Chapter 3

Environmental & Land Use

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Chapter 3 – Environmental and Land Use Amendment

Since the adoption of the 2035 LRTP on January 24, 2008, little or no significant change has occurred in the physical environment in the PACOG MPO/TPR planning area. There have been, however, three significant institutional changes (see below) that will have significant impacts on the next full update of the LRTP to 2040. Presumably, that update will not be undertaken until after Congress passes a new federal transportation act (successor to the current SAFETEA-LU still being used by virtue of a series of Continuing Resolutions). At this time, the new act is expected to have different environmental planning requirements for MPOs to consider such as greenhouse gases (GHGs), urban walkability and livability, and planning for more sustainable transportation systems.

1. The Pueblo City-County Comprehensive Development Plan is being updated with the primary focus on the urbanized services area for the City of Pueblo and Board of Water Works. Changes in existing zoning, changes in projected future land uses and development patterns, and changes in institutional requirements (subdivision rules, special development plans, zoning laws, etc.) will all have an impact on developing the Environmental and Land Use base for the next LRTP update. As part of the update, all available 2010 Census Data will be used to develop the updated socio-economic data framework.

2. Economic conditions, especially the downturn in the real estate market, resulted in no formal annexation petition and development plan submitted for the Pueblo Springs Ranch proposed development. The developers and City have agreed to a two-year extension of the "lariat" annexation establishing the contiguity for the PSR boundaries to be annexed into the City. For now, the tentative roadway plans for the large areas of the northeast "quadrant" adopted in the 2035 LRTP in January 2008 remain in effect pending the submission of an annexation petition and development plan for the PSR properties.

3. An environmental charrette sponsored by CDOT was held for the five MPOs in the state to receive updates from the Resource and Regulatory (R&R) agencies most frequently involved in the transportation planning process. Although there were no major policy changes announced, the R&R agencies did provide an overview of their concerns within MPO areas in general and observations or potential future policy directions for each MPO. Because PACOG and PPACG share some significant environmental features such as the Fountain Creek drainage basin, the Chico Creek basin, and Fort Carson conservation buffers; and have previously worked together on joint environmental analyses, a joint session was held for both MPOs. Summaries of the PACOG/PPACG/R&R Agencies (some via written comments) discussions and recommendations appears below.

PPACG and PACOG Environmental Charrette
August 31, 2010

Attendees:

Bill Moore, PACOG
Craig Casper, PPACG
Bill Haas, FHWA
Aaron Bustow, FHWA
Stephanie Gibson, FHWA
Jeff Moll, USFS

Van Truan, USACE
Alison Michael, FWS
Robin Coursen, EPA
Michelle Scheuerman, CDOT DTD
Tracey MacDonald, CDOT DTD
Aaron Willis, CDOT DTD
Jeff Sudmeier, CDOT DTD
Marissa Robinson, CDOT DTD
Gail Hoffman, CDOT DTD
Irene Merrifield, CDOT DTD
Lisa Streisfeld, CDOT R2
Wendy Pettit, CDOT R2

Background:

- The Pikes Peak Area Council of Governments (PPACG) said that during their last plan update, PPACG was chosen to be a test site for new technologies to address ecological impacts. PPACG has been selected again to be a test site for planning collaboration and integrating NEPA into the long range plan. PPACG has also adopted a new vision for a sustainable transportation plan. PPACG's goals for this plan update are to include more performance measures and evaluation criteria, look at reducing transportation projects, and add no new transportation projects. Also, PPACG wants to include land use and ecological mitigation as part of the vision plan. Lastly, PPACG is conducting a quality of life indicators project.

- The Pueblo Area Council of Governments (PACOG) is only doing a plan amendment and not a full update. One-third of PACOG's last update was spent mapping environmental factors. PPACG said they do not feel there is a need to do a significant update to this part of their plan, unless the resource agencies have any strong recommendations otherwise. PACOG will likely do more with this as part of the next full update, after Congress issues the new transportation authorization. As part of a Fort Carson effort, there is a new committee established to look at sustainability and transportation and Bill Moore said he intends to participate. PPACG said that the Arkansas River flows through Pueblo and is connected with many of the recreation activities and tourist attractions in the area.

