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**CITY COUNCIL AGENDA
WEDNESDAY, SEPTEMBER 1, 2021
250 NORTH 5TH STREET
[VIRTUAL MEETING - LIVE STREAMED](#)
BROADCAST ON CABLE CHANNEL 191
5:30 PM – REGULAR MEETING**

Call to Order, Pledge of Allegiance, Moment of Silence

Presentations

Presentation of Accreditation to the Grand Junction Police Department by Chief Dave Krause with the Colorado Association of Chiefs of Police

Proclamations

Proclaiming September 7 - 12, 2021 Pride Fest in the City of Grand Junction

Proclaiming September 6, 2021 as Sister City Day in the City of Grand Junction

Proclaiming September 15 - October 15, 2021 as Hispanic Heritage Month in the City of Grand Junction

Citizen Comments

Individuals may comment regarding items scheduled on the Consent Agenda and items not specifically scheduled on the agenda. This time may be used to address City Council about items that were discussed at a previous City Council Workshop.

Citizens have four options for providing Citizen Comments: 1) in person during the meeting, 2) Virtually during the meeting (registration required), 3) via phone by leaving a message at 970-244-1504 until noon on Wednesday, September 1, 2021 or 4) submitting comments [online](#) until noon on Wednesday, September 1, 2021 by completing this form. Please reference the agenda item and all comments will be forwarded to City Council.

City Manager Report

Council Reports

CONSENT AGENDA

The Consent Agenda includes items that are considered routine and will be approved by a single motion. Items on the Consent Agenda will not be discussed by City Council, unless an item is removed for individual consideration.

1. Approval of Minutes

- a. Summary of the August 16, 2021 Workshop
- b. Minutes of the August 18, 2021 Regular Meeting

2. Set Public Hearings

All ordinances require two readings. The first reading is the introduction of an ordinance and generally not discussed by City Council. Those are listed in Section 2 of the agenda. The second reading of the ordinance is a Public Hearing where public comment is taken. Those are listed below.

- a. Legislative
 - i. Introduction of an Ordinance Making Supplemental Appropriations and Setting a Public Hearing for September 15, 2021
 - ii. Introduction of an Ordinance Making Supplemental Appropriations for Addition to the Lincoln Park Stadium Project and Setting a Public Hearing for September 15, 2021
 - iii. Introduction of an Ordinance Making Supplemental Appropriations for Addition of a Multi-Purpose Building at Lincoln Park Stadium and Setting a Public Hearing for September 15, 2021
- b. Quasi-judicial
 - i. Introduction of an Ordinance for a Request by the Lincoln Park Neighborhood/Residential Historic District to Amend Municipal Code Volume II: Development Regulations to Adopt Standards and Guidelines for the Lincoln Park Residential Historic District and to Amend Title 21 Pertaining to the Role of the Historic Preservation Board in the Review of Alterations within the District and Setting a Public Hearing for September 15, 2021
 - ii. Introduction of an Ordinance to Vacate a Portion of Public Right-of-Way of G 1/8 Road Located near 2524 G Road and 716 25 Road and Setting a Public Hearing for September 15, 2021

- iii. Introduction of an Ordinance Rezoning One Parcel Totaling Approximately 13.92 Acres from R-8 (Residential - 8) to M-U (Mixed Use) Located at 600 28 ¼ Road, and Setting a Public Hearing for September 15, 2021

3. **Contracts**

- a. North Avenue / US6B Enhanced Transit Corridor Study and Construction Project Memorandum of Agreement Between the City of Grand Junction and Mesa County
- b. Authorizing the Contract Amendment for the Early Release Construction Package for the Lincoln Park Stadium Renovation Project

4. **Resolutions**

- a. A Resolution Authorizing the City Manager to Submit a Grant Request to the US Department of Justice (DOJ) FY 2021 Edward Byrne Memorial Justice Assistance Grant (JAG)
- b. A Resolution Authorizing the City Manager to Submit a Grant Request to the State of Colorado Department of Local Affairs (DOLA) FY 2021 – 2022 Gray & Black Market Marijuana Enforcement Grant
- c. A Resolution Authorizing the City Manager to Execute Related Documents and Co-Sponsorship Agreement for an Anticipated Airport Improvement Program Grant
- d. A Resolution Authorizing the Mayor to Sign as a Petitioner to Mesa County's Notice of Appeal and Request for Adjudicatory Hearing in Response to the Colorado Water Quality Control Division's Publication of the Total Maximum Daily Load Assessment for Colorado River Tributaries in the Grand Valley

REGULAR AGENDA

If any item is removed from the Consent Agenda by City Council, it will be considered here.

5. **Public Hearings**

- a. Quasi-judicial
 - i. An Ordinance Vacating a Road Right-of-Way, Known as Tonto Lane

6. Non-Scheduled Citizens & Visitors

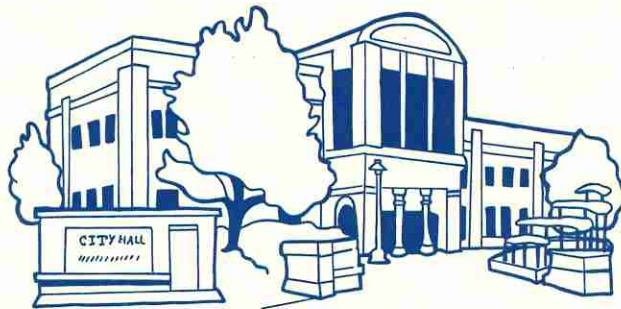
This is the opportunity for individuals to speak to City Council about items on tonight's agenda and time may be used to address City Council about items that were discussed at a previous City Council Workshop.

7. Other Business**8. Adjourning the Regular Meeting into Executive Session - 1st Floor Break Room - City Hall**

- a. EXECUTIVE SESSION TO DISCUSS MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS PURSUANT TO SECTIONS 24-6-402(4)(e)(I) AND/OR 24-6-402(4)(a) OF COLORADO'S OPEN MEETINGS LAW RELATIVE TO A POSSIBLE PURCHASE OF REAL PROPERTY LOCATED AT 910 MAIN STREET, GRAND JUNCTION, COLORADO.
- b. EXECUTIVE SESSION TO DISCUSS MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS PURSUANT TO SECTIONS 24-6-402(4)(e)(I) OF COLORADO'S OPEN MEETINGS LAW RELATIVE TO A POSSIBLE PURCHASE/CONTRACT BUYOUT OF GRAND JUNCTION CRI

9. Adjournment of Executive Session

The Council will return to Open Session to adjourn the Executive Session, which adjournment will occur in the 1st Floor City Hall Break Room location; the City Council will not be returning to Open Session in the City Council chambers



City of Grand Junction, State of Colorado

Proclamation

Whereas, Colorado West Pride was established nine years ago and is dedicated to the creation of an inclusive community in Grand Junction through events, outreach, and education; and

Whereas, the Colorado West Pride Board now has nine diverse members which represent the depth and breadth of the local Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) community; and

Whereas, Colorado West Pride works tirelessly to help create equality by working to make sure the community is well informed and the LGBTQ community has a voice to make a difference; and

Whereas, Colorado West Pride will sponsor various activities and events September 7th through September 12th to promote and build a positive environment and relationships; and

Whereas, on September 11th and 12th Colorado West Pride will host the signature events of the 9th Annual Grand Junction Pride Fest which will include a Main Street parade on Sunday and a festival at the GJ Convention Center on Saturday and Sunday.

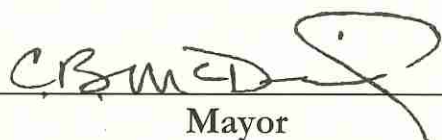
NOW, THEREFORE, I, C.B. McDaniel, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim September 7 – 12, 2021 as

“Grand Junction Pride Fest”

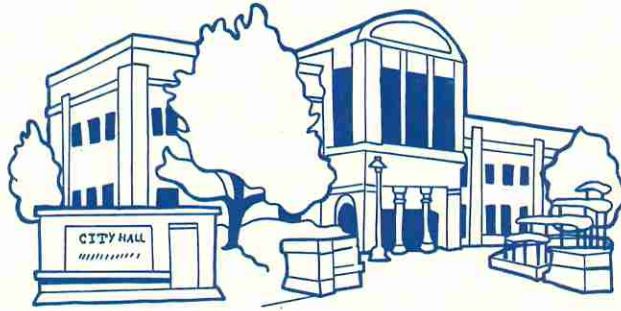
in the City of Grand Junction, and urge all citizens to learn about and help create a positive environment for the LGBTQ community.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 1st day of September 2021.



Mayor



City of Grand Junction, State of Colorado

Proclamation

Whereas, the City of Grand Junction has recognized El Espino, El Salvador as its official Sister City since September of 2005; and

Whereas, dozens of members of the Grand Valley community have participated in cultural exchange with the citizens of El Espino through cultural immersion trips with the Foundation for Cultural Exchange; and

Whereas, throughout the previous 15 years, this city through its community partnership has fostered long-term relationships between the people of Grand Junction and El Espino, thereby advancing peace, prosperity, and cultural understanding in both communities; and

Whereas, it is appropriate to recognize all the efforts of the Foundation for Cultural Exchange on this sixteenth anniversary and to express appreciation for the work they and other community members have done.

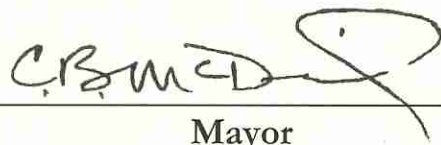
NOW, THEREFORE, I, C.B. McDaniel, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim September 6, 2021 as

"Sister City Day"

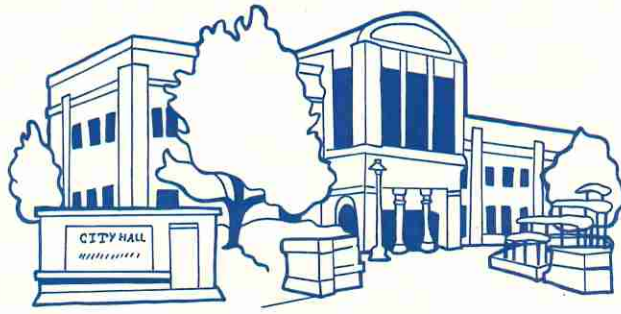
in the City of Grand Junction and congratulate the Foundation and other community members who have participated in cultural exchanges with the people of El Espino.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 1st day of September 2021.



Mayor



City of Grand Junction, State of Colorado

Proclamation

Whereas, from America's earliest days, Hispanics have played an important role in our national heritage, and continue to embody the pioneering spirit of America today, demonstrating a steadfast commitment to faith, family, hard work and patriotism through their countless contributions; and

Whereas, in keeping our historical roots, we celebrate more than 5,000 years of history and heritage of Native, Latino, and Hispanic in this land of the American continent. Hispanics are individuals from or descendants of North, Central, South America, Spain and the Caribbean's islands, and may speak Creole, Dutch, English, Italian, Spanish, Patois, Portuguese, French, and many regional indigenous languages such as Quechua, Aymara, Guarani, Mayan, Nahuatl, and more; and

Whereas, Hispanics have not hesitated to defend and show their allegiance to this nation in many ways, especially in all branches of the Armed Forces, continuing a strong legacy of dedication to our country; and

Whereas, Hispanics lift up our communities and our economy as entrepreneurs, executives, and small business owners, and make contributions in areas such as science, art, music, politics, academia, government, and sports. Hispanic-owned small businesses are the fastest growing businesses in America, growing at a pace 15 times the national average over the last decade. Hispanics own more than three million businesses and are a testament to the American promise that anyone can succeed in the United States through hard work; and

Whereas, September 15th marks the beginning of National Hispanic Heritage Month, which celebrates and honors the accomplishments of Hispanic Americans, who have enriched our culture and society and helped make America into the incredible country it is today; and

Whereas, four events have been organized to commemorate these accomplishments in Grand Junction: HHM Kick-off on September 16, Inspiration Behind Success on September 24, Youth and Talent Night on October 2, and HHM Closing Ceremony on October 9.

NOW, THEREFORE, I, C.B. McDaniel, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim September 15 – October 15, 2021 as

"Hispanic Heritage Month"

in the City of Grand Junction and call upon public officials, educators and all Americans to observe this time with appropriate ceremonies, activities and programs.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 15th day of September, 2021.

Mayor

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

August 16, 2021

Meeting Convened: 5:30 p.m. Meeting held in person at the Fire Department Training Room, 625 Ute Avenue, and live streamed via GoToWebinar.

Meeting Adjourned: 8:02 p.m.

City Councilmembers present: Councilmembers Abe Herman, Phil Pe'a, Randall Reitz, Dennis Simpson, Anna Stout, Rick Taggart, and Mayor Chuck McDaniel (attended virtually).

Staff present: City Manager Greg Caton, City Attorney John Shaver, Finance Director Jodi Welch, Public Works Director Trent Prall, General Services Director Jay Valentine, Senior Assistant to the City Manager Greg LeBlanc, Deputy Finance Director Scott Rust, Financial Analyst Shane O'Neill, Sports Facilities Supervisor Marc Mancuso, Parks Superintendent Randy Coleman, City Records Manager Debbie Kemp, and Deputy City Clerk Selestina Sandoval.

Mayor Pro Tem Stout called the meeting to order.

Agenda Topic 1. Discussion Topics

a. Lincoln Park Stadium Renovation Update

Bruce Hill, Vice Chair of JUCO, Chairman of the Parks Improvement Advisory Board (PIAB), and member of the Stadium Improvement Committee provided a history of the stadium improvements, financing, and discussions since 2003.

A Stadium Improvement Plan was paid for by PIAB in 2019 and identified approximately \$11 million dollars in improvements. Mr. Hill reviewed the improvement areas needed at the stadium which included new seating on the baseball side of the stadium, rebuilding the 12th Street stands on the football side of the stadium, aligning the entrance to 12th Street and North Avenue, and changing the lighting to LED. There is a shortage of funding to complete the proposed improvements. Colorado Mesa University (CMU) has agreed to increase their funding from \$100,000 to \$200,000 per year to fulfill their commitment of \$2.5 million for the project. The Stadium Improvement Committee is requesting reserves of \$2.5 million for the improvements. To help with the improvements, two grants can be applied for (Great Outdoors Colorado (GOCO) and Department of Local Affairs (DOLA) for a combined funding request of \$1.4 million).

Discussion ensued about the grants, the lighting, the proposed alignment for a new entrance, and the request for \$2.5 million out of reserves.

Tim Foster (attended virtually), former CMU President, requested that City Council consider allowing CMU to build a new locker building at Lincoln Park for approximately \$2.8 million. He asked if the City would be willing to contribute \$500,000 towards the project. The priority of the usage of the locker room would be for CMU, however, the Rockies and JUCO could also utilize it. A memorandum of understanding could be put in place for the operation of the locker building.

Discussion ensued about the timing for this project, the cost savings of doing both projects at the same time (which would also include the construction of the Southwest Plaza) the DOLA grant application deadline of September 1, 2021, other projects that a DOLA grant could be utilized for, and the lighting project fitting the DOLA grant niche due to the energy efficiency of the project.

Council directed staff to prepare the DOLA grant application and schedule the stadium improvements and locker building project discussions on the August 30, 2021 Workshop agenda.

b. Council Policies and Procedures

Using the “Dot System”, each Councilmember present was provided with six dots to place on a drawing board to indicate their choices of the most important policies and procedures that need addressed. Policies or procedures not listed could be added to the list.

Mayor McDaniel will indicate his choices and the list will be sent out to Council.

c. Auditor’s Briefing to City Council Regarding the 2020 Audit – Ty Holman, Haynie & Company

Ty Holman (attended virtually) briefed the Council on the method that Holman, Haynie, & Company used for the audit. Discussion items included internal controls, conducting an internal control audit, and the audit management letter.

Councilmember Simpson asked about the Fund Balance for several items from the printed audit.

Agenda Topic 2. City Council Communication

Councilmember Taggart stated he has a concern regarding Las Colonias that he would like to bring to the Agenda Committee that may need to be addressed in an Executive Session.

Agenda Topic 3. Next Workshop Topics

The Economic Development Partners and the Stadium Improvement items are scheduled on the next workshop on August 30, 2021.

Agenda Topic 4. Other Business

There was none.

Adjournment

The workshop adjourned at 8:02 p.m.

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING**

August 18, 2021

Call to Order, Pledge of Allegiance, Moment of Silence

The City Council of the City of Grand Junction convened into regular session on the 18th day of August 2021 at 5:30 p.m. Those present were Councilmembers Abe Herman, Phillip Pe'a, Randall Reitz, Rick Taggart, Dennis Simpson, Anna Stout, and Council President Chuck McDaniel (participated remotely).

Also present were City Manager Greg Caton, City Attorney John Shaver, Records Manager Debbie Kemp, and Deputy City Clerk Selestina Sandoval.

Council President Pro Tem Stout called the meeting to order, and Stout Students led the Pledge of Allegiance which was followed by a moment of silence.

Presentation

Ty Holman of Haynie & Company presented an overview on the audit process, scope and findings.

Appointments

To the Visit Grand Junction Board

Councilmember Pe'a moved to appoint Mikhail Blosser to the Visit Grand Junction Board for a partial 4-month term ending December 2021. Councilmember Taggart seconded the motion. Motion carried by unanimous voice vote.

Citizen Comments

Ed Kowalski spoke of the community meeting and invited others to attend.

John Pond spoke of his concern about front license plates missing on three Grand Junction Police officers' personal vehicles and stated a civilian oversight committee is needed.

Bruce Lohmiller spoke of a future homeless shelter and invited the public to join the Veteran's Art Competition.

Stewart Wright spoke of election integrity and invited the public to the County Clerk's office at noon on Saturday to support Tina Peters.

Jen Shumann spoke of her concerns with COVID protocols.

Sandy Richmond read a portion of a recommended Constitutional Compliance resolution for the City of Grand Junction.

Sara Fletcher read a statement comparing unvaccinated Americans to the Jewish people of 1938.

Laurie Schultz continued reading from the recommended resolution.

Diana Larson continued reading from the recommended resolution.

Bobby Hansen spoke of her concern with government overreach regarding COVID protocols.

Dave Hancock read from the recommended resolution.

Mark Rybeck spoke of the need for an election audit and concerns of illegal immigration.

Greg Larson asked how Council will protect the Grand Junction citizens from COVID mandates.

Carol Rathbun continued reading from the recommended resolution.

Richard Weber spoke regarding a constitutional compliance resolution and his concerns with the COVID vaccination.

Melissa Wright spoke of her concerns with COVID mandates and the COVID vaccination.

Diane Baker continued reading from the recommended resolution.

City Manager Report

City Manager Caton invited the public to a community meeting on September 8, 2021, at noon at the Lunch Loop Trailhead.

Council Reports

Councilmember Herman spoke of the Urban Trails Committee walking audit and the Grand Junction Economic Partnership retreat.

Councilmember Taggart gave an update on the Grand Junction Regional Airport Authority.

Council President McDaniel invited the public to Coffee with Chuck on August 26th, at 1:00 p.m. at Octopus Coffee.

CONSENT AGENDA

Councilmember Reitz moved to adopt items #1 - #4 and to accept the auditor's report. Councilmember Herman seconded the motion. Motion carried by unanimous voice vote.

1. Approval of Minutes

- a. Summary of the August 2, 2021 Workshop
- b. Minutes of the August 4, 2021 Regular Meeting
- c. Summary of the August 12, 2021 Joint City Council - DDA Workshop

2. Set Public Hearings

- a. Quasi-judicial
 - i. A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the Reece Annexation of 6.73 Acres, Located on Property South of 3035 and 3043 F ½ Road, and Setting a Public Hearing for October 6, 2021
 - ii. Introduction of an Ordinance to Vacate Road Right-of-Way, Known as Tonto Lane and Setting a Public Hearing for September 1, 2021
 - iii. A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the Westland Meadows Annexation of 19.41 Acres, Located on Property at 2973 D ½ Road, West of 30 Road, and Setting a Public Hearing for October 6, 2021

3. Contracts

- a. Authorize a Contract for the Replacement of Heating, Ventilation and Air Conditioning (HVAC) Units on the Persigo Administration and Laboratory Building
- b. Construction Contract for the Juniata Reservoir Guard Gate Replacement Project

4. Resolutions

- a. Resolution Authorizing an Application to Great Outdoors Colorado (GOCO) for Outfield Replacement of Suplizio Field
- b. A Resolution Authorizing the City Manager to Submit a Grant Request to the Department of Local Affairs for the Conversion of Stadium Lighting to LED

REGULAR AGENDA

A Resolution Accepting the Petition for the Annexation of 1.67 Acres of Land and Ordinances Annexing and Zoning the Stinker C-Store Annexation to a City C-1 (Light Commercial), Located at 2905 and 2907 North Avenue and 494 29 Road

Stinker Stores Inc. requested annexation of 1.67 acres located at 2905 and 2907 North Avenue and 494 29 Road per the Persigo Agreement between Mesa County and the City of Grand Junction in anticipation of future commercial development.

The applicant also requested a zone of annexation to C-1 (Light Commercial) for the three parcels included in the Stinker C-Store Annexation. The properties have a Comprehensive Plan Land Use Map designation of Commercial and each property currently contains one single-family detached home along with various accessory structures. The properties are annexable developments per the Persigo Agreement and the zone district of C-1 is consistent with the Comprehensive Plan.

Associate Planner Senta Costello presented this item.

The public hearing was opened at 6:57 p.m.

There were no public comments.

The public hearing was closed at 6:57 p.m.

Councilmember Herman moved to adopt Resolution No. 66-21, a resolution accepting the Annexation Petition for the Stinker C-Store Annexation, located at 2905 and 2907 North Avenue and 494 29 Road, and to adopt Ordinance No. 5012, an ordinance annexing the Stinker C-Store Annexation on final passage and ordered final publication in pamphlet form, and to adopt Ordinance No. 5013, an ordinance zoning the Stinker C-Store Annexation to C-1 (Light Commercial) zone district on final passage and ordered final publication in pamphlet form. Councilmember Pe'a seconded the motion. Motion carried by unanimous roll call vote.

An Ordinance Rezoning One Parcel Totaling Approximately 9.98 Acres from I-2 (General Industrial) to I-1 (Light Industrial) Located at 715 23 ½ Road

Applicant Kevin Young, acting on behalf of the property owner, Peterson Bros Holdings, LLC, requested the rezone of one parcel totaling approximately 9.98 acres from I-2 (General Industrial) to I-1 (Light Industrial) located at 715 23 ½ Road. The requested I-1 zone district conforms with the Comprehensive Plan Land Use Map designation of Industrial.

Associate Planner Senta Costello presented this item.

The public hearing was opened at 7:04 p.m.

Dan Sheer asked for more information about the facility.

The public hearing was closed at 7:05 p.m.

The applicant’s representative Ben Fox said the facility may be focused on a basketball facility at this time, but they don’t have details.

Councilmember Pe’a moved to adopt Ordinance No. 5014, an ordinance rezoning one parcel totaling approximately 9.98 acres from I-2 (General Industrial) to I-1 (Light Industrial) located at 715 23 ½ Road on final passage and ordered final publication in pamphlet form.

Councilmember Taggart seconded the motion. Motion carried by unanimous roll call vote.

Non-Scheduled Citizens and Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 7:08 p.m.

Selestina Sandoval
Deputy City Clerk



Grand Junction City Council

Regular Session

Item #2.a.i.

Meeting Date: September 1, 2021
Presented By: Jodi Welch, Finance Director
Department: Finance
Submitted By: Jodi Welch, Finance Director

Information

SUBJECT:

Introduction of an Ordinance Making Supplemental Appropriations and Setting a Public Hearing for September 15, 2021

RECOMMENDATION:

Staff recommends approval of an ordinance amending and making supplemental appropriations for the 2021 City of Grand Junction Budget and the Downtown Development Authority Budget and setting a public hearing for September 15, 2021.

EXECUTIVE SUMMARY:

The budget is adopted by City Council through an appropriation ordinance to authorize spending at a fund level based on the line item budget. Supplemental appropriations are also adopted by ordinance and are required when the adopted budget is increased to approve new projects or expenditures. When a project includes a transfer from one fund to another, both the transfer and the expenditure have to be appropriated.

BACKGROUND OR DETAILED INFORMATION:

This 2021 Supplemental Appropriation includes spending authorization in the following funds:

General Fund 100

The General Fund requires a total supplemental appropriation of \$1,137,581. Supplemental appropriation of \$537,581 is required to release the debt service reserve related to the 2010 Stadium Certificates of Participation. This is a transfer to GJ Public Finance Corp Fund as described below. On August 18, 2021, Council approved the City to apply for a \$600,000 Department of Local Affairs grant for the Stadium light conversion project which is estimated at a total cost of \$1.2 million. Supplemental

appropriation of \$600,000 is required for the City's portion of the light conversion project. This is a transfer to the Sales Tax CIP Fund. These funds will come from the General Fund reserve which is currently projected to be approximately \$37 million at 12/31/2021, and will likely increase if sales tax revenues exceed amended budget. Within that reserve is internal loans to other funds of \$2.5 million and a minimum reserve based on Council adopted policy of \$19.3 million.

DDA Operations 103

The DDA Operations Fund requires a total supplemental appropriation of \$990,000. On July 8, 2021, the Downtown Development Authority (DDA) Board authorized contributions of up to \$490,000 to the GJ Lofts project for assistance in removing and remediating the property at 950 Grand Avenue, and up to \$500,000 to The Eddy project to assist with offsetting costs associated with the fill and clean up costs for the project. The DDA Board resolutions are attached.

Lodgers Tax Increase Fund 106

The Lodgers Tax Increase Fund requires a total supplemental appropriation of \$457,250 in order to distribute the lodging tax revenues to Visit Grand Junction (VGJ), the Air Alliance, and the Sports Commission. Due to the strong recovery of the local economy and in particular the tourism industry in the area, the revenues are exceeding original budgeted projections, and additional expense authorization is necessary to disburse those revenues. It is projected that an additional \$190,520, \$152,417, and \$114,313 will go to VGJ, Air Alliance, and the Sports Commission respectively.

First Responder Tax Fund 107

The First Responder Tax Fund requires a supplemental appropriation of \$691,000 to transfer to the Sales Tax CIP Fund for the purchase of the fire engine for Fire Station 8. The build time for this new engine is estimated to be 13.5 months, which has increased since the pandemic and related supply chain impacts. Ordering and purchasing the engine now will allow for the new engine to be delivered when Fire Station 8 construction is completed. The purchase was authorized by City Council on August 4, 2021.

Conservation Trust Fund 110

The Conservation Trust Fund requires supplemental appropriation of \$10,850 for a transfer to the GJ Public Finance Corp Fund. As further described below, the 2010 Stadium Certificates of Participation (COPs) were refunded in order to generate proceeds for improvements to the Stadium. The refunding occurred in the first quarter of 2021 and the debt service requirements were slightly higher than anticipated in the original 2021 budget.

Sales Tax CIP Fund 201

The Sales Tax CIP Fund requires a total supplemental appropriation of \$1,891,000. Supplemental appropriation of \$691,000 is required for the purchase of the fire engine for Fire Station 8 as described above, and supplemental appropriation of \$1,200,000 is required to budget for the light conversion project at the Stadium.

Golf Courses Fund 305

The Golf Courses Fund requires supplemental appropriation of \$90,000 for an increase in expenses associated with increased play at the courses. The increases are mainly in operating and maintenance supplies as well as the cost of purchasing inventory for sale in the club houses. The increase in costs are offset fully by an increase in projected revenues.

GJ Public Finance Corp Fund 614

The GJ Public Finance Corp Fund requires a total supplemental appropriation of \$5,635,304. On November 18, 2020 Council adopted Ordinance No. 4964 authorizing the refunding of the 2010 Stadium COPs. As referenced above, the 2010 Stadium COPs were refunded in order to generate proceeds for significant improvements at the Stadium. The GJ Public Finance Corp is the fund that budgets and accounts for the debt service related to the COPs. The 2021 budget was based on estimates of the COP and needs to be amended for the actual costs and transactions resulting from the refunding. Supplemental appropriation of \$5,565,138 for the payment to the escrow agent for the refunding of the 2010 COPs. This amount is offset by the proceeds generated from the new issuance of COPs as well as release of the debt service reserve for the 2010 COPs, and therefore it is a net zero impact. Supplemental appropriation of \$59,316 is required to pay issuance costs which also were paid from the proceeds generated from the new COPs. Because the new debt service amounts were an estimate when the original 2021 budget was adopted and the actual issuance resulted in a slightly different debt service cost for 2021, \$10,850 is required in supplemental appropriations for the small increase in debt service costs.

FISCAL IMPACT:

The supplemental appropriation ordinance is presented in order to ensure sufficient appropriation by fund to defray the necessary expenses of the City of Grand Junction and the Downtown Development Authority. The appropriation ordinance is consistent with, and as proposed for adoption, reflective of lawful and proper governmental accounting practices and are supported by the supplementary documents incorporated by reference above.

SUGGESTED MOTION:

I move to introduce an ordinance making Supplemental Appropriations to the 2021 Budget of the City of Grand Junction, Colorado and Downtown Development Authority for the year beginning January 1, 2021 and ending December 31, 2021 and to set a public hearing for September 15, 2021.

Attachments

1. 2021 Supplemental Appropriation September 1, 2021
2. 2021-08 DDA Resolution GJ Lofts Project Reimbursement
3. 2021-09 DDA Resolution-The Eddy Project Reimbursement

ORDINANCE NO. ____

AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2021 BUDGET OF THE CITY OF GRAND JUNCTION, COLORADO FOR THE YEAR BEGINNING JANUARY 1, 2021 AND ENDING DECEMBER 31, 2021.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the following sums of money be appropriated from unappropriated fund balance and additional revenues to the funds indicated for the year ending December 31, 2021 to be expended from such funds as follows:

Fund Name	Fund #	Appropriation
General Fund	100	\$ 1,137,581
DDA Operations Fund	103	\$ 990,000
Lodgers Tax Increase Fund	106	\$ 457,250
First Responder Tax Fund	107	\$ 691,000
Conservation Trust Fund	110	\$ 10,850
Sales Tax CIP Fund	201	\$ 1,891,000
Golf Courses Fund	305	\$ 90,000
Grand Junction Public Finance Corp Fund	614	\$ 5,635,304

INTRODUCED AND ORDERED PUBLISHED IN PAMPHLET FORM this ____ day of _____, 2021.

TO BE PASSED AND ADOPTED AND ORDERED PUBLISHED IN PAMPHLET FORM this ____ day of _____, 2021.

President of the Council

Attest:

City Clerk

DOWNTOWN DEVELOPMENT AUTHORITY

RESOLUTION 2021-08

A RESOLUTION TO APPROVE AN EXPENDITURE FOR THE DOWNTOWN CATALYST PROGRAM UTILIZING THE 103 FUND FOR UP TO \$490,000 ON A REIMBURSEMENT BASIS FOR GJ LOFTS, LLC LOCATED IN THE DDA BOUNDARY AT 950 GRAND AVENUE IN THE CITY OF GRAND JUNCTION, COLORADO

RECITALS:

The Lofts Project submitted a Downtown Catalyst Program application for assistance in removing and remediating the property at 950 Grand Avenue. The property is the former Strive Building which is contaminated with asbestos, is economically obsolete and blighted.

The request to the Downtown Development Authority (“the Authority” or “DDA”) is to financially participate in environmental remediation of the property in anticipation of redevelopment of it into 76 new residential units. The property is located within the District boundaries. The request was for an amount up to \$490,000. The DDA’s contribution will fund the teardown and associated environmental remediation, which when constructed will help remedy the existing slum and blight conditions that have previously impaired the property, its developability and economic viability. This cost is not covered by HUD financing and therefore the DDA’s participation is vital to making the project economically viable.

This Lofts Apartment Project fits into the DDA’s mission and vision of creating new Downtown housing as it will add 78 new units in the District. Collectively the apartment units, together with other amenities to be constructed are referred to herein and the Project.

The \$13,700,000.00 Project will also encourage economic activity in Downtown as residents will spend money shopping and dining in Downtown in general and will help to activate the heretofore blighted property all in furtherance of the DDA’s mission, vision and the overall betterment of Grand Junction.

The DDA Board has considered the request and approved reimbursement of up to \$490,000.00 (“Contribution” or “the Contribution”) toward Project cost(s) for asbestos and environmental remediation and teardown of the former Strive Building at 950 Grand Avenue in anticipation of the construction of 78 apartments on the site.

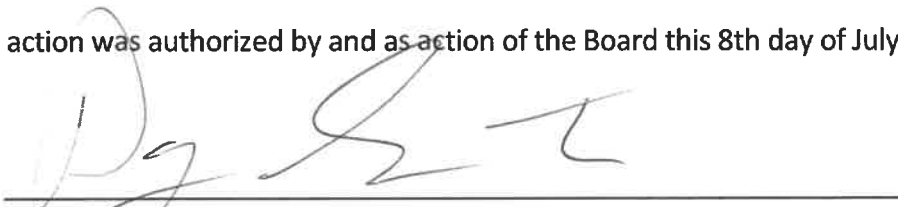
Prior to reimbursement in whole GJ Lofts, LLC shall provide in a form and with sufficient detail as required by the DDA:

•Proof of building teardown and legal and otherwise proper remediation of the asbestos/environmental contamination, with receipts without markup, for professional work done by December 31, 2022; and acknowledgment in a separate agreement signed by the owner of the Project or its principals to these terms.

NOW, THEREFORE, BE IT RESOLVED BY THE GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY THAT:

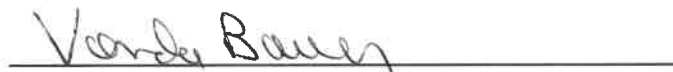
The Board finds, determines and accepts the Recitals as fact and incorporates the same in its decision that the request for financial participation by The Lofts project is a proper use of DDA funds in order to create Downtown housing in the District and advances the DDA's mission and vision.

This action was authorized by and as action of the Board this 8th day of July 2021.



Doug Simons Jr., Chair
Grand Junction Downtown Development Authority

ATTEST:



Vonda Bauer, Administrative Specialist
Grand Junction Downtown Development Authority

DOWNTOWN DEVELOPMENT AUTHORITY

RESOLUTION 2021-09

A RESOLUTION TO APPROVE AN EXPENDITURE FOR THE DOWNTOWN CATALYST PROGRAM UTILIZING THE 103 FUND FOR UP TO \$500,000 ON A REIMBURSEMENT BASIS FOR THE EDDY AT GRAND JUNCTION, LLC PROJECT LOCATED IN THE DDA BOUNDARY AT 347 27 ½ ROAD IN THE CITY OF GRAND JUNCTION, COLORADO

RECITALS:

The Eddy at Grand Junction, LLC submitted a Downtown Catalyst Program application for assistance in helping offset costs associated with fill and clean up costs needed to make the project viable. The request to the Downtown Development Authority (“the Authority” or “DDA”) is to financially participate in The Eddy project located at 347 27 ½ Road within the district boundaries at an amount up to \$500,000. The DDA’s contribution will fund incremental fill and clean up costs estimated at \$1.2million, which when complete will help remedy the existing slum and blight conditions that have previously impaired the property, its developability and economic viability. .

This Eddy Apartment Project fits into the DDA’s mission and vision of creating new Downtown housing as it will add 96 new units in the Riverfront corridor of the District. Collectively the apartment units, together with other amenities to be constructed are referred to herein as the Project.

The \$28million Project will also encourage economic activity in Downtown as residents will spend money shopping and dining in Downtown in general and will help to activate the heretofore blighted Riverfront corridor in particular where the DDA has already invested millions of dollars in furtherance of its mission, vision and the overall betterment of Grand Junction.

The DDA Board has considered the request and approved reimbursement of up to \$500,000.00 (“Contribution” or “the Contribution”) toward Project cost(s) of incremental fill and clean up costs necessary to bring buildings out of the flood plain and clean up the site.

Up to \$500,000 to help with Prior to reimbursement in whole or in part of the Contribution the Eddy shall provide in a form and with sufficient detail as required by the DDA:

- Proof of fill and clean up work done with receipts without markup for professional work fully performed by December 31, 2023; and, .

- A verification confirmation from the Project architect and/or engineer certifying that the apartment building phase of the Project is no less than 20% complete by December 31, 2023 together with a description of the other work completed and the work to be completed; and,
- Acknowledgment in a separate agreement signed by the owner of the Project or its principals to these terms.

NOW, THEREFORE, BE IT RESOLVED BY THE GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY THAT:

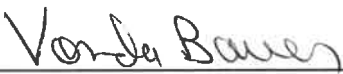
The Board finds, determines and accepts the Recitals as fact and incorporated the same in its decision that the request for financial participation by the Eddy at Grand Junction, LLC Project is a proper use of DDA funds in order to create Downtown housing in the District and advances the DDA's mission and vision .

This action was authorized by and as action of the Board this 8th day of July 2021.



Doug Simons Jr., Chair
Grand Junction Downtown Development Authority

ATTEST:



Vonda Bauer, Administrative Specialist
Grand Junction Downtown Development Authority



Grand Junction City Council

Regular Session

Item #2.a.ii.

Meeting Date: September 1, 2021
Presented By: Jodi Welch, Finance Director
Department: Finance
Submitted By: Jodi Welch, Finance Director

Information

SUBJECT:

Introduction of an Ordinance Making Supplemental Appropriations for Addition to the Lincoln Park Stadium Project and Setting a Public Hearing for September 15, 2021

RECOMMENDATION:

Staff recommends approval of an ordinance making supplemental appropriations for additions to the Lincoln Park Stadium project and amending the 2021 City of Grand Junction Budget and setting a public hearing for September 15, 2021.

EXECUTIVE SUMMARY:

The budget is adopted by City Council through an appropriation ordinance to authorize spending at a fund level based on the line item budget. Supplemental appropriations are also adopted by ordinance and are required when the adopted budget is increased to approve new projects or expenditures. When a project includes a transfer from one fund to another, both the transfer and the expenditure have to be appropriated.

As discussed by City Council in the August 30th, 2021 workshop, this supplemental appropriation is for the addition of \$2,500,000 to the Stadium project. The addition includes new northwest and southwest entryways, and technical, electrical, and audiovisual upgrades. Funding for this would initially be an advance from the General Fund reserve, to be re-paid by Colorado Mesa University (CMU) over the course of 12 years at \$200,000 per year plus \$100,000 for the final year.

BACKGROUND OR DETAILED INFORMATION:

Currently, the base project plan of \$8 million is funded through the proceeds from the refunding of the Stadium COPs. The annual lease payment for this renovation and previous improvements to the Stadium average \$698,000 per year through 2044. This

annual payment is funded by JUCO (\$300,000) and School District #51 (\$100,000) with the City's Conservation Trust Fund revenues funding the remaining amount. As mentioned in the summary, CMU is also a funding partner and it is proposed their contribution be put towards repaying a loan of \$2.5 million from the General Fund reserve. This would be \$200,000 per year from 2021 to 2032 and then \$100,000 for the year 2033. This would constitute a total contribution from CMU of \$2,500,000, which will be the same as School District #51 at \$100,000 for 25 years.

The base project plan includes the demolition, foundations and new grandstands at Suplezio Field and Stocker Stadium. This involves the replacement of the oldest sections of bleachers at Suplezio with 1,000 new chairback seats behind home plate and 3,000 new bleacher seats along the 3rd baseline. All electrical, utilities, asphalt, electrical, cabling and audio/visual elements in this section of the stadium will also be replaced. On the Stocker side, the base project plan includes demo, foundations and new grandstands for the west bleachers, which are the oldest on the Stocker side. New buildings will also be constructed under the new stands, including new men's and women's bathrooms. All utilities, asphalt, electrical, cabling and audio/visual elements in this section of the stadium will also be replaced.

The \$2.5 million addition to the base project would include the following elements:

New Entryways: The west entrance to the Stadium is heavily used by fans, teams, and students coming from both the west and north sides of the Stadium. This addition to the project would provide the construction of a new northwest entry plaza with landscaping provide a more immediate and safer entry from the north side of the Stadium. The southwest plaza would provide a new ticketing venue and added space for entry from the west relieving severe congestion during events and significantly enhancing the safety of that entrance.

Technical, Electrical, and Audio Visual Upgrades: The announcing and sound system was originally installed in 2004. As a part of the 2012 Tower Project, the speakers and components were rebuilt and reinstalled. However, with the accelerated rate of technology advancement over the last decade, the current speaker and IT systems are outdated and unreliable. These upgrades replace all of the speakers and components needed to operate the master system. It also includes upgrade to all ticketing locations to allow for mobile tickers, Lincoln Tower Pres Box upgrades including broadcasting and announcing functions, add electrical plug-ins in each endzone for Stocker Stadium, adds audio-visual to the camera platforms and improves the scoreboard functionality.

This would require a supplemental appropriation of \$2,500,000 in the General Fund (Fund 100) to advance funds to the Stadium project through a transfer to the Sales Tax Capital Improvement Plan (Fund 201). These funds will come from the General Fund reserve which is currently projected to be approximately \$37 million at 12/31/2021, and will likely increase if sales tax revenues exceed amended budget. Within that reserve is internal loans to other funds of \$2.5 million and a minimum reserve based on Council adopted policy of \$19.3 million.

This also would require a supplemental appropriation of \$2,500,000 for the addition to the construction project budget in the Sales Tax Capital Improvement Plan (Fund 201).

FISCAL IMPACT:

The supplemental appropriation ordinance is presented in order to ensure sufficient appropriation by fund to defray the necessary expenses of the City of Grand Junction. The appropriation ordinance is consistent with, and as proposed for adoption, reflective of lawful and proper governmental accounting practices and are supported by the supplementary documents incorporated by reference above.

Stadium Project Summary:

Description	Cost	Source
Base Project:	\$ 8,000,000	Proceeds From COP Refunding
Additional Elements:		
Light Conversion*	1,200,000	General Fund \$600,000, DOLA \$600,000
Two Entry Plazas	\$ 1,100,000	
Technical, Electrical and Audio Visual Upgrades	1,200,000	
Design and Construction Fees	200,000	
Total Additional Element	\$ 2,500,000	General Fund Advance, CMU Payback
Total Project	\$ 11,700,000	Before Multi-Purpose Building

SUGGESTED MOTION:

I move to introduce an ordinance making Supplemental Appropriations and Amending the 2021 Budget of the City of Grand Junction, Colorado for the year beginning January 1, 2021 and ending December 31, 2021 and to set a public hearing for September 15, 2021.

