated in the future, consistent with the LUC, Article 5, Section 5-407(A)(IX), general standards related to fencing in Wildlife Habitat Areas, and as it may be amended.

6-206 K. Erosion and Sediment Control

Erosion and sedimentation control measures will be implemented in conformance with the approved *Grading, Erosion, and Sediment Control Plan* to prevent erosion and sediment runoff and ensure that disturbed areas and soil stockpiles are stabilized.

6-206 L. Revegetation and Weed Management

Areas disturbed by the construction and operation of the Medium-Scale Solar Development will be adequately revegetated within two (2) growing seasons and maintained for the life of the Project in conformance with the approved *Revegetation and Weed Management Plan*.

6-206 M. Noise, Dust, Fumes, Vibration, and Odor

I. The Medium-Scale Solar Development will not interfere with the use and enjoyment of property, cause a risk to public health and safety, nor create an unreasonable attractive nuisance for birds, wildlife, or persons.

II. Sound emissions shall be less than fifty decibels (50 dB) at all property lines.

6-206 N. Glare and Glint

I. The Medium-Scale Solar Development will not unreasonably interfere with the use and enjoyment of existing highways, designated scenic byways, public roads, trails, driveways, scenic vistas, unique land formations, recreational sites, airplane landing strips, and adjacent residential lots nor result in a risk to public health and safety from glare or glint.

II. Glint and glare produced by the Medium-Scale Solar Development will not create an unreasonable attractive nuisance for birds, wildlife, or persons.

6-206 O. Exterior Lighting

The Medium-Scale Solar Development will not cause light trespass nor light pollution and will comply with the LUC, Article 5, Section 5-710, Exterior Lighting Requirements, and as it may be amended.

6-206 P. Visual Quality

The Medium-Scale Solar Development will not cause a significant adverse impact to the visual quality of nearby roads and properties.

6-206 Q. Risk from Natural Hazards

The Medium-Scale Solar Development will not be subject to risk from natural hazards and will not exacerbate natural hazards.

6-206 R. Impact to Local Government Services

The Medium-Scale Solar Development will not have an adverse impact to the current or future capability of local districts to provide services or on the capacity of their infrastructure for delivering services.

6-206 S. Impact to Housing

The Medium-Scale Solar Development will not reduce the availability of housing during construction or operation of the Medium-Scale Solar Development.

6-206 T. Water Services Availability

If the Medium-Scale Solar Development will be served by water, any facilities associated with the Medium-Scale Solar Development must:

I. Be adequate to serve the Medium-Scale Solar Development.

II. Be non-consumptive in total water use.

III. Have no adverse impact on water resources in the area impacted by the Medium-Scale Solar Development.

IV. Comply with state standards.

6-206 U. Construction Traffic

Construction traffic associated with the Medium-Scale Solar Development will not cause an adverse impact on local traffic conditions.

6-206 V. Road and Rights-of-Way Improvements and Maintenance

I. All roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the Medium-Scale Solar Development must

be maintained in accordance with the *Improvements and Maintenance Plan*.

II. The applicant has obtained access and/or road use permits required from the County Road and Bridge Department, and easements have been established where necessary.

III. The owner will bear the cost of all repairs and maintenance to roads, sidewalks, curbs, gutters, alleys, County rights-of-way, or infrastructure necessitated by the construction and operation of the Medium-Scale Solar Development.

IV. If the use of public roads, sidewalks, curbs, gutters, alleys, other County rights-of-way, or infrastructure results in a need for increased maintenance, the owner will enter into an agreement with the County whereby the owner assumes responsibility for the repairs and additional maintenance or reimburses the County for repairs and maintenance.

V. The owner will maintain financial security to secure the maintenance and repair obligation in an amount and form approved by the County.

6-206 W. Emergency Preparedness and Response

The construction and operation of the Medium-Scale Solar Development will be in compliance with the *Emergency Preparedness and Response Plan*, which shall be approved by the local fire district, County Sheriff, and emergency manager. The applicant shall provide an updated Emergency Preparedness and Response Plan to the San Miguel County Office of Emergency Management every two years.

6-206 X. Hazardous Materials Management

The handling, spill prevention, storage, and containment of hazardous materials will be conducted in accordance with the *Hazardous Materials Management Plan*. The County Emergency Manager or their designee may work with applicants to make sure they comply with their obligations under the Hazardous Materials Management Plan.

6-206 Y. Agricultural Resources

I. The Medium-Scale Solar Development will not have an adverse impact on the productivity of agricultural lands, the conduct of agricultural operations, the delivery of irrigation water, or irrigation drainage systems.

II. No more than fifty percent (50%) of the land disturbed by the Medium-Scale Solar Development shall be categorized as “prime farmland” or “prime farmland if irrigated” by the NRCS.

6-206 Z. Recreational Resources

The Medium-Scale Solar Development will not have an adverse impact on the

quality or quantity of recreational experiences and opportunities.

6-206 AA. Areas of Paleontological, Historical, or Archaeological Importance

The Medium-Scale Solar Development will not have an adverse impact on areas of paleontological, historical, or archaeological importance.

6-206 BB. Decommissioning and Restoration

The Medium-Scale Solar Development will be decommissioned and restored consistent with the approved *Decommissioning and Restoration Plan*.

6-206 CC. Compliance with Required Plans/Studies/Reports

The Medium-Scale Solar Development will be constructed, operated, maintained, and decommissioned/restored in compliance with all plans and reports required under Section 6-205.

Section 6-207 Financial Security

6-207 A. Financial Security Required

I. The County shall require the applicant for a permit for a Large-Scale Solar Energy System to file a guarantee of financial security ("guarantee"), in a form and amount acceptable to the County.

II. The County in its sole discretion may require the applicant for a permit for a Medium-Scale Solar Energy System to file a guarantee, in a form and amount acceptable to the County.

III. The guarantee must be adequate to provide personnel and equipment to accomplish any unperformed obligations under the guarantee, based on the Applicant's submitted cost estimate and the County's estimate of any additional costs. In determining the amount of the guarantee, the County may also consider, without limitation:

a. Faithful performance of the requirements of the permit and these Regulations.

b. Solar Energy System is decommissioned or removed from the site and the impacted area is properly reclaimed.

c. Permittee performs all mitigation requirements and permit conditions.

6-207 B. Amount of Guarantee

I. The amount of the guarantee must be based on the applicant's submitted cost estimate and the County's estimate of any additional costs to bring in personnel and equipment to accomplish any unperformed obligations under the guarantee.

II. In determining the amount of the guarantee, the County will also consider:

a. Estimated cost of reclaiming any impacted areas to their original condition or a condition acceptable to the County.

b. Estimated cost of decommissioning the Solar Energy System.

c. Estimated cost of performing all mitigation requirements and permit conditions.

III. The guarantee will be set forth as a permit condition and shall specify as follows:

a. The guarantee may be adjusted upon receipt of bids or other cost estimates to perform the requirements of the permit and these Regulations.

b. The guarantee may be increased at any time that the County determines that the guarantee is insufficient to cover the purposes of the guarantee.

IV. The County may review the guarantee for adequacy at any time. If the County determines that the guarantee is insufficient to perform its purpose, the County shall provide the permittee with written notice to increase the guarantee.

a. The permittee shall post the additional guarantee within sixty (60) days from the date of the written notice. If the amount of the increased guarantee has not been provided within sixty (60) days from the date of the written notice, the County may schedule a duly noticed Public Hearing before the Board of County Commissioners for possible revocation of the permit.

b. If the permittee disagrees with the notice to increase the guarantee, the County shall schedule a duly noticed Public Hearing before the Board of County Commissioners on the matter and consider the permittee's rationale.

6-207 C. Release of Guarantee

The County may cause the guarantee to be released upon the request of the permittee, based on one or more of the following conditions:

I. The permittee has surrendered the permit to the County before the commencement of any physical activity or disturbance associated with the Solar Energy System.

II. The County determines that the Solar Energy System has been abandoned and areas impacted by the Solar Energy System have been returned to their original or other acceptable condition.

III. The County determines that the Solar Energy System has been completed in compliance with the permit.

IV. The County determines that a phase or phases of the Solar Energy System have been completed in compliance with the permit allowing for partial release of the guarantee consistent with Solar Energy System phasing.

V. The County determines that applicable guaranteed conditions have been satisfied.

6-207 D. Forfeiture of Guarantee

I. If the County determines that a guarantee should be forfeited because of any violation of the permit or these Regulations, the County shall provide written notice to the surety and the permittee that the guarantee will be forfeited unless the permittee requests a duly noticed Public Hearing before the Board of County Commissioners within thirty (30) calendar days after permittee's receipt of notice. If a request for a hearing is not made by the permittee, the County shall order the guarantee forfeited.

II. If the permittee requests a duly noticed Public Hearing, the Board of County Commissioners shall hold a hearing after the receipt of the request. At the Public Hearing, the permittee may present statements, documents, and other information for the County's consideration with respect to the alleged violation. At the conclusion of the hearing, the County shall either withdraw the notice of violation or enter an order forfeiting the guarantee.

III. If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the guarantee, the County's Attorney shall take such steps as deemed proper to recover such costs where recovery is deemed possible including costs and attorney fees.

6-207 E. Substitute Guarantee

If the state-issued business license of the surety upon a guarantee filed pursuant to this Section is suspended or revoked, within thirty (30) calendar days after receiving notice thereof the permittee shall substitute a good and sufficient surety licensed to do business in Colorado. The County's Attorney may extend the period for receiving the substitute guarantee if the permittee submits a written request detailing the need for such extension. If the permittee fails to make a substitution in accordance with this Section, the County shall suspend the permit until proper substitution has been made.

Section 6-208 Enforcement and Penalties

6-208 A. General

I. Any person constructing or operating a Solar Energy System who does not obtain a permit pursuant to this Section, who does not comply with permit requirements, or who acts outside the jurisdiction of the permit,

shall be in violation of these Regulations. Such violations shall be deemed a violation of the LUC and as it may be amended.

II. The County will enforce and remedy violations of these Regulations consistent with the LUC, Article 1, and as it may be amended.

III. The County's authority to enforce or abate a violation of these Regulations and any other remedy shall be cumulative and in addition to any other remedy provided by law.

IV. If the violation is not abated within the prescribed period, the County Attorney may cause the violation to be abated by San Miguel County employees or by private contract, or by any other means provided by Colorado law. The costs of abating the violation shall be the responsibility of the violating party. If the violating party fails to pay, the costs shall become a lien against the land.

6-208 B. Inspection

I. The Planning Director or their designee may enter and inspect any property subject to these Regulations at reasonable hours for the purpose of determining compliance with these Regulations.

a. The Planning Director or their designee shall first make a reasonable effort to locate the owner or other person having charge or control of the premises, or portion thereof desired to be inspected, and request consent to enter and inspect the premises.

b. In the event the owner or other person having charge or control of the premises to be inspected fails to respond within ten (10) business days, or consent is unreasonably withheld, the Planning Director or their designee may enter the property to be inspected after providing twenty-four (24)-hour notice of the time and location of the inspection.

II. If the Planning Director or their designee discovers a violation of these Regulations, the Planning Director or their designee may charge the violator for the actual cost to the County of any follow-up inspections and testing to determine the violation has been remedied.

III. Persons performing such field inspections for the County will be deemed licensees for liability purposes pursuant to C.R.S. § 13-21-115.

6-208 C. Hazardous Materials

If the applicant fails to comply with its obligations under the *Hazardous Materials Management Plan* submitted as part of the Large-Scale or Medium-Scale Solar Development application, the County Designated Emergency Response Authority (DERA) or their designee may undertake prevention, control, countermeasure, containment, and clean-up measures. Applicant will pay all costs incurred by the County for any such measures.

- END -

DRAFT

DRAFT Land Use Code Amendments related to Solar Energy Systems

(Additions are shown as underlined. Deletions are shown in ~~strike-through~~.)

SECTION 2-30: ENERGY CONSERVATION

It is the policy of the County to encourage features in any development that will conserve energy resources and minimize the consumption of energy.

2-3001

Encourage the utilization and incorporation of energy conservation measures, Green Building Standards (pursuant to Board of Commissioner Resolution 2005-44 regarding Prescriptive Energy Code and Green Building Standards), and alternative energy sources, including but not limited to passive solar design, wind generation, geothermal, photovoltaic, hydrogen fuel cells, etc., for all construction in the County.

2-3002

In order to meet greenhouse gas emission targets (pursuant to Board of Commissioner Resolution 2023-04), encourage the development of renewable and alternative energy sources.

Article 3 Procedures
3-101 Development Permits

No person (s) may engage in any development within the unincorporated area of San Miguel County without obtaining a development permit unless the proposed development qualifies for an exemption. Development Permits (other than those associated with buildings and signs, see Section 5-704, ~~and~~ Oil and Gas Development pursuant to Section 5-26, and Solar Energy Systems pursuant to Section 6-2) are not required in the WM Zone District. Development permits are not required in the WE Zone District, except for Data Centers pursuant to Section 5-320 J, ~~and~~ Oil and Gas Development pursuant to Section 5-26, and Solar Energy Systems pursuant to Section 6-2. Any development within the Telluride R-1 School District shall require compliance with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development.

No person or entity owing money to the County, in any amount or for any purpose, including any delinquent taxes certified by the County Treasurer, may be granted any development permit or any other development approval. All development shall be in compliance with the effective development permit duly issued in compliance with the Code. Failure to comply with any condition(s) of approval, as determined by the Board of County Commissioners, shall result in inability to obtain any rights granted conditionally thereunder, in accordance with Land Use Code Section 3-1402 and C.R.S. 24-68, and County revocation of the development permit upon 30 day notice to the Developer and opportunity for hearing and County determination of non-compliance with conditions.

3-103 Building Permits

No person(s) shall erect, construct, reconstruct, excavate for a foundation, alter or change the use of any building or other structure or improvements of land without obtaining a building permit or an exemption from the Building Department. Building Permits are not required in the WE Zone District with the exception of Large- and Medium-Scale Solar Energy Systems and Data Centers. No person or entity owing money to the County, in any amount or for any purpose, may be granted any building permit approval. A building permit shall not be granted if "Access" (as defined in Article ~~6~~7) to the property does not exist.

Figure 3-1
Land Use Activities and Review Procedures

Two-step Reviews

Add:
Medium-Scale Solar Energy Systems
Large-Scale Solar Energy Systems

Section 3-6: Two Step Reviews

3-601 General

3-601 O. Medium-Scale and Large-Scale Solar Energy Systems

Section 4-2: Minimum Submission Contents for All Land Use Applications

Applications for Land Use Applications shall include the following minimum submission contents, except where the Land Use Code identifies more detailed application requirements for specific uses.

Add:

Land Use Activity	LAND USE CODE SECTION Procedure	Standards*
GROUP II (LUC Section 4-7)		
Other Development Applications		
Medium Scale Solar Energy System	3-6	6-2
Large Scale Solar Energy System	3-6	6-2

SECTION 5-3 ZONE DISTRICT STANDARDS

5-301 C. Solar Energy Systems

Medium-Scale Solar Energy Systems, including Microgrid Medium-Scale Solar Energy Systems, and Large-Scale Solar Energy Systems may be permitted in the Zone Districts set forth in Section 6-2.

5-320 West End (WE)

5-320 J. Data Centers

II. Review Standards: In addition to complying with the standards of Section 5-320 K, 5-320 L, and 5-10, Data Centers shall comply with the standards of this Section:

a. Energy Use. The Data Center shall be designed to be a net zero facility and shall include development of on-site renewable energy generation such as solar or wind energy in order to reduce climate impacts and mitigate impacts on local and regional power grids. Net zero emissions means the facility must offset the energy it uses from the grid with an approximately equal amount of renewable energy generated on-site. The Data Center facility must establish that the development will introduce new renewable energy onto the electrical grid beyond what would have been developed otherwise. The data center shall not burden the existing local or regional grid.

i. The application shall include all substations and infrastructure upgrades necessary for construction and operation of the facility.

ii. Adequate capacity shall be available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the planning area is consistent with the normal projected load growth envisioned by the area power provider. Utility supply equipment and related electrical infrastructure shall be sufficiently sized and shall safely accommodate the proposed use. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.

iii. All power lines shall be installed underground.

iv. Accessory solar development to power the Data Center shall meet the application requirements and review

standards of Section 6-2, Regulations for Solar Energy Systems.

5-2203 Development in Wetland Areas

5-2203 B. Two-Step Special Use Permit Review

A potential developer desiring to develop within a wetland or within 100 feet of a wetland must submit an application for approval of such activity to the County for review under the Two-step Special Use Permit Process described in Section 3-6 of this Code. However, when such proposed development comprises construction of access, utilities and/or a home or homes on parcels final platted or otherwise legally created prior to June 4, 1992, such application shall be reviewed in accordance with the Administrative Review Process described in Section 3-4 of this Code. Major Oil and Gas Facility applications shall be processed in accordance with this Section. Applications for Solar Energy Systems shall be processed in accordance with Section 6-2 of this Code. No development activity shall be allowed within any wetland or buffer zone without a Wetland Special Use Permit issued in compliance with the terms of this section. All activities that are not permitted by Special Use Permit shall be prohibited.

Article 6, Definitions, shall be renumbered to be **Article 7, Definitions**, with conforming changes throughout the Land Use Code for any references therein.

DRAFT

Legal Notices

District Court, San Miguel County, Colorado Court Address: 305 W. Colorado Ave. / P.O. Box 919 Telluride, CO 81435 970-369-3300	
In the Matter of the Estate of: **JERRY HELDMAN aka JERRY F. HELDMAN aka J. HELDMAN** **Deceased**	**COURT USE ONLY**
Attorney for Personal Representative: Mindi L. Conerly Millican, #33946 Ryan F. Callahan, #39008 Conerly & Callahan, LLC 1104 S. Cascade Avenue Montrose, Colorado 81401 Voice (970) 249-3449 Facsimile (970) 249-7455 mlc@montroselawyers.com	Case Number: 24PR30011 Division Courtroom

NOTICE TO CREDITORS BY PUBLICATION PURSUANT TO § 15-12-801, C.R.S.

NOTICE TO CREDITORS

Estate of **JERRY HELDMAN aka JERRY F. HELDMAN aka J. HELDMAN**, Deceased
Case Number 2024PR30011

All persons having claims against the above named estate are required to present them to the personal representative or to

☒ District Court of San Miguel, County, Colorado or
☐ Denver Probate Court of the City and County of Denver, Colorado

With a copy to:

Mindi L. Conerly Millican
Ryan F. Callahan
Conerly & Callahan, LLC
1104 S. Cascade Avenue
Montrose, Colorado 81401

on or before November 1, 2024 (date)*, or the claims may be forever barred.

Mindi L. Conerly Millican
Ryan F. Callahan
Conerly & Callahan, LLC
1104 S. Cascade Avenue
Montrose, Colorado 81401

Public Hearing Notice
Notice Is Hereby Given That The Telluride Town Council, At A Regular Meeting On July 16, 2024 At Approximately 1:00pm, Via A Hybrid Meeting at 113 W Columbia Ave, Telluride, Colorado, Will Consider Second Reading And Approval Of An Ordinance Of The Town Council Of The Town Of Telluride, Colorado, Amending The Telluride Land Use Code Of The Telluride Municipal Code At Chapter 18 "Land Use Code" Within Article 3 "Zone District Regulations," Division 5 "Landscaping, Outdoor Illumination, And Maintenance, Removal Or Relocation Of Tree Standards." Tiffany Kavanaugh, Town Clerk

---

Public Hearing Notice
Notice Is Hereby Given That The Telluride Town Council, At A Regular Meeting On July 16, 2024 At Approximately 1:00pm, Via A Hybrid Meeting at 113 W Columbia Ave, Telluride, Colorado, Will Consider Second Reading And Approval Of An Ordinance Of The Town Council Of The Town Of Telluride, Colorado, Amending The Land Use Code Article 5 "Development Review Procedures," Division 2 "The Land Development Process" For The Purpose Of Amending The Submission Of The Development Application, Timing. Tiffany Kavanaugh, Town Clerk

---

Public Hearing Notice
Notice Is Hereby Given That The Telluride Town Council, At A Regular Meeting On July 16, 2024 At Approximately 1:00pm, Via A Hybrid Meeting at 113 W Columbia Ave, Telluride, Colorado, Will Consider Second Reading And Approval Of An Ordinance Of The Town Council Of The Town Of Telluride, Colorado, Amending The Land Use Code Article 3 "Zone District Regulations," Division 8 'Wetland Regulations" For The Purpose Of Amending Section 3-820.D Development Review Procedures. Tiffany Kavanaugh, Town Clerk

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Media Release

From June 15 to July 1, 2024, owners of taxable personal property (e.g., business furnishings, equipment, etc.) may challenge the county assessor's valuation of their property. The value determined by the assessor is based on information submitted on your Personal Property Declaration Schedule. If you failed to file a declaration schedule, the value was determined using the "best information available."

Taxpayers who disagree with their personal property valuations may object by mail or in person on or before June 30. Once an objection has been filed, the assessor will review your account and mail you a Notice of Determination by July 10. A taxpayer's exclusive remedy for a "best information available" (BIA) valuation is the protest procedure described herein.

If you disagree with the assessor's decision, you may file an appeal with the county board of equalization. The appeal to the county board of equalization must be postmarked or hand-delivered by July 22. The county board will notify you by mail of the hearing date, time, and place where you may present evidence in support of your case. The county board will conclude hearings and render decisions by the close of business on August 5. The county board must mail you a decision within five business days of the date of its decision. If the county board adjusts the value of your property, the tax bill you receive next January will be based on the adjusted value.

If you disagree with the county board's decision, you may file an appeal with the State Board of Assessment Appeals or the district court, or you may request a binding arbitration hearing within 30 days of the county board's mailed decision.

For additional information regarding the protest and appeal process, contact your county assessor at (970) 728-3174.

COUNTY PLANNING COMMISSION

PLANNING COMMISSION MEETING AGENDA
THURSDAY, JULY 11, 2024 – 9:00 AM

Online & 1110 Summit Street, Norwood, Colorado

MEETING INFORMATION - This meeting will be held online and in person. To join the meeting: http://zoom.us/join, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8692 or 1-253-215-8782 (long-distance rates may apply)

9:00 A.M. CALL TO ORDER

APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS

June 13, 2024 Minutes

9:15 A.M. LAND USE CODE AMENDMENT RECOMMENDATION

Consideration of an amendment to the Land Use Code for Solar Energy Systems with related amendments / MOTION

LAND USE APPLICATION

Applicant: Sherri Reuland, President, KSCR Colorado LLC
Proposal: Social and Scenic Uses Special Use Permit to allow special events with up to 200 guests at Silver Pick Ranch, Wilson Mesa
Location: 1050 Posey Road
Size: 70 acres
Zone: Forestry, Agricultural and Open (F)

BREAK FOR LUNCH

1:00 P.M. LAND USE APPLICATION

Applicant: Jeff Kurtz, Project Geologist, on behalf of Thor Energy PLC
Proposal: Mining Special Use Permit for Mineral Exploration for the Wedding Bell/Radium Hill Project to establish fourteen drill pads and associated activities on BLM public lands Location: "Groundhog Area" and "Section 23 Area" near Montrose County Line
Size: 1.09 acres
Zone: West End (WE)

ADJOURN

NOTE: All times are approximate; items may begin earlier (except public hearings) or later than scheduled.

For more information contact Planning Department at (970) 728-3083.

If special accommodations are necessary per ADA, contact 970-728-3844, via email at bocc@sanmiguelcountyco.gov prior to the meeting.

The official, designated posting place for all meeting 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, sign up for alerts, and follow the prompts.

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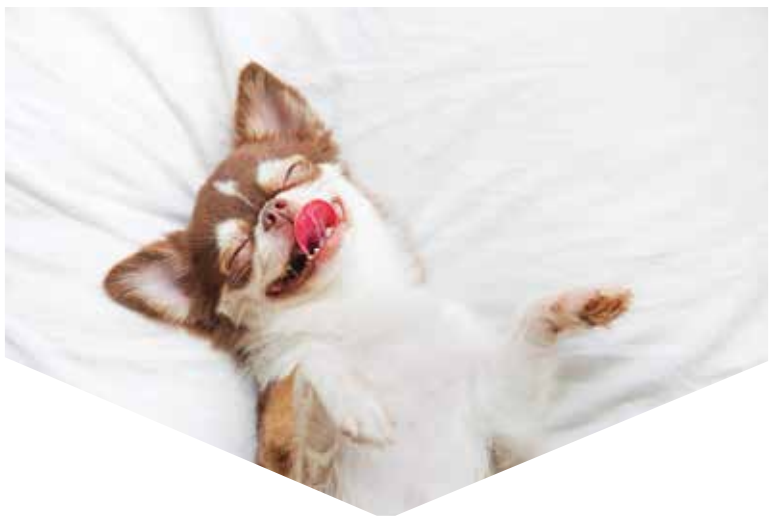

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To view the complete job descriptions, compensation, benefits and to officially apply for any of the County's open career opportunities, please visit: www.sanmiguelcountyco.gov/jobs

San Miguel County is an Equal Opportunity Employer (EOE).

Norwood Public Schools

Small Bus Drivers Needed
Non-CDL bus driver position

We will be accepting applications on an ongoing basis until positions are filled. The full job postings are located on our website.

Please follow the link/URL **norwoodk12.org/domain/181** and click on "Click here for job listings and to apply online."

School Bus Drivers Needed
Norwood School District is willing to pay for CDL training and certification. Must pass a Class B CDL with S&P endorsement, CDL Drug Test & Physical.

We will be accepting applications on an ongoing basis until positions are filled.

The full job description is located on our website, please follow the link/URL **norwoodk12.org/domain/181** and click on "Click here for job listings and to apply online".

San Miguel County is Hiring!

The following positions are full-time, year-round and include a comprehensive benefits package!

Lead Mechanic

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Deputy Sheriff - Operations

Correctional Officer/ Emergency Dispatcher

To view the complete job descriptions, compensation, benefits and to officially apply for any of the County's open career opportunities, please visit: www.sanmiguelcountyco.gov/jobs

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Help Wanted

Norwood Public Schools is Hiring:

Spanish/English Language Learner Teacher

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We will be accepting applications on an ongoing basis until positions are filled.

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Legal Notices

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Legal Notices

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Online & 1110 Summit Street, Norwood, Colorado

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FOR IMMEDIATE RELEASE

Solar regulations to be considered July 11

County Planning Commission meets in Norwood

Media Contact: Kaye Simonson, Planning Director, 970-728-3083, planning@sanmiguelcountyco.gov

(June 18, 2024) – San Miguel County, CO --- The County Planning Commission (CPC) meets Thursday, July 11 at 9 a.m. in Norwood to consider adoption of the most recent draft of regulations pertaining to solar energy, renewables, and major utilities in the county.

The latest draft, which can be read on the county's website at bit.ly/SolarDraftRegs, has been in the works since the Board of County Commissioners enacted a moratorium on utility-scale solar development in May of 2023. The initial moratorium has been extended to mid-November. There are no current applications under consideration.

Since last summer, the County, as both the CPC and jointly with the Board of County Commissioners, has held a series of meetings and taken extensive public comment about what would work best to strike a balance between the County's support of renewable energy as a way to cut greenhouse gas emissions, and what scale of operations would be most compatible with surrounding environment, view corridors, and construction and grazing impacts, among other factors.

"We have received significant input from the public throughout the process, which has informed the proposed regulations," County Planning Director, Kaye Simonson, said. " We look forward to completing adoption of the solar energy regulations so we have the best tools available to respond to applications in the future."

The CPC will be making a recommendation to the Board of County Commissioners, who will consider adoption of the Land Use Code amendment at a future date.

Comments can be sent to planning@sanmiguelcountyco.gov. Please visit sanmiguelcountyco.gov and navigate to the Planning Department's Renewable Energy and Natural Resources page for more information.

####

PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

M E M O R A N D U M

TO:

Bureau of Land Management – Southwest District
Bureau of Land Management – Tres Rios Field Office
Bureau of Land Management – Uncompahgre Field Office
Colorado Agrivoltaic Learning Center
Colorado Department of Agriculture – Drought & Climate Resiliency
Colorado Department of Public Health & Environment
Colorado Department of Transportation
Colorado Division of Water Resources
Colorado Energy Office
Colorado Forest Service
Colorado Geologic Survey
Colorado Historical Society
Colorado Parks and Wildlife
Colorado State Land Board
Colorado Water Conservation Board
COSSA / COSSA Institute
Eco Action Partners
Egnar Fire District
Norwood Fire District
Norwood School District
Norwood Water District
Region 10
San Miguel Conservation Foundation
San Miguel County Assessor
San Miguel County Attorney
San Miguel County Building
San Miguel County Clerk & Recorder
San Miguel County Communications
San Miguel County Emergency Management
San Miguel County Environmental Health
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San Miguel County Public Health
San Miguel County Road & Bridge
San Miguel County Sheriff
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San Miguel County Treasurer
San Miguel County Vegetation and Weed Management
San Miguel Power Association
San Miguel Watershed Coalition
Shavano Conservation District
Sheep Mountain Alliance
Telluride Fire Protection District
Telluride R-1 School District
Telluride Regional Airport Authority
Telluride Ski & Golf
Town of Mountain Village
Town of Norwood
Town of Ophir
Town of Sawpit
Town of Telluride
Tri-State Generation & Transmission Assoc.
US Forest Service
WEED-C
West Region Wildfire Council
Western Area Power Administration
Western Slope Dark Sky Coalition

FROM: Kaye Simonson, Planning Director

RE: Land Use Code Amendment – Solar Energy Systems

DATE: June 10, 2024

P.O. Box 548 • 333 W Colorado Ave, 3rd Flr • Telluride, Colorado 81435 • (970) 728-3083
email: kayes@sanmiguelcountyco.gov website: www.sanmiguelcountyco.gov

The San Miguel County Planning Commission will be considering the draft Solar Energy Systems as an amendment to the Land Use Code on Thursday, July 11, 2024. The Board of County Commissioners will hear the proposed amendments at a date to be determined.

The draft regulations and all related materials are available for review online at https://www.sanmiguelcountyco.gov/781/Renewable-Energy-and-Natural-Resources. In addition to the new regulations for Solar Energy Systems, there are several amendments throughout the Land Use Code, which are included in the draft regulations.

Your review comments are very important to us and will help the Planning Commission and Board of County Commissioners make informed decisions. All comments received in response to this request for review will be forwarded to the Planning Commission and Board of County Commissioners, and will be included in their meeting packets. If you wish to discuss the project with staff prior to submitting final comments, please indicate in your email(s) that your comments and questions are preliminary.

Please provide your review comments by July 1, 2024 to the Planning Department at planning@sanmiguelcountyco.gov. Pass this on to others in your organization who may have an interest in the Plan. If you have several people within your organization reviewing the Plan, we ask that you consolidate all of your comments into a single response. If you are not the correct contact person, let us know so we can update our list.

We appreciate your participation in this important project. Contact the Planning Department if you have any questions. Thank you.

This referral and request for comments is provided to local, state, and federal agencies, districts, and organizations pursuant to C.R.S. § 30-28-136.

Kaye Simonson <kayes@sanmiguelcountyco.gov>

Re: San Miguel County Land Use Code Amendment Referral - Solar Energy Systems

1 message

Roussin - CDOT, Daniel <daniel.roussin@state.co.us> Mon, Jun 10, 2024 at 4:00 PM
To: Kaye Simonson <kayes@sanmiguelcountyco.gov>
Cc: "Reider - Cdot, Randee" <randee.reider@state.co.us>, Kenneth Gallegos - CDOT <kenneth.gallegos@state.co.us>

Kaye - Thank you for sharing your draft Solar Energy Systems as an amendment to the Land Use Code. This primarily is a land-use action and really doesn't have a transportation element in these types of projects. I didn't see anything that would concern CDOT; therefore, I have no comments on the draft Solar Energy System. My standard answer is if there is a 20% traffic volume change at the highway from the development (land-use action); then CDOT would require an access permit.

Thanks again for including CDOT. If you have any questions, please let me know.

Dan
Dan Roussin
Program Administrator
Access Management Unit
Traffic and Safety Engineering Branch

COLORADO
Department of Transportation
Office of the Chief Engineer

P 303-757-9841 | C 970.216.3610 | F 303.757.9219
2829 W Howard Pl, Denver, CO 80204
daniel.roussin@state.co.us | www.codot.gov/ | www.cotrip.org

On Mon, Jun 10, 2024 at 3:27 PM Kaye Simonson <kayes@sanmiguelcountyco.gov> wrote:

> The San Miguel County Planning Commission will be considering the draft Solar Energy Systems as an amendment to the Land Use Code on Thursday, July 11, 2024. The Board of County Commissioners will hear the proposed amendments at a date to be determined.
>
> The draft regulations and all related materials are available for review online at https://www.sanmiguelcountyco.gov/781/Renewable-Energy-and-Natural-Resources. The draft regulations are also attached to this email. In addition to the new regulations for Solar Energy Systems, there are several amendments throughout the Land Use Code, which are included in the draft regulations.
>
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>
> We appreciate your participation in this important project. Contact the Planning Department if you have any questions. Thank you.

This referral and request for comments is provided to local, state, and federal agencies, districts, and organizations pursuant to C.R.S. § 30-28-136.

--

Kaye Simonson, AICP
Planning Director
San Miguel County Planning Department
Office: (970)369-5436
Cell: (970)729-9929
www.sanmiguelcountyco.gov

San Miguel County
East End | Master Plan

For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan

Click **HERE** to go to the **SmartGov** public portal to apply for permits, check permit status, or view permit history.

San Miguel County is hiring! Take a look at our open positions

June 25, 2024

San Miguel County Planning Department
333 W Colorado Avenue 3rd Floor
P.O. Box 548
Telluride, CO 81435

Dear San Miguel County Board of County Commissioners, County Planning Commission, and Staff,

Thank you for continuing to seek engagement and input on the proposed updates to the San Miguel County Land Use Code. The COSSA Institute is a 501(c)(3) nonprofit committed to advancing community-driven clean energy solutions in partnership with local leaders, elected officials and solar advocates across the state. We appreciate the opportunity to participate in the vital process of reviewing the proposed changes to the County's LUC to include provisions for solar energy systems.

The COSSA Institute staff and Board have reviewed the draft Regulations for Solar Energy Systems (Regulations) and acknowledge that the changes made to the most recently updated Regulations will ease some of the application process. However, we remain concerned that the Regulations as written remain burdensome for applicants, which may slow or prevent the deployment of new solar projects in the County. We acknowledge the following updates to be positive changes to the draft Regulations: 1) the removal of the alternative site analysis; 2) removal of the requirement for the applicant to disclose financial information; 3) increasing the threshold for what is considered large-scale; and 4) the addition of a definition for mitigation. We are writing to recommend further edits to the Regulations to ensure applicants have the most clear and achievable pathway to secure approval for a proposed project – and to ensure County staff aren't overly burdened with the review process. **Specific recommendations include: 1) improve clarity as to what exactly is required from developers for project acceptance and 2) improve clarity about requirements for both construction and operation of the system.**

In the attached document, we have provided detailed comments on several sections of the proposed Regulations, which we ask you to consider. The intent of our comments is to provide insight from an applicant perspective and recommend edits that will ease the process for both applicants and County staff responsible for reviewing the applications. We believe that addressing the concerns in the attached document will be crucial for fostering a regulatory environment that promotes sustainable and effective solar development while ensuring community welfare and safety. Our commitment remains unwavering in our pursuit of a balanced approach to San Miguel County's Regulations for Solar Energy Systems that benefits your community and facilitates the transition to a clean energy future.

Thank you once again for your commitment to stakeholder engagement and your dedication to finding solutions that benefit the community. We look forward to continued collaboration in refining the San Miguel County Land Use Code for the benefit of all stakeholders involved.

Sincerely,

Adrienne Dorsey
Vice President of Strategic Initiatives

Jeremiah Garrick
Manager of Community Engagement and Strategy

Attachment*:* COSSA Institute Comments on Draft Article 6 in the San Miguel County Land Use Code

COSSA Institute Comments on Draft Article 6 in the San Miguel County Land Use Code

Comments on specific sections of the proposed changes to the SMC Land Use Code are provided below. The **bolded text** identifies the section, the **bolded blue text** identifies the title and/or subject of the section, the un-bolded blue text is language within a certain section, and the black, un-bolded text are comments made by the COSSA Institute in response to the specific Code.

Section 6-1: General
Section 6-101 D. Definitions:
Adverse
The definition for "Adverse" is appropriate; however, the broad nature of "unfavorable, harmful, or negative" might make it challenging to meet some regulatory criteria consistently. We recommend that specific context or examples of what constitutes adverse impacts in the context of the below provisions for solar energy projects be provided to ensure clear and consistent application.

We recommend adding definitions for agrivoltaics and Community Solar Gardens (CSGs) and consider allowing agrivoltaics systems in additional zones and CSGs in all zones. Other codes in Colorado define agrivoltiacs and CSGs as the following:

+ *Agrivoltaics:* "Agrivoltaics, agrophotovoltaics, agrisolar, or dual-use solar is the integrated use of land for both solar panels and agricultural production, such as crop or livestock production or pollinator habitats, underneath or adjacent to solar panels."

+ *Community Solar Garden:* "A solar power generating facility designed to produce electricity as defined in C.R.S. 40-2-127. A community solar garden may include battery storage equipment as accessory equipment."

Section 6-2: Solar Energy Systems
6-201 G. – Transfer of Permits
The requirement for a public hearing for the transfer of permits for Large-Scale and Medium-Scale Solar Energy Systems seems repetitive. The conditions and requirements of a permit remain unchanged regardless of the owner/operator. Requiring a public hearing for permit transfer does not alter the legal obligations of the permit holder to adhere to these conditions. If the County intends on keeping this requirement, moving the approval process for permit transfers to the administrative review and approval stage would streamline the process, reducing any delays and administrative burdens.

Section 6-202 D. – Waiver of Application Materials
We support the option for the Planning Director to waive one or more of the application materials when the Director determines that the information would not be relevant to the application, however we recommend clarifying whether the decision to waive certain materials will be made during the pre-application meeting or if applicants will need to request a waiver during the application process.

Section 6-203 & 6-205
6-203 A. & 6-205 A. – Information Describing the Applicant
The firm or individuals responsible for construction and operation may not yet be determined at the permitting stage, making it premature to require their qualifications upfront. We recommend this requirement be revised to mandate qualifications of the developer/applicant at the land use permit stage, with qualifications of contractors or operators addressed during the building permit stage when those details are finalized.

6-203 B.I. & 6-205 B.I.a. -"Location and extent of existing and proposed disturbed areas and description of how the Large-Scale/Medium-Scale Solar Development will prioritize development of existing disturbed areas."
We recommend that an additional clarifying statement be added to this requirement indicating that a developer can state "not applicable" if the proposed project will not be sited on disturbed land.

If the intent is to incentivize development of existing disturbed areas, as stated in 6-201 A., consider allowing exemptions to some requirements in the drafted code, such as setbacks or visual impacts, to allow for more flexibility and increased chances of development on disturbed areas.

6-203 C. & 6-205 C. - "Technical Feasibility of the Large-Scale Solar Development
A description of the technical feasibility of the Large-Scale Solar Development, including the estimated techniques and costs for proposed mitigation measures."
There have been major improvements to this section in this draft, but the COSSA Institute suggests that the "estimated costs" of mitigation measures be removed. There are significant measures in place to ensure the developer is mitigating any and all impacts from solar development within this code. Developers may have proprietary strategies or agreements in place, and mandating the disclosure of specific costs may infringe upon their business interests.

6-203 D.VI. & 6-205.D.III. & 6-204 B. - "If proposing to interconnect to a utility, a copy of a "letter of intent to interconnect" or interconnection agreement signed by the utility. The County may condition the permit on the issuance of a "letter of intent to interconnect" or an interconnection agreement."
The requirement for a "letter of intent to interconnect" underscores the County's recognition of the utility vetting process and the critical role of securing interconnection agreements in large-scale solar projects. If the County requires a specific format or information to be included in the letter or agreement those specifications should be detailed in the regulations. We also recommend that the County consider allowing conditional approval of an application so long as the developer has an interconnection agreement prior to commencement of construction.

Further, we recommend that the County provide the option for the developer to indicate if the system will not be interconnected to a utility. For example, a behind-the-meter system for an agricultural producer who wishes to power their operation with a microgrid or tie directly to another facility on their property, rather than interconnect directly to the grid. If the system will not be interconnected to a utility, the County should specify if the developer needs to submit any specific documentation indicating so.

6-203 H. & 6.205 F. - Stormwater Management Plan
Based on experience with other counties, the COSSA Institute typically sees county-level review of the Stormwater Management Plan at the site plan review or building permit stage, aligning with when project details are finalized. Additionally, the technical and engineering requirements specified in the current plan are typically addressed during ministerial permitting stages rather than discretionary permit reviews. If included in the discretionary permit, we recommend that the Stormwater Management Plan be narrative in nature, providing overarching strategies rather than detailed technical specifications. This approach would streamline the process, avoid duplication of efforts, and ensure regulatory compliance without unnecessary bureaucracy.

6-203 I. - Wildlife and Wildlife Habitat Impact Assessment
6-203 J. - Terrestrial Plants Impact Assessment and Mitigation
6-204 K. - Wildlife and Wildlife Habitat
6-204 L. - Terrestrial Plants
6-205 G. - Wildlife, Wildlife Habitat, and Terrestrial Plant Impact Assessment
6-206 J. - Wildlife, Wildlife Habitat, and Terrestrial Plants

The criterion stating that the solar development will not have an adverse impact on wildlife or wildlife habitat will pose challenges for developers. Specifically, it is unclear how a developer can definitively show that their facility will not have any adverse impact on the considerations listed without limitation, as any development will inevitably have some impact on wildlife, habitat, and plants. The purpose of this code is to identify and mitigate those impacts to the extent possible.
We recommend clarifying or rewording the review criteria set forth in 6-206 J., 6-204 K., and 6-204 L. to show clearly what extent of mitigation is deemed acceptable by the County for a facility to be approved. This could be achieved by revising these sections to align more with the language already used in the San Miguel Land Use Code. For example, “minimize impacts” or “demonstrate negligible adverse impacts” rather than the approval criteria stating “no adverse impact”.

Additionally, the potential for solar developments to attract waterfowl and other bird species is still an area of active research, and there is no consensus among experts. Expecting developers to provide conclusive evidence on this point is unrealistic and should not be a part of the approval criteria until more definitive scientific guidance is available. We suggest removing this specific requirement from the above sections until further research is available.

6-203 K. 6-205 H. - Grading, Erosion, and Sediment Control Plan
While it's important to address these aspects of construction and operation, requiring detailed plans at the discretionary permit stage may be premature and impractical. Ideally, such plans should be part of a Site Plan or Building Permit application, aligning with when details are finalized and regulatory requirements are clearer. The preliminary nature of plans at the discretionary permit phase, particularly regarding calculations, drawings, and cost estimates, suggests that finalization should occur at the ministerial permit stage. Additionally, the inclusion of costs and requirements for CDPHE permits are premature, as these are typically obtained closer to the construction phase (90 days out). Overall, this section appears to overlap with state regulations and may unnecessarily burden applicants with duplicative requirements. Simplifying this section to focus on narrative descriptions of Best Management Practices (BMPs) would streamline the process and ensure regulatory compliance without unnecessary bureaucracy.

6-203 S. & 6-206 T. - Water Services Availability
6-204 V. & 6-205 P. – Water Services Availability
While it is understandable that counties aim to monitor water supply closely, the inclusion of this section at the discretionary permit stage may be premature. Typically, details regarding water supply for construction are not finalized at this stage. We recommend this section be revised to require a narrative plan for water supply, outlining the proposed source and capacity, at the discretionary permit stage. Proof of adequate supply could then be submitted at the ministerial permit stage when details are finalized. This approach would streamline the process, aligning with when regulatory requirements are clearer, and avoid unnecessary burdens on applicants with premature requirements.

6-203 P. & 6-205 M. Natural Hazards Impact Assessment
6-204.S. & 6-206.Q - “**Risk from Natural Hazards** - The Large-Scale/Medium-Scale Solar Development will not be subject to risk from natural hazards and will not exacerbate natural hazards.”
Given that it is impossible to eliminate all risk from natural hazards and this language is more stringent than what is currently in the San Miguel County Land Use Code it would be helpful to understand what level of risk mitigation is considered acceptable. Any development is subject to some level of risk to natural hazards. It is also important to note these facilities are insured for those purposes. It is reasonable to expect fire mitigation, but the regulations also mention things like avalanches, seismic history, and more, which would not be exacerbated by a solar facility. Since these hazards are not

called out for other industries in the San Miguel County Land Use Code, we suggest removing or clarifying the language in 6-204.S. and 6-206.Q.

6-203 W. & 6-205 T. & 6.204 Z. – Hazardous Materials Management Plan
In our experience working with other counties, it is not common to have a hazardous materials management plan requirement in a solar energy development code. Solar energy projects are known for their low environmental impact and minimal use of toxic or hazardous materials. Understanding which materials are considered hazardous in this context, and the protocols expected by the County, will help developers ensure compliance with this requirement. As such, we recommend the County specify what materials related to a solar energy project would be considered materials and ask the developer to indicate if the project will include any of the listed materials; if the answer is yes then a plan would be required. Or, we suggest removing 6-203 W. and 6-205.T to alleviate raising non-real concerns about solar development and operation.

6-203 AA.IV. & 6-205.X.III - "**Removal of Components.** Provisions for removal or conversion of all components of the Solar Energy System, including without limitation panels, structures, fencing, foundations, equipment, conduit, gravel areas, access roads, and erosion and sediment control infrastructure, regardless of whether such components are above or below the surface of the site."
The requirement to remove or convert all components of the Solar Energy System, including those below the surface raises several important considerations. While thorough decommissioning is essential for site restoration, it is crucial to balance this with environmental and practical concerns. In the case of a solar facility being decommissioned, the soil structure and any below ground disturbance has had 30+ years to recover since originally being disturbed. Removing components deeper than 36 inches can cause additional environmental disturbance and damage to the soil structure and surrounding ecosystem. Limiting the removal depth to 36 inches is sufficient to eliminate major infrastructure while minimizing environmental impact and maintaining soil stability. We suggest revising 6-203 AA.IV & 6-205 X.III to require the removal of belowground equipment up to 36 inches below grade. This practice aligns with industry standards.

6-203 AA.VI. & 6-205 X. – Monitoring Plan
Regarding the monitoring plan post-decommissioning, the necessity of a three-year monitoring period should be carefully evaluated. Monitoring should be commensurate with the potential risks posed by the project and its decommissioning process. Case-by-case assessments for groundwater and surface water monitoring are sensible, allowing for tailored approaches based on site-specific conditions and potential impacts. The County should consider that a blanket requirement for a three-year monitoring period may not usually be warranted, especially if there are no significant environmental concerns identified during the project's lifespan. We suggest removal or shortening the length of the monitoring plan to 1 year, with an option for the County to add or extend the timeline towards the end of that year if it is deemed necessary, as it may not be in many scenarios.

Section 6-204 & 6-206 - Review Criteria for Large-Scale/Medium-Scale Solar Energy Systems
"The evaluation of cumulative impacts shall consider other Solar Permits and other Special Use Permits in the geographic area."
The term "geographic area" is not defined in this code or the San Miguel Land Use Code. From how far away shall an applicant be expected to consider cumulative impacts? We suggest providing some clarification here as to what constitutes the geographic area within which an applicant must consider other permits.

6-204 C.I. & 6-206 C.I. - "**Underground Utility Connection** - Electrical connection lines within the Large-Scale Solar Development shall be placed underground unless placing them underground would have significant adverse environmental impacts."

There are more considerations than just environmental impact concerns that involve underground lines. We suggest revising this language to "... environmental impacts or if technical engineering considerations prevent underground installation. Overhead transmission lines are permissible from the project substation to the point of electrical interconnection." Providing flexibility for overhead transmission lines from the project substation to the point of electrical interconnection allows for better integration with existing grid infrastructure and accommodates varying site-specific conditions. Additionally, installing lines underground involves more trenching and disturbance of the soil than aboveground and costs more to install. Therefore, revising the language to include "technical engineering considerations" and permitting overhead transmission lines when appropriate ensures a more practical, cost-effective, and still environmentally sensitive approach to the County's intent.

6-204 C.II & 6-206 C.II - "**Setbacks.** Fencing or other enclosures, solar panels, equipment, and structures shall be set back a minimum of two hundred or fifty (200 – large scale)/(50 – medium scale) feet from all property lines."
This setback requirement may not consistently mitigate impacts. A residence could be situated right on the property line or significantly farther away, meaning that a blanket setback from the property line would not be consistent with the intent of the setback. Moreover, there are already visual impact requirements, decibel ratings for noise, and regulations on glint and glare that apply from property lines, which provide more targeted mitigation. The blanket 200/50-foot setback from property lines can significantly hinder the development of solar facilities, especially when a facility is designed to span over multiple parcels of land, which is not uncommon.

A more common approach would be to set setbacks from residential buildings and public roads or highways instead of property lines. This would more consistently mitigate potential impacts on neighboring properties and provide more flexibility in project design.

Additionally, there should be provisions for waivers or options to reduce the setback requirement if the adjacent property owner agrees. This flexibility would help facilitate cooperative development while still addressing any potential concerns of nearby property owners. We suggest revising the setback requirements to something similar to the example below.

For example, for large-scale see below (consider 50 feet for medium).

1. One quarter (¼) mile from a Colorado designated Scenic By-way
2. A minimum of one hundred fifty (150) feet from the nearest outside wall of a residential occupied structure on adjacent properties, unless a different negotiated agreement is reached with the adjacent property owner.

6-204 K.II & 6-205 G.II. & 6.206 J.II.- "No components of the Large-Scale Solar Development shall be located in occupied and unoccupied Gunnison Sage-Grouse Habitat as identified in the most recent habitat maps from CPW, BLM, or USFWS."
To ensure consistency and clarity for applicants, we recommend clarifying that applicants can refer to one map provided by CPW, BLM or USFWS. We also recommend that the County identify a preferred agency map, if applicable, to ensure the applicant has the most relevant data to use and also provide a link to one or all maps to ensure the required data is readily accessible to ensure applicants are using the correct data when assessing siting options. Making these changes should also reduce burden on staff as applicants will consistently refer to the same map when identifying habitat locations.

Further, the applicant is to show "Consistency with or impacts to plans addressing the protection and preservation of the Gunnison Sage-Grouse, such as the BLM Gunnison Sage-Grouse Resource Management Plan ("RMP") and RMP Amendment(s), the USFWS Recovery Implementation Strategy

for the Gunnison Sage-Grouse and the CPW Gunnison Sage-Grouse Rangewide Conservation Plan as these plans may be amended in the future."
We recommend clarifying what the County is looking for regarding how the applicant should show consistency with or impacts to the Gunnison Sage-Grouse plans. No components can be placed in those areas according to the code, so it would be extremely difficult for a developer to speculate on changes to the various Gunnison Sage-Grouse plans in the future. Clarifying how the applicant can show consistency with those plans would be beneficial.

6-204 K.III.e. - "Construct unfenced wildlife passageways through large facilities to allow big mammals like deer, coyotes, and bears to traverse the area. Such passageways should include appropriate, high-quality wildlife habitat, be shorter and wider instead of longer and thinner, and connect to potential wildlife habitat on either side.
As written this requirement would apply to all 40 acre and larger solar facilities, regardless of their individual site considerations and environmental impact determined by the wildlife impact assessment(s) and CPW consultation. Given that the necessity and practicality of such passageways can vary significantly depending on the specific site and the surrounding ecosystem, we suggest that this requirement be removed as a blanket condition. Ideally, the need for wildlife passageways should be determined based on environmental impact studies conducted for each specific site. This approach would ensure that the requirement is applied where it is truly necessary and reasonable, based on the actual conditions and wildlife presence at the site, but avoiding unnecessary burdens on project viability from a blanket requirement. Also, depending on the species in the area, creating a fenced in hallway can allow for predators to have a significant advantage on animals passing through.

6-204 R. & 6-206 P. - "**Visual Quality** - The Large-Scale Solar Development will not cause a significant adverse impact to the visual quality of the scenic rural landscape within one (1) mile of the Large-Scale Solar Development [no distance given for medium], including without limitation views from adjacent lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations."
The current approval criterion states that the Large-Scale Solar Development will not cause a significant adverse impact to the visual quality of the scenic rural landscape within one mile of the development. This includes views from adjacent lots, towns, highways, designated scenic byways, public roads, trails, recreational sites, scenic vistas, and unique land formations.

This requirement reads as highly subjective, even with the added definitions of significant and adverse. This language poses significant challenges for developers as visual quality is inherently a matter of personal and community perspective, making it difficult to establish clear, objective standards for compliance. Without specific criteria or guidelines, developers cannot be certain about what constitutes a "significant adverse impact" or how to effectively demonstrate that their project will not negatively affect the visual quality of the surrounding area. Even with multiple visual renderings from different angles as required in the visual quality impact assessment, it is not clear what would be acceptable to the community. Is zero visibility required from those key vantage points, if so, do other forms of development have to meet the same requirement?

The code already has many requirements that take into account nuisances, such as cumulative impacts, setbacks, glint/glare, noise, etc. during both construction and operation. We suggest specifying what the actual requirements for approval would be in a more specific manner, or removing this visual quality piece of approval, as this intent is met through other requirements within the code and is a highly subjective criterion. Adding a setback from scenic-byways and allowing solar to be built in specific zones is another option to address this concern without subjectivity. See above comment on 6-204.C.II - Setbacks.

6-204 AA. & 6-206 Y. - Agricultural Resources

I. "The Medium-Scale/Large-Scale Solar Development will not have an adverse impact on the productivity of agricultural lands, the conduct of agricultural operations, the delivery of irrigation water, or irrigation drainage systems."

II. "No more than fifty percent (50%) of land disturbed by the Medium-Scale/Large-Scale Solar Development will be categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS."

The approval requirements call for a description of the agricultural productivity of the land affected by the Solar Development using NRCS classifications, including whether the land is rated "prime farmland," "prime farmland if irrigated," or "not prime farmland.", which is being taken into account here as well. The second requirement states that no more than fifty percent (50%) of the land disturbed by the Solar Development can be categorized as "prime farmland" or "prime farmland if irrigated" by the NRCS. We suggest these requirements be clarified. A few questions that arise when considering these requirements are:

1) If a farmer chooses to use half of their land as a solar facility, does that count as an adverse impact on the productivity of agricultural lands?
2) Is it possible for a solar project to be denied for agricultural productivity reasons even if it meets the 50% threshold regarding the disturbance of prime farmland?

Additionally, we suggest allowing an exemption from the agricultural protections portion of the code for solar arrays that involve some level of agrivoltaics. This is a sensible approach to the intent of protecting agricultural resources and heritage. Agrivoltaics represent a sustainable and innovative approach to land use and protect the heritage and productivity of the land. By integrating solar panels with agricultural activities, agrivoltaics can enhance land productivity, conserve water, and support local food production while generating renewable energy. Further, agrivoltaics can generate additional income for farmers and ranchers. See the comment in the above Definitions section on agrivoltaics. An example would be designating agrivoltaics as an allowed use in rural zones and CSGs an allowed use in all zones. It is worth considering incentivizing Community Solar Gardens in this manner as well (see comment in above Definitions section). We have seen success meeting community clean energy goals and creating benefits to agricultural producers with the inclusion of this type of language in other land use codes around the state.

Section 6-207 - Financial Security

6-207 B.III - "The guarantee will be set forth as a permit condition…"

Requiring upfront financial security places an unnecessary burden on developers, especially during the initial stages of the project when resources may be allocated towards construction, interconnection agreements, analyses and studies, and other immediate needs. By permitting financial security to be posted at a later stage, commonly 5 years from the end date of the interconnection agreement, developers have the opportunity to assess the project's performance and financial viability over time. This approach allows for a more accurate estimation of the potential impacts on public roads, rights-of-way, and infrastructure, ensuring that the financial security amount is proportionate to the actual risks and impacts associated with the project. Guessing about the costs and specifics of decommissioning 30 or more years out is a futile effort.

Moreover, waiting until about five years from the utility offtake agreement's end date aligns with the project's lifecycle and provides sufficient time for any potential issues to manifest and be addressed. Significant monetary and legal risk are involved in a developer abandoning the project during early stages of development so it is a highly unlikely and improbable situation. Thus, we suggest that the requirement be for the developer to post the financial security at the 5-year mark from the end date of the project's offtake agreement.

6-207 D. - "Forfeiture of Guarantee - If the County determines that a guarantee should be forfeited because of any violation of the permit or these Regulations, the County shall provide written notice to the surety and the permittee that the guarantee will be forfeited unless the permittee requests a duly noticed Public Hearing before the Board of County Commissioners within thirty (30) calendar days after permittee's receipt of notice. If a request for a hearing is not made by the permittee, the County shall order the guarantee forfeited."

The language regarding the forfeiture of guarantee presents several concerns due to the subjective nature of the regulations drafted in this code and potential implications for developers. The regulations outlined in this section provide the County with broad discretion to determine whether a guarantee should be forfeited based on any violation of the permit or regulations. However, the criteria for determining such violations are not clearly defined and the subjective nature of the codes leaves room for interpretation and potential inconsistencies in enforcement. We suggest that the code itself be addressed to be less subjective and allow some surety to the developer that their project can happen if they meet all intended requirements and that their financial guarantee will be held to those specific terms.

Supplemental Research on Avian Impacts and Fire Risks Related to Solar Facilities

Following the Board of County Commissioners Work Session on May 8, 2024, COSSA Institute staff conducted research to help address some of the questions and concerns that were brought up during the public comment portion of the meeting. Please find supplemental information and resources below.

Avian impacts: As mentioned by multiple individuals at the meeting, considerable research continues to be done on this topic - particularly on the "lake effect" - and other avian and solar facility interactions. That being said, there is not currently conclusive evidence that the "lake effect" exists.

In effort to inform the discussion related to the "lake effect," COSSA Institute staff met with Robb Diel, Ph.D., Research Ecologist with the USGS, who is currently conducting research on avian impacts from solar facilities. Dr. Diehl's research on the "lake effect" will not be available to the public until a later date, so he pointed us to two peer-reviewed research papers written by Karl Kosciuch, Ph.D, who is a leading researcher on avian and renewable facility interactions in the United States.

Most notably the paper Aquatic Habitat Bird Occurrences at Photovoltaic Solar Energy Development in Southern California, USA it was concluded that "the idea of 'lake effect' in which birds perceive a PV USSE facility as a waterbody (or the facility creates a lake effect) and are attracted is likely a nuanced process as a PV solar facility is unlikely to provide a signal of a lake to all aquatic habitat birds at all times. The results from our study suggest that some species of aquatic habitat birds could be attracted to PV USSE facilities, and if attraction occurs, it is likely context dependent".

It is crucial to keep in mind that some old research on these matters includes avian impacts from **concentrated solar facilities, which are towers that concentrate the solar rays onto a receiver to turn the solar energy into heat. Those facilities are not in Colorado and have not been built anywhere in the USA in nearly a decade, due mainly to avian risks and costs.**

Further, the National Audubon Society has come out in strong support of properly sited photovoltaic solar power systems. As stated on their website, "the benefits to birds by reducing carbon emissions outweigh other concerns, as long as installations are built with care."

Additionally, it is important to keep in mind that fossil fuels have very significant impacts on the avian populations, and so do other forms of development. For example, avian collisions with buildings cause far more avian deaths than solar facilities.

Fire risks from solar facilities: While solar facilities do not pose a non-zero risk of fires, based on research to understand the matter, fires are a rare occurrence. As stated in a comprehensive research paper released by the International Energy Agency, "**components of photovoltaic (PV) systems undergo rigorous safety and reliability testing protocols during manufacturing and fulfill the electrical safety requirements established by various codes and standards. These systems do not pose health, safety, or environmental risks under normal operating conditions if properly installed and maintained by trained personnel as required by electrical codes.** However, with the ever-growing deployment of PV systems globally and the myriad of applications—from traditional rooftop and ground-mounted

installations to more advanced building-integrated and façade systems—it is becoming increasingly important to develop practices and share knowledge on the safe management and risk mitigation of PV systems under non-routine circumstances.**"**

Further, solar panels themselves rarely cause a fire - usually fires on solar facilities are caused by another piece of equipment, such as electrical cabinets or cables. **While fires on solar facilities are not specifically tracked in the United States, a study conducted in 2021 by the Fraunhofer Institute for Solar Energy Systems found that, of the more than 2 million PV plants in Germany, less than one-hundredth of 1% (0.006%), or in other words only 120 out of over 2 million plants caused a fire resulting in serious damage.** They also found that the majority of these fires were the result of faulty cabling and connections, which could occur in any electrical system. For comparison, according to a research paper released by the U.S. Fire Administration, lightning is the cause of an estimated 17,400 fires in the United States each year.

Although a fire can happen anywhere, the precautions developers take help to mitigate potential risks and in the situation a fire does occur will help prevent it from spreading. These precautions include frequently maintaining and monitoring systems, following setback guidelines, maintaining vegetation, and more.

While it is important to continue research on these matters, we encourage staff and Commissioners to keep in mind the context and the research that has already been conducted. Please find a list of referenced resources on the attached page as verification of our sources.

The COSSA Institute staff are happy to provide more scientific research on this topic if it would be beneficial to the County. Please reach out to Adrienne Dorsey, VP of Strategic Initiatives, at Adrienne.dorsey@cossainstitute.org or Jeremiah Garrick, Manager of Community Engagement and Strategy, at Jeremiah.garrick@cossainstitute.org with any questions or concerns.

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Namikawa, Shohei (2017, April). *Photovoltaics and Firefighters' Operations: Best Practices in Selected Countries.* International Energy Agency. https://www.nrel.gov/docs/fy19osti/68415.pdf.

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Solar Energy – FAQs

IS SOLAR TAKING OVER FARMLAND?

Every community has its own needs regarding land use, and we all want to use our land in the most efficient and effective ways. For many communities, retaining the most productive agricultural land is crucial as that makes the most economic sense. For some communities, innovative solutions such as agrivoltaics or certain requirements of preserving native plants and grasses may better fit their needs. Local communities can adopt zoning ordinances to be clear about what can be built and where. Most communities in Colorado have already updated (or are currently updating) their land use codes to best fit the individualized needs and preferences of the community. These land use codes include decommissioning requirements and frequently require the soil to be fully reverted to pre-construction after the 20-40 year useful life of a solar facility.

- See SolSmart's Toolkit for Local Governments on Planning, Zoning, and Development at https://solsmart.org/resource/planning-zoning-development

ARE THERE POTENTIAL HEALTH IMPACTS DUE TO SOLAR DEVELOPMENT?

No! Solar facilities actually provide many health and safety benefits to a community. Through reducing the amount of fossil fuels used to generate electricity, the air quality in a community will improve. There are no negative impacts to the health or safety of a community due to solar development.

- N.C. State University. (2017, May). Health and safety impacts of solar photovoltaics. NC State Extension at https://nccleantech.ncsu.edu/wp-content/uploads/2018/10/Health-and-Safety-Impacts-of-Solar-Photovoltaics-2017_white-paper.pdf

ARE SOLAR FACILITIES A FIRE HAZARD?

Fire risk assessments are taken before development to ensure that solar facilities are safe. Although a fire can happen anywhere, the precautions developers take help to mitigate potential risks and in the situation a fire does occur, help prevent it from spreading. These precautions include frequently maintaining and monitoring systems, following setback guidelines, maintaining vegetation, and more.

- See the National Fire Protection Agency's suggestions on Energy Storage and Solar System Safety at: https://www.nfpa.org/News-and-Research/Resources/Emergency-Responders/High-risk-hazards/Energy-Storage-Systems

DOES SOLAR DEVELOPMENT IMPACT WILDLIFE?

Any form of large-scale development can impact wildlife and ecosystems. It is crucial to know the risks in each area and how to best mitigate impacts of development. Many, if not all, environmental impacts can be either mitigated or avoided with proper siting and permitting. There is no one size fits all approach to wildlife and ecosystem management. Having clear and concise land use codes, zoning regulations, decommissioning agreements, and environmental impact assessments will best take into consideration migration corridors, habitat, and plant/animal biodiversity conservation.

- See Solar Energy, Wildlife, and the Environment https://www.energy.gov/eere/solar/solar-energy-wildlife-and-environment

ARE UTILITY-SCALE SOLAR INSTALLATIONS A THREAT TO HISTORIC OR ARCHAEOLOGICAL SITES?

Development should not take place on designated historical land or areas of known archaeological importance. Developers perform impact studies that reference maps of archaeological sites to ensure sites of importance are not disturbed in any manner. Considering an off-site solar array, located outside of the boundaries of historic land, may be an option.

WILL BROKEN OR OLD SOLAR PANELS CONTAMINATE THE SOIL OR WATER?

Panels are built to be extremely strong, made of tempered glass and layers of protective coating. Extensive research and testing show the panels will not emit any trace metals, even in rare cases of extreme stress or fire. Did you know that the average solar panel can withstand one inch hail at 50 mph and winds of over 140mph?

- Potential Health and Environmental Impacts Associated With the Manufacture and Use of Photovoltaic Cells (2003, Nov.). Public Interest Energy Research Program, California Energy Commission.

DO SOLAR FACILITIES MAKE NOISE?

Some solar facilities can make a small amount of noise, similar to that of an air conditioner. This can be created by inverters, HVAC systems for energy storage, and potentially solar tracking mechanisms. Solar panels themselves do not create any noise.

CAN A SOLAR FARM CREATE A HEAT ISLAND EFFECT?

Technically, yes. There is a similar warming effect in the air around solar panels as that of an urban area, however, the effect is much smaller and less impactful than that of an urban area. The increased temperature dissipates quickly in each direction and will not impact the local community or wildlife.

- Fthenakis, V., & Yu, Y. (2013). Analysis of the potential for a heat island effect in large solar farms. 2013 IEEE 39th Photovoltaic Specialists Conference (PVSC). https://doi.org/10.1109/pvsc.2013.6745171

DOES THE MANUFACTURING AND INSTALLATION OF SOLAR PANELS REQUIRE MORE ENERGY OR EMIT MORE POLLUTANTS THAN THE PANELS SAVE OVER THEIR LIFETIME?

Solar panels take approximately 3 years to "pay off their carbon debt" from manufacturing. Then, for the following 25 to 40 years, the panels produce carbon free energy, benefiting the community and environment in many ways. Solar significantly reduces greenhouse gas emissions and lowers the amount of fossil fuels being used for electricity generation, even when considering the resources and energy used in production.

- See Brandt, et. al., Global Silicones Council, Silicon-Chemistry Carbon Balance - An assessment of Greenhouse Gas Emissions and Reductions at https://www.silicones.eu/wp-content/uploads/2019/05/SIL_exec-summary_en.pdf

DO WE NEED SOLAR ENERGY WHEN OTHER SOURCES OF ENERGY COULD BE DEVELOPED IN THE FUTURE?

No single energy source can meet our state-wide energy needs, but solar is an ssential and growing part of Colorado's energy mix.To meet State and Federal energy goals, Colorado will need to utilize a mix of clean generation sources as we transition to a less fossil fuel-intensive future. Solar is one of the most cost-effective sources of renewable energy generation available. The time to transition is now as we have commercially viable, accessible, safe, and renewable options, such as solar.

- See Colorado GHG Pollution Reduction Roadmap: https://energyoffice.colorado.gov/climate-energy/ghg-pollution-reduction-roadmap
- See IPCC recent report: https://www.ipcc.ch/report/sixth-assessment-report-working-group-3/

Learn more at COSSAInstitute.org

COLORADO
Parks and Wildlife
Department of Natural Resources

Montrose Service Center
2300 South Townsend Avenue
Montrose, Colorado 81401
P 970.252.6000 | F 970.252.6053

June 21, 2024

Ms. Kaye Simonson
Planning Director
San Miguel County Planning Department
333 W Colorado Avenue 3rd Floor
P.O. Box 548
Telluride, CO 81435

RE: San Miguel County Land Use Code Amendment-Solar Energy Systems-Draft Agency and Planning Commission Review, June 10, 2024

Dear Ms. Simonson-

Colorado Parks and Wildlife (CPW) appreciates the opportunity to review and provide comments on San Miguel County's Land Use Code Draft Solar Energy System Regulations (draft regulations). We recognize that renewable energy development is important to meeting the State's greenhouse gas reduction goals and improving climate resiliency. Our mission is to perpetuate the wildlife resources of Colorado, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations. This mission is implemented through our 2015 Strategic Plan[1] and the goals it embraces, which are designed to make CPW a national leader in wildlife management, conservation, and sustainable outdoor recreation for current and future generations. Part of this implementation includes responding to agency and industry requests for recommendations to avoid, minimize, and mitigate the impacts of various types of land use development activities on wildlife resources in Colorado. CPW is committed to the conservation of wildlife resources and working with others to facilitate responsible renewable energy development.

CPW has enjoyed a close working relationship with San Miguel County (SMC) on land use related permitting issues for decades. CPW strives to provide recommendations to developers and regulatory agencies based on the best available science and knowledge of wildlife and wildlife use

[1] Colorado Parks and Wildlife 2015 Strategic Plan (November 2015)
http://cpw.state.co.us/Documents/About/StrategicPlan/2015CPWStrategicPlan-11-19-15.pdf

Jeff Davis, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Dallas May, Chair • Richard Reading, Vice-Chair • Karen Bailey, Secretary • Jessica Beaulieu
Marie Haskett • Jack Murphy • Gabriel Otero • Duke Phillips, IV • James Jay Tutchton • Eden Vardy

in the project area. We have participated in several work sessions hosted by the Planning Department regarding these draft regulations. We appreciate the draft regulations requiring a consultation between the project proponent and CPW[2]. In our view, consultation and coordination between facility developers and regulatory agencies almost always results in better projects that are designed to avoid, minimize, and mitigate impacts to wildlife, wildlife habitat, and natural resources.

Governor Polis recently signed into law SB24-212 concerning renewable siting in Colorado. The law requires, in part, CPW to provide wildlife best management practices designed to avoid, minimize, and mitigate renewable energy development project impacts at the request of local governments, tribes, and project developers. We believe SMC's draft regulations reflect the intent of SB24-212 by requiring consultation with CPW, developing wildlife and wildlife habitat impact assessment, and developing review criteria for Planning Commission and Country Commissioners to evaluate projects. We offer the following suggestions that, in our view, would improve the consultation process and provide some clarity to facility developers, CPW, and SMC Planning Staff on several of the draft regulations.

Mitigation

The draft regulations include a definition of mitigation. The use of this definition broadly refers to the hierarchy of avoid, minimize, and finally compensate for development and operational impacts. Section 6-101D.e further defines mitigation:

> *Compensating for an impact by replacing or providing equivalent suitable biological, social, environmental, and physical conditions, services, facilities or a combination thereof called "compensatory mitigation". Compensatory mitigation must occur within the area impacted by the Solar Energy System Development.*

It is clear from the definition that compensatory mitigation is intended to offset the impacts of a solar energy system. We support this approach, as compensatory mitigation may be an important tool in the tool box to address impacts to wildlife species. However, we are concerned with the second part of the definition that the compensatory mitigation "must occur within the area impacted by the Solar Energy System development[3]. In our experience, it can be difficult to achieve compensatory mitigation offsets when limited to the development site. In the context of compensatory mitigation for wildlife impacts, we encourage the County to provide some flexibility to choose the best sites and opportunities that most effectively offset the residual unavoidable adverse impacts on wildlife resources and their habitats. CPW often sets the goal of conducting mitigation within the individual home range of the impacted wildlife resource, whether that action occurs within the same Game Management Unit for big game species, or within the same stream corridor for aquatic species.

[2] Section 6-203 I. Wildlife and Wildlife Habitat Impact Assessment

[3] Section 6-101D.e Definitions. Draft Agency and Planning Commission Review. June 10, 2024. Pg. 2.

Jeff Davis, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Dallas May, Chair • Richard Reading, Vice-Chair • Karen Bailey, Secretary • Jessica Beaulieu
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Compensatory mitigation actions necessary to offset the unavoidable residual adverse impacts should in general: benefit the species and habitats impacted preferably within the same proximity or population; be at a sufficient scale to address the direct, indirect, and cumulative impacts; persist for the duration of the impact; and occur in a timely manner to reduce lag effect between the impact and mitigation actions. Compensatory mitigation measures may include actions designed to conserve, improve and/or restore nearby habitats. To that end, we recommend including some additional language to address any requirements for compensatory mitigation for wildlife species or wildlife habitats. The Energy Carbon Management Commission (ECMC) 1200 Series Regulations[4] may provide some framework with which SMC could craft more detail about compensatory mitigation requirements for solar energy systems development. Specifically, regulation 1203 details requirements of how an operator can develop a compensatory mitigation plan and what elements are necessary for the Commission to determine if the proposal is sufficient to meet the regulatory standards of the agency.

Draft Regulation Sections

We have provided redline edits to Section 6-203I, 6-203T, 6-204K, 6-205G, 6-206J as Attachment A. Those edits are intended to clarify the regulations for ease in implementation for applicants, CPW, Planning Staff, and Commissioners and to improve conservation outcomes for wildlife. Specifically, we have attempted to clarify what is required to document with respect to wildlife and wildlife habitat, including the anticipated or reasonably foreseeable impacts and how those impacts may be addressed. For example, it may be useful to require applicants to develop a wildlife mitigation plan as part of the consultation process with CPW. In addition, we have suggested changes in order for the County to be able to evaluate the sufficiency of an application to meet the conservation standard of the regulations of "no adverse impact". We recommend that SMC consider including a provision that directs the applicant to prepare a compensatory mitigation plan with a level of detail commensurate with the scale, scope, intensity, and duration of the impacts to wildlife and their habitat to address the unavoidable adverse impacts to wildlife when applicable.

Within Section 6-205 Application Material for Medium Scale Solar Energy Systems we added a note to encourage but not require consultation with CPW. We assume that SMC staff can and will engage with CPW if any significant issues or questions arise during a Medium Scale Solar application. Additionally, we would recommend bifurcating the 6-205G regulations to require a consultation if a Threatened or Endangered species is potentially impacted by the proposed medium-scale solar energy system.

Finally, we made some recommendations around the fencing requirements, and our recommendations reference the Colorado Department of Transportation wildlife fencing specifications document. Those specifications are enclosed as Attachment B.

[4] ECMC 1200 Series Regulations: https://ecmc.state.co.us/documents/reg/Rules/LATEST/1200%20Series%20-%20Protection%20of%20Wildlife%20Resources.pdf

Conclusion
Colorado Parks and Wildlife appreciates the opportunity to provide input on San Miguel County's Land Use Code Draft Solar Energy System Regulations. Our interest in commenting is to provide a regulation framework that can help to meet the goals of San Miguel County. We look forward to continuing to work with SMC in a collaborative manner. If you have any questions regarding these comments or would like to discuss anything related to the project, please feel free to contact me or SW Region Energy Liaison, Brian Magee at (970) 759-9587.

Sincerely,

Rachel Sralla
Montrose Area Wildlife Manager

cc: Area 18 File; SW Region File; Peter Foote, SW Land Use Coordinator; Matt Thorpe, SW Deputy Regional Manager; Cory Chick, SW Regional Manager;

Jeff Davis, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Dallas May, Chair • Richard Reading, Vice-Chair • Karen Bailey, Secretary • Jessica Beaulieu
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Attachment A: CPW Redlines of Review Draft Solar Energy Systems_06102024

I. Adequate permeable space between rows of solar panels so that runoff from the panels does not adversely impact nearby surface flows.

II. Maintenance of aquifer recharge rates, groundwater levels, and aquifer capacity, including seepage losses through aquifer boundaries and at aquifer-stream interfaces.

III. Grading the site to a slope of less than five percent (5%), or terracing the site to maintain sheet flow conditions.

IV. Minimizing site compaction during construction or tilling and amending soil following construction to maintain the natural infiltration capacity of the soil.

V. Limiting the vertical distance between the ground and the panel drip edge to minimize soil erosion.

VI. Establishing native ground cover that will help prevent erosion, promote infiltration, and support ecological function.

6-203 I. Wildlife and Wildlife Habitat Impact Assessment

The applicant shall consult with Colorado Parks and Wildlife ("CPW") in good faith in developing the Wildlife and Wildlife Habitat Impact Assessment required by this Section and shall provide documentation of such consultation.

I. Map and description of existing wildlife and wildlife habitat conditions affected by the construction and operation of the Large-Scale Solar Development, including without limitation:

a. Wildlife including the status and relative importance of game and non-game wildlife and any other species identified by CPW during consultation. ~~animals~~.

b. Any species ~~A~~(animal, bird, and insect species) listed as threatened or endangered under the Endangered Species Act, U.S. Fish and Wildlife Service (USFWS) designated Critical Habitat, or species listed by CPW as State Threatened or Endangered, ~~–~~Species of Special Concern or Species of Greatest Conservation Need~~.~~ including all occupied and unoccupied Gunnison Sage-Grouse habitat according to the most recent CPW, Bureau of Land Management ("BLM"), and U.S. Fish and Wildlife Service ("USFWS") maps.

