



UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT

Denver Federal Center Building 56, Room 2300 Denver, CO 80225-0426

www.rurdev.usda.gov/co





Table of Contents

COLORADO ENVIRONMENTAL RESOURCE DIRECTOR

Table of Contents:

- l. Introduction
- II. List of Acronyms
- Intergovernmental Review Requirements III.
- IV. **Environmental Resource Directory**
 - a. Air Quality
 - **Biological Resources** b.
 - C. **Coastal Resources**
 - d. Floodplains
 - Formally Classified Lands e.
 - f. **Historic Properties**
 - Important Farmlands g.
 - h. Hazardous Materials
 - Noise Pollution and Transportation
 - Water Quality and Sole Source Aquifers j.
 - k. Wetlands



Purpose, Content and Use:

The basic purpose of this Environmental Resource Directory (ERD) is to compile state-specific resources, information, and local agency contacts to assist USDA Rural Development (Agency) staff and loan/grant applicants in developing environmental reports and assessments to comply with the National Environmental Policy Act. The ERD is a supplement to the Agency's environmental regulation 7 CFR Part 1970 and is not intended to duplicate information already assembled in RD Staff Instruction 1970 Subparts A-O and other related documents. RD Staff Instruction 1970 Subparts A-O may be found at: https://www.rd.usda.gov/publications/regulations-guidelines/instructions.

USDA Rural Development's mission to assist in improving the quality of life in rural America must be consistent with protecting the environment of rural areas and the renewable and non-renewable resources upon which they depend. The Agency greatly appreciates your participation in this essential process.

Should any discrepancies exist between information contained in this ERD and RD Staff Instruction 1970 Subparts A-O, the Staff Instruction shall take precedence.

Contact:

For questions related to this ERD or the Agency's environmental policy, or to report discrepancies or inoperable links, please contact the USDA RD Colorado State Environmental Coordinator:

Thom H. Sakata
Environmental Coordinator
Colorado State of the USDA, Rural Development
Phone: 720-544-2912

Email: thom.sakata@co.usda.gov



II. List of Acronyms

COLORADO ENVIRONMENTAL RESOURCE DIRECTORY

ACHP - Advisory Council on Historic Preservation

APEN - Air Pollutant Emission Notice

COG - Council of Governments

CDPHE - Colorado Department of Public Health and Environment

CONACT - Consolidated Farm and Rural Development Act

CPW - Colorado Parks & Wildlife

EPA - Environmental Protection Agency

ESA- Endangered Species Act

FEMA - Federal Emergency Management Agency

FPPA - Farmland Protection Policy Act

IPaC - Information for Planning and Consultation

HUD - Department of Housing and Urban Development

LESA - Land Evaluation and Site Assessment

NEPA - National Environmental Policy Act

NFIP - National Flood Insurance Program

NHPA - National Historic Preservation Act

NRCS - Natural Resources Conservation Service

PRRIP - Platte River Recovery Implementation Program

SHPO - State Historic Preservation Officer

SPWRAP - South Platte Water Related Activities Program

THPO - Tribal Historic Preservation Officer

USFWS - U.S. Fish and Wildlife Service

USACE - U.S. Army Corps of Engineers



III. Intergovernmental Review Requirements

COLORADO ENVIRONMENTAL RESOURCE DIRECTOR

Background

Section 1 of the preamble of President Reagan's 1982 Executive Order 12372, "Intergovernmental Review of Federal Programs," reads, "Federal agencies shall provide opportunities for consultation by elected officials of those State and local governments that would provide the non-Federal funds for, or that would be directly affected by, proposed Federal financial assistance or direct Federal development."

From 1983 until June 1, 1994, the State of Colorado's Division of Local Governments (DOLG) served as the Single Point of Contact (SPOC) in implementing Executive Order 12372. However, on June 1, 1994, the State of Colorado joined 16 other states that elected to no longer participate in this federally mandated review process.

Policy

RD Instruction 1970 Subpart I reads, "If a state does not have a SPOC, the Agency must still seek and consider the views of state and local governments in accordance with the Intergovernmental Cooperation Act of 1968." Therefore, absent a State of Colorado SPOC, the Office of USDA Rural Development in Colorado requires the borrower or the lender to notify directly the city, county, county planning commissions and as appropriate any councils of government (COG) having jurisdiction in the project area, and allow those entities to provide comment. Such entities will be afforded 60 days to provide any comments or concerns, except in the case of Categorical Exclusions without a Report. In that case, the appropriate program regulation will set the intergovernmental requirements. Presently, Colorado is comprised of 14 planning and management regions.

Colorado Regional Planning Commissions:

Region 1
Northeastern Colorado Association of Local Governments
231 Main St., Suite 211
Fort Morgan, CO 80701
http://www.necalg.com/index.html

Region 2 North Front Range Metropolitan Planning Organization 419 Canyon Ave., Suite 300 Fort Collins, CO 80521 http://nfrmpo.org/ Region 3
Denver Regional Council of Governments
1290 Broadway, Suite 100
Denver, CO 80203-5606
https://drcog.org/

Region 4
Pikes Peak Area Council of Governments
15 S. 7th St.
Colorado Springs, CO 80905
http://www.ppacg.org/

Region 5

The Prairie Development Corporation (formerly Eastern Central COG) 128 Colorado Ave., Box 202 Stratton, CO 80836 http://prairiedevelopment.com/index.html

http://prainedevelopment.com/index.htm

Region 6

Southeast Council Of Governments / Southeast Colorado Enterprise Development, Inc.
112 West Elm St.
Lamar, CO 81052
http://www.seced.net/services_Southeast-Council-of-Gov.shtml

Region 7
Pueblo Area Council of Governments
229 W 12th St.
Pueblo, CO 81003
http://www.pacog.net/

Region 8 San Luis Valley Development Resources Group 610 State Ave., Suite 100, PO Box 300 Alamosa, CO 81101 http://www.slvdrg.org/

