

EXHIBIT IV-C (CEST)
Categorical Exclusion for Projects/Activities Subject to 24 C.F.R. Part 58.5
and Other Requirements found at 24 C.F.R. Part 58.6

IV-C

Grantee is a (Check one): Local Government (Responsible Entity)
 Non-Local Government (non-profit, developer etc.)

1 Project/Activity Information:

Project Name: CDBG #19-504 Acquisition of existing facility for Pagosa Peak Open School, 7 Parelli Way, Pagosa Springs

Project/Contract #: CDBG #19-504 Acquisition of existing facility for Pagosa Peak Open School

Grantee Name: Town of Pagosa Springs for Pagosa Peak Open School

HUD Program (CDBG, HOME etc.) CDGB

Detailed Project Description:

Acquisition of property at 7 Parelli Way, Pagosa Springs, CO 81147. Once the building is purchased the ventilation system will have to be upgraded from what is adequate for office space to accommodate the function of a school. The fire suppression system regulations are set to change in two years so there are plans to upgrade that system to the new requirements. There will also be changes to the building for security measures. There will be no expansion of the facility.

*(24 C.F.R. Part 58.32 discusses that a responsible entity must group together and evaluate **as a single project** all individual activities which are related either on a geographical or functional basis, or are logical parts of a composite of contemplated actions. This is termed, "project aggregation", and its purpose is to address adequately and analyze, in a single environmental review, the separate and combined impacts of activities that are similar, connected, and closely related, or that are dependent upon other activities and actions.)*

2 Classification of Project/Activity: (Check All that Apply)

- 24 CFR Part 58.35(a)(1): Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets)
- 24 CFR Part 58.35(a)(2): Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons
- 24 CFR Part 58.35(a)(3): Rehabilitation of buildings and improvements when the following conditions are met:
 - 1 to 4 unit building for residential use, when density is not increased beyond 4 units; land use is not changed; and the footprint of the building is not increased in a floodplain or in a wetland area
 - Multifamily residential buildings, when unit density is not changed more than 20 percent; project does not involve changes in land use from residential to non-residential; and the estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation
 - Non-residential structures, including commercial, industrial, and public buildings, when facilities and improvement are in place and will not be changed in size or capacity by more than 20 percent; and the activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another
- 24 CFR Part 58.35(a)(4): An individual action (non-rehabilitation) on:
 - Up to 4 dwelling units where there are maximum 4 units on any one site. The units can be 4 one-unit buildings or 1 four-unit building or any combination in between
 - A project of 5 or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than 4 housing units on any one site
- 24 CFR Part 58.35(a)(5): Acquisition (including leasing):
 - Or disposition of, or equity loans on, an existing structure
 - Of vacant land provided the structure or land acquired, financed, or disposed of will be retained for the same use
- 24 CFR Part 58.35(a)(6): Combinations of the above activities

EXHIBIT IV-C (CEST)

3 Statutory Checklist (ref.: 24 C.F.R. Part 58.5 – Related Federal laws and authorities)

24 CFR PART 58.5 STATUTES, EXECUTIVE ORDERS, AND REGULATIONS

DIRECTIONS: Refer to Exhibit IV-C.1, Instructions and Information on Completion of the Statutory Checklist, to assist you in completing this form.

Write "A" in the Status Column when the project, by its nature, does not affect the resources under consideration, OR write "B" if the project triggers formal compliance consultation procedures with the oversight agency, requires mitigation, or is unknown at the time of review (i.e. the properties where the project activities will occur have not yet been identified). Compliance documentation must contain verifiable source documents and relevant base data. Attach reviews, consultations, and special studies as needed.

Review the Instructions IV-C.1 to assist with completing each Compliance Factor. Every compliance factor must include a detailed compliance finding including reference to each compliance factor's supporting documentation and notes and names related to consultation, when applicable. All documentation must be submitted for approval. Any blank section or compliance finding without proper supporting documentation is considered incomplete and will result in the Environmental Review being declined and returned.

