

EXHIBIT IV-J

ENVIRONMENTAL ASSESSMENT INSTRUCTIONS

KEY ISSUES & QUESTIONS FOR CONSIDERATION IN EACH IMPACT CATEGORY

CONFORMITY WITH COMPREHENSIVE PLANS & ZONING

Assessment Questions

1. Is the proposal consistent with completed components of the local or regional comprehensive plan, whether adopted or in draft? Is there a relevant state plan and is the proposal consistent?
2. Is the proposed project consistent with other plans including those prepared by area-wide planning agencies, special districts and boards, and state agencies in various functional areas?
3. Is the proposed project consistent with adopted community or area-wide policies and goals?
4. Does the proposed project comply with existing zoning and subdivision regulations? If not, does the proposal require a zoning variance?

SLOPE

Assessment Questions

1. Does the proposal call for development on a steep slope and, if so, does its design plan include measures to overcome potential erosion, slope stability and runoff problems?
2. Does the county, local, or site-specific soil survey mention that slopes are unstable for any of the soils on the site?
3. Is there a history of slope failure in the project area?
4. Is there visual indication of previous slides or slumps in the project area, such as cracked walls or tilted trees or fences?

COMPATIBILITY & URBAN IMPACT

Assessment Questions

1. What is the existing land use/s adjacent to the proposed project? Do the abutters and neighbors think the proposed project will be incompatible with existing uses?
2. Will the project have an adverse effect on the economy of a core city area? Will it contribute to urban sprawl? Will it displace economic activity from a central business district?
3. Will the proposed project result in induced development which will alter existing land use or which will be incompatible with the existing scale and density of development? Are the changes that will result from any induced development regarded by the community as beneficial or negative?
4. Does the proposed project contribute to reducing the racial, ethnic, and income segregation of the area's housing?

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EROSION

Assessment Questions

1. Does the project involve development of an erosion sensitive area, e.g. near water, on a steep slope, on a sandy or silty soil? If so, is erosion control included as a part of the plan?
2. Does the proposed project create slopes by cut and fill?
3. Does site clearance require vegetation removal? How many acres will be cleared and for how long?
4. Is there evidence of erosion or sedimentation?

SOIL SUITABILITY

Assessment Questions

1. Is there any visible evidence of soil problems, e.g. foundations cracking or settling, basement flooding, etc., in the neighborhood of the project site?
2. Have soil borings been made for the area? Do they indicate marginal or unsatisfactory soil conditions?
3. If the answer to either of the above questions is "yes" and the proposed project involves either new construction or very substantial rehabilitation activities, does the project design include appropriate mitigation measures to address the problem of poor soil conditions?

ENERGY CONSUMPTION

Assessment Questions

1. Does the location of the site have any special energy related advantages or disadvantages? Can these be maximized or overcome?
2. Have the architectural plans taken full advantage of potential energy saving measures, such as insulation, window design and placement, lighting, heating, cooling and hot water systems? Are they in conformance with HUD Minimum Property Standards and other applicable energy saving codes?
3. Is the location of the project in close proximity to transit, shopping, services, and employment locations?

HAZARDS, NUISANCES & SITE SAFETY

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

Brief Summary

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.)**

Site Hazards: Shadows, inadequate street lighting, uncontrolled access to lakes and streams, improperly screened drains and or catchment areas, steep stairs or walks, overgrown brush, lack of access for emergency vehicles, hazardous waste dumps, uranium mill tailings used as foundation or building materials, radioactive reclaimed phosphate land, facilities handling chemicals and/or petrochemicals of an explosive or fire prone nature.

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Traffic: Circulation conflicts, road safety, exposure to radiation or toxic substances.

Natural Hazards:

Climatic-wind, droughts, floods, lightning, hurricanes, tornados, wind & hail storms.
Geological-erosion, landslides, volcanoes, & earthquakes.
Biological-infestations, allergies, bacterial, viral & fungal diseases.

Assessment Questions

1. Does the project involve any of the potential hazards listed above? Are there any not listed including hazards created by project construction, operation and design, as well as those existing on or near the site?
2. Are there project users or neighboring populations whose special health and safety needs are not anticipated in the project design? Have actions been taken to protect children from "attractive nuisances"? Have measures been taken to reduce the potential risk to the elderly from dust and temporary walkways and traffic around construction sites?
3. Are there above-ground storage tanks (excluding residential fuel tanks), transmission pipelines, or loading facilities for hazardous liquids or gases within one mile of the project? Yes ___ No ___*
4. Airport Runway Clear Zones. Is the project located within one mile of a commercial airport?
Yes ___ No ___*
5. EPA Superfund Program. Is the project located on the U.S. EPA Superfund Program?
CERCLIS Site Location Listing? Yes ___ No ___*

* If you answered "Yes" to any of these questions, contact your state Project Monitor or Eric Bergman. If you did not answer "Yes" to any of these questions, you need to take no further action on these regulations.

