

FINDING OF NO SIGNIFICANT IMPACT

**Water System Improvements Project
Rio Grande County, CO**

**Rural Development
U.S. Department of Agriculture**

Town of Del Norte

**Prepared by:
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Rural Development**

May 2023

A. INTRODUCTION

The Town of Del Norte plans to submit a financing request to the U.S. Department of Agriculture, Rural Development to construct the proposed Water Systems Improvements Project in Rio Grande County, Colorado. USDA-RD is considering this financing request. Prior to taking a federal action (i.e., providing financial assistance), USDA-RD is required to complete an environmental impact analysis in accordance with the National Environmental Policy Act of 1969 (NEPA) (U.S.C. 4231 et seq.), the Council on Environmental Quality's (CEQ) regulations for implementing NEPA (40 CFR Parts 1500-1508), and RD's NEPA implementing regulations, Environmental Policies and Procedures (7 CFR Part 1970). After completing an independent analysis of an environmental report prepared by the Town of Del Norte and its consultant, USDA-RD concurred with its scope and content. In accordance with 7 CFR § 1970.102, USDA-RD adopted the report and issued it as the Agency's Environmental Assessment (EA) for the proposed Project. USDA-RD finds that the EA is consistent with federal regulations and meets the standards for an adequate assessment. The Town of Del Norte published newspaper notices, announcing the availability of the EA for public review, in accordance with 7 CFR § 1970.102. In addition, USDA-RD considers the proposed Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 USC 470(f), and its implementing regulation, "Protection of Historic Properties" (36 CFR Part 800).

The following NEPA documents are related to this proposal: Environmental Assessment

B. PROJECT DESCRIPTION AND PURPOSE/NEED

The Town of Del Norte proposes to make improvements to the wastewater system consisting of distribution system improvements, and construction of a new raw water pipeline installation. Distribution system improvements include upsizing existing undersized water mains, replacement of existing cast iron and PVC pipes, installation of new fire hydrants for additional fire protection and looping to eliminate dead-ends and improve system pressures in Del Norte (Grande County), Colorado. Construction of a new raw water pipeline installation is to provide the required contact time for 4-log inactivation and removal of viruses for the Town's two existing groundwater wells. The ground disturbance for all construction will be contained within a 10-ft wide construction corridor, and staging areas will be confined to a maximum area of 1-acre, for a total land area disturbed of approximately 17 acres.

USDA-RD has reviewed the purpose and need for the Project and determined that the proposal will meet the present and future needs of the community.

C. ALTERNATIVES EVALUATED

1. No Action

Under the No Action Alternative, USDA-RD would not provide financial assistance to The Town of Del Norte, and/or the proposed Project would not be constructed. The No Action Alternative would maintain existing conditions and would not provide improvements that would allow the Town to meet the permit conditions. The No Action Alternative would result in continued failed compliance of the CDPHE (Colorado Department of Public Health and Environment) permit and result in a risk to human health.

2. Action Alternative (Preferred Alternative)

Under the Action Alternative, USDA-RD would consider financing the proposed Project, and the Town of Del Norte would construct the Project. The proposed preferred alternative includes improvements to meet all the Town's water distribution system needs including the ability to provide fire flow, adequate water pressure, and reduce the number of distribution main breaks, service disruptions and water losses. The project will also address the lack of chlorine contact time to achieve disinfection and compliance with the Groundwater Rule. Distribution system improvements will include the replacement of existing undersized piping and/or aged piping composed of deteriorated materials. All water mains with diameters below the minimum industry standard 6-inches will be replaced to provide adequate fire flow throughout the service area. Aged water mains composed of unlined ferrous material will also be replaced, as they are subject to severe scaling, corrosion, and leaks.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The analyses in the EA documented that the proposed Project would have no adverse effects to Land Use/Land, Formally Classified Lands, Prime Farmland, Floodplains, Wetlands, Water Quality, Fish, Wildlife and Vegetation, Listed Threatened and Endangered Species, Migratory Birds, Bald and Golden Eagles, Invasive Species, Cultural Resources and Historic Properties, Air Quality, Socioeconomic and Environmental Justice, Noise, Traffic and Transportation, Visual Resources, and Human Health and Safety. In accordance with the requirements of § 1970.104(b), a summary of anticipated impacts on the human environment is provided below, including any mitigation measures deemed necessary to avoid, minimize, or mitigate impacts. The Town of Del Norte is responsible for implementing these measures:

