

EXHIBIT IV-C

INSTRUCTIONS AND INFORMATION ON COMPLETION OF THE STATUTORY CHECKLIST

NON-NEPA FEDERAL LAWS AND EXECUTIVE ORDERS

HISTORIC PROPERTIES:

Laws/Executive Orders

- National Historical Preservation Act of 1966 - P.L. 89-665, 16 U.S.C. 470
- The Archeological and Historical Data Preservation Act of 1974 - P.L. 93-291, 16 U.S.C. 469
- Executive Order #11593, Protection and Enhancement of the Cultural Environment
- 36 CFR, Part 800, Procedure for the Protection of Historic and Cultural Properties
- 24 CFR, Part 59, Protection of Historic and Cultural Properties under HUD programs

BRIEF SUMMARY

These laws require that the Advisory Council on Historic Preservation, through the Colorado Historic Preservation Offices, have a reasonable opportunity to comment on proposed projects. In particular, they require that historical, architectural and archeological data should be preserved; that the effects of the project on properties listed in or eligible for the National Register of Historic Places, should be determined; and that, in general, properties of historical, architectural, or archeological significance should be preserved or enhanced. The Council, by law has up to thirty (30) days to respond to request for comment.

DO NOT BEGIN WORK ON ANY TYPE PROJECT UNTIL YOU HAVE RECEIVED A WRITTEN RESPONSE FROM THE PRESERVATION OFFICE. SHOULD YOU REQUIRE FURTHER CONSULTATION, A SAMPLE OF THE LETTER TO THE HISTORIC PRESERVATION IS INCLUDED IN EXHIBIT IV-D.

Contact:

Dan Corson
Colorado State Historic Preservation Office
1300 Broadway
Denver, CO 80203
866-2673

FOR HOUSING REHABILITATION PROJECTS AND ECONOMIC DEVELOPMENT PROJECTS. In the event that properties fifty or more years of age are selected for rehabilitation, please follow the following procedures:

1. If the property has undergone extensive alterations in the past which were not approved by the Historical Society, the property has suffered a loss of historic architectural integrity and will not qualify under Criterion C of the National Register of Historic Place's eligibility. In this case, you are not required to submit inventory forms on such properties. If you are unsure, please follow normal inventory procedures.
2. If the property has previously been determined "not eligible", there is no need to contact the Preservation Office. **You should keep a copy of the determination for your individual project file.**
3. If the property has previously been determined "eligible", please provide a work description for Preservation Office review.
4. For any property fifty years of age or more that is located within a National Register listed or eligible historic district and there will be exterior work, the Preservation Office must review the proposed project in order to determine the effects of the work.
5. If you are unsure if a project has previously been reviewed, please contact your local historical society or the Preservation Office for assistance.

EXHIBIT IV-C, Cont.

FLOODPLAIN MANAGEMENT AND WETLAND PROTECTION

Laws/Executive Orders

- Protection of Wetlands, 44 FR 47006, August 9, 1973
- Flood Disaster Protection Act of 1973, 42 U.S.C. 4001, et. seq.
- Executive Order #11988, Floodplain Management, May 24, 1977, 42 FR 26952, May 25, 1977
- Executive Order 11990, Protection of Wetlands, May 24, 1977, 42 FR 26951, May 25, 1977
- Colorado Executive Order #8491, Evaluation of Flood Hazards in Locating State Buildings, Road and other Facilities, and in Reviewing and Approving Sewage and Water Facilities, and Subdivisions.
- Colorado Executive Order #8504, Requirements and Criteria for State Participation in the National Flood Insurance Program.

Brief Summary

These laws require that grantees review each project site to determine whether or not it is within the 100 year floodplain, or a recognized wetlands area. CDBG funds should not be expended on projects in a floodplain, unless it has been determined that there is no practical alternative to such encroachment. Likewise, CDBG projects should, to the greatest extent possible, enhance, preserve, and protect wetland areas.

If it appears that situating the project in a floodplain or wetland area cannot be avoided, the grantee must go through a specified public process to consider whether or not to proceed with the project. There is an eight-step process mandated by Federal regulation which must be followed in these situations. This eight-step process includes public input and requires that the community publish two notices related to determination of the impact of this project and hold a public hearing (refer to **EXHIBIT IV-E**). The first is called an Early Public Notice, which identifies the nature of the project activity and solicits comments for a period of not less than 15 days. (Notices should be published in the local newspaper. In communities that do not have a local paper, the notice should be posted in public buildings such as the city hall, post offices, schools, and/or libraries.) The second notice, called the Notice of Explanation must be published no less than 15 calendar days after the Early Public Notice and should include the determination as to the impact of the proposed project and whether there are any reasonable alternatives to the proposed activity. **EXAMPLES OF THE EIGHT STEP PROCESS, EARLY PUBLIC NOTICE, AND NOTICE OF EXPLANATION ARE INCLUDE IN EXHIBIT IV-E.**

Contact (Floodplain Issues ONLY) :

Colorado Water Conservation Board / Floodplain Section
Contact Thuy Patton
1313 Sherman St., Room 723
Denver, CO 80203
(303) 866-4803

EXHIBIT IV-C, Cont.