Region 9
Southwest Colorado Council of Governments
PO Box 963
Durango, CO 81302
http://www.swccog.org/

Region 10
Region 10 League for Economic Assistance and Planning, Inc. 300 North Cascade, Suite #1
Montrose, CO 81401
http://www.region10.net/

Region 11
Associated Governments of Northwest Colorado
P.O. Box 593
Grand Junction, CO 81502
http://agnc.org/

Region 12
Northwest Colorado Council of Governments
P.O. Box 2308
Silverthorne, CO 80498
http://nwccog.org/

Region 13
Upper Arkansas Area Council of Governments
3224-A Independence Road
Cañon City, CO 81212
http://www.uaacog.com/

Region 14
South Central Council of Governments
300 S Bonaventure Ave
Trinidad, CO 81082
https://www.colorado.gov/pacific/sccog

Resources:

Colorado Office of Economic Development and International Trade - Regional Map http://choosecolorado.com/doing-business/regions/

Colorado Association of Regional Organizations http://coloradoregions.org/about-caro/



IVa. Air Quality

COLORADO ENVIRONMENTAL RESOURCE DIRECTOR

Background

The Clean Air Act was passed in 1970 to restrict U.S. emissions of toxic substances into the atmosphere from mobile and stationary sources, such as automobiles and chemical plants, in the interest of protecting health, personal property, and real property. The U.S. Environmental Protection Agency (EPA) was charged with setting limits on air pollutant levels nationwide. States, in turn, were required to develop State Implementation Plans (SIPs) explaining how each state will accomplish its objectives under the Clean Air Act. Typically, the SIPs will contain several Air Quality Control Regions (AQCRs) which geographically divide the states into special air quality areas.

Policy

Whenever a proposal may jeopardize air quality to a degree that would be in conflict with the State Implementation Plan, the Colorado Department of Public Health and Environment (CDPHE) Air Pollution Control Division should be consulted. Lumber mills, food processing centers, large-scale vehicle repair facilities, waste water treatment facilities, and industrial plants are examples which may merit special evaluation.

CDPHE, Air Quality Control Commission regulations may require some projects to secure an air emissions permit or notice for construction activities if:

- ground disturbances exceed 25 contiguous acres or last longer than 6 months;
- odors are produced requiring special odor control equipment;
- the disturbance of lead-based paint is involved;
- the disturbance of asbestos containing materials is involved.

Federal Agency Contact:

Environmental Protection Agency 1595 Wynkoop St. Denver, CO 80202-1129

Phone: (303) 312-6312 Toll free: (800) 227-8917 Email: r8eisc@epa.gov

https://www.epa.gov/aboutepa/epa-region-8-mountains-and-plains

State Agency Contact

Colorado Department of Public Health and Environment Air Pollution Control Division 4300 Cherry Creek Drive South Denver, Colorado 80246-1530 (303) 692-2000 https://www.colorado.gov/cdphe

Resources

EPA List of Nonattainment Colorado Counties https://www3.epa.gov/airquality/greenbook/ancl.html

Colorado 8-Hour Ozone Non-attainment Area https://www3.epa.gov/airguality/greenbook/co8 1997.html

Map of nonattainment and attainment / maintenance areas http://www.colorado.gov/airquality/ss map wm.aspx

Real Time Colorado Air Quality Maps http://apcd.state.co.us/all_sites_map_ags.aspx

CDPHE Video on Air Pollutant Emission Notice https://drive.google.com/file/d/0B0tmPQ67k3NVaHRhOVJqdmp1ZWM/view

CDPHE Air Quality Control Commission Regulations https://www.colorado.gov/pacific/cdphe/agcc-regs

CDPHE Air Pollution Control Division—General Construction Permit, Land Development

https://www.colorado.gov/pacific/sites/default/files/AP_General-Permit-GP03.pdf

https://www.colorado.gov/pacific/sites/default/files/AP Land-Development-Guidance-Document 1.pdf



Background

Healthy ecosystems depend on diverse and abundant plant and animal populations. Fish and wildlife are important economic, aesthetic, ecological, educational, recreational, and scientific resources and have inherent value as components and indicators of healthy ecosystems.

Section 7 of the Endangered Species Act of 1973 (ESA) requires that Federal agencies consult with the U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS) when any activity permitted, funded, or conducted by that agency may affect an endangered or threatened species or designated critical habitat. Applicants are also liable under the ESA.

The Migratory Bird Treaty Act, which protects over 800 bird species, is a strict liability law with criminal penalties. The statute applies to private actions, rather than directly to federal actions, so the Agency's role is advisory to applicants for certain types of proposals, such as installation of wind turbines or projects that involve vegetation clearing, that are known to have the potential to affect migratory birds. The USFWS is the responsible agency for this Act, and they must be contacted if the project has the potential to affect migratory birds.

Likewise, the Bald and Golden Eagle Protection Act of 1940 (as amended at 16 U.S.C. 668) is also a strict liability law with criminal penalties. Bald and Golden eagles are protected from take and harassment under this law. As with the above, the USFWS is the responsible agency for this Act, and they must be contacted if the project has the potential to affect eagles.

Executive Order 13112, "Invasive Species," directs Federal Agencies to "not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States..."

Water-Related Activities in the Platte River Basin

In 2006, the governors of Colorado, Nebraska, and Wyoming and the U.S. Secretary of the Interior signed the Platte River Recovery Implementation Program. The Program was designed to assist proponents of water-related activities in the Platte River Basin in complying with the Endangered Species Act, specifically with regard to Platte River water depletions affecting target species in Nebraska. For water-related

activities in the South Platte River basin of Colorado, streamlined Section 7 ESA consultation with the USFWS is afforded to those who apply for, and are admitted into the South Platte Water Related Activities Program (SPWRAP).

