

# ENVIRONMENTAL REVIEW RECORD

for the



## MIDWAY STREET PARK PROJECT

IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT



JANUARY 2021

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# **SECTION 1**

**Project Description,**

**Maps,**

**&**

**Site Drawings**

# **City of Filer**

## **Midway Street Park Project**

### **Project Description**

The City of Filer is a small, rural community located in southern Idaho, eight miles west of Twin Falls. The City was established in 1906 and was named after Walter G. Filer who served as the general manager of the Twin Falls Water and Land Company.

Filer is a quiet community that has a rural atmosphere and provides a hometown feel where everybody is your neighbor. The City of Filer is in South-central Idaho and located on the west side of Twin Falls County. Filer has a population of 2,625 people and growing. Filer serves as a bedroom community to its much larger neighbor to the east, the City of Twin Falls. Filer is known as the home of the Twin Falls County Fair, which is one of the largest fairs in the mountain northwest.

Parks are a vital part of every community. They provide space for public events and recreational activities while they improve community health, diminish stress, reduce crime, and foster opportunities for socialization. Parks are often a hub of a community and they can instill a great sense of pride.

The Community is very active and engaged with their youth and family activities. Filer has seen an explosion in its population and use of the recreation program; however, Filer has only one park to operate these recreational programs. They had 3,250 people using the park for baseball (youth and adult) over a 6 ½ week period this summer. In addition, they saw 250 people during the week and 500 over the weekends for their soccer program. They also had 14 flag football teams, with 12 kids on each team, playing seven games over six Saturdays. The challenge is providing space for practices, community events, tournaments, and family gatherings. With population growth projections and use of these recreational programs, a new park in the community is needed.

The City of Filer acquired 7.80 acres in March 2020 with the intent of developing a new community park. The City purchased the property from the Amalgamated Sugar Company LLC at a discounted cost with the agreement to use it as a community park. Recognizing the need for a new park and for a chance to establish it in the underserved northwest part of the community, the City purchased the property. Since that time, City officials have been developing a plan to build the park. The City is proposing to build the park in phases as funding becomes available.

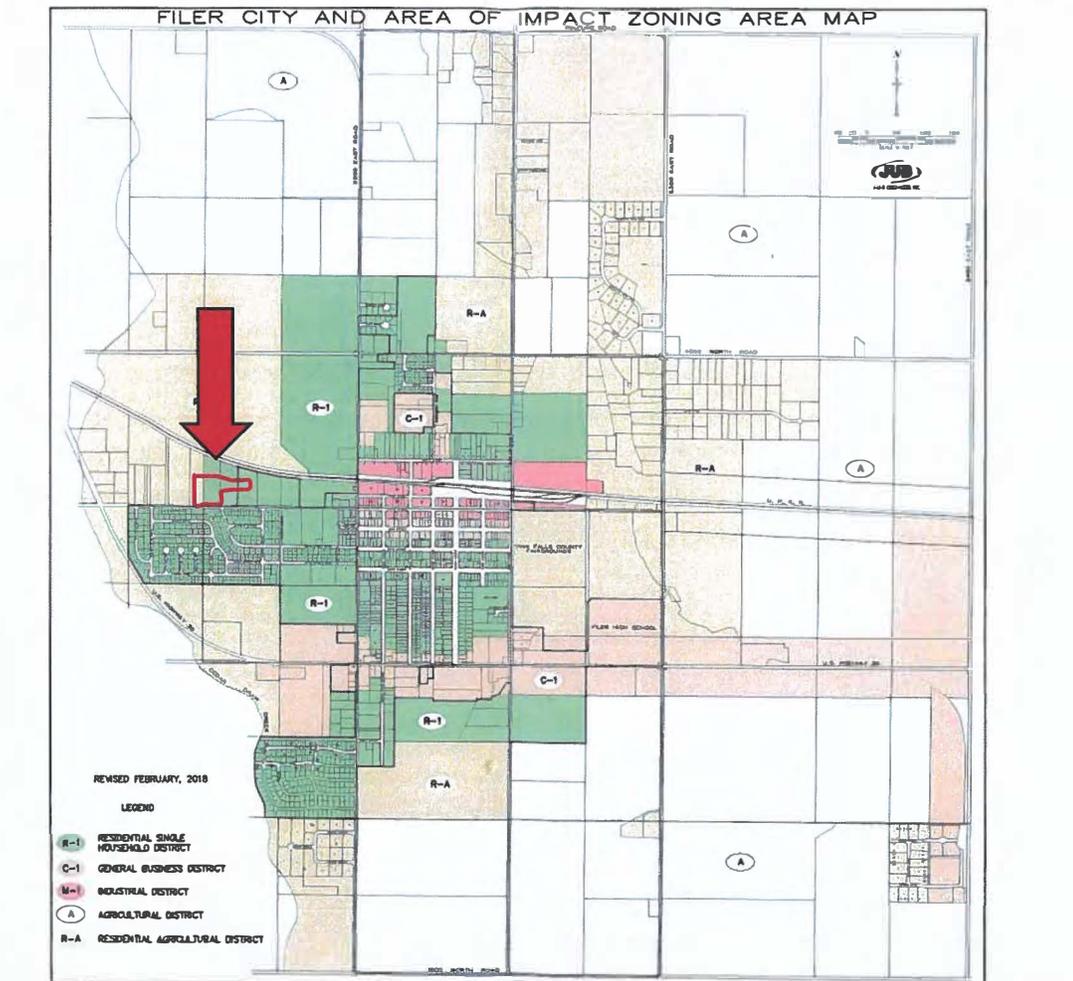
The City of Filer is ready and eager to initiate Phase 1 of its Park Plan. Specifically, the City is looking to purchase and install playground equipment, construct approximately 862 lineal feet of 5-foot sidewalks and 457 lineal feet of curb and gutter (along Midway Street), and construct an estimated 24-foot access road and parking area from Midway Street to the playground area.

Estimated Cost: \$427,000

Funding Source:

ICDBG	\$225,000
City of Filer - Cash	\$100,776
City of Filer – In-Kind	\$ 30,724
Private Investment	\$ 70,500
<b>TOTAL</b>	<b>\$427,000</b>

Park Location Map



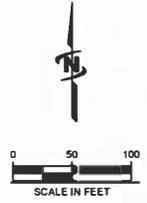
# Location Map



Current Condition of Park



File Date: 07/20/2018 1:53 PM, Issue: 01, User: kshelton  
 Job: 18-00000001, Project: 18-00000001, Drawing: 18-00000001-01, Title: WEST PARK DESIGN, Author: kshelton, Date Plotted: 8/15/2018, 10:55 AM, Plot: 18-00000001-01, Scale: 1/8"=1'-0", Plot Size: 11.00 x 17.00, Plot Orientation: Landscape, Plot Color: Black, Plot Lineweight: 0.20, Plot Font: Arial, Plot Font Size: 10.00, Plot Font Weight: Normal, Plot Font Style: Normal, Plot Font Color: Black, Plot Font Orientation: Horizontal, Plot Font Color: Black



 <b>JUB ENGINEERS, INC.</b> 115 Northstar Ave, Twin Falls, ID 83301 Phone: 208.739.2414 www.jub.com	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%; padding: 2px;"> <b>CITY OF FILER</b>  <b>WEST PARK DESIGN</b>  <b>PROPOSED PARK DEVELOPMENT</b> </td> <td style="width: 20%; padding: 2px;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="font-size: 8px;">DATE</td><td style="width: 100px;"></td></tr> <tr><td style="font-size: 8px;">DESCRIPTION</td><td></td></tr> <tr><td style="font-size: 8px;">BY</td><td></td></tr> <tr><td style="font-size: 8px;">CHECKED BY</td><td></td></tr> <tr><td style="font-size: 8px;">SCALE</td><td></td></tr> <tr><td style="font-size: 8px;">SHEET NUMBER</td><td style="text-align: center;">1</td></tr> </table> </td> </tr> </table>	<b>CITY OF FILER</b> <b>WEST PARK DESIGN</b> <b>PROPOSED PARK DEVELOPMENT</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="font-size: 8px;">DATE</td><td style="width: 100px;"></td></tr> <tr><td style="font-size: 8px;">DESCRIPTION</td><td></td></tr> <tr><td style="font-size: 8px;">BY</td><td></td></tr> <tr><td style="font-size: 8px;">CHECKED BY</td><td></td></tr> <tr><td style="font-size: 8px;">SCALE</td><td></td></tr> <tr><td style="font-size: 8px;">SHEET NUMBER</td><td style="text-align: center;">1</td></tr> </table>	DATE		DESCRIPTION		BY		CHECKED BY		SCALE		SHEET NUMBER	1
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# **SECTION 2**

## **Contact List**

**&**

## **Informational Letters**

## Environmental Review Agency Contact List

### City of Filer – Midway Park Project

Name	Title	Address	Phone	Issues
Ashley Brown ashley.brown@ishs.idaho.gov	Historic Preservation Review Officer	State Historic Preservation Office (SHPO) 210 Main Street Boise, ID 83702	(208)488-7463	- Historic Properties
Vera Pedrow deputyclerk@cityoffiler.com	City of Filer Planning & Zoning Administrator	300 Main Street Filer, ID 83328	(208)326-5000	- Conformance with Planning & Zoning - Compatibility with Neighboring Land Uses - Adverse Effects to the LMI residents of the City - Commercial Facilities - Social Services - Environmental Justice
Carolyn Boyer Smith <a href="mailto:csmith@sbtribes.com">csmith@sbtribes.com</a>	Cultural Resource Coordinator	Shoshone-Bannock Tribes P.O. Box 306 Fort Hall, ID 83203	(208)478-3707	- Tribal Historic Properties
Ted Howard howard.tedl@shopai.org	Director	Cultural Resource Program Shoshone-Paiute Tribe P.O. Box 219 Owyhee, NV 89832	(775)757-3161 ext. 243	- Tribal Historic Properties
Craig White	Magic Valley Regional Supervisor	Idaho Dept. of Fish & Game 324 South 417 East, Suite 1 Jerome, ID 83338	(208)324-4359	- Wetland Protection - Fish & Wildlife - Endangered Species - Vegetation & Habitat
Maureen O'Shea	Idaho State National Flood Insurance Program Coordinator	Idaho Department of Water Resources 322 E Front St, Ste 648 Boise, ID 83720	(208)287-4928	- Floodplain Management - Water Quality - Surface Water - Wetlands - Wild & Scenic Rivers - Water Resources
Joe Otero Joseph.otero@deq.idaho.gov	Water Quality Staff Engineer	Idaho Division of Environmental Quality 650 Addison Ave. W., Ste 110 Twin Falls, ID 83301	208-736-2190	- Water Supply & Quality - Air Quality



P.O. Box 5079 Twin Falls, Idaho 83303-5079  
(208) 732-5727

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September 21, 2020

Vera Pedrow  
City of Filer Planning & Zoning Administrator

Re: City of Filer – Public Park Project

Dear Ms. Pedrow:

As you know, the City of Filer is applying for CDBG funding through the Idaho Department of Commerce. This grant will help finance the City's public park project. Per CDBG requirements, projects that break new ground are required to complete an environmental review. Please see attached maps to give you an overview and location of the proposed project.

All ICDBG projects are subject to review under the National Environmental Policy Act.

Your assistance is needed in completing an environmental assessment. To assist in our review, we would appreciate your comments on any impact the proposed public improvements may have on the following items:

- Conformance with Planning and Zoning
- Compatibility with Neighboring Land Uses
- Any Adverse Effects to the LMI residents of the City
- Commercial Facilities
- Social Services
- Environmental Justice

Please submit any comments within 30 days of the date of this letter. If you have any questions, please contact me at (208) 732-5727, ext. 3010 or [jmccurdy@csi.edu](mailto:jmccurdy@csi.edu).

Sincerely,

A handwritten signature in blue ink that reads 'Jeffrey C. McCurdy'.

Jeffrey C. McCurdy  
President and CEO

-Enclosures



P.O. Box 5079 Twin Falls, Idaho 83303-5079  
(208) 732-5727

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Brian Reed  
Idaho Division of Environmental Quality  
650 Addison Ave. W., Ste 110  
Twin Falls, ID 83301

September 21, 2020

Re: City of Filer – Public Park Project

Dear Brian:

The City of Filer is applying for CDBG funding through the Idaho Department of Commerce. This grant will help finance the City's public park. Per CDBG requirements, projects that break new ground are required to complete an environmental review  
Please see attached maps to give you an overview and location of the proposed project.

All ICDBG projects are subject to review under the National Environmental Policy Act.

Your assistance is needed in completing an environmental assessment. To assist in our review, we would appreciate your comments on any impact the proposed public improvements may have on the following items:

- Water Supply & Quality
- Air Quality

Please submit any comments within 30 days of the date of this letter. If you have any questions, please contact me at (208) 732-5727, ext. 3010 or [jmccurdy@csi.edu](mailto:jmccurdy@csi.edu).

Sincerely,

A handwritten signature in blue ink that reads 'Jeffrey C. McCurdy'.

Jeffrey C. McCurdy  
President and CEO

-Enclosures



P.O. Box 5079 Twin Falls, ID 83303-5079  
(208) 732-5727

---

Ashley Brown  
Historical Preservation Review Officer  
Idaho State Historical Society  
210 Main Street  
Boise, Idaho 83702-7264

September 21, 2020

Re: City of Filer – Public Park Project

Dear Ms. Brown:

The City of Filer is seeking federal funding to help finance the City's public park project. The proposed project would use federal funds under the Community Development Block Grant (CDBG) program and is an undertaking as defined in 36 CFR Part 800.16(y). The City is the agency official as described in 36 CFR part 800.2. In order to determine whether historic properties will be affected by the proposed scope of work, the following information is being provided for your review and comment:

- 1. The Area of Potential Effect:** The Area of Potential Effect (APE) consists of a 7.8 acre parcel located between Steven's Street and Midway Street.
- 2. Location:** The property is vacant ground. It sits in between Steven's Street and Midway Street, as evidenced on the attached map.
- 3. Federal agencies involved:** The City has applied for and is anticipating award of grant funds from the Idaho by the Idaho Department of Commerce Community Block Grant program.
- 4. Project description:** The City of Filer is proposing the development of a new park located on a 7.8 acre parcel of ground the City has recently purchased. The property was sold to the city with the intention of creating a community park on the northwest side of the city. The City would like to develop the park over the next several years and they envision the first phase including: playground equipment, landscaping around playground, curb/gutter/ADA sidewalks and handicap accessible parking.
- 5. Description of ground surfaces & disturbances:** The property is currently vacant ground and was previously was utilized as a temporary place to dump the beets when harvested from the field, while awaiting transportation to the sugar factory.
- 6. Descriptions of buildings or structures that will be affected:** The construction of these improvements will not affect any buildings or structures, as the project the park development will be completed on bare ground.

- 7. Attachments:** 1. Map(s) depicting the location of the project area; 2. Plans or illustrations showing where proposed improvements will occur; 3. Good, clear color photos (not obstructed by trees or signs) of all structures in the project area, and of the APE, clearly showing the current condition of the ground.

I understand that you have 30 days from your receipt of this letter to respond. Please contact me at (208) 732-5727, ext. 3010 or [jmccurdy@csi.edu](mailto:jmccurdy@csi.edu) if you have any questions or concerns.

Sincerely,



Jeffrey C. McCurdy  
President and CEO

-Enclosures



P.O. Box 5079 Twin Falls, Idaho 83303-5079  
(208) 732-5727

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Ted Howard  
Shoshone-Paiute Business Council  
Shoshone-Paiute Tribes  
P.O. Box 219  
Owyhee, NV 89832

September 21, 2020

Re: City of Filer – Public Park Project

Dear Mr. Howard:

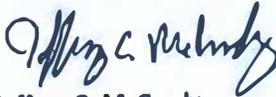
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5. **Description of ground surfaces & disturbances:** The property is currently vacant ground and was previously was utilized as a temporary place to dump the beets when harvested from the field, while awaiting transportation to the sugar factory.
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Sincerely,



Jeffrey C. McCurdy  
President and CEO

-Enclosures



P.O. Box 5079 Twin Falls, Idaho 83303-5079  
(208) 732-5727

---

Carolyn Boyer Smith  
Cultural Resource Coordinator  
Shoshone-Bannock Tribes  
P.O. Box 306  
Fort Hall, ID 83203

September 21, 2020

Re: City of Filer – Public Park Project

Dear Ms. Boyer Smith:

The City of Filer is seeking federal funding to help finance the City's public park project. The proposed project would use federal funds under the Community Development Block Grant (CDBG) program and is an undertaking as defined in 36 CFR Part 800.16(y). The City is the agency official as described in 36 CFR part 800.2. In order to determine whether historic properties will be affected by the proposed scope of work, the following information is being provided for your review and comment:

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I understand that you have 30 days from your receipt of this letter to respond. Please contact me at (208) 732-5727, ext. 3010 or [jmccurdy@csi.edu](mailto:jmccurdy@csi.edu) if you have any questions or concerns.

Sincerely,



Jeffrey C. McCurdy  
President and CEO

-Enclosures



P.O. Box 5079 Twin Falls, Idaho 83303-5079  
(208) 732-5727

---

September 21, 2020

Maureen O'Shea  
State Floodplain Coordinator  
Idaho Department of Water Resources  
322 E Front St, Ste 648  
Boise, ID 83720

Re: City of Filer – Public Park Project

Dear Maureen:

The City of Filer is applying for CDBG funding through the Idaho Department of Commerce. This grant will help finance the City's public park project. Per CDBG requirements, projects that break new ground are required to complete an environmental review.

Please see attached maps to give you an overview and location of the proposed project.

All ICDBG projects are subject to review under the National Environmental Policy Act.

Your assistance is needed in completing an environmental assessment. To assist in our review, we would appreciate your comments on any impact the proposed public improvements may have on the following items:

- Floodplain Management (FEMA Map Panel Numbers)
- Water Quality
- Surface Water
- Wetlands
- Wild & Scenic Rivers
- Water Resources

Please submit any comments within 30 days of the date of this letter. If you have any questions, please contact me at (208) 732-5727, ext. 3010 or [jmccurdy@csi.edu](mailto:jmccurdy@csi.edu).

Sincerely,

A handwritten signature in blue ink that reads 'Jeffrey C. McCurdy'.

Jeffrey C. McCurdy  
President and CEO

-Enclosures



P.O. Box 5079 Twin Falls, Idaho 83303-5079  
(208) 732-5727

---

Craig White  
Idaho Department of Fish & Game  
324 South 417 East, Suite 1  
Jerome, Idaho 83338

September 21, 2020

Re: City of Filer – Public Park Project

Dear Craig:

The City of Filer is applying for CDBG funding through the Idaho Department of Commerce. This grant will help finance the City's public park project. Per CDBG requirements, projects that break new ground are required to complete an environmental review. Please see attached maps to give you an overview and location of the proposed project.

All ICDBG projects are subject to review under the National Environmental Policy Act.

Your assistance is needed in completing an environmental assessment. To assist in our review, we would appreciate your comments on any impact the proposed public improvements may have on the following items:

- Wetland Protection
- Fish & Wildlife
- Endangered Species
- Vegetation & Habitat

Please submit any comments within 30 days of the date of this letter. If you have any questions, please contact me at (208) 732-5727, ext. 3010 or [jmccurdy@csi.edu](mailto:jmccurdy@csi.edu).

Sincerely,

A handwritten signature in blue ink that reads 'Jeffrey C. McCurdy'.

Jeffrey C. McCurdy  
President and CEO

-Enclosures

# **SECTION 3**

## **Agency Responses**



13 October 2020



**Brad Little**  
Governor of Idaho

**Janet Gallimore**  
Executive Director  
State Historic  
Preservation Officer

**Administration:**  
2205 Old Penitentiary Rd.  
Boise, Idaho 83712  
208.334.2682  
Fax: 208.334.2774

**Idaho State Museum:**  
610 Julia Davis Dr.  
Boise, Idaho 83702  
208.334.2120

**Idaho State Archives  
and State Records  
Center:**  
2205 Old Penitentiary Rd.  
Boise, Idaho 83712  
208.334.2620

**State Historic  
Preservation Office:**  
210 Main St.  
Boise, Idaho 83702  
208.334.3861

**Old Idaho Penitentiary  
and Historic Sites:**  
2445 Old Penitentiary Rd.  
Boise, Idaho 83712  
208.334.2844

HISTORY.IDAHO.GOV

Jeffrey C. McCurdy  
President and CEO  
Region IV Development  
P.O. Box 5079  
Twin Falls, Idaho 83303-5079  
jmccurdy@csi.edu

Via Email

**RE: City of Filer – Public Park Project / SHPO Rev. No. 2020-989**

Dear Mr. McCurdy:

Thank you for consulting with our office on the above referenced project. The State Historic Preservation Office is providing comments to the Housing and Urban Development pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR § 800. Consultation with the SHPO is not a substitution for consultation with Tribal Historic Preservation Offices, other Native American tribes, local governments, or the public.

It is our understanding that the scope of the undertaking will include the development of a new park located on a 7.8-acre parcel of ground along Midway Street in the City of Filer, in Twin Falls County, Idaho. The park development will include playground equipment, landscaping around the playground, curb/gutter/ADA sidewalks and handicap accessible parking, baseball field, and a restroom and drinking fountain.

Pursuant to 36 CFR § 800.5, we have applied the criteria of effect to the proposed undertaking. Based on the information received 21 September 2020, we concur the proposed project actions will have **no effect to historic properties.**

In the event that cultural material is inadvertently encountered during implementation of this project, work shall be halted in the vicinity of the finds until they can be inspected and assessed by the appropriate consulting parties.

Thank you for the opportunity to comment. Please note that our response does not affect the review timelines afforded to other consulting parties.

Additionally, information provided by other consulting parties may cause us to revise our comments. If you have any questions or the scope of work changes, please contact me via phone or email at 208.488.7463 or ashley.brown@ishs.idaho.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ashley Brown', written in a cursive style.

**Ashley Brown, M.A.**  
**Historical Review Officer**  
**Idaho State Historic Preservation Office**



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

650 Addison Avenue West, Suite 110 • Twin Falls, ID 83301 • (208) 736-2190  
www.deq.idaho.gov

Brad Little, Governor  
Jess Byrne, Director

October 2, 2020

By e-mail: [tnrbob@gmail.com](mailto:tnrbob@gmail.com)

The Honorable Bob Templeman  
Mayor, City of Filer  
P.O. Box 140  
Filer, Idaho 83328

Re: Request for DEQ Comments, **City of Filer – Public Park Project**, Twin Falls County.

Dear Mayor Templeman:

This office has received Region IV Development's request for DEQ comments relative to the City of Filer Public Park Project. This letter is meant to satisfy Region IV's environmental planning requirements and secure funding through the Idaho Community Development Block Grant (ICDBG).

The proposed project may benefit the community by providing a common place to gather and recreate. It is our opinion that the project area may initially experience minor short term adverse conditions, which may include residential and commercial service impacts in the area on and adjacent to the site.

Please understand that our evaluation of environmental concerns associated with this project is limited to our review of the information provided by Region IV and our experience with similar projects. Ultimately, our opinion as to whether prolonged or permanent environmental and historical impacts that result from this project cannot be determined at this time.

We respectfully request at this time that the following DEQ administrative rule citation references and regional program contacts are contacted as needed during planning, design and construction activities.

**1. Air Quality**

- *IDAPA Section 58.01.01 is the rule section which relates to Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), permits to construct (58.01.01.201), and odor control plans (58.01.01.776).*

Regional Contact, Bobby Dye, Air Quality/Remediation Manager, at (208) 736-2190.

**2. Wastewater and Reuse**

- *IDAPA 58.01.18 and IDAPA 58.01.17 are the rule sections which relate to wastewater and wastewater reuse (recycled water). Please review these rules to determine whether this or future projects will require DEQ approval. All projects require preconstruction approval by DEQ including facilities planning, preliminary engineering reports, plans and specification and other documents unless they meet the provisions of Idaho Code §39-118.2.d. Also note that at the discretion of any city, county, quasi-municipal corporation or regulated public utility, projects that fall within this provision may be referred to DEQ for approval. Wastewater reuse projects require separate permits for operation as well.*

Regional Contact, Joseph Otero, P.E., Water Quality Staff Engineer, at (208) 736-2190.

### **3. Drinking Water**

- *IDAPA 58.01.08 is the rule section which relates to drinking water. Please review these rules to determine whether this or future projects will require DEQ approval including facilities planning, preliminary engineering reports, plans and specification and other documents. All projects require preconstruction approval by DEQ unless they meet the provisions of Idaho Code §39-118.2.d. Also note that at the discretion of any city, county, quasi-municipal corporation or regulated public utility, projects that fall within this provision may be referred to DEQ for approval*

Regional Contact, Joseph Otero, P.E., Water Quality Staff Engineer, at (208) 736-2190.

### **4. Surface Water**

- *If the project will involve de-watering of groundwater during excavation and discharge back into surface water a short term activity exemption (from this office) will be needed which describes treatment of the water from this process to prevent excessive sediment and turbidity from entering surface water.*
- *The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources for more information.*

Regional Contact, Sean Woodhead, Surface Water Quality Manager, at (208) 736-2190

### **5. Solid and Hazardous Waste**

- ***Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservations and Recovery Act (RCRA) and the Idaho*

*Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of wastes generated, determine whether or not each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.*

Regional Contact, Tiffany Bowman, Remediation Analyst, at (208) 736-2190.