Land Ownership and Land Use

The proposed project will not change the intended use of any land and no major environmental

consequences are expected. The impact due to construction for any environmental disruption will be temporary in nature. Construction of the proposed project will necessitate open cutting and excavation throughout the town's service area and incorporated limits. As a result, stockpiling of soils will occur and may lead to erosion and sediment control issues. Mitigation during construction will include the preparation and adherence to a stormwater management plan. The stormwater management plan will include and detail the installation and maintenance of erosion control measures for construction and staging areas such as: Silt fencing, straw bales, rock socks, erosion control blankets, stockpile management, and vehicle tracking pads. All right-of-way and easement sites will be returned to their original or better conditions following construction activities. Any disturbed vegetation will be re-seeded with native seed (without invasive species or weeds).

Important Farmland

Under the Proposed Action, According to the Web Soil Survey performed on the project area, farmland of unique importance (Dunul cobbly sandy loam) is present within the project area and Town limits. The NCRS Colorado State office responded on December 2, 2022, that the proposed project is not subject to the Farmland Protection Policy Act, as the proposed site for construction is already within urban development. A response from the Town of Center's regional field office was received on December 14, 2022, affirming the project will not result in the conversion of important farmland. No farmlands of unique importance will be affected by the proposed project; thus, mitigation is not required.

Formally Classified Lands

Formally classified lands in the vicinity of the proposed project area include US Bureau of Land Management (BLM) parcels to the south of the town's incorporated limits. The BLM lands in the vicinity of the project are approximately one (1) mile south of the nearest site for proposed construction. No impact to formally classified lands is expected because no formally classified lands will be disturbed by completing the proposed project. Under the Proposed Action, formally classified lands would not be impacted as they are absent from the Proposed Project Area and nearby surroundings. No mitigation measures are proposed as there are no anticipated impacts to the resource.

Floodplains

Under the Proposed Action the water main replacement and extensions for looping of the distribution system are proposed within the mapped 100-year or 500-year floodplain of the Rio Grande River as shown on the FIRMs attached in Appendix F. No portion of the proposed project will be in the Regulatory Floodway. All proposed construction will be buried, and USDA

floodplain regulations and requirements do not apply to buried utilities. No fill in the floodplain is proposed. No above-ground construction is proposed; therefore, no environmental consequences are expected to floodplains. There are no anticipated consequences to existing floodplains. All excavations will be returned to the existing grade. Further mitigation is not required.

Wetlands

Under the Proposed Action, the proposed construction to take place adjacent to areas shown as wetlands on the NWI map are depicted in Figure 3 and Figure 4, and to-scale exhibits attached in Appendix A. Damage to the wetland areas can occur from either direct disturbance during construction or secondary impacts such as sediment loads following storm runoff that can have negative consequences if not mitigated. The proposed project consists of the installation or replacement of buried water piping within previously disturbed and developed areas. No proposed infrastructure will be within designated wetlands. Significant environmental impacts are not anticipated. A description of the proposed project was submitted to the US Army Corps of Engineers (USACE) regional regulatory office located in Albuquerque, New Mexico for consultation and to provide insight on adverse impacts and mitigation strategies to any wetlands, as well as any specific permitting requirements under Section 404 of the Clean Water Act. A response letter was received on December 16, 2022, stating a permit for construction is not required. Mitigation will take place to preserve wetland areas in the project vicinity and will include protection of stream banks and existing vegetation, as well as control structures to mitigate soil erosion and sedimentation. The proposed project will include a stormwater management plan detailing best management practice (BMPs), erosion and sediment control measures, and maintenance schedules to ensure adequate mitigation measures are in place throughout construction to protect wetland assets. All exposed soil during construction will be stabilized by installing straw mats or sod seeded with native vegetation.

A minimum 50-foot buffer of any wetlands or waterways will be established and surface water control measures will be installed during construction to protect the soils and eliminate or minimize any potential erosion into any jurisdictional waters, including wetlands. The contractor shall not fill in or otherwise convert wetlands when disposing of excess, spoil, or other construction materials on public or private property. Vegetation will be maintained wherever possible throughout the operational life of the facility. Additional mitigation, if necessary, would be determined per coordination with the USACE during permitting.

Water Quality

According to the Town of Del Norte's SWAP Assessment Phase Report, the Town's groundwater supply was determined to have Moderate susceptibility to potential contamination.