Colorado State Wildlife Action Plan

Colorado maintains a State Wildlife Action Plan to prioritize its wildlife conversation needs, identify threats and outline conservation actions. The plan is non-regulatory but essential to Colorado Parks and Wildlife's proactive approach to protecting vulnerable species and the habitat on which they depend. The plan is updated every 5 years. A copy of the plan may be found here: http://cpw.state.co.us/aboutus/Pages/ StateWildlifeActionPlan.aspx

Policy

Rural Development shall avoid providing support to any proposed action that would likely jeopardize protected biological resources or contribute to the spread of invasive species. Whenever a proposed action is determined to have potential for impacting protected biological resources, the proper Federal or State regulating authorities should be consulted early in the environmental review process to evaluate the possible consequences of the proposed action.

Federal Agency Contacts

US Fish and Wildlife Service Colorado Ecological Services—Denver Field Office P.O. Box 25486 DFC (MS 65412) Denver, Colorado 80225-0486 Phone: (303) 236-4773

https://www.fws.gov/coloradoes/contact.php

US Fish and Wildlife Service Colorado Ecological Services—Grand Junction Field Office 445 West Gunnison Ave, Suite 240 Grand Junction, Colorado 81501-5711 Phone: (970) 243-2778

https://www.fws.gov/coloradoes/contact.php

State Agency Contacts:

Colorado Parks and Wildlife Headquarters 1313 Sherman St, 6th Floor Denver, Colorado 80203 Phone: (303)- 297-1192

http://cpw.state.co.us/aboutus/Pages/ContactUs.aspx

Bird Conservancy of the Rockies (for unpublicized Raptor Nest Database)
14500 Lark Bunting Lane
Brighton, CO 80603

Tel: (303) 659-4348 Fax: (303) 654-0791

http://www.birdconservancy.org/

Resources

USFWS Information for Planning and Consultation https://ecos.fws.gov/ipac/

USFWS Section 7 Consultation—Frequently Asked Questions https://www.fws.gov/endangered/what-we-do/fag.html

USFWS Environmental Conservation System Online
Listed species believed to or known to occur in Colorado
<a href="https://ecos.fws.gov/ecp0/reports/species-listed-by-state-report?state=CO&status=listed-by-status=listed-by-

USFWS Migratory Bird Program https://www.fws.gov/birds/index.php

USFWS Bald Eagle Protection https://www.fws.gov/midwest/eagle/protect/laws.html

Colorado Parks and Wildlife - State Threatened and Endangered Species List http://cpw.state.co.us/learn/Pages/SOC-ThreatenedEndangeredList.aspx

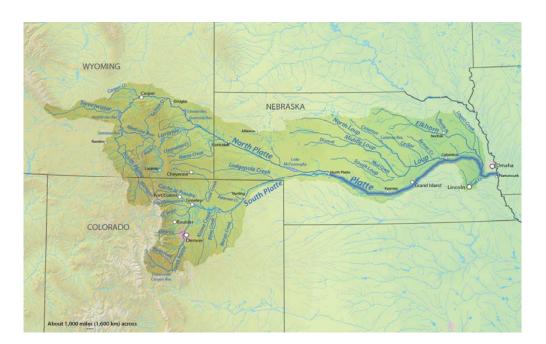
Colorado Parks and Wildlife - Invasive Species http://cpw.state.co.us/aboutus/Pages/Invasive-Species-Program.aspx

Platte River Recovery Implementation Program https://www.fws.gov/platteriver/

South Platte Water Related Activities Program, Inc. http://spwrap.org/

Upper Colorado River Endangered Fish Recovery Program http://www.coloradoriverrecovery.org/

Platte River Basin





Background

Coastal areas and barrier systems provide diverse and unique biological habitats as well as protect inland areas from hurricanes and storm surges. Congress enacted two major laws for their protection and management.

The Coastal Zone Management Act of 1972 (CZMA), as amended, applies to all lands on the boundary of any ocean or tributary thereof, and the Great Lakes.

The Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990, established the John Chafee Coastal Barrier Resources System (CBRS) which consists of undeveloped coastal barrier lands along the Atlantic, Gulf, and Great Lakes coasts. Proposed units have been identified but not designated along the Pacific coast.

Policy:

Federal actions that are reasonably likely to affect any land or water use or natural resource in a coastal zone must be consistent with the enforceable policies The Coastal Zone Management Act.

The Coastal Barrier Resources Act prohibits direct or indirect (i.e., funding or permitting) federal activities in CBRS units.

The State of Colorado has no coastal zones or barriers.

Review and assessment of potential impacts to coastal resources are not applicable to Agency actions in Colorado.



IVd. Floodplains

COLORADO ENVIRONMENTAL RESOURCE DIRECTORY

Background

On May 24, 1977, President Jimmy Carter issued Executive Order 11988, "Floodplain Management," recognizing the critical role floodplains, wetlands, and coastal barriers play in the protection of lives, property, and the human environment. Executive Order 11988 aimed to restore and preserve floodplains and riparian areas from adverse mpacts of human occupation, encroachment, and modification within a floodplain.

Policy

A Federal agency is not permitted by the Executive Order to provide financial assistance to any action which would negatively impact floodplains or riparian areas unless there is no practical alternative. Whenever Rural Development considers providing financial assistance for an action which would be sited within a flood hazard area (100-year floodplain in most cases or 500-year floodplain in the case of a "critical facility"), the Executive Order 11988 "Eight-Step Process" shall be undertaken. A "critical facility" refers to a facility for which even a slight chance of flooding is too risky because such flooding might result in the loss of life, injury to persons, or costly damage to property. The minimum floodplain of concern for critical facilities is the 500-year floodplain.