1. What changes to resource management/regulations have occurred in the last few years? Are any additional changes anticipated that should be considered?

- The Environmental Protection Agency (EPA) said that air quality conformity from a NEPA perspective is very important. EPA also said that in February the Council on Environmental Quality (CEQ) came out with new proposed guidance on climate change and greenhouse gases. The draft guidance received a lot of input and the final guidance should be out soon. EPA is interested in conformity issues and in early corridor planning for new roads, etc. EPA urges the use of tools such as planning and environmental linkages (PEL).

- The Federal Highway Administration (FHWA) said that the transportation bill is under continuing resolution and that we don't yet know what new authorization will look like. Air Quality and ozone will be a huge area for future consideration.

- PPACG pointed out that the same tactics that reduce ozone also reduce greenhouse gasses. Real health benefits can be realized if ozone levels are kept below 60ppb.

- PACOG said they are concerned with potential AQ cumulative effects. For example, PACOG has coal fire power plants and a steel mill. These fixed sources, combined with vehicle emissions, may have a cumulative effect on the Pueblo region over time. PACOG does not have nearly the resources to do modeling, let alone react to a non-attainment designation. CDOT Region 2 pointed out that there are also positive air quality impacts in place, like the solar farm north of Pueblo, which will help balance out the negative impacts.

- The United States Forest Service (USFS) said that the USFS has been given authority to compare and contract out stewardship contracts for timber sales. There is a 10-year stewardship contract that allows one to swap the value of timber for improvements in equipment and crews. The Pike-San Isabel National Forest has been affected by the pine beetle and has potential for areas of the forest to be closed if enough trees die. This may trickle down to the transportation system as far as there will be more trucks needed to haul away dead trees for timber. There are also increases in forest recreation use due to the economy and people opting to take less expensive/closer to home trips.

- The Fish and Wildlife Service (FWS) said there's a proposed new threatened bird species listed, the mountain plover and lesser prairie chicken. FWS would like to collaborate on renewable energy development efforts. FWS stressed avoiding splitting up animal habitats with access roads for energy development.

- United States Army Corps of Engineers (USACE) said that the nationwide permits expire in 2012. The new proposed nationwide permits will be proposed next year. Most are related to energy. A mitigation bank is being established in Colorado Springs. Van Truan said most mitigation banks are on site, since commercial banks are few. Water rights are tough on the Arkansas River.

2. What are the agency priorities in the MPO areas?

- EPA priorities include cumulative impacts due to growth and always emphasizing mitigation avoidance whenever possible.

- USFS stated priorities are health and human safety, preservation to environment, and preservation of infrastructure and investments. Not too many specific things can be stated, since there is little forest area in the MPO territories.

- Wetland protection is a priority for many of the resource agencies.

- FWS said minimizing the impacts of renewable energy development and wind farms and turbines on migratory routes for birds is a priority. Another priority is minimizing the impacts of access and maintenance roads for oil and gas development sites. Solar collaboration may also be important as solar takes up a lot of space and needs a lot of water for cooling.

- FHWA stressed again air quality, sustainability, climate change and using innovative tools like PEL.

- USACE said to get permits out in timely manner. A new priority is that they are looking at barrow sites more than in the past and not allowing mitigation in detention sites.

3. What areas for joint planning or collaboration for joint benefit exist (areas where resource mitigation can/should be focused)?

- Setting goals that overlap across multiple agencies is very important.
- State Wildlife action plan is in need of an update. It should be updated soon.
- Participants felt that question #3 had been well addressed in many of the responses above.

Non-attending resource agency responses:

Colorado Department of Health and Environment (CDPHE)

1. What changes to resource management/regulations have occurred in the last few years? Are any additional changes anticipated that should be considered?