The main discrete contaminant sources are aboveground and underground storage tanks and existing/abandoned mine sites. The main dispersed contaminant sources are septic systems and road miles. The town has also completed the Protection Phase of their source water protection in the form of compiling a Source Water Protection Plan (SWPP), which defines the town's source water management approaches to implement preventative measures and protect drinking water quality. These measures include structural measures, good housekeeping practices, and emergency response planning. The town's SWPP will be strictly followed as part of the project to minimize the risk of source water contamination.

Biological Resources

The proposed project will take place within the developed limits of town, which generally has negligible habitat for wildlife, fish, and vegetation. Most locations for water line replacement are within existing roadways, which do not have wildlife resources or habitat, or any existing vegetation. In the six areas, construction will take place outside of existing roadways. Segments of the proposed project outside of existing roadways will have short-term impacts because they will require some vegetation and brush clearing for open cut construction. Minimal wildlife in these areas may exist including species common in urban settings such as squirrels, rabbits, or common birds. This wildlife may be affected in the short-term during construction due to ground disturbance, vehicular traffic, and noise from heavy machinery. In areas that are not located within existing roadways, BMPs to prevent harming wildlife due to open-cut areas will be utilized as recommended by Colorado Parks and Wildlife. Mitigation measures will include stockpiling all construction materials in designated areas, backfilling any excavated areas before leaving the site, and use of security fencing around construction and staging areas to restrict wildlife encroachment. Mitigation for areas outside of roadways will also include minimizing disturbance to the areas of the project by careful consideration of construction phasing and scheduling. All disturbed land will be restored to their original or better conditions by re-seeding, mulching, and maintaining the areas until vegetation has been established.

Migratory Birds and Bald and Golden Eagles

All listed Birds of Conservation Concern (BCC) species within the United State Fish and Wildlife information for Planning and Consultation (USFW IPaC) report are either found in forested areas or aquatic habitats. The proposed project will not encroach upon habitat for any BCC protected under the MBTA. Due to the proposed locations of construction activities occurring within urban and previously developed areas that do not involve extensive vegetation clearing, habitats nor migration of any BCC are not expected to be affected. Mitigation for BCC species is not necessary. Bald and golden eagles are not expected to be affected from the proposed project due to the distances of nearest active nesting sites. Mitigation specific to bald and golden eagles is not necessary.

Cultural Resources and Historic Properties

Under the Proposed Action, all areas for proposed construction will take place within previously disturbed corridors of existing easements or public right of way (ROW) of existing roads. One area for new construction without existing water lines will take place at the southern border of a local town park, and the land use is for underground electricity utility corridors and access to an electrical transformer infrastructure. USDA RD concluded the Section 106 process, after coordination between the Colorado SHPO and respective Tribal Entities, resulting in a Finding of No Adverse Effect to Historic Properties. There are no anticipated consequences to historic properties. If prehistoric or historic artifacts are encountered during construction, all work will stop immediately, and proper authorities shall be notified.

Air Quality

The Town of Del Norte has no major air quality problems and Rio Grande County is not located within any national non-attainment or maintenance areas for EPA's Air Quality Criteria Pollutants. The proposed project will not include any long-term air emissions associated with operation nor present air quality concerns to the area. Short-term air emissions of fugitive dust (particulate matter/PM-10) will occur during construction due to construction vehicle operation and associated traffic on unpaved roads. Mitigation measures to control fugitive dust will be utilized during construction to prevent particulate matter emission into the atmosphere. Mitigation measures will include regular watering to stabilize dirt roads used for access and stockpile areas for staging construction materials, which will keep dust particles on the ground.

Socioeconomics and Environmental Justice

The town is home to a diverse and disadvantaged community; thus, disproportionately high, and adverse human effects or environmental impacts are not expected to occur because of completing the proposed project. No business or residence will be unequally affected by the proposed project during or after construction. No people, business, or housing will be displaced by the project. The Town is in a rural area with low-density residential development and the population is not projected to change in magnitude nor distribution from the proposed project. Mitigation is not anticipated.

Noise

Minor traffic impacts are expected for the public roadway areas during construction. Most roadway areas proposed for construction are local residential corridors which will have minimal traffic disruption.