Critical facilities include but are not limited to schools, hospitals and nursing homes, child care facilities, facilities for the disabled, housing for the elderly, and other buildings which are likely to contain occupants who may not possess sufficient mobility to avoid death or injury during flood and storm events; emergency operation centers that provide essential services; data storage centers that house vital records; and utility systems vital to public health and safety, including potable water, wastewater, electric generation, communication systems and other principal utility infrastructure elements.

Additionally, a Federal agency is not permitted by the National Flood Insurance Act of 1968, as amended, to consider any proposal involving a structure within a 100-year floodplain unless the community to be affected is a participating member in the National Flood Insurance Program (NFIP).

USDA Departmental Regulation 9500-003 (Lan Use Policy) requires the USDA to advocate among Federal Agencies, "Actions that reduce the risk of flood loss and soil

erosion; that minimize impacts of floods on human safety, health, and welfare; that preserve natural flood-control and other beneficial functions and values of wetlands and flood plains; and that reduce future need for expensive manmade flood-control systems, disaster-relief assistance, or Federal rehabilitation assistance in the event of flooding.

Federal Agency Contacts

Federal Emergency Management Agency Region VIII Office Mitigation Office Denver Federal Center Building 710, Box 25267 Denver, Colorado 80225-0267 (303) 235-4800 https://www.fema.gov/about-region-viii

State Agency Contacts

Colorado Division of Homeland Security and Emergency Management Department of Public Safety 9195 East Mineral Avenue Suite 200 Centennial, Colorado 80112 (720) 852-6600 DHSEM.state.co.us -OR- http://www.coemergency.com/

Resources

FEMA Flood Map Service Center http://msc.fema.gov/portal

National Flood Hazard Layer in Google Earth Pro https://hazards.fema.gov/femaportal/wps/portal/NFHLWMSkmzdownload

FEMA Preliminary Map Products https://hazards.fema.gov/femaportal/prelimdownload/searchLoad.action

FEMA Eight Step Planning Process For Floodplain/Wetland Management https://www.fema.gov/eight-step-planning-process-floodplain/wetlandmanagement

FEMA Reducing Flood Effects in Critical Facilities

https://www.fema.gov/media-library-data/1381404651877-881a2cf70a90ac63b9c067100ffccace/ SandyRA2CriticalFacilities 508 FINAL2.pdf

FEMA Standard Flood Hazard Determination Form https://www.fema.gov/media-library/assets/documents/225

National Flood Insurance Program Elevation Certificate and Instructions https://www.fema.gov/media-library/assets/documents/160

The Colorado Association of Stormwater and Floodplain Managers http://www.casfm.org/

Colorado Participating and Non-Participating Communities in the National Flood Program

https://www.fema.gov/cis/CO.pdf



Background

Formally Classified Lands is a term used to describe land areas that have been given special protection through federal legislative action. Major designated lands in Colorado include:

- National Parks and Recreation Areas
- National Monuments
- National Natural Landmarks
- National Wilderness Areas
- National Scenic and Historic Trails
- Wild and Scenic Rivers
- National Forest and Grasslands
- National Wildlife Refuges
- National Historic Sites (see Section IVf. of this directory for more information)
- National Historic Landmarks

Policy

If a proposal will occur within or adjacent to any formally classified land area, the appropriate land managing agency must be contacted to obtain permission to proceed. In cases when the proposal is on federal land, the particular federal land managing entity will typically serve as lead agency in the NEPA process, and USDA Rural Development will either request cooperating agency status or adopt the land manager's NEPA documentation. Rural Development will consider, as a condition of the financial assistance, any mitigation measures required by the land managing agency.

Federal Agency Contacts

U.S. Department of the Interior Intermountain Region National Park Service 12795 Alameda Parkway Denver, CO 80225

Phone: (303) 969-2500

https://www.nps.gov/ncrc/programs/rtca/contactus/regions/intermountain.html

U.S. Department of the Interior Bureau of Land Management **Public Lands Information Center** 2850 Youngfield St. Lakewood, Colorado 80215

Phone: 303-239-3600

https://www.blm.gov/contact/colorado

U.S. Forest Service Rocky Mountain Region (R2) 740 Simms Street Golden, Colorado 80401 Phone: (303) 275-5350 http://www.fs.usda.gov/r2

State Agency Contacts

Colorado Parks and Wildlife Headquarters 1313 Sherman St, 6th Floor Denver, Colorado 80203

Phone: (303)- 297-1192

http://cpw.state.co.us/aboutus/Pages/ContactUs.aspx

Resources

National Parks, Recreation Areas, Monuments, Historic Sites and National Trails

https://www.nps.gov/state/co/index.htm

Colorado State Parks

http://cpw.state.co.us/placestogo/parks/Pages/ParkMap.aspx

National Natural Landmarks

https://www.nps.gov/subjects/nnlandmarks/state.htm?State=CO

Wilderness Areas

http://www.wilderness.net/NWPS/stateView?state=CO

Wild and Scenic Rivers

https://www.rivers.gov/map.php

National Forests and Grasslands

<u>https://www.fs.fed.us/r2/recreation/map/colorado/html-current/colorado-hispeed-index.shtml</u>

National Historic Landmarks

http://www.historycolorado.org/oahp/national-historic-landmarks

National Wildlife Refuge

https://www.fws.gov/refuges/refugeLocatorMaps/Colorado.html

Colorado State Wildlife Areas

http://cpw.state.co.us/placestogo/parks/Pages/WildlifeAreaMap.aspx



Background

Section 106 of the National Historic Preservation Act requires federal agencies, to take into account the effects of their undertaking on historic properties and afford the State Historic Preservation Officer (SHPO), appropriate Tribal Historic Preservation Officers (THPO) and in some cases the Advisory Council on Historic Preservation (ACHP), a reasonable opportunity to comment on the undertaking, prior to the Agency taking any action which would include the allocation of Rural Development loans and grants.

