



DON BATCHELDER
BEN TISDEL
JOHN E. PETERS

BOARD OF COUNTY COMMISSIONERS

P.O. Box C • Ouray, Colorado 81427 • 970-325-7320 • FAX: 970-325-0452

April 28, 2020

George Douds
District Ranger, Acting
USFS Ouray Ranger District
2505 S. Townsend Ave.
Montrose, CO 81401

Dear Mr. Douds,

The County of Ouray is pleased to submit the attached application for a Special Use Permit to access, stabilize and preserve Idarado House #4, located near Red Mountain Pass. We are appreciative of the US Forest Service's cooperation and engagement in our effort to put this project together. Likewise, we appreciate the efforts of the Trust for Land Restoration, Ouray County Historical Society and San Juan County Historical Society in bringing this project to our attention and helping with the details required to bring the Idarado Houses project to successful completion.

Preserving Idarado House #4 is part of a larger effort to preserve three of the remaining Idarado Houses. The Idarado Houses are among the last historic remnants that tell the story of one of the most significant and interesting periods in the settling of the West, and in our nation's past. And while we understand that there is normally an application fee, we respectfully request your consideration in waiving that fee, recognizing the value of historic preservation for its own sake; that there is considerable public benefit to preserve this site; that this is not a profit-making venture for the County or any of our partners; and that it is in the best interest of the US Forest Service as much as it is Ouray County's to preserve these houses and allow for their viewing, interpretation and enjoyment by the public for many more years to come.

As you review this Special Use Permit application, please do not hesitate to contact myself, Ouray County Administrator Connie Hunt, or Pat Willits of the Trust for Land Restoration, to answer any questions, comments or concerns you might have.

We again thank the US Forest Service for its interest and help to date to bring this project to this juncture, and look forward to working with you your staff to move the Idarado houses to their next phase.

Sincerely,

Don Batchelder
Chair, Ouray Board of County Commissioners

United States Forest Service Special Use Permit

**APPLICATION FOR TRANSPORTATION AND
 UTILITY SYSTEMS AND FACILITIES
 ON FEDERAL LANDS**

FORM APPROVED
 OMB NO. 0596-0082

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

Application Number

Date Filed

1. Name and address of applicant (*include zip code*)

2. Name, title, and address of authorized agent if different from item 1 (*include zip code*)

3. Telephone (area code)

County of Ouray
 Attn: Connie Hunt, County Administrator
 PO Box C
 Ouray, CO 81427

Applicant

Authorized Agent

4. As applicant are you? (*check one*)

- a. Individual
- b. Corporation*
- c. Partnership/Association*
- d. State Government/State Agency
- e. Local Government
- f. Federal Agency

5. Specify what application is for: (*check one*)

- a. New authorization
- b. Renewing existing authorization No.
- c. Amend existing authorization No.
- d. Assign existing authorization No.
- e. Existing use for which no authorization has been received *
- f. Other*

* If checked, complete supplemental page

* If checked, provide details under item 7

6. If an individual, or partnership are you a citizen(s) of the United States? Yes No Not Applicable X

7. Project description (describe in detail): (a) Type of system or facility, (*e.g., canal, pipeline, road*); (b) related structures and facilities; (c) physical specifications (*Length, width, grading, etc.*); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction (*Attach additional sheets, if additional space is needed.*)

The County of Ouray is applying for a twenty-year Special Use Permit to utilize one acre of National Forest administered property to access, stabilize and preserve Idarado House #4, aka the Newlywed House.

Idarado House #4 itself is owned by the Idarado Mining Company (IMC) at the time of the submittal of this application, but sits on lands of the United States, administered by the US Forest Service. It is one of four houses remaining in the area that were originally built in the early 1900s and utilized as housing for miners and their families at the Sunnyside Mine in Eureka, Colorado, north of Silverton. Ten houses were hauled over Red Mountain Pass to their current location in 1948, where they continued to be utilized as housing, offices and an infirmary until production at the Idarado ended in 1978. Only four of the original ten Idarado Houses remain today.

Ouray County's partners on the project include the Trust for Land Restoration (TLR), Ouray County Historical Society (OCHS), and the San Juan County Historical Society (SJCHS). Idarado Mining Company (IMC), the Colorado Department of Public Health and the Environment (CDPHE), and Ouray Silver Mines (OSM) are cooperators. IMC is a subsidiary of Newmont Corporation.

Idarado House #4 is a structure of historical significance, as documented by the Ouray County Historical Society and is on the County Register of Historic Places.