~~b.~~

c. Critical wildlife habitat including migration ~~routes~~corridors, calving areas (production area), summer and winter range, mating grounds, nesting grounds,~~–~~ nest sites, and aquatic species habitats. ~~and endangered species habitat including all occupied and unoccupied Gunnison Sage-Grouse habitat according to the most recent CPW, Bureau of Land Management ("BLM"), and U.S. Fish and Wildlife Service ("USFWS") maps.~~

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II. Description of the direct, indirect, and cumulative impacts that the construction and operation of the Large-Scale Solar Development will have or are reasonably likely to have on wildlife and wildlife habitat identified by CPW, Planning Staff, and/or Commissioners including without limitation:

a. Known or anticipated ~~C~~changes to wildlife species composition or density.

b. Known or anticipated ~~C~~changes in the number of and habitat of threatened or endangered species.

c. Known or anticipated ~~C~~changes in extent, quantity, ~~-~~quality, and fragmentation of wildlife habitat such as changes to migration ~~routes~~corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the conservation, protection and propagation of wildlife species.

d. Alteration, conversion or destruction of ~~major~~ vegetation that serves as wildlife habitat (trees, shrublands, riparian areas).

e. ~~How t~~The degree to which the siting, construction, and operation of the Large-Scale Solar Development will allow for species movement among panels, through and around the facility, and provide continued access to forage and habitat.

f. The potential to attract, entrain, harm, or cause mortality to waterfowl and other bird species to the Large-Scale Solar Development.

g. Consistency with or impacts to plans addressing the protection and preservation of the Gunnison Sage-Grouse, including but not limited to BLM *Gunnison Sage-Grouse Resource Management Plan ("RMP") and RMP Amendment(s),* the USFWS *Recovery Implementation Strategy for the Gunnison Sage-Grouse* and the CPW *Gunnison Sage-Grouse Rangewide Conservation Plan* as these plans may be amended in the future.

III. Development of a Wildlife Mitigation Plan (WMP) that includes a ~~D~~description of consultation with CPW, descriptions of the proposed techniques that will be used to mitigate (avoid, minimize, and compensate) impacts to wildlife and wildlife habitat during construction and operation of the Large-Scale Solar Development. ~~, including~~ WMP may include a compensatory mitigation plan with a level of detail commensurate with the scale, scope, intensity, and duration of the impacts to wildlife and their habitat. ~~plans~~ WMPs should detail ~~for~~ avoidance of impacts to wildlife and habitat during construction and maintenance activities~~, specifically~~. In addition, WMP shall include ~~including~~ a description of any occupied and unoccupied Gunnison Sage-Grouse Habitat, and wildlife-friendly fencing in accordance with the best management practices in Section 6-204 K., Review Criteria for Wildlife and Wildlife Habitat.

Development, including a letter of approval from the Office of the State Engineer documenting that any proposed well water used for the supply is adequate to serve the proposed use.

6-203 T. Traffic Route Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for control of traffic during construction and operation of the Large-Scale Solar Development, including without limitation:

I. Map indicating proposed trip routes for all traffic serving the Large-Scale Solar Development.

II. Description of vehicular traffic associated with the Large-Scale Solar Development including vehicle types, sizes, weight, and numbers of axles; the traffic volume, frequency (daily, weekly, total), and timing (times of day).

III. Routes that are designed to avoid to the greatest extent possible residential areas, commercial areas, environmentally ~~–~~and visually sensitive areas, critical wildlife habitat, schools and other civic buildings, and already congested locations.

IV. Limitation of traffic on public roads during seasons when heavy vehicle use, weather conditions, or water saturation may result in significant damage.

V. Restriction on the weight of trucks so that they do not exceed County road or bridge weight capacity requirements.

VI. Operational measures to minimize impacts on the public such as limitations on time of day and week; vehicle fuel and emissions reduction technology; noise minimization; and traffic control safety measures.

VII. Proposed phasing of construction to minimize interference with traffic movement.

VIII. Reduction in the use of single-occupancy vehicles accessing the site, such as by using shuttles or van pools for workers.

6-203 U. Road and Rights-of-Way Improvements and Maintenance Plan

In addition to access or road use permits required from the County Road and Bridge Department, a plan for improvements and maintenance of roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the construction and operation of the Large-Scale Solar Development, including without limitation:

I. A plan for the maintenance practices on the proposed travel route(s) during construction and operation of the Large-Scale Solar Development, including dust suppression, snow and ice management, prevention of tracking of dirt and mud off-site onto roads and highways, sweeping of paved roads/shoulders, pothole patching, repaving, crack sealing, and chip sealing necessary to maintain an adequate surface of paved roads.

changes to the amount of impervious surfaces, increases in stormwater runoff, and concentrations of pollutants.

6-204 I. Drainage/Stormwater Runoff

Runoff will be kept on the site in a stormwater detention system, and waters in excess of historic run-off will be prevented from leaving the site during the construction and operation of the Large-Scale Solar Development in conformance with the approved *Stormwater Management Plan*.

6-204 J. Floodplains, Wetlands, Riparian Areas, and Fens

The Large-Scale Solar Development will not have an adverse impact on floodplains, wetlands, riparian areas, and fens. This criterion applies whether or not the U.S. Army Corps of Engineers or U.S. Environmental Protection Agency have jurisdiction over the wetlands. In determining whether this criterion is satisfied, the Board of County Commissioners may take into account, without limitation:

I. Changes to the naturally-mediated energy transfer in the channel and floodplain.

II. Changes to the structure, function, and aerial extent of wetlands, fens, and the floodplain.

III. Disturbance to wetlands or fens during construction and operation.

IV. Replacement of wetland species with upland species.

V. Where wetlands mitigation is proposed, off-site mitigation may be allowed in the same watershed as the Large-Scale Solar Development if on-site mitigation is not feasible or when greater benefits may be realized.

6-204 K. Wildlife and Wildlife Habitat

I. The Large-Scale Solar Development will not have an adverse impact on wildlife or wildlife habitat. In determining whether this criterion is satisfied, the Board of County Commissioners may take into account, without limitation:

a. The sufficiency of the Wildlife Mitigation Plan to avoid, minimize, and compensate for known, anticipated or reasonably foreseeable impacts to wildlife and wildlife habitat.

~~a.~~b. The degree ~~C~~of anticipated changes in species composition, density, or diversity.

~~b.~~c. The degree of anticipated ~~C~~changes to the number of and habitat or use by ~~of animal, bird, and insect~~threatened or endangered species, species of greatest conservation need~~ species.~~

~~c.~~d. The degree of anticipated ~~C~~changes to on-site activity that may disturb or displace wildlife or habitats at critical times or locations.

~~d.~~e. The potential for the Large-Scale Solar Development to attract, entrain, harm, or cause mortality to waterfowl and other bird species.

f. The degree of anticipated ~~C~~changes to wildlife habitat, including migration ~~routes~~corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, nest site, or any other habitat features necessary for the conservation, protection, and propagation of wildlife species.

~~e.~~

II. No components of the Large-Scale Solar Development shall be located in occupied and unoccupied Gunnison Sage-Grouse Habitat as identified in the most recent habitat maps from CPW, BLM, or USFWS.

III. Proposed fencing shall be wildlife-friendly to the maximum extent possible. The following best practices or alternatives proposed by the Applicant that achieve the same or better results shall be employed.

a. Minimize the footprint of fenced area(s). Consolidate facilities and roads to the greatest extent possible to minimize the amount of land that is fragmented.

b. During operation, inspect for the presence of wildlife trapped in the fenced area regularly. ~~and install temporary structures to allow animals to escape, if necessary~~.

c. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals. Security fence designs shall follow Colorado Department of Transportation Deer Fence, Gate, and Game Ramps Standard Plan NO. M-607-4 or substantially similar design. Install structures (ramps, gates, ect) to allow large animals (e.g. deer and elk) to escape security fencing.

~~c.~~

~~d. Construct the fence with at least seven (7) inches of vertical space between the ground and vertical fencing to allow safe passage of small and medium-sized animals.~~

d. Construct unfenced wildlife passageways through large facilities to allow big mammals like deer, coyotes, and bears to traverse the area. Such passageways should be informed by the best available science and include as appropriate, ~~high-quality wildlife habitat,~~open space with natural vegetation, or habitat features that make these passageways attractive for use by wildlife, be shorter and wider instead of longer and thinner, and connect to potential wildlife habitat on either side~~.~~

~~e.~~

~~f.~~e. Any non-security fencing shall be wildlife-friendly fencing pursuant to CPW's "Fencing with Wildlife in Mind" guidance, or as updated in the future, consistent with the LUC, Article 5, Section 5-407(A)(IX), general standards related to fencing for Wildlife Habitat Areas, and as it may be amended.

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A plan for the management of stormwater, drainage, and runoff for construction and operation of the Medium-Scale Solar Development. The applicant may submit the stormwater management plan approved by the Colorado Water Quality Control Division and best management practices including, without limitation:

I. Adequate permeable space between rows of solar panels so that runoff from the panels does not adversely impact nearby surface flows.

II. Maintenance of aquifer recharge rates, groundwater levels, and aquifer capacity, including seepage losses through aquifer boundaries and at aquifer-stream interfaces.

III. Grading the site to a slope of less than five percent (5%), or terracing the site to maintain sheet flow conditions.

IV. Minimizing site compaction during construction or tilling and amending soil following construction to maintain the natural infiltration capacity of the soil.

V. Limiting the vertical distance between the ground and the panel drip edge to limit soil erosion.

VI. Establishing native ground cover that will help prevent erosion, promote infiltration, and support ecological function.

6-205 G. Wildlife, Wildlife Habitat, and Terrestrial Plant Impact Assessment-Applicants are encouraged, but not required to consult with Colorado Parks and Wildlife

I. Map and description of the existing wildlife, including any threatened or endangered species, in the area affected by the Medium-Scale Solar Development.

II. Map and description of existing wildlife habitat in the area affected by the Medium-Scale Solar Development, including without limitation migration ~~routes~~corridors, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, nest sites and endangered species habitat including all occupied and unoccupied Gunnison Sage-Grouse habitat according to the most recent CPW, BLM, and ~~U~~USFWS maps.

III. Map and description of existing terrestrial plant life (trees, shrubs, riparian areas), including any threatened or endangered species, in the area affected by the Medium-Scale Solar Development.

IV. Description of the direct, indirect, and cumulative impacts that the Medium-Scale Solar Development will have on wildlife, wildlife habitat, and terrestrial plants that includes without limitation:

a. Known or anticipated ~~C~~changes to wildlife and plant species composition or density.

b. Known or anticipated ~~C~~changes in the number of and habitat of threatened or endangered species.

c. Known or anticipated ~~C~~changes in extent, quantity, quality, and fragmentation of wildlife habitat, including migration

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corridors~~routes~~, calving areas (production areas), summer and winter range,

mating grounds, nesting grounds, or any other habitat features necessary for the ~~protection~~conservation, protection and propagation of wildlife species.

d. ~~How~~ The degree to which the siting, construction, and operation of the Medium-Scale Solar Development will allow for species movement among panels, through and around the facility and provide continued access to forage and habitat.

e. The potential to attract, entrain, harm, or cause mortality to waterfowl and other bird species to the Medium-Scale Solar Development.

f. Changes to the structure and function of vegetation.

g. Consistency with or impacts to plans addressing the protection and preservation of the Gunnison Sage-Grouse, including but not limited to the BLM *Gunnison Sage-Grouse Resource Management Plan ("RMP") and RMP Amendment(s),* the USFWS *Recovery Implementation Strategy for the Gunnison Sage-Grouse* and the CPW *Gunnison Sage-Grouse Rangewide Conservation Plan* as these plans may be amended in the future.

V. Description of the proposed techniques that will be used to mitigate impacts to wildlife and wildlife habitat, including wildlife-friendly fencing and plans for avoidance of impacts to wildlife and habitat during construction and maintenance activities.

6-205 H. Grading, Erosion, and Sediment Control Plan

A plan for grading, erosion, and sediment control for construction and operation of the Medium-Scale Solar Development.

6-205 I. Revegetation and Weed Management Plan

A plan for revegetation and weed control for construction and operation of the Medium-Scale Solar Development, including without limitation:

I. Removal of existing vegetation no more than thirty (30) calendar days prior to commencement of initial site grading.

II. Revegetation of areas that have been filled, covered, or graded as soon as practicable after construction of the Medium-Scale Solar Development.

III. Use of site-specific native plant and seed mix and mulching to support vegetation growth in coordination with the San Miguel County Manager of Vegetation Control Management.

IV. Incorporation of pollinator plants or agrivoltaic uses that include browse crops to the greatest extent practicable.

V. Topsoil from disturbed areas that is stripped and stockpiled on-site for redistribution over the completed final grade; stockpiling that conforms to best management practices and ensures that soil organisms in stockpiled soil remain viable until completion of the redistribution process.

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6-206 G. Necessary Property Rights, Permits, and Approvals

The Applicant will obtain all necessary property rights and federal, state, and local permits or approvals for the Project prior to any site disturbance. The County may defer making a final decision on the Application until outstanding property rights, permits, and approvals are obtained.

6-206 H. Water Resources

The Medium-Scale Solar Development will not have an adverse impact on surface water or groundwater quality or the quality of hydrologic features including without limitation wetlands, fens, floodplains, riparian areas, or agricultural water features such as drainage ditches and irrigation systems. The following considerations may be taken into account in determining whether this criterion is satisfied, without limitation: changes to the amount of impervious surfaces, increases in stormwater runoff and concentrations of pollutants, and adverse impacts to wetlands, fens, floodplains, or riparian areas.

6-206 I. Drainage/Stormwater Runoff

Runoff will be kept on the site in a stormwater detention system, and waters in excess of historic run-off will be prevented from leaving the site during the construction and operation of the Medium-Scale Solar Development in conformance with the approved *Stormwater Management Plan*.

6-206 J. Wildlife, Wildlife Habitat, and Terrestrial Plants

I. The Medium-Scale Solar Development will not have an adverse impact on wildlife, wildlife habitat, or terrestrial plants. The following considerations may be taken into account in determining whether this criterion is satisfied, without limitation:

a. The degree of anticipated ~~C~~changes in species composition, density, or diversity.

b. The degree of anticipated ~~Ch~~changes to the number of and habitat of animal, bird, insect, and plant species.

c. The degree of anticipated ~~C~~changes to on-site activity at critical times or locations.

d. The potential for the Medium-Scale Solar Development to attract, entrain, harm, or cause mortality to waterfowl and other bird species.

e. The degree of anticipated ~~C~~changes to wildlife habitat, including migration corridors~~routes~~, calving areas (production areas), summer and winter range, mating grounds, nesting grounds, or any other habitat features necessary for the protection and propagation of wildlife species.

f. The degree of anticipated c~~C~~hanges to the structure and function of vegetation.

II. No components of the Medium-Scale Solar Development shall be located in occupied and unoccupied Gunnison Sage-Grouse Habitat as identified in the most recent habitat maps from CPW, BLM, or USFWS.

III. Proposed fencing shall be wildlife-friendly to the maximum extent possible. The following best practices or alternatives proposed by the Applicant that achieve the same or better results shall be employed.

a. Minimize the footprint of fenced area(s). Consolidate facilities and roads to the greatest extent possible to minimize the amount of land that is fragmented.

b. During operation, inspect for the presence of wildlife trapped in the fenced area regularly.

c. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals. Security fence designs shall follow Colorado Department of Transportation Deer Fence, Gate, and Game Ramps Standard Plan NO. M-607-4 or substantially similar design. Install structures (ramps, gates, ect) to allow large animals (e.g. deer and elk) to escape security fencing.

d. Construct unfenced wildlife passageways through large facilities to allow big mammals like deer, coyotes, and bears to traverse the area. Such passageways should be informed by the best available science and include as appropriate, open space with natural vegetation, or habitat features that make these passageways attractive for use by wildlife, be shorter and wider instead of longer and thinner, and connect to potential wildlife habitat on either side

~~. Minimize the footprint of the fenced area(s). Consolidate facilities and roads to the greatest extent possible to minimize the amount of land that is fragmented.~~

~~. Install wildlife permeable fencing that has larger spacing than a chain-link fence to allow safe passage of small and medium-sized animals.~~

~~. Construct the fence with at least seven (7) inches of vertical space between the ground and vertical fencing to allow safe passage of small and medium-sized animals.~~

~~. Any non-security fencing shall be wildlife-friendly fencing pursuant to CPW's "Fencing with Wildlife in Mind" guidance, or as updated in the future, consistent with the LUC, Article 5, Section 5-407(A)(IX), general standards related to fencing in Wildlife Habitat Areas, and as it may be amended.~~

~~6-210~~6-206 K. Erosion and Sediment Control

Erosion and sedimentation control measures will be implemented in conformance with the approved *Grading, Erosion, and Sediment Control Plan* to prevent erosion and sediment runoff and ensure that disturbed areas and soil stockpiles are stabilized.

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II. Glint and glare produced by the Medium-Scale Solar Development will not create an unreasonable attractive nuisance for birds, wildlife, or persons.

6-206 O. Exterior Lighting

The Medium-Scale Solar Development will not cause light trespass nor light pollution and will comply with the LUC, Article 5, Section 5-710, Exterior Lighting Requirements, and as it may be amended.

6-206 P. Visual Quality

The Medium-Scale Solar Development will not cause a significant adverse impact to the visual quality of nearby roads and properties.

6-206 Q. Risk from Natural Hazards

The Medium-Scale Solar Development will not be subject to risk from natural hazards and will not exacerbate natural hazards.

6-206 R. Impact to Local Government Services

The Medium-Scale Solar Development will not have an adverse impact to the current or future capability of local districts to provide services or on the capacity of their infrastructure for delivering services.

6-206 S. Impact to Housing

The Medium-Scale Solar Development will not reduce the availability of housing during construction or operation of the Medium-Scale Solar Development.

6-206 T. Water Services Availability

If the Medium-Scale Solar Development will be served by water, any facilities associated with the Medium-Scale Solar Development must:

I. Be adequate to serve the Medium-Scale Solar Development.

II. Be non-consumptive in total water use.

III. Have no adverse impact on water resources in the area impacted by the Medium-Scale Solar Development.

IV. Comply with state standards.

6-206 U. Construction Traffic

Construction traffic associated with the Medium-Scale Solar Development will not cause an adverse impact on local traffic conditions. Traffic route may be conditioned to avoid and minimize impacts to certain resources.

6-206 V. Road and Rights-of-Way Improvements and Maintenance

I. All roads, sidewalks, curbs, gutters, alleys, or other County rights-of-way or infrastructure impacted by the Medium-Scale Solar Development must

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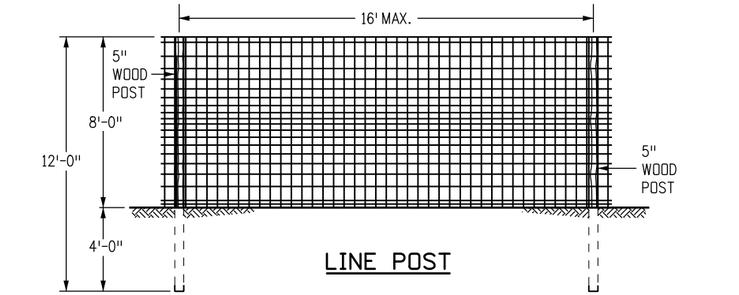
Attachment B: Colorado Department of Transportation- Deer Fence, Gates, and Ramps Standard Plan No. M-607-4



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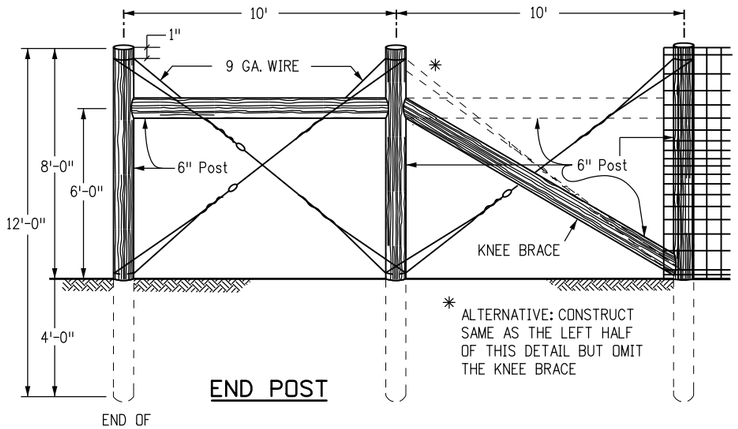
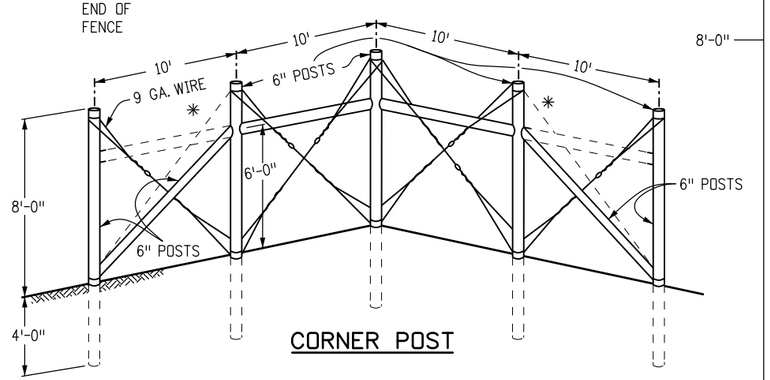
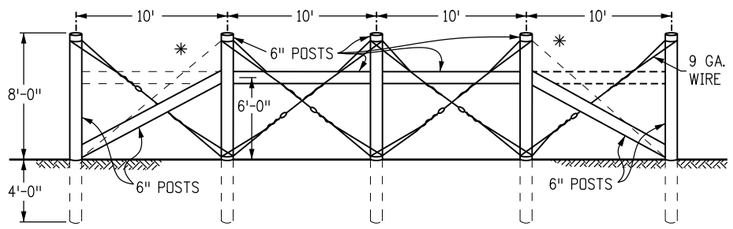


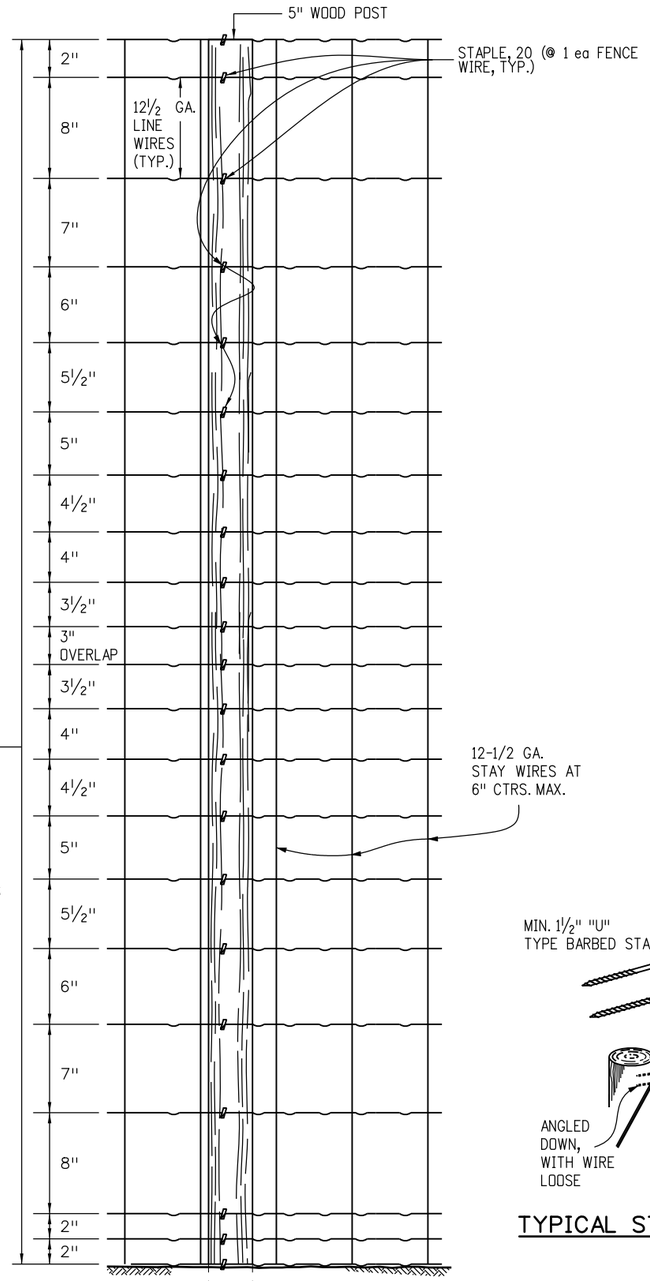
END POST



CORNER POST



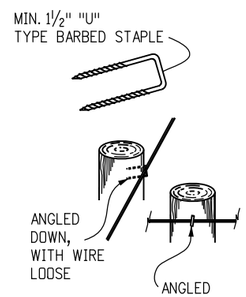
LINE BRACE POST



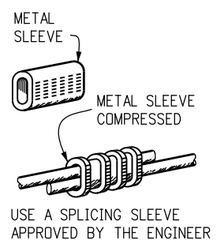
DEER FENCE WIRE FABRIC

GENERAL NOTES

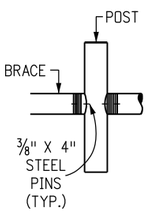
1. AT EACH LOCATION WHERE AN ELECTRIC TRANSMISSION, DISTRIBUTION OR SECONDARY LINE CROSSES A BARRIER FENCE, THE CONTRACTOR SHALL FURNISH AND INSTALL A GROUND CONFORMING TO ARTICLE 250 OF THE NATIONAL ELECTRICAL CODE. THE GROUND ROD SHALL BE A MINIMUM DIAMETER OF ½ IN. AND 8 FT. IN LENGTH, AND DRIVEN AT LEAST 7½ FT. INTO THE GROUND. THE ROD SHALL BE CONNECTED TO EACH WIRE WITH A MINIMUM AWG NO. 8 STRANDED COPPER WIRE. GROUNDING WILL NOT BE PAID FOR SEPARATELY BUT SHALL BE INCLUDED IN THE WORK.
2. END POST, CORNER POST, AND LINE BRACE POST SHALL BE ASSEMBLED BY THE UNIT AND PAID FOR AS SUCH. ALL WORK AND MATERIAL ASSOCIATED WITH EACH ASSEMBLY, SHALL BE INCLUDED IN THE UNIT PRICE FOR THAT ASSEMBLY.
3. LINE BRACE POSTS SHALL BE SPACED AT 400 FT. INTERVALS, WHERE FENCING IS CONTINUOUS AND WHERE END, CORNER & LINE BRACE POSTS ARE NOT SPECIFIED.
4. ALL LINE POSTS SHALL BE 5 IN. MIN. DIAMETER AND 12 FT. LONG. ALL END, CORNER AND LINE BRACE POSTS SHALL BE 6 IN. MIN. DIAMETER AND 12 FT. LONG. ALL POSTS AND BRACES SHALL BE TREATED IN ACCORDANCE WITH SUBSECTION 710.07.
5. FENCE WIRE MAY BE PLACED ON EITHER THE ROAD SIDE OR THE FIELD SIDE OF POSTS, DEPENDING ON LOCAL CONDITIONS; i.e., ON CURVES, THE WIRE SHOULD BE PLACED ON THE SIDE WHICH WOULD RESULT IN THE LEAST AMOUNT OF TENSION ON THE STAPLES. THIS ALSO APPLIES WHERE WIND DRIFT OR OTHER CONDITIONS WOULD EXERT UNUSUAL PRESSURE AGAINST THE WIRE.
6. WHERE CONCRETE STRUCTURES ARE USED AS A DEER PASS, THE FENCE SHALL END AT EYEBOLTS IN WINGS OF THE STRUCTURE. EYEBOLTS IN FRESH CONCRETE SHALL BE MADE OF ½ IN. ROUND BARS AND EMBEDDED A MINIMUM OF 6 IN. WITH A HOOKED OR BENT END. IN EXISTING CONCRETE, THE ½ IN. ROUND BARS SHALL BE DEFORMED AND GROUTED INTO DRILLED HOLES. EYEBOLTS SHALL HAVE A MINIMUM OF 1 IN. INSIDE EYE DIAMETER AND SHALL BE FURNISHED AND INSTALLED BY THE CONTRACTOR. COST OF EYEBOLTS SHALL BE INCLUDED IN THE CONTRACT PRICE FOR FENCING.
7. WOVEN WIRE FENCE FABRIC SHALL CONFORM TO AASHTO M 279 (ASTM A 116). DESIGN NO. 2096-6-12½, GRADE 60, COATING TYPE ZA, COATING CLASS 80.
8. ALL FENCE WIRE TIES, BRACE WIRES, STAPLES AND OTHER WIRE APPURTENANCES SHALL BE GALVANIZED IN CONFORMANCE WITH AASHTO M 232.
9. THE CONTRACTOR SHALL RE-ESTABLISH DISTURBED OR DESTROYED SURVEY MONUMENTS TO THE APPROPRIATE ACCURACY IN ACCORDANCE WITH SUBSECTION 625.08 OF THE STANDARD SPECIFICATIONS.
10. CONTINUOUS LINE WIRE SHALL BE HIGH TENSILE (175 K MIN.). CONTINUOUS STAY WIRE SHALL BE MID-TENSILE (125 K MIN.). FIXED KNOT 13 GAUGE WIRE (60K MIN.) SHALL CONNECT LINE WIRE WITH THE VERTICAL STAY WIRE.
11. DEER GATE AND TOP BRACES SHALL BE PAINTED WITH GREEN PAINT ACCORDING TO SUBSECTION 708.03 AND COLOR NO. 14109 OF FEDERAL STANDARD 595B.



TYPICAL STAPLING



WIRE SPLICE



BORE A ⅜" X 2" HOLE IN EACH BRACE AND POST TO RECEIVE THE PINS. WRAP THE ENDS OF THE BRACES WITH SEVERAL TURNS OF 12-½ GAGE SMOOTH GALV. WIRE TO PREVENT SPLITTING. OR: NOTCH POST AND NAIL WITH 40d COMMON NAILS

CROSS BRACE DOWELING

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DEER FENCE, GATES, AND GAME RAMPS

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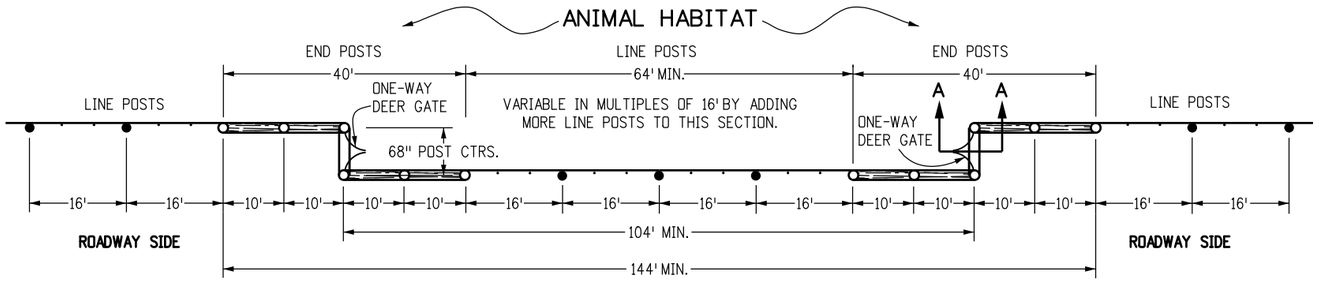


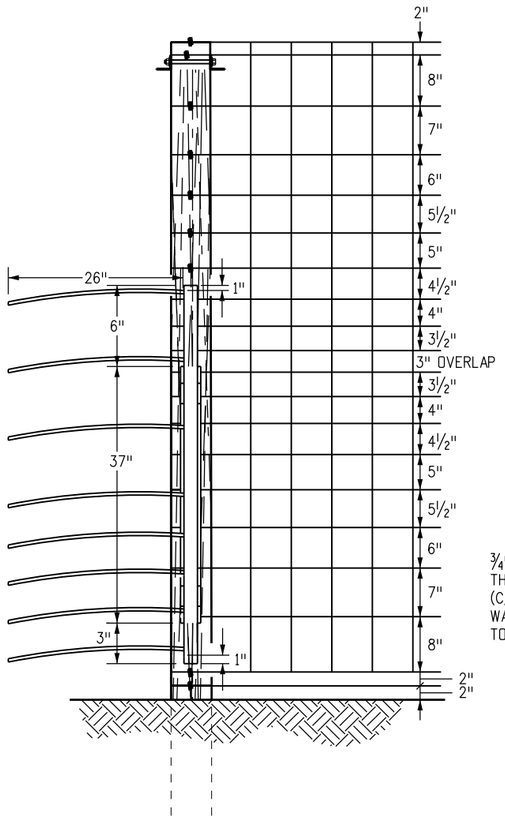
PLAN VIEW - TYPICAL DEER GATE INSTALLATION

LEGEND

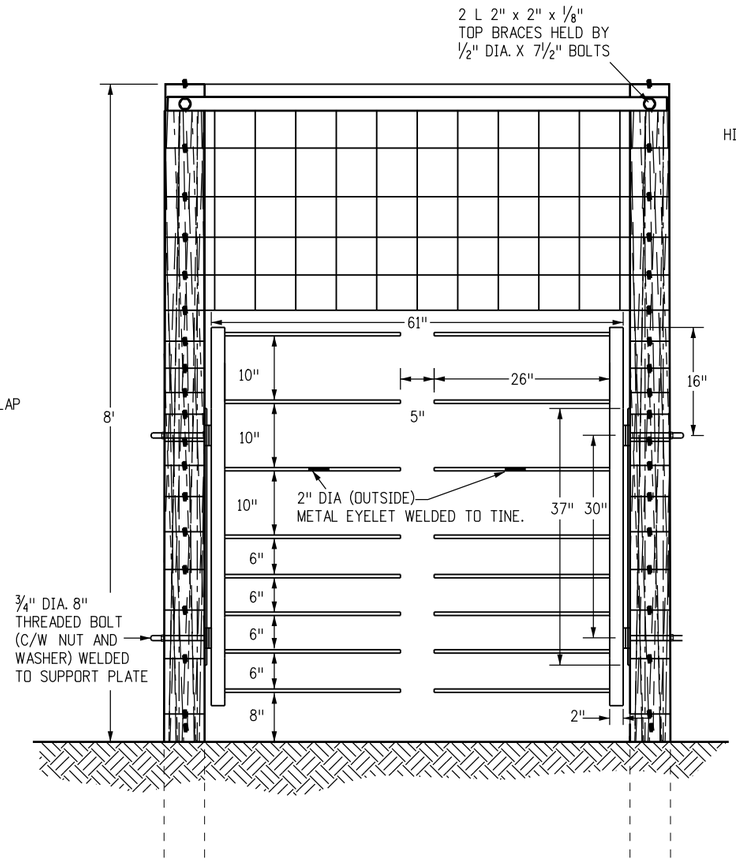
- =LINE POST
- =WOODEN STAY
- =END POST
- =BRACE

NOTES

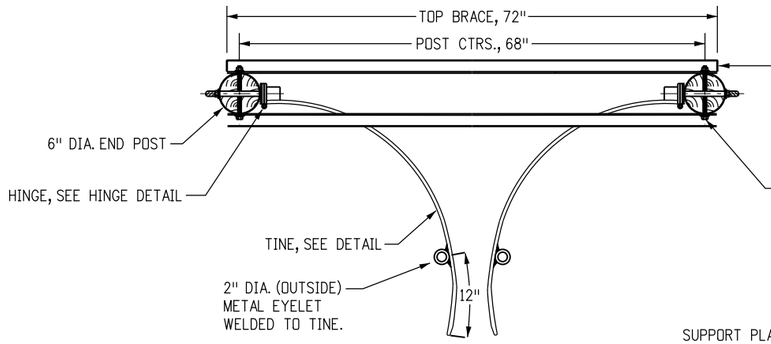
1. SIX IN. DOUBLE ACTING SPRING DOOR HINGE WITH FLAT BUTTON TIPS CUT IN TWO SHALL BE USED AS A SINGLE SWING HINGE AND BE PROVIDED WITH A GREASING NIPPLE AND WELDED TO SUPPORT PLATE.
2. TINES SHALL BE MOLDED IN ONE PIECE OF STEEL (AASHTO M 169, GRADE 1050), WITH NO WELDS ALLOWED.



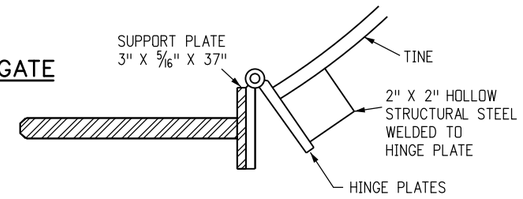
SECTION A-A



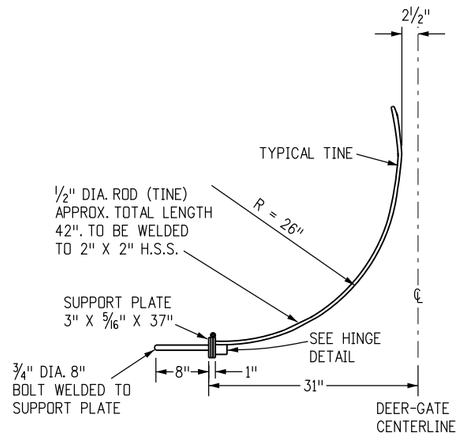
FRONT VIEW - DEER GATE



TOP VIEW - DEER GATE



TYPICAL HINGE DETAIL



TYPICAL TINE DETAIL

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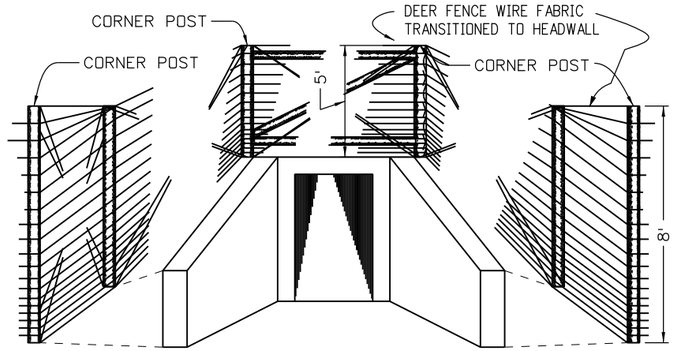
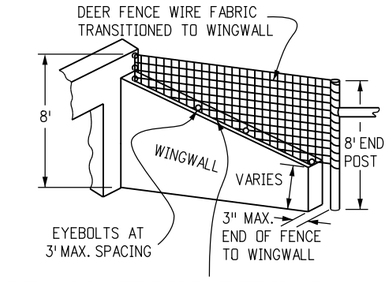


FENCE DEER (SPECIAL) OVER CONCRETE BOX CULVERT

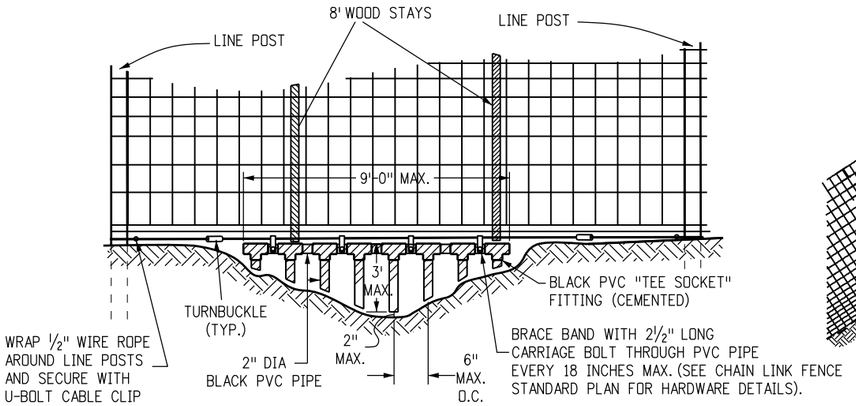
FIVE FOOT POSTS AND WIRE FABRIC SHALL BE INSTALLED WHERE THE FENCE PASSES OVER A CBC AT LOCATIONS SHOWN IN THE PLANS. THIS WORK WILL BE PAID FOR AS FENCE DEER (SPECIAL).

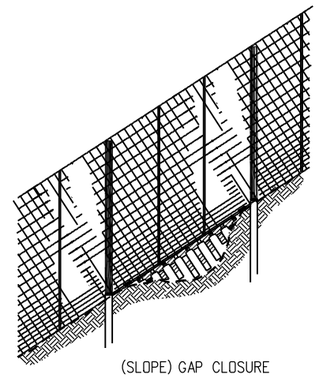


INSTALL 9 GA. WIRE THROUGH EYEBOLTS AND ATTACH FENCE FABRIC TO WIRE AT 1 FT. INTERVALS

NOTES

1. LOCATIONS OF DEER FENCE IN THE CLEAR ZONE SHALL BE SHOWN IN THE PLANS.
2. POSTS WITHIN THE CLEAR ZONE SHALL BE DRILLED.
3. DRILL HOLES PERPENDICULAR TO THE ROADWAY.
4. KNEE BRACE SHALL BE OMITTED FROM ANY END POST OR CORNER POST WITHIN THE CLEAR ZONE.

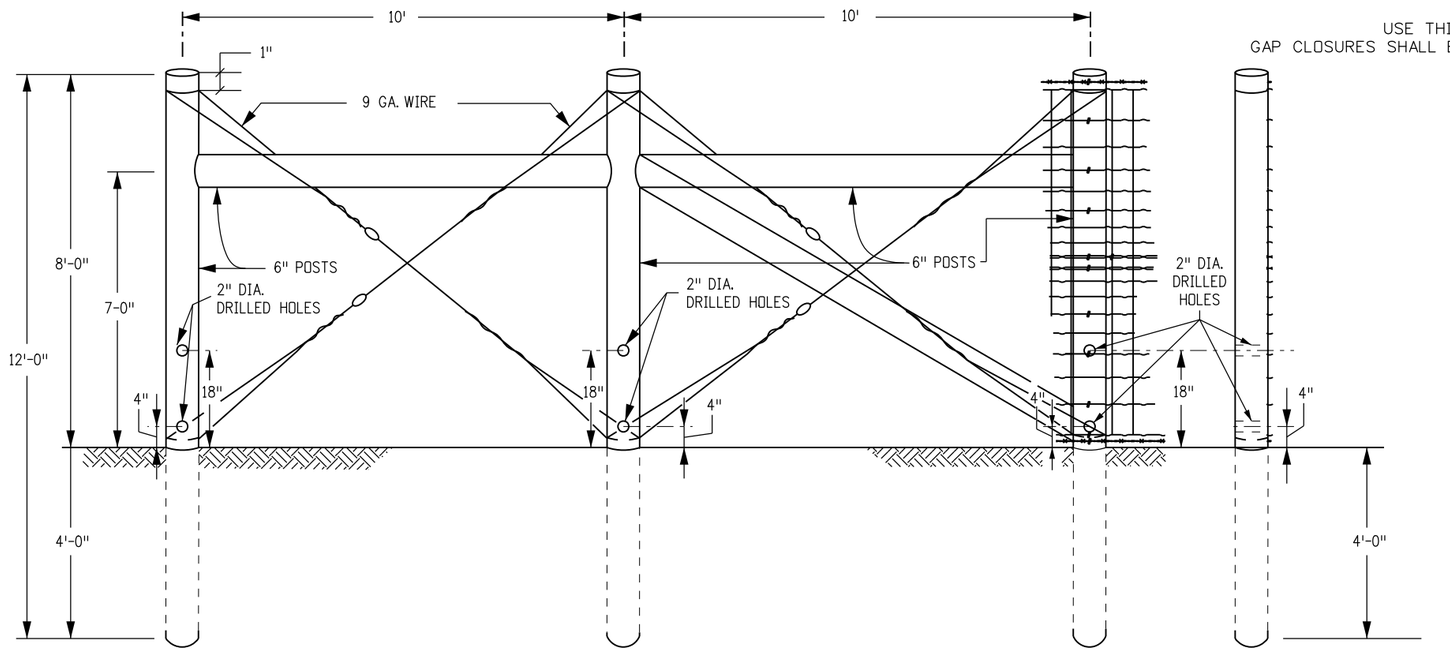




(SLOPE) GAP CLOSURE

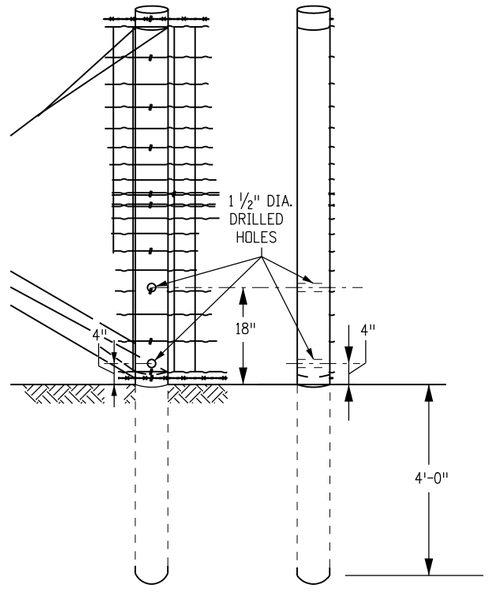
GAP CLOSURE

USE THIS DETAIL TO CLOSE ALL GAPS BEWTEEN 6 INCHES AND 3 FEET.
GAP CLOSURES SHALL BE INCLUDED IN THE PRICE OF THE FENCE AND NOT BE PAID FOR SEPARATELY.



END POST AND CORNER POST

SIDE VIEW



FRONT VIEW SIDE VIEW

5 IN. LINE POST

MODIFIED FOR PLACEMENT WITHIN ROADWAY CLEAR ZONE

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DEER FENCE, GATES, AND GAME RAMPS

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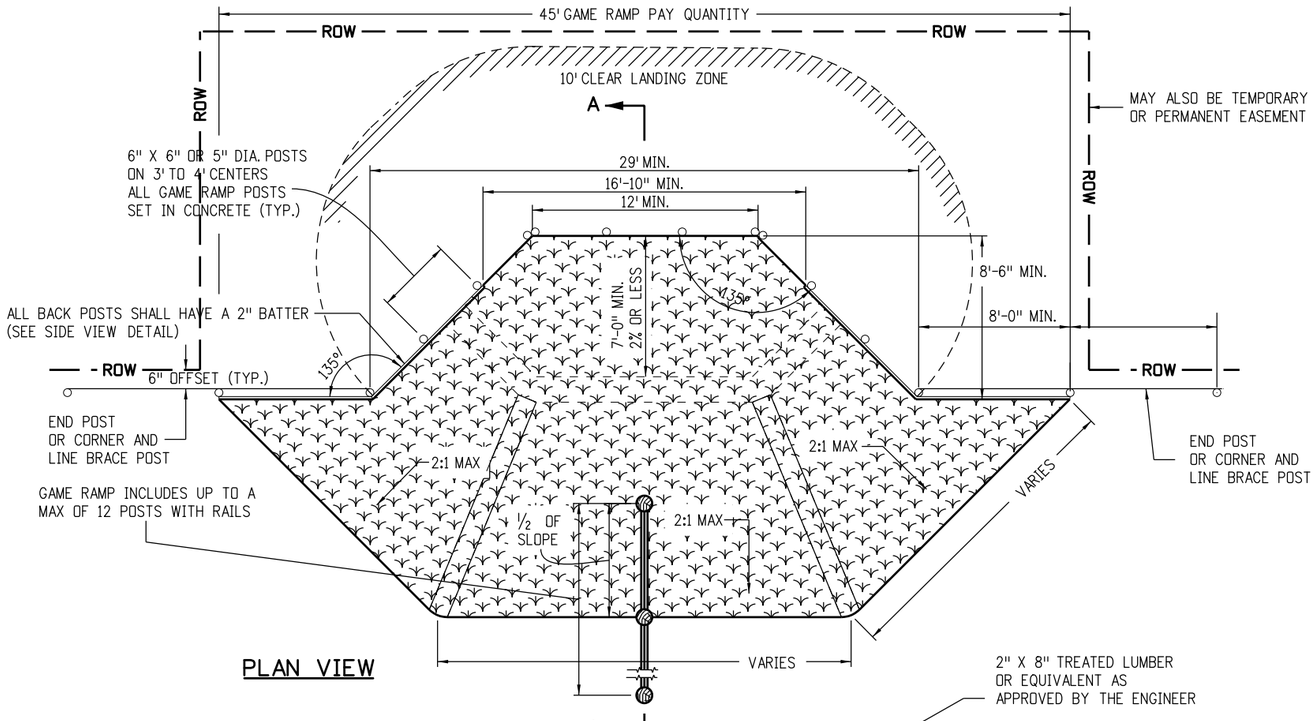
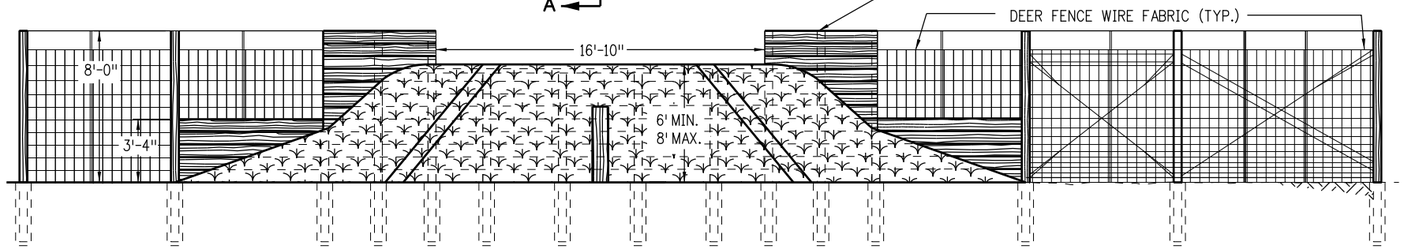
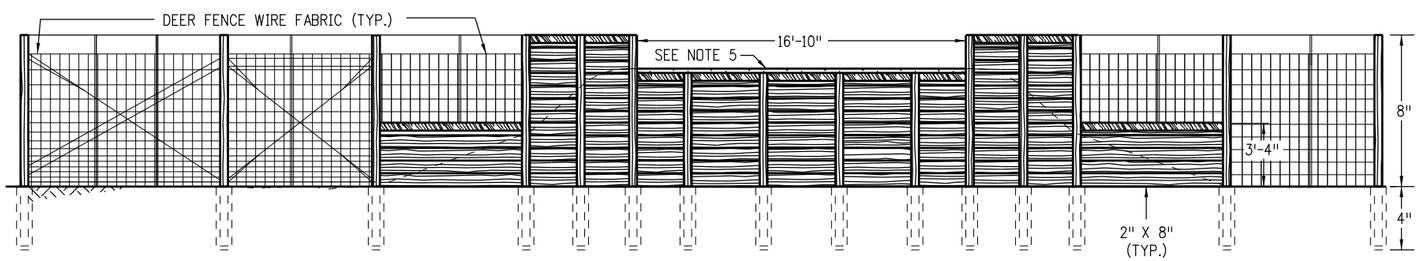


PLAN VIEW



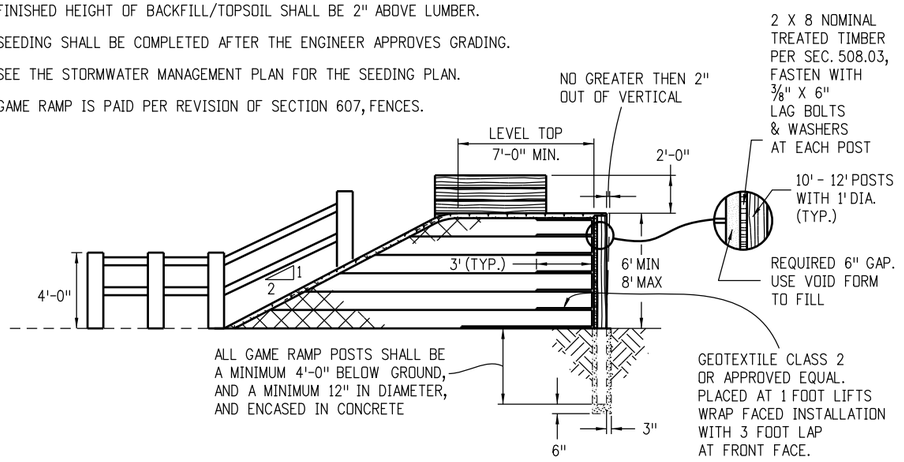
FRONT ELEVATION VIEW



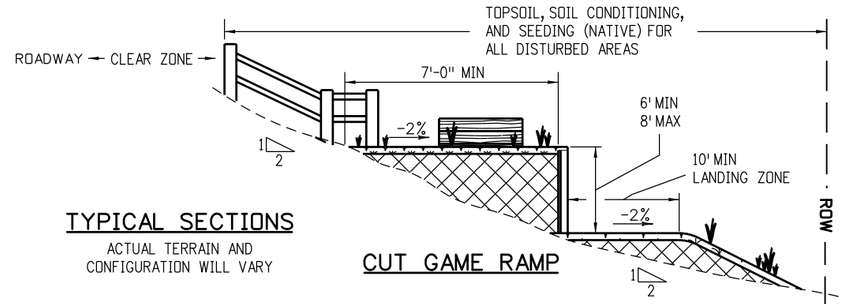
REAR ELEVATION VIEW

NOTES

1. THE LANDING ZONE SHALL BE FLAT, STABLE, AND EARTHEN. THE AREA SHALL BE VOID OF OBJECTS THAT MAY HINDER OR ENDANGER WILDLIFE. THE ENGINEER MAY ADJUST THE GAME RAMP LOCATION AS NEEDED.
2. THERE SHALL BE NO DISTURBANCE BEYOND THE ROW OR TEMPORARY/PERMANANT EASETMENTS.
3. FILL MATERIAL SHALL BE STRUCTURE BACKFILL (CLASS 2) AND MEET THE REQUIREMENTS OF SECTION 206 WITH A MINIMUM COMPACTION OF 90%.
4. FOUR INCHES OF TOPSOIL SHALL BE PLACED IN ACCORDANCE WITH SECTION 207.
5. FINISHED HEIGHT OF BACKFILL/TOPSOIL SHALL BE 2" ABOVE LUMBER.
6. SEEDING SHALL BE COMPLETED AFTER THE ENGINEER APPROVES GRADING.
7. SEE THE STORMWATER MANAGEMENT PLAN FOR THE SEEDING PLAN.
8. GAME RAMP IS PAID PER REVISION OF SECTION 607, FENCES.



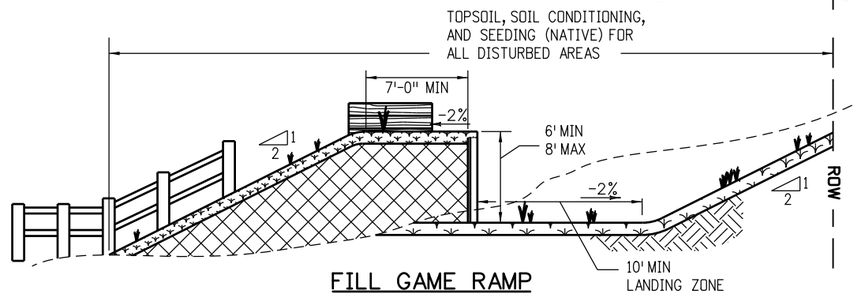
SECTION A-A



TYPICAL SECTIONS

ACTUAL TERRAIN AND CONFIGURATION WILL VARY

CUT GAME RAMP



FILL GAME RAMP

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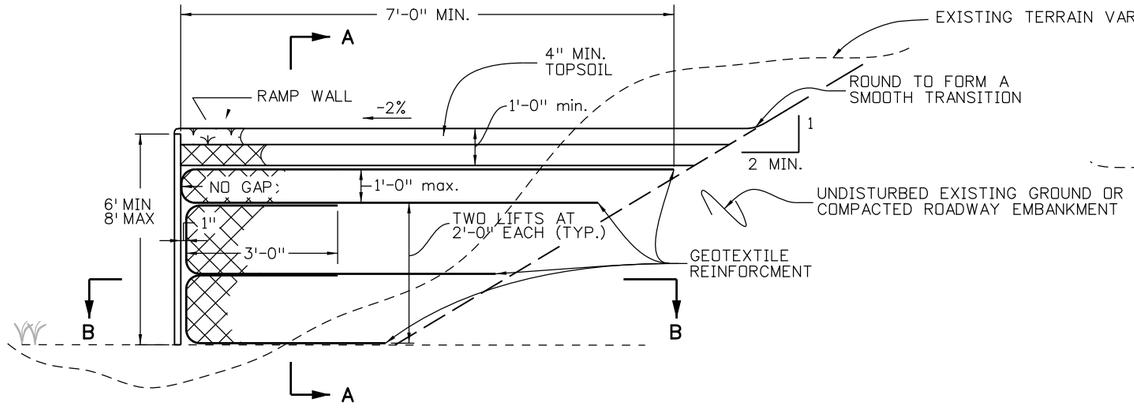
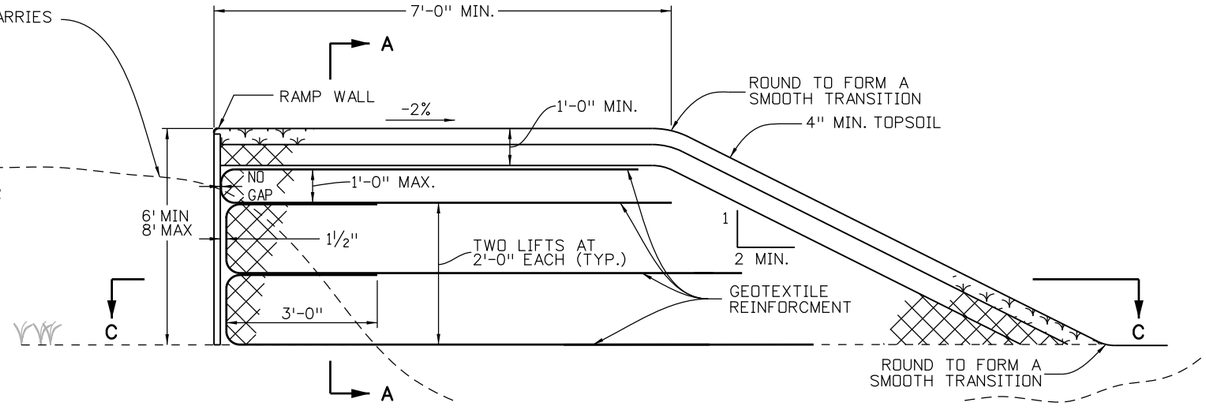


CUT SECTION PERPENDICULAR TO GAME RAMP



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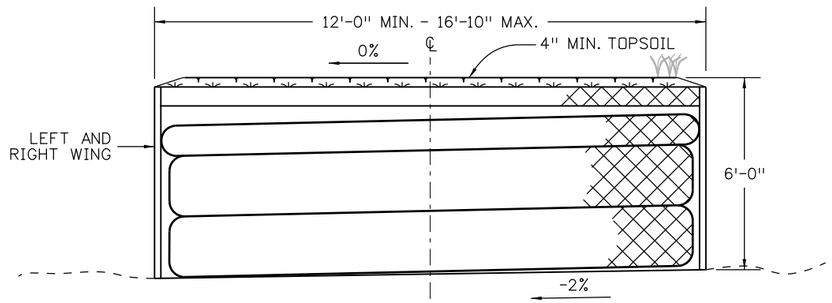
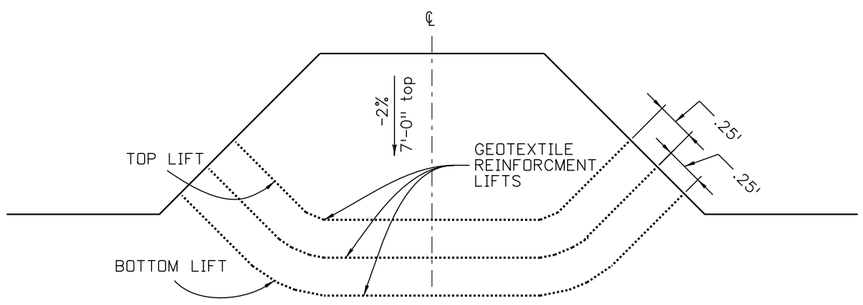


SECTION A-A



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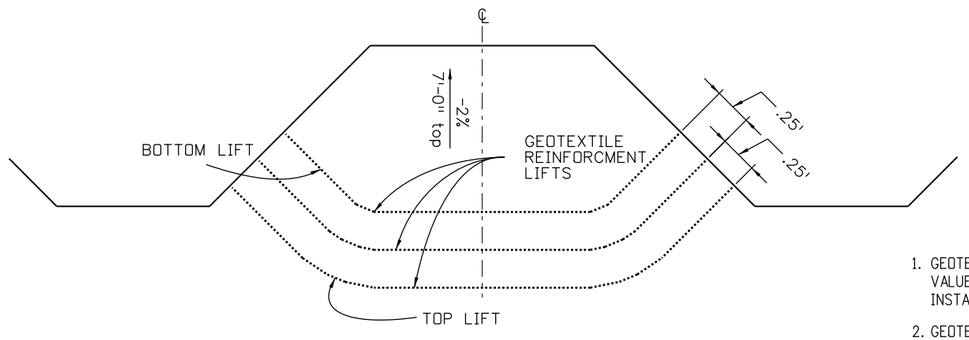
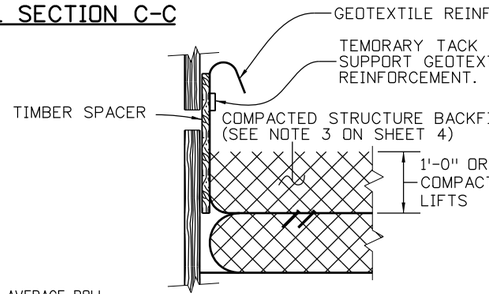
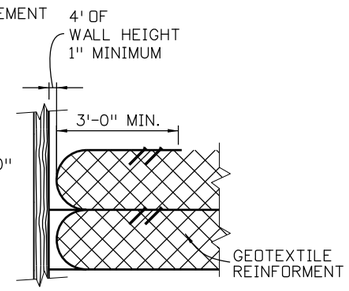


CUT SECTION B-B



GAP DETAIL STEP 1



GAP DETAIL STEP 2

NOTES

1. GEOTEXTILE REINFORCEMENT SHALL BE WOVEN FABRIC WITH A MINIMUM AVERAGE ROLL VALUE OF 4800 LB/FT FOR INSTALLATIONS WITH A GAP AND 2400 LB/FT FOR INSTALLATIONS WITHOUT A GAP BASED ON ASTM D4595.
2. GEOTEXTILE REINFORCEMENT SHALL BE PLACED BY ALTERNATING MACHINE DIRECTION (MD) WITH CROSS MACHINE DIRECTION (XD) FROM LAYER TO LAYER.
3. THE GEOTEXTILE REINFORCEMENT WRAP AT BACK FACE OF GAME RAMP SHALL BE PULLED BACK SLACK FREE WITH ITS END ANCHORED TO SOIL UNDERNEATH WITH STAPLES OR PINS.
4. MINIMUM SPLICE OF ALL GEOTEXTILE SHALL CONSIST OF 1 FOOT OF OVERLAP.
5. GEOTEXTILE REINFORCEMENT WRAP AT BACK FACE OF GAME RAMP WALL SHALL BE TEMPORARILY HUNG WITH A SPACER BOARD AND TACK STRIP. AFTER REACHING A TOTAL OF 2'-0" COMPACTED LIFT, THE TACK STRIP SHALL BE REMOVED AND GEOTEXTILE REINFORCEMENT SHALL BE PULLED BACK SLACK FREE WITH ITS END ANCHORED TO SOIL UNDERNEATH WITH STAPLE OR PINS BEFORE THE SPACER BOARD IS PULLED.
6. DO NOT USE SPACER FOR THE TOP LIFT (FINAL LIFT). TOP LIFT SHALL ABUT THE GAME RAMP WALL.

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NORWOOD SANITATION DISTRICT

PO Box 528; 1670 Naturita St, Norwood, CO 81423
Phone: 970-327-4288 - **Fax:** 970-327-0451; www.norwoodtown.com

San Miguel County Board of County Commissioners
PO Box 1170
Telluride, CO 81435

Regarding: Large Scale Solar Projects on Wright's Mesa May 1, 2024

To Whom it May Concern:

I am writing on behalf of the Norwood Water Commission (NWC) in opposition to the proposed Large Scale Solar development located on Wrights Mesa. The NWC is opposed to the development under consideration with OneEnergy, as well as large scale developments of a similar nature for the following reasons that are relevant to water issues within our area:

- The stress on our existing aged-out water system could potentially result in unanticipated (and expensive) repairs;
- The water requirements of potential projects may exceed the availability from secured sources;
- The Norwood Water Commission is mandated to provide potable water to households and businesses within its service area and does not have it in its long-range plans to serve Large Scale Solar projects;
- There is a potential for water and soil contamination from hazardous materials;
- The region's ongoing drought needs to be taken into consideration;
- The reduction in valuable and scarce farmland and agricultural production on Wrights Mesa is unacceptable; and
- At a minimum, the energy produced by Large Scale Solar, as proposed by OneEnergy and not addressed by proposed LUC language, needs to benefit the local community first, before its distribution to the larger grid.

On a personal note, I would like to add that regional communities in San Miguel County such as Norwood should be responsible for its own energy demands, working with local energy providers already in place. There are federal monies currently available for "microgrids". San Miguel County is uniquely characterized by municipalities small enough (Telluride, Mountain Village, Ophir, Norwood, Egnar) where microgrids are very feasible and practical. Battery technology has advanced so much that the energy can be stored for overnight use. The existing grid can still be a back-up source of energy.

Lastly, (and again, I'm speaking personally on this point and not necessarily reflecting the position of the water commission) relatively scarce agricultural lands in San Miguel County should remain agricultural! The County should not lose the carbon sink that the existing grass pastures provide (carbon sequestration), nor should it lose lands that are currently favorable to food production. Solar projects and agriculture, contrary to a myth that's perpetrated out there, are not compatible. We have 52 panels here at Indian Ridge Farm: the panels shade the grasses out too much for their growth, and the panels also shield the grass from receiving moisture falling from the sky. These observations come from first-hand experience!

Thank you in advance for your consideration.

Sincerely,

Tony Daranyi, Chairperson
Norwood Water Commission

COLORADO
State Land Board

Colorado State Board of Land Commissioners
1127 Sherman Street
Denver, CO 80203

June 26, 2024

Kaye Simonson, AICP, Planning Director
San Miguel County Planning Department
333 W. Colorado Avenue, 2nd and 3rd Floors
Telluride, CO 81435

Dear Ms. Simonson:

Thank you for soliciting comments from the Colorado State Land Board regarding San Miguel County's proposed solar energy systems as an amendment to your land use code.

Please allow me to use this comment period to reiterate that your County has final decision-making authority regarding what uses are permitted -- or not -- on a trust land parcel. The Colorado Constitution requires that the State Land Board comply with valid local land use regulations and land plans [Colo Const. Art. IX, Sec.10(1((c)].

Additionally, our Staff has two suggestions regarding the proposed amendment. First, clarify the criteria the County will use to determine a property's recreational resources. Second, clarify how the County will determine the applicable acreage when calculating the acreage for the NRCS-designated prime farmland threshold? For instance, how will the acreage include or not include the undisturbed acres located between panels that are viable for agrivoltaics?

Finally, I would be glad to share more information about our renewable energy portfolio and leasing process. The State Land Board has a fiduciary responsibility to steward trust assets — 2.8 million acres of working trust land spanning 6,000+ parcels — to earn money for schools intergenerationally. Currently there are 65 leases on 21,834 acres of trust land in San Miguel County.

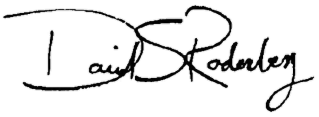
While we own the land, we don't work the land ourselves. We lease the land to other operators who pay us rent, which flows to the beneficiaries. Obtaining a lease with the State Land Board is the first step of a multi-step, public process that occurs

before development. Again, lessees must comply with all local, state, and federal or sovereign nation regulations and obtain all required permits.

Approximately 10 percent of all renewable energy generated in the state is located on trust land. In FY2023, renewable energy leases on trust land generated $3.4 million. Our agency takes into account many factors when issuing leases for renewable energy on trust land, such as revenue potential, long-term land use implications (aka forage viable for agriculture relative to solar), compatibility with other leased uses, and statewide goals regarding renewable energy and carbon management.

Thank you again for soliciting comments.

Sincerely,



David Rodenberg, Renewable Energy Program Manager
Colorado State Board of Land Commissioners

Cc: Bill Ryan, Director, State Land Board

Kaye Simonson <kayes@sanmiguelcountyco.gov>

proposed language changes to solar regs

1 message

Shannon Armstrong <shannona@sanmiguelsheriff.org> Wed, May 29, 2024 at 10:01 AM
To: SMC Planning <planning@sanmiguelcountyco.gov>

Hello,
There are a few changes I would like to see to sections 103 V. and 103 W. to make sure we receive updated plans on a regular basis and also to clarify roles and responsibilities. I have attached a Word doc with the changes I would like to see highlighted in green. If there is a different, preferred format, please let me know.

Thanks,
Shannon

--

SAN MIGUEL COUNTY SHERIFF

Shannon Armstrong
Emergency Manager

shannona@sanmiguelsheriff.org | Phone 970.369.8628
Cell 970.729.3497 | 24hr Dispatch 970.728.1911
Physical and Mailing Address 684 CR 63L | Telluride, CO 81435

For Criminal Justice Records requests click here for our online form

*Under the **Colorado Criminal Justice Records Act (CCJRA)** all messages sent by or to me on this county-owned email account may be subject to public disclosure.*

Edited Draft Solar Regs - EM and DERA reference.docx
15K

103 W. Emergency Preparedness and Response Plan

Emergency preparedness and response plan that addresses events such as explosions, fires and wildland fires, toxic emissions, transportation of hazardous material, vehicle accidents, and spills. The plan must be updated regularly and must include proof of adequate personnel, supplies, procedures, an updated contact list, response infrastructure such as water supply, and funding to immediately implement the emergency response during both construction and operation of the Large-Scale Solar Development and to repair damage caused by emergencies. An updated Emergency Preparedness and Response Plan must be provided to the San Miguel County Office of Emergency Management every two years.

103 X. Hazardous Materials Management Plan

A plan that describes all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed, or produced in connection with the construction and operation of the Large-Scale Solar Development. This plan must be updated regularly and must be provided to the San Miguel County Office of Emergency Management and the Local Emergency Planning Commission, including:

I. The type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure.
II. Measures, procedures, and protocols for handling, spill prevention, storage, and containment.
III. Measures, procedures, and protocols for reporting spills and storage to local, state, and federal officials.
IV. Measures, procedures, and protocols for clean-up and description of the financial security for these provisions. Impacts resulting from spills and releases will be investigated and cleaned up as soon as practicable.
V. The Local Emergency Planning Commission (LEPC) may work with applicants to make sure they comply with their obligations under the Hazardous Materials Management Plan.
VI. The County has designated the Telluride Fire Protection District as the Designated Emergency Response Authority (DERA) pursuant to Section 29-22-102(3)(b), C.R.S. by County Resolution 2017-28 and the DERA may undertake prevention, control, countermeasure, containment, and clean-up measures in the event of a spill or other incident involving Hazardous Materials.
VII. The DERA has the right to claim reimbursement for reasonable, necessary, and documented costs resulting from action taken to remove, contain, or otherwise mitigate the effects of the incident (29-22-104, C.R.S).

PO Box 528; 1670 Naturita St, Norwood, CO 81423

Phone: 970-327-4288 - **Fax:** 970-327-0451; www.norwoodtown.com

Wednesday, June 12, 2024

San Miguel County Board of County Commissioners and San Miguel County Planning Commission
500 West Colorado Avenue
Telluride, CO 81435

Dear Members of the San Miguel County Board of County Commissioners and Planning Commission,

We are writing to express our sincerest gratitude and appreciation for the dedication and hard work that has been put into developing the draft regulations for solar energy systems in the Wrights Mesa master plan. We aware of the countless hours that have been dedicated to not only constructing, but also refining the land use code that will have a significant impact on Wrights Mesa.

It is clear that mindful and reasonable consideration has been given to the economic, ecological, and emotional impacts of industrialization in this resource delicate area. The efforts put forth to ensure that the regulations are well-thought-out and comprehensive are commendable.

As concerned citizens and stakeholders in the community, we have had the opportunity to review the third set of draft regulations dated June 10, 2024. While we appreciate the hard work done so far, we would like to request that specific attention be given to the following items:

Section 6-201 General Provisions

1. 6-201 H., Definitions

Large-Scale Solar Energy System

- A Solar Energy System consisting of solar arrays occupying forty (40) acres or more of land. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.
    - ***We would ask that this is reduced and capped at a maximum of thirty (30) acres.***
    - ***We would ask that this is formally capped as to size and scale.***
    - ***We ask that set backs are required to be 75 feet from the road.***

Medium-Scale Solar Energy System

- A Solar Energy System consisting of roof-mounted solar arrays with a rated capacity of greater than 250 kW or solar arrays occupying more than one-half (1/2) acre and less than forty (40) acres of land. The acreage calculation shall include the total area within the fenced or enclosed exterior boundary of the Solar Energy System and shall not include setbacks from property lines.
    - ***We would like to ask that this is reduced to a maximum twenty (20) acrea.***
    - ***We ask that set backs are required to be 50 feet from the road.***

PO Box 528; 1670 Naturita St, Norwood, CO 81423

Phone: 970-327-4288 - **Fax:** 970-327-0451; www.norwoodtown.com

1. 6-203 N. Glare, Glint, and Lighting Impact Assessment
    - ***Please add / include the requirement of documentation from Wrights Mesa's Dark Sky regarding designation regulations as to compliance of project.***
2. 6-203 S. Water Services Availability
    - ***Please add / include the requirement of documentation from specific water provider to confirm availability.***
3. 6-203 V. Emergency Preparedness and Response Plan
    Please add / include the requirement of documentation from Emergency Service provider to confirm availability.

Addressing these items will further strengthen the regulations and ensure that they effectively meet the needs and concerns of all stakeholders involved.

Once again, we want to express our gratitude for the hard work and dedication that has been put into this. Your efforts are crucial in shaping the future of Wrights Mesa, and we confident that with our continued commitment, we will achieve a sustainable and thriving community.

Thank you for your time and consideration.

Sincerely,

Candy A Meehan, Mayor

Town of Norwood

PO Box 528
1670 Naturita Street
Norwood, Colorado 81423
meehan@norwoodtown.com

www.norwoodtown.com

C - 970.208.7829

C - 970.729.1234

Nicola Kerr <nicolak@sanmiguelcountyco.gov>

Concerns Regarding Recent Changes to Solar Development Plans and Green Energy

Alexandra Thompson <alexandra.grace.hilton@gmail.com> Mon, May 13, 2024 at 1:49 PM
To: planningcommission@sanmiguelcountyco.gov, Galena Gleason <galenagleason@gmail.com>, josselin.lz@gmail.com, Anne Brown <anneb@sanmiguelcountyco.gov>, lancew@sanmiguelcountyco.gov, krish@sanmiguelcountyco.gov

Dear County Commissioners and County Planning Commissioners,

I hope this letter finds you well, though I must express my deep dismay and concern regarding recent developments surrounding solar development plans and the Green Energy Initiative within our county.

It is with a heavy heart that I address you today, as it seems the majority of our community conversation has centered around the perceived threat of large-scale solar projects. However, with the removal of the "large scale" designation from Wrights Mesa, we now face a new and pressing issue. The size of what is now labeled as "medium scale" developments has been expanded by a staggering 400%, allowing for projects of up to 40 acres. This significant increase has occurred with little to no community discussion or input.

Moreover, I am alarmed by the apparent lowering of standards for approval and the removal of essential requirements for potential developers. I firmly believe that we should not be making it any easier for developers to encroach upon our historic agricultural lands and rural landscapes. Our limited resources should be safeguarded, not further depleted for the sake of expediting solar projects.

I cannot ignore the unequal burden being placed on the west end of San Miguel County. It seems Telluride, with its affluent residents and green beliefs, is eager to champion green energy initiatives—yet it conveniently passes the responsibility and consequences onto the less affluent communities like ours. This disparity in burden and responsibility is unjust and must be addressed.

I am deeply frustrated by County Planner Kaye Simonson's repeated insistence on expediting the process of solar development plans. While I understand the importance of efficiency, rushing through such crucial decisions undermines the significance of the matter at hand. This is not merely about ticking boxes on a checklist; it's about the livelihoods, property values, and emotional well-being of our community members. We owe it to ourselves and future generations to take the necessary time to ensure that these plans are meticulously crafted and thoroughly evaluated. Rushing through this process risks making irreversible mistakes that could have far-reaching consequences. We must prioritize quality over speed and commit to getting this 100% perfect, regardless of how long it takes.