Attachments

1. 2021 Supplemental Appropriation September 1, 2021 Stadium Project Additions

ORDINANCE NO. ____

AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2021 BUDGET OF THE CITY OF GRAND JUNCTION, COLORADO FOR THE YEAR BEGINNING JANUARY 1, 2021 AND ENDING DECEMBER 31, 2021.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the following sums of money be appropriated from unappropriated fund balance and additional revenues to the funds indicated for the year ending December 31, 2021 to be expended from such funds as follows:

Fund Name	Fund #	Appropriation
General Fund	100	\$ 2,500,000
Sales Tax CIP Fund	201	\$ 2,500,000

INTRODUCED AND ORDERED PUBLISHED IN PAMPHLET FORM this ____ day of _____, 2021.

TO BE PASSED AND ADOPTED AND ORDERED PUBLISHED IN PAMPHLET FORM this ____ day of _____, 2021.

President of the Council

Attest:

City Clerk



Grand Junction City Council

Regular Session

Item #2.a.iii.

Meeting Date: September 1, 2021
Presented By: Jodi Welch, Finance Director
Department: Finance
Submitted By: Jodi Welch, Finance Director

Information

SUBJECT:

Introduction of an Ordinance Making Supplemental Appropriations for Addition of a Multi-Purpose Building at Lincoln Park Stadium and Setting a Public Hearing for September 15, 2021

RECOMMENDATION:

Staff recommends approval of an ordinance making supplemental appropriations for addition of a multi-purpose building to the Lincoln Park Stadium project and amending the 2021 City of Grand Junction Budget and setting a public hearing for September 15, 2021.

EXECUTIVE SUMMARY:

The budget is adopted by City Council through an appropriation ordinance to authorize spending at a fund level based on the line item budget. Supplemental appropriations are also adopted by ordinance and are required when the adopted budget is increased to approve new projects or expenditures. When a project includes a transfer from one fund to another, both the transfer and the expenditure have to be appropriated.

As discussed by City Council in the August 30th, 2021 workshop, this supplemental appropriation is for the addition of \$2,800,000 for a multi-purpose building which would include locker rooms and offices for the Colorado Mesa University (CMU) football team, public restrooms, and a shared-use area for other users of the stadium. The City has been asked for a contribution of \$500,000 towards this specific addition to the stadium complex, and CMU will fund the remaining cost.

BACKGROUND OR DETAILED INFORMATION:

This would require a supplemental appropriation of \$500,000 in the General Fund (Fund 100) to fund a portion of the multi-purpose building through a transfer to the Sales Tax Capital Improvement Plan (Fund 201). These funds will come from the General Fund reserve which is currently projected to be approximately \$37 million at 12/31/2021, and will likely increase if sales tax revenues exceed amended budget. Within that reserve is internal loans to other funds of \$2.5 million and a minimum reserve based on Council adopted policy of \$19.3 million.

Additionally, this would also require a supplemental appropriation of \$2,800,000 for the addition to the construction project budget in the Sales Tax Capital Improvement Plan (Fund 201).

FISCAL IMPACT:

The supplemental appropriation ordinance is presented in order to ensure sufficient appropriation by fund to defray the necessary expenses of the City of Grand Junction. The appropriation ordinance is consistent with, and as proposed for adoption, reflective of lawful and proper governmental accounting practices and are supported by the supplementary documents incorporated by reference above.

Stadium Project Summary:

Description	Cost	Source
Base Project:	\$ 8,000,000	Proceeds From COP Refunding
Additional Elements:		
Light Conversion*	1,200,000	General Fund \$600,000, DOLA \$600,000
Two Entry Plazas	\$ 1,100,000	
Technical, Electrical and Audio Visual Upgrades	1,200,000	
Design and Construction Fees	200,000	
Total Additional Element	\$ 2,500,000	General Fund Advance, CMU Payback
Total Project	\$ 11,700,000	Before Multi-Purpose Building
Multi-Purpose Building	\$ 2,800,000	CMU \$2.3 million, General Fund \$500,000
Total	\$ 14,500,000	

SUGGESTED MOTION:

I move to introduce an ordinance making Supplemental Appropriations and Amending the 2021 Budget of the City of Grand Junction, Colorado for the year beginning January 1, 2021 and ending December 31, 2021 and to set a public hearing for September 15, 2021.

Attachments

1. 2021 Supplemental Appropriation September 1, 2021 Stadium Multi-Purpose Building Addition

ORDINANCE NO. ____

AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2021 BUDGET OF THE CITY OF GRAND JUNCTION, COLORADO FOR THE YEAR BEGINNING JANUARY 1, 2021 AND ENDING DECEMBER 31, 2021.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the following sums of money be appropriated from unappropriated fund balance and additional revenues to the funds indicated for the year ending December 31, 2021 to be expended from such funds as follows:

Fund Name	Fund #	Appropriation
General Fund	100	\$ 500,000
Sales Tax CIP Fund	201	\$ 2,800,000

INTRODUCED AND ORDERED PUBLISHED IN PAMPHLET FORM this ____ day of _____, 2021.

TO BE PASSED AND ADOPTED AND ORDERED PUBLISHED IN PAMPHLET FORM this ____ day of _____, 2021.

President of the Council

Attest:

City Clerk



Grand Junction City Council

Regular Session

Item #2.b.i.

Meeting Date: September 1, 2021

Presented By: Kristen Ashbeck, Principal Planner/CDBG Admin

Department: Community Development

Submitted By: Kristen Ashbeck, Principal Planner

Information

SUBJECT:

Introduction of an Ordinance for a Request by the Lincoln Park Neighborhood/Residential Historic District to Amend Municipal Code Volume II: Development Regulations to Adopt Standards and Guidelines for the Lincoln Park Residential Historic District and to Amend Title 21 Pertaining to the Role of the Historic Preservation Board in the Review of Alterations within the District and Setting a Public Hearing for September 15, 2021

RECOMMENDATION:

Planning Commission heard this item at its March 23, 2021 meeting and recommended denial of the request (5-1).

EXECUTIVE SUMMARY:

The Applicant, the Lincoln Park Neighborhood/Residential Historic District, is requesting Zoning and Development Code (Code) amendments to: 1) adopt the Lincoln Park Residential Historic District Standards and Guidelines; and 2) amend the Code pertaining to the jurisdiction, duties and responsibilities of the City of Grand Junction Historic Preservation Board (Board). The proposed Standards and Guidelines have been developed by a group of property owners within the District and, if adopted, would be applicable to properties and structures located within the boundaries of the District between 12th and 15th Streets and Gunnison and Grand Avenues.

BACKGROUND OR DETAILED INFORMATION:

The Lincoln Park Residential Historic District ("District") includes the properties between the eastern side of North 12th Street and the western side of North 15th Street and the south side of Gunnison Avenue and the north side of Grand Avenue (refer to the location map in the attachments). The boundaries coincide with the City-recognized

Lincoln Park Neighborhood Association. The four blocks between North 12th Street and North 14th Street and Gunnison Avenue to Ouray Avenue formed the original District designated in the City Register of Historic Structures, Sites and Districts in 1997. The District boundaries were expanded to the current designated area in May 2018. The neighborhood is proud of the designation and desires to establish a process and standards through which to maintain and enhance its historic character.

Over the past two years, an organized group of residents/property owners within the District has been working together, with broad input from others in the neighborhood, to develop design standards and guidelines intended to preserve its historic nature and quality. The Historic Preservation Board and members of City Staff have been involved in neighborhood and group meetings, discussed the goals and objectives of the standards and guidelines with the neighborhood, reviewed draft documents and have provided comments and suggestions as the document evolved. The result of this long and sustained effort is the Lincoln Park Residential Historic District Standards and Guidelines included in the proposed ordinance ("Standards and Guidelines") which City Staff and the neighborhood now request that the City adopt for the District. A historic inventory was conducted by the Museum of the West in the late 1990s that included many homes within the District. The characteristics and history of the homes recorded in the inventory formed the basis for development of the Standards and Guidelines in order to promote and ensure the maintenance and enhancement of the major exterior elements that characterize the District.

The neighborhood conducted a series of meetings and a property owner poll to discuss and determine the direction for the guidelines and standards. Several drafts of the document were prepared and reviewed. The poll and notices of the meetings were provided to the neighborhood, with the last overall meeting being held in December 2018.

Since that time, the document has been reviewed by the Board, which has generally indicated its approval of the guidelines and standards and of its proposed expanded role of reviewing and deciding development applications in public hearings. City staff has also worked with neighborhood representatives to refine the document so that it better implements the desires of the residents and defines the review process for proposed alterations. The process is basically the same as the review already being conducted for alterations within the North Seventh Street Residential Historic District. A property owner will apply for a Certificate of Appropriateness which will be reviewed by staff and then a recommendation made to the Board for a final decision. A decision by the Board may be appealed to City Council for consideration.

Generally, approval of the proposed ordinance will:

- Retain the existing zone districts of R-5 (Residential 5 dwelling units per acre) and R-8 (Residential 8 dwelling units per acre)
- Establish bulk standards for all properties within the District that vary slightly from

those in the standard R-5 and R-8 zone districts due to the unique nature of development within the District

- Require property owners that propose alterations addressed in the Standards and Guidelines make application for a Certificate of Appropriateness that is reviewed by Community Development staff and final decisions are made by the Grand Junction Historic Preservation Board
- Provide guidelines and standards by which changes to structures and sites in the District are reviewed that primarily address maintenance and enhancement of the major exterior elements that characterize the District and the structures within it, such as streetscape, site development features, mass and proportion of buildings, rooflines, siding, windows, doors and porches and similar features

PUBLIC NOTICE

The Code does not require neighborhood meetings for amendments such as this. However, as previously summarized, after the District was designated, a series of neighborhood-wide meetings were held to discuss whether a majority wanted to move ahead with creating standards and guidelines as well as determine the site and architectural elements within the District were most important to be addressed.

The neighborhood distributed 111 copies of the draft standards and guidelines to all property owners in the District, including Mesa County Valley School District 51. Eleven (11) responses were received, of which six (6) were positive and supportive, four (4) were negative and 1 was neutral. Concerns expressed against adoption of the Standards and Guidelines included: do not want formation of a homeowners' association with dues; unable to replace windows; how can ADA requirements be met; and possibly not being able to cut down trees on their property.

In addition, all property owners within the District were notified of the public hearing schedule via a mailing sent on March 12, 2021. In addition, the notice of this public hearing was published on March 16, 2021 in the Grand Junction Daily Sentinel.

ANALYSIS

In accordance with Section 21.02.140(c)(3), a proposed Code amendment shall address in writing the reasons for the proposed amendment. There are no specific criteria for review because a code amendment is a legislative act and within the discretion of the City Council to amend the Code with a recommendation from the Planning Commission. The purpose for proposing these amendments is to facilitate the enhancement and preservation of a historic neighborhood. This is clearly supported in the recently adopted One Grand Junction Comprehensive under Plan Principle 1: Collective Identity that further states the strategies listed below. Adoption of the Code amendments to establish design standards and guidelines and a process by which to review alterations in the Lincoln Park Residential Historic District will strengthen this neighborhood, provide a historic context, and educate the community about its heritage in general and specifically this part of the City.

Strategy d. Historic Properties – Identify, recognize, and increase historic resources by encouraging and incentivizing the addition of properties to the local, state and national historic registers.

Strategy e. Heritage Preservation – Emphasize the economic benefits of historic preservation and its role in economic development, sustainability, and heritage tourism.

Strategy f. Historic Preservation Education – Support efforts to provide educational resources on the city and region, while maintaining the City’s direct efforts in historic preservation, the City’s register of historic places and historic districts.

FINDINGS OF FACT AND RECOMMENDATION

After reviewing the request by the Lincoln Park Residential Historic District to adopt Standards and Guidelines for the District amend the Code pertaining to the jurisdiction, duties and responsibilities of the City of Grand Junction Historic Preservation Board (Board), ZCA-2021-67, for properties located within the Lincoln Park Residential Historic District lying between North 12th Street and 15th Street and Gunnison Avenue to Grand Avenue, the following findings of fact have been made:

1. Reasons stated for the proposed Code amendments are consistent with and supported by the 2020 One Grand Junction Comprehensive Plan.

Therefore, Staff recommends approval of the request.

PLANNING COMMISSION ACTION AND NEIGHBORHOOD FOLLOW-UP

The Grand Junction Planning Commission heard this item at its March 23, 2021 meeting. There were questions and discussion of a few terms used in the document and the requirement for proposed demolitions to be heard by City Council. The majority of the discussion was focused on the public process with property owners within the District in the development of the the proposed guidelines and standards. While individual members of Planning Commission noted that the proposed Standards and Guidelines were reasonable and there did not appear any broad-based opposition to them, the general concensus of Planning Commission was that there was not sufficient evidence that each property owner in the District had had ample opportunity to "vote" on adopting the Standards and Guidelines. Thus, Planning Commission recommended denial of the request.

Thus, since the Planning Commission hearing, the proposed Standards and Guidelines document was mailed to each property owner in the District along with a survey questionnaire requesting each owner express support or non-support of its adoption. 54 of the 108 property owners returned the survey form, of which 28 (51% of forms received) expressed support of the Standards and Guidelines, 24 (44%) were in opposition, and 2 forms did not indicate a preference. The survey form included the statement "Return this form in the enclosed envelope by June 20, 2021. A "No Response" will be treated as approval". Thus, for the other 54 property owners that did

not respond, it is assumed they approved or at least were not opposed to adoption of the document. The responses received are included as an attachment to the staff report.

FISCAL IMPACT:

This land use action does not have direct fiscal impact to the City.

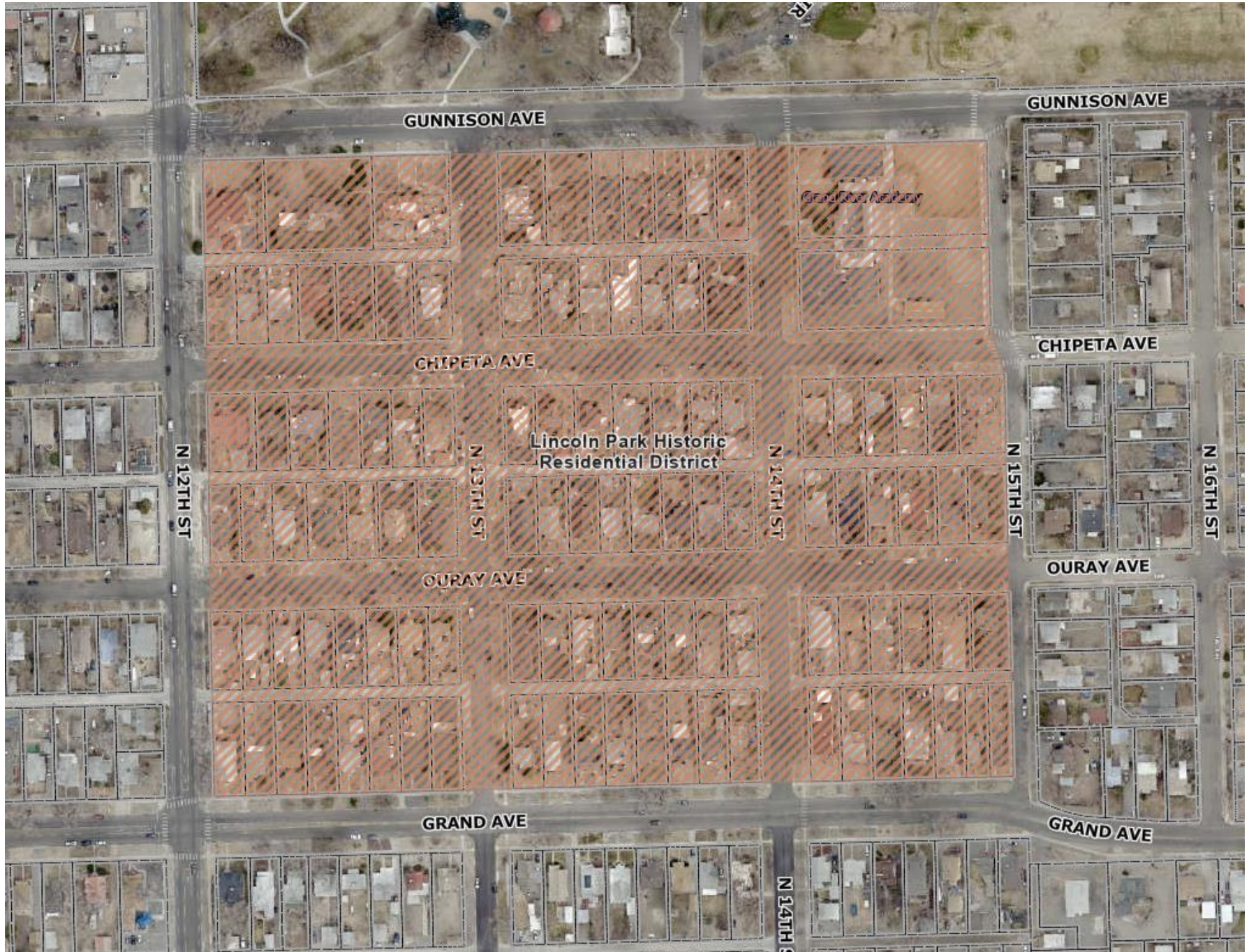
SUGGESTED MOTION:

Mayor, Regarding File No. ZCA-2021-67, I move to approve/deny Ordinance ____ to amend the Zoning and Development Code to 1) adopt the Lincoln Park Residential Historic District Standards and Guidelines as a new Title within Volume II, Development Regulations, of the Grand Junction Municipal Code; and 2) amend Title 21, Zoning and Development Code pertaining to the jurisdiction, duties and responsibilities of the City of Grand Junction Historic Preservation Board.

Attachments

1. Lincoln Park Historic District Location Map
2. LPHD Guidelines and Standards Opinion Poll
3. Timeline of Public Outreach Provided by Applicant
4. Planning Commission Minutes - 2021 - March 23 - LPHD Standards and Guidelines
5. Committee Response to PC Hearing
6. ORD - Lincoln Park S&G Ordinance 0825210

LINCOLN PARK HISTORIC DISTRICT LOCATION MAP



RETURNED OPINION POLL FORMS
APPROVAL – 28 PROPERTIES



LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

The Lincoln Park Historic District was expanded in 2018 by a majority vote of its homeowners, followed by Grand Junction Historic Board and City Council approval. Our Historic District includes 110 homes between 12th and 15th streets as the western and eastern boundaries and Gunnison and the north side of Grand as the northern and southern boundaries.

For the past 2-1/2 years, a committee of residents has been working on development of standards & guidelines, pursuant to a meeting held in December 2018. All homeowners were given notice of that meeting by email, mail, or hand delivery. The main reason for standards and guidelines is to preserve the character of our historic district. This can be done by ensuring that new structures/improvements are compatible with adjacent homes and the remainder of the district.

In July 2020, a draft of the Lincoln Park Standards & Guidelines was distributed to every homeowner by email, mail, or hand delivery. 11 homeowners responded with comments. The Committee met in August 2020 to address those comments.

We are now at the point of final adoption of the attached Standards & Guidelines by City Council; the Standards & Guidelines have changed slightly since the original copy you were provided in July. Please review the Standards & Guidelines again and mark with an "X" whether you want them to be approved or not.

I/We the undersigned, as owner(s) of the property located at 1211 DURAY, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

FLORENCE SHIELDS Paul Fox for Florence Shields 6/28/2021

Name (printed) Signature Date

Name (printed) Signature Date

RETURN THIS FORM IN THE ENCLOSED ENVELOPE BY JUNE 20, 2021. A "NO RESPONSE" WILL BE TREATED AS APPROVAL.



LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

The Lincoln Park Historic District was expanded in 2018 by a majority vote of its homeowners, followed by Grand Junction Historic Board and City Council approval. Our Historic District includes 110 homes between 12th and 15th streets as the western and eastern boundaries and Gunnison and the north side of Grand as the northern and southern boundaries.

For the past 2-1/2 years, a committee of residents has been working on development of standards & guidelines, pursuant to a meeting held in December 2018. All homeowners were given notice of that meeting by email, mail, or hand delivery. The main reason for standards and guidelines is to preserve the character of our historic district. This can be done by ensuring that new structures/improvements are compatible with adjacent homes and the remainder of the district.

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We are now at the point of final adoption of the attached Standards & Guidelines by City Council; the Standards & Guidelines have changed slightly since the original copy you were provided in July. Please review the Standards & Guidelines again and mark with an "X" whether you want them to be approved or not.

I/We the undersigned, as owner(s) of the property located at 1203 Overway Ave, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Brent Mattison Brent M. Mattison 6/20/21
Name (printed) Signature Date

Name (printed) Signature Date

RETURN THIS FORM IN THE ENCLOSED ENVELOPE BY JUNE 20, 2021. A "NO RESPONSE" WILL BE TREATED AS APPROVAL.



LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

The Lincoln Park Historic District was expanded in 2018 by a majority vote of its homeowners, followed by Grand Junction Historic Board and City Council approval. Our Historic District includes 110 homes between 12th and 15th streets as the western and eastern boundaries and Gunnison and the north side of Grand as the northern and southern boundaries.

For the past 2-1/2 years, a committee of residents has been working on development of standards & guidelines, pursuant to a meeting held in December 2018. All homeowners were given notice of that meeting by email, mail, or hand delivery. The main reason for standards and guidelines is to preserve the character of our historic district. This can be done by ensuring that new structures/improvements are compatible with adjacent homes and the remainder of the district.

In July 2020, a draft of the Lincoln Park Standards & Guidelines was distributed to every homeowner by email, mail, or hand delivery. 11 homeowners responded with comments. The Committee met in August 2020 to address those comments.



We are now at the point of final adoption of the attached Standards & Guidelines by City Council; the Standards & Guidelines have changed slightly since the original copy you were provided in July. Please review the Standards & Guidelines again and mark with an "X" whether you want them to be approved or not.

I/We the undersigned, as owner(s) of the property located at 1241 GUNNISON AVE, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

<u>CHARLES E NAREY</u>		<u>6/18/21</u>
Name (printed)	Signature	Date
<u>LINDA L NAREY</u>		<u>6/18/21</u>
Name (printed)	Signature	Date

RETURN THIS FORM IN THE ENCLOSED ENVELOPE BY JUNE 20, 2021. A "NO RESPONSE" WILL BE TREATED AS APPROVAL.



LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

The Lincoln Park Historic District was expanded in 2018 by a majority vote of its homeowners, followed by Grand Junction Historic Board and City Council approval. Our Historic District includes 110 homes between 12th and 15th streets as the western and eastern boundaries and Gunnison and the north side of Grand as the northern and southern boundaries.

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I/We the undersigned, as owner(s) of the property located at 1216 GRAND AVE, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

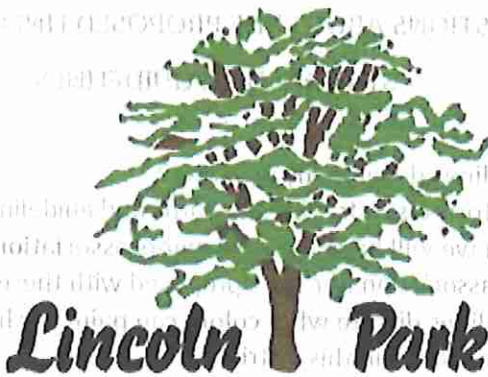
Property Owner(s):

~~AKIRA FUKAI~~
SHEREE FUKAI *Sherree Fukai* 6/16/21

Name (printed) Signature Date
AKIRA FUKAI *Akira Fukai* 6/16/21

Name (printed) Signature Date

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LINCOLN PARK HISTORIC DISTRICT

OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1304 OURAY AVE, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

<u>AKIRA FUKAI</u>	<u></u>	<u>6/16/21</u>
Name (printed)	Signature	Date

<u>SHEREE FUKAI</u>	<u></u>	<u>6/16/21</u>
Name (printed)	Signature	Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1260 Grand Ave, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Diane Schelhaas [Signature] 6-7-21

Name (printed) Jeff L. Modder Signature

Date

[Signature] [Signature] 6/7/21

Name (printed)

Signature

Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1335 Duray Ave, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Jitka Nelb Pinecko Jitka Nelb Pinecko 6/9/2021

Name (printed) Signature Date

SEAN NELB Sean Nelb 6/9/2021

Name (printed) Signature Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1220 Chipeta Avenue,
hereby: Grand Junction, CO 81501

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Arlene Schutz Arlene Schutz 6/9/21

Name (printed) Signature Date

Jim Schutz [Signature] 6/9/21

Name (printed) Signature Date

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Lincoln Park

LINCOLN PARK HISTORIC DISTRICT OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1313 Gunnison, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Ross M. Talbott

[Signature]

6/5/21

Name (printed)

Signature

Date

Rebecca Talbott

[Signature]

6/5/21

Name (printed)

Signature

Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1427 CHIPETA AVE, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

<u>LOU HALL</u>	<u>Lou Hall</u>	<u>06/08/2021</u>
Name (printed)	Signature	Date
<u>Bonnie Hall</u>	<u>Bonnie Hall</u>	<u>6-8-21</u>
Name (printed)	Signature	Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1303 Gunnison Avenue hereby:

8 approve of the attached Lincoln Park Standards & Guidelines.

 disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s)

John B Sewers John B Se 6/8/21

Name (printed)

Signature

Date

Suey Sewers [Signature] 6/8/21

Name (printed)

Signature

Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1334 Ouray Ave, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Kellie Clark Kellie Clark 6/9/21
Name (printed) Signature Date

Name (printed) Signature Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 12350 Uray Ave., hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Elizabeth Rowan [Signature] 6/7/2021

Name (printed)

Signature

Date

DENNETT BOESCHENSTEIN [Signature] 6/7/21

Name (printed)

Signature

Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1230 Murray Ave, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Kory Schweitzer [Signature] 6/6/21

Name (printed) Signature Date
Hannah Schweitzer [Signature] 6/6/21

Name (printed) Signature Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1402 Grand Avenue, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

<u>D. Deese Dancy</u>	<u>D. Deese Dancy</u>	<u>6-6-21</u>
Name (printed)	Signature	Date
<u>DAVID L. DANCY</u>	<u>David L Dancy</u>	<u>6-6-21</u>
Name (printed)	Signature	Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1420 Outlay, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Charadean V Pop Marcadean V Cox 6/9/2021

Name (printed)

Signature

Date

Name (printed)

Signature

Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1350 Grand,
hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Michele Vion (Choka)
Name (printed) Signature

6/5/2021
Date

Name (printed) Signature Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

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I/We the undersigned, as owner(s) of the property located at 1318 Dorsey, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Greg Reed [Signature] 6/6/21

Name (printed) Sarah Reed Signature [Signature] Date 6/6/21

Name (printed) _____ Signature _____ Date _____

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

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I/We the undersigned, as owner(s) of the property located at 1238 Chipeta, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Jack Treese Jack Treese 6-7-21
Name (printed) Signature Date

Name (printed) Signature Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1340 Grand Ave hereby:

[X] approve of the attached Lincoln Park Standards & Guidelines.
[] disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s): [Signature] Robin Slater 6-19-21
Name (printed) Signature Date

Name (printed) Signature Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1334 Grand Ave, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Amy Lentz

Name (printed)

[Signature]

Name (printed)

[Signature]

Signature

Stevan Lentz

Signature

6/14/21

Date

6/14/21

Date

RETURN THIS FORM IN THE ENCLOSED ENVELOPE BY JUNE 20, 2021. A "NO RESPONSE" WILL BE TREATED AS APPROVAL.



LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1203 Gunnison Ave, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Dan Gumber

Name (printed)

Carrie Gumber

Name (printed)

[Signature]

Signature

[Signature]

Signature

6-16-21

Date

6-16-21

Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1248 Chipeta Ave. hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Mary K.W. Moore [Signature] 6/16/2021

Name (printed) Signature Date

Name (printed) Signature Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

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I/We the undersigned, as owner(s) of the property located at 1302 GRAND AVE, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

JEWEL LEE KEITH Jewel Lee Keith 6/15/2021
Name (printed) Signature Date

EDWARD APPLIGATE [Signature] 6/15/2021
Name (printed) Signature Date

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OPINION POLL

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I/We the undersigned, as owner(s) of the property located at 1215 CHIPETA AVE., hereby:

X approve of the attached Lincoln Park Standards & Guidelines.

_____ disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

LIZ & PAUL CRAWFORD [Signature] 6/15/21
Name (printed) Signature Date

Name (printed) Signature Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

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I/We the undersigned, as owner(s) of the property located at 1360 Chipola Ave, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

<u>JOHN HOPKINS</u>	<u>[Signature]</u>	<u>6/25/21</u>
Name (printed)	Signature	Date
<u>Penny Hopkins</u>	<u>[Signature]</u>	<u>6-25-21</u>
Name (printed)	Signature	Date

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OPINION POLL

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I/We the undersigned, as owner(s) of the property located at 1345 Gunnison Ave, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Barbara Sullivan Barbara Sullivan June 20, 2021

Name (printed)

Signature

Date

Name (printed)

Signature

Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

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I/We the undersigned, as owner(s) of the property located at 1220 Ouray Avenue, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Dennis R. Nowlan *Dennis R. Nowlan* 6-25-21
Name (printed) Signature Date

Pamela A. Nowlan *Pamela A Nowlan* 6-25-21
Name (printed) Signature Date

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RETURNED OPINION POLL FORMS
DISAPPROVAL – 24 PROPERTIES



LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1204 OURAY AVE, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Madge Saunders

Name (printed)

[Signature]

Signature

6/15/21

Date

Name (printed)

Signature

Date

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I/We the undersigned, as owner(s) of the property located at 1324 Chipeta Ave, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Jennifer Kelly _____ Jennifer Kelly _____ 6/16/21
Name (printed) Signature Date

Ila Kelly _____ Ikelly _____ 6-16-21
Name (printed) Signature Date

RETURN THIS FORM IN THE ENCLOSED ENVELOPE BY JUNE 20, 2021. A "NO RESPONSE" WILL BE TREATED AS APPROVAL.

Wow



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OPINION POLL

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I/We the undersigned, as owner(s) of the property located at 1409 Ouray, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Dolores Nugent Dolores Nugent 6/18/21

Name (printed)

Signature

Date

Carmine J. Nugent

Carmine J. Nugent

6/18/21

Name (printed)

Signature

Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

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I/We the undersigned, as owner(s) of the property located at 1261 Ouray Avenue, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Carla Nappi

[Signature]

6/16/21

Name (printed)

Signature

Date

David Varner

[Signature]

16 JUN 2021

Name (printed)

Signature

Date

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Carla M. Nappi and David Varner
1261 Ouray Ave
Grand Junction, CO 81501

Lincoln Park Historic District
C/O Community Development
250 N. 5th Street
Grand Junction, CO 81501-2628

June 16, 2021

To Whom It May Concern:

We are writing to vote NO on the Lincoln Park Historic District Opinion Poll.

We would also like to voice the following concerns related to the process by which this poll is being conducted:

- 1) The proposal seems like it would benefit from professional input (e.g., architectural firm). As it stands, we are concerned the development of Standards and Guidelines appears to be grass roots in nature. While this may be a low-cost approach, we believe that a more serious study and formation of historic district Standards and Guidelines should be informed by subject matter experts. Indeed, we would be more comfortable supporting professionally developed Standards and Guidelines.
- 2) The design of the "voting" on this pool, which counts non-responses as "approval" votes, is decidedly undemocratic. This process risks putting into place standards that were agreed upon by only a small percentage of the affected parties. It also risks discriminating against neighbors who may be too busy to respond or those without the resources to dedicate time to understand the proposal. The fact that only 10% of households responded to the July 2020 draft is evidence that this approach is likely to result in a decision made by only a small percentage of the homeowners in the area. A process, like that used when one is attempting to place a measure on a ballot and must achieve a certain number of signatures to do so, may be more appropriate. Requiring majority approval could result in a more sustainable set of Standards and Guidelines properly voted upon by the affected parties.
- 3) Finally, the placement of a picture in the Standards and Guidelines in which the home is used as an example of what is not "allowable" is, at best, unneighborly and, at worst, threatening.

We hope this feedback will be considered and a new, more democratic approach will be taken to ensure a majority of the neighborhood is able to make an informed vote.

Thank you,

Carla M. Nappi and David Varner



LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1404 Duray Avenue, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

Strongly disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

A. Tonette Southern A. Tonette Southern

Name (printed)

Joe D. Southern

Signature

Joe D Southern

Date

06/14/20

Name (printed)

Signature

Date

06/14/20
An HOA was never the intended purpose. The enclosure provided and all of its "shall" requirements, including the \$250 persoft of demolition fee, constitutes an HOA.

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1345 Chipeta Avenue, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

William McNulty

[Signature]

6/18/21

Name (printed)

Signature

Date

Janet Breckenridge

[Signature]

6/18/21

Name (printed)

Signature

Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1405 Overay Avenue, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

[X] disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Lynn Radeck [Signature] 4/5/2021
Name (printed) Signature Date

Name (printed) Signature Date

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OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1334 Chipeta Ave., hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Joleen Ryman Joleen Ryman 6/14/21
Name (printed) Signature Date

Name (printed) Signature Date

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OPINION POLL

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I/We the undersigned, as owner(s) of the property located at 1320 Chipeta Ave, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Mark A Kins [Signature] 6-15-2021

Name (printed) Signature Date

Susan A Kins [Signature] 6-15-2021

Name (printed) Signature Date

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Lincoln Park
LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1360 Ouray Ave, GJ 81501 hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Wendy Crittenden



6-6-2021

Name (printed)

Signature

Date

 Name (printed)

 Signature

 Date

RETURN THIS FORM IN THE ENCLOSED ENVELOPE BY JUNE 20, 2021. A "NO RESPONSE" WILL BE TREATED AS APPROVAL.



LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1438 Ouray Ave, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Heather Martinez Heather M. M 6/17/2021
Name (printed) Signature Date

Name (printed) Signature Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1428 Grand Ave, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Corey LoSordo Corey LoSordo 6/14/21
Name (printed) Signature Date

Name (printed) Signature Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1421 Chipeta Ave, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Jessica Stieler J Stieler 6/16/21

Name (printed)

Signature

Date

Name (printed)

Signature

Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1405 CHIPETA AVE, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

GREGORY A BLACK *Gregory A Black* 06 05 2021
Name (printed) Signature Date

Elizabeth A Black *Elizabeth A Black* 06-05-2021
Name (printed) Signature Date

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Lincoln Park

LINCOLN PARK HISTORIC DISTRICT OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1360 Grand AVE, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Max [Signature] 6-07-2021
Name (printed) Signature Date

Name (printed) Signature Date

RETURN THIS FORM IN THE ENCLOSED ENVELOPE BY JUNE 20, 2021. A "NO RESPONSE" WILL BE TREATED AS APPROVAL.

*Leave me alone
I do what I can ?*



LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the ~~property~~ located at 1335 CHIPETA & 1326 OURAY hereby:
PROPERTIES

_____ approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

DESTROY HISTORY TO ENSURE EYSORES!

Property Owner(s):

GERALD A. TIEMANN

[Signature]

6/05/2021

Name (printed)

Signature

Date

_____ Name (printed)

_____ Signature

_____ Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1340 Surray Avenue, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

DAND DAVIS  6.6.2021

Name (printed) Signature Date

  6/6/2021

Name (printed) Signature Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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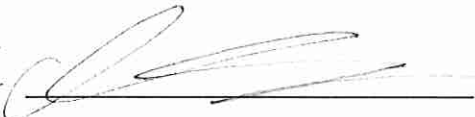
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I/We the undersigned, as owner(s) of the property located at 1242 Arroyo Ave, hereby:

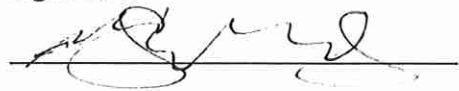
approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Michelle Weckenbuck  6/7/2021

Name (printed) Signature Date

Greg Weckenbuck  6/7/2021

Name (printed) Signature Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1236 GRAND AVE., hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

KEVIN ANDERSON KEVIN ANDERSON 06-08-2021
Name (printed) Signature Date

Name (printed) Signature Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1225 CHESTER AVE hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):
Robyn Beck
Name (printed)

[Signature]
Signature

June 10 2021
Date

NO I DO NOT
APPROVE

Name (printed)

Signature

Date

RETURN THIS FORM IN THE ENCLOSED ENVELOPE BY JUNE 20, 2021. A "NO RESPONSE" WILL BE TREATED AS APPROVAL.



LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1202 GRAND AVENUE, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

KATHLEEN TAYLOR Kathleen Taylor 6/8/21
Name (printed) Signature Date

Name (printed) Signature Date

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OPINION POLL

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I/We the undersigned, as owner(s) of the property located at 1240 Duray Ave, hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Shen Cong [Signature] 6/11/21
Name (printed) Signature Date

Name (printed) Signature Date

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LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1344 Chipeta Ave., hereby:

approve of the attached Lincoln Park Standards & Guidelines.

disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

JERRY L. HICKS Jerry L. Hicks 6-7-21
Name (printed) Signature Date

Vikki A. Hicks Vikki A. Hicks 6-7-21
Name (printed) Signature Date

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RETURNED OPINION POLL FORMS
NO INDICATION OF APPROVAL/DISAPPROVAL – 2 PROPERTIES



LINCOLN PARK HISTORIC DISTRICT
OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at 1325 Ovray, hereby:

_____ approve of the attached Lincoln Park Standards & Guidelines.

_____ disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

Russ Williams Russ Williams 6-6-21

Name (printed) Signature Date
Jolynn Williams Jolynn Williams 6-6-21

Name (printed) Signature Date

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OPINION POLL

June 3, 2021

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I/We the undersigned, as owner(s) of the property located at _____, hereby:

_____ approve of the attached Lincoln Park Standards & Guidelines.

_____ disapprove of the attached Lincoln Park Standards & Guidelines.

Property Owner(s):

GA Buss

Adrian

6/25/21

Name (printed)

Signature

Date

Name (printed)

Signature

Date

RETURN THIS FORM IN THE ENCLOSED ENVELOPE BY JUNE 20, 2021. A "NO RESPONSE" WILL BE TREATED AS APPROVAL.

LINCOLN PARK HISTORIC DISTRICT TIMELINE FOR RESIDENT INPUT
Prepared by Lincoln Park Historic District Committee

- **01/25/2018**—Meeting at public library re possible expansion of historic district. 88 emails sent out, 20 notices hand-delivered, 3 mailed to absentee homeowners in advance of the meeting. 19 residents attended.
- **05/2018**—Door-to-door contact with residents, resulting in 64% approval for expansion. GJ Historic Preservation Board and City Council approval of expansion.
- **11/23/2018**—Notice sent out re meeting at public library re desire for standards & guidelines. Same notice distribution as above.
- **12/3/2018**—Reminder notice sent out re meeting. Same notice distribution as above.
- **12/6/2018**—Meeting held at public library re desire for standards & guidelines. Same notice practice as above. 25 residents attended. Committee of 10 formed.
- **12/12/2018**—Minutes of above meeting sent out using same notice distribution as above.
- **02/24/2019**—88 emails sent out, 20 notices hand-delivered, 3 mailed to absentee homeowners indicating that the committee was “still working on the standards & guidelines and that there would be an opportunity to review and comment prior to finalization.”
- **07/23/2019**--1st notice sent out re annual neighborhood picnic, using same notice distribution as above.
- **09/19/2019**--2nd notice sent out re annual neighborhood picnic using same notice distribution as above.
- **09/21/2019**—Annual neighborhood picnic held where it was mentioned that the committee was “still working on the standards & guidelines and that there would be an opportunity to review and comment prior to finalization.” 40 residents attended.
- **07/2020**--Draft Standards & Guidelines distributed by the committee to every resident, using the previous means of 84 email, 17 hand delivery, and 10 mail. Recipients were asked to review & email comments back within 15 days.
- **08/13/2020**-- Committee met to review 11 responses received.
- **08/2020**—Committee responded to those who commented on the draft.
- **02/02/2021**--GJ Historic Preservation Board unanimously approved the Lincoln Park Standards & Guidelines. They will be functioning as the review board for the Standards.
- **03/2021**—Notice sent by Community Development Department to all 110 households and school district re Planning Commission hearing.
- **03/23/2021**--GJ Planning Commission hearing. 12 households posted comments—11 were positive and 1 was negative. 6 residents attended the zoom hearing. Planning Commission denied .
- **06/03/2021**—Opinion poll mailed by City of Grand Junction to all residents of LP Historic District and school district. Self addressed, stamped envelope included. A total of 54 written responses (households) were returned. Of these 54 households, a majority (28) were in favor, 24 were opposed, and 2 were non-responsive. If you then add in the remaining 57 properties that didn't respond (per the statement at the bottom of the opinion poll-- a “no response” will be treated as approval), 85 (76%) properties are in favor of adoption of the Lincoln Park Standards & Guidelines.

GRAND JUNCTION PLANNING COMMISSION
March 23, 2021 MINUTES
5:30 p.m.

The meeting of the Planning Commission was called to order at 5:30 p.m. by Chair Andrew Teske.

Those present were Planning Commissioners; Chair Andrew Teske, Vice Chair Christian Reece, George Gatseos, Sam Susuras, Andrea Haitz, and Sandra Weckerly.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Dave Thornton (Principal Planner), and Kristen Ashbeck (Principal Planner).

There were 6 members of the public in virtual attendance: Brenda Muhr, Daniel Nordmeyer, Ellie Schulz, Sheree Fukai, Abe Herman, Jennifer Kelly.

REGULAR AGENDA

1. Lincoln Park Historic District Guidelines and Standards **File # ZCA-2021-67
[Agenda item can be viewed online here at 14:00](#)**

Consider a request by the Lincoln Park Neighborhood/Residential Historic District to amend Municipal Code Volume II: Development Regulations to adopt standards and guidelines for the Lincoln Park Historic District as Title 30 and Amend Section 21.02.040 of the Zoning and Development Code pertaining to the role of the Historic Preservation Board in the review of alterations within the District.

Staff Presentation

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

Commissioner Reece asked a question regarding notice to property owners in the District.

Commissioner Weckerly asked a follow-up question regarding notice.

Applicant Presentation

Elizabeth Rowan, Bennett Boeschenstein, and Kristen Armbruster, representing the Lincoln Park Historic District, gave a presentation regarding the request.

Questions for Applicant

Commissioner Gatseos asked a question regarding the accessory dwelling unit provision.

Commissioner Reece asked a question regarding the notice.

Commissioner Weckerly asked a question about the attendance of a meeting that was held.