Policy

7 CFR 1970 Subpart H authorizes funding applicants/applicants' consultants to initiate and proceed through the Section 106 review process with the State Historic Preservation Officer (SHPO), and appropriate Tribal Historic Preservation Officers (THPOs) on the Agency's behalf; though the Agency retains the authority and responsibility for making final decisions and concluding the Section 106 review process. Consulting parties (SHPO, THPOs and other parties with a demonstrated interest) are typically afforded 30 days to respond to an appropriate request for consultation. Adverse effects to historic properties are normally resolved and concluded by issuance of a Memorandum of Agreement between the SHPO, ACHP and the Agency.

Federal Agency Contacts

Advisory Council on Historic Preservation 401 F Street NW, Suite 308 Washington DC 20001-2637 Phone: (202) 517-0200

http://www.achp.gov/index.html

State Agency Contacts

Steve Turner State Historic Preservation Officer (SHPO) History Colorado Center, Office of Archeology and Historic Preservation 1200 Broadway Denver, Colorado 80203 (303)-866-2776

http://www.historycolorado.org/archaeologists/office-archaeology-historicpreservation

http://www.historycolorado.org/connect/office-archaeology-historicpreservation

Resources

History Colorado Sec. 106 Review and Compliance / Intergovernmental Services

http://www.historycolorado.org/oahp/review-compliance

History Colorado Center, Office of Archeology and Historic Preservation Cultural Resources File Search Request Page http://www.historycolorado.org/oahp/file-access-information

List of Permitted Professional Archeologists in Colorado http://www.historycolorado.org/oahp/permitted-professionals

National and State Register of Historic Properties – Listing by County http://www.historycolorado.org/archaeologists/listings-county

National Historic Landmarks – Listing by County http://www.historycolorado.org/archaeologists/national-historic-landmarks

National Historic Sites in Colorado https://www.nps.gov/state/co/index.htm

National Register of Historic Places https://www.nps.gov/maps/full.html?mapId=7ad17cc9-b808-4ff8-a2f9-



Background

The Farmland Protection Policy Act became effective on December 22, 1981. The Farmland Protection Policy Act (FPPA) was passed in order to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses. The U.S. Department of Agriculture passed its implementing regulation, Departmental Regulation DR 9500-003, "Land Use Policy", shortly thereafter. Together, these regulations assigned primary technical responsibility to the Natural Resources Conservation Service (NRCS). The NRCS in turn established the Land Evaluation and Site Assessment (LESA) system for use in the technical evaluation of proposed Federal actions which could result in the conversion of important farmlands of the United States. LESA was also intended to serve as a model for adoption by State and local governments in creating their own farmland protection systems. Section 1540(c) of the Farmland Protection Policy Act and DR 9500-003 established four general categories of farmlands meriting Federal protection, cumulatively referred to as "Important Farmlands". These categories are:

- Prime
- Unique
- Additional farmland of statewide importance
- Additional farmland of local importance

Policy

DR 9500-003 requires that the Agency assure its programs discourage the u nwarranted conversion to other uses of prime and unique farmlands, farmlands of statewide or local importance, and prime rangelands. Unless the land or project in question is determined to be exempt from the FPPA, Rural Development shall avoid funding any proposed action that would directly or indirectly involve the conversion, or adversely affect the unique value and benefit, of important farmlands, rangeland, forest, or timberlands unless there is clearly no practical alternative to the action.

Federal Agency Contacts

U.S. Department of the Agriculture
Natural Resources Conservation Service - Colorado State Office
Denver Federal Center
Building 56, Room 2604
PO Box 25426
Denver, CO 80225-0426
https://www.nrcs.usda.gov/wps/portal/nrcs/site/co/home/

Find an office that serves your county: https://offices.sc.egov.usda.gov/locator/app?state=co

Resources

Farmland Classification - NRCS Web Soil Survey https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx

Colorado Association of Conservation Districts http://www.coloradoacd.org/about-us.html



Background

In the 1970s and 80s, the U.S. Congress passed several key pieces of legislation to address public concern about hazardous substances and materials in the human environment. After incidents such as the Love Canal tragedy, where large-scale dioxin contamination was determined to be negatively impacting human health, Congress passed federal programs such as the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA, a.k.a. "Superfund"). CERCLA established a perpetual federal fund dedicated to clean up and remediation of highly contaminated, hazardous sites such as Love Canal and the Rocky Mountain Arsenal in Denver, Colorado.

The Resource Conservation and Recovery Act (RCRA) of 1976 is a national law governing the safe management, disposal and cleanup of municipal and industrial solid and hazardous waste. The U.S. Environmental Protection Agency (EPA) has authorized the Colorado Department of Public Health and Environment (CDPHE) to administer and enforce the state's hazardous waste, solid (nonhazardous) waste, and underground storage tank (UST) management programs.

Policy

Prior to any Agency decision on a proposed loan or loan guarantee, or servicing actions which require a determination of security value or which could lead to acquisition of real property by the guaranteed lender, intermediary or Agency, it is essential that the Agency conduct or require the applicant, lender, or guarantor to conduct appropriate assessments of the environmental condition of the affected real property to determine the potential for contamination from the release of hazardous materials as well as the impacts of any such contamination on the regulatory status and security value of the property. Environmental due diligence should be completed on all direct loans, guaranteed loans, and loan servicing activities as detailed below in "Categories and Threshold Levels". In addition, the Agency and other lending partners, to the extent practicable, will make observations of site and building conditions, noting any signs of HazMat concerns duringall servicing visits to real property held as loan security.