It is imperative that we prioritize the preservation of our rural landscapes and agricultural heritage. Rather than facilitating large solar arrays, we should be promoting roof-mounted personal systems,

which not only minimize land use but also empower individuals to take control of their energy consumption.

Additionally, the well-being of our ranching community must be a paramount consideration. Increased solar development not only threatens our limited resources but also heightens the risk of death loss from fires and has been linked to the proven lack of fertility of cattle around solar arrays.

I implore you to refocus our efforts on supporting and uplifting the ranchers of San Miguel County. Let us work together to find sustainable solutions that honor our agricultural heritage, protect our rural landscapes, and ensure the prosperity of all members of our community.

Thank you for your attention to these pressing concerns. I look forward to your thoughtful consideration and action on this matter.

Sincerely,

Alex Thompson
c. 401-829-9943
e. alexandra.grace.hilton@gmail.com

Dear Board of County Commissioners, Planning Commission, County Attorney, and Planning Director,

I am writing to express my deep frustration and concern regarding the ongoing discussion about commercial solar development in San Miguel County. Along with 99% of those who oppose this development, I have been incredibly courteous throughout this process, despite the profound impact such development would have on our lives and the landscape of the west end.

Over the past months, we have submitted extensive FACTUAL evidence highlighting the numerous risks and negative impacts associated with allowing commercial solar development. This evidence includes, but is not limited to, increased fire risk, mental health concerns, significant water needs, the destruction of property values, and the terrible environmental impact. Despite our efforts to present well-researched and substantiated arguments, it has become clear that our concerns have fallen on deaf ears.

It is particularly disheartening to observe that Planning Director Kaye Simonson appears to be acting against the best interests of the residents she is supposed to serve. Her recent email suggesting that the regulations are ready to be implemented is not only premature but also pharisaical. It suggests a disregard for the legitimate concerns raised by the community and an eagerness to push forward an agenda without proper consideration.

The situation is further exacerbated by the fact that Kaye Simonson remains in her position despite the Diamond Ridge fiasco. For those who may need a reminder, the legal ruling in the 106(a) case clearly stated that the county was WRONG and had overreached. The judges' notes were unequivocal:

- “The County’s argument ignores the comprehensive structure of the 1991 PUD Plan.”
- “The County’s position is not reasonable.”
- “Another flaw in the County’s position…”
- “The Court rejects this [the County’s] argument because it is illogical and leads to an absurd result.”

These statements underline a fundamental misunderstanding and misapplication of the law by the county officials involved. It begs the question: should our way of life and enjoyment be in the hands of people who do not understand the law or proper planning principles? I **firmly** believe that the answer is no.

Throughout this process, Kaye Simonson has been attempting to fast-track these regulations, repeatedly referencing "good and legal planning” to force her desires through. However, her actions and the outcomes of previous cases suggest that she does not fully grasp what constitutes good and legal planning. This is not merely an opinion but a conclusion supported by legal rulings.

It is high time that the voices of the residents are heard and respected. The future of San Miguel County should not be dictated by individuals who have demonstrated a lack of understanding

and a disregard for the law. We deserve better. Our community deserves to have its concerns addressed with the seriousness and respect they warrant.

I urge you to reconsider the current approach to commercial solar development in our county. Please take into account the comprehensive and factual evidence we have provided. Ensure that the planning process is transparent, fair, and truly reflective of the community's best interests, not the "environmental goals" that don't take into account our way of life.

Thank you for your attention to this critical matter. I look forward to seeing a more thoughtful and community-centered approach to planning and development in San Miguel County.

Cheers,

Alexandra Thompson

alexandra.grace.hilton@gmail.com

401.829.9943

Kaye Simonson <kayes@sanmiguelcountyco.gov>

Solar regs

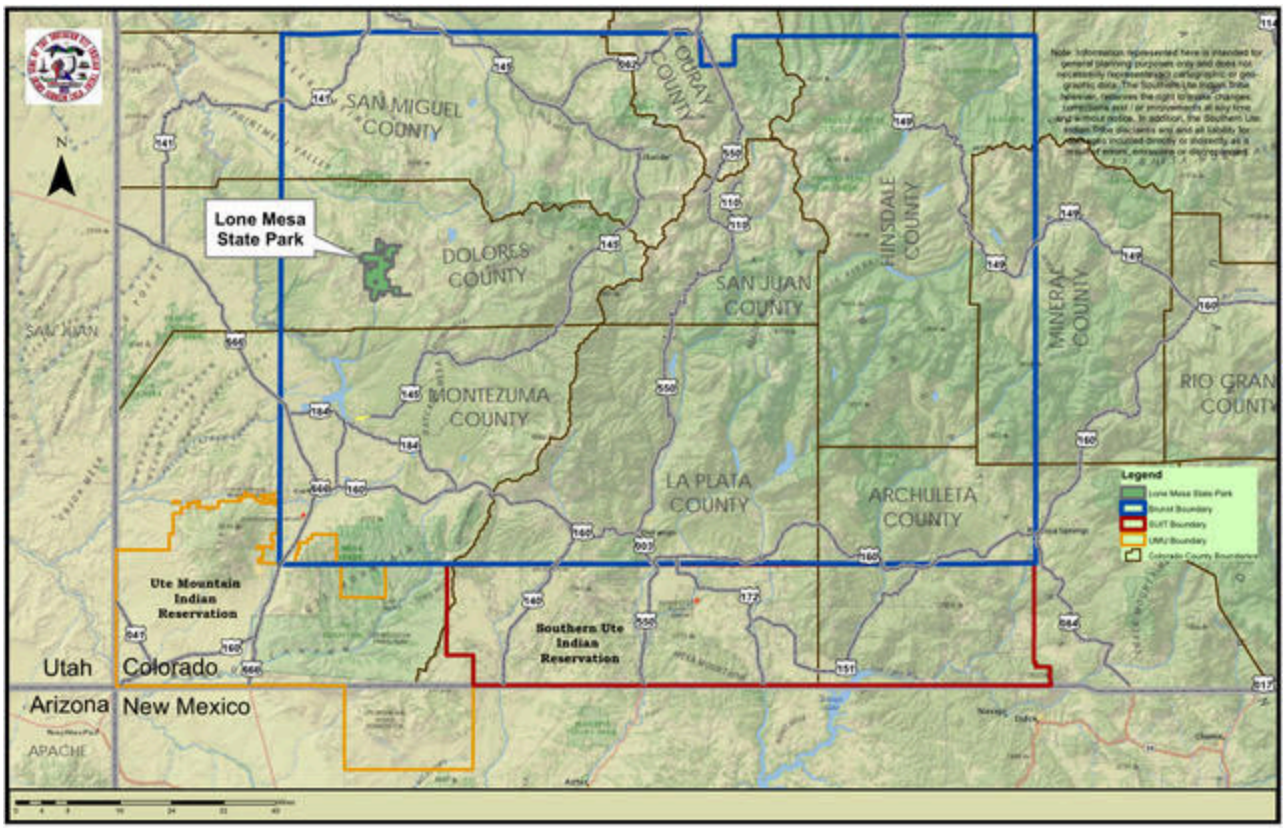
1 message

Joan May <joan@joanmay.org> Thu, May 16, 2024 at 12:00 PM
To: Kaye Simonson <kayes@sanmiguelcountyco.gov>, John Huebner <johnh@sanmiguelcounty.org>

Hello Kaye and John,

I hope this finds you well. In my work with various environmental orgs, I have been trying to follow SMC's proposed large scale solar regulation process, especially as it relates to SB24-212. In reviewing the draft regs, one thing that seems to not be included, but is mentioned in SB24-212, is requiring consultation with the Ute tribes on projects within the Brunot Treaty area regarding potential impacts to wildlife. Most of San Miguel County seems to be in the Brunot area.

Thanks for considering this comment!



Joan May
Ophir CO
970-729-1359
joan@joanmay.org

Tami St. Germain
636 Gurley Drive
Norwood, CO 81423
970/708-8600

May 8, 2024

To the Board of County commissioners and the Planning and Zoning Committee:

I am submitting the below comments to the proposed *draft* Regulations for Solar Energy Systems as presented at the May 8, 2024 County Commissioner Planning Commission Work Session. I have included direct passages from the proposed draft regulations with my comments in italics. In some instances, I have edited passages with red insertions.

Thank you for considering these recommendations.

SECTION 101 GENERAL PROVISIONS

101 E. 1. Large-scale Solar Energy System

Comment: Remove Forestry, Agriculture, Open Space, and West End Zone districts from large-scale list. That there is no cap on the large-scale system jeopardizes the natural resources of the county.

101 G. Permit Review Procedures

III.

Comment: Cite the LUC Article 3-1302 B.

101 H. Term of Permit and Commencement

II. If construction of a permitted Project has not been initiated within 3 years of permit issuance, or if construction of a permitted Project is delayed for more than 3 years from the schedule approved in the permit, the permit shall be void and of no force and effect. The Board of County Commissioners may grant extension(s) of the approval for good cause shown.

Comment: Is there a time limit to the allowance of extensions?

101 J. Definitions

Mitigation e.
Compensating for an impact by replacing or providing equivalent suitable biological, social, environmental, and physical conditions, services, facilities, or a combination thereof, called "compensatory mitigation." Compensatory mitigation must occur within the area impacted by the Solar Energy System development.

Comment: The "area" needs to be clearly identified? Is this determined by watershed, ecoregion, zone district?

Solar Energy System

Comment: The proposed draft regulations do not mention concentrated solar systems (CSS). Can the LUC specifically forbid CSS? What happens if a proposal for a CSS were to be submitted? My concern being that if the LUC doesn't mention CSS, then it is possible for CSS applications to be considered and possibly permitted.

103 APPLICATION MATERIALS FOR LARGE-SCALE SOLAR ENERGY SYSTEMS

D. Property Rights, Permits and Approvals

IV. Copies of environmental assessments and impact statements.

Comment: There needs to be a criterion for these documents to have been prepared by a qualified consulting team.

103 ~~HG~~.

I. e. Aerial extent, function, and channel connectivity of floodplains.

Comment: What is aerial extent?
Comment: Move subsections d. and f. to II., below.

II. Description of the direct, indirect, and cumulative impacts that the Large-Scale Solar Development would have on floodplains, wetlands, riparian areas, and fens. **The description must include without limitation:**

d. Potential for transition from wetland to upland species.
f. Potential for alteration in hydrology that would allow succession to upland species.

III. Describe proposed techniques that will be used to mitigate impacts to floodplains, wetlands, riparian areas, and fens.

Comment: Avoidance should be the only form of mitigation for wetlands.

103 ~~K~~J. Terrestrial Plants Impact Assessment and Mitigation

Comment: Include criterion that this be prepared by a qualified biologist.

103 ~~O~~N. Glare, Glint, and Lighting Impact Assessment

IV. Description of proposed techniques that will be used to mitigate impacts of glare, glint, and lighting during construction and operation of the Large-Scale Solar Development.

Comment: Are there contingencies in place should the developer want to upgrade lights once in operation? Would upgrades require further review and approval?

103 ~~P~~O. Visual Quality Impact Assessment

Comment: A set viewshed distance is not appropriate in areas with hilly or mountainous terrain where the facility may be visible or hidden, depending upon the vantage point. Visual impact assessments should be prepared on a case-by-case basis.

103 ~~AAZ~~. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment

I. d. Confidential information may be redacted in consultation with the County Attorney.

Comment: Any information regarding locations of cultural sites should be withheld from all documents to be made publicly available.

SECTION 104 REVIEW CRITERIA FOR LARGE-SCALE SOLAR ENERGY SYSTEMS

104 ~~LK~~. III. Proposed fencing….

Comment: The language regarding wildlife fencing seems to be contradictory in that it refers to wildlife friendly fencing where possible. However, in subsection f. there is reference to non-security fencing. It is assumed that security fencing would also be a perimeter fencing. How will wildlife fencing be friendly if the perimeter of the facility is contained within a security fencing? Please provide greater explanation with regards to how fencing will allow for wildlife passage and also for facility security.

e. Construct unfenced wildlife passageways through large facilities to allow ~~big mammals like~~ *large wildlife species such as elk,* deer, coyotes, and bears to traverse the area. Such passageways should include appropriate, high-quality wildlife habitat, be shorter and wider instead of longer and ~~thinner~~ *narrower*, and connect ~~to potential~~ *suitable* wildlife habitat on either side.

Comment: What is meant by large facilities?

104 ~~PO~~. Noise, Dust, Fumes, Vibration, and Odor

I. The Large-Scale Solar Development will not interfere with the use and enjoyment of property, cause a risk to public health and safety, nor create an **unreasonable attractive** nuisance for birds, wildlife, or persons.
Comment: "unreasonable attractive" is a subjective term that needs to be further explained.

104 ~~QP~~. Glare and Glint
II. Glint and glare produced by the Large-Scale Solar Development will not create an unreasonable attractive nuisance for birds, wildlife, or persons.

Comment: "unreasonable attractive" is a subjective term that needs to be further explained.

104 ~~RQ~~. Exterior Lighting

Comment: This needs to include language referring to dark sky designations and proposals, such as: the large-scale solar development will not degrade existing dark sky designations nor prevent pending proposals for dark sky designations.

104 ~~SR~~. Visual Quality

Comment: Visual impact assessments will be prepared on a case-by-case basis and will consider topography and landscape.

105 D. Property Rights, Permits, and Approvals

Comment: This should include the following:

- The applicant's right to use any water necessary for the construction and operation of the Medium-Scale Solar Development, including adjudicated decrees, applications for decrees, and judicially decreed augmentation plans.
- Copies of any consultation correspondence with federal, state, and local authorities prepared for the Medium-Scale Solar Development.
- Copies of any draft or final environmental assessments or impact statements prepared for the Medium-Scale Solar Development.

Comment: Section 105 needs to include the following:

Floodplains, Wetlands, Riparian Areas, and Fens Impact Assessment

I. Map and description of existing conditions for floodplains, wetlands, riparian areas, and fens affected by the Medium-Scale Solar Development. The description must include without limitation:

a. Structure, function, and aerial extent of floodplains, wetlands, riparian areas, and fens.

b. Flood attenuation, sediment capture, and ecosystem services provided by wetlands and riparian areas.

c. Floodplains, wetlands, riparian areas, and fen species composition and diversity.

d. Transition from wetland to upland species.

e. Aerial extent, function, and channel connectivity of floodplains.

f. Alteration in hydrology that would allow succession to upland species.

II. Description of the direct, indirect, and cumulative impacts that the Medium-Scale Solar Development would have on floodplains, wetlands, riparian areas, and fens.

III. Describe proposed techniques that will be used to mitigate impacts to floodplains, wetlands, riparian areas, and fens.

105 G. Wildlife, Wildlife Habitat, and Terrestrial Plant Impact Assessment

I. Map and description of the existing wildlife, including any state or federal threatened or endangered species, in the area affected by the Medium-Scale Solar Development.

III. Map and description of existing terrestrial plant life (trees, shrubs, riparian areas), including any state or federal threatened or endangered species, in the area affected by the Medium-Scale Solar Development.

105 ~~T~~U. Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment

Comment: This section should contain all the same materials as for the medium-scale development per Section 103~~AA~~Z.

105 ~~V~~U. Decommissioning and Restoration Plan

Comment: This section should contain all the same materials as for the medium -scale development per Section 103~~BB~~AA.

SECTION 106 REVIEW CRITERIA FOR MEDIUM-SCALE SOLAR ENERGY SYSTEMS

Comment: Since the medium-scale has increased to 40 acres, Section 106 needs to include and consider impacts to ***Floodplains, Wetlands, Riparian Areas, and Fens****, same as per 104 ~~KJ~~.*

106 J. Wildlife, Wildlife Habitat, and Terrestrial Plants

Comment: The language regarding wildlife fencing seems to be contradictory in that it refers to wildlife friendly fencing where possible. However, in subsection f. there is reference to non-security fencing. It is assumed that security fencing would also be a perimeter fencing. How will wildlife fencing be friendly if the perimeter of the facility is contained within a security fencing? Please provide greater explanation with regards to how fencing will allow for wildlife passage and also for facility security.

106 M. Noise, Dust, Fumes, Vibration, and Odor

I. The Medium-Scale Solar Development will not interfere with the use and enjoyment of property, cause a risk to public health and safety, nor create an **unreasonable attractive** nuisance for birds, wildlife, or persons.
Comment: "unreasonable attractive" is a subjective term that needs to be further explained.

106 N. Glare and Glint

II. Glint and glare produced by the Medium-Scale Solar Development will not create an unreasonable attractive nuisance for birds, wildlife, or persons.

Comment: "unreasonable attractive" is a subjective term that needs to be further explained.

106 O. Exterior Lighting

Comment: This needs to include language referring to dark sky designations and proposals, such as: the medium-scale solar development will not degrade existing dark sky designations nor prevent pending proposals for dark sky designations.

Nicola Kerr <nicolak@sanmiguelcountyco.gov>

Preliminary solar energy LUC regulations

Daranyi/Indian Ridge Farm <daranyi@rmi.net> Mon, Jun 24, 2024 at 12:10 AM
To: planning@sanmiguelcountyco.gov

To whom it may concern,
I am writing to express my views on a few of the items in the proposed Solar Energy Systems LUC regulations:

1) The current draft of the regs states in Section 6-204 AA. II (page 26):
"No more than fifty-percent (50%) of the land disturbed by the Large-Scale Solar Energy System will be categorized as “prime farmland” or “prime farmland if irrigated” by the NRCS."

I believe 50% of prime farmland is too large an area of land to sacrifice for solar production. While I understand the impetus (agrivoltaics) for wanting to implement this provision, our "brittle" climate and our relative scarce resource of farmlands within San Miguel County, demands that we preserve prime lands at all costs. Prime farmlands must be preserved! Prime farmlands act as lands suitable for sustainable food production, act as a carbon sink to offset the impacts of climate change, and provide for ecosystem enhancements.

There are plenty of "drylands" (not prime farmland) available throughout San Miguel County for solar energy production.

The "prime farmland" figure should be 0%.

2) As written, the preliminary Solar Energy Systems LUC regulations are still "West End" heavy. Why is there no mention of solar production (esp. large-scale solar) in the East End of the county? Simply put: why does the East End of SMC seem to be immunized by the potential for, in particular, large-scale solar energy production? This point was brought up several times during public comment sessions, but seems to be ignored.

For instance, the tailings piles east of Telluride seem like a good spot for solar energy production, as do lands near the airport and on neighboring mesas (Sunshine, Wilson, Deep Creek, West Meadows, Specie, Beaver, Iron Springs, Hastings, etc. all come to mind). As written, do the Solar Energy Systems preliminary LUC regulations allow for large-scale solar production in these areas?

3) Related to the comment above, the preliminary Solar Energy Systems LUC regulations lack mention of micro-grids for areas in the East End of San Miguel County that may want to install them. For instance, under the preliminary LUC regulations, would micro-grids still be suitable in unincorporated areas surrounding the towns of Telluride, Ophir, Mountain Village, Sawpit and Placerville?

4) The preliminary Solar Energy Systems LUC regs do not adequately mandate that energy produced by large-scale solar energy systems be required to be used locally first, with distribution into the greater grid secondarily. As written, local communities would feel the impacts of large-scale solar systems without reaping any of the benefits.

Thank you for your consideration of these comments.

Sincerely,
Tony Daranyi
Indian Ridge Farm
Wrights Mesa, Colorado

Richard Hollinbeck
PO Box C
Norwood, CO 81423

July 2, 2024

To: San Miguel County Board of County Commissioners and Planning Dept
PO Box 548
Telluride, Colorado 81435

Thank you for the continued opportunity for public review and comment on the latest revisions of the Land Use Code additions to address solar energy development in San Miguel County. I understand this will be discussed at the next public meeting.

I appreciate the progress that has been made.

In a quick review I noticed two important issues:

Stronger local grid generation requirement for West End Data Centers

I am glad that the proposed LUC recognizes the importance of providing some local energy grid benefit in Section 5-320 J (II.)(a).

Please give this more teeth so that a SIGNIFICANT portion of generated solar energy goes onto the grid to offset carbon emissions elsewhere and also benefit our local energy users.
Perhaps specifying a reasonable percentage of generation capacity (25-50%) would make sense.

Better defined disturbance criteria for the setback area for Medium Scale.

It should be more clearly specified that “landscaping and berming are the only allowed disturbance in the setback area”.

As I interpret Sec 6-206 C (II), any industrial disturbance other than “solar panels, equipment and structures” can be built (roads, for example) all around the perimeter of a 40 acres land parcel within the setback area, impacting all adjacent byways or property owners unfairly.

I don’t think this was the intention of the LUC and this wording just needs to be improved.

Yours sincerely,

Richard Hollinbeck
PO Box C
Norwood, CO 81423

Comments Received After Packet Creation

1. Abby Arts, 7/7/2024
2. Allyn Svoboda, 7/8/2024
3. Craig Greager, 7/10/2024
4. McKay Belk, 7/8/2024
5. Tami St. Germain, 7/10/2024
6. Wrong Mesa Collective, 7/8/2024

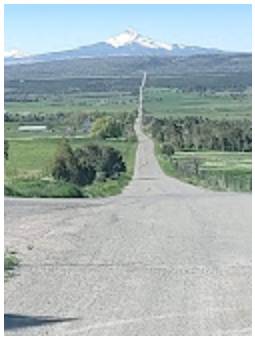
Nicola Kerr <nicolak@sanmiguelcountyco.gov>

Fwd: View to the cone

Abby Arts <abbyarts@gmail.com> Sun, Jul 7, 2024 at 7:27 PM
To: planning@sanmiguelcountyco.gov

Hi Kaye and to those concerned,
We live on 44ZN opposite Lone Cone Road, so this is our view every day as we come down the hill. Lucky us, but it's also an excellent view of the land in question in the solar proposal, land that all residents and visitors stand to loose.
When I lived in Telluride, for a while I too thought of Norwood as that little town you go through to get to Moab. Then the beauty of the region and the preferable life here opened up to me and has stayed ever since. Much like Telluriders, Norwoodians get the privilege of waking up to a beautiful place each day.
Now the suggestion is that while Telluride gets to keep it's beauty, Norwood's citizens can forget their major beauty corridor and area attraction, better to install a giant polluting solar factory in that very area.
Telluride has many tourist attractions that boost the economy, we have one, the land around The Cone. Its our Trademark! We need to be able to keep it for the enjoyment, health and safety of our residents and as an area of wonder and beauty for our visitors to stay awhile and enjoy.
Here's to hope for a successful outcome for our little town. Best to all and thank you for your consideration.
Abby Altshuler, area resident since 1985.
Mark Vandenberg D.V.M. Norwood resident since 1978

---------- Forwarded message ---------
From: **Abby Arts** <abbyarts@gmail.com>
Date: Tue, Jul 2, 2024, 8:31 PM
Subject: View to the cone
To: Abby Arts <abbyarts@gmail.com>



IMG_20230527_090843742.jpg
969K

Kaye Simonson <kayes@sanmiguelcountyco.gov>

Solar Energy System LUC

1 message

Allyn Svoboda <allyn.svoboda@linecurrents.live> Mon, Jul 8, 2024 at 12:23 PM
To: "planning@sanmiguelcountyco.gov" <planning@sanmiguelcountyco.gov>

Table attached compares definitions of the 3 proposed Solar Energy Systems classifications. Acres and KW. This may be easier to interpret in the document compared to the three paragraphs of definition, And maybe Inserted below the definition. I can't supply the original XLS file if needed.

Conversions - English to math symbols:

- "40 acres or more" is same as "greater than or equal to 40 acres" . . . ≥
- "greater than" . . . >
- "less than . . . <
- "no more than . . . is same as "less than or equal to" . . . ≤

Allyn Svoboda
Mountain View Lane
Norwood

SMC-solar-LUC_acres-KW.pdf
82K

Definitions (Section 6-201 H):

There are three levels of Solar Energy Systems, defined as follows:

- **Large-Scale Solar Energy System**: A Solar Energy System consisting of ground-mounted solar arrays occupying forty (40) acres or more of land.
- **Medium-Scale Solar Energy System**: A Solar Energy System consisting of roof-mounted solar arrays with a rated capacity of greater than 250 kW or ground-mounted solar arrays occupying more than one-half (1/2) acre and less than forty (40) acres of land.
- **Small-Scale Solar Energy System**: A Solar Energy System consisting of roof-mounted solar arrays with a rated capacity of less than 250 kW or ground-mounted solar arrays occupying no more than one-half (1/2) acre of land that primarily will be used to produce electric power to onsite principal uses.

Conversions - English to math symbols:

"40 acres or more" is same as "greater than or equal to 40 acres" . . . ≥

"greater than" . . . >

"less than" . . . <

"no more than" . . . is same as "less than or equal to" . . . ≤

Solar Energy Systems definitions

	acres		kiloWatts (KW)	
	minimum	maximum	minimum	maximum
small roof				< 250
small ground		≤ 0.5		
medium roof			> 250	
medium ground	> 0.5	< 40.0		
large	≥ 40.0			

Nicola Kerr <nicolak@sanmiguelcountyco.gov>

Re: Solar enegry systems

Anne Brown <anneb@sanmiguelcountyco.gov> Wed, Jul 10, 2024 at 8:02 AM
To: Craig Greager <greager22@gmail.com>
Cc: SMC Planning <planning@sanmiguelcountyco.gov>, Lance Waring <lancew@sanmiguelcountyco.gov>, Kris Holstrom <krish@sanmiguelcountyco.gov>

Good morning Craig,

I am copying the other county commissioners as well as the Planning Dept on this email so they are aware of your comments regarding the solar regulations, which will be discussed tomorrow by the Planning Commission. I believe the deadline for comment submission is today at 12pm so your comments should make it into the updated meeting packet.

Thank you for your engagement as we work our way thru developing these important regulations. Public comment has been extremely helpful during this process.

Warm regards,

Anne Brown (she/ella) us
District 1 Commissioner
Cell 970.729.2491
www.sanmiguelcountyco.gov

On Fri, Jun 28, 2024 at 9:46 AM Craig Greager <greager22@gmail.com> wrote:

> I am totally opposed to having San Miguel County Planning office zone a huge commercial solar energy system in Ag, open space or forestry or public. It belongs only in commercial, light industrial or heavy industrial, as it is large, and an eyesore, and a for profit business. If we allow this type of zoning the SES can be placed anywhere except residential. We must stop this BEFORE it gets approved. The County is definitely up to something no good. Can you help do this?
> Thanks
> Craig Greager

San Miguel County BOCC and Planning Department,

I am compelled to express my profound concern regarding the recent decisions regarding the latest draft of the solar regulations proposed by the San Miguel County Board of County Commissioners and the Planning Department. These decisions, particularly pertaining to the regulation of solar arrays, reflect a troubling disregard for the voices and desires of the community you are elected to represent.

The community of Wright's Mesa and greater San Miguel County have consistently and clearly articulated their preferences regarding the regulation of solar arrays. **This was notably exemplified in the consensus reached on the 10-acre limit for medium-scale solar arrays.** This limit, achieved through extensive consultations and rigorous deliberations, was intended to strike a balance between fostering energy development and preserving the unique character and ecological integrity of our locale.

The subsequent decision to alter this carefully considered limit without transparent communication or adequate justification has left many community members feeling marginalized and disrespected. This change, enacted after it was widely believed that the matter had been definitively settled, epitomizes a broader issue: the perception that the BOCC and the Planning Department are not genuinely listening to or valuing the input of the community they serve. Such actions are antithetical to the principles of representative governance and significantly erode public trust.

The imposition of regulations that contravene the expressed wishes of the majority fosters a sense of alienation and frustration among residents. It is not within the purview of the Commission to impose personal or ideological agendas that conflict with the community's clearly articulated desires. The democratic principles that underpin our local governance mandate that you act in accordance with the will of the people, not in opposition to it. Ignoring this input not only disrespects the community but also sets a perilous precedent for future governance.

In regards to future arrays, it is imperative to establish clear and enforceable spacing regulations for these solar arrays. The absence of definitive regulations creates a landscape of uncertainty, where future Commissions might reinterpret or alter these guidelines, leading to potential conflicts and inconsistencies. By implementing unambiguous and enforceable regulations, you provide a stable and predictable framework that safeguards the community’s interests both now and in the future. Ambiguities and loopholes serve only to undermine the stability and predictability that our community relies upon.

The environmental ramifications of expanding these solar arrays are significant and must be addressed with the utmost seriousness. A substantial amount of research has been presented by residents and experts with decades of experience, highlighting how these developments could severely impact our local environment. Concerns have been raised about the depletion and contamination of water resources, as the construction and maintenance of solar arrays will alter water runoff patterns and increase sedimentation. Additionally, the transformation of land for solar arrays will degrade soil quality, leading to erosion and loss of fertile topsoil. Furthermore, it is crucial to acknowledge the current scarcity of water resources and heightened fire risk on Wright's Mesa and neighboring mesas, exemplified by recent fires in the area. The potential consequences of a fire breaking out in a solar array installation cannot be underestimated, and the safeguarding of lives and livelihoods should be a top priority in any decision-making process.

The disruption of natural habitats poses serious risks to the migration patterns of both mammals and birds. These animals rely on undisturbed corridors for their seasonal movements, and solar developments can fragment these essential pathways, leading to significant ecological imbalances.

The risk of fire associated with extensive solar arrays cannot be overstated. The materials used in solar panels and the infrastructure supporting them will become fire hazards, particularly in areas prone to dry conditions and high winds like Wright's Mesa. This increased fire risk not only threatens the immediate area but also endangers surrounding communities and natural landscapes.

Beyond the physical environmental impacts, there are also significant concerns about the effects on mental health. The rapid industrialization of our rural landscape can lead to increased stress and anxiety among residents, who may feel a profound sense of loss and disruption to their way of life. The visual and auditory changes brought about by large-scale solar developments can contribute to a decline in overall well-being, highlighting the need for careful consideration of these human factors in your decision-making process.

I recommend that a minimum of 50% of the generated energy from the solar arrays be required to remain within San Miguel County. This measure would ensure that the local residents and businesses, who are directly impacted by the presence of these arrays, receive tangible benefits from the energy produced. This approach aligns with our commitment to balancing renewable energy expansion with the well-being and prosperity of our community.

In conclusion, I urge you to genuinely listen to and respect the voices of Wright's Mesa and San Miguel County. **Reinstate the 10-acre limit for medium solar arrays as a demonstration of your commitment to honoring community input, establish**

clear and enforceable spacing regulations, and commit to transparent and effective environmental mitigation strategies. Your actions on this matter will have lasting implications for our community, and it is your duty to ensure that these decisions reflect the best interests of the people you serve. By upholding these principles, you will not only restore trust and confidence in local governance but also ensure the sustainable and equitable development of our community. You have the ability to restore and fortify trust and confidence in local government.

To achieve this, do not adopt the current version of the solar regulations. Instead, send it back for further review and specificity to ensure it addresses the community's needs more effectively.

Respectfully,

McKay Belk

Valentine Farm - Norwood, CO

Tami St. Germain
636 Gurley Drive
Norwood, CO 81423
970/708-8600

July 10, 2024

To the San Miguel County Board of County Commissioners and the Planning and Zoning Committee:

Dear Commissioners and Planning Department,

I truly appreciate the ongoing work that's been done to develop regulations to amend the land use code and manage solar development in our county. As a resident of Wright's Mesa and a member of the San Miguel County community, I've followed this effort with great interest. Ours is a very special county indeed, and the actualization of regulations that allow for development but that also reflect the wisdom to protect the cherished natural and cultural resources that we are privileged to enjoy in this county, is of utmost importance.

I realize that it is mission critical to finalize these regulations so that the county is ready to receive and review permit applications. However, I urge the BOCC and Planning Commission to take the necessary time to ensure the Code serves the community as well as development interests. I have provided specific comments to the July 11 draft (attached), but moreover, I implore you as the authors to these solar regulations to seize this opportunity to mindfully and deliberately construct a holistic path to the County's future environment. These draft solar regulations not only facilitate development, they will quite literally carve out the future landscape inherited by our children. Please consider your choices in the drafting of these regulations and the ultimate implementation of the projects born of our actions today.

A primary concern regarding the current deployment of alternative energy generating systems is that there are many cases of natural areas being consumed and destroyed, in the urgency to get more alternative systems online. It doesn't need to be this way and the detriment to the environment as a whole is catastrophic.

> The built environment sector is responsible for nearly 30% of biodiversity loss globally, and contributes significantly to depleted food and raw material supplies. The rapid expansion, made worse by poor land planning...leads to loss of biodiverse natural areas. Given that development decisions and their consequent impact on the environment are locked in for years to come, it is particularly critical for new infrastructure to be nature-positive. Geospatially explicit national and regional land-use planning that integrates biodiversity and climate concerns is essential to ensure successful nature- and climate-smart development. Supporting policy mechanisms, mandatory standards, procurement rules that call for the use of sustainable materials are identified as action items to implement a holistic development strategy. (*New Nature Economy Report II The Future Of Nature And Business,* World Economic Forum, 2020 WEF_The_Future_Of_Nature_And_Business_2020.pdf (weforum.org)

> The built environment sector needs to urgently become more biodiversity-conscious in the way we develop, construct and operate. (*Accelerating action for biodiversity: what the built environment sector needs to do.* (Ho Ning Li, 2021. Accelerating action for biodiversity: what the built environment sector needs to do - GRESB)

It is imperative that we carefully consider the siting of development with the attitude of ecological preservation being foremost in the decision-making process. It's also important that we consider our decisions in San Miguel County as part of the broader scale. We affect and are affected by all actions in surrounding counties, across the region and within the state. There are thousands of solar development projects of all scales in operation and on the drawing boards across the state and the country. Can we manage the synergistic effects as a cooperative member of the state and regional community so that our decisions consider the impacts on not just the county-level, but for our neighboring communities as well?

Development projects are occurring at a rapid pace in surrounding counties. Those projects are also feeding the grid and part of the rapid deployment of alternative energy generation driven by project proponents and political mandates. But how much is enough, when has the objective of net zero emissions been reached, and how can we incorporate this dynamic into our regulatory process?

If for example, 20,000 acres of development is occurring in a neighboring county, how does that affect San Miguel County's development goals and responsibility to assist in the effort to deploy energy projects? I insist that across the broad expanse of counties and the region, the net-zero emissions mandates are being met. Every county ought to incorporate this consideration into the land use regulations so that the impacts to natural resources can be mitigated on a regional and state-wide basis.

Can we set a target for the county electricity generating capacity and a cutoff for the scope of projects across the county, by which once achieved development proposals will be reviewed and accepted by a much stricter measure? The need to produce energy is vital, yes, that is not the argument here. The need to protect our natural resources is every bit as critical to the populus as energy production.

Attached are specific comments with regards to the *draft* Regulations for Solar Energy Systems as presented at the July 11, 2024 Planning Commission meeting.

Thank you for your time, your energy and attention to this important County duty that will guide actions locally and that also contribute globally.

Tami St. Germain

970/708-8600

I have included direct passages from the draft regulations with editorial marks in red and my comments in blue. Thank you for considering these recommendations.

Begin comments on the July 11, 2024, draft solar regulations:

General comments:

There is inconsistent language with regards to the phases of projects. All sections need to reference all phase -construction, operation, decommissioning and reclamation.

6-202 D. Waiver of application materials.

By this part, the Planning Director is given the power to both determinE the relevance of application materials and also for making the decision to waive the materials. Such actions, if allowable, should not be the sole decision of a single person (Planning Director). If allowable, there should be a decision between the Planning Department consented to by at least one member of the BOCC. Perhaps the section needs further clarification.

6-203 Application Materials for Large-Scale Solar Energy Systems The applicant shall submit an application for the development of a Large-Scale Solar Energy System ("Large-Scale Solar Development") to the Planning Director. The application shall include, at a minimum, the information and materials specified in this Section 6-203 and shall address both the construction, ~~and~~ operation, decommissioning, and reclamation of the Large-Scale Solar Development either separately or together.

6-203 B. Information Describing the Large-Scale Solar Development

X. Reclamation Plan

6-203 I. Wildlife and Wildlife Habitat Impact Assessment

II. b. Changes in the number of and habitat of ~~threatened or endangered species.~~ any species (animal, bird, and insect) species listed as threatened or endangered under the Endangered Species Act or listed by CPW as State Threatened or Endangered, Species of Special Concern, or Species of Greatest Conservation Need.

6-203 J. Terrestrial Plants Impact Assessment and Mitigation

II. a. Changes to habitat of ~~threatened or endangered plant species or species of concern.~~ plant species listed as threatened or endangered under the Endangered Species Act, listed on the Rare Plant List from the Colorado Natural Heritage Program, or otherwise listed as species of concern by a federal or state agency.

6-203 K. Grading, Erosion, and Sediment Control Plan

IV. Estimated total cost of the required soil erosion and sediment control measures. None of the application materials requires cost. Why is this required for this section and how would that affect the application review/acceptance and denial?

6-203 M. Noise, Dust, Fumes, Vibration, and Odor Impact Assessment

I. Description of the direct, indirect, and cumulative impact of noise, dust, fumes, vibration, and odor caused by the construction or operation of the Large-Scale Solar Development.

6-203 O. Visual Quality Impact Assessment I. Map and description of the existing scenic rural landscape within a minimum of one (1) mile of the outer perimeter of the Large-Scale Solar Development…

The one-mile distance seems arbitrary. The distance and number of renderings ought to be determined by the topography and landscape in the area and impacts beyond one mile ought to be considered where topography allows a project to be seen more than a mile away.

Section 6-204 Review Criteria for Large-Scale Solar Energy Systems

The following review criteria apply to the review of a permit application for Large Scale Solar Development. The County shall take into account the impacts of construction, operation, decommissioning and reclamation,…

6-204 C. Site Design Review Criteria

IV. Setbacks. Fencing or other enclosures, solar panels, equipment, and structures shall be set back a minimum of two-hundred (200) feet from all property lines and one quarter (¼) mile from a Colorado designated Scenic Byway. Setbacks may be increased or decreased during the review and evaluation of the application. Criteria should not allow for reducing setbacks, or the rationale for reducing setbacks needs to be elaborated.

6-204 O. Noise, Dust, Fumes, Vibration, and Odor
6-204 P. Glare and Glint

The Large-Scale Solar Development will not … create an unreasonable attractive nuisance for birds, wildlife, or persons.

In both cases the language needs clarification. "Unreasonable attractive" is a subjective term that allows for interpretation. How is this measured or determined? If these items are the responsibility of the applicant then does the review process assess validity of the data?

Section 6-205 Application Materials for Medium-Scale Solar Energy Systems

The application shall include, at a minimum, the information and materials specified in this Section 6-205 and shall address ~~both~~ the construction, ~~and~~ operation, decommissioning and reclamation of the …

6-205 D. Property Rights, Permits, and Approvals

IV. The applicant's right to use any water necessary for the construction and operation of the Medium-Scale Solar Development, including adjudicated decrees, applications for decrees, and judicially decreed augmentation plans.
V. Copies of any consultation correspondence with federal, state, and local authorities prepared for the VI. Medium-Scale Solar Development.
Copies of any draft or final environmental assessments or impact statements prepared for the Medium-Scale Solar Development.

6-205 G. Wildlife, Wildlife Habitat, and Terrestrial Plant Impact Assessment

The applicant may consult with CPW in developing the Wildlife, Wildlife Habitat, and Terrestrial Plant Impact Assessment.

IV. Description of the direct, indirect, and cumulative impacts that the Medium Scale Solar Development will have on wildlife, wildlife habitat, and terrestrial plants that includes without limitation: b. Changes in the number of and habitat of threatened or endangered species identified by any state or federal agency.

If medium-scale systems are to have a potential maximum size of 40 acres, the application materials need to include the following:

Floodplains, Wetlands, Riparian Areas, and Fens Impact Assessment

I. Map and description of existing conditions for floodplains, wetlands, riparian areas, and fens affected by the Medium-Scale Solar Development. The description must include without limitation:

a. Structure, function, and aerial extent of floodplains, wetlands, riparian areas, and fens.
b. Flood attenuation, sediment capture, and ecosystem services provided by wetlands and riparian areas.
c. Floodplains, wetlands, riparian areas, and fen species composition and diversity.
d. Transition from wetland to upland species.
e. Aerial extent, function, and channel connectivity of floodplains.
f. Alteration in hydrology that would allow succession to upland species.

II. Description of the direct, indirect, and cumulative impacts that the Medium-Scale Solar Development would have on floodplains, wetlands, riparian areas, and fens.
III. Describe proposed techniques that will be used to mitigate impacts to floodplains, wetlands, riparian areas, and fens.

Wildlife, Wildlife Habitat, and Terrestrial Plant Impact Assessment

I. Map and description of the existing wildlife, including any state or federal threatened or endangered species, in the area affected by the Medium-Scale Solar Development.
III. Map and description of existing terrestrial plant life (trees, shrubs, riparian areas), including any state or federal threatened or endangered species, in the area affected by the Medium-Scale Solar Development.

Areas of Paleontological, Historical, or Archaeological Importance Impact Assessment

Decommissioning and Restoration Plan

6-206 Review Criteria for Medium-Scale Solar Energy Systems

6-206 C. Site Design Review Criteria

II. Setbacks. Fencing or other enclosures, solar panels, equipment, and structures shall be set back fifty (50) feet from all property lines and one quarter (1/4) mile from a Colorado-designated Scenic Byway. Setbacks may be increased or decreased during the review and evaluation of the application. Because the max size is 40 acres (essentially the smallest of the large-scale projects) setbacks need to be determine on a sliding scale of 50 to 200 feet. There should be no allowances for setbacks less than 50 feet.

6-206 M. Noise, Dust, Fumes, Vibration, and Odor

I. The Medium-Scale Solar Development will not interfere with the use and enjoyment of property, cause a risk to public health and safety, nor create an **unreasonable attractive** nuisance for birds, wildlife, or persons.

Comment: "unreasonable attractive" is a subjective term that needs to be further explained.

6-206 N. Glare and Glint

II. Glint and glare produced by the Medium-Scale Solar Development will not create an unreasonable attractive nuisance for birds, wildlife, or persons.

Comment: "unreasonable attractive" is a subjective term that needs to be further explained.

Kaye Simonson <kayes@sanmiguelcountyco.gov>

COMMENTS REGARDING THE DRAFT SOLAR REGULATIONS JULY 11, 2024

1 message

tami s <tami.st.germain.5@gmail.com> Wed, Jul 10, 2024 at 2:59 PM
To: planning@sanmiguelcountyco.gov

To whom it may concern,

I have attached a letter and comment with regards to the July 11, 2024 draft solar regulations for submission into the meeting minutes. I urge the Planning Commission and the Board of County Commissioners to not adopt the current draft regs as there remain certain items that require additional clarification. Please see the attached.

Thank you for all your efforts to draft these new regulations!

Sincerely,

Tami St. Germain
970/708-8600

Comments to the draft Regulations for Solar Energy Systems - July 11, 2024.docx
30K

Nicola Kerr <nicolak@sanmiguelcountyco.gov>

URGENT - FOR SAN MIGUEL COUNTY SOLAR REGULATIONS P&Z MEETING - 7/11/24

Wrong Mesa <wrongmesa@gmail.com> Mon, Jul 8, 2024 at 2:10 PM
To: planningcommission@sanmiguelcountyco.gov, bocc@sanmiguelcountyco.gov

Dear members of the Planning Commission, Board of County Commissioners, Planning Director, and County Attorney,

We the undersigned are joining many other concerned San Miguel County residents in rejecting the County's "final draft" Land Use Code (Code) amendments related to solar energy systems as inadequate and incomplete.

That Planning Director Kaye Simonson should consider this most recent draft as "ready to go" is alarming to County residents. Throughout this process, our elected local officials have consistently disregarded input from and concerns of constituents - and also appear to have failed to access or implement the planning resources readily available through new State legislation (SB24-212).

A group of over 100 concerned Norwood/San Miguel County residents took a proactive front seat this spring in providing Planning & Zoning representatives and the Board of County Commissioners with a virtual roadmap to responsible solar development in the form of a 363-page "Impact Statement". This document, compiled by members of the Protect Wrights Mesa Community Coalition (PWMCC) provided County officials with an in-depth report on all aspects of potential local impact by solar development.

This Impact Statement includes a 255-page environmental assessment, by a local environmental expert biologist, and other professional White Papers by local experts. These inputs cover the fields of ecosystems science, atmospheric science & meteorology, water, fire, dark sky, wildlife, agriculture, electrical power engineering, public safety, economics, sociology, heritage history, and personal views on rural lifestyle impacts.

This extensive document - that clearly demonstrates why solar power should stay small, smart, and in the county - was apparently mostly disregarded in the drafting of the new land use regulations.

These most recent draft solar "regulations" are so weak that they allow both the interpretation and the execution of solar regulations to be in the hands of the applicant. As defined by the Code itself, the stated purpose of solar energy systems *"is to foster the County's sustainability-related goals and policies and its scenic, agricultural, environmental, recreational, and cultural values*." Yet this component of benefit to the county is not explicitly carried through in either the permit requirements or the review criteria. If this is indeed part of the stated purpose, then why is fostering this stated mission and powering the County not the very first requirement of any solar development application? These new draft application requirements disregard the County's stated climate goals and reflect a lack of knowledge and expertise in the area of solar regulation. They would essentially allow corporate foxes to guard the henhouse without any serious requirement for peer review of any application, or any requirement that the energy produced stay in the County, or benefit the County.

There is no point in community input if it's not taken on board. Even County Commissioner Lance Waring's Eco Action Partners' recommendations were disregarded at a "Solar Education Workshop" to a BOCC and P&Z Solar Regulations Joint Work Session; the benefits of small solar and the importance of micro-grids and keeping renewable energy within San Miguel County to meet the County's renewable energy goals apparently went unheeded. County legislators' resistance to "solar education" seems to be a theme.

This is a lifetime commitment that will impact our environment and quality of life for years to come. The language in the current draft is so vague that future generations that are saddled with the consequences of our complacency will surely blame us. Scores of square-miles of County land are still mapped and available for potential development with no requirement for an applicant's proposal to benefit San Miguel County. Why is so much land up for grabs, when according to County Commissioner Lance Waring's Eco Action Partners, a mere 400 acres of solar panels would meet the daytime energy needs of the whole of San Miguel County? The new draft plan also now allows 40 acres to be considered medium scale, a 4-fold increase from 10 acres as originally proposed. Why not start by powering the County as recommended, cap the county-wide limit and save the natural heritage and cultural values that make this County the special place that it is?

Not only have our County legislators failed to include valuable community input, but have also clearly chosen not to take advantage of the resources available through the new State legislation passed last session, which allows for analysis and

potential high priority habitat designation and for local governments to take the time to study appropriate and inappropriate locations, rather than forcing this short-sighted and incomplete legislation through without an appropriate level of analysis, or using the resources now provided by the State.

Forward-thinking planning and zoning for solar development in and for San Miguel County must be implemented responsibly in order to protect constituents and future generations. Our call to action is for Planning & Zoning officials and the Board of County Commissioners to promote transparency and include community input in this process, and to incorporate the relevant report findings of the PWMCC Impact Statement, while also accessing and utilizing the new resources readily available in SB24-212 via the State.

SB24-212 requires the Department of Natural Resources, at the request of a local government, to provide technical support concerning the development of local codes governing renewable energy projects. The act also requires the state to identify high-priority habitats based on the best available science and provide local governments with a set of best management practices to avoid, minimize, and mitigate wildlife impacts of renewable energy projects.

The communities of the West End already bear the scars from the last generation's failed energy policies. We must learn from past mistakes and not repeat them. Our children and our children's children will be forced to live with the decisions we make today...and this decision is too important to rush. **We urge Planning & Zoning to put the brakes on fast-tracking incomplete and inadequate regulations: Please go back to the drawing board with the PWMCC Impact Statement, community input, the new Statewide resources available to local governments, and do this right. It is possible to balance our climate action goals with protection of our critical habitats.**

Sincerely,

Allyn Svoboda

Alexander Pape

Alison Cooper

Emily Masson

Richard Kearney

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David Rosenblum

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Vivian Russell

Candy Meehan (Norwood Town Mayor)

Mike Malley

Sepp Seitz

Lisa Foxwell

Paul Finley (of the Many Ponies Ranch)

Caroline Duncan

Laura Knight

Brian Hagg

Arleen Boyd

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Terri Snyder Lamers

Ray Moreaux

Kelly White

Mandy Watson

Davis Watson

Mary Watson,

Demian Brooks

Lesli Tomasini

R. Stuart Budge

Diane Budge

Travis Eiseman

Judy Weiss

Ashley Woodward

AGENDA ITEM 4.a

TITLE:
Land Use Code Appendix B - Street Naming and Addressing Standards Update

Presented by:
Time needed:

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:
CPC packet Addressing 071224.pdf

Description:

Date: July 3, 2024

To: San Miguel County Planning Commission (CPC)

From: Heather Widlund

GIS Director & Addressing Official

Re: Addressing Standards update

The purpose of this memo is to inform the CPC of changes being made to the Street Naming and Addressing Standards (San Miguel County Land Use Code Appendix B). No action is needed from the CPC.

The Street Naming and Addressing Standards were adopted in 2005. An update to the standards is necessary due to changes in process and the need for clarification based on the administration of the standards since then. Various grammatical errors have been corrected and the document has been reformatted for accessibility by screen readers.

Removals

1. References are made to an Official Street Name Map (Exhibit 5) and Official Maps of Addressing Systems (Exhibit 6) that were never created or adopted. These references have been removed.
2. References are made to street naming and address numbering applications (Exhibits 3 and 4). References have been replaced with instructions to use the online permit portal.

Clarifications, Additions and Adjustments

1. Clarified the role of the Addressing Official with respect to enforcement of the standards. [Section I.F.2]
2. Clarified when naming a street shall be required. [Section II.B.1.b]
3. Adjusted the assignment of address numbers for accessory dwellings. [Section II.C.2.a(3) and (4)]
4. Clarified that an address will not be assigned until a driveway location has been approved. [Section II.C.3]
5. Adjusted the Subdivision Review Procedures to require review by the Addressing Official [Section III.B.1.a] and removed a requirement to show address numbering on the final plat. [Section III.B.2.a]
6. Updated the Procedures for Assignment of Address Numbers to reflect current processes. [Section III.C]
7. Adjusted the entities under Dissemination of Addresses to reflect current processes. [Section III.E.]

8. Added language to state that in the event of conflicts between the Definitions section and that of the Land Use Code, the LUC shall prevail. [Section IV]
9. Added definition of Official Street Name List. [Section IV]
10. Added Exhibits 1 and 2 to the end of the document. [Section V]

Appendix B

San Miguel County Colorado

Street Naming and Addressing Standards

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I. Description of the Standards

A. Title and Purpose

1. Purpose: San Miguel County establishes these Standards in order to provide for the uniform assignment of property address numbers, to provide for the naming of new streets and renaming of existing streets with conflicting or duplicate names in order to provide for efficient emergency services and provide for the safety of the residents of San Miguel County, and to provide for the enforcement of these Standards.

2. Short Title: For the purposes of identification, these regulations shall be known as the "Street Naming and Addressing Standards".

3. The County uses a variety of addressing systems that are discussed and described in Section II A (Pre-existing Address Systems) and Section II C1 (County Mile Marker Address Numbering System).

B. Authority

The county's legal authority to promulgate these Standards is derived from the following relevant Colorado statutes, as well as its inherent police power authority as a political subdivision of the State of Colorado, and as a body corporate and politic:

1. Section 30-11-107(1)(h), C.R.S., provides that the Board of County Commissioners of each county has the power at any meeting "to lay out, alter, or discontinue any road running into or through such county, and also to perform such other duties respecting roads as may be required by law;"

2. Section 30-28-110(3)(a), C.R.S., provides that "All plans of streets or highways for public use, and all plans, plats, plots, and replots of land laid out in subdivision or building lots and the streets, highways, alleys, or other portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the board of county commissioners for review and subsequent approval, conditional approval, or disapproval. It is not lawful to record any such plan or plat in any public office unless the same bears thereon, by endorsement or otherwise, the approval of the board of county commissioner and after review by the appropriate planning commission."

3. Section 30-28-113(1), C.R.S., provides in pertinent part that "In order to accomplish such [zoning] regulation, the board of county commissioners may divide the territory of the county which lies outside of cities and towns into districts or zones of such number, shape, or area as it may determine, and, within such districts or any of them, may regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land, and may require and provide for the issuance of

building permits as a condition precedent to the right to erect, construct, reconstruct, or alter any building or structure within any district covered by such zoning resolution."

4. Section 30-28-115(1), C.R.S., provides in pertinent part that "Such [zoning] regulations shall be designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or welfare of the present and future inhabitants of the state, including lessening the congestion in the streets or roads or reducing the waste of excessive amounts of roads, promoting energy conservation, securing safety from fire, floodwaters, and other dangers, providing adequate light and air, classifying land uses and distributing land development and utilization, protecting the tax base, securing economy in governmental expenditures, fostering the state's agricultural and other industries, and protecting both urban and nonurban development.

5. The "Local Government Land Use Control Enabling Act of 1974" at Section 29-20-104, C.R.S., provides in pertinent part that the County, as a local government, acting within its jurisdiction has the authority to plan for regulate the use of land by: "(g) Regulating the use of land on the basis of the impact thereof on the community or surrounding areas; and (h) Otherwise planning for and regulating the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights."

6. The "Colorado Governmental Immunity Act" at Section 24-10-106.5 (1), C.R.S., "Duty of Care," provides in pertinent part that "In order to encourage the provision of services to protect the public health and safety and to allow public entities to allocate their limited fiscal resources, a public entity or public employee shall not be deemed to have assumed a duty of care where none otherwise existed by the performance of a service or an act of assistance for the benefit of any person. The adoption of a policy or a regulation to protect any person's health or safety shall not give rise to a duty of care on the part of a public entity or public employee where none otherwise existed. In addition, the enforcement of or failure to enforce any such policy or regulation or the mere fact that an inspection was conducted in the course of enforcing such policy or regulation shall not give rise to a duty of care where none otherwise existed." Accordingly, any act or omission in the promulgation, implementation, administration, and/or enforcement of these regulations, shall not be deemed to create a legally enforceable duty of care or to constitute a breach of any legally enforceable duty of care by San Miguel County, its officials, employees, or agents, for the benefit of any specific person or persons.

C. Applicability

These Standards shall apply to all lands within the unincorporated area of San Miguel County and any incorporated areas included through intergovernmental agreement.

D. Severability

Should any provisions or parts thereof of these Standards be judicially declared to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Standards as a whole, or any provision thereof other than the article, section or regulation so declared to be unconstitutional or invalid.

E. Repeals

These Standards repeal and rescind all previously adopted addressing and street naming standards, systems, regulations and/or procedures, including Land Use Code 5-502(h).

F. General Provisions

1. Only the Board of County Commissioners or its appointed representative – the Addressing Official – may assign, approve, or change an address.
2. The Addressing Official shall be responsible for the administration of these standards, with enforcement subject to San Miguel County Land Use Code Section 1-16 (Enforcement and Penalties).
3. The Addressing Official shall process applications for address number assignments, address number reassignments, street naming and street name changes. The Addressing Official may designate an authorized representative for any part of the process.
4. The Geographic Information Systems Department shall be responsible for the maintenance of all data related to addressing, including the Official Street Name List.

II. General Guidelines for Addressing and Street Naming

A. Addressing Systems

1. New Systems Prohibited

   To avoid confusion, the County shall not permit new addressing systems to be established, except where new systems are established and approved by the Board of County Commissioners in accordance with these Standards. The assignment of new address numbers will comply with Section II C (Address Number Assignment Standards), except where a pre-existing address system has been approved and adopted.

2. Pre-Existing Address Systems

   In areas where an addressing system has been in use prior to adoption of these Standards, the Addressing Official may issue addresses in accordance with that system even if that system does not correspond with the County system.

B. Street Naming Standards

Street names may be requested by the property owner(s) or developer subject to the approval of the Addressing Official. The Addressing Official will consider and may approve requested street names using the following guidelines:

1. Street Naming
   a. Any private street within the unincorporated area of the County may be officially named. The County requires street names for private streets to be reviewed and approved by the Addressing Official to avoid duplication.
   b. In unincorporated San Miguel County, any roadway accessing three (3) or more properties and 200 feet or more in length shall be named. Other factors that may require a roadway to be named at the discretion of the Addressing Official include the configuration of the roadway and future potential for development.
   c. Existing street names may be changed by the Addressing Official if they do not comply with the guidelines in Section II B1f (Selection of Street Names), in accordance with Section III A1 (Procedures for Naming).
   d. The County does not accept any liability for maintenance or signage by naming private streets. Naming of private streets is done in the interest of public safety.
   e. Assignment of a name to a roadway does not affect or change the physical improvement standards of that roadway; the designation as a "named street" is for 911 addressing purposes only.
   f. Street names must be approved by the Addressing Official in order to be used for addressing, signage, or publicity.
   g. Selection of Street Names
      (1) Street names should be easy to read and easy to spell, at the Addressing Official's discretion, so that the public is able to use the name in an

emergency situation regardless of limited reading and pronunciation skills.

(2) All new street names shall use the commonly accepted spelling, according to a reputable dictionary.

(3) All new street names must use only accepted suffix designations (See Section II B1h (Suffix Designations).

(4) Street names should not be duplicated in order to avoid confusion for emergency responders. All new street names must be unique within San Miguel County, including incorporated areas. Names duplicating those in surrounding jurisdictions that share emergency dispatch services (e.g. Montrose County) should be avoided. A street name is considered a duplicate if any of the following conditions exist:

(a) A street has the same name as another street even if their suffix designations differ (e.g. Pine St, Pine Rd), unless excepted by Section B1g(2).

(b) A street name sounds similar to the name of another street despite a difference in spelling (e.g. Alpenglow, Alpine Glow).

(5) Street Names to Avoid

(a) Numerical names (1st, 2nd, etc.) or single alphabet letters.

(b) Complicated names or names with unconventional spelling.

(c) Names that include words or syllables that might be confused with directional or suffix designations (e.g. Northglenn Drive or Circle Drive).

(d) Names that contain hyphens, slashes, apostrophes, or other special characters, e.g. Dave-Wood Road, Sandy's Fort Drive, L&M Drive.

(e) Names that are the same as, or similar to, an existing subdivision name, excepting when the street is within the named subdivision.

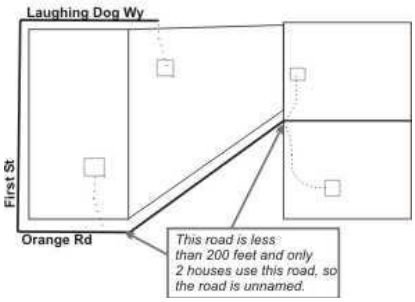
(f) Long street names that will not fit on a standard forty-two (42) inch length sign, with letters at least four (4) inches high.

(g) Obscenities or derogatory terms.

h. Naming and Street Configuration

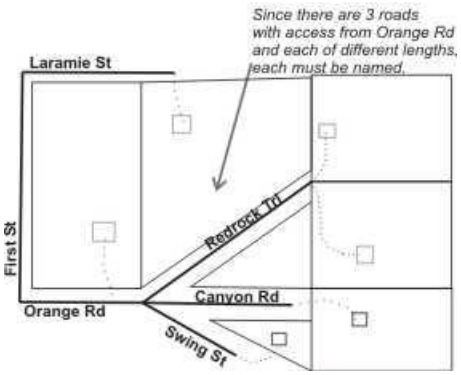
(1) Roadways that the Addressing Official has determined do not need to be named, according to Section IIB 1b, should assume the name of the intersecting through street. (Figure 1)

Figure 1



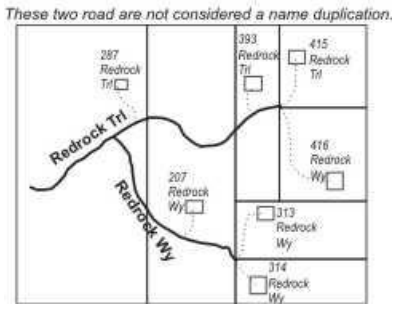
However, where there is a series of long and short roadways accessed from the same intersecting through street, each roadway should have separate names. (Figure 2)

Figure 2



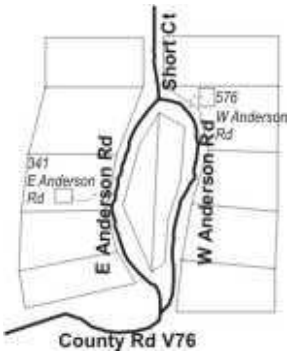
(2) A street may bear the same name as its intersecting through street with a different suffix designation without being considered a name duplication. (Figure 3)

Figure 3



(3) In peculiar circumstances where a road loops back on itself for a substantial length, the Addressing Official can make the determination in the public interest and safety to give a street two (2) different prefixes using a logical breaking point. (Figure 4)

Figure 4



(4) Major arterials that change direction for a significant distance may change directional prefixes at the most logical and convenient break point.
(5) Streets located on the same alignment in the same geographical region should bear the same name and directional prefix even though they are not connected, if, in the discretion of the Addressing Official, there is a reasonable expectation that they can connect in the future.
(6) A street running in one direction shall have one name only and shall have the same name throughout its entire length. However, if a street changes direction for a substantial distance the portion of the street running in a different direction may be given another name at the discretion of the Addressing Official.

i. Suffix Designations
(1) Any combination of words that can be homonyms with accepted suffixes are not allowed, (e.g. High Way, Rode Street)
(2) Any suffixes not designated as preferred on the list in Exhibit 1 shall not be used for new streets.
(3) These rules apply to new streets.
(4) Standard abbreviations for suffix designations shall follow the USPS guidelines in Publication 28, Appendix C, as summarized in Exhibit 1.

2. County Road Naming System
a. County Roads are historically named with a combination of letters and numbers. The numbers indicate the approximate distance, in miles and tenths of miles, of the origin of the road from the Utah border (increasing from west to east). The letters are assigned ascending from south to north. After the letter "Z", the letters begin again at "AA".
b. Primarily north – south County Roads are named with a number first, then a letter (e.g. 44Z). Primarily east – west County Roads are named with a letter first, then a number (e.g. X48). There shall be no punctuation in the name except to indicate fractions (e.g. 44.5Z).
c. County Roads that continue across any state highway are designated to be east, west, north or south, dividing at the highway. For example, Highway 145 divides 44Z in the Norwood area into 44Z S and 44Z N, and Highway 141

divides U29 into east and west segments at Basin. There shall be a space between the road name and the direction indicator.

3. Street Name Display Standards
    a. Street name signs shall match the street name on the San Miguel County Official Street Name List
    b. All named streets, public and private, shall be signed.
    c. All street name signs shall conform to the standards detailed in the Sign Display Standards (Exhibit 2).
    d. Private signs shall conform to the aforementioned standards. Private signs may be exempted from the standards at the discretion of the Addressing Official.

C. Address Number Assignment Standards

1. County Mile Marker Address Numbering System
    a. The system that is used to assign addresses in San Miguel County (except in incorporated areas and areas that retain a pre-existing address system) shall be by the calculation of the distance as measured in miles (to 3 decimal places) from the nearest intersecting, officially named street to the approved driveway/access, using 1000 addresses per mile. The final digit is rounded either up or down, depending on the side of the street the access is located, according to Section II C1b.
    b. Address numbers shall be assigned with odd numbers on the north side of east-west streets and the west side of north-south streets, and with even numbers on the south side of east-west streets and the east side of north-south streets. The odd/even relationship should be maintained along the entire length of a street.
    c. Existing address numbers on or near the property must be evaluated for consistency.
    d. A sufficient interval must be left between address numbers to allow for future development.
    e. The potential address range of the street must be identified. The potential address range determines what addresses may be assigned along a given street section. For example, an address number of 1220 cannot be assigned on a street with a potential address range of 1000-1099.
    f. Addresses must be assigned in numerical sequence. The addresses along a street should increase consistently in one direction. Address numbers should not be assigned out of sequence. Number 1789, for instance, should not fall between 1735 and 1741.
    g. Addresses across the street from one another should be similar. If 1645 is in use on the odd-numbered side of a street, one should expect to find numbers close to 1644 or 1646 on the even side. In practice, some variation from this guideline is to be expected, but it should be followed as closely as possible.
    h. An address shall be complete and official only if it contains all of the following elements:

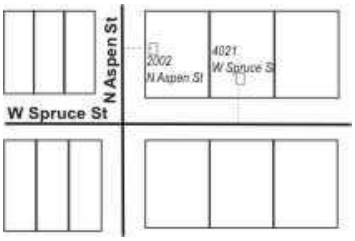
(1) Number (Value denoting distance from the approved road origin. Fractions or alphabetical letters shall not be included in an address number).
(2) Street Name (As listed on the Official Street Name List and recognized by the Addressing Official). Street name shall include an accepted suffix designation.

i. An address may contain additional elements, as assigned by the Addressing Official in accordance with Section II C2.
(1) Directional Prefix
(2) Unit Number

j. Whenever possible, duplication of address numbers on similar streets shall be avoided (e.g. 2202 Elk Way, 2202 Elk Wallow Drive).

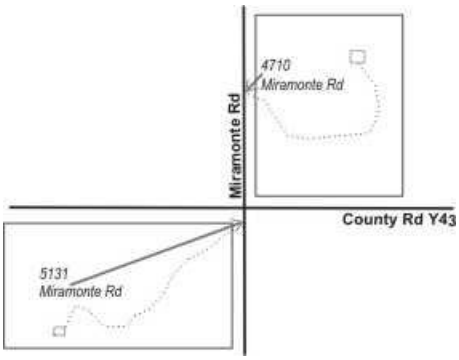
2. Frontage
a. Address numbers shall be assigned to properties at their point of frontage on a named street.
(1) A building on a corner lot shall be assigned an address on the street the driveway accesses. (Figure 5)

Figure 5



(2) A building on a large parcel shall be assigned an address for the point where its private driveway intersects a named street. (Figure 6)

Figure 6



(3) Principal and accessory detached dwellings on a large parcel shall be assigned unique, individual numbers.
(4) Attached accessory dwellings with a separate entrance may be assigned unit designations (e.g. 165 Some Street Unit A).

b. Address numbers must be displayed according to Section II C4 prior to occupancy of structures on the property.

c. Where two (2) or more separate businesses or residences are contained in one building or complex, a single address shall be assigned to that building or complex, and unit numbers (e.g., Suite 1, Apt. 1, etc.) shall be assigned to each door by the property owner. Private clustered housing developments with no more than two (2) points of vehicular access, including mobile home or RV Parks may likewise be assigned a single address with unit numbers.

3. Vacant, Unplatted Property

   Vacant, unplatted property, including 35-acre development sites, will not be assigned an address until an approved driveway location is determined for a structure or a permit is required for electrical service or other purposes. If the point where the driveway intersects a named road is changed, the address will have to be changed accordingly.

4. Address Number Display Standards
   a. Address number signs shall display only the County-assigned address number.
   b. All address number signs shall conform to the standards detailed in the Sign Display Standards (Exhibit 2).
   c. Pre-existing signs may be exempted from the standards at the discretion of the Addressing Official.
   d. It shall be the duty of the owner of a building to post the correct address number of that building in accordance with those standards within sixty (60) days of notification of the correct address by the Addressing Official.
   e. Any incorrect address number shall be removed and replaced with the correct number by the property owner within sixty (60) days of notification of the correct address by the Addressing Official.
   f. Where unit numbering is necessary, the property owner is responsible for posting unit numbers in a logical and appropriate manner within sixty (60) days of notification of the correct address by the Addressing Official or within sixty (60) days of notice to comply.

III. Addressing Process

A. Procedures for Naming of New Streets or Changing of Street Names

1. The Addressing Official may initiate street naming or street name changes that are determined to be in the interest of the public's health, safety and welfare.

2. Filing
    a. Any person may initiate the process to name or change the name of a public or private roadway within San Miguel County by filing an application with the Addressing Official, using the Street Name Application on the online permit portal
    b. Included in the application shall be the following items:
        (1) A list of names, mailing addresses and physical addresses of all affected parties as listed in records of the San Miguel County Assessor within sixty (60) days of the application date, that includes property owners or condominium unit owners, whose parcel or unit is adjacent to, accessed by, crossed by or otherwise intersected by the roadway.
        (2) Current street name and new street name, with three (3) alternate choices.
        (3) A petition containing the signatures of, or individual letters from, affected parties as described in Section III A2b(1) indicating support of the selected street name(s).
            i. If the street name selected is approved by the Addressing Official and at least fifty-one percent (51%) of the affected parties as described in Section III A2b(1) agree the application shall be processed at no charge.
            ii. If the street name selected is unacceptable to the Addressing Official or less than fifty-one percent of the affected parties as described in Section III A2b(1) agree, the applicant may appeal the application to the Board of County Commissioners for a hearing. The appeal filing shall be submitted to the Planning Department and include a fee of Two Hundred Fifty Dollars ($250).
        (4) A statement of the reasons why the street name change is needed. (e.g., eliminate duplicate name, help improve emergency services to the area, how the request conforms to Section II B1 [Street Naming], etc.)
        (5) A map showing the vicinity of the roadway that is the subject of the application. If a recorded plat map showing the street exists, it shall be submitted as part of the application.
        (6) Description of the beginning and end of subject roadway. If a recorded description of the street exists, it shall be submitted as part of the application.

c. When a Development Permit Application is submitted for construction of streets that access multiple parcels of 35 acres or more, the developer or property owner shall submit a street naming proposal to the Addressing Official that includes: (1) a map of the overall tract illustrating street layout, the name proposed for each street, and (2) an alphabetical list of the proposed street names, together with an alternate name for each name proposed, and English translations for any foreign language names. The Addressing Official shall review the street-naming proposal for duplication of names, appropriateness of names, and for overall compliance with the street naming policies outlined in Section II B (Street Naming Standards). The Addressing Official may modify or amend the proposal as he or she deems necessary in order to bring it into conformance with the street naming policy. The decision of the Addressing Official may be appealed to the Board of County Commissioners within thirty (30) days after action by the Addressing Official.

3. Hearing

Upon receipt of an appeal of the Addressing Official's decision on an application for a new street name or street name change, the Clerk to the Board of County Commissioners shall set a public hearing date before the Board of County Commissioners allowing at least fourteen (14) days prior notice to the public. Notice of the hearing shall be pursuant to Section 3-9 (Public Notice) of the San Miguel County Land Use Code. At the hearing, the Board of County Commissioners may grant, conditionally grant, or deny the request. A Board decision to grant, conditionally grant, or to deny, the request shall be set forth in a written resolution, that shall set forth the basis for the decision in accordance with the applicable provisions of these Standards. The Board, in its discretion, may continue the matter until a stated time and date for further consideration.

4. Protests

Any person may appear in protest to the requested street name change or new street name at the public hearing or submit written protests at least twenty-four (24) hours in advance of the public hearing. Once a petition for a street name change or new street name has been submitted, any person signing the petition may protest the action, but no signature(s) may be withdrawn.

5. Exceptions

The Board of County Commissioners may elect to initiate a street name change or to name an unnamed roadway without filing an application and waive any fee requirements or other portions of this process.

6. Official Street Name List

When street name changes or new street names are adopted by the Board of County Commissioners or the Addressing Official, they will automatically become part of the Official Street Name List, that may be a singular document or combination of several.

7. Effective Date

   A street name change or new street name shall become effective sixty (60) days after the date of Addressing Official or Board approval unless a longer term is designated.

8. Sign Installation

   A Street Name sign reflecting the approved street name shall be posted by the applicant within sixty (60) days of the date of Board approval unless a longer term is designated by the Board. In the interests of public safety, street name signs shall conform to the standards in Section II B3 (Street Name Display Standards).

9. Address Renumbering

   When a street name is changed or new street names are adopted by the Board of County Commissioners or the Addressing Official, the Addressing Official shall create new address numbers, according to Section II C (Address Number Assignment Standards), for any previously assigned addresses that are affected and notify each owner of the new address. The previously assigned addresses will become invalid sixty (60) days after the date of Board approval unless a longer term is designated by the Board.

B. Subdivision Review Procedures

1. Street Naming for New Subdivisions
   a. During Preliminary Subdivision or Preliminary Planned Unit Development Plat map review, the developer shall submit a street naming proposal to the Planning Department, that includes: (1) a map of the overall tract illustrating street layout, the name proposed for each street, and (2) an alphabetical list of the proposed street names, together with an alternate name for each name proposed, and English translations for any foreign language names. The Planning Department shall refer the proposal to the Addressing Official to review the street-naming proposal for duplication of names, appropriateness of names, and for overall compliance with the street naming policies outlined in Section II B. The Addressing Official may modify or amend the proposal as they deem necessary in order to bring it into conformance with the street naming policy. The decision of the Addressing Official may be appealed to the Board of County Commissioners within thirty (30) days after action by the Addressing Official. The approved street names shall be included in the Final Plat map.
   b. Street name signs, conforming to standards approved by Section II B3 (Street Name Display Standards) shall be installed by the developer at the intersection of all streets and highways and at such other locations as may be determined to be necessary.
2. Address Numbering for New Subdivisions
   a. The Addressing Official may create an address numbering scheme for the parcels according to Section II C (Address Assignment Standards).

b. If any address number monuments are installed, they shall conform to the standards in Section II C4 (Address Number Display Standards).

C. Procedures for Assignment of Address Numbers

1. Address numbers are created using the location of the driveway or access, according to Section II C (Address Number Assignment standards); therefore, no addresses will be assigned until a driveway location has been approved except at the discretion of the Addressing Official. This address shall be considered temporary until the completion of the structure that the address is assigned to.
2. Any application for a Building Permit, Development Permit, Onsite Wastewater Treatment System Permit, Special Use Permit or Driveway Access Permit may require the assignment or change of an address number.
3. Any citizen may request the assignment of an address number if an approved driveway location exists, using the online permit portal. The applicant may be required to submit other permit applications if the driveway location has not been approved by the Planning or Road and Bridge Departments.
    a. Where development permits are required, the address will be assigned upon issuance of the development permit.
    b. Where only driveway access permits are required (on county roads in the West End Zone District), the address will be assigned upon issuance of the driveway access permit.
    c. On private roads in the West End Zone District where driveway access permits and development permits are not required. the address will be assigned when requested through the online permit system.

D. Correcting and Changing Address Numbers

If an incorrect address is being used, the Addressing Official shall contact the owner by telephone, mail or electronic mail to correct the address. An official letter stating the reason for the change and noting the incorrect and correct addresses shall also be sent to the owner to use when correcting their address for mortgage, insurance, utilities, alarm company, etc.

E. Dissemination of Addresses

All addresses and street names, whether they are new, changed, or corrected, temporary or permanent, shall be disseminated to the following entities by the Addressing Official on a regular schedule:

- San Miguel County MSAG Coordinator
- San Miguel County Assessor
- San Miguel County Clerk & Recorder’s Office
- San Miguel County GIS Department
- Any other appropriate emergency response agency
- United States Postal Service
- Any private entities who enter into a monetary contract with San Miguel County for address and street update information

IV. Definitions

If there is any conflict between these definitions and those in the San Miguel County Land Use Code, the San Miguel County Land Use Code shall prevail. For the purposes of these Standards, the following terms are defined as follows:

Access
The manner that persons reach parcels (including lots). Parcels may be reached overland by foot, horseback and/or vehicles using roads, driveways and/or trails approved for motorized use. Access does not include reaching parcels by aircraft.

Accessory Use/Structure
A use or structure naturally and normally incidental to, subordinate to, and devoted primarily to the principal use or structure of the premises. An accessory use or structure:

(1) does not change the basic character of the premises (as determined by its principal use or structure;
(2) is subordinate in area, extent and purpose to the principal use or structure served;
(3) contributes to the comfort, convenience or necessity of occupants of the principal use or structure served; and
(4) is located on the same lot or contiguous lots under the same ownership as the principal use or structure.

In no event shall an accessory use be construed to authorize a use not otherwise permitted in the Zone District in which the principal use is located, and in no event shall an accessory use or structure be established prior to the principal use or structure that it is accessory to. Kitchen and/or bath facilities shall be allowed in accessory structures only when such structures are associated with active mining operations.

Address
A physical property location identification including the following elements: Address Number, Street Name, (and Unit Number, if applicable). “Address” may differ from the “mailing address”.

Address Number
The numeric designation element of an address, created using an address system. Also refers to the physical representation (sign).

Addressing Official
The person appointed by the Board of County Commissioners to administer these street naming and address numbering procedures and standards.

Addressing System
The method used to generate physical addresses.

Alley
A public way narrower than a street, permanently reserved as a secondary means of access to abutting property and not intended for general traffic circulation.

Arterial Highway
Any highway constructed under the supervision of the State Department of Highways.

County Road
A public road established by the County pursuant to the applicable requirements of Colorado law, that has been duly designated as a County Road on the County's official County Road Map and Inventory.

Dedicated Street
A named or unnamed roadway located on land that is publicly owned or otherwise subject to County jurisdiction, and reserved for public use (a.k.a. public dedicated right-of-way).

Delivery Address
Same as "Address".

Directional Prefix
A prefix assigned to a street based on its overall direction and its location within an existing addressing system.