Commissioner Haitz

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, March 16, 2021 via www.GJSpeaks.org.

The following made comments regarding the request: Akira Fukai, Jennifer Kelly (Mayo), Deese Dancy and David Dancy, Michael and Tracy LeFebre, Jeanne Haberer, Bill Scheskie, Sheree Fukai, Rebecca Mullen, Florence Irene (Renee) Sheilds, Riecke Claussen, Bennet Boeschenstein, and Elizabeth Rowan.

Sheree Fukai gave testimony regarding the request.

The public hearing was closed at 6:50 p.m. on March 23, 2021.

Questions for Applicant or Staff

None.

Discussion

Commissioner Gatseos made a comment regarding the request.

Commissioner Reece made a comment regarding the request.

Commissioner Haitz agreed with Commissioner Gatseos and Reece.

Chair Teske made a comment regarding the request.

Motion and Vote

Commissioner Reece made the following motion, "Mr. Chairman, on the Code amendments to 1) adopt the Lincoln Park Residential Historic District Standards and Guidelines as a new Title within Volume II, Development Regulations, of the Municipal Code; and 2) amend Title 21, Zoning and Development Code pertaining to the jurisdiction, duties and responsibilities of the City of Grand Junction Historic Preservation Board, ZCA-2021-67, I move that the Planning Commission forward a recommendation of approval of the request with the findings of fact listed in the staff report."

Commissioner Gatseos seconded the motion. The motion failed 5-1 with Commissioners Teske, Reece, Gatseos, Haitz and Weckerly voting NO.

**LINCOLN PARK HISTORIC DISTRICT COMMITTEE RESPONSE TO QUESTIONS
RAISED BY PLANNING COMMISSION**

1. Are Accessory Dwelling Units (ADUs) affected by the proposed Standards & Guidelines?

Response:

This document allows ADUs but requires that newly constructed ADUs be architecturally compatible with and subordinate to the primary residential building on the site by placing the structure to the rear of the lot. The footprint of the new ADU shall not be larger than the footprint of the primary residential building. We believe this could greatly increase the housing stock in the downtown area.

2. There was a concern with the City Council considering and deciding upon the Certificate of Appropriateness for demolition.

Response:

The demolition section contained in the proposed Lincoln Park Standards & Guidelines mirrors word for word the 7th Street Historic District Standards & Guidelines which are contained in the Municipal Code. The reason for the demolition section is to give time for the property owner, neighborhood, and city historic preservation board to propose an alternative to demolition of a historical structure.

3. There was a concern that the Lincoln Park Standards & Guidelines might affect property rights.

Response:

Property rights are affected by a number of factors including: zoning, location, traffic, surrounding land uses, property values and market trends. The history of neighborhood standards and guidelines is that property values and rights are enhanced rather than decreased.

4. There was a concern that the word “compatible” as used in the document is too broad.

Response:

The Historic Preservation Board (HPB) will be interpreting what is compatible and what is not. This is something they do on a regular basis with the North 7th Street Historic District. This is why the document contains so many photos; Community Development staff and the HPB kept asking for examples.

5. There was discussion that the PC wanted to be sure everyone in the district had an opportunity to voice their opinion on the proposed Standards & Guidelines.

Response:

The events and dates listed in the Lincoln Park Historic District Timeline for Resident Input were read verbatim at the hearing. In addition, subsequent to the PC hearing, an opinion poll was mailed out by the City of Grand Junction to all property owners, giving them an opportunity to respond. 48% responded. The results are reiterated in the aforementioned document.

One Planning Commissioner noted that the proposed Standards & Guidelines seemed to be reasonable, another indicated they were totally supportive of developing Standards & Guidelines, and remarked “there is a lot of good stuff in here.” It was also noted by another planning commission member that there didn't appear to be any broad based opposition.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GRAND JUNCTION MUNICIPAL CODE DEVELOPMENT REGULATIONS: TO ADOPT STANDARDS AND GUIDELINES FOR THE LINCOLN PARK RESIDENTIAL HISTORIC DISTRICT AS TITLE 30 AND AMEND SECTIONS 21.07.040(g), 21.01.130(f)(9)(ix), AND 21.01.130(G) OF THE ZONING AND DEVELOPMENT CODE PERTAINING TO THE ROLE OF THE HISTORIC PRESERVATION BOARD IN THE REVIEW OF ALTERATIONS WITHIN THE DISTRICT

Recitals.

The Lincoln Park Residential Historic District (“District”) includes the properties between North 12th Street on the west North 15th Street on the east, Gunnison Avenue on the north and Grand Avenue on the south. The specific parcels/outer boundaries of the District are shown on the Location Map attached hereto and incorporated by this reference. The boundaries of the District coincide with the City-recognized Lincoln Park Neighborhood Association (Association.)

In 1997 the *City Register of Historic Structures* designated the four blocks between North 12th Street and North 14th Street and Gunnison Avenue to Ouray Avenue as the District boundary; In May 2018 the District boundaries were expanded to the current designated area. . The Association is proud of the *Historic Structures* designation and it is the Association’s desire to establish processes and standards by which to maintain and enhance the historic character of the District.

After a series of neighborhood meetings, and with collaboration of many District residents, a group of property owners proposed the *Standards and Guidelines/* the proposed Code amendments are being considered for adoption by this Ordinance. Throughout the development of the *Standards and Guidelines* the group consulted with City staff and the Grand Junction Historic Preservation Board.

In addition to recommending the proposed *Standards and Guidelines*, the Association, the City staff, and the HPB(?) recommend that the Historic Preservation Board, by and with the adoption of this Ordinance, be charged with the interpretation, implementation and application of the *Standards and Guidelines* to the properties in the Lincoln Park Residential Historic District.

After thorough review, deliberation and consideration, the City Council of the City of Grand Junction has determined that the Historic Preservation Board, with its interest and expertise in matters of historic preservation, is the appropriate body to review and decide *Certificate of Appropriateness* applications for the Lincoln Park Residential Historic District and to apply the *Guidelines and Standards* to those applications, subject to review on appeal by the City Council, as provided in the Code.

Furthermore, after thorough review, deliberation and consideration, the City Council of the City of Grand Junction finds that it is in the public interest to adopt the *Lincoln Park Historic District Standards and Guidelines* in the form and content A attached to this Ordinance as Exhibit _____. Exhibit _____ is attached hereto and incorporated by this reference as if fully set forth.

Initial determination of compliance with the Guidelines and Standards shall be made by the Director, who shall then make a recommendation to the Historic Preservation Board. The Historic Preservation Board shall hear and decide applications for alteration/construction within the PD zone district. A decision of the Historic Preservation Board may be appealed to the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT VOLUME II: DEVELOPMENT REGULATIONS OF THE GRAND JUNCTION MUNICIPAL CODE IS HEREBY AMENDED TO ADOPT IN ITS ENTIRETY EXHIBIT A TO THIS ORDINANCE AS TITLE 30 AND AMEND SECTIONS 21.01.130(G), 21.01.130(f)(9)(ix) AND 21.07.040(g) OF THE ZONING AND DEVELOPMENT CODE TO GRANT AUTHORITY TO THE HISTORIC PRESERVATION BOARD TO REVIEW AND DECIDE APPLICATIONS FOR ALTERATION OR CONSTRUCTION (CERTIFICATES OF APPROPRIATENESS) WITHIN THE LINCOLN PARK HISTORIC DISTRICT. AMENDMENTS TO SECTIONS 21.01.130(G), 21.01.130(f)(9)(ix) AND 21.07.040(g) ARE AS FOLLOWS WITH NEW TEXT SHOWN IN UNDERLINE TYPE. DELETIONS ARE SHOWN IN ~~STRIKETHROUGH~~ TYPE.

Section # (g) **Summary of Authority.** The following table summarizes the review and approval authority provided in this code. If there is a discrepancy between this table and the text where the authority is specifically prescribed, the text shall control.

Sec.	Procedure	Director	Planning Commission	HPB	City Council	ZBOA
R = Review D = Decision A = Appeal						
21.02.070	Administrative development permit, all administrative permits not listed herein	D	A			
21.02.070	Subdivision	D			A	
21.02.090	Vacation of plat without public right-of-way or easement	R	D		A	
21.02.090	Vacation of plat with public right-of-way or easement	R	R		D	
21.02.100	Vacation of public right-of-way or easement	R	R		D	
21.02.110	Conditional use permit	R	D		A	
21.02.120	Special permit	R	R		D	
21.02.130(d)	Administrative changes to Comprehensive Plan	D			A	
21.02.130(e)	Comprehensive Plan amendment, plan amendments	R	R		D	
21.02.140	Code amendment and rezoning	R	R		D	
21.02.150	Planned development	R	R		D	
21.02.160	Annexation	R			D	
21.02.170	Vested property rights	R	R		D	
21.02.180	Revocable permit – Landscaping and irrigation	D			A	
21.02.180	Revocable permit, other	R			D	
21.02.190	Institutional and civic facility master plans	R	R		D	
21.02.200	Variance	R				D
21.04.030(p)(1)	Fraternity or sorority	D				A

Sec.	Procedure	Director	Planning Commission	HPB	City Council	ZBOA
R = Review D = Decision A = Appeal						
21.04.030(p)(2)	Group living facility (*except where a conditional use permit is required, see "Conditional use permit")	D*				A*
21.04.030(p)(2)(iv)(C)(b)	Group living facility – Sex offenders		D			
21.07.040(d) and (h)	Designation of historic structures, sites and districts and revocation of designation	R		R	D	
21.07.040(g)(2)	Certificate of Appropriateness, N. Seventh Street <u>and Lincoln Park Historic Districts</u>	R		D		

21.01.130(f)(9)(ix) (ix) Review and decide applications for a Certificate of Appropriateness for alteration to a site and/or structure in the North Seventh Street Historic Residential District and in the Lincoln Park Residential Historic District;

Section # (g) Review of Alterations.

(1) City Registry. The owner of any historic structure or site on the City Registry designated pursuant to subsection (e) of this section is requested to consult with the Historic Board before making any alteration. The Historic Board shall determine if the alteration is compatible with the designation. In reviewing a proposed alteration, the Historic Board shall consider design, finish, material, scale, mass and height. When the subject site is in an historic district, the Historic Board must also find that the proposed development is visually compatible with development on adjacent properties, as well as any guidelines adopted as part of the given historic district designation. For the purposes of this section, the term "compatible" shall mean consistent with, harmonious with and/or enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures. The Historic Board shall use the following criteria to determine compatibility of a proposed alteration:

- (i) The effect upon the general historical and architectural character of the structure and property;
- (ii) The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures;
- (iii) The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to existing structure and the site;
- (iv) The compatibility of accessory structures and fences with the main structure on the site, and with other structures;
- (v) The effects of the proposed work in creating, changing, destroying, or otherwise impacting the exterior architectural features of the structure upon which such work is done;
- (vi) The condition of existing improvements and whether they are a hazard to public health and safety; or

(vii) The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property.

(2) North Seventh Street Historic Residential District and Lincoln Park Residential Historic District (“Districts” when referred to jointly or either alone as “District”). The owner of any property within the North Seventh Street Historic Residential District shall comply with the North Seventh Street Historic Residential District Guidelines and Standards. The owner of any property within the Lincoln Park Historic District shall comply with the Lincoln Park Residential Historic District Standards and Guidelines.

(i) Before making any construction or alteration to a site or structure, such owner shall make application to the City for a Certificate of Appropriateness. The Director shall ~~make~~ review such application for compliance with the Guidelines and Standards and make an initial determination and recommendation to the Board. The Director may include in that recommendation any conditions deemed appropriate to comply with the Guidelines and Standards and with the Zoning and Development Code.

(ii) The Board shall have jurisdiction to review City staff recommendations and to decide applications for Certificates of Appropriateness at a public hearing. The Board may include any conditions of approval deemed appropriate for compliance with the Guidelines and Standards. No owner shall construct or alter a structure or site in the District without first obtaining a Certificate of Appropriateness from the Board.

(iii) A decision of the Board may be appealed to City Council within 30 days of the issuance of the decision. Appeals to City Council shall be de novo.

(iv) All reviews pursuant to this subsection (2) shall determine if the new construction or alteration is compatible with the historic designation as provided in the respective North Seventh Street Historic Residential District Guidelines and Standards for the appropriate District. In reviewing an application, consideration shall be given to design, siting, form, texture, setbacks, orientation, alignment, finish, material, scale, mass, height and overall visual compatibility, according to and with reference to the applicable Guidelines and Standards for the respective District. ~~of the North Seventh Street Historic Residential District~~. For purposes of this section, the term “compatible” shall mean consistent with, harmonious with and/or enhancing the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures.

If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

The City Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object and intent sought to be obtained.

Introduced on first reading this ____ day of _____ 2021 and authorized the publication in pamphlet form.

Passed and adopted on second reading the ____ day of _____ 2021 and authorized the publication in pamphlet form.

C.B. McDaniel

President of the City Council

ATTEST:

Wanda Winkelmann
City Clerk

EXHIBIT A – PROPOSED TITLE 30

Lincoln Park

Residential Historic District

Standards and Guidelines



LPHD Standards and Guidelines

Below is a quick reference guide to help property owners determine what is a Standard and what is a Guideline. Remember to always check with the Mesa County Building Department and City of Grand Junction Community Development Department to apply for all permits when necessary. Guidelines are *Italicized* and Standards are **Bold**.

Sec.	<i>GUIDELINE / STANDARD</i>	OWNER'S DISCRETION	COMMUNITY DEVELOPMENT REVIEW REQUIRED	HISTORIC BOARD REVIEW REQUIRED	Appellate body
					City Council
	New Construction, Additions		X	X	City Council
	Remodels (Exterior)		X	X	City Council
G	Exterior Materials			X	City Council
H	Windows		X	X	City Council
H	Trim and Details			X	
<i>3</i>	<i>Front Porch</i>		X		
J	Manufactured / Modular Homes		X	X	City Council
K	Demolition				
K	Primary Structure		X	X	City Council
	Accessory Structures	X	X (over 200 sq ft)		
	Window Replacement	X			
	Interior Remodel	X			
<i>1</i>	<i>Fences</i>		X		
	Accessory Structures				
	Garages		X		HPB
	Chicken Coops	X			
	Shed (Over 200 sq		X		HPB

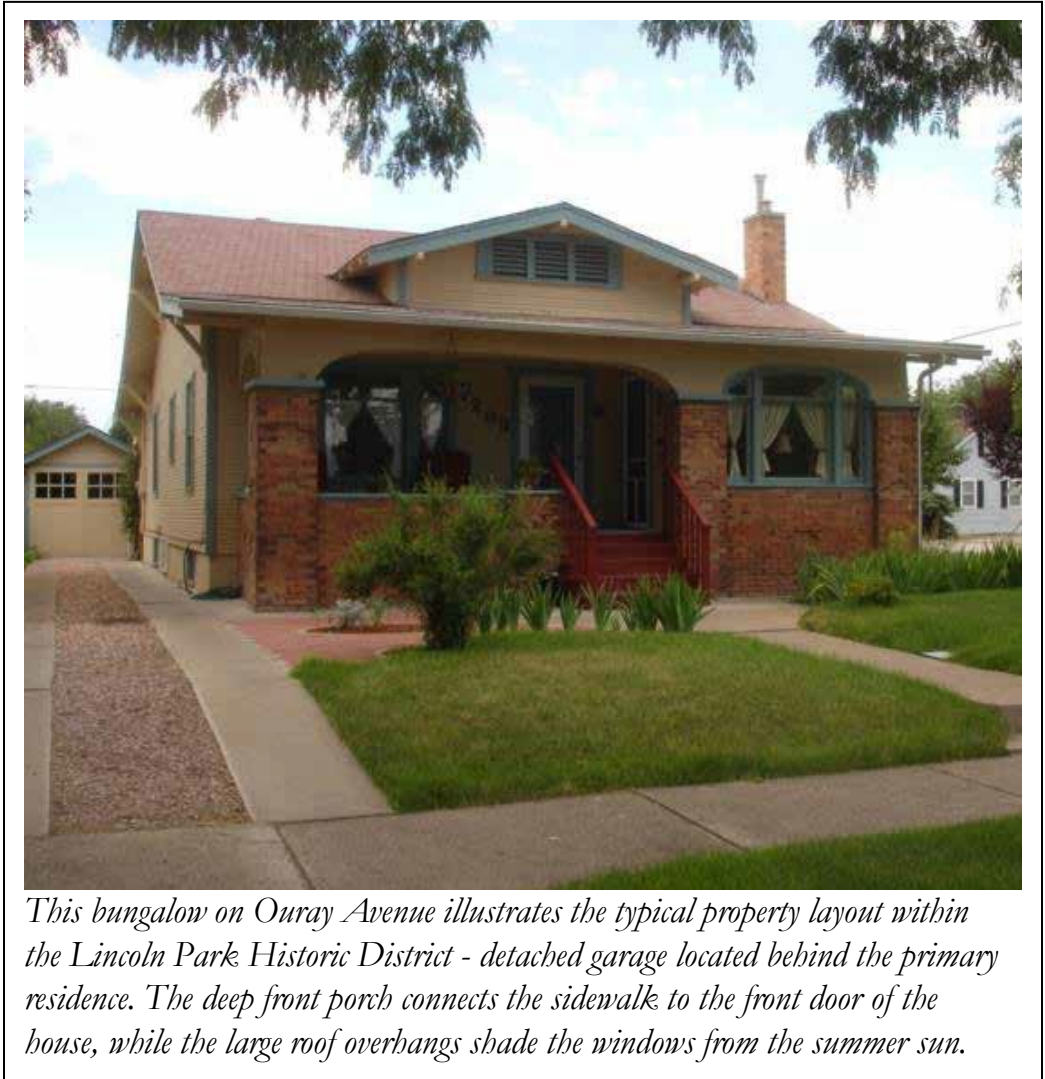
	ft)				
	Dwelling Unit		X		HPB
2	<i>Street Scape</i>	X			
	Re-Roofing		X		HPB

Note: Anything not addressed above is controlled by the Grand Junction Municipal Code – Zoning and Development Codes

A010. How we got here: The formation of the Lincoln Park Neighborhood Association

On Nov. 16, 2017, a meeting of Lincoln Park residents took place at the Lincoln Park Barn. Discussion centered on whether to form a Neighborhood Association, potential boundaries, and concerns of

residents. Common concerns were: potential for incompatible new development, potential development impact from CMU, and potential for expansion of the existing Lincoln Park Residential Historic District (LPHD). The consensus of those attending was to proceed with formation of the Neighborhood Association and to expand the existing LPHD. The Lincoln Park Neighborhood Association was



This bungalow on Ouray Avenue illustrates the typical property layout within the Lincoln Park Historic District - detached garage located behind the primary residence. The deep front porch connects the sidewalk to the front door of the house, while the large roof overhangs shade the windows from the summer sun.

approved by Grand Junction City Council in December 2017 to strengthen the neighborhood, create a strong voice to address local concerns within our area of the City, and build a sense of community. Boundaries were based on original plats of Dundee Place and Lincoln Park Addition.

A020. Expansion of the Lincoln Park Historic District

In 1997, a historic district consisting of 53 homes (1200 and 1300 blocks of Gunnison Avenue, Chipeta Avenue, and the north side of Ouray Avenue) was created in the Lincoln Park Neighborhood. Its purpose was to preserve the character of our historic homes and speak with a unified voice in opposing the widening of 12th Street.

Following up on the 2017 Neighborhood Association meeting referenced above, a meeting was held in January 2018 to determine neighborhood interest in expanding the historic district, to match the neighborhood association boundaries. This would add 58 properties. The consensus at the meeting was to pursue expansion.



This home on Ouray Avenue perfectly illustrates the Lincoln Park Neighborhood ... bungalow, sun porch, a detached garage in the rear. Originally accessed from the alley, detached garages in the district also sit at the end of long driveways along the primary residence.

Several neighborhood volunteers went door to door in the expansion area with approval forms drafted by the City. A total of 64% (60% was required) believed that expansion of the LPHD would foster community pride and encourage preservation of the historic character of our homes.

In April 2018, the Grand Junction Historic Preservation Board recommended to the Grand Junction City Council that this “gem of a historic neighborhood” (quote from a member of the Historic Preservation Board) be expanded to include all 110 homes and the Lincoln Park School. The Grand Junction City Council expanded the historic district designation on May 2, 2018 in the passage of Resolution Number 26-18.

A030. Character of the Lincoln Park Historic District

The LPHD reflects the transition from a streetcar, horse-and-buggy city, to an automobile-dominated city and is typified by detached garages or carriage houses, detached sidewalks, front and rear yards, tree lawns, alleys, neighborhood parks, and neighborhood schools. Most of the homes have stayed true to their original architectural integrity, and are of the Bungalow, Craftsman architectural styles.

The majority of the homes are over 50 years old and range to those more than a century old. Specific architectural elements include hardwood floors, casement windows, stained glass windows, cobblestone foundations, peaked roofs, brick walls laid in a precise Flemish bond, porticos with casement windows, wide gables with staggered wall beams, well laid, multi-color brickwork or wood lap siding and sun porches.

Garages are typically separate structures at the rear of the property, which originally had access off of the alley, but now have access off of the street via long driveways. Houses situated on a corner lot typically have garage access from the side street (not primary street) to allow for proper access.

The architectural elements of the existing homes and the detached garages in the rear lots are the qualities and characteristics valued by the residents and community. The Lincoln Park

Historic

District

Standards and

Guidelines are

based upon

these existing

features.

The Lincoln

Park School

was built in

1910 of brick

construction

with arched

windows and a

gable or hip

roof. Although

there have been

several

additions to the school throughout the years, the core of the original building and surrounding playground remains.



One of the older homes in the district built along Gunnison Avenue, directly facing Lincoln Park. This adobe home illustrates the Spanish Revival style with its clay tile roof and arched entryway. The properties located on Gunnison Avenue facing Lincoln Park are larger than the typical property within the District. Setbacks from the sidewalk to the front of the house are also larger than typical houses within the LPHD.

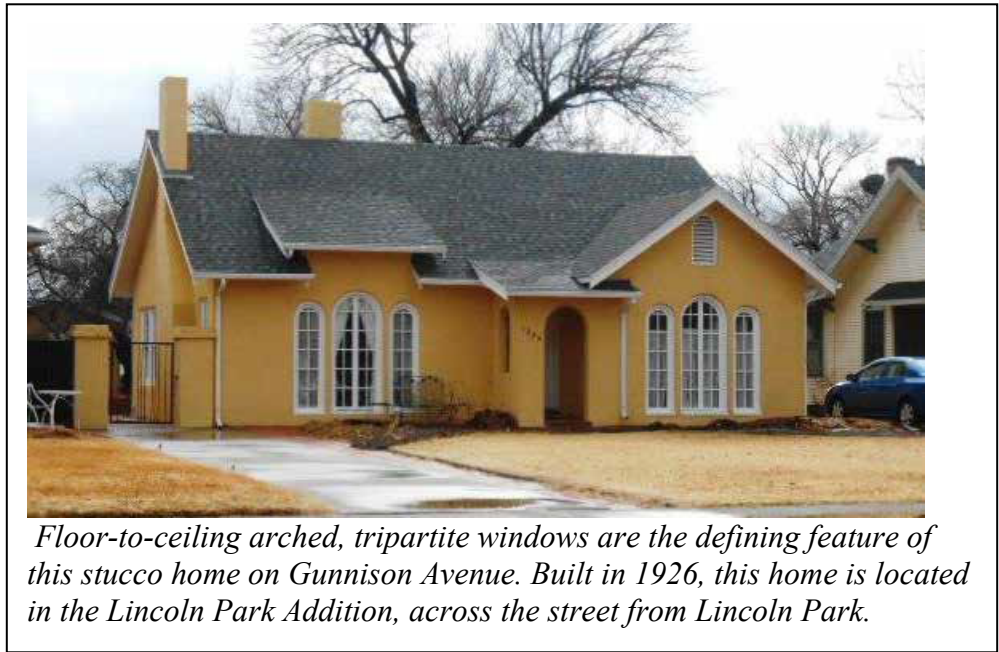
A040. A bit of history on Lincoln Park neighborhood

The Lincoln Park neighborhood was named for the adjacent, large 42-acre city park. It consists of the Dundee Place subdivision created in 1909 and the Lincoln Park Addition in 1925. The growth of this area, east of the original square mile of the city, reflected the prosperous times of the Grand Junction community in the 1920's. It is a classic Bungalow, Craftsman neighborhood, not unlike many of those found throughout America during this time period.

A050. Development of LPHD Standards and Guidelines

In circulating approval forms for the expansion of the LPHD, several residents inquired whether there would be standards and guidelines associated with the historic district. All residents of the LPHD were invited to attend an informational meeting on December 6, 2018, to consider whether there was a desire to preserve the character of our neighborhood homes - and what approach might be taken to do that.

The majority of those present thought some measures of compatibility and preservation were desirable. Everyone had the opportunity to vote on which aspects of the character of the homes in the LPHD that they thought were important, and the extent of their importance.



Floor-to-ceiling arched, tripartite windows are the defining feature of this stucco home on Gunnison Avenue. Built in 1926, this home is located in the Lincoln Park Addition, across the street from Lincoln Park.

For example, the majority of those present believed that new construction was very important and should require a Standard. The majority also believed that front yard fence materials were somewhat important and should be encouraged with a Guideline. Participants voted on 11 subject areas.

Two other important ideas were agreed to at the meeting:

- (1) Current structures which exist at the time of adoption of the Standards and Guidelines will be grandfathered in as long as they are legal per City Code; and
- (2) Standards and Guidelines will address visual appearance from the street and will not address interior construction.

Volunteers were recruited for a committee to draft the LPHD Standards and Guidelines to present to neighborhood residents and eventually, the Grand Junction Historic Preservation Board and the Grand Junction City Council. This committee of dedicated residents from the LPHD met for several months during 2019 and 2020 to draft these Standards and Guidelines. Committee members were: Greg Reed, Kirsten Armbruster, Aki and Sheree Fukai, Rand Porter, Bill Scheskie, Stephanie Matlock, Barb Sullivan, Elizabeth Rowan and Bennett Boeschstein.

A060. Proposed LPHD Standards and Guidelines

These Standards and Guidelines are meant to promote compatibility of structures in the Lincoln Park Historic District and to preserve the historic character, consistency, and uniformity of the District. New construction in the LPHD is allowed, as long as the siting, design, and construction are compatible with the character of the LPHD.

The LPHD Standards and Guidelines shall be used in conjunction with the City of Grand Junction Zoning and Development Code to guide development according to the principles of historic preservation. The LPHD Standards and Guidelines include specific materials, styles, orientation, and other design criteria, which, when in conflict with another adopted standard, the more restrictive standard shall apply.

All structures existing within the LPHD at the time of the adoption of these standards and guidelines which do not meet the requirements of these standards and guidelines are considered acceptable and may continue indefinitely as long as



Not all houses within The District are single-story bungalows. This residence is a two-story Georgian Revival style constructed in 1935. The symmetrical arrangement of the windows, as well as the proportions of the windows, fits the Lincoln Park Historic District Standards & Guidelines.

they maintain their current size and scope. These structures may not be expanded, altered, or enlarged without meeting the newly adopted Standards and Guidelines.

1. STANDARDS - Required

Process: Interpretation of the application of standards for the LPHD shall be the responsibility of the City of Grand Junction Community Development Department staff. Any modification to an element addressed in the standards shall require an application to the City Community Development Department for a Certificate of Appropriateness for staff review and recommendation and consideration by the Historic Preservation Board. The Department staff shall prepare a report with findings. The Historic Preservation Board will then review the report and make a decision (the procedure involving demolition is detailed in the Demolition section).

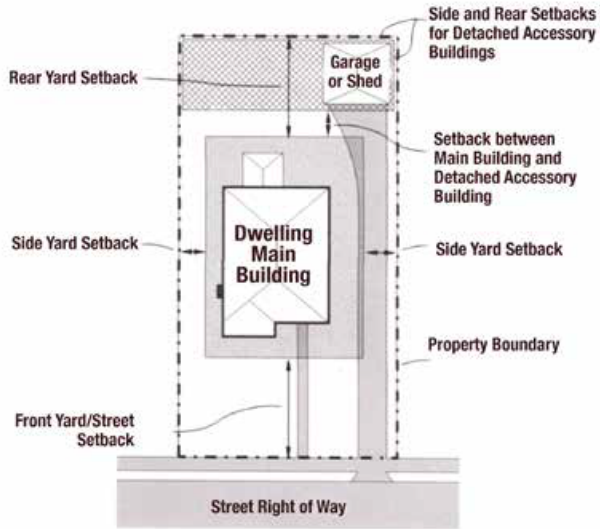
New Construction, Additions, and Remodels

New construction, additions, and remodels are allowed as long as they are compatible with adjacent homes, the specific block within the district, and retain the character of the district as defined in Section A030. See also Manufactured Home standards for the placement of manufactured homes in the LPHD. Multifamily development is subject to the standards listed below, including setbacks, compatibility, lot size, building proportions, mass, form, orientation and lot coverage, alignment and spacing, exterior materials, and trim and details.

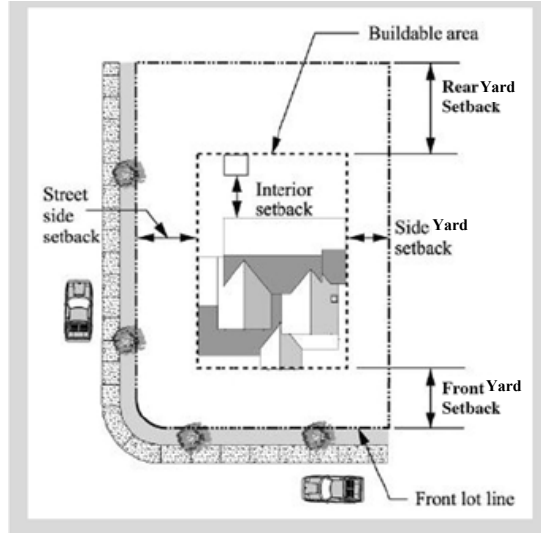
A. Setbacks

- (1) Setbacks and placement of buildings within the LPHD will maintain the cohesive character within LPHD. Gunnison and Grand Avenues shall retain larger setbacks to preserve their historic value as major arterials and transportation routes for street cars and other public transit.
- (2) Setbacks for primary and accessory structures within the LPHD are set forth below.

Setbacks



Corner Lot Setbacks



Residential Setbacks for Lincoln Park Historic District

New Construction, Additions, and Remodels

	Gunnison Avenue	Grand Avenue	Chipeta/Ouray Avenues
Primary Structure			
Front Yard/Street Setback (min. feet) incl. porch	60	35	20
Front Yard Setback – Corner Lot (min. feet) incl. porch	10	10	10
Side Yard Setback (min. feet)	3	3	3
Street Side Setback – Corner Lot (min. feet)	10	10	10
Rear Yard Setback (min. feet)	5	5	5
Accessory Structure			
Setback from Front Lot Line (min. feet)	65	40	25
Side Setback (min. feet)	3	3	3
Street Side Setback – Corner Lot (min. feet)	10	10	10
Rear Setback (min. feet)	2	2	2

B. Compatibility



Compatibility: New construction compatible with historic character of neighborhood; front porches, Bungalow, Craftsman style.

New construction in LPHD is allowed, as long as the design, siting, and construction are compatible with the character of the LPHD as defined in Section A030. Siting is critical due to various lot configurations and in considering the overall appearance within the context of neighboring buildings set within the immediate block. Important design considerations for new buildings include height, massing, scale, form, lot coverage, setbacks, spacing of buildings, orientation, and alignment. Compatibility of proposed foundations, porches, landscaping, utility systems, and other site features is also important.

C. Orientation and Lot Coverage

(1) New buildings shall be oriented with the primary entrance façade parallel to the street and provide visual continuity with proportional lot coverage similar to other buildings on the same block. This is a consistent pattern throughout the LPHD which shall be preserved to maintain the prevailing visual continuity.

(2) General proportions of buildings-to-lot areas shall remain consistent with their historic appearance. Lot coverage shall be similar in proportion to the lot coverage of neighboring lots. Overall proportions of building-to-lot area shall remain consistent from lot to lot along the block.



This picture shows a detached garage that is architecturally compatible with the primary residence, yet subordinate to the primary residence, located to the rear of the lot.

(3) New detached accessory structures shall be architecturally compatible with and subordinate to the primary residential building on the site by placing the structure to the rear of the lot. The footprint of the new detached accessory structure shall not be larger than the footprint of the primary residential building. Chicken coops, dog runs, rabbit cages and similar out structures are allowed in the rear part of the lot, subject to regulations of City Code.



Another picture of the detached garage set to the rear of the lot. Across the alley behind, you can see an accessory unit that is both subordinate to and architecturally compatible with its main structure.

D. Lot Size, Building Proportions, Mass and Form

(1) Minimum lot size in the 1200 block of Gunnison Ave. shall be 14,000 square feet, and maximum lot size in the 1200 block of Gunnison Ave. shall be 20,000 square feet. Minimum lot size everywhere else within the LPHD shall be 6,000 square feet and the maximum lot size everywhere else within the LPHD shall be 10,000 square feet.

(2) Buildings shall be similar in height and width to buildings on adjacent sites and block.



New building broken up into smaller segments; taller masses away from the street; design characteristics unique but relate to the neighborhood.

(3) A new building which is wider and higher than buildings on adjacent sites may be constructed if the new building is broken up into smaller masses that are more similar to adjacent buildings and if the height of the building at the street facade and at the sides facing adjacent sites is similar to the height of buildings on those sites. This is achieved by placing the taller masses away from the street and adjacent buildings to either side.

(4) Foundation height shall be similar in proportion and appearance to neighboring buildings.

(5) New buildings shall reinforce a pedestrian friendly character from the front elevation by maintaining the similarity of building, roof form, and front porches traditionally found on the block.

(6) New construction shall incorporate design elements such as height, roof forms, lines, openings, vertical and horizontal proportions of building mass, symmetry and asymmetrical diversity and other characteristics commonly found in the LPHD.

(7) New construction may have a building form which is unique in the LPHD but it shall relate to the neighboring buildings and to the neighborhood through its overall massing.

(8) New construction shall not use massing and building forms which are inconsistent with the LPHD as determined by the Historic Preservation Board.

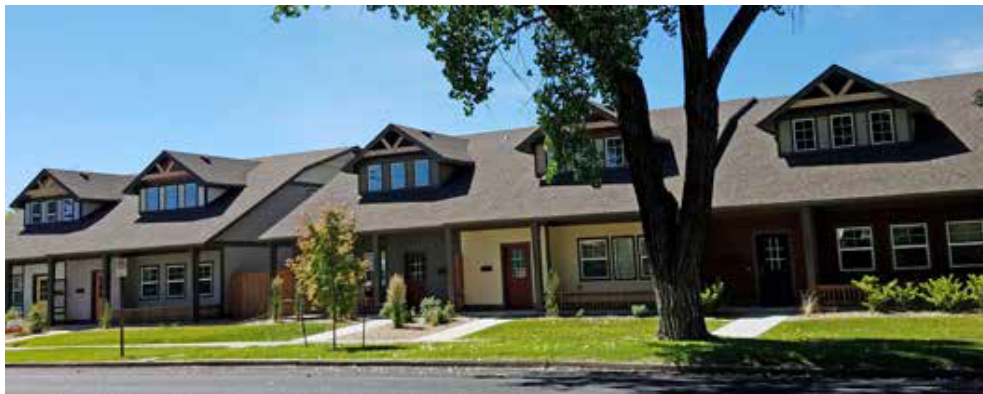
E. Alignment and Spacing

(1) Proportions of facades and spacing of buildings shall be consistent along the street within the LPHD. Along a block, the uniformity of the facades and the spacing of the buildings shall be consistent along the streets of the LPHD. Along a block, the uniformity of the proportions of the facades and the spacing of the buildings must be considered in new construction to achieve harmony along the streetscape.

(2) Porches, projecting bays, balconies, and other facade elements shall be aligned vertically with those of the original structure and the existing buildings along the street. This alignment creates harmony and maintains the rhythm of façade proportions along the block length.

(3) Street-facing facade widths of new primary structures shall correspond with existing building widths; however, a wider facade can be broken into separate elements that suggest front widths similar to those of neighboring buildings. Where lots are combined to create a larger development, the building-to-lot proportions shall visually suggest a relationship with adjacent buildings by breaking large building masses into smaller elements. Where a building site is comprised of multiple lots, the new building or components thereof shall be clearly of similar proportion to the original building and other buildings on the same block.

(4) New building facades shall align (horizontally and vertically) with the facades of existing buildings on adjacent sites.



Where lots are combined to create a larger development, the building-to-lot proportions shall visually suggest a relationship with adjacent buildings by breaking large building masses into smaller segments.

(5) New buildings shall be constructed with similar spacing from other structures relative to other buildings along that street

F. Entrances

(1) Buildings shall not contain a primary entrance that is simply a door and provides little or no transition from outside to inside. Primary entrances shall be provided on the street-facing façade.



Primary entrance is elevated with stairs, and in this case – like many in the neighborhood - the home is adorned with an elevated front porch. This one is open, some are screened or fully enclosed.

(2) Owners may install an Americans with Disability Act (ADA) compliant ramp for accessibility to the primary entrance. Accessibility modifications should be in scale with the historic property, visually compatible, and, whenever possible, reversible. Reversible means that if the new feature were removed at a later date, the essential form and integrity of the property would be unimpaired.

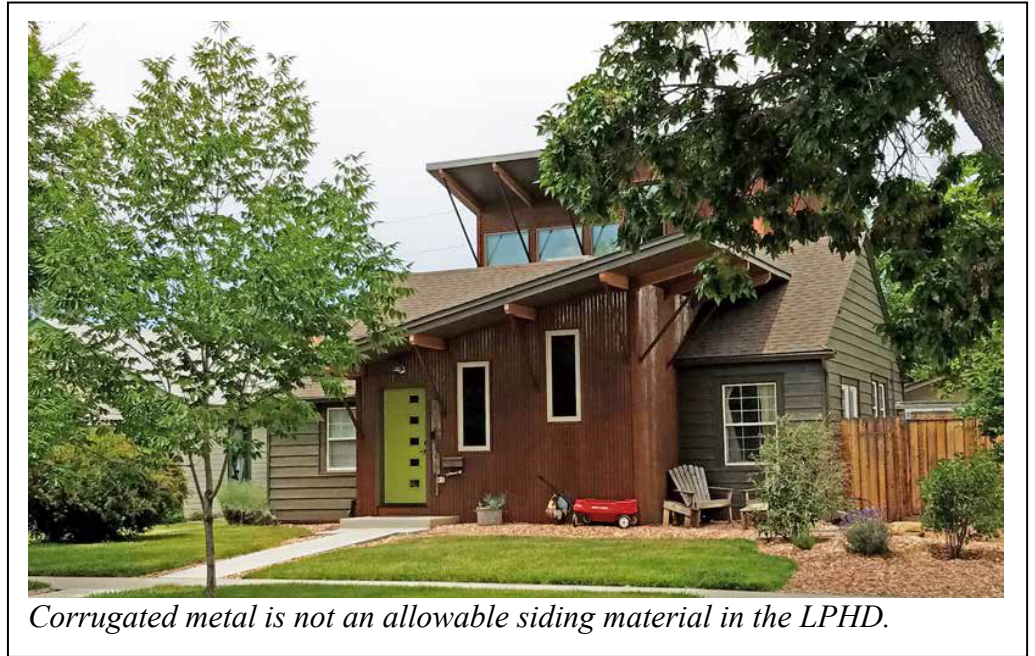
G. Exterior Materials

(1) Exterior wall materials shall be those that are commonly present in the LPHD.

(2) Allowable siding materials for new construction include, but are not limited to wood, brick, stone, painted composite wood-resin, aluminum, steel, vinyl, stucco, or fiber cement siding.

(3) The use of corrugated metal/plastic siding on primary structures is prohibited.

(4) Metal roofs (architectural or standing-seam) are allowed for existing buildings and new buildings.



Corrugated metal is not an allowable siding material in the LPHD.

H. Windows, Trim and Details

(1) Windows - In new construction, additions and remodels of primary residential structures, street facing windows shall be of similar proportion, size, and character with the original building (if an addition), neighboring homes and other homes in the LPHD.

(2) Trim and Details

(a) Exterior trim details on new construction, additions and remodels of primary residential structures shall be compatible with the original building (if an addition), adjacent homes and other homes in the block.

(b) Windowsills, moldings, and eave lines shall be aligned with similar elements on the existing primary residential structure, adjacent homes and other homes in the block.



The home on the left shows new construction with windows that are not compatible in the LPHD. The home on the right, however, shows replacement windows in the LPHD that maintain the look and feel of the craftsman-bungalow style.

I. Additions

(1) Additions shall not alter the historical alignment of structures in relation to the streets within the LPHD.

(2) The design of second-story additions shall preserve the historic eave or roof line of the original structure (See the photo below). The majority of the addition bulk shall be predominantly sited toward the rear of the lot.

(3) The materials (e.g. siding, trim, details and roofing) used for additions shall be similar to materials used in the original construction.



This recent second-story addition at a house on Ouray Avenue is in keeping with the tradition of the bungalow style. The short top-plate at the upper eaves minimized the overall height at the peak of the roof, reducing the appearance of height from the street. This configuration is referred to as 'story and a half.'

J. Manufactured and Modular Homes

- (1) Any new manufactured and modular homes proposed for placement in the LPHD shall be double-wide with characteristics similar to the existing homes in the District. Such characteristics include pitched roofs and front doors facing the street. New manufactured and modular homes must be HUD approved and constructed on a permanent foundation (wheels must be removed). If an existing manufactured home is proposed to be moved from its foundation, the District's demolition standards shall be followed.
- (2) No pre-owned manufactured homes may be placed in the LPHD.



This is an example of a compatible manufactured home - a lookalike double-wide; front door facing street; a front porch; a pitched roof; and is compatible with architectural style of adjacent houses.



This is an example of a non-compatible manufactured home - Single-wide; it has no front entrance; and is incompatible with adjacent historic home to the right.