- ***Solid Waste.** No trash or other solid waste should be buried, burned or otherwise disposed at the site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.*

Regional Contact, Tiffany Bowman, Remediation Analyst at (208) 736-2190.

- **Water Quality Standards.** *Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters, and the clean-up and reporting of oil filled electrical equipment, hazardous materials, used oil and petroleum releases.*

Regional Contact, Sean Woodhead, Surface Water Quality Manager, at (208) 736-2190

- **Ground Water Contamination.** *DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11) which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."*

Regional Contact, Irene Nautch, Source Water Protection Analyst, at (208) 736-2190.

#### **6. Under Ground Storage Tank (UST) / Leaking Underground Storage Tank (LUST) Program**

- *If an underground storage tank is identified at the site, the site should be evaluated for underground tanks and potential contamination.*

Contact DEQ at (208) 373-0550 or visit the DEQ website [deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx](http://deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx).

If you have any question, please do not hesitate to contact this office at (208) 736-2190.

Sincerely,



Joseph R. Otero, P.E.  
Water Quality Staff Engineer

JO:gl

c: Jeff McCurdy, Region IV Development, Twin Falls [jmccurdy@csi.edu](mailto:jmccurdy@csi.edu)

**From:** [O'Shea, Maureen](#)  
**To:** [Brandy E Lowe](#)  
**Cc:** [Polly D Hulsey](#)  
**Subject:** RE: CDBG - Filer Park Grant Application  
**Date:** Monday, September 21, 2020 1:06:13 PM  
**Attachments:** [image001.png](#)  
[image004.png](#)  
[image005.png](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Brandy,

Filer Idaho has No Special Flood Hazard Area (NSFHA) therefore I have no comments.

Thank you,  
Maureen O'Shea, AICP, CFM  
NFIP State Coordinator  
Idaho Dept. of Water Resources  
322 E Front St, P.O. Box 83720  
Boise, ID 83720  
Office # 208-287-4928  
Cell # 208-830-4174  
[Maureen.OShea@idwr.idaho.gov](mailto:Maureen.OShea@idwr.idaho.gov)  
[www.idwr.idaho.gov/floods](http://www.idwr.idaho.gov/floods)

---

**From:** Brandy E Lowe [BELOWe@csi.edu]  
**Sent:** Monday, September 21, 2020 12:09  
**To:** O'Shea, Maureen  
**Cc:** Polly D Hulsey  
**Subject:** CDBG - Filer Park Grant Application

Hey Maureen,  
Please find attached the environmental letter and map as required for the CDBG grant application.  
Thank you!  
Let me know if you have any questions.

*"Don't Think Twice, it's Alright."*

*Brandy E. Lowe*  
**Administrative Assistant**  
PO Box 5079 Twin Falls, ID 83303  
  
208.732.5727 x 3001  
[www.rivda.org](http://www.rivda.org)



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**From:** [White,Craig](#)  
**To:** [Brandy E Lowe](#)  
**Cc:** [Polly D Hulsey](#)  
**Subject:** RE: CDBG - Filer Park Grant Application  
**Date:** Wednesday, September 30, 2020 5:47:46 PM  
**Attachments:** [image007.png](#)  
[image010.png](#)  
[image011.png](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Hi Brandy – based on the attached letter and map, IDFG is not aware of any concerns that the project will significantly impact wetlands, fish and wildlife or their native habitat/vegetation. I am not aware of any threats to endangered species at the location identified but endangered species are really fall under US Fish and Wildlife agency and I would encourage you to contact them for any technical input regarding endangered species. Please do not hesitate to contact me if you have any questions.

Thanks,  
Craig

Craig White  
Magic Valley Regional Supervisor  
Idaho Department of Fish and Game  
324 South 417 East, Suite 1  
Jerome, Idaho 83338  
(208) 644-6303



**From:** Brandy E Lowe <BELowe@csi.edu>  
**Sent:** Monday, September 21, 2020 12:08 PM  
**To:** White,Craig <craig.white@idfg.idaho.gov>  
**Cc:** Polly D Hulsey <phulsey@csi.edu>  
**Subject:** CDBG - Filer Park Grant Application

Hey Craig,  
Please find attached the environmental letter and map as required for the CDBG grant application.  
Thank you!  
Let me know if you have any questions.

*"Don't Think Twice, it's Alright."*

||

*Brandy E. Lowe*  
**Administrative Assistant**  
PO Box 5079 Twin Falls, ID 83303  
208.732.5727 x 3001  
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# SECTION 4

## HUD Documents

- **Environmental Assessment**
- **Statutory Worksheet**
- **Compliance Checklist for the “Other Requirements” in 24CFR58.6**
- **Environmental Assessment Worksheet**

### **Green Sheets and Associated Documentation**

1. **F1. Historic Preservation**
2. **F2. Floodplain Management**
3. **F3. Wetlands Protection**
4. **F4. Sole Source Aquifers**
5. **F5. Endangered Species Act**
6. **F6. Wild and Scenic Rivers Act**
7. **F7. Clean Air Act**
8. **F8. Farmland Protection Policy Act**
9. **F9. Environmental Justice**
10. **F10. Noise Abatement and Control**
11. **F11. Explosive and Flammable Operations**
12. **F12. Toxic Chemicals and Radioactive Materials**
13. **F13. Airport Clear Zones and Accident Potential Zones**

## ENVIRONMENTAL ASSESSMENT

Responsible Entity: [24 CFR 58.2(a)(7)]: City of Filer

Certifying Officer: [24 CFR 58.2(a)(2)]: Brenda J. Hastreiter

Project Name: Filer Midway Street Park Project

Project Location: Midway Street and Stevens Street Filer, ID 83328

Estimated total project cost: \$ 427,000

### Grant Recipient [24 CFR 58.2(a)(5)]:

Recipient Address: 300 Main Street, Filer, ID 83328

Project Representative: Robert Templeman, Mayor

Telephone Number: (208) 326-5000

**Conditions for Approval:** List all mitigation measures adopted by the responsible entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts or other relevant documents as requirements [24 CFR 58.40(d), 40 CFR 1505.2(c)].

- There were no mitigation measures found to eliminate or minimize adverse environmental impacts for this project. No further mitigation measures necessary.

### FINDING: [58.40(g)]

**Finding of No significant Impact**  
(The project will not result in a significant impact on the quality of the human environment)

**Finding of Significant Impact**  
(The project may significantly affect the quality of the human environment)

Environmental Review Officer:  Date 1-15-2021  
(signature)

Chief Elected Official Signature:  Date 1-15-2021  
(signature)

### Statement of Purpose and Need for the Proposal: [40 CFR 1508.9(b)]

Parks are a vital part of every community. They provide space for public events and recreational activities while they improve community health, diminish stress, reduce crime, and foster opportunities for socialization. Parks are often a hub of a community and they can instill a great sense of pride.

Filer is a quiet community that has a rural atmosphere and provides a hometown feel where everybody's your neighbor. The City of Filer is in South-central Idaho and located on the west side of Twin Falls County. Filer has a population of 2,625 people and growing. Filer serves as a bedroom community to its much larger neighbor to the east, the City of Twin Falls. Filer is known as the home of the Twin Falls County Fair, which is one of the largest fairs in the mountain northwest.

The community is very active and engaged with their youth and family activities. Filer has seen an explosion in its population and use of the recreation program. This summer, the Recreation District participant numbers were down a bit due to the COVID-19 pandemic; however, they still saw impressive numbers. They had 3,250 people using the park for baseball (youth and adult) over a 6 ½ week period this summer. In addition, they saw 250 people during the week and 500 over the weekends for their soccer program. They also had 14 flag football teams, with 12 kids on each team, playing seven games over six Saturdays. Currently, Filer has only one park to operate these recreational programs. The challenge is providing space for practices, community events, tournaments, and family gatherings. With growth projections of its population and use of these recreational programs, a new park in the community is needed.

**Description of the Proposal:** Include all contemplated actions, which logically are either geographically or functionally a composite part of the project, regardless of the source of funding [24 CFR 58.32, 40 CFR 1508.25].

The City of Filer acquired 7.80 acres in March 2020 with the intent of developing a new community park. The City purchased the property from the Amalgamated Sugar Company LLC at a discounted cost if they committed to use it as a community park. Recognizing the need for a new park and for a chance to establish it in the underserved northwest part of the community, the City purchased the property. Since that time, City officials have been developing a plan to build the park. The City is proposing to build the park in phases as funding becomes available.

The City of Filer is ready and eager to initiate Phase 1 of its Park Plan. Specifically, the City is looking to purchase and install playground equipment, construct approximately 862 lineal feet of 5-foot sidewalks and 457 lineal feet of curb and gutter (along Midway Street), and construct an estimated 24-foot access road and parking area from Midway Street to the playground area.

**Existing Conditions and Trends:** Describe the existing conditions of the project area and its surroundings, and trends likely to continue in the absence of the project [24CFR 58.40(a)].

The Filer Recreation District operates and manages the recreational programs for youth and adults in the Filer area. This summer, the Recreation District participant numbers are down a bit due to the COVID-19 pandemic; however, they still saw impressive numbers. They had 3,250 people using the park for baseball (youth and adult) over a 6 ½ week period this summer. In addition, they saw 250 people during the week and 500 over the weekends for their soccer program. They will also see 14 flag football teams, with 12 kids on each team, playing 7 games over the next 6 Saturdays into October. To say it simply, they have a lot of participation in their recreational programs. On game days, the city park is overrun with people. There is not enough space to operate all these programs appropriately. They need more open space for games, practices, and tournaments. For those not involved in sports, open space is still needed for citizens to recreate and enjoy the outdoors.

Without this new park being established the citizens of the City of Filer will continue to experience overcrowding and overuse of their only park. Programs will not be able to expand, and some recreational programs could possibly be cut. This park will enhance current children's programs, offer citizens additional spaces to recreate, and provide a safe place for children to play.

**Statutory Worksheet**  
[24CFR §58.5 and §58.6]

For each listed statute, executive order or regulation, record the determinations made. Note reviews and consultations completed as well as any applicable permits or approvals obtained. Attach evidence that all required actions have been taken. Record any conditions or mitigation measures required. Then, make a determination of compliance or consistency.

Laws/Authorities/E.O.s	Status A/B	Determination and Supporting Documentation
<b>Historic Preservation</b> [36 CFR 800] (Includes Indian Tribes)	A	No negative impact is anticipated. The City and SHPO agree that there are No Historic Properties Affected per 36 CFR 800.4(d)(1). Letters were sent to the Idaho State Historic Preservation Office (SHPO), Shoshone-Bannock Tribe, and the Shoshone Paiute Tribe. SHPO responded with a letter dated October 13, 2020. Idaho SHPO agrees that the proposed project will have “no effect” to historic properties. If cultural material is encountered during construction, work shall be halted in the vicinity of the find(s) until it can be inspected by appropriate consulting parties. No response was received from either the Shoshone-Bannock Tribe or the Shoshone Paiute Tribe. See Exhibit 1 for Green Sheet F.1 and associated documentation.
<b>Flood Plain Management</b> [24 CFR 55, Executive Order 11988]	A	No impact anticipated. The project is not anticipated to be in a floodway or a 100- or 500-year floodplain. The project does not require compliance with 8-step decision-making at 24 CFR Part 55. See Exhibit 2 for Green Sheet F.2 and an excerpt from FEMA flood plan map 16083C1375C evidencing no identified flood zone areas around the City of Filer.
<b>Wetlands Protection</b> [Executive Order 11990]	A	No impact anticipated. Adjacent to the west side of the property is a canal. The National Wetlands Inventory's digital wetlands mapper tool identified this canal as a riverine. However, the wetland is not located on the proposed project site. The canal will not be disturbed during construction. As such, the project does not require compliance with the 8-step decision-making process in Executive Order 11990. See Exhibit 3 for Green Sheet F.3 and a wetlands map of the subject area.
<b>Coastal Zone Management Act</b> [Sections 307(c),(d)]	A	There are no Coastal Zones in Idaho. Therefore, the Act does not apply.
<b>Sole Source Aquifers</b> [40 CFR 149]	A	No impact anticipated. The City of Filer is located over the Snake River Plain Aquifer. The project will be completed in compliance with the MOU for Sole Source Aquifers signed in 2000 between EPA, HUD, & Idaho Department of Commerce. Stormwater will be

		maintained on-site. Any water or wastewater needs at Midway park will be serviced by the City of Filer's municipal systems. The project will not require the installation of any underground storage tanks. See Exhibit 4 for the completed Green Sheet F.4, copy of the MOU, and other applicable information.
<b>Endangered Species Act</b> [50 CFR 402]	A	No impact anticipated. There are two (2) species of migratory birds that were identified on the U.S. Department of Fish and Wildlife Service's (USFWS) Birds of Conservation Concern list that warrants special attention in the project location. USFWS's interactive map reported that they were not an endangered or threatened species affected in the project area. See Exhibit 5 for Green Sheet F.5, for documentation of results.
<b>Wild and Scenic Rivers Act</b> [Sections 7 (b), (c)]	A	No impact anticipated. The project is further than one (1) mile of a Wild and Scenic River. See Exhibit 6 for Green Sheet F.6 and a map identifying the Wild and Scenic Rivers in Idaho and their location from the City of Filer.
<b>Clean Air Act</b> [Sections 176(c), (d), and 40 CFR 6, 51, 93]	A	No impact anticipated. The project is not located in a non-attainment area. See Exhibit 7 for Green Sheet F.7.
<b>Farmland Protection Policy Act</b> [7 CFR 658]	A	No impact anticipated. The project site had been used as a sugar beet dump storage area during the fall harvest campaign. However, this was not used for farm production nor zoned agricultural. The property is zoned R-1 (Residential). When the City annexes the property, the City will maintain the zoning of R-1. See Exhibit 8 for Green Sheet F.8.
<b>Environmental Justice</b> [Executive Order 12898]	A	No impact anticipated. The proposed project is suitable for its proposed land use and will NOT have a disproportionate environmental impact on low income or minority populations. See Exhibit 9 for the completed Green Sheet F.9.

<b>HUD Environmental Standards</b>	<b>Status A/B</b>	<b>Determination and Supporting Documentation</b>
<b>Noise Abatement and Control</b> [24 CFR 51 B]	A	No impact anticipated. The project is not for noise sensitive use. See Exhibit 10 for Green Sheet F.10
<b>Explosive &amp; Flammable Operations</b> [24 CFR 51 C]	A	No impact anticipated. The project will not increase residential densities, convert a building for habitation, nor make a vacant building habitable. Above ground storage tanks were identified approximately 2,863 feet from project site. According to HUD Exchange ASD Calculator, the

		maximum Acceptable Separation Distance is calculated at 284 feet. The largest tank identified was 5,000 gallons containing non-pressurized, liquid fertilizer. See Exhibit 11 for Green Sheet F.11, map and ASD report.
<b>Toxic or Hazardous Substances and Radioactive Materials</b> [24 CFR 58.5(i)]	A	No impact anticipated. There are six (6) Super Funds sites identified in the State of Idaho, none of which are close to the City of Filer nor the proposed project site. The two (2) Underground Storage Tanks that were identified closest to the project area is based on search results as of January 5, 2021, ACME Manufacturing and Bean Growers. Acme Manufacturing experienced a leakage which was mitigated, and the cleanup was cleared by DEQ on 9/11/1997. Bean Growers is a closed site. There are no known LSTs or soil contamination at the project site. See Exhibit 12 for Green Sheet F.12, maps, documentation of project site and Underground Storage Tank Database reports for the nearest underground tanks.
<b>Airport Clear Zones and Accident Potential Zones</b> [24 CFR 51 D]	A	No impact anticipated. The project is not located within an FAA-designated civilian airport Runway Clear Zone (RCA) or Runway Protection Zone. The project site is located approximately 8.5 miles (44,904 feet) from the nearest civil airport. See Exhibit 13 for Green Sheet F.13 and other documentation.

**INSTRUCTIONS for completing the STATUTORY WORKSHEET**

*(attach to completed Statutory Worksheet)*

**\*\*\*\*SAMPLE STATUTORY WORKSHEET ON PAGE 103\*\*\*\***

For HUD funded projects that are categorically excluded per 24 CFR §58.35(a), the Responsible Entity (RE) must determine whether the proposal achieves compliance with each applicable statute, Executive Order or regulation with or without requiring formal consultation, mitigation, permits or having adverse effects on the resources protected by the statute. These instructions are a brief description of the essential findings needed to establish compliance. Please see Northwest Region Checklist Tools for further guidance on these laws and authorities. These instructions are not intended to replace the applicable regulations and applicable regulations take precedence.

The Preparer of the Statutory Worksheet must DOCUMENT AND ATTACH THE SOURCES OF THE DETERMINATION.

**Record the finding status on the STATUTORY WORKSHEET for each listed Federal statute, regulation, authority as follows:**

**Status "A"** applies when compliance with the authority is achieved without adverse effects on the protected resource, without necessary mitigation or attenuation AND when no formal consultation, permit or agreement is required to establish compliance. In these situations, enter "A" in the STATUTORY WORKSHEET status column.

**Status "B"** applies when project compliance with the authority requires formal consultation, a permit or agreement, OR when the proposal may have an adverse effect on the protected resources. Part B summarizes what additional steps or formal procedures must be completed prior to submitting a Request for Release of Funds (RROF) to HUD or to the State. Evidence of completion and implementation of the required procedures or mitigation must be retained in the project Environmental Review Record (ERR).

**Historic Properties (including archeology):** **A)** The RE and SHPO agree that there are No Historic Properties Affected per 36 CFR 800.4(d)(1) **OR** SHPO has not objected within 30 days to such a fully documented determination. **B)** The proposal will have an effect on historic properties per §800.4(d)(2). This includes "no adverse effect" on historic properties §800.5 when additional investigations or consultation is required.

**Floodplain Management:** **A)** The project does not require compliance with 5-step or 8-step decision-making at 24 CFR Part 55. **B)** The project requires compliance with the 5-step or 8-step decision-making process at 24 CFR Part 55.20.

**Wetlands Protection:** **A)** The project does not require compliance with the 5-step or 8-step decision-making process in Executive Order 11990. **B)** The project requires compliance with the 5-step or 8-step decision-making process in Executive Order 11990.

**Coastal Zone Management:** **A)** The project is not located in the coastal zone, **OR** the project does not include new construction or major rehabilitation of existing structures, **OR** the State Department of Ecology has accepted the RE's certification that the project is consistent with the Coastal Zone Management Program. **B)** State Department of Ecology does not accept consistency determination and/or requires mitigation.

**Sole Source Aquifers (Safe Drinking Water Act):** **A)** The project is not located within a U.S. EPA-designated sole source aquifer watershed area (including stream flow source areas), **OR** the project need not be referred to EPA for evaluation according to an EPA approved MOU or checklist, **OR** EPA has concurred that the project is "not likely to affect Sole Source Aquifer quality" in an informal consultation. **B)** EPA does not concur with "not likely to affect Sole Source Aquifer quality" determination and/or requires mitigation.

**Endangered Species:** **A)** The RE determines that the proposal will have "no effect" on federally protected (listed or proposed) Threatened or Endangered Species **B)** US Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) concur the project "is not likely to adversely affect" any federally protected (listed or proposed) Threatened or Endangered Species (i.e., plants or animals, fish, or invertebrates), nor adversely modify critical habitats **OR** USFWS and/or NMFS do not concur the project "is not likely to adversely affect" federally protected species or adversely modify critical habitats **OR** the proposal is "likely to adversely affect" any federally protected (listed or proposed) Threatened or Endangered Species.

**Wild and Scenic Rivers:** **A)** The project is not located within one mile of a listed Wild and Scenic River, **OR** the project will have no effects on the natural, free flowing or scenic qualities of a river in the National Wild and Scenic Rivers system. **B)** Impact resolution and/or mitigation required.

**Air Quality:** **A)** The project is located within an "attainment" area, **OR**, if within a "non-attainment" area, conforms with the EPA-approved State Implementation Plan (SIP), per contact with a regional Clean Air Agency, **AND** the project requires no individual NESHAP permit or notification; **B)** Negotiate suitable mitigation measures with the relevant regional Clean Air Agency, obtain necessary permits, issue required notices. (For example, 40 CFR §61.145 requires 10-day prior notification to the Air Quality District Administrator whenever either 260 linear ft., 160 sq. ft., or 35 cubic ft., of asbestos containing material is to be disturbed).

**Farmland Protection:** **A)** The project site does not include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service NRCS (formerly the Soil Conservation Service), **OR** the project site includes prime or unique farmland, but is located in an area committed to urban uses; **B)** Project site includes prime or unique farmland as identified by NRCS.

**Noise Abatement and Control:** **A)** The project does not involve development of noise sensitive uses, **OR** the project is not within 15 miles of a civil airport or military airfield, within 1000 feet of major highways or busy roads, or with 3000 feet of a railroad, **OR** ambient noise level is documented to be 65 LDN (CNEL) or less, based upon the HUD Noise Assessment Guidelines (NAG); **B)** Development project requires mitigation to meet HUD's noise standards at 24 CFR 51B.

**Explosive or Flammable Operations:** **A)** The project is located at an Acceptable Separation Distance (ASD) from any above-ground explosive or flammable fuels or chemicals containers according to 24 CFR 51C, **OR** the project will expose neither people nor buildings to such hazards; **B)** Project requires mitigation to meet Acceptable Separation Distance.

**Toxic Chemicals and Radioactive Materials:** **A)** The subject and adjacent properties are free of hazardous materials, contamination, toxic chemicals, gasses and radioactive substances which could affect the health or safety of occupants or conflict with the intended use of the subject property. **B)** Project requires mitigation to meet HUD's toxic standards.

**Environmental Justice:** **A)** The proposed site is suitable for its proposed use and will NOT have a disproportionate environmental impact on low income or minority populations; **B)** Site suitability is a concern; the proposal is adversely affected by environmental conditions disproportionately impacting low income or minority populations.

**Airport Clear Zones and Accident Potential Zones:** **A)** The project is not located within an FAA-designated civilian airport Runway Clear Zone (RCA) or Runway Protection Zone, or within the military Airfield Clear Zone (CZ) or Accident Potential Zone/Approach Protection Zone (APZ), based upon information from the airport or military airfield administrator identifying the boundaries of such zones, **OR** the project involves only minor rehabilitation, **OR** the project involves only the sale or purchase of an existing property in the RCZ or CZ; **B)** It is HUD policy not to provide any development assistance, subsidy or insurance in RCZs or CZs unless the project will not be frequently used or occupied by people and the airport operator provides written assurances that there are no plans to purchase the project site.

***Remember: To include as part of the Environmental Review Record all source documentation including the completed Green Sheets.***

**Compliance Checklist for the “Other Requirements” in 24 CFR 58.6**

**Section 1. Flood Disaster Protection Act**

Are funds for acquisition (including equipment) or construction (including repair and rehabilitation) purposes?	Yes Continue	No Proceed to Section 2- Act does not apply
Is the Activity in an area identified as having special flood hazards (SFHA)? <a href="https://msc.fema.gov/portal/home">https://msc.fema.gov/portal/home</a> Identify FEMA flood map used to make this determination: Community Name and Number: <u>Filer, Twin Falls County, ID</u> Map panel number and date: <u>16083C1375C 09/26/2008</u>  <b>*See Exhibit 2 for a copy of the floodplain map.</b>	Yes Document and Continue	No Document and Proceed to Section 2-Act does not apply
Is the Community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?	Yes- Document; follow instructions <input type="checkbox"/>	<b>No-Federal Assistance may not be used for this project.</b>
<i>Flood Insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost. A copy of the flood insurance policy declaration must be kept on file.</i>		

**Section 2. Airport Runway Clear Zones (Civil) and Accident Potential Zones (Military)**

Does the project involve HUD assistance, subsidy or insurance for the purchase or sale of an existing property?	Yes Continue	No—Proceed to Section 3—regulation does not apply.
Is the project located within 2,500 feet of a civil airport or 15,000 feet of a military airfield?	Yes Continue	No—Document and proceed to Section 3— regulation does not apply.
Is the project located within an FAA-designated civilian airport Runway Clear Zone (RCA) or Runway Protection Zone, or within the military Airfield Clear Zone (CZ) or Accident Potential Zone/Approach Protection Zone (APZ), based upon information from the airport or military airfield administrator identifying the boundaries of such zones?	Yes Continue	No—Document and proceed to Section 3— regulation does not apply.
<i>Comply with 24 CFR Part 51, Subpart D. This may include providing a written notice to a prospective buyer or leaser of the potential hazards from airplane accidents and the potential that an airfield operator may wish to purchase the property. Maintain copies of the signed notice. For properties located in a military clear zone, make and document a determination of whether the use of the property is consistent with DOD guidelines.</i>		

**Section 3. Coastal Barrier Resources Act**

**There are no Coastal Barrier Resource Areas in Idaho. Therefore, the Act does not apply.**

## Environmental Assessment Worksheet

Use the instructions for completing the HUD ENVIRONMENTAL ASSESSMENT CHECKLIST  
[Environmental Review Guide HUD CPD 782, 24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27]

Evaluate the significance of the effects of the proposal on the character, features and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a finding of impact. **Impact Codes:** (1) No impact anticipated; (2) Potentially beneficial; (3) Potentially adverse; (4) Requires mitigation; (5) Requires project modification. Per 40 CFR 1508.9(b), note sources, agencies, persons consulted, dates of contact, telephone numbers and page references. Attach additional materials as needed.