Special Topics

Lead-based paint: All Agency programs are required to comply with the Department of Housing and Urban Development's (HUD) rule titled "Lead-Based Paint Poisoning Prevention in Certain Residential S tructures" (Lead-Based Paint (LBP) Regulation") found in 24 CFR Part 35 as revised on June 21, 2004 and the EPA's rule entitled Lead, Renovation, Repair, and Painting Program found in 40 CFR Part 745 as revised April 22, 2008. Within the Agency's Business and Community Facilities Programs, LBP regulations apply to "Child Occupied Facilities." A child-occupied facility is defined as a building, or portion of a building, visited regularly by the same child, under 6 years of age, on at least 2 different days within any week (Sunday through Saturday), provided that each day's visit lasts at least 3 hours, combined weekly visits last at least 6 hours, and combined annual visits total at least 60 hours. Child-occupied facilities may include, but are not limited to, day-care centers, preschools, and kindergarten classrooms.

Asbestos: Per § 1970.457 (c) (1), "In most cases the removal of asbestos-containing building materials in place is regulated through Section 112 of the National Emissions Standards for Hazardous Air Pollutants. EPA regulates asbestos in school buildings, public and commercial buildings, at clean-up sites, and in certain asbestos products. EPA and the Occupational Safety and Health Administration are also responsible for regulating environmental exposure and protecting workers from asbestos exposure. Many states administer their own asbestos programs, and the state department of environmental protection or health is generally the best place to start with questions about requirements and/or regulations that may apply to any given asbestos situation."

Underground Storage Tanks (USTs): RD Instruction 1970 Subpart J— Environmental Due Diligence, specifically § 1970.457, includes a helpful chart regarding Agency recommendations for the discovery of a UST on a project site under consideration for Agency funding. State regulations may require further action over and above Agency recommendations.

Federal Agency Contacts

U.S. Environmental Protection Agency Region VIII Office Water Division – Municipal Systems 999 18th Street, Suite 300 8P-W-MS

Denver, Colorado 80202-2466

Phone: (303) 312-6627

https://www.epa.gov/aboutepa/epa-region-8-mountains-and-plains

State Agency Contacts

Colorado Department of Public Health and Environment HMWMD-B2 (Hazardous Materials and Waste Management Division) 4300 Cherry Creek Drive South

Denver, Colorado 80246 Phone: 303-692-3300

https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment

Resources

EPA Enviromapper—a single point of access to select U.S. EPA environmental data.

https://ofmpub.epa.gov/enviro/em4ef.home

EPA Envirofacts Environmental Topics Search https://www.epa.gov/enviro/topic-searches

EPA Envirofacts Multisystem Search

https://www3.epa.gov/enviro/facts/multisystem.html#tribal

CDPHE Hazardous waste management sites and facilities

https://www.colorado.gov/pacific/cdphe/hazardous-waste-managementsites-and-facilities

CDPHE—Lead based paint

https://www.colorado.gov/pacific/cdphe/leadpaint

CDPHE—Asbestos

https://www.colorado.gov/cdphe/categories/services-and-information/environment/asbestos

Colorado Storage Tank Information System (COSTIS)

https://opus.cdle.state.co.us/OIS2000/home.asp



IVi. Noise Pollution and Transportation

COLORADO ENVIRONMENTAL RESOURCE DIRECTOR

Background

The Housing Act of 1949 (Public Law 81-117) sets a national goal of "a decent home and suitable living environment for every American family," and instructs all federal agencies involved in housing to exercise their functions consistent with this objective in order to encourage and assist "the production of housing of sound standards of... livability... for adequate family life," and "the development of well-planned, residential neighborhoods." The two main categories of noise are community noise and job-related noise. Job-related noise is regulated by the Occupational Safety and Health Administration (OSHA), and while the Agency requires its borrowers to comply with all relevant OSHA standards, it does not conduct any evaluations of this noise in the course of the environmental review process. The other category, community noise, refers to the combination of multiple sources of noise which may result in an overall unacceptable level for those living, working, or recreating in the area. The main contributors to community noise come from the transportation sector and include sources like highways, railroads, and airports. Community noise may also come from the construction and operation of industrial facilities, such as manufacturing plants and wind turbines. The consideration of this type of noise is required for all environmental reviews.

Policy

Noise: During the course of the Agency's NEPA environmental review process, the applicant or the applicant's consultant must consider any potential noise issues that may result from the location of the project. Proposed commercial or industrial projects must be evaluated to determine the level of noise the construction and operation of their facilities will contribute to any noise-sensitive areas such as residences, schools, hospitals, churches, parks, wildlife refuges, etc. Concurrently, proposals for housing and similarly noise-sensitive projects must be evaluated to determine if their surroundings produce an unacceptable level of noise. The Agency has adopted and follows the noise impact analysis standards and procedures developed by the U.S. Department of Housing and Urban Development (HUD) and detailed in "Noise Abatement and Control" (24 C.F.R. 51, Subpart B).

Transportation (Highway): While the majority of Agency projects will have no or minimal transportation concerns, some projects have the potential to cause a

significant change to, or be significantly impacted by, the traffic patterns or other transportation activities in their surrounding areas. For projects that will generate a significant increase in traffic, some state transportation departments may require a Traffic Impact Study (TIS), which is a detailed assessment that analyzes the impacts of a proposed development on the surrounding transportation network and any nearby communities based on relevant data. These assessments must account for traffic capacity, signalization, and safety, and can vary in complexity and level of detail according to the type, size, and location of the proposed development. They are usually prepared prior to the issuance of an access permit by a state department of transportation or the Federal Highway Administration (FHWA). For smaller projects, these are usually conducted by a state department of transportation, and by a traffic engineering firm for larger ones. A project is most likely to trigger a TIS if it has a driveway on or adjoins a state highway. If a TIS or similar assessment is conducted, it should be included in the environmental documentation.

Transportation (Railroad): Beyond the noise concern railroads can pose a safety hazard to both pedestrian and vehicular traffic. The potential risk of children accessing railroads should be evaluated. Projects intending to pass utilities under a railroad bed will need to ensure that the proper permissions are received.