K. Demolition

- A) Applicability. Any applicant/owner requesting demolition of 500 square feet or more of a primary structure within the Lincoln Park Residential Historic District shall demonstrate that the demolition is warranted either by cause or by effect of the structure being noncontributing to the District. This section does not apply to interior demolition or to demolition of accessory structures.
- B) Review criteria. A Certificate of Appropriateness for the demolition may only be issued if/when the Grand Junction Historic Preservation Board (GJHPB) finds:
- (1) That the applicant has made a good-faith effort to pursue reasonable, cost effective alternatives to demolition.
 - (2) That the loss of part or all of the subject property would not be detrimental to the quality and continuity of the site, LPHD, or surrounding neighborhood.
 - (3) That denial of the application would result in an undue economic hardship for the owner/applicant. Based on a thorough analysis of the financial, economic, and engineering information described below, the City Council may determine that there is an undue economic hardship if all the following criteria are met:
 - (a) No economically viable use consistent with zoning of the property will exist unless the demolition is approved. Inability to put the property to its most profitable use does not constitute an undue economic hardship.
 - (b) The hardship is peculiar to the building or property in question and must not be in common with other properties.
 - (c) The hardship is not self-imposed, caused by action or inaction of the owner, applicant or some other agent.
 - (d) The applicant/owner has attempted and exhausted all reasonable alternatives which would eliminate the hardship, such as offering the property for sale.
- C) Submittal requirements. The applicant/owner for demolition of part or all of a primary structure shall provide information including:
- (1) A report from a licensed engineer, contractor or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for economic rehabilitation.
 - (2) A narrative description with supporting photographs of the structure including all special architectural features and details and materials used throughout the exterior of the structure.

- (3) Additional information identified by staff or the Board to ensure sufficient evidence for reviewing the request.
- (4) An estimate of the cost of the proposed demolition or removal and an estimate of any additional cost that would be incurred to comply with recommendations of the Board.
- (5) Estimated current market value of the property prepared by a Colorado licensed real estate appraiser for the property in its current condition and after completion of the proposed demolition or removal.

D) Procedure. Upon submittal of the application for a Certificate of Appropriateness for demolition to the City, Staff shall review all the documentation submitted for completeness. Staff shall prepare a report with findings, including recommendation regarding historic significance and integrity based on architectural survey and other history resources, considering the age of the structure, architectural value. All decisions on Certificate of Appropriateness shall be noticed and conducted as public hearings consistent with GJMC 21.02.080(g).

(1) For all primary structures:

(a) The GJHPB will provide a recommendation to City Council.

(b) Within 90 days of the GJHPB hearing, the City Council shall consider and decide upon the Certificate of Appropriateness for Demolition.

(2) If a Certificate of Appropriateness is approved for a historic structure, all salvageable building materials shall be collected and recycled if possible. Waste must be removed from the property and properly disposed of.

E) Penalty. If the applicant/owner of a structure within the LPHD abates or demolishes part or all of a primary structure over 500 square feet without first obtaining the Certificate of Appropriateness, the applicant/owner shall pay a fine of \$250.00 per square foot of the affected area.

C010. GUIDELINES - Suggested

Interpretation of the application of Guidelines for the LPHD shall be the responsibility of the homeowners in the LPHD. Adherence to Guidelines is encouraged in order to maintain compatibility within the LPHD, but not required.

1. Fences

Fencing materials and styles in the front yard are encouraged to complement the character of the LPHD. Fence styles, especially in the front yard, are encouraged to be compatible with the characteristics of the house. Materials such as solid wood, solid vinyl, galvanized steel, and chain link with slats are discouraged. All fencing must be in compliance with City Code.



These front yard fences are examples of materials and styles compatible with characteristics of the house; wood and iron are encouraged materials.

Below are examples of front yard fence materials and styles that are not compatible with characteristics of the house; chain link with slats and galvanized steel are not encouraged materials. Solid wood, solid vinyl, galvanized steel and chain link with vinyl slats are discouraged.



2. Streetscape

The LPHD's unique streetscape has historical significance in its own right. Upon consultation with the City Forester, residents are encouraged to maintain, and restore where missing, the historic spacing of street trees along the planting strip (the space between the sidewalk and the street curb) within the LPHD. Street trees in the LPHD provide full canopy coverage shade for residents and pedestrians. Damaged or diseased trees in the public right-of-way may only be removed by the City or with approval by the City and planting of new trees to fill gaps may only be approved by the City. Again, residents are encouraged to call the City of Grand Junction Forestry Division, with any questions regarding street trees within the public right-of-way. Russian olive and Siberian elm trees should not be considered as a suitable replacement. Residents are encouraged to place additional landscaping in the planting strip provided it does not interfere with sight distance for adjacent driveways and streets and, per City Code, it must be maintained. Materials should be primarily non-invasive plants and/or inorganic mulch which will



Examples of encouraged streetscapes: street trees are well maintained; natural landscaping.

control weeds and maintain soil moisture. Organic mulch is strongly discouraged.

Installation of dense, tall plant materials in the planting strips is discouraged, as this impedes visibility and safety for pedestrians and vehicles and can be noncompliant with City code.

Residents are encouraged to maintain trees and landscaping within the planting strips adjacent to their property with regular watering.



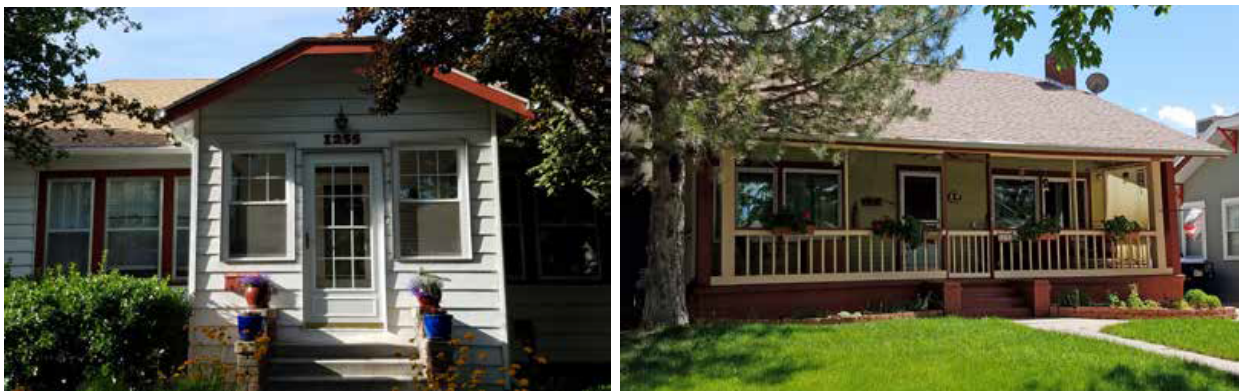
Examples of encouraged streetscapes:

At Left: Street trees well maintained; inorganic rock mulch with xeriscape.

At Right: Street trees well maintained; inorganic mulch with non-invasive plants.

3. Front Porches

- (a) Existing front porches are encouraged to be maintained as an integral part of the overall house and style.



Examples of encouraged porches: porches are integrated into architectural style of the house. The porch provides a stepping up entrance.

LINCOLN PARK HISTORIC DISTRICT LOCATION MAP





Grand Junction City Council

Regular Session

Item #2.b.ii.

Meeting Date: September 1, 2021
Presented By: Scott Peterson, Senior Planner
Department: Community Development
Submitted By: Scott Peterson, Senior Planner

Information

SUBJECT:

Introduction of an Ordinance to Vacate a Portion of Public Right-of-Way of G 1/8 Road Located near 2524 G Road and 716 25 Road and Setting a Public Hearing for September 15, 2021

RECOMMENDATION:

The Planning Commission heard this item at its August 24, 2021 meeting and voted to recommend conditional approval of the request (6-0-1).

EXECUTIVE SUMMARY:

The Applicants, McCurter Land Company LLC and Five Star Homes and Development Inc., are requesting vacation of a portion of public right-of-way known as G 1/8 Road in anticipation of future development of the adjacent sites. The existing G 1/8 Road right-of-way was originally dedicated by the Pomona Park subdivision plat in 1900 and further identified on the Powell Estates subdivision plat in 1992 and the Thunderidge Subdivision in 2007. The applicants are requesting the vacation of a 30-foot wide by 286-foot-long portion of this right-of-way (0.19-acres) in anticipation of future residential subdivision development for the Aspen Leaf Estates and Liberty Ranch Subdivisions which are currently in the development review process. The requested vacation is consistent with the City's Comprehensive Plan and Circulation Plan.

BACKGROUND OR DETAILED INFORMATION:

The existing right-of-way for G 1/8 Road was originally dedicated by the Pomona Park subdivision plat in 1900 and further identified on the Powell Estates subdivision plat in 1992 and the Thunderidge Subdivision in 2007. The applicants are currently in the process of subdividing their 5.28 and 24.17-acre parcels of land respectfully into platted subdivisions which are currently in the development review process (City files SUB-

2020-767 & SUB-2021-276) to develop 18 single-family detached lots for Aspen Leaf Estates and 44 single-family detached lots for Filing 1 of Liberty Ranch Subdivision. At this time, the applicants are requesting to vacate a portion of the existing right-of-way of G 1/8 Road that extends over the Grand Valley Canal in anticipation of these new subdivision proposals. With this request, the Applicants are requesting to vacate a 30-foot wide by 286-foot-long portion of this right-of-way (0.19-acres). The remaining portions of the G 1/8 Road right-of-way that extends out to 25 Road to the west and Woody Creek Drive to the east that are not requested to be vacated will remain in place in accordance with the proposed subdivision layouts which identifies and utilizes this existing right-of-way within this area as part of their developments. Outside of the vacation area, at time of subdivision development and future filings, additional right-of-way will be granted for the complete build-out of G 1/8 Road that was/will be approved as a 44' wide right-of-way as identified on the respective subdivision plans, per City standards.

To date, no development has taken place and no utility infrastructure has ever been installed (water, sewer, streets, utilities, etc.) within the existing right-of-way location of G 1/8 Road and the surface is presently vegetation and gravel. Upon future development of the sites, new rights-of-way and/or multi-purpose easements for the proposed development will be dedicated as necessary on a new subdivision plat or by separate instrument.

The Active Transportation Corridor includes a pedestrian trail along the canal that runs through the properties of the applicants and crosses G 1/8 Road in the area requested for vacation. A public pedestrian trail easement will be reserved as part of the request over the vacation area for the trail along the canal in accordance with the Active Transportation Corridor Plan.

NOTIFICATION REQUIREMENTS

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject properties were posted with an application sign on December 28, 2020 and April 28, 2021 respectfully. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards were sent to surrounding property owners within 500 feet of the subject property, as well as neighborhood associations within 1000 feet, on August 13, 2021. The notice of the Planning Commission public hearing was published on August 17, 2021 in the Grand Junction Daily Sentinel.

A Neighborhood Meeting regarding the proposed subdivision developments were held on February 2, 2021 for the Liberty Ranch Subdivision and September 1, 2020 for Aspen Leaf Estates in accordance with Section 21.02.080 (e) of the Zoning and Development Code. No concerns were expressed regarding this right-of-way vacation request since the vacation does not impact any adjacent properties and is currently undeveloped.

ANALYSIS

The criteria for review are set forth in Section 21.02.100 (c) of the Zoning and Development Code. The purpose of this section is to permit the vacation of surplus rights-of-way and/or easements.

(1) The Comprehensive Plan, Grand Junction Circulation Plan and other adopted plans and policies of the City;

The vacation of this portion of right-of-way for G 1/8 Road does not conflict with the Comprehensive Plan, Grand Junction Circulation Plan or other adopted plans and policies of the City. The proposed vacation of right-of-way will have no impact on public facilities or services provided to the general public since to date, the right-of-way is not required for development and no utility infrastructure has ever been installed (water, sewer, streets, utilities, etc.) within the existing right-of-way. Upon future development of the sites, new internal rights-of-way and easements will be required to be granted to the City or other utility agencies as part of the development review process, as applicable. As part of the vacation process, the City will retain a public pedestrian trail easement over the vacation area for the trail along the canal in accordance with the Active Transportation Corridor Plan.

Further, the vacation requests are consistent with the following goals and policies of the Comprehensive Plan:

Plan Principal 3: Responsible and Managed Growth:

Goal 2: Encourage infill and redevelopment to leverage existing infrastructure.

Plan Principal 5: Strong Neighborhoods and Housing Choices:

Goal 1: Promote more opportunities for housing choices that meet the needs of people of all ages, abilities and incomes.

Therefore, staff has found the request to vacate a portion of existing public right-of-way does not conflict with the Comprehensive Plan, Grand Junction Circulation Plan or other adopted plans and policies of the City and therefore this criterion has been met.

(2) No parcel shall be landlocked as a result of the vacation;

The existing dedicated right-of-way for G 1/8 Road in this area has never been developed nor infrastructure installed. As noted, the applicants are currently in the process of subdividing their 5.28 and 24.17-acre parcels of land respectfully into platted subdivisions which are currently in the development review process (City files SUB-2020-767 & SUB-2021-276) to develop 18 single-family detached lots for Aspen Leaf Estates and 44 single-family detached lots for Filing 1 of Liberty Ranch Subdivision. As stated previously, to date, no present development which requires the right-of-way and no utility infrastructure have ever been installed (water, sewer, streets, utilities, etc.)

within the existing right-of-way location of G 1/8 Road. Since this right-of-way has never developed, access to any developed existing residential lot will not be landlocked as a result of the vacation request and thus staff has found this criterion has been met.

(3) Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;

As provided in (2) above, the portion of G 1/8 Road requested to be vacated will not impact access to any parcel and as such, staff finds this criterion has been met.

(4) There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services;

This portion of G 1/8 Road has not been developed or utilities installed. No comments were received from utilities or other service providers that this vacation request would impact any existing utilities, create any adverse impacts, or that facilities or services would be diminished, therefore staff has found that this criterion has been met.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 GJMC; and

This portion of G 1/8 Road has never been developed nor utilities installed. Therefore, neither staff nor utility providers have identified that the requested right-of-way vacation would not inhibit the provision of adequate public facilities and services, therefore staff finds that this criterion has been met.

(6) The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Maintenance requirements for the City will not change as a result of the proposed vacation requests since no right-of-way nor utility infrastructure has ever been installed. With the elimination of this portion of G 1/8 Road, the applicants can make ready for the new subdivision development proposals and develop their properties in accordance with their approved subdivision plans. Upon concurrent development of the site, new rights-of-way and/or multi-purpose easements for the proposed subdivision developments will be dedicated as necessary on a new subdivision plat or by separate instrument. As such, Staff finds that this criterion has been met.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the request to vacate a portion of the right-of-way of G 1/8 Road as set forth in the attached description and sketch, City file number VAC-2021-539, located near 2524 G Road and 716 25 Road, the following findings of fact have been made:

1. The request conforms with Section 21.02.100 (c) of the Zoning and Development

Code.

2. Reservation of Pedestrian/Trail Easement over the vacation area in accordance with the Active Transportation Corridor Plan.

Therefore, the Planning Commission recommends conditional approval of the request.

FISCAL IMPACT:

Average value of property and right-of-way can range broadly. The Applicant submitted an MAI Appraisal Report for Aspen Leaf Estates that consists of 5.28 acres of undeveloped land with an appraised value of \$500,000.00, which would equate to \$2.17 per square foot. The applicant's request to vacate approximately 8,465 square feet of right-of-way would result in the Applicant receiving additional developable land with a value of approximately \$18,396.05.

SUGGESTED MOTION:

I move to introduce an Ordinance vacating a portion of public right-of-way of G 1/8 Road located near 2524 G Road and 716 25 Road and set a public hearing for September 15, 2021.

Attachments

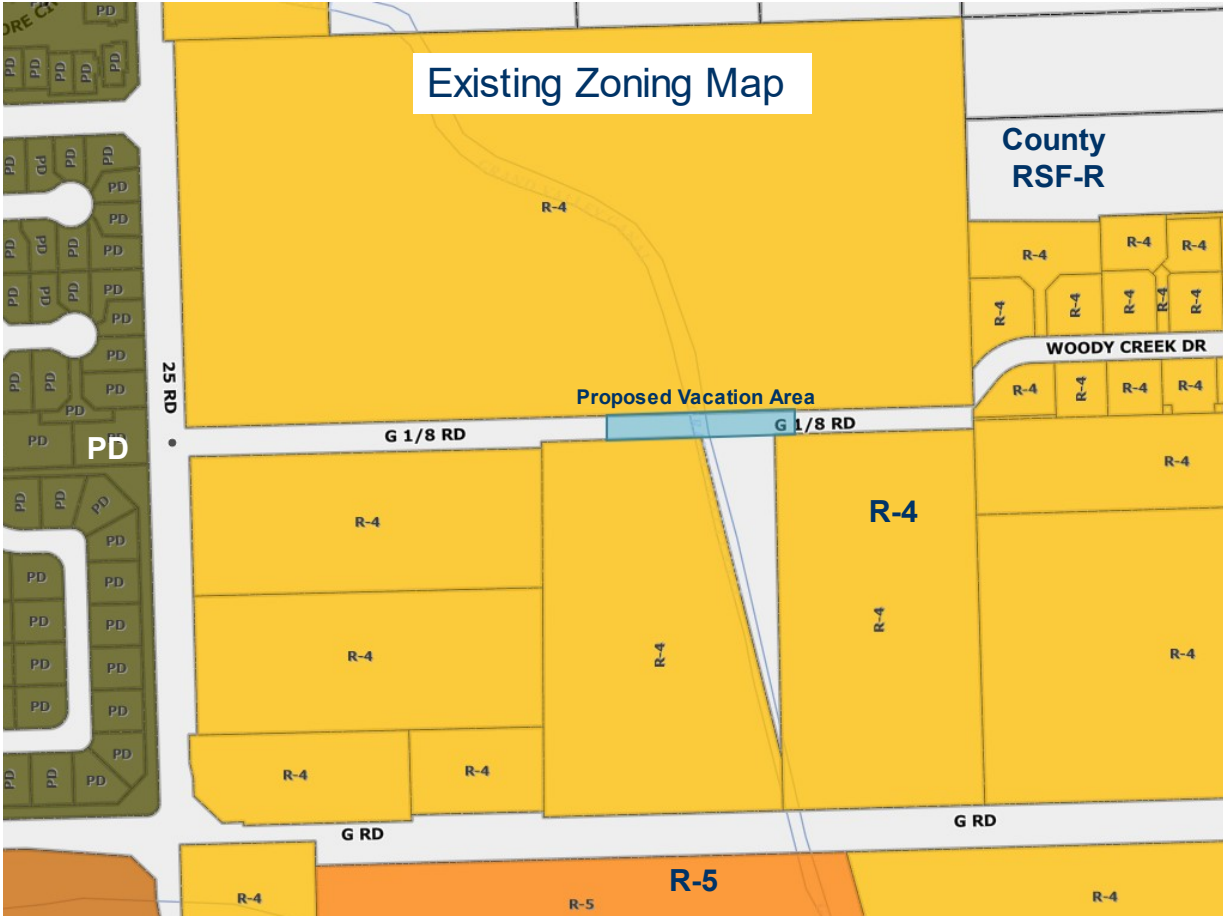
1. Site Location, Aerial and Zoning Maps
2. Vacation Ordinance



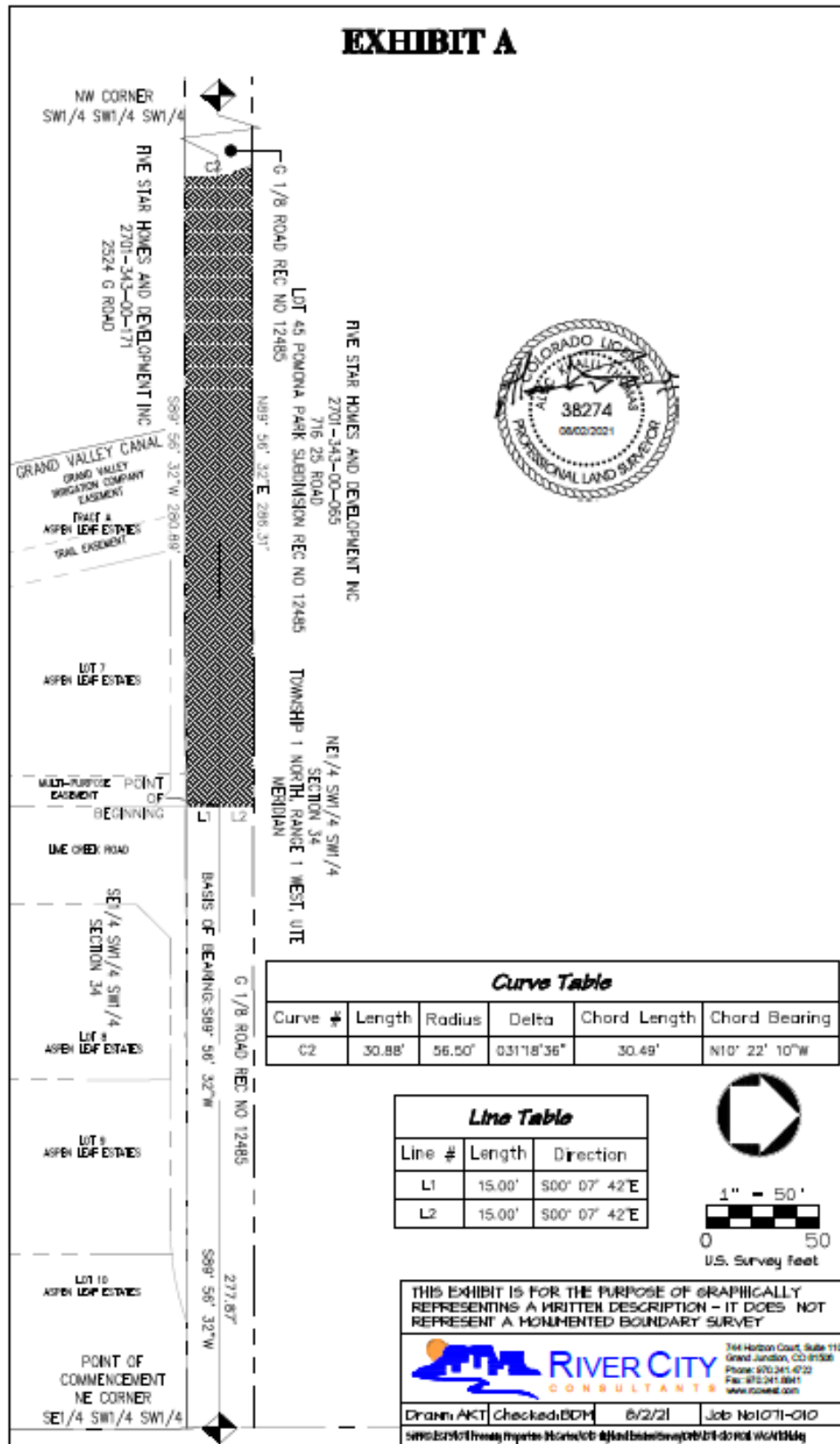


Comprehensive Plan Future Land Use Map





Proposed Vacation Area:



Google Street View of undeveloped G 1/8 Road looking east from 25 Road (Photo dated July, 2019)



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF G 1/8 ROAD RIGHT-OF-WAY

LOCATED NEAR 2524 G ROAD AND 716 25 ROAD

Recitals:

A vacation of a portion of public right-of-way known as G 1/8 Road has been requested by the adjacent property owners, McCurter Land Company LLC and Five Star Homes and Development Inc., in anticipation of future residential subdivision development. The existing G 1/8 Road right-of-way was originally dedicated by the Pomona Park subdivision plat in 1900 and further identified on the Powell Estates subdivision plat in 1992 and the Thunderidge Subdivision in 2007. The portion of G 1/8 Road requested to be vacated has never been constructed and this right-of-way contains no existing utility infrastructure. The Active Transportation Corridor includes a trail along the canal that runs through the properties of the applicants and crosses G 1/8 Road. An easement will be reserved for the trail along the canal for the Active Transportation Corridor. The trail has already been constructed south of 716 25 Road.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, and upon recommendation of conditional approval (reserve and retain a pedestrian/trail easement in the area vacated) by the Planning Commission, the Grand Junction City Council finds that the request to vacate a portion of public right-of-way for G 1/8 Road, is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code with the reservation of the pedestrian/trail easement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING DESCRIBED RIGHT-OF-WAY IS HEREBY VACATED SUBJECT TO THE LISTED CONDITIONS:

A portion of right-of-way as dedicated by Pomona Park as recorded at Reception Number 12485, at the Mesa County Clerk and Recorder, situated in the southwest quarter of the southwest quarter of Section 34, Township 1 North, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said portion being more particularly described as follows:

Commencing at the northeast corner of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter of said Section 34, whence the northwest corner of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of said Section 34 bears South 89°56'32" West with all bearings herein relative thereto,

thence South 89°56'32" West a distance of 277.87 feet to the Point of Beginning,
thence South 00°07'42" East, a distance of 15.00 feet;

thence South 89°56'32" West, a distance of 280.89 feet to a point of cusp on a curve concave to the west having a radius of 56.50 feet and a central angle of 31°18'36" and being subtended by a chord which bears North 10°22'10" West 30.49 feet;

Thence northerly along said curve, a distance of 30.88 feet to a point of cusp;

Thence North 89°56'32" East, a distance of 286.31 feet;

thence South 00°07'42" East, a distance of 15.00 feet to the Point of Beginning,
said parcel containing 8465 square feet or 0.19 acres more or less.

A perpetual easement is reserved and retained by the City in that portion of right-of-way being vacated for the use of the public forever, subject to the rules and regulations of the City, for purposes including but not limited to, constructing, installing, maintaining and repairing a trail and appurtenant facilities and for ingress, egress and access for the public with accompanying pets, if any, for use as pedestrians, and/or with wheelchairs (motorized and non-motorized), bicycles, motorized bicycles (a vehicle having two or three wheels, cylinder capacity not exceeding 50 C.C., and an automatic transmission which does not exceed thirty miles per hour), electric scooters (an electric powered vehicle having two or three wheels and does not exceed thirty miles per hour), and other non-motorized forms of transportation for commuting and recreational purposes.

See Exhibit A attached hereto which depicts the area to be vacated and reserved for the benefit of the public for the trail.

Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any right-of-way/easement documents and/or dedication documents.

Introduced on first reading this _____ day of _____, 2021 and ordered published in pamphlet form.

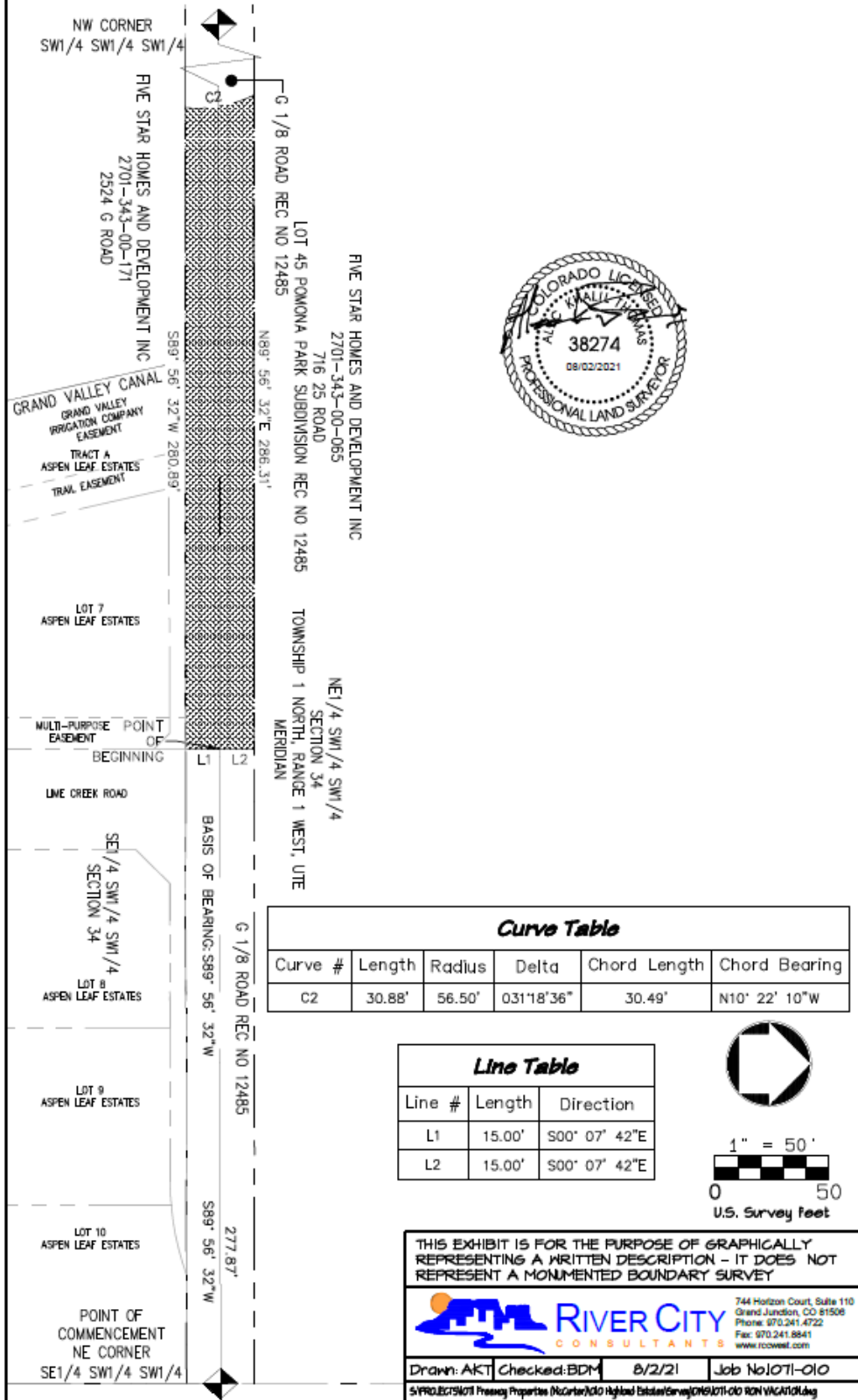
Adopted on second reading this _____ day of _____, 2021 and ordered published in pamphlet form.

ATTEST:

City Clerk

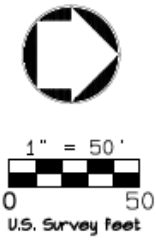
Mayor

EXHIBIT A



Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C2	30.88'	56.50'	031°18'36"	30.49'	N10°22'10"W

Line #	Length	Direction
L1	150.00'	S00°07'42"E
L2	150.00'	S00°07'42"E



THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY

RIVER CITY CONSULTANTS
 744 Horizon Court, Suite 110
 Grand Junction, CO 81506
 Phone: 970.241.4722
 Fax: 970.241.8841
 www.rcwconsult.com

Drawn: AKT Checked: BDM 8/2/21 Job No: J071-010
 S:\PROJECTS\071 Freeway Properties (McCarte)\010 Highway Estates\Survey\071-010 ROW VACATION.dwg



Grand Junction City Council

Regular Session

Item #2.b.iii.

Meeting Date: September 1, 2021
Presented By: Felix Landry, Planning Supervisor
Department: Community Development
Submitted By: Felix Landry AICP, Planning Supervisor

Information

SUBJECT:

Introduction of an Ordinance Rezoning One Parcel Totaling Approximately 13.92 Acres from R-8 (Residential - 8) to M-U (Mixed Use) Located at 600 28 ¼ Road, and Setting a Public Hearing for September 15, 2021

RECOMMENDATION:

After reviewing the Faith Heights Rezone, RZN-2021-427, rezoning one parcel totaling approximately 13.92 acres from R-8 (Residential - 8) to M-U (Mixed Use) located at 600 28 ¼ Road, the following findings of fact have been made:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan;
2. In accordance with Section 21.02.140 of the Grand Junction Zoning and Development Code, one or more of the criteria have been met.

Therefore, the Planning Commission recommends approval of the request.

EXECUTIVE SUMMARY:

The Representative, Kim Kerk Land Consulting and Development, acting on behalf of the property owner, Faith Heights, is requesting the rezone of one parcel totaling approximately 13.92 acres from R-8 (Residential - 8) to M-U (Mixed Use) located at 600 28 ¼ Road.

The requested M-U zone district conforms with the Comprehensive Plan Land Use Map designation of Residential High and Mixed Use.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The proposed rezone comprises one parcel totaling 13.92 acres situated at 600 28 ¼ Road, northeast of the Patterson Road and 28 ¼ Road intersection. The parcel has not been subdivided or developed further since the construction of the church currently occupying the site. To the north resides an Alzheimer's special care facility, and large tracts of undeveloped property with Residential Low and Parks and Open Space comprehensive plan land use designations. Across 28 ¼ Road to the west resides a medical office complex, an apartment complex, and a single-family neighborhood. On the south side of Patterson Road resides Grand Junction Fire Station #2, Mantey Heights Rehabilitation and Care Center, The Retreat at Harbor Cove and a variety of residential neighborhoods.

As indicated, the subject site is currently zoned R-8 and has an existing structure with a church operating within it. In late 2020, the 2020 One Grand Junction Comprehensive Plan was adopted, which classified the subject property as Mixed Use along the Patterson Road frontage, and Residential High along 28 ¼ Road. Implementing zone districts for the Mixed-Use land use classification includes the following zoning districts:

- Residential - 16 (R-16 du/ac)
- Residential - 24 (R-24 du/ac)
- Community Services and Recreation (CSR)
- Residential Office (R-O)
- Neighborhood Business (B-1)
- Downtown Business (B-2)
- Mixed Use (M-U)
- Business Park (B-P)
- Mixed Use Residential (MXR-3, 5, 8)
- Mixed Use General (MXG-3, 5, 8)
- Mixed Use Shopfront (MXG-3, 5, 8)
- Mixed Use Opportunity Corridors (MXOC)

Implementing zone districts for the Residential High land use classification includes the following zoning districts:

- Residential - 16 (R-16 du/ac)
- Residential - 24 (R-24 du/ac)
- Community Services and Recreation (CSR)
- Residential Office (R-O)
- Neighborhood Business (B-1)
- Mixed Use (M-U)
- Mixed Use Residential (MXR-3, 5, 8)
- Mixed Use General (MXG-3, 5, 8)
- Mixed Use Shopfront (MXG-3, 5, 8)

As such, the Comprehensive Plan land use classifications of Mixed Use and Residential High support the rezone request to M-U (Mixed Use).

The Applicant is proposing the rezone to M-U to provide more flexibility of allowed uses

for the site. Currently, the church operates out of a 32,000 sq/ft office building. The current zoning would not allow the building to convert to an office use. The M-U zoning would also allow for a wider range of development opportunities for the rest of the site in the future.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed rezone request was held on May 27th, 2021 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant team and City staff were present. Members of the public attended the meeting and the Applicant team and City Staff discussed the proposal and anticipated timeline of the proposal with the attendees. Attendees brought up a few concerns for discussion primarily regarding traffic impact of the zoning change and future development of the site, potential for increase in crime and transient activity, and about future tenants of the existing structure if the church should move.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on June 30, 2021. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property, as well as neighborhood associations within 1000 feet, on August 13, 2021. The notice of the Planning Commission public hearing was published on August 17, 2021 in the Grand Junction Daily Sentinel.

ANALYSIS

Pursuant to Section 21.02.140 of the Grand Junction Municipal Code, in order to maintain internal consistency between this code and the zoning maps, zoning map amendments must only occur if at least one of the five criteria listed below is met. Staff analysis of the criteria is found below each listed criterion.

(1) Subsequent events have invalidated the original premises and findings; and/or

The 2020 One Grand Junction Comprehensive Plan designates the subject property for Residential High and Mixed-Use land uses. The applicant's requested zoning of M-U facilitates the desired development pattern planned for in the 2020 One Grand Junction Comprehensive Plan. Moreover, the 2020 One Grand Junction Comprehensive Plan does not identify R-8 as a suitable zoning district for the designated land uses. Additionally, the Faith Heights church has developed with a 32,000 sq ft office style building. While use as a church is allowed in R-8, the type of building that has been constructed fits much better in the Mixed Use Zoning District, which also allows churches. If the church were to relocate and vacate the building, the R-8 zoning prohibits many of the potential uses that would typically occupy a 32,000 sq/ft office style building. However, the requested Mixed Use zoning provides much more potential for other uses to occupy the site. Therefore, staff finds that subsequent events have invalidated the original premises and findings.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The development patterns in the surrounding area have largely followed the existing zoning patterns and the Land Use Classification which haven't changed much since the 2010 comprehensive plan. No prior or recent development projects have occurred that staff would characterize as a change of character or condition. The character and condition of the area has not changed in such a manner to alter the consistency of the amendment with the Plan. Therefore, Staff finds that this criterion has not been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

The subject property is within an urbanizing area in the north-central portion of the City of Grand Junction, in the Horizon planning zone. Adequate public and community facilities and services are available and sufficient to serve uses associated with the M-U zone district. The type and scope of land-use allowed within the M-U zone district is similar in character and extent to the existing land-use of many nearby properties, which include 3 story apartments, medical offices, civic uses, as well as other institutional uses. The subject site is currently served by Ute Water, Grand Valley Power (electricity), and Xcel (natural gas).

The site is located within 2/3 of a mile of a Safeway grocery store, and just over a mile from the new City Market at Patterson Road and N 12th Street. Additionally, multi-modal access to the site is sufficient with striped bike lanes along Patterson Road and 28 ¼ Road. Also, Grand Valley Transit (GVT) routes run along Patterson Road with stops within ¼ mile of the site. The application packet was sent out to applicable utility companies for this proposal, and there were no objections expressed during the review process. Based on the provision of adequate public utilities and community facilities to serve the rezone request, staff finds that this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

The 2020 One Grand Junction Comprehensive Plan designates most of the northern frontage along Patterson Road between 28 ¼ Road and 28 ¾ Road for Mixed Use development. However, only 13% of the zoning along the northern frontage of Patterson between 28 ¼ and 28 ¾ Roads allows for Mixed Use development. This request would establish a greater amount of Mixed Use zoning along this section of Patterson Road, which the comprehensive plan calls for. Therefore, staff finds this criterion has been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The current R-8 zone district would not allow for many of the Mixed Use development

patterns the 2020 One Grand Junction Comprehensive Plan calls for. Furthermore, Mixed Use zoning would complement the surrounding development as well as the future development of Matchett Park to the northeast. As such, staff finds this criterion has been met.

The rezone criteria provide the City must also find the request is consistent with the vision, goals, and policies of the Comprehensive Plan. Staff has found the request to be consistent with the following goals and policies of the Comprehensive Plan:

Plan Principle 3.6.b. MIX OF USES Support the creation of a mix of uses as in neighborhood centers (this site is a neighborhood center) and along prominent corridors (such as Patterson Road) that reflect the needs of adjoining residents and the characteristics of individual neighborhoods, including, but not limited to retail, office, entertainment, schools, libraries, parks, recreation amenities, transit facilities, and other amenities.

Plan Principle 3.6.c WALKABLE CENTERS Support the development of walkable community/neighborhood commercial centers that provide a variety of services and amenities to the immediate area, expand housing options, and/or provide live-work opportunities. Centers will vary in size and type but should be located consistent with the Commercial and Industrial Areas Framework Map.

Plan Principle 5.1.c. HOUSING TYPES Promote a variety of housing types that can provide housing options while increasing density in both new and existing neighborhoods, such as duplexes, triplexes, multiplexes, apartments, townhomes, and accessory dwelling units, while maintaining neighborhood character.

FISCAL IMPACT:

There is no direct fiscal impact related to this request.

SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. XXXX, an ordinance rezoning one parcel totaling approximately 13.92 acres from R-8 (Residential - 8 du/ac) to M-U (Mixed Use) located at 600 28 1/4 Road on final passage and order final publication in pamphlet form.

Attachments

1. Exhibit 1 Application Packet
2. Exhibit 2 Neighborhood Meeting Notes
3. Exhibit 3 Maps and Exhibits
4. RZN-2021-427 Comments
5. Exhibit 4 - Proposed Zoning Ordinance



Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For:

Please fill in blanks below **only** for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation	<input type="text" value="Faith Heights Church"/>	Existing Zoning	<input type="text" value="R-8"/>
Proposed Land Use Designation	<input type="text" value="Mixed Use"/>	Proposed Zoning	<input type="text" value="M_U"/>

Property Information

Site Location:	<input type="text" value="600 28 1/4 Rd"/>	Site Acreage:	<input type="text" value="13.92"/>
Site Tax No(s):	<input type="text" value="2943-063-47-003"/>	Site Zoning:	<input type="text" value="R-8"/>
Project Description:	<input type="text" value="This request is to rezone the property from R 8 (R8) to Mixed Use (MU)"/>		

Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

NOTE: Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application	<input type="text" value="John Cappelto"/>	Date	<input type="text" value="5/10/21"/>
Signature of Legal Property Owner	<input type="text" value="John Cappelto"/>	Date	<input type="text" value="5/10/21"/>

Faith Heights Church

Rezone Narrative 600 28 1/4 Rd. Grand Junction, Colorado

Date: June 9th, 2021

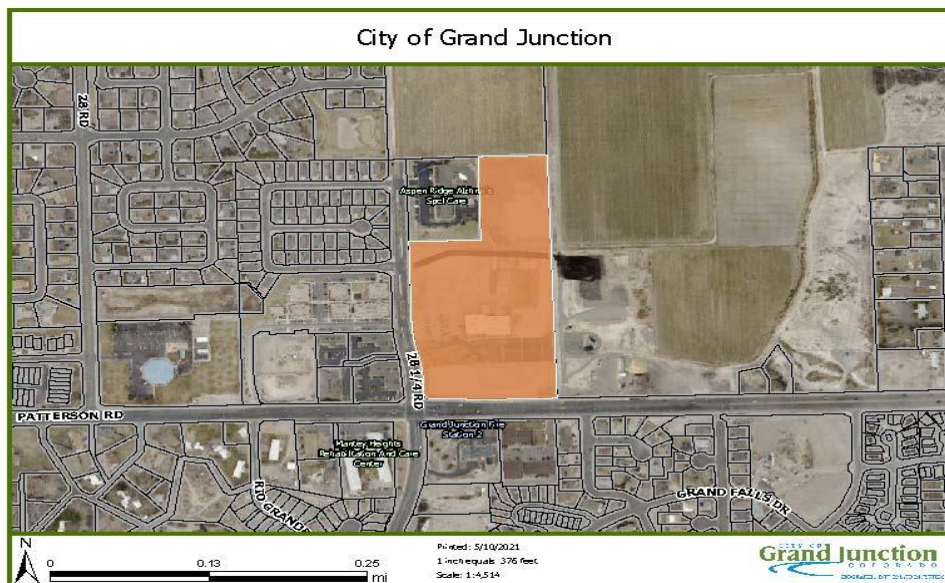
Prepared by: Kim Kerk, PM

Submitted to: City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

Project: Faith Heights Church
Request to Rezone from R-8 (5-8 du/acre) to M-U (Mixed Use)

Property Address: 600 28 ¼ Rd Grand Jct., CO 81501

Tax Schedule No.: #2943-164-00-122



Introduction

Property Locations/Zonings and Legal

This 13.9-acre property is located at the NE corner of the intersection at 28 ¼ Rd. and Patterson Rd. It is located inside the City Limits of Grand Junction, CO. The Parcel # is 2943-063-47-003. Existing City of Grand Junction Zoning is R-8 (Residential 8- 8 units/acre).

