

# TAKE ACTION TO PROTECT MONTEZUMA COUNTY



*Due to vague laws, large events threaten **physical harm** to the residents of Montezuma County, not to mention lasting **environmental and economic damage***

Fellow Montezuma County Resident,

I grew up on the land. I respect it, treasure it, cherish it. I know you do too. Today, everything we love and cherish about Montezuma County is being threatened by short-sighted negligence.



Whether you are part of the “Pinto-Bean Capital” outside of Yellow Jacket, a dryland farmer in the outskirts of Cortez, an Old West Rancher in the Mancos valley, a mountaineer above Dolores, a member of the Ute and Navajo Tribes, or a resident **anywhere** in Montezuma County, change is coming your way. This change will affect your livelihood, your future, your day-to-day quality of life, your property

values, maybe even your health.



Early in the summer of 2015 earthmovers rolled into a small, picturesque meadow off of County Road 38.5 (along Highway 145 to Telluride). Without notifying the nearby residents, and ignoring a denied permit, event organizers for the BONG-A-THON proceeded to set up for a party of some 1,200-3,000 people.

Annually the BONG-A-THON is a marijuana party that caters mostly to a contest seeing who can smoke the most “weed”; normally it is held in remote locations. 2015 was different.

## **A Rare and Unique Gem Threatened**

The DOLORES RIVER VALLEY is one of the most beautiful and pristine mountain retreats left in the western United States. Crystal waters tumble into the McPhee and Narraguinep Reservoirs, along the way feeding towering pines, shivering aspens and thick carpets of lush grass. Lovely little meadows, many complete with tasteful homes and vacation cabins, open up just under the lofty protection of the towering mountains.

In fact, via the Dolores Project, the DOLORES RIVER is responsible for irrigating over 61,000 acres of land.

It is also home to a twisting, occasionally treacherous, mountain road. This has always kept our guests more solitary in nature: family vacationers, bikers and hunters, photographers and canoers, fishermen, hikers and birdwatchers are our most common visitors.

And as any of these nature-conscience people can attest, the balance is as fragile as it is beautiful. Residents and guests alike have a long tradition of protecting and preserving the mountains as best they can, ensuring that future generations will be able to enjoy the beauty and prosperity that the river brings.



The BONG-A-THON crew were not respectful of the land. They saw it merely as a monetary opportunity, with the consequences not being theirs to deal with.

The [MONTEZUMA COUNTY COMMISSIONERS](#) did see fit to deny them a LARGE EVENT permit, but when their rule was ignored, they were not of a mind to do **anything** about it.

In fact, because the LARGE EVENT permits only apply to events larger than 5,000 people and the rules governing smaller gatherings – the “THRESHOLD” or “HIGH IMPACT” land use codes – are vague and self-contradictory; the BONG-A-THON crew felt that they could have as many people as they wanted at their “private party”, logistics aside.

The residents saw it differently, and told the COMMISSIONERS so, *repeatedly!*

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*“That road is on a blind corner, and there is no turn lane. When people leave who is to say if they will be intoxicated as they pull out onto a busy highway, so my concern is public safety.”*  
*Area Resident Mitch Martin*

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Some of the milder concerns the neighbors shared were:

- The million-acre SAN JUAN FOREST blankets the mountains around the DOLORES RIVER and was at high fire risk...
- Because the Threshold laws are so vague the BONG-A-THON organizers were not planning on any real forms of sanitation...
- Because the laws are self-contradictory they had no plans to provide security; health and public safety; traffic control...
- The meadow in question is simply not large enough to accommodate even 1,000 people, let alone their cars...
- Half of the meadow is designated wetland by the Army Corp of Engineers, and not only was it being threatened, it is unfit to stand or park on...
- The DOLORES RIVER is not the Mighty Mississippi, but it is still more than capable of drowning someone who is incapacitated...

## Public Endangerment

*"I live with my family and children, and I'm concerned about the criminal element of the event," Mike Fitzgerald said. "I care about property rights, but at the same time you are not allowed to do anything that endangers the neighbors." (Mike Fitzgerald lives **across the highway** from the meadow where the event was to have taken place.)*

While the COMMISSIONERS accused us of being over-reacting, panicky, selfish alarmists – we, who live with the land, must remember that disaster is not an impossibility.

Not even sixty miles away, as the crow flies, a careless accident saw millions of gallons of toxic chemicals dumped into the Animas River; an event which turned the river orange and threatened thousands, if not hundreds of thousands, of people who depend upon that river for their lives and livelihoods.