Stabilization and preservation of Idarado House #4 will be done in conjunction with stabilization and preservation of Houses #1 and #2. Houses #1 and #2 sit on land currently owned by the Idarado Mining Company, soon to be deeded to the County of Ouray. IMC is in negotiations at the time of this application submittal to donate the physical Houses 1, 2 and 4 themselves to the County of Ouray. It is IMC's intent that the houses will be owned by Ouray County at the time the Special Use Permit is issued. Likewise, IMC is in the planning stages to remove House #3, which sits on National Forest land.

It is the goal of Ouray County and its partners to preserve and maintain the Idarado House site much as it now appears, which is how the site has appeared and been enjoyed by the public for the last forty years. The only "improvements" contemplated to the site, once stabilization, hazardous materials mitigation, and preservation-related construction activities are concluded, will be construction of a pedestrian walkway across a vegetated area and the placement of an interpretive sign on a free-standing message board near House #1. The fact that there has been little vandalism and no reported accidents or injuries to any of the countless visitors to the site since 1979 speaks well to the prospect that there will likely be few problems and minimal risk in the future.

8. Attach a map covering area and show location of project proposal ATTACHED

9. State or Local government approval: Attached Applied for Not Required

10. Nonreturnable application fee: Attached Not required

11. Does project cross international boundary or affect international waterways? Yes No (if "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

Ouray County's partner on the project, the Trust for Land Restoration (TLR), is fundraising for all stabilization and restoration costs and associated Special Use Permit fees. Ouray County Historic Society (OCHS) and San Juan County Historic Society (SJCHS), together, are providing technical oversight. OCHS, on behalf of Ouray County, will monitor and maintain the site for the twenty year period. It is the County's intention to reapply for this Special Use Permit in 2040. Grants from History Colorado require an engineer's review and certification for all work performed on the site. Ouray Silver Mines is providing engineer's review and certification. SJCHS will provide and insure craftsman specializing in historic stabilization and restoration.

Ouray County, TLR and OCHS have cooperated on many projects previous to this project. In 2016 TLR acquired 130 acres of mining claims in the Red Mountain Mining District from the Tronox bankruptcy, donating 110 acres of claims to the United States Forest Service and 20 acres of claims to Ouray County. Those 20 acres included the remnants of the historic Corkscrew Turntable. OCHS manages the site on behalf of the County.

Also in the Red Mountain Mining District, Ouray County owns 135 acres of mining claims, surrounded by National Forest, known as the Garard property. The property includes several historic structures and remnants of historical mining. TLR holds a conservation easement on the Garard property. TLR and OCHS jointly manage it. Ouray County also owns two historic houses in the Ironton Townsite that are managed and maintained by OCHS.

13a. Describe other reasonable alternative routes and modes considered.

TLR, on behalf of Ouray County, has consulted with the USFS regarding alternatives to a special use permit, including obtaining fee title ownership of the property through a land exchange or a Small Tracts Act application.

b. Why were these alternatives not selected?

Acquiring fee title to the subject property was not selected because of the significant cost, time, and expertise that would be needed to achieve the desired result.

c. Give explanation as to why it is necessary to cross Federal Lands.

It is currently necessary to cross Federal Land to access House #4. If Ouray County is awarded a special use permit, House #4 will be accessible via private property and property encumbered by the special use permit. It will not be necessary to cross other National Forest land to access House #4 if a special use permit is issued by the USFS.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name)

The most similar project to Idarado House #4 Special Use Permit project in recent years is the "Ouray County Historical Structures Preservation Project," completed by the Ouray County Historical Society utilizing private contractors on National Forest property pursuant to a Special Use Permit (authorization #11CS11020400040).

OCHS has cooperated on other USFS projects, notably receiving a \$15,000 grant in 2012 from the Forest Service to repair the Blacksmith Shop at the Neosho Mine (grant number 2012-HA-007), and the Colorado Boy Preservation Project in the early 2000s, working with USFS archeologist Leann Hunt.

San Juan County Historical Society has completed a number of projects with the Bureau of Land Management in San Juan County, including the award winning Animas Forks Townsite Preservation Project.