Land Development	Code	Information Source and/or Documentation
Conformance with Comprehensive Plans and Zoning	1	No impact anticipated. The project is zoned R-1 which follows current zoning standards. Municipal services will be constructed in public easements and rights-of-ways. No special use permits, or approvals are required.
Compatibility and Urban Impact	2	The project will have a positive impact on community and is compatible with the intended use of the property. It is located near the elementary and middle schools and is near many residential neighborhoods that do not have park access nearby.
Slope	1	No impact anticipated. Slope is less than 6% and there is no evidence of slope erosion or unstable slope conditions on or near the site.
Erosion	1	No impact anticipated. There is no evidence of erosion or sedimentation. There is not any vegetation or tree removal anticipated, and there are no steep slopes or sandy and silty soil on the project site.
Soil Suitability	1	No impact anticipated. There is no evidence of soil problems and will not likely be impacted by soils from nearby properties.
Hazards and Nuisances including Site Safety	1	No impact anticipated. Construction activities will be limited to daytime hours as allowed by City ordinance. No on-site or off-site hazardous substances or facilities are identified on or near the project site. See exhibit 11 for Green Sheet F.11.
Energy Consumption	1	No impact anticipated. Idaho Power is the local provider of electrical services in the area. The long-term plan of the park will include outdoor lighting, but not until phase II.
<b>Noise</b> Contribution to Community Noise Levels	1	No impact. The project is not for noise sensitive use. See Exhibit 10 for Green Sheet F.10. Noise from project construction activities will be temporary. Construction will be limited to daytime hours as allowed by City ordinance.
<b>Air Quality</b> Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	1	No impact. The project is not located in a non-attainment area. See exhibit 7 for Green Sheet F.7 and a map identifying nonattainment area locations throughout Idaho and the distance from the City of Filer.

<b>Environmental Design</b> Visual Quality – Coherence, Diversity, Compatible Use and Scale	1	The construction of the project is in accordance with zoning conditions and is compatible with neighboring property uses.
------------------------------------------------------------------------------------------------------	---	---------------------------------------------------------------------------------------------------------------------------

<b>Socioeconomic</b>	<b>Code</b>	
Demographic Character Changes	2	The project is consistent with the land uses and will enhance the City's public parks for the community.
Displacement	1	The land is vacant so there is no displace of persons or businesses anticipated with the implementation of this project.
Employment and Income Patterns	1	There are no long-term impacts this project will have on employment and income patterns.

<b>Community Facilities and Services</b>	<b>Code</b>	<b>Information Source and/or Documentation</b>
Educational Facilities	2	The project will not negatively impact educational facilities. It will create additional space for various recreation program activities and will create a safe area for neighborhood youth to utilize for healthy outdoor activities.
Commercial Facilities	1	No impact anticipated. No businesses will be displaced or placed at a competitive disadvantage as a result of this project. This project is anticipated to have a positive impact on the local economy.
Health Care	1	No impact anticipated. Family Health Services and St. Luke's Magic Valley Medical Center are all within less than ten miles of the project site and can provide health care services. There are also other health care professionals within that ten-mile range.
Social Services	1	No impact anticipated. Social services are available in the community. The project will not overburden these services.
Solid Waste	1	No impact anticipated. The City of Filer provides solid waste disposal service through Western Waste Services. They have the capacity to dispose of solid waste generated from this project.
Wastewater	1	No impact. The City of Filer's wastewater system will not be affected by this project.
Storm Water	1	Any storm water in the construction site will be handled according to local, state, and federal law. A letter was sent to Maureen O'Shea of Idaho Department of Water Resources dated September 21, 2020. Their response was that the City of Filer has No Special Flood Hazard Area (NSFHA) and they had no concerns.
Water Supply	1	No impact anticipated. The project may involve the extension of a service line that will be served by the City of Rupert's municipal water distribution system. Water usage will have minimal impact to the water system as a whole.

		The system has the capacity to provide the anticipated water usage without needed any additional upgrades.
Public Safety -Police	1	No impact. The City of Filer Police Department and the Twin Falls County Sherriff's Office provide police services in the area. Both agencies have the resources to provide the services for the proposed project.
-Fire	1	No impact anticipated. Fire services in the area are provided by the City of Filer's Fire Department. This Department has the resources to provide adequate fire protection services for the new park.
-Emergency Medical	1	No impact anticipated. Family Health Services and St. Luke's Magic Valley Medical Center are all within less than ten miles of the project site and can provide health care services. The project will not cause an overburden on emergency medical services.
Open Space and Recreation -Open Space	2	No impact anticipated. The project is converting a vacant property which was once used as sugar beet storage to a public recreational park. The City of Filer will see an increase in open space.
-Recreation	2	Positive impact anticipated. The new park will enhance recreational opportunities in the area.
-Cultural Facilities	1	No impact anticipated. There are several cultural facilities in and around the City of Filer. The proposed project will not eliminate, reduce, or overload any cultural facilities.
-Transportation	1	No impact anticipated. The property is accessible via a public roadway system that is designed and has the capacity for additional traffic patterns that will result with the development of this park complex.

Natural Features	Code	Information Source and/or Documentation
Water Resources	1	No impact anticipated. Water services will be provided by the City of Filer's municipal water system. The City has sufficient resources and ground water rights to supply the anticipated water needs of the project.
Surface Water	1	No impacted anticipated.  <i>Flood Plain</i> – No impact anticipated. The project is not anticipated to be in a floodway or a 100- or 500-year floodplain. The project does not require compliance with 8-step decision-making at 24 CFR Part 55. See Exhibit 2 for Green Sheet F.2 and an excerpt from FEMA flood plan map 16083C1375C evidencing no identified flood zone areas around the City of Filer.  <i>Wetlands</i> – No impact anticipated. Adjacent to the west side of the property is a canal. The National Wetlands Inventory's digital wetlands mapper tool identified this canal as a riverine. However, the wetland is not located on the proposed project

		site. The canal will not be disturbed during construction. As such, the project does not require compliance with the 8-step decision-making process in Executive Order 11990. See Exhibit 3 for Green Sheet F.3 and a wetlands map of the subject area.
Unique Natural Features and Agricultural Lands	1	No impact anticipated. There are no unique natural features on or near the site that will be impacted by this project. This project will not damage or destroy any remnant plant communities or endangered species and will not adversely affect agricultural lands.
Vegetation and Wildlife	1	The project will not damage or destroy existing wildlife habitats or impact endangered or threatened species. A letter was sent to the Idaho Department of Fish & Game. They had no concern that the project would impact wetlands, fish and wildlife or their native habitat/vegetation or endangered species. There are two (2) species of migratory birds that were identified on the U.S. Department of Fish and Wildlife Service's (USFWS) Birds of Conservation Concern list that warrants special attention in the project location. USFWS's interactive map reported that they were not an endangered or threatened species affected in the project area. See exhibit 5 for Green Sheet F.5 for the U.S. Fish and Wildlife Service's IPaC report for the project site.

Other Factors	Code	Information Source and/or Documentation

### Summary of Findings and Conclusions

#### ALTERNATIVES TO THE PROPOSED ACTION

**Alternatives and Project Modifications Considered** [24 CFR 58.40(e), Ref. 40 CFR 1508.9] (identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it.)

- **The City of Filer was able to acquire the proposed site at a discounted rate that made the project possible. No other sites were considered. The City is looking to establish this property as a new community park. Improvements will be phased in over time as funding becomes available. The components of this initial phase of the park development was deemed by the City the most critical and in compliance with the ICDBG program.**

**No action Alternative [24 CFR 58.40(e)]**

(Discuss the benefits and adverse impacts to the human environment of not implementing the preferred alternative.)

- **The City of Filer has needed an additional park to serve their community for many years. Without the development of this new park, the City would continue to have challenges of providing adequate park and recreational space for its citizens. Therefore, a no action alternative was not considered.**

**Mitigation Measures Recommended [24 CFR 58.40(d), 40 CFR 1508.20]**

(Recommend feasible ways in which the proposal or external factors relating to the proposal should be modified in order to eliminate or minimize adverse environmental impacts.)

- **There were no mitigation measures found to eliminate or minimize adverse environmental impacts for this project. No further mitigation measures necessary.**

**Additional Studies Performed**

- **Not applicable. No additional studies have been conducted nor required to undertake this project.**

**INSTRUCTIONS for completing the HUD ENVIRONMENTAL ASSESSMENT CHECKLIST**  
(attach to completed Assessment Checklist)

**\*\*\*\*SAMPLE CHECKLIST ON PAGE 103\*\*\*\***

The major purpose of the Checklist is to allow a more detailed analysis on those categories of potentially significant impact. Judgments of the project on the specific impacts should be based on source documentation from the grant administrator's site visit and knowledge, planning and zoning data, facilities plans or reports, design professional opinions, economic impacts, etc. If the impact is adequately covered under the Statutory Checklist this should be noted and no further analysis is required.

Note: a number of the assessment checklist impacts revolve around housing and urban development, so there are times when the direct link between a typical ICDBG project (usually infrastructure and rural) and the impact are not direct or seem logical. It does seem odd to even ask the question if the proposed sewer lagoon will create a burden on emergency medical services. Regardless, the checklist does need to be completed and reference applicable source documentation that includes names, date of contact, phone numbers, and websites.

The determinations to be made for each impact include:

**No Impact Anticipated = 1** (example - Sewer lagoon expansion will not have a negative impact on emergency medical services)

**Potentially Beneficial = 2** (example - Installation of wind turbine will help meet increasing energy consumption needs plus diversify reliance on other sources)

**Potentially Adverse = 3** (example - Soil is sandy, however, it will be replaced with structural compacted fill to ensure proper base for water tank installation.)

**Requires Mitigation = 4** (example - Soil excavation near the river requires that the contractor comply with DEQ's Best Management Practices for control and treatment of storm water)

**Requires Project Modification = 5** (example – Building site was moved to higher elevation out of the 100-year floodplain)

When completing the environmental assessment checklist use the following questions to assist you in determine what determination is applicable for the impact.

## **LAND DEVELOPMENT**

### **Conformance with Comprehensive Plans and Zoning**

Is the project in conformance with the local comprehensive plan?  
Does the project meet planning and zoning codes?

### **Compatibility and Urban Impact**

Will the project have an adverse effect on the economy of a core city area?  
Will the project contribute to urban sprawl?  
Will it displace economic activity from a central business district?  
Does the proposed project contribute to reducing the racial, ethnic and income segregation of the area's housing?

### **Slope**

Slopes: Slight (0-6%) Moderate (6-12%) Steep (12%+)  
Is there evidence of slope erosion or unstable slope conditions on or near the site?

**Erosion**

Is there evidence of erosion or sedimentation?

Does site clearance require vegetation removal?

Does the project involve development of an erosion sensitive area (near water, on a steep slope, on a sandy or silty soil)?

Is an erosion control plan included as part of the construction?

**Soil Suitability**

Is there any visible evidence of soil problems (foundations cracking or settling, basement flooding, etc.)?

Have soil studies or borings been made for the project site or the area?

Do the soil studies or borings indicate marginal or unsatisfactory soil conditions?

Is there indication of cross-lot runoff, swales, drainage flows on the property?

Are there visual indications of filled ground?

Is a soils report (other than structural) needed?

Are structural borings or a dynamic soil analysis/geological study needed?

**Hazards, Nuisances and Site Safety**

Does the project involve any of the potential hazards listed:

Noise

Vibration

Odor

Lack of Light

Air Pollution

Toxic Chemical Dumps

Mine Tailings

Site Hazards (traffic, natural)

Has the site has been used as a dump or landfill?

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?

Will measures be taken to protect the public near the construction sites?

**Energy Consumption**

Does the location of the site have any special energy related advantages or disadvantages?

Are energy efficient designs or building materials incorporated into the project?

Has the owner investigated possible energy efficient design incentives?

**Noise**

Will project contribute to community noise levels?

**Air Quality**

Does the project require an operating permit?

Is the project located in a vicinity where air quality violations have been registered?

If the project or its potential users would be sensitive to existing air pollution has the project been designed to mitigate possible adverse effects?

Will the project establish a trend which, if continued may lead to violation of air quality standards in the future?

**Environmental Design**

Will there be demonstrable destruction or physical alteration of the natural or man-made environment?

Will there be intrusion of elements out of character or scale with existing physical environment?

Will the proposed structure block views or degrade them, change the skyline or create a new focal point?

Will there be interference with or impairment of ambient (or existing background) conditions necessary for the enjoyment of the physical environment?

## **SOCIOECONOMIC**

### **Demographic Character Changes**

- Will the proposed project significantly alter the demographic characteristics of the community?
- 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?
- Will the proposed project severely alter residential, commercial or industrial uses?

### **Displacement**

- Will the project directly displace individuals or families?
- Will the project destroy or relocate existing jobs, community facilities or any business establishments?

### **Employment and Income Patterns**

- 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?

## **COMMUNITY FACILITIES AND SERVICES**

### **Educational Facilities**

- Will the local school system have the capability to service the potential school age children from the project?
- Will the additional school age children in the proposed housing development exceed the capacity of existing or planned school facilities?
- Does the potentially affected school(s) have adequate and safe access to facilities?

### **Commercial Facilities**

- Do local retail services meet the needs of project occupants/users? Are they affordable and is the range of services adequate?
- 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**

- 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?

### **Social Services**

- Are social services currently located in close proximity to the prospective users/residents? Are they within walking distance or convenient to public transportation and less than one-half hour's commute?
- Will the demand for the social services increase and overburden existing facilities, can provisions be made to obtain alternative and/or additional space?

### **Solid Waste**

- Will the existing or planned solid waste disposal system adequately service the proposed development?
- As a result of the project, will the design capacity of these facilities be exceeded?
- Will the proposed project be adversely affected by proximity to these facilities?

### **Wastewater**

- If the sanitary sewers and wastewater disposal systems are non-municipal, has an acceptable "system" been approved by appropriate authorities and agencies?
- Will existing or planned wastewater systems adequately service the proposed development?
- As a result of the project, will the design capacity of these facilities be exceeded?
- Will the proposed project be adversely affected by proximity to these facilities?

**Storm Water**

Will existing or planned storm water disposal and treatment systems adequately service the proposed development?

Will the project overload the design capacity of these facilities?

**Water Supply**

Will either the municipal water utility or on-site water supply system be adequate to serve the proposed project?

Is the water supply quality safe from a chemical and bacteriological standpoint?

Will the project affect a sole source or other aquifer?

**Public Safety****-Police**

Are police services located within reasonable proximity to the proposed project?

Will the project have an overburden on police services?

**-Fire**

Is firefighting protection municipal volunteer adequate and equipped to service the project?

Will the project have an overburden on fire services?

**-Emergency Medical**

Are emergency health care providers located within reasonable proximity to the proposed project?

Will the project have an overburden on emergency medical services?

**Open Space and Recreation****-Open Space**

Are open space areas within reasonable proximity (i.e., walking distance) to the project area?

Is there adequate supply of these resources for the users or resident population of the development?

Will the ICDBG project reduce, eliminate, or overload the open space area?

**-Recreation**

Are parks within reasonable proximity (i.e., walking distance) to the project area?

Is there adequate supply of these resources for the users or resident population of the development?

Will the ICDBG project reduce, eliminate, or overload the open space area?

**-Cultural Facilities**

Are cultural facilities within reasonable proximity (i.e., walking distance) to the project area?

Is there adequate supply of these resources for the users or resident population of the development?

Will the ICDBG project reduce, eliminate, or overload the cultural facilities?

**-Transportation**

Will transportation facilities and services be adequate to meet the needs of the project's users?

Will the project encourage additional private vehicle trips and increase energy consumption?

Will the project create any safety hazards?

Will the project be provided with an adequate level of transportation service?

## **NATURAL FEATURES**

### **Water Resources**

Is the site subject to rapid water withdrawal problems which change the depth or character of the water table?

Are there visual or other indications of water quality problems on or near the site?

Will the project involve discharge of sewage effluent into surface water bodies? If so, will it meet Federal, state, and other applicable standards?

Will the project involve a substantial increase in impervious surface area and if so, have runoff control measures been included in the design?

### **Surface Water**

Will the project be located in the 100-year floodplain?

Does the proposed ICDBG project have the potential to affect or be affected by a wetland?

Is the project in compliance with Executive Order 11990?

Are there available alternatives to locating the project or activity in the wetland?

### **Unique Natural Features and Agricultural Lands**

Will the proposed project location, construction, or activities of project users adversely impact unique natural features on or near the site?

Will the project either destroy or isolate from public or scientific access the unique natural features?

Will the project damage or destroy existing remnant plant communities, especially rare or endangered species?

Will it damage or destroy trees without replacement and landscaping?

Will the project create environmental conditions which might threaten the survival of existing vegetation, particularly changes in the native plant community habitats?

Will drainage from the project adversely affect farmland?

Will the project location, construction, or activities of project users adversely affect important and productive farmlands on or near the site by conversion?

### **Vegetation and Wildlife**

Will the project damage or destroy existing wildlife habitats?

Will the project threaten any animal species listed by either Federal or State agencies as rare or endangered?

Will the project damage game or fish habitats or spawning grounds?

# **Exhibit 1**

## **Green Sheet**

### **F1. Historic Preservation**

## GREEN SHEET F.1

### Historic Preservation Checklist

General requirements	Legislation	Regulation
Protect sites, buildings, and objects with national, state or local historic, cultural and/or archeological significance. Identify effects of project on properties	National Historic Preservation Act, 16 U.S.C. 470(f), Section 106	36 CFR Part 1294 36 CFR Part 800 24 CFR Part 58.5(a)

**1. Does the project include repair, rehabilitation, or conversion of existing properties; new construction; the acquisition of undeveloped land; or any activity that requires ground disturbance (defined as one cubic foot of disturbed soil)?**

No: STOP here. The Section 106 Historic Preservation review is complete.

- ❖ Record your determination that the project type will not adversely affect historic properties on the Statutory Worksheet or Environmental Assessment.

Yes: PROCEED to #2

**2. Does the project involve a structure that is less than 50 years old, is not in a historic district and has no ground disturbing activities and you have determined there is no potential to cause effects on historic properties per 36 CFR 800.3(a)(1)?**

Yes: STOP here. The Section 106 Historic Preservation review is complete.

Record your determination that there is no potential to cause effect, including the age of the existing building and information from the National Register to show that the activity is not in a historic district, on the Statutory Worksheet or Environmental Assessment.

No: PROCEED to #3

**3. Consult with SHPO or THPO and any tribes or groups that may have an interest in the project to determine if the project is eligible for the National Register of Historic Places.**

Identify Historic Properties within the Area of Potential Effects either by entering the address(es) or providing a map depicting the APE. The APE is defined as the geographic area within which an undertaking may directly or indirectly cause changes in the character or use of historic properties. The APE is influenced by the scale and nature of an undertaking. (36 CFR Part 800.16)

- ❖ Consult the State Historic Preservation Officer (SHPO) or if the project is on tribal land, the Tribal Historic Preservation Officer (THPO) with details of the project and project site. SHPO or THPO typically has 30 days from receipt of a well-documented request to make a determination. We recommend sending the letter with a return receipt form to document the contact. If they do not respond within the timeframe, you may proceed with your determination or consult with the Advisory Council on Historic Preservation (ACHP). See page 61 & 62 for SHPO and THPO contact information.
- ❖ Determine if there are tribes or groups that have demonstrated interest in the historic aspects of the project and invite them to participate in the consultation. You must make a reasonable and good faith effort to identify Indian tribes that may have an interest.

**Proceed as appropriate based on the Finding:**

- No Historic Properties Affected:** STOP here. The Section 106 Historic Preservation review is complete.  
Attach SHPO/THPO concurrence, copies of letters to and from other interested parties and the tribes, and your response to the ERR. If SHPO/THPO did not respond within 30 days, your dated letter documents compliance. Record your determination of no historic properties affected on the Statutory Worksheet or Environmental Assessment.
  
- No Adverse Effect on Historic Property:** STOP here. The Section 106 Historic Preservation review is complete. **Categorically Excluded projects (24 CFR Part 58.35(a)) CANNOT convert to exempt with this determination.**  
Attach SHPO/THPO concurrence, copies of letters to and from other interested parties and the tribes, and your response to the ERR. Record your determination of no adverse effect on historic properties on the Statutory Worksheet or Environmental Assessment.
  
- Adverse Effect on Historic Property:** Resolve Adverse Effects per 800.6 in consultation with SHPO/THPO, the ACHP if participating, and any consulting parties. The loan or grant may not be approved until adverse effects are resolved according to 800.6 or you have complied with 36 CFR Part 800. **Categorically Excluded projects (24 CFR Part 58.35(a)) CANNOT convert to exempt with this determination.**  
Make sure that the resolution is fully documented in your ERR with all SHPO/THPO correspondence, copies of letters to and from other interested parties and the tribes, surveys, MOAs etc.

## Historic Preservation Contacts

### National Contacts

#### Idaho State Historic Preservation Office

Ashley Brown  
Historic Preservation Review Officer  
ashley.brown@ishs.idaho.gov  
210 Main Street  
Boise, Idaho 83702  
Phone: (208)488-7463

Website: <http://history.idaho.gov/location/shpo/> (Includes contact names and addresses, guidance on submitting Section 106 consultation requests, and useful links.)

If a project has a potential adverse impact the Grantee may need to contact the Advisory Council on Historic Preservation.

#### Advisory Council on Historic Preservation

Office of Federal Agency Programs  
401 F Street, NW, Suite 308  
Washington, DC 20001-2637  
Phone: (202) 517-0200  
Fax: (202) 517-6381  
E-mail: [achp@achp.gov](mailto:achp@achp.gov)

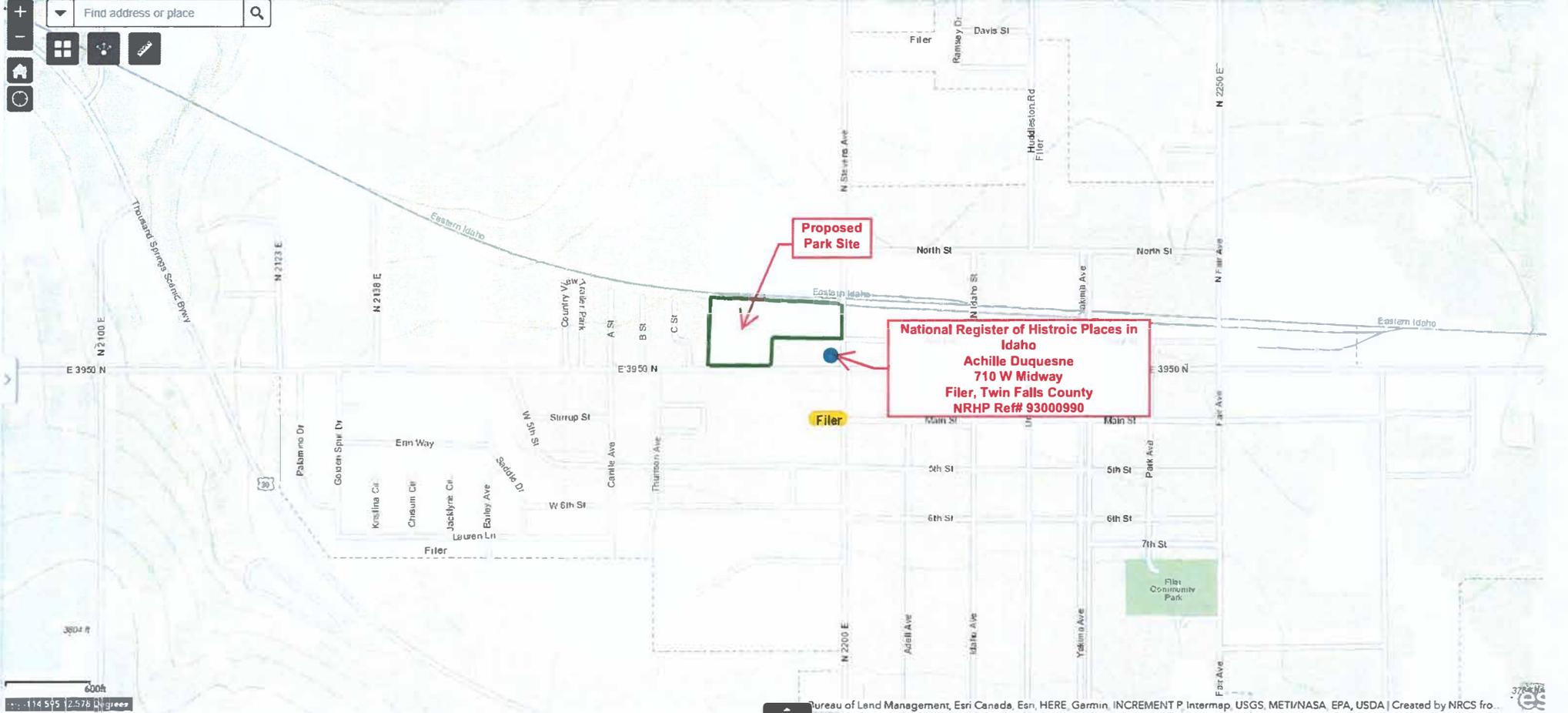
Website: [www.achp.gov](http://www.achp.gov) (The ACHP's Website includes more information about working with Section 106 and contact information for federal agencies, SHOPs, and THPOs. The ACHP also publishes Section 106 Success Stories at [www.achp.gov/sec106\\_successes.html](http://www.achp.gov/sec106_successes.html))