That nightmare **is coming here!**

### Public Voice Can Avert Threats

Thanks to the tireless commitment of the nearby residents and the backing of Sheriff Steve Nowlin, the event was finally restrained by a judge.

Despite the ruling, the BONG-A-THON organizers continued to argue that they shouldn't have to deal with these issues. Why? Because there are no hard-and-fast rules for gatherings smaller than 5,000 people, and what few guidelines exist are vague and prone to self-contradiction.

Technically, the BONG-A-THON organizers weren't wrong. They had every legal right, under the existing laws of Montezuma County, to hold their event in what is essentially a shared back yard: endangering the neighbors, exposing children to a possible criminal element as well as mass public inebriation, risking the forest, potentially poisoning the river, and causing a

grave road hazard for typical summer tourists.

It is only thanks to botched paperwork, and local support, that we managed to halt them at all – **THIS TIME.**

In response to their defeat, the BONG-A-THON organizers have indicated that they intend to come back, year after year, until they get to hold their event in their chosen venue. This means that the threat to the Dolores River...Montezuma County...you and me...is as real and imminent as ever, and that next time our small group of next door neighbors may not be able to stop them.

The fight isn't over yet. Rather than rest comfortably, our group of neighbors has organized into the MONTEZUMA COUNTY OUTDOOR EVENT COMMITTEE, and has dedicated itself to correcting the real cause of the problem – the laws that allow for this kind of dangerous behavior.

Erin Johnson, a local attorney – and one of the few people in the community who had recognized the problem before it ever manifested itself – has donated a great deal of her time to writing a

correct land use code that would lay out clear and proper guidelines for future events smaller than 5,000 people.

Although the proposed **REGULATION 1041** (?) is long and technical, since it deals with everything needed for health and public safety from the proper number of trashcans to traffic control, it is clear and reasonably easy to read.

In short it would:

- Give clear and proper guidelines for fire safety; health and public sanitation; traffic control and other safety issues; private or public security...
- Designate appropriate areas that might be used for these types of events – *not someone's backyard*
- Allow event organizers to have a crystal sharp picture of what they may and may not do in Montezuma County, and how much of the burden of protecting the land and the people falls on them during such an event...
- Require organizers to actually inform any and all residents within ½ mile (?) of such an event well in advance of the date...
- Give organizers 120 days to fill out their applications and have them approved or denied...

### **Why Are The MONTEZUMA COUNTY COMMISSIONERS So Set Against The New Guidelines?**

REGULATION 1041 has been stalled, ignored, overturned and dismissed time and time again. Why? Why are the County Commissioners so “we-won’t-do-it-and-you-can’t-make-us” determined to **not even properly consider the new regulations?**

Whether COMMISSIONER LARRY DON SUCKLA is making a mockery of Sheriff Nowlin’s honest question, “what to do in event the BONG-A-THON proceeds,” by joking: “you picked the wrong time to run for sheriff”... or by breaching due process by bringing up REGULATION 1041 before a hearing was scheduled, and then dismissing it with: “they’ve done their dog-and-pony show and that’s all...” it remains clear that they do not want this law.

Along with actually protecting the land and the people the new REGULATION 1041 would also help bring in business. With clearer, more workable guidelines many “small,” beneficial events would be free to consider Montezuma County as a viable option.

- Fundraisers, including political rallies and church events
- Big Tent Revivals...KSJD events...music fests...
- Large weddings; family reunions and children-related events
- Motorcycle rallies
- Conventions



## The Price is Too High

We're honestly not sure why they are so set on putting the environment and the people at risk, and damming up an increase in tourism at the same time...

We aren't certain what the next event will be, (large earthmoving equipment still sits on the property at Stoner, the very next threat could come within four or five months)...

We aren't certain we can stop them...

We **are** going to try.

You can help us by contacting the COUNTY COMMISSIONERS. Tell them about the danger – again. Explain about the land, the people, the risks. Send them letters, emails; phone them and show up at their meetings. To help with that we have enclosed a postage-paid reply card with a note asking the COMMISSIONERS to reconsider. Simply sign the card and mail it to us so we have an accurate catalogue of who is supporting us.

You can also become active in the MONTEZUMA COUNTY OUTDOOR EVENT COMMITTEE by filling in your email address on the reply card. You will receive every email update on our progress, as well as invitations to the next relevant COUNTY COMMISSIONER meeting.

Public voice **can** make a difference, and given our past experience it may be the only thing that will. Please join us **TODAY** in explaining to the COMMISSIONERS that even a single human life lost due to an entirely avoidable accident is simply too high a price to pay for sheer laziness.

Sincerely,

*Residents of Montezuma County*