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

This proposed Special Use Permit is essential to provide access to House #4 for initial stabilization and preservation, foot traffic visitation, and future maintenance and repair that might be required. Cost of stabilization and preservation will be determined by an engineering evaluation to be prepared by Ouray Silver Mines, summer of 2020. A "catch 22" here is

money from History Colorado cannot be made available to the project unless we have a special use permit. That said, preliminary evaluation of House #4 by SJCHS staff suggests stabilization and preservation to be in the \$30,000 range. History Colorado is providing guidance for grant funding. CDPHE will fund asbestos and lead paint remediation in accordance with a CDPHE-authorized Targeted Brownfields Environmental Assessment (TAB). Public benefits include the intrinsic value of historic preservation and the public education and enjoyment of such.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

The Idarado Houses site is located on the US 550 portion of the San Juan Skyway, a Colorado Scenic and Historic Byway, and contributes to all of the associated social and regional economic benefits. The Idarado Houses help tell the incredibly rich story of the San Juan Mountain's mining past. Ouray County's ultimate goal here is to allow three of the four houses to remain where they are now, to be enjoyed by countless visitors, tourists and passersby, and continue to give voice to the story of the historically significant 19th and 20th century mining boom that shaped the natural and human landscape we experience today.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

No new impacts to the environment will be created by this project. Idarado Mining Company is planning to apply for a Special Use Permit on its own accord to access and remove House #3. To access House #4 for initial stabilization and preservation work, it is anticipated that Ouray County will utilize whatever access Idarado Mining Company receives from Forest Service approval to remove House #3. Because the site is covered by several feet of snow, a site visit by Idarado to select the best site access route is not possible until late Spring 2020.

Once stabilization and preservation of House #4 is complete, a small amount of vegetated area found on the property currently owned by Idarado and about to be donated to Ouray County will need to be crossed to access the site. Ouray County will coordinate with Idarado to cross the site in the most environmentally sensitive way possible. An appropriate boardwalk-type structure to allow hikers to access House #4 after stabilization and preservation are complete is being considered.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

There are no probable effects of the proposed project on any wildlife, plants, or animals currently inhabiting National Forest lands in the project area.

19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6901 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

No hazardous materials will be utilized in the restoration or stabilization of any of the Idarado Houses. As described above, CDPHE will fund asbestos and lead paint remediation in accordance with a CDPHE-authorized Targeted Brownfields Environmental Assessment (TAB).

20. Name all the Department(s)/Agency(ies) where this application is being filed.

Ouray Forest Ranger District, United States Forest Service

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Date

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest Lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation and utility systems and facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.
6. Improved right-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture
Regional Forester, Forest Service (USFS)
Federal Office Building,
P.O. Box 21628
Juneau, Alaska 99802-1628
Telephone: (907) 586-7847 (or a local Forest Service Office)

Department of the Interior
Bureau of Indian Affairs (BIA)
Juneau Area Office
Federal Building Annex
9109 Mendenhall Mall Road, Suite 5
Juneau, Alaska 99802
Telephone: (907) 586-7177

Department of the Interior
Bureau of Land Management
222 West 7th Avenue
P.O. Box 13
Anchorage, Alaska 99513-7599
Telephone: (907) 271-5477 (or a local BLM Office)

U.S. Fish & Wildlife Service (FWS) Office of the Regional Director 1011 East Tudor Road Anchorage, Alaska 99503 Telephone: (907) 786-3440	National Park Service (NPA) Alaska Regional Office, 2225 Gambell St., Rm. 107 Anchorage, Alaska 99502-2892 Telephone: (907) 786-3440
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Note - Filings with any Interior agency may be filed with any office noted above or with the Office of the Secretary of the Interior, Regional Environmental Office, P.O. Box 120, 1675 C Street, Anchorage, Alaska 99513.

Department of Transportation
Federal Aviation Administration
Alaska Region AAL-4, 222 West 7th Ave., Box 14
Anchorage, Alaska 99513-7587
Telephone: (907) 271-5285

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual department/agencies may authorize the use of this form by applicants for transportation and utility systems and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS

(Items not listed are self-explanatory)

- 7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.
- 8 Generally, the map must show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.
- 9, 10, and 12 The responsible agency will provide additional instructions.
- 13 Providing information on alternate routes and modes in as much detail as possible, discussing why certain routes or modes were rejected and why it is necessary to cross Federal lands will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate routes and modes as related to current technology and economics.
- 14 The responsible agency will provide instructions.
- 15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.
- 16 through 19 Providing this information in as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, the application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from applicants requesting right-of-way, permit, license, lease, or certification for the use of Federal lands. The Federal agencies use this information to evaluate the applicant's proposal. The public is obligated to submit this form if they wish to obtain permission to use Federal lands.