The legal description of this site is as follows:

LOT 1 HARVEST SUBDIVISION SEC 6 1S 1E - 13.93AC

Petitioners Intent:

Applicant is requesting to rezone 13.9 acres at 600 28 ¼ Rd. from R-8 (Residential 8- 8 units/acre) to M-U (Mixed Use) Zone District.

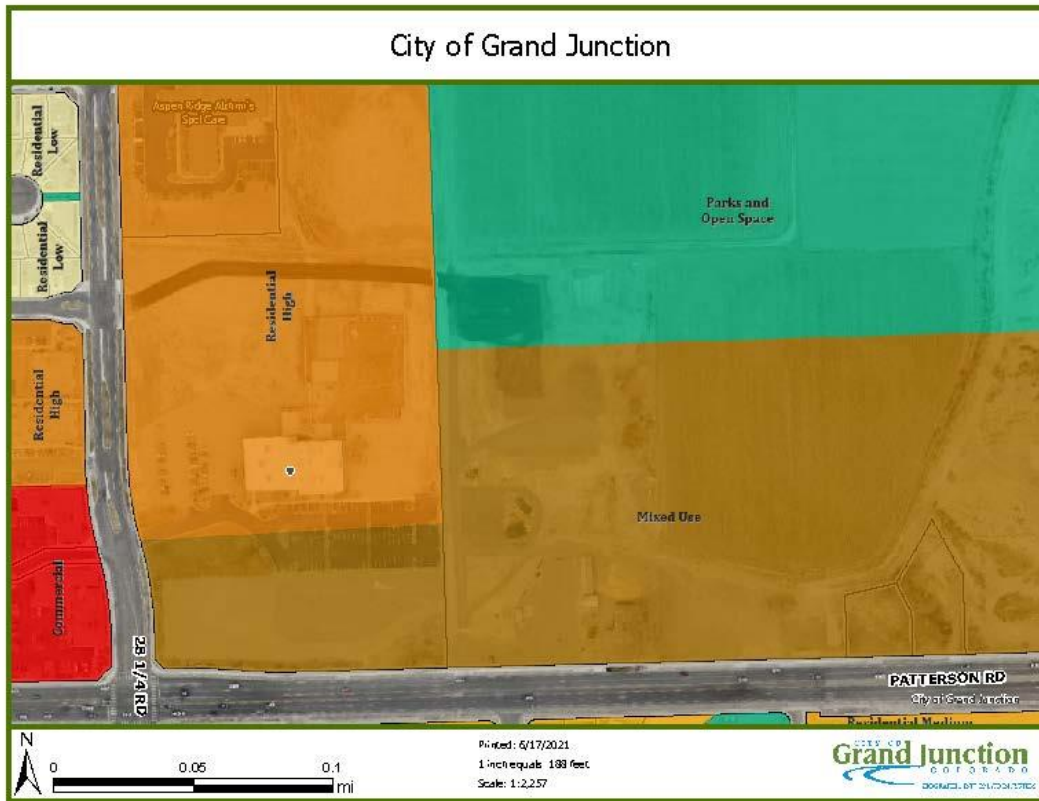
The 2020 Comprehensive Plan Future Land Use Map identifies the front portion of the property as Mixed Use which allows the following commercial zone districts; B-1 (Neighborhood Business), M-U (Mixed Use) or B-P (Business Park). The Mixed-Use Zone District effectively implements the vision of the Comprehensive Plan. (See attached 2020 Comprehensive Plan Map attached).

Mixed Use is the most appropriate designation for the entire property as the range of uses and density includes a wide variety of options from residential, recreational, and business, which are all appropriate to the area, now and in the future. In addition, because the existing Church building is 32,000 SF, the M-U Zone is a more favorable option to avoid any square footage restrictions should the ownership of Faith Heights Church change in the future.

M-U: Mixed Use: Purpose:

To provide for a mix of light manufacturing and office park employment centers, retail, service, and multifamily residential uses with appropriate screening, buffering and open space and enhancement of natural features and other amenities such as trails, shared drainage facilities, and common landscape and streetscape character.

Mixed Use Range of Density: Greater than 8 dwelling units per acre. Land Uses • Primary: commercial, retail, employment, and service-oriented uses, higher density housing. • Secondary: parks, schools, places of worship, other public/institutional uses. Characteristics • Provides opportunities for higher density/intensity of development with a mix of uses along transportation corridors and within districts such as the University District to serve adjacent neighborhoods and the broader community. • Provides residential uses with a range of higher densities and types. • Located in areas within walking distance of services and amenities where pedestrian- and transit-oriented development is desired. Implementing Zone Districts • Residential-16 (R-16 du/ac) • Residential-24 (R-24 du/ac) • Community Services and Recreation (CSR) • Residential Office (R-O) • Neighborhood Business (B-1) • Downtown Business (B-2) • Mixed Use (M-U) • Business Park (B-P) • Mixed Use Residential (MXR-3, 5, 8) • Mixed Use General (MXG-3, 5, 8) • Mixed Use Shopfront (MXS-3, 5, 8) • Mixed Use Opportunity Corridors



2020 Comprehensive Plan Zoning Map

Zoning Review and Criteria: 21.02.140 Code amendment and rezoning

(a) **Approval Criteria.** In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:

- (1) Subsequent events have invalidated the original premises and findings; and/or
- (2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or
- (3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/ or

Adequate public and community facilities and services are available to the property and are adequate to serve land uses associated with the Mixed -Use zone district. City Sanitary Sewer and Ute Water are both presently available. The property is served by Xcel Energy electric and natural gas. Grocery stores, Walmart, etc. are all in close vicinity. Grand Junction Fire Station is directly south of this property on Patterson Rd.

Hence this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

The requested zone district will provide an opportunity for housing and business opportunities within a range of density that is consistent with the Comprehensive Plan to meet the needs of the growing community. This principle is supported and encouraged by the Comprehensive Plan and furthers the plan's goal of promoting a diverse supply of housing types that meet the needs of all ages, abilities, and incomes identified in Plan Principle 5: Strong Neighborhoods and Housing Choice, Chapter 2 of the 2020 One Grand Junction Comprehensive Plan.

Hence this criterion has been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The rezone, should it be approved, creates a benefit for future growth that is specifically identified for this property with the One Grand Junction 2020 Comprehensive Plan. Considering this property has been very underutilized and is centrally located, growth in this area results in a more attractive infill City project.

Hence this criterion has been met.

In summary, the applicant respectfully submits this Rezone Request to Mixed Use to the City of Grand Junction.

Thank you,

Kim Kerk

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) Faith Heights Church ("Entity") is the owner of the following property:

(b) Copy of the Deed is attached.

A copy of the deed(s) evidencing the owner's interest in the property is attached. Any documents conveying any interest in the property to someone else by the owner are also attached.

I am the (c) Manager for the Entity. I have the legal authority to bind the Entity regarding obligations and this property. I have attached the most recent recorded Statement of Authority of the Entity.

My legal authority to bind the Entity both financially and concerning this property is unlimited.

My legal authority to bind the Entity financially and/or concerning this property is limited as follows:

The Entity is the sole owner of the property.

The Entity owns the property with other(s). The other owners of the property are:

On behalf of Entity, I have reviewed the application for the (d) Faith Heights Church

I have the following knowledge or evidence of a possible boundary conflict affecting the property:

(e) _____

I understand the continuing duty of the Entity to inform the City planner of any changes regarding my authority to bin the Entity and/or regarding ownership, easement, right-of-way, encroachment, lienholder and any other interest in th land.

I swear under penalty of perjury that the information in this Ownership Statement is true, complete and correct.

Signature of Entity representative: _____

Printed name of person signing: John and Carla Cappetto

State of Colorado)

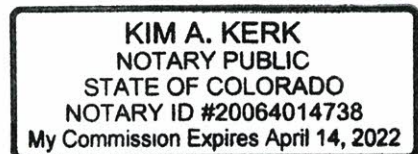
County of Mesa) ss.

Subscribed and sworn to before me on this 2ND day of June, 20 21

by John and Carla Cappetto Faith Heights Church

Witness my hand and seal. _____

My Notary Commission expires on 04/14/2022



2216228 BK 3747 PG 85
09/28/2004 11:41 AM
Janice Ward CLK&REC Mesa County, CO
RecFee \$5.00 SurChs \$1.00
DocFee NO FEE

QUIT CLAIM DEED
(Corrective*)

NO CONSIDERATION

WORLD HARVEST CHURCH, now known as FAITH HEIGHTS, a Colorado non-profit corporation, whose address is 2825 North Avenue, Grand Junction, County of Mesa and State of Colorado, for the consideration of Ten Dollars (\$10.00) and Other Good and Valuable Consideration, in hand paid, hereby sells and quitclaims to FAITH HEIGHTS, a Colorado non-profit corporation, whose address is 2825 North Avenue, Grand Junction, County of Mesa, and State of Colorado (81501), the following real property in the County of Mesa and State of Colorado, to wit:

LOT 1, HARVEST SUBDIVISION;

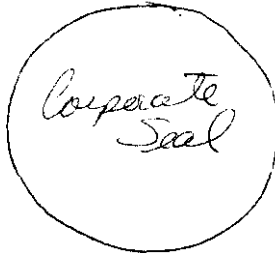
also known as street and number: 2826 F Road, Grand Junction, Colorado 81506;

assessor's schedule or parcel number: 2943-063-47-001;

with all its appurtenances.

Signed this 27th day of September, 2004.

WORLD HARVEST CHURCH, nka FAITH HEIGHTS



BY *John G. Cappelto* President
John G. Cappelto, President

ATTEST:

Carla R. Cappelto Secretary
Carla R. Cappelto, Secretary

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

27th The foregoing instrument was acknowledged before me this day of September, 2004, by JOHN G. CAPPETTO as President and CARLA R. CAPPETTO as Secretary of WORLD HARVEST CHURCH, now known as FAITH HEIGHTS, a Colorado non-profit corporation.



my hand and official seal.

My Commission expires: 8-12-05

Julie Hiltbrand
Notary Public

My Commission Expires 08/12/2005

*To correctly identify grantor and grantee

Faith Heights Neighborhood Meeting Notes:

Date: May 27th, 2021

Location: Faith Heights Church

Proposal: Requesting a rezone on the property of Faith Heights Church.

Currently deciding whether or not to request to change the current zoning of R-8 (Residential) to either the Neighborhood Business (B-1) or the Mixed Use (M-U) designation.

R-8: Residential – 8.

- (1) Purpose. To provide for medium-high density attached and detached dwellings, two-family dwelling and multifamily. R-8 is a transitional district between lower density single-family districts and higher density multifamily or business development. A mix of dwelling types is allowed in this district. (2) Performance Standards.
- (i) For the purpose of calculating density on parcels smaller than five acres, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.
 - (ii) The creation of a two-family dwelling via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling.
 - (iv) The front yard setback shall be a minimum of 20 feet for the garage portion of a principal structure and 15 feet for the remainder of the principal structure.

(b) B-1: Neighborhood Business.

- (1) Purpose. To provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses; a balance of residential and nonresidential uses.
- (2) Performance Standards.
- (i) Parking. Business uses shall be designed and operated so as not to increase on-street parking in front of neighborhood dwellings. On-site parking shall be provided.
 - (ii) Service Entrances. Business service entrances, service yards and loading areas shall be located only in the rear or side yard.
 - (iii) Outdoor Storage and Display. Outdoor storage is prohibited. Outdoor display of retail merchandise is permitted subject to GJMC [21.04.040\(h\)](#).

g) M-U: Mixed Use.

(1) Purpose. To provide for a mix of light manufacturing and office park employment centers, retail, service and multifamily residential uses with appropriate screening, buffering and open space and enhancement of natural features and other amenities such as trails, shared drainage facilities, and common landscape and streetscape character.

(2) Performance Standards. Development shall conform to the standards established in this code.

(i) Refer to any applicable overlay zone district and/or corridor design standards and guidelines.

(ii) Loading/Service Areas. Loading docks and trash or other service areas shall be located only in the side or rear yards.

(iii) Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials. No person shall occupy, maintain or allow any use in an M-U district without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials. Conditional use permits for uses in this district may establish higher standards and conditions.

(A) Vibration. Except during construction or as authorized by the City, an activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted.

(B) Noise. The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.

(C) Glare. Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.

(D) Solid and Liquid Waste. All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.

(E) Hazardous Materials. Information and materials to be used or located on the site whether on a full-time or part-time basis that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including the site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.

(iv) Outdoor Storage and Display. Outdoor storage shall only be located in the rear half of the lot. Permanent display areas may be located beside or behind the principal structure. For lots with double or triple frontage the side and rear yards that are to be used for permanent display areas shall be established with site plan approval. Portable display of retail merchandise may be permitted as provided in Chapter [21.04](#) GJMC.

Meeting Discussion Summary

- Concerns with overall increase in traffic on 28 ¼ rd. with a change of zoning
- Expressed concerns of increased traffic = Increase in crime, transient activity
- Concerns with building and businesses context
 - Discussion about what is being built and how it would impact community and residents in area
 - What businesses are going into the space if sold?
- Ideas for future
 - Potential issues with existing building size for rezone as B1- needs to be MU to meet requirements. 30,000SQFT
 - Existing building is 32000 sq ft

Neighborhood Meeting Sign In Sheet

Date:	May 27th, 2021		
Project Name:	Faith Heights Church		
<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Comments</u>
Charles Jones	pastor@drcmjones.com	985-2771	
WANCY JONES	" " " "	985-2771	
BOOTS WARREN	SPW81506@outlook.com	303 668-5743	
GORDON McFERRAN	gordon700@bresnan.net	970-370-2516	
KAREN Nelson	wancebug@centurylink.net	970-257-7445	
Kristi Beale	kristibeale@bresnan.net	landline (970)434-3969	
J. Perrin			
K. Perrin	Kperrin@coloradomesa.edu	243-7734	
Janet Grant	booenm@gmail.com	2458813	
Diane Lucero		243-9549	
DIETER HEINRICH	PHOTO.TODAY@HEINRICH-CO.COM	970-232-8700	
Jane Hochwalt	city Rep. —————		
Dan H. Buck	dbuck@gjha.org	970-208-9557	
Kim Kerk	kmk355@outlook.com	(970)6406913	
Grace Kelley	gracek355@outlook.com	(406)241-0000	



Adjacent Property Owner
Grand Junction, CO
RE: 600 28 1/4 Rd.
Grand Junction, CO 81506

Dear Property Owner:

The above referenced property will soon be subject of a Rezone Application request(s) with the City of Grand Junction's Community Development Department. Prior to application submittal, a Neighborhood Meeting is to be held to introduce the proposed rezone to area residents, in accordance with the Grand Junction Zoning and Development Code.

The parcel at 600 28 ¼ Road encompasses approximately 13.92 acres, located north of Patterson Road and east of 28 ¼ Road. The current zoning of the property is R-8 (Residential 8 units/acre). The proposed zoning is B-1 (Neighborhood Business) or Mixed Use (M-U). The Comprehensive Plan Land use Map identifies the property as a split between Residential High on the north, and Mixed Use on the south. Both these designations support the request for B-1 (Neighborhood Business) or the Mixed Use (M-U) zoning districts. While the B-1 and M-U Zones are very similar, discussion is still ongoing as to a final decision as to which is the most appropriate.

The Neighborhood Meeting is held to allow the neighborhood an opportunity to see the area to be rezoned and to answer questions about the request. The property owner's representative, Kim Kerk, and a City Planner will attend the meeting to discuss the proposed rezone.

A Neighborhood meeting will be held in-person and in compliance with the City of Grand Junction's Neighborhood Meeting process. The meeting is designed to present information for you to learn more about the proposed project in a safe meeting environment and will be held at **Faith Heights Church on May 27th, 2021 at 5:30pm.**

A Site Location Map below shows the location of the property to be rezoned.

Location:
Faith Heights Church
600 28 1/4 Road Grand Junction, CO 81506

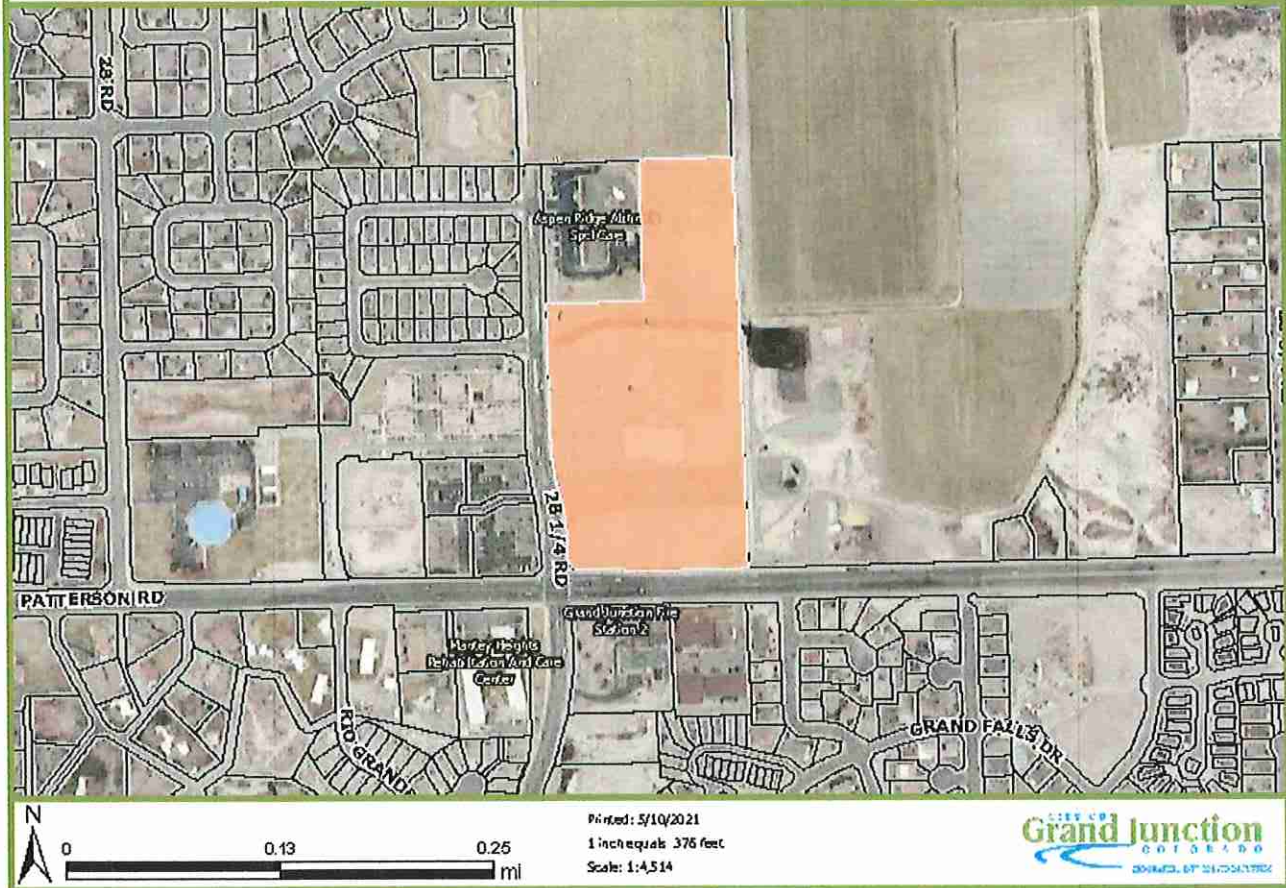
Topic: Rezone
Time: May 27th, 2021 @ 5:30 PM

Please do not hesitate to contact me by phone or email should you have any questions about this project.

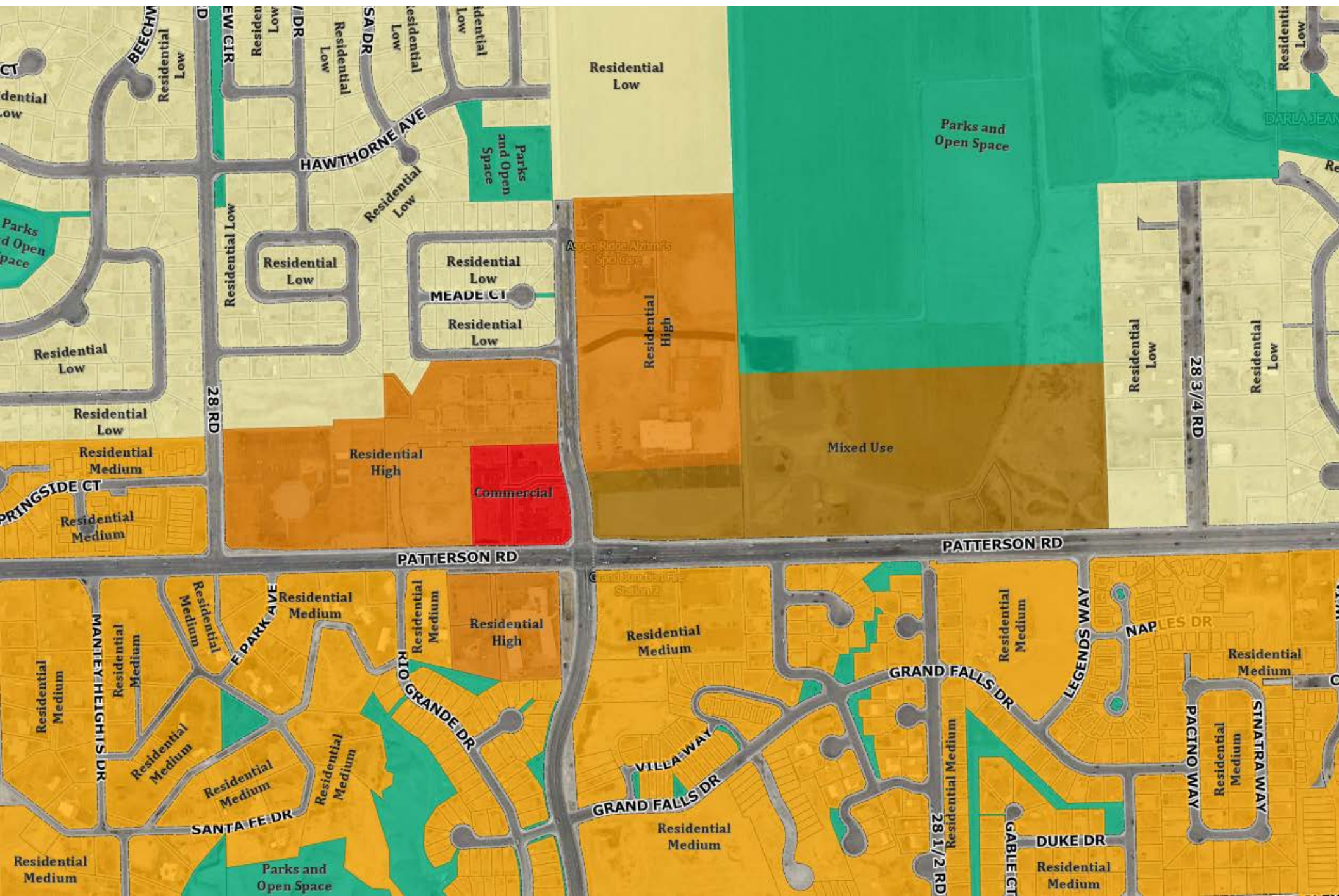
Sincerely,
Kim

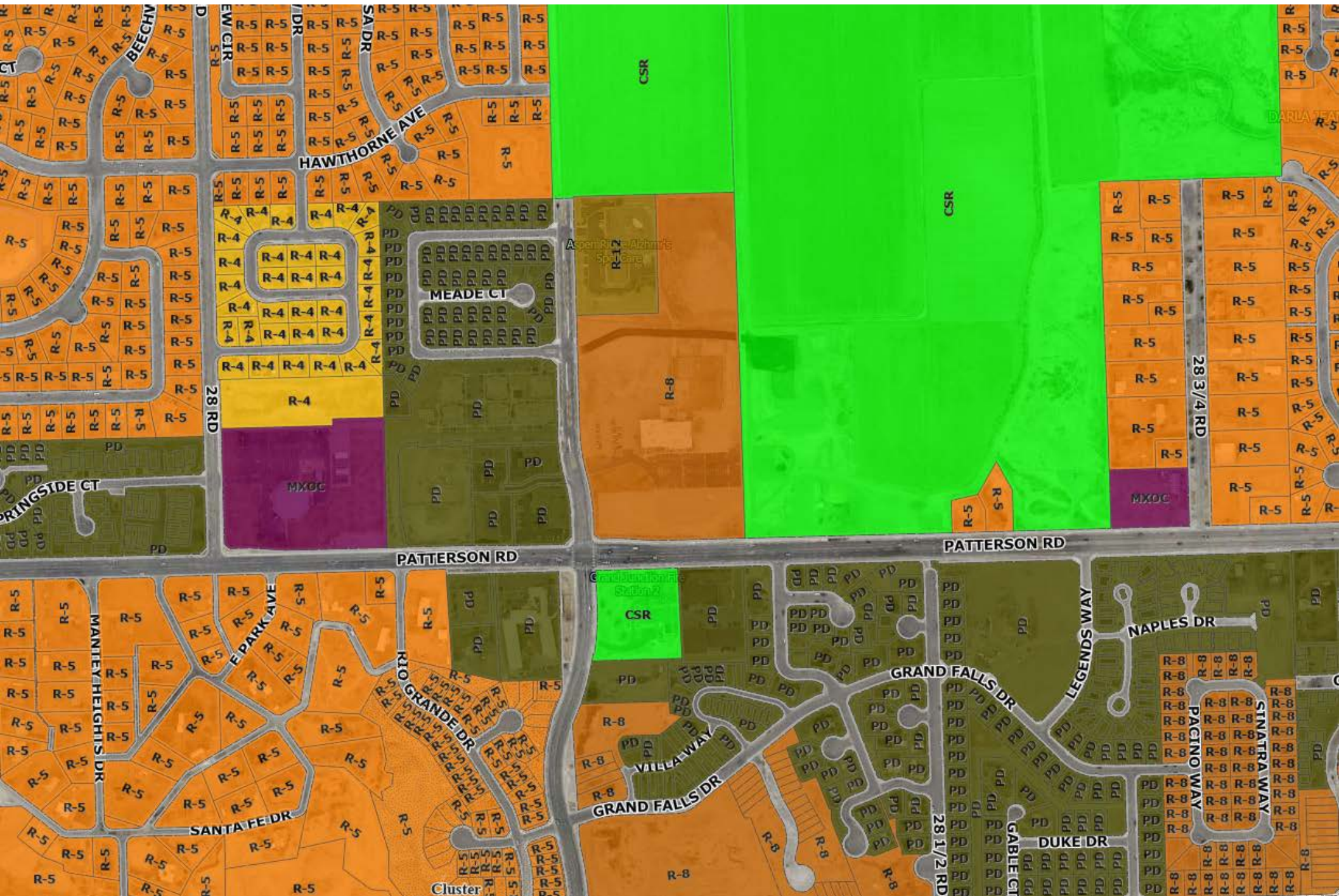
Kim Kerk Land Consulting and Development
kimk355@outlook.com
(970) 640-6913

City of Grand Junction









Comments Against Faith Heights Rezone
RZN-2021-427
600 28 1/4 Road

This property is adjacent to a long term lock down care facility and across 28 1/4 Road from single family and multi-family living areas. The current R-8 zoning is appropriate for this area. Rezoning this area to Mixed use would allow retail, service centers, employment centers, and light manufacturing facilities to be built on this property. None of these types of operations are conducive to single family and multi-family living areas let alone a long term care facility. The area east and north of this property is owned by the City of Grand Junction for development as Matchett Park. Almost all of the allowed facilities are not appropriate for being located next to a family city park.

In addition, all of these types of operations will greatly increase traffic on 28 1/4 Road which is the only access to this property. 28 1/4 Road is a 2 lane street with center medians which is not large enough for the probable increased future traffic flow. With this increased traffic comes the possibility of increased criminal activity due to the proximity of the allowed businesses to the residential areas. Nothing prevents the allowed businesses from being open and operating any hours day or night which only exacerbates the potential criminal activity.

For the reasons stated above, I **STRONGLY** oppose the rezoning of 600 28 1/4 Road to Mixed Use from R-8.

Gordon N. McFerron
Village Park ROA Board of Directors

To: Felix Landry, felixl@gjcity.org Community Development
Andrew Teske, Chair, Planning Commission c/o cityclerk@gjcity.org
Greg Caton, gregc@gjcity.org City Manager
Doug McDaniel, Major chuckmc@gjcity.org
Tamera Allen, comdev@gjcity.org Director Community Development

From: Dieter Heinrich

Subject: RZN-2021-427 Faith Heights Rezoning request located on 600 28 ¼ Road in Grand Junction

Hello Felix,

The purpose of this document is to ask you to ‘withdraw your recommendation to approve’ of the Faith Heights property rezoning application to the Planning Commission. The rezoning is not in compliance with the surrounding areas, as you state in the video; and it is not within the spirit nor letter of the ONE Grand Junction Comprehensive Plan of 2020.

I have read the 123 pages of the ONE GJ Comprehensive Plan 2020, hereafter referred to as ONE GJ Plan 2020 and thank the Community Development, Planning Department, with the support of ‘thousands members of the public’ for creating this document to help guide all who live in this city through a more ‘comprehensive’ process in its growth and development, its sense of community and its pro-active approach to help Grand Junction be all it can be; and perhaps even more.

I have also read the many pages of zoning standards, and it is FUN to read...

My observation and participation in this rezoning of RZN-2021-427, allows me to draw the educated conclusion that the only person benefiting from this rezoning is the owner of the religious property, a person “who dabbled in real estate”.

No one in Grand Junction will benefit from this rezoning, not the City of Grand Junction, certainly not the neighborhood.

The ONE GJ Plan 2020 makes several references that the Plan will benefit *many* in Grand Junction, not just one person.

Your approval recommendation of RZN-2021-427 *cheapens and discounts* the input of “thousands of people” as the City Manager stated, who helped create this document.

This rezoning as an attempt to provide a solution to a problem which does not exist

Yes, every property owner has the right to request a rezoning. However, the reason for ONE GJ Plan 2020 is *not* to use it as a guide to rezone. It is a guide to a comprehensive review

Page 1 of 6

process of standardizing the zoning of properties so that we can see a more pleasing, more effective, more enjoyable view of the results of its efforts.

Meeting the principles of ONE GJ Plan 2020 is not the end result, nor the criteria in any rezoning request and review. The principles of the Plan are a guide to the overall use of all properties within the City of Grand Junction. To cite 'meeting 4 out of 5 the principles is just a false review of the issues of planning. It is an attempt to create a 'sweetheart deal' for the applicant.

Let's think of what will happen if the Planning Commission approves this rezoning request. Every 'Tom, Dick, and Harry' will inundate the Community Development, Planning Department for rezoning their property because it meets the 4 out of 5 principles of the Plan, or it will increase the 'sales value' of their property. From any point of view, that makes the Community Development, Planning Department staff look 'naïve' or worse 'complicit' as an active participant instead of an unbiased expert on zoning of Grand Junction within the spirit and letter of the ONE Grand Junction Comprehensive Plan 2020.

We know that the Community Development, Planning department staff is highly competent in managing the zoning and rezoning requests for the benefit of all members of the Grand Junction community; the ONE Grand Junction Comprehensive Plan 2020 is just one example.

Your recommendation for approval of this rezoning will ruin the beautiful look and feel of Village Park community which includes Village Park Apartments, Village Park Residential Owners Association, and Village Park Medical offices, a community in which 200 plus people call their home.



Residential High
Range of Density

Implementing Zone Districts

- Residential-16 (R-16 du/ac)
- Residential-24 (R-24 du/ac)

Village Park Apartments

Source: ONE GJ Plan 2020

This RZN-2021-427 request must be denied by the City Community Development, Planning Department, the City Planning Commission, and the City Council.

SUMMARY of the Public meeting held at the subject property.



Source: Mesa County Assessors Records

Earlier this year, on May 27, 2021, I attended the public meeting on rezoning 3 acres fronting Patterson Road. All neighbors in attendance were against the rezoning.

This meeting was not well managed, it was disorganized, the owner and his wife sounded like they had financial problems and just wanted to get a 'higher sales value' out of the property. It did not sound like a 'Thursday night 'church' meeting', but rather to quote the owner '...we have a buyer who will buy it if only it is rezoned from R-8, I won't tell you his name....'

Listening to the property owner talk about the history of this subject property, vividly indicates that he intended to change the original zoning of this property from the beginning of time, in 2003, when the owner 'dabbled in real estate'. He further tells us that he sold several acres to the owner of Aspen Ridge Alzheimer's Special Care Center on 622 28 ¼ Road for financial reasons at that time. Today he tells us the same facts, the rezoning is for financial reasons; not to be part of the exiting neighborhood; the owner wants to distance himself from the neighborhood by rezoning.

During this meeting the property owner and his wife were stating and implying all the things they will do "if the rezoning is approved". They talked about the use of the 32,500 sf for medical offices, just as it is across the street of 28 ¼ Road. and we'll build a 'cute little church' behind this building, never did they name the existing building as a 'church or religious facility'... And we might even build our house behind it near Matchett Park....". The owner talked about his son being a police officer in GJ and implied the 'crime' that might come to this area if rezoning is not approved, as it has in other R-8 area.

According to public records, the owner of the property is Faith Heights c/o John Cappetto; Faith Heights is a religious organization.

Why do people, in some cases, leaders in Grand Junction threaten those who ask the tough questions about the specifics of an issue? Is it a 'western slope cultural thing'? Does every vote not count?

What is the purpose of this REZONING?

The ONE GJ Plan 2020 does not speak to this question directly. Is it to bring property more into compliance with ONE GJ Plan 2020; it does not read that way? Through this plan the City of Grand Junction can and should influence human behavior within its boundaries. Downtown Grand Junction is a beautiful example of success.

No one really believes that rezoning the ‘religious property’ from R-8 to MU will be our next ‘downtown’ on Patterson Road, do you? The traffic moving at 40 – 45 mph is likely not going to stop and have a ‘cup of coffee’ or sit outside and listen to the ‘beautiful’ sound of traffic on Patterson Road. Will a gas station on the corner of Patterson Road and 28 ¼ Road help slow down the traffic?

Included are photos as shown in ONE GJ Plan 2020 to give the commission, and the public a sense of MU images among PD, R-8, and R-12 communities. I am reasonably certain that the ‘framers’ of the ONE GJ Plan 2020 did not intend nor envision this stark contrast to ‘peaceful’ living near 28 ¼ Road and Patterson Road. Please deny the RZN-2021-427 rezoning request.



Source: ONE GJ Plan 2020

Mixed Use Areas

Circulation and Access
The corridors should accommo-

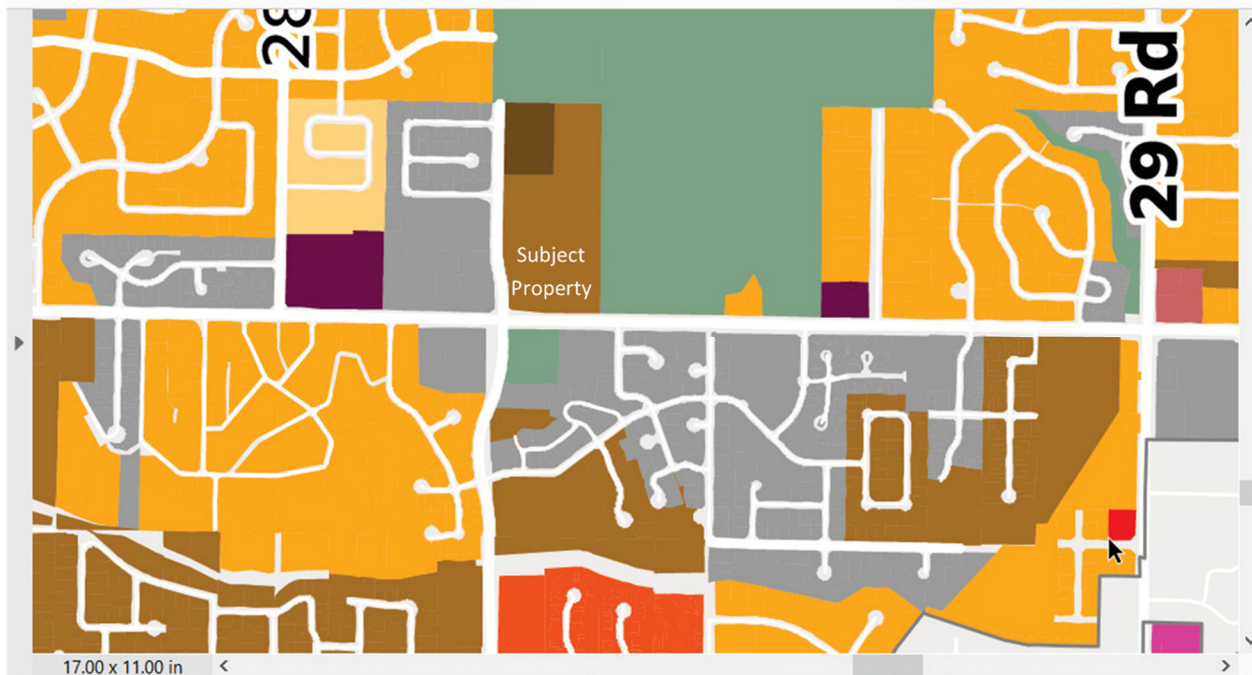
Building Form and Character

Who benefits from this rezoning of an R-8 designation to a MU designation?

Does the ONE GJ Plan 2020 address rezoning for personal gain, but without social, economic or neighborhood improvements? The document states and implies benefits for the ‘many’.

So, who makes that decision, the Community Development Department, Planning Commission? The Planning staff, since they are closely in touch with the guidelines and the persons requesting rezoning.

Current Zoning near subject property



Source: ONE Grand Junction Comprehensive Plan 2020

It is vividly clear that the geographic area near 28 ¼ Road and Patterson Road and within one mile in 360 degrees direction is R-8, PD, R-12, residential, not MU. Please withdraw your recommendation to the Planning Commission to approve the rezoning application of RZN-2021-427. It wreks with favoritism of 'the good old boys' days.

Your recommendation to approve *discounts and detracts* from the vision of ONE Grand Junction Comprehensive Plan 2020.

Respectfully

Dieter Heinrich
One Member of Village Park Residential Owners Association - VPROA

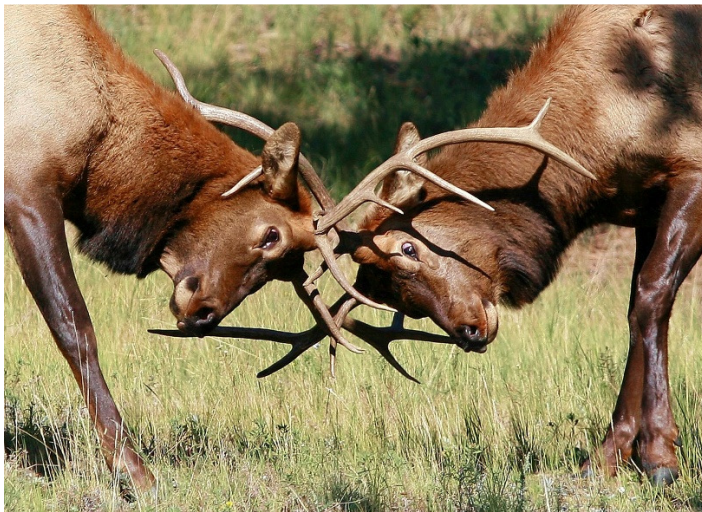
Approach to the future of ONE Grand Junction Comprehensive Plan 2020

Approach 1



Possibilities

Approach 2



Fierce Competitors.

The 'framers of ONE Grand Junction Comprehensive Plan 2020 have chosen Approach 1, Possibilities.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE REZONING ONE PARCEL TOTALING APPROXIMATELY 13.92 ACRES
FROM R-8 (RESIDENTIAL – 8 du/ac) TO M-U
(MIXED USE) LOCATED AT 600 28 ¼ ROAD**

Recitals:

Faith Heights Church (Owner) owns the parcel located at 600 28 ¼ Road totaling approximately 13.92 acres (referred to herein and more fully described below as the “Property”). The Property is designated by the Comprehensive Plan Land Use Map as having Mixed Use and Residential High designations. The Owner proposes that the property be rezoned from R-8 (Residential – 8 du/ac) to M-U (Mixed Use).

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Property to the M-U (Mixed Use) zone district, finding that it conforms to and is consistent with the Comprehensive Plan Land Use designation of Mixed Use and Residential High, the Comprehensive Plan’s goals and policies, and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the M-U (Mixed-Use) zone district is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following property shall be zoned M-U (Mixed Use):

Lot 1 Harvest Subdivision, in Grand Junction, Mesa County, Colorado, as recorded at Reception #2216228 in the records of the Mesa County Clerk and Recorder.

Introduced on first reading this 1st day of September, 2021 and ordered published in pamphlet form.

Adopted on second reading this 15th day of September, 2021 and ordered published in pamphlet form.

ATTEST:

Wanda Winkelmann
City Clerk

C.B. McDaniel
President of City Council/Mayor



Grand Junction City Council

Regular Session

Item #3.a.

Meeting Date: September 1, 2021
Presented By: Trent Prall
Department: Public Works - Engineering
Submitted By: Trent Prall, Public Works Director

Information

SUBJECT:

North Avenue / US6B Enhanced Transit Corridor Study and Construction Project
Memorandum of Agreement Between the City of Grand Junction and Mesa County

RECOMMENDATION:

Authorize the Mayor to sign a Memorandum of Agreement with Mesa County for the North Ave / US6B Enhanced Transit Corridor Study and Construction Project

EXECUTIVE SUMMARY:

North Avenue has served the community as a major arterial since its construction in the mid-1950s. While it has functioned well over the years as a corridor for cars, trucks and freight, it has lacked transit and pedestrian-friendly elements. Senate Bill 267 provided funding for transit related projects. Mesa County Regional Transportation Planning Office has applied for and received \$1.5 million in SB267 pending matching dollars. A 20% match is required. The project is two fold: 1) complete a comprehensive study to identify elements that would transform North Avenue into an Enhanced Transit Corridor and 2) construct selected improvements utilizing the remaining funding. The proposed Memorandum of Understanding with Mesa County defines lines of communications, responsibility for various work items, and the transfer of matching funds from the City to Mesa County.