There is a new Ozone SIP for the Denver Metropolitan Area and North Front Range non-attainment areas, encompassing the DRCOG, the NFRMPO and the Upper Front Range Transportation Planning Region. Certain State regulatory revisions, such as stricter limits for condensate tank emissions and expansion of the vehicle inspection and maintenance (AIR) program apply. EPA intends to announce a revised ozone standard by the end of October 2010, which may be more stringent than the current.

2. What are the agency priorities in the MPO areas?

Agency priorities include implementing AIR Program expansion and ensuring compliance with tighter stationary and area source rules.

3. What areas for joint planning or collaboration for joint benefit exist (areas where resource mitigation can/should be focused)?

The Air Pollution Control Division is collaborating with CDOT and other agencies on several voluntary projects--including the retrofit (installation of pollution-reduction equipment) of off-road vehicles and construction equipment and an idling reduction pilot project. Continued dialogue via the Transportation Environmental Resource Council and its Sustainability subcommittee offer opportunities for such joint planning and collaboration.

Colorado Department of Local Affairs

DOLA is unlike other resource agencies involved in that we don't regulate or manage resources in MPO areas similar to how others do. We have non-region specific granting policies, however they are limited

at current. The resources we offer include technical assistance to any community and financial assistance when we have money available. Our department policies promote sustainability, including:

- Intergovernmental and regional cooperation;
- Mixed use development;
- Linking affordable housing, transportation and land use;
- Public health and safety;
- Hazard mitigation;
- Air and water quality; and
- Water supply

State Historic Preservation Office

1. What changes to resource management/regulations have occurred in the last few years? Are any additional changes anticipated that should be considered?

Under the Section 106 of the National Historic Preservation Act, there has been a growing emphasis of evaluating historic landscapes for the National Register of Historic Places and assessing project effects to National Register eligible landscapes. Guidance recommends that a surveyor look beyond just the standing buildings on a property and also consider open agricultural fields or other land that can contribute to the overall eligibility of the property.

2. What are the agency priorities in the MPO areas?

The State Historic Preservation Office continues to recommend early coordination for Section 106 reviews. Once the MPOs know they will be using Federal funds or distributing Federal funds, they should contact our office to initiate Section 106. Our agency also works with local municipalities and counties in establishing Certified Local Governments (CLG), which MPOs should notify and consult with in regards to identification and evaluation of cultural resources. A list of CLGs can be found on our website at: http://www.coloradohistory-oahp.org/publications/pubs/1568.pdf

3. What areas for joint planning or collaboration for joint benefit exist (areas where resource mitigation can/should be focused)?

Our office recommends that MPOs with Section 106 responsibilities consider executing a Programmatic Agreement (PA) with our office and funding Federal agency. A PA would formalize a streamlined process for MPOs completing the Section 106 review.

If MPOs have any questions regarding the Section 106 process, please contact Amy Pallante at 303-

866-4678 or amy.pallante@chs.state.co.us.

Additional resource agency responses:

U.S. Army Corps of Engineers (USACE)

1. What changes to resource management/regulations have occurred in the last few years? Are any additional changes anticipated that should be considered?

USACE Regulatory Program has the mission of preserving, protecting, and enhancing the physical, chemical, and biological integrity of our nation's waters. Our regulatory authorities require permits for discharge activities into such waters. Many of our permit actions involve the verification of Nationwide General Permits (NWP) which is due to be renewed next spring. It is important to remain informed of changes to the NWPs.

2. What are the agency priorities in the MPO areas?

We just ask for early coordination on projects to ensure full compliance with the Clean Water Act and Rivers & Harbor Act. Pre-application meetings and onsite visits with our staff are extremely helpful in our timely processing of permits.

3. What areas for joint planning or collaboration for joint benefit exist (areas where resource mitigation can/should be focused)?

None at this time on the west slope of Colorado. There is a Transportation EIS through the I70 mountain passes that is being coordinated through our Denver Office (Mr. Tim Carey at 303979-4120).

Non-responding Agencies:
Bureau of Land Management
Housing and Urban Development
Colorado State Parks