SUPPLEMENTAL

NOTE: The responsible agency(ies) will provide instructions	CHECK APPROPRIATE BLOCK	
I - PRIVATE CORPORATIONS	ATTACHED	FILED*
a. Articles of Incorporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Corporation Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	<input type="checkbox"/>	<input type="checkbox"/>
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.	<input type="checkbox"/>	<input type="checkbox"/>
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	<input type="checkbox"/>	<input type="checkbox"/>
II - PUBLIC CORPORATIONS		
a. Copy of law forming corporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Proof of organization	<input type="checkbox"/>	<input type="checkbox"/>
c. Copy of Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. If application is for an oil or gas pipeline, provide information required by item "I-f" and "I-g" above.	<input type="checkbox"/>	<input type="checkbox"/>
III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
a. Articles of association, if any	<input type="checkbox"/>	<input type="checkbox"/>
b. If one partner is authorized to sign, resolution authorizing action is	<input type="checkbox"/>	<input type="checkbox"/>
c. Name and address of each participant, partner, association, or other	<input type="checkbox"/>	<input type="checkbox"/>
d. If application is for an oil or gas pipeline, provide information required by item "I-f" and "I-g" above.	<input type="checkbox"/>	<input type="checkbox"/>

* If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information (e.g., number, date, code, name). If not on file or current, attach the requested information.

NOTICES

Note: This applies to the Department of Agriculture/Forest Service (FS)

This information is needed by the Forest Service to evaluate the requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations or the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

BURDEN AND NONDISCRIMINATION STATEMENTS

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Risk Assessment

Risk Assessment
Ouray County/Idarado House #4
Special Use Permit Application

April 20, 2020 Draft

PROJECT SUMMARY:

The County of Ouray is applying for a twenty-year Special Use Permit to utilize one acre of National Forest-administered property to access, stabilize and preserve Idarado House #4, aka the Newlywed House.

Ouray County is providing this Risk Assessment as an attachment to the Special Use Permit application. Ouray County is a unit of the State of Colorado and is a member of the Colorado Counties Causality and Property Insurance Pool. A Certificate of Liability Insurance naming the United States Forest Service as an additional insured will be available once a Special Use Permit has been approved but before it has been issued.

Ouray County's partners on the project include the Trust for Land Restoration (TLR), Ouray County Historical Society (OCHS), and the San Juan County Historical Society (SJCHS). Idarado Mining Company (IMC), the Colorado Department of Public Health and the Environment (CDPHE), and Ouray Silver Mines (OSM) are cooperators to this project IMC is a subsidiary of Newmont Corporation. Ouray County consulted with TLR, OCHS, CDPHE, OSM and IMC in the preparation of this risk assessment.

Idarado House #4 itself is owned by the Idarado Mining Company at the time of the submittal of this application, but sits on lands of the United States, administered by the US Forest Service. IMC is in the process of donating House #4 to Ouray County.

Stabilization and preservation of Idarado House #4 will be done in conjunction with stabilization and preservation of Houses #1 and #2. Houses #1 and #2 sit on land currently owned by the Idarado Mining Company. IMC is in negotiations at the time of this application submittal to donate the physical Houses 1, 2 and 4 themselves to the County of Ouray. IMC is in the planning stages to remove House #3, which sits on National Forest land.

It is the goal of Ouray County and its partners to preserve and maintain the Idarado House site pretty much as it now appears, which is pretty much how the site has appeared and been enjoyed by the public for the last forty years. The only "improvements" contemplated to the site, once stabilization, hazardous materials mitigation, and preservation-related construction activities are concluded, will be construction of a pedestrian walkway across a vegetated area and the placement of an interpretive sign on a free-standing message board near House #1. That there has been little vandalism, and no reported accidents or injuries to any of the countless visitors to the site since 1979 speaks well to the prospects that there will likely be few problems and minimal risk in the future.

As will be described below, this risk assessment addresses the stabilization/construction phase and the post construction/public viewing phase as two separate activities that each require separate considerations and precautions to effectively manage risk.

1. What is the scope of the requested occupancy of National Forest System (NFS) lands?

- Describe the requested occupancy of NFS land:

Ouray County seeks a Special Use Permit to utilize one acre of National Forest administered property to access, stabilize and preserve Idarado House #4. Idarado House #4 is a structure of historical significance, as documented by the Ouray County Historical Society and is on the County Register of Historic Places.

- What activities are proposed related to that occupancy?

In addition to stabilization and preservation of the houses, the entire Idarado Houses site, including USFS land covered by this Special Use Permit, will be available to the public for passive viewing from US HWY 550 and the USFS Red Mountain District interpretive overlook. Hiking on the property by the public will neither be encouraged nor discouraged.

- Is any construction or reconstruction work being proposed? If yes, who will be performing the work?

Yes, stabilization and preservation of Idarado House #4 will be done in conjunction with stabilization and preservation of Houses #1 and #2, which sit on land currently owned by the Idarado Mining Company, soon to be deeded to the County of Ouray. USFS land requested for this Special Use Permit is adjacent and contiguous with land that will soon be owned by Ouray County, allowing for access to the site from County-owned land.