BACKGROUND OR DETAILED INFORMATION:

North Avenue has served as a major backbone for the City's transportation network since its construction in the mid-1950s. While CDOT constructed roadways, medians and gutters, most of the pedestrian and transit infrastructure has been added haphazardly as adjacent parcels developed.

North Avenue improvements that support transit have been included in long-range plans and policies, such as the The North Avenue Corridor Plan (2007, 2011), the One Grand Junction Comprehensive Plan and the 2045 Regional Transportation Plan (RTP). Although work has been completed by the City of Grand Junction to support these plans, a comprehensive corridor plan has not been developed to facilitate implementation of the plans and policies. Revitalization has occurred in some areas along the corridor, but there are still many areas which need improvements to increase access to transit and rejuvenate North Avenue as an Enhanced Transit Corridor.

The goal of this plan is to expand on the vision for North Avenue that was defined in the previous plans and take the next step to make the needed improvements a reality.

The overarching goal is to make North Avenue an Enhanced Transit Corridor. With this, the goals are:

- To transform North Avenue into a transit-oriented, bikeable, walkable corridor;
- To improve the transit experience through transit enhancements and increased transit frequency;
- To improve safety for pedestrians, cyclists, and transit riders to access residences, businesses and attractions along North Avenue through a range of transportation modes;
- To spur economic development and transit supportive land use through improved access and connections;
- To signal the multimodal purpose of the corridor through intentional design strategies; and,
- To ensure that North Avenue remains amenable to automobiles and freight carriers, which are essential to the vitality of the corridor, while adding features to ensure that North Avenue is also amenable to other modes of transportation.

In 2017, Colorado Senate Bill 267 allocated funds for transportation projects but also mandated 10% be used on transit related infrastructure.

This Enhanced Transit Corridor Study will be used with SB267 Transit funding to begin constructing improvements and to secure and guide any additional funding to improve this corridor. This plan is intended to encompass North Avenue in its entirety, from 1st Street on the west end to I-70B on the east end, with the study area extending ½ mile to the north and south of North Avenue, where connecting streets are integral to the multimodal function of the corridor.

The scope of work for the study requires the consultant to analyze transit enhancements based on pedestrian access, traffic safety, bus stops, transit speed and reliability, signal prioritization. The work also includes development of conceptual design of proposed improvements and estimated costs for the corridor. Public Involvement is a key component to the development of the vision and will include a walk audit, focus group meetings, community meeting, online survey as well as

presentation to the Grand Valley Regional Transportation Commission and the Grand Junction City Council. Based on the above, one section will be selected for investment of the balance of the SB267 dollars. A 30% design of the multimodal path for recommended funded segments of the corridor is also included.

With CDOT's new Greenhouse Gas Pollution Standard proposed for implementation in 2022, many grant opportunities are anticipated for projects that address goals such as: add transit resources, improve pedestrian and bike access, encourage equitable transit oriented development, and improve first and last mile connections to transit. The proposed study will provide the publically vetted master plan and project prioritization to help position the City and the County for those funding opportunities.

FISCAL IMPACT:

Mesa County has agreed to carry the study portion of the project and will invoice the City once in 2021 and once in 2022 and seek reimbursement from CDOT for SB267 transit funds. The City will carry the 2022 portion of the project and will seek reimbursement from CDOT.

	Total Project	2021 Study	2022 Project
Grant funds	1,500,000	150,000	1,350,000
Match %	20%	20%	20%
Match	375,000	37,500	337,500
Total Project	1,875,000	187,500	1,687,500

The total match provided by the City to receive funding is \$375,000 (\$37,500 in 2021 / \$337,500 in 2022). In addition, an "overmatch" is proposed of \$52,000 for the consultant to prepare the Subsurface Utility Engineering (SUE) plans and other environmental documentation that is not reimbursable by the grant, bringing the City's total investment in 2022 to \$389,500.

If City Council approves this action, the \$37,500 required in 2021 for the study will be added to the supplemental appropriation being set for public hearing on September 15, 2021, and the \$389,500 for 2022 will be included in the proposed 2022 Budget.

SUGGESTED MOTION:

I move to (approve/deny) the request for the Mayor to sign the attached Memorandum of Agreement with Mesa County for the North Avenue / US6B Enhanced Transit Corridor Study and Construction Project.

Attachments

1. MOA-North Ave Enhanced Transit Corridor Study

MEMORANDUM OF AGREEMENT
between
The City of Grand Junction and Mesa County, Colorado
for the
North Avenue Enhanced Transit Corridor Study

The parties to this Memorandum of Agreement (“AGREEMENT”) are Mesa County, Colorado, a political subdivision of the State of Colorado, acting through the Board of County Commissioners of Mesa County, Colorado (“COUNTY”), and the City of Grand Junction, Colorado, a Colorado Municipality, acting through the City Council of the City of Grand Junction, Colorado (“CITY”).

I. Introduction

Both the City and the County (“the Parties” or “Parties”) have an interest in improving the multimodal facilities and transit experience on US 6/North Avenue, a Colorado Department of Transportation (CDOT) facility. The Parties recognize that cooperative planning and spending can maximize the community’s resources that are available for improvements and strive to partner on the North Avenue Enhanced Transit Corridor Study (Study) that is funded with CDOT SB267 funds and matched by the CITY.

II. Purpose

The purpose of this AGREEMENT is to establish the lines of communications and responsibility for the various work items necessary to complete this study and improvements. This AGREEMENT also establishes the intention of the CITY to provide matching funds for the Study.

This project has two phases:

Phase 1: North Avenue Enhanced Transit Corridor Study- includes a comprehensive corridor study, public outreach, recommendations of transit enhancements, conceptual design of the multimodal path, and 30% design for recommended improvements that fully utilize the Phase 2 funding amount. Phase 1 includes supplemental services that will be fully paid for by the CITY. All other services are paid 80% CDOT SB 267 transit / 20% City of Grand Junction. The Phase 1 work shall be referred to collectively as “the Study” or “Study” or “Phase 1.”

This study is planned for completion by Summer 2022.

Commented [JS1]: Who performs the study? How selected?

Phase 2: Final design and construction of funded, recommended improvements with remaining SB267 transit funding.

This phase will begin near/at the completion of Phase 1. The City will contract directly with CDOT for this phase and is not part of this MOU.

III. Procedure

- 1) The City will include funds in its 2021/2022 budget for the local match of the Study as shown below:

Project Budget:

	Phase 1	Phase 1 Supplemental Services	
	2021	Overmatch 2022	Total City Match
Grant funds	\$ 150,000		
Match %	20%		
Match	\$37,500	\$48,000	\$87,500
Total Project	\$187,500	\$ 48,000	

Commented [JS2]: ? Supplemental to what?

- 2) The Study will span from Fall 2021-Summer 2022. The Parties agree to carry over and annually appropriate as required by Colorado law unexpended funds for the Project until completion.
- 3) The CITY and COUNTY will co-manage Phase 1 of the Project. A technical team will consist of staff designated respectively by the CITY and the COUNTY (Public Works and the RTPO) and CDOT. Project Manager for the City will be Trent Prall. Project Manager for the RTPO will Dana Brosig. The CITY and COUNTY will perform their respective public relations coordinated through the Project Manager.
- 4) Payments to the consultant selected for Phase 1 will be through the COUNTY RTPO office. The COUNTY RTPO will invoice the CITY once in 2021 and once in 2022 and seek reimbursement from CDOT for SB267 transit funds.

Commented [JS3]: ? Who is this? Capital letters connotes a defined term – the term is not defined or not capitalized.

Commented [TP4R4]:

Commented [JS5]:

Commented [TP6R6]:

Commented [JS7]: Is PR all the Project Manager does?

IV. Administration

- A) Nothing in this AGREEMENT will be construed as limiting or affecting in any way the authority or legal responsibility of the COUNTY and/or the CITY, or as binding either Party to perform beyond the respective authority of each, or as requiring either Party to assume or expend any sum in the excess of appropriations available.
- B) This AGREEMENT shall become effective when signed by the Parties hereto. The Parties may amend the AGREEMENT by mutual written attachment as the need arises. Any Party may terminate this

AGREEMENT after 30 days' notice in writing to the other in the intention to do so and fulfillment of all outstanding legal obligations.

- C) The COUNTY has advertised, received proposals, and will award the Phase 1 work upon recommendation of the Project Management Team. The CITY will separately solicit and contract for Phase 2 which is not part of this AGREEMENT. The COUNTY shall include all the terms and conditions regarding bonding, insurance and indemnification provisions as part of the COUNTY'S contract so that the Project is protected.

Commented [JS8]: ?

Commented [JS9]: Are there "standard terms"? Have those been reviewed and agreed on by the City? Absent knowing what those terms are "Project protection" is indeterminate

In Witness whereof, the Parties herein have caused this document to be executed as of the date of the last signature shown below.

MESA COUNTY

Janet Rowland, Chair
Mesa County Board of Commissioners

ATTEST: Tina Peters, Clerk
Date: _____

Commented [JS10]: ????

CITY OF GRAND JUNCTION

Chuck McDaniel, President of the Council
Grand Junction City Council

ATTEST: Wanda Winkelmann, Clerk
Date: _____



Grand Junction City Council

Regular Session

Item #3.b.

Meeting Date: September 1, 2021
Presented By: Ken Sherbenou, Parks and Recreation Director
Department: Parks and Recreation
Submitted By: Ken Sherbenou

Information

SUBJECT:

Authorizing the Contract Amendment for the Early Release Construction Package for the Lincoln Park Stadium Renovation Project

RECOMMENDATION:

Authorize the City Purchasing Department to execute a contract amendment approving the Early Release Construction Package as presented.

EXECUTIVE SUMMARY:

Lincoln Park Stadium is undergoing major renovation in 2021 and 2022. September 20th is the scheduled start date for construction. The project's architect and engineer team, led by Perkins and Will, has been working diligently with the Construction Manager and General Contractor, Shaw Construction. Working with these two groups, project priorities have been set by the Stadium Improvement Committee, comprised of Grand Junction Baseball (JUCO), Colorado Mesa University (CMU), School District #51 and the City. The resulting plans include significant capital improvement to this cornerstone of the community that School District #51, CMU, JUCO, the GJ Rockies and many other community users rely upon.

Shaw Construction, the project's Construction Manager and General Contractor, worked with the Architect and Engineer Team headed by Perkins and Will, to assemble an early release package for construction. This package involves several critical, time-sensitive items such as bleacher demolition, new foundations and new bleachers on both the Suplizio and Stocker sides of the stadium. These items must be set in motion by the beginning of September to ensure the completion of the renovation in time for the Junior College World Series (JUCO) at Suplizio and the five graduations at Stocker, all happening in May of 2022. Following this early release package, a guaranteed maximum price (GMP) for the entire project will be considered by City Council, likely in late October or early November.

BACKGROUND OR DETAILED INFORMATION:

Currently, the based project plan of \$8 million is funded through the proceeds from the refunding of the Stadium COPs. The annual lease payment for this renovation and previous improvements to the Stadium average \$698,000 per year through 2044. This annual payment is funded by JUCO (\$300,000) and School District #51 (\$100,000) with the City's Conservation Trust Fund revenues funding the remaining amount. As mentioned in the summary, CMU is also a funding partner and it is proposed their contribution be put towards repaying a loan of \$2,500,000 from the General Fund reserve. This would be \$200,000 per year from 2021 to 2032 and then \$100,000 for the year 2033. This would constitute a total contribution from CMU of \$2,500,000, which will be the same as School District #51 at \$100,000 for 25 years.

Descriptions

Base Project: The base project plan is currently estimated at \$8 million. This base project plan includes the demolition, foundations and new grandstands at Suplizio Field and Stocker Stadium. This involves the replacement of the oldest sections of bleachers at Suplizio with 1,000 new chairback seats behind home plate and 3,000 new bleacher seats along the 3rd baseline. All electrical, utilities, asphalt, electrical, cabling and audio/visual elements in this section of the stadium will also be replaced. On the Stocker side, the base project plan includes demo, foundations and new grandstands for the west bleachers, which are the oldest on the Stocker side. New buildings will also be constructed under the new stands, including new men's and women's bathrooms. All utilities, asphalt, electrical, cabling and audio/visual elements in this section of the stadium will also be replaced.

Early Release Construction Package: All elements in the early release package are a part of the base plan. Elements include Suplezio Field Stadium sitework support, earthwork, demolition of existing stands, deep foundations, underground utilities, concrete, waterproofing and foundation insulation, new bleachers and new light poles in the Stocker West bleacher area. The full details on project components and pricing may be found in the enclosed early release packet from Shaw Construction. Shaw Construction was awarded the contract after a formal Request for Proposals was issued earlier this spring.

FISCAL IMPACT:

The early release construction package totals \$4,805,706. The total project budget is estimated at \$8,000,000 and is in the 2021 Adopted Budget. Staff will come back to City Council for approval of the full Guaranteed Maximum Price (GMP) contract once that amount is established in late October or early November.

SUGGESTED MOTION:

I move to approve the contract amendment for the Lincoln Park Stadium Renovation as presented.

Attachments

1. Lincoln Park Complex - DD - Early Authorization Summary and Detail 8 26 21



August 25, 2021

Mr. Ken Sherbenou
Parks and Recreation Director
City of Grand Junction
1340 Gunnison Avenue
Grand Junction, CO 81501

Reference: **Lincoln Park Complex**

Subject: **Early Authorization**

Shaw Construction is pleased to provide the amount for Early Authorization above referenced project. The summary of costs compared to the concept cost model is below. We are requesting an Early Authorization amount not to exceed \$4,805,706.

In general, we are tracking within the current budget for the scope of work items included:

General Scope of Work:

- Demo
- Foundations
- Underground Utilities
- New Bleachers
- New Lightpoles at Stocker West

Early Authorization Budgets			
Lincoln Park Renovations			
	Concept Budget	Early Authorization Budget	Notes
Scope Item A - New Suplizio North Grandstands	\$ 2,872,440	\$ 2,770,466	
- Sitework Support	\$ 160,314	\$ 111,299	
- Demo	\$ 196,230	\$ 395,750	Lead Based Paint Scope Added
- Earthwork	\$ 158,041	\$ 137,763	
- Deep Foundations	\$ 340,323	\$ 302,592	
- Site Utilities	\$ 119,858	\$ 106,470	
- Concrete	\$ 172,604	\$ 221,138	
- Waterproofing and Foundation Insulation	\$ 4,261	\$ 4,546	
- Bleachers	\$ 1,720,809	\$ 1,463,408	
- Allowances	\$ -	\$ 27,500	Weather Protection and Potholing
Scope Item C - New Stoker West Grandstands	\$ 1,905,498	\$ 2,035,238	
- Sitework Support	\$ 105,223	\$ 76,979	
- Demo	\$ 136,072	\$ 291,235	Lead Based Paint Scope Added
- Earthwork	\$ 82,745	\$ 88,134	
- Deep Foundations	\$ 157,786	\$ 142,321	
- Site Utilities	\$ 125,587	\$ 91,679	
- Concrete	\$ 242,367	\$ 278,655	
- Waterproofing and Foundation Insulation	\$ 8,107	\$ 8,648	
- Bleachers	\$ 875,731	\$ 752,657	
- Field Lighting	\$ 171,880	\$ 284,930	New Light Poles Included
- Allowances	\$ -	\$ 20,000	Weather Protection
	\$ 4,777,938	\$ 4,805,704	

Inclusions:

- Lead based paint removal per OSHA standards
- Removal of field netting at Suplizio
- Pressbox demo at Suplizio and Stocker
- Structure demo at Suplizio and Stocker
- Bleacher demo at Suplizio and Stocker. Demo contractor to 'own' bleachers for any scrap metal savings and has factored that savings into their proposal
- Asphalt removal at Suplizio under bleacher footprint and outside of bleacher footprint up to 6" depth
- Concrete removal at Stocker withing bleacher footprint up to 6" depth
- Removal of existing bleacher foundations; assumed to be 6' x 6' x 24" thick
- Over-ex and removal of existing grade for 12" depth Class 6 base course under new 4" depth asphalt location outside of new Suplizio grand stands
- Import/export as needed to make grade under new 3" depth asphalt location inside of new Suplizio grand stands
- Over-ex and removal of existing grade for 6" depth Class 6 base course under new 6" depth concrete location inside of new Stocker grand stands
- Excavation and backfill for new pile caps
- 24" over-excavation at building foundations with structural backfill
- 4" layer of ¾" crushed rock under building Slab on Grades
- Pile caps as shown
- Building mat slabs as shown
- Home plate backstop wall as shown
- 4" concrete paving at home plate backstop location
- 4" SDR35 sewer piping, 4" cleanouts, and tie-in at existing manhole at Stocker
- 2" PureCore water piping at Stocker
- 6" SDR35 storm piping, nyloplast drains, trench drain as shown at Suplizio
- Damproofing and 2" rigid insulation at perimeter of building mat slabs
- 10 mil steggowrap vapor barrier at building mat slab
- Six screw piles with pile cap per each new field light pole (2 total)
- Screw piles included with a bid depth of 45'
- Removal of four existing field light poles on the west side of stocker; foundations to remain
- Two new field lighting poles installed adjacent to new Stocker grand stands – one to the north and one to the south
 - Re-use of existing Metal Halide lamps from the four existing light poles
 - New additional Metal Halide lamps as needed to maintain current light levels


Exclusions:

- Permit Fees
- Concrete / asphalt flatwork at Suplizio
- Any modifications / upgrades to existing primary electrical, low voltage, gas utilities
- Soil stabilization
- Removal and disposal of any hazardous material not unsuitable soils that may be found during construction
- Removal and disposal of any underground obstacles that may be found during construction that are not shown on the drawings
- Restrained joints for utility piping
- Water or sewer piping at Suplizio
- Storm piping at Stocker
- Dewatering
- Rock excavation
- Permanent dewatering systems



- 3rd party soils testing and inspections
- Utility tap / connection fees
- Irrigation systems
- Special drill bits for screw piles
- Add services from the design team for foundation design/coordination of new foundations for two new field lightpole foundations at stocker
- Any scope at northwest and southwest plazas

The following table represents subcontractors solicited for bid for this early authorization package:

		GIJP - Early Authorization Bid Summary			
		Bid Summary Details			
SECTION	ITEM	SUB NAME	SUB NAME	SUB NAME	ANTICIPATED AWARD
02000	Demolition	Pioneer	Norcon	PSI	Pioneer
02200	Deep Foundations	K-LA	Alpine	Site Safe	K-LA
02300	Earthwork / Utilities	CW	Skyline	K&D	CW
03000	Concrete	CUC	Burner	Mays	CUC
13000	Bleachers	SturdiSteel	Southern	BROC	SturdiSteel
16000	Field Lighting	MUSCO			MUSCO



LINCOLN PARK COMPLEX
City of Grand Junction
DD Early Authorization

Project name CMU Baseball Complex
Orchard Avenue
Grand Junction
CO

Labor rate table 1

Report format Sorted by 'Bid Item/Phase'
'Detail' summary
Allocate addons
Print sort level notes
Paginate



LINCOLN PARK COMPLEX
 City of Grand Junction
 DD Early Authorization

Bid Item	Phase	Description	Takeoff Quantity	Total Cost/Unit	Total Amount	Previous Budget/Notes
A		New Suplizio North Grandstands				
002050		SITWORK SUPPORT				
		Barricades and Pedestrian Control	1,000.00 lf	12.00 /lf	12,000	
		Surveying & Layout	35,000.00 sf	0.45 /sf	15,750	
		General Labor and Cleanup	1,500.00 hrs	34.96 /hrs	52,440	
		Conexes for Facilities Equipment - 3 Each	30.00 mo	350.00 /mo	10,500	
		SITWORK SUPPORT		/sf	90,690	
002220		SITE DEMOLITION				
		Site Demolition	35,000.00 ssf	1.75 /ssf	61,250	
		Bleacher Demolition	1.00 ls	137,500.00 /ls	137,500	
		Foundation Demolition	20,000.00 sf	2.50 /sf	50,000	
		Building Demolition	1.00 ls	20,000.00 /ls	20,000	
		MEP Disconnects	1.00 ls	15,000.00 /ls	15,000	
		Lead Paint Removal	1.00 ls	40,000.00 /ls	40,000	
		SITE DEMOLITION		/sf	323,750	
002310		GRADING				
		Rough Grade Site (see Slab Excavation)	* incl	0.00 /incl	0	
		Finish Grade Site	35,000.00 sf	0.45 /sf	15,750	
		GRADING		/sf	15,750	
002320		BUILDING EXCAVATION				
		Excavate Footings	1,000.00 cy	25.00 /cy	25,000	
		Excav Slab	1,000.00 cy	17.00 /cy	17,000	
		Select Under Slab	1,000.00 cy	35.00 /cy	35,000	
		Hand Excavate	80.00 hr	39.63 /hr	3,170	
		Hand Compaction	160.00 hr	39.63 /hr	6,340	
		BUILDING EXCAVATION		/sf	86,510	
002370		EROSION CONTROL				
		Erosion Control - Install & Maintain	1,000.00 lf	6.00 /lf	6,000	
		SWMP Preparation	1.00 ea	1,750.00 /ea	1,750	
		Erosion Control Monitoring	8.00 mo	429.00 /mo	3,432	
		EROSION CONTROL		/sf	11,182	
002470		SPECIAL FOUNDATIONS				
		Helical Foundation Piles - 55' Deep	1.00 ls	247,541.00 /ls	247,541	
		SPECIAL FOUNDATIONS		/sf	247,541	
002505		UTILITIES				
		Utility Demolition / Relocations	1.00 ls	10,000.00 /ls	10,000	
		Water Distribution and Meter Pit	* ex	0.00 /ex	0	
		Water Tie In	* ex	0.00 /ex	0	
		Sanitary Sewer	* ex	0.00 /ex	0	
		Sanitary Sewer - Tie In	* ex	0.00 /ex	0	
		Storm Sewer	1.00 ls	50,000.00 /ls	50,000	
		Storm Sewer - Manholes	2.00 ea	4,800.00 /ea	9,600	
		Storm Sewer - Tie In	1.00 ea	7,500.00 /ea	7,500	
		Electrical Service - Trench/Backfill and Conduit	100.00 lf	50.00 /lf	5,000	
		Tele/Data - Trench/Backfill and Conduit	100.00 lf	50.00 /lf	5,000	
		UTILITIES		/sf	87,100	
003310		CAST-IN-PLACE CONCRETE				
		Pile Cap A & B1	1.00 ls	154,860.00 /ls	154,860	
		Concrete Wall at Backstop	* cy	0.00 /cy	0	
		6" SOG at on Grade Seating	* sf	0.00 /sf	0	
		8" Mat Slab	* sf	0.00 /sf	0	
		Concrete Hoisting Equip.	2.00 mo	6,520.00 /mo	13,040	
		Clean-up	350.00 hr	39.63 /hr	13,869	
		CAST-IN-PLACE CONCRETE		/sf	181,769	
007120		WATERPROOFING				
		Damproofing	500.00 sf	2.50 /sf	1,250	
		WATERPROOFING		/sf	1,250	
007210		BUILDING INSULATION				
		2" Extrud.Polystyrene Foundation	500.00 sf	3.00 /sf	1,500	
		BUILDING INSULATION		/sf	1,500	
007260		VAPOR RETARDERS				

CONFIDENTIAL: The information and data in this report are strictly confidential and are supplied on the understanding that they will be held confidentially and not disclosed to third parties without the prior written consent of Shaw Construction.



LINCOLN PARK COMPLEX
 City of Grand Junction
 DD Early Authorization

Bid Item	Phase	Description	Takeoff Quantity	Total Cost/Unit	Total Amount	Previous Budget/Notes
007260		VAPOR RETARDERS				
		Stegowrap Vapor Barrier	775.00 sf	1.25 /sf	969	
		VAPOR RETARDERS		/sf	969	
013125		GRANDSTANDS/BLEACHERS				
		Grandstand/Bleacher	1.00 ls	1,370,232.00 /ls	1,370,232	
		Remove Netting at Poles	1.00 ls	7,500.00 /ls	7,500	
		GRANDSTANDS/BLEACHERS		/sf	1,377,732	
018005		ALLOWANCES				
		Weather Conditions; Snow Removal, Temp Heat, Tenting, Concrete Admixes, etc.	1.00 ls	20,000.00 /ls	20,000	
		Potholing	1.00 ls	7,500.00 /ls	7,500	
		ALLOWANCES			27,500	
A New Suplizio North Grandstands					2,453,243	



LINCOLN PARK COMPLEX
 City of Grand Junction
 DD Early Authorization

Bid Item	Phase	Description	Takeoff Quantity	Total Cost/Unit	Total Amount	Previous Budget/Notes
C		New Stoker West Grandstands				
002050		SITWORK SUPPORT				
		Barricades and Pedestrian Control	750.00 lf	12.00 /lf	9,000	
		Surveying & Layout	15,000.00 sf	0.45 /sf	6,750	
		General Labor and Cleanup	750.00 hrs	34.96 /hrs	26,220	
		Traffic Control	4.00 mo	5,000.00 /mo	20,000	
		SITWORK SUPPORT		/sf	61,970	
002220		SITE DEMOLITION				
		Site Demolition	15,000.00 ssf	1.75 /ssf	26,250	
		Bleacher Demolition	1.00 ea	98,000.00 /ea	98,000	
		Foundation Demolition	15,000.00 sf	2.50 /sf	37,500	
		Building Demolition	3.00 ea	12,166.67 /ea	36,500	
		MEP Disconnects	1.00 ls	15,000.00 /ls	15,000	
		Lead Paint Removal	1.00 ls	25,000.00 /ls	25,000	
		SITE DEMOLITION		/sf	238,250	
002310		GRADING				
		Rough Grade Site (see Slab Excavation)	* incl	0.00 /incl	0	
		Finish Grade Site	15,000.00 sf	0.45 /sf	6,750	
		GRADING		/sf	6,750	
002320		BUILDING EXCAVATION				
		Excavate Footings	500.00 cy	25.00 /cy	12,500	
		Excav Slab	750.00 cy	17.00 /cy	12,750	
		Select Under Slab	750.00 cy	35.00 /cy	26,250	
		Hand Excavate	40.00 hr	39.63 /hr	1,585	
		Hand Compaction	80.00 hr	39.63 /hr	3,170	
		BUILDING EXCAVATION		/sf	56,255	
002370		EROSION CONTROL				
		Erosion Control - Install & Maintain	1,000.00 lf	6.00 /lf	6,000	
		SWMP Preparation	1.00 ea	1,750.00 /ea	1,750	
		Erosion Control Monitoring	4.00 mo	429.00 /mo	1,716	
		EROSION CONTROL		/sf	9,466	
002470		SPECIAL FOUNDATIONS				
		Helical Foundation Piles - 60" Deep	1.00 ls	116,428.00 /ls	116,428	
		SPECIAL FOUNDATIONS		/sf	116,428	
002505		UTILITIES				
		Utility Demolition / Relocations	1.00 ls	10,000.00 /ls	10,000	
		Water Distribution and Meter Pit	200.00 lf	100.00 /lf	20,000	
		Water Tie In	1.00 ea	7,500.00 /ea	7,500	
		Sanitary Sewer	200.00 lf	100.00 /lf	20,000	
		Sanitary Sewer - Tie In	1.00 ea	7,500.00 /ea	7,500	
		Storm Sewer	* ex	0.00 /ex	0	
		Storm Sewer - Manholes	* ex	0.00 /ex	0	
		Storm Sewer - Tie In	* ex	0.00 /ex	0	
		Electrical Service - Trench/Backfill and Conduit	100.00 lf	50.00 /lf	5,000	
		Tele/Data - Trench/Backfill and Conduit	100.00 lf	50.00 /lf	5,000	
		UTILITIES		/sf	75,000	
002750		CONCRETE PAVING				
		6" Conc Paving	11,500.00 sf	10.00 /sf	115,000	
		New 4" Sidewalk at 12th	1,300.00 sf	6.50 /sf	8,450	
		New C&G at 12th	40.00 lf	30.00 /lf	1,200	
		CONCRETE PAVING		/sf	124,650	
003310		CAST-IN-PLACE CONCRETE				
		Pile Cap A & B1	1.00 ls	77,263.00 /ls	77,263	
		8" Mat Slab	* incl	0.00 /incl	0	
		Concrete Hoisting Equip.	2.00 mo	6,520.00 /mo	13,040	
		Clean-up	350.00 hr	39.63 /hr	13,869	
		CAST-IN-PLACE CONCRETE		/sf	104,172	
007120		WATERPROOFING				
		Damproofing	900.00 sf	2.50 /sf	2,250	
		WATERPROOFING		/sf	2,250	
007210		BUILDING INSULATION				

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LINCOLN PARK COMPLEX
 City of Grand Junction
 DD Early Authorization

Bid Item	Phase	Description	Takeoff Quantity	Total Cost/Unit	Total Amount	Previous Budget/Notes
007210		BUILDING INSULATION				
		2" Extrud.Polystyrene Foundation	900.00 sf	3.00 /sf	2,700	
		BUILDING INSULATION		/sf	2,700	
007260		VAPOR RETARDERS				
		Stegowrap Vapor Barrier	1,700.00 sf	1.25 /sf	2,125	
		VAPOR RETARDERS		/sf	2,125	
013125		GRANDSTANDS/BLEACHERS				
		Grandstand/Bleacher	1.00 ls	709,178.00 /ls	709,178	
		GRANDSTANDS/BLEACHERS		/sf	709,178	
016520		EXTERIOR LIGHT FIXTURES				
		New Light Poles and Metal Halide Lamps	1.00 ls	233,092.00 /ls	233,092	
		EXTERIOR LIGHT FIXTURES		/sf	233,092	
018005		ALLOWANCES				
		Weather Conditions; Snow Removal, Temp Heat, Tenting, Concrete Admixes, etc.	1.00 ls	20,000.00 /ls	20,000	
		ALLOWANCES			20,000	
C New Stoker West Grandstands					1,762,286	



Estimate Totals

Description	Amount	Totals	Rate
	4,215,530	4,215,530	
Material Sales Tax - Exempt			
General Liability - GC's			
Builders Risk - GC's			
Warranty Reserve - w/Fee			
P & P Bond - GC's			
Cloud Technology Services - GC		4,215,530	
RFP		4,215,530	
Construction Contingency	252,932		6.000 %
Design Contingency	337,242		8.000 %
	590,174	4,805,704	
Fee Above \$6.7M			
GL Above \$6.7M			
P & P Bond Above \$6.7M			
		4,805,704	
Total		4,805,704	



Grand Junction City Council

Regular Session

Item #4.a.

Meeting Date: September 1, 2021
Presented By: Doug Shoemaker, Chief of Police
Department: Police
Submitted By: Deputy Chief Michael A. Nordine

Information

SUBJECT:

A Resolution Authorizing the City Manager to Submit a Grant Request to the US Department of Justice (DOJ) FY 2021 Edward Byrne Memorial Justice Assistance Grant (JAG)

RECOMMENDATION:

Authorize the application for the 2021 BJA JAG grant process.

EXECUTIVE SUMMARY:

The Grand Junction Police Department has been solicited by the Bureau of Justice Assistance (BJA) program of the US Department of Justice (DOJ) to apply for an annual, formula grant in the amount of \$42,287. The grant is a joint award that is split evenly between the Grand Junction Police Department and the Mesa County Sheriff's Office (\$21,143.50 each). If awarded, these funds will be used to accomplish critical training initiatives in the areas of use of force/response to resistance, de-escalation, and ethnic and implicit bias.

As part of the application process, the Bureau of Justice Assistance requires that City Council review/authorize receipt of the grant and provide an opportunity for public comment (30 days minimum). Therefore, a public comment opportunity is requested for the purpose of satisfying this requirement.

BACKGROUND OR DETAILED INFORMATION:

Given the ever-evolving climate in which law enforcement now operates, both due to the COVID-19 epidemic and the civil unrest following the tragic death of George Floyd last year, the Grand Junction Police Department continues to focus on training initiatives that will further strengthen our community policing initiatives. Soon to be

entering our third year of the recently passed First Responder Tax within the City of Grand Junction, the number of personnel we are hiring is consistently increasing, and with that increase comes necessary training to ensure we hold ourselves to the standards of excellence we've set for the agency.

With the passage of Senate Bill 217 and other laws passed both this year and last, police departments in Colorado must continue to focus on our need for additional training dollars to assist with training initiatives in use of force/response to resistance, de-escalation, and ethnic and implicit bias training courses. While at the Grand Junction Police Department we already provide training in each of those categories, the additional stipulations required by the State of Colorado (without any funding source) will necessitate us to utilize JAG funds to accomplish this mission to an even greater level that will correspond with our community's expectations.

We expect to facilitate training here in our department with the expectation that more of our officers will be able to participate and that we will be more efficient with funds spent. We anticipate the training to take place in the first year and so we expect funds to be expended in that same time frame.

The Edward Byrne Memorial Justice Assistance Grant (JAG) is an annual formula grant offered through the federal Bureau of Justice Assistance. Based upon population and crime statistics, the BJA awards funds to be used for operational and training needs.

FISCAL IMPACT:

The revenue and expenses for this award are budgeted in the 2021 budget.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 67-21, a resolution authorizing the City Manager to submit a grant request to the Department of Justice for the 2021 Edward Byrne Memorial Justice Assistance Grant.

Attachments

1. Resolution - 2021JAGGrant

RESOLUTION NO. _____

A RESOLUTION SUPPORTING THE APPLICATION FOR THE FY 2021 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FROM THE DEPARTMENT OF JUSTICE (DOJ) BUREAU OF JUSTICE ASSISTANCE PROGRAM (BJA)

Recitals:

City Council has considered and for the reasons stated, authorizes an application for the FY 2021 Edward Byrne Memorial Justice Assistance Grant which will provide financial assistance to the Grand Junction Police Department to conduct trainings in key areas which include use of force/response to resistance, de-escalation, and ethnic and implicit bias.

GJPD has been awarded this grant annually and would like to apply for the current cycle, which requires assurance of community priority. Applications cannot be submitted unless approved by the city council.

This is an annual, non-competitive formula grant which totals \$42,287. 50% of the allocation (\$21,143.50) will be retained by GJPD while the other 50% will be passed to Mesa County Sheriff's Department, as per grant requirements.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

- 1: The City Council of the City of Grand Junction strongly supports the application to the DOJ to obtain funds needed to complete the Project. The City Manager is authorized and directed to work to finalize and timely submit such DOJ BJA grant application.
- 2: If the grant is awarded, the City Council of the City of Grand Junction strongly supports the completion of the Project, and authorizes the City Manager to sign an appropriate grant agreement on behalf of the City as grantee of the DOJ BJA grant.

This Resolution shall be in full force and effect from and after its passage and adoption.

Passed and adopted this ____ day of _____, 2021.

Chuck McDaniel
President, Grand Junction City Council

ATTEST:

Wanda Winkelman
City Clerk



Grand Junction City Council

Regular Session

Item #4.b.

Meeting Date: September 1, 2021
Presented By: Doug Shoemaker, Chief of Police
Department: Police
Submitted By: Deputy Chief Michael A. Nordine

Information

SUBJECT:

A Resolution Authorizing the City Manager to Submit a Grant Request to the State of Colorado Department of Local Affairs (DOLA) FY 2021 – 2022 Gray & Black Market Marijuana Enforcement Grant

RECOMMENDATION:

Adopt a resolution authorizing the City Manager to submit a grant request to the Colorado Department of Local Affairs for the FY 2021/2022 Gray and Black Marijuana Enforcement Grant.

EXECUTIVE SUMMARY:

The Colorado Department of Local Affairs Gray & Black Market Marijuana Enforcement Grant is a formula grant opportunity intended to fund local enforcement efforts involving gray and black marijuana. Past grants have funded equipment, training, and overtime during illegal marijuana investigations. The purpose of this item is to consider an application for the FY 2021 - 2022 grant cycle.

BACKGROUND OR DETAILED INFORMATION:

This is an opportunity to apply for the Colorado Department of Local Affairs Gray and Black Market Marijuana Enforcement grant, which requires assurance of community priority. Applications cannot be submitted unless approved by the city council. The grant has previously been an open process but has since become a formula grant based upon population, number of applications received and total dollars available.

In the FY 2020 - 2021 cycle, the Grand Junction Police Department was awarded \$136,950 out of \$6,000,000 total available dollars. For this year's grant cycle, the Colorado Department of Local Affairs has total funding of \$900,000 available, which is

considerably lower than in recent years. City staff estimates that we will receive an award in the range of \$20,000 - \$30,000 based upon historical allocation percentages of the total funding available. Historically, these grant dollars have been spent on personnel/overtime costs, equipment & supplies, travel, medical expenses related to injury or exposure during a marijuana investigation, and the purchase of information or evidence to be reimbursed to the City of Grand Junction. If funded in this cycle, staff would utilize these dollars towards similar expenditures.

FISCAL IMPACT:

If City Council authorizes the grant application and it is awarded, the spend of the awarded funds will be included in the proposed 2022 Budget.

SUGGESTED MOTION:

Move to (adopt/deny) Resolution No. 68-21, a resolution to authorize the City Manager to submit a grant request to the Department of Local Affairs for the Gray and Black Market Marijuana Enforcement Program.

Attachments

1. Resolution - 2021.2022Gray&BlackMarketMarijuanaGrant

RESOLUTION NO. _____

A RESOLUTION SUPPORTING THE APPLICATION FOR A GRAY & BLACK MARKET MARIJUANA ENFORCEMENT GRANT FROM THE DEPARTMENT OF LOCAL AFFAIRS

Recitals:

City Council has considered and for the reasons stated, authorizes an application for a grant to provide financial assistance to the Grand Junction Police Department for the enforcement of gray and black market marijuana.

GJPD has been awarded this grant numerous times and would like to apply for the Gray and Black Market Marijuana Enforcement grant for the current cycle, which requires assurance of community priority. Applications cannot be submitted unless approved by the city council.

The Colorado Department of Local Affairs has total funding of \$900,000 available (including program operations.) Although it is unknown at this time how much of the total \$9,000,000 the City would be awarded, the fiscal impact of this grant will allow for personnel/overtime costs, equipment & supplies, travel, medical expenses related to injury or exposure during a marijuana investigation, and the purchase of information or evidence to be reimbursed to the City of Grand Junction.

In the last grant period for the Gray and Black Market Marijuana Enforcement Program, City of Grand Junction Police Department was awarded \$136,950 to it as a formula calculation based off of the number of applicants and the population of City of Grand Junction. Staff estimates that this cycle will result in an approximate allocation of \$20,000 - 30,000 in formula grant award to help with the enforcement of illegal marijuana activities.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

- 1: The City Council of the City of Grand Junction strongly supports the application to DOLA to obtain funds needed to complete the Project. The City Manager is authorized and directed to work to finalize and timely submit such DOLA grant application.
- 2: If the grant is awarded, the City Council of the City of Grand Junction strongly supports the completion of the Project, and authorizes the City Manager to sign an appropriate grant agreement on behalf of the City as grantee of the DOLA grant.

This Resolution shall be in full force and effect from and after its passage and adoption.

Passed and adopted this ____ day of _____, 2021.

Chuck McDaniel
President, Grand Junction City Council

ATTEST:

Wanda Winkelman
City Clerk



Grand Junction City Council

Regular Session

Item #4.c.

Meeting Date: September 1, 2021
Presented By: Angela Padalecki
Department: City Manager's Office
Submitted By: Greg LeBlanc, Sr. Asst. to the City Manager

Information

SUBJECT:

A Resolution Authorizing the City Manager to Execute Related Documents and Co-Sponsorship Agreement for an Anticipated Airport Improvement Program Grant

RECOMMENDATION:

Pre-authorize the City Manager to accept an anticipated Airport Improvement Program grant offer between the Federal Aviation Administration, Mesa County, the City of Grand Junction, and the Grand Junction Regional Airport Authority and sign the Co-Sponsorship Agreement between the City of Grand Junction and the Grand Junction Regional Airport Authority and authorize the City Attorney to sign all related documents.

EXECUTIVE SUMMARY:

The Grand Junction Regional Airport Authority board applied for an FAA AIP grant to fund the runway replacement program's grading and drainage construction work. The FAA has indicated that if the Airport is awarded a grant in this fiscal year, it will be in mid-September and the turnaround time for signatures will be extremely short. The FAA has provided a draft AIP grant award that includes the terms of the grant – at this time, only the grant award amount is unknown. The grant application was for up to \$20,000,000 and if the FAA can provide a grant in this fiscal year, there will be no matching requirement to the GJRAA, and the grant will cover 100% of the project costs. To ensure the GJRAA remains positioned to capture any grant funding the FAA has available in this fiscal year, GJRAA is requesting the County and City to pre-authorize the acceptance of an AIP grant award, should it be offered and consistent with the terms of the grant application and the draft grant agreement. This authorization will enable all parties to execute the required documentation within the date range specified in the grant documents. As creators and co-sponsors of the Airport Authority, both the County Commissioners and the City Council must also approve grant awards from the FAA to the Airport Authority.

The grant application was approved by the Airport Board of Commissioners at the August 3, 2021 meeting and the Airport Authority Board of Commissioners pre-authorized the Authority Board Chair to accept the anticipated award at the August 17, 2021 meeting.

BACKGROUND OR DETAILED INFORMATION:

Pursuant to the Title 49, U.S.C., Subtitle VII, Part B, as amended, the Airport Authority has applied for monies from the Federal Aviation Administration (“FAA”), for grading and drainage construction for the runway replacement project, pursuant to the terms set forth in the draft AIP Grant. The FAA has indicated that they intend to award a grant consistent with the grant application pending the identification of funding, provided the City of Grand Junction and Mesa County execute the Grant Agreement as co-sponsors with the Airport Authority. The FAA is insisting that the City and County execute the Grant Agreement as co-sponsors for two primary reasons. First, the City and County have taxing authority, whereas the Airport Authority does not; accordingly, the FAA is insisting that the City and County execute the Grant Agreement so that public entities with taxing authority are liable for the financial commitments required of the Sponsor under the Grant Agreements, should the Airport Authority not be able to satisfy said financial commitments out of the net revenues generated by the operation of the Airport. In addition, the City and County have jurisdiction over the zoning and land use regulations of the real property surrounding the Airport, whereas the Airport Authority does not enjoy such zoning and land use regulatory authority. By their execution of the Grant Agreement, the City and County would be warranting to the FAA that they will take appropriate actions, including the adoption of zoning laws, to restrict the use of land surrounding the Airport to activities and purposes compatible with normal Airport operations.