NOISE

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

Brief Summary

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.

Assessment Questions

1. Given the existing ambient noise and estimated future noise levels of the site, is the site appropriate for the proposed activities and facilities? Will the project be exposed to noise levels that exceed HUD's (or state or local) noise standards? If there is a potential noise problem, what kinds of mitigation measures are proposed for the project?
2. Does the project involve housing or a facility in which people will be spending a lot of time (e.g. a day care center, nursing home, a hospital, or a senior center or library)? Yes _____ No _____

If yes, is the project within:

- | | | |
|--|---------|---------|
| 1000 ft in any direction of a major highway (defined as 4 lanes, 2 lanes in each direction) or roadway (not a residential street)? | Yes ___ | No ___* |
| 3000 ft in any direction of a railroad? | Yes ___ | No ___* |
| 15 miles of a commercial airport? | Yes ___ | No ___* |

*Refer to the HUD Noise Assessment Guidelines to respond to the above assessment question if you have answered "Yes" to any of the questions.

EXHIBIT IV-J, Cont.

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 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

Assessment Questions

1. Does the project require and installation permit, operating permit, or indirect source permit under local pollution control agency rules? If so, have permit requirements been satisfied?
2. Is the project located in the vicinity of a monitoring station where air quality violations have been registered? If so, will the project exacerbate air quality problems in the area?
3. If the project or its potential users would be particularly sensitive to existing air pollution levels, or those expected 10 and 20 years hence, has the project been designed to mitigate possible adverse effects?
4. Will the proposal establish a trend that, if continued, may lead to violation of air quality standards in the future?
5. Will the proposed project have parking facilities for 1,000 cars, (inside an Standard Metropolitan Statistical Area) or 2,000 cars (outside an Standard Metropolitan Statistical Area) or generate traffic of a corresponding magnitude?

VISUAL QUALITY--COHERENCE, DIVERSITY, COMPATIBLE USE, AND SCALE

Assessment Questions

1. **Physical Alteration:** Will there be demonstrable destruction or physical alteration of the natural or man-made environment? (For example, will there be clearance of trees or buildings, substantial re-grading or alteration of the vegetative character or geomorphic form of the land? While alteration of the existing landscape is often negative, it can also provide opportunities to improve areas already disrupted by man—(e.g., land may be re-graded to prevent contaminated surface waters from flowing into a stream or pond, at the same time as creating a more varied landscape.)

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2. Nonconformity with the Existing Environment: Will there be intrusion of elements out of character or scale with the existing physical environment? Does the proposed building represent a significant change in size, scale, (i.e., unrelated size or spacing of windows, floor levels, entrance patterns), placement or height in relation to neighboring structures in an inappropriate manner? Does it differ in materials, color or style from its neighbors in an inappropriate manner?

Are proposed signs and street furniture in character with the existing architectural styles, particularly in historic areas? Are levels of activity reduced or detrimentally increased?

3. Will the proposed structure block views or degrade them, change the skyline or create a new focal point? Is objectionable visual pollution introduced directly or indirectly due to loading docks, trash collectors, parking? Is this mitigated visually?

4. Disruption of the Ambient Environment: Will there be interference with or impairment of ambient or existing background conditions necessary for the enjoyment of the physical environment? (For example, increased ambient levels of air and noise pollution, vibration, dust, odor, heat and glare can seriously interfere with human health and the experience of natural conditions. These increases may also promote the deterioration of vegetation, wildlife habitats, and historic buildings.)

DEMOGRAPHIC / COMMUNITY CHARACTER CHANGES

Assessment Questions

1. What is/are the identifiable community/ies within the sphere of likely impact of the proposed activity? What are the factors that contribute to the character of the community/ies?
2. Will the proposed project significantly alter the demographic characteristics of the community?
3. Will the proposed project result in physical barriers or difficult access which will isolate a particular neighborhood or population group, making access to local services, facilities and institutions or other parts of the city more difficult?
4. Will the proposed activity severely alter residential, commercial or industrial uses?
5. Will the proposed project destroy or harm any community institution, such as a neighborhood church?

HISTORICAL, CULTURAL, & ARCHEOLOGICAL RESOURCES

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.

EXHIBIT IV-J, Cont.

