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Subject: Rockslide Update
Date: Tuesday, September 15, 2015 1:59:20 PM
Attachments: [GSI Report.8.21.15.pdf](#)
[FishWildlifeLetter.pdf](#)
[Opinion letter 9 14 2015 Road 420.pdf](#)

To all interested residents:

At the request of the County Commissioners, GeoStabilization International (GSI) provided a second letter dated August 21, 2015 describing the damage in the rock slide area with more detail. Please see attached.

Also attached is a letter from United States Department of Interior, Fish and Wildlife Service (FWS). The Commissioner's received this letter in response to requirements of the FEMA grant application. The letter discusses FWS input regarding incorporating fish and wildlife resource concerns in the planning process for rock slide mitigation. This letter is also attached. Additionally, the Army Corp of Engineers acknowledged receipt of the formal letter sent pursuant to the FEMA grant application via an email.

The County Commission is sending out a Request for Proposal (RFP) to engineering firms qualified to provide engineering opinions and cost-estimates regarding rock slides. The purpose of this is to confirm the geo-technical information and cost estimates previously provided are an accurate assessment of the situation.

When the rock slide occurred, the County established a team to work on this issue. The team consists of the three commissioners, the road superintendent, the DES Coordinator, the Finance Director, the Sheriff and the County Attorney. This team meets weekly.

The Commission received some questions via email.

1. *Is the Emergency Preparedness Plan available and being followed?* Yes. The County's Emergency Preparedness Plan is available on the Stillwater County DES website. It is in PDF format and is listed as "Emergency Operations Plan 3-2011 Revision." The plan is being followed.
2. *What progress is being made in discussions with the Stillwater Mining Company?* The Commission spoke with John Beaudry, a representative from the Stillwater Mining Company about the rock slide. Mr. Beaudry indicated the Stillwater Mining Company is concerned about the rock slide. However, the Stillwater Mining Company will not be participating in mitigation.

3. *What additional information is needed and how does the County intend to get the additional information?* For the County to fully evaluate all options, the County has obtained two GSI engineering reports and the SK report. All have been made available to the public to review. As stated above, the County is sending out RFP's to qualified engineering firms in order to obtain geo-technical information and cost estimates to address the for rock slides. The Commission believes this is prudent, given the estimated cost in excess of two million dollars for mitigation that may be undertaken.

4. *Commissioner Dell spoke of the determining where the right of way is. Does the County plan to hold a private landowner liable, and is the determination of ownership keeping the County from taking action?* In all road issues, it is imperative the County determine where the County road is in relationship to the right-of-way. The County Roads, for the most part, are located in easements. An easement is the right to use the property of another person. Thus, any determination of ownership is not the issue. The issue is determining how wide the easement area is in order to ensure the County does or does not have authority to act upon the land owned by another.

The first step is to determine how the road was established or created. This is necessary to determine who has jurisdiction or authority to act. The County is responsible for County Roads and respective rights-of-way. Not all County Roads and rights-of-way are the same width. In all instances, a private landowner is responsible for his/her land. The determination of the location of the road and the right-of-way width has not slowed the County from taking action. The County has been taking action on the rock slide since it occurred and determination of ownership has not stopped that.

5. *Has the County gone out to bid? Is the redacted proposal that was sent out a formal bid? Why aren't there other bidders?* The engineering reports make it clear this rock slide situation is very dangerous, unstable and unsafe. Thus far, the County has been informed the rocks on the road cannot be removed unless and until the rock face is stabilized. It is going to take a specialized rock mitigation company to do such a task. The County has not sent out a formal bid request for the actual mitigation as it would be premature. Again, see above on sending out the RFP. GSI is a specialized rock mitigation company. The redacted GSI report is not a formal bid but a cost estimate at this time.

6. *Does an insurance policy exist? If so, what is the expected payout?* Stillwater County is insured by MACo. The policy does not cover a rock slide.

Thank you.

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