The City is willing to execute the Grant Agreement, as a co-sponsor, pursuant to the FAA’s request, subject to the terms and conditions of this Supplemental Co-Sponsorship Agreement between the City and Airport Authority.

FISCAL IMPACT:

No direct fiscal impact to the City.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 69-21, a Resolution Authorizing the City Manager to Accept the anticipated Airport Authority Grant Offer.

Attachments

1. 1.1 DRAFT Grant Offer GJT72
2. 1.2 AIP Grant Application - Grading and Drainage Construction
3. 1.3 Co-Sponsorship Agreement-city AIP 72
4. RES-AIP-TBD-2021 082621



U.S. Department
of Transportation
**Federal Aviation
Administration**

Northwest Mountain Region
Colorado · Idaho · Montana · Oregon · Utah
Washington · Wyoming

Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver, CO 80249

{DateTime_es_ :signer1:calc(now()):format(date," mmmm d, yyyy")}}

Mr. Greg Canton, Manager
City of Grand Junction
250 North Fifth Street
Grand Junction, Colorado 81501

Ms. Janet Rowland, Chair
Mesa County Board of Commissioners
544 Rood Avenue
Grand Junction, Colorado 81501

Mr. Thomas Benton, Chair
Grand Junction Regional Airport Authority
800 Eagle Drive
Grand Junction, Colorado 81506

Dear Mr. Canton, Ms. Rowland, and Mr. Benton,

We are transmitting to you for execution the Grant Offer for Airport Improvement Program (AIP) Project No. 3-08-0027-072-2021 at the Grand Junction Regional Airport. Please read this letter and the Grant Offer carefully.

To properly enter into this agreement, you must do the following:

- The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor's authorized representative.
- The grant must be executed no later than September 17, 2021, in order for the grant to be valid.
- The sponsor's authorized representative must execute the grant by providing their electronic signature.
- Once the sponsor's authorized representative has electronically signed the grant, the sponsor's attorney will automatically be sent via email the grant to provide their electronic signature.
- You may not make any modification to the text, terms or conditions of the grant offer.
- Following the attorney's action, the executed grant will be automatically sent to all parties as an attachment to an email.

Subject to the requirements in 2 CFR § 200.305, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System.

The terms and conditions of this agreement require you to complete the project without undue delay. To ensure proper stewardship of Federal funds, **you are expected to submit payment requests for reimbursement of allowable incurred project expenses in accordance with project progress.** Should you fail to make draws on a regular basis, your grant may be placed in “inactive” status, which will affect your ability to receive future grant offers.

Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- A signed/dated SF-270 (non-construction projects) or SF-271 or equivalent (construction projects) and SF-425 annually, due 90 days after the end of each federal fiscal year in which this grant is open (due December 31 of each year this grant is open); and
- Performance Reports, which are due within 30 days of the end of a reporting period as follows:
 1. Non-construction project: Due annually at the end of the Federal fiscal year.
 2. Construction project: Submit FAA form 5370-1, Construction Progress and Inspection Report at the end of each fiscal quarter.

Once the project is completed and all costs are determined, we ask that you close the project without undue delay and submit the final closeout report documentation as required by FAA’s Denver Airports District Office.

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards.

Jesse Lyman is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein. If you should have any questions, please contact Jesse at (303) 342-1262.

We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,

{Sig_es_:signer1: signature}}

John P. Bauer
Manager, Denver Airports District Office

Enclosures



U.S. Department
of Transportation
Federal Aviation
Administration

**FAA Airport Improvement Program (AIP)
GRANT AGREEMENT
Part I - Offer**

Federal Award Offer Date	{{DateTime_es_:_signer1:calc(now()):format(date," mmmm d, yyyy")}}
Airport/Planning Area	Grand Junction Regional Airport
FY2021 AIP Grant Number	3-08-0027-072-2021 [Contract No. DOT-FA21NM-1080]
Unique Entity Identifier	15-613-5394

TO: City of Grand Junction and County of Mesa, Colorado and the Grand Junction Regional Airport Authority
(herein called the "Sponsor") (For Co-Sponsors, list all Co-Sponsor names. The word "Sponsor" in this Grant Agreement also applies to a Co-Sponsor.)

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated August 3, 2021, for a grant of Federal funds for a project at or associated with the Grand Junction Regional Airport, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Grand Junction Regional Airport (herein called the "Project") consisting of the following:

Construct Runway 11/29 (Phase 11 – Grading and Drainage)

which is more fully described in the Project Application.

NOW THEREFORE, Pursuant to and for the purpose of carrying out the FAA Reauthorization Act of 2018 (Public Law Number 115-254); Title 49, United States Code (U.S.C.), Chapters 471 and 475; 49 U.S.C. §§ 40101 et seq., and 48103; the Department of Transportation Appropriations Act, 2021 (Public Law 116-260, Division L), as further amended by the American Rescue Plan Act of 2021 (Public Law 117-2); and the representations contained in the Project Application; and in consideration of: (a) the Sponsor’s adoption and ratification of the Grant Assurances attached hereto; (b) the Sponsor’s acceptance of this Offer; and (c) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurance and conditions as herein provided;

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay 100.00 percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

Assistance Listings Number (Formerly CFDA Number): 20.106

This Offer is made on and SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$XX,XXX,XXX.
 The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):
 \$0 for planning;
 \$XX,XXX,XXX airport development or noise program implementation; and,
 \$0 for land acquisition.
 The source of this Grant includes funding from the Small Airport Fund, in accordance with 49 U.S.C. § 47116.
2. **Grant Performance.** This Grant Agreement is subject to the following Federal award requirements:
 - a. Period of Performance:
 1. Shall start on the date the Sponsor formally accepts this Agreement and is the date signed by the last Sponsor signatory to the Agreement. The end date of the Period of Performance is 4 years (1,460 calendar days) from the date of acceptance. The Period of Performance end date shall not affect, relieve, or reduce Sponsor obligations and assurances that extend beyond the closeout of this Grant Agreement.
 2. Means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions or budget periods. (2 Code of Federal Regulations (CFR) § 200.1).
 - b. Budget Period:
 1. For this Grant is 4 years (1,460 calendar days) and follows the same start and end date as the period of performance provided in Paragraph a.1. Pursuant to 2 CFR § 200.403(h), the Sponsor may charge to the Grant only allowable costs incurred during the Budget Period.
 2. Means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which the Sponsor is authorized to expend the funds awarded, including any funds carried forward or other revisions pursuant to § 200.308.
 - c. Close Out and Termination
 1. Unless the FAA authorizes a written extension, the Sponsor must submit all Grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later than 120 calendar days after the end date of the period of performance. If the Sponsor does not submit all required closeout documentation within this time period, the FAA will proceed to close out the grant within one year of the period of performance end date with the information available at the end of 120 days. (2 CFR § 200.344).

2. The FAA may terminate this Grant, in whole or in part, in accordance with the conditions set forth in 2 CFR § 200.340, or other Federal regulatory or statutory authorities as applicable.
3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
4. **Indirect Costs - Sponsor.** The Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with 49 U.S.C. § 47109, the regulations, policies, and procedures of the Secretary, and any superseding legislation. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this Agreement, 49 U.S.C. Chapters 471 and 475, and the regulations, policies, and procedures of the Secretary of Transportation ("Secretary"). Per 2 CFR § 200.308, the Sponsor agrees to report to the FAA any disengagement from performing the project that exceeds three months or a 25 percent reduction in time devoted to the project, and request prior approval from FAA. The report must include a reason for the project stoppage. The Sponsor also agrees to comply with the grant assurances, which are part of this Agreement.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before September 17, 2021, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner for any project upon which Federal funds have been expended. For the purposes of this Grant Agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this Grant Agreement.
11. **System for Award Management (SAM) Registration and Unique Entity Identifier (UEI).**
 - a. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this

grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).

- b. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit or governmental entity. A UEI may be obtained from SAM.gov at <https://sam.gov/SAM/pages/public/index.jsf>.

12. Electronic Grant Payment(s). Unless otherwise directed by the FAA, the Sponsor must make each payment request under this Agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

13. Informal Letter Amendment of AIP Projects. If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.

The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of Condition No. 1.

The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.

An informal letter amendment has the same force and effect as a formal grant amendment.

14. Air and Water Quality. The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this Grant Agreement.

15. Financial Reporting and Payment Requirements. The Sponsor will comply with all Federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.

16. Buy American. Unless otherwise approved in advance by the FAA, in accordance with 49 U.S.C. § 50101, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract and subcontract awarded under this Grant.

17. Maximum Obligation Increase. In accordance with 49 U.S.C. § 47108(b)(3), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:

- a. May not be increased for a planning project;
- b. May be increased by not more than 15 percent for development projects if funds are available;
- c. May be increased by not more than the greater of the following for a, land project, if funds are available:
 1. 15 percent; or
 2. 25 percent of the total increase in allowable project costs attributable to acquiring an interest in the land.

If the sponsor requests an increase, any eligible increase in funding will be subject to the United States Government share as provided in 49 U.S.C. § 47110, or other superseding legislation if

applicable, for the fiscal year appropriation with which the increase is funded. The FAA is not responsible for the same Federal share provided herein for any amount increased over the initial grant amount. The FAA may adjust the Federal share as applicable through an informal letter of amendment.

18. Audits for Sponsors.

PUBLIC SPONSORS. The Sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Upon request of the FAA, the Sponsor shall provide one copy of the completed audit to the FAA.

19. Suspension or Debarment. When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:

- a. Verify the non-Federal entity is eligible to participate in this Federal program by:
 1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-Federal entity is excluded or disqualified; or
 2. Collecting a certification statement from the non-Federal entity attesting they are not excluded or disqualified from participating; or
 3. Adding a clause or condition to covered transactions attesting individual or firm are not excluded or disqualified from participating.
- b. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. Sub-contracts).
- c. Immediately disclose to the FAA whenever the Sponsor (1) learns they have entered into a covered transaction with an ineligible entity or (2) suspends or debar a contractor, person, or entity.

20. Ban on Texting While Driving.

- a. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- b. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts, and subcontracts funded with this Grant.

21. Trafficking in Persons.

- a. You as the recipient, your employees, subrecipients under this Grant, and subrecipients' employees may not –
 - 1. Engage in severe forms of trafficking in persons during the period of time that the Grant and applicable conditions are in effect;
 - 2. Procure a commercial sex act during the period of time that the Grant and applicable conditions are in effect; or
 - 3. Use forced labor in the performance of the Grant or any subgrants under this Grant.
- b. We as the Federal awarding agency, may unilaterally terminate this Grant, without penalty, if you or a subrecipient that is a private entity –
 - 1. Is determined to have violated a prohibition in paragraph a. of this condition; or
 - 2. Has an employee who is determined by the agency official authorized to terminate the Grant to have violated a prohibition in paragraph a. of this condition through conduct that is either –
 - a. Associated with performance under this Grant; or
 - b. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, “OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 49 CFR Part 29.
- c. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a. of this condition.
- d. Our right to terminate unilaterally that is described in paragraph a. of this condition:
 - 1. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - 2. Is in addition to all other remedies for noncompliance that are available to us under this Grant Agreement.

22. Exhibit “A” Property Map. The Exhibit “A” Property Map dated February 2019, is incorporated herein by reference or is submitted with the project application and made part of this Grant Agreement.

23. Employee Protection from Reprisal.

- a. Prohibition of Reprisals —
 - 1. In accordance with 41 U.S.C. § 4712, an employee of a Sponsor, grantee, subgrantee, contractor, or subcontractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph a.2. below, information that the employee reasonably believes is evidence of:
 - i. Gross mismanagement of a Federal grant;
 - ii. Gross waste of Federal funds;
 - iii. An abuse of authority relating to implementation or use of Federal funds;
 - iv. A substantial and specific danger to public health or safety; or
 - v. A violation of law, rule, or regulation related to a Federal grant.
 - 2. Persons and bodies covered. The persons and bodies to which a disclosure by an employee is covered are as follows:
 - i. A member of Congress or a representative of a committee of Congress;

- ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Federal employee responsible for contract or grant oversight or management at the relevant agency;
 - v. A court or grand jury;
 - vi. A management official or other employee of the Sponsor, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct; or
 - vii. An authorized official of the Department of Justice or other law enforcement agency.
3. Submission of Complaint — A person who believes that they have been subjected to a reprisal prohibited by paragraph a. of this grant term may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
 4. Time Limitation for Submittal of a Complaint — A complaint may not be brought under this condition more than three years after the date on which the alleged reprisal took place.
 5. Required Actions of the Inspector General — Actions, limitations, and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b).
 6. Assumption of Rights to Civil Remedy — Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).
24. **Co-Sponsor.** The Co-Sponsors understand and agree that they jointly and severally adopt and ratify the representations and assurances contained therein and that the word "Sponsor" as used in the application and other assurances is deemed to include all Co-Sponsors.

SPECIAL CONDITION

25. **Co-Sponsorship Agreement.** The FAA in tendering this Grant Offer on behalf of the United States recognizes the existence of a Co-Sponsorship Agreement between the City of Grand Junction and County of Mesa. By acceptance of the Grant Offer, said parties assume their respective obligations as set forth in said Co-Sponsorship Agreement. It is understood and agreed that said Agreement will not be amended, modified, or terminated without prior written approval of the FAA.
26. **Final Project Documentation.** The Sponsor understands and agrees that in accordance with 49 USC 47111, and with the Airport District Office's (ADO) concurrence, that no payments totaling more than 90.0 percent of United States Government's share of the project's estimated allowable cost may be made before the project is determined to be substantially complete. Substantially complete means the following: (1) The project results in a complete, usable unit of work as defined in the grant agreement and (2) The sponsor submits necessary documents showing that the project is substantially complete per the contract requirements, or has a plan (that FAA agrees with) that addresses all elements contained on the punch list. Furthermore, no payments totaling more than 97.5 percent of the United States Government's share of the project's estimated allowable cost may be made until: (1) The sponsor submits all necessary closeout documentation and (2) The sponsor receives final payment notification from the ADO.
27. **Solid Waste Recycling Plan.** The Sponsor certifies that it has a solid waste recycling plan as part of an existing Airport Master Plan, as prescribed by 49 U.S.C. § 47106(a)(6).
28. **Buy American Executive Orders.** The Sponsor agrees to abide by applicable Executive Orders in effect at the time this Grant Agreement is executed, including Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the Grant Assurances, terms, and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.¹

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**

{Sig_es_:signer1: signature}}

(Signature)

John P. Bauer

(Typed Name)

Manager, Denver Airports District Office

(Title of FAA Official)

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the Grant Assurances, terms, and conditions in this Offer and in the Project Application.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.²

Dated **{{DateTime_es :signer2:calc(now()):format(date," mmmm d, yyyy")}}**

GRAND JUNCTION REGIONAL AIRPORT AUTHORITY

(Name of Sponsor)

{{Sig_es :signer2: signature}}

(Signature of Sponsor's Authorized Official)

By: {{N_es :signer2: fullname}}

(Typed Name of Sponsor's Authorized Official)

Title: {{*Ttl_es :signer2: title}}

(Title of Sponsor's Authorized Official)

² Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, **{{N_es :signer3: fullname}}**, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State, the FAA Reauthorization Act of 2018 (Public Law Number 115-254); Title 49 U.S.C., Chapters 471 and 475; 49 U.S.C. §§ 40101, et seq., and 48103; and the Department of Transportation Appropriations Act, 2021 (Public Law 116-260, Division L), as further amended by the American Rescue Plan Act of 2021 (Public Law 117-2). In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.³

Dated at **{{DateTime_es :signer3:calc(now()):format(date," mmmm d, yyyy")}}**

By: **{{Sig_es :signer3: signature}}**

(Signature of Sponsor's Attorney)

³ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the Grant Assurances, terms, and conditions in this Offer and in the Project Application.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.⁴

Dated **{{DateTime_es :signer4:calc(now()):format(date," mmmm d, yyyy")}}**

CITY OF GRAND JUNCTION, COLORADO

(Name of Sponsor)

{{Sig_es :signer4: signature}}

(Signature of Sponsor's Authorized Official)

By: {{N_es :signer4: fullname}}

(Typed Name of Sponsor's Authorized Official)

Title: {{*Ttl_es :signer4: title}}

(Title of Sponsor's Authorized Official)

⁴ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, **{{N_es :signer5: fullname}}**, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State, the FAA Reauthorization Act of 2018 (Public Law Number 115-254); Title 49 U.S.C., Chapters 471 and 475; 49 U.S.C. §§ 40101, et seq., and 48103; and the Department of Transportation Appropriations Act, 2021 (Public Law 116-260, Division L), as further amended by the American Rescue Plan Act of 2021 (Public Law 117-2). In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.⁵

Dated at **{{DateTime_es :signer5:calc(now()):format(date," mmmm d, yyyy")}}**

By: **{{Sig_es :signer5: signature}}**

(Signature of Sponsor's Attorney)

⁵ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the Grant Assurances, terms, and conditions in this Offer and in the Project Application.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.⁶

Dated **{{DateTime_es :signer6:calc(now()):format(date," mmmm d, yyyy")}}**

COUNTY OF MESA, COLORADO

(Name of Sponsor)

{{Sig_es :signer6: signature}}

(Signature of Sponsor's Authorized Official)

By: {{N_es :signer6: fullname}}

(Typed Name of Sponsor's Authorized Official)

Title: {{*Ttl_es :signer6: title}}

(Title of Sponsor's Authorized Official)

⁶ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, **{{N_es :signer7: fullname}}**, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State, the FAA Reauthorization Act of 2018 (Public Law Number 115-254); Title 49 U.S.C., Chapters 471 and 475; 49 U.S.C. §§ 40101, et seq., and 48103; and the Department of Transportation Appropriations Act, 2021 (Public Law 116-260, Division L), as further amended by the American Rescue Plan Act of 2021 (Public Law 117-2). In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.⁷

Dated at **{{DateTime_es :signer7:calc(now()):format(date," mmmm d, yyyy")}}**

By: **{{Sig_es :signer7: signature}}**

(Signature of Sponsor's Attorney)

⁷ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

ASSURANCES

AIRPORT SPONSORS

A. General.

- a. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
- b. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
- c. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

FEDERAL LEGISLATION

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act — 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1 2}
- f. National Historic Preservation Act of 1966 – Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 – Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.¹
- s. Power plant and Industrial Fuel Use Act of 1978 – Section 403- 2 U.S.C. 8373.¹
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- u. Copeland Anti-kickback Act - 18 U.S.C. 874.¹
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.

- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

- a. Executive Order 11246 – Equal Employment Opportunity¹
- b. Executive Order 11990 – Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 – Intergovernmental Review of Federal Programs
- e. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 – Environmental Justice

FEDERAL REGULATIONS

- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].^{4, 5, 6}
- c. 2 CFR Part 1200 – Non-procurement Suspension and Debarment.
- d. 14 CFR Part 13 – Investigative and Enforcement Procedures
- e. 14 CFR Part 16 – Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- f. 14 CFR Part 150 – Airport noise compatibility planning.
- g. 28 CFR Part 35 – Discrimination on the Basis of Disability in State and Local Government Services.
- h. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- i. 29 CFR Part 1 – Procedures for predetermination of wage rates.¹
- j. 29 CFR Part 3 – Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- k. 29 CFR Part 5 – Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- l. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹
- m. 49 CFR Part 18 – Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- n. 49 CFR Part 20 – New restrictions on lobbying.

- o. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- p. 49 CFR Part 23 – Participation by Disadvantage Business Enterprise in Airport Concessions.
- q. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.^{1 2}
- r. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- s. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.¹
- t. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- u. 49 CFR Part 30 – Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- v. 49 CFR Part 32 – Government-wide Requirements for Drug-Free Workplace (Financial Assistance).
- w. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- x. 49 CFR Part 41 – Seismic safety of Federal and federally assisted or regulated new building construction.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

FOOTNOTES TO ASSURANCE C.1.

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- ⁴ On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.

- ⁵ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁶ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. Subject to the FAA Act of 2018, Public Law 115-254, Section 163, it will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States

Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.

- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United

States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.

- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for:
 - 1. Operating the airport's aeronautical facilities whenever required;
 - 2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3. Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and

purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
 - 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.

- i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 - 1. If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.

2. If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
3. Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
- c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, it will keep up to date at all times an airport layout plan of the airport showing:
 1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 3. the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
 4. all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- a. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, if a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.
- b. Applicability
 1. Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
 2. Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
 3. Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.
- c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
2. So long as the sponsor retains ownership or possession of the property.

- d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

“The City of Grand Junction and County of Mesa, Colorado and the Grand Junction Regional Airport Authority, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

- e. Required Contract Provisions.
 - 1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
 - 2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
 - 3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
 - 4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land

will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.

- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

Engineering and Design Services. If any phase of such project has received Federal funds under Chapter 471 subchapter 1 of Title 49 U.S.C., it will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services in the same manner as a contract for architectural and engineering services is negotiated under Chapter 11 of

Title 40 U. S. C., or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out any project funded under an Airport Improvement Program Grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, current FAA Advisory Circulars for AIP projects as of August 3, 2021.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 1. Describes the requests;
 2. Provides an explanation as to why the requests could not be accommodated; and
 3. Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.

Application for Federal Assistance SF-424

* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
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* 3. Date Received: <input type="text"/>	4. Applicant Identifier: <input type="text"/>
---	--

5a. Federal Entity Identifier: <input type="text"/>	5b. Federal Award Identifier: <input type="text"/>
--	---

State Use Only:

6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text"/>
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8. APPLICANT INFORMATION:

* a. Legal Name: <input type="text" value="Grand Junction Regional Airport Authority"/>	
* b. Employer/Taxpayer Identification Number (EIN/TIN): <input type="text" value="84-6111114"/>	* c. Organizational DUNS: <input type="text" value="1561353940000"/>

d. Address:

* Street1: <input type="text" value="2828 Walker Field Dr. Ste 301"/>
Street2: <input type="text"/>
* City: <input type="text" value="Grand Junction"/>
County/Parish: <input type="text" value="Mesa"/>
* State: <input type="text" value="CO: Colorado"/>
Province: <input type="text"/>
* Country: <input type="text" value="USA: UNITED STATES"/>
* Zip / Postal Code: <input type="text" value="81506-8667"/>

e. Organizational Unit:

Department Name: <input type="text"/>	Division Name: <input type="text"/>
---------------------------------------	-------------------------------------

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: <input type="text" value="Ms."/>	* First Name: <input type="text" value="Angela"/>
Middle Name: <input type="text"/>	
* Last Name: <input type="text" value="Padalecki"/>	
Suffix: <input type="text"/>	

Title: <input type="text" value="Executive Director"/>
--

Organizational Affiliation: <input type="text"/>
--

* Telephone Number: <input type="text" value="(970) 248-8588"/>	Fax Number: <input type="text"/>
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* Email: <input type="text" value="apadalecki@gjairport.com"/>
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Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

[Redacted]

Type of Applicant 2: Select Applicant Type:

[Redacted]

Type of Applicant 3: Select Applicant Type:

X: Other (specify)

* Other (specify):

Airport Authority

*** 10. Name of Federal Agency:**

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

*** 12. Funding Opportunity Number:**

N/A

* Title:

N/A

13. Competition Identification Number:

N/A

Title:

[Redacted]

14. Areas Affected by Project (Cities, Counties, States, etc.):

[Redacted]

*** 15. Descriptive Title of Applicant's Project:**

This project will serve to complete the permitting, earthwork, detention, and other drainage elements needed to create initial grading of the future Runway 12-30.

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text" value="20,000,000.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="20,000,000.00"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

a. This application was made available to the State under the Executive Order 12372 Process for review on

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative: 

* Date Signed:



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-100, Application for Federal Assistance (Development and Equipment Projects)

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 28 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200; no assurance of confidentiality is provided. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

INSTRUCTIONS FOR FORM 5100-100

PART I – Application for Federal Assistance

Part I of the Application for Federal Assistance consists of a completed Standard Form (SF) 424. The remaining parts of Form 5100-100 (Parts II, III and IV) represent continuation pages that the Sponsor must attach to the associated SF-424 form. The signature of the Sponsor's authorized representative on the SF-424 form represents acceptance of the representations and certifications made within the corresponding FAA 5100-100 form.

PART II – Project Approval Information

This information is necessary for the Federal Aviation Administration to evaluate this request for Federal assistance. Responses do not require an explanation unless explicitly requested by the question.

SECTION A. STATUTORY CONDITIONS

Item 1 – Indicate whether the Sponsor maintains an active registration in the Federal System for Award Management (SAM). Pursuant to 2 CFR §25.200(b), a Sponsor must maintain an active registration in the Central Contractor Registration repository (housed within SAM) with current information at the time of the application and during the active period of the Federal award.

Item 2 – Indicate whether the Sponsor can commence the project within the same fiscal year the grant is made or within 6 months of when the grant is made, whichever is later. Attach explanation for negative responses. This information is considered when allocating discretionary funds. (49 U.S.C. § 47115(d)(2))

Item 3 – Indicate whether the Sponsor can complete the project without unreasonable delays. If applicable, provide listing of foreseeable events (winter shutdown, land acquisition issues, non-aeronautical events, etc.) that have potential to delay completion of the project. (49 USC § 47106(a))

Item 4 – Indicate whether the environmental review (i.e. environmental assessment, mitigated FONSI, etc.) identified impacts or effects on the environment that require mitigating measures that lessen the impact or effect on the environment. If yes, provide a summary listing of mitigating measures. (49 U.S.C. § 47106(c))

Item 5 – Indicate whether the project covered by this request is also covered by an approved Passenger Facility Charge (PFC) application or other Federal assistance program by selecting all applicable check boxes (49 U.S.C. § 40117(d) and 2 CFR § 200.403). If the approved PFC application only addresses the Sponsor's AIP matching share, select the appropriate check box.

If the project, or portions thereof, is covered by another Federal assistance program, identify the Federal assistance program by name and the Catalog of Federal Domestic Assistance (CFDA) number.

Item 6 – Indicate whether the Sponsor intends to seek reimbursement of Sponsor indirect costs as defined by 2 CFR §200.414 and 2 CFR Appendix VII to Part 200. This information request **does not** include the indirect costs claimed by a for-profit entity (e.g. consultant).

- The de minimis rate may only be used if the Sponsor has not previously received a negotiated Indirect Cost Rata (ICR) and does not exceed the limitations prescribed in Appendix VII to Part 200.
- A Sponsor with an existing approved negotiated ICR must identify the ICR value, the name of the cognizant agency that approved the ICR and the date of approval.

SECTION B. CERTIFICATION REGARDING LOBBYING

This section addresses the Sponsor's declaration regarding lobbying activities. The declaration made in the section are under signature of the authorized representative as identified in box 21 of form SF-424, to which this form is attached.

Title 31 U.S.C. § 1352 establishes that no appropriated funds may be expended by a recipient of a Federal grant to pay any person for influencing or attempting to influence an officer or employee of any agency, Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this covered Federal assistance action. Pursuant to 40 CFR part 20, this certification attests that the Sponsor has not made, and will not make, any payment prohibited payment by 31 U.S.C. § 1352.

SECTION C. REPRESENTATIONS AND CERTIFICATION

1. **Compatible Land Use** (49 U.S.C. § 47107(a)(10)) – Identify actions the Sponsor has taken to assure land uses in close proximity to the airport are compatible with normal airport operations.
2. **Defaults** – Confirm that Sponsor is not in default on any obligation to the United States or any agency of the United States government.
3. **Possible Disabilities** – Confirm that Sponsor has no facts or circumstances (i.e. legal, financial or otherwise) that might adversely affect the Sponsor in completing the project and carrying out the provisions of the associated Grant Assurances.
4. **Consistency with Local Plans** (49 U.S.C. § 47106(a)) – Confirm project is consistent with plans (existing at the time the project is approved) of public agencies authorized by the State in which the airport is located to plan.
5. **Consideration of Local Interests** (49 U.S.C. § 47106(b)) – Confirm the Sponsor has given fair consideration to the community in and near the project.
6. **Consultation with Users** (49 U.S.C. § 47105(a)) - Confirm the Sponsor has consulted with airport users that will be affected by the project.
7. **Public Hearings** (49 U.S.C. § 47106(c)) – For projects involving the location of an airport, runway or major runway extension, confirm the Sponsor:
 - a. Provided an opportunity for a public hearing to consider economic, social and environmental effects of the project.
 - b. Has voting representation from the communities in which the project is located; or has advised the communities that they have the right to petition the Secretary about the proposed project.
8. **Air and Water Quality Standards** - Confirm Sponsor will comply with applicable air and water quality standards.
9. **Exclusive Rights** (49 U.S.C. § 47107(a)) – Identify all instances of exclusive rights to conduct aeronautical services at the airport.
10. **Land (49 U.S.C. § 47106(b))** –
 - a. Identify property interests specific to the development project and/or land acquisition. The declaration of property interest is to be based upon a title opinion submitted by an attorney. When identifying the property interest, use the same parcel numbers as used to identify the property on the associated Exhibit A property map.
Example: “*Sponsor maintains property interest as depicted within the property table on the Exhibit A property map dated __/__/__ originally filed with AIP Project ###.*”
 - b. Complete this subpart if the Sponsor proposes a project for which they have not yet obtained appropriate property interests. Note that the work may not commence until Sponsor obtains acceptable property interests. Identify such property by parcel number that corresponds to the associated Exhibit A property map.
 - c. Complete this subpart when acquiring property interests under the grant. Identify such property by parcel number that corresponds to the associated Exhibit A property map.

PART III – Budget Information

SECTION A. GENERAL

1. Assistance Listing Number - Show the Assistance Listing Number from which the assistance is requested.

2. Functional or Other Breakout: Indicate “Airport Improvement Program”. Prepare a separate set of Part III forms for other Federal program categories.

SECTION B. CALCULATION OF FEDERAL GRANT

When applying for a new grant, use the Total Amount Column only. Use all columns when requesting revisions of previously awarded amounts.

Line 1 - Enter amounts needed for administration expenses, which may include such items as: legal fees, mailing/shipping expenses, audit fees and documented Sponsor employee time that is necessary to administer the grant.

Line 2 - Enter amounts pertaining to allowable preliminary expenses. These include such expenses as independent fee estimate preparation, advertising expenses and permits.

Line 3 - Enter amounts directly associated with the acquisition of land, existing structures, and related right-of-way.

Line 4 - Enter fees for architectural engineering basic services.

Line 5 - Enter amounts for architectural engineering special services (e.g. surveys, tests and borings).

Line 6 - Enter fees for inspection, testing and monitoring of construction and related programs.

Line 7 - Enter amounts associated with the development of land where the primary purpose of the grant is land improvement. Site work normally associated with major construction should be excluded from this category and shown on line 11.

Line 8 - Enter the dollar amounts needed to provide relocation advisory assistance, and the net amounts for replacement (last resort) housing. Do not include relocation administration expenses on this Line; include them on Line 1.

Line 9 - Enter the estimated amount of relocation payments to be made to displaced persons, business concerns, and non-profit organizations for moving expenses and replacement housing.

Line 10 - Enter the cost of demolition or removal of improvements on developed land. Reduce the costs on this line by the amount of expected proceeds from the sale of salvage, if so instructed by the Federal grantor agency. Otherwise, show the proceeds on Line 15.

Line 11 - Enter amounts for the actual construction of, addition to or restoration of a facility. Include in this category the amounts of project improvements such as grading, drainage, paving, marking, lighting, buildings, seeding/sodding, etc.

Line 12 - Enter amounts for equipment. Examples include ARFF vehicles, SRE equipment, AWOS equipment, interactive training, NAVAID equipment, etc.)

Line 13 - Enter miscellaneous amounts for items not specifically covered by previous categories.

Line 14 - Enter the sum of Lines 1-13.

Line 15 - Enter the estimated amount of program income that will be earned during the grant period and applied to the program. Examples include vehicle trade-in value, sale of millings resulting from project, credits passed on from contractor, etc. This line may be used to indicate applied liquidated damages.

Line 16 - Enter the difference between Line 14 and Line 15.

Line 17 - Enter the aggregate amount for those items, which are a part of the project but not subject to Federal participation. Refer to Section C, exclusions.

Line 18 - Enter the subtotal sum of Lines 16 and 17. (This is the amount to which the matching share ratio prescribed in program legislation is applied.)

Line 19 - Indicate the total amount of the Federal assistance requested. This value is determined by multiplying the grant participation rate by the amount indicated in line 18.

Line 20 - Indicate the amount of the Grantee's share (from Section D).

Line 21 - Indicate the amount of other shares (from Section D)

Line 22 - Indicate sum of Lines 19, 20 and 21.

SECTION C. EXCLUSIONS

Line 23 a-g - Identify and list those costs which are part of the project cost but are not subject to Federal participation because of program legislation or Federal grantor agency instructions. The total amount on Line g should agree with the amount shown on Line 17 of Section B.

SECTION D. PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE

Line 24 a-g - Show the source of the grantee's share. If cash is not immediately available, specify the actions completed to date and those actions remaining to make cash available under Section E - Remarks. Indicate also the period of time that will be required after execution of the grant agreement to obtain the funds. If there is a non-cash contribution, explain what this contribution will consist of.

Line 24h - Indicate total of Lines 24 a-g. This amount must equal the amount in Section B, Line 20.

Line 25a - Show the amount that will be contributed by a State or state agency, only if the applicant is not a State or state agency. If there is a non-cash or other contribution, explain what the contribution will consist of under Section E - Remarks.

Line 25b - Show the amount that will be contributed from other sources. If there is a non-cash contribution, explain what the contribution will consist of under Section E - Remarks.

Line 25c - Show the total of Lines 25a and 25b. This amount must be the same as the amount shown in Section B, Line 21.

Line 26 - Enter the totals of Lines 24h and 25c.

SECTION E. OTHER REMARKS

Make any remarks pertinent to the project and provide any other information required by these instructions or the grantor agency. Attach additional sheets, if necessary.

PART IV – Program Narrative

Prepare the program narrative statement in accordance with the following instructions for all new grant programs. Requests for supplemental assistance should be responsive to Item 5b only. Requests for continuation or refunding or other changes of an approved project should be responsive to Item 5c only.

1. OBJECTIVES AND NEED FOR THIS ASSISTANCE

Provide a short and concise description of the proposed improvement. Include a narrative on why this improvement is needed.

2. RESULTS OR BENEFITS EXPECTED

Identify results and benefits to be derived. For example, include a description of who will occupy the facility and show how the facility will be used. For land acquisition or development projects, explain how the project will benefit the public.

3. APPROACH

- a. Outline a plan of action pertaining to the scope and detail of how the Sponsor proposes to accomplish the work.
- b. Cite factors, which might accelerate or decelerate the work, and your reason for taking this approach as opposed to others. Describe any unusual features of the project such as construction approach, reductions in cost or time or extraordinary social and community involvements.
- c. Provide projections of project milestone dates. As a minimum, identify target dates for defining project costs (i.e. bid opening or completion of negotiations), anticipated issuance of notice-to-proceed and anticipated project completion date.
- d. Identify monitoring and oversight mechanisms the Sponsor proposes to implement.
- e. List key individuals and entities such as consultant, Sponsor personnel and contractor who will work on the project. Provide a short description of the nature of their effort or contribution.

4. GEOGRAPHIC LOCATION

Identify location of the project. This will typically be the name of the airport.

5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION:

- a. Describe the relationship between this project and other work planned, anticipated or underway under the Federal Assistance listed under Part II, Section A, Item 5.
- b. Explain the reason for all requests for supplemental assistance and justify the need for additional funding.
- c. If there have been significant changes in the project objectives, location, approach or time delays, explain and justify. For other requests for changes or amendments, explain the reason for the change(s). If the scope, budget, or objectives have changed or an extension of time is necessary, explain the circumstances and justify.

6. SPONSOR'S REPRESENTATIVE

Identify contact information of Sponsor's representative.

Application for Federal Assistance (Development and Equipment Projects)

PART II – PROJECT APPROVAL INFORMATION

Part II - SECTION A			
The term "Sponsor" refers to the applicant name provided in box 8 of the associated SF-424 form.			
Item 1. Does Sponsor maintain an active registration in the System for Award Management (www.SAM.gov)?	Yes	No	
Item 2. Can Sponsor commence the work identified in the application in the fiscal year the grant is made or within six months after the grant is made, whichever is later?	Yes	No	N/A
Item 3. Are there any foreseeable events that would delay completion of the project? If yes, provide attachment to this form that lists the events.	Yes	No	N/A
Item 4. Will the project(s) covered by this request have impacts or effects on the environment that require mitigating measures? If yes, attach a summary listing of mitigating measures to this application and identify the name and date of the environmental document(s).	Yes	No	N/A
Item 5. Is the project covered by this request included in an approved Passenger Facility Charge (PFC) application or other Federal assistance program? If yes, please identify other funding sources by checking all applicable boxes. <div style="margin-left: 20px;"> The project is included in an <i>approved</i> PFC application. If included in an approved PFC application, does the application <i>only</i> address AIP matching share? Yes No </div> The project is included in another Federal Assistance program. Its CFDA number is below.	Yes	No	N/A
Item 6. Will the requested Federal assistance include Sponsor indirect costs as described in 2 CFR Appendix VII to Part 200, States and Local Government and Indian Tribe Indirect Cost Proposals? If the request for Federal assistance includes a claim for allowable indirect costs, select the applicable indirect cost rate the Sponsor proposes to apply: <div style="margin-left: 20px;"> De Minimis rate of 10% as permitted by 2 CFR § 200.414. Negotiated Rate equal to % as approved by (the Cognizant Agency) on (Date) (2 CFR part 200, appendix VII). </div> <i>Note: Refer to the instructions for limitations of application associated with claiming Sponsor indirect costs.</i>	Yes	No	N/A

PART II – PROJECT APPROVAL INFORMATION
Part II - SECTION A

Item 2 Explanation for Negative Response

The funding for all phases of this project is anticipated to occur over two fiscal years. We plan for the project start date to begin less than six months after we receive the second portion of grant funding.

PART II - SECTION B

Certification Regarding Lobbying

The declarations made on this page are under the signature of the authorized representative as identified in box 21 of form SF-424, to which this form is attached. The term "Sponsor" refers to the applicant name provided in box 8 of the associated SF-424 form.

The Authorized Representative certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Sponsor, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Authorized Representative shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The Authorized Representative shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

PART II – SECTION C

The Sponsor hereby represents and certifies as follows:

1. Compatible Land Use – The Sponsor has taken the following actions to assure compatible usage of land adjacent to or in the vicinity of the airport:

2. Defaults – The Sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith:

3. Possible Disabilities – There are no facts or circumstances (including the existence of effective or proposed leases, use agreements or other legal instruments affecting use of the Airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project or carry out the provisions of the Grant Assurances, either by limiting its legal or financial ability or otherwise, except as follows:

4. Consistency with Local Plans – The project is reasonably consistent with plans existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

5. Consideration of Local Interest – It has given fair consideration to the interest of communities in or near where the project may be located.

6. Consultation with Users – In making a decision to undertake an airport development project under Title 49, United States Code, it has consulted with airport users that will potentially be affected by the project (§ 47105(a)(2)).

7. Public Hearings – In projects involving the location of an airport, an airport runway or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

8. Air and Water Quality Standards – In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable and air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.

PART II – SECTION C (Continued)

9. Exclusive Rights – There is no grant of an exclusive right for the conduct of any aeronautical activity at any airport owned or controlled by the Sponsor except as follows:

10. Land – (a) The sponsor holds the following property interest in the following areas of land, which are to be developed or used as part of or in connection with the Airport subject to the following exceptions, encumbrances, and adverse interests, all of which areas are identified on the aforementioned property map designated as Exhibit “A”. [1]

The Sponsor further certifies that the above is based on a title examination by a qualified attorney or title company and that such attorney or title company has determined that the Sponsor holds the above property interests.

(b) The Sponsor will acquire within a reasonable time, but in any event prior to the start of any construction work under the Project, the following property interest in the following areas of land on which such construction work is to be performed, all of which areas are identified on the aforementioned property map designated as Exhibit “A”. [1]

(c) The Sponsor will acquire within a reasonable time, and if feasible prior to the completion of all construction work under the Project, the following property interest in the following areas of land which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which areas are identified on the aforementioned property map designated as Exhibit “A”. [1]

¹ State the character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.