## Tribal Historic Preservation Officers and Tribal Contacts

**Note: The areas of Idaho of interest to the tribes overlap in some instances and referral to two or more tribes may be necessary for at least the initial contact.**

<p>Ted Howard, Director Cultural Resource Program <b>Shoshone-Paiute Tribe</b> PO Box 219 Owyhee, NV 89832 775-757-3161 ext 243 208-759-3100 ext 243 Fax: 775-757-2219 <a href="mailto:Howard.ted@duckvalley.org">Howard.ted@duckvalley.org</a></p>	<p>Josie Shattanana Cultural Resource Program <b>Kootenai Tribe of Idaho</b> PO Box 1269 Bonners Ferry, ID 83805 208-267-3519 Fax: 208-267-2960 <a href="mailto:josie@kootenai.org">josie@kootenai.org</a></p>
<p>Jill Maria Wagner, Ph.D., THPO <b>Coeur d'Alene Tribe</b> PO Box 408 Plummer, ID 83851 208-686-1572 Fax: 208-686-1901 <a href="mailto:jwagner@cdatribe-nsn.gov">jwagner@cdatribe-nsn.gov</a></p>	<p>Patrick Baird, THPO <b>Nez Perce Tribe</b> PO Box 305 Lapwai, ID 83540 208-621-3851 Fax: 208-843-7419 <a href="mailto:keithb@nezperce.org">keithb@nezperce.org</a></p>
<p>Kyle Felsman, THPO <b>Confederated Salish &amp; Kootenai Tribes</b> 42487 Complex Boulevard Pablo, MT 59855 406-675-2700 ext 1077 <a href="mailto:kyle.felsman@cskt.org">kyle.felsman@cskt.org</a></p>	<p>Carolyn Boyer Smith Cultural Resource Coordinator <b>Shoshone-Bannock Tribes</b> PO Box 306 Pima Dr Fort Hall, ID 83203 208-236-1086 <a href="mailto:csmith@sbtribes.com">csmith@sbtribes.com</a></p>
<p>Kevin Lyons Cultural Resource Archeologist <b>Kalispel Tribe</b> PO Box 39 Usk, WA 99180 509-445-1147 Fax: 509-445-1705 <a href="mailto:kilyons@knrd.org">kilyons@knrd.org</a></p>	<p>Patti Timbimboo Cultural Resource Program <b>Northwest Band Shoshone Tribe</b> 862 S. Main Street, Suite 6 Brigham City, UT 84302 435-734-2286 ext 13 Fax: 435-734-0424 <a href="mailto:ptimbimboo@nwbshoshone-nsn.gov">ptimbimboo@nwbshoshone-nsn.gov</a></p>
<p>Charisse Soucie, THPO <b>Burns-Paiute General Council</b> HC-71 100 Pasigo St. Burns, OR 97720-9303 541-573-2323 Fax: 541-573-2422 <a href="mailto:charisse.soucie@burnspaiute-nsn.gov">charisse.soucie@burnspaiute-nsn.gov</a></p>	

Find address or place



Proposed Park Site

National Register of Historic Places in Idaho  
Achille Duquesne  
710 W Midway  
Filer, Twin Falls County  
NRHP Ref# 93000990

Filer



IDAHO STATE  
**HISTORICAL  
 SOCIETY**

13 October 2020



**Brad Little**  
 Governor of Idaho

**Janet Gallimore**  
 Executive Director  
 State Historic  
 Preservation Officer

**Administration:**  
 2205 Old Penitentiary Rd.  
 Boise, Idaho 83712  
 208.334.2682  
 Fax: 208.334.2774

**Idaho State Museum:**  
 610 Julia Davis Dr.  
 Boise, Idaho 83702  
 208.334.2120

**Idaho State Archives  
 and State Records  
 Center:**  
 2205 Old Penitentiary Rd.  
 Boise, Idaho 83712  
 208.334.2620

**State Historic  
 Preservation Office:**  
 210 Main St.  
 Boise, Idaho 83702  
 208.334.3861

**Old Idaho Penitentiary  
 and Historic Sites:**  
 2445 Old Penitentiary Rd.  
 Boise, Idaho 83712  
 208.334.2844

HISTORY.IDAHO.GOV

Jeffrey C. McCurdy  
 President and CEO  
 Region IV Development  
 P.O. Box 5079  
 Twin Falls, Idaho 83303-5079  
 jmccurdy@csi.edu

Via Email

**RE: City of Filer – Public Park Project / SHPO Rev. No. 2020-989**

Dear Mr. McCurdy:

Thank you for consulting with our office on the above referenced project. The State Historic Preservation Office is providing comments to the Housing and Urban Development pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR § 800. Consultation with the SHPO is not a substitution for consultation with Tribal Historic Preservation Offices, other Native American tribes, local governments, or the public.

It is our understanding that the scope of the undertaking will include the development of a new park located on a 7.8-acre parcel of ground along Midway Street in the City of Filer, in Twin Falls County, Idaho. The park development will include playground equipment, landscaping around the playground, curb/gutter/ADA sidewalks and handicap accessible parking, baseball field, and a restroom and drinking fountain.

Pursuant to 36 CFR § 800.5, we have applied the criteria of effect to the proposed undertaking. Based on the information received 21 September 2020, we concur the proposed project actions will have **no effect to historic properties.**

In the event that cultural material is inadvertently encountered during implementation of this project, work shall be halted in the vicinity of the finds until they can be inspected and assessed by the appropriate consulting parties.

Thank you for the opportunity to comment. Please note that our response does not affect the review timelines afforded to other consulting parties.

Additionally, information provided by other consulting parties may cause us to revise our comments. If you have any questions or the scope of work changes, please contact me via phone or email at 208.488.7463 or [ashley.brown@ishs.idaho.gov](mailto:ashley.brown@ishs.idaho.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ashley Brown', with a stylized flourish at the end.

**Ashley Brown, M.A.**  
**Historical Review Officer**  
**Idaho State Historic Preservation Office**

# **Exhibit 2**

## **Green Sheet**

### **F2. Floodplain Management**

**GREEN SHEET F.2  
Floodplain Management  
Checklist**

General requirements	Legislation	Regulation
Avoid the adverse impacts associated with the occupancy and modification of floodplains. Avoid floodplain development whenever there are practicable alternatives.	Executive Order 11988, May 24 1977	24 CFR Part 55

**1. Is the Project located in a floodway or a 100 or 500-year flood plain?**

- ❖ For projects in areas mapped by FEMA, maintain the FEMA map panel that includes your project site. <https://msc.fema.gov/portal/home> Make sure to include the map panel number and date. For projects in areas not mapped by FEMA, use the best information available to determine floodplain information. Include documentation of why this is the best available information for the site.

No: STOP here. The Floodplain Management regulations do not apply.

- ❖ Record your determination that the project is not in a floodplain or floodway.

Yes: Floodway. **STOP. The National Flood Insurance Program prohibits federal financial assistance for use in a floodway.** The only exception is for functionally dependent uses, such as a marina, a port facility, a waterfront park, a bridge or a dam. If your project is a functionally dependent use in a floodway, **PROCEED to #3**

Yes: 500-year flood plain (Zone B or X on FEMA maps or best information). **PROCEED to #2**

Yes: 100 Year flood plain (Zone A or V on FEMA maps or best information). **PROCEED to #3**

Yes: Flood prone area. **PROCEED to #3**

**2. For projects in the 500-year flood plain: Does your project involve a critical action, defined as an activity for which even a slight chance of flooding would be too great because it might result in loss of life, injury or property damage?**

Specific examples include:

- Structures or facilities that produce, use or store highly volatile, flammable, explosive, toxic or water-reactive materials.
- Structures or facilities that provide essential and irreplaceable records or utility or emergency services that may become lost or inoperative during flood and storm events (e.g., data storage centers, generating plants, principal utility lines, emergency operations centers including fire and police stations, and roadways providing sole egress from flood-prone areas).
- Structures or facilities that are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during flood or storm events, e.g. persons who reside in hospitals, nursing homes, convalescent homes, intermediate care facilities, board and care facilities, and retirement service centers. Housing for independent living for the elderly is not considered a critical action.

No: STOP here. The project can proceed without further analysis. Record your determination and attach flood plain map and documentation that project does not involve a critical action.

Yes: PROCEED to #3

**3. Does your project meet one of the categories of proposed action for which the floodplain management regulations do not apply?**

**Several common exemptions include** (please see 24 CFR 55.12 for additional categories of proposed action):

- Financial assistance for minor repairs or improvements on one-to-four-family properties that do not meet the thresholds for 'substantial improvement' under 55.2 (b)(8). HUD defines substantial improvement as any repair, reconstruction, modernization or improvement of a structure, the cost of which equals or exceeds 50% of the market value before the improvement (and before any damage occurred.)
- A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain.
- Approval of a project site, an incidental portion of which is situated in an adjacent floodplain, but only with certain further conditions (see 24 CFR 55.12(c)(6)).
- A project on any site in a floodplain for which FEMA has issued a final Letter of Map Amendment or Letter of Map Revision that removed the property from a FEMA-designated floodplain location.
- A project on any site in a floodplain for which FEMA has issued a conditional LOMA or LOMR if the approval is subject to the requirements and conditions of the conditional LOMA or LOMR.

Yes: Stop here.

- ❖ Record your determination that the project is exempt from floodplain management regulations per 24 CFR 55.12.
- ❖ Maintain copies of all the documents you have used to make your determination.

Note: you may still have to maintain flood insurance on the project per the Flood Disaster Protection Act.

No: PROCEED to #4.

**4. Does your project meet one of the categories of proposed action for which the 8-step decision making process does not apply?**

**Exemptions include:** See 24 CFR 55.12(b) for categories of proposed action.

CDBG projects are unlikely to meet these exemptions.

Yes: Stop Here.

- ❖ Record your determination that the project is exempt from the 8-step process as per 24 CFR 55.12(b).
- ❖ Maintain copies of all documents you have used to make your determination.

Note: you may still have to maintain flood insurance on the project per the Flood Disaster Protection Act. Also note that notification of floodplain hazard requirements at 24 CFR 55.21 may apply.

No: PROCEED to #5

**5. Does your project meet the following categories of proposed action for which a 5-step (limited 8-step) process applies?**

- Actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing multifamily housing projects, nursing homes, assisted living facilities, board and care facilities, intermediate care facilities and one-to four family properties where the project occurs in a community in the Regular Program of the National Flood Insurance Program (NFIP) and is in good standing, and the project meets the following:
  - units are not increased more than 20 percent,
  - the action does not involve a conversion from nonresidential to residential land use,
  - the action does not meet the thresholds for 'substantial improvement', and
  - the footprint of the structure and paved areas is not significantly increased.

OR

- Actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing nonresidential buildings and structures in a community in the Regular Program of the NFIP and is in good standing, and the project meets the following:
  - the action does not meet the thresholds for 'substantial improvement' and
  - the footprint of the structure is not significantly increased.

Yes:

- ❖ Complete the 5-step decision-making process for floodplains. You do not have to publish the notices in steps 2 or 7 or do an analysis of alternatives in Step 3.
  - If still practicable, document your analysis in the file and move forward.
  - If not still practicable, either reject or modify project

No: PROCEED to #6

**HUD strongly discourages use of funds for projects that do not meet an exemption in Part 55.12. Reject the project Site or Request a Letter of Map Amendment or Revision (LOMA/R) from FEMA. If you decide to consider the project you must determine if there are alternatives by completing the 8-step decision-making process described in 24 CFR Section 55.20.**

**6. After completing the 8-step review, is it deemed to move forward with the project?**

No:

❖ Reject or modify project

Yes:

❖ Document your 8-step analysis, including floodplain notices, in your Environmental Review Record. You must notify any private party participating in a financial transaction for the property of the hazards of the floodplain location before the execution of documents completing the transaction. (24 CFR Section 55.21)

Please note that requesting a LOMA/R or completing the 8-step process take time and resources. The 8-step decision making process requires two public notice and comment periods.

You must maintain flood insurance on the project per the Flood Disaster Protection Act.

**From:** [O'Shea, Maureen](#)  
**To:** [Brandy E Lowe](#)  
**Cc:** [Polly D Hulsey](#)  
**Subject:** RE: CDBG - Filer Park Grant Application  
**Date:** Monday, September 21, 2020 1:06:13 PM  
**Attachments:** [image001.png](#)  
[image004.png](#)  
[image005.png](#)

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Brandy,

Filer Idaho has No Special Flood Hazard Area (NSFHA) therefore I have no comments.

Thank you,  
Maureen O'Shea, AICP, CFM  
NFIP State Coordinator  
Idaho Dept. of Water Resources  
322 E Front St, P.O. Box 83720  
Boise, ID 83720  
Office # 208-287-4928  
Cell # 208-830-4174  
[Maureen.OShea@idwr.idaho.gov](mailto:Maureen.OShea@idwr.idaho.gov)  
[www.idwr.idaho.gov/floods](http://www.idwr.idaho.gov/floods)

---

**From:** Brandy E Lowe [BELOWe@csi.edu]  
**Sent:** Monday, September 21, 2020 12:09  
**To:** O'Shea, Maureen  
**Cc:** Polly D Hulsey  
**Subject:** CDBG - Filer Park Grant Application

Hey Maureen,  
Please find attached the environmental letter and map as required for the CDBG grant application.  
Thank you!  
Let me know if you have any questions.

*"Don't Think Twice, it's Alright."*

*Brandy E. Lowe*  
Administrative Assistant  
PO Box 5079 Twin Falls, ID 83303  
208.732.5727 x 3001  
[www.rivda.org](http://www.rivda.org)



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# National Flood Hazard Layer FIRMeTte



14°37'20"W 42°34'32"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

<b>SPECIAL FLOOD HAZARD AREAS</b>		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
<b>OTHER AREAS OF FLOOD HAZARD</b>		0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone X</i>
<b>OTHER AREAS</b>		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
		Area of Undetermined Flood Hazard <i>Zone X</i>
<b>GENERAL STRUCTURES</b>		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
<b>OTHER FEATURES</b>		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
<b>MAP PANELS</b>		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **12/14/2020 at 5:58 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

USGS The National Map: Orthoimagery. Data refreshed October, 2020.

0 250 500 1 000 1 500 2 000 Feet 1:6,000

114°36'42"W 42°34'6"N

# **Exhibit 3**

## **Green Sheet**

### **F3. Wetlands Protection**

## GREEN SHEET F.3

### Protection of Wetlands Checklist

General requirements	Legislation	Regulation
Avoid the adverse impacts associated with the destruction and modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.	Executive Order 11990, May 24 1977	None, but can use 24 CFR 55 for general guidance.

**1. Does the project include new construction, rehabilitation that expands the footprint of the building, or ground disturbance?**

No: STOP here. The Protection of Wetlands executive order does not apply. Record your determination that the project is not in a wetland.

Yes: Proceed to #2

**2. Is there a wetland on your project site?**

- ❖ Use both national and local resources to make this determination. A good first step is to check the National Wetlands Inventory's digital wetlands mapper tool: <http://www.fws.gov/nwi/> If site conditions or other documents indicate there may be a wetland, next check with city, county or tribal experts for local wetlands inventories. If none exist, the presence of hydric soils can indicate a wetland. If you suspect a wetland due to soil type or site conditions, you should commission a professional site survey to delineate the wetland and its boundaries.

Maintain, in your ERR, all documents you have collected to make your wetlands determination.

HUD defines a wetland as *those areas that are inundated with surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction.*

Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

Note that the US Army Corps of Engineers (USACE) has a different definition of wetlands. A determination by the USACE that there is no jurisdictional wetland on site is not sufficient documentation for HUD's purposes.

No: STOP here. The Protection of Wetlands executive order does not apply. Record your determination that the project is not in a wetland.

Yes: Consider moving your project so there will be no destruction or modification of the wetland. If not possible, PROCEED to #3

**3. Does your project involve new construction in the wetland? New construction includes draining, dredging, channelizing, filling, diking, impounding, and related activities.**

No: STOP here. The Protection of Wetlands executive order does not apply.

- ❖ Record your determination that the project does not involve new construction in a wetland.

Yes: Consider moving your project so there will be no destruction or modification of the wetland. If not possible, PROCEED to #4

**4. Consider whether there are any practicable alternatives to locating project in a wetland.**

- ❖ Complete the 8-step decision-making process for wetlands. Follow the 8-step decision-making process described in 24 CFR Part 55.20 with the following changes:
  - The exemptions at 24 CFR 55.12 for floodplain management requirements do not apply to wetlands
  - Step 4 should consider the factors relevant to a proposal's effect on the survival and quality of the wetlands.

A completed Individual Section 404 permit can be used as back-up documentation for the 8-step process.

Yes: If there are practicable alternatives, you should reject the project site and choose the alternative.

No: Move forward following mitigation as required.

See EXHIBIT F.2 - Flood Plain (and Wetland) 8-Step Review

**From:** [O'Shea, Maureen](#)  
**To:** [Brandy E Lowe](#)  
**Cc:** [Polly D Hulsey](#)  
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[image004.png](#)  
[image005.png](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Brandy,

Filer Idaho has No Special Flood Hazard Area (NSFHA) therefore I have no comments.

Thank you,  
Maureen O'Shea, AICP, CFM  
NFIP State Coordinator  
Idaho Dept. of Water Resources  
322 E Front St, P.O. Box 83720  
Boise, ID 83720  
Office # 208-287-4928  
Cell # 208-830-4174  
[Maureen.OShea@idwr.idaho.gov](mailto:Maureen.OShea@idwr.idaho.gov)  
[www.idwr.idaho.gov/floods](http://www.idwr.idaho.gov/floods)

---

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**Sent:** Monday, September 21, 2020 12:09  
**To:** O'Shea, Maureen  
**Cc:** Polly D Hulsey  
**Subject:** CDBG - Filer Park Grant Application

Hey Maureen,  
Please find attached the environmental letter and map as required for the CDBG grant application.  
Thank you!  
Let me know if you have any questions.

*"Don't Think Twice, it's Alright."*

*Brandy E. Lowe*  
**Administrative Assistant**  
PO Box 5079 Twin Falls, ID 83303  
  
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December 14, 2020

**Wetlands**

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

# **Exhibit 4**

## **Green Sheet**

### **F4. Sole Source Aquifer**

**GREEN SHEET F.4**  
**Sole Source Aquifers**  
**Checklist**

General requirements	Legislation	Regulation
Protect drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300 et seq., and 21 U.S.C. 349)	40 CFR 149.2

**1. Is the project located on a sole source aquifer (SSA) including streamflow source areas?**

- ❖ Maintain, in your ERR, a copy of the latest SSA printout from the internet site <https://www.epa.gov/dwssa/map-sole-source-aquifer-locations>
- ❖ Make sure you consider streamflow source areas. If your project is close to the boundary and you are not certain if it is on the SSA, contact Commerce Staff to help assess determination. You will need to provide the project street address and detailed maps, if available.

No: STOP here. The Sole Source Aquifer authority does not apply. Identify the project site on the following map. Record your determination.

Yes: PROCEED to #2

**2. Does the project consist of an individual action on a one-to-four-unit residential building (including acquisition, disposition, new construction and rehabilitation) that meets all applicable local and state groundwater regulations?**

Yes: STOP here. The project is not likely to affect Sole Source Aquifer quality.

- ❖ Record your determination on the Statutory Worksheet.

No: PROCEED to #3

**3. Does the project consist of acquisition, disposition or rehabilitation of a multifamily (5 or more dwelling units) residential building, commercial building or public facility that does not increase size or capacity and meets all applicable local and state groundwater regulations?**

Yes: STOP here. The project is not likely to affect Sole Source Aquifer quality.

- ❖ Record your determination on the Statutory Worksheet.

No: PROCEED to #4

**4. Does the project consist of new construction or rehabilitation that increases size or capacity of a multifamily building or commercial building that meets all applicable local/state ground-water regulations AND is served by public water, sewer and storm drainage systems? (If the project uses well water or a septic system or infiltrates stormwater on site, you must proceed to Step #5.)**

Yes: STOP here. The project is not likely to affect Sole Source Aquifer quality.

❖ Record your determination on the Statutory Worksheet.

No: PROCEED to #5

**5. Does project comply with 2000 Sole Source Aquifer Memorandum of Understanding (MOU) Performance Standards?**

Yes: STOP here

❖ Follow the 2000 Sole Source Aquifer Memorandum of Understanding between HUD/Idaho Department of Commerce, Idaho Housing and Finance Association, and EPA. Record your determination on the Statutory Worksheet and include MOU in documentation. **The Memorandum of Understanding on Sole Source Aquifers is at: <https://commerce.idaho.gov/content/uploads/2020/07/EPA-MOU.pdf>**

No: PROCEED to #6

**6. Is the project likely to affect Sole Source Aquifer Quality?**

No: STOP here. The project is not likely to affect Sole Source Aquifer quality.

Please submit the following information to EPA:

1. Location of Project and name of Sole Source Aquifer.
2. Project description and federal funding source.
3. Is there any increase of impervious surface? If so, what is the area?
4. Describe how storm water is currently treated on the site.
5. How will storm water be treated on this site during construction and after the project is complete?
6. Are there any underground storage tanks present or to be installed? Include details of such tanks.
7. Will there be any liquid or solid waste generated? If so how will it be disposed of?
8. What is the depth of excavation?
9. Are there any wells in the area that may provide direct routes for contaminants to access the aquifer and how close are they to the project?
10. Are there any hazardous waste sites in the project area, especially if the waste site has an underground plume with monitoring wells that may be disturbed? Include details.
11. Are there any deep pilings that may provide access to the aquifer?
12. Are Best Management Practices planned to address any possible risks or concerns?
13. Is there any other information that could be helpful in determining if this project may have an effect on the aquifer?
14. Does this Project include any improvements that may be beneficial to the aquifer, such as improvements to the wastewater treatment plan?

Submit the information to the Environmental Protection Agency (EPA), Seattle Office. Please note that EPA may request additional information if impacts to the aquifer are questionable after the information is submitted for review.

- ❖ Maintain copies of all of the documents you have used to make your determination and your correspondence with EPA.

Yes: Conduct a formal consultation, and if necessary, mitigate issues.

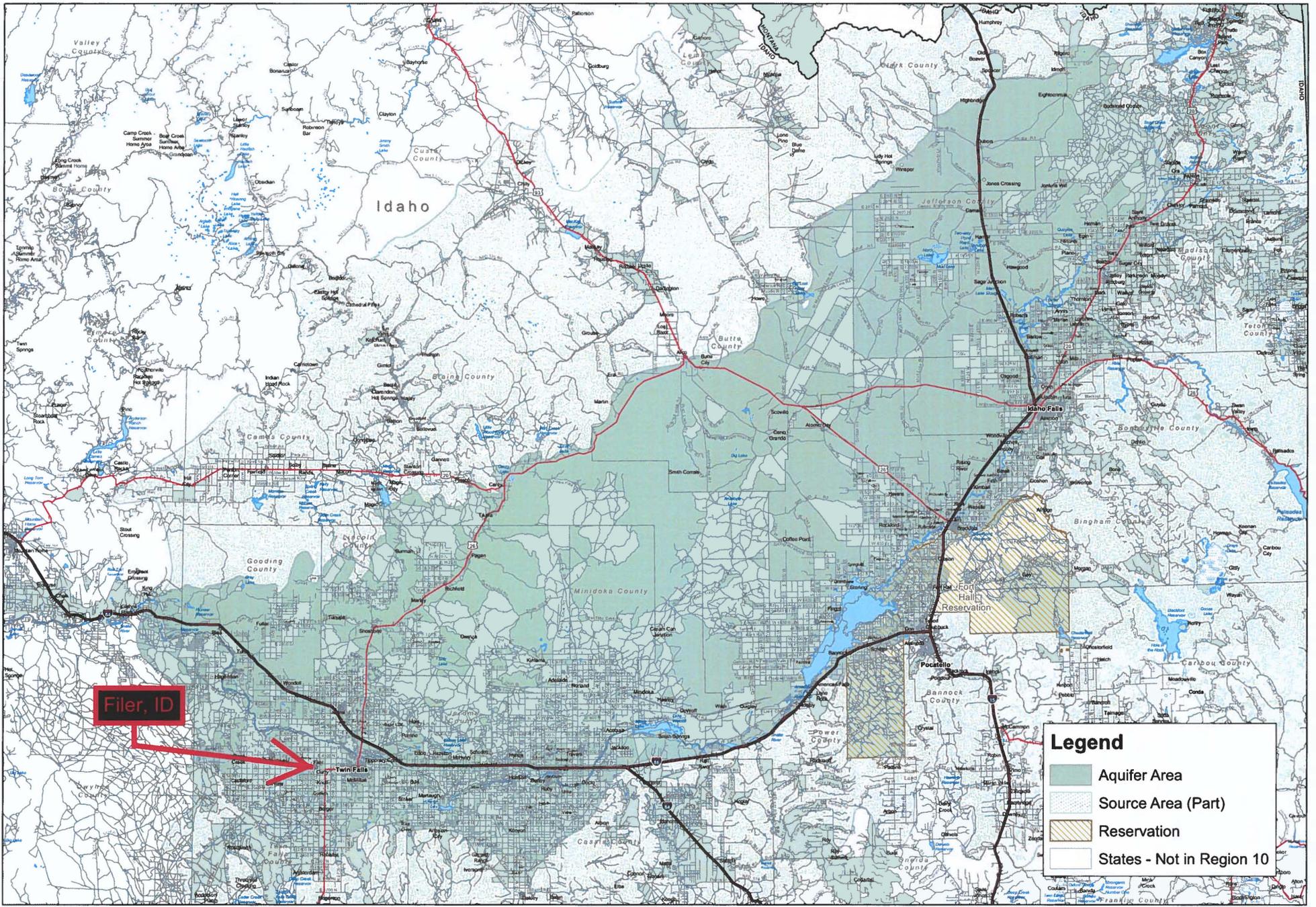
- ❖ **To begin formal consultation, please provide EPA with:**

- Maps
- Plans and specifications
- A narrative statement detailing the nature, scope and degree of ground-water protection measures incorporated into the design
- Mitigating measures incorporated into the design to enhance ground-water protection.