Contacts -- WETLANDS
(Contact regional representative directly)

NORTHEAST REGION (303) 291-7203

Scott Hoover, Regional Manager

Contact: Margo Federico, (303) 291-7290, or margo.federico@state.co.us

Colorado DOW Regional Office

660 Broadway

Denver, CO 80216

The following counties are in the **NORTHEAST REGION** ;

Adams, Arapahoe, Boulder, Broomfield, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, Larimer, Logan, Morgan, Park, Phillips, Sedgwick, Washington, Weld, Yuma

SOUTHEAST REGION (719) 227-5208

Mark Konishi, Regional Manager

Contact: Cheryle Schulze, (719) 227-5210 or cheryle.schulze@state.co.us

Colorado DOW Regional Office

4255 Sinton Road

Colorado Springs, CO 80907

The following counties are in the **SOUTHEAST REGION**:

Baca, Bent, Chaffee, Cheyenne, Crowley, Custer, El Paso, Fremont, Huerfano, Kiowa, Kit Carson, Lake, Las Animas, Lincoln, Otero, Prowers, Pueblo, Teller

NORTHWEST REGION (970) 255-6179

Ron Velarde, Regional Manager

Contact: Lyn Huber, (970) 255-6184, or lyn.huber@state.co.us

Colorado DOW Regional Office

711 Independent Avenue

Grand Junction, CO 81505

The following counties are in the **NORTHWEST REGION**:

Eagle, Garfield, Grand, Jackson, Mesa, Moffat, Pitkin, Rio Blanco, Routt, Summit

SOUTHWEST REGION (970) 247-6703

Tom Spezze, Regional Manager

Contact: Shari Titus, (970) 375-6702, or shari.titus@state.co.us

Colorado DOW Regional Office

151 East 16th Street

Durango, CO 81301

The following counties are in the **SOUTHWEST REGION**:

Alamosa, Archuleta, Conejos, Costilla, Delta, Dolores, Gunnison, Hinsdale, Mineral, Montezuma, Montrose, Ouray, Rio Grande, Saguache, San Juan, San Miguel

EXHIBIT IV-C, Cont.

ENDANGERED SPECIES

Law - Endangered Species Act of 1973, P.L. 93-205, as amended by the Endangered Species Act of 1978, P.L. 95-632, 16 U.S.C. 1536

Brief Summary

This law requires that applicants consult with the U.S. Fish and Wildlife Service in case where there is the likelihood of endangered species within the project area. The purpose of the consultation procedure is to ensure that a proposed project will not jeopardize the existence of an endangered species or result in destruction or adverse impact to a cultural habitat for an endangered species.

In cases WHERE PROJECTS OBVIOUSLY WILL NOT IMPACT listed endangered species, no consultation is needed. This policy applies to such projects as housing rehabilitation, water mains/or towers, acquisition, etc. A finding to the effect that there is no impact should be made.

Projects for which consultation should occur including those which involve such activities as withdrawal of water from streams for consumptive use, surface disturbance to native vegetation, or a change in land use. **On the advise of the Service, it is recommended that you request a listing of the endangered species for your area at the time you send your consultation letter. You may also make a verbal request, but in both cases, you will still be required to provide the office with the results of your research so they are able to provide you a formal consultation letter.**

Western Slope Counties- Alamosa, Archuleta, Conejos, Costilla, Delta, Dolores, Eagle, Garfield, Grand, Gunnison, Hinsdale, Jackson, La Plata, Mesa, Mineral, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Grande, Rio Blanco, Routt, Saguache, San Miguel, San Juan, Summit.

CONTACT

Al Pfister
U.S. Fish & Wildlife Service
764 Horizon Drive, Buidling B
Grand Junction, CO 81506
(970) 243-2778

Front Range Counties – Adams, Arapahoe, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Crowley, Custer, Denver, Douglas, El Paso, Elbert, Fremont, Gilpin, Huerfano, Jefferson, Kiowa, Kit Carson, Lake, Larimer, Las Animas, Lincoln, Logan, Morgan, Otero, Park, Phillips, Prowers, Pueblo, Sedgwick, Teller, Washington, Weld, Yuma.