Transportation (Aviation): Any projects that propose to erect solar arrays or a tall structure such as an elevated water storage tank, wind turbine, communications tower or a transmission pole, or that will emit steam or smoke should be evaluated for their proximity to airports due to the potential to interfere with airport and aircraft communication, navigation, and surveillance facilities. If the project is 2,500 feet from a civilian airport or within 15,000 feet of a military airport, the environmental documentation should demonstrate that the project is not within an Accident Potential Zone or a Runway Protection Zone/Clear Zone.

Federal Agency Contacts

U.S. Department of Transportation
Federal Highway Administration, Colorado Division
12300 West Dakota Avenue, Suite 180
Lakewood, Colorado 80228

Phone: 720-963-3000

https://www.fhwa.dot.gov/codiv/

U.S. Department of Transportation Federal Railway Administration, Region 6 901 Locust Street, Suite 464 Kansas City, MO 64106 Phone: 816-329-3840

https://www.fra.dot.gov/Page/P0241

U.S. Department of Transportation Federal Aviation Administration, Northwest Mountain Region Denver Airports District Office 26805 E. 68th Avenue, Suite 224 Denver, CO 80249-6361

Phone: 303-342-1254

https://www.faa.gov/airports/northwest_mountain/

State Agency Contacts

Colorado Department of Transportation Colorado Division of Aeronautics 5126 Front Range Parkway Watkins, CO 80137

Phone: 303.512.5250

https://www.codot.gov/programs/aeronautics/

Colorado Department of Transportation Safety & Traffic Engineering Branch, Access Program Administrator 4201 East Arkansas Ave Denver, CO 80222-3400

Phone: 303-757-9841

https://www.codot.gov/business/permits/accesspermits

Colorado Department of Transportation Safety & Traffic Engineering, Utilities Unit 4201 E. Arkansas Ave. EP 770

Denver, CO 80222-3406 Phone: 303-757-9273

https://www.codot.gov/business/permits/utilitiesspecialuse

Resources

Colorado Department of Transportation Recommended Outline for Traffic Impact Study https://www.codot.gov/business/permits/accesspermits/references/tis-outlines-2-1-08.pdf

Maps of US Freight Railroads

http://www.acwr.com/economic-development/rail-maps

Colorado Statewide Railway System

http://dtdapps.coloradodot.info/staticdata/Downloads/StatewideMaps/RailSystem.pdf

Airports in Colorado

https://www.colorado.com/getting-here/airports#1|14||6|||||514712869|||

https://www.codot.gov/programs/aeronautics/colorado-airport-system/ColoradoAirportMap

US Housing and Urban Development Airport Noise Worksheet https://portal.hud.gov/hudportal/documents/huddoc?id=airportnoisewksht.pdf

US Housing and Urban Development Noise Guidebook https://www.hudexchange.info/resource/313/hud-noise-guidebook/

US Housing and Urban Development Day/Night Noise Level Calculator https://www.hudexchange.info/environmental-review/dnl-calculator/



IV j. Water Quality and Sole Source Aquifers

COLORADO ENVIRONMENTAL RESOURCE DIRECTOR

Background

Decent water quality in the United States for human consumption, agricultural usage, recreation, etc. is regulated by the Federal government primarily under the authorities of the Clean Water Act, the Safe Drinking Water Act, and the Water Quality Act. Water quality standards established by these acts tend to consist of three primary elements: (1) determination of the designated beneficial use or uses of a waterbody or segment of a waterbody; (2) determination of the water quality criteria necessary to protect the use or uses of that particular waterbody; and (3) determination of an anti-degradation policy. Many aspects of existing bodies of water are considered and include: naturally occurring pollutants, low-flow levels, hydrologic modifications, etc. Water quality standards are established to target protection of human health and aquatic life as well as preservation of biological integrity. Ultimately, permits (such as the Clean Water Act's Section 404 permit for dredging and filling in Waters of the United States) are issued by the oversight agency, the U.S. Environmental Protection Agency (EPA) at the Federal level and the Colorado Department of Health and Environment, Water Quality Control Division, at the State level, to enforce an anti-degradation policy.

Aquifers are permeable and porous underground rock formations containing or conducting ground water. "Sole-source" aquifers are the sole source of drinking water for certain communities and are designated as a special category of aquifers by EPA. Areas overlying sole source aquifers must be properly managed to minimize or avoid pollution of the aquifer. Aquifers can be polluted through such mechanisms as improper or illegal application of pesticides; improperly constructed or managed landfills; illegal disposal of hazardous wastes; or pollution of streams or lakes.

Policy

Rural Development funding objectives must be consistent with the intentions of the Clean Water Act, the Safe Drinking Water Act, and the Water Quality Act as well as State government focuses. Rural Development shall not authorize, fund, or carry out any proposal or project which would adversely affect water resources located in the State of Colorado. Whenever a proposed action is determined to have the potential for

impacting such a water resource, the Colorado Department of Public Health and Environment, Water Quality Control Division, should be consulted as early in the environmental review process as possible. Rural Development requires borrowers to obtain all pertinent Federal and State permits as a condition of the loan obligation.

<u>Presently, there are no EPA-designated sole source aquifers located</u> within the State of Colorado.