You may need to hire a technical consultant or request EPA to conduct an independent review of the proposed project for impacts to ground water quality. If EPA determines that the project continues to pose a significant contaminant hazard to public health, federal financial assistance must be denied.

Once it receives the necessary information, EPA has 30 days to respond to a formal consultation request, unless the agency requests additional review time in writing, or HUD, a HUD Responsible Entity or EPA receives comments suggesting that the project will have adverse impacts to a sole source aquifer.

Detailed maps are available at: [EPA Sole Source Maps](#)



The U.S. Environmental Protection Agency (EPA) has compiled this computer representation from data or information sources that may not have been verified by the EPA. This data is offered here as a general representation only, and is not to be re-used without verification by an independent professional qualified to verify such data or information. The EPA does not guarantee the accuracy, completeness, or timeliness of the information shown, and shall not be liable for any loss or injury resulting from reliance upon the information shown.

## Eastern Snake River Plain Sole Source Aquifer Aquifer Area and Part of Source Area

0 10 20 40 60 80 Kilometers



Map Created 11/04/2008 EPA Region 10

**MEMORANDUM of UNDERSTANDING**  
**Between the**  
**U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION 10**  
**and**  
**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT -**  
**NORTHWEST/ALASKA AREA**  
**and**  
**IDAHO DEPARTMENT OF COMMERCE**  
**and**  
**IDAHO HOUSING AND FINANCE ASSOCIATION**

**Sole Source Aquifers**  
**State of Idaho**

**INTRODUCTION:**

The purpose of this memorandum is to develop an understanding between the U.S. Environmental Protection Agency (EPA) Region 10, U.S. Department of Housing and Urban Development (HUD), Idaho Department of Commerce (IDOC), and the Idaho Housing and Finance Association (IHFA) in order to protect EPA designated Sole Source Aquifers (SSAs) in the State of Idaho. This Memorandum of Understanding (MOU) is the third MOU that has been signed between the two federal agencies mentioned above. The last one was signed in 1989.

This new MOU was developed by EPA, HUD, IDOC, and IHFA because of the need to create an efficient process for identifying, reviewing, modifying, and approving proposed federal financially assisted projects located over SSAs in the State of Idaho. While the SSA Protection Program is only one way to assist the State, local communities, and the private sector in protecting and managing ground water resources, it is the intention of this MOU to help ensure that: (1) federal government sponsored development projects will not have a significant adverse impact to human health and the environment; (2) public health and ground water concerns are communicated to federal and state agencies and other organizations involved with proposing federal financially assisted projects; (3) federal government sponsored development projects can serve as models for the private sector in terms of ground water protection and management.

This planned partnership approach will capitalize on the continuing efforts by local and state economic planning and development agencies and/or organizations which comply with the National Environmental Policy Act (NEPA).

## **GOALS:**

The goals of this MOU are to (1) ensure that each project receiving federal financial assistance is designed to prevent the introduction of contaminants into the SSA in quantities that may create a significant hazard to public health, interfere with the public welfare, or otherwise contaminate the aquifer to a level which would require additional treatment facilities by a public water system in order to meet the National Primary Drinking Water Regulations, and to (2) formalize the process by which review of federal financially assisted projects are to be coordinated between the EPA, HUD, IDOC, and IHFA.

## **OBJECTIVES:**

1. Develop an agreement for implementing Section 1424(e) of the Safe Drinking Water Act, the Sole Source Aquifer Protection Program, involving federal financially assisted projects within EPA designated SSAs in the State of Idaho.
2. Protect all EPA Region 10 SSAs in Idaho through project specific performance measures as agreed upon by EPA, HUD, IDOC, and IHFA. See attached map and EPA SSA website for up-to-date information on current and future aquifer designations.
3. Establish a working agreement between the three agencies which establishes a streamlined mechanism for identifying, reviewing, modifying, and approving federally financially assisted projects.
4. Encourage increased communication, cooperation, and coordination, through the community ground water protection programs, local health departments/districts, State, and federal governmental agencies regarding ground water protection issues within all SSAs.

## **AUTHORITIES:**

**EPA:** The Sole Source Aquifer Protection Program is authorized under Section 1424(e) of the federal Safe Drinking Water Act. The provision allows EPA to declare that an aquifer is a “sole or principal drinking water source” for an area if contamination of the aquifer could create a significant hazard to public health. A sole source aquifer designation can be initiated by a petition submitted to EPA from any interested party, such as a public water purveyor, local health department, or an environmental group.

Following a designation, federal financially assisted projects proposed over the aquifer are subject to EPA review. EPA can negotiate modifications to improve a project or seek that funding be withheld for a project which poses a significant risk to public health by contamination of the sole source aquifer.

**HUD:** Federal financial assistance provided by HUD is subject to the National Environmental Policy Act (NEPA) of 1969, as amended, and NEPA's implementing regulations. EPA reviews under Section 1424(e) of the Safe Drinking Water Act are coordinated in the process of conducting NEPA reviews. For activities categorically excluded from NEPA, EPA reviews are coordinated as part of the process of determining the categorically excluded status of the activity. Commitment of federal financial assistance may not be provided in designated SSAs until completion of the appropriate review.

**IDOC:** The IDOC is the state agency which implements the federal Community Development Block Grant program. The primary mission of this department is to work with local communities to explore community and economic development needs and solutions.

**IHFA:** The IHFA is a not-for-profit financial services and housing organization in the State of Idaho. This organization has the primary responsibility to implement the HOME program which provides financial services to develop affordable multifamily housing within the state.

#### **SSA REVIEW ASSUMPTIONS:**

The process for EPA's review of federal projects is based on the following assumptions:

1. EPA, HUD, IDOC, and IHFA will work together cooperatively to implement the Sole Source Aquifer Protection Program.
2. Under this new agreement, HUD, IDOC, and IHFA will review projects to determine if the project proponent has met the performance measures agreed upon by the three agencies. If the project meets the performance measures (contained in this MOU), the project proponents may continue with the project as planned.
3. If the project cannot meet the agreed upon performance measures and/or if the delegated parties cannot make a determination with regards to the project's specific impact to ground water quality, the delegated parties may consult with and/or refer the project to EPA for review and approval.

4. EPA will be responsible for overseeing SSA review, will serve as the point of contact/coordination with other federal, state, and local agencies, and continue to be the focal point for any appeals.
5. For projects that were reviewed, but not referred to EPA, HUD, IDOC, and IHFA will provide EPA with an annual report on the number and type of federal financially assisted projects that were approved so that the appropriate reporting requirements can be met by EPA. The report should contain: project name, project location, type of project, federal funding agency, and amount of federal funding.

#### **5. SSA REVIEW PROCESS & PERFORMANCE STANDARDS:**

EPA approves all federal financially assisted projects which will meet or comply with the following performance measures:

1. Storm Water:

All projects that may generate, increase, collect, or dispose of storm and surface water run off from impervious surfaces, e.g., parking lots and roof stops, must use the Division of Environmental Quality (DEQ) developed storm and surface water management manual to design all storm water treatment and disposal systems, for example, State of Idaho's Catalog of Storm Water Best Management Practices. In addition, the use of shallow injection wells, e.g., dry wells, french drains, or a drainfield system, must be avoided whenever possible.

In those cases where treatment and disposal systems must utilize a shallow injection well, they must (1) notify and register the shallow injection well with the Department of Water Resources' (DWR) Underground Injection Control (UIC) Program to ensure that the shallow injection well(s) does not dispose any fluids that do not meet the State's Ground Water Quality Standards, and (3) pay any applicable fees for registering the shallow injection wells. For more information on protection measures for storm water treatment and disposal, please contact:

Idaho: Department of Water Resources  
Underground Injection Control Program  
1301 N. Orchard Street  
Boise, ID 83706  
(208) 327-7900

2. Sanitary Waste:

Whenever feasible, connections to the Publicly Owned Treatment Works (POTW), i.e., the sewage treatment plant, should be made. In cases where connections to a POTW cannot be made, onsite sewage disposal systems can be utilized if (1) DEQ or local health department or district is notified and a permit is issued, and if applicable (2) DWR should be notified if the onsite sewage system (OSS) is designed to treat and dispose of equal to or more than 2000 gallons per day.

In addition, in facilities that do not have connections to a POTW, garage bay and other floor/shop drains will not be allowed to be connected to an OSS. Best Management Practices should be utilized to provide an alternative to installing garage bay and other drains, e.g., sloped garage bay and holding tanks. For more information on protection measures for onsite sanitary waste treatment and disposal, please contact DWR as listed above.

3. Potable Water:

Whenever feasible, connections to a community water supply should be made. In cases where connections to a community water system cannot be made, a private well may be used to supply potable water if (1) the appropriate State or local health department or district is notified, (2) water is tested for contaminants, such as bacteria, nitrate, (3) all applicable pollution prevention techniques are used to protect the private well from contamination. For more information on protection measures for users of private wells, please contact:

Idaho: Idaho Association of Soil Conservation Districts  
Home\*A\*Syst Program  
P.O. Box 2637  
Boise, ID 83701  
(208) 338-4321

4. Underground Storage Tanks:

All underground storage tank (UST) systems will meet the performance standards as specified in Volume 40 of the Code of Federal Regulations (CFR), Part 280, Subpart B of the Federal UST Regulations. These performance standards include tank and pipe design and construction, spill, and overflow equipment operating specifications, and proper installation procedures which must be followed. In

addition, all UST systems will (1) register with EPA by completing the Notification for Underground Storage Tanks Form, (2) be in accordance with Subpart D of the Federal UST Regulations where leak detection must be performed once petroleum products area added to the tanks, (3) obtain an approved financial responsibility mechanism, in accordance with Subpart H of the Federal UST regulations, prior to putting the UST system into service. This mechanism will ensure that clean-up funds will be made available if/when needed to mitigate ground and drinking water or soil contamination. For more information on protection requirements for USTs, please contact:

Idaho: EPA- Region 10  
Idaho Operations Office  
Underground Storage Tank Program  
1401 North Orchard Street  
Boise, ID 83706  
(208) 378-5765

5. Community Water System Improvement:

For community water systems that are requesting federal financial assistance for new improved water systems, the community must be participating in the State of Idaho's Wellhead Protection Program as a condition of receiving funding. Since all community water systems will be receiving a complete Source Water Assessment by the State of Idaho Division of Environmental Quality, the community water system must incorporate the use of relevant non-regulatory and/or regulatory approaches to protect their drinking water supply if they want federal dollars for improvement projects. For more information on the State of Idaho's Wellhead Protection Program, please contact:

Idaho: Division of Environmental Quality  
Wellhead Protection Program  
1401 North Hilton Street  
Boise, ID 83706  
(208) 373-0542

If any of these conditions cannot be met by the project proponent, HUD, IDOC, and/or IHFA will (1) request technical and informational assistance and/or (2) request EPA to conduct an independent review of the proposed project for impacts to ground water quality and recommend alternatives, if necessary.

## **DEFINITIONS:**

**Aquifer:** Geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or a spring. Aquifer in this Memorandum refers to the Spokane Valley Rathdrum Prairie, Lewiston Basin, and Eastern Snake River Plain aquifers.

**Commitment of federal financial assistance:** A written agreement entered into by a department, agency, or instrumentality of the Federal Government to provide financial assistance as defined under “Federal financial assistance”. Renewal of a commitment which the issuing agency determines has lapsed shall not constitute a new commitment unless the Regional Administrator determines that the project’s impact on the aquifer has not been previously reviewed under Section 1424(e) of the Safe Drinking Water Act. The determination of a Federal agency that a certain written agreement constitutes a commitment shall be conclusive with respect to the existence of such a commitment.

**Federal financial assistance:** Any financial benefits provided directly as aid to a project by a department, agency, or instrumentality of the Federal government in any form including contracts, grants, and loan guarantees. Actions or programs carried out by the Federal government itself such as dredging performed by the Army Corps of Engineers do not involve Federal financial assistance. Actions performed for the Federal government by contractors, such as construction of roads on Federal lands by a contractor under the supervision of the Bureau of Land Management, should be distinguished from the contracts entered into specifically for the purpose of providing financial assistance, and will not be considered programs or actions receiving Federal financial assistance. Federal financial assistance is limited to benefits earmarked for a specific program or action and directly awarded to the program or action. Indirect assistance, e.g., in the form of a loan to a developer by a lending institution which in turn receives Federal assistance not specifically related to the project in question is not Federal financial assistance under Section 1424(e). When in doubt, EPA will consult with EPA Region 10, Office of Regional Counsel.

**Impervious area:** Impermeable surfaces, such as parking lots and rooftops, that are covered with materials, such as concrete, asphalt, shingles, and tile, which prevents the infiltration of water into the soil.

**Maximum Contaminant Level (MCL):** The maximum permissible level of a contaminant in water which is delivered to any user of a public water system. MCLs are listed in the National Primary Drinking Water Regulations (40 CFR 141).

**Significant hazard to public health:** Any level of contamination which causes or may cause the aquifer to exceed any maximum contaminant level (MCL) set forth in the promulgated National Primary Drinking Water Regulations at any point where the water may be used for drinking purposes or which may otherwise adversely affect the health of persons, or which may require a public water system to install additional treatment to prevent such adverse effect.

**Shallow Injection Well:** Devices that are designed to emplace storm and surface water run off directly into the subsurface, also known as, french drains, trench drains, dry wells, and sumps.

**Sole Source Aquifer:** An aquifer or aquifer system that supplies 50% or more of the drinking water for a given service area and for which there are no reasonably available alternative sources should the aquifer become contaminated and the possibility of contamination exists. Section 1424(e) of the Safe Drinking Water Act is the statutory authority for the SSA Protection Program.

**Storm Water Best Management Practices (BMPs):** Structural devices that temporarily store, treat, and dispose storm and surface water run off to remove pollutants, recharge ground water, and reduce flooding.

**PRIMARY PROGRAM CONTACTS:**

The following agency representatives will be responsible for maintaining communications as to procedures and activities of their respective agencies. The liaison officers are:

- EPA:**                   Manager  
                              Ground Water Protection Unit  
                              U.S. Environmental Protection Agency  
                              1200 Sixth Avenue, OW-137  
                              Seattle, WA 98101  
                              (800) 424-4372
- HUD:**                    Environmental Clearance Officer  
                              U.S. Department of Housing and Urban Development  
                              400 Southwest Sixth Avenue, Suite 700  
                              Portland, OR 97204  
                              (503) 326-2701
- IDOC:**                 Administrator, Division of Community Development  
                              Idaho Department of Commerce  
                              P.O. Box 93  
                              Boise, ID 83720-0093  
                              (208) 345-2470
- IHFA:**                 Grant Programs Manager  
                              Community Housing Services  
                              P.O. Box 7899  
                              Boise, ID 83707-1899  
                              (208) 331-4712



# **Exhibit 5**

## **Green Sheet**

### **F5. Endangered Species Act**

**GREEN SHEET F.5  
Endangered Species Act  
Checklist**

General requirements	Legislation	HUD Regulations
Section 7 of the Endangered Species Act mandates that federally funded actions do not jeopardize the continued existence of plants and animals that are listed or result in the adverse modification or destruction of designated critical habitat.	Endangered Species Act of 1973; <a href="#">16 U.S.C. § 1531</a> et seq	24 CFR 58.5(e) 24 CFR 50.4

**Purpose:** The purpose of this guidance is intended to assist HUD and Responsible Entities meet their Endangered Species Act obligations. Note that a determination of “**No Effect**” to federally listed threatened and endangered species and designated critical habitat fulfills HUD’s and the Responsible Entities obligation to ensure compliance with Section 7 of the Endangered Species Act. “No effect” determinations do not require coordination with or approval of the U.S. Fish and Wildlife Service and/or NOAA Fisheries.

**ESA Section 7 Background**

NMFS and FWS share responsibility for implementing the ESA. FWS trust resources under the ESA include birds, amphibians, plants, insects, terrestrial reptiles, terrestrial mammals, most freshwater fish, and a few marine mammals. NMFS manages the remainder of listed marine mammals, as well as anadromous fish such as salmon and steelhead.

Section 7(a) of the ESA directs all Federal agencies to conserve species listed as threatened or endangered. Those agencies, in consultation with NMFS and FWS, must ensure that their actions will not jeopardize the continued existence of any ESA-listed species. Based on analysis of the project activity and/or whether listed species or habitat is present, the Federal agency makes one of three determinations of effect for listed species:

- “**No effect**” is the appropriate conclusion if the proposed action will not affect listed species/critical habitat. If a “no effect” determination is made, the Federal agency is not obligated to contact FWS and/or NMFS for concurrence.
- When effects to listed species are expected to be insignificant or discountable, the action agency should make a “**not likely to adversely affect**” determination and contact FWS and/or NMFS, as appropriate, for written concurrence with that determination.
- If adverse effects are likely to occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, then the action agency should make a determination of “**likely to adversely affect.**” The Federal agency must initiate formal consultation with FWS and/or NMFS as appropriate.

As part of its Field Notes Review for ICDBG, the Responsible Entity sends an Environmental Information Letter or email to the U.S. Fish and Wildlife Service (FWS), Idaho Fish and Game (IFG), and (if applicable) NOAA fisheries (Steelhead or Salmon). The letter or email will give the agencies a chance to respond if there is a concern that there may be a **direct** or **indirect** impact and, as appropriate, to be the initial step in an informal consultation process.

- ❖ Maintain copies of any correspondence from the above agencies and include it in the ERR.

U.S. Dept of the Interior Idaho Fish and Wildlife Office 1387 S. Vinnell Way, Ste. 368 Boise, ID 83709 208-378-5243 <a href="http://www.fws.gov">www.fws.gov</a>	National Marine Fisheries (NOAA) 10095 W. Emerald Boise, ID 83704 208-378-5696 <a href="http://www.nmfs.noaa.gov">www.nmfs.noaa.gov</a>	Regional Offices of the Idaho Department of Fish and Game: <a href="http://fishandgame.idaho.gov/public/about/offices/">http://fishandgame.idaho.gov/public/about/offices/</a>
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NOTE: If the agencies do not respond within the 30-day timeframe, do not assume that there will be “no effect”.

- ❖ Determine if there are federally (ESA) -listed or proposed species or designated or proposed critical habitat within the project’s area.
  - For species under FWS jurisdiction, consult the list of Endangered/Threatened Species and Designated Critical Habitats in Idaho counties. Go to IPAC: <https://ecos.fws.gov/ipac/>
  - For species under NOAA jurisdiction (Salmon and Steelhead), go to National Marine Fisheries: <http://www.streamnet.org/data/interactive-maps-and-gis-data/>

Note: Salmon and Steelhead are generally in Snake River Basin streams in Central Idaho—the Salmon River and Clearwater River drainages.

**1. Are there federally (ESA) listed or proposed species or designated or proposed critical habitat present, in the project’s area? Note: does not include candidate species.**

- Yes: PROCEED to #2.
- No: STOP here. The project will have No Effect on listed or proposed species and designated or proposed critical habitat. Consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries is not required.

- ❖ Record your determination of no effect in the statutory worksheet and insert the IPAC data within your ERR.

**2. Does the project consist solely of interior rehabilitation and/or exterior rehabilitation that does not increase amount of impervious surface and/or include unsealed galvanized roofing material?**

*\* Not including galvanized material unless it has been sealed or otherwise confined so that it will not leach into storm water.*

- Yes: STOP here. The project will have No Effect on listed or proposed species and designated or proposed critical habitat. Consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries is not required.

- ❖ Record your determination of no effect in the statutory worksheet and insert the species and critical habitat list within your ERR.

- No: Additional evaluation is necessary to determine whether the project may have an effect.

An evaluation requires the Grantee to review the federally-listed species profile(s) and recovery plan. information found at <http://www.fws.gov/endangered/> for Idaho.

- ❖ Based on the information provided in the profile and recovery plan for each species, determine if the ICDBG project will directly or indirectly affect the species.
- ❖ Would the project effects overlap with federally listed or proposed species or designated or proposed critical habitat covered by Fish and Wildlife service?

\*Note that project effects include those that extend beyond the project site itself, such as noise, air pollution, water quality, storm water discharge, visual disturbance; and habitat consideration must include consideration for roosting, feeding, nesting, spawning, rearing, overwintering sites, and migratory corridors.

Example: A new fire station project in Minidoka County that is 2 miles from the Snake River area that supports the Snake River snail. The Snake River snail is confined to the Snake River, inhabiting areas of swift current on sand to boulder-sized substrate. The project is also designed to retain storm and surface water on site and DEQ's best management practices for surface water will be implemented during construction. Therefore, the evaluation supports making a determination of "No Effect."

However, if the project is within the area or location of a T&E or CH species then the Grantee is unlikely to conclude "No Effect." At this point contact FWS and/ or NOAA.

Example: A water line replacement project in New Meadows may affect the Northern Idaho ground squirrel.

**3. Based on the additional evaluation what effects, if any, will your project have on federally listed species or designated critical habitat?**

- No Effect:** Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have no effect on listed species or critical habitat.
- ❖ Document your determination of No Effect in the statutory checklist and provide:
    - Written justification for the No Effect for each species to include description of each species' habitat
    - A copy of the species profile
    - A copy of pertinent recovery plan information, mitigation measures, and any FWS or NOAA correspondence in the ERR.
  - ❖ Communicate the mitigation requirements to the project architect or engineer and verify that the mitigation is incorporated into the project development.
- May Affect, Not Likely to Adversely Affect:** Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.  
→ Continue to Question 4, Informal Consultation.

**Likely to Adversely Affect:** The project may have negative effects on one or more listed species or critical habitat.

→ *Continue to Question 5, Formal Consultation.*

**4. Informal Consultation is required**

Section 7 of ESA (16 USC. 1536) mandates consultation to resolve potential impacts to endangered and threatened species and critical habitats. If a HUD-assisted project may affect any federally listed endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

**Did the Service(s) concur with the finding that the project is Not Likely to Adversely Affect?**

Yes, the Service(s) concurred with the finding.

→ *Based on the response, the review is in compliance with this section. Continue to Question 6 and provide the following:*

- (1) *A biological evaluation or equivalent document*
- (2) *Concurrence(s) from FWS and/or NMFS*
- (3) *Any other documentation of informal consultation*

No, the Service(s) did not concur with the finding. → *Continue to Question 5.*

**5. Formal consultation is required**

Section 7 of ESA (16 USC 1536) mandates consultation to resolve potential impacts to federally listed endangered and threatened species and critical habitats. If a HUD assisted project may affect any endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

→ *Once consultation is complete, the review is in compliance with this section. Continue to Question 6 and provide the following:*

- (1) *A biological assessment, evaluation, or equivalent document*
- (2) *Biological opinion(s) issued by FWS and/or NMFS*
- (3) *Any other documentation of formal consultation*

**6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the proposed measures that will be implemented to mitigate for the impact or effect, including the timeline for implementation.**

- ❖ Document your determination in the statutory checklist and include any documentation of concurrence or biological assessments. Maintain all supporting documentation and correspondence with FWS/NOAA in your ERR.
- ❖ Communicate the mitigation requirements to the project architect or engineer and verify that the mitigation is incorporated into the project development.

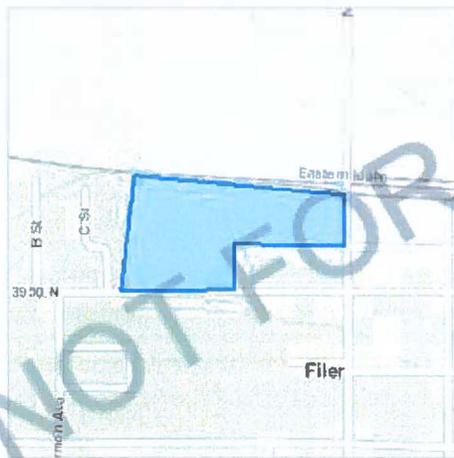
# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

## Location

Twin Falls County, Idaho



## Local office

Idaho Fish And Wildlife Office

☎ (208) 378-5243

📠 (208) 378-5262

1387 South Vinnell Way, Suite 368  
Boise, ID 83709-1657

# Endangered species

**This resource list is for informational purposes only and does not constitute an analysis of project level impacts.**

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act requires Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

**THERE ARE NO ENDANGERED SPECIES EXPECTED TO OCCUR AT THIS LOCATION.**

# Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS

ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

#### Lesser Yellowlegs *Tringa flavipes*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9679>

Breeds elsewhere

#### Willow Flycatcher *Empidonax traillii*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/3482>

Breeds May 20 to Aug 31

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (!)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

### No Data (-)

A week is marked as having no data if there were no survey events for that week.

### Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the migratory birds potentially occurring in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

**What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

**How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential

impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

## Facilities

### National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

### Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

### Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

RIVERINE

[R5UBFx](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

#### Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use

of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

#### **Data exclusions**

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

#### **Data precautions**

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.