Contact:

Dan Corson
Colorado State Historic Preservation Office
1300 Broadway
Denver, CO 80203
866-3392

Assessment Questions

1. Does the project area and environs contain any properties listed on the National Register of Historic Places? Does the locality have an inventory of historic places?
2. Is there a local historic commission that can provide historic information? What information on the project area does the State Historic Preservation Office (SHPO) have and has a survey of local historic properties been conducted?
3. Are there other properties within the boundaries or in the vicinity of the project that appear to be historic and thus require consultation with the SHPO as to eligibility for the National Register?
4. If so, can the applicant prepare documentation that reflects consultations with the SHPO as to what appears to be eligible for the National Register, whether affected or not by the project?
5. Has the Department of Interior been requested to make a determination of eligibility on properties the community or SHPO deems eligible and affected by the project?
6. Has the Advisory Council on Historic Preservation been given an opportunity to comment on properties that are listed on or have been found eligible for the National Register and which would be affected by the project?
7. Does the Advisory Council response indicate that a Memorandum of Agreement is needed to avoid or reduce project affects?
8. If so, has the Advisory Council's "106 Process" been completed, or does the applicant contemplate completing the process after applying for HUD funds but prior to requesting the release of funds?

DISPLACEMENT

Assessment Questions

1. Will the project directly displace individuals or families? How many persons? Is the displacement covered by the Uniform Relocation Act and are funds available for payments?
2. Will the project destroy or relocate existing jobs, community facilities or any business establishments? Is the displacement covered by the Uniform Relocation Act and are funds available for payments?
3. Are relocation funds available for families or individuals who may be directly displaced?
4. Will identifiable groups be affected--older persons, females, single parent families, racial/ethnic, or income groups, or minority group members?
5. Are replacement facilities or housing units available within the community or in nearby neighborhoods? What will be the affect of relocation on these neighborhoods?
6. Will the project result in probable indirect displacement? If so, have measures been planned to alleviate the hardship on those affected whose displacement is not covered under the Act?

EXHIBIT IV-J, Cont.

EMPLOYMENT & INCOME PATTERNS

Assessment Questions

1. Will the project either significantly increase or decrease employment opportunities? Will it create conditions favorable or unfavorable to commercial, industrial, or institutional operation or development?
2. How many temporary and how many permanent jobs will be created by the project?
3. What is the profile of new jobs created by the project? What is the distribution across the skills and income scale? How do these relate to the skills and income profile of project area residents?
4. Will the new jobs likely go to area residents, to lower income, unemployed and minority group members? Will construction jobs likely go to union or non-union workers?
5. Where are the new employees likely to come from (i.e., inner city, suburb, outside Standard Metropolitan Statistical Area, etc.)?

EDUCATIONAL FACILITIES

Assessment Questions

1. Will the additional school age children in the proposed development exceed the capacity of existing or planned school facilities?
2. Does the potentially affected school(s) have adequate and safe access facilities, (i.e., walking paths, bus routes, crosswalks, and guards) given any calculations done for projected population increase? Are these adequate both in terms of safety and access?
3. Will additional or alternative facilities have to be provided to ensure safety and suitable access?
4. What measures will be taken by the superintendent or school's governing body to resolve potential problems/conflicts?

COMMERCIAL FACILITIES

Assessment Questions

1. Is there adequate and convenient access to retail services? In the case of elderly, this means that shopping for such essential items as food and medicine is within three blocks and services such as banks and other convenience shopping are within walking distance.
2. Do local retail services meet the needs of project occupants/users? Are they affordable and is the range of services adequate?
3. Will existing retail and commercial services be adversely impacted by the proposed project? Will existing businesses be placed at a competitive disadvantage or be displaced?

HEALTH CARE

Assessment Questions

1. Are non-emergency health care services located within a reasonable proximity to the proposed project, i.e., less than a half hour's drive or commute away? (In dense urban areas an even shorter time period may set the standard.)

EXHIBIT IV-J, Cont.

2. Are emergency health services available within approximately three to five minutes? Such service can often be provided by police and fire personnel as well as by ambulance staff.
3. Can ambulance trips to hospital or other health care centers be made within 10 to 15 minutes?
4. Is the number of doctors, dentists, nurses, and other trained medical staff in realistic proportion to any increase in residents/users? If not, can provision be made for additional skilled staff?
5. Will project residents/users require special medical services or skills such as geriatric clinics?
6. Will the local comprehensive health-planning agency be contacted in the event that an increase in population from a proposed development causes a situation of increased or over capacity for area health care services? Consult the local area health systems agency to determine an estimate of number of hospital beds and other facilities. If over capacity is anticipated, the local comprehensive health-planning agency should be approached for possible alternative plans.