Driveway
An unnamed roadway not located on publicly owned land, or land under County jurisdiction, providing access to a property.

Frontage
The point where a driveway meets a named roadway.

Mailing Address
The US Postal Service address used to deliver postal mail to the recipient. Mailing address may differ from the "physical address".

Official Street Name List
The list of official street names as adopted by resolution by the Board of County Commissioners. This list can be found in the county's online recorded documents application.

Physical Address
Same as "Address".

Pre-existing Addressing System
An addressing system for an area, in use prior to adoption of these Standards, that remains the official addressing system for that area as determined by the Addressing Official.

Public Street
A named or unnamed roadway located on publicly owned land, or land under public jurisdiction.

Private Street
A named roadway not located on publicly owned land, or land under County jurisdiction, providing access to two or more buildings. Also, a private street is not owned by a public entity.

Road
Term used interchangeably with "Street".

Roadway
Generic term used to describe any surface that may be traveled by a vehicle, regardless of jurisdiction, ownership, level of improvement or naming status.

Situs Address
Same as "Address".

Street
A public or private roadway, other than an alley, that affords the principal means of access to abutting property.

Street Name
The official name of a roadway, including a name and a suffix designation.

Suffix Designation
A descriptive qualifier at the end of a street name.

Unit Number
A number or alphabetical letter appended to an address number indicating a separate unit (apartment, suite, accessory structure etc.) within a building, complex or cluster of accessory structures that is assigned a single address.

V. Exhibits

1. Suffix Designations and Abbreviations
2. Sign Display Standards

Exhibit 1 – Suffix Designations and Abbreviations

Accepted Suffix Designation	Standard Abbreviation	Description
Avenue	AVE	A roadway or thoroughfare that is continuous and not limited to a single subdivision
Boulevard	BLVD	Street with a landscaped median dividing the roadway.
Circle	CIR	Discouraged but allowed, at the discretion of the Addressing Official. Specifically, a looped street that terminates on the same road at two points is discouraged, particularly in situations where confusion may arise to emergency responders due to duplicate intersection descriptions.
Court	CT	Permanently dead-end street or terminating in a cul-de-sac.
Drive	DR	A curvilinear street.
Highway	HWY	Used to designate State or Federal roads only.
Lane	LN	Minor street within a subdivision
Place	PL	Permanently dead-end street, terminating in a cul-de-sac, or short through street.
Road	RD	A designated thoroughfare
Street	ST	The common or default suffix.
Trail	TRL	Limited to use on non-vehicular trails and recreational trails. An exception would be for historical uses that include the suffix of trail, such as "Overland Trail." Not allowed for new vehicular streets.
Way	WAY	A curvilinear street.

Accepted Suffix Designation	Standard Abbreviation	Description
Plaza, Square, Walk	PLZ, SQ, WALK	All reserved for non-motorized areas and paths.

Exhibit 2 – Sign Display Standards

Street Name Signs

The standardization of signs is necessary to assist emergency responders to find locations rapidly. Uniform signage helps to ensure that signs will be:

- Easily recognizable,
- Easily readable,
- Visible at night,
- Visible in adverse weather conditions,
- Visible when the snow is deep.

All street name signs shall therefore conform to the following standards.

A. Dimensions
   a. Length of sign blade not to exceed forty-two inches (42").
   b. Sign blade to be six inches (6") wide
   c. Four inches (4") shall be the minimum letter height for names.
   d. Two inches (2") letter height to be used for suffix designations (and directional prefixes, if used).
B. Materials and Characteristics
   a. Sign materials and characteristics are subject to approval by the Addressing Official.
   b. Signs shall be constructed of sturdy material, preferably extruded aluminum with a .090 web thickness and a .250 flange thickness.
   c. Sign letters shall be reflective.
   d. Legend and background shall be white letters on a green background. The Addressing Official may approve exceptions.
   e. Street names shall not be abbreviated on signs, except for approved suffix designations (Exhibit 1)
C. Placement
   a. Sign shall be no less than 60 inches and no more than 84 inches from the ground.
   b. All signs placed on County Road rights-of-way shall be approved by the County Road and Bridge Supervisor or designee.
D. Lighting
   a. If used, all lighting shall be shielded and directed downwards at the sign as stated in the San Miguel County Land Use Code Section 5-710.

Address Number Signs

The standardization of signs is necessary to assist emergency responders to find locations rapidly. Uniform signage helps to ensure that signs will be:

- Easily recognizable,

- Easily readable,
- Visible at night,
- Visible in adverse weather conditions,
- Visible when the snow is deep.

All **address number signs** shall therefore conform to the following standards.

Placement & Characteristics

1. Address numbers shall be located so as to be legible from the street that the address is assigned on. Sign shall be placed so as not to be obscured by foliage, snow or any other natural or man-made objects.
2. For address numbers posted on the building:
   a. Sign numbers must be reflective.
   b. Numbers and background must be contrasting.
   c. Sign numbers must be at least 4 inches high.
   d. Sign numbers must be placed at least 60 inches from the ground.
3. Where a building and/or the address numbers posted on the building is/are not clearly visible and legible from the street where the building is addressed, the address numbers shall be posted on a sign at the point where its private driveway intersects that street.
   a. The driveway sign shall be of a standardized type obtained from the County's sign supplier. The Addressing Official may approve alternate signs that otherwise conform to the standards:
      i. Sign numbers to be reflective.
      ii. Numbers and background to be contrasting.
      iii. Sign numbers are at least 4 inches high.
      iv. Sign numbers are placed at least 60 inches from the ground.
   b. The location shall be approved by the Addressing Official or designee.
   c. Sign shall be no less than 60 inches from the ground.

AGENDA ITEM 5.a

TITLE:
Applicant: Sherri Reuland, President, KSCR Colorado LLC
Proposal: Social and Scenic Uses Special Use Permit to allow special events with up to 200 guests at Silver Pick Ranch, Wilson Mesa
Location: 1050 Posey Road
Size: 70 acres
Zone: Forestry, Agricultural and Open (F) / APPLICATION WITHDRAWN

Presented by:
Time needed:

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:
CPC Project Report - Reuland Social-Scenic Uses SUP 070124 Withdrawn.docx

Description:

M E M O R A N D U M

TO: San Miguel County Planning Commission
FROM: John Huebner, Senior Planner
RE: Sherri Reuland, KSCR Colorado LLC: Social and Scenic Uses Special Use Permit to allow special events at Silver Pick Ranch, Wilson Mesa
DATE: July 11, 2024

This application was withdrawn by the applicant. No Planning Commission action is required.

AGENDA ITEM 7.a

TITLE:
Applicant: Nicole Galloway Warland, Thor Energy PLC
Proposal: Mining Special Use Permit for Mineral Exploration for the Wedding Bell/Radium Hill Project to establish fourteen drill pads and associated activities on BLM public lands
Location: "Groundhog Area" and "Section 23 Area" near Montrose County Line
Size: 1.09 acres
Zone: West End (WE)

Presented by:
Time needed:

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:
CPC Packet Materials -Thor Energy PLC Wedding Bell-Radium Hill Project Mineral Exploration 7.11.24.pdf
SMC Natural Resources comments 070924.pdf
Nucla.Naturita COC letter 070924.pdf

Description:

PUBLIC MEETING RECORD
County Planning Commission
Application: Thor Energy, PLC c/o Standard Minerals, Inc
Wedding Bell/ Radium Hill Project Mining Special Use Permit, West End (WE) Zone District
Date: July 11, 2024

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 Planning Commission from John Huebner, Senior Planner dated July 11, 2024.

4. Application and Supplements submitted by Nicole Galloway Warland, Thor Energy, PLC dated June 5, 2024 and June 24, 2024.

5. Applicant's Certification of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated June 12, 2024.

6. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on June 21, 2024.

AGENCY COMMENTS

7. Email and Memo from John Huebner, Senior Planner, to Review Agencies dated June 10, 2024.

8. Email from Jennifer Dinsmore, SMC Sheriff's Office to John Huebner, Senior Planner dated June 10, 2024.

9. Letter from Tony Bonacquista, Colorado Parks and Wildlife Manager, to John Huebner, Senior Planner, dated July 1, 2024

PUBLIC COMMENTS

None received at time of report

OTHER

10. Reclamation Report submitted by Thor Energy PLC dated May 2024.

M E M O R A N D U M

TO: San Miguel County Planning Commission
FROM: John Huebner, AICP, Senior Planner
RE: Thor Energy PLC – Wedding Bell/Radium Hill Project, West End (WE) Zone District, Conditional Uses on Federal Lands, Mining Special Use Permit - exploratory drilling for mineral exploration
DATE: July 11, 2024

Proposal

Nicole Galloway Warland has submitted an application on behalf of Standard Minerals Inc., c/o Thor Energy PLC, (Applicant), that seeks a Mining Special Use Permit for mineral exploration from drill pads on its unpatented federal mining claims under Bureau of Land Management (BLM) federal public lands. The Wedding Bell /Radium Hill Project is located in west San Miguel County near the Montrose County line in the "Groundhog Area" and Section 23 Area". It will be accessed from Naturita off of County Road U29. There are twenty-six (26) exploratory drill holes proposed at the project location for a two-year period, spanning 2024 and 2025, for the purpose of discovering uranium and vanadium. The 2025 drill plan is conceptual in nature. Drilling results from this year may make modifications necessary. This is a continuation of the 2022 and 2023 project, in which the applicant was authorized to drill nine (9) and nineteen (19) holes.

The drilling program includes developing up to twenty-three (23) drill pads, each measuring about 50 feet by 50 feet. One of the pads (60 feet by 60 feet) will have up to four angle drill holes. The project area comprises BLM lands only and as such also requires federal and state permit applications. The project plans to use existing routes on BLM public land, and the limited development of temporary driveways to access drilling sites.

Project Design and Impact Minimization

The drilling program is designed to minimize new surface impacts within the project area. Development of temporary access routes to drill pad sites is limited. The location of drill pads favors areas that are level or previously disturbed and cleared. This site planning reduces dirt work required to prepare access routes and drill pads, simplifies project reclamation, and minimizes the overall footprint and impacts from this project (impact calculations below)

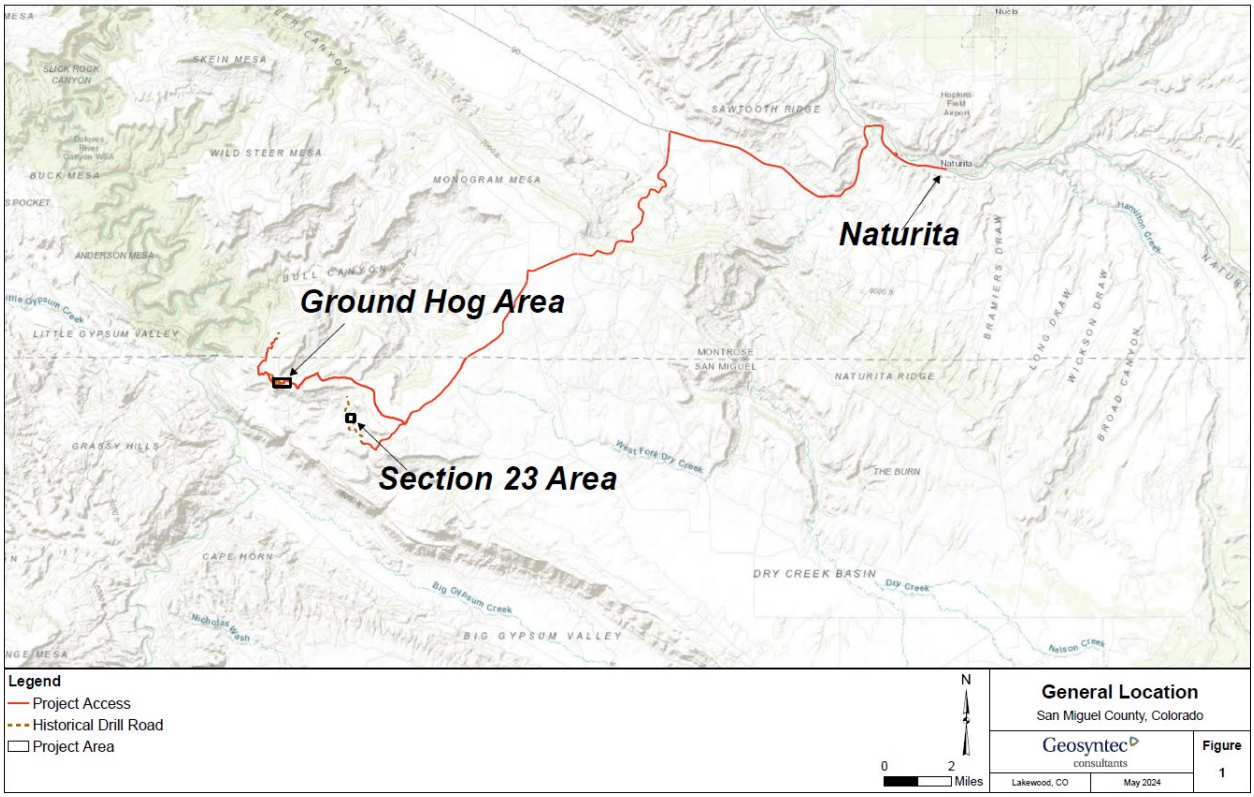
Infrastructure Component	Number/Linear Feet	Acres	Comments
BLM Land			
Drill pads	23	1.37	50x50ft (59700sf)
Take-off Access routes	2739	0.62	10 ft nominal width
Project Total		2.02	

Access

Access to the project site is planned from County Road U29W. Travel on U29 will not be via Dry Creek Basin to avoid Gunnison Sage-Grouse habitat. Minor road improvements are planned along sections of existing roads to the Groundhog and Section 23 drill sites. No County roads will require maintenance.

The take-off access routes on existing unimproved roads to the drill sites will be used. The routes will have with a nominal width of 10 feet in order to make them passable for standard four-wheel drive pickup trucks, service and water trucks and track/wheel/skid mounted drill rig.

Vicinity Map with proposed project access in red



Drilling Pads and Staging

Minimal drill pad preparation (brush clearing) plus digging is planned. A one-foot depth of topsoil will be removed for drill pads and stored on site. Drill pads will have a maximum dimension of 60x60 feet to accommodate the storage of topsoil and off-road parking.

Each drill pad will have a sump pit, approximately 10 feet by 12 feet and 6 feet deep, located on site to retain drill cuttings and drilling mud from drilling operations, and to allow for infiltration of water into the ground. Each sump will be fenced with temporary plastic fencing until reclamation is completed.

Project Operations

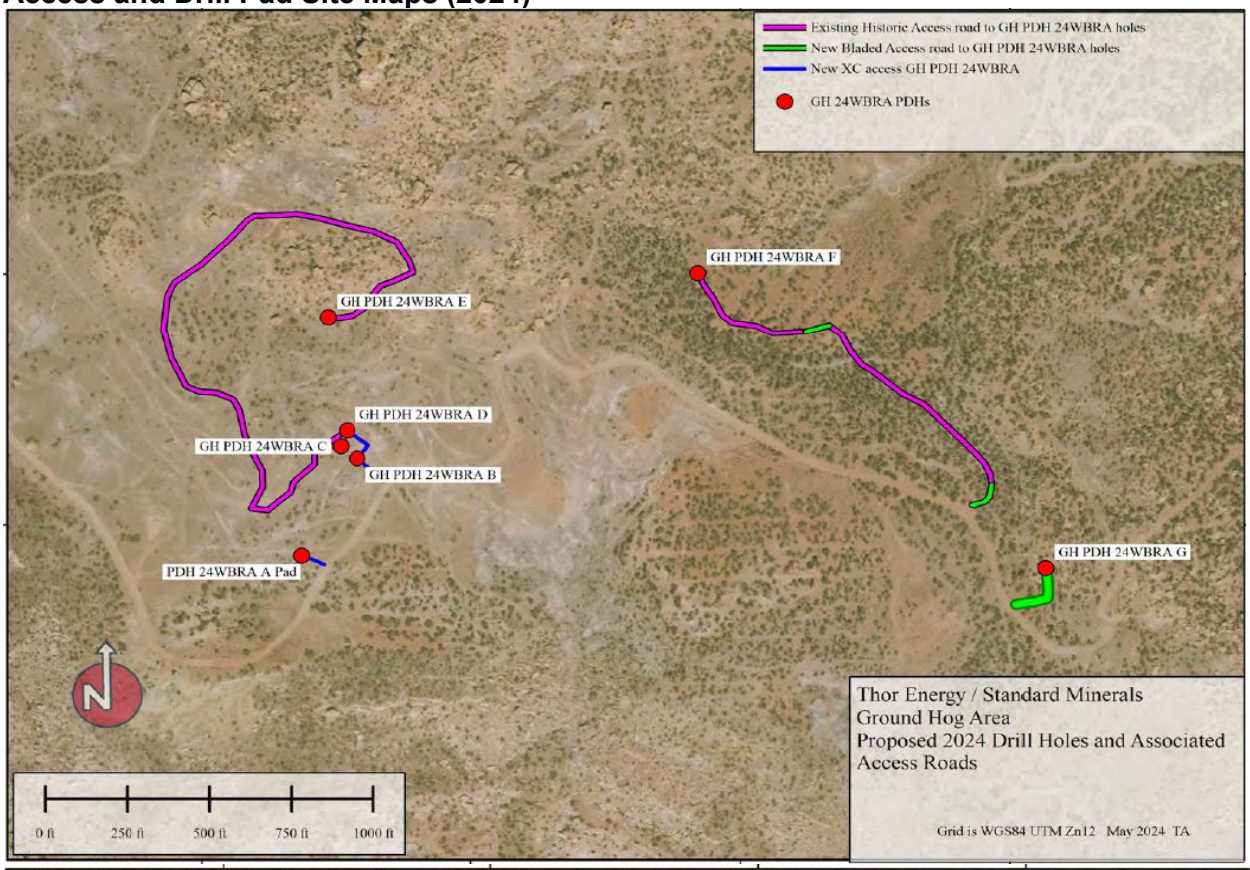
The following equipment will be used to conduct the exploratory drilling at Stateline:

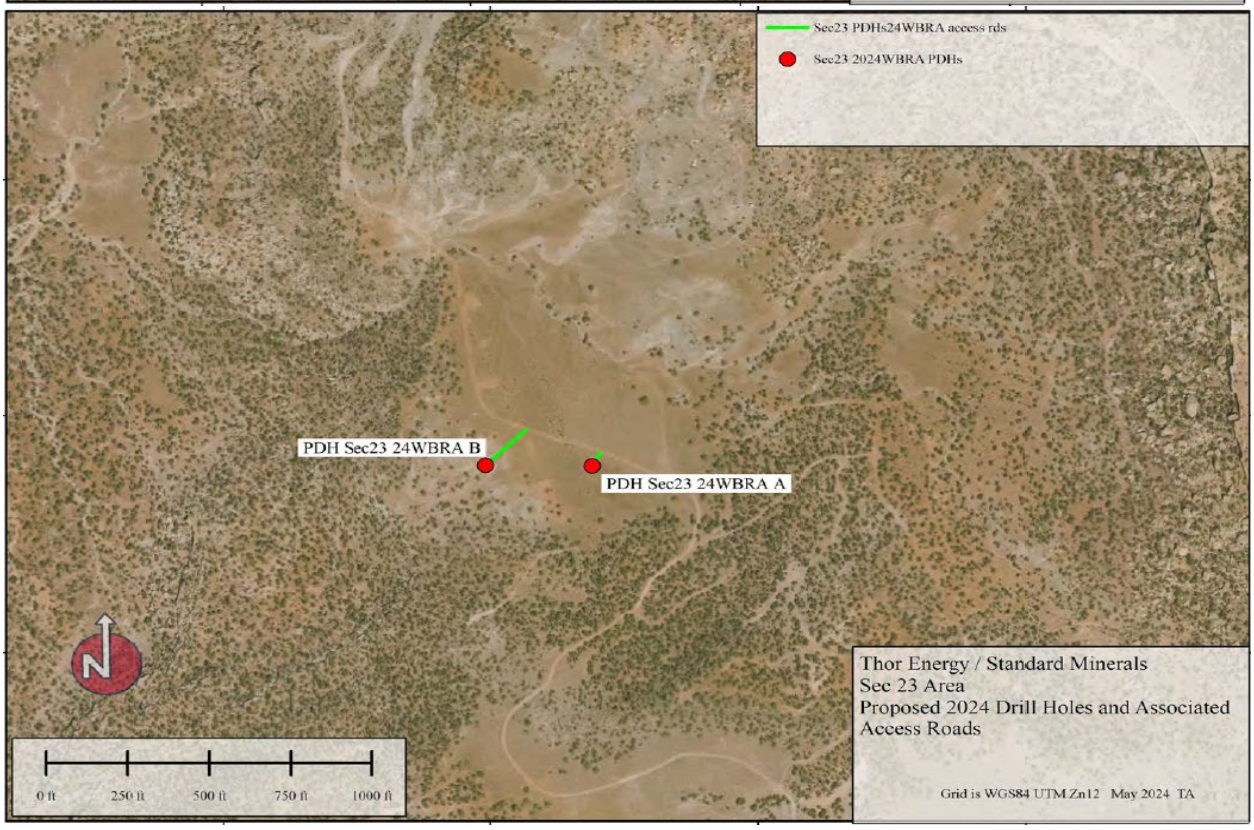
- One (1) Schramm – Truck or track-mounted reverse circulation drill or equivalent
- One (1) Service/water truck
- Two (2) 4x4 pickup trucks

Hours of operation are expected to be 7 days per week, 12 hours per day during daylight. Personnel will use pickup trucks to access the drill pads. Only one water truck will be used to haul water as needed for drilling (once per 12-hour shift). The water source is not yet identified.

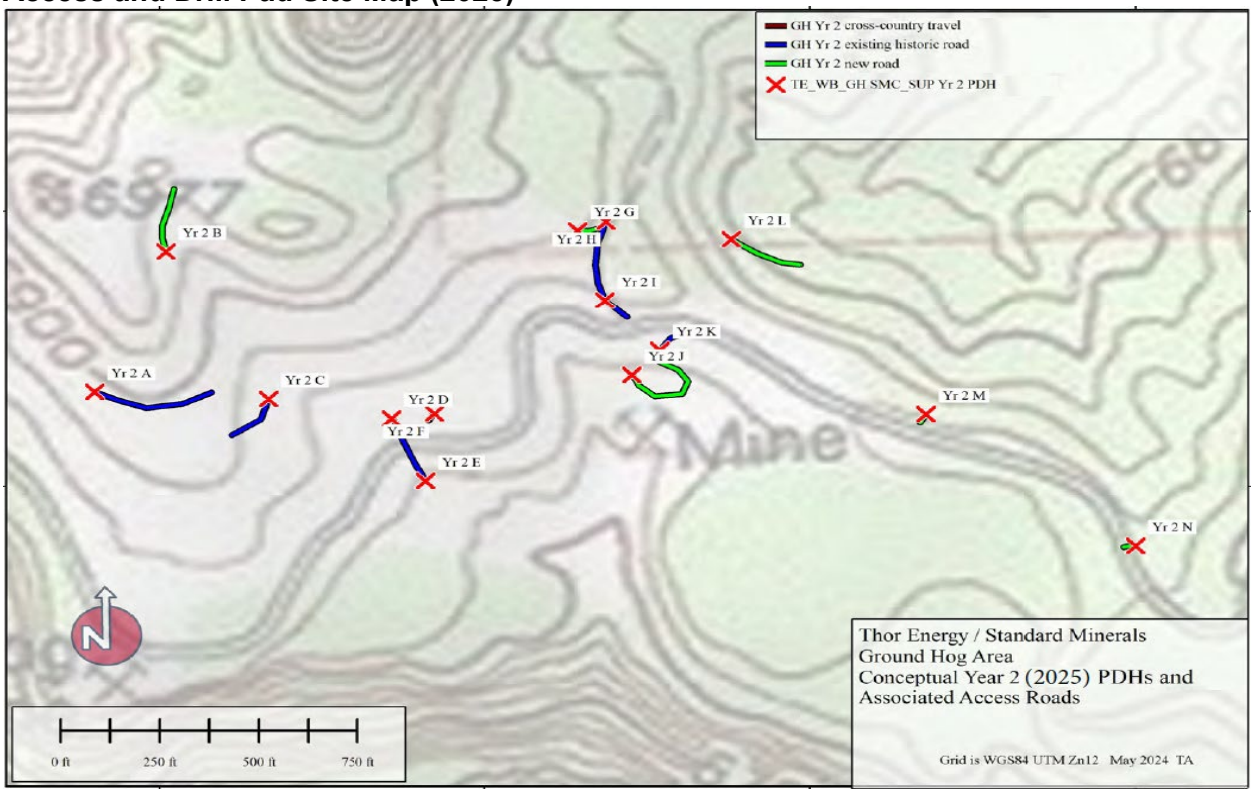
Twenty-six drill holes will be drilled at the drill pad sites shown below in the attached Site Maps.

Access and Drill Pad Site Maps (2024)

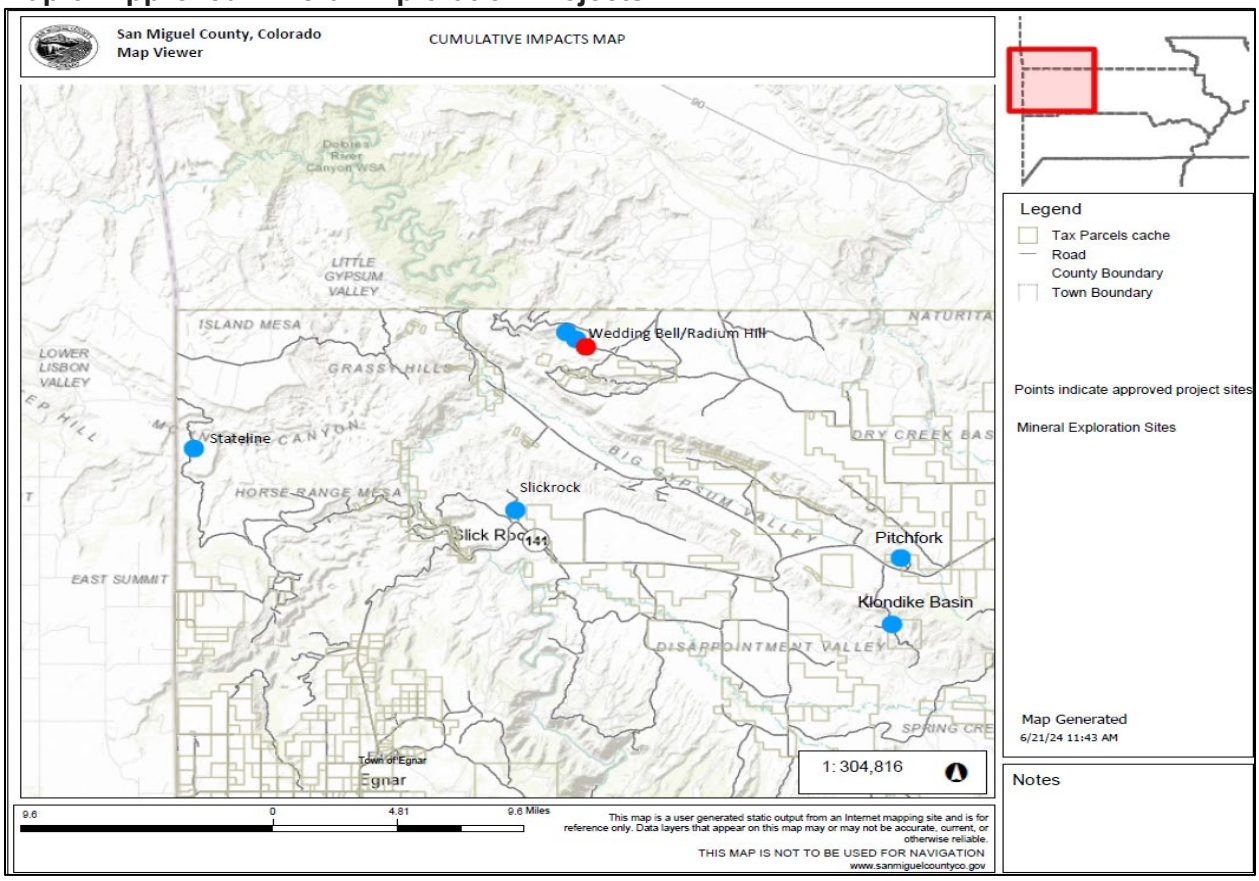




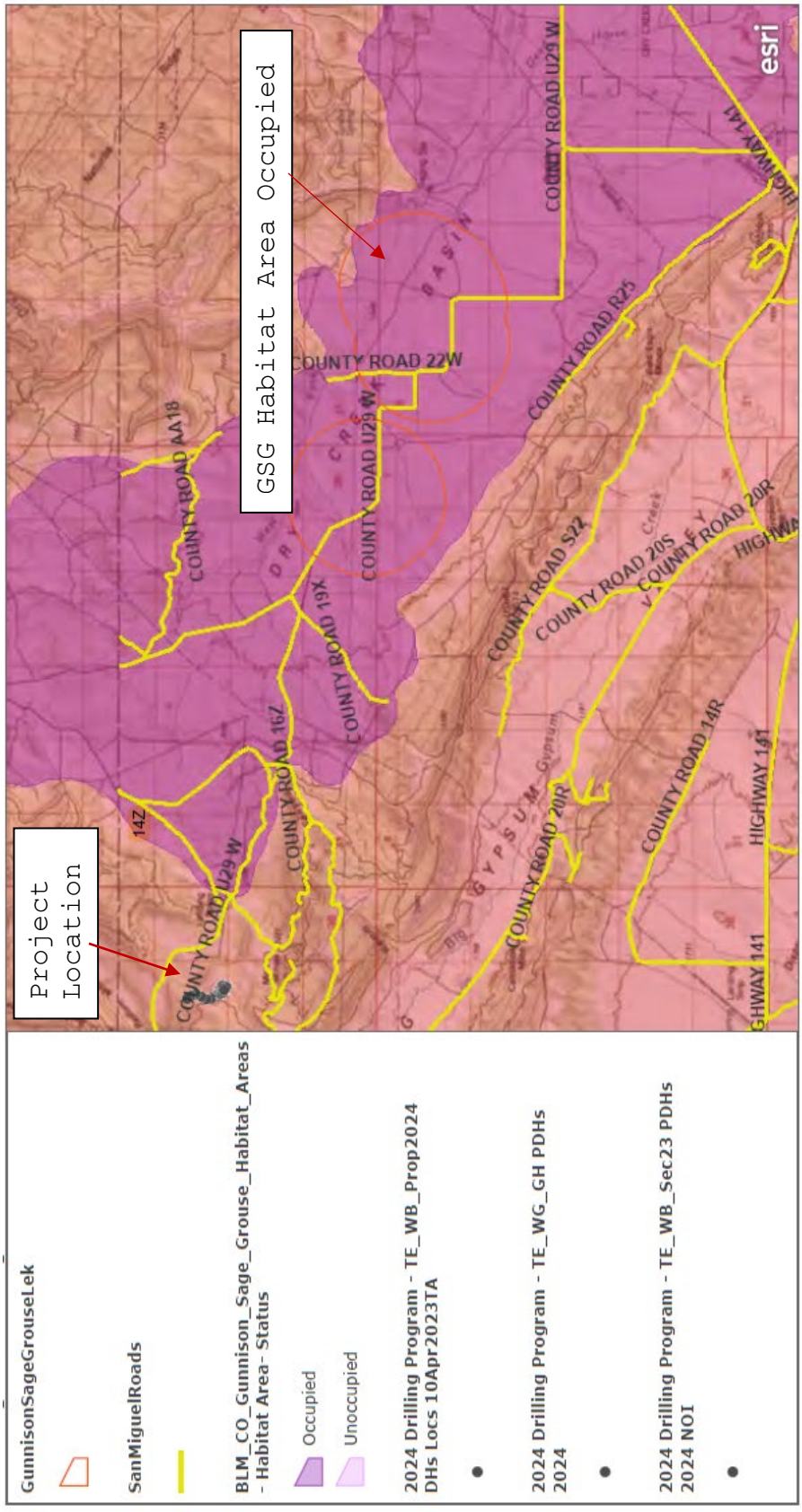
Access and Drill Pad Site Map (2025)



Map of Approved Mineral Exploration Projects



Wildlife Map



The 26 bore holes may be drilled to depths of 325 to 525 feet depending on the drill site requirements. The reverse circulation chip samples will be collected and removed from the site. Each cylindrical hole (6") in the ground drilled for the extraction of rock material (crushed "chips") does not require fracking or cause any other lateral void creation below surface, and neither pose a hazard or risk to water or surface resources. Once the hole is completed it will be plugged per Colorado State regulation.

Work activities for the project will be limited to an August-November operation window. This is within the limits requested by Colorado Parks and Wildlife to alleviate concerns regarding winter range for elk and deer and bighorn sheep.

A San-O-Let (or similar) will be placed at the drill site to minimize human waste, and all trash will be collected and removed regularly.

Reclamation
The total ground disturbance for this project is estimated to be 2.02 acres or less. Reclamation of drill pads and holes will occur following the closure of a drill pad. Drill pads will be regraded, the stockpiled top soil redistributed, and revegetated with a BLM-approved native seed mixture. All reclamation will conform to the specific guidance, protocols, and BLM, Colorado DRMS and County permit requirements.

For revegetation, a broadcast seeding method will be used and seed should be raked into seedbed to promote germination. The low yearly precipitation rate in addition to soil characteristics contributes to overall slow recovery of range health. The weed control plan includes the washing of vehicles prior to entering and leaving sites. Reclamation bonds will be held by BLM and DRMS, which will include a three-to-five-year warranty period.

Required Permits
CDRMS and the BLM will coordinate the review of their respective NOIs and the posting of financial warranties for this project. The BLM examines the project application regarding access, archeological and cultural resources, surface disturbances, endangered species, and compatibility with existing uses. The applicant must comply with the Colorado Mined Land Reclamation Act and all applicable CDRMS rules and regulations.

Per the San Miguel County Land Use Code (LUC) Section 5-320 F. XVII "Conditional uses on federal lands (mining claims on BLM public lands) – mineral exploration, mining and logging, subject to applicable state and federal statutes and regulation", and LUC Section 5-320 F. XVI "…new commercial resource development and extraction operations and facilities", require Two-Step Special Use Permit Planning Commission and Board of County Commissioners review.

The following permits are required to be obtained by Standard Materials Inc. prior to commencing the proposed exploratory boring program:

1. San Miguel County Mining Special Use Permit
2. San Miguel County Road and Bridge Temporary Access Permit
3. U.S. Bureau of Land Management (BLM) Notice of Intent (for operations on BLM land)
4. Colorado Department of Reclamation, Mining and Safety (CDRMS) Notice of Intent(NOI)

Although the total project disturbance is 2.02 acres, the disturbed area for each individual site in 2024 is less than one (1) acre. Therefore the project will not require construction stormwater

permits from the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (WQCD). A construction stormwater permit will be required in 2025.

COUNTY REVIEW STANDARDS AND POLICIES
*(*Applicant submission underlined*) (Staff comments in italics)*
The application shall be reviewed pursuant to applicable policies in LUC Sections 2-1 to 2-35 Land Use Policies, and to applicable standards in LUC Section 5-4, Areas and Activities of Local and State interest/"1041" Environmental Hazard Review, LUC Section 5-10, Special Uses; LUC Section 5-11, Conditional Uses on Federal Lands; LUC Section 5-16, Mining; and LUC Section 5-320 West End (WE). Areas of key concern include development of drill pads, erosion control, mitigation of impacts to wildlife and natural resources during drilling; and site reclamation.

SECTION 2-8: NATURAL AND MAN-MADE HAZARD AND RESOURCE AREAS

It is the policy of San Miguel County to prevent any use and development of land that may:

2-801 Unreasonably subject any person, or use, to natural or man-made hazards;
2-802 Unreasonably create or contribute to the danger of natural or man-made hazards that might affect lands or the use and development thereof;
2-803 Unreasonably subject other persons including the County to the risks and expenses necessary to mitigate hazardous conditions, respond to emergencies created by such conditions, or to rehabilitate any lands or improvements thereof;
2-804 Be unduly destructive to the natural resources of the County; or
2-805 Constitute a public or private nuisance.

SECTION 2-11: EROSION

It is the policy of the County to prevent the acceleration of the erosion of soil and rock and whenever possible maintain vegetative cover to minimize soil disturbance.

The applicant has included a Sediment Control Plan (Attachment I of application) to address erosion at drill pad sites. At the end of the project all disturbed areas will be reseeded with seed mix provided by the BLM in consultation with the County and CPW.

SECTION 2-16: WILDLIFE PROTECTION

It is the policy of the County to identify and protect wildlife habitats for the preservation of wildlife, to encourage land use patterns that avoid disruptions to such habitat. The County will coordinate with Colorado Parks and Wildlife personnel regarding proposed development or uses within or adjacent to mapped wildlife habitat areas to mitigate impacts of development on wildlife.
2-1601
It is the policy of the County to protect, enhance and preserve Gunnison Sage-grouse populations and their habitats. To this end, the County will consider and, to the extent possible, implement the rangewide and local conservation strategies set forth in the Gunnison Sage-grouse Rangewide Conservation Plan, dated April 2005, and all amendments to the Plan (Colorado Parks and Wildlife) when considering land use activities and development that is located within Gunnison Sage-grouse habitat as mapped by the Colorado Parks and Wildlife.

The applicant will avoid occupied Gunnison Sage-grouse (GSG) by driving from Naturita rather than through Dry Creek Basin. The project area is located outside of occupied GSG

area.

SECTION 2-34: REVEGETATION WITH NATIVE SPECIES

It is the policy of the County to prevent weed infestation and to ensure that all surface disturbances, especially of topsoil, are revegetated with native species.

A plan and specification for weed management – clean equipment, etc. - is designed to meet BLM and CDRMS guidelines. The plan uses native species in a BLM approved seed mix. The plan includes storage of surface soils and their re-use.

SECTION 2-35: MINING AND MINERAL PROCESSING OPERATIONS

It is the policy of the County to permit commencement or expansion of Mining and Mineral Processing operations only in appropriate areas identified pursuant to the County Comprehensive Development Plan, with review, as appropriate, under Land Use Code Section 5-4 and CRS 24-65.1-101 et. seq., "Areas and Activities of State Interest," subject to adequate mitigation of environmental, noise, traffic, and other impacts of such activities.

The work will be consistent with the County Land Use Policies in Article 2 as detailed within this report. The potential environmental, noise, traffic, and other impacts are mitigated.

5-407 Wildlife Habitat Areas
This section establishes land use standards for wildlife habitat areas in addition to the general standards in Section 5-402. The standards apply to areas mapped by the Colorado Parks and Wildlife (CPW) on the County's adopted Wildlife Resource Information System (C.R.S.1041 Wildlife maps) and to areas known to be wildlife habitat areas by the Colorado Parks and Wildlife, and areas mapped by the Colorado Natural Heritage Program. Agricultural and Ranching activities are exempt from this Section.

Existing wildlife habitat information is shown on the Wildlife Map contained in packet. Land uses located in areas of state and local interests shall comply with Section 5-407 A. and the standards in this section. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development within a ½ mile buffer. The route designated for accessing the drill site, as depicted in the attached map, has been chosen to minimize disturbances to the Gunnison sage-grouse habitat. Based on raptor surveys, the start date has been shifted to August instead of July. Days of operation will be limited to August-November to avoid sensitive species wintering timeframes.

5-407 A. General Standards. The standards in this section apply to all wildlife habitat areas.

I. Residential development shall be clustered to avoid impacting wildlife and their habitat.
II. Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.

III. Wildlife food, cover and water shall be preserved and development effects that would destroy these shall be mitigated. Special consideration shall be given to trees and shrubs with high wildlife food value, especially heavy seed, berry and fruit producing species.

IV The planting of wildlife food species and woody cover along fences shall be encouraged as one way of improving wildlife habitat.

V. Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved.

VI. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized.

VII. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development within a ½ mile buffer.

VIII. Mesh or woven fences shall be prohibited and are encouraged to be removed.

IX. Fences located within CPW designated mapped wildlife habitat areas are discouraged. Fences in such wildlife habitat areas shall be limited to "wildlife friendly fences" that are in compliance with applicable CPW fencing standards. Wildlife friendly fences are very visible and allow wildlife to jump over or slip under the wires or rails.

5-407 B. Deer, Elk and Bighorn Sheep Winter Concentration Area/Severe Winter Range

Land uses in deer, elk or bighorn sheep winter concentration areas/severe winter range shall comply with the standards in Section 5-407 A. and the standards in this Section.

I. Overgrazing of ranges by livestock shall be prohibited.
II. Development shall be restricted to areas in which wildlife impacts can be minimized.
III. Access for the Colorado Parks and Wildlife for managing wildlife shall be maintained.

5-407 C. Deer, Elk and Bighorn Sheep Winter Range.

Land uses located in deer, elk or bighorn sheep winter range shall comply with Sections 5-407 A. and 5-407 B.I.-III. and the standard in this section.

Commercial activity and recreational uses requiring County review shall be prohibited from December 1 through April 15, unless an applicant can demonstrate written approval from the Colorado Parks and Wildlife of a site- specific wildlife protection plan. Such plan shall include CPW monitoring provisions and set forth on-site protection, including but not limited to habitat enhancement and habitat protection, including but not limited to control of fencing, noise, lighting and siting of structures, and establishment of routes and means of transportation and hours/days of operation. Permits must be renewed annually. The dates in this section may be modified and permits may be suspended at any time upon CPW recommendation on a case-by-case basis as necessary to protect the health of the herd.

Work activities will not be performed between December 1 and April 15.

SECTION 5-10: SPECIAL USES

5-1001 General

This section of the Code establishes the application submittal requirements and review standards applied to review Special Use permit applications for land uses designated as an allowed use in a zoning district. An allowed

use may be established if approved subject to Special Use permit review to assure the use is located, designed and operated in harmony with neighboring properties and the surrounding area and does not adversely affect the public health, safety and welfare. 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 Review Procedures

X. All applications for Special Uses and other uses that require special review are subject to either a One-step Planning Commission or Board of County Commission review or Two-step Planning Commission and Board of County Commission review, as designated in the zoning district standards.

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

III. All uses that may be established in a zoning district can be permitted by Special Use permit review but only if the proposed use meets the following criteria as applicable and upon approval of the reviewing board(s), subject to any additional conditions and mitigation measures.

5-1002 A. Application Requirements

All applications for Special Uses shall include at a minimum, the information and materials specified in Land Use Code Section 4-2.

I. The following must also be addressed as part of any application:

a. Site plan, photos and/or drawings accurately representing existing conditions and proposed conditions, specifying the location and dimensions of buildings, accessory structures, setbacks from property lines, identification of recorded and apparent easements, specifying areas for all proposed types of land uses, identification of specific land uses, streets and rights-of-way, driveways and access points of ingress and egress, parking, fences, signs, topography, existing and proposed landscaping, and lighting, as well as all adjacent land uses;

b. Elevation drawings showing the heights of buildings, or before and after simulations/drawings specifying the height and location of buildings and support structures, and any accessory uses, fences and signs, and proposed materials and colors;

c. Written Narrative explaining why the proposed site has been chosen, 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., communication plan, as applicable, and describe how the proposal meets all applicable Standards and Review Criterion;

d. Detailed plans, reports and specifications.

1) Traffic and parking plan;
2) Grading, drainage and stormwater management plan;
3) Water/sewer plan: must meet state standards, may include verification of a commercial well permit, and water savings plan;
4) Lighting plan: All exterior lighting shall comply with the standards of Section 5-710;
5) Signage: see Section 5-704 standards;
6) Dust control plan;
7) A noxious weed control plan;
8) Wildlife Plan: see Section 5-407 A.XII.;
9) Additional permits as necessary from other agencies.
10) Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;

The application includes site maps of the project drill pad layout. No fencing plan, water/sewer plans, or building plans are applicable to this project. No Additional permits from other agencies that are required for the use have been identified and contained within this report.

5-1002 B. Review Criteria

A Special Use will be permitted only if the reviewing body finds the proposed use meets all relevant requirements. Applicants shall demonstrate through competent evidence that the proposed use meets the following criteria as applicable:

I. All Applicable Standards. The proposed use shall comply with the minimum requirements of the zone district in which the use is to be established, and will also comply with all applicable requirements of the Code.

II. Consistency with Master Plan, Land Use Policies, and Zone District.

The proposed Special Use shall be:

a. In accordance with the County Master Plan;

b. Consistent with County Land Use Policies in Article 2;

c. Consistent with the purpose of the Zone District in which it is proposed to be located;

III. Consistent and compatible with Neighborhood Character. The proposed Special Use shall be consistent, compatible, and not in conflict with the character of the neighborhood and surrounding land uses. It may be an enhancement of the mixture of complementary uses and activities in the Neighborhood of the Parcel proposed for Development;

IV. Essential for public convenience at the proposed location; and

V. Designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

VI. Impacts on Surrounding Area

Consistency and compatibility with the Character of Parcels adjacent to the Parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, weed control, 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.

Noise – The drill rig will generate some noise when in operation during the day, but the remote nature of the site indicates minimal impact.

Dust – The proposed reverse circulation drilling method uses water in the process, and no dust is expected to be generated other than that from daily travel to the site, partially on dirt roads. See attached Dust Control Plan.

VII. Cumulative Impacts.

If multiple Special Use Permits have been issued for the same property, the uses permitted under the existing permits shall be considered in reviewing the new permit application. If there are other Special Use Permits in the geographic area, the cumulative impacts shall be evaluated. The application may be denied or appropriate conditions may be required on the proposed uses to address or mitigate any incompatibility or cumulative impacts.

a. The proposed uses must be compatible with the existing uses.

b. Cumulative impacts of all Special Use Permits on the property and in the geographic area must be considered.

The Map of Approved Mineral Exploration Projects is enclosed in the staff report. Six special use permits have been issued by the county in a little over two years . This proposed project is the seventh application received by the Planning Department and the third in this specific

area. The proposed project location is within the West End Zone District and the land use is consistent with the purpose of the Zone District. The drilling program will be consistent with the County Land Use Policies in Article 2 as detailed within this report. No activities proposed for this exploratory boring program are anticipated to affect the access, functionality, safety or condition for any public land users. The impacted area will be reclaimed in a manner that protects public lands, mitigating the cumulative impacts of the series of exploratory projects.

The proposed project is compatible with the character of parcels adjacent to the parcel in terms of appearance, scale and features.

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.

Roads – All vehicles are licensed for public roads, and no impacts to county roads are expected. Solid Waste – A San-O-Let (or similar) will be placed at the drill site to minimize human waste, and all trash will be collected and removed.

There are no segments of the existing public roads that will need maintenance prior to use by Standard Minerals for this project.

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.

A reclamation bond will be required as designated by the BLM/CDRMS to cover the cost of reclamation conditions and weed control.

SECTION 5-11: CONDITIONAL USES ON FEDERAL LANDS

5-1101 General. This section of the Code establishes standards for review of conditional uses on Federal lands. Refer to Section 3-6 for two-step review procedures and Section 4-7 for submission contents. This Section does not apply to Minor Facility Oil and Gas Exploration and Development on Federal Lands.

The Applicant acknowledges that the proposed use is wholly located on Federal lands.

5-1102 Standards

5-1102 A. The location, size, design and operating characteristics of the proposed conditional use minimizes adverse effects, including visual impacts, impacts on pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibrations and odor on surrounding properties;

5-1102 B. The conditional use is designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

Access to drill site will be restricted and away from public roads. Other than daily round trips from Naturita by 4 vehicles, all activity will occur on dirt drill roads located on BLM land. The intended work area is remote and located on BLM land.

The use is designed, located and proposed to be operated to protect public health safety and welfare.

SECTION 5-16: MINING

The standards in this Section are intended to mitigate the impacts of mining and mineral processing, including protecting the health, safety and welfare of persons residing in the vicinity and of persons traveling on roads, streets and highways in San Miguel County utilized for hauling of mined material. This Section also contains provisions to ensure that the environmental impacts of mining and mineral processing are adequately mitigated. Mining and mineral processing operations are also subject to the special use permit provisions of Section 5-10.

5-1601 Applicability

The standards and requirements in this Section 5-16 shall apply to all mining and mineral processing operations required to obtain special use permit approval from the County, including any expansion of existing mining and/or mineral processing operations. Mining and mineral processing operations also are subject to applicable review requirements for Activities of Local and State Interest, as set forth in Section 5-4, and for Wetland Areas, as set forth in Section 5-22.

The applicant acknowledges that the exploratory drilling proposed at the Groundhog and Section 23 areas is subject to these standards.

5-1602 Mitigation of Impacts

All on-site and off-site impacts shall be adequately mitigated to protect the health, safety and welfare of persons in San Miguel County and to protect the integrity and appearance of the natural environment. Consideration shall be given to site-specific environmental assessments and mitigation plans approved by the appropriate Federal agencies and/or the Colorado Division of Minerals and Geology and/or the Colorado Department of Health. However, compliance with such plans, as well as additional mitigation, may be required by the County as part of the special use permit review process. Such mitigation may include, but is not limited to, revegetation, dust control, noise control, visual screening, limitations on hours of operations, truck haul routes and traffic volumes.

[Twenty six] 325 to 525 feet deep vertical reverse circulation drill holes will be drilled at the sites shown on in the attached Site Maps (Attachments E and F). Reverse circulation chip samples will be collected and removed from the site. Once the hole is completed it will be plugged per Colorado State regulation.

The take-off access routes on existing unimproved roads to the drill sites will be used. Minor road improvements are planned along a 230-foot section of existing drill roads to the Section

23 drill sites. New roads are planned along a 995-foot section and minor road improvements are planned along a 1475-foot section to the Ground Hog drill sites. Hours of operation are expected to be 7 days per week, 12 hours per day during daylight.

Minimal drill pad preparation (brush clearing) plus digging a 10 by 12 by 6-foot-deep sump on each 50 by 50-foot pad is planned. Each sump will be fenced with temporary plastic fencing until reclamation is completed.

All efforts will be made to minimize surface degradation of drill site access road and drilling site. Temporary plastic fencing will be placed around sumps until drilling is complete and sumps are filled in.

Regrading and Reshaping
Upon completion of the drilling the plastic fencing around the sump will be removed and the sump will be filled, and the site smoothed out with a blade.

Drill Hole Plugging
The drill holes will be plugged in accordance with Colorado State Regulations-closure standards. If groundwater is encountered the hole will be plugged according to Colorado State regulations. In addition, the drill hole will be plugged prior to the drill rig moving away from the drill site. If required for each hole neat cement grout will be tremied from the bottom to the top of the hole by use of a grout tremie line.

Revegetation
As noted in Section 4-210, the disturbed drill site areas will be revegetated utilizing a native seed bed mixture consistent with the local environment and approved by the BLM (see attached NOI with seed mix).

The proposed drilling project layout and design has been developed to minimize new surface impact within the project area. The use of existing routes and areas previously disturbed serve to minimize the volume of dirt work and overall project impact, and will simplify project reclamation. No new permanent road construction is proposed. Temporary access routes will be reclaimed. No county roads are impacted.

5-1603 Enforcement of State and Federal Regulations

In the event that the County discovers that applicable state and/or federal regulations pertaining to a specific mining activity in San Miguel County have not been adequately enforced by the appropriate agency or organization, the Board of County Commissioners may require the mining activity to comply with any and all terms of such regulations. If such regulations are not complied with, the Board of County Commissioners may order such mining activity to cease and desist.

The project will conform to all Colorado Division of Mining, Reclamation, and Safety (DRMS) standards and to all BLM requirements.

5-1604 Traffic Impacts and Highway Access

Mining (including sand and gravel operations) and mineral processing shall be limited to the greatest extent possible to areas where the surrounding road, street and/or highway network can accommodate heavy truck traffic. In no event shall a proposed operation be permitted

where the carrying capacity of the surrounding road, street and/or highway network is exceeded by existing traffic volumes, or would be exceeded by projected or proposed traffic volumes.

The vehicles to be used for the work are a Schramm – Truck or track-mounted reverse circulation drill or equivalent (licensed for public roads), a Service/water truck, and two pickups. A single daily round trip from Naturita to the site is planned.

Traffic is limited to the project area. Project vehicles are sized to actively minimize impacts. An SMC Road and Bridge Temporary Access Permit is required.

5-1605 Additional Notice Requirements

In addition to the notice requirements set forth in Section 3-9, applicants for approval of mining and mineral processing operations shall also be required to provide written notice of a pending application by mailing such notice first class, postage prepaid, no less than 20 days prior to the scheduled meeting date to all owners of property within 1,500 feet of the subject property, and to all municipalities within 3 miles of the subject property.

There are no private property owners or municipalities within 1,500 feet or 3 miles respectively. Therefore, additional notice is not required.

SECTION 5-320 West End (WE) Zone District

5-320 A. Purpose

The West End (WE) Zone District is intended to preserve large, relatively remote areas of western San Miguel County for resource, agricultural, open space, and recreational purposes, while protecting private property rights. These areas currently have minimum public facilities and services and are considered premature for substantial development. Development activities in these areas shall be encouraged to preserve historical, archeological and natural resources and landmarks, while allowing individuals the right to farm and ranch, using the necessary resources desired and needed with as little intrusion as possible on property rights.

Development Permits are not required in the WE Zone District except for Oil and Gas Exploration and Development.

5-320 K. Review Standards for all WE Zone District Special Uses

All special uses shall:

I. Be consistent with the County Master Plan, the County Land Use Policies in Article 2 and the purpose of the WE Zone District;
II. Be consistent with and compatible with the character of the immediate vicinity of the parcel proposed for development and surrounding land uses, and/or shall enhance the mixture of complimentary uses and activities in the immediate vicinity of the parcel proposed for development;
III. Be designed, located and operated so that the public health, safety and welfare will be protected;
IV. Be located, designed and operated to minimize adverse effects, including impacts on scenic quality, pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibration and odor on surrounding properties;

V. Provide adequate public facilities and services to serve the special use, including but not limited to roads, adequate water supply in terms of both quality and quantity, sewer, solid waste and fire protection;
VI. Not substantially adversely affect agriculture or ranching operations and residences;
VII. Only include roads, utilities and associated structures that bear logical relationships to existing topography and minimize cuts and fills; and
VIII. Be consistent with the historic rural and agricultural character of the West End. Input from neighbors shall be considered by the County in determining consistency.

The proposed project location is within the West End Zone District of San Miguel County. The purpose of the proposed project is for mineral exploration, which is consistent with the West End Zone District's purpose to preserve large, relatively remote areas of western San Miguel County for resource, agricultural, open space, and recreational purposes, while protecting private property rights. No activities proposed for this exploratory boring program are anticipated to affect the access, functionality, safety or condition for any public land users.

Public Noticing
A Notice of Public Meeting was published in the Telluride Daily Planet and in the Norwood Post on Wednesday, June 21, 2024 for the Planning Commission public meeting to be held on-line and in person on Thursday, July 11, 2024. A Public Notice sign was posted at the intersection of SH 141 and CR 10R by the Applicant on June 12, 2024 for the Planning Commission public meeting; there were no accessible posting locations closer to the site that would have provided effective notice. No property owners other than the BLM are within 1,500 feet of the subject parcel.

Referral Agents
The application was referred to the County Manager, County Attorney, County Road and Bridge Director, County Natural Resources Director, **County Sheriff**, County Open Space and Parks Director, Colorado Department of Public Health & Environment, Colorado Division of Reclamation-Mining and Safety, **Colorado Parks and Wildlife**, US Bureau of Land Management (BLM) for review and comment. The application was also sent to the Information Network for Responsible Mining and Sheep Mountain Alliance.

Referral Agency Comments

Jennifer Dinsmore, SMC Sheriff's Office, responded with no issues or comments.

Colorado Parks and Wildlife Nucla District Manager, Tony Bonacquista stated that the Pitchfork area provides habitat for numerous species and is mapped winter range for bighorn sheep and severe winter range for both mule deer and elk. The low yearly precipitation rate in addition to surface disturbance contributes to overall slow recovery of range health. It recommends that new routes be minimized to the extent possible and reclaimed. CPW recommends that historic roads be utilized to the greatest extent possible and that applicant reclaim all surface disturbances. CPW consistently recommends that no permitted activities occur from December 1 to April 30 in order to minimize impacts to wintering mule deer and elk, and from April 15 to June 30 for big horn sheep production areas.

Public Comments

None received at time of report

Sample Motion:

I move to recommend to the San Miguel County Board of Commissioners to approve a Mining Special Use Permit (SUP) for Standard Minerals Inc. or its contractor, for mineral exploration from drill pads on its federal unpatented lode mining claims under Bureau of Land Management (BLM) public lands located in the Groundhog and Section 23 areas in northwest San Miguel County, based on the finding that the proposed use is consistent with the County Master Plan, and with the Land Use Policies in LUC Section 2-8, Natural and Man-Made Hazard and Resource Area; LUC Section 2-11, Erosion; LUC Section 2-34, Revegetation with Native Species; LUC Section 2-35, Mining and Mineral Processing Operations, and complies with the Land Use Code review standards in Section 5-407 Wildlife Habitat Areas; Section 5-10, Special Uses; Section 5-11, Conditional Uses on Federal Lands; and Section 5-16, Mining; and Section 5-320 K, Review Standards for WE Zone District Special Uses, subject to the following specific terms and conditions:

1. The Special Use Permit is issued to the Applicant, Standard Minerals Inc., and does not run with the Land.

2. No future mining activity at the project site by Standard Minerals Inc., its lessees, or the property owners or its lessees is authorized by this approval.

3. Contact the Planning Department, Road and Bridge Department and County Sheriff's Office prior to mobilization of and the start of drilling activities.

4. Provide a list of onsite contacts for Standard Minerals Inc. and the drilling project contractor, prior to commencement of drilling activities.

5. This Special Use Permit conditional approval is subject to the Bureau of Land Management (BLM) and Colorado Division of Reclamation and Mining and Safety (CDRMS) approving this drilling program and issuing the requisite permits. Provide copies of these permits to County Planning.

6. The project drilling program and reclamation plan shall be consistent with and comply with the applicable provisions as approved by the County, unless specifically modified in the BLM and CDRMS approval action.

7. Provide monthly progress reports to County Planning.

8. All written representations of the applicant, in the original submittal and all supplements, are deemed to be conditions of approval except to the extent modified by this approval.

9. Exploration activities shall be limited to August 1 to October 30 in 2024 and 2025.

10. The clearing of pinion-juniper and sagebrush shall be minimized to the greatest extent practical.

11. The County shall be informed of any cultural resources discovered in the course of work. Pads and road disturbance should avoid any areas with cultural resources. All appropriate mitigation measures shall be taken to protect cultural resources.

12. The revegetation plan shall include soil restoration and best practices to maximize available water.

13. Provide documentation regarding the water source(s) for the project.

14. Identify any hazardous materials that will be used in the process, and describe how those materials will be stored and transported.

Thor Energy PLC
CRN 0527 6414
ARBN 121 117 673
ABN 58 121 117 673

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Stock Exchange listings:
London (AIM): THR
Australia (ASX): THR
USA (OTCQB listing): THORF

Directors:
Nicole Galloway Warland
Alastair Clayton
Mark McGeough

24 June 2024

Mr. John Huebner
Senior Planner
Planning Department
San Miguel County, CO

Dear John,

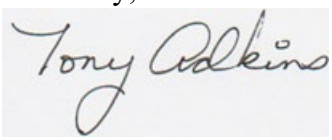
This letter is in reference to your question about the amount of surface disturbance that is expected to occur in year 2025 of Thor's 2-year Special Use Permit application.

With 14 drill pads and associated access, Thor estimates that approximately a total of 1.09 acres of disturbance will occur, all of it in the Ground Hog area. The 1.09 acres consists of about 0.83 acres of drill pads and about 0.26 acres in pad access roads. Because of the possibility that multiple holes may be drilled from a pad, one pad (Yr 2 A) has been arbitrarily expanded to a 60 ft x 60 ft in size. For the purpose of disturbance estimates, access roads were of two categories: 1) Cross-county travel and the use of historic roads, and 2) new bladed construction.

The 2025 drill plan is conceptual in nature and presented to give the County an idea of the magnitude of year 2 work that is expected to occur. Drill results from this year may make modifications necessary.

Please let me know if you have any questions or comments.

Sincerely,



Tony Adkins
Geologist

June 5, 2024

Via email kayes@sanmiguelcountyco.gov

Kaye Simonson
Planning Director, San Miguel County Planning Department
333 W Colorado Ave, 3rd Flr
Telluride, CO 81435

Thor Energy PLC
CRN 0527 6414
ARBN 121 117 673
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Stock Exchange listings:
London (AIM): THR
Australia (ASX): THR
USA (OTCQB listing): THORF

Directors:
Nicole Galloway Warland
Alastair Clayton
Mark McGeough

Subject: **West End (WE) Zone District, Conditional Use on Federal Lands, Mining Special Use Permit Application for the Wedding Bell/Radium Hill Project**

Submitted by: **Thor Energy, PLC c/o Standard Minerals, Inc**

Dear Ms. Simonson,

Enclosed is our application for a Mining Special Use Permit under San Miguel County Land Use Code Section 4-207 and Section 5-320 F. XVII for proposed Mining Exploration for the Wedding Bell Project in the "Groundhog Area" and for the "Section 23 Area" located on Bureau of Land Management (BLM) land for a two-year period, spanning 2024 and 2025. The proposed Wedding Bell Project drilling activities for 2025 encompass the establishment of fourteen drill pads and associated roads within a designated 1.09-acres for the Groundhog Area. The Notice of Intent to Operate application for the proposed 2025 mineral exploration activities on the BLM lands in secs. 21 and 22 is intended to be submitted to the BLM prior to commencement of drilling activities in 2025, and a copy will be supplied to the San Miguel County Planning Department.

Payment of $1135 has been made via credit card on the Smartgovcommunity portal.

The following attachments are included as part of this permit application:

A. Land Use Application Form
B. Pre-Application Conference Summary Sheet
C. Submission Requirements with Responses
D. Special Use Permit Maps
E. Detailed Site Maps for Groundhog Area (2024 and 2025)
F. Detailed Site Map for Section 23 Area
G. Notices of Intent Submitted to Bureau of Land Management
H. Weed Management Plan
I. Sediment Control Plans (2024 and 2025)
J. Dust Control Plan
K. 2023 Reclamation Report

Please do not hesitate to reach out with questions or comments.

Sincerely,

Nicole Galloway Warland
Managing Director

Copies to: John Huebner, Tony Adkins, Jeff Kurtz, Sarah Walker

Attachment A
Land Use Application Form

LAND USE APPLICATION

SAN MIGUEL COUNTY – PLANNING DEPARTMENT

P.O. Box 548, Telluride CO 81435
Phone (970) 728-3083 www.sanmiguelcountyco.gov

Permit # _____
Project # _____
Received _____
Paid _____

Property Owner: Standard Minerals Inc. c/o Thor Energy, PLC

Mailing Address: 729 Bookcliff Ave., Grand Junction, CO 81501

E-mail: nicole@thorenergyplc.com **Phone**: (303) 905 9820

Representative/Agent: Tony Adkins

Mailing Address: P.O. Box 864 Nucla, CO USA 81424

E-mail: arapgllc@nntcwireless.com **Phone**: 970-462-5888

Project Location/Address: San Miguel County approximately 28 miles SW of Naturita, CO

Parcel ID Number: N/A **Zone District:** West End

Project Title: Mineral Exploration at Groundhog and Section 23

Describe your project:

Thirteen rotary drill holes on the claims listed above are proposed to be drilled. No road building is contemplated. The drill site will be accessed via Colorado roads U29 then via existing dirt roads on BLM ground (see attached route). Travel on U29 will not be via Dry Creek Basin. Drilling will be completed with a RC rig. Access to the site will be by pickup truck. Depth of the holes range from 325 feet to 525 feet.

Project Type (check all that apply)

☐ Special Use Permit – 1-step
■ Special Use Permit – 2-step
☐ Subdivision Exemption
☐ Subdivision
☐ Planned Unit Development
☐ Substantial Plat Amendment
☐ Substantial PUD Amendment
☐ Rezoning
☐ Land Use Code Amendment
☐ Master Plan Amendment

☐ Insubstantial Plat Amendment

☐ Insubstantial PUD Amendment

☐ Minor Amendment to Special Use Permit

☐ Right-of-Way Vacation

☐ Variance

☐ Area of Local/State Interest

☐ Scenic Foreground Overlay Review

☐ Major Review – Single Family Residence

☒ Mineral Exploration and Mining

☐ Logging

☐ Major Oil and Gas Facility

☐ Minor Oil and Gas Facility

☐ Temporary Use

☐ Flood Plain

☐ Wetland

☐ Other: _____

SUBMIT THE FOLLOWING:

☐ 2 sets of paper copies of all submittal requirements (refer to the Pre-Application letter for submission requirements)

☒ Complete Set of Electronic Files (25MB maximum per file)

☒ Legal Description

☐ Proof of Ownership

☐ Authorization of Representative if other than Owner

I hereby certify, subject to penalty of perjury, that the above is true and accurate to the best of my knowledge and that I understand all provisions of County and State Codes applicable to the proposed development, and all information requested by this document. I agree to abide by any and all conditions placed upon the proposed development by the Decision-Making Body. I also understand that if I violate any applicable provisions of County and/or State codes, I may be required to remedy such violation(s) through appropriate legal processes imposed by the County, including moving or removing structures and ceasing construction and/or uses,

Nicole Galloway Warland — Owner

6/5/2024 — Date

Tony Adkins — Representative

6/5/2024 — Date

Attachment B
Pre-Application
Conference Summary Sheet

PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

May 17, 2024

Tony Adkins Via email: arapgllc@nntcwireless.com

Re: Pre-application Conference Summary - West End (WE) Zone District, Conditional Use on Federal Lands, Mining Special Use Permit

Dear Mr. Adkins:

The purpose of this correspondence is to serve as a Pre-application Conference Summary, in accordance with San Miguel County Land Use Code Section 4-207, for the proposed Mining Exploration for the Wedding Bell Project in the "Groundhog Area" and for the "Section 23 Area" located on Bureau of Land Management (BLM) land. Based on our pre-application meeting, you are proposing up to 9 drill pads, each about 50 ft x 50 ft, for the purpose of exploring for uranium. Access to the drill pads will be via Montrose County roads EE21 and HH17, San Miguel County roads 14Z and U29, as well as one unnamed two-track BLM road.

Per Land Use Code (LUC) Section 5-320 F. XVII "Conditional uses on federal lands – mineral exploration, mining and logging, subject to applicable state and federal statutes and regulation" requires a Two-Step Special Use Permit through the Planning Commission and Board of County Commissioners.

The application shall be reviewed pursuant to applicable policies in LUC Sections 2-1 to 2-35 Land Use Policies, and to applicable standards in LUC Section 5-4, Areas and Activities of Local and State interest/"1041" Environmental Hazard Review, LUC Section 5-10, Special Uses; LUC Section 5-11, Conditional Uses on Federal Lands; and LUC Section 5-16, Mining. Areas of key concern include use of and impacts on County roads; development of access roads, mitigation of impacts to wildlife and natural resources during drilling; and site reclamation.

Submission Requirements

*See Attached **Submission Requirements***

Review Standards

*See Attached **Review Standards***

Scheduling of Application Consideration

Please submit a complete set of electronic files to Smart Gov, https://co-sanmiguel-co.smartgovcommunity.com/Public/Home, of the complete application that conforms to all applicable Land Use Code requirements. The Planning Department can then schedule the application for consideration by the Planning Commission. The Planning Commission meets the second Thursday of each month. A complete application must be submitted at least one month prior to the requested meeting date. This pre-application letter is valid for one year from date of letter.

Payment of $1135 for the Special Use Permit to San Miguel County must accompany the application for it to be considered complete (in accordance with Board of County Commissioners Resolution 2023-01). The applicant is responsible for reimbursement of all copy fees and County Designated Engineer review fees, which includes the initial review and any revisions.

The Planning Department will refer the application to the County Manager, County Attorney, County Road and Bridge, County Natural Resources, County Open Space and Parks, County Sheriff, Colorado Department of Public Health & Environment, Egnar-Slickrock Fire Protection District, Colorado Division of Reclamation, Mining and Safety, US Bureau of Land Management, and Colorado State Parks & Wildlife. Other referrals will be determined upon receipt of the application.

Prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **notify by First Class mail** every property owner and condominium unit owner within 500 feet of the perimeter of the subject property as listed in the records of the San Miguel County Assessor. In addition, prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **post notice** (*letter and sign to be obtained from the Planning Department*) of the scheduled consideration of the application. Mailing and posting of notice by an applicant prior to a meeting that is not a public hearing shall be carried out pursuant to Section 3-903 A., B. and C. In addition to the notice requirements set forth in Section 3-9, applicants for approval of mining and mineral processing operations shall also be required to provide written notice of a pending application by mailing such notice first class, postage prepaid, no less than 20 days prior to the scheduled meeting date to all owners of property within 1,500 feet of the subject property, and to all municipalities within 3 miles of the subject property. An applicant's failure/refusal to submit the required certification of notice required by C.R.S. §§24-65.5-103(4) and 104(2), will result in the public meeting or hearing being rescheduled to a later date.

Please contact the Planning Department if you have questions. Thank you.

Sincerely,

Nicola Kerr
Associate Planner

Attachments: Submission Requirements
Review Standards

Cc: Ryan Righetti, Road and Bridge Director
Starr Jamison, Natural Resources Director

SUBMISSION REQUIREMENTS

Land Use Code Section 4-2 establishes the minimum submission requirements for all development applications:

4-201 General

All applications for land use approvals shall include, at a minimum, the information and materials specified in this section of the Code. During the pre-application conference the Planning Office staff may authorize modifications to the required submission contents.

4-202 Required Background Information

A letter signed by the property owner containing the property owner's name, the applicant's name, address and telephone number, and if applicable, the name, address and telephone number of the representative authorized to act on behalf of the property owner.

4-203 Parcel Description

The street address and current legal description of the parcel on which the development is proposed to occur and an 8-1/2" x 11" vicinity map locating the subject property within San Miguel County.

4-204 Disclosure and Proof of Ownership

A disclosure of ownership of the parcel on which the development is proposed to occur, consisting of a current certificate from a title insurance company or attorney licensed to practice law in the State of Colorado, listing the names of all owners of the property and all holders of subsurface mineral interests of record listed in the real estate records of the San Miguel County Clerk and Recorder, mortgages, judgments, liens, easements, contracts and agreements affecting use and development of the parcel and proof of the owner's right to use the land for the purposes identified in the development application. This shall normally require proof of complete ownership or written consent from all owners. The staff may also request the applicant to supply information regarding the subject property and contiguous property sufficient to indicate that the subject lot was legally created.

4-205 Legal Access

Sufficient information to demonstrate that the applicant has adequate legal access to the parcel for the development proposal.

4-206 Standards Report

A written report demonstrating that the proposed development complies with the applicable substantive review standards.

4-207 Pre-Application Conference Summary Sheet

A copy of the pre-application conference summary sheet provided to the applicant at the pre-application conference.

4-208 Site Plan

A site utilization map shall be submitted. Where applicable, a preliminary or final plat shall also be submitted. During the pre-application conference, the Planning Office may authorize an applicant to consolidate or delete specific maps that may not be applicable to a particular development proposal. The 24" x 36" site utilization maps must be folded to fit within a legal-size folder with the name of the application visible. Site maps shall include identification of Areas of Local and State Interest as set forth in Section 5-4 and Wetland Areas as set forth in Section 5-22, for all areas where development activity is proposed.

4-209 Copies of Application

During the pre-application conference the staff shall specify the number of copies of the application to be submitted, including the number of copies of 24” by 36” maps or plats, if applicable. The Planning Office may authorize the submission of application materials, including maps and plats, in electronic format in lieu of paper copies.

4-210 Revegetation Plan

A plan for revegetation of all surfaces disturbed in conjunction with Development that employs predominantly native species, includes replacement of topsoil and specifies a maintenance schedule and techniques.

4-211 Weed Control Plan

A plan for control of noxious weeds, as listed in the San Miguel County Weed Identification List, for all surfaces disturbed in conjunction with Development. Disturbed surfaces over one (1) cumulative acre in size will require bonding for revegetation and weed control.

4-212 Employee Housing Mitigation Plan

A plan that complies with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development in the R-1 School District, if applicable.

Review Standards

SECTION 5-10: SPECIAL USES

5-1001 General

This section of the Code establishes the application submittal requirements and review standards applied to review Special Use permit applications for land uses designated as an allowed use in a zoning district. An allowed use may be established if approved subject to Special Use permit review to assure the use is located, designed and operated in harmony with neighboring properties and the surrounding area and does not adversely affect the public health, safety and welfare. 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 Review Procedures

I All applications for Special Uses and other uses that require special review are subject to either a One-step Planning Commission or Board of County Commission review or Two-step Planning Commission and Board of County Commission review, as designated in the zoning district standards.

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

III. All uses that may be established in a zoning district can be permitted by Special Use permit review but only if the proposed use meets the following criteria as applicable and upon approval of the reviewing board(s), subject to any additional conditions and mitigation measures.

5-1002 A. Application Requirements

All applications for Special Uses shall include at a minimum, the information and materials specified in Land Use Code Section 4-2.

I. The following must also be addressed as part of any application:

a. Site plan, photos and/or drawings accurately representing existing conditions and proposed conditions, specifying the location and dimensions of buildings, accessory structures, setbacks from property lines, identification of recorded and apparent easements, specifying areas for all proposed types of land uses, identification of specific land uses, streets and rights-of-way, driveways and access points of ingress and egress, parking, fences, signs, topography, existing and proposed landscaping, and lighting, as well as all adjacent land uses;

b. Elevation drawings showing the heights of buildings, or before and after simulations/drawings specifying the height and location of buildings and support structures, and any accessory uses, fences and signs, and proposed materials and colors;

c. Written Narrative explaining why the proposed site has been chosen, 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., communication plan, as applicable, and describe how the proposal meets all applicable Standards and Review Criterion;

d. Detailed plans, reports and specifications.

1) Traffic and parking plan;
2) Grading, drainage and stormwater management plan;
3) Water/sewer plan: must meet state standards, may include verification of a commercial well permit, and water savings plan;
3) Lighting plan: All exterior lighting shall comply with the standards of Section 5-710;
4) Signage: see Section 5-704 standards;
5) Dust control plan;
6) A noxious weed control plan;
7) Wildlife Plan: see Section 5-407 A.XII.;
8) Additional permits as necessary from other agencies.
9) Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;

5-1002 B. Review Criteria

A Special Use will be permitted only if the reviewing body finds the proposed use meets all relevant requirements. Applicants shall demonstrate through competent evidence that the proposed use meets the following criteria as applicable:

I. All Applicable Standards. The proposed use shall comply with the minimum requirements of the zone district in which the use is to be established, and will also comply with all applicable requirements of the Code.

II. Consistency with Master Plan, Land Use Policies, and Zone District.

The proposed Special Use shall be:

a. In accordance with the County Master Plan;

b. Consistent with County Land Use Policies in Article 2;

c. Consistent with the purpose of the Zone District in which it is proposed to be located;

III. Consistent and compatible with Neighborhood Character. The proposed Special Use shall be consistent, compatible, and not in conflict with the character of the neighborhood and surrounding land uses. It may be an enhancement of the mixture of complementary uses and activities in the Neighborhood of the Parcel proposed for Development;

IV. Essential for public convenience at the proposed location; and

V. Designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

VI. Impacts on Surrounding Area

Consistency and compatibility with the Character of Parcels adjacent to the Parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, weed control, 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.

VII. Cumulative Impacts.

If multiple Special Use Permits have been issued for the same property, the uses permitted under the existing permits shall be considered in reviewing the new permit application. If there are other Special Use Permits in the geographic area, the cumulative impacts shall be evaluated. The application may be denied or appropriate conditions may be required on the proposed uses to address or mitigate any incompatibility or cumulative impacts.

a. The proposed uses must be compatible with the existing uses.

b. Cumulative impacts of all Special Use Permits on the property and in the geographic area must be considered.

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.

5-1003 Commencement of Approved Special Uses

I. All approved Special Uses subject to either one-step Planning Commission or Board of County Commissioner review or two-step Special Permit Review shall commence within three (3) years of the date of approval.

a. If the permittee has not obtained a Development Permit for the approved Special Use and/or commenced the use or activity, in accordance with the terms and conditions of the approval, within this three (3) year time period, the Special Use shall be subject to review at a duly noticed Public Hearing by the entity that approved the Special Use.

b. The purpose of this review is to determine if there has been a change in circumstances since the Special Use Permit was granted and to determine if the Special Use meets or complies with the review standards for Special Uses set forth in Land Use Code Section 5-1002 A. Standards for all Special Uses and Section 5-1002 B. Impacts on Surrounding Area.

c. Upon or prior to the expiration of the three (3) year period, the owner/applicant may provide a written statement withdrawing the Special Use application and requesting the Special Use approval be terminated.

d. If upon expiration of the three (3) year period the owner/applicant does not provide a written statement withdrawing the application, the matter shall be noticed and scheduled for Public Hearing by the County. The applicant is encouraged to provide a written statement, prior to the Public Hearing, indicating why the approved Special Use has not been granted a development permit and/or commenced, and identifying any changes that may have occurred in the surrounding land uses and explaining how the proposed Special Use meets the review standards in Land Use Code Sections 5-1002 A. and 5-1002 B.