San Juan County Historic Society will provide insured craftsman specializing in historic stabilization and restoration. Ouray Silver Mines is providing engineer's review and certification on all stabilization and preservation work.

- Will any public services be provided on NFS land?

No

- Will the activity involve interactions with the public?

There will be no direct interaction with the public. This Special Use Permit will provide access to House #4 for initial stabilization and preservation, foot traffic visitation, and future maintenance and repair that might be required. All interactions with the public will be passive in nature; viewing from the highway and overlook area, foot traffic for closer viewing.

- Will there be any hazardous materials involved?

No hazardous materials will be utilized in the restoration or stabilization the Idarado Houses. CDPHE will fund asbestos and lead paint remediation.

2.What are the potential loss exposures or risks to the public associated with the activity?

See Tables Below

**3.What is the likelihood that each of these potential loss exposures will happen?
Enter your decisions into Table 1.**

See Tables

Below

**4.Rate the severity of each potential loss exposure. How bad can it be?
What could it cost?**

See Tables Below

5.Using the grid below, determine the Risk Rating for each potential loss exposure. Enter your decision into the table.

Risk Rating:

- Extreme Risk (E) - Involve senior management immediately, emergency situation, consider not doing the activity.
- High Risk (H)– Management attention required for business and policy decisions, risk control, insurance types and limits, etc.
- Moderate Risk (M)– Management should be kept informed of risk control, insurance types and limits, etc.
- Low Risk (L)– Manage by routine procedures, insurance types and limits could be flexible.

See Tables Below

Table 1: Stabilization/Construction Phase

Potential Loss Exposure (Risk is to public or third parties)	Risk Management Strategy	Likelihood	Severity	Risk Rating
Hazardous Materials exposure to contractors and/or public	Update CDPHE-approved Targeted Brownfields Environmental Assessment (TAB); abate asbestos prior to construction. Lead-based paint will be remediated as a step of construction.	L	L	L
Injury to construction team	Hire experienced contractor; require liability and workman's comp insurance; enforce OSHA standards.	M	M	L
Injury to public during construction	Have General Liability Insurance naming USFS as additional insured prior to beginning any activity on site; Assure contractor observes OSHA standards, including signage, orange cones and temporary safety fencing to warn and keep public out.	L	L	L

Table 2: Post Construction/Public Viewing Phase

Potential Loss Exposure (Risk is to public or third parties)	Risk Management Strategy	Likelihood	Severity	Risk Rating
Somebody might slip, trip or fall while walking to, near or in one of the houses, and sue County and/or USFS	County to have liability insurance in place naming USFS as an additional insured; maintain interpretive signage near House #1; maintain signs warning to effect "buildings closed to entry, not responsible for loss or injury"; construct pressure-treated wood walkway across vegetated area between House 2 & 4.	L	L	L
Vandalism or Arson	Experience at other historic sites owned by Ouray County and managed by TLR and/or OCHS has shown keeping site clean but not "over-improving", providing interpretive signage, not locking buildings, not putting glass in windows, and providing occasional patrol and occasional maintenance has led to low levels of vandalism and abuse by the general public.	L	L	L

In accordance with the request by the USFS, Ouray County has estimated the amount of potential tort liability associated with the proposed use to be no more than **\$250,000** per person, or **\$250,000** per accident. This tort liability is above/**below** (select one) the caps imposed currently under the **Colorado Governmental Immunity Act (CGIA)**.

 Signature of Chair/ Ouray BOCC

 Date

Brownfields Assessment Assistance Application

The Idarado Houses Preservation Project TBA Application
The County of Ouray
In Cooperation with the Trust for Land Restoration and the Ouray County Historical Society
04 20 2020

**APPLICATION FOR STATE OF COLORADO TARGETED BROWNFIELDS
ASSESSMENT ASSISTANCE**

The Idarado Houses Preservation Project

The County of Ouray

In cooperation with the Trust for Land Restoration and the Ouray County Historical Society

DRAFT 04 20 2020

The County of Ouray requests the assistance of the Colorado Department of Public Health and Environment (CDPHE) to obtain a *Targeted Brownfields Assessment* of asbestos, lead paint contamination and other identifiable human and/or environmental health hazards that may exist in association with three historic structures known as the Idarado Houses.

The Idarado Houses are in the Red Mountain Mining District of southern Ouray County, adjacent to US 550 and a popular highway turnout and interpretive overlook. The houses are viewed by several thousand passing motorists every day, and often visited and occasionally entered by people visiting the interpretive site, including history buffs, tourists, hikers, and gawkers.