Compliance Factors (Statutes, Executive Orders, and regulations listed at 24 C.F.R. Part 58.5)	Status (A or B)	Compliance Finding and Documentation DO NOT LEAVE ANY SECTIONS BLANK. Document how you arrived at the "A" or "B" status for each factor. <u>Website Links are not an acceptable form of documentation, must include attachments.</u> (Remove all highlights and guidance language included below, before submission)
Historic Properties <ul style="list-style-type: none"> ▪ 36 CFR Part 800 regulations ▪ National Historic Preservation Act of 1966 ▪ Executive Order 11593, Protection and Enhancement of the Cultural Environment 	A	State Historic Preservation (SHPO), - This is not new construction and the building is roughly 12 years old and not of historic significance, and therefore per the PA Stipulation I.B.1 the project is in compliance. Tribal Historic Preservation (THPO), - This is not new construction. There is no tribal significance to the location and is not located near any building with tribal significance SEE Attached Exhibit A
Floodplain Management <ul style="list-style-type: none"> ▪ Executive Order 11988 ▪ 24 CFR Part 55 regulations 	A	The project does not involve property acquisition, management, construction, or improvements within a 100-year floodplain (Zones A, M, N, P, E, or V) identified by FEMA maps, and does not involve a "critical action" (i.e. emergency facilities, facility for mobility impaired persons, etc.) within a 500 year floodplain (Zones B, C, & X), or is inapplicable under Part 55.12(b) or (c) The most recent FIRM map is attached: FIRM Map # 08007C0270D map was created 9/25/2009. Accessed on FEMA website on 7/25/2019. SEE Attached Exhibit B
Wetland Protection <ul style="list-style-type: none"> ▪ Executive Order 11990 	A	This project does not involve new construction within or adjacent to wetlands. Wetlands will not be impacted because there is no new ground disturbance. SEE Attached Exhibit C- Wetland Delineation as completed by developer and Exhibit D – National Wetlands Inventory Map

EXHIBIT IV-C (CEST)

<p>Coastal Zone Management</p> <ul style="list-style-type: none"> Coastal Zone Management Act of 1972 	<p align="center">A</p>	<p>Pre-determined by HUD - Not applicable for the States of CO, MT, ND, NE, SD, UT, & WY Project is in Colorado</p>
<p>Sole Source Aquifers</p> <ul style="list-style-type: none"> Safe Drinking Water Act of 1974 40 CFR Part 149 regulations 	<p align="center">A</p>	<p>Pre-determined by HUD - There are currently NO sole source aquifers designated in Colorado</p>
<p>Endangered Species</p> <ul style="list-style-type: none"> Endangered Species Act of 1973 	<p align="center">A</p>	<p>This is not a new construction or expansion project. No endangered species will be impacted because no external ground disturbance will occur.</p>
<p>Wild and Scenic Rivers</p> <ul style="list-style-type: none"> Wild and Scenic Rivers Act of 1968 Presidential Directive of August 1979 	<p align="center">A</p>	<p>The building being acquired is not within 1,000 feet of a listed wild and scenic river or river segment on the Nationwide Rivers Inventory. There are no rivers located within 1,000 feet of the site, and all rehab will occur on the interior of the building. Therefore, the project is in compliance.</p>
<p>Air Quality</p> <ul style="list-style-type: none"> Clean Air Act of 1970 40 CFR Parts 6, 51, & 93 regulations 	<p align="center">A</p>	<p>This project is located within an "attainment area", and the building is 12 years old. SEE Exhibit F – Colorado Non-attainment Status for all counties (Archuleta)</p>
<p>Farmland Protection Policy Act</p> <ul style="list-style-type: none"> Farmland Protection Policy act of 1981 7 CFR Part 658 regulations 	<p align="center">A</p>	<p>The project site does not include new construction, acquisition of undeveloped land, or conversion that could potentially convert one land use to another. Therefore, the project is in compliance.</p>
<p>Environmental Justice</p> <ul style="list-style-type: none"> Executive Order 12898 	<p align="center">A</p>	<p>The proposed project/activity is suitable for its proposed location and use and will NOT (1) disproportionately be adversely impacted by or (2) disproportionately adversely impact low income or minority populations. The Proposed Activity is a school that serves both low income and minority populations. SEE Exhibit H - Environmental Justice Map</p>
<p>HUD ENVIRONMENTAL STANDARDS</p>		
<p>Noise Abatement and Control 24 CFR Part 51B</p>		<p>The project site from 6.5 feet off the exterior to the center line of HWY 160 is roughly 118 feet. There are 2 stations located on HWY 160, which are equal distance from the project site, and therefore the DNL is the average of the 2 sites AADT. See Exh. H.1 The project is for a school where night traffic would not impact the noise level on the site and therefore 0% for the night traffic and therefore the DNL for the site is 63 which is acceptable range. Airport does not meet the threshold for noise assessment, see attached exh. H.2</p>
<p>Explosive and Flammable Operations</p> <ul style="list-style-type: none"> 24 CFR Part 51C regulations 	<p align="center">A</p>	<p>This project is not located within 1 mile of any noticeable above ground storage tanks. Reviewed Google Map on 8.6.19 and local visual assessment was conducted.</p>
<p>Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances</p> <ul style="list-style-type: none"> 24 CFR Part 58.5(i)(2)(i) regulation 	<p align="center">A</p>	<p>The project is not located near any dumps, landfills, industrial sites or other operations with hazardous wastes. The project and adjacent properties are free of toxic chemicals and gasses, hazardous materials, contaminations and radioactive substances. The</p>

EXHIBIT IV-C (CEST)

		building is new, constructed roughly 12 years ago.
Airport Clear Zones and Accident Potential Zones • 24 CFR Part 51D regulations	A	This Project is not within a FAA-designated civilian airport Runway Clear Zone. Project is 3500 feet from closest civilian airport and therefore outside the 2,500 foot threshold and in compliance.