5-1004 Review of Approved Special Uses

5-1004 A. Annual Review.

I. An annual review by the designated review body shall be held one (1) year after the date of approval or amendment of a Special Use Permit.

II. Prior to the annual review, notice will be provided to the neighbors and individuals who have commented on the Special Use Permit application.

III. The review body may make a determination in its discretion if there is a need for additional on-going annual reviews, or periodic reviews of the terms and conditions of the Special Use permit in the future.

5-1004 B. Extension of Approvals.

Prior to the expiration of the Special Use Permit, a request for extension of the approval may be submitted. Review of a request for an extension of an approved Special Use shall be conducted in accordance with the applicable provisions of Article 3 Procedures for one-step reviews and shall include posting and sending written notice of the Public Hearing for review of the Special Use to adjacent property owners.

The Planning Commission and/or Board of County Commissioners in reviewing the Special Use Permit, at a duly noticed Public Hearing, may extend the Special Use Permit approval, extend the approval subject to modifications or additional conditions, or they may rescind and terminate the approval if a finding is made that the Special Use no longer meets the review standards for Special Uses pursuant to Section 5-10 Special Uses.

5-1004 C. Discontinued or Abandoned Use.

If any approved Special Use is discontinued or abandoned for twelve (12) consecutive months, then such Special Use shall be considered to be no longer in effect. If a Special Use is discontinued or abandoned for twelve (12) consecutive months, and the Special Use is re-established or resumed by the owner, the use shall be subject to review prior to resumption in accordance with the provisions of this section and subject to review by either the Planning Commission and/or Board of County Commissioners, at a duly noticed Public Hearing, where the permitting entity may rescind or terminate, recognize and extend the original approval, or extend subject to additional conditions or modifications. The procedures and standards for review of discontinued or abandoned Special Uses are the same as those for Review of Approved Special Uses set forth in 5-1003 I.

5-1005 Minor Amendments to Special Use Permits

The Planning Director may approve, approve with conditions or disapprove minor amendments to approved Special Uses and Special Use permits subject to consideration of the standards in this Section. Refer to Section 3-4 for procedures and Section 4-7 for submission contents.

5-1005 A. Standards

As requirements for approval, the proposed activity shall not:

I. Change the basic character of the use of land on which the activity occurs, including basic visual appearance and method of operation;

II. Violate any Land Use Code standard;

III. Substantially increase the need for on-site parking or utilities, or affect affordable housing generation; and

IV. Increase the floor area of the use by more than two (2) percent or decrease the open space on the site by more than three (3) percent.

5-1006 Violations

Violation or noncompliance with any Special Use Permit or applicable Land Use Code requirement may result in suspension and/or revocation of the Permit by the Board of County Commissioners (BOCC) following a duly noticed public hearing, held with

no less than fifteen (15) days prior written notice to the permittee, upon the BOCC determination that there is competent evidence of such alleged violation or noncompliance.

SECTION 5-11: CONDITIONAL USES ON FEDERAL LANDS

5-1101 General

This section of the Code establishes standards for review of conditional uses on Federal lands. Refer to Section 3-6 for two-step review procedures and Section 4-7 for submission contents.

5-1102 Standards

5-1102 A. The location, size, design and operating characteristics of the proposed conditional use minimizes adverse effects, including visual impacts, impacts on pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibrations and odor on surrounding properties; and

5-1102 B. The conditional use is designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

SECTION 5-16: MINING

The standards in this Section are intended to mitigate the impacts of mining and mineral processing, including protecting the health, safety and welfare of persons residing in the vicinity and of persons traveling on roads, streets and highways in San Miguel County utilized for hauling of mined material. This Section also contains provisions to ensure that the environmental impacts of mining and mineral processing are adequately mitigated. Mining and mineral processing operations are also subject to the special use permit provisions of Section 5-10.

5-1601 Applicability

The standards and requirements in this Section 5-16 shall apply to all mining and mineral processing operations required to obtain special use permit approval from the County, including any expansion of existing mining and/or mineral processing operations. Mining and mineral processing operations also are subject to applicable review requirements for Activities of Local and State Interest, as set forth in Section 5-4, and for Wetland Areas, as set forth in Section 5-22.

5-1602 Mitigation of Impacts

All on-site and off-site impacts shall be adequately mitigated to protect the health, safety and welfare of persons in San Miguel County and to protect the integrity and appearance of the natural environment. Consideration shall be given to site-specific environmental assessments and mitigation plans approved by the appropriate Federal agencies and/or the Colorado Division of Minerals and Geology and/or the Colorado Department of Health. However, compliance with such plans, as well as additional mitigation, may be required by the County as part of the special use permit review process. Such mitigation may include, but is not limited to, revegetation, dust control, noise control, visual screening, limitations on hours of operations, truck haul routes and traffic volumes.

5-1603 Enforcement of State and Federal Regulations

In the event that the County discovers that applicable state and/or federal regulations pertaining to a specific mining activity in San Miguel County have not been adequately enforced by the appropriate agency or organization, the Board of County Commissioners may require the mining activity to comply with any and all terms of such regulations. If such regulations are not complied with, the Board of County Commissioners may order such mining activity to cease and desist.

5-1604 Traffic Impacts and Highway Access

Mining (including sand and gravel operations) and mineral processing shall be limited to the greatest extent possible to areas where the surrounding road, street and/or highway network can accommodate heavy truck traffic. In no event shall a proposed operation be permitted where the carrying capacity of the surrounding road, street and/or highway network is exceeded by existing traffic volumes, or would be exceeded by projected or proposed traffic volumes.

5-1605 Additional Notice Requirements

In addition to the notice requirements set forth in Section 3-9, applicants for approval of mining and mineral processing operations shall also be required to provide written notice of a pending application by mailing such notice first class, postage prepaid, no less than 20 days prior to the scheduled meeting date to all owners of property within 1,500 feet of the subject property, and to all municipalities within 3 miles of the subject property.

SECTION 5-4: AREAS OF STATE AND LOCAL INTEREST

5-405 Historic and Archaeological Resource Areas

5-405 A. Applicability

The development standards in this section apply to the following activities within Historic and Archaeological Resource Areas:

I. Development;

II. Changes in the amount or character of open space;

III. Exterior alteration or remodeling of any existing structure within the site, or any addition thereto;

IV. Demolition or destruction of structures or buildings within the site.

5-405 B. Persons responsible for activities listed in Section 5-405 A. shall:

I. Minimize damage to historic structures; and

II. Demonstrate that a proposal will enhance the meaning of a historic or archaeological site as representative of a period, style, occasion or unique activity.

5-407 Wildlife Habitat Areas

This section establishes land use standards for wildlife habitat areas in addition to the general standards in Section 5-402. The standards apply to areas mapped by the Colorado Parks and Wildlife (CPW) on the County's adopted Wildlife Resource Information System (C.R.S.1041 Wildlife maps) and to areas known to be wildlife habitat areas by the Colorado Parks and Wildlife, and areas mapped by the Colorado Natural Heritage Program. Agricultural and Ranching activities are exempt from this Section.

5-407 A. General Standards

The standards in this section apply to all wildlife habitat areas.

I. Residential development shall be clustered to avoid impacting wildlife and their

habitat.

II. Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.

III. Wildlife food, cover and water shall be preserved and development effects that would destroy these shall be mitigated. Special consideration shall be given to trees and shrubs with high wildlife food value, especially heavy seed, berry and fruit producing species.

IV. The planting of wildlife food species and woody cover along fences shall be encouraged as one way of improving wildlife habitat.

V. Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved.

VI. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized.

VII. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development within a ½ mile buffer.

VIII. Mesh or woven fences shall be prohibited and are encouraged to be removed.

IX. Fences located within CPW designated mapped wildlife habitat areas are discouraged. Fences in such wildlife habitat areas shall be limited to "wildlife friendly fences" that are in compliance with applicable CPW fencing standards. Wildlife friendly fences are very visible and allow wild animals to easily jump over or slip under the wires or rails. The following regulations shall apply to fencing:

a. Smooth wire or rounded rail for the top, smooth wire on the bottom;
b. Fence is limited to 42: in height;
c. At least 12" between the top two wires or rails;
d. At least 16" between the bottom wire or rail and the ground;
e. Posts at minimum 16' intervals;
f. Gates, drop-downs, removable fence sections or other passages where animals concentrate and cross;
g. Using a rail, high-visibility wire, flagging or other visual markers for the top.
h. A zigzagged worm fence (rails stacked alternately on top of one another, with rails interlocked like laced fingers where the ends meet) should create openings for wildlife to cross by intermittently dropping rails to the ground every 400'; and in swales and at stream crossing for easy wildlife passage.
i. Perimeter fencing of an entire parcel is discouraged.
j. As an exception to "wildlife friendly fencing" dogs shall be kept in an enclosed kennel or small fenced yard adjacent to the residence. The standards or allowance for a small fenced yard or area shall be specified in the county's revised dog or animal control regulations.

If staff has a question regarding the appropriateness of proposed fencing to be located within a CPW mapped wildlife habitat area the application may be referred to the CPW for comment and recommendation. Any new fencing shall follow the CPW "Fencing with Wildlife in Mind" guidelines available at the CPW website, www.wildlife.state.co.us

X. Residential development shall maintain bear proof storage for garbage disposal for all parcels located in all zone districts.

XI. Development activities, such as Subdivisions, PUDs and Special Use Permits uses may require a Wildlife Impact Assessment prepared by a qualified wildlife biologist or scientist for all mapped wildlife habitat areas or known habitat areas to be submitted with the land use application. The Impact Assessment should include changes, trends and proposed mitigation to be reviewed by the Colorado Parks and Wildlife or other County review staff.

XII. Barking dogs, dogs at large, and stray dogs are not permitted in any unincorporated portion of San Miguel County pursuant to Board of County Commissioner Resolution1982-27 or as may be set forth in the most current Board of County Commissioner Resolution regarding dog or animal control rules and regulations.

XIII. It is illegal for dogs to chase and/or harass wildlife, on public or private property. A Colorado wildlife officer or other peace officer may capture or kill any dog he or she determines to be harassing wildlife, pursuant to C.R.S. §33-6-128.

5-407 B. Deer, Elk and Bighorn Sheep Winter Concentration Area/Severe Winter Range

Land uses in deer, elk or bighorn sheep winter concentration areas/severe winter range shall comply with the standards in Section 5-407 A. and the standards in this Section.

I. Overgrazing of ranges by livestock shall be prohibited.

II. Development shall be restricted to areas in which wildlife impacts can be minimized.

III. Access for the Colorado Parks and Wildlife for managing wildlife shall be maintained.

IV. Commercial activity and recreational uses requiring County review shall be prohibited from December through April 15.

5-407 C. Deer, Elk and Bighorn Sheep Winter Range

Land uses located in deer, elk or bighorn sheep winter range shall comply with Sections 5-407 A. and 5-407 B.I.-III. and the standard in this section.

Commercial activity and recreational uses requiring County review shall be prohibited from December 1 through April 15, unless an applicant can demonstrate written approval from the Colorado Parks and Wildlife of a site-specific wildlife protection plan. Such plan shall include CPW monitoring provisions and set forth on-site protection, including but not limited to habitat enhancement and habitat protection, including but not limited to control of fencing, noise, lighting and siting of structures, and establishment of routes and means of transportation and hours/days of operation. Permits must be renewed annually. The dates in this section may be modified and permits may be suspended at any time upon CPW recommendation on a case-by-case basis as necessary to protect the health of the herd.

5-407 D. Deer and Elk Migration Corridors

Land uses located in deer and elk Migration Corridors shall comply with Section 5-407 A. and the standards in this section.

I. Development blocking a corridor and preventing migration between summer and

winter ranges shall be prohibited.

II. Fences restricting deer or elk migration shall be prohibited.

5-407 E. Deer and Elk Production Areas

Land uses located in deer and elk production areas shall comply with Section 5-407 A. and the standards in this Section.

I. Where no appropriate development site exists in a production area, development shall be prohibited.

II. Access shall be maintained for the Colorado Parks and Wildlife for trapping, tagging and studying wildlife.

III. Manipulation of vegetation shall be prohibited, except within a designated building envelope.

IV. Commercial and construction activity, recreational uses and off-road motorized activity shall be prohibited from May 1 through June 30. These dates may be modified upon Colorado Parks and Wildlife recommendation on a case-by-case basis as necessary to protect the health of the herd.

5-407 F. Riparian Areas and Shorelands

Land uses located in riparian or shoreland areas shall comply with the standards in 5-407 A. and the standards in this section.

I. Development and the removal of vegetation and disturbance of ground cover within the riparian area shall be prohibited.

II. Culverts shall be designed to prevent plugging and washouts.

III. Culverts that may become barriers to fish passage shall be prohibited.

IV. Riparian and shoreland habitat areas that have been denuded or disturbed by development shall be revegetated in the first available growing season.

ARTICLE 2 LAND USE POLICIES

SECTION 2-8: NATURAL AND MAN-MADE HAZARD AND RESOURCE AREAS

It is the policy of San Miguel County to prevent any use and development of land that may:

2-801
Unreasonably subject any person, or use, to natural or man-made hazards;

2-802
Unreasonably create or contribute to the danger of natural or man-made hazards that might affect lands or the use and development thereof;

2-803
Unreasonably subject other persons including the County to the risks and expenses necessary to mitigate hazardous conditions, respond to emergencies created by such conditions, or to rehabilitate any lands or improvements thereof;

2-804
Be unduly destructive to the natural resources of the County; or

2-805
Constitute a public or private nuisance.

SECTION 2-11: EROSION

It is the policy of the County to prevent the acceleration of the erosion of soil and rock and whenever possible maintain vegetative cover to minimize soil disturbance.

SECTION 2-28: COMPATIBILITY WITH HISTORICAL AND ARCHAEOLOGICAL RESOURCES

It is the policy of the County to protect any sites, structures and surrounding areas determined to have historical or archaeological significance to the community, the region, or the State of Colorado from any destruction or alteration of the site, structure or surrounding area that would detract from its historical and archaeological significance.

SECTION 2-34: REVEGETATION WITH NATIVE SPECIES

It is the policy of the County to prevent weed infestation and to ensure that all surface disturbances, especially of topsoil, are revegetated with native species.

SECTION 2-35: MINING AND MINERAL PROCESSING OPERATIONS

It is the policy of the County to permit commencement or expansion of Mining and Mineral Processing operations only in appropriate areas identified pursuant to the County Comprehensive Development Plan, with review, as appropriate, under Land Use Code Section 5-4 and CRS 24-65.1-101 et. seq., "Areas and Activities of State Interest," subject to adequate mitigation of environmental, noise, traffic, and other impacts of such activities.

Attachment C
Submission Requirements
With Responses

ATTACHMENT C: SUBMISSION REQUIREMENTS WITH RESPONSES

Land Use Code Section 4-2 establishes the minimum submission requirements for all development applications:

4-201 General

All applications for land use approvals shall include, at a minimum, the information and materials specified in this section of the Code. During the pre-application conference the Planning Office staff may authorize modifications to the required submission contents.

Response: See Attachments

4-202 Required Background Information

A letter signed by the property owner containing the property owner's name, the applicant's name, address and telephone number, and if applicable, the name, address and telephone number of the representative authorized to act on behalf of the property owner.

Response: Attached

4-203 Parcel Description

The street address and current legal description of the parcel on which the development is proposed to occur and an 8-1/2" x 11" vicinity map locating the subject property within San Miguel County.

Response: Attached

4-204 Disclosure and Proof of Ownership

A disclosure of ownership of the parcel on which the development is proposed to occur, consisting of a current certificate from a title insurance company or attorney licensed to practice law in the State of Colorado, listing the names of all owners of the property and all holders of subsurface mineral interests of record listed in the real estate records of the San Miguel County Clerk and Recorder, mortgages, judgments, liens, easements, contracts and agreements affecting use and development of the parcel and proof of the owner's right to use the land for the purposes identified in the development application. This shall normally require proof of complete ownership or written consent from all owners. The staff may also request the applicant to supply information regarding the subject property and contiguous property sufficient to indicate that the subject lot was legally created.

Response: No patented claims exist. All parcels are on BLM Land.

4-205 Legal Access

Sufficient information to demonstrate that the applicant has adequate legal access to the parcel for the development proposal.

Response: See attached copies of Notice of Intent (NOIs)

4-206 Standards Report
A written report demonstrating that the proposed development complies with the applicable substantive review standards.

Response: Not Applicable

4-207 Pre-Application Conference Summary Sheet
A copy of the pre-application conference summary sheet provided to the applicant at the pre-application conference.

Response: Attached

4-208 Site Plan
A site utilization map shall be submitted. Where applicable, a preliminary or final plat shall also be submitted. During the pre-application conference, the Planning Office may authorize an applicant to consolidate or delete specific maps that may not be applicable to a particular development proposal. The 24" x 36" site utilization maps must be folded to fit within a legal-size folder with the name of the application visible. Site maps shall include identification of Areas of Local and State Interest as set forth in Section 5-4 and Wetland Areas as set forth in Section 5-22, for all areas where development activity is proposed.

Response: Attached

4-209 Copies of Application
During the pre-application conference the staff shall specify the number of copies of the application to be submitted, including the number of copies of 24” by 36” maps or plats, if applicable. The Planning Office may authorize the submission of application materials, including maps and plats, in electronic format in lieu of paper copies.

Response: One hard copy will be sent via first-class mail, including one copy of 24” by 36” maps, if applicable

4-210 Revegetation Plan
A plan for revegetation of all surfaces disturbed in conjunction with Development that employs predominantly native species, includes replacement of topsoil and specifies a maintenance schedule and techniques.

Response: A one-foot depth of topsoil will be removed and replaced for drill pads. The drill pads will be reclaimed by putting back the materials that were initially moved to create them. For revegetation, a broadcast seeding method will be used and seed should be raked into seedbed to promote germination. The BLM approved seed mix is provided below:

Plant Name	Seeding Rate (PLS/Acre)
Sand dropseed (Sporobolus cryptandrus) VNS variety	0.07 PLS (lb/ac)
Galleta (Hilana Jamesii) Viva, florets	2.47
Big sagebrush (Atemesia tridentate) VNS	0.10
Winterfat (Krascheninnikovia lanata) VNS	0.25
Four-wing saltbrush (Atiplex canescenes) VNS	0.25
Indian ricegrass (Achnatherum hymenoides) Rimrock	3.71
Blue gramma (Chondosum gracile) Alma	0.48
Mutton grass (Poa fendleriana) VNS	0.10
Squirrel tail (Elymus elymoides) Bottlebrush	2.04
Total	9.47
Source: BLM Tres Rios Field Office, Dolores, CO	

4-211 Weed Control Plan
A plan for control of noxious weeds, as listed in the San Miguel County Weed Identification List, for all surfaces disturbed in conjunction with Development. Disturbed surfaces over one (1) cumulative acre in size will require bonding for revegetation and weed control.

Response: Attached

4-212 Employee Housing Mitigation Plan
A plan that complies with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development in the R-1 School District, if applicable.

Response: Not Applicable.

Review Standards
SECTION 5-10: SPECIAL USES

All Uses requiring One-Step and Two-Step Review shall comply with the standards in this section. Only the standards that required a response from Thor Mining are listed here.

5-1002 A. Application Requirements
All applications for Special Uses shall include at a minimum, the information and materials specified in Land Use Code Section 4-2.

I. The following must also be addressed as part of any application:

a. Site plan, photos and/or drawings accurately representing existing conditions and proposed conditions, specifying the location and dimensions of buildings, accessory structures, setbacks from property lines, identification of recorded and apparent easements, specifying areas for all proposed types of land uses, identification of specific land uses, streets and rights-of-way, driveways and access points of ingress and egress, parking, fences, signs, topography, existing and proposed landscaping, and lighting, as well as all adjacent land uses;
Attached as applicable

b. Elevation drawings showing the heights of buildings, or before and after simulations/drawings specifying the height and location of buildings and support structures, and any accessory uses, fences and signs, and proposed materials and colors;
Not Applicable. See below for fences and signage.

c. Written Narrative explaining why the proposed site has been chosen, 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., communication plan, as applicable, and describe how the proposal meets all applicable Standards and Review Criterion;
Attached as applicable. Days of operation will be limited to August-November to avoid sensitive species wintering timeframes. The take-off access routes on existing unimproved roads to the drill sites will be used. Hours of operation are expected to be 7 days per week, 12 hours per day during daylight.

d. Detailed plans, reports and specifications.
    1) Traffic and parking plan;
    Not Applicable

    2) Grading, drainage and stormwater management plan;
    Grading and drainage plans not applicable. See attached Sediment Control Plan. The disturbed area for the two sites is less than one acre, and the sites will not require construction stormwater permits from the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (WQCD) as stated in an email sent to project team members on February 8, 2022.

    3) Water/sewer plan: must meet state standards, may include verification of a commercial well permit, and water savings plan;
    Not Applicable

    4) Lighting plan: All exterior lighting shall comply with the standards of Section 5-710;
    Not Applicable

    5) Signage: see Section 5-704 standards;

Signs will be posted at all applicable county road junctions

6) Dust control plan;
   Attached

7) A noxious weed control plan;
   Attached

8) Wildlife Plan: see Section 5-407 A.XII.;
   See responses in Section 5-407

9) Additional permits as necessary from other agencies.
   Attached

10) Detailed engineered plans and specifications by a registered Colorado Professional
    Not Applicable

5-1002 B. Review Criteria
VI. Impacts on Surrounding Area
Consistency and compatibility with the Character of Parcels adjacent to the Parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, weed control, 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.

Response:
Noise – The drill rig will generate some noise when in operation during the day, but the remote nature of the site indicates minimal impact.

Dust – The proposed reverse circulation drilling method uses water in the process, and no dust is expected to be generated other than that from daily travel to the site, partially on dirt roads. See attached Dust Control Plan.

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.

Response:
Roads – All vehicles are licensed for public roads, and no impacts to county roads are expected.
Solid Waste – A San-O-Let (or similar) will be placed at the drill site to minimize human waste, and all trash will be collected and removed.

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.

Response: A bond has been submitted to the State of Colorado with the NOI.

SECTION 5-11: CONDITIONAL USES ON FEDERAL LANDS

5-1101 General

This section of the Code establishes standards for review of conditional uses on Federal lands. Refer to Section 3-6 for two-step review procedures and Section 4-7 for submission contents.

5-1102 Standards

5-1102 A. The location, size, design and operating characteristics of the proposed conditional use minimizes adverse effects, including visual impacts, impacts on pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibrations and odor on surrounding properties; and

5-1102 B. The conditional use is designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

Response: Access to drill site will be restricted and away from public roads. Other than daily round trips from Naturita by 4 vehicles, all activity will occur on dirt drill roads located on BLM land. The intended work area is remote and located on BLM land.

SECTION 5-16: MINING

The standards in this Section are intended to mitigate the impacts of mining and mineral processing, including protecting the health, safety and welfare of persons residing in the vicinity and of persons traveling on roads, streets and highways in San Miguel County utilized for hauling of mined material. This Section also contains provisions to ensure that the environmental impacts of mining and mineral processing are adequately mitigated. Mining and mineral processing operations are also subject to the special use permit provisions of Section 5-10.

5-1601 Applicability

The standards and requirements in this Section 5-16 shall apply to all mining and mineral processing operations required to obtain special use permit approval from the County, including any expansion of existing mining and/or mineral processing operations. Mining and mineral processing operations also are subject to applicable review requirements for Activities of Local and State Interest, as set forth in Section 5-4, and for Wetland Areas, as set forth in Section 5-22.

5-1602 Mitigation of Impacts

All on-site and off-site impacts shall be adequately mitigated to protect the health, safety and welfare of persons in San Miguel County and to protect the integrity and appearance of the natural environment. Consideration shall be given to site-specific environmental assessments and mitigation plans approved by the appropriate Federal agencies and/or the Colorado Division of Minerals and Geology and/or the Colorado Department of Health. However, compliance with such plans, as well as additional mitigation, may be required by the County as part of the special use permit review process. Such mitigation may include, but is not limited to, revegetation, dust

control, noise control, visual screening, limitations on hours of operations, truck haul routes and traffic volumes.

Response: Thirteen 325 to 525 feet deep vertical reverse circulation drill holes will be drilled at the sites shown on in the attached Site Maps (Attachments E and F). Reverse circulation chip samples will be collected and removed from the site. Once the hole is completed it will be plugged per Colorado State regulation.

The take-off access routes on existing unimproved roads to the drill sites will be used. Minor road improvements are planned along a 230-foot section of existing drill roads to the Section 23 drill sites. New roads are planned along a 995-foot section and minor road improvements are planned along a 1475-foot section to the Ground Hog drill sites. Hours of operation are expected to be 7 days per week, 12 hours per day during daylight.

Minimal drill pad preparation (brush clearing) plus digging a 10 by 12 by 6-foot-deep sump on each 50 by 50-foot pad is planned. Each sump will be fenced with temporary plastic fencing until reclamation is completed.

All efforts will be made to minimize surface degradation of drill site access road and drilling site. Temporary plastic fencing will be placed around sumps until drilling is complete and sumps are filled in.

Regrading and Reshaping
Upon completion of the drilling the plastic fencing around the sump will be removed and the sump will be filled, and the site smoothed out with a blade.

Drill Hole Plugging
The drill holes will be plugged in accordance with Colorado State Regulations-closure standards. If groundwater is encountered the hole will be plugged according to Colorado State regulations. In addition, the drill hole will be plugged prior to the drill rig moving away from the drill site. If required for each hole neat cement grout will be tremied from the bottom to the top of the hole by use of a grout tremie line.

Revegetation
As noted in Section 4-210, the disturbed drill site areas will be revegetated utilizing a native seed bed mixture consistent with the local environment and approved by the BLM (see attached NOI with seed mix).

5-1603 Enforcement of State and Federal Regulations
In the event that the County discovers that applicable state and/or federal regulations pertaining to a specific mining activity in San Miguel County have not been adequately enforced by the appropriate agency or organization, the Board of County Commissioners may require the mining activity to comply with any and all terms of such regulations. If such regulations are not complied with, the Board of County Commissioners may order such mining activity to cease and desist.

5-1604 Traffic Impacts and Highway Access
Mining (including sand and gravel operations) and mineral processing shall be limited to the greatest extent possible to areas where the surrounding road, street and/or highway network can accommodate heavy truck traffic. In no event shall a proposed operation be permitted where the carrying capacity of the surrounding road, street and/or highway network is exceeded by existing traffic volumes, or would be exceeded by projected or proposed traffic volumes.

Response: The vehicles to be used for the work are a Schramm – Truck or track-mounted reverse circulation drill or equivalent (licensed for public roads), a Service/water truck, and two pickups. A single daily round trip from Naturita to the site is planned.

5-1605 Additional Notice Requirements
In addition to the notice requirements set forth in Section 3-9, applicants for approval of mining and mineral processing operations shall also be required to provide written notice of a pending application by mailing such notice first class, postage prepaid, no less than 20 days prior to the scheduled meeting date to all owners of property within 1,500 feet of the subject property, and to all municipalities within 3 miles of the subject property.

Response: Not Applicable – no residents within 3 miles

SECTION 5-4: AREAS OF STATE AND LOCAL INTEREST
5-407 Wildlife Habitat Areas
This section establishes land use standards for wildlife habitat areas in addition to the general standards in Section 5-402. The standards apply to areas mapped by the Colorado Parks and Wildlife (CPW) on the County's adopted Wildlife Resource Information System (C.R.S.1041 Wildlife maps) and to areas known to be wildlife habitat areas by the Colorado Parks and Wildlife, and areas mapped by the Colorado Natural Heritage Program. Agricultural and Ranching activities are exempt from this Section.

Response: Existing wildlife habitat information is shown on the Special Use Permit Map. Land uses located in areas of state and local interests shall comply with Section 5-407 A. and the standards in this section. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development within a ½ mile buffer. The route designated for accessing the drill site, as depicted in the attached map, has been chosen to minimize disturbances to the Gunnison sage-grouse habitat. Based on raptor surveys, the start date has been shifted to August instead of July. Days of operation will be limited to August-November to avoid sensitive species wintering timeframes.

5-407 B. Deer, Elk and Bighorn Sheep Winter Concentration Area/Severe Winter Range

Response: Land uses in deer, elk or bighorn sheep winter concentration areas/severe winter range shall comply with the standards in Section 5-407 A. and the standards in this Section.

5-407 C. Deer, Elk and Bighorn Sheep Winter Range

Land uses located in deer, elk or bighorn sheep winter range shall comply with Sections 5-407 A. and 5-407 B.I.-III. and the standard in this section. Commercial activity and recreational uses requiring County review shall be prohibited from December 1 through April 15, unless an applicant can demonstrate written approval from the Colorado Parks and Wildlife of a site-specific wildlife protection plan. Such plan shall include CPW monitoring provisions and set forth on-site protection, including but not limited to habitat enhancement and habitat protection, including but not limited to control of fencing, noise, lighting and siting of structures, and establishment of routes and means of transportation and hours/days of operation. Permits must be renewed annually. The dates in this section may be modified and permits may be suspended at any time upon CPW recommendation on a case-by-case basis as necessary to protect the health of the herd.

Response: Work activities will not be performed between December 1 and April 15.

5-407 D. Deer and Elk Migration Corridors

Response: Land uses located in deer and elk Migration Corridors shall comply with Section 5-407 A. and the standards in this section.

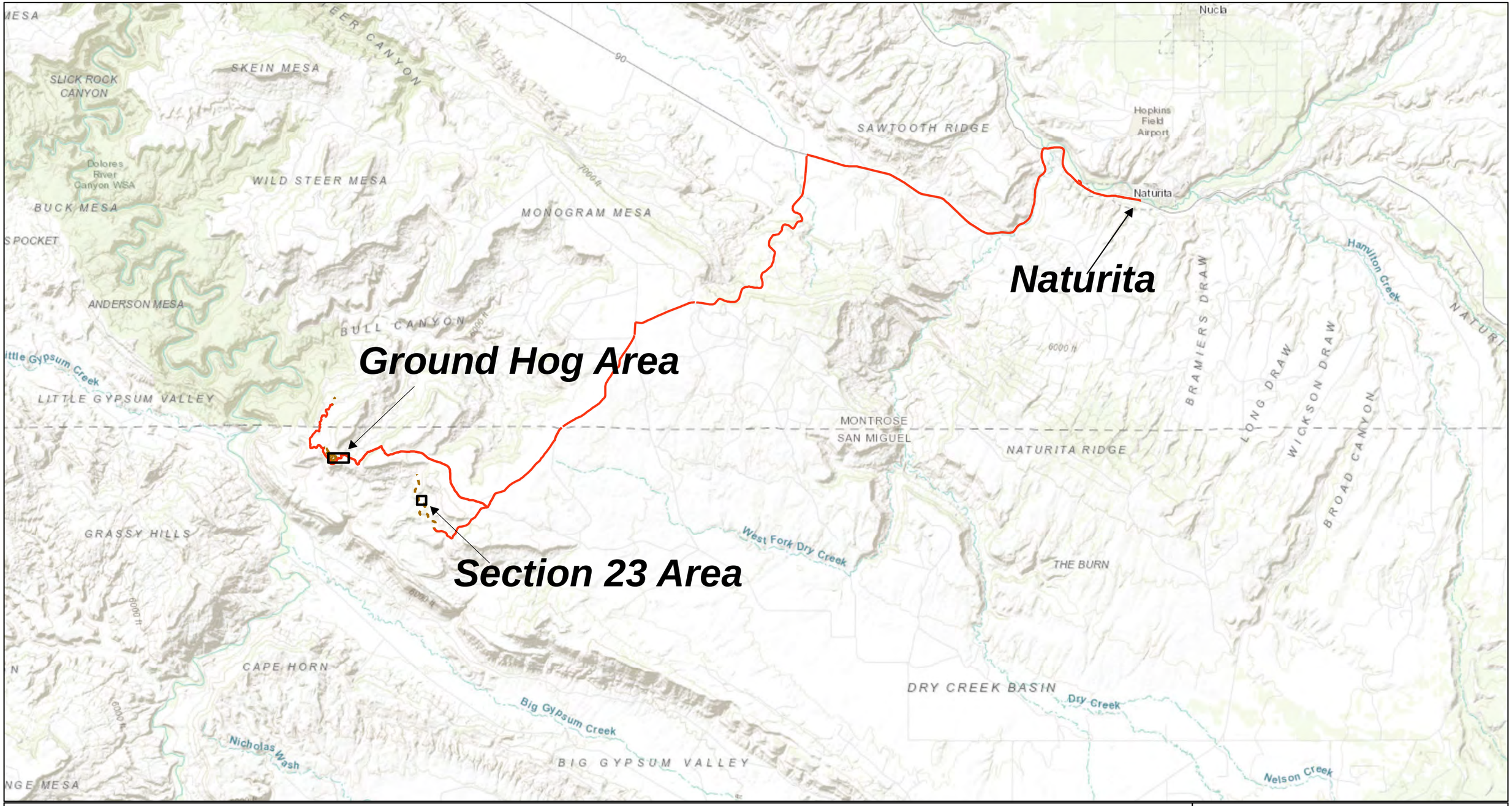
5-407 E. Deer and Elk Production Areas

Response: Land uses located in deer and elk production areas shall comply with Section 5-407 A. and the standards in this Section.

5-407 F. Riparian Areas and Shorelands

Response: Not Applicable

Attachment D
Special Use Permit Map



Legend

- Project Access
- Historical Drill Road
- Project Area

N

0 2 Miles

General Location

San Miguel County, Colorado

Geosyntec consultants

Lakewood, CO | May 2024

Figure 1

P:_Project_Files\DE0516 Thor Mining PLC Permitting\3.0 Data and Analysis\GIS\Projects_MXD\2023_General_Location.mxd 7/19/2023 3:39:20 PM

Wedding Bell Mining 2024

GunnisonSageGrouseLek

SanMiguelRoads

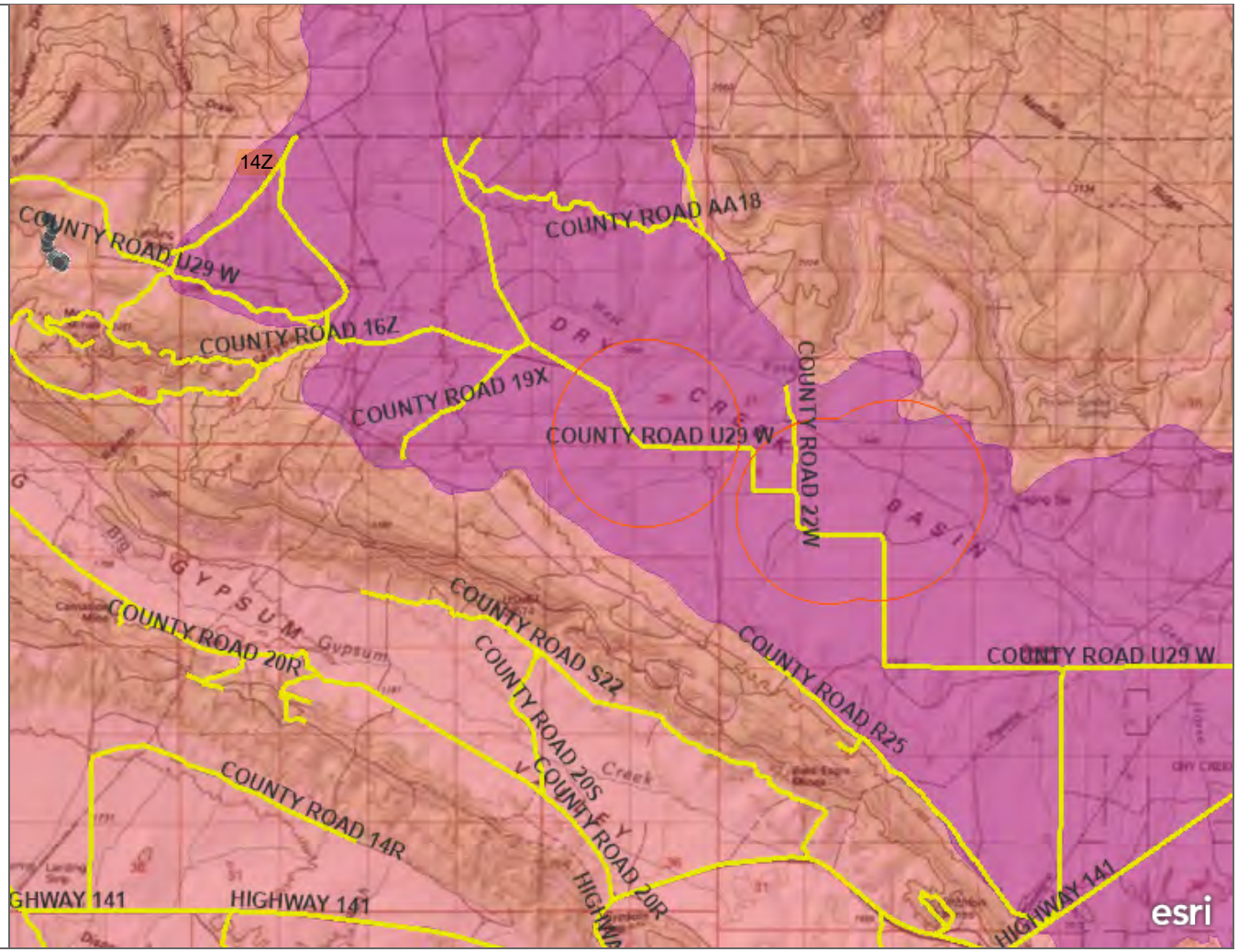
BLM_CO_Gunnison_Sage_Grouse_Habitat_Areas - Habitat Area- Status

- Occupied
- Unoccupied

2024 Drilling Program - TE_WB_Prop2024 DHs Locs 10Apr2023TA

2024 Drilling Program - TE_WG_GH PDHs 2024

2024 Drilling Program - TE_WB_Sec23 PDHs 2024 NOI



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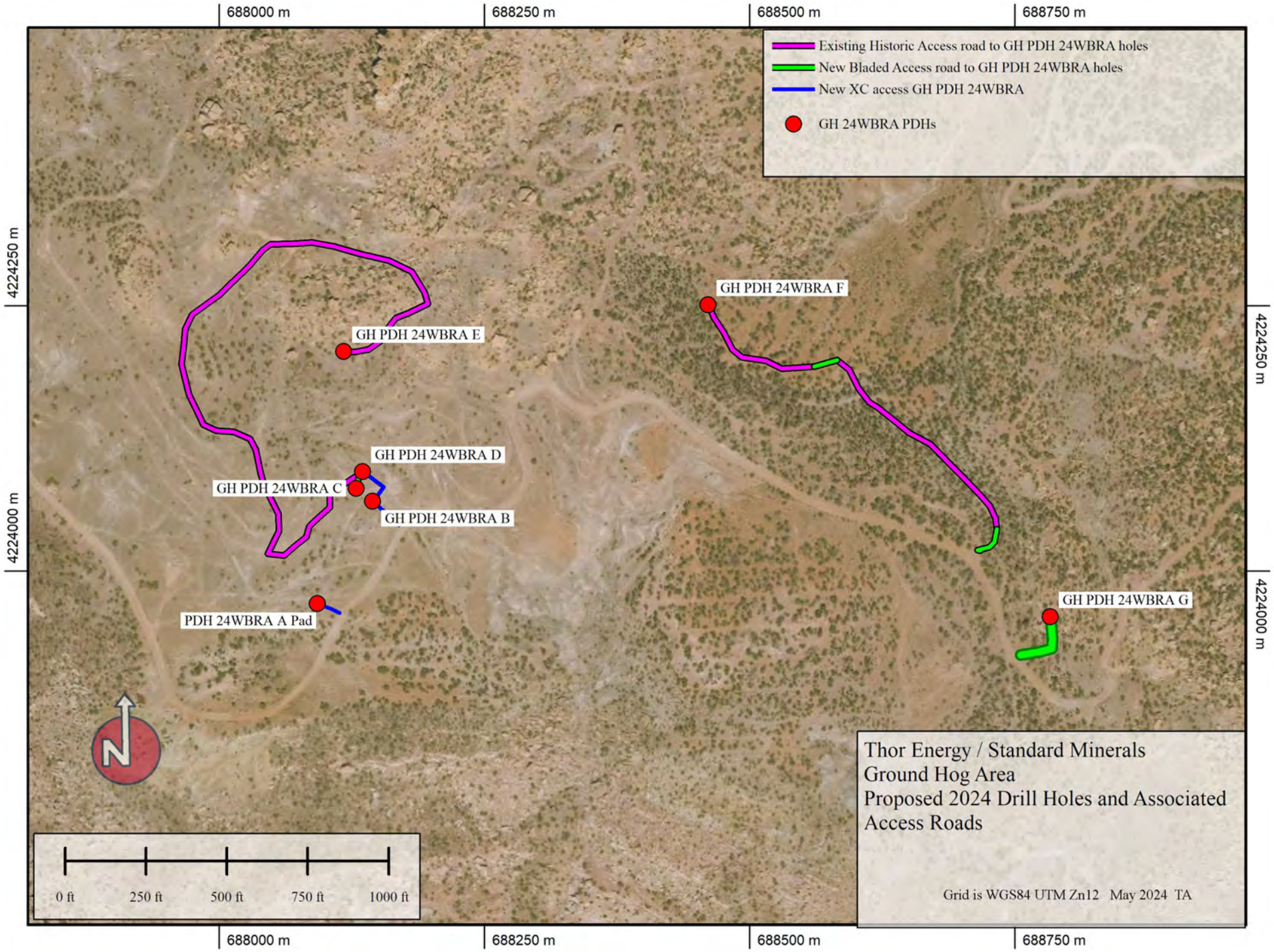
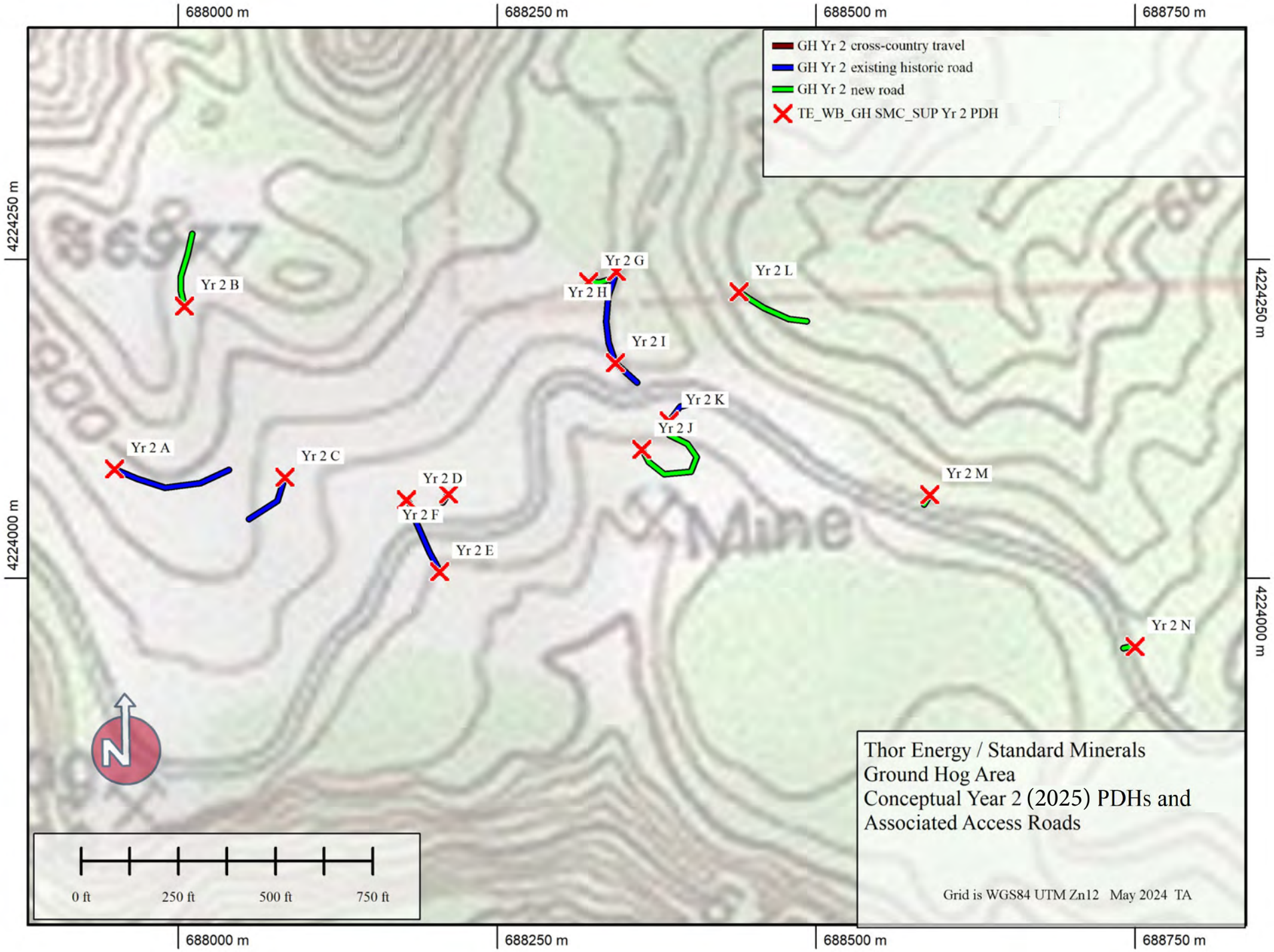
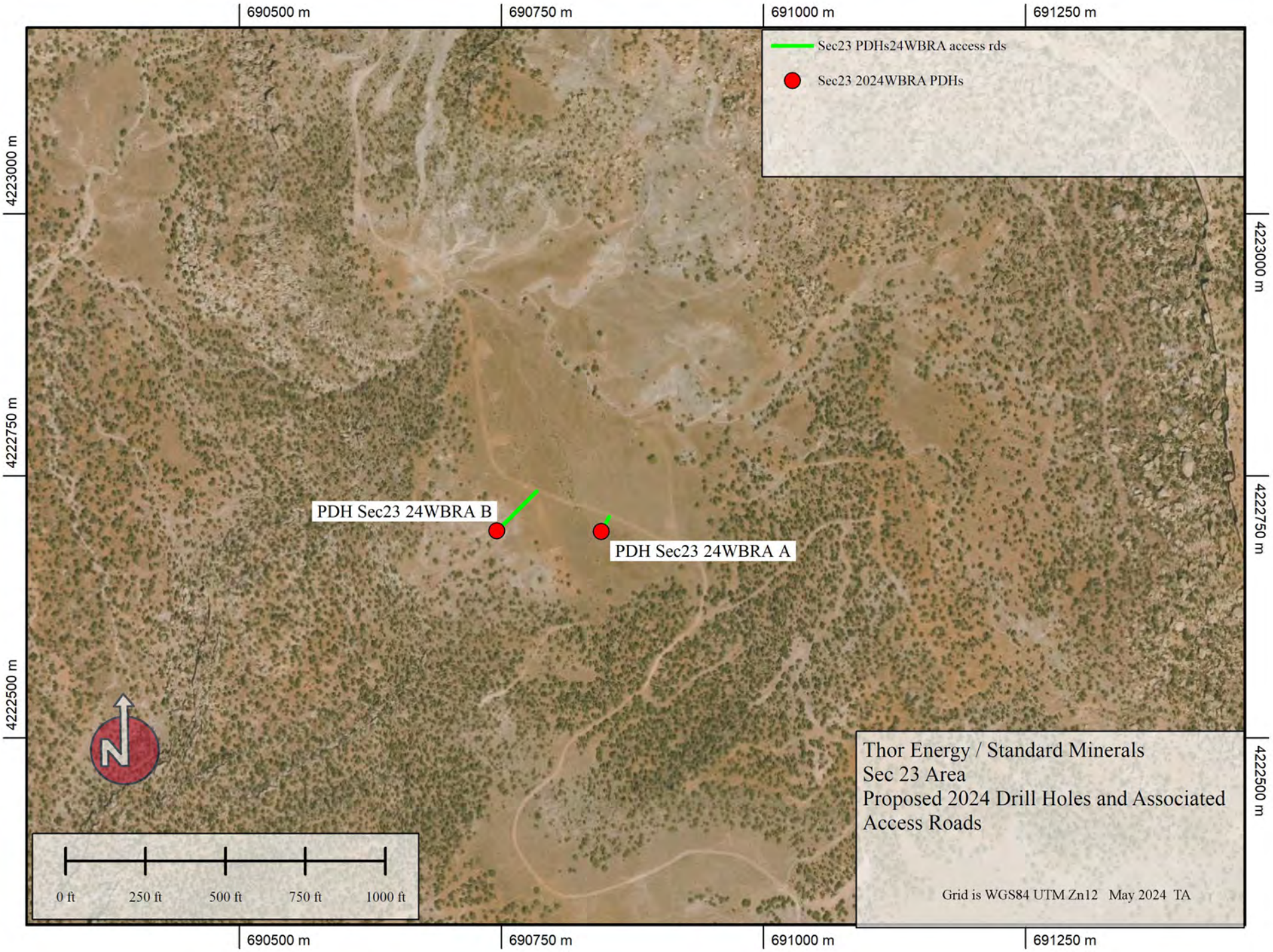
Attachment E
Detailed Site Maps
for Groundhog Area
(2024 and 2025)


688000 m
688250 m
688500 m
688750 m
4224250 m
4224000 m
Existing Historic Access road to GH PDH 24WBRA holes
New Bladed Access road to GH PDH 24WBRA holes
New XC access GH PDH 24WBRA
GH 24WBRA PDHs
GH PDH 24WBRA E
GH PDH 24WBRA F
GH PDH 24WBRA D
GH PDH 24WBRA C
GH PDH 24WBRA B
GH PDH 24WBRA G
PDH 24WBRA A Pad
N
0 ft
250 ft
500 ft
750 ft
1000 ft
Thor Energy / Standard Minerals
Ground Hog Area
Proposed 2024 Drill Holes and Associated Access Roads
Grid is WGS84 UTM Zn12 May 2024 TA


688000 m
688250 m
688500 m
688750 m
4224250 m
4224000 m
GH Yr 2 cross-country travel
GH Yr 2 existing historic road
GH Yr 2 new road
TE_WB_GH SMC_SUP Yr 2 PDH
Yr 2 A
Yr 2 B
Yr 2 C
Yr 2 D
Yr 2 E
Yr 2 F
Yr 2 G
Yr 2 H
Yr 2 I
Yr 2 J
Yr 2 K
Yr 2 L
Yr 2 M
Yr 2 N
Mine
N
0 ft
250 ft
500 ft
750 ft
Thor Energy / Standard Minerals
Ground Hog Area
Conceptual Year 2 (2025) PDHs and
Associated Access Roads
Grid is WGS84 UTM Zn12 May 2024 TA

Attachment F
Detailed Site Map for
Section 23 Area


690500 m
690750 m
691000 m
691250 m
4223000 m
4222750 m
4222500 m
Sec23 PDHs24WBRA access rds
Sec23 2024WBRA PDHs
PDH Sec23 24WBRA B
PDH Sec23 24WBRA A
N
0 ft
250 ft
500 ft
750 ft
1000 ft
Thor Energy / Standard Minerals
Sec 23 Area
Proposed 2024 Drill Holes and Associated Access Roads
Grid is WGS84 UTM Zn12 May 2024 TA

Attachment G
Notice of Intent
Submitted to Bureau
of Land Management

THOR ENERGY PLC

Thor Energy PLC
CRN 0527 6414
ARBN 121 117 673
ABN 58 121 117 673

Registered Office (UK):
Salisbury House
London Wall
London EC2M 5PS
United Kingdom

Registered Office (Australia):
6 The Parade
Norwood SA 5067
Australia

Telephone: +61 8 7324 1935
Email: corporate@thorenergyplc.com
www.thorenergyplc.com

Stock Exchange listings:
London (AIM): THR
Australia (ASX): THR
USA (OTCQB listing): THORF

Directors:
Nicole Galloway Warland
Alastair Clayton
Mark McGeough

9 May 2024

Ms. Bridget Wade
Geologist
Bureau of Land Management
Tres Rios Field Office
29211 Highway 184
Dolores, CO 81323

Dear Ms. Wade

Please find attached a Modified Notice of Intent to Operate application from Standard Minerals to conduct mineral exploration activities on BLM lands in secs. 21 and 22, T.45N., R.18W., New Mexico Prime Meridian. This would be the Wedding Bell / Radium Mtn 2021 NOI. The DRMS ID for this NOI is P2021-008. Standard Minerals is owned by Thor Energy, an Australian company.

The activity will consist of the drilling of approximately 10 rotary drill holes with the expected depths between 325 feet to about 525 feet. Total surface disturbance, including temporary access roads to the drill pads will be approximately 0.80 acres. The project area is located in the Ground Hog mine area of San Miguel County.

Please let me know if you have any questions or comments.

Sincerely,

Tony Adkins
Geologist

COLORADO
Division of Reclamation, Mining and Safety
Department of Natural Resources

NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS

FOR HARD ROCK/METAL MINES

Form 1
All confidential and public information – For DRMS use and confidential filing

Form 2
Public information only - For public filing

GENERAL:

To conduct prospecting activities in the State of Colorado, a person or organization must file a Notice of Intent to conduct Prospecting Operations (NOI or Prospecting Notice) and provide a financial warranty for the prospecting operations to the Mined Land Reclamation Board (MLRB or Board). All prospecting operations must comply with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and the Colorado Mined Land Reclamation Board Hard Rock/Metal Mines Rules and Regulations 2 CCR 407-1 and amendments to those rules ("Rules"). This NOI form is for all minerals except coal and construction materials. The Division shall determine (where there is a question) if an operation is prospecting or mining.

The New Law:

Senate Bill (SB) 228 became law on June 2, 2008. SB 228 revised portions of C.R.S. 34-32-113 pertaining to confidentiality and filing requirements and requiring that certain aspects of Prospecting Notices will no longer be confidential.

As revised, C.R.S. 34-32-113 (3) now requires, in part, that "All information provided to the Board in a notice of intent to conduct prospecting or a modification of such a notice is a matter of public record subject to the Open Records Act, Part 2 of Article 72 of Title 24, C.R.S., including, in the case of a modification, the original notice of intent; except that information relating to the mineral deposit location, size, or nature and, as determined by the Board, other information designated by the operator as proprietary or trade secrets or that would cause substantial harm to the competitive position of the operator shall be protected as confidential information by the Board and shall not be a matter of public record in the absence of a written release from the operator or until a finding by the Board that reclamation is satisfactory. Such information designated as exempt shall remain confidential until a final determination by the Board". If the Board determines that information is not confidential, the Division shall treat it as public information thirty (30) days from the Board's written order.

C.R.S. 34-32-113 (9) now requires that the applicant provide the NOI in an electronic version in addition to the paper form and that DRMS post on the Division's website the NOI upon submittal. Specifically, this subsection states: "Upon the submittal of a notice of intent to conduct prospecting or a modification of such a notice, the person submitting such notice or modification shall give an electronic version of the notice or modification, except for that information exempted from public disclosure under subsection (3) of this section and that information designated by the person as exempt from disclosure under subsection (3) of this section, to the Board in a format determined by the Board. The Division shall post such version of the notice or modification on its web site". The new requirements apply to NOIs or modifications thereto submitted or approved on or after June 2, 2008.

The Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal and Designated Mining Operations were also revised as a result of the changes to the Act and became effective September 30, 2010.

A summary of new requirements of the rules are as follows and apply to NOI's or modifications thereto submitted or approved on or after September 30, 2010.

- Rule 1.3 addresses the designation of confidential materials submitted to the Division in an NOI and the public review and appeal processes associated with the confidential designation process.
- Rule 3.1.6(4) authorizes the Division to require the submission of baseline site characterization data for surface and ground water on a case by case basis.
- Rule 3.1.6(5) authorizes the Division to implement environmental protection measures associated with drill pits on a case-by-case basis.
- Rule 5.1.2 identifies application requirements for NOI's including new requirements to submit two (2) forms (one confidential and on non-confidential) and an electronic version of any application. In addition, Rule 5.1.2(m)(i) and (ii) identifies a new requirement for prospectors to notify the Local Boards of County Commissioners at the time of application submittal for an NOI and to provide certification that such notice was submitted.
- Rule 5.1.3 identifies office review procedures for processing NOI's including confidential dispute timelines.
- Rule 5.2 describes confidentiality as it pertains to NOI filings pre and post June 2, 2008.

DEFINITION:

"Prospecting" is defined in Rule 1.1(43) of the Hard Rock/Metal Mining Rules and Regulations as the act of searching for or investigating a mineral deposit. "'Prospecting' includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts and other works for the purpose of extracting samples prior to the commencement of development or extraction operations, and the building of roads, access ways, and other facilities related to such work. The term does not include those activities which cause very little or no disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand-carried or

otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by the ordinary, lawful use of the land by persons not prospecting. The term does not include any single activity which results in the disturbance of a single block of land totaling 1600 square feet or less of the land surface, not to exceed two such disturbances per acre; except that the cumulative total of such disturbances will not exceed five acres statewide in any prospecting operation extending over 24 consecutive months" *(Rule 1.1.43)*.

APPLICATION FEE: $86

NOIs require an **$86** fee, which must accompany this notice or it cannot be processed by the Division *(C.R.S. 34-32-127(2) (a) (I) (K)).*

RECOMMENDATIONS PRIOR TO FILING:

The Hard Rock/Metal Mining Rules and Regulations, the Colorado Mined Land Reclamation Act 34-32-101 and the Colorado Mined Land Reclamation Board regulate the filing, operational and reclamation requirements for prospecting operations in Colorado. It is your obligation to comply with the Act and Regulations. You are encouraged to obtain and review a copy of the Rules, available from the Division or accessed on line at https://drms.colorado.gov In order to file your NOI properly it is recommended that you review the Act and;

Rule 1.1 Definitions
Rule 1.3 Public Inspection of Documents (Confidentiality and Dispute Resolution)
Rule 3.1 Reclamation Performance Standards
Rule 3.1.6 Water-General Requirements ((4) & (5))
Rule 3.3.1 Operating without an NOI - Penalty
Rule 4 Financial Warranties
Rule 5 Prospecting Requirements

FILING REQUIREMENTS:

If you plan to conduct prospecting on any lands in Colorado, you must provide all information described in this form. To file an NOI, submit the following;

- One (1) signed and completed NOI packet including Form 1 (confidential) and Form 2 (non-confidential) with maps and attachments (original signatures must be done in blue ink) along with the electronic copy;
- One (1) unbound copy of the original NOI packet including Form 1 and Form 2 with maps and attachments;
- OR One (1) signed and completed NOI Non-Confidential Form (Form 2) plus one (1) copy and electronic copy, if entire NOI submittal is Non-Confidential;
- Application fee ($86); and

- Financial Warranty and applicable warranty form.
- Notice of Filing with the Board(s) of County Commissioners where prospecting will occur. (See section VIII – Signature Requirements)

New and Additional NOI Filing Requirements for Confidentiality Designations:

1. Applicants of NOIs must specifically designate each portion of the submittal that the applicant believes should be confidential. This designation must comply with the provisions of SB228 as discussed above and should include not only information relating to the mineral deposit location, size, or nature but also other information the applicant believes is proprietary or trade secrets or that would cause substantial harm to the competitive position of the applicant. The applicant should distinguish in the submittal between those portions of the NOI that are confidential because they relate to the mineral deposit and those portions that the applicant believes are proprietary, trade secret or harmful to its competitive position. Those portions of the submittal that are not designated as confidential will be available as public record.

2. The applicant must submit two separate forms. One form will contain all information, including both public and confidential information (with the confidential information designated as such). This complete form will be used by the DRMS for review and will be held as confidential.

   The second form will contain only the information the applicant believes is public with the applicant redacting all information to be held as confidential.

3. The submittals must be provided in both paper and electronic format.

4. All public portions of the submittal will be made available on the Division website and in the Division's public files.

5. All portions of the submittal that are confidential by law, or as designated by the prospector, will remain secured from public access, *i.e.*, not on the website and not in the Division's public files. If the Board rules that some portion of the file should be public, then that portion will be made available and no longer held from public view.

PROCESSING REQUIREMENTS:

The Division will review the NOI and associated Financial Warranty information within twenty (20) working days of receipt by the Division. If the prospector has not been notified of any deficiencies of the NOI Form within twenty (20) working days of receipt, prospecting operations may commence upon approval of the financial warranty. The Prospector has 60 days from the date of filing to correct any deficiencies. For activities on BLM or USFS Lands, the twenty (20) working-day period begins on the day when the appropriate Federal Land Management agency has been notified by the Prospector (see below). Incomplete NOI forms will be terminated and

returned to the person or organization, if deficiencies are not corrected within 60 days of filing *(Rule 5.1.3).*

The New Review Process Regarding Confidentiality Designations

Hard Rock Rule 5.1.3 (Office Review), Rule 5.2 (Confidentiality) and Rule 1.3 (Public Inspection of Documents) will apply. These rules will guide office review of determinations regarding confidentiality designations. The Division will review the submittal for technical adequacy as stated above, including the review of the submittal in regard to information the applicant has designated as confidential. If the Division identifies any deficiencies in the submittal including any disagreement regarding the designation of confidential materials, then the prospector will be notified by the Division in accordance with the timeframes identified in these rules, but no later than 20 working days of NOI receipt.

Disputes relating to designation of confidentiality may be resolved by the Prospector removing the confidentiality designation by the Prospector or by Board determination. The DRMS will not issue an approval decision and the applicant is not authorized to commence prospecting operations until all deficiencies, including confidentiality issues, are resolved.

PROSPECTING ON FEDERAL LAND:

The Division has entered into cooperative agreements with the U.S. Bureau of Land Management (BLM) or the U.S. Forest Service (USFS) to coordinate the review of NOIs and the posting of financial warranties. The primary goal is to ensure that the agencies minimize duplication of functions and thereby minimize regulatory duplication imposed upon prospecting operations. The Division assumes the primary responsibility for the administration, review, and permitting of NOIs. The prospector is required to document that the NOI has been sent to the BLM or the USFS. Upon receipt of the NOI, the Division will notify the appropriate BLM or USFS office and forward a copy of the NOI. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM or USFS.

FINANCIAL WARRANTY:

A financial warranty must be provided and approved prior to the entry upon lands for the purpose of prospecting. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Prospecting Financial Warranty." The One Site Prospecting Financial Warranty is usually filed by individuals or small companies where prospecting activities are limited to a single area. It must be filed in the amount of $2,000 per acre for the land to be disturbed, or such other amount as determined by the Division, based on the projected costs of reclamation, taking into account the nature, extent, and duration of the prospecting operation and the magnitude, type and estimated cost of the planned reclamation. A Statewide Financial Warranty is usually filed by larger companies with multiple prospecting sites. It must be filed in an amount equal to the estimated cost of reclamation per acre of affected land for all anticipated sites statewide. (You

may increase the statewide bond at any time in order to cover additional or expanded prospecting activities.) **The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting.** The financial warranty will be retained by the Board until the prospector has completed reclamation of the prospecting site and has been released, in writing, of reclamation responsibility. Financial warranty forms can be downloaded from the Division's Internet web page located at https://drms.colorado.gov .

PLAN MODIFICATIONS:

Modifications to an existing NOI must be submitted in writing and approved in advance of such activity. Modifications shall be reviewed by the Board or Office in the same manner as new NOIs, use the same NOI form, include confidentiality designations, and a fee for $86. Prospectors must fill out sections of the NOI form that will change and indicate the sections that will not change. Prospectors must designate each portion of the modified NOI they believe are to remain confidential. Please note that under SB 228, all information provided to the Board in an NOI or a modification of an NOI is a matter of public record including, in the case of a modification, the original notice of intent, unless that information relates to the mineral deposit location, size, or nature or is designated by the Prospector as proprietary or trade secrets or that would cause substantial harm to the competitive position of the Prospector. Accordingly, the Prospector should also designate the information in the original NOI that it believes is confidential if it has not already done so.

The Board shall determine (where there is a question) if an NOI can be modified or requires the filing of a new NOI in accordance with Rule 1.4.11. If the Division determines that the proposed modification (or new NOI) requires the posting of an additional reclamation bond amount to cover increased costs of reclamation caused by the modification (or new NOI), the NOI holder must submit and the Division must approve the supplemental or additional bond to cover such increased reclamation costs before the NOI holder may undertake any additional or different activities described in the modification (or new NOI). A separate prospecting notice shall be filed with the Office for each non-contiguous land survey quarter section in which a proposed prospecting activity is to occur. The requirement for separate notices may be waived by the Office for good cause *(Rule 5.1.1)*.

ANNUAL REPORTS:

Effective as of December 31, 2006, Annual Reports are required for all active prospecting operations. **By the anniversary date of each year that the NOI is in effect, the prospector must file an annual reclamation report detailing the exploration and reclamation activities that occurred during that year and whether prospecting has been completed (Rule 5.6).** Annual Reports filed on or after June 2, 2008 shall be a matter of public record unless designated by the prospector as confidential pursuant to the provision of Rule 1.3. Failure to submit an Annual Report for two (2) consecutive years shall constitute evidence of abandonment of the

prospecting activities. **The report must be accompanied by an annual fee in the amount of $86.00.**

RECLAMATION:

Reclamation shall be completed in a timely manner and within five (5) years of completion of prospecting activities (Rule 5.1.2(g)). The time period to complete site reclamation commences on the date that prospecting has been completed, as stated in the Annual Report. New or significantly upgraded roads, structures, or other features on private lands that are planned to be retained following prospecting may be identified in the NOI submittal and may be excluded from the financial warranty amount at the discretion of the office. The prospector must submit a notarized letter from the landowner requesting that the roads, structures or other features remain on site and demonstrate that it meets the applicable County zoning and code requirements.

RELEASE OF FINANCIAL WARRANTY AND TERMINATION OF THE NOI:

Upon completion of any phase of reclamation, you should consult Rule 3.1 for reclamation standards and Rule 4.16 for details on how to request a reclamation responsibility release from the MLRB. Following the completion of reclamation, the prospector may request a release of the reclamation responsibility sent by certified mail. The Division will conduct an inspection within 30 days of receiving the request (or as soon thereafter as weather conditions permit). If the operation is located on Public Land or State Land, the Division will coordinate the inspection with the appropriate land management agency.

COMPLIANCE WITH OTHER LAWS:

Compliance with the Act and Rules and Regulations of the Mined Land Reclamation Board does not relieve you of responsibility to comply with all other applicable local, state and federal laws. We recommend that you contact the following agencies and any others to determine whether you need to comply with their legal requirements:

- The Colorado State Historical Preservation Office regarding properties of potential historical significance;
- Colorado Division of Water Resources regarding water rights;
- Colorado Department of Public Health and the Environment, Water Quality Control Division, regarding the potential to discharge pollutants into the State waters;
- Colorado Department of Public Health and the Environment, Air Pollution Control Division, with regard to the potential need for a fugitive dust permit;
- U.S. Bureau of Land Management or the U.S. Forest Service if the proposed operation is on federal lands;
- U.S. Army Corps of Engineers regarding a dredge and fill (404) permit; and
- The County Planning Department for the county or counties in which the proposed operation is located.

AUTHORIZED SIGNATURE:

You, or a person authorized by you, must sign the NOI. By doing so you are stating that the information provided in the NOI is true and correct as of the date specified. For individuals, the NOI must be signed by the NOI holder or the person authorized to sign on the NOI holder's behalf. For companies or partnerships, the NOI must be signed by a person acting under the company's/partnership's express or implied authority, or by an authorized agent.

SUBMIT COMPLETED NOIs TO:

Division of Reclamation, Mining and Safety
1313 Sherman St., Rm. 215
Denver, CO 80203
Telephone: 303.866.3567
FAX: 303.832.8106

Office hours are Monday to Friday, 8:00 a.m. to 5:00 p.m., excluding State Holidays.

COLORADO
Division of Reclamation, Mining and Safety
Department of Natural Resources

Form 2 (Public File)
NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS
FOR HARD ROCK/METAL MINES

CHECK ONE:

☐ **There is an NOI Number Already Assigned to this Operation** (Please reference the file number assigned to this operation) **NOI # P-** ____ - ____

☐ **New** NOI

☑ **Modification** to an Existing NOI (Provide for Modifications to an existing NOI) **NOI# P-** 2021 - 008

GENERAL OPERATION INFORMATION
Type or print clearly, in the space provided, ALL information described below.

I. GENERAL INFORMATION

1. DATE NOI RECEIVED BY THE DIVISION: **(office use only)**

2. PROJECT NAME: Wedding Bell Project (Ground Hog Area)

3. PROSPECTOR:

Tony Adkins
Name

Geologist
Title

Standard Minerals, Inc c/o Wolcott LLC
Company Name

PERSON MLRB SHOULD CONTACT:

Tony Adkins
Name

Geologist
Title

Standard Minerals, Inc c/o Wolcott LLC
Company Name

729 Bookcliff Ave	729 Bookcliff Ave
Street	Street
P.O. Box	P.O. Box
Grand Junction, CO 81501	Grand Junction, CO 81501
City, State, Zip	City, State, Zip
(970) 462-5888	(970) 462-5888
Telephone	Telephone
( ) (970) 241-7146	( ) (970) 241-7146
Fax	Fax

4. APPLICATION FEE: $86. (NOIs require an **$86** fee which must accompany this notice or it cannot be processed by the Division).

5.

LOCATION INFORMATION:

County: San Miguel

Principal Meridian (check one):

☐ 6th (Colorado) ☑ 10th (New Mexico) ☐ Ute

Section (write number) 21 TOWNSHIP 45 N ☑ S ☐

RANGE 18 E ☐ W ☑

QUARTER SECTION (check one):

NE ■ NW ☐ SE ☐ SW ☐

QUARTER/QUARTER SECTION (check one):

NE ■ NW ☐ SE ☐ SW ☐

GENERAL DESCRIPTION: (the number of miles and direction to the nearest town and the approximate elevation):

The project area is about 28 miles SW of Naturita, CO. Elevation is about 6,900 ft

NOTE: Supply longitude and latitude or UTM coordinates if lands have not been surveyed or as supplemental information to this NOI. GPS measurements will be acceptable for this purpose:

Lat: _____ X: 688320E

Long: _____ Y: 4224100N

6. LAND OWNERSHIP:

☐ Private ☒ Public Domain (BLM) ☐ National Forest (USFS)

☐ State ☐ State Sovereign Lands ☐ Other (please describe)

_____

If prospecting is located on BLM or USFS land the remaining section must be completed, otherwise go to section II Maps & Drawings

7. PROSPECTING ON BUREAU OF LAND MANAGEMENT (BLM) LAND AND U.S. FOREST SERVICE (USFS) LAND

The Division and the BLM/USFS have entered into cooperative agreements that eliminate the need for a prospector to post a financial warranty with each agency and allow them to coordinate the review of the NOI in order to minimize administrative processing time and effort.

A. CLAIMANT:

Name: Standard Minerals, Inc EIN 83-1768593

Address: c/o Wolcott LLC 729 Bookcliff Ave

City, State, Zip: Grand Junction, CO 81501

Telephone: (970) 462-5888

Fax: ( ) (970) 241-7146

B. SITE/CLAIM INFORMATION:
List names, serial numbers and provide legal description to nearest quarter-quarter section of all sites or claims (attach additional page, if necessary).

NAME	SERIAL NUMBER	LEGAL DESCRIPTION
Ground Hog 033	CMC292191	T45N R18W Sec 21 NE1/4 NE1/4
Ground Hog 034	CMC292192	T45N R18W Sec 21 NE1/4 NE1/4
Ground Hog 035	CMC292193	T45N R18W Sec 21 NE1/4 NE1/4
Ground Hog 037	CMC292195	T45N R18W Sec 22 NW1/4 NW1/4
Ground Hog 038	CMC292196	T45N R18W Sec 15 SW1/4 SW1/4
Ground Hog 041	CMC292199	T45N R18W Sec 22 NE1/4 NW1/4

C. LOCATION MAP: Attach a USGS 7.5 minute quad, or similar map of adequate scale, which locates the prospecting site(s).

D. Are prospect sites (e.g., drill holes, trench locations, etc.) staked on the ground? Yes ☑ No ☐

E. Specify the Land Management Agency, Address and Telephone Number:

Agency: Bureau of Land Management, Tres Rios Field Office

Address: 29211 Highway 184

City, State, Zip: Dolores, CO 81323

Telephone: (970)882-1135

F. The prospector is required to document that the NOI has been sent to the BLM or the USFS. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM or USFS. Check one:

☑ Evidence of notification is attached to this NOI for BLM Land

☐ Evidence of notification is attached to this NOI for USFS Land.

☐ Other proof of notice is attached to this NOI

II. MAPS & DRAWINGS

An accurate topographic base map showing the location of the proposed project must be submitted with this notice. The prospector may submit a U.S.G.S. 7.5 minute quadrangle, or similar map of adequate scale that:

1. Identifies the proposed prospecting site(s) or activity areas involving surface disturbance. Activity areas include all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads, and

2. Includes sufficient detail to identify and locate known prospecting features and facilities that may be affected and those that are not anticipated to be affected. This includes the location of all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads. Color photographs, adequately labeled (including date, orientation and location), of the prospecting site may be used to fulfill this requirement if included with the NOI submittal.

III. PROJECT DESCRIPTION

1. Mineral(s) and/or Resource(s) being Investigated: Uranium, Vanadium

2. Estimated dates of commencement and completion:
   Commencement: 08 / 01 / 2024
   Completion 11 / 30 / 2024

3. Amount of material (specify units) to be extracted, moved or proposed to be moved: 600 Units lbs

Identify the type or method of prospecting proposed and quantity (place an "X")

☐ Cuts	☐ Pits	☐ Trenches
☐ Shafts	☐ Tunnels	☐ Adits
☐ Declines	☒ Air Drilling	☒ Fluid Drilling
☐ Drilling and Blasting		

5. Describe proposed surface excavation or other land disturbance, including roads, pits, trenches, waste piles, drill pads and collar areas of underground workings, ponds, etc.

Seven reverse circulation drill pads are proposed. Six of the pads (50ft x 50ft) will be for a single vertical hole, the seventh pad (60 ft x 60 ft) will have up to four angle holes drill from the single pad. Mud sumps, if needed will be contained with the drill pads
Access road will vary from 40 ft to 2,520 ft in length. A combination of making new roads, using existing historic roads, and cross-country travel will keep the surface disturbance to a minimum. See the Reclamation Section for more details

6. Proposed Disturbance (approximate) Describe the proposed drilling to be conducted, including anticipated number of holes, diameter, depth, location, etc. Submit additional pages if necessary:

A. Drill Pads:

Quantity 7 Average Width (ft) 50 Average Length (ft) 50

B. Drill Holes:

Quantity 10 Depth (ft) 400 Diameter (in) 5.5

C. Mud Pits

Quantity 10 Average Width (ft) 6 Average Length (ft) 12 Average Depth (ft) 6

D. Described proposed underground work, including reopening of old workings, advancement of adits or shafts, trenches, pits, cuts, rock dumps, or other types of disturbance, describe type, quantity and general dimensions:

None

E. Other Disturbances (please describe)

None

F. Indicate Chemicals and Fuels used or stored on site. List type, quantity and method to store.

All chemicals and fuels (gasoline, diesel) used will be stored on drillers pickup. Drillers will have a hazardous spill kit with them.

G. New Roads:

Length (ft): 995 Width (ft): 10

~~Significantly~~ Upgraded Roads Length (ft): 1475 Width (ft): 10

Are culverts or other crossings proposed? If so, please describe:

None

H. Total project area to be disturbed (acres) 0.80

I. Describe the equipment to be used for the prospecting operations:

Truck, skidder or track mounted reverse circulation drill or equivalent, service/water truck, backhoe, and two pickups-one for drillers and one for geologist.

J. Describe and locate any structures to be constructed (i.e. stockpiles, ponds, impoundments):

None

K. Describe anticipated relationship to surface water and groundwater (proximity to streams, penetration of ground water aquifers):

No running streams in area. Bottom of drill holes above water table.
Source: USGS Professional Paper 300 (pg 260) states that "all ore deposits in the Wedding Bell group are above the water table".
No springs or surface water were observed in the field area and no drainage was observed from any mine opening.

IV. OPERATION AND RECLAMATION MEASURES:

1. The Board suggests that a photographic record of the pre-prospecting and post-prospecting conditions be kept by the prospector. These photos should be taken from the same location and by the same method to clearly show the pre-prospecting condition of the land and the reclamation efforts. Upon completion of reclamation and request for bond or surety release, the Board may consider the photos as evidence of adequate reclamation, and thus, be able to act more quickly on the request for release.