SOCIAL SERVICES

Assessment Questions

1. Are social services currently located in close proximity to the prospective residents/users? Are they within walking distance or convenient to public transportation and less than one-half hour's commute?
2. Is the number of trained staff including social workers, counselors, psychologists and related administrative and managerial personnel in realistic proportion to the anticipated increase in residents/users? If not, could provision readily be made for additional skilled staff?
3. Will the demand for the social services increase and overburden existing facilities? Can provision be made to obtain alternative and/or additional space?

WASTE WATER

Assessment Questions

1. Will existing or planned waste water systems adequately service the proposed development?
2. As a result of the project, will the design capacity of these facilities be exceeded?
3. Will the proposed project be adversely affected by proximity to these facilities?
4. In less developed areas, are soils suitable for on-site wastewater disposal such as septic systems?
5. Where on-site disposal is necessary, will the state or local health agency issue a permit?

SOLID WASTE

Assessment Questions

1. Will the existing or planned solid waste disposal system adequately service the proposed development?
2. As a result of the project, will the design capacity of these facilities be exceeded?
3. Will the proposed project be adversely affected by proximity to these facilities?
4. Does the community have an adequate number of vehicles to provide the project with collection service?

EXHIBIT IV-J, Cont.

5. Will the residents/users of the proposed project have to pay annual/monthly costs for these services? Will these costs create severe financial hardships for project residents? (This can be a real consideration if low-income or elderly are primary users.)

STORM WATER

Assessment Questions

1. Will existing or planned storm water disposal and treatment systems adequately service the proposed development?
2. Will the project overload the design capacity of these facilities?
3. Will the proposed project be adversely affected by proximity to these facilities?

WATER SUPPLY

Assessment Questions

1. Will either the municipal water utility or on-site water supply system be adequate to serve the proposed project?
2. Is the water supply quality safe from a chemical and bacteriological standpoint?

PUBLIC SAFETY--POLICE, FIRE & EMERGENCY MEDICAL

Assessment Questions

1. Does the project location provide adequate access to police, fire and emergency medical services? Does the project design provide easy access for emergency vehicles and individuals? Are there obstacles to access, such as one-way roads, narrow bridges, waterways, expressways, and railroads that would prohibit access in an emergency situation? Will the project create such obstacles?
2. Is the quality of the police and fire protection services available to the project adequate to meet project needs?
3. Does the area have a particularly high crime rate? Are there special plans for a security system that has been approved by the police department? Is the architectural configuration of the development such that it is easily patrolled by the police from the street?
4. Will the project create a burden on existing facilities in terms of manpower and /or equipment? Can services either be expanded or be provided by the project, such as an in-house security force?

OPEN SPACE, RECREATION, & CULTURAL FACILITIES

Assessment Questions

1. Are open space, recreational and cultural facilities within reasonable proximity (i.e., walking distance) to the project area? Is adequate public transportation available from the project to these facilities? (Note: small children and elderly persons need such facilities to be in very close proximity to their residences.)
2. Is there an adequate supply of these resources for the users or resident population of the development?
3. Will the CDBG project cause any over-loading of existing facilities?

EXHIBIT IV-J, Cont.

4. Are the special needs of certain population groups able to be satisfied, such as small children or the elderly, and handicapped? For example, are there tot lots for very small children, drop-in centers for senior citizens, and ball fields for teenagers?
5. If the development is housing, has space from informal play for children of all ages been included on-site? Have areas for recreation for adults and the elderly been provided including passive recreation?

TRANSPORTATION

Assessment Questions

1. Will transportation facilities and services be adequate to meet the needs of the project's users? Is off-street parking available and adequate? Is adequate public transportation available?
2. Are there special transportation issues (programs for the elderly and handicapped, bridge clearances for trucks, emergency vehicle access) that have not been adequately provided for?
3. Will the project serve to reduce the mobility of any group?
4. Will the project encourage additional private vehicle trips and increase energy consumption?
5. Will the users of the project be encouraged to use both auto and public transit?
6. Will the project create any safety hazards? For example, have curbs been designed with wheelchair ramps, have pedestrian activated signal lights or pedestrian overpasses been included in plans where needed? Is traffic light timing adequate for elderly pedestrians?
7. Will the project be provided with an adequate level of transportation service? Will it overload existing or proposed transportation services or conversely, create a situation whereby facilities are seriously under used?
8. Have special parking spaces been designated for exclusive use by the handicapped?