CONTACT

Susan Linner
U.S. Fish & Wildlife Service
755 Parfet Street, Suite 361
Lakewood, CO 80225-0207
(303) 275-2370

WILD AND SCENIC RIVERS

Law - The Wild and Scenic River Act of 1968, P.L. 90-542, 16 U.S.C., 1274, et seq., as amended.

Brief Summary

This law provides for the establishment of a national wild and scenic river system and requires consultation for projects in the vicinity of a designated river to determine whether or not the project will adversely affect the wild, scenic, or recreational value of the river.

EXHIBIT IV-C, Cont.

Listed below are those rivers in Colorado which are included in the national inventory of wild and scenic rivers. **If your project is not in the vicinity of one of these rivers, stating that fact on your statutory checklist completes your consultation process.** If, however, your project is in the vicinity of one of these rivers you must contact the National Park Service as indicated below:

River	Description	Counties
Animas River	Animas City to Mineral Creek	San Juan, La Plata
Arikaree River	NB/KS state line to Alder Creek	Yuma County
Arkansas River	-Pine Creek to Buena Vista -Buena Vista to Salida -Salida to Pine Creek to Canon City -Salida to Vallie Bridge -Vallie Bridge to west of Royal Gorge Park -All of Area in Bent's Old Fort National Historic Site	Lake, Chaffee, Fremont, Otero
Badger Creek	Arkansas River to Source	Fremont, Park
Beaver Creek	Skagway Reservoir to State Refuge	Fremont
Big Thompson River	Entire Segment within Rocky Mtn. National Park	Larimer
Big Thompson River, North Fork	Entire Segment within Rocky Mtn. National Park	Larimer
Blue Creek	Curecanti National Recreation Area to Morrow Point Reservoir	Gunnison
Cache la Poudre, North Fork	Dale Creek to source	Larimer
Chacuaco Canyon	Purgatoire River to Highway 160	Las Animas
Coal Creek	Curecanti National Recreation Area to Blue Mesa Reservoir	Gunnison
Colorado River	-State Bridge to Blue River -Entire Segment within Rocky Mtn. National Park	Grand, Eagle
Conejos River	North, Middle, and El Rito Azul Forks from sources to confluence with Conejos River to confluence with South Fork	Conejos
Crystal River	National Forest boundary to sources of and including North and South Forks	Gunnison, Pitkin
Curecanti Creek	Curecanti National Recreation Area to Morrow Point Reservoir	Gunnison
Dolores River	1.3 miles below McPhee Dam to 1 mile above Colorado HWY 90 bridge near Bedrock	Montezuma, Dolores, San Miguel, Montrose
East River	Gunnison River to source	Gunnison
Elk River	Main stem from confluence of South Fork, North Fork and South Fork to headwaters and Middle Fork to confluence of Gilpin and Gold Creeks	Routt
Encampment River	Main Stem from WY state line to headwaters. West Fork from confluence to mainstem of West Fork Laketo	Jackson
Fall River	Headdwaters of Fall Ribver to Fan Lake	Larimer
Gunnison River	All of the Black Canyon of the Gunnison National Monument	Montrose

Gunnison River, Lake Fork	-Curecanti National Recreation Area to Blue Mesa Reservoir -Sloan Lake to Wager Gulch	Gunnison
Huerfano River	Huerfano Cucharas Ditch diversion to Cucharas River	Pueblo
Los Pinos River	Confluence of North Fork and Rincon La Vaca to northern boundary of Granite Peak Ranch & tributaries from headwaters to confluence with Los Pinos River	Hinsdale
North Saint Vrain Creek	-Ralph Price Reservoir to source -Entire segment in Rocky Mtn. National Park	Boulder
Piedra River	Main stem from confluence with Indian Creek to Middle Fork	Archuleta, Hinsdale, Mineral
Purgatoire River	-Smith Canton to Trinchera Creek to Arkansas River	Bent, Otero, Las Animas
Rio Grande River	-Alamosa Wildlife Refuge to Lasauses to Labatos Bridgeto NM state line	Alamosa, Conejos, Costilla
San Juan River	Fourmile Creek to sources of East & West Forks	Rio Grande, Mineral, Archuleta
South Platte River	-Cheesman Reservoir to Eleven Mile Canyon Reservoir - Eleven Mile Canyon Dam to land near Lake George to mouth of Beaver Creek to head of Cheesan Lake	Douglas, Teller, Park, Jefferson
South Saint Vrain River, North Fork	Rocky Mtn. National Park to Ralph Price Reservoir	Boulder
Taylor River	Illinois Creek to source	Gunnison
West Elk Creek	Curecanti National Recreation Area to Blue Mesa Reservoir	Gunnison
White River, North Fork	White River to source	Rio Blanco, Garfield
White River, South Fork	White River to source	Rio Blanco, Garfield
Yampa River	-Segment within Dinosaur Nation Monument -Little Snake River to Williams Fork	Moffat