Ouray County's objective is to acquire ownership of the three houses, in conjunction with the Trust for Land Restoration (TLR) and the Ouray County Historical Society (OCHS), to assure their long-term stabilization and preservation, so that they may be enjoyed by countless thousands of locals and tourists alike and continue to help tell the story of Colorado's mining past.

The physical houses themselves are owned by the Idarado Mining Company (IMC), a subsidiary of Newmont Corporation. Out of ten houses that were built in the early 1900's in Eureka, Colorado and hauled over Red Mountain Pass in 1948 to their current location, four remain. Of the four remaining houses, one, known as Idarado House #3, has foundation issues and is deemed too expensive to save. Idarado is planning to remove it. Houses #1, #2 and #4 are eminently savable and are the focus of this application.

IMC is willing to donate Houses #1, #2 and #4 to Ouray County provided Ouray County accepts responsibility to identify and mitigate all environmental hazards associated with them. Houses #1 and #2 sit on land currently owned by IMC. House #4 sits on land owned by the People of the United States and is managed by the US Forest Service (USFS). IMC is willing to donate fee title to Houses #1 and #2, including the houses and the land underlying them, to Ouray County, and to donate ownership of House #4 to Ouray County provided USFS is willing to issue a Special Use Permit to Ouray County to allow House #4 to remain. Ouray County intends to submit USFS Special Use Permit application on or before April 28.

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To meet the “All Appropriate Inquiry” provisions of the 2002 Brownfields Act, Ouray County seeks a Targeted Brownfields Environmental Assessment (TBA) of Houses #1, #2 and #4 as soon as is practical, this coming field season. Once a TBA is complete, it is contemplated that Ouray County will accept donation of the three houses from IMC, and at about the same time, consult with CDPHE to determine best cleanup and remediation strategies to meet the “All Appropriate Care” standards of the 2002 Brownfields Act.

The re-use goal is to promote a better understanding of the present by learning about the past, enhance history-based tourism and provide passive viewing of the houses by the public. Public ownership of the Idarado Houses by Ouray County will also provide eligibility for State Historical Fund and other grants not available to the current owner.

Ouray County’s partner on the project, the Trust for Land Restoration (TLR), is fundraising for all stabilization and restoration costs and associated Special Use Permit fees. Ouray County Historic Society (OCHS) is providing technical oversight. OCHS, on behalf of Ouray County, will monitor and maintain the site for the twenty year period. It is the County’s intention to reapply for this Special Use Permit in 2040. Grants from History Colorado require an engineer’s review and certification for all work performed on the site. Local mining company, Ouray Silver Mines, is providing engineer’s review and certification. The San Juan County Historical Society will provide and insure craftsman specializing in historic stabilization and restoration.

Ouray County, TLR and OCHS have cooperated on many projects in the past. In 2016, TLR acquired 130 acres of mining claims in the Red Mountain Mining District from the Tronox bankruptcy, donating 110 acres of claims to the United States Forest Service, and 20 acres of claims to Ouray County. Those 20 acres included the remnants of the historic Corkscrew Turntable. OCHS manages the site on behalf of the County.

Also in the Red Mountain Mining District, Ouray County owns 130 acres of mining claims, surrounded by National Forest, known as the Garard property. The property includes several historic structures and remnants of historical mining. TLR holds a conservation easement on the Garard property. TLR and OCHS jointly manage it. Ouray County also owns two historic houses in the Ironton Townsite that are managed and maintained by OCHS.

While there are many hurdles to overcome to bring the Idarado Houses into long-term, protective ownership, the first step toward resolving these issues is to obtain the proposed Targeted Brownfields Assessment. The Citizens of Ouray County appreciate CDPHE’s consideration of this request.

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1. Contacts

County of Ouray Board of County Commissioners
PO Box C; 541 4th St.
Ouray, CO 81427

Connie Hunt, County Administrator
970-325-7263
chunt@ouraycountyco.gov

in cooperation with:

The Trust for Land Restoration
POB 743; 113 N. Lena Street #3
Ridgway, CO 81432

Patrick Willits, Executive Director
970-626-3236 (O); 970-596-5479 (C)
willits@independence.net

Ouray County Historical Society
POB 151; 420 6th Ave.
Ouray, CO 81427

Don Paulson, Curator
970-325-4576 (O); 970-626-8160 (C)
drpaulson@ouraynet.com

2. Site/Project Location

Provide the site name and address, including city, county, zip code and total acreage.