U.S. Fish & Wildlife Service

ECOS

[ECOS](#) /

# Lesser Yellowlegs (*Tringa flavipes*)

[Range Information](#) | [Candidate Info](#) | [Federal Register](#)  
[Recovery](#) | [Critical Habitat](#) | [SSA](#) | [Conservation Plans](#)  
[Petitions](#) | [Biological Opinions](#) | [Life History](#)



**Taxonomy:** [View taxonomy in ITIS](#)

**Listing Status: Not Listed**

## General Information

Lesser Yellowlegs are medium-sized, slender, long-legged shorebirds. Sexes are similar in plumage and overall size, but females have slightly longer wings on average. In breeding plumage, upperparts mottled gray-brown, white, and black. Underparts white with brown streaking on neck and breast and irregular, blackish barring on anterior flanks. In nonbreeding plumage, upperparts uniform gray to gray-brown with pale spots (most evident on wing-coverts). Underparts white with fine gray streaking on neck and breast. In autumn, juveniles resemble basic adults. However, they are browner above with more regular and profuse pale spotting on upperparts as well as indistinct streaking on breast. First winter birds are separated from adults by pale versus dark brown notching on tertials. The long legs of this species are yellow year-round for all age classes.

## References cited in Species Profile

- Bannerman, D. A. 1961. The birds of the British Isles. Vol. 9. Oliver & Boyd, Edinburgh, Scotland.
- Clay, R.P., A.J. Lesterhuis, and S. Centron. 2012. Conservation Plan for the Lesser Yellowlegs (*Tringa flavipes*). Version 1.0. Manomet Center for Conservation Sciences, Manomet, Massachusetts.
- Irving, L. 1960. Birds of Anaktuvuk Pass, Kobuk, and Old Crow: A study in Arctic adaptation. U.S. Natl. Mus. Bull. 217.
- Prater, A. J., J. H. Marchant, and J. Vuorinen. 1977. Guide to the identification and ageing of Holarctic waders. Field Guide 17, B. Trust for Ornithol. Tring, UK.
- Sauer, J. R., J. E. Hines, J. E. Fallon, K. L. Pardieck, D. J. Ziolkowski, Jr., and W. A. Link. 2012. The North American breeding bird survey, results and analysis 1966-2011. USGS Patuxent Wildlife Research Center, Laurel. [Online.] <http://www.mbr-pwrc.usgs.gov/bbs>
- Spaans, A. L. 1978. Status and numerical fluctuations of some North American waders along the Suriname coast. Wilson Bull. 90:60-83.

- Street, J. F. 1923. On the nesting grounds of the Solitary Sandpiper and the Lesser Yellowlegs. *Auk*. 60:577-583.
- Tibbitts, T. Lee and William Moskoff. 2014. Lesser Yellowlegs (*Tringa flavipes*), *The Birds of North America Online* (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the *Birds of North America Online*: <http://bna.birds.cornell.edu/bna/species/427>

### Current Listing Status Summary

Show  entries

Status	Date Listed	Lead Region
Not Listed		Washington Office (Headquarters)

Showing 1 to 1 of 1 entries

< Previous 1 Next >

### » Range Information

#### Current Range

Zoom in! Some species' locations may be small and hard to see from a wide perspective. To narrow-in on locations, check the state and county lists (below) and then use the zoom tool.

Want the FWS's current range for all species? Click [here](#) to download a zip file containing all individual shapefiles and metadata for all species.

\* For consultation needs do not use only this current range map, please use [IPaC](#).

There is currently no Current Range data for this species.

#### • Wherever found

##### Listing status: Not Listed

- **States/US Territories** in which this population is known to or is believed to occur:
- **US Counties** in which this population is known to or is believed to occur: [View All](#)
- **USFWS Refuges** in which this population is known to occur:

### » Candidate Information

No Candidate information available for this species.

No Candidate Assessments available for this species.

No Candidate Notice of Review Documents currently available for this species.

No Uplisting Documents currently available for this species.

## » Federal Register Documents

### Federal Register Documents

No Federal Register Documents currently available for this species.

## » Species Status Assessments (SSAs)

### Species Status Assessments (SSAs)

No Species Status Assessments (SSA's) are currently available for this species.

### Special Rule Publications

No Special Rule Publications currently available for this species.

## » Recovery

- [Species with Recovery Documents Data Explorer](#)

No Current Recovery Plans available for this species.

No Other Recovery Documents currently available for this species.

No Five Year Reviews currently available for this species.

No Delisting Documents currently available for this species.

## » Critical Habitat

No Critical Habitat Documents currently available for this species.

## » Conservation Plans

No Conservation Plans currently available for this species.

## » Petitions

No Petitions currently available for this species.

## » Biological Opinions

No Issued Biological Opinions have been entered into this system for this species.

## » Life History

### Habitat Requirements

Lesser Yellowlegs are common breeders in boreal forest and forest/tundra transition habitats. Wintering habitat use varies with rainfall; tidal flats may be frequented during the dry season, while adjacent shallow lagoons and marshes are used during the rainy season. Nests are depressions in the ground or moss, lined with dry grass, decayed leaves, spruce needles, and moss and twig fragments. Lining materials are taken from the immediate vicinity of the nest.

### Food Habits

Main foods taken are aquatic and terrestrial invertebrates, particularly flies and beetles. Occasionally, small fish and seeds. Foraging birds walk quickly between pecking attempts.

### Movement / Home Range

Breeding occurs along the central portions of Canada as well as central and southeastern Alaska, while wintering occurs along the coasts of California, Baja California, southeastern U.S., and along the Gulf of Mexico, in addition to southeastern Texas and throughout Central America. As a complete migrant, Lesser Yellowlegs occurs in high numbers in interior North America in spring and fall as well as the Atlantic coast in the fall.

### Other

Contaminants and degradation of habitat threaten the conservation of Lesser Yellowlegs. Breeding Bird Survey data indicate a significant decrease in numbers between 1980 and 2011 along routes surveyed in Canada. However, these routes sample only a small percentage of the breeding population. For more information about this species, refer to the following resource:  
<li>Clay, R.P., A.J. Lesterhuis, and S. Centron. 2012. Conservation Plan for the Lesser Yellowlegs (*Tringa flavipes*). Version 1.0. Manomet Center for Conservation Sciences, Manomet, Massachusetts. <a href="http://www.whsrn.org/sites/default/files/Lesser\_Yellowlegs\_WHSRN\_Conservation\_Plan\_12\_09-05.pdf">http://www.whsrn.org/sites/default/files/Lesser\_Yellowlegs\_WHSRN\_Conservation\_Plan\_12\_09-05.pdf</a>

## » Other Resources

NatureServe Explorer Species Reports-- NatureServe Explorer is a source for authoritative conservation information on more than 50,000 plants, animals and ecological communities of the U.S and Canada. NatureServe Explorer provides in-depth information on rare and endangered species, but includes common plants and animals too. NatureServe Explorer is a product of NatureServe in collaboration with the Natural Heritage Network.

ITIS Reports-- ITIS (the Integrated Taxonomic Information System) is a source for authoritative taxonomic information on plants, animals, fungi, and microbes of North America and the world.

FWS Digital Media Library -- The U.S. Fish and Wildlife Service's National Digital Library is a searchable collection of selected images, historical artifacts, audio clips, publications, and video." +



U.S. Fish &amp; Wildlife Service

ECOS

ECOS /

## Willow Flycatcher (*Empidonax traillii*)

[Range Information](#) | [Candidate Info](#) | [Federal Register](#) | [Recovery](#) | [Critical Habitat](#) | [SSA](#) | [Conservation Plans](#) | [Petitions](#) | [Biological Opinions](#) | [Life History](#)

**Taxonomy:** [View taxonomy in ITIS](#)

**Listing Status:** Not Listed



### General Information

Willow Flycatchers are small and have two whitish wingbars. Juveniles are browner above, yellower below, and with buff or yellowish brown wingbars.

### References cited in Species Profile

- Audubon Minnesota. 2014. Willow Flycatcher Minnesota Conservation Summary. [http://ne.audubon.org/sites/default/files/documents/willow\\_flycatcher\\_conservation\\_summary\\_12-31-2014.pdf](http://ne.audubon.org/sites/default/files/documents/willow_flycatcher_conservation_summary_12-31-2014.pdf)
- Cornell Lab of Ornithology. 2015. Willow Flycatcher. All About Birds. [http://www.allaboutbirds.org/guide/Willow\\_Flycatcher/id](http://www.allaboutbirds.org/guide/Willow_Flycatcher/id)
- Crawford, R. L. 1976. Willow and Alder flycatchers records at a north Florida TV tower. Fla. Field Nat. 4:1-4.
- Great Basin Bird Observatory. 2015. Willow Flycatcher. [http://www.gbbo.org/pdf/bcp/59\\_Willow%20Flycatcher.pdf](http://www.gbbo.org/pdf/bcp/59_Willow%20Flycatcher.pdf)
- Remsen, Jr., J. V. 1978. Bird species of special concern in California. Nongame Invest. Rep. 781. Calif. Dep. Fish Game, Sacramento.
- Sedgwick, James A. 2000. Willow Flycatcher (*Empidonax traillii*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/533>

### Current Listing Status Summary

Show  entries

Status	Date Listed	Lead Region	Where Listed
Not Listed		Alaska Region (Region 7)	Wherever found

Showing 1 to 1 of 1 entries

< Previous 1 Next >

### » Range Information

#### Current Range

There is currently no Current Range data for this species.

Zoom in! Some species' locations may be small and hard to see from a wide perspective. To narrow-in on locations, check the state and county lists (below) and then use the zoom tool.

Want the FWS's current range for all species? Click [here](#) to download a zip file containing all individual shapefiles and metadata for all species.

\* For consultation needs do not use only this current range map, please use [IPaC](#).

- **Wherever found**

**Listing status: Not Listed**

- **States/US Territories** in which this population is known to or is believed to occur:
- **US Counties** in which this population is known to or is believed to occur: [View All](#)
- **USFWS Refuges** in which this population is known to occur:

**» Candidate Information**

No Candidate information available for this species.

No Candidate Assessments available for this species.

No Candidate Notice of Review Documents currently available for this species.

No Uplisting Documents currently available for this species.

**» Federal Register Documents****Federal Register Documents**

No Federal Register Documents currently available for this species.

**» Species Status Assessments (SSAs)****Species Status Assessments (SSAs)**

No Species Status Assessments (SSA's) are currently available for this species.

**Special Rule Publications**

No Special Rule Publications currently available for this species.

**» Recovery**

- [Species with Recovery Documents Data Explorer](#)

No Current Recovery Plans available for this species.

No Other Recovery Documents currently available for this species.

No Five Year Reviews currently available for this species.

No Delisting Documents currently available for this species.

**» Critical Habitat**

No Critical Habitat Documents currently available for this species.

**» Conservation Plans**

No Conservation Plans currently available for this species.

**» Petitions**

No Petitions currently available for this species.

**» Biological Opinions**

No Issued Biological Opinions have been entered into this system for this species.

**» Life History**

## Habitat Requirements

Breeds in moist, shrubby areas, often with standing or running water. Winters in shrubby clearings and early successional growth.

## Food Habits

The Willow Flycatcher eats mostly insects, occasionally pouncing on them on the ground, and may eat berries in the fall.

## Movement / Home Range

The Willow Flycatcher breeds in much of the western and northern U.S., as well as in southern British Columbia, Alberta, Saskatchewan and Manitoba. They winter along the east and west coasts of Central America in addition to the bottom half of Mexico's western coast.

## Reproductive Strategy

Nest built low in a bush or small tree near water, on outer edge of shrub. Nest an open cup woven of weed stems, plant fibers, pine needles, shredded bark, and grass; lined with feathers, hair, rootlets, and fine materials.

## Other

Degradation of habitat is the biggest threat to Willow Flycatcher conservation. Tower collisions during migration are also a source of mortality. Overall populations appear to be declining, as BBS data from 1966 to 1996 show a decreasing trend for both the U.S. and continent. For more information about this species, including occurrence, conservation strategies and recovery actions in specific states or regions, refer to the following resources: <li>Audubon Minnesota. 2014. Willow Flycatcher Minnesota Conservation Summary.

<a

href="http://ne.audubon.org/sites/default/files/documents/willow\_flycatcher\_conservation\_summary\_12-31-

2014.pdf">http://ne.audubon.org/sites/default/files/documents/willow\_flycatcher\_conservation\_summary\_12-31-2014.pdf</a> <li>Great Basin Bird Observatory. 2015. Willow Flycatcher. <a

href="http://www.gbbo.org/pdf/bcp/59\_Willow%20Flycatcher.pdf">http://www.gbbo.org/pdf/bcp/59\_Willow%20Flycatcher.pdf</a>

## » Other Resources

NatureServe Explorer Species Reports-- NatureServe Explorer is a source for authoritative conservation information on more than 50,000 plants, animals and ecological communities of the U.S and Canada. NatureServe Explorer provides in-depth information on rare and endangered species, but includes common plants and animals too. NatureServe Explorer is a product of NatureServe in collaboration with the Natural Heritage Network.

ITIS Reports-- ITIS (the Integrated Taxonomic Information System) is a source for authoritative taxonomic information on plants, animals, fungi, and microbes of North America and the world.

FWS Digital Media Library -- The U.S. Fish and Wildlife Service's National Digital Library is a searchable collection of selected images, historical artifacts, audio clips, publications, and video." +



U.S. Fish &amp; Wildlife Service

## National Wetlands Inventory

Ecological Services

Enter Classification code: (Example: L1UB1Hx)

Optional: For geographically specific information\*, please enter a State code:  
(Example: TX for Texas)

[CLICK HERE TO DECODE](#)

Description for code **R5UBFx** (this code does not meet the Federal Wetland Classification Standard, but is used in historic and/or scalable data):

- R System RIVERINE:** The Riverine System includes all wetlands and deepwater habitats contained within a channel, with two exceptions: (1) wetlands dominated by trees, shrubs, persistent emergents, emergent mosses, or lichens, and (2) habitats with water containing ocean-derived salts of 0.5 ppt or greater. A channel is an open conduit either naturally or artificially created which periodically or continuously contains moving water, or which forms a connecting link between two bodies of standing water.
- 5 Subsystem UNKNOWN PERENNIAL:** This Subsystem designation was created specifically for use when the distinction between lower perennial, upper perennial, and tidal cannot be made from aerial photography and no data is available.
- UB Class UNCONSOLIDATED BOTTOM:** Includes all wetlands and deepwater habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%.
- F Water Regime Semipermanently Flooded:** Surface water persists throughout the growing season in most years. When surface water is absent, the water table is usually at or very near the land surface.

Other Modifier(s):

- x SPECIAL MODIFIER Excavated:** This Modifier is used to identify wetland basins or channels that were excavated by humans.

# **Exhibit 6**

## **Green Sheet**

### **F6. Wild and Scenic Rivers Act**

## GREEN SHEET F.6

### Wild and Scenic Rivers Checklist

General requirements	Legislation	Regulation
Establishes a method for providing Federal protection for certain free-flowing and scenic rivers designated as components or potential components of the National Wild and Scenic Rivers System from the effects of construction.	The Wild and Scenic Rivers Act (Pub L. 90-542 as amended: 16 U.S.C. 1271-1287)	24 CFR 58.5(f) 24 CFR 50.4(f)

**1. Does the project include new construction, conversion of land use, major rehabilitation of existing structures, demolition, or the acquisition of undeveloped land?**

No: STOP here. The project is not subject to the Wild and Scenic Rivers Act

Yes: PROCEED to #2

**1. Is the Project within one mile of a designated Wild and Scenic River?**

If the project is more than a mile away from a designated river you can make a determination of "no effect."

For a list of designated rivers by state, please visit the National Park Service website:

<https://rivers.gov>

- ❖ Maintain documentation supporting your determination in your ERR. Documentation could include a printout of the list of rivers and a map identifying your site.

No: STOP here.

Yes: PROCEED to #3

**2. Will the Project have an effect on the designated River?**

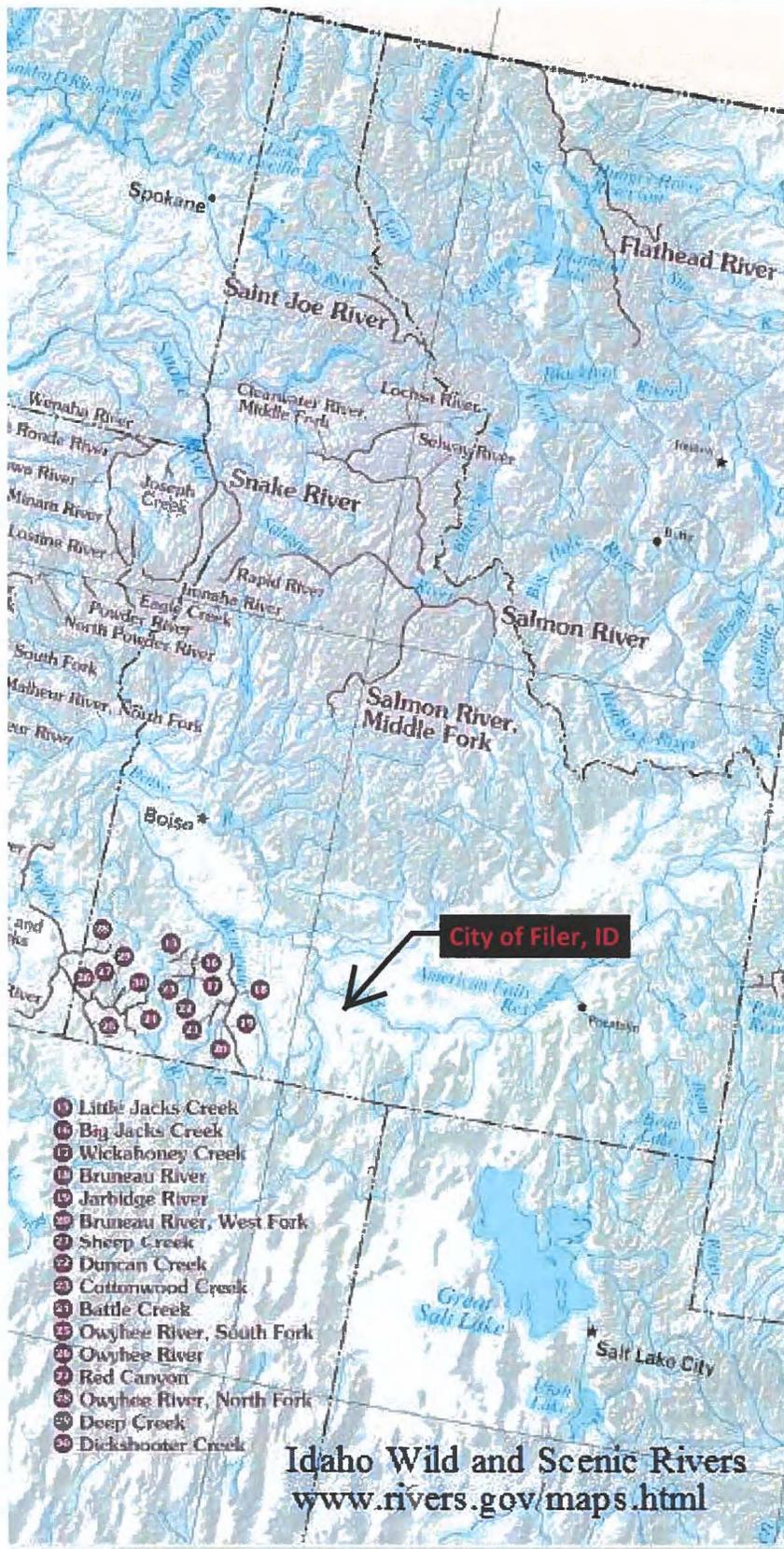
- ❖ Contact the National Park Service, Pacific West Region and request information on the Managing Agency of the river. Determine, with the Managing Agency, if the project will alter, directly or indirectly, any of the characteristics that qualifies the river for inclusion as a wild and scenic river.

No: STOP here.

- ❖ Maintain documentation concerning your determination of "No Effect" and verification from the Managing Agency.

Yes: Consult with the Managing Agency to assist in mitigation and resolution of issues.

- ❖ Prepare a determination based on the results of the mitigation and include it and verification from the Managing Agency's concurrence in the ERR.



- 1 Little Jacks Creek
- 2 Big Jacks Creek
- 3 Wickahoney Creek
- 4 Bruneau River
- 5 Jarbidge River
- 6 Bruneau River, West Fork
- 7 Sheep Creek
- 8 Duncan Creek
- 9 Cottonwood Creek
- 10 Battle Creek
- 11 Owyhee River, South Fork
- 12 Owyhee River
- 13 Red Canyon
- 14 Owyhee River, North Fork
- 15 Deep Creek
- 16 Dickshooter Creek

**Idaho Wild and Scenic Rivers**  
[www.rivers.gov/maps.html](http://www.rivers.gov/maps.html)

**Exhibit 7**

**Green Sheet**

**F7. Clean Air Act**

## GREEN SHEET F.7

### Clean Air Act Compliance Checklist

General requirements	Legislation	Regulation
EPA requires federal actions to conform to State or Federal Action Plans for air quality.	Clean Air Act (42 U.S.C. 7401 et seq.) as amended	40 CFR Parts 6, 51 and 93

**1. Does your project require an environmental assessment level review for new construction or major rehabilitation of existing structures?**

No: STOP here. The Clean Air Act conformity requirements do not apply.

❖ Record your determination.

Yes: PROCEED to #2

**2. Is the project located in a designated non-attainment area for criteria air pollutants?**

❖ Maintain, in your ERR, either a map or list of non-attainment areas in your region. You can view maps of non-attainment areas by state at this website <https://www.epa.gov/>. Each state also maintains a regional list, please see attached contact information for details.

No: STOP here. The Clean Air Act conformity requirements do not apply.

❖ Identify the project site on the Idaho air quality planning area map. Record your determination.

Yes: PROCEED to #3

**3. Does your project exceed de minimis impact criteria?**

❖ Determine if your project will result in emissions (both direct and indirect) that exceed the de minimis thresholds established for each criteria pollutant at 40 CFR Part 93.153 (see attached). In general, CDBG projects will not exceed this threshold. However, you should work with your local air quality authority to determine whether your project may have an impact on air quality. For PM-10 (dust and particulate matter) non-attainment areas, please make special note of any local dust control regulations that might apply during construction. Please see attached document for air authority contacts.

No: STOP here. The project does not impact air quality.

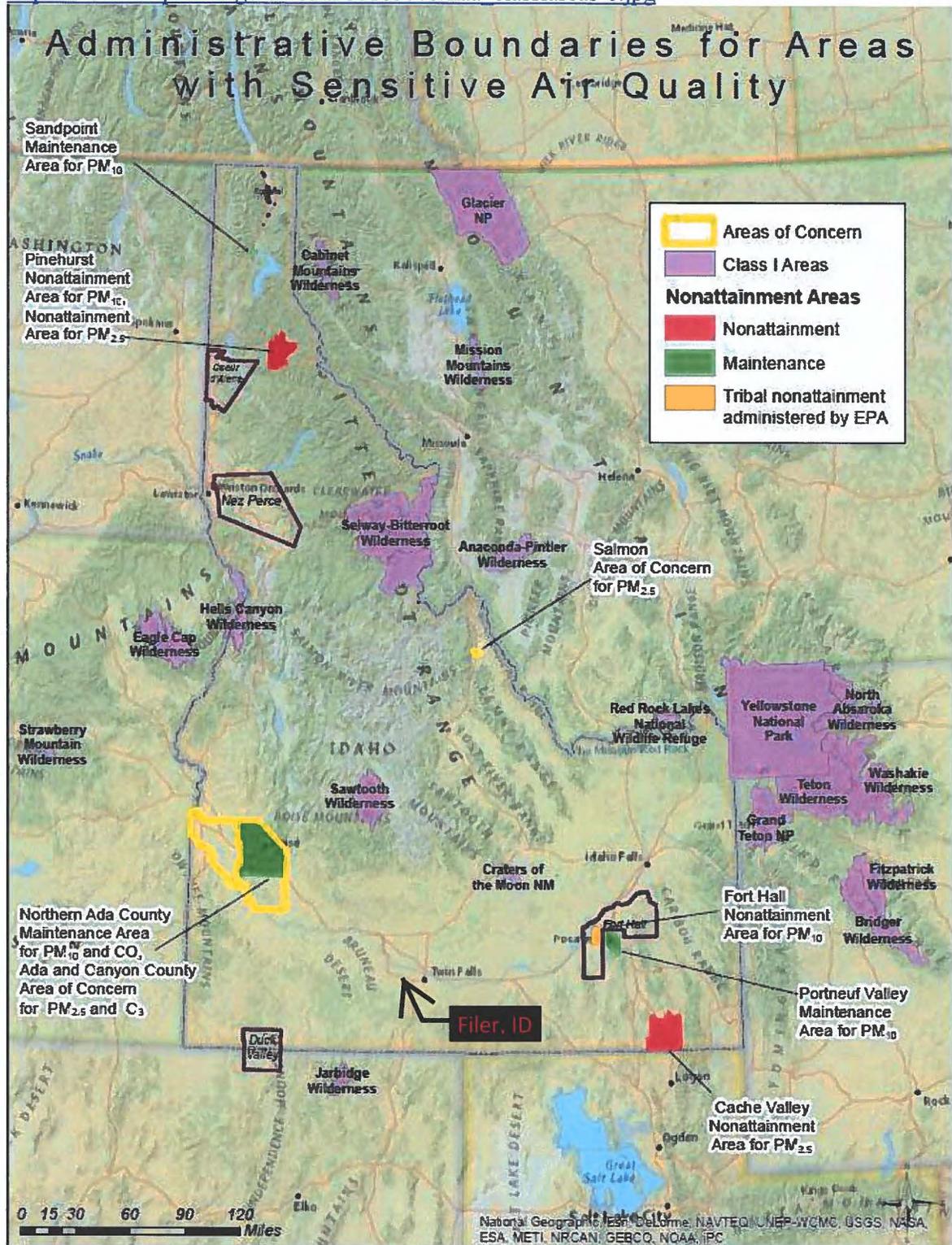
❖ Record your determination on the Statutory Worksheet and attach documentation.