2. Provide a description of the native vegetation of the area to be disturbed, including tree, shrub, and grass communities of the area. Color photographs, sufficient to adequately represent the ecology of the site and adequately labeled (including date, orientation and location), may be used in lieu of a written description. Based on the quality of the photographs, the Division may require additional detail.

See attached Reclamation Section

3. Describe the estimated topsoil depth and how topsoil will be salvaged, stockpiled and redistributed for the re-establishment of vegetation. Specify approximate topsoil redistribution depth:

See attached Reclamation Section

4. Describe how drill holes will be plugged (refer to Rule 5.4 of the Rules for required abandonment procedures):

See attached Reclamation Section

5. Describe how portals, adits, shafts, ponds, excavations, or other disturbances will be reclaimed (refer to Rule 3 and Rule 5 for specific reclamation performance standards). You may wish to contact the Division for closure specifications.

Not applicable. This project is an exploration drill program only.

6. Describe how roads will be reclaimed or returned to their pre-prospecting (or better) condition:

See attached Reclamation Section

7. List the seed mixture to be used in the re-establishment of vegetation. See the attached seed mixture calculation to obtain PLS/acre. For assistance with formulating seed mixtures and rates, contact the local NRCS if on private land, BLM/USFS if on public land or State Land Board if on state land.
   A. Plant name and seeding rate:

Plant Name	Seeding Rate (PLS/Acre)
See attached Reclamation Section	

B. Describe the method for seed bed preparation, and application method for grass/forb seeding:

See attached Reclamation Section

V. TERMS AND CONDITIONS FOR PROSPECTING OPERATIONS:

1. Reclamation measures shall be fulfilled in a timely manner and completed within five (5) years of completion of prospecting activities.

2. The prospecting operations described in this Notice will be conducted in such a manner as to minimize surface disturbances. In addition to the measures required in Rule 5, precautions to be taken include:

   A. Confinement of operations to areas near existing roads or trails, where practicable. Existing roads which are to remain as permanent roads after prospecting activities are completed shall be left in a condition equal to or better than the pre-prospecting condition;

   B. Drilling shall be conducted in such a way as to prevent cuttings and fluids from directly entering any dry or flowing stream channel. Drill cuttings must be spread to a depth no greater than one-half (1/2) inch or buried in an approved disposal pit;

   C. Proper and timely abandonment of drill holes upon completion of drilling;

   D. Reclamation of affected lands upon completion of operations or phases of an operation;,

   E. Backfilling and revegetating any pits to blend in with the surrounding land surface;

F. Safeguarding mine entries, trenches and excavations from unauthorized entry at all times;

G. Disposal of any trash, scrap metal, wood, machinery, and buildings;

H. Control of noxious weeds within the area affected by the prospector

3. The prospecting operations shall be conducted in such a manner as to comply with all applicable local, state and federal laws and regulations including applicable state and federal air and water quality laws and regulations.

4. The prospecting operations shall be conducted so as to minimize adverse effects upon wildlife to include covering of open drill holes until properly plugged.

5. During the prospecting operations, the operator will perform the necessary stabilization and reclamation work to ensure those areas affected by prospecting activities are erosionally and geotechnically stable.

6. All prospecting operations shall be in compliance with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and all rules and regulations currently in effect or promulgated pursuant thereto. See 2 CCR 407-1, Mined Land Reclamation Board Hardrock /Metal Mining Rules.

VI. ADDITIONAL TERMS AND CONDITIONS FOR PROSPECTING ON BLM/USFS LANDS

1. The prospector will supply a copy of this NOI to the appropriate BLM and/or USFS office.
2. The prospector authorizes the MLRB to discuss the information in this Notice of Intent with the BLM and/or USFS.

3. If on BLM land, the prospector will complete reclamation to the standards described in 43 CFR 3809.1-3 (d) and implement reasonable measures to prevent unnecessary or undue degradation of lands during operations.

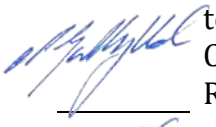
VII. FINANCIAL WARRANTY

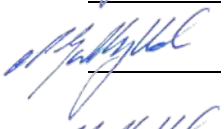
A financial warranty must be provided for the cost of reclamation of the disturbance described in this Notice. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Financial Warranty." **The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting.**

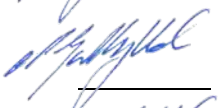
A One-Site Prospecting Financial Warranty is usually filed by individuals or companies where prospecting activities are limited to a single area. It must be filed in the amount of $2,000 per acre for land to be disturbed, or such other amount as determined by the Division, based on the projected costs of reclamation. A Statewide Financial Warranty is usually filed by companies with multiple prospecting sites. It must be filed in an amount equal to the estimated cost of reclamation per acre of affected land for all anticipated sites statewide. (You may increase the statewide bond at any time in order to cover additional or expanded prospecting activities.)

VIII. SIGNATURE REQUIREMENT

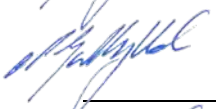
Please place your initials on the line provided:


_____ I hereby verify that the foregoing information is true and accurate and commit to the reclamation of the aforementioned prospecting site as required by the Colorado Mined Reclamation Act and the rules as specified in the Hard Rock/Metal Mining Rules and Regulations and this NOI form.


_____ I have enclosed the required permit fee.


_____ I authorize the Division to contact and copy the BLM and/or USFS on any correspondence related to the prospecting operation, if the prospecting operation is located on federal public land.

_____ I have also enclosed the appropriate reclamation surety amount or will post an amount as determined by the office, based on the projected costs of reclamation.


_____ I understand that I am not authorized to create any surface disturbance until the surety amount is posted and approved in writing from the Division of Reclamation, Mining and Safety.

_____ I accept and agree to comply with the foregoing terms and conditions and with all of the provisions of Rules 3 and 5, and C.R.S. 34-32-101.

_____ I hereby certify that concurrent with submittal of this NOI to the Division, I have sent notice to the Boards of County Commissioners in the counties where the proposed activities will occur. This notice also indicated that non-confidential information regarding the proposed activities will be available for review at the Division's website.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32-113, C.R.S., of the Mined Land Reclamation Act. Any alteration or modification of this form shall result in voiding any NOI issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a NOI pursuant to section 34-32-123, C.R.S.

I, the undersigned, being the NOI holder or the person authorized to sign on behalf of the NOI holder, declare that the information given in this NOI form is true and correct.

SIGNATURES MUST BE IN BLUE INK

Signed and dated this 13 **(date)** **day of** May **(month)**, 2024 **(year)**

Signature of NOI holder or person authorized to sign: _____

Name (typed or printed): Nicole Galloway Warland

Title/Position: Managing Director

M:\min\oss\slb\MineralsForms\ProspectForm2
30 Aug 2017

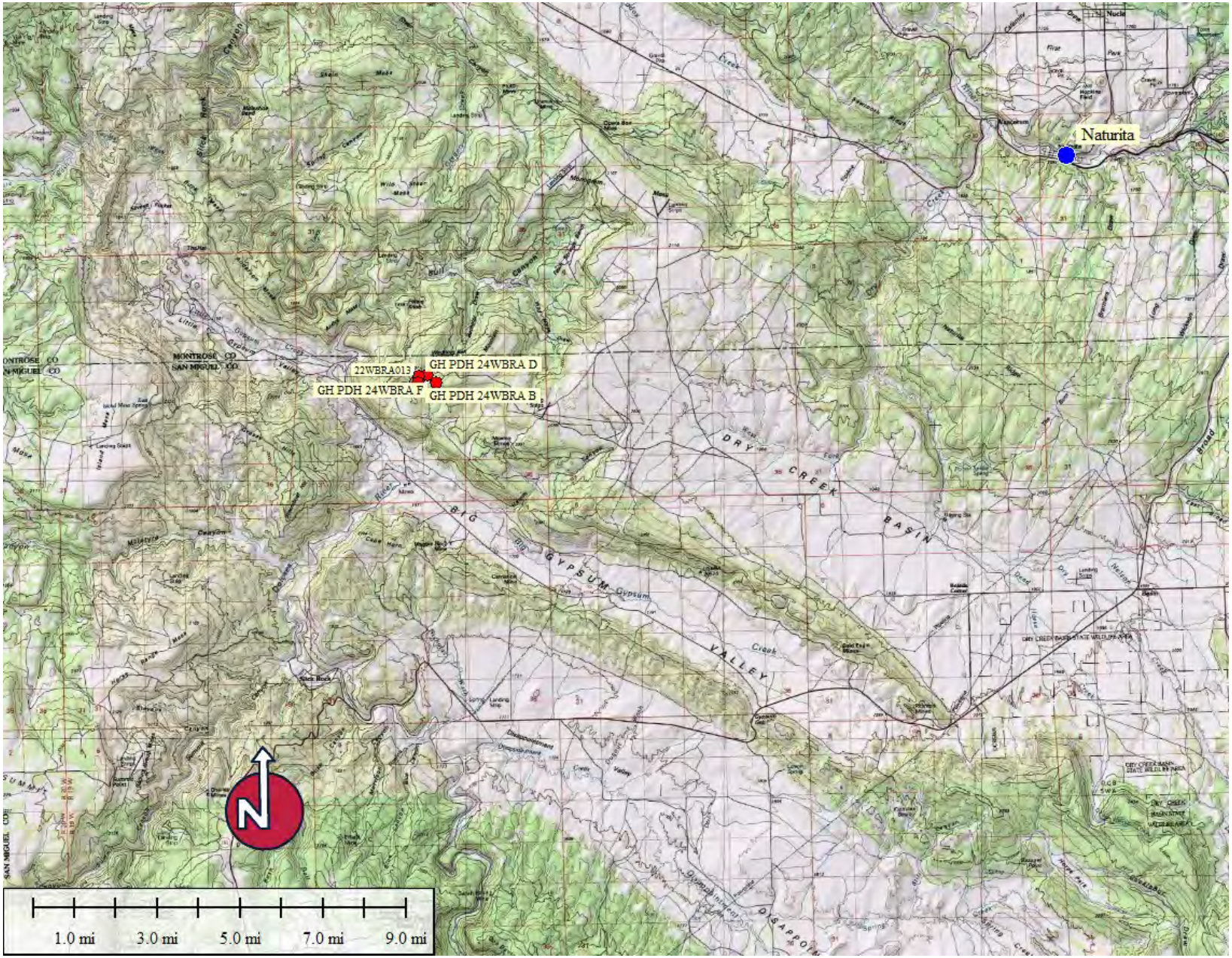
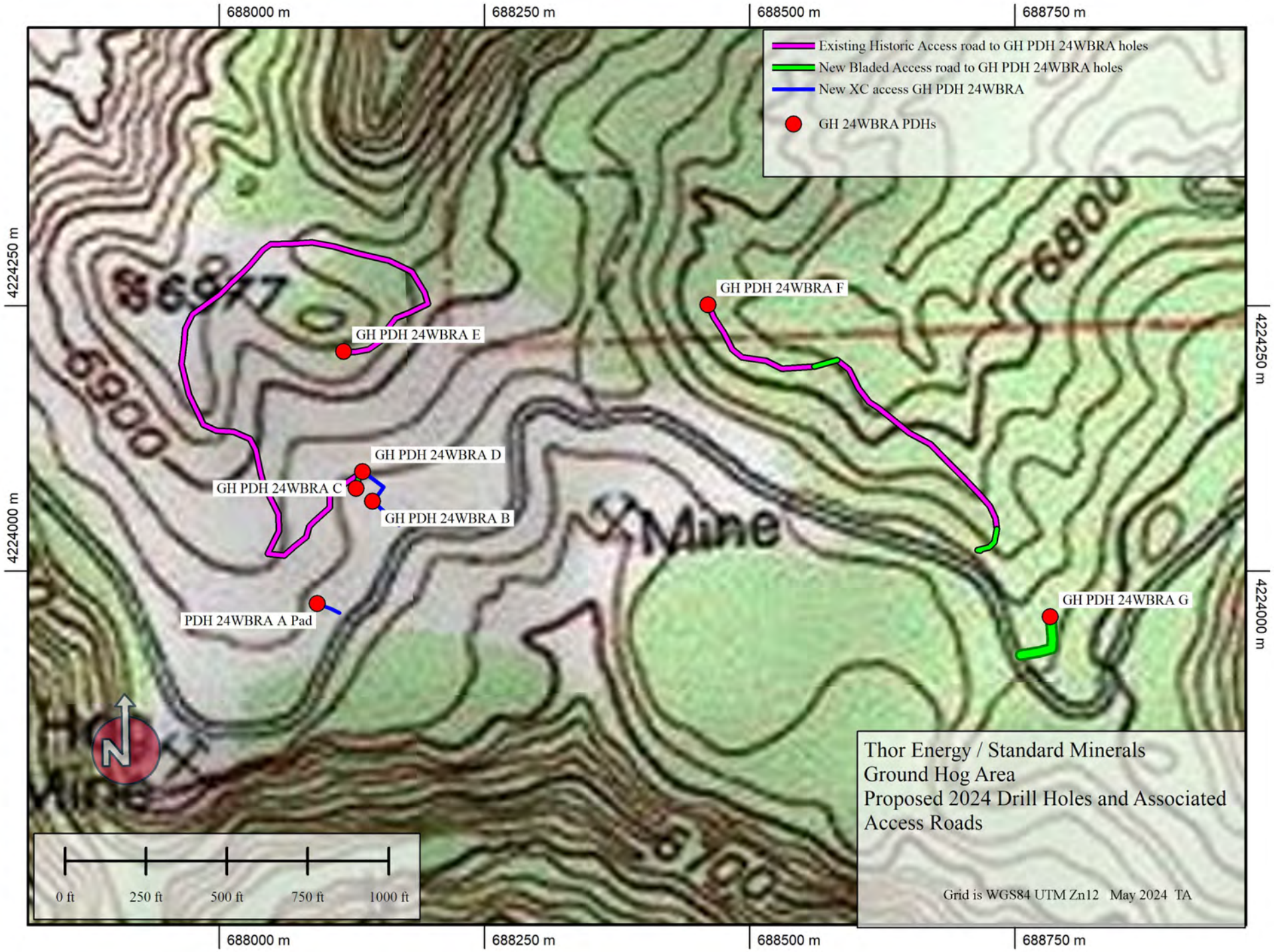
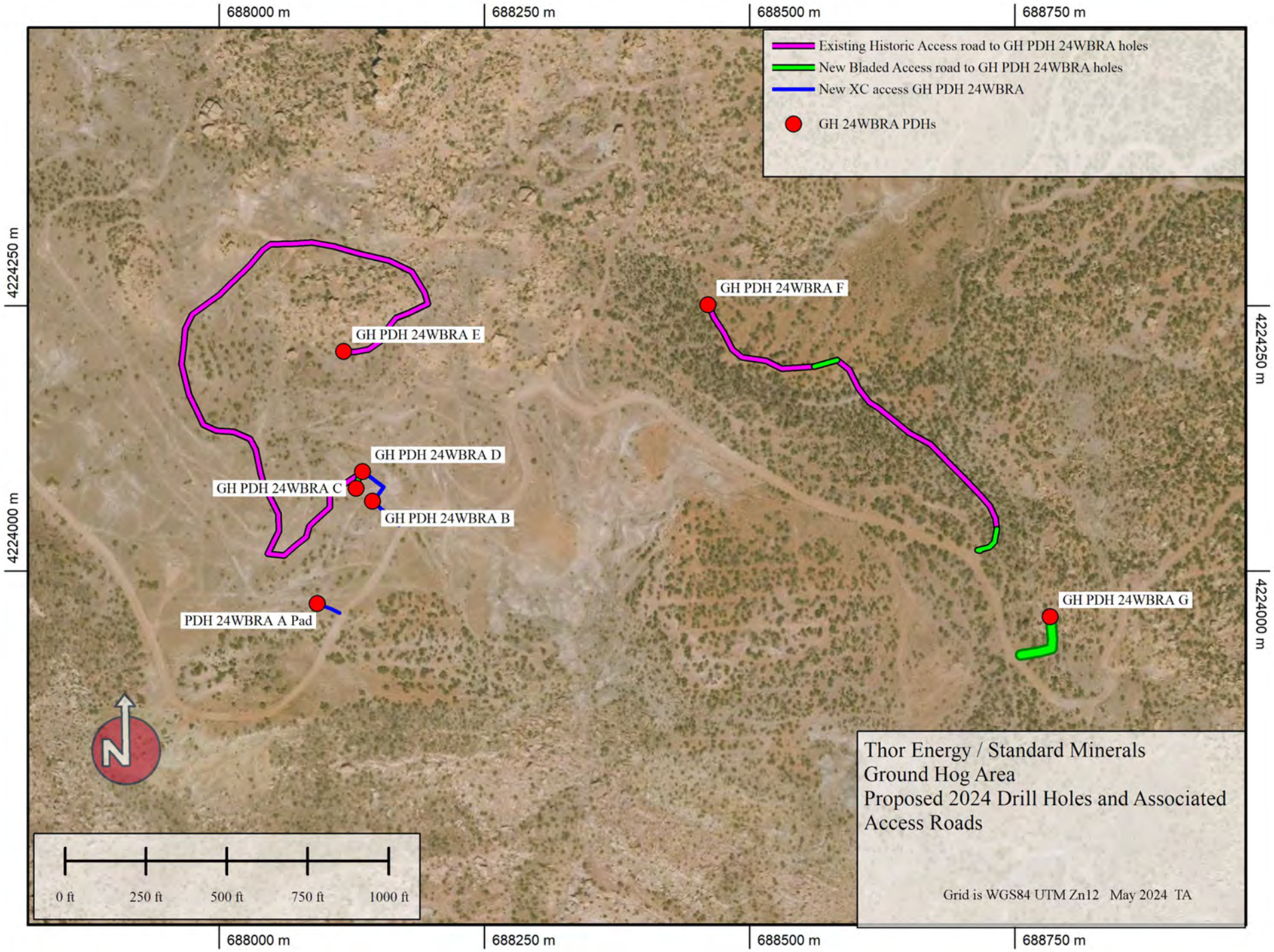


Fig. 1 General Location Map of the Project Area


688000 m
688250 m
688500 m
688750 m
4224250 m
4224000 m
Existing Historic Access road to GH PDH 24WBRA holes
New Bladed Access road to GH PDH 24WBRA holes
New XC access GH PDH 24WBRA
GH 24WBRA PDHs
GH PDH 24WBRA E
GH PDH 24WBRA F
GH PDH 24WBRA D
GH PDH 24WBRA C
GH PDH 24WBRA B
PDH 24WBRA A Pad
GH PDH 24WBRA G
Mine
6900
6800
6700
6600
0 ft
250 ft
500 ft
750 ft
1000 ft
Thor Energy / Standard Minerals
Ground Hog Area
Proposed 2024 Drill Holes and Associated Access Roads
Grid is WGS84 UTM Zn12 May 2024 TA


688000 m
688250 m
688500 m
688750 m
4224250 m
4224000 m
Existing Historic Access road to GH PDH 24WBRA holes
New Bladed Access road to GH PDH 24WBRA holes
New XC access GH PDH 24WBRA
GH 24WBRA PDHs
GH PDH 24WBRA E
GH PDH 24WBRA F
GH PDH 24WBRA D
GH PDH 24WBRA C
GH PDH 24WBRA B
PDH 24WBRA A Pad
GH PDH 24WBRA G
N
0 ft
250 ft
500 ft
750 ft
1000 ft
Thor Energy / Standard Minerals
Ground Hog Area
Proposed 2024 Drill Holes and Associated Access Roads
Grid is WGS84 UTM Zn12 May 2024 TA

Standard Minerals, Inc / Thor Energy

2021 Modified Notice of Intent

Wedding Bell Mountain Project

Ground Hog

DRMS P-2021-008

Appendix A

Mineral Exploration Reclamation Practices

Reclamation practices will meet those as described in 43 CFR 38.09.301(b)(1).

Timing – At the earliest feasible time, typically within several weeks of a holes being drilled, the sites and access roads will be reclaimed by taking reasonable measures to prevent or control on-site and off-site damage to Federal lands. Reclamation should be complete by the end of the expected operation period, in this case 30 Nov 2024

Noxious and Invasion Weeds – The Standard Minerals, Inc., will treat any weeds that result from activities conducted under this notice and obtain a Pesticide Use Proposal (PUP) from the BLM TRFO prior to treatment.

Topsoil/Growth Medium - Where topsoil or growth medium is present, it will be preferentially salvaged, and stockpiled on one side of the disturbed area in windrows nominally 3 ft wide x 2 ft high and appropriately marked to prevent contamination.

Measures to control erosion, landslides and water runoff – Erosion control will be accomplished by the use of grade reversals (water bars) appropriately spaced as needed on access roads, and silt fences, straw wattles or other sediment control devices as needed on drill pads. The potentially disturbed areas are not conducive to landslides.

Drill hole closure and reclamation – Holes will be backfilled with cuttings to the extent possible, Then a "spider" style hole plug will be inserted five feet down the drill hole which will then be filled with a bag of bentonite to within one foot of the surface. The remaining one foot will be filled with topsoil/growth medium. Holes drilled with water will use a sump. During reclamation, the sump will be pumped back down hole to the extent practical. Plugging will occur upon the completion of each drill hole, but after e-logging. Hole closures are regulated by the State of Colorado (See Rule 5.4.2 (5) of Colorado Hardrock/Metal Mining Rules). As stated in item III. 6. K above, the bottoms of the drill holes will be above water table. See Figure 1 below.

Reshaping disurbed areas - Disturbed areas will be reshaped to the approximate pre-disturbance contours to the extent reasonably practicable. If sumps are present on drill pads, sumps will be backfilled, once dry, with native material and reshaped with the rest of the pad.

Topsoil/Growth Medium replacement - The reserved topsoil or growth medium, if present, will be uniformly spread over the reshaped disturbed ground.

Revegetation - Seed mixes approved by the BLM will broadcast or drilled at application rates approved for the mix over the surface of the disturbed area. Harrowing, raking, drags or other suitable means will be used to bed the seeds. Mulch will be used if appropriate. Seeding will occur in the fall or spring, whenever precipitation and soil moisture conditions look best for revegetative success. See Table 1 for the seed mix in use

Measures to control surface radiation associated with drill cuttings on post-reclamation ground (drill pads) – Prior to disturbance, a radiometric survey will be completed over each proposed drill pad. The survey will determine pre-existing radiation levels as compared to approximate background value ranges. A post-reclamation radiometric survey will also be made. Radioactive cuttings detected that exceed the pre-disturbance values will be buried on site deep enough to so that background value ranges are achieved.

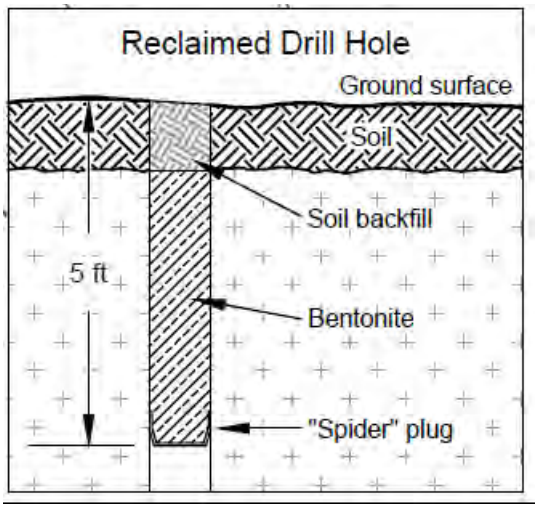


Figure 1: Typical profile for the top of a drill hole

Thor Energy PLC 10/01/23

Proposed Sage Grouse Friendly Seed Mix – based on discussions with Southwest Seeds and the BLM

	SPECIES	%	LOT #	PLS%	PER/ ACRE
1	Thickspike wheatgrass				0.75
2	Sideoats Grama				2.47
3	Big Sagebrush Wyoming				0.20
4	Winterfat				0.25
5	Fourwing Saltbush				0.15
6	Indian Ricegrass Paloma				3.71
7	Blue Grama Alma				0.48
8	Muttongrass				0.10
9	Squirreltail Bottlebrush Pueblo				2.04
10	WESTERN YARROW				0.10
11	BLANKETFLOWER				0.10
				TOTALS	10.35

Table 1: Proposed Sage Grouse – friendly seed mix

Standard Minerals, Inc / Thor Energy

Modified 2021 Notice of Intent

Wedding Bell Mountain Project

Ground Hog

DRMS P-2021-008

Appendix B

Reclamation Calculations

Thor Energy / Standard Minerals, Inc.,		
Ground Hog Modified NOI DRMS P-2021-008		
Sec. 21, T. 45N., R. 18W., NMPM		
9 May 2024	TA	
Summary (including Third Party Burden)		
Borehole Sealing	$932	
Pads – Regrade_Recontour	$1,502	
Roads – Regrade_Recontour	$4,665	
Revegetation	$3,042	
Equipment Mob-Demob	$2,470	
Total	$12,610	Total
Total Reclaimed Area	0.80	acre

Thor Energy / Standard Minerals, Inc.,
Ground Hog Modified NOI DRMS P-2021-008
Sec. 21, T. 45N., R. 18W., NMPM
9 May 2024 TA

BOREHOLE SEALING
BACKFILL WITH CUTTINGS

Borehole ID	Total Depth (ft)	Hours Labor	Backfill Cost ($)	
PDH GHWBRA A1	340	1.0	20	
PDH GHWBRA A2	340	1.0	20	
PDH GHWBRA A3	340	1.0	20	
PDH GHWBRA A4	340	1.0	20	
PDH GHWBRA B	340	1.0	20	
PDH GHWBRA C	340	1.0	20	
PDH GHWBRA D	340	1.0	20	
PDH GHWBRA E	340	1.0	20	
PDH GHWBRA F	340	1.0	20	
PDH GHWBRA G	500	1.0	20	
			200	Subtotal

Productivity
Labor- feet backfilled per hour
300
Labor – cost per hour ($)
20

BOREHOLE TOP SEAL

Borehole ID	Bottom plug (1)	Cost (ea)	Bentonite Fill (ft)	Cost per Ft (2)	Bentonite Cost	Labor Cost per hole($)	Total Cost	
PDH GHWBRA A1	1	9	4	7	28	10	47	
PDH GHWBRA A2	1	9	4	7	28	10	47	
PDH GHWBRA A3	1	9	4	7	28	10	47	
PDH GHWBRA A4	1	9	4	7	28	10	47	
PDH GHWBRA B	1	9	4	7	28	10	47	
PDH GHWBRA C	1	9	4	7	28	10	47	
PDH GHWBRA D	1	9	4	7	28	10	47	
PDH GHWBRA E	1	9	4	7	28	10	47	
PDH GHWBRA F	1	9	4	7	28	10	47	
PDH GHWBRA G	1	9	4	7	28	10	47	
PDH GHWBRA H	1	9	4	7	28	10	47	
							517	Subtotal
							717	Total
Productivity							215.1	Third Party Burden
Labor- Cost to set top seal							932.1	Grand Total
10								
Labor – cost per hour ($)								
20								
Third Party Burden	Percent markup							
	30%							

1) Plastic Plug from CGS Mule
2) Rounded up from 2023 DRMS reclamation estimate

Thor Energy / Standard Minerals, Inc.,								
Ground Hog Modified NOI DRMS P-2021-008								
Sec. 21, T. 45N., R. 18W., NMPM								
9 May 2024	TA							
			Equipment Type 1		Equipment Type 2			
PADS – REGRADE_RECONTOUR			Backhoe		Excavator			
Borehole ID	Pad Size (ft2)	Activity	Hours to complete task	Cost per Pad	Hours to complete task	Cost per Pad	Pad Total	
PDH GHWBRA A	3600	Regrade pad to approx original contour	2	210	0	0	210	
PDH GHWBRA B	2500	Regrade pad to approx original contour	1.5	157.5	0	0	157.5	
PDH GHWBRA C	2500	Regrade pad to approx original contour	1.5	157.5	0	0	157.5	
PDH GHWBRA D	2500	Regrade pad to approx original contour	1.5	157.5	0	0	157.5	
PDH GHWBRA E	2500	Regrade pad to approx original contour	1.5	157.5	0	0	157.5	
PDH GHWBRA F	2500	Regrade pad to approx original contour	1.5	157.5	0	0	157.5	
PDH GHWBRA G	2500	Regrade pad to approx original contour	1.5	157.5	0	0	157.5	
	18600			1155			1155	Total
	0.43	acre					346.5	
							1501.5	
Equipment Type 1	Cost per Hr ($)							
Cat 420 backhoe or equiv.	105							
Cost based on 2023 invoice								
Equipment Type 2	Cost per Hr ($)							
Cat 325 Excavator or equiv.	170							
Cost based on 2023 invoice								
Third Party Burden	Percent markup							
	30%							
Ft2 in an acre	43560							

Thor Energy / Standard Minerals, Inc.,
Ground Hog Modified NOI DRMS P-2021-008
Sec. 21, T. 45N., R. 18W., NMPM
9 May 2024 TA

		Type of Road						Equipment Type 1		Equipment Type 2			
ROADS – REGRADE_RECONTOUR		Cross Country or Existing Historic Rd travel (30% disturbance)		Bladed (100% disturbance)				Backhoe		Excavator			
Borehole ID	Activity	Access Road Length (ft)	Access Road Width (ft)	Access Road Length (ft)	Access Road Width (ft)	Total length all types of access rds	Type of Travel	Hours to complete task	Cost	Hours to complete task	Cost	Cost per Access Road	
PDH GHWBRA A	Scarify/decompact road/minor repair if needed	60	10	0		60	Cross-Country	0.6	63			63	
PDH GHWBRA B	Scarify/decompact road/minor repair if needed on Cross-Country segment. Regrade_recontour where fully disturbed	110	10	0	10	110	Cross-Country	1.1	116		0	116	
PDH GHWBRA C	Scarify/decompact road/minor repair if needed	0	10	40	10	40	Mixed Cross-Country and new bladed rds	1.0	105		0	105	
PDH GHWBRA D	Scarify/decompact road/minor repair if needed	140	10	0	10	140	Cross-Country	1.4	147		0	147	
PDH GHWBRA E	Scarify/decompact road/minor repair if needed	2520	10	0		2520	Using Existing Historic rds	25.2	2646		0	2646	
PDH GHWBRA F	Scarify/decompact road/minor repair if needed	1155	10	175		1330	Mixed Existing Historic rds and bladed rds	15.9			0	0	
PDH GHWBRA G	Scarify/decompact road/minor repair if needed	0	10	195	10	195	New bladed roads	4.9	512		0	512	
	Totals	3985	10	410	10	4395			3588			3588	Total
		0.27	acre	0.09	acre							1077	Third Party Burden
				0.37	Total acre							4665	Grand Total

Equipment Type 1	Cost per Hr ($)
Cat 420 backhoe or equiv.	105
Cost based on 2023 invoice	
Productivity	
Feet/hour for 30% regrade	100
Feet/hour for 100% regrade	40
Equipment Type 2	Cost per Hr ($)
Cat 325 Excavator or equiv.	170
Cost based on 2023 invoice	
Productivity	
Feet/hour for 30% regrade	150
Feet/hour for 100% regrade	75
Third Party Burden	Percent markup
	30%
Ft2 in an acre	43560

Thor Energy / Standard Minerals, Inc.,
Ground Hog Modified NOI DRMS P-2021-008
Sec. 21, T. 45N., R. 18W., NMPM
9 May 2024 TA

REVEGETATION

Primary Seeding	Area (acre)		Cost per Acre (1)	Application Factor(2)	Cost ($)	
Tilling/Harrowing/Spot Hand Raking	0.80		1550		1240	
	Area (acre)	Application Factor	Cost per Acre (1)			
BLM Approved seed mix	0.80		150	2	240	
			Cost per Acre (3)			
Broadcast Seeding	0.80		100		80	
Secondary Seeding	Area (acre) (3)		Cost per Acre (1)		Cost ($)	
Tilling/Harrowing/Spot Hand Raking	0.40		1550	2	620	
	Area (acre)		Cost per Acre (1)			
BLM Approved seed mix	0.40		150	2	120	
			Cost per Acre (3)			
Broadcast Seeding	0.40		100		40	
					2340	Total
					702	Third Party Burden
1) Rounded up from DRMS reclamation estimate					3042	Grand Total
20 Broadcast application rate is 2x drill rate						
3) TA estimate based on experience						
3) Assume 50% failure rate						
Third Party Burden	Percent markup					
	30%					

Thor Energy / Standard Minerals, Inc.,					
Ground Hog Modified NOI DRMS P-2021-008					
Sec. 21, T. 45N., R. 18W., NMPM					
9 May 2024	TA				
EQUIPMENT MOB-DEMOB		Mob-Demob (1)			
Equipment Type 1	Cat 420 Backhoe or equiv.	800			
Equipment Type 1	Cat 325 excavator or equiv.	1100			
		1900	Total		
Third Party Burden	Percent markup	570	Third Party Burden		
	30%	2470	Grand Total		
1) From Naturita/Norwood CO area- based on a 2023 invoice for work done in the Wedding Bell Mtn area					
(includes tram in / tram out time from lowboy to project area					

THOR ENERGY PLC

Thor Energy PLC
CRN 0527 6414
ARBN 121 117 673
ABN 58 121 117 673

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Australia (ASX): THR
USA (OTCQB listing): THORF

Directors:
Nicole Galloway Warland
Alastair Clayton
Mark McGeough

9 May 2024

Ms. Bridget Wade
Geologist
Bureau of Land Management
Tres Rios Field Office
29211 Highway 184
Dolores, CO 81323

Dear Ms. Wade

Please find attached a Modified Notice of Intent to Operate application from Standard Minerals to conduct mineral exploration activities on BLM lands in secs. 23, T.45N., R.18W., New Mexico Prime Meridian. This would be the Wedding Bell / Radium Mtn 2021 NOI. The DRMS ID for this NOI is P2021-009. Standard Minerals is owned by Thor Energy, an Australian company.

The activity will consist of the drilling of approximately 2 rotary drill holes with the expected depths of about 500 feet. Total surface disturbance, including temporary access roads to the drill pads will be approximately 0.13 acres. The project area is located in the Sec 23 area, approx 4,000 feet NNW of the Mexico Mines, in San Miguel County.

Please let me know if you have any questions or comments.

Sincerely,

Tony Adkins
Geologist

COLORADO
Division of Reclamation, Mining and Safety
Department of Natural Resources

NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS

FOR HARD ROCK/METAL MINES

Form 1
All confidential and public information – For DRMS use and confidential filing

Form 2
Public information only - For public filing

GENERAL:

To conduct prospecting activities in the State of Colorado, a person or organization must file a Notice of Intent to conduct Prospecting Operations (NOI or Prospecting Notice) and provide a financial warranty for the prospecting operations to the Mined Land Reclamation Board (MLRB or Board). All prospecting operations must comply with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and the Colorado Mined Land Reclamation Board Hard Rock/Metal Mines Rules and Regulations 2 CCR 407-1 and amendments to those rules ("Rules"). This NOI form is for all minerals except coal and construction materials. The Division shall determine (where there is a question) if an operation is prospecting or mining.

The New Law:

Senate Bill (SB) 228 became law on June 2, 2008. SB 228 revised portions of C.R.S. 34-32-113 pertaining to confidentiality and filing requirements and requiring that certain aspects of Prospecting Notices will no longer be confidential.

As revised, C.R.S. 34-32-113 (3) now requires, in part, that "All information provided to the Board in a notice of intent to conduct prospecting or a modification of such a notice is a matter of public record subject to the Open Records Act, Part 2 of Article 72 of Title 24, C.R.S., including, in the case of a modification, the original notice of intent; except that information relating to the mineral deposit location, size, or nature and, as determined by the Board, other information designated by the operator as proprietary or trade secrets or that would cause substantial harm to the competitive position of the operator shall be protected as confidential information by the Board and shall not be a matter of public record in the absence of a written release from the operator or until a finding by the Board that reclamation is satisfactory. Such information designated as exempt shall remain confidential until a final determination by the Board". If the Board determines that information is not confidential, the Division shall treat it as public information thirty (30) days from the Board's written order.

C.R.S. 34-32-113 (9) now requires that the applicant provide the NOI in an electronic version in addition to the paper form and that DRMS post on the Division's website the NOI upon submittal. Specifically, this subsection states: "Upon the submittal of a notice of intent to conduct prospecting or a modification of such a notice, the person submitting such notice or modification shall give an electronic version of the notice or modification, except for that information exempted from public disclosure under subsection (3) of this section and that information designated by the person as exempt from disclosure under subsection (3) of this section, to the Board in a format determined by the Board. The Division shall post such version of the notice or modification on its web site". The new requirements apply to NOIs or modifications thereto submitted or approved on or after June 2, 2008.

The Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal and Designated Mining Operations were also revised as a result of the changes to the Act and became effective September 30, 2010.

A summary of new requirements of the rules are as follows and apply to NOI's or modifications thereto submitted or approved on or after September 30, 2010.

- Rule 1.3 addresses the designation of confidential materials submitted to the Division in an NOI and the public review and appeal processes associated with the confidential designation process.
- Rule 3.1.6(4) authorizes the Division to require the submission of baseline site characterization data for surface and ground water on a case by case basis.
- Rule 3.1.6(5) authorizes the Division to implement environmental protection measures associated with drill pits on a case-by-case basis.
- Rule 5.1.2 identifies application requirements for NOI's including new requirements to submit two (2) forms (one confidential and on non-confidential) and an electronic version of any application. In addition, Rule 5.1.2(m)(i) and (ii) identifies a new requirement for prospectors to notify the Local Boards of County Commissioners at the time of application submittal for an NOI and to provide certification that such notice was submitted.
- Rule 5.1.3 identifies office review procedures for processing NOI's including confidential dispute timelines.
- Rule 5.2 describes confidentiality as it pertains to NOI filings pre and post June 2, 2008.

DEFINITION:

"Prospecting" is defined in Rule 1.1(43) of the Hard Rock/Metal Mining Rules and Regulations as the act of searching for or investigating a mineral deposit. "'Prospecting' includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts and other works for the purpose of extracting samples prior to the commencement of development or extraction operations, and the building of roads, access ways, and other facilities related to such work. The term does not include those activities which cause very little or no disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand-carried or

otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by the ordinary, lawful use of the land by persons not prospecting. The term does not include any single activity which results in the disturbance of a single block of land totaling 1600 square feet or less of the land surface, not to exceed two such disturbances per acre; except that the cumulative total of such disturbances will not exceed five acres statewide in any prospecting operation extending over 24 consecutive months" *(Rule 1.1.43)*.

APPLICATION FEE: $86

NOIs require an **$86** fee, which must accompany this notice or it cannot be processed by the Division *(C.R.S. 34-32-127(2) (a) (I) (K)).*

RECOMMENDATIONS PRIOR TO FILING:

The Hard Rock/Metal Mining Rules and Regulations, the Colorado Mined Land Reclamation Act 34-32-101 and the Colorado Mined Land Reclamation Board regulate the filing, operational and reclamation requirements for prospecting operations in Colorado. It is your obligation to comply with the Act and Regulations. You are encouraged to obtain and review a copy of the Rules, available from the Division or accessed on line at https://drms.colorado.gov In order to file your NOI properly it is recommended that you review the Act and;

Rule 1.1 Definitions
Rule 1.3 Public Inspection of Documents (Confidentiality and Dispute Resolution)
Rule 3.1 Reclamation Performance Standards
Rule 3.1.6 Water-General Requirements ((4) & (5))
Rule 3.3.1 Operating without an NOI - Penalty
Rule 4 Financial Warranties
Rule 5 Prospecting Requirements

FILING REQUIREMENTS:

If you plan to conduct prospecting on any lands in Colorado, you must provide all information described in this form. To file an NOI, submit the following;

- One (1) signed and completed NOI packet including Form 1 (confidential) and Form 2 (non-confidential) with maps and attachments (original signatures must be done in blue ink) along with the electronic copy;
- One (1) unbound copy of the original NOI packet including Form 1 and Form 2 with maps and attachments;
- OR One (1) signed and completed NOI Non-Confidential Form (Form 2) plus one (1) copy and electronic copy, if entire NOI submittal is Non-Confidential;
- Application fee ($86); and

- Financial Warranty and applicable warranty form.
- Notice of Filing with the Board(s) of County Commissioners where prospecting will occur. (See section VIII – Signature Requirements)

New and Additional NOI Filing Requirements for Confidentiality Designations:

1. Applicants of NOIs must specifically designate each portion of the submittal that the applicant believes should be confidential. This designation must comply with the provisions of SB228 as discussed above and should include not only information relating to the mineral deposit location, size, or nature but also other information the applicant believes is proprietary or trade secrets or that would cause substantial harm to the competitive position of the applicant. The applicant should distinguish in the submittal between those portions of the NOI that are confidential because they relate to the mineral deposit and those portions that the applicant believes are proprietary, trade secret or harmful to its competitive position. Those portions of the submittal that are not designated as confidential will be available as public record.

2. The applicant must submit two separate forms. One form will contain all information, including both public and confidential information (with the confidential information designated as such). This complete form will be used by the DRMS for review and will be held as confidential.

   The second form will contain only the information the applicant believes is public with the applicant redacting all information to be held as confidential.

3. The submittals must be provided in both paper and electronic format.

4. All public portions of the submittal will be made available on the Division website and in the Division's public files.

5. All portions of the submittal that are confidential by law, or as designated by the prospector, will remain secured from public access, *i.e.*, not on the website and not in the Division's public files. If the Board rules that some portion of the file should be public, then that portion will be made available and no longer held from public view.

PROCESSING REQUIREMENTS:

The Division will review the NOI and associated Financial Warranty information within twenty (20) working days of receipt by the Division. If the prospector has not been notified of any deficiencies of the NOI Form within twenty (20) working days of receipt, prospecting operations may commence upon approval of the financial warranty. The Prospector has 60 days from the date of filing to correct any deficiencies. For activities on BLM or USFS Lands, the twenty (20) working-day period begins on the day when the appropriate Federal Land Management agency has been notified by the Prospector (see below). Incomplete NOI forms will be terminated and

returned to the person or organization, if deficiencies are not corrected within 60 days of filing *(Rule 5.1.3).*

The New Review Process Regarding Confidentiality Designations

Hard Rock Rule 5.1.3 (Office Review), Rule 5.2 (Confidentiality) and Rule 1.3 (Public Inspection of Documents) will apply. These rules will guide office review of determinations regarding confidentiality designations. The Division will review the submittal for technical adequacy as stated above, including the review of the submittal in regard to information the applicant has designated as confidential. If the Division identifies any deficiencies in the submittal including any disagreement regarding the designation of confidential materials, then the prospector will be notified by the Division in accordance with the timeframes identified in these rules, but no later than 20 working days of NOI receipt.

Disputes relating to designation of confidentiality may be resolved by the Prospector removing the confidentiality designation by the Prospector or by Board determination. The DRMS will not issue an approval decision and the applicant is not authorized to commence prospecting operations until all deficiencies, including confidentiality issues, are resolved.

PROSPECTING ON FEDERAL LAND:

The Division has entered into cooperative agreements with the U.S. Bureau of Land Management (BLM) or the U.S. Forest Service (USFS) to coordinate the review of NOIs and the posting of financial warranties. The primary goal is to ensure that the agencies minimize duplication of functions and thereby minimize regulatory duplication imposed upon prospecting operations. The Division assumes the primary responsibility for the administration, review, and permitting of NOIs. The prospector is required to document that the NOI has been sent to the BLM or the USFS. Upon receipt of the NOI, the Division will notify the appropriate BLM or USFS office and forward a copy of the NOI. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM or USFS.

FINANCIAL WARRANTY:

A financial warranty must be provided and approved prior to the entry upon lands for the purpose of prospecting. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Prospecting Financial Warranty." The One Site Prospecting Financial Warranty is usually filed by individuals or small companies where prospecting activities are limited to a single area. It must be filed in the amount of $2,000 per acre for the land to be disturbed, or such other amount as determined by the Division, based on the projected costs of reclamation, taking into account the nature, extent, and duration of the prospecting operation and the magnitude, type and estimated cost of the planned reclamation. A Statewide Financial Warranty is usually filed by larger companies with multiple prospecting sites. It must be filed in an amount equal to the estimated cost of reclamation per acre of affected land for all anticipated sites statewide. (You

may increase the statewide bond at any time in order to cover additional or expanded prospecting activities.) **The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting.** The financial warranty will be retained by the Board until the prospector has completed reclamation of the prospecting site and has been released, in writing, of reclamation responsibility. Financial warranty forms can be downloaded from the Division's Internet web page located at https://drms.colorado.gov .

PLAN MODIFICATIONS:

Modifications to an existing NOI must be submitted in writing and approved in advance of such activity. Modifications shall be reviewed by the Board or Office in the same manner as new NOIs, use the same NOI form, include confidentiality designations, and a fee for $86. Prospectors must fill out sections of the NOI form that will change and indicate the sections that will not change. Prospectors must designate each portion of the modified NOI they believe are to remain confidential. Please note that under SB 228, all information provided to the Board in an NOI or a modification of an NOI is a matter of public record including, in the case of a modification, the original notice of intent, unless that information relates to the mineral deposit location, size, or nature or is designated by the Prospector as proprietary or trade secrets or that would cause substantial harm to the competitive position of the Prospector. Accordingly, the Prospector should also designate the information in the original NOI that it believes is confidential if it has not already done so.

The Board shall determine (where there is a question) if an NOI can be modified or requires the filing of a new NOI in accordance with Rule 1.4.11. If the Division determines that the proposed modification (or new NOI) requires the posting of an additional reclamation bond amount to cover increased costs of reclamation caused by the modification (or new NOI), the NOI holder must submit and the Division must approve the supplemental or additional bond to cover such increased reclamation costs before the NOI holder may undertake any additional or different activities described in the modification (or new NOI). A separate prospecting notice shall be filed with the Office for each non-contiguous land survey quarter section in which a proposed prospecting activity is to occur. The requirement for separate notices may be waived by the Office for good cause *(Rule 5.1.1)*.

ANNUAL REPORTS:

Effective as of December 31, 2006, Annual Reports are required for all active prospecting operations. **By the anniversary date of each year that the NOI is in effect, the prospector must file an annual reclamation report detailing the exploration and reclamation activities that occurred during that year and whether prospecting has been completed (Rule 5.6).** Annual Reports filed on or after June 2, 2008 shall be a matter of public record unless designated by the prospector as confidential pursuant to the provision of Rule 1.3. Failure to submit an Annual Report for two (2) consecutive years shall constitute evidence of abandonment of the

prospecting activities. **The report must be accompanied by an annual fee in the amount of $86.00.**

RECLAMATION:
Reclamation shall be completed in a timely manner and within five (5) years of completion of prospecting activities (Rule 5.1.2(g)). The time period to complete site reclamation commences on the date that prospecting has been completed, as stated in the Annual Report. New or significantly upgraded roads, structures, or other features on private lands that are planned to be retained following prospecting may be identified in the NOI submittal and may be excluded from the financial warranty amount at the discretion of the office. The prospector must submit a notarized letter from the landowner requesting that the roads, structures or other features remain on site and demonstrate that it meets the applicable County zoning and code requirements.

RELEASE OF FINANCIAL WARRANTY AND TERMINATION OF THE NOI:

Upon completion of any phase of reclamation, you should consult Rule 3.1 for reclamation standards and Rule 4.16 for details on how to request a reclamation responsibility release from the MLRB. Following the completion of reclamation, the prospector may request a release of the reclamation responsibility sent by certified mail. The Division will conduct an inspection within 30 days of receiving the request (or as soon thereafter as weather conditions permit). If the operation is located on Public Land or State Land, the Division will coordinate the inspection with the appropriate land management agency.

COMPLIANCE WITH OTHER LAWS:

Compliance with the Act and Rules and Regulations of the Mined Land Reclamation Board does not relieve you of responsibility to comply with all other applicable local, state and federal laws. We recommend that you contact the following agencies and any others to determine whether you need to comply with their legal requirements:

- The Colorado State Historical Preservation Office regarding properties of potential historical significance;
- Colorado Division of Water Resources regarding water rights;
- Colorado Department of Public Health and the Environment, Water Quality Control Division, regarding the potential to discharge pollutants into the State waters;
- Colorado Department of Public Health and the Environment, Air Pollution Control Division, with regard to the potential need for a fugitive dust permit;
- U.S. Bureau of Land Management or the U.S. Forest Service if the proposed operation is on federal lands;
- U.S. Army Corps of Engineers regarding a dredge and fill (404) permit; and
- The County Planning Department for the county or counties in which the proposed operation is located.

AUTHORIZED SIGNATURE:

You, or a person authorized by you, must sign the NOI. By doing so you are stating that the information provided in the NOI is true and correct as of the date specified. For individuals, the NOI must be signed by the NOI holder or the person authorized to sign on the NOI holder's behalf. For companies or partnerships, the NOI must be signed by a person acting under the company's/partnership's express or implied authority, or by an authorized agent.

SUBMIT COMPLETED NOIs TO:

Division of Reclamation, Mining and Safety
1313 Sherman St., Rm. 215
Denver, CO 80203
Telephone: 303.866.3567
FAX: 303.832.8106

Office hours are Monday to Friday, 8:00 a.m. to 5:00 p.m., excluding State Holidays.

COLORADO
Division of Reclamation, Mining and Safety
Department of Natural Resources

Form 2 (Public File)
NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS FOR HARD ROCK/METAL MINES

CHECK ONE:

☐ **There is an NOI Number Already Assigned to this Operation** (Please reference the file number assigned to this operation) **NOI # P-** ____ - ____

☐ **New** NOI

☑ **Modification** to an Existing NOI (Provide for Modifications to an existing NOI) **NOI# P-** 2021 - 008

GENERAL OPERATION INFORMATION
Type or print clearly, in the space provided, ALL information described below.

I. GENERAL INFORMATION

1. DATE NOI RECEIVED BY THE DIVISION: **(office use only)**

2. PROJECT NAME: Wedding Bell Project (Ground Hog Area)

3. PROSPECTOR:

Tony Adkins
Name

Geologist
Title

Standard Minerals, Inc c/o Wolcott LLC
Company Name

PERSON MLRB SHOULD CONTACT:

Tony Adkins
Name

Geologist
Title

Standard Minerals, Inc c/o Wolcott LLC
Company Name

729 Bookcliff Ave	729 Bookcliff Ave
Street	Street
P.O. Box	P.O. Box
Grand Junction, CO 81501	Grand Junction, CO 81501
City, State, Zip	City, State, Zip
(970) 462-5888	(970) 462-5888
Telephone	Telephone
( ) (970) 241-7146	( ) (970) 241-7146
Fax	Fax

4. APPLICATION FEE: $86. (NOIs require an **$86** fee which must accompany this notice or it cannot be processed by the Division).

5.

LOCATION INFORMATION:

County: San Miguel

Principal Meridian (check one):

☐ 6th (Colorado) ☑ 10th (New Mexico) ☐ Ute

Section (write number) 21 TOWNSHIP 45 N ☑ S ☐

RANGE 18 E ☐ W ☑

QUARTER SECTION (check one):

NE ■ NW ☐ SE ☐ SW ☐

QUARTER/QUARTER SECTION (check one):

NE ■ NW ☐ SE ☐ SW ☐

GENERAL DESCRIPTION: (the number of miles and direction to the nearest town and the approximate elevation):

The project area is about 28 miles SW of Naturita, CO. Elevation is about 6,900 ft

NOTE: Supply longitude and latitude or UTM coordinates if lands have not been surveyed or as supplemental information to this NOI. GPS measurements will be acceptable for this purpose:

Lat: _____ X: 688320E

Long: _____ Y: 4224100N

6. LAND OWNERSHIP:

☐ Private ■ Public Domain (BLM) ☐ National Forest (USFS)

☐ State ☐ State Sovereign Lands ☐ Other (please describe)

_____

If prospecting is located on BLM or USFS land the remaining section must be completed, otherwise go to section II Maps & Drawings

7. PROSPECTING ON BUREAU OF LAND MANAGEMENT (BLM) LAND AND U.S. FOREST SERVICE (USFS) LAND

The Division and the BLM/USFS have entered into cooperative agreements that eliminate the need for a prospector to post a financial warranty with each agency and allow them to coordinate the review of the NOI in order to minimize administrative processing time and effort.

A. CLAIMANT:

Name: Standard Minerals, Inc EIN 83-1768593

Address: c/o Wolcott LLC 729 Bookcliff Ave

City, State, Zip: Grand Junction, CO 81501

Telephone: (970) 462-5888

Fax: ( ) (970) 241-7146

B. SITE/CLAIM INFORMATION:
List names, serial numbers and provide legal description to nearest quarter-quarter section of all sites or claims (attach additional page, if necessary).

NAME	SERIAL NUMBER	LEGAL DESCRIPTION
Ground Hog 033	CMC292191	T45N R18W Sec 21 NE1/4 NE1/4
Ground Hog 034	CMC292192	T45N R18W Sec 21 NE1/4 NE1/4
Ground Hog 035	CMC292193	T45N R18W Sec 21 NE1/4 NE1/4
Ground Hog 037	CMC292195	T45N R18W Sec 22 NW1/4 NW1/4
Ground Hog 038	CMC292196	T45N R18W Sec 15 SW1/4 SW1/4
Ground Hog 041	CMC292199	T45N R18W Sec 22 NE1/4 NW1/4

C. LOCATION MAP: Attach a USGS 7.5 minute quad, or similar map of adequate scale, which locates the prospecting site(s).

D. Are prospect sites (e.g., drill holes, trench locations, etc.) staked on the ground? Yes ☑ No ☐

E. Specify the Land Management Agency, Address and Telephone Number:

Agency: Bureau of Land Management, Tres Rios Field Office

Address: 29211 Highway 184

City, State, Zip: Dolores, CO 81323

Telephone: (970)882-1135

F. The prospector is required to document that the NOI has been sent to the BLM or the USFS. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM or USFS. Check one:

☑ Evidence of notification is attached to this NOI for BLM Land

☐ Evidence of notification is attached to this NOI for USFS Land.

☐ Other proof of notice is attached to this NOI

II. MAPS & DRAWINGS

An accurate topographic base map showing the location of the proposed project must be submitted with this notice. The prospector may submit a U.S.G.S. 7.5 minute quadrangle, or similar map of adequate scale that:

1. Identifies the proposed prospecting site(s) or activity areas involving surface disturbance. Activity areas include all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads, and

2. Includes sufficient detail to identify and locate known prospecting features and facilities that may be affected and those that are not anticipated to be affected. This includes the location of all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads. Color photographs, adequately labeled (including date, orientation and location), of the prospecting site may be used to fulfill this requirement if included with the NOI submittal.

III. PROJECT DESCRIPTION

1. Mineral(s) and/or Resource(s) being Investigated: Uranium, Vanadium

2. Estimated dates of commencement and completion:
   Commencement: 08 / 01 / 2024
   Completion 11 / 30 / 2024

3. Amount of material (specify units) to be extracted, moved or proposed to be moved: 600 Units lbs

Identify the type or method of prospecting proposed and quantity (place an "X")

☐ Cuts	☐ Pits	☐ Trenches
☐ Shafts	☐ Tunnels	☐ Adits
☐ Declines	☒ Air Drilling	☒ Fluid Drilling
☐ Drilling and Blasting		

5. Describe proposed surface excavation or other land disturbance, including roads, pits, trenches, waste piles, drill pads and collar areas of underground workings, ponds, etc.

Seven reverse circulation drill pads are proposed. Six of the pads (50ft x 50ft) will be for a single vertical hole, the seventh pad (60 ft x 60 ft) will have up to four angle holes drill from the single pad. Mud sumps, if needed will be contained with the drill pads
Access road will vary from 40 ft to 2,520 ft in length. A combination of making new roads, using existing historic roads, and cross-country travel will keep the surface disturbance to a minimum. See the Reclamation Section for more details

6. Proposed Disturbance (approximate) Describe the proposed drilling to be conducted, including anticipated number of holes, diameter, depth, location, etc. Submit additional pages if necessary:

A. Drill Pads:

Quantity 7 Average Width (ft) 50 Average Length (ft) 50

B. Drill Holes:

Quantity 10 Depth (ft) 400 Diameter (in) 5.5

C. Mud Pits

Quantity 10 Average Width (ft) 6 Average Length (ft) 12 Average Depth (ft) 6

D. Described proposed underground work, including reopening of old workings, advancement of adits or shafts, trenches, pits, cuts, rock dumps, or other types of disturbance, describe type, quantity and general dimensions:

None

E. Other Disturbances (please describe)

None

F. Indicate Chemicals and Fuels used or stored on site. List type, quantity and method to store.

All chemicals and fuels (gasoline, diesel) used will be stored on drillers pickup. Drillers will have a hazardous spill kit with them.

G. New Roads:

Length (ft): 995 Width (ft): 10

~~Significantly~~ Upgraded Roads Length (ft): 1475 Width (ft): 10

Are culverts or other crossings proposed? If so, please describe:

None

H. Total project area to be disturbed (acres) 0.80

I. Describe the equipment to be used for the prospecting operations:

Truck, skidder or track mounted reverse circulation drill or equivalent, service/water truck, backhoe, and two pickups-one for drillers and one for geologist.

J. Describe and locate any structures to be constructed (i.e. stockpiles, ponds, impoundments):

None

K. Describe anticipated relationship to surface water and groundwater (proximity to streams, penetration of ground water aquifers):

No running streams in area. Bottom of drill holes above water table.
Source: USGS Professional Paper 300 (pg 260) states that "all ore deposits in the Wedding Bell group are above the water table".
No springs or surface water were observed in the field area and no drainage was observed from any mine opening.

IV. OPERATION AND RECLAMATION MEASURES:

1. The Board suggests that a photographic record of the pre-prospecting and post-prospecting conditions be kept by the prospector. These photos should be taken from the same location and by the same method to clearly show the pre-prospecting condition of the land and the reclamation efforts. Upon completion of reclamation and request for bond or surety release, the Board may consider the photos as evidence of adequate reclamation, and thus, be able to act more quickly on the request for release.

2. Provide a description of the native vegetation of the area to be disturbed, including tree, shrub, and grass communities of the area. Color photographs, sufficient to adequately represent the ecology of the site and adequately labeled (including date, orientation and location), may be used in lieu of a written description. Based on the quality of the photographs, the Division may require additional detail.

See attached Reclamation Section

3. Describe the estimated topsoil depth and how topsoil will be salvaged, stockpiled and redistributed for the re-establishment of vegetation. Specify approximate topsoil redistribution depth:

See attached Reclamation Section

4. Describe how drill holes will be plugged (refer to Rule 5.4 of the Rules for required abandonment procedures):

See attached Reclamation Section

5. Describe how portals, adits, shafts, ponds, excavations, or other disturbances will be reclaimed (refer to Rule 3 and Rule 5 for specific reclamation performance standards). You may wish to contact the Division for closure specifications.

Not applicable. This project is an exploration drill program only.

6. Describe how roads will be reclaimed or returned to their pre-prospecting (or better) condition:

See attached Reclamation Section

7. List the seed mixture to be used in the re-establishment of vegetation. See the attached seed mixture calculation to obtain PLS/acre. For assistance with formulating seed mixtures and rates, contact the local NRCS if on private land, BLM/USFS if on public land or State Land Board if on state land.
   A. Plant name and seeding rate:

Plant Name	Seeding Rate (PLS/Acre)
See attached Reclamation Section	

B. Describe the method for seed bed preparation, and application method for grass/forb seeding:

See attached Reclamation Section

V. TERMS AND CONDITIONS FOR PROSPECTING OPERATIONS:

1. Reclamation measures shall be fulfilled in a timely manner and completed within five (5) years of completion of prospecting activities.

2. The prospecting operations described in this Notice will be conducted in such a manner as to minimize surface disturbances. In addition to the measures required in Rule 5, precautions to be taken include:

   A. Confinement of operations to areas near existing roads or trails, where practicable. Existing roads which are to remain as permanent roads after prospecting activities are completed shall be left in a condition equal to or better than the pre-prospecting condition;

   B. Drilling shall be conducted in such a way as to prevent cuttings and fluids from directly entering any dry or flowing stream channel. Drill cuttings must be spread to a depth no greater than one-half (1/2) inch or buried in an approved disposal pit;

   C. Proper and timely abandonment of drill holes upon completion of drilling;

   D. Reclamation of affected lands upon completion of operations or phases of an operation;,

   E. Backfilling and revegetating any pits to blend in with the surrounding land surface;

F. Safeguarding mine entries, trenches and excavations from unauthorized entry at all times;

G. Disposal of any trash, scrap metal, wood, machinery, and buildings;

H. Control of noxious weeds within the area affected by the prospector

3. The prospecting operations shall be conducted in such a manner as to comply with all applicable local, state and federal laws and regulations including applicable state and federal air and water quality laws and regulations.

4. The prospecting operations shall be conducted so as to minimize adverse effects upon wildlife to include covering of open drill holes until properly plugged.

5. During the prospecting operations, the operator will perform the necessary stabilization and reclamation work to ensure those areas affected by prospecting activities are erosionally and geotechnically stable.

6. All prospecting operations shall be in compliance with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and all rules and regulations currently in effect or promulgated pursuant thereto. See 2 CCR 407-1, Mined Land Reclamation Board Hardrock /Metal Mining Rules.

VI. ADDITIONAL TERMS AND CONDITIONS FOR PROSPECTING ON BLM/USFS LANDS

1. The prospector will supply a copy of this NOI to the appropriate BLM and/or USFS office.
2. The prospector authorizes the MLRB to discuss the information in this Notice of Intent with the BLM and/or USFS.

3. If on BLM land, the prospector will complete reclamation to the standards described in 43 CFR 3809.1-3 (d) and implement reasonable measures to prevent unnecessary or undue degradation of lands during operations.

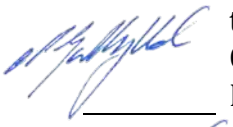
VII. FINANCIAL WARRANTY

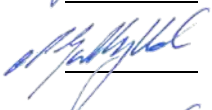
A financial warranty must be provided for the cost of reclamation of the disturbance described in this Notice. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Financial Warranty." **The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting.**

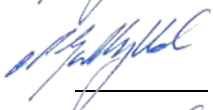
A One-Site Prospecting Financial Warranty is usually filed by individuals or companies where prospecting activities are limited to a single area. It must be filed in the amount of $2,000 per acre for land to be disturbed, or such other amount as determined by the Division, based on the projected costs of reclamation. A Statewide Financial Warranty is usually filed by companies with multiple prospecting sites. It must be filed in an amount equal to the estimated cost of reclamation per acre of affected land for all anticipated sites statewide. (You may increase the statewide bond at any time in order to cover additional or expanded prospecting activities.)

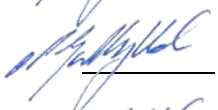
VIII. SIGNATURE REQUIREMENT

Please place your initials on the line provided:

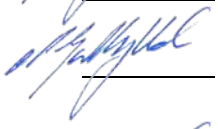

_____ I hereby verify that the foregoing information is true and accurate and commit to the reclamation of the aforementioned prospecting site as required by the Colorado Mined Reclamation Act and the rules as specified in the Hard Rock/Metal Mining Rules and Regulations and this NOI form.


_____ I have enclosed the required permit fee.


_____ I authorize the Division to contact and copy the BLM and/or USFS on any correspondence related to the prospecting operation, if the prospecting operation is located on federal public land.


_____ I have also enclosed the appropriate reclamation surety amount or will post an amount as determined by the office, based on the projected costs of reclamation.

_____ I understand that I am not authorized to create any surface disturbance until the surety amount is posted and approved in writing from the Division of Reclamation, Mining and Safety.


_____ I accept and agree to comply with the foregoing terms and conditions and with all of the provisions of Rules 3 and 5, and C.R.S. 34-32-101.

_____ I hereby certify that concurrent with submittal of this NOI to the Division, I have sent notice to the Boards of County Commissioners in the counties where the proposed activities will occur. This notice also indicated that non-confidential information regarding the proposed activities will be available for review at the Division's website.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32-113, C.R.S., of the Mined Land Reclamation Act. Any alteration or modification of this form shall result in voiding any NOI issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a NOI pursuant to section 34-32-123, C.R.S.

I, the undersigned, being the NOI holder or the person authorized to sign on behalf of the NOI holder, declare that the information given in this NOI form is true and correct.

SIGNATURES MUST BE IN BLUE INK

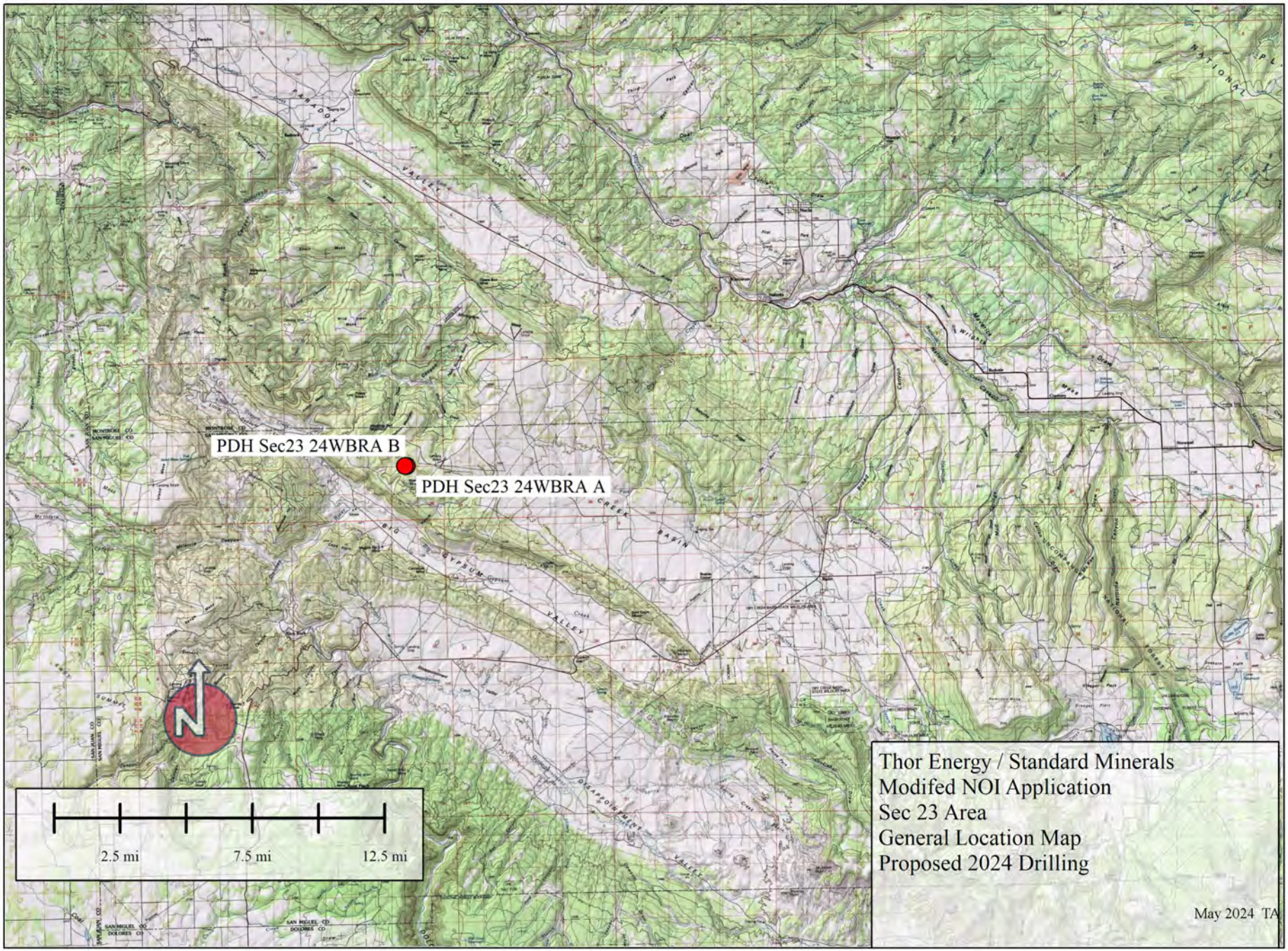
Signed and dated this 13 **(date)** **day of** May **(month)**, 2024 **(year)**

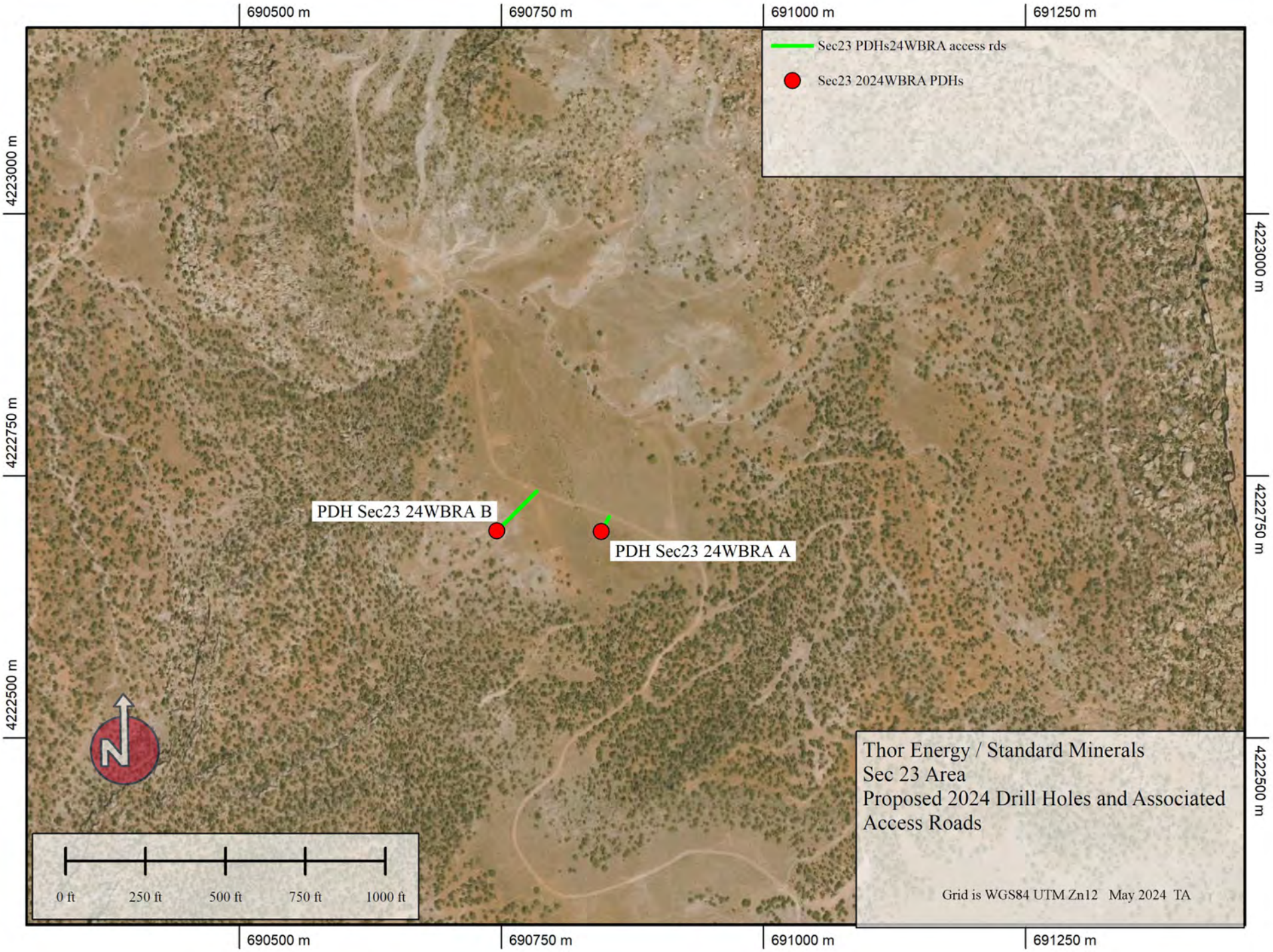
Signature of NOI holder or person authorized to sign: _____

Name (typed or printed): Nicole Galloway Warland

Title/Position: Managing Director

M:\min\oss\slb\MineralsForms\ProspectForm2
30 Aug 2017


PDH Sec23 24WBRA B
PDH Sec23 24WBRA A
N
2.5 mi
7.5 mi
12.5 mi
Thor Energy / Standard Minerals
Modifed NOI Application
Sec 23 Area
General Location Map
Proposed 2024 Drilling
May 2024 TA


690500 m
690750 m
691000 m
691250 m
4223000 m
4222750 m
4222500 m
Sec23 PDHs24WBRA access rds
Sec23 2024WBRA PDHs
PDH Sec23 24WBRA B
PDH Sec23 24WBRA A
N
0 ft
250 ft
500 ft
750 ft
1000 ft
Thor Energy / Standard Minerals
Sec 23 Area
Proposed 2024 Drill Holes and Associated Access Roads
Grid is WGS84 UTM Zn12 May 2024 TA

690500 m
690750 m
691000 m
691250 m
4223000 m
4222750 m
4222500 m
Sec23 PDHs24WBRA access rds
Sec23 2024WBRA PDHs
6700
6800
PDH Sec23 24WBRA B
PDH Sec23 24WBRA A
N
0 ft
250 ft
500 ft
750 ft
1000 ft
Thor Energy / Standard Minerals
Sec 23 Area
Proposed 2024 Drill Holes and Associated Access Roads
Grid is WGS84 UTM Zn12 May 2024 TA

Standard Minerals, Inc / Thor Energy

2021 Modified Notice of Intent

Wedding Bell Mountain Project

Sec 23

DRMS P-2021-009

Appendix A

Mineral Exploration Reclamation Practices

Reclamation practices will meet those as described in 43 CFR 38.09.301(b)(1).

Timing – At the earliest feasible time, typically within several weeks of a holes being drilled, the sites and access roads will be reclaimed by taking reasonable measures to prevent or control on-site and off-site damage to Federal lands. Reclamation should be complete by the end of the expected operation period, in this case 30 Nov 2024

Noxious and Invasion Weeds – The Standard Minerals, Inc., will treat any weeds that result from activities conducted under this notice and obtain a Pesticide Use Proposal (PUP) from the BLM TRFO prior to treatment.

Topsoil/Growth Medium - Where topsoil or growth medium is present, it will be preferentially salvaged, and stockpiled on one side of the disturbed area in windrows nominally 3 ft wide x 2 ft high and appropriately marked to prevent contamination.

Measures to control erosion, landslides and water runoff – Erosion control will be accomplished by the use of grade reversals (water bars) appropriately spaced as needed on access roads, and silt fences, straw wattles or other sediment control devices as needed on drill pads. The potentially disturbed areas are not conducive to landslides.

Drill hole closure and reclamation – Holes will be backfilled with cuttings to the extent possible, Then a "spider" style hole plug will be inserted five feet down the drill hole which will then be filled with a bag of bentonite to within one foot of the surface. The remaining one foot will be filled with topsoil/growth medium. Holes drilled with water will use a sump. During reclamation, the sump will be pumped back down hole to the extent practical. Plugging will occur upon the completion of each drill hole, but after e-logging. Hole closures are regulated by the State of Colorado (See Rule 5.4.2 (5) of Colorado Hardrock/Metal Mining Rules). As stated in item III. 6. K above, the bottoms of the drill holes will be above water table. See Figure 1 below.

Reshaping disurbed areas - Disturbed areas will be reshaped to the approximate pre-disturbance contours to the extent reasonably practicable. If sumps are present on drill pads, sumps will be backfilled, once dry, with native material and reshaped with the rest of the pad.

Topsoil/Growth Medium replacement - The reserved topsoil or growth medium, if present, will be uniformly spread over the reshaped disturbed ground.

Revegetation - Seed mixes approved by the BLM will broadcast or drilled at application rates approved for the mix over the surface of the disturbed area. Harrowing, raking, drags or other suitable means will be used to bed the seeds. Mulch will be used if appropriate. Seeding will occur in the fall or spring, whenever precipitation and soil moisture conditions look best for revegetative success. See Table 1 for the seed mix in use

Measures to control surface radiation associated with drill cuttings on post-reclamation ground (drill pads) – Prior to disturbance, a radiometric survey will be completed over each proposed drill pad. The survey will determine pre-existing radiation levels as compared to approximate background value ranges. A post-reclamation radiometric survey will also be made. Radioactive cuttings detected that exceed the pre-disturbance values will be buried on site deep enough to so that background value ranges are achieved.