Idarado Houses
US 550, Mile Marker 82
Red Mountain Mining District
Ouray County, Colorado 81427
37° 54' 51" North, 107° 42' 10" West

If available, provide a map of the site: See Attached

Provide amount of delinquent property taxes (if any): N/A

Provide assessed value of the property: N/A

3. Site History and Current Status

Briefly describe the known past and current uses of the site:

What we now call the Idarado Houses were originally built in the late 19th or early 20th century in Eureka, Colorado, east of Silverton, and were four of 10 houses moved over Red Mountain Pass to the Idarado millsite near the Treasury Tunnel, where they sit today.

Essentially all the buildings in Eureka were owned by the Sunnyside Mining Company. In 1948, Sunnyside dismantled the mill in Eureka and sold the houses. Some of them went to Durango and ten of them were purchased by the Idarado Mining Company, to house miners and workers at the modern mill that had been built in 1937 and moved to their present location.

Newmont Corporation purchased the Treasury Tunnel and other mining assets in Ouray and San Miguel counties in 1939, forming the Idarado Mining Company as a subsidiary. Idarado extended the Treasury Tunnel to connect to mine workings on the Telluride side during World War II. In 1956, Idarado moved its milling operations to the Telluride-side, reducing the workforce on the Ouray-side. Still, the Idarado Houses remained mostly occupied until Idarado shut down all its mining and milling operations on both sides in 1978. There is some evidence that at least one of the four houses continued to be used as an office for a number of years after the mine was shut down, probably up until the time reclamation began in 1992.

Though they are in various states of disrepair, considering the harsh environment of the San Juan Mountains at 11,000 feet above sea level, the four remaining Idarado Houses have weathered well. In 2002, the Ouray County Historical Society received a \$40,000 grant from the Colorado State Historical Society and hired an engineer to perform a structural evaluation of the buildings, and prepare cost estimates to protect, preserve and minimally restore the houses. Concurrently, OCHS provided funds for a contractor to perform emergency roof repairs to two of the buildings. Volunteers followed, installing painted plywood in broken out windows and exterior doorways of a couple of the buildings.

Today the houses continue to receive a fair amount of attention and visitation from passing motorists and from those who stop at the interpretive overlook. People often get out of their cars and walk around the site, some sticking their heads into door openings, and some climbing in and walking around the houses.

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Describe local/state/federal regulatory involvement at the site (e.g. whether CDPHE or EPA has already invested funds in the property or if there is an ongoing or planned state/federal enforcement action at the site). Information should include whether or not there has ever been a response action taken at the site either under CERCLA or RCRA. Describe environmental conditions, including level and type of contamination (if known) and a summary of any known past environmental investigations.

The Idarado Houses are a very small part of the very much larger Idarado Natural Resource Damages Reclamation site, as agreed to as part of a 1992 court-approved settlement between the State of Colorado and Idarado/Newmont. CDPHE and DRMS share regulatory oversight. The Idarado Houses themselves do not appear to have been placed on contaminated soil, and there are no obvious signs of underground storage tanks, transformers, or hazardous PCBs. Likely sources of health concern in conjunction with the houses themselves has been identified as asbestos and lead paint, though it is possible a TBA may identify other issues.

Summarize past and present developer interest. N/A

Describe past, current, and future ownership status. If property is not owned by applicant, describe how applicant anticipates obtaining access to property in order to conduct assessment activities.

The physical houses themselves are owned by the Idarado Mining Company, a subsidiary of Newmont Corporation. Idarado/Newmont has expressed a willingness to donate the buildings to Ouray County, but as a first step cannot proceed with any decision-making or action divesting its ownership of the houses until an environmental assessment has been completed. Two of the houses sit on land owned by IMC. Two of the houses sit on public land administered by the United States Forest Service. IMC is planning on removing one of the four houses and donating the remaining three to Ouray County. IMC is supporting this TBA request and will grant access.

4. Project Period

State the desired project completion time period and schedule.

Ouray County's objective is to obtain a TBA this late spring, prior to taking title to the houses. Our goal is to take possession of the buildings as soon as possible, secure a Special Use Permit from the US Forest Service for House #4, perform emergency stabilization efforts this coming field season, plan for long-term stabilization, preservation and re-use as a history-based tourism site as is appropriate, and to apply for grants to assure long-term preservation.

5. Assurance of Future Redevelopment of the Site

Describe how the site ownership will be controlled (i.e., publicly owned either directly by a municipality or through a quasi-public entity, such as a community development corporation).

Ouray County's objective is to acquire ownership of the three houses, in conjunction with TLR and OCHS, to assure their immediate stabilization and long-term preservation. Once cleanup and emergency stabilization are complete, TLR and OCHS will prepare a management plan for the site, on behalf of the County. The re-use goal is to promote history-based tourism and passive viewing of the houses by the public. Public ownership will also provide eligibility for State Historical Fund and other grants not available to the current owner.