Federal Agency Contacts

U.S. Environmental Protection Agency
Region VIII Office
Water Division – Municipal Systems
999 18th Street, Suite 300
8P-W-MS
Denver, Colorado 80202-2466
(303) 312-6627
https://www.epa.gov/aboutepa/epa-region-8-mountains-and-plains

For Platte River Basin to the Continental Divide: U.S. Army Corps of Engineers – Omaha District Tri-Lakes Project Office 9307 State Highway 121 Littleton, Colorado 80128-6901 (303) 979-4120 https://www.nwo.usace.army.mil/

For Rio Grande Basin and Arkansas River Basin to the Continental Divide U.S. Army Corps of Engineers – Albuquerque District Environmental Resources Branch 4101 Jefferson Plaza, NE Albuquerque, New Mexico 87109-3435 (505) 342-3351 http://www.spa.usace.army.mil/

For Colorado River Basin to the Continental Divide U.S. Army Corps of Engineers – Sacramento District Environmental Division 1325 J Street Sacramento, California 95814 (916) 557-5100 http://www.spk.usace.army.mil/

For Kansas River Basin in eastern Colorado (Bonney Reservoir vicinity)
U.S. Army Corps of Engineers – Kansas City District
Environmental Division
601 East 12th Street, Room 601
Kansas City, Missouri 64106
(816) 983-3915
http://www.nwk.usace.army.mil/

State Agency Contacts

Colorado Department of Public Health and Environment Water Quality Control Division
Drinking Water Section
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
(303) 692-3500
http://www.cdphe.state.co.us/wg/

Colorado Division of Water Resources
Department of Natural Resources
1313 Sherman St., Ste. 821
Denver, Colorado 80203
Main Phone: (303) 866-3581

http://water.state.co.us/DivisionsOffices/Pages/default.aspx

Resources

EPA Clean Water Rule https://www.epa.gov/cleanwaterrule

Definition of Waters of the United States Under the Clean Water Act https://www.epa.gov/cwa-404/definition-waters-united-states-under-clean-water-act

Section 404 of the Clean Water Act Permit Program https://www.epa.gov/cwa-404/section-404-permit-program

Colorado Department of Public Health and Environment, Water Quality Control Division INTEGRATED SOURCE WATER ASSESSMENT AND PROTECTION (ISWAP) PROJECT PLAN

https://www.colorado.gov/pacific/sites/default/files/WQ-DW-SWAP_Integrated-Source-Water-Assessment-and-Protection-ISWAP-Project-Plan.pdf

Colorado State Watershed Map

https://cfpub.epa.gov/surf/state.cfm?statepostal=CO

Sole Source Aquifer Map

https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b

Colorado River Basins





Background

Executive Order 11990, *Protection of Wetlands*, was issued on May 24, 1974 and was intentionally signed on the same day as Executive Order 11988, *Floodplain Management*, and involves the same "Eight-Step" evaluation process. As with floodplains, wetland impacts must pass the "no practical alternative" test. Wetland impacts are also regulated by a host of other Federal regulations including the Clean Water Act, Section 363 of the 1990 Consolidated Farm and Rural Development Act (CONACT), and USDA Departmental Regulation 9500-3 – *Land Use Policy*. Wetland identification is complex and involves several different rating criteria, depending on the Federal regulation being applied. These criteria are interpreted by the following expert agencies: U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (USACE), and the U.S. Environmental Protection Agency (EPA).

Policy

Rural Development shall not authorize, fund, or carry out any proposed action that would, directly or indirectly:

- 1. Cause wetlands to be converted to another use.
- 2. Diminish the natural and beneficial functions and values of wetlands and riparian zones unless there is clearly no practical alternative to the action.

Whenever a proposed action is determined to have potential for impacting a wetland, USACE should be consulted early in the environmental impact analysis process. Procedures for evaluating pending Rural Development actions which could impact wetlands, as defined by Executive Order 11990, are similar to those for floodplain analysis. Potential impacts to wetland areas are normally reviewed by the USACE for projects requiring a Clean Water Act Section 404 permit for dredge and fill operations in "Waters of the U.S."

Federal Agency Contacts

U.S. Environmental Protection Agency
Region VIII Office
Water Division – Municipal Systems
999 18th Street, Suite 300
8P-W-MS
Denver, Colorado 80202-2466
(303) 312-6627
https://www.epa.gov/aboutepa/epa-region-8-mountains-and-plains

For Platte River Basin to the Continental Divide: U.S. Army Corps of Engineers – Omaha District Tri-Lakes Project Office 9307 State Highway 121 Littleton, Colorado 80128-6901 (303) 979-4120 https://www.nwo.usace.army.mil/

For Rio Grande Basin and Arkansas River Basin to the Continental Divide U.S. Army Corps of Engineers – Albuquerque District Environmental Resources Branch 4101 Jefferson Plaza, NE Albuquerque, New Mexico 87109-3435 (505) 342-3351 http://www.spa.usace.army.mil/

For Colorado River Basin to the Continental Divide
U.S. Army Corps of Engineers – Sacramento District
Environmental Division
1325 J Street
Sacramento, California 95814
(916) 557-5100
http://www.spk.usace.army.mil/

For Kansas River Basin in eastern Colorado (Bonney Reservoir vicinity)
U.S. Army Corps of Engineers – Kansas City District
Environmental Division
601 East 12th Street, Room 601
Kansas City, Missouri 64106
(816) 983-3915
http://www.nwk.usace.army.mil/

Resources

Definition of Waters of the United States Under the Clean Water Act https://www.epa.gov/cwa-404/definition-waters-united-states-under-clean-water-act

Section 404 of the Clean Water Act Permit Program https://www.epa.gov/cwa-404/section-404-permit-program

Colorado Parks & Wildlife Wetland Wildlife Conservation Program http://cpw.state.co.us/aboutus/Pages/Wetlands.aspx

Association of State Wetland Managers https://www.aswm.org/

Colorado Wetland Information Center http://www.cnhp.colostate.edu/cwic/index.asp

Colorado Parks and Wildlife—Wetland Regulations http://cpw.state.co.us/aboutus/Pages/WetlandsRegulations.aspx

Colorado Environmental Resource Directory Revision Log

- Version 09.2017 Initial Publication
- Version 10.2017 Revised
 - o Intergovernmental Review Added exception to the 60 day review time frame.
 - o Biological Resources Corrected typo.
 - o Formally Classified Lands Corrected switched websites.
 - o Hazardous Materials Added link to CDPHE asbestos website.
 - o Noise Pollution and Transportation Corrected typo.
 - o Water Quality Corrected hidden footer.
 - o Added revision log.