WATER RESOURCES

Assessment Questions -- Ground Water

1. Is the site subject to rapid water withdrawal problems that changes the depth or character of the water table, affect water supply, and/or vegetation?
2. Will the project use groundwater for its water supply?
3. Are there a large number of wells, or wells that pump large quantities of water from the water table near the proposed project site?
4. Will a lowered water table require deep pumping for water?
5. Are septic systems being used?
6. Is there a large variance in the water table elevation? A high seasonal water table can prevent proper functioning of septic tank drain fields.
7. Have septic disposal systems been properly designed, installed and maintained to prevent effluent from contaminating groundwater supplies?
8. Is there impact on a sole source aquifer?

EXHIBIT IV-J, Cont.

Surface Water

9. Are there visual or other indications of water quality problems on or near the site?
10. Will the project involve discharge of sewage effluent into surface water bodies? If so, will it meet State, Federal, and other applicable standards?
11. Will the project involve a substantial increase in impervious surface area, and if so, have runoff control measures been included in the design?
12. Will the project affect surface water flows or water levels in ponds as a result of excessive groundwater well pumping?

WETLANDS PROTECTION

Laws/Executive Orders

- Protection of Wetlands, 44 FR 47006, August 9, 1973
- Executive Order 11990, Protection of Wetlands, May 24, 1977, 42 FR 26951, May 25, 1977

Brief Summary (See Floodplain Management on next page)

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

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NORTHWEST REGION (970) 255-6179

Ron Velarde, Regional Manger

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 Manger

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

Assessment Questions

1. Does the proposed CDBG project have the potential to affect or be affected by a wetland?
2. Is the project in compliance with Executive Order 11990 and implementing HUD procedures when issued in 24 CFR Part 55?
3. Are there available alternatives to locating the project or activity in the wetland?
4. Is the proposed project or activity subject to compliance with Federally approved State Coastal Zone Management Plans?
5. Is the proposed project or activity in compliance with conditions set forth by the U. S. Army Corps of Engineers concerning permits for dredge and fill activity?

FLOODPLAIN MANAGEMENT

Laws/Executive Orders

- 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
- 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.

EXHIBIT IV-J, Cont.

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:

Colorado Water Conservation Board / Floodplain Section
Contact Kevin Houck
1313 Sherman St., Room 723
Denver, CO 80203
(303) 866-4805

Assessment Questions

The most important questions to ask when conducting the initial flood hazard screening are:

1. Will the project be located in the 100-year floodplain?
2. Will the project change the 100-year floodplain, or affect the floodway? (The floodway is the portion of the floodplain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.)
3. Are there available alternatives to locating the proposed project or activity in the floodplain?
4. Is the proposed project in compliance with Executive Order 11988 and implementing HUD procedures in 24 CFR Part 55?
5. Is the proposed project or activity subject to compliance with the Federally approved State Coastal Zone Management Plan?
6. Is the proposed project or activity in compliance with conditions set forth by the U.S. Army Corps of Engineers concerning permit for dredge and fill activity?

UNIQUE NATURAL FEATURES & AGRICULTURAL LANDS

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.**

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Assessment Questions

1. Will the proposed location, construction, or activities of project users adversely impact unique natural features on or near the site?
2. Will the project either destroy or isolate from public or scientific access the unique natural feature?
3. Will the unique feature pose safety hazards for a proposed development?
4. Will the proposed project use or affect important and productive farmland?

VEGETATION & ANIMAL LIFE

Assessment Questions--VEGETATION

1. Disruption - Will the project damage or destroy existing remnant plant communities, especially rare or endangered species?
2. Disruption - Will it damage or destroy trees without replacement and landscaping?
3. Alteration - Will the project create environmental conditions that might threaten the survival of existing vegetation, particularly changes in the native plant community habitats?
4. Alteration - Will it create conditions favorable to nuisance species?

Assessment Questions--ANIMAL LIFE

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 endandered 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.

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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.

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The assessment questions on animal life encompass the following five topics: disruption, habitat alteration, or removal, endangered species, pest species and game species.

1. Will the project create special hazards for animal life? What types of animals will be affected and how?
2. Will the project damage or destroy existing wildlife habitats?
3. Will the project threaten any animal species listed by either state or federal fish and wildlife agencies?
4. Will the project damage game fish habitats or spawning grounds?
5. Will the project create conditions favorable to the proliferation of pest species?
6. Will excessive grading alter the groundwater level and thus cause the slow death of trees and ground cover which in turn destroys animal habitat?

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.

Assessment Questions

The assessment questions on environmental justice encompass the location of the proposed site.

1. Has the project been examined so that a determination can be made that there will not be a detrimental or adverse exposure from substantial environmental hazards that would adversely affect the health of high-risk populations such as minority, low- income, and worker populations?