The management plan, like other management plans TLR and OCHS have prepared for other sites owned by Ouray County, will include preservation, interpretation and people-management objectives. Like other publicly-owned historic structures in Ouray and San Juan Counties, the number one objective is to stabilize the houses in a manner that protects the houses from further deterioration, which often includes re-roofing, and redirecting drainage away from the foundations. Preliminary plans are to install Lexan/plexiglass in the window openings; doors in the door openings; clean out and strip insides down to their bare wooden-board walls; remove trash and debris from the site; and place interpretive signing. Experience has shown that providing interpretive signage and not-locking doors helps lessen vandalism.

Describe the roles of all other key stakeholders in the project (i.e., community organizations, state involvement, city involvement, etc.).

TLR, OCHS, the San Juan County Historical Society, Idarado Mining Company and Ouray Silver Mines Inc are the key stakeholders that have helped advance the project thus far and will be critical to achieving long-term success. Frankly we also see CDPHE and DRMS as key stakeholders and are grateful for their willingness to assist with this project.

Describe efforts directed towards community involvement (i.e., is the community aware of the project, and do they support the proposed redevelopment?). If community is not aware of the project, what are the plans to involve the community?

Historic preservation and high-country conservation are a team sport in Ouray County, as evidenced by past successes by TLR, OCHS, the Red Mountain Project, the Ouray Trail Group, and the Uncompahgre Watershed Partnership. The Idarado Houses project builds on these past efforts.

The Idarado Houses project has received moral support and great press in Shelter Magazine, a publication of Telluride Newspapers, the Ouray Plaindealer and the Silverton Standard. Once the

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County has obtained a TBA and acquires the houses, TLR and OCHS expect great enthusiasm from their supporters, the public, the business community, the San Juan Historical Society, History Colorado, Region 10, DOLA, the San Juan Skyway Historical Byway Committee, and our local, regional and statewide interests.

Identify cleanup-funding sources (i.e., direct or leveraging of funds and availability of financial incentives such as TIF's).

On behalf of Ouray County, TLR and OCHS have previewed the project for History Colorado staff in Durango and Denver. Bringing the Idarado Houses into public ownership will make them eligible for State Historic Society funding. Given the historical significance and being that the State Historical Society has already invested in an engineering assessment of the houses, we feel good about our chances.

Describe redevelopment plans (i.e. the desired future use of the site, the likelihood of redevelopment, and how the site fits within overall redevelopment plans).

As described above, the re-use goal is to promote history-based tourism and passive viewing of the houses by the public. Public ownership will also provide eligibility for State Historical Fund and other grants not available to the current owner.

The management plan, like other management plans TLR and OCHS have prepared for other sites owned by Ouray County, will include preservation, interpretation and people-management objectives. Like other publicly-owned historic structures in Ouray and San Juan Counties, the number one goal for TLR and OCHS is to stabilize the houses in a manner that protects the houses from further deterioration, which often includes re-roofing, and redirecting drainage away from the foundations. Next steps are to install Lexan/plexiglass in the window openings; install doors in the door openings; clean out and strip insides down to their bare, wooden-board walls; remove trash and debris from the outside; and place interpretive signing. Experience has shown that providing interpretive signage and not-locking doors helps lessen vandalism.

List any commitments in place that provide evidence that this brownfields or voluntary cleanup site will be cleaned up and redeveloped, and is capable of becoming an operating business that provides jobs for the community or will become an asset to the community.

See above

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6. Benefits

Explain how site revitalization will serve to spur further beneficial activities at nearby locations.

Describe how site redevelopment will benefit the community.

The stabilization and preservation of the Idarado Houses reaffirms the citizens of Ouray County's commitment to honoring its mining heritage and the people who led the European-dominated settlement of the west. Preserving elements of its mining past is a part of our identity and a source of pride for most that live here. This project contributes to history-based tourism in the San Juan Mountains, teaches us about our past, rounds out the visitor experience, and contributes to the popularity and economic health of our region.

State whether a direct health environmental threat will be mitigated.

A TBA for Asbestos Containing Materials, Lead Based Paint and other contaminants will dictate the current environmental conditions of the site and remediation required. A 2017 assessment of the site revealed the presence of asbestos and lead-based paint, but this assessment needs an update six months prior to title transfer to comply with the "all Appropriate Inquiry" protections of the 2002 Brownfields Act. Removing asbestos properly will be critical as an element of cleaning up the buildings. How best to mitigate lead-based paint will be a risk-based decision. We will consult with CDPHE as to how best to accomplish this, given the intended use of the buildings.