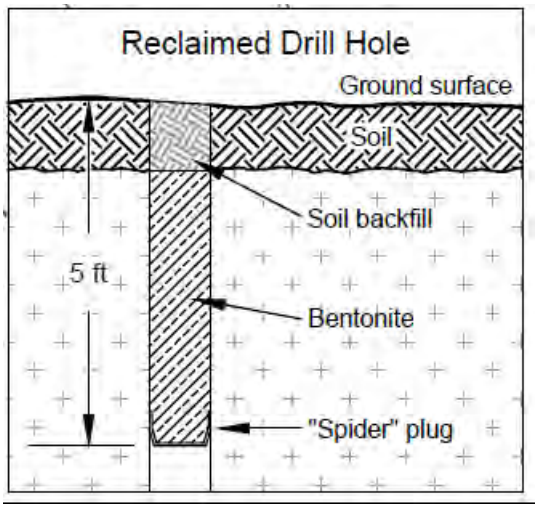


Figure 1: Typical profile for the top of a drill hole

Thor Energy PLC 10/01/23

Proposed Sage Grouse Friendly Seed Mix – based on discussions with Southwest Seeds and the BLM

	SPECIES	%	LOT #	PLS%	PER/ ACRE
1	Thickspike wheatgrass				0.75
2	Sideoats Grama				2.47
3	Big Sagebrush Wyoming				0.20
4	Winterfat				0.25
5	Fourwing Saltbush				0.15
6	Indian Ricegrass Paloma				3.71
7	Blue Grama Alma				0.48
8	Muttongrass				0.10
9	Squirreltail Bottlebrush Pueblo				2.04
10	WESTERN YARROW				0.10
11	BLANKETFLOWER				0.10
				TOTALS	10.35

Table 1: Proposed Sage Grouse – friendly seed mix

Standard Minerals, Inc / Thor Energy

Modified 2021 Notice of Intent

Wedding Bell Mountain Project

Sec 23

DRMSP-2021-009

Appendix B

Reclamation Calculations

Thor Energy / Standard Minerals, Inc.,		
Sec. 23 Modified NOI DRMS P-2021-009		
Sec. 23, T. 45N., R. 18W., NMPM		
9 May 2024	TA	
Summary (including Third Party Burden)		
Borehole Sealing	$200	
Pads – Regrade_Recontour	$478	
Roads – Regrade_Recontour	$314	
Revegetation	$60	
Equipment Mob-Demob	$2,470	
Total	$3,522	Total
Total Reclaimed Area	0.13	acre

Thor Energy / Standard Minerals, Inc.,									
Sec. 23 Modified NOI DRMS P-2021-009									
Sec. 23, T. 45N., R. 18W., NMPM									
9 May 2024	TA								
BOREHOLE SEALING									
BACKFILL WITH CUTTINGS									
Borehole ID	Total Depth (ft)	Hours Labor	Backfill Cost ($)						
PDH Sec23WBRA A1	500	1.5	30						
PDH Sec23WBRA B	500	1.5	30						
			60	Subtotal					
Productivity									
Labor- feet backfilled per hour									
300									
Labor – cost per hour ($)									
20									
BOREHOLE TOP SEAL									
Borehole ID	Bottom plug (1)	Cost (ea)	Bentonite Fill (ft)	Cost per Ft (2)	Bentonite Cost	Labor Cost per hole($)	Total Cost		
PDH GHWBRA A1	1	9	4	7	28	10	47		
PDH GHWBRA B	1	9	4	7	28	10	47		
							94	Subtotal	
							154	Total	
Productivity							46.2	Third Party Burden	
Labor- Cost to set top seal							200.2	Grand Total	
10									
Labor – cost per hour ($)									
20									
Third Party Burden	Percent markup								
	30%								
1) Plastic Plug from CGS Mule									
2) Rounded up from 2023 DRMS reclamation estimate									

Thor Energy / Standard Minerals, Inc.,
Sec. 23 Modified NOI DRMS P-2021-009
Sec. 23, T. 45N., R. 18W., NMPM
9 May 2024 TA

PADS – REGRADE_RECONTOUR				Equipment Type 1 Backhoe	Cost per	Equipment Type 2 Excavator	Cost per
				Hours to		Hours to	

Thor Energy / Standard Minerals, Inc.,
Sec. 23 Modified NOI DRMS P-2021-009
Sec. 23, T. 45N., R. 18W., NMPM
9 May 2024 TA

		Type of Road						Equipment Type 1		Equipment Type 2			
ROADS – REGRADE_RECONTOUR		Cross Country or Existing Historic Rd travel (30% disturbance)		Bladed (100% disturbance)				Backhoe		Excavator			
Borehole ID	Activity	Access Road Length (ft)	Access Road Width (ft)	Access Road Length (ft)	Access Road Width (ft)	Total length all types of access rds	Type of Travel	Hours to complete task	Cost	Hours to complete task	Cost	Cost per Access Road	
PDH Sec23 24WBRA A	Scarify/decompact road/minor repair if needed	55	10	0		55	Cross-Country	0.6	58			58	
PDH Sec23 24WBRA B	Scarify/decompact road/minor repair if needed on Cross-Country segment. Regrade_recontour where fully disturbed	175	10	0	10	175	Cross-Country	1.8	184	0	184	184	
	Totals	230	10	0	10	230			242			242	Total
		0.02	acre	0.00	acre							72	Third Party Burden
				0.02	Total acre							314	Grand Total

Equipment Type 1	Cost per Hr ($)
Cat 420 backhoe or equiv.	105
Cost based on 2023 invoice	
Productivity	
Feet/hour for 30% regrade	100
Feet/hour for 100% regrade	40
Equipment Type 2	Cost per Hr ($)
Cat 325 Excavator or equiv.	170
Cost based on 2023 invoice	
Productivity	
Feet/hour for 30% regrade	150
Feet/hour for 100% regrade	75
Third Party Burden	Percent markup
	30%
Ft2 in an acre	43560

Thor Energy / Standard Minerals, Inc.,
Sec. 23 Modified NOI DRMS P-2021-009
Sec. 23, T. 45N., R. 18W., NMPM
9 May 2024 TA

REVEGETATION

Primary Seeding	Area (acre)		Cost per Acre (1)	Application Factor(2)	Cost ($)
Tilling/Harrowing/Spot Hand Raking	0.02		1550		25
	Area (acre)	Application Factor	Cost per Acre (1)		
BLM Approved seed mix	0.02		150	2	5
			Cost per Acre (3)		
Broadcast Seeding	0.02		100		2
Secondary Seeding	Area (acre) (3)		Cost per Acre (1)		Cost ($)
Tilling/Harrowing/Spot Hand Raking	0.01		1550	2	12
	Area (acre)		Cost per Acre (1)		
BLM Approved seed mix	0.01		150	2	2
			Cost per Acre (3)		
Broadcast Seeding	0.01		100		1
					46 Total
					14 Third Party Burden
1) Rounded up from DRMS reclamation estimate					60 Grand Total
20 Broadcast application rate is 2x drill rate					
3) TA estimate based on experience					
3) Assume 50% failure rate					
Third Party Burden	Percent markup				
	30%				

Thor Energy / Standard Minerals, Inc.,			
Sec. 23 Modified NOI DRMS P-2021-009			
Sec. 23, T. 45N., R. 18W., NMPM			
9 May 2024	TA		
EQUIPMENT MOB-DEMOB		Mob-Demob (1)	
Equipment Type 1	Cat 420 Backhoe or equiv.	800	
Equipment Type 1	Cat 325 excavator or equiv.	1100	
		1900	Total
Third Party Burden	Percent markup	570	Third Party Burden
	30%	2470	Grand Total
1) From Naturita/Norwood CO area- based on a 2023 invoice for work done in the Wedding Bell Mtn area			
(includes tram in / tram out time from lowboy to project area			

Attachment H
Weed Management
Plan

WEED MANAGEMENT PLAN

Standard Minerals Inc.
Wedding Bell/Radium Hill Project
729 Bookcliff Ave.
Grand Junction, CO 81501

May 2024

TABLE OF CONTENTS

1. INTRODUCTION 1
   1.1 Content of Weed Management 1
   1.2 Overview of Approach to Weed Management 1

2. LOCATION OF THE PROPERTY 2

3. INVENTORY OF WEED SPECIES 3

4. WEED MANAGEMENT 4

LIST OF TABLES

Table 1: San Miguel – Noxious Weed Summary

LIST OF FIGURES

Wedding Bell Project – General Location

ACRONYMS AND ABBREVIATIONS

BLM	Bureau of Land Management

1. INTRODUCTION

The Wedding Bell/Radium Hill Project is a planned mineral exploration project in San Miguel and Montrose Counties, Colorado. Mineral exploration consists of a proposed 12 drill holes in three locations that are approximately 23 miles southwest of Naturita, Colorado (see Figure). The Groundhog area and Section 23 area are in San Miguel County.

1.1 Content of Weed Management

There has been a tremendous expansion of invasive alien plant species across the US, including Colorado. New problem weed species arrive in Colorado every year. Weeds create large economic losses for agriculture in both cropland and rangeland situations. Noxious weeds often provide poorer habitat for wildlife that native vegetation. Proliferation of alien plant species alters ecosystem processes and threatens certain native species with extirpation. Thus, unchecked weeds threaten our economic livelihood and our biological heritage.

In recognition of the economic and ecological impacts of weeds, the General Assembly of the State of Colorado passed the Colorado Weed Management Act, also known as the Colorado Noxious Weed Act, in 1996. The act requires landowners and managers to manage noxious weeds if they are likely to damage neighboring lands. This act provides that each county in Colorado shall adopt a noxious weed management plan for the unincorporated portions of the county. This plan provides a framework to control those plant species that are listed as "noxious" in San Miguel County.

1.2 Overview of Approach to Weed Management

Weed control is part of property management. This plan is based on the desired plant species and communities, rather than on simply eliminating weeds. Preventive programs are implemented to keep the management area free of species that are not yet established there but which are known to be pests elsewhere in the area.

The plan follows a four-step management approach. First, weed species are identified through inventory of the property. Second, if weed species are identified, land management goals and weed management objectives are established for the property, such as weed removal or avoidance of weedy areas. Third, preventive measures are taken, which includes washing of all equipment to mitigate the potential for inadvertently spreading weed species. And fourth, revegetating the disturbed drill site area using a seed bed mixture consistent with the local environment and approved by the Bureau of Land Management (BLM).

2. LOCATION OF THE PROPERTY

This Weed Management Plan is for the Groundhog area and Section 23 area in San Miguel County as shown in the Figure. Specific drilling locations include nine holes in these two areas. The quarter-quarter sections are as follows:

Drill Hole	Quarter	Quarter	Section	Township	Range
Sec23 DH1	SW	SE	23	45N	15W
Sec23DH2	NW	SE	23	45N	15W
Sec23 DH3	NW	SE	23	45N	15W
Sec23 DH4	NW	SE	23	45N	15W
Sec23 DH5	NW	SE	23	45N	15W
Sec23 DH6	NW	SE	23	45N	15W
Sec23 DH7	SW	NE	23	45N	15W
Groundhog DH1	NE	NE	21	45N	15W
Groundhog DH2	NE	NE	21	45N	15W

The properties are located approximately 23 miles southwest of Naturita, Colorado via Colorado Routes U29 and 1113.

3. INVENTORY OF WEED SPECIES

Prior to project startup, Standard Minerals Inc. will complete a ground survey in the project area, specifically in the proposed areas of the drill pads and dirt access routes off county roads, which is about 1.78 acres. There are four San Miguel County Class A weeds of concern, 17 Class B noxious weed species reported present in San Miguel County in the 2017 management plan, and an additional 12 Class B and one Class C species of concern as shown in Table 1[1][2]. The ground survey will be conducted by properly trained scientists who are knowledgeable of these species. If noxious species are identified in the project area, weedy areas will be demarcated in the field.

[1] San Miguel County Noxious Weed Management Plan
[2] Colorado Department of Agriculture, Colorado List B weed Management Plans by Counties. Accessed 5 November 2021 at https://ag.colorado.gov/conservation/noxious-weeds/county-weed-programs

4. WEED MANAGEMENT

If weed species have been identified at the project site, Standard Minerals Inc. will assess the appropriate method to mitigate and eliminate species spread. The two most likely strategies will be demarcation and avoidance of areas with noxious weeds, or removal of weeds from the project area. If these options are impracticable, the use of herbicides may be used in limited instances.

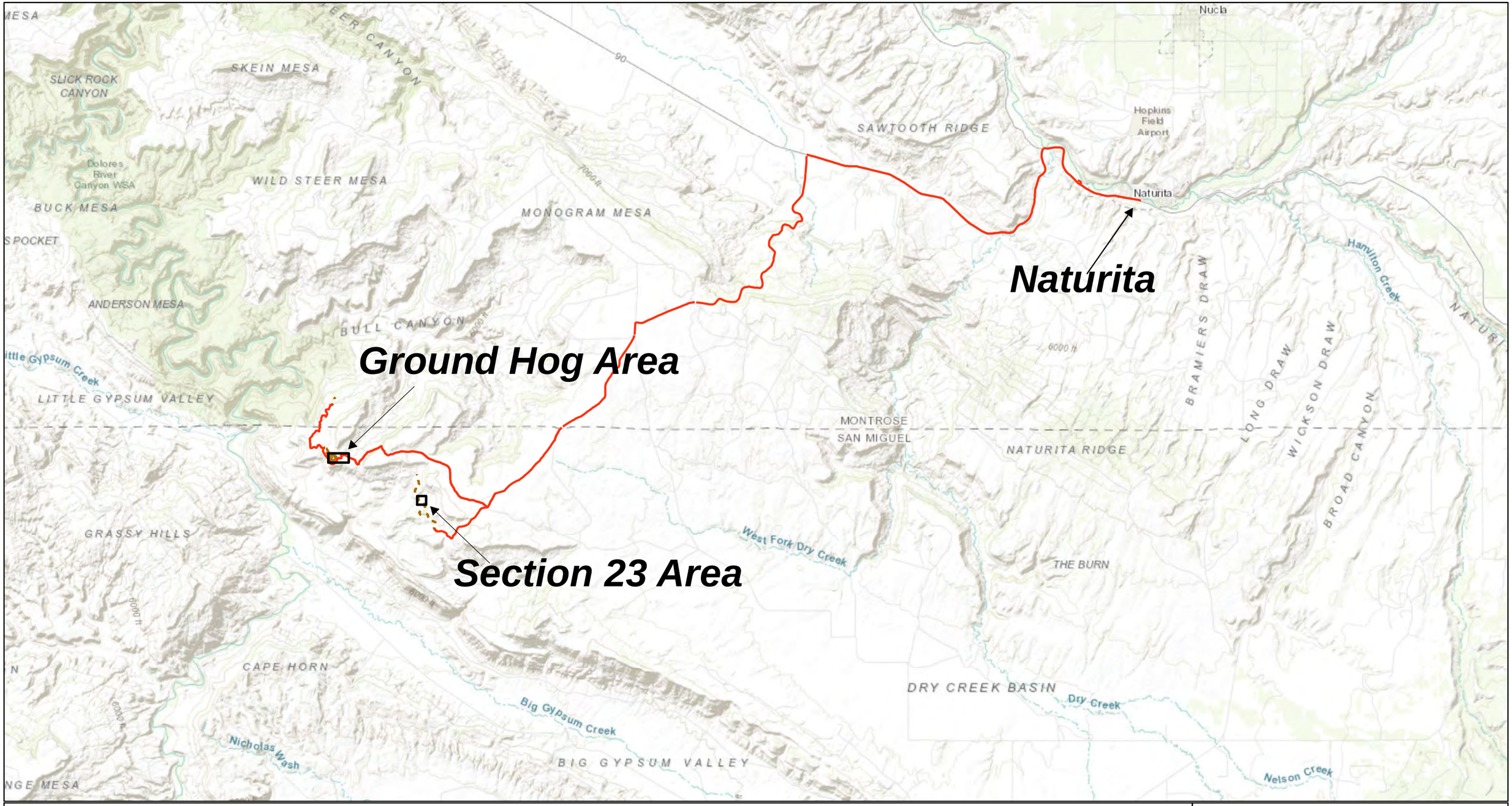
To prevent accidental spreading of noxious weeds, equipment to be used at the project site will be washed down prior to mobilization to the site. Additionally, equipment will be washed down between the three primary drilling areas, Groundhog, Section 23, and the parcel in southern Montrose county. Standard Minerals has a form available to document vehicle inspection and washing prior to site entry.

The disturbed drill site areas will be revegetated utilizing a seed bed mixture consistent with the local environment and approved by the BLM as soon as practical as part of reclamation activities.

TABLES

Table 1: San Miguel - Noxious Weed Summary		
Species	**Class**	**Infested Acres**
Meadow Knapweed	A	Unknown
Myrtle Spurge	A	Unknown
Purple loosestrife	A	Unknown
Yellow Starthistle	A	Unknown
Absinth wormwood	B	2
Bull thistle	B	8
Canada thistle	B	826
Chamomiles	B	4
Hoary cress	B	107
Houndstongue	B	260
Jointed goatgrass	B	28
Leafy spurge	B	15
Musk thistle	B	244
Oxeye daisy	B	1,800
Russian knapweed	B	150
Russian olive	B	111
Salt cedar	B	295
Spotted knapweed	B	37
Sulfur cinquefoil	B	177
Wild caraway	B	1
Yellow toadflax	B	97
Black henbane	B	Unknown
Chinese Clematis	B	Unknown
Common tansy	B	Unknown
Dame's rocket	B	Unknown
Diffuse knapweed	B	Unknown
Perennial pepperweed	B	Unknown
Plumeless thistle	B	Unknown
Scotch thistle	B	Unknown
Common mullein	B	Unknown
Downy brome (cheatgrass)	B	Unknown
Halogeton	B	Unknown
Poison hemiock	B	Unknown
Russian Thistle	C	Unknown

FIGURES



Legend

- Project Access
- Historical Drill Road
- Project Area

N

0 2 Miles

General Location

San Miguel County, Colorado

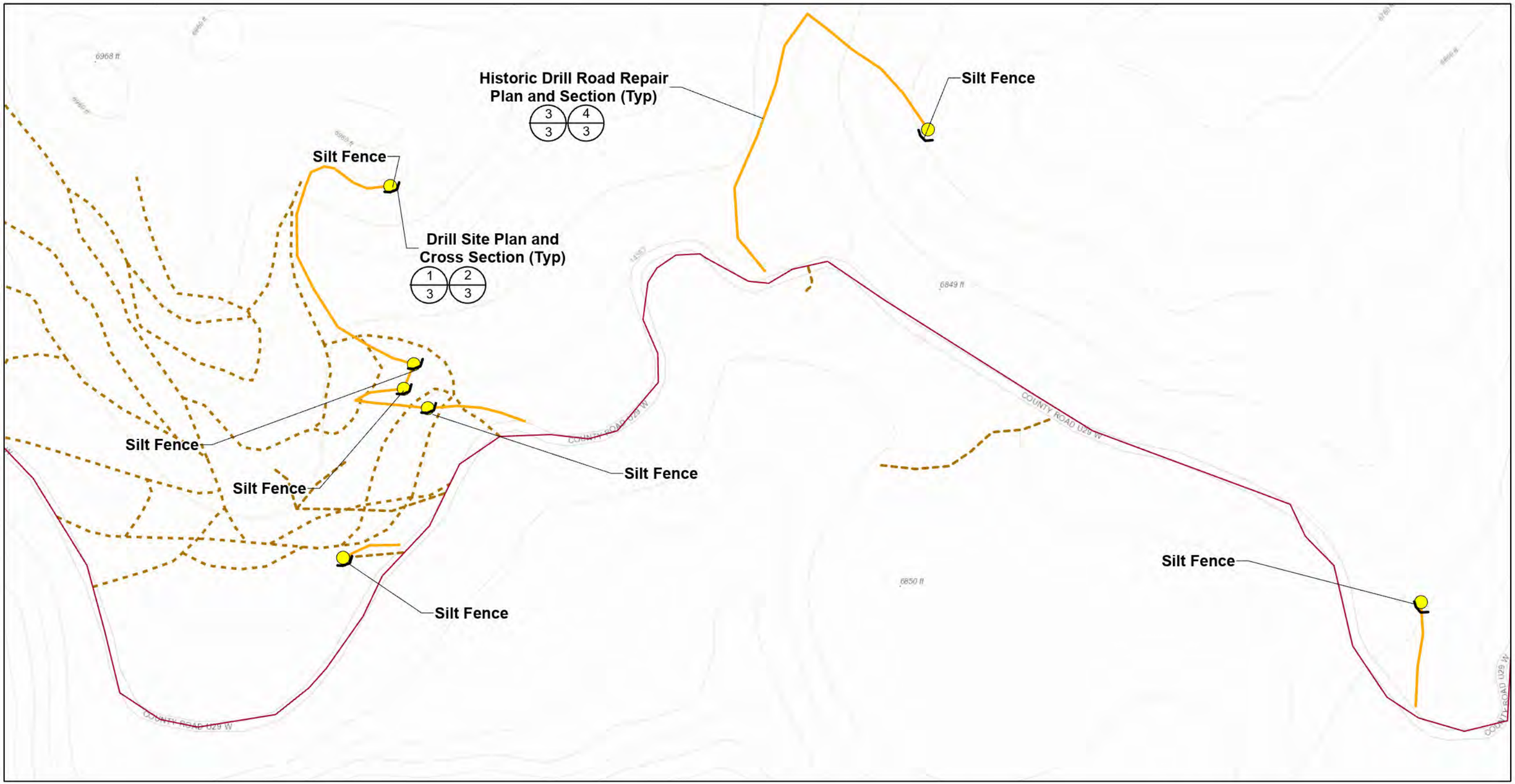
Geosyntec consultants

Lakewood, CO | July 2023

Figure 1

P:_Project_Files\DE0516 Thor Mining PLC Permitting\3.0 Data and Analysis\GIS\Projects_MXD\2023_General_Location.mxd 7/19/2023 3:39:20 PM

Attachment I
Sediment Control Plans (2024 and 2025)



Legend

- Proposed Drill Hole Location
- Historical Drill Road
- Project Access
- Proposed Access Road
- Silt Fence

Notes

1. Proposed road repair will consist of clearing/relocation of large rocks and logs in order to allow access by wheeled vehicle. Disturbance of the historical drill roads will be limited. No blading, excessive cut/fill, or vegetation removal is proposed.

2. Due to limited road repair, sediment control will not be necessary along the entire route shown in orange. Sediment control will be installed at the proposed drill hole locations and at select locations along the road if deemed necessary.

N

0 240 Feet

Groundhog Area

San Miguel County, Colorado

Geosyntec consultants

Lakewood, CO | May 2024

Figure 1

P:\GIS\Thor\DE0516\Thor_Master\Thor_Master.aprx 5/31/2024 12:31 PM

Legend

- Silt Fence
- Proposed Drill Hole Location
- Proposed Access Road
- Project Access
- Historical Drill Road

Notes

1. Proposed road repair will consist of clearing/relocation of large rocks and logs in order to allow access by wheeled vehicle. Disturbance of the historical drill roads will be limited. No blading, excessive cut/fill, or vegetation removal is proposed.

2. Due to limited road repair, sediment control will not be necessary along the entire route shown in orange. Sediment control will be installed at the proposed drill hole locations and at select locations along the road if deemed necessary.

N

0 100 Feet

Section 23 Area Map and Sediment Control Plan

San Miguel County, Colorado

Geosyntec consultants

Lakewood, CO | May 2024

Figure 2

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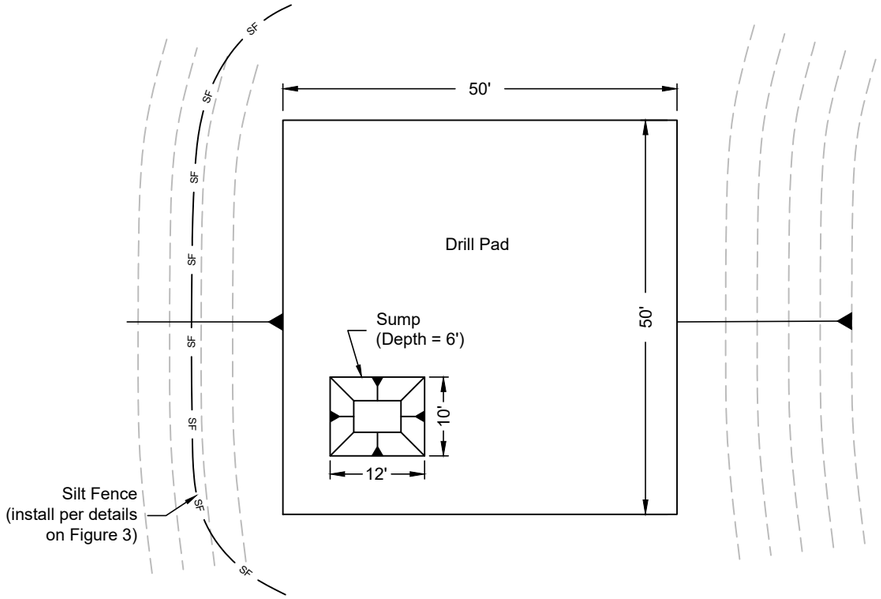
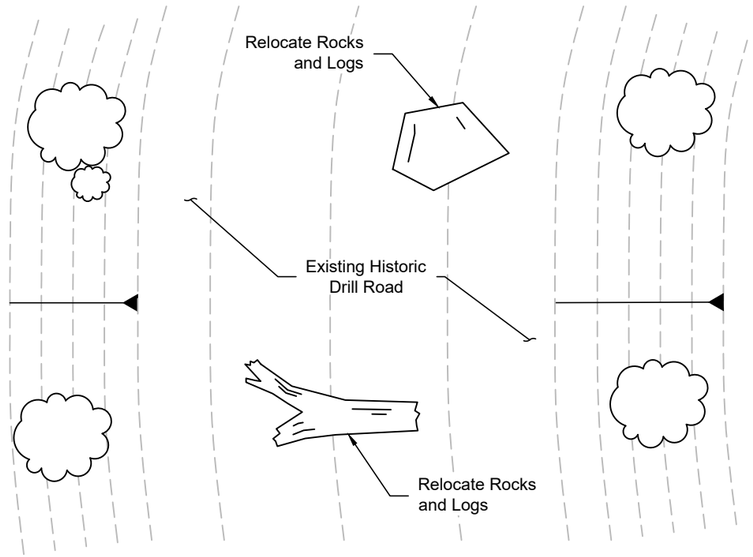


1 / 1 DETAIL
DRILL SITE PLAN (TYP)
SCALE: NTS



3 / 1 DETAIL
HISTORIC DRILL ROAD REPAIR (TYP)
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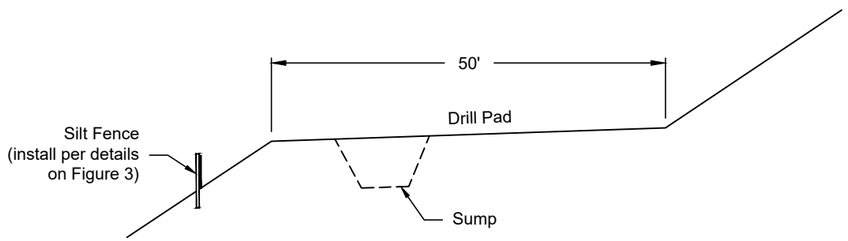

2 / 1 DETAIL
DRILL SITE SECTION (TYP)
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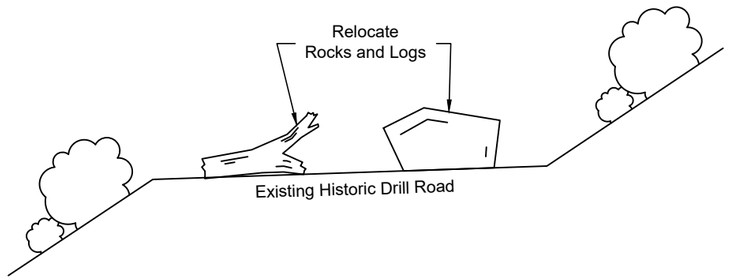


4 / 1 DETAIL
HISTORIC DRILL ROAD REPAIR SECTION (TYP)
SCALE: NTS

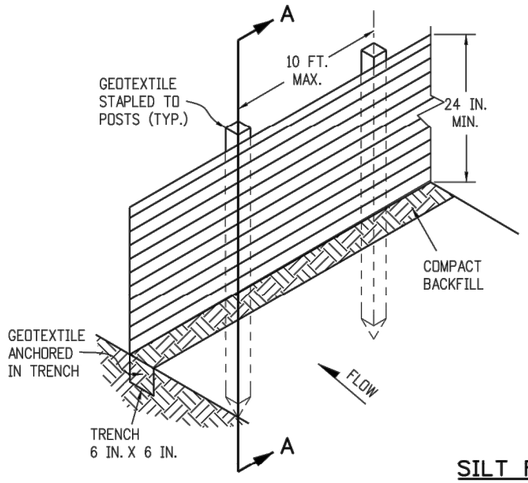
PLC USE PERMIT
SECTION 23 AREA
TYPICAL DETAILS I
SAN MIGUEL COUNTY, COLORADO

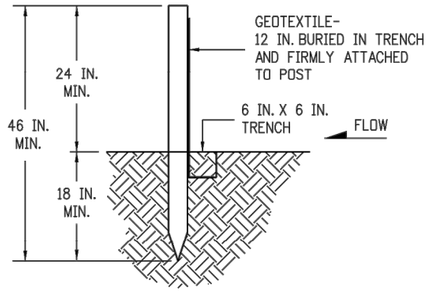
Geosyntec consultants

Lakewood, CO | May 2024

FIGURE 3

Z:\DE0516 THOR MINING PLC PERMITTING\3.0 DATA AND ANALYSIS\CAD\FIGURE 1 - SITE PLAN_PLC PERMITTING - Last Saved by: GRigard on 2/25/22



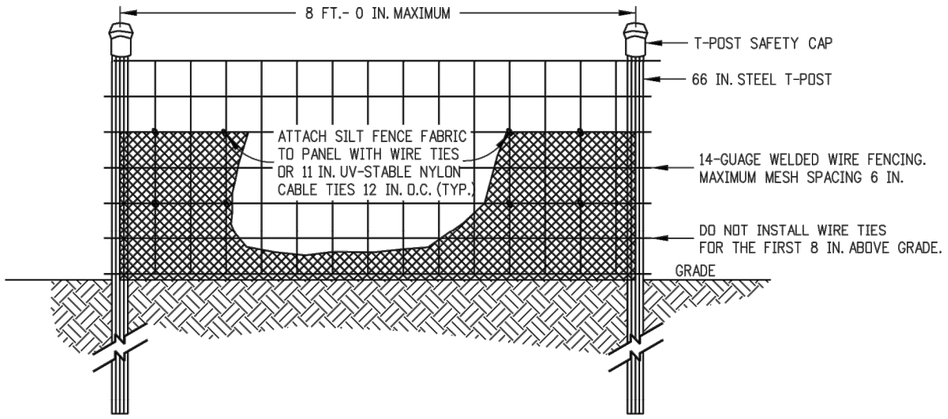


SECTION A-A

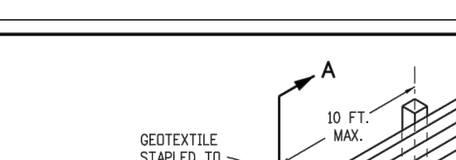
SILT FENCE

NOTES:

1. GEOTEXTILE SHALL BE ATTACHED TO WOOD POSTS WITH THREE OR MORE STAPLES PER POST. STAPLES SHALL BE HEAVY DUTY WIRE AND AT LEAST 1 INCH LONG.
2. WOOD POST SHALL BE 1 IN. X 1 IN. NOMINAL.
3. THE PAY ITEM NUMBER FOR SILT FENCE (LF) IS 208-00020.
4. THE SILT FENCE SHALL BE PLACED ON THE CONTOUR (AT THE SAME ELEVATION ±6 IN.). THE ENDS SHALL BE FLARED UP SLOPE (MINIMUM ELEVATION GAIN OF 18 IN.).



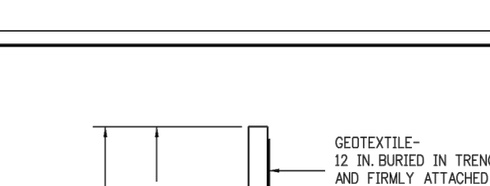
ELEVATION VIEW



END SECTION DETAIL (PLAN VIEW)

NOTE:

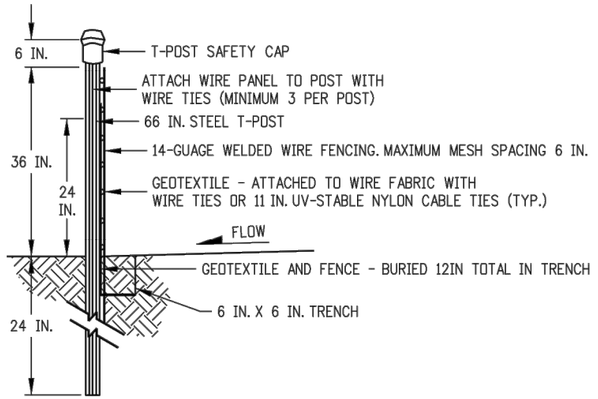
1. THE END OF THE SILT FENCE FABRIC SHALL BE WRAPPED APPROX. 6 INCHES AROUND A WOODEN POST ONE FULL TURN, THEN SECURED ALONG THE POST WITH 6 HEAVY DUTY WIRE STAPLES AT LEAST 1 INCH LONG.



JOINING SECTION DETAIL (PLAN VIEW)

NOTES:

1. THE ENDS OF THE SILT FENCE FABRIC SHALL BE JOINED TOGETHER BY WRAPPING APPROX. 6 INCHES OF EACH END AROUND A WOODEN POST ONE FULL TURN, THEN SECURED ALONG THE POST WITH 6 HEAVY DUTY WIRE STAPLES AT LEAST 1 INCH LONG.
2. POSTS SHALL BE TIGHTLY ABUTTED WITH NO GAPS TO PREVENT POTENTIAL FLOW-THROUGH OF SEDIMENT AT JOINT.



SIDE VIEW

NOTES:

1. THE ENDS OF THE SILT FENCE FABRIC SHALL BE JOINED TOGETHER BY WRAPPING APPROX. 6 INCHES OF EACH END AROUND A STEEL T-POST, THEN SECURED ALONG THE POST WITH WIRE TIES (MINIMUM 3 PER POST).
2. POSTS SHALL BE TIGHTLY ABUTTED WITH NO GAPS TO PREVENT POTENTIAL FLOW-THROUGH OF SEDIMENT AT JOINT.
3. SILT FENCES SHALL NOT BE USED FOR CHECK DAMS.
4. THE PAY ITEM NUMBER FOR SILT FENCE (REINFORCED) (LF) IS 208-00021.

SILT FENCE (REINFORCED)

SILT FENCE APPLICATIONS

Computer File Information		Sheet Revisions	
Creation Date: 07/04/12 Initials: JBK		Date:	Comments
Last Modification Date: 04/01/19 Initials: LTA	R-X	03/29/16	Minor revisions to some dimensions and Notes.
Full Path: www.codot.gov/business/designsupport	R-X	04/01/19	Revised to comply with the updated Stormwater Construction Permit (SCP) requirements.
Drawing File Name: 2080108011.dgn	R-X		
CAD Ver.: MicroStation V8 Scale: Not to Scale Units: English	R-X		

Colorado Department of Transportation
2829 West Howard Place
CDOT HQ, 3rd Floor
Denver, CO 80204
Phone: 303-757-9021 FAX: 303-757-9868
Division of Project Support JBK/LTA

TEMPORARY EROSION CONTROL

Issued By: Project Development Branch July 4, 2012

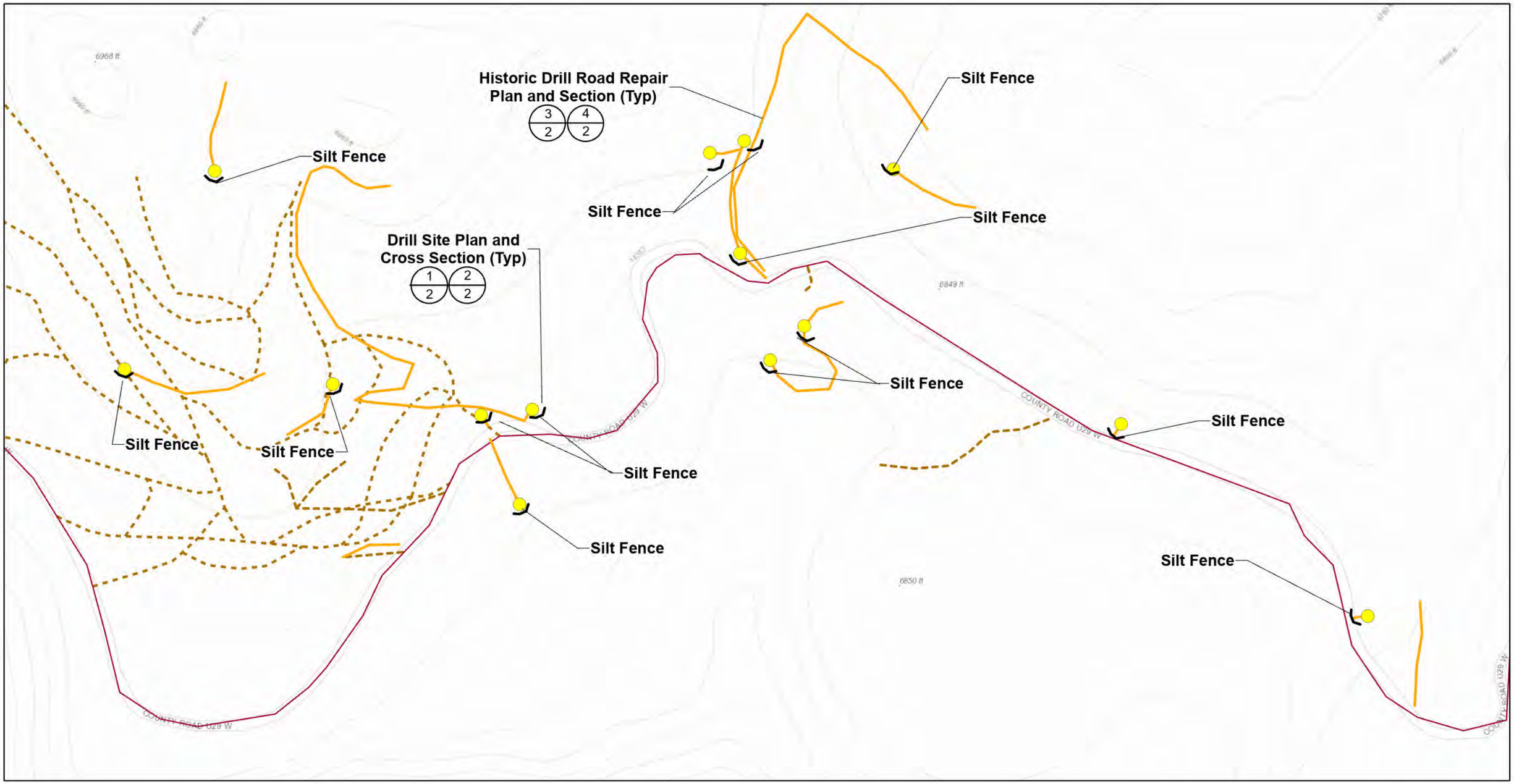
PLC USE PERMIT
SECTION 23 AREA
TYPICAL DETAILS II
SAN MIGUEL COUNTY, COLORADO

Geosyntec consultants

Lakewood, CO | May 2024

FIGURE 4

Z:\DE0516 THOR MINING PLC PERMITTING\3.0 DATA AND ANALYSIS\CAD\FIGURE 1 - SITE PLAN_PLC PERMITTING - Last Saved by: GRigard on 2/24/22



Legend

- Proposed Drill Hole Location
- Historical Drill Road
- Project Access
- Proposed Access Road
- Silt Fence

Notes

1. Proposed road repair will consist of clearing/relocation of large rocks and logs in order to allow access by wheeled vehicle. Disturbance of the historical drill roads will be limited. No blading, excessive cut/fill, or vegetation removal is proposed.

2. Due to limited road repair, sediment control will not be necessary along the entire route shown in orange. Sediment control will be installed at the proposed drill hole locations and at select locations along the road if deemed necessary.

N

0 240 Feet

2025 Groundhog Area

San Miguel County, Colorado

Geosyntec consultants

Lakewood, CO | May 2024

Figure 1

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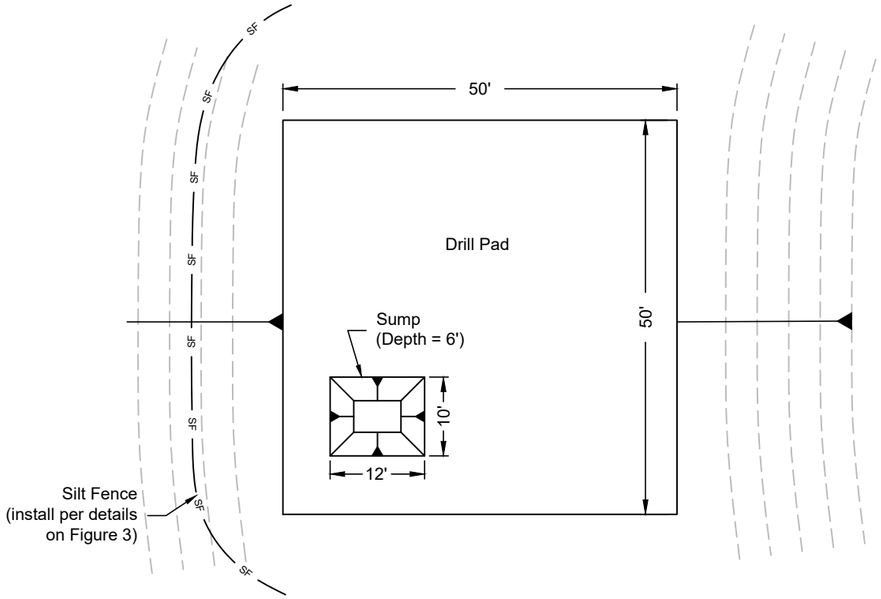

1 / 1 DETAIL
DRILL SITE PLAN (TYP)
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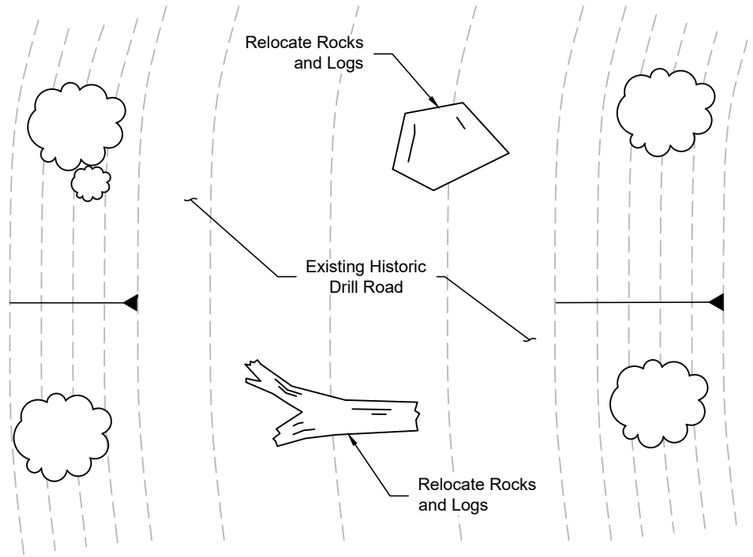
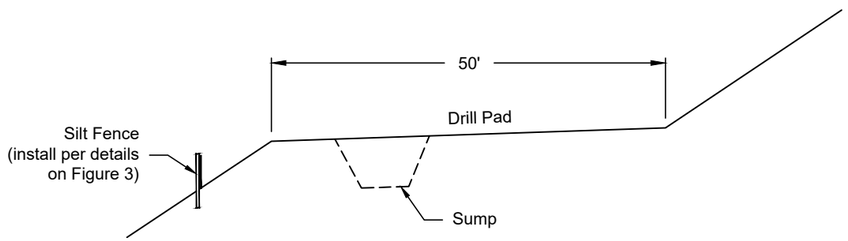


3 / 1 DETAIL
HISTORIC DRILL ROAD REPAIR (TYP)
SCALE: NTS



2 / 1 DETAIL
DRILL SITE SECTION (TYP)
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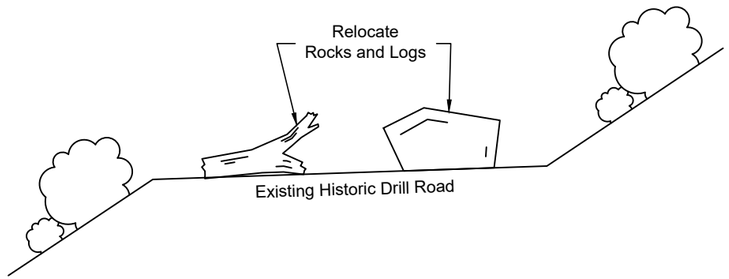


4 / 1 DETAIL
HISTORIC DRILL ROAD REPAIR SECTION (TYP)
SCALE: NTS

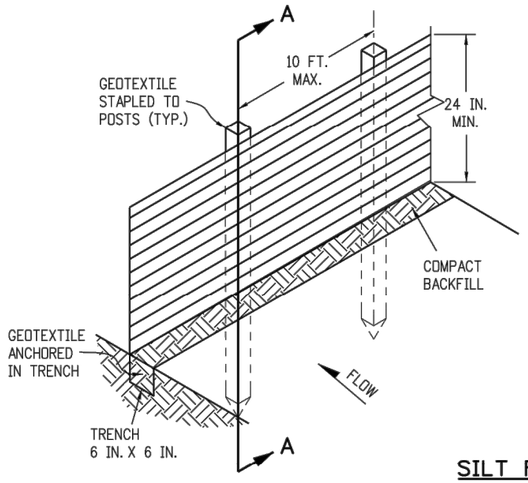
PLC USE PERMIT
SECTION 23 AREA
TYPICAL DETAILS I
SAN MIGUEL COUNTY, COLORADO

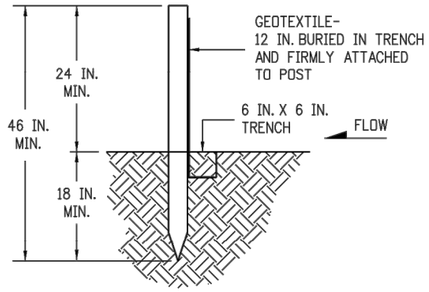
Geosyntec consultants

Lakewood, CO | May 2024

FIGURE 2

Z:\DE0516 THOR MINING PLC PERMITTING\3.0 DATA AND ANALYSIS\CAD\FIGURE 1 - SITE PLAN_PLC PERMITTING - Last Saved by: GRigard on 2/25/22





SECTION A-A

SILT FENCE

NOTES:

1. GEOTEXTILE SHALL BE ATTACHED TO WOOD POSTS WITH THREE OR MORE STAPLES PER POST. STAPLES SHALL BE HEAVY DUTY WIRE AND AT LEAST 1 INCH LONG.
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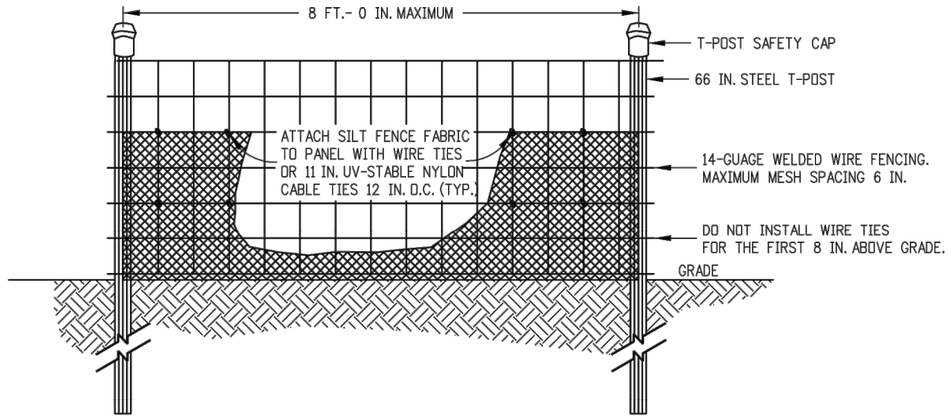
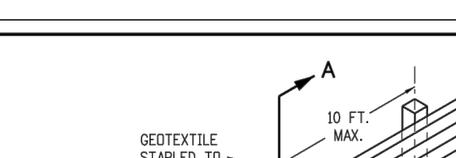
3. THE PAY ITEM NUMBER FOR SILT FENCE (LF) IS 208-00020.
4. THE SILT FENCE SHALL BE PLACED ON THE CONTOUR (AT THE SAME ELEVATION ±6 IN.). THE ENDS SHALL BE FLARED UP SLOPE (MINIMUM ELEVATION GAIN OF 18 IN.).



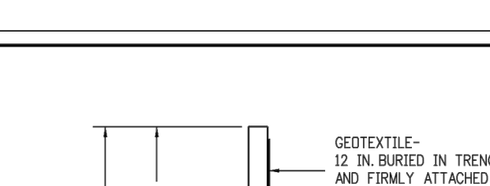
ELEVATION VIEW



END SECTION DETAIL (PLAN VIEW)

NOTE:

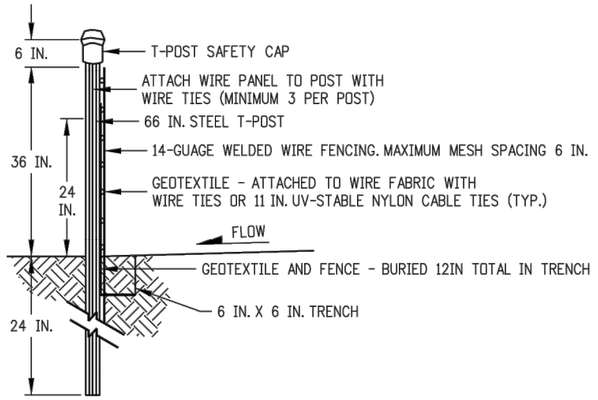
1. THE END OF THE SILT FENCE FABRIC SHALL BE WRAPPED APPROX. 6 INCHES AROUND A WOODEN POST ONE FULL TURN, THEN SECURED ALONG THE POST WITH 6 HEAVY DUTY WIRE STAPLES AT LEAST 1 INCH LONG.



JOINING SECTION DETAIL (PLAN VIEW)

NOTES:

1. THE ENDS OF THE SILT FENCE FABRIC SHALL BE JOINED TOGETHER BY WRAPPING APPROX. 6 INCHES OF EACH END AROUND A WOODEN POST ONE FULL TURN, THEN SECURED ALONG THE POST WITH 6 HEAVY DUTY WIRE STAPLES AT LEAST 1 INCH LONG.
2. POSTS SHALL BE TIGHTLY ABUTTED WITH NO GAPS TO PREVENT POTENTIAL FLOW-THROUGH OF SEDIMENT AT JOINT.



SIDE VIEW

NOTES:

1. THE ENDS OF THE SILT FENCE FABRIC SHALL BE JOINED TOGETHER BY WRAPPING APPROX. 6 INCHES OF EACH END AROUND A STEEL T-POST, THEN SECURED ALONG THE POST WITH WIRE TIES (MINIMUM 3 PER POST).
2. POSTS SHALL BE TIGHTLY ABUTTED WITH NO GAPS TO PREVENT POTENTIAL FLOW-THROUGH OF SEDIMENT AT JOINT.
3. SILT FENCES SHALL NOT BE USED FOR CHECK DAMS.
4. THE PAY ITEM NUMBER FOR SILT FENCE (REINFORCED) (LF) IS 208-00021.

SILT FENCE (REINFORCED)

SILT FENCE APPLICATIONS

Computer File Information		Sheet Revisions	
Creation Date: 07/04/12 Initials: JBK		Date:	Comments
Last Modification Date: 04/01/19 Initials: LTA	R-X	03/29/16	Minor revisions to some dimensions and Notes.
Full Path: www.codot.gov/business/designsupport	R-X	04/01/19	Revised to comply with the updated Stormwater Construction Permit (SCP) requirements.
Drawing File Name: 2080108011.dgn	R-X		
CAD Ver.: MicroStation V8 Scale: Not to Scale Units: English	R-X		

Colorado Department of Transportation
2829 West Howard Place
CDOT HQ, 3rd Floor
Denver, CO 80204
Phone: 303-757-9021 FAX: 303-757-9868
Division of Project Support JBK/LTA

TEMPORARY EROSION CONTROL

Issued By: Project Development Branch July 4, 2012

PLC USE PERMIT
SECTION 23 AREA
TYPICAL DETAILS II
SAN MIGUEL COUNTY, COLORADO

Geosyntec consultants

Lakewood, CO | May 2024

FIGURE 3

Z:\DE0516 THOR MINING PLC PERMITTING\3.0 DATA AND ANALYSIS\CAD\FIGURE 1 - SITE PLAN_PLC PERMITTING - Last Saved by: GRigard on 2/24/22

Attachment J
Dust Control Plan

1 SCOPE

This procedure shall apply to Thor Mining Plc and all subsidiary companies' exploration activities create excess dust is a concern.

2 RESPONSIBILITIES

Supervising Geologists and Field Assistants are responsible for ensuring that all personnel and contractors are aware of activities that generate dust and follow measures to minimise dust.

3 DUST

3.1 GENERAL

Exploration activities, particularly drilling, generate dust. Dust exposure by personnel involved in some activities can be minimised by the application of engineering controls, workplace procedures and visual dust monitoring.

3.2 EXPLORATION ACTIVITIES – RISK RANKING

An assessment of all exploration activities has been conducted to identify those tasks/activities that potentially generate dust. These are, in order of risk (highest to lowest);

a) **Driving on unsealed roads**
b) **Reverse Circulation Drilling**
c) **Air core and RAB Drilling**
d) **Drill site rehabilitation**
e) **Site preparation**

4 DRIVING ON UNSEALED ROADS

4.1 RISK ASSESSMENT

Driving vehicles on unsealed access roads and tracks can create excess dust. Earthmoving activities may also create airborne dust. Thor personnel and contractors shall ensure:

- Immediate reporting of any track maintenance or potential concerns to ensure that issues around dust generation are remediated in a timely manner.
- Where possible minimise the number of vehicles using tracks and unsealed roads
- Light vehicles to engage 4WD on unsealed roads, minimising dust and corrugations
- Vehicles to maintain slow speed limits
- Tracks and access roads to be lightly watered regularly
- Use of coconut matting on high traffic zones of track or unsealed sections of r
- Grading and track maintenance for tracks

5 AIR DRILLING (RAB, AIR CORE & RC)

5.1 RISK ASSESSMENT

Air drilling activities can, when not effectively managed, generate dust. Dust control is inadequate when a visible plume of dust is evident.

Dust generation risks arise from:

- Inadequate dust suppression or uncontrolled drilling dust
- Failure to use wet drilling or water misting dust suppression methods.
- Cleaning the rig or associated equipment with compressed air **(NOT ALLOWED)**

5.1.1 DRILLING CONTRACTOR

The drilling contractor (driller) shall ensure:

- That wherever possible wet drilling shall be conducted
- That if drilling dry, dust is to be effectively controlled by misting, water injection or through the use of dust suppression systems.

APPLICANT'S CERTIFICATION OF COMPLIANCE WITH THE PUBLIC NOTICING REQUIREMENTS OF THE SAN MIGUEL COUNTY LAND USE CODE SECTION 3-9

Thor Energy Plc, 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 theSan 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.

Nicole Galloway Warland
Name

(Insert Applicant's name if executed by agent)

Wedding Bell, West End Zone District
Physical location of Property and/or legal description

729 Bookcliff Ave., Grand Junction, CO 81501
Mailing Address (if different from above)

Date: 12 June 2024

Signature: [text/luc/certification.property.owner]

* 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.

Please publish the following Legal Ad in the:

NORWOOD POST AND TELLURIDE DAILY PLANET ON FRIDAY JUNE 21, 2024

Please bill: San Miguel County Planning Department
P.O. Box 548
Telluride, CO 81435

PUBLIC HEARING NOTICE

The San Miguel County (SMC) Planning Commission has been asked to consider an application submitted by Jeff Kurtz, Project Geologist on behalf of Thor Energy PLC (Applicant). The applicant proposes Mineral Exploration on Bureau of Land Management (BLM) lands for its Wedding Bell/Radium Mine Project, in the "Groundhog Area" and for the "Section 23 Area" accessed SMC County Road U29, and located in S16,21,22 T45N R18W, West End (WE) zone district, in San Miguel County. The proposed limited exploratory drill program will involve the location of 14 drill pads, each measuring about 50 feet by 50 feet for the purpose of exploring for uranium, and the use of existing BLM roads and trails only. An application Mining Special Use Permit for Conditional Uses on Federal Lands in the WE zone district requires Two-step review by the County Planning Commission and Board of County Commissioners pursuant to Land Use Code Section 5-319 G VII.

A public meeting on the above application will be held by the San Miguel County Planning Commission at 9:15 a.m. or later Thursday, July 11, 2024. This public meeting is the first step of a two-step review process by the Planning Commission and Board of County Commissioners. This meeting will be held online and in person in Telluride, 333 W Colorado Ave, 2nd Flr. To provide comment or ask questions regarding the proposal, please join the meeting: https://zoom.us/join, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Written comments of more than one page may not receive complete consideration if not received by July 2, 2024. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountyco.gov

Please call the Planning Department at 970-728-3083 for more information on the application. A copy of this pending master plan amendment application may be viewed at https://www.sanmiguelcountyco.gov/490/Other-Resources

The official designated posting place for all meeting notices is online at https:www.sanmiguelcountyco.gov/liveagenda.

Norwood Business

Kenny's Tires
• Tires
• Welding Supplies
• Interstate Batteries
• Oil Changes
• Brake Service
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Kenny's Tires
KT Storage
Household & Commercial Self Storage
29492 Highway 97 Nucla,CO
970-864-2287

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Norwood Classifieds

Jobs

Help Wanted

School Bus Drivers Needed

Norwood School District is willing to pay for CDL training and certification. Must pass a Class B CDL with S&P endorsement, CDL Drug Test & Physical.

We will be accepting applications on an ongoing basis until positions are filled.

The full job description is located on our website, please follow the link/URL **norwoodk12.org/domain/181** and click on "Click here for job listings and to apply online".

San Miguel County is Hiring!
Part-Time & Seasonal Positions

Noxious Weed Technician
Parks & Open Space

Plant Select Gardener

Temporary Parks & Trails Aide

To view the complete job descriptions, compensation, benefits and to officially apply for any of the County's open career opportunities, please visit: www.sanmiguelcountyco.gov/jobs

San Miguel County is an Equal Opportunity Employer (EOE).

Norwood Public Schools is Hiring:

Spanish/English Language Learner Teacher

5th Grade Teacher

6th Grade Teacher

Middle School English Teacher

Paraprofessionals (1/2 or Full-time)

Activity Driver

We will be accepting applications on an ongoing basis until positions are filled.

For full job postings visit: norwoodk12.org/domain/181 and click on "Click here for job listings and to apply online".

Norwood Public Schools

Small Bus Drivers Needed
Non-CDL bus driver position

We will be accepting applications on an ongoing basis until positions are filled. The full job postings are located on our website.

Please follow the link/URL **norwoodk12.org/domain/181** and click on "Click here for job listings and to apply online."

Help Wanted

San Miguel County is Hiring!

The following positions are full-time, year-round and include a comprehensive benefits package!

Lead Mechanic

Light Equipment Operator

Heavy Equipment Operator

Deputy Sheriff - Operations

Correctional Officer/ Emergency Dispatcher

To view the complete job descriptions, compensation, benefits and to officially apply for any of the County's open career opportunities, please visit: www.sanmiguelcountyco.gov/jobs

San Miguel County is an Equal Opportunity Employer (EOE).

Legal Notices

PUBLIC HEARING NOTICE

The San Miguel County Board of Commissioners has been asked to consider a Land Use Code (LUC) amendment to amend Section 5-1305B Affordable Housing to update definition of Employee and to add definitions for Qualifying Income and Non-qualifying Income. The proposed LUC amendment requires CPC review and recommendation and Board of County Commissioners review pursuant to Land Use Code Section 3-601 D. Land Use Code Amendments. This Public Hearing is the second step of a Two-step process.

A Public Hearing on the above application will be held by the San Miguel County Board of Commissioners at 10:00 a.m. or later on Wednesday, July 10, 2024. This meeting will be held online and in person in Telluride, 333 W Colorado Ave, 2nd FL. To provide comment or ask questions regarding the proposal, please join the meeting: https://join.zoom.us, Meeting ID: 534.180.495, Password 014764; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Written comments of more than one page may not receive complete consideration if not received by July 2, 2024. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountyco.gov

Please call the Planning Department at 970-728-3083 for more information on the application. A copy of this proposed amendment application may be viewed at https://www.sanmiguelcountyco.gov/490/Other-Resources

The official designated posting place for all meeting notices is online at https://www.sanmiguelcountyco.gov/liveagenda

PUBLIC HEARING NOTICE

The San Miguel County (SMC) Board of Commissioners has been asked to consider an application submitted by Helen Thomas, Project Geologist, on behalf of Fermi Uranium Corp. (Applicant). The applicant proposes Mineral Exploration on private lands, PIN #455103200002 Sec 3 and 4 T43N R16W and Sec 4 T44N R16W, for its Pitchfork project drilling program accessed from SMC County Road 23S and located in West End (WE) zone district, in San Miguel County. The proposed limited exploratory drill program will involve the creation of 4 drill pads, each measuring about 20 feet by 20 feet for the purpose of exploring for Uranium and Vanadium, and the maintenance and use of existing private two track roads. An application for Mining Special Use Permit in the WE zone district requires review by the County Planning Commission and Board of County Commissioners pursuant to Land Use Code Section 5-319 G VII.

A Public Hearing on the above application will be held by the SMC Board of Commissioners at 10:00 a.m. or later Wednesday, July 10, 2024. This public hearing is the second step of the two-step review process by the Planning Commission and Board of County Commissioners. This meeting will be held online and in person in Telluride, 333 W Colorado Ave, 2nd Flr. To provide comment or ask questions regarding the proposal, please join the meeting: 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).

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Classifieds ads are small but POWERFUL
The Norwood Post has the largest reach of any media in the region and is the only newspaper dedicated to news and information about the Norwood area.

Legal Notices

LEGAL NOTICE:
SAN MIGUEL POWER ASSOCIATION, INC. NOTICE OF MEMBER DIVIDENDS RETIREMENT NOTICE OF RIGHT TO CLAIM MEMBER DIVIDENDS (CAPITAL CREDITS)

San Miguel Power Association, Inc. is seeking current and former members who have not yet claimed their member dividends, also known as 'capital credits.' In January, 2024, the co-op sent out nearly $1 million in unclaimed Member Dividend checks to members who received electric service during the years, 1994 and 1995.

Many of those checks have not been cashed. Members are encouraged to check the list at www.smpa.com/member-dividends. Members whose names appear on the list may request another check to be issued. Credits that remain unclaimed or un-cashed as of June 30, 2024 will be forfeited by the member and extinguished and forever barred.

Member Dividends are a benefit of being a member of your local electric cooperative. Please call 1-877-864-7311 with questions.

PUBLIC HEARING NOTICE

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Media Release

From June 15 to July 1, 2024, owners of taxable personal property (e.g., business furnishings, equipment, etc.) may challenge the county assessor's valuation of their property. The value determined by the assessor is based on information submitted on your Personal Property Declaration Schedule. If you failed to file a declaration schedule, the value was determined using the "best information available."

Taxpayers who disagree with their personal property valuations may object by mail or in person on or before June 30. Once an objection has been filed, the assessor will review your account and mail you a Notice of Determination by July 10. A taxpayer's exclusive remedy for a "best information available" (BIA) valuation is the protest procedure described herein.

If you disagree with the assessor's decision, you may file an appeal with the county board of equalization. The appeal to the county board of equalization must be postmarked or hand-delivered by July 22. The county board will notify you by mail of the hearing date, time, and place where you may present evidence in support of your case. The county board will conclude hearings and render decisions by the close of business on August 5. The county board must mail you a decision within five business days of the date of its decision. If the county board adjusts the value of your property, the tax bill you receive next January will be based on the adjusted value.

If you disagree with the county board's decision, you may file an appeal with the State Board of Assessment Appeals or the district court, or you may request a binding arbitration hearing within 30 days of the county board's mailed decision.

For additional information regarding the protest and appeal process, contact your county assessor at (970) 728-3174.

Legal Notices

District Court, San Miguel County, Colorado
Court Address:
305 W. Colorado Ave. / P.O. Box 919
Telluride, CO 81435
970-369-3300

In the Matter of the Estate of:

JERRY HELDMAN aka JERRY F. HELDMAN aka J. HELDMAN

Deceased

COURT USE ONLY

Attorney for Personal Representative:

Mindi L. Conerly Millican, #33946
Ryan F. Callahan, #39008
Conerly & Callahan, LLC
1104 S. Cascade Avenue
Montrose, Colorado 81401
Voice (970) 249-3449
Facsimile (970) 249-7455
mlc@montroselawyers.com

Case Number: 24PR30011

Division Courtroom

NOTICE TO CREDITORS BY PUBLICATION PURSUANT TO § 15-12-801, C.R.S.

NOTICE TO CREDITORS

Estate of **JERRY HELDMAN aka JERRY F. HELDMAN aka J. HELDMAN**, Deceased
Case Number 2024PR30011

All persons having claims against the above named estate are required to present them to the personal representative or to

☒ District Court of San Miguel, County, Colorado or
☐ Denver Probate Court of the City and County of Denver, Colorado

With a copy to:

Mindi L. Conerly Millican
Ryan F. Callahan
Conerly & Callahan, LLC
1104 S. Cascade Avenue
Montrose, Colorado 81401

on or before November 1, 2024 (date)*, or the claims may be forever barred.

Mindi L. Conerly Millican
Ryan F. Callahan
Conerly & Callahan, LLC
1104 S. Cascade Avenue
Montrose, Colorado 81401

☐ County Court ☒ District Court ☐ Denver Juvenile Court
San Miguel County, Colorado
Court Address:
305 W Colorado Ave., Telluride, CO 81435

DATE FILED: June 18, 2024 11:03 AM
CASE NUMBER: 2014DR8

In the Matter of the Petition of:
☐ Adult:
or
☒ Parent/Petitioner: Brooke E Robinson
for Minor Child: Aiken Rayne Ruggles

For a Change of Name to: Aiken Rayne Grimm-Robinson

COURT USE ONLY

Case Number:
14DR8
Division 3 Courtroom

PUBLIC NOTICE OF PETITION FOR CHANGE OF NAME

Public Notice is given on April 21, 2024, (date) that a Petition for a Change of Name of a ☒ Minor Child or ☐ Adult has been filed with the San Miguel District Court.

The Petition requests that the name of

Aiken (First Name) Rayne (Middle Name) Ruggles (Last Name)

be changed to

Aiken (First Name) Rayne (Middle Name) Grimm-Robinson (Last Name)

By _____
Clerk of Court/Deputy Clerk

Media Release

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A public meeting on the above application will be held by the San Miguel County Planning Commission at 9:15 a.m. or later Thursday, July 11, 2024. This public meeting is the first step of a two-step review process by the Planning Commission and Board of County Commissioners. This meeting will be held online and in person in Telluride, 333 W Colorado Ave, 2nd Flr. To provide comment or ask questions regarding the proposal, please join the meeting: https://zoom.us/join, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Written comments of more than one page may not receive complete consideration if not received by July 2, 2024. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountyco.gov

Please call the Planning Department at 970-728-3083 for more information on the application. A copy of this pending master plan amendment application may be viewed at https://www.sanmiguelcountyco.gov/490/Other-Resources

The official designated posting place for all meeting notices is online at https:www.sanmiguelcountyco.gov/liveagenda.

PUBLIC HEARING NOTICE

The San Miguel County Board of County Commissioners has been asked to consider a Land Use Code (LUC) amendment to amend Section 5-1305B Affordable Housing to update definition of Employee and to add definitions for Qualifying Income and Non-qualifying Income. The proposed LUC amendment requires CPC review and recommendation and Board of County Commissioners review pursuant to Land Use Code Section 3-601 D. Land Use Code Amendments. This Public Hearing is the second step of a Two-step process.

A Public Hearing on the above application will be held by the San Miguel County Board of Commissioners at 10:00 a.m. or later on Wednesday, July 10, 2024. This meeting will be held online and in person in Telluride, 333 W Colorado Ave, 2nd FL. To provide comment or ask questions regarding the proposal, please join the meeting: https://join.zoom.us, Meeting ID: 534.180.495, Password 014764; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Written comments of more than one page may not receive complete consideration if not received by July 2, 2024. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountyco.gov

Please call the Planning Department at 970-728-3083 for more information on the application. A copy of this proposed amendment application may be viewed at https://www.sanmiguelcountyco.gov/490/Other-Resources

The official designated posting place for all meeting notices is online at https://www.sanmiguelcountyco.gov/liveagenda

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PUBLIC HEARING NOTICE

The San Miguel County (SMC) Board of Commissioners has been asked to consider an application submitted by Helen Thomas, Project Geologist, on behalf of Fermi Uranium Corp. (Applicant). The applicant proposes Mineral Exploration on private lands, PIN #455103200002 Sec 3 and 4 T43N R16W and Sec 4 T44N R16W, for its Pitchfork project drilling program accessed from SMC County Road 23S and located in West End (WE) zone district, in San Miguel County. The proposed limited exploratory drill program will involve the creation of 4 drill pads, each measuring about 20 feet by 20 feet for the purpose of exploring for Uranium and Vanadium, and the maintenance and use of existing private two track roads. An application for Mining Special Use Permit in the WE zone district requires review by the County Planning Commission and Board of County Commissioners pursuant to Land Use Code Section 5-319 G VII.

A Public Hearing on the above application will be held by the SMC Board of Commissioners at 10:00 a.m. or later Wednesday, July 10, 2024. This public hearing is the second step of the two-step review process by the Planning Commission and Board of County Commissioners. This meeting will be held online and in person in Telluride, 333 W Colorado Ave, 2nd Flr. To provide comment or ask questions regarding the proposal, please join the meeting: 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).

Written comments of more than one page may not receive complete consideration if not received by July 2, 2024. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountyco.gov Please call the Planning Department at 970-728-3083 for more information on the application. A copy of this pending land use application may be viewed at https://www.sanmiguelcountyco.gov/490/Other-Resources

The official designated posting place for all meeting notices is online at https:www.sanmiguelcountyco.gov/liveagenda.

LEGAL NOTICE:
SAN MIGUEL POWER ASSOCIATION, INC. NOTICE OF MEMBER DIVIDENDS RETIREMENT NOTICE OF RIGHT TO CLAIM MEMBER DIVIDENDS (CAPITAL CREDITS)

San Miguel Power Association, Inc. is seeking current and former members who have not yet claimed their member dividends, also known as 'capital credits.' In January, 2024, the co-op sent out nearly $1 million in unclaimed Member Dividend checks to members who received electric service during the years, 1994 and 1995.

Many of those checks have not been cashed. Members are encouraged to check the list at www.smpa.com/member-dividends. Members whose names appear on the list may request another check to be issued. Credits that remain unclaimed or un-cashed as of June 30, 2024 will be forfeited by the member and extinguished and forever barred.

Member Dividends are a benefit of being a member of your local electric cooperative. Please call 1-877-864-7311 with questions.

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TODAY!

Dial 728-9788
to find out more!

SMC Agency Referral: Mining Special Use Permit for Fermi Uranium Corp, Pitchfork Drilling program

1 message

John Huebner <johnh@sanmiguelcountyco.gov> Mon, Jun 10, 2024 at 11:57 AM
To: Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Jarrod Biggs <jarrodb@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Starr Jamison <starrj@sanmiguelcountyco.gov>, Janet Kask <janetk@sanmiguelcountyco.gov>, Jennifer Dinsmore <jenniferd@sanmiguelsheriff.org>, Lucas West - DNR <lucas.west@state.co.us>, "Cosby - CDPHE, Michael" <michael.cosby@state.co.us>, "Bonacquista - DNR, Tony" <tony.bonacquista@state.co.us>, "Joyner, Ryan N" <rjoyner@blm.gov>

Attached for your review and comment is an Application received from Jeff Kurtz, on behalf of Thor Energy PLC. The applicant seeks approval of a Mining Special Use Permit for Wedding Bells/Radium Mine Drilling program located County Road U29W in the west end of San Miguel County. Please provide comments by July 2 and please let me know if you have any questions.

John Huebner, AICP
Senior Planner
San Miguel County Planning Department
Office: (970)728-3083
www.sanmiguelcountyco.gov

San Miguel County
East End | Master Plan

AICP CERTIFIED

For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan

Click **HERE** to go to the **SmartGov** public portal to apply for permits, check permit status, or view permit history.

2 attachments

Thor.WeddingBells.Mining Referral Memo 111.pdf
6572K

2023_WeddingBellProject_ReclRpt_San Miguel County version_Draft_5June2024.pdf
8184K

John Huebner <johnh@sanmiguelcountyco.gov>

Re: SMC Agency Referral: Mining Special Use Permit for Fermi Uranium Corp, Pitchfork Drilling program

1 message

Jennifer Dinsmore <jenniferd@sanmiguelsheriff.org> Mon, Jun 10, 2024 at 3:02 PM
To: John Huebner <johnh@sanmiguelcountyco.gov>

No comments from the SO.

On Mon, Jun 10, 2024 at 12:02 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

> Please excuse the incorrect subject for this email. It should be SMC Agency Referral: Mining Special Use Permit for Thor Energy PLC, Wedding Bells/Radium Mine Drilling program
>
> John Huebner, AICP
> Senior Planner
> San Miguel County Planning Department
> Office: (970)728-3083
> www.sanmiguelcountyco.gov
>
> San Miguel County
> **East End | Master Plan**
>
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>
> Click **HERE** to go to the **SmartGov** public portal to apply for permits, check permit status, or view permit history.
>
> ---------- Forwarded message ---------
> From: **John Huebner** <johnh@sanmiguelcountyco.gov>
> Date: Mon, Jun 10, 2024 at 11:57 AM
> Subject: SMC Agency Referral: Mining Special Use Permit for Fermi Uranium Corp, Pitchfork Drilling program
> To: Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Jarrod Biggs <jarrodb@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Starr Jamison <starrj@sanmiguelcountyco.gov>, Janet Kask <janetk@sanmiguelcountyco.gov>, Jennifer Dinsmore <jenniferd@sanmiguelsheriff.org>, Lucas West - DNR <lucas.west@state.co.us>, Cosby - CDPHE, Michael <michael.cosby@state.co.us>, Bonacquista - DNR, Tony <tony.bonacquista@state.co.us>, Joyner, Ryan N <rjoyner@blm.gov>
>
> Attached for your review and comment is an Application received from Jeff Kurtz, on behalf of Thor Energy PLC. The applicant seeks approval of a Mining Special Use Permit for Wedding Bells/Radium Mine Drilling program located County Road U29W in the west end of San Miguel County. Please provide comments by July 2 and please let me know if you have any questions.
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COLORADO
Parks and Wildlife
Department of Natural Resources

Montrose Service Center
2300 South Townsend Avenue
Montrose, Colorado 81401
P 970.252.6000 | F 970.252.6053

July 1, 2024

John Huebner - Senior Planner
San Miguel County Planning Department
333 W Colorado Ave, 3rd Floor
P.O. Box 548
Telluride, CO 81435

RE: Mining Special Use Permit- Wedding Bell/Radium Hill Project

Dear Mr. Huebner,

Colorado Parks and Wildlife has reviewed the Mining Special Use Permit application for Thor Energy, PLC c/o Standard Minerals, Inc. Colorado Parks and Wildlife (CPW) has a statutory responsibility to manage all wildlife species in Colorado; this responsibility is embraced and fulfilled through CPW's mission to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources.

The proposed project is located within the Wedding Bell and Radium Hill area, in sections 21 (NE1/4) and 22 (NW1/4) of T45N:R15W, in western San Miguel County. The applicant seeks a permit to drill approximately 9 exploratory mining drill pads in 2024 and approximately 14 drill pads in 2025 within public lands owned and managed by the Bureau of Land Management. Per the applicant, no patented claim exists. Drilling exploration activities, as described by the applicant, are largely core samples with a total of approximately .80 acres of above ground disturbance in 2024 and 1.09 acres in 2025. CPW would like to offer the following recommendations to avoid and minimize impacts that would result from this proposal.

Wildlife

The project area lies within mapped winter range and production area for bighorn sheep as well as severe winter range for elk which are identified by CPW as High Priority Habitats (HPH). The area is also habitat for numerous species that include but not limited to mule deer, mountain lions, bobcats, coyotes, cotton-tailed rabbits, jack rabbits and numerous non-game species.

Mule deer and elk use in the area is primarily during the winter months and until the end of April when migration to summer range begins. There is also a population of desert bighorn sheep in the area. Movements of this bighorn sheep herd are general, but common crossings do occur from Bull Canyon into Hamm Canyon near the proposed project area, which falls within winter range for the species.

Jeff Davis, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Dallas May, Chair • Richard Reading, Vice-Chair • Karen Bailey, Secretary • Jessica Beaulieu
Marie Haskett • Jack Murphy • Gabriel Otero • Duke Phillips, IV • James Jay Tutchton • Eden Vardy

During the winter, ungulates are more vulnerable to disturbance due to reduced body condition and fitness. Disturbance during this time frame can impact individual animals and herd health. CPW consistently recommends no permitted or authorized human activities within these HPH areas from December 1 to April 30 within severe winter range for mule deer and elk and April 15 to June 30 within bighorn sheep production areas. Given the high animal use during this time frame, impacts to wildlife would be reduced if the drilling activities occur outside of these time frames. The winter timing limitation would also reduce the potential for motor vehicle/wildlife collisions for workers commuting to the work site. CPW's recommendations for avoiding, minimizing, and mitigating potential impacts to these High Priority Habitats can be found HERE.