WILD AND SCENIC RIVERS CONTACT

Gary Weiner
National Park Service
4030 Sourdough Road
Bozeman, MT 59715
(406) 587-1667
(gary_weiner@nps.gov)

AIR QUALITY

Law - Clean Air Act Amendment of 1970, 42 U.S.C. 740 1 et seq., as amended, particularly Section 176 (c) and (d).

Brief Summary

This law requires that each state prepare a State Implementation Plan which specifies the manner in which national primary and state air quality standards are to be achieved and maintained within the state. Each CDBG grantee should consult with the State Health Department to make certain that their proposed projects will not adversely affect the ambient air quality standards in the project area. **In most instances, an air quality notice and/or permit is required for proposed projects. It is recommended that**

EXHIBIT IV-C, Cont.

grantees contact the Department of Public Health and Environment early on to begin this fairly straightforward process.

In those cases where awards have been made for **rental or owner occupied dwelling rehabilitation and asbestos removal becomes or is an issue, the current regulations which govern the Air Pollution Control Division do not apply to single-family dwelling units. The grantee must contact the Division of Housing for specific guidance in the area of asbestos removal in single-family dwelling units.**

AIR QUALITY CONTACT

Jim Dileo
Colorado Department of Health & Environment
APCD-ADM-B1
4300 Cherry Creek Drive South
Denver, CO 80246-1530
303-692-3127
jim.dileo@state.co.us
EXHIBIT IV-C, Cont.

FARMLAND PROTECTION

Law - Farmland Protection Policy Act of 1981, 7 U.S.C. 42 01 et seq., particularly sections 1540(b) and 1541.

Brief Summary

This law requires that CDBG grantees who have projects which will result in taking current agricultural lands out of production consult with the state. **There is no effect if the land involved in the project is currently zoned for non-agricultural use.**

The initial task is to make the determination of whether the proposed land meets the Federal definition of "prime" or "unique". You must use **FORM AD-1006, FARMLAND CONVERSION IMPACT RATING**". Portions of this form should be completed by the grantee and the remaining portion must be filled out by the local Soil Conservation Service Agent. The completion of this form **IS** the assessment that must be completed per the Federal statutes regarding farmland protection. Both the form and the location of the nearest Agent can be obtained from Eric Bergman DOLA, (303) 866-4522. **IF YOU THINK THAT YOUR PROJECT WILL BE AFFECTED BY THIS LAW, CONTACT YOUR STATE PROJECT MONITOR.**

ENVIRONMENTAL JUSTICE

Law - 3 CFR, 1994 Comp. p. 859; 59 FR 7629, Executive Order 12898, February 11, 1994.

Brief Summary

The Executive Order encompasses federal actions to address environmental justice in minority populations and low- income populations. Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin. The federal focus appears to be on new construction or expansion activities, (e.g. housing construction, job expansion, etc.). The replacement or repair of an existing activity is exempt from this review.

EXHIBIT IV-C, Cont.

HUD ENVIRONMENTAL STANDARDS

Law - 24 CFR, Part 51, Environmental Criteria and Standards, 44 FR 40860-40866, July 12, 1979 (Revised 1984).

Brief Summary

Noise Standards - requires that CDBG grantees check the impact of noise from major highways, railroads, and airports on their project if it involves housing or some other facility in which people will be spending a lot of time. The minimum standard for outside noise is normally 65 decibels.

Hazardous Siting - requires that CDBG grantees determine whether or not their project is an Acceptable Separation Distance from potential hazards due to explosions, fires, or thermal radiation.

Airport Runway Clear Zones - requires that CDBG grantees check to make certain that their proposed project will be built outside of runway clear zones at commercial airports. Designated commercial airports in Colorado to which this law applies include airports at: Alamosa, Aspen, Cortez, Durango, Grand Junction, Gunnison, Hayden, Montrose, Pueblo, Rifle, and Steamboat Springs. **(Do not confuse with airport clear zones.)**

EPA Superfund Site - requires that CDBG grantees check to make certain that their proposed project is not located on the CERCLIS Site Location Listing. Contact your Project Monitor for this information.