Traffic and Transportation

Under the Proposed Action, the Preferred Alternative would not change existing roadways and is not anticipated to result in a permanent increase in vehicle traffic, change to materials transportation, or reduce the current roadway level of service. Existing facility access roads would be utilized for construction. Some minor detours may be required during construction adjacent to roadway ROW, however no permanent road closures or relocations are anticipated. Overall, the Preferred Alternative is not anticipated to result in significant impacts to transportation. No mitigation measures are proposed as there are no anticipated impacts to the resource. The project's construction plans and specifications will require the contractor performing the work to prepare and submit a Traffic Control Plan (TCP) detailing standard traffic control and detour procedures to be followed for all components of the proposed project. The TCP will be submitted by the contractor and approved by the town, CDOT and county prior to construction. All necessary permits for construction involving Rio Grande County or Colorado Department of Transportation (CDOT) right-of-way will be obtained prior to mobilization by the contractor. All traffic detours and road closures will be temporary and will not significantly increase the level of traffic within or traveling through the town. Access to residential and business properties will be maintained throughout construction whenever possible.

Visual Resources

The proposed project includes distribution system improvements that are buried and will not have a lasting visual impact. The Town of Del Norte does not have any visually sensitive areas within the project vicinity. Local landscape features include Lookout Mountain in which the town water system's potable storage tanks are located. Temporary visual impacts due to active construction cannot be avoided and will take place throughout the town involving residential areas, business centers, and parks. To mitigate visual impacts, all construction will take place during normal hours and on weekdays whenever possible. All locations for construction will be returned to existing or better conditions to prevent any lasting negative visual impacts.

Human Health and Safety

There are not any EPA or State Superfund sites or priority clean-up sites on or near the proposed project areas. The town does have a few underground storage tanks associated with local gas stations, as well as the town's two potable water storage tanks. There will be no use, storage, release, and/or disposal of toxic or hazardous materials associated with the project. No lead-based paint, radon, asbestos, or mold exist at the existing facilities nor will be utilized as part of the proposed project. No mitigation measures are necessary to combat environmental risks.

E. PUBLIC AND AGENCY INVOLVEMENT

A local newspaper advertisement, announcing the availability of the EA and participation under Section 106 of the National Historic Preservation Act, was published on April 25-28, 2023, in the Valley Courier Newspaper, Rio Grande County, Colorado. A copy of the EA was available for public review at Town of Del Norte Town Hall, 140 Spruce Street, Del Norte, CO 81132 or via digital copy upon request via kevin.mccann@usda.gov. The 14-day comment period ended on May 9, 2023. USDA-RD received no comments.

F. FINDING OF NO SIGNIFICANT IMPACT

Based on its EA, USDA-RD has concluded that the proposed Project would have no significant effects to Land Use, Formally Classified Lands, Prime Farmland, Floodplains, Wetlands, Water Resources, Fish, Wildlife and Vegetation, Listed Threatened and Endangered Species, Migratory Birds, Bald and Golden Eagles, Invasive Species, Cultural Resources and Historic Properties, Air Quality, Socioeconomic and Environmental Justice, Noise, Traffic and Transportation, Visual Resources, Human Health and Safety. The proposed Project will have no effects on historic properties listed or eligible for listing on the National Register of Historic Places and no effects to federally listed species or designated critical habitat. The proposed Project would not disproportionately affect minority or low-income populations.

In accordance with the National Environmental Policy Act, as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality Regulations (40 CFR 1500–1508), and RD’s Environmental Policies and Procedures (7 CFR Part 1970), USDA-RD has determined that the environmental impacts of the proposed Project have been adequately addressed and that no significant impacts to the quality of the human environment would result from construction and operation of the proposed Project. Any final action by USDA-RD related to the proposed Project will be subject to, and contingent upon, compliance with all relevant federal and state environmental laws and regulations. Because USDA-RD’s action will not result in significant impacts to the quality of the human environment, USDA-RD will not prepare an Environmental Impact Statement for its potential federal action associated with the proposed Project.

G. LOAN REVIEW AND RIGHT OF ADMINISTRATIVE REVIEW

This FONSI is not a decision on a loan application and therefore not an approval of the expenditure of federal funds. Issuance of the FONSI and its notices concludes USDA-RD’s environmental review process. The ultimate decision on loan approval depends upon conclusion of this environmental review process in addition to financial and engineering reviews. Issuance of the FONSI and publication of notices will allow for these reviews to proceed. The decision to

provide financial assistance also is subject to the availability of loan funds for the designated purpose in USDA-RD's budget. There are no provisions to appeal this decision (i.e., issuance of a FONSI). Legal challenges to the FONSI may be filed in Federal District Court under the Administrative Procedures Act.

H. APPROVAL

This Finding of No Significant Impact is effective upon signature.

Dated: May 30, 2023

Duane Dale

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Contact Person

For additional information on this FONSI and EA, please contact Kevin McCann via email kevin.mccann@usda.gov or phone 720-544-2912.