Surface Disturbance and Invasive Weeds

Due to historic mineral exploration and extraction, there are numerous roads and trails that have resulted in a high level of habitat fragmentation in this area. The low yearly precipitation rate in addition to soil characteristics contributes to overall slow recovery of range health. CPW recommends that the historic roads be utilized to the greatest extent possible, especially in the Groundhog area where historic mining roads can be utilized to access the majority of the proposed drill sites. CPW also recommends that Thor Energy, PLC reclaim all surface disturbance, specifically the drill pad sites proposed and associated access roads.

One of the most visible and immediate threats to ecosystem health in the area is non-native/invasive weeds. Invasive weeds typically flourish following surface disturbance, and active weed management should be incorporated during and after the lifespan of the proposed project. In regards to post-mining reclamation, native drought tolerant revegetation is recommended.

CPW would like to thank San Miguel County for the opportunity to comment on such land use actions that have direct impact on our natural resources. If you have any questions, please feel free to contact District Wildlife Manager Tony Bonacquista at 970-209-2374.

Sincerely,

Tony Bonacquista
Nucla District Wildlife Manager
Colorado Parks and Wildlife
970-209-2374
tony.bonacquista@state.co.us

CC: Area 18 File; SW Region File; Rachel Sralla – Area 18 Wildlife Manager

Jeff Davis, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Dallas May, Chair • Richard Reading, Vice-Chair • Karen Bailey, Secretary • Jessica Beaulieu
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Parks and Wildlife Commission: Dallas May, Chair • Richard Reading, Vice-Chair • Karen Bailey, Secretary • Jessica Beaulieu
Marie Haskett • Jack Murphy • Gabriel Otero • Duke Phillips, IV • James Jay Tutchton • Eden Vardy

WEDDING BELL/RADIUM HILL PROJECT

RECLAMATION REPORT

San Miguel County, Colorado

Prepared for

Thor Energy PLC
Standard Minerals, Inc.
c/o Wolcott LLC
729 Bookcliff Ave
Grand Junction, CO 81501

Prepared by

Geosyntec Consultants, Inc.
44 Union Blvd., Suite 620
Lakewood, Colorado 80228

Project DE0516

May 2024

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LIST OF ATTACHMENTS

Attachment A: San Miguel County Resolution 2023-038

Attachment B: Weed Control Plan & Biosecurity Vehicle Inspection Forms

Attachment C: Photograph Logs

ACRONYMS AND ABBREVIATIONS

BLM	United States Bureau of Land Management
CDRMS	Colorado Division of Reclamation, Mining & Safety
ft	Foot
LUC	San Miguel County Land Use Code
MRR	Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and Designated Mining Operations
SUP	Special Use Permit

1. INTRODUCTION

Geosyntec Consultants, Inc. ("Geosyntec") was retained by Standard Minerals, Inc c/o Thor Energy PLC ("Thor Energy") to develop a Reclamation Report for the Thor Energy Wedding Bell Project ("Project" or "Site") to document post-reclamation conditions of exploratory drilling sites on lands owned by the United States Bureau of Land Management (BLM) and located in West End Zone District of San Miguel County, Colorado ("County"). County, state, and federal regulations require that such drill sites be returned to their pre-disturbance state upon completion of exploration and, to that end, provide performance standards related to erosion and stormwater pollution prevention, re-establishment of vegetation and restoration of wildlife habitat, and return of roads to the state in which they were found. The purpose of this report is to summarize the conditions of the Site following reclamation activities and demonstrate the progress made toward full restoration.

1.1 Site Background

The Site is in San Miguel County, CO, surrounded by mostly undeveloped shrub and grazing land. Access was from Montrose County via Colorado Highway 90, then utilizing County Road EE21 to DD19 Rd to HH17 Rd. Travel followed County Road HH17 as becomes County Road 16Z at the San Miguel County line. Vehicles turned onto County Road 14Z and then to U29 Road, which provided access to the drilling sites. This route was approved by San Miguel County BOCC in August 2023 to minimize impacts to Gunnison Sage Grouse breeding areas. Additional access was via unimproved historical drilling roads and all-terrain vehicle trails. Prospecting and mineral exploration occurred historically in this region, but there has been no, or limited, mining-related activity in recent years.

Exploratory boring was conducted at sixteen drill sites for uranium (**Figure 1**). Drill pads (50x50 feet [ft]) were created on mining claims on BLM-managed land in the West End Zone District.

Thor Energy selected this location for exploration because of existing access via BLM/County roads and established two-track routes, allowing for minimal route improvements, reducing the reclamation burden. Equipment brought onsite included water tank trucks, passenger vehicles (pickup trucks), and a truck-mounted drill rig. Following exploratory drilling, reclamation was conducted to restore the vegetation, soils, and wildlife habitat to pre-disturbance conditions, further described in section 2.3.1 of this report.

2. REGULATORY REQUIREMENTS

2.1 San Miguel County

Mineral exploration is consistent with the County's West End Zone District's purpose to preserve the large and relatively remote areas of western San Miguel County for resource extraction, agricultural, open space, and recreational use.

Per San Miguel County regulations, a Special Use Permit (SUP) is required for mining activities. Thor Energy submitted a SUP application for mineral exploration on lands owned by the BLM in the West End Zone District to the County Planning Department on 9 May 2023. Based on its review of the SUP application, on 17 August 2023, the County Board of Commissioners approved a Mining SUP for Thor Energy to proceed with exploration activities (BOCC Resolution 2023-038, **Attachment A**). The Mining SUP was conditional on compliance with general conditions included in BOCC Resolution 2023-038 intended to protect natural and cultural resources. Among these conditions, Thor Energy previously had provided the county a voluntary $50,000 bond for site reclamation and restoration in addition to the bond required by the BLM and Colorado Division of Reclamation, Mining and Safety (CDRMS) applicable regulations.

The San Miguel County Resolution 2023-038 General Conditions relevant to reclamation are:

- 6. The reclamation plan must be consistent with and comply with applicable County provisions
- 11. Minimize clearance of woody vegetation (piñon, juniper, and sagebrush)
- 13. Restore topsoil conditions and follow best erosion control practices to maximize available water

Unstated prior conditions from the previous year's SUP are:

- Revegetation and weed control along the county road right-of-way, to be approved by San Miguel County Vegetation Manager to ensure reclamation of the area
- Implementing a noxious weed control protocol approved by the County Vegetation Manager

2.2 Colorado Division of Reclamation, Mining & Safety

The CDRMS Hard Rock, Metal, and Designated Mining Operations Mineral Rules and Regulations (MRR) relevant to the reclamation of exploratory drilling sites are summarized below:

- Rules 3.1 - Reclamation shall be completed within five years; grading performed to conform to surrounding terrain and prevent erosion and siltation of surface waterways; drill holes plugged with cement and drill cuttings handled to prevent releases to surface water or groundwater; Restoration of habitat wildlife and removal of woody vegetation minimized; successfully revegetate site with a diverse, long-lasting, and preferably native plants and prevent establishment of prohibited noxious weed species; and hazards managed to protect public, wildlife, livestock, and not create a hazard for machinery or vehicles;

Rule 5 provides regulations specific to exploratory mining activities, with the relevant rules summarized as:

- Rule 5.4 - Prospecting holes permanently plugged, sealed, or capped in the appropriate manner for the Site/aquifer conditions and permanent abandonment final report submitted

- Rule 5.5 - All lands affected by drilling must be reclaimed to a condition appropriate for the land use existing prior to prospecting, or other beneficial use, upon completion of the prospecting
    - Trash removed from the Site
    - Vegetation cleared from the Site must be properly disposed of or dispersed
    - Drill cuttings disposed of properly (put back into the borehole)
    - Disturbance backfilled and graded to blend with surrounding surfaces
    - Vegetative seed cover used in the first normal period favorable to planting
    - Drill site scarified, mulched, and seed covered as necessary
    - Noxious weeds controlled within the affected area
    - Existing roads which are to remain as permanent roads after prospecting is completed shall be left in a condition equal to or better than pre prospecting condition

2.3 Bureau of Land Management

The minimum reclamation requirements for surface disturbing activities on federal lands are described in 43 CFR 3809.420(b)(3) and are summarized:

- Reshaping of disturbed areas to match surrounding terrain, replacement of topsoil after reshaping of disturbed areas has been completed, and revegetation of disturbed areas.
- Implementation of erosion control measures to prevent erosion, landslides, and impact to surface waters
- Removal or control of any toxic materials used in the drilling operations
- Restoration of wildlife habitat

Additionally, the BLM requires filling drill holes with cuttings and plugging them with a cement plug to prevent the migration of liquids or gases and to ensure the safety of people, livestock, wildlife, and machinery[1]. The applicable BLM-published guidance includes the *Solid Minerals Reclamation Handbook for Noncoal Leasable Minerals, Locatable Minerals, Salable Minerals*[2] as well as relevant material from the BLM Gold Book[3].

[1] BLM. 1992. Solid Minerals Reclamation Handbook for Noncoal Leasable Minerals, Locatable Minerals, Salable Minerals. BLM Manual Handbook H-3042-1. Denver, CO. 112 pp.

[2] BLM. 1992.

[3] BLM. 2007. Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development. BLM/WO/ST-06/021+3071/REV 07. Denver, Colorado. 84 pp.

3. EXPLORATORY DRILLING

3.1 Pre-Exploration Conditions

The area around the Wedding Bell Project is a relatively undisturbed ecosystem situated on the Colorado Plateau. The environment on-site potentially supports a range of vegetation and wildlife, further described below. Due to extensive historic mining and exploration, potential grazing, hunting, and other recreational uses, the area does exhibit some significant signs of human impact, detailed below.

A site visit was conducted by representatives of the BLM and CRRMS on 11 July 2023 and 18 October 2023 to observe pre-exploration conditions. Photographs were taken during the Site walk (**Attachment C**).

3.1.1 Vegetation and Ecosystems of the Project Area

The vegetation community at the Site is primarily representative of Colorado Plateau Piñon-Juniper Woodland and Shrubland[4]. This community consists of mixed two-needle piñon (*pinyon edulis*), Utah juniper (*Juniperus osteosperma*), and alderleaf mountain mahogany (*Cercocarpus montanus*) stands mixed with shrub species, including big sagebrush (*Artemisia tridentata*), and winterfat (*Krascheninnikovia lanata*) and shadscale (*Atriplex confertifolia*). It is typically found in xeric sites with shallow soils. Observed "typical" conditions at the Site are composed mostly of shrubs with interspersed juniper trees. Vegetative cover is generally low, with an open tree canopy and understory ranging from dense shrubs to sparse herbaceous consisting mainly of grasses interspersed among bare rock. Noxious weeds observed during the survey were downy brome (cheatgrass, *Bromus tectorum*) and Halogeton (*Halogeton glomeratus*).

The project lies within elk winter range and severe winter range; mule deer winter range; bighorn sheep production area, severe winter range, winter concentration area, winter range, and summer range[5]. A raptor nest survey in June 2021 documented no raptor nests and observed that there was limited cliff nesting habitat. Observed wildlife included common raven (*Corvus corax*), pinyon jay (*Gymnorhinus cyanocephalus*), chickadee (*Poecile* sp.), black-throated gray warbler (*Setophaga nigrescens*), and western kingbird (*Tyrannus verticalis*).

3.1.2 Soils

The Site is located on undeveloped lands that support grazing and wildlife habitat. Soils within the Site include Bodot, dry-Ustic Torriorthents complex, 5-50% slopes; rock outcrop; Ustic Torriorthents-Ustochreptic Calciorthids, 3-30% slopes; Piñon-Bowdish-Progresso loams, cool, 1-12% slopes; and Rock outcrop-Orthents complex, 40-90% slopes. None of the potential soils on

[4] Decker, K., R. Rondeau, J. Lemly, D. Culver, D. Malone, L. Gilligan, S. Marshall. 2020. Guide to the Ecological Systems of Colorado. Colorado Natural Heritage Program, Colorado State University, Fort Collins, Colorado. Available at https://cnhp.colostate.edu/projects/ecological-systems-of-colorado/

[5] Colorado Parks and Wildlife. 2023. Species Activity Data. Available at https://www.arcgis.com/home/group.html?id=0e6f9051b06146018038e9a929ab4910&searchFacet=card+dropdown+item+details#overview

the Site are identified as hydric or prime farmland. Because these are generally dry, poor soils, additional effort may be required for the successful re-establishment of vegetation, especially during drought conditions.

3.1.3 Existing Infrastructure

To minimize any additional impacts to the Site and vicinity, Thor Energy crews utilized County roads and unimproved historic drill roads. Access to the area was via a San Miguel County-approved route to avoid disturbance of Gunnison Sage-grouse breeding areas. Temporary access roads were constructed and later reclaimed to access drill hole sites in Section 23 and Groundhog. Several drill pads were located on existing historic drill roads that were eroded and in poor condition. Improved roads such as County Road U29 and Highway 141 were utilized to access unimproved BLM roads. Road U29 traverses east-west, connecting the two main areas of the Project. These improved roads required no modification or improvement. Drill roads were generally in poor condition prior to drilling activities. Some roads required widening and minor improvements for access by Thor Energy vehicles. There were no utility lines, water lines, or other infrastructure preexisting at the Site, and no improvements were made by Thor Energy.

3.2 Exploration

On October 19, 2023, Thor Energy mobilized to the Wedding Bell Project Area to initiate exploration activities. The crew consisted of up to five people, including locally based personnel: the site geologist, field assistant, and site preparation/reclamation were all San Miguel or Montrose Counties residents.

Activities required the preparation of a 50 by 50 feet (ft) pad, for each drill hole as well as temporary access roads. In San Miguel County, nine drill holes were located within T45N R18W section 23 ("Section 23" area, **Figure 2**), with a total surface disturbance area of 0.94 acres, including temporary access roads to the drill pads. Seven drill holes were located within T45N R18W sections 21 and 22 ("Groundhog" area) (**Figure 3**), with a total surface disturbance of 0.70 acres, including temporary access roads to the drill pads. No single contiguous area of disturbance exceeded one acre. The exploration activities that occurred at each of the drill hole sites were:

- 5.5" reverse circulation rotary hole was drilled to between 186 and 485 ft
- Drill pad accessed by 3-5 persons per shift via pickup truck.
- Drilling water was brought in via water truck as needed

3.2.1 Measures Taken to Avoid, Minimize, or Mitigate Impacts

No clearing of piñon, sagebrush, or other woody vegetation was required for drilling. The grading and drainage plan included the installation of Hanes® Geo Components™ polypropylene fabric erosion control fencing around sumps to prevent stormwater pollution. Erosion control was accomplished using grade reversals (water bars) appropriately spaced as needed on access roads, and silt fences, straw wattles or other sediment control devices as needed on drill pads. The potentially disturbed areas were noted not to be prone to landslides. If present, topsoil was salvaged

for use in reclamation, stockpiled on one side of the disturbed area in windrows nominally 3 ft wide x 2 ft high and appropriately marked to prevent contamination.

No night drilling was performed to prevent disturbing nocturnal fauna, and driving was prohibited during wet conditions to prevent road damage. Exploration activities were limited to between October 19 and November 15, 2023.

A noxious weed control plan was developed and implemented which required that vehicles be washed and inspected off-site prior to first-time entry to the Site (**Attachment B**) to prevent noxious weeds from being transported into the Site or establishing themselves in disturbed areas. Examples of the vehicle inspection forms documenting biosecurity controls taken throughout exploratory drilling are provided in **Attachment B**.

4. RECLAMATION ACTIVITIES AND POST-RECLAMATION CONDITIONS (BASELINE)

Following impacts from mineral exploration, Thor Energy conducted reclamation activities on-site to restore the ecosystem, vegetation, wildlife habitat, and roads to pre-exploration impact conditions as best possible in compliance with San Miguel County Resolution 2023-038 General Conditions (**Attachment A**), MMR Rules 3.1, 5.4, and 5.5, and BLM guidance.

4.1 Reclamation Procedures

Following exploratory drilling, Thor Energy conducted reclamation activities at each drill hole site following specific guidance and permit requirements from the BLM, CDRMS, and the County. To the extent possible, sumps were pumped back into the drill hole. Erosion control fencing around the sump was removed and the sump was filled, and the site smoothed out with a blade.

Boreholes were backfilled with cuttings to within 5 feet of the surface, then a spider-type plug was placed and then backfilled to the surface with high-quality bentonite chips and native soil replaced on top (**Figure 4**). Borehole collars were marked with short metal rods and an attached metal tag, embossed with a drill hole ID, and set at ground level to aid future exploration work. The bottoms of all drill holes were above the water table, and no additional actions to protect groundwater resources were required.

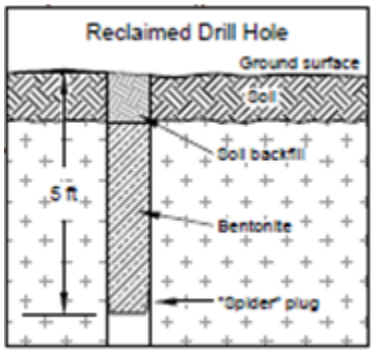


Figure 4. Drill hole abandonment schematic

As shown in **Appendix C**, drill hole pads were regraded, and stockpiled site topsoil was spread one-foot deep over reshaped areas (**Photographs 1, 3, 5, 7, 9, 11, and 13 for both sites and Photographs 15, 17, and 19 for Section 23 area only**). The area was scarified with a drag harrow attached to a backhoe and woody debris and boulders were placed on the pad to prevent motorized vehicle access to the reclaimed areas (**Photographs 14 and 16 for Section 23 area; Photographs 4 and 10 for Groundhog area**). Sites were raked by hand and the approved, native seed mix provided by Southwest Seed, Inc. and approved by the BLM Tres Rios Field Office was broadcast and worked into the soil to promote germination (**Table 1**). The custom seed mix included shrub species favored as food by the Gunnison sage-grouse (*Centrocercus minimus*), The Gunnison sage-grouse is designated as a threatened species under the Endangered Species Act (79 CFR 69191 69310). The Wedding Bell Project does not overlap with designated critical habitat but there is potential for sage-grouse to visit the area during winter months.

The drag harrow was also used on all access roads, in excess of 200-feet of road to recontour the surface and loosen soil compacted by vehicles traveling to and from each site. The roads were reseeded and boulders and woody debris from nearby were placed such as to discourage use by vehicles and minimize future impacts to undisturbed areas (**Attachment C, Photograph 21 of Section 23 area; Photographs 15 through 18 of Groundhog area**). Other, more improved roads were left in a similar condition as before drilling activities. No restoration of county roads was required as county roads were not modified. Reclamation was completed on 28 November 2023.

Table 1. Seed Mix Utilized in Reclamation

Common Name	Scientific Name	Variety	PLS (lbs)	PLS/acre (lbs)
Bottlebrush squirreltail	*Elymus elymoides* ssp. *brevifolius* (Raf.) Swezey	Pueblo	6.12	2.04
Fourwing saltbush	*Atriplex canescens* (Pursh) Nutt.	VNS	0.45	0.15
Thickspike wheatgrass	*Elymus lanceolatus* ssp. *lanceolatus* (Scribn. & J.G. Sm.) Gould	Bannock	2.25	0.75
Western yarrow	*Achillea millefolium* L. var. *occidentalis* DC.	VNS	0.3	0.1
Blanketflower	*Gaillardia* Foug.	VNS	0.3	0.1
Big Wyoming sagebrush	*Artemisia tridentata* Nutt. ssp. *wyomingensis* Beetle & Young	VNS	0.6	0.2
Blue grama	*Bouteloua gracilis* (Willd. ex Kunth) Lag. ex. Griffiths	Alma	1.44	0.48
Indian ricegrass	*Achnatherum hymenoides* (Roem. & Schult.) Barkworth	Paloma	11.13	3.71
Sideoats grama	*Bouteloua cutipendula* (Michx.) Torr. var. *caespitosa* Gould & Kapadia	Niner Nakeds	7.41	2.47
Winterfat	*Krascheninnikovia lanata* (Pursh) A. Meeuse & Smit	VNS	0.75	0.25
Muttongrass	*Poa fendleriana* (Steud.) Vasey	Ruin Canyon	0.3	0.1
Total			**31.05**	**10.35**

PLS = pure live seed
VNS = variety not specified

Source: Southwest Seed, Inc. Custom Bulk Seed Mixture Analysis, Lot No. 2023.0555

4.2 Post-Reclamation Site Conditions and Performance Standards

Closure of the Site is incomplete until it meets the performance standards defined in MRR 5.4 and 5.5, San Miguel County Resolution 2023-038 General Conditions (**Attachment A**), and BLM guidance. Due to the small nature of the disturbance (50 by 50 ft per drill pad) and the lack of permanent structures on Site, only relevant performance standards are considered for this reclamation report.

The condition of the Site reclamation relative to the Colorado MMR performance standards is described in Table 2 below. The reference photolog (**Attachment C**) shows drill hole pads and roads immediately upon completion of reclamation. In general, these sites exhibit evidence of recent scarification from the reclamation efforts and are blocked from vehicular traffic by strategically placed woody debris and rocks. Seeded areas are anticipated to germinate and begin to re-establish to match the reference conditions of the adjacent, undisturbed vegetation in the spring of 2024.

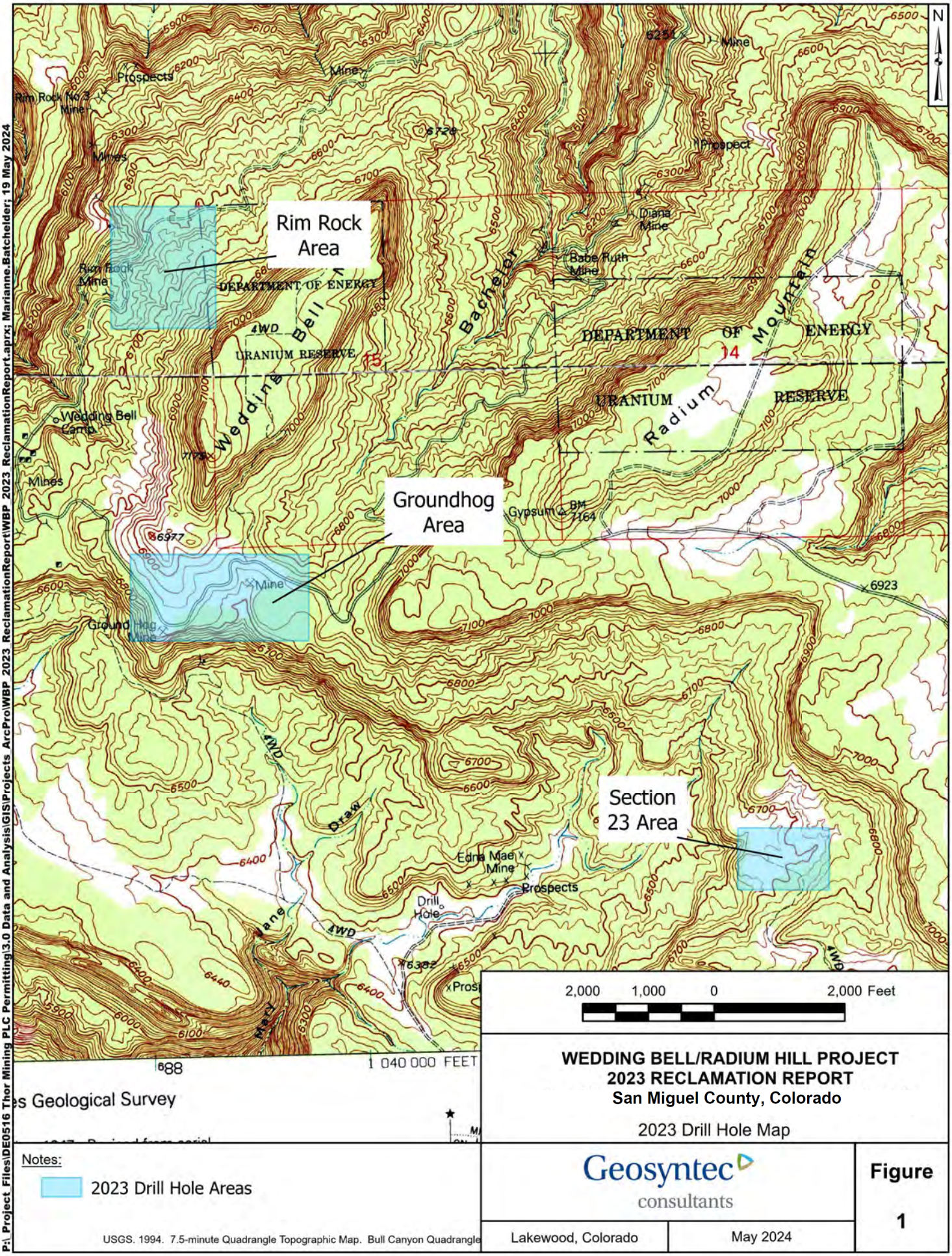
4.3 Monitoring Plan and Annual Reporting

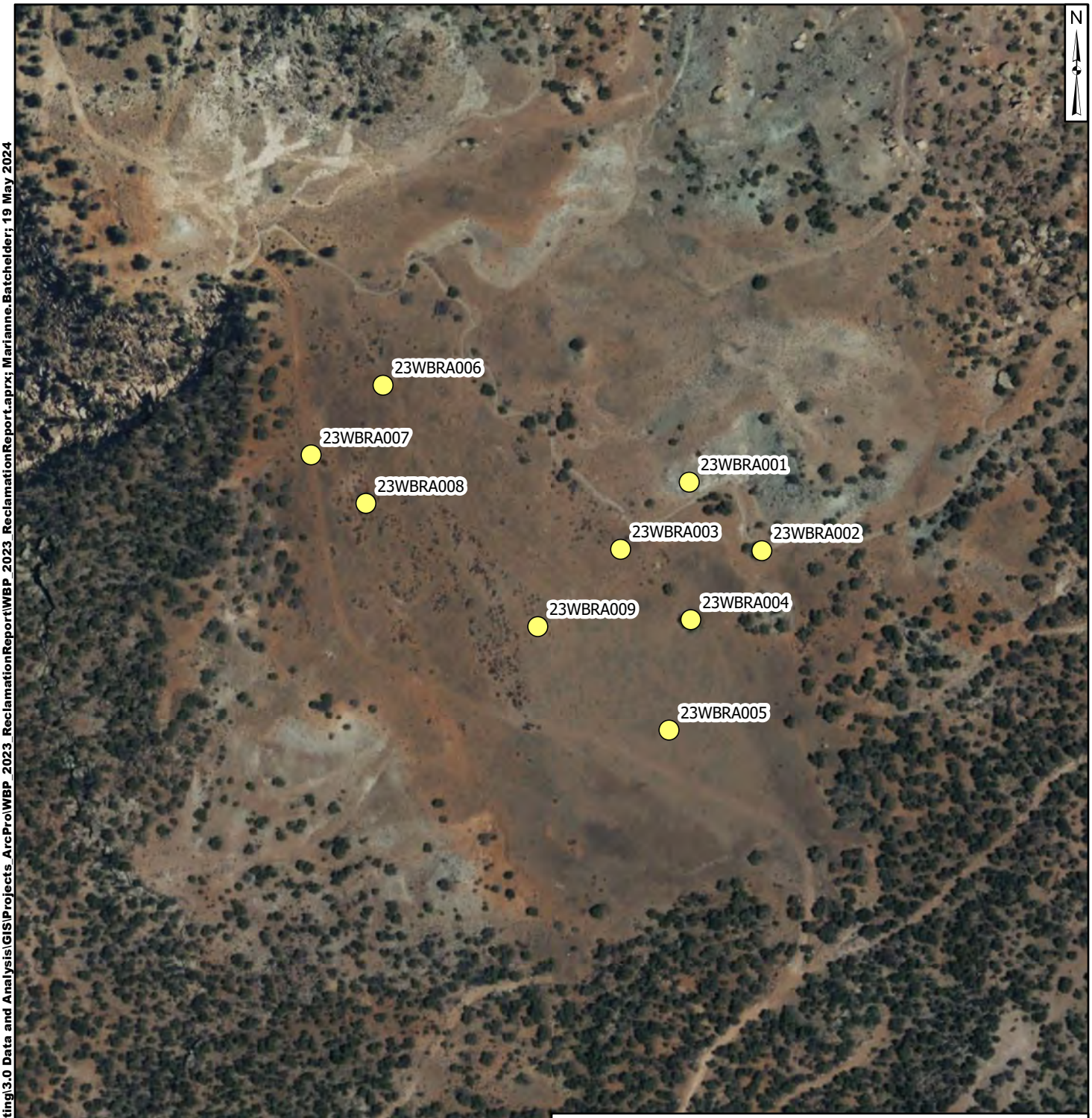
Monitoring of the Wedding Bell Project site will be conducted until San Miguel County, CDRMS, and BLM have agreed that the performance standards described above are met or for up to five years, whichever comes first. Revegetated areas will be monitored semiannually (spring and fall) for the first year and annually thereafter, with the goal of establishing vegetative cover at reclaimed sites which is like reference conditions at adjacent, undisturbed areas. Monitoring shall comply with Rule 5.6 of the Colorado MRR as well as County and BLM guidance, and an annual monitoring report will be submitted documenting revegetation progress, noxious weed establishment (if any), and road conditions. Once the performance standards are met, a final report will be prepared and submitted to San Miguel County, CDRMS, and BLM.

Table 2. Post-Reclamation Condition Relative to Performance Standards

Performance Standard	Standard Met?	Additional Notes
Prospecting holes properly capped	Yes	
Trash and debris removed	Yes	
Cleared vegetation disposed of properly	N/A	Operations did not require removal of woody vegetation.
Drill cuttings disposed of properly	Yes	Limited drill cuttings generated were disposed of back in the drill hole before capping.
Disturbance backfilled	Yes	Sumps were backfilled and smoothed to match surrounding grade.
Vegetative seed cover used in normal period	Yes	Seeded in October-November. Germination and revegetation progress will be monitored and, if necessary, further steps taken to encourage success.
Drill site scarified, mulched, and seed covered	Yes	Disturbed area scarified and seed raked into the soil.
Noxious weed control	Yes	Weed control plan implemented. Disturbed areas will be monitored for noxious weeds.
Roads restored to the pre-prospecting condition	Yes	
Vegetation and weed control along county road reviewed by County Vegetation manager	Yes	Weed control plan implemented. Disturbed areas will be monitored for noxious weeds.

Figures


Rim Rock Area
Groundhog Area
Section 23 Area
DEPARTMENT OF ENERGY
URANIUM RESERVE
Wedding Bell
Bachelor
Radium Mountain
Rim Rock Mine
Wedding Bell Camp
Babe Ruth Mine
Diana Mine
Edna Mae Mine
Prospects
Drill Hole
Gypsum
BM 7164
6923
6977
6382
4WD
Draw
Mesa
Lane
N
2,000 1,000 0 2,000 Feet
1 040 000 FEET
Geological Survey
Notes:
2023 Drill Hole Areas
USGS. 1994. 7.5-minute Quadrangle Topographic Map. Bull Canyon Quadrangle
WEDDING BELL/RADIUM HILL PROJECT
2023 RECLAMATION REPORT
San Miguel County, Colorado
2023 Drill Hole Map
Geosyntec consultants
Lakewood, Colorado
May 2024
Figure 1
P:\ Project Files\DE0516 Thor Mining PLC Permitting\3.0 Data and Analysis\GIS\Projects ArcPro\WBP 2023 ReclamationReport\WBP 2023 ReclamationReport.aprx; Marianne.Batchelder; 19 May 2024



250 125 0 250 Feet

WEDDING BELL/RADIUM HILL PROJECT
2023 RECLAMATION REPORT
San Miguel County, Colorado

2023 Section 23 Drill Holes

Legend:

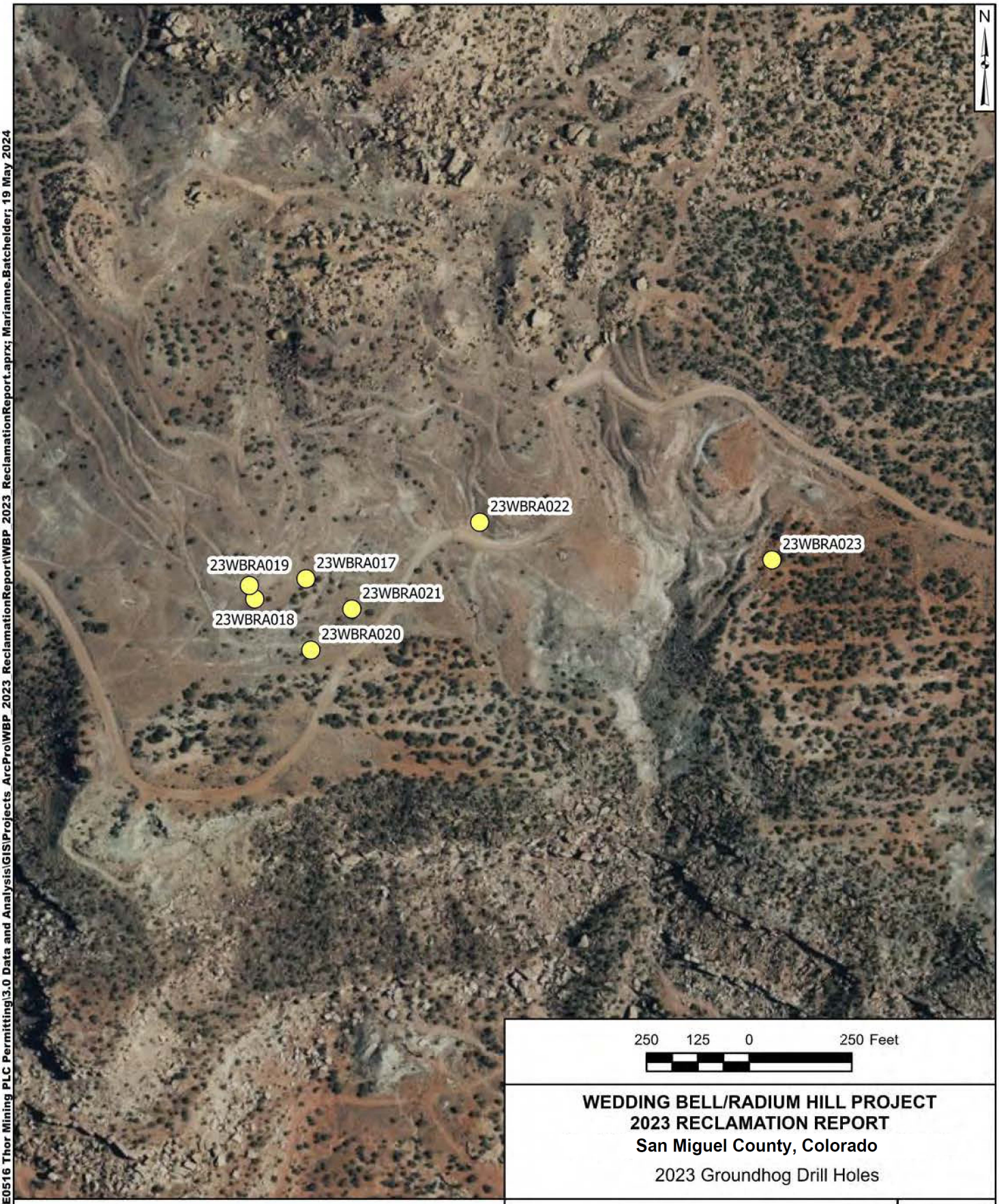
2023 Drill Hole Pad Locations

Geosyntec consultants

Lakewood, Colorado | May 2024

Figure 2

P:_Project_Files\DE0516 Thor Mining PLC Permitting\3.0 Data and Analysis\GIS\Projects_ArcPro\WBP_2023_ReclamationReport\WBP_2023_ReclamationReport.aprx; Marianne.Batchelder; 19 May 2024



WEDDING BELL/RADIUM HILL PROJECT
2023 RECLAMATION REPORT
San Miguel County, Colorado

2023 Groundhog Drill Holes

Legend:

2023 Drill Hole Pad Locations

Geosyntec consultants

Lakewood, Colorado | May 2024

Figure 3

P:\ Project Files\DE0516 Thor Mining PLC Permitting\3.0 Data and Analysis\GIS\Projects ArcPro\WBP 2023 ReclamationReport\WBP 2023 ReclamationReport.aprx; Marianne.Batchelder; 19 May 2024

Attachment A

San Miguel County Resolution 2023-38

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481944
Page 1 of 7
SAN MIGUEL COUNTY, CO
STEPHANNIE VAN DAMME, CLERK-RECORDER
08-17-2023 07:20 AM Recording Fee $0.00

RESOLUTION OF THE BOARD OF COMMISSIONERS, SAN MIGUEL COUNTY, COLORADO, APPROVING A MINING SPECIAL USE PERMIT FOR STANDARD MINERALS INC WEDDING BELL PROJECT PHASE II, WEST END (WE) ZONE DISTRICT

Resolution 2023-38

WHEREAS, Thor Energy PLC, on behalf of Standard Minerals Inc. ("Applicant"), has submitted an application seeking a Mining Special Use Permit for limited mineral exploration from drill pads on unpatented mining claims under Bureau of Land Management (BLM) federal public lands in T45N R18W in West End (WE) zone district, northwest San Miguel County off of County Road U29W near the Montrose County line. There are nineteen (19) exploratory drill sites proposed at the two project locations for the purpose of discovering uranium. The drilling program includes developing up to nineteen (19) drill pads, each measuring about 50 feet by 50 feet. The project area comprises BLM lands only and as such requires federal and state permit applications. The project plans to use existing BLM roads and routes locate on public land, and the limited development of temporary driveways to access drilling sites; and

WHEREAS, a West End Zone District Mining Special Use Permit (SUP) requires Two-step Planning Commission and Board of County Commissioner Review, per Land Use Code (LUC) Section 5-320 F XVI and 5-320 F XVII, pursuant to the standards contained in LUC Sections 5-320 West End Zone District, 5-320 K, Review Standards for all WE Zone District Special Uses, 5-407 Wildlife Habit Areas, 5-1002, Special Uses, 5-11 Conditional Uses on Federal Lands, and 5-16 Mining; and to the policies contained in LUC Sections 2-8, Natural and Man-made Hazard and Resource Areas, 2-11 Erosion, 2-34 Revegetation with Native Species, 2-35 Mining and Mineral Processing Operations; and

WHEREAS, the application was referred to the County Manager, County Attorney, County Road and Bridge Director, County Natural Resources Director, County Sheriff, County Open Space and Parks Director, Colorado Department of Public Health & Environment, Colorado Division of Reclamation-Mining and Safety, Colorado Parks and Wildlife, US Bureau of Land Management (BLM), Information Network for Responsible Mining (INFORM), and Sheep Mountain Alliance for review and comment; and

WHEREAS, at its regular meeting held on Thursday, July 13, 2023 the County Planning Commission reviewed the application and recommended approval to the Board of County Commissioners of a Special Use Permit (SUP) for Standard Materials Inc. or its contractor, for the proposed Mining Exploration on its mining claims on Bureau of Land Management (BLM) public lands off County Road W29U, the ("Property"), zoned West End (WE) as presented, based on the finding that the proposed use is consistent with the County Master Plan, and with the Land Use Policies in LUC Section 2-8, Natural and Man-Made Hazard and Resource Area; LUC Section 2-11, Erosion; LUC Section 2-34, Revegetation with Native Species; LUC Section 2-35, Mining and Mineral Processing Operations, and complies with the Land Use Code review standards in Section 5-407 Wildlife Habitat Areas; Section 5-10, Special Uses; Section 5-11, Conditional Uses on Federal Lands; and Section

5-16, Mining; and Section 5-320 K, Review Standards for WE Zone District Special Uses, subject to certain conditions, by a vote of 4-1; and

WHEREAS, the County Planning Commission's actions and recommendations are contained in the minutes from the July 13, 2023 CPC meeting; and

WHEREAS, on or about July 26, 2023, a Public Notice sign was posted at the intersection of SH 141 and CR 10R by the Applicant for the Board of County Commissioner public hearing on August 16, 2023, since there were not accessible posting locations closer to the site that would have provided effective notice. No property owners other than the BLM are within 1,500 feet of the subject parcel, nor any municipalities within 3 miles; and

WHEREAS, A Notice of Public Hearing was published in the Telluride Daily Planet and in the Norwood Post on Wednesday, August 2, 2023 for the Board of County Commissioner public hearing to be held on-line and in person on Wednesday, August 16, 2023; and

WHEREAS, a list of the items included in the Public Hearing Record is attached to this resolution as Exhibit "A";

WHEREAS, the Board of County Commissioners of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony, at a public hearing held on-line and in person on Wednesday, August 16, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, approves a Mining Special Use Permit (SUP) for Standard Minerals Inc. or its contractor, for mineral exploration from drill pads on its federal unpatented lode mining claims under Bureau of Land Management (BLM) public lands located in the Groundhog and Section 23 areas in northwest San Miguel County, based on the finding that the proposed use is consistent with the County Master Plan, and with the Land Use Policies in LUC Section 2-8, Natural and Man-Made Hazard and Resource Area; LUC Section 2-11, Erosion; LUC Section 2-34, Revegetation with Native Species; LUC Section 2-35, Mining and Mineral Processing Operations, and complies with the Land Use Code review standards in Section 5-407 Wildlife Habitat Areas; Section 5-10, Special Uses; Section 5-11, Conditional Uses on Federal Lands; and Section 5-16, Mining; and Section 5-320 K, Review Standards for WE Zone District Special Uses, subject to the following specific terms and conditions:

1. The Special Use Permit is issued to the Applicant, Standard Minerals Inc., and does not run with the Land.

2. No future mining activity at the project site by Standard Minerals Inc., its lessees, or the property owners or its lessees is authorized by this approval.

3. Contact the Planning Department, Road and Bridge Department and County Sheriff's Office prior to mobilization of and the start of drilling activities.

4. Provide a list of onsite contacts for Standard Minerals Inc. and the drilling project contractor.

5. This Special Use Permit conditional approval is subject to the Bureau of Land Management (BLM) and Colorado Division of Reclamation and Mining and Safety (CDRMS) approving this drilling program and issuing the requisite permits. Provide copies of these permits to County Planning.

6. The project drilling program and reclamation plan shall be consistent with and comply with the applicable provisions as approved by the County, unless specifically modified in the BLM and CDRMS approval action.

7. Provide monthly progress reports to County Planning.

8. All written representations of the applicant, in the original submittal and all supplements, are deemed to be conditions of approval except to the extent modified by this approval.

9. Exploration activities shall be limited to August 1 to November 30.

10. Access to the project shall be from Montrose County to SMC County Road U29W.

11. The clearing of pinion-juniper and sagebrush shall be minimized to the greatest extent practical.

12. The County shall be informed of any cultural resources discovered in the course of work. Pads and road disturbance should avoid any areas with cultural resources. All appropriate mitigation measures shall be taken to protect cultural resources.

13. The revegetation plan shall include soil restoration and best practices to maximize available water.

14. Provide documentation regarding the water source(s) for the project.

15. Identify any hazardous materials that will be used in the process, and describe how those materials will be stored and transported.

16. Applicant shall obtain a Road and Bridge Access Permit prior to commencing operations.

17. Applicant will adhere to the applicable BLM Noise Abatement regulations for this project.

18. Maintain the $50,000 voluntary reclamation bond held by county throughout this Phase II project.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on August 16, 2023.

SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

By: Lance Waring
Lance Waring, Chair

Vote:					
	Anne Brown	Aye	Nay	Abstain	Absent
	Kris Holstrom	Aye	Nay	Abstain	Absent
	Lance Waring	Aye	Nay	Abstain	Absent

ATTEST:

By: Carmen Warfield
Carmen Warfield, Chief Deputy Clerk

EXHIBIT "A" Public Hearing Record
EXHIBIT "B" Site Plan

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EXHIBIT "A"

Public Hearing Record
Board of County Commissioners
Application: Thor Energy, PLC c/o Standard Minerals, Inc
West End (WE) Zone District, Conditional Use on Federal Lands, Mining Special Use Permit for the Wedding Bell/ Radium Hill Project
Date: August 16, 2023

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 Planning Commission from John Huebner, Senior Planner dated August 16, 2023.

4. Draft Board of County Commissioner Resolution #2023-38.

5. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated July 13, 2023.

6. Application and Supplements submitted by Jim Guilinger, Thor Energy, PLC dated May 9, 2023.

7. Email from Nicole Galloway Warland, Applicant, to John Huebner, Senior Planner, dated June 26, 2023

8. Applicant's Certification of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated June 30, 2023.

9. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on June 28, 2023.

AGENCY COMMENTS

10. Email and Memo from Nicola Kerr, Planning Technician, to Review Agencies dated May 31, 2023.

11. Email from Tony Bonacquista, Colorado Parks and Wildlife, to John Huebner, Senior Planner dated June 26, 2023.

12. Email from Starr Jamison, San Miguel County Natural Resources, to John Huebner, Senior Planner, dated June 28, 2023.

13. Email from Ryan Righetti, San Miguel County Road and Bridge, to John Huebner, Senior Planner, dated June 28, 2023.

PUBLIC COMMENTS

EXHIBIT "A"

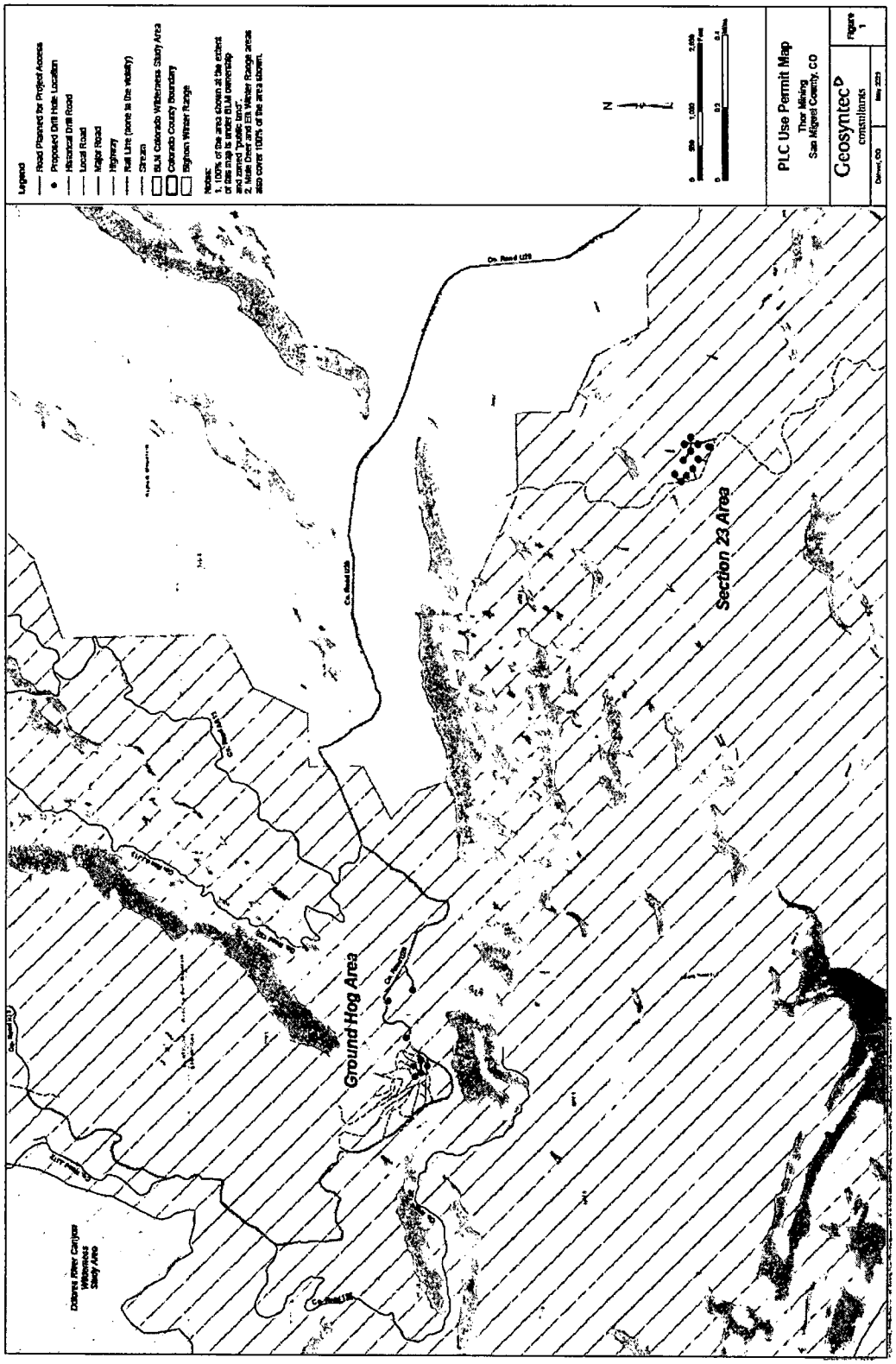
14. Letter from Mason Osgood, Sheep Mountain Alliance and Jennifer Thurston, INFORM to Planning Commission dated July 6, 2023.

15. Letter from Aimee Tooker, Board Chair, West End Economic Development Commission to San Miguel County Board of Commissioners dated July 12, 2013.

16. Letter Paula Brown, Executive Director, Nucla Naturita Area Chamber of Commerce to San Miguel County Board of Commissioners dated July 26, 2013.

EXHIBIT "B"

Site Plan



Attachment B

Weed Control Plan

WEED MANAGEMENT PLAN

Standard Minerals Inc.
Wedding Bell/Radium Hill Project
3500 Washington Ave.
Suite 200
Houston, TX 77007

November 2021

TABLE OF CONTENTS

1. INTRODUCTION 1
   1.1 Content of Weed Management 1
   1.2 Overview of Approach to Weed Management 1

2. LOCATION OF THE PROPERTY 2

3. INVENTORY OF WEED SPECIES 3

4. WEED MANAGEMENT 4

LIST OF TABLES

Table 1: San Miguel – Noxious Weed Summary

LIST OF FIGURES

Wedding Bell Project – General Location

ACRONYMS AND ABBREVIATIONS

BLM Bureau of Land Management

1. INTRODUCTION

The Wedding Bell/Radium Hill Project is a planned mineral exploration project in San Miguel County, Colorado. Mineral exploration consists of a proposed sixteen drill holes in two locations that are approximately 23 miles southwest of Naturita, Colorado (see Figure). The Groundhog area and Section 23 area are in San Miguel County.

1.1 Content of Weed Management

There has been a tremendous expansion of invasive alien plant species across the US, including Colorado. New problem weed species arrive in Colorado every year. Weeds create large economic losses for agriculture in both cropland and rangeland situations. Noxious weeds often provide poorer habitat for wildlife that native vegetation. Proliferation of alien plant species alters ecosystem processes and threatens certain native species with extirpation. Thus, unchecked weeds threaten our economic livelihood and our biological heritage.

In recognition of the economic and ecological impacts of weeds, the General Assembly of the State of Colorado passed the Colorado Weed Management Act, also known as the Colorado Noxious Weed Act, in 1996. The act requires landowners and managers to manage noxious weeds if they are likely to damage neighboring lands. This act provides that each county in Colorado shall adopt a noxious weed management plan for the unincorporated portions of the county. This plan provides a framework to control those plant species that are listed as “noxious” in San Miguel County.

1.2 Overview of Approach to Weed Management

Weed control is part of property management. This plan is based on the desired plant species and communities, rather than on simply eliminating weeds. Preventive programs are implemented to keep the management area free of species that are not yet established there but which are known to be pests elsewhere in the area.

The plan follows a four-step management approach. First, weed species are identified through inventory of the property. Second, if weed species are identified, land management goals and weed management objectives are established for the property, such as weed removal or avoidance of weedy areas. Third, preventive measures are taken, which includes washing of all equipment to mitigate the potential for inadvertently spreading weed species. And fourth, revegetating the disturbed drill site area using a seed bed mixture consistent with the local environment and approved by the Bureau of Land Management (BLM).

2. LOCATION OF THE PROPERTY

This Weed Management Plan is for the Groundhog area and Section 23 area in San Miguel County as shown in the Figure. Specific drilling locations include nine holes in these two areas. The quarter-quarter sections are as follows:

Drill Hole	Quarter	Quarter	Section	Township	Range
Sec23 DH1	SW	SE	23	45N	15W
Sec23DH2	NW	SE	23	45N	15W
Sec23 DH3	NW	SE	23	45N	15W
Sec23 DH4	NW	SE	23	45N	15W
Sec23 DH5	NW	SE	23	45N	15W
Sec23 DH6	NW	SE	23	45N	15W
Sec23 DH7	SW	NE	23	45N	15W
Groundhog DH1	NE	NE	21	45N	15W
Groundhog DH2	NE	NE	21	45N	15W

The properties are located approximately 23 miles southwest of Naturita, Colorado via Colorado Routes U29 and 1113.

3. INVENTORY OF WEED SPECIES

Prior to project startup, Standard Minerals Inc. will complete a ground survey in the project area, specifically in the proposed areas of the drill pads and dirt access routes off county roads, which is about 1.78 acres. There are four San Miguel County Class A weeds of concern, 17 Class B noxious weed species reported present in San Miguel County in the 2017 management plan, and an additional 12 Class B and one Class C species of concern as shown in Table 1[1][2]. The ground survey will be conducted by properly trained scientists who are knowledgeable of these species. If noxious species are identified in the project area, weedy areas will be demarcated in the field.

[1] San Miguel County Noxious Weed Management Plan
[2] Colorado Department of Agriculture, Colorado List B weed Management Plans by Counties. Accessed 5 November 2021 at https://ag.colorado.gov/conservation/noxious-weeds/county-weed-programs

4. WEED MANAGEMENT

If weed species have been identified at the project site, Standard Minerals Inc. will assess the appropriate method to mitigate and eliminate species spread. The two most likely strategies will be demarcation and avoidance of areas with noxious weeds, or removal of weeds from the project area. If these options are impracticable, the use of herbicides may be used in limited instances.

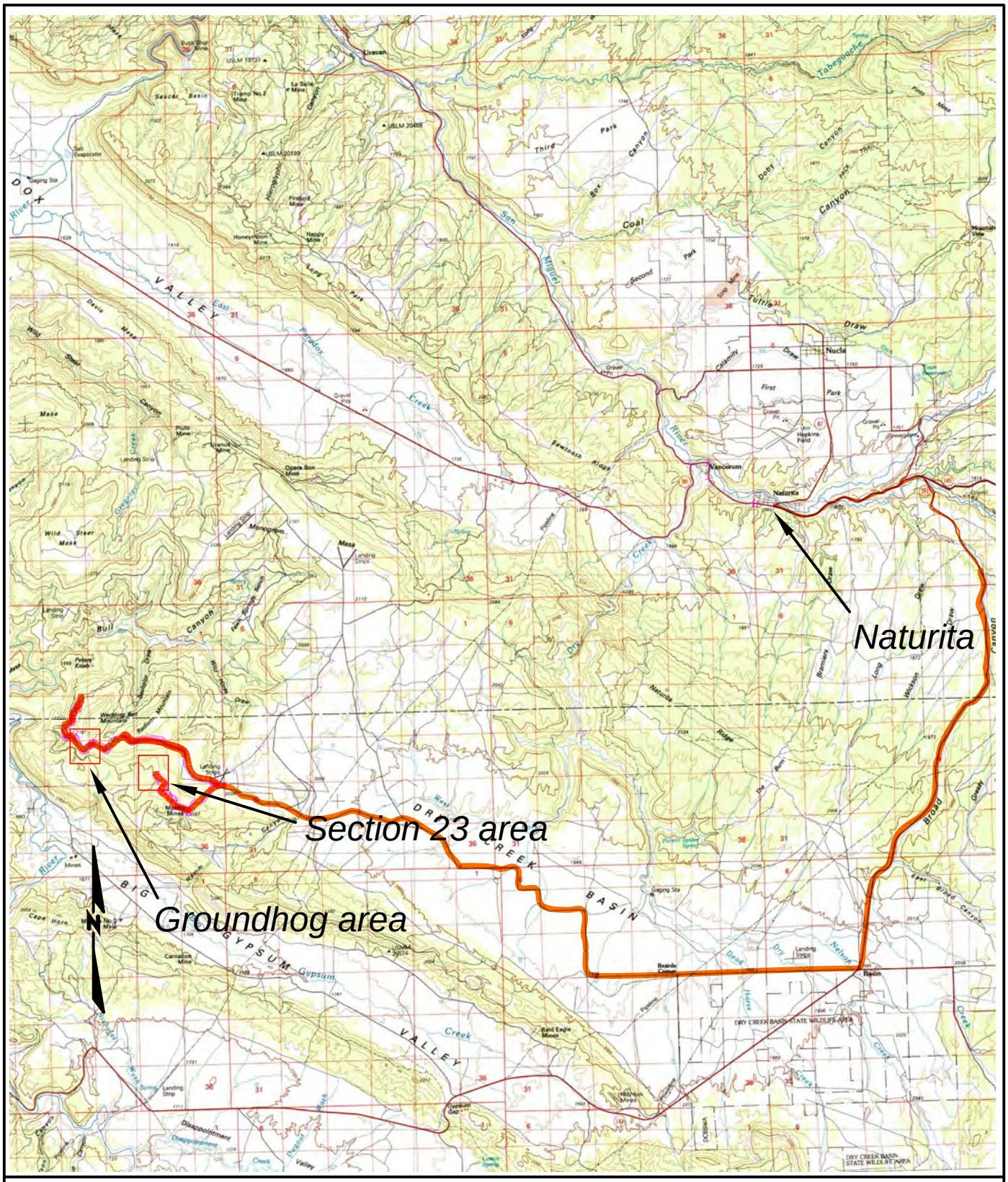
To prevent accidental spreading of noxious weeds, equipment to be used at the project site will be washed down prior to mobilization to the site. Additionally, equipment will be washed down between the two primary drilling areas, Groundhog, and Section 23. Standard Minerals has a form available to document vehicle inspection and washing prior to site entry.

The disturbed drill site areas will be revegetated utilizing a seed bed mixture consistent with the local environment and approved by the BLM as soon as practical as part of reclamation activities.

TABLES

Table 1: San Miguel - Noxious Weed Summary		
Species	**Class**	**Infested Acres**
Meadow Knapweed	A	Unknown
Myrtle Spurge	A	Unknown
Purple loosestrife	A	Unknown
Yellow Starthistle	A	Unknown
Absinth wormwood	B	2
Bull thistle	B	8
Canada thistle	B	826
Chamomiles	B	4
Hoary cress	B	107
Houndstongue	B	260
Jointed goatgrass	B	28
Leafy spurge	B	15
Musk thistle	B	244
Oxeye daisy	B	1,800
Russian knapweed	B	150
Russian olive	B	111
Salt cedar	B	295
Spotted knapweed	B	37
Sulfur cinquefoil	B	177
Wild caraway	B	1
Yellow toadflax	B	97
Black henbane	B	Unknown
Chinese Clematis	B	Unknown
Common tansy	B	Unknown
Dame's rocket	B	Unknown
Diffuse knapweed	B	Unknown
Perennial pepperweed	B	Unknown
Plumeless thistle	B	Unknown
Scotch thistle	B	Unknown
Common mullein	B	Unknown
Downy brome (cheatgrass)	B	Unknown
Halogeton	B	Unknown
Poison hemiock	B	Unknown
Russian Thistle	C	Unknown

FIGURES



Legend

Previous Project Access

New Project Access

Project location

Colorado

Scale

0 1 2 3 miles

0 5,000 meters

WEDDING BELL PROJECT

General Location

San Miguel County, Colorado

Attachment C

Photograph Logs

GEOSYNTEC CONSULTANTS
Attachment C.1: Section 23 Area Photographs

Client: Thor Energy, LLC	**Project Number: DE0516/06**
Site: Wedding Bell Project – Section 23 Area	**Location: San Miguel County, CO**

Photograph 1

Date: July 2023

Direction: S

Comments:
23WBRA001 (PDH 23WBRA-G) before drilling. This photo is representative of general site conditions at drill pads prior to drilling.

Photograph 2

Date: 7 May 2024

Direction: N

Comments:
23WBRA001 after reclamation.

GEOSYNTEC CONSULTANTS Attachment C.1: Section 23 Area Photographs	
Client: Thor Energy, LLC	**Project Number: DE0516/06**
Site: Wedding Bell Project – Section 23 Area	**Location: San Miguel County, CO**

Photograph 3 **Date:** July 2023 **Direction:** E **Comments:** 23WBRA002 (PDH 23WBRA-I) before drilling. This photo is representative of general site conditions at drill pads prior to drilling.	
Photograph 4 **Date:** 7 May 2024 **Direction:** E **Comments:** 23WBRA002 after reclamation.	

GEOSYNTEC CONSULTANTS Attachment C.1: Section 23 Area Photographs	
Client: Thor Energy, LLC	**Project Number: DE0516/06**
Site: Wedding Bell Project – Section 23 Area	**Location: San Miguel County, CO**

Photograph 5 **Date:** July 2023 **Direction:** S **Comments:** 23WBRA003 (PDH 23WBRA-F) before drilling. This photo is representative of general site conditions at drill pads prior to drilling.	
Photograph 6 **Date:** 7 May 2024 **Direction:** S **Comments:** 23WBRA003 after reclamation.	

GEOSYNTEC CONSULTANTS Attachment C.1: Section 23 Area Photographs	
Client: Thor Energy, LLC	**Project Number: DE0516/06**
Site: Wedding Bell Project – Section 23 Area	**Location: San Miguel County, CO**

Photograph 7 **Date:** July 2023 **Direction:** S **Comments:** 23WBRA004 (PDH 23WBRA-J) and access road before drilling. This photo is representative of general site conditions at drill pads prior to drilling.	
Photograph 8 **Date:** 7 May 2024 **Direction:** N **Comments:** 23WBRA004 after reclamation.	

GEOSYNTEC CONSULTANTS Attachment C.1: Section 23 Area Photographs	
Client: Thor Energy, LLC	**Project Number: DE0516/06**
Site: Wedding Bell Project – Section 23 Area	**Location: San Miguel County, CO**

Photograph 9 **Date:** July 2023 **Direction:** S **Comments:** 23WBRA005 (PDH 23WBRA-K) before drilling. This photo is representative of general site conditions at drill pads prior to drilling.	
Photograph 10 **Date:** 7 May 2024 **Direction:** S **Comments:** 23WBRA005 after reclamation.	

GEOSYNTEC CONSULTANTS Attachment C.1: Section 23 Area Photographs	
Client: Thor Energy, LLC	**Project Number: DE0516/06**
Site: Wedding Bell Project – Section 23 Area	**Location: San Miguel County, CO**

Photograph 11 **Date:** July 2023 **Direction:** **Comments:** 23WBRA006 (PDH RR23WBRA-A) before drilling. This photo is representative of general site conditions at drill pads prior to drilling.	
Photograph 12 **Date:** 7 May 2024 **Direction:** **Comments:** 23WBRA006 after reclamation.	

GEOSYNTEC CONSULTANTS Attachment C.1: Section 23 Area Photographs	
Client: Thor Energy, LLC	**Project Number: DE0516/06**
Site: Wedding Bell Project – Section 23 Area	**Location: San Miguel County, CO**

Photograph 13 **Date:** July 2023 **Direction:** S **Comments:** Looking southwest at 23WBRA007 (PDH 23WBRA-B) before drilling. This photo is representative of general site conditions at drill pads prior to drilling.	
Photograph 14 **Date:** 7 May 2024 **Direction:** SE **Comments:** 23WBRA007 after reclamation.	

GEOSYNTEC CONSULTANTS Attachment C.1: Section 23 Area Photographs	
Client: Thor Energy, LLC	**Project Number: DE0516/06**
Site: Wedding Bell Project – Section 23 Area	**Location: San Miguel County, CO**

Photograph 15 **Date:** July 2023 **Direction:** S **Comments:** 23WBRA008 (PDH 23WBRA-C) before drilling. This photo is representative of general site conditions at drill pads prior to drilling.	
Photograph 16 **Date:** 7 May 2024 **Direction:** S **Comments:** 23WBRA008 after reclamation.	

GEOSYNTEC CONSULTANTS Attachment C.1: Section 23 Area Photographs	
Client: Thor Energy, LLC	**Project Number: DE0516/06**
Site: Wedding Bell Project – Section 23 Area	**Location: San Miguel County, CO**

Photograph 17 **Date:** July 2023 **Direction:** S **Comments:** 23WBRA009 (PDH 23WBRA-H before drilling. This photo is representative of general site conditions at drill pads prior to drilling.	
Photograph 18 **Date:** 7 May 2024 **Direction:** S **Comments:** 23WBRA009 after reclamation.	

GEOSYNTEC CONSULTANTS Attachment C.1: Section 23 Area Photographs	
Client: Thor Energy, LLC	**Project Number: DE0516/06**
Site: Wedding Bell Project – Section 23 Area	**Location: San Miguel County, CO**

Photograph 19 **Date:** 7 May 2024 **Direction:** **Comments:** Post-reclamation PDH 23WBRA-D (not drilled).	
Photograph 20 **Date:** 7 May 2024 **Direction:** **Comments:** Post-reclamation PDH 23WBRA-G (not drilled)	

GEOSYNTEC CONSULTANTS Attachment C.1: Section 23 Area Photographs	
Client: Thor Energy, LLC	**Project Number: DE0516/06**
Site: Wedding Bell Project – Section 23 Area	**Location: San Miguel County, CO**

Photograph 21 **Date:** 7 May 2024 **Direction:** **Comments:** First part of reclaimed access trail to Site PDH 23WBRA H (not drilled)	
Photograph 20 **Date:** 7 May 2024 **Direction:** **Comments:** Access from BLM road to sites 23WBRA001, 23WBRA002, 23WBRA003, and 23WBRA004	

GEOSYNTEC CONSULTANTS
Attachment C.2: Groundhog Area Photographs

Client: Thor Energy, LLC	**Project Number: DE0516**
Site: Wedding Bell Project – Groundhog Area	**Location: San Miguel County, CO**

Photograph 1

Date: July 2023

Direction: NW

Comments:
23WBRA017 (PDH GH23WBRA-A) before drilling. This photo is representative of general site conditions at drill pads prior to drilling. Looking west along the old drill access road

Photograph 2

Date: 7 May 2024

Direction:

Comments:
23WBRA017 after reclamation.

GEOSYNTEC CONSULTANTS
Attachment C.2: Groundhog Area Photographs

Client: Thor Energy, LLC	**Project Number: DE0516**
Site: Wedding Bell Project – Groundhog Area	**Location: San Miguel County, CO**

Photograph 3

Date: July 2023

Direction: W

Comments:
23WBRA018 (PDH GH23WBRA-B) before drilling. This photo is representative of general site conditions at drill pads prior to drilling.

Photograph 4

Date: 7 May 2024

Direction: NW

Comments:
23WBRA018 after reclamation.

GEOSYNTEC CONSULTANTS
Attachment C.2: Groundhog Area Photographs

Client: Thor Energy, LLC	**Project Number: DE0516**
Site: Wedding Bell Project – Groundhog Area	**Location: San Miguel County, CO**

Photograph 5

Date: July 2023

Direction: NE

Comments:
23WBRA019 (PDH GH23WBRA-E) before drilling. This photo is representative of general site conditions at drill pads prior to drilling.

Photograph 6

Date: 7 May 2024

Direction:

Comments:
23WBRA019 after reclamation.

GEOSYNTEC CONSULTANTS Attachment C.2: Groundhog Area Photographs	
Client: Thor Energy, LLC	**Project Number: DE0516**
Site: Wedding Bell Project – Groundhog Area	**Location: San Miguel County, CO**

Photograph 7 **Date:** July 2023 **Direction:** NW **Comments:** 23WBRA020 (PDH GH23WBRA-D) and access road before drilling. This photo is representative of general site conditions at drill pads prior to drilling.	
Photograph 8 **Date:** 7 May 2024 **Direction:** **Comments:** 23WBRA020 after reclamation.	

GEOSYNTEC CONSULTANTS Attachment C.2: Groundhog Area Photographs	
Client: Thor Energy, LLC	**Project Number: DE0516**
Site: Wedding Bell Project – Groundhog Area	**Location: San Miguel County, CO**

Photograph 9 **Date:** July 2023 **Direction:** W **Comments:** 23WBRA021 (PDH GH23WBRA-C) before drilling. This photo is representative of general site conditions at drill pads prior to drilling.	
Photograph 10 **Date:** 7 May 2024 **Direction:** W **Comments:** 23WBRA021 after reclamation.	

GEOSYNTEC CONSULTANTS Attachment C.2: Groundhog Area Photographs	
Client: Thor Energy, LLC	**Project Number: DE0516**
Site: Wedding Bell Project – Groundhog Area	**Location: San Miguel County, CO**

Photograph 11 **Date:** July 2023 **Direction:** E **Comments:** 23WBRA022 (PDH GH23WBRA-F) before drilling. This photo is representative of general site conditions at drill pads prior to drilling.	
Photograph 12 **Date:** 7 May 2024 **Direction:** **Comments:** 23WBRA022 after reclamation.	

GEOSYNTEC CONSULTANTS
Attachment C.2: Groundhog Area Photographs

Client: Thor Energy, LLC	**Project Number: DE0516**
Site: Wedding Bell Project – Groundhog Area	**Location: San Miguel County, CO**

Photograph 13

Date: July 2023

Direction: NE

Comments: Looking southwest at 23WBRA023 (PDH GH23WBRA-H) before drilling. This photo is representative of general site conditions at drill pads prior to drilling.

Photograph 14

Date: 7 May 2024

Direction:

Comments: 23WBRA023 after reclamation.

GEOSYNTEC CONSULTANTS Attachment C.2: Groundhog Area Photographs	
Client: Thor Energy, LLC	**Project Number: DE0516**
Site: Wedding Bell Project – Groundhog Area	**Location: San Miguel County, CO**

Photograph 15 **Date:** 7 May 2024 **Direction:** **Comments:** Second part reclaimed access trail to Sites 23WBRA017, 23WBRA018, and 23WBRA019.	
Photograph 16 **Date:** 7 May 2024 **Direction:** **Comments:** Second part reclaimed access trail to Site 23WBRA020.	

GEOSYNTEC CONSULTANTS Attachment C.2: Groundhog Area Photographs	
Client: Thor Energy, LLC	**Project Number: DE0516**
Site: Wedding Bell Project – Groundhog Area	**Location: San Miguel County, CO**

Photograph 17 **Date:** 7 May 2024 **Comments:** **reclaimed access trail to Site 23WBRA023 7May2024**	
Photograph 18 **Date:** 7 May 2024 **Comments: First part reclaimed access trail to Site 23WBRA020 n 021 7May2024**	

John Huebner <johnh@sanmiguelcountyco.gov>

Wedding Bell -Thor energy mining

1 message

Starr Jamison <starrj@sanmiguelcountyco.gov> Mon, Jul 8, 2024 at 4:54 PM
To: John Huebner <johnh@sanmiguelcountyco.gov>

Hello,
In response to the SUP for Wedding Bell- Thor Energy I would like to highlight that this project is accessed through Gunnison Sage Grouse Occupied habitat on U29 and 14 Z map on page 35.
The SUP did not provide the locations of the two drill holes in Section 23, map in SUP page 35. I have requested this data and have not received it to understand where the drill holes are located in relation to the GuSG habitat.
Also to emphasize the dates of access and operation through U29/14Z (occupied habitat) should be restricted.
This is from CPW's high-priority habitat page, https://cpw.state.co.us/Documents/Conservation-Resources/Energy-Mining/CPW_HPH-Map-Layers.pdf
I believe (stating without GIS data) the holes are just outside the Occupied habitat boundary. Using the time restrictions from March 1 to June 30 should help reduce disturbances with noise and traffic.

Gunnison Sage-Grouse Lek Site	No Lease (Leasable Minerals only); NSO/NGD (year-round) within 1.0-mile of lek sites; CSU/SSR - Surface density limitation of one pad per square mile and less tha one linear mile of routes per square mile (640 acres). If pad or route density cannot be achieved or maintained, implement offsite mitigation to offset functional habitat loss. Relocate compressors > 4 miles from a lek and limit noise to not exceed 49 dB as measured 30 feet from the source.
Gunnison Sage-Grouse Occupied Habitat	No Lease (Leasable Minerals only); CSU/SSR - Surface density limitation of one pad per square mile and less than one linear mile of routes per square mile (640 acres). If pad or route density cannot be achieved or maintained implement offsite mitigation to offset functional habitat loss.
Gunnison Sage-Grouse Production Area	No Lease (Leasable Minerals only); TL - No permitted or authorized human activities within 4 miles of a lek from March 1 to June 30; CSU/SSR - Surface density limitation of one pad per square mile and less than one linear mile of routes per square mile (640 acres). If pad or route density cannot be achieved or maintained implement offsite mitigation to offset functional habitat loss.

Thor Special Use Permit Applicaiton
SECTION 5-4: AREAS OF STATE AND LOCAL INTEREST
5-407 Wildlife Habitat Areas
This section establishes land use standards for wildlife habitat areas in addition to the general standards in Section 5-402. The standards apply to areas mapped by the Colorado Parks and Wildlife (CPW) on the County's adopted Wildlife Resource Information System (C.R.S.1041 Wildlife maps) and to areas known to be wildlife habitat areas by the Colorado Parks and
Wildlife, and areas mapped by the Colorado Natural Heritage Program. Agricultural and Ranching activities are exempt from this Section.
Response: Existing wildlife habitat information is shown on the Special Use Permit Map. Land uses located in areas of state and local interests shall comply with Section 5-407 A. and the standards in this section. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development
within a ½ mile buffer. The route designated for accessing the drill site, as depicted in the attached map, has been chosen to minimize disturbances to the Gunnison sage-grouse habitat.
Based on raptor surveys, the start date has been shifted to August instead of July. Days of operation will be limited to August-November to avoid sensitive species wintering timeframes.
San Miguel County Land Use Code
SECTION 2-16: WILDLIFE PROTECTION It is the policy of the County to identify and protect wildlife habitats for the preservation of wildlife, to encourage land use patterns that avoid disruptions to such habitat. The County will coordinate with Colorado Parks and Wildlife personnel regarding proposed development or uses within or adjacent to mapped wildlife habitat areas to mitigate impacts of development on wildlife. San Miguel County Land Use Code 2 - 6 July 2022 2-1601 It is the policy of the County to protect, enhance and preserve Gunnison Sage-grouse populations and their habitats. To this end, the County will consider and, to the extent possible, implement the rangewide and local conservation strategies set forth in the Gunnison Sage-grouse Rangewide Conservation Plan, dated April 2005, and all amendments to the Plan (Colorado Parks and Wildlife) when considering land use activities and development that is located within Gunnison Sage-grouse habitat as mapped by the Colorado Parks and Wildlife.

I have also reached out to CPW to ask if there was an oversite with their letter as they didn't mention the GuSG. I will provide their response via email and at Thursday's Meeting.
Thank you and please let me know if you have any questions.
--
Starr Jamison
She|Her|Hers
Natural Resources and Climate Resilience Director

San Miguel County
(C) (970) 729-9303
www.sanmiguelcountyco.gov

NUCLA NATURITA
Area Chamber of Commerce

July 9, 2024

San Miguel County Board of Commissioners
PO Box 1170
Telluride, CO 81435
cc: John Heubner, Senior Planner, San Miguel County
via email johnh@sanmiguelcountyco.gov

Dear Commissioners,

It is my pleasure to write this letter on behalf of the Nucla Naturita Area Chamber of Commerce (NNACC) Board of Directors. The NNACC Board wholeheartedly support Thor Energy Plc's intent to drill in the Wedding Bell Mountain area.

Over the last several years, the West End communities have worked together to thoughtfully define the direction of this region's economy. West End Economic Development Corporation has led this charge and laid the groundwork for sustainable, yet diverse community and regional growth.

Thor's presence in the West End of Montrose and San Miguel is exciting. The prospect of mining/exploration using modern technology and technics brings hope to a region with a rich mining history. As the West End has struggled to reimagine and diversify its economic base, it has been our hope the extraction industry would remain a piece of the economic pie alongside outdoor recreation/tourism and regenerative agriculture to name a few.

Thor Energy has already proven to be a positive addition to our community through its community outreach and sponsorship of local events. They are certain to be a great partner in our future. We would appreciate your consideration and approval of Thor Energy's permit application.

Sincerely,
Paula Brown

Paula Brown
NNACC Executive Director
West End Visitor Center Director/Event Coordinator

Jack Lee, President ~ Ashley Tomlinson, Vice President ~
Brandi Thompson, Secretary ~ Kelly Tomlinson, Treasurer ~ Tim Tait, Director

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WEST END Colorado Find Your Wild

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