Yes: PROCEED to #4

**4. Does your project conform to the State or Federal Action Plan for air quality?**

Website:

[https://www.deq.idaho.gov/media/60183775/naa\\_classiareas-6.jpg](https://www.deq.idaho.gov/media/60183775/naa_classiareas-6.jpg)



# **Exhibit 8**

## **Green Sheet**

### **F8. Farmland Protection Policy Act**

## GREEN SHEET F.8

### Farmland Protection Checklist

General requirements	Legislation	Regulation
The Farmland Protection Policy Act discourages Federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	7 CFR Part 658

**1. Does your project include new construction, acquisition of undeveloped land or change in use of land or property.**

❖ Maintain, in your ERR, a map of the project location, including zoning information.

**No: STOP here.**

❖ The Farmland Protection Policy Act does not apply. Record your determination.

**Yes: PROCEED to #2**

**2. Does your project meet one of the following exemptions?**

- Construction limited to on-farm structures needed for farm operations.
- Construction limited to new minor secondary (accessory) structures such as a garage or storage shed
- Project on land used for water storage or already in or committed urban development (this includes land with a density of 30 structures per 40-acre area. It also includes lands identified as “urbanized area” (UA) on the Census Bureau Map, or as urban area mapped with a “tint overprint” on the USGS topographical maps, or as “urban built-up” on the USDA Important Farmland Maps. Please note that land “zoned” for development, i.e. non-agricultural use, does not exempt a project from compliance with the FPPA).

**Yes: STOP here. The Farmland Protection Policy Act does not apply.**

❖ Record your determination

❖ Maintain, in your ERR, documentation to evidence the project meets one of the exemptions. If the project is already in urban development, provide a map as described above with your site marked or documentation from another credible source.

**No: PROCEED to #3**

**3. Does “important farmland” regulated under the Farmland Protection Policy Act occur on the project site? This includes prime farmland, unique farmland and/or land of statewide or local importance.**

- “Prime farmland” is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil

erosion, as determined by the Secretary of Agriculture. Prime farmland includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage

- “Unique farmland” is land other than prime farmland that is used for production of specific high-value food and fiber crops, as determined by the Secretary. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits, and vegetables.
- Farmland of statewide or local importance has been determined by the appropriate State or unit of local government agency or agencies to be significant.

**You may use the links below to determine if important farmland occurs on the project site:**

- Utilize USDA Natural Resources Conservation Service’s (NRCS) Web Soil Survey <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>
- Check with your city or county’s planning department and ask them to document if the project is on land regulated by the FPPA (zoning important farmland as non-agricultural does not exempt it from FPPA requirements)
- Contact NRCS at the local USDA service center <http://offices.sc.egov.usda.gov/locator/app?agency=nrcs> or your NRCS state soil scientist for assistance.

**No: STOP here. The project does not convert farmland to nonagricultural purposes.**

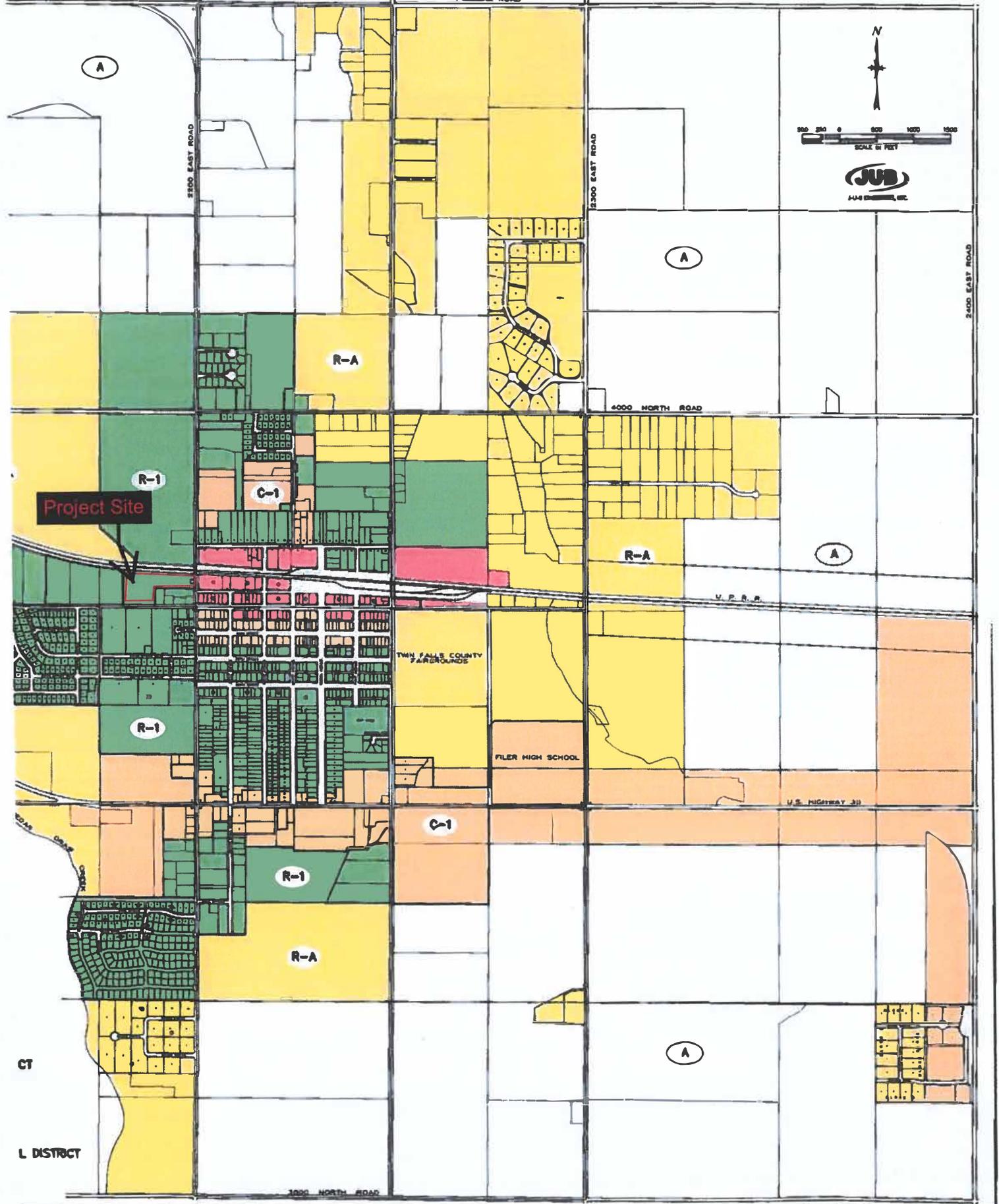
- ❖ Record your determination on the Statutory Worksheet and attach documentation used to make your determination

**Yes: PROCEED to #4**

**4. Consider alternatives to completing the project on important farmland and means of avoiding impacts to important farmland.**

- ❖ Complete form AD-1006, “Farmland Conversion Impact Rating” [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1045394.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf) and contact the state soil scientist before sending it to the local NRCS District Conservationist. Work with NRCS to minimize the impact of the project on the protected farmland.
- ❖ Return a copy of Form 1006 to the USDA-NRCS State Soil Scientist or his/her designee informing them of your determination once you have finished the analysis.
- ❖ Record your determination on the Statutory Worksheet and attach documentation used to make your determination. Include any mitigation required in the review.

# R CITY AND AREA OF IMPACT ZONING AREA MAP



# **Exhibit 9**

## **Green Sheet**

### **F9. Environmental Justice**

## GREEN SHEET F.9

### Environmental Justice Checklist

General requirements	Legislation	Regulation
Address disproportionately high and adverse human health or environmental effects on minority and low-income populations.	Executive Order 12898, February 11, 2004	<a href="#">24 CFR 50.4(l)</a> and <a href="#">24 CFR 58.5(j)</a> .

**1. Is there an adverse environmental impact caused by the proposed action, or is the proposed action subject to an adverse environmental impact?**

This question is designed to determine how the Environmental Justice analysis is reflected in the environmental review as a whole. Your consideration of the other environmental laws and authorities are your supporting documentation for this question. If any other environmental law or authority required mitigation (i.e., 8-step process for locating in a flood plain, waiver of noise requirements), then there is an adverse environmental impact.

**No: STOP here. The project does not pose an Environmental Justice concern.**

**Yes: PROCEED to #2**

**2. Will the project have a disproportionate impact on low-income or minority populations?**

The following steps will help you make this determination:

- 1) Describe the project.
- 2) Consider historic uses of the site, past land uses and patterns (such as lending discrimination and exclusionary zoning).
- 3) Determine the demographic profile of the people using the project and/or living and working in the vicinity of the project. EPA's environmental justice geographic assessment tool provides helpful demographic information:  
<https://ejscreen.epa.gov/mapper/>
- 4) Describe the adverse environmental impact you identified in your environmental review. Identify adjacent land uses, paying particular attention to toxic sites, dumps, incinerators, hazardous materials (e.g. asbestos), and other issues with the potential to have adverse human health effects. (This may already have been considered in your review of toxic and hazardous substances.)
- 5) Consider how the adverse environmental impact and any potentially harmful adjacent land uses would impact the people using and/or surrounding the project.
- 6) Consider whether market-rate development exists in the area. If not, would this project succeed as a market-rate project at the proposed site?

**No: STOP here.**

- ❖ Maintain documentation concerning your determination of no disproportionate impact.

**Yes:**

- ❖ Consult with Commerce staff to develop a mitigation plan.
- An Environmental Justice mitigation plan must include public outreach, participation and community involvement.
- The project cannot move forward until the EJ issue is mitigated to the satisfaction of Commerce or the Responsible Entity and the impacted community.

# **Exhibit 10**

## **Green Sheet**

### **F10. Noise Abatement and Control**

## GREEN SHEET F.10

### Noise Abatement and Control Checklist

General requirements	Legislation	Regulation
Encourage land use patterns for housing and other noise sensitive urban needs that will provide a suitable separation between them and major noise sources	Noise Control Act of 1972 The Quiet Communities Act of 1978 as amended OMB Circular 75-2, "Comparable Land Uses at Federal Airfields"	24 CFR Part 51 Subpart B Noise Guidebook

**1. Is the project for new construction, purchase or resale of existing, modernization, or rehabilitation of noise sensitive use (i.e., housing, mobile home parks, nursing homes, hospitals, and other non-housing uses where quiet is integral to the project's function, e.g., libraries)?**

No: STOP here. The project is not subject to the noise standards.

- ❖ Record your determination that the project is not subject to the noise standards in your ERR.

Yes: PROCEED to #2

**2. Is the project located within 1,000 feet of a busy road or highway, 3,000 feet of a railroad, or 15 miles of a civil airport or military airfield? Are there any other potential noise sources in the project vicinity that could produce a noise level above HUD's acceptable range, including but not limited to concert halls, night clubs, event facilities, etc.... ?**

- ❖ Maintain, in your ERR, a map that identifies the location of any noise sources.

No: STOP here. Record your determination. You do not need to calculate a specific noise level.

Yes: PROCEED to #3

**3. Determine the actions to take based on the project and HUD Acceptability Standards.**

Is the activity for:

- Construction of new noise sensitive use. Calculate noise using HUD standards or online tool: [https://www.hud.gov/sites/documents/DOC\\_14196.PDF](https://www.hud.gov/sites/documents/DOC_14196.PDF) **PROCEED to 3.a**
- Purchase or resale of otherwise acceptable existing buildings (existing buildings are either more than 1 year old or buildings for which this is the second or subsequent purchaser). Noise calculation not required. HUD or RE determines need based on their evaluation of project. **PROCEED to 3.b**
- Modernization. Noise calculation not required. HUD or RE determines need based on their evaluation of project. **PROCEED to 3.c**
- Major or substantial rehabilitation (use the definition contained in the specific program guidelines). Calculate noise using HUD standards or online tool: [https://www.hud.gov/sites/documents/DOC\\_14196.PDF](https://www.hud.gov/sites/documents/DOC_14196.PDF) **PROCEED to 3.d**

<b>HUD General Acceptability Standards</b>	
<b>HUD determination</b>	<b><i>Day night average sound level in decibels (dB)</i></b>
Acceptable	Not exceeding 65 dB
Normally Unacceptable	Above 65 dB but not exceeding 75dB
Unacceptable	Above 75 dB +

### 3a. New Construction

**Is the Day-Night average sound level:**

- Above 75 dB. **Construction of new noise sensitive uses is generally prohibited**, an EIS is required prior to the approval. The Assistant Secretary or Certifying Officer may waive the EIS requirement in cases where noise is the only environmental issue and no outdoor sensitive activity will take place on the site. (Under § Part 50 approval is required of the Assistant Secretary for CPD, under § Part 58 the Certifying Officer must provide approval). Document the ERR.
- Above 65 dB but not exceeding 75 dB. **Construction of new noise sensitive uses is discouraged** – all new projects require special environmental reviews and may require special approvals prior to construction (except when the threshold has been shifted to 70 dB as described below). Information is provided at 51.104 (b)(1). Document ERR include the special review and approval. Document attenuation if approved.
- Not exceeding 65 dB. (this threshold may be shifted to 70 dB on a case-by-case basis when 6 specific conditions are satisfied as described at Section 51.105(a)). Noise levels are acceptable. Document the ERR

### 3b. Purchase or Resale of Existing Building

**Is the Day-Night average sound level above the acceptable level?**

- Yes. Consider environmental noise as a marketability factor when considering the amount of insurance or assistance that will be provided to the project? Noise exposure by itself will not result in the denial of HUD support for the resale and purchase of otherwise acceptable existing buildings. Record your determination in the ERR.
- No: Record your determination in the ERR

### 3c. Modernization

**Is the Day-Night average sound level above the acceptable level?**

- Yes. Encourage noise attenuation features in alterations. Record your determination in the ERR.
- No: Record your determination in the ERR

### 3d. Major or Substantial Rehabilitation

**Is the Day-Night average sound level:**

- Above 75 dB. HUD or the RE shall actively seek to have project sponsors incorporate noise attenuation features, given the extent and nature of the rehabilitation being undertaken and the level of exterior noise exposure and will strongly encourage conversion of the noise exposed sites to land uses compatible with the high noise levels. Document the ERR.
- Above 65 dB but not exceeding 75 dB. HUD or the RE shall actively seek to have project sponsors incorporate noise attenuation features, given the extent and nature of the rehabilitation being undertaken and the level of exterior noise exposure Document ERR.
- Not exceeding 65 dB. (this threshold may be shifted to 70 dB on a case-by-case basis when 6 specific conditions are satisfied as described at Section 51.105(a)). Noise levels are acceptable. Document the ERR.

# **Exhibit 11**

## **Green Sheet**

### **F11. Explosive and Flammable Operations**

## GREEN SHEET F.11

### Explosive and Flammable Operations Checklist

General requirements	Legislation	Regulation
Establish safety standards that can be used as a basis for calculating acceptable separation distances for assisted projects.	Sec.2 Housing and Urban Development Act of 1969 (42 U.S.C. 1441 (a))	24 FR Part 51 Subpart C

**1. Does the project include construction, rehabilitation, or conversion?**

**\*Note - For rehabilitation projects, does the work increase residential densities, convert a building for habitation, or make a vacant building habitable?**

No: STOP here. The project is not subject to 24 CFR Part 51 C.

❖ Record your determination in your Environmental Review Record (ERR).

Yes: PROCEED to #2

**2. Are there explosive/flammable above ground storage tanks within 1 mile of the project site more than 100 gallons in size? (HUD's stated position is that 24 CFR Part 51 C does not apply to storage tanks ancillary to the operation of the assisted 1-4 family residence, for example the home heating or power source. It does apply to all other tanks, including tanks for neighboring 1-4 family residences.)**

TIP: You do not have to consider all tanks at all sizes within 1 mile of your project. Screen further by determining the Acceptable Separation Distance for specific tank sizes and using that information to narrow your search.

No: STOP here. The project is not subject to 24 CFR Part 51 C.

❖ Record your determination that there are no storage tanks within one mile of the project site in your ERR. Maintain documentation supporting your determination in your ERR. Documentation could include a finding by a qualified data source (i.e. Fire Marshall etc...), copies of pictures, maps, and/or internet data.

Yes: PROCEED to #4 unless liquid propane then proceed to #3

**3. For LPG propane only: Does the above ground storage tank(s) contain 1,000 gallons or more of LPG propane?**

Yes: PROCEED to #4

No: STOP here, but only if the LPG propane tank meets NFPA code 58 (2017). **See illustration on the next page.** If the tank installation does not meet NFPA PROCEED to #4

**4. Is the Separation Distance from the project acceptable based on standards in 24CFR51C?**

❖ Use the online tool to calculate ASD: <https://www.hudexchange.info/environmental-review/asd-calculator/>

- ❖ or use the HUD guidebook, "Siting of HUD-assisted Projects near Hazardous Facilities (HUD-1060-CPD, Sept. 1996)", also available on the web:

[https://www.hud.gov/sites/documents/23383\\_EXPLOSIVE.PDF](https://www.hud.gov/sites/documents/23383_EXPLOSIVE.PDF)

Yes: STOP here.

- ❖ Include maps and your separation distance calculations in your ERR.

No: PROCEED to #5

**5. With mitigation, can the Separation Distance become acceptable?**

No: PROJECT IS NOT ACCEPTABLE-DO NOT FUND

Yes: STOP here.

- ❖ Maintain documentation supporting your determination in your ERR. Documentation could include a finding by a qualified data source (i.e., Fire Marshall etc.), copies of pictures, maps, technical calculations and information describing the mitigation measures taken.

One mile radius from Midway Street Park Project center



Fertilizer tanks located on the northeast corner of Front Street and Park Avenue



Home (/) > Programs (/programs/) > Environmental Review (/programs/environmental-review/) > ASD Calculator

# Acceptable Separation Distance (ASD) Electronic Assessment Tool

The Environmental Planning Division (EPD) has developed an electronic-based assessment tool that calculates the Acceptable Separation Distance (ASD) from stationary hazards. The ASD is the distance from above ground stationary containerized hazards of an explosive or fire prone nature, to where a HUD assisted project can be located. The ASD is consistent with the Department's standards of blast overpressure (0.5 psi-buildings) and thermal radiation (450 BTU/ft<sup>2</sup> - hr - people and 10,000 BTU/ft<sup>2</sup> - hr - buildings). Calculation of the ASD is the first step to assess site suitability for proposed HUD-assisted projects near stationary hazards. Additional guidance on ASDs is available in the Department's guidebook "Siting of HUD- Assisted Projects Near Hazardous Facilities" and the regulation 24 CFR Part 51, Subpart C, Siting of HUD-Assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature.

**Note:** Tool tips, containing field specific information, have been added in this tool and may be accessed by hovering over the ASD result fields with the mouse.

## Acceptable Separation Distance Assessment Tool

Is the container above ground? **Yes:**  **No:**

Is the container under pressure? **Yes:**  **No:**

Does the container hold a cryogenic liquified gas? **Yes:**  **No:**

Is the container diked? **Yes:**  **No:**

What is the volume (gal) of the container?

What is the Diked Area Length (ft)?

What is the Diked Area Width (ft)?

Diked Area (sqft)

ASD for Blast Over Pressure (ASDBOP)

ASD for Thermal Radiation for People (ASDPPU)	
ASD for Thermal Radiation for Buildings (ASDBPU)	
ASD for Thermal Radiation for People (ASDPNPD)	283.94
ASD for Thermal Radiation for Buildings (ASDBNPD)	51.94

**For mitigation options, please click on the following link: Mitigation Options**  
(/resource/3846/acceptable-separation-distance-asd-hazard-mitigation-options/)

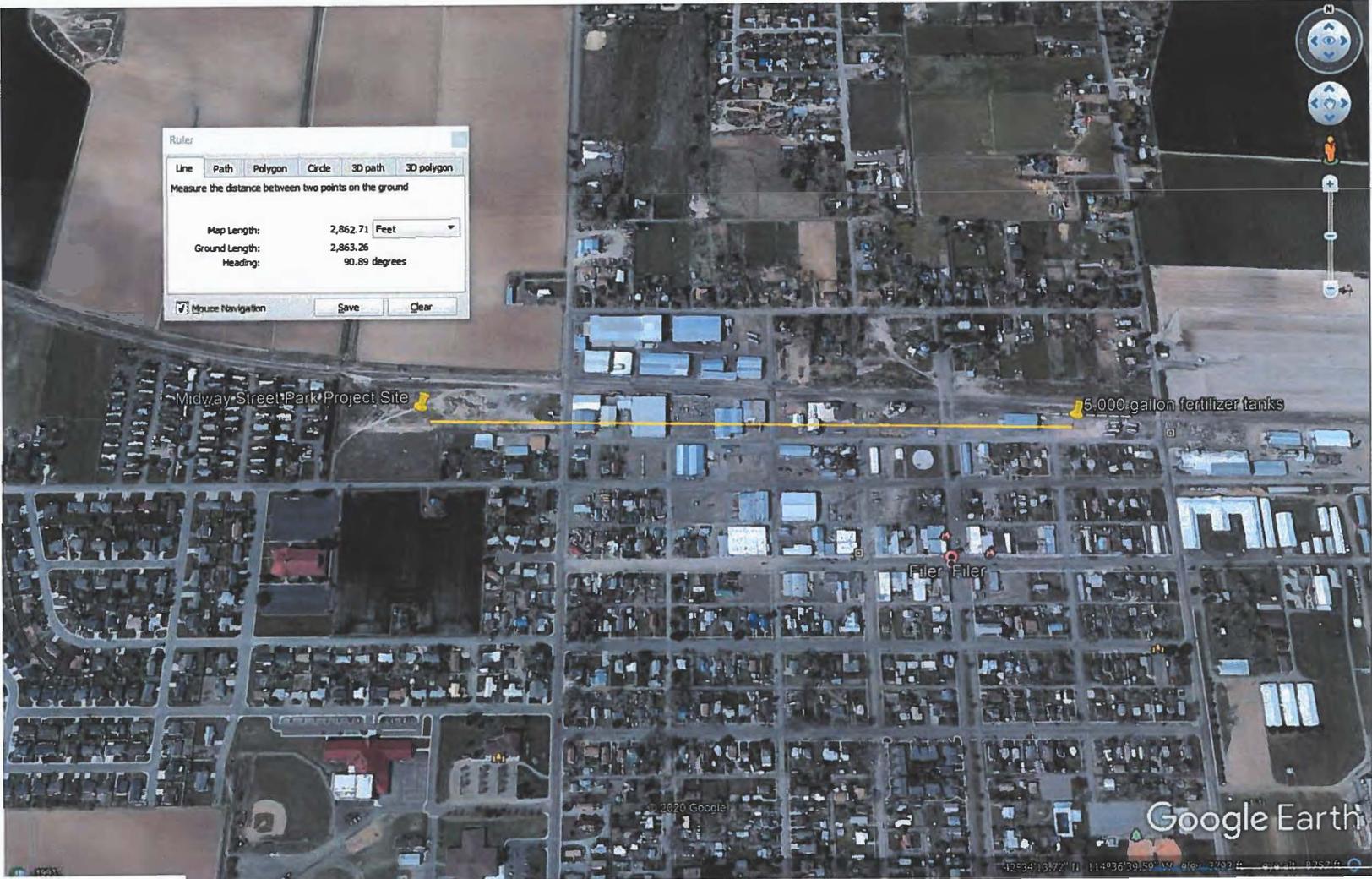
## Providing Feedback & Corrections

After using the ASD Assessment Tool following the directions in this User Guide, users are encouraged to provide feedback on how the ASD Assessment Tool may be improved. Users are also encouraged to send comments or corrections for the improvement of the tool.

Please send comments or other input using the **Contact Us**  
(<https://www.hudexchange.info/contact-us/>) form.

