

Damages

The Prosecuting parties are seeking for full penalties to be exacted on Commissioner Lyman and Monte. Included in this punishment would be full restitution for supposed damages to archaeology. As is so often the case, these groups use archaeology as a weapon. The archaeology in Recapture is a priceless heritage valued and protected by the County and by local citizens. But to claim damages to an area that has been heavily used for more than a century is disingenuous. Agenda-driven obstructionist groups masquerading as conservationists have used this tactic many times before. The report on damages provided by *Archaeological Damage Investigation & Assessment* is replete with serious errors and gross exaggerations.

The first, and possibly the most egregious error, is that an archaeological damage assessment was carried out for the full five miles of closed trail in Recapture Canyon instead of limiting the survey to the county pipeline road where the protest was carried out. Some of these sites are more than three miles away from where the protest stopped ([see video of his ride](#)). For the damage assessment firm to say that there were damages caused by Commissioner Lyman on sections of the trail *miles* away from where he stopped is wholly dishonest. For the Prosecuting parties to seek retribution for pretended harm is vindictive.

The second error in the damage assessment is that the field work performed by *Archaeological Damage Investigation & Assessment* was carried out on May 23, 2014, one day shy of two weeks after the protest. The protest was carried out on a road owned and maintained by the county, which is legally used by motorized traffic on a regular basis. The San Juan County Water Conservancy District (WCD) inspects the pipeline road at least once a week. These inspections take place on vehicles, often times in pickups or ATVs. By nature of the timeline of the study, the WCD would have traveled that road *at least* twice before the assessment occurred, possibly in a pickup or a bigger vehicle. Additionally, there are mining claims in the area where the protest was carried out. The regular mining of this area includes using heavy equipment to strip the soil, sort the material, and harvest the mineral (this mining claim was approved with [the phrase that there would be no adverse effect to cultural resources](#)). There are also cattle grazing rights in this area. A herd of 300 cows can regularly occupy the area and herders on ATVs are free to drive cattle through the canyon anytime they would like. All this information begs the question—if the WCD drives this road weekly; if the area is mined regularly with heavy machinery; if cows graze and are driven through the area, it is inconsistent to imagine that a peaceful demonstration on the designated road cause more damage to cultural resources than a bulldozer, backhoe, 300 cows, or a road grader? \$400,000 of damages and reparations is preposterously inflated and a blatant lie.