DETERMINATION:

- This project converts to Exempt** status, per 24 C.F.R. Part 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes, executive orders, or regulations, nor requires any formal permit or license (Status "A" has been determined in the status column for all authorities). **Submit to DOLA/OEDIT as appropriate for a Release of Funds (ROF) letter for this EXEMPT project; OR**

- This project cannot convert to Exempt** status because one or more of the listed statutes, executive orders, or regulations require(s) consultation, mitigation, or is unknown at the time of review. Environmental consultation/mitigation requirements, pursuant to 24 C.F.R. Part 58 must be completed/determined to the point of reaching closure. A Notice of Intent to Request a Release of Funds (NOI/RROF - Exhibit IV-C.6) must be published with its associated public comment periods pursuant to 24 C.F.R. Part 58.45 and Subpart H. A Request for Release of Funds and Certification (Exhibit IV-C.7) must be properly executed pursuant to 24 C.F.R. Part 58, Subpart H and forwarded to DOLA/OEDIT as appropriate. A Release of Funds (ROF) letter must be obtained before drawing down funds; OR

- The unusual circumstances of this project may result in a significant environmental impact.** This project requires preparation of an Environmental Assessment (EA). An EA should be prepared pursuant to 24 C.F.R. Part 58, Subpart E.

EXHIBIT IV-C

4 *Regulatory Checklist (ref.: 24 C.F.R. Part 58.6 – Other requirements):

24 CFR. Part 58.6(a): Flood Disaster Protection Act of 1973, as amended:
(NOTE: Applicable ONLY when project/activity site is located in a community participating in the National Flood Insurance Program, administered by the Federal Emergency Management Agency.)
Is the project/activity located within a Special Flood Hazard Area (SFHA) as mapped by the Federal Emergency Management Agency (FEMA)? Yes No
FEMA Map Number: _____

If the answer to this question is yes, the project/activity cannot proceed unless flood insurance is obtained through the National Flood Insurance Program.
Insurance Policy Number: _____

24 CFR. Part 58.6(b): National Flood Insurance Reform Act of 1994, Section 582, (42 U.S.C. 5154a):
(NOTE: Applicable ONLY when the project site is located in an area where HUD disaster assistance is being made available.)
Is the project located within a Special Flood Hazard Area (SFHA) as mapped by the Federal Emergency Management Agency (FEMA)? Yes No
FEMA Map Number: _____

If "Yes", would the HUD disaster assistance be made to a person who had previously received Federal flood disaster assistance conditioned on obtaining and maintaining flood insurance and that person failed to obtain and maintain the flood insurance? Yes
No

If "Yes", the HUD disaster assistance cannot be made to that person in the Special Flood Hazard Area to make a payment (including any loan assistance payment) for repair, replacement, or restoration for flood damage to any personal, residential, or commercial property.
Insurance Policy Number: _____

N/A 24 CFR. Part 58.6(c): Coastal Barrier Improvement Act of 1990, as amended:
Not applicable in HUD Region VIII.

24 CFR. Part 58.6(d): Civilian Airport Runway Clear Zone and/or Military Airport Clear Zone:
(NOTE: Applicable ONLY if the project/activity involves HUD assistance, subsidy, or insurance for the purchase or sale of an existing property in a Runway Clear Zone or Clear Zone pursuant to 24 CFR Part 51, Subpart D.)
Does the project involve HUD assistance, subsidy, or insurance for the purchase or sale of an existing property in a Runway Clear Zone or Clear Zone pursuant to 24 CFR Part 51, Subpart D? Yes No

Source documentation: _____

If yes, the responsible entity must advise the buyer that the property is in a runway clear zone or clear zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information.

Environmental Review Preparer's Information -printed or typed:

Name: Ashley Wilson Title: _____ Phone: 970-403-2558
Environmental Preparer's organization: NA - volunteer for PPOS
Environmental Preparer's signature: Ashley Wilson
Date: 8/5/19

Responsible Entity, Representative's Information/Certification (Certifying Officer) - printed or typed:

Name: Andrea Phillips Title: Town Manager Phone: 970-264-4151
Representative's organization: Town of Pagosa Springs
Representative's signature: Andrea Phillips
Date: 9/26/19