## Related Information

- ASD User Guide (/resource/3839/acceptable-separation-distance-asd-assessment-tool-user-guide/)
- ASD Flow Chart (/resource/3840/acceptable-separation-distance-asd-flowchart/)



# **Exhibit 12**

## **Green Sheet**

### **F12. Contaminated Soils**

**GREEN SHEET F.12**  
**Contaminated Soils**  
**(Toxic Chemicals, and Radioactive Materials)**  
**Checklist**

General requirements	Legislation	Regulation
All property proposed for use in HUD programs must be free of hazardous materials, contamination, toxic chemicals and gasses and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.	Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended by Superfund Amendments and Reauthorization Act	24 CFR 58.5(i)

**You are required to consider all hazards that could affect the health and safety of occupants and use current techniques by qualified professionals to undertake investigations determined necessary. This checklist tool is intended as guidance only and does not cover all possible hazards. This document is subject to change.**

**1. Is the project for acquisition, new construction, or rehabilitation of a one-to-four family residential property?**

- Yes: PROCEED to #3 to determine the likelihood of hazardous conditions existing nearby or on the property which could affect the health and safety of proposed occupants.
- No: PROCEED to #2

**2. Is the project for multifamily housing with 5 or more dwelling units (including leasing), or non-residential property?**

- No: PROCEED to #3
- Yes:
- ❖ The environmental review **must** include the evaluation of previous uses of the site or other evidence of contamination on or near the site, to assure that the occupants of proposed sites are not adversely affected by hazardous materials, contamination, toxic chemicals and gases, and radioactive substances.
  - ❖ For acquisition and new construction projects, HUD strongly advises that the review include an ASTM Phase 1 assessment or equivalent analysis, including an update if the assessment is over 180 days old, in order to meet real estate transaction standards of due diligence. Your review should also cover the information in the questions below. **PROCEED to #3.**

**3. Is the answer Yes to any of the following questions?**

- Is the property or surrounding neighborhood listed on an EPA Superfund National Priorities, the CERCLA List, or equivalent State list?  
 An internet site that may be helpful is <https://www.epa.gov/superfund/search-superfund-sites-where-you-live>  
<https://www.epa.gov/superfund/national-priorities-list-npl-sites-state#ID>

No       Yes

- Is the property located near a toxic or solid-waste landfill site?  
Utilize EPA's Enviro Mapper tool as well as maps, site inspections and documentation from the local planning department to make your determination.

No       Yes

- **Are there any underground storage tanks (not including residential fuel tanks) on or near the property?**

For projects in Idaho, visit: <http://www2.deq.idaho.gov/waste/ustlust/>

Consider past uses of the property when making your determination.

No       Yes

- **Is the property known or suspected to be contaminated by toxic chemicals or radioactive materials?**

No       Yes

HUD's "Choosing an Environmentally 'Safe Site'" provides guidance in considering potential environmental issues: <https://archives.hud.gov/funding/2006/SafeSitePub.pdf>

In considering the site, the guidance suggests that you:

- Make a visual inspection of the site for signs of distressed vegetation, vents or fill pipes, storage/oil tanks or questionable containers, pits, ponds or lagoons, stained soil or pavement, pungent, foul or noxious odors, dumped material or soil, mounds of dirt, rubble, fill etc.
- Research the past uses of the site and obtain a disclosure of past uses from the owner. Certain past and present uses such as the following signal concerns of possible contamination and require a more detailed review: gasoline stations, vehicle repair shops, car dealerships, garages, depots, warehouses, commercial printing facilities, industrial or commercial warehouses, dry cleaners, photo developing laboratories, hospitals, junkyard or landfills, waste treatment, storage disposal, processing or recycling facilities, agricultural/farming operations (including hog and poultry operations) and tanneries.
- Identify adjoining properties in the surrounding area for evidence of any facilities as described above.
- Research Federal, State and local records about possible toxins and hazards at the site.

Yes to any of the above questions: PROCEED to #4

No to all questions: The toxic chemicals and radioactive materials review is complete, unless there are other hazards that could affect the health and safety of occupants.

- ❖ Record your determination on the Statutory Worksheet and maintain appropriate documentation in the ERR.

❖

**4. Could nearby toxic, hazardous or radioactive substances affect the health and safety of project occupants or conflict with the intended utilization of the property?**

- ❖ Gather all pertinent information concerning any on-site and nearby toxic hazards. Consider, at a minimum, each of the areas identified in Question 3. Consider if your ASTM Phase 1 or equivalent analysis identifies any Recognized Environmental Conditions (RECs)?
- ❖ If appropriate and/or required, obtain independent professional reviews of the site (e.g., an ASTM Phase 2 or equivalent analysis). Contact appropriate Federal, State and Local resources for assistance in assessing exposure to health hazards.

Yes: PROCEED to #5.

No: The toxic chemicals and radioactive materials review is complete, unless there are other hazards that could affect the health and safety of occupants.

- ❖ Record your determination that there are no hazards that could affect the safety of occupants or impact the intended use of the project and maintain appropriate documentation in the ERR.

**5. Can the adverse environmental condition be mitigated?**

Yes:

- ❖ Mitigate according to the requirements of the appropriate Federal, State or local oversight agency.
- ❖ Record your determination that there are no hazards that could affect the safety of occupants or impact the intended use of the project and maintain appropriate documentation in the ERR.
- ❖ HUD assistance should be conditioned on completion of appropriate mitigation.
- ❖ Deny HUD assistance if, after mitigation, the property is still determined to be unsafe or unhealthy. For more details please refer to HUD's "Choosing an Environmentally 'Safe' Site."

No: Do not provide HUD assistance for the project at this site.

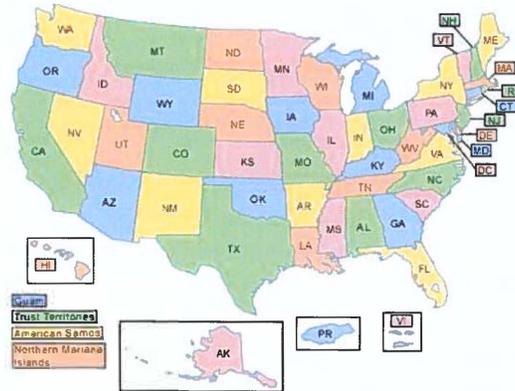


## National Priorities List (NPL) Sites - by State

[\[View NPL Sites - by Site Name\]](#) | [\[View NPL Sites - by Date\]](#)

Choose a state or territory from the map or list below.

Idaho



This page provides information about sites listed on the NPL; including Site Name, City, Site EPA ID, Listing Date, Site Score, and Federal Facility Indicator. Links to the Site Narrative, Site Progress Profile, and *Federal Register* Notice are provided in the Additional Information column. The Site Location column contains a link to a map with the site location. Select a state from the map for a list of NPL sites in that state.

You may need a PDF reader to view some of the files on this page. See [EPA's About PDF page](#) to learn more.

( 1327 Sites as of December 23, 2020 )

Alabama ( 12 sites )							
Site Name	City	Site EPA ID	Listing Date	Site Score	Federal Facility Indicator	Additional Information	Site Location
Alabama Army Ammunition Plant	Childersburg	AL6210020008	07/22/1987	36.83	Yes	<ul style="list-style-type: none"> <li><a href="#">Site Listing Narrative</a></li> <li><a href="#">Site Progress Profile</a></li> <li><a href="#">Federal Register Notice (PDF)</a> ( 27 pp, 287 K)</li> </ul>	<a href="#">Site Location</a>
Alabama Plating Company, Inc.	Vincent	ALD004022448	09/18/2012	30.20	No	<ul style="list-style-type: none"> <li><a href="#">Site Listing Narrative</a></li> <li><a href="#">Site Progress Profile</a></li> <li><a href="#">Federal Register Notice (PDF)</a> ( 10 pp, 261 K)</li> </ul>	<a href="#">Site Location</a>
American Brass	Headland	ALD981868466	05/10/1999	55.61	No	<ul style="list-style-type: none"> <li><a href="#">Site Listing Narrative</a></li> <li><a href="#">Site Progress Profile</a></li> <li><a href="#">Federal Register Notice (PDF)</a> ( 8 pp, 189 K)</li> </ul>	<a href="#">Site Location</a>

<b>Hawaii ( 3 sites )</b>							
<b>Site Name</b>	<b>City</b>	<b>Site EPA ID</b>	<b>Listing Date</b>	<b>Site Score</b>	<b>Federal Facility Indicator</b>	<b>Additional Information</b>	<b>Site Location</b>
Del Monte Corp. (Oahu Plantation)	Honolulu County	HID980637631	12/16/1994	50.00	No	<ul style="list-style-type: none"> <li>• <a href="#">Site Listing Narrative</a></li> <li>• <a href="#">Site Progress Profile</a></li> <li>• <a href="#">Federal Register Notice (PDF)</a> (13 pp, 100 K)</li> </ul>	<a href="#">Site Location</a>
Naval Computer and Telecommunications Area Master Station Eastern Pacific	Oahu	HI0170090054	05/31/1994	50.00	Yes	<ul style="list-style-type: none"> <li>• <a href="#">Site Listing Narrative</a></li> <li>• <a href="#">Site Progress Profile</a></li> <li>• <a href="#">Federal Register Notice (PDF)</a> (13 pp, 130 K)</li> </ul>	<a href="#">Site Location</a>
Pearl Harbor Naval Complex	Pearl Harbor	HI4170090076	10/14/1992	70.82	Yes	<ul style="list-style-type: none"> <li>• <a href="#">Site Listing Narrative</a></li> <li>• <a href="#">Site Progress Profile</a></li> <li>• <a href="#">Federal Register Notice (PDF)</a> (15 pp, 185 K)</li> </ul>	<a href="#">Site Location</a>

<b>Idaho ( 6 sites )</b>							
<b>Site Name</b>	<b>City</b>	<b>Site EPA ID</b>	<b>Listing Date</b>	<b>Site Score</b>	<b>Federal Facility Indicator</b>	<b>Additional Information</b>	<b>Site Location</b>
Bunker Hill Mining & Metallurgical Complex	Smelterville	IDD048340921	09/08/1983	54.76	No	<ul style="list-style-type: none"> <li>• <a href="#">Site Listing Narrative</a></li> <li>• <a href="#">Site Progress Profile</a></li> <li>• <a href="#">Federal Register Notice (PDF)</a> (36 pp, 441 K)</li> </ul>	<a href="#">Site Location</a>
Eastern Michaud Flats Contamination	Pocatello	IDD984666610	08/30/1990	57.80	No	<ul style="list-style-type: none"> <li>• <a href="#">Site Listing Narrative</a></li> <li>• <a href="#">Site Progress Profile</a></li> <li>• <a href="#">Federal Register Notice (PDF)</a> (22 pp, 293 K)</li> </ul>	<a href="#">Site Location</a>
Idaho National Engineering Laboratory (USDOE)	Idaho Falls	ID4890008952	11/21/1989	51.91	Yes	<ul style="list-style-type: none"> <li>• <a href="#">Site Listing Narrative</a></li> <li>• <a href="#">Site Progress Profile</a></li> <li>• <a href="#">Federal Register Notice (PDF)</a> (10 pp, 125 K)</li> </ul>	<a href="#">Site Location</a>
Kerr-McGee Chemical Corp. (Soda Springs Plant)	Soda Springs	IDD041310707	10/04/1989	51.91	No	<ul style="list-style-type: none"> <li>• <a href="#">Site Listing Narrative</a></li> <li>• <a href="#">Site Progress Profile</a></li> <li>• <a href="#">Federal Register Notice (PDF)</a> (19 pp, 302 K)</li> </ul>	<a href="#">Site Location</a>

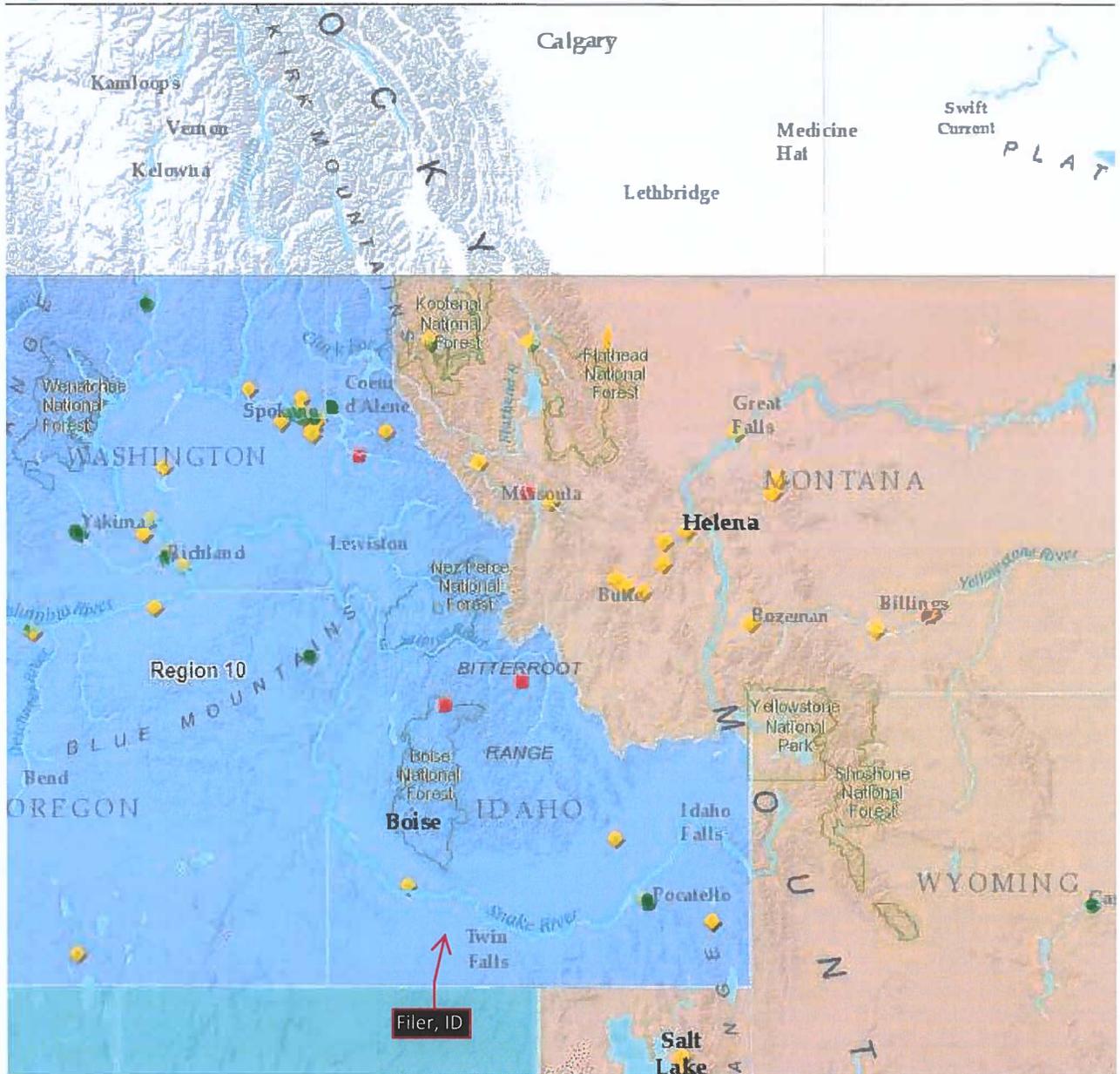
<b>Idaho ( 6 sites )</b>							
<b>Site Name</b>	<b>City</b>	<b>Site EPA ID</b>	<b>Listing Date</b>	<b>Site Score</b>	<b>Federal Facility Indicator</b>	<b>Additional Information</b>	<b>Site Location</b>
Monsanto Chemical Co. (Soda Springs Plant)	Soda Springs	IDD081830994	08/30/1990	54.77	No	<ul style="list-style-type: none"> <li>• <a href="#">Site Listing Narrative</a></li> <li>• <a href="#">Site Progress Profile</a></li> <li>• <a href="#">Federal Register Notice (PDE)</a> (22 pp, 293 K)</li> </ul>	<a href="#">Site Location</a>
Mountain Home Air Force Base	Mountain Home	ID3572124557	08/30/1990	57.80	Yes	<ul style="list-style-type: none"> <li>• <a href="#">Site Listing Narrative</a></li> <li>• <a href="#">Site Progress Profile</a></li> <li>• <a href="#">Federal Register Notice (PDE)</a> (22 pp, 293 K)</li> </ul>	<a href="#">Site Location</a>

<b>Illinois ( 45 sites )</b>							
<b>Site Name</b>	<b>City</b>	<b>Site EPA ID</b>	<b>Listing Date</b>	<b>Site Score</b>	<b>Federal Facility Indicator</b>	<b>Additional Information</b>	<b>Site Location</b>
Acme Solvents Reclaiming, Inc. (Morristown Plant)	Morristown	ILD053219259	09/08/1983	31.98	No	<ul style="list-style-type: none"> <li>• <a href="#">Site Listing Narrative</a></li> <li>• <a href="#">Site Progress Profile</a></li> <li>• <a href="#">Federal Register Notice (PDE)</a> (36 pp, 441 K)</li> </ul>	<a href="#">Site Location</a>
Adams County Quincy Landfills 2&3	Quincy	ILD980607055	08/30/1990	34.21	No	<ul style="list-style-type: none"> <li>• <a href="#">Site Listing Narrative</a></li> <li>• <a href="#">Site Progress Profile</a></li> <li>• <a href="#">Federal Register Notice (PDE)</a> (22 pp, 293 K)</li> </ul>	<a href="#">Site Location</a>
Amoco Chemicals (Joliet Landfill)	Joliet	ILD002994259	02/21/1990	39.44	No	<ul style="list-style-type: none"> <li>• <a href="#">Site Listing Narrative</a></li> <li>• <a href="#">Site Progress Profile</a></li> <li>• <a href="#">Federal Register Notice (PDF)</a> (21 pp, 326 K)</li> </ul>	<a href="#">Site Location</a>
ASARCO Taylor Springs	Taylor Springs	ILN000508170	09/27/2006	30.00	No	<ul style="list-style-type: none"> <li>• <a href="#">Site Listing Narrative</a></li> <li>• <a href="#">Site Progress Profile</a></li> <li>• <a href="#">Federal Register Notice (PDE)</a> (9 pp, 212 K)</li> </ul>	<a href="#">Site Location</a>
Bautsch-Gray Mine	Galena	ILN000510407	09/18/2012	48.97	No	<ul style="list-style-type: none"> <li>• <a href="#">Site Listing Narrative</a></li> <li>• <a href="#">Site Progress Profile</a></li> <li>• <a href="#">Federal Register Notice (PDF)</a> (10 pp, 261 K)</li> </ul>	<a href="#">Site Location</a>



# Superfund National Priorities List (NPL) Where You Live Map

United States Envi



# Underground Storage Tanks



# Department of Environmental Quality Underground Storage Tank Database

- Search UST/LUST Database
- Operator Training
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## Facility Description

Facility Id *	Facility Name *	Edited By
4-420021	ACME MANUFACTURING CO IN	UT
Address Line 1 *	Address Line 2	Facility Status
500 MAIN ST		Closure
Facility City *	Facility Zip *	Facility Phone
FILER	83328	
Facility Latitude	Facility Longitude <a href="#">Map...</a>	Date Certified
		05/19/1986 
Facility Type	Owner Type *	Within 1000 feet of a drinking water source? *
Not Listed		Yes <input type="checkbox"/>

### Contacts Active Contacts Only

Contact Name	Contact Type	Trained Date	Start Date	End Date	Delete
ACME MANUFACTURING CO INC	Owner		05/19/1986		
JAMES HERRETT	Other		05/19/1986		

### Financial Responsibility

#### Tanks Display Closed Tanks

Tank #	Capacity	Status	Substance	Tank Material	Date Installed	ATG#	Delete
4-420021*1	500	Permanently Out of Use	Regular Gasoline	Asphalt Coated or Bare Steel	01/01/1953		

#### Pipes Display Inactive Pipes

#### Dispensers Display Inactive Dispensers

### Inspection List

#### LUST Events

LUST ID	Confirmed Release	Cleanup Complete	Enforcement Effective	Enforcement Termination	EC	Delete
870	06/30/1992	09/11/1997			No	

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## Facility Description

Facility Id * 4-420604	Facility Name * BEAN GROWERS	Edited By UT
Address Line 1 * 528 FRONT ST	Address Line 2	Facility Status Closure
Facility City * FILER	Facility Zip * 83328	Facility Phone
Facility Latitude 42.57179	Facility Longitude <a href="#">Map...</a> -114.60658	Date Certified 09/05/1991 
Facility Type Other	Owner Type *	Within 1000 feet of a drinking water source? * Yes

**Contacts**  Active Contacts Only

Contact Name	Contact Type	Trained Date	Start Date	End Date	Delete
BEAN GROWERS	Owner		09/05/1991		
H.L. PRINGLE	Other		09/05/1991		

**Financial Responsibility**

**Tanks**  Display Closed Tanks

Tank #	Capacity	Status	Substance	Tank Material	Date Installed	ATG#	Delete
4-420604*1	350	Permanently Out of Use	Regular Gasoline	Asphalt Coated or Bare Steel	01/01/1970		

**Pipes**  Display Inactive Pipes

**Dispensers**  Display Inactive Dispensers

**Inspection List**

**LUST Events**

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# **Exhibit 13**

## **Green Sheet**

### **F13. Airport Clear Zones and Accidental Potential Zones**

## GREEN SHEET F.13

### Clear Zones (CZ) and Accident Potential Zones (APZ) Checklist

General requirements	Legislation	Regulation
Promote compatible land uses around civil airports and military air fields.	Section 2 of the Housing Act of 1949 as amended, 42 U.S.C. 1331, affirmed by Section 2 of the Housing and Urban Development Act of 1969, P.L. No 90-448; Section 7(d) of the Dept of HUD Act of 1965, 42 U.S.C. 3535(d)	24 CFR Part 51 Subpart D 32 CFR Part 256

**1. Is the Project located within 2,500 feet of a civil airport or within 15,000 feet of a military airfield?**

- ❖ Maintain in your ERR a map that identifies airports. The regulations only apply to military and civil primary and commercial service airports. The Federal Aviation Administration updates the list of applicable airports annually:  
[https://www.faa.gov/airports/planning\\_capacity/passenger\\_allcargo\\_stats/categorie/](https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/categorie/)

No: STOP here. The project is not within a Clear Zone (also known as Runway Protection Zone) or Accident Potential Zone.

- ❖ Record your determination.

Yes: PROCEED to #2

**2. Is the project in the CZ or APZ?**

- ❖ Contact the airport operator and obtain written documentation of the Clear Zone (also known as Runway Protection Zone) and for military airfields, the Accident Potential Zone, and a determination of whether your project is in the APZ or CZ.

No: STOP here.

- ❖ Record your determination that the project is not in a CZ or APZ.

Yes: PROCEED to #3.

**3. For Civil and Military Airports, is the activity for new construction, major rehabilitation\*, or any other activity which significantly prolongs the physical or economic life of existing facilities? For APZs at military airfields, does the project change the use of a facility so that it becomes one which is no longer acceptable in accordance with Department of Defense standards, (please see 32 CFR Part 256 for *Land Use Compatibility Guidelines for Accident Potential Zones*), significantly increase the density or number of people at the site, or introduces explosive, flammable or toxic materials to the area?**

No: STOP here. The project is not subject to the regulation.

❖ Record your determination.

Yes: Proceed to #4.

**4. Will the project frequently be used or occupied by people?**

Yes: STOP here. The project cannot be assisted with HUD funds. STOP HERE.

No:

❖ Obtain written assurance from the airport operator to the effect that there are no plans to purchase the land involved with the project as a portion of a Runway Clear Zone or Clear Zone acquisition program.

❖ Maintain copies of all of the documents you have used to make your determination.

**\*Rehabilitation is major when the estimated cost of the work is 75% or more of the total estimated cost of replacement after rehab (please see 24 CFR Part 58.35(a) for complete definition of major rehabilitation thresholds.)**



# **SECTION 5**

## **Environmental Clearance**

Environmental Release  
Idaho Community Development Block Grant (ICDBG)  
Notice of Release of Funds

Grantee: City of Filer

Grant Title: Midway Street Park Project

Grant Number: ICDBG-20-IV-18-PK

Grant Activity: Development of new city park. Work to include the purchase and installation of playground equipment and construction of sidewalk, access road, and small parking area.

Estimated  
Project Cost: \$357,000

On February 16, 2021, this office received the Request for Release of Funds and Certification on the Environmental Review for the project described above.

No objections to the Release of Funds have been received and 16 days have passed since receiving the Request for Certification.

All objections to the Release of Funds received have been considered by the department and 16 days have passed since receiving the Request and Certification.

This memo removes the environmental conditions on the project described above and also constitutes the authority to use the ICDBG funds provided under Title I of the Housing and Community Development Act of 1974. The authority to use ICDBG is contingent on the project implementing the identified mitigation measures as indicated on Attachment "A".

  
\_\_\_\_\_  
Dennis J. Porter  
Community Development Manager

3/9/2021  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Thomas F. Kealey  
Director

cc: Brenda Hastreiter, RIVDA

## ATTACHMENT A

### ICDBG Mitigation Measures

Midway Street Park Project  
ICDBG-20-IV-18-PK

#### **Mitigation Measures**

1. The construction contractors must comply with the Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01.651, by implementing precautions to prevent particulate matter from becoming airborne.
2. If any items of suspected historical or archaeological value are uncovered during construction, the contractor will be required to stop work and contact the Idaho State Historic Preservation Office and the Idaho Department of Commerce.
3. The collection and disposal of storm and surface water runoff from the project site must comply with the Idaho Department of Environmental Quality's (DEQ) Catalog of Storm Water Best Management Practices for design of all storm water treatment and disposal systems.
4. The contractor shall comply with the provisions of the Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharge from Construction Activities and the Construction Storm Water Pollution Prevention Plan (SWPPP).
5. If, during the construction of the project, an underground storage tank, buried drum, other container, contaminated soil, or debris not scheduled for removal under the contract are discovered, the Contractor shall immediately notify the Engineer and the Idaho Department of Commerce. No attempt shall be made to excavate, open, or remove such material without written approval.