PART III – BUDGET INFORMATION – CONSTRUCTION

SECTION A – GENERAL
1. Assistance Listing Number:
2. Functional or Other Breakout:

SECTION B – CALCULATION OF FEDERAL GRANT			
Cost Classification	Latest Approved Amount (Use only for revisions)	Adjustment + or (-) Amount (Use only for revisions)	Total Amount Required
1. Administration expense			
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees			
5. Other Architectural engineering fees			
6. Project inspection fees			
7. Land development			
8. Relocation Expenses			
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement			
12. Equipment			
13. Miscellaneous			
14. Subtotal (Lines 1 through 13)			
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			
17. Less: Ineligible Exclusions (Section C, line 23 g.)			
18. Subtotal (Lines 16 through 17)			
19. Federal Share requested of Line 18			
20. Grantee share			
21. Other shares			
22. TOTAL PROJECT (Lines 19, 20 & 21)			

SECTION C – EXCLUSIONS	
23. Classification (Description of non-participating work)	Amount Ineligible for Participation
a.	
b.	
c.	
d.	
e.	
f.	
g. Total	

SECTION D – PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE	
24. Grantee Share – Fund Categories	Amount
a. Securities	
b. Mortgages	
c. Appropriations (by Applicant)	
d. Bonds	
e. Tax Levies	
f. Non-Cash	
g. Other (Explain):	
h. TOTAL - Grantee share	
25. Other Shares	Amount
a. State	
b. Other	
c. TOTAL - Other Shares	
26. TOTAL NON-FEDERAL FINANCING	

SECTION E – REMARKS (Attach sheets if additional space is required)

PART IV – PROGRAM NARRATIVE
(Suggested Format)

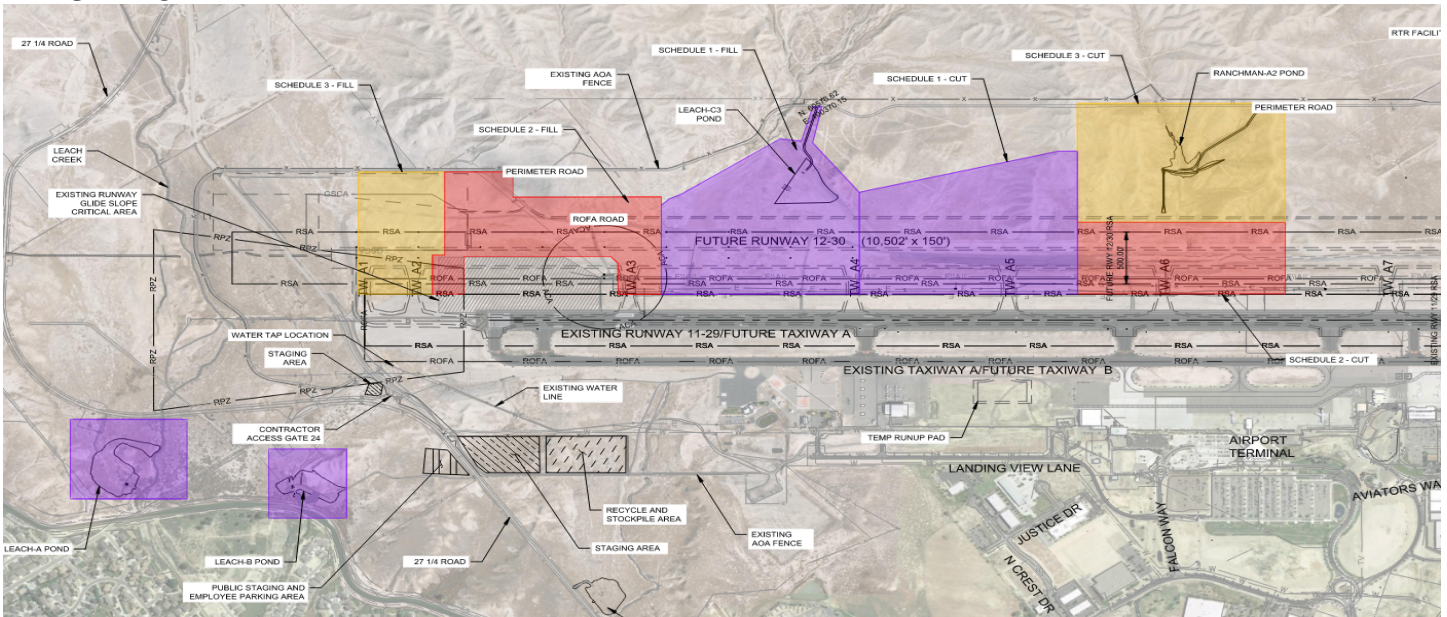
PROJECT:
AIRPORT:
1. Objective:
2. Benefits Anticipated:
3. Approach: (See approved Scope of Work in Final Application)
4. Geographic Location:
5. If Applicable, Provide Additional Information:
6. Sponsor's Representative: (include address & telephone number)

CIP/PREAPPLICATION DATA SHEET

AIRPORT: Grand Junction Regional Airport **LOCAL PRIORITY:** N/A **UPDATED:** July 2021

WORK ITEM: Runway 12-30 Grading and Drainage Package- Construction

SKETCH:



JUSTIFICATION: Replacement Runway 12-30 Grading and Drainage Package is the continuation of the Runway 11-29 Relocation Program. The goal of this effort is to relocate the Runway with minimal impacts to aircraft users including maintaining IFR procedures, Navigational Aids etc. Building on the design work completed in the 60% Overall Design package, this project will serve as the design to complete the permitting, earthwork, detention, and other drainage elements needed to create the initial grading of the Runway 12-30 prism.

SPONSOR SIGNATURE: _____ **DATE:** 08/03/2021

COST ESTIMATE: Item (Construction)

ADMINISTRATION:	\$ 10,000	1: Construction	\$ 16,991,500	4	\$
ENGINEERING:	\$ 2,998,500		\$	5	\$
INSPECTION:	\$	3:	\$		\$
				TOTAL:	\$ 20,000,000.00

ADO USE:

PREAPP **GRANT** **NPIAS** **WORK** **FAA**
NO: _____ **NO:** _____ **CODE:** _____ **CODE:** _____ **PRIOR:** _____ **FED \$** _____



ASSURANCES AIRPORT SPONSORS

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements.

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1,2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.¹
- s. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.¹
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- u. Copeland Anti-kickback Act - 18 U.S.C. 874.1
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

- a. Executive Order 11246 - Equal Employment Opportunity¹
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11998 –Flood Plain Management
- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 - Environmental Justice
- g. Executive Order 13788 - Buy American and Hire American
- h. Executive Order 13858 – Strengthening Buy-American Preferences for Infrastructure Projects

FEDERAL REGULATIONS

- a. 2 CFR Part180 – OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].^{4,5,6}
- c. 2 CFR Part 1200 – Non-procurement Suspension and Debarment
- d. 14 CFR Part 13 - Investigative and Enforcement Procedures14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- e. 14 CFR Part 150 - Airport noise compatibility planning.
- f. 28 CFR Part 35- Discrimination on the Basis of Disability in State and Local Government Services.
- g. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- h. 29 CFR Part 1 - Procedures for predetermination of wage rates.¹
- i. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- j. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- k. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹
- l. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- m. 49 CFR Part 20 - New restrictions on lobbying.

- n. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.^{1,2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.¹
- s. 49 CFR Part 28 –Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- t. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- u. 49 CFR Part 32 –Government-wide Requirements for Drug-Free Workplace (Financial Assistance)
- v. 49 CFR Part 37 –Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

FOOTNOTES TO ASSURANCE C.1.

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- ⁴ On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.

- ⁵ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁶ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. Subject to the FAA Act of 2018, Public Law 115-254, Section 163, it will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the

Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.

- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.

- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-
 - 1) Operating the airport's aeronautical facilities whenever required;
 - 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with

respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
 - 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.

- i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 - 1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated

by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.

- 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
- 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
 - b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
 - c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, it will keep up to date at all times an airport layout plan of the airport showing:
 - 1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 - 2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 - 3) the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
 - 4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity

with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- b. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, if a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.

b. Applicability

- 1) Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
- 2) Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
- 3) Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

- 1) So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
- 2) So long as the sponsor retains ownership or possession of the property.

- d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

“The **(Name of Sponsor)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

- e. Required Contract Provisions.

- 1) It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
- 2) It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
- 3) It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
- 4) It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1)

- reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.
 - c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
 - d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

Engineering and Design Services. If any phase of such project has received Federal funds under Chapter 471 subchapter 1 of Title 49 U.S.C., it will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services in the same manner as a contract for architectural and engineering services is negotiated under Chapter 11 of Title 40 U. S. C., or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated _____, and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or

operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 - 1) Describes the requests;
 - 2) Provides an explanation as to why the requests could not be accommodated; and
 - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.



**FAA
Airports**

Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects

Updated: 2/28/2020

View the most current versions of these ACs and any associated changes at:
http://www.faa.gov/airports/resources/advisory_circulars and
http://www.faa.gov/regulations_policies/advisory_circulars/

NUMBER	TITLE
70/7460-1L Changes 1 - 2	Obstruction Marking and Lighting
150/5000-9A	Announcement of Availability Report No. DOT/FAA/PP/92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations
150/5000-17	Critical Aircraft and Regular Use Determination
150/5020-1	Noise Control and Compatibility Planning for Airports
150/5070-6B Changes 1 - 2	Airport Master Plans
150/5070-7 Change 1	The Airport System Planning Process
150/5100-13C	Development of State Aviation Standards for Airport Pavement Construction
150/5200-28F	Notices to Airmen (NOTAMs) for Airport Operators
150/5200-30D Change 1	Airport Field Condition Assessments and Winter Operations Safety
150/5200-31C Changes 1 - 2	Airport Emergency Plan
150/5210-5D	Painting, Marking, and Lighting of Vehicles Used on an Airport
150/5210-7D	Aircraft Rescue and Fire Fighting Communications
150/5210-13C	Airport Water Rescue Plans and Equipment

NUMBER	TITLE
150/5210-14B	Aircraft Rescue Fire Fighting Equipment, Tools and Clothing
150/5210-15A	Aircraft Rescue and Firefighting Station Building Design
150/5210-18A	Systems for Interactive Training of Airport Personnel
150/5210-19A	Driver's Enhanced Vision System (DEVs)
150/5220-10E	Guide Specification for Aircraft Rescue and Fire Fighting (ARFF) Vehicles
150/5220-16E, Change 1	Automated Weather Observing Systems (AWOS) for Non-Federal Applications
150/5220-17B	Aircraft Rescue and Fire Fighting (ARFF) Training Facilities
150/5220-18A	Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials
150/5220-20A	Airport Snow and Ice Control Equipment
150/5220-21C	Aircraft Boarding Equipment
150/5220-22B	Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns
150/5220-23	Frangible Connections
150/5220-24	Foreign Object Debris Detection Equipment
150/5220-25	Airport Avian Radar Systems
150/5220-26, Changes 1 - 2	Airport Ground Vehicle Automatic Dependent Surveillance - Broadcast (ADS-B) Out Squitter Equipment
150/5300-13A, Change 1	Airport Design
150/5300-14C	Design of Aircraft Deicing Facilities
150/5300-16B	General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control and Submission to the National Geodetic Survey
150/5300-17C Change 1	Standards for Using Remote Sensing Technologies in Airport Surveys
150/5300-18B Change 1	General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards
150/5320-5D	Airport Drainage Design

NUMBER	TITLE
150/5320-6F	Airport Pavement Design and Evaluation
150/5320-12C, Changes 1 - 8	Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces
150/5320-15A	Management of Airport Industrial Waste
150/5325-4B	Runway Length Requirements for Airport Design
150/5335-5C	Standardized Method of Reporting Airport Pavement Strength - PCN
150/5340-1M	Standards for Airport Markings
150/5340-5D	Segmented Circle Airport Marker System
150/5340-18G	Standards for Airport Sign Systems
150/5340-26C	Maintenance of Airport Visual Aid Facilities
150/5340-30J	Design and Installation Details for Airport Visual Aids
150/5345-3G	Specification for L-821, Panels for the Control of Airport Lighting
150/5345-5B	Circuit Selector Switch
150/5345-7F	Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits
150/5345-10H	Specification for Constant Current Regulators and Regulator Monitors
150/5345-12F	Specification for Airport and Heliport Beacons
150/5345-13B	Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits
150/5345-26D	FAA Specification For L-823 Plug and Receptacle, Cable Connectors
150/5345-27E	Specification for Wind Cone Assemblies
150/5345-28H	Precision Approach Path Indicator (PAPI) Systems
150/5345-39D	Specification for L-853, Runway and Taxiway Retroreflective Markers
150/5345-42J	Specification for Airport Light Bases, Transformer Housings, Junction Boxes, and Accessories
150/5345-43J	Specification for Obstruction Lighting Equipment

NUMBER	TITLE
150/5345-44K	Specification for Runway and Taxiway Signs
150/5345-45C	Low-Impact Resistant (LIR) Structures
150/5345-46E	Specification for Runway and Taxiway Light Fixtures
150/5345-47C	Specification for Series to Series Isolation Transformers for Airport Lighting Systems
150/5345-49D	Specification L-854, Radio Control Equipment
150/5345-50B	Specification for Portable Runway and Taxiway Lights
150/5345-51B	Specification for Discharge-Type Flashing Light Equipment
150/5345-52A	Generic Visual Glideslope Indicators (GVGI)
150/5345-53D	Airport Lighting Equipment Certification Program
150/5345-54B	Specification for L-884, Power and Control Unit for Land and Hold Short Lighting Systems
150/5345-55A	Specification for L-893, Lighted Visual Aid to Indicate Temporary Runway Closure
150/5345-56B	Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS)
150/5360-12F	Airport Signing and Graphics
150/5360-13A	Airport Terminal Planning
150/5360-14A	Access to Airports By Individuals With Disabilities
150/5370-2G	Operational Safety on Airports During Construction
150/5370-10H	Standard Specifications for Construction of Airports
150/5370-11B	Use of Nondestructive Testing in the Evaluation of Airport Pavements
150/5370-13A	Off-Peak Construction of Airport Pavements Using Hot-Mix Asphalt
150/5370-15B	Airside Applications for Artificial Turf
150/5370-16	Rapid Construction of Rigid (Portland Cement Concrete) Airfield Pavements
150/5370-17	Airside Use of Heated Pavement Systems
150/5390-2C	Heliport Design
150/5395-1B	Seaplane Bases

THE FOLLOWING ADDITIONAL APPLY TO AIP PROJECTS ONLY

Updated: 3/22/2019

NUMBER	TITLE
150/5100-14E, Change 1	Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
150/5100-17, Changes 1 - 7	Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects
150/5300-15A	Use of Value Engineering for Engineering and Design of Airport Grant Projects
150/5320-17A	Airfield Pavement Surface Evaluation and Rating Manuals
150/5370-12B	Quality Management for Federally Funded Airport Construction Projects
150/5380-6C	Guidelines and Procedures for Maintenance of Airport Pavements
150/5380-7B	Airport Pavement Management Program
150/5380-9	Guidelines and Procedures for Measuring Airfield Pavement Roughness

STANDARD DOT TITLE VI ASSURANCES

Grand Junction Regional Airport Authority (hereinafter referred to as the Sponsor) hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation (DOT), it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and all requirements imposed by 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. Without limiting the above general assurance, the Sponsor agrees concerning this grant that:

1. Each "program" and "facility" (as defined in Section 21.23(a) and 21.23(b)) will be conducted or operated in compliance with all requirements of the Regulations.
2. It will insert the clauses of Attachment 1 of this assurance in every contract subject to the Act and the Regulations.
3. Where Federal financial assistance is received to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
4. Where Federal financial assistance is in the form or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
5. It will include the appropriate clauses set forth in Attachment 2 of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Sponsor with other parties:

(a) for the subsequent transfer of real property acquired or improved with Federal financial assistance under this project; and

(b) for the construction or use of or access to space on, over, or under real property acquired or improved with Federal financial assistance under this Project.

6. This assurance obligates the Sponsor for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Sponsor or any transferee for the longer of the following periods:

(a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or

(b) the period during which the Sponsor retains ownership or possession of the property.

7. **It will provide for such methods of administration for the program as are found by the Secretary of transportation of the official to whom he delegates specific authority to give reasonable guarantees that it, other sponsors, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the act, the Regulations, and this assurance.**

STANDARD DOT TITLE VI ASSURANCES (Continued)

8. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining Federal financial assistance for this Project and is binding on its contractors, the Sponsor, subcontractors, transferees, successors in interest and other participants in the Project. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Sponsor.

DATED 08/03/2021

Grand Junction Regional Airport Authority
(Sponsor)

(Signature of Authorized Official)

CONTRACTOR CONTRACTUAL REQUIREMENTS

ATTACHMENT 1

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations. The contractor shall comply with the regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination. The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment. In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or lease of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. Information and Reports. The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Sponsor or the Federal Aviation Administration (FAA) to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contract is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the sponsor or the FAA, as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance. In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the sponsor shall impose such contract sanctions as it or the FAA may determine to be appropriate, including, but not limited to:

- a. Withholding of payments to the contractor under the contract until the contractor complies, and/or
- b. Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions. The contractor shall include the provisions of paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the sponsor or the FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Sponsor to enter into such litigation to protect the interests of the sponsor and, in addition, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

CLAUSES FOR DEEDS, LICENSES, LEASES, PERMITS OR SIMILAR INSTRUMENTS

ATTACHMENT 2

The following clauses shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the Sponsor pursuant to the provisions of Assurances 5(a) and 5(b).

1. The (grantee, licensee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a DOT program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

2. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that: (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

**REQUIRED STATEMENTS
AIRPORT IMPROVEMENT PROGRAM PROJECTS**

AIRPORT: Grand Junction Regional Airport

LOCATION: Grand Junction, Colorado

AIP PROJECT NO.: _____

STATEMENTS APPLICABLE TO THIS PROJECT

- a. **INTEREST OF NEIGHBORING COMMUNITIES:** In formulating this project, consideration has been given to the interest of communities that are near Grand Junction Regional Airport.
- b. **THE DEVELOPMENT PROPOSED IN THIS PROJECT** will not require the use of publicly owned land from a public park, recreation area, wildlife and fowl refuge, or a historical site under Federal, State, or Local jurisdiction.
- c. **FBO COORDINATION:** The airport development proposed in this project has been coordinated with the Fixed Base Operator(s) utilizing Grand Junction Regional Airport, and they have been informed regarding the scope and nature of this project.
- d. **THE PROPOSED PROJECT IS CONSISTENT** with existing approved plans for the area surrounding the airport.

The above statements have been duly considered and are applicable to this project. (Provide comment for any statement not checked).

BY: _____ **DATE:** August 03, 2021

TITLE: Executive Director

SPONSORING AGENCY: Grand Junction Regional Airport Authority

NOTE: Where opposition is stated to an airport development project, whether expressly or by proposed revision, the following specific information concerning the opposition to the project must be furnished.

- a. Identification of the Federal, state, or local governmental agency, or the person or persons opposing the project;
- b. The nature and basis of opposition;
- c. Sponsor's plan to accommodate or otherwise satisfy the opposition;
- d. Whether an opportunity for a hearing was afforded, and if a hearing was held, an analysis of the facts developed at the hearing as they relate to the social, economic, and environmental aspects of the proposed project and its consistency with the goals and objectives of such urban planning as has been carried out by the community.
- e. If the opponents proposed any alternatives, what these alternatives were and the reason for nonacceptance;
- f. Sponsor's plans, if any, to minimize any adverse effects of the project;
- g. Benefits to be gained by the proposed development; and
- h. Any other pertinent information which would be of assistance in determining whether to proceed with the project.

**CERTIFICATION FOR CONTRACTS, GRANTS, LOANS,
AND COOPERATIVE AGREEMENTS**

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal Grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL "Disclosure of Lobby Activities", in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signed _____ Date August 3, 2021
Sponsor's Authorized Representative

Title Executive Director

TITLE VI PRE-AWARD SPONSOR CHECKLIST

Airport/Sponsor: Grand Junction Regional Airport

AIP #: _____

Project Description(s): Runway 12-30 Grading and Drainage Package- Construction

1) Please describe any of the following IF they apply to your project: Title VI issues raised at public hearing(s) and the conclusions made; EIS data concerning the race, color, or national origin of the affected community; steps taken or proposed to guard against unnecessary impact on persons on the basis of race, color or national origin.

None

2) Please list any airport related Title VI lawsuits or complaints filed in the preceding year against the sponsor. Include a summary of the findings.

None (If "None", continue with questions 3 and 4).

3) Please list any current applications for federal funding (other than FAA) of airport related projects which exceed the amount for this grant.

None

4) Please list any airport related Title VI compliance review(s) received by the sponsor in the preceding two years. Include who conducted the review and any findings of noncompliance.

None

To be completed by the Civil Rights Staff

Review completed and approved: _____

Signature

Date: _____

This checklist is only required for projects that involve one of the following: Environmental Assessment or Impact Statement (EIS); airport or runway relocation; major runway extension; relocation of any structure of person; or impact to access or preservation of any burial ceremonial or other sacred or historical structures or lands of any indigenous or ethnic population.

Return to: FAA, Civil Rights, Northwest Mountain Region; 1601 Lind Ave. SW; Renton, WA 98057-3356. FAX: (425) 227-1009 Phone (425) 227-2009



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-129, Construction Project Final Acceptance – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.



Construction Project Final Acceptance Airport Improvement Program Sponsor Certification

Sponsor:

Airport:

Project Number:

Description of Work:

Application

49 USC § 47105(d), authorizes the Secretary to require me certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program. General standards for final acceptance and close out of federally funded construction projects are in 2 CFR § 200.343 – Closeout and supplemented by FAA Order 5100.38. The sponsor must determine that project costs are accurate and proper in accordance with specific requirements of the grant agreement and contract documents.

Certification Statements

Except for certification statements below marked not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgment and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. The personnel engaged in project administration, engineering supervision, project inspection, and acceptance testing were or will be determined to be qualified and competent to perform the work (Grant Assurance).

Yes No N/A

2. Construction records, including daily logs, were or will be kept by the resident engineer/construction inspector that fully document contractor’s performance in complying with:

- a. Technical standards (Advisory Circular (AC) 150/5370-12);
- b. Contract requirements (2 CFR part 200 and FAA Order 5100.38); and
- c. Construction safety and phasing plan measures (AC 150/5370-2).

Yes No N/A

3. All acceptance tests specified in the project specifications were or will be performed and documented. (AC 150/5370-12).

Yes No N/A

4. Sponsor has taken or will take appropriate corrective action for any test result outside of allowable tolerances (AC 150/5370-12).
- Yes No N/A
5. Pay reduction factors required by the specifications were applied or will be applied in computing final payments with a summary made available to the FAA (AC 150/5370-10).
- Yes No N/A
6. Sponsor has notified, or will promptly notify the Federal Aviation Administration (FAA) of the following occurrences:
- a. Violations of any federal requirements set forth or included by reference in the contract documents (2 CFR part 200);
- b. Disputes or complaints concerning federal labor standards (29 CFR part 5); and
- c. Violations of or complaints addressing conformance with Equal Employment Opportunity or Disadvantaged Business Enterprise requirements (41 CFR Chapter 60 and 49 CFR part 26).
- Yes No N/A
7. Weekly payroll records and statements of compliance were or will be submitted by the prime contractor and reviewed by the sponsor for conformance with federal labor and civil rights requirements as required by FAA and U.S. Department of Labor (29 CFR Part 5).
- Yes No N/A
8. Payments to the contractor were or will be made in conformance with federal requirements and contract provisions using sponsor internal controls that include:
- a. Retaining source documentation of payments and verifying contractor billing statements against actual performance (2 CFR § 200.302 and FAA Order 5100.38);
- b. Prompt payment of subcontractors for satisfactory performance of work (49 CFR § 26.29);
- c. Release of applicable retainage upon satisfactory performance of work (49 CFR § 26.29); and
- d. Verification that payments to DBEs represent work the DBE performed by carrying out a commercially useful function (49 CFR §26.55).
- Yes No N/A
9. A final project inspection was or will be conducted with representatives of the sponsor and the contractor present that ensure:
- a. Physical completion of project work in conformance with approved plans and specifications (Order 5100.38);
- b. Necessary actions to correct punch list items identified during final inspection are complete (Order 5100.38); and
- c. Preparation of a record of final inspection and distribution to parties to the contract (Order 5100.38);
- Yes No N/A
10. The project was or will be accomplished without material deviations, changes, or modifications from approved plans and specifications, except as approved by the FAA (Order 5100.38).
- Yes No N/A

11. The construction of all buildings have complied or will comply with the seismic construction requirements of 49 CFR § 41.120.

Yes No N/A

12. For development projects, sponsor has taken or will take the following close-out actions:

- a. Submit to the FAA a final test and quality assurance report summarizing acceptance test results, as applicable (Grant Condition);
- b. Complete all environmental requirements as established within the project environmental determination (Order 5100.38); and
- c. Prepare and retain as-built plans (Order 5100.38).

Yes No N/A

13. Sponsor has revised or will revise their airport layout plan (ALP) that reflects improvements made and has submitted or will submit an updated ALP to the FAA no later than 90 days from the period of performance end date. (49 USC § 47107 and Order 5100.38).

Yes No N/A

Attach documentation clarifying any above item marked with "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this day of , .

Name of Sponsor:

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official:

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-130, Drug-Free Workplace – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

Drug-Free Workplace Airport Improvement Program Sponsor Certification

Sponsor:

Airport:

Project Number:

Description of Work:

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements on the drug-free workplace within federal grant programs are described in 2 CFR part 182. Sponsors are required to certify they will be, or will continue to provide, a drug-free workplace in accordance with the regulation. The AIP project grant agreement contains specific assurances on the Drug-Free Workplace Act of 1988.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgement and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. A statement has been or will be published prior to commencement of project notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the sponsor's workplace, and specifying the actions to be taken against employees for violation of such prohibition (2 CFR § 182.205).

Yes No N/A

2. An ongoing drug-free awareness program (2 CFR § 182.215) has been or will be established prior to commencement of project to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The sponsor's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

Yes No N/A

3. Each employee to be engaged in the performance of the work has been or will be given a copy of the statement required within item 1 above prior to commencement of project (2 CFR § 182.210).

Yes No N/A

4. Employees have been or will be notified in the statement required by item 1 above that, as a condition employment under the grant (2 CFR § 182.205(c)), the employee will:

- a. Abide by the terms of the statement; and
- b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

Yes No N/A

5. The Federal Aviation Administration (FAA) will be notified in writing within 10 calendar days after receiving notice under item 4b above from an employee or otherwise receiving actual notice of such conviction (2 CFR § 182.225). Employers of convicted employees must provide notice, including position title of the employee, to the FAA (2 CFR § 182.300).

Yes No N/A

6. One of the following actions (2 CFR § 182.225(b)) will be taken within 30 calendar days of receiving a notice under item 4b above with respect to any employee who is so convicted:

- a. Take appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; and
- b. Require such employee to participate satisfactorily in drug abuse assistance or rehabilitation programs approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

Yes No N/A

7. A good faith effort will be made, on a continuous basis, to maintain a drug-free workplace through implementation of items 1 through 6 above (2 CFR § 182.200).

Yes No N/A

Site(s) of performance of work (2 CFR § 182.230):

Location 1

Name of Location:

Address:

Location 2 (if applicable)

Name of Location:

Address:

Location 3 (if applicable)

Name of Location:

Address:

Attach documentation clarifying any above item marked with a "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this day of , .

Name of Sponsor:

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official:

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-131, Equipment and Construction Contracts – Airport Improvement Sponsor Certification

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

Equipment and Construction Contracts Airport Improvement Sponsor Certification

Sponsor:

Airport:

Project Number:

Description of Work:

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General procurement standards for equipment and construction contracts within Federal grant programs are described in 2 CFR §§ 200.317-200.326. Labor and Civil Rights Standards applicable to the AIP are established by the Department of Labor (www.dol.gov) AIP Grant Assurance C.1—General Federal Requirements identifies all applicable Federal Laws, regulations, executive orders, policies, guidelines and requirements for assistance under the AIP. Sponsors may use state and local procedures provided the procurement conforms to these federal standards.

This certification applies to all equipment and construction projects. Equipment projects may or may not employ laborers and mechanics that qualify the project as a “covered contract” under requirements established by the Department of Labor requirements. Sponsor shall provide appropriate responses to the certification statements that reflect the character of the project regardless of whether the contract is for a construction project or an equipment project.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgement and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. A written code or standard of conduct is or will be in effect prior to commencement of the project that governs the performance of the sponsor’s officers, employees, or agents in soliciting, awarding and administering procurement contracts (2 CFR § 200.318).

Yes No N/A

2. For all contracts, qualified and competent personnel are or will be engaged to perform contract administration, engineering supervision, construction inspection, and testing (Grant Assurance C.17).

Yes No N/A

3. Sponsors that are required to have a Disadvantage Business Enterprise (DBE) program on file with the FAA have included or will include clauses required by Title VI of the Civil Rights Act and 49 CFR Part 26 for Disadvantaged Business Enterprises in all contracts and subcontracts.

Yes No N/A

4. Sponsors required to have a DBE program on file with the FAA have implemented or will implement monitoring and enforcement measures that:

- a. Ensure work committed to Disadvantaged Business Enterprises at contract award is actually performed by the named DBEs (49 CFR § 26.37(b));
- b. Include written certification that the sponsor has reviewed contract records and has monitored work sites for performance by DBE firms (49 CFR § 26.37(b)); and
- c. Provides for a running tally of payments made to DBE firms and a means for comparing actual attainments (i.e. payments) to original commitments (49 CFR § 26.37(c)).

Yes No N/A

5. Sponsor procurement actions using the competitive sealed bid method (2 CFR § 200.320(c)). was or will be:

- a. Publicly advertised, allowing a sufficient response time to solicit an adequate number of interested contractors or vendors;
- b. Prepared to include a complete, adequate and realistic specification that defines the items or services in sufficient detail to allow prospective bidders to respond;
- c. Publicly opened at a time and place prescribed in the invitation for bids; and
- d. Prepared in a manner that result in a firm fixed price contract award to the lowest responsive and responsible bidder.

Yes No N/A

6. For projects the Sponsor proposes to use the competitive proposal procurement method (2 CFR § 200.320(d)), Sponsor has requested or will request FAA approval prior to proceeding with a competitive proposal procurement by submitting to the FAA the following:

- a. Written justification that supports use of competitive proposal method in lieu of the preferred sealed bid procurement method;
- b. Plan for publicizing and soliciting an adequate number of qualified sources; and
- c. Listing of evaluation factors along with relative importance of the factors.

Yes No N/A

7. For construction and equipment installation projects, the bid solicitation includes or will include the current federal wage rate schedule(s) for the appropriate type of work classifications (2 CFR Part 200, Appendix II).

Yes No N/A

8. Concurrence was or will be obtained from the Federal Aviation Administration (FAA) prior to contract award under any of the following circumstances (Order 5100.38D):

- a. Only one qualified person/firm submits a responsive bid;
- b. Award is to be made to other than the lowest responsible bidder; and
- c. Life cycle costing is a factor in selecting the lowest responsive bidder.

Yes No N/A

9. All construction and equipment installation contracts contain or will contain provisions for:

- a. Access to Records (§ 200.336)
- b. Buy American Preferences (Title 49 U.S.C. § 50101)
- c. Civil Rights - General Provisions and Title VI Assurances(41 CFR part 60)
- d. Federal Fair Labor Standards (29 U.S.C. § 201, et seq)
- e. Occupational Safety and Health Act requirements (20 CFR part 1920)
- f. Seismic Safety – building construction (49 CFR part 41)
- g. State Energy Conservation Requirements - as applicable(2 CFR part 200, Appendix II)
- h. U.S. Trade Restriction (49 CFR part 30)
- i. Veterans Preference (49 USC § 47112(c))

Yes No N/A

10. All construction and equipment installation contracts exceeding \$2,000 contain or will contain the provisions established by:

- a. Davis-Bacon and Related Acts (29 CFR part 5)
- b. Copeland “Anti-Kickback” Act (29 CFR parts 3 and 5)

Yes No N/A

11. All construction and equipment installation contracts exceeding \$3,000 contain or will contain a contract provision that discourages distracted driving (E.O. 13513).

Yes No N/A

12. All contracts exceeding \$10,000 contain or will contain the following provisions as applicable:

- a. Construction and equipment installation projects - Applicable clauses from 41 CFR Part 60 for compliance with Executive Orders 11246 and 11375 on Equal Employment Opportunity;
- b. Construction and equipment installation - Contract Clause prohibiting segregated facilities in accordance with 41 CFR part 60-1.8;
- c. Requirement to maximize use of products containing recovered materials in accordance with 2 CFR § 200.322 and 40 CFR part 247; and
- d. Provisions that address termination for cause and termination for convenience (2 CFR Part 200, Appendix II).

Yes No N/A

13. All contracts and subcontracts exceeding \$25,000: Measures are in place or will be in place (e.g. checking the System for Award Management) that ensure contracts and subcontracts are not awarded to individuals or firms suspended, debarred, or excluded from participating in federally assisted projects (2 CFR parts 180 and 1200).

Yes No N/A

14. Contracts exceeding the simplified acquisition threshold (currently \$250,000) include or will include provisions, as applicable, that address the following:

- a. Construction and equipment installation contracts - a bid guarantee of 5%, a performance bond of 100%, and a payment bond of 100% (2 CFR § 200.325);
- b. Construction and equipment installation contracts - requirements of the Contract Work Hours and Safety Standards Act (40 USC 3701-3708, Sections 103 and 107);
- c. Restrictions on Lobbying and Influencing (2 CFR part 200, Appendix II);
- d. Conditions specifying administrative, contractual and legal remedies for instances where contractor or vendor violate or breach the terms and conditions of the contract (2 CFR §200, Appendix II); and
- e. All Contracts - Applicable standards and requirements issued under Section 306 of the Clean Air Act (42 USC 7401-7671q), Section 508 of the Clean Water Act (33 USC 1251-1387, and Executive Order 11738.

Yes No N/A

Attach documentation clarifying any above item marked with "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this day of , .

Name of Sponsor:

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official:

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-132, Project Plans and Specifications – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

Project Plans and Specifications

Airport Improvement Program Sponsor Certification

Sponsor:

Airport:

Project Number:

Description of Work:

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). Labor and civil rights standards applicable to AIP are established by the Department of Labor (www.dol.gov/). AIP Grant Assurance C.1—General Federal Requirements identifies applicable federal laws, regulations, executive orders, policies, guidelines and requirements for assistance under AIP. A list of current advisory circulars with specific standards for procurement, design or construction of airports, and installation of equipment and facilities is referenced in standard airport sponsor Grant Assurance 34 contained in the grant agreement.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgement and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. The plans and specifications were or will be prepared in accordance with applicable federal standards and requirements, so that no deviation or modification to standards set forth in the advisory circulars, or FAA-accepted state standard, is necessary other than those explicitly approved by the Federal Aviation Administration (FAA) (14 USC § 47105).

Yes No N/A

2. Specifications incorporate or will incorporate a clear and accurate description of the technical requirement for the material or product that does not contain limiting or proprietary features that unduly restrict competition (2 CFR §200.319).

Yes No N/A

3. The development that is included or will be included in the plans is depicted on the current airport layout plan as approved by the FAA (14 USC § 47107).

Yes No N/A

4. Development and features that are ineligible or unallowable for AIP funding have been or will be omitted from the plans and specifications (FAA Order 5100.38, par. 3-43).

Yes No N/A

5. The specification does not use or will not use "brand name" or equal to convey requirements unless sponsor requests and receives approval from the FAA to use brand name (FAA Order 5100.38, Table U-5).

Yes No N/A

6. The specification does not impose or will not impose geographical preference in their procurement requirements (2 CFR §200.319(b) and FAA Order 5100.38, Table U-5).

Yes No N/A

7. The use of prequalified lists of individuals, firms or products include or will include sufficient qualified sources that ensure open and free competition and that does not preclude potential entities from qualifying during the solicitation period (2 CFR §319(d)).

Yes No N/A

8. Solicitations with bid alternates include or will include explicit information that establish a basis for award of contract that is free of arbitrary decisions by the sponsor (2 CFR § 200.319(a)(7)).

Yes No N/A

9. Concurrence was or will be obtained from the FAA if Sponsor incorporates a value engineering clause into the contract (FAA Order 5100.38, par. 3-57).

Yes No N/A

10. The plans and specifications incorporate or will incorporate applicable requirements and recommendations set forth in the federally approved environmental finding (49 USC §47106(c)).

Yes No N/A

11. The design of all buildings comply or will comply with the seismic design requirements of 49 CFR § 41.120. (FAA Order 5100.38d, par. 3-92)

Yes No N/A

12. The project specification include or will include process control and acceptance tests required for the project by as per the applicable standard:

a. Construction and installation as contained in Advisory Circular (AC) 150/5370-10.

Yes No N/A

b. Snow Removal Equipment as contained in AC 150/5220-20.

Yes No N/A

c. Aircraft Rescue and Fire Fighting (ARFF) vehicles as contained in AC 150/5220-10.

Yes No N/A

13. For construction activities within or near aircraft operational areas(AOA):

a. The Sponsor has or will prepare a construction safety and phasing plan (CSPP) conforming to Advisory Circular 150/5370-2.

b. Compliance with CSPP safety provisions has been or will be incorporated into the plans and specifications as a contractor requirement.

c. Sponsor will not initiate work until receiving FAA's concurrence with the CSPP (FAA Order 5100.38, Par. 5-29).

Yes No N/A

14. The project was or will be physically completed without federal participation in costs due to errors and omissions in the plans and specifications that were foreseeable at the time of project design (49 USC §47110(b)(1) and FAA Order 5100.38d, par. 3-100).

Yes No N/A

Attach documentation clarifying any above item marked with "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this day of , .

Name of Sponsor:

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official:

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-133, Real Property Acquisition – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.



Real Property Acquisition Airport Improvement Program Sponsor Certification

Sponsor:

Airport:

Project Number:

Description of Work:

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements on real property acquisition and relocation assistance are in 49 CFR Part 24. The AIP project grant agreement contains specific requirements and assurances on the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended.

Certification Statements

Except for certification statements below marked not applicable (N/A), this list includes major requirements of the real property acquisition project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards.

1. The sponsor's attorney or other official has or will have good and sufficient title as well as title evidence on property in the project.

Yes No N/A

2. If defects and/or encumbrances exist in the title that adversely impact the sponsor's intended use of property in the project, they have been or will be extinguished, modified, or subordinated.

Yes No N/A

3. If property for airport development is or will be leased, the following conditions have been met:

- a. The term is for 20 years or the useful life of the project;
- b. The lessor is a public agency; and
- c. The lease contains no provisions that prevent full compliance with the grant agreement.

Yes No N/A

4. Property in the project is or will be in conformance with the current Exhibit A property map, which is based on deeds, title opinions, land surveys, the approved airport layout plan, and project documentation.

Yes No N/A

5. For any acquisition of property interest in noise sensitive approach zones and related areas, property interest was or will be obtained to ensure land is used for purposes compatible with noise levels associated with operation of the airport.

Yes No N/A

6. For any acquisition of property interest in runway protection zones and areas related to 14 CFR 77 surfaces or to clear other airport surfaces, property interest was or will be obtained for the following:

- a. The right of flight;
- b. The right of ingress and egress to remove obstructions; and
- c. The right to restrict the establishment of future obstructions.

Yes No N/A

7. Appraisals prepared by qualified real estate appraisers hired by the sponsor include or will include the following:

- a. Valuation data to estimate the current market value for the property interest acquired on each parcel; and
- b. Verification that an opportunity has been provided to the property owner or representative to accompany appraisers during inspections.

Yes No N/A

8. Each appraisal has been or will be reviewed by a qualified review appraiser to recommend an amount for the offer of just compensation, and the written appraisals as well as review appraisal are available to Federal Aviation Administration (FAA) for review.

Yes No N/A

9. A written offer to acquire each parcel was or will be presented to the property owner for not less than the approved amount of just compensation.

Yes No N/A

10. Effort was or will be made to acquire each property through the following negotiation procedures:

- a. No coercive action to induce agreement; and
- b. Supporting documents for settlements included in the project files.

Yes No N/A

11. If a negotiated settlement is not reached, the following procedures were or will be used:
- a. Condemnation initiated and a court deposit not less than the just compensation made prior to possession of the property; and
 - b. Supporting documents for awards included in the project files.

Yes No N/A

12. If displacement of persons, businesses, farm operations, or non-profit organizations is involved, a relocation assistance program was or will be established, with displaced parties receiving general information on the program in writing, including relocation eligibility, and a 90-day notice to vacate.

Yes No N/A

13. Relocation assistance services, comparable replacement housing, and payment of necessary relocation expenses were or will be provided within a reasonable time period for each displaced occupant in accordance with the Uniform Act.

Yes No N/A

Attach documentation clarifying any above item marked with "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this day of , .

Name of Sponsor:

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official:

Signature of Sponsor's Designated Official Representative: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-134, Selection of Consultants – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Statement

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Selection of Consultants

Airport Improvement Program Sponsor Certification

Sponsor:

Airport:

Project Number:

Description of Work:

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements for selection of consultant services within federal grant programs are described in 2 CFR §§ 200.317-200.326. Sponsors may use other qualifications-based procedures provided they are equivalent to standards of Title 40 chapter 11 and FAA Advisory Circular 150/5100-14, Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgement and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. Sponsor acknowledges their responsibility for the settlement of all contractual and administrative issues arising out of their procurement actions (2 CFR § 200.318(k)).

Yes No N/A

2. Sponsor procurement actions ensure or will ensure full and open competition that does not unduly limit competition (2 CFR § 200.319).

Yes No N/A

3. Sponsor has excluded or will exclude any entity that develops or drafts specifications, requirements, or statements of work associated with the development of a request-for-qualifications (RFQ) from competing for the advertised services (2 CFR § 200.319).

Yes No N/A

4. The advertisement describes or will describe specific project statements-of-work that provide clear detail of required services without unduly restricting competition (2 CFR § 200.319).
 Yes No N/A

5. Sponsor has publicized or will publicize a RFQ that:
 - a. Solicits an adequate number of qualified sources (2 CFR § 200.320(d)); and
 - b. Identifies all evaluation criteria and relative importance (2 CFR § 200.320(d)).
 Yes No N/A

6. Sponsor has based or will base selection on qualifications, experience, and disadvantaged business enterprise participation with price not being a selection factor (2 CFR § 200.320(d)).
 Yes No N/A

7. Sponsor has verified or will verify that agreements exceeding \$25,000 are not awarded to individuals or firms suspended, debarred or otherwise excluded from participating in federally assisted projects (2 CFR §180.300).
 Yes No N/A

8. A/E services covering multiple projects: Sponsor has agreed to or will agree to:
 - a. Refrain from initiating work covered by this procurement beyond five years from the date of selection (AC 150/5100-14); and
 - b. Retain the right to conduct new procurement actions for projects identified or not identified in the RFQ (AC 150/5100-14).
 Yes No N/A

9. Sponsor has negotiated or will negotiate a fair and reasonable fee with the firm they select as most qualified for the services identified in the RFQ (2 CFR § 200.323).
 Yes No N/A

10. The Sponsor's contract identifies or will identify costs associated with ineligible work separately from costs associated with eligible work (2 CFR § 200.302).
 Yes No N/A

11. Sponsor has prepared or will prepare a record of negotiations detailing the history of the procurement action, rationale for contract type and basis for contract fees (2 CFR §200.318(i)).
 Yes No N/A

12. Sponsor has incorporated or will incorporate mandatory contact provisions in the consultant contract for AIP-assisted work (49 U.S.C. Chapter 471 and 2 CFR part 200 Appendix II)
 Yes No N/A

13. For contracts that apply a time-and-material payment provision (also known as hourly rates, specific rates of compensation, and labor rates), the Sponsor has established or will establish:

- a. Justification that there is no other suitable contract method for the services (2 CFR §200.318(j));
- b. A ceiling price that the consultant exceeds at their risk (2 CFR §200.318(j)); and
- c. A high degree of oversight that assures consultant is performing work in an efficient manner with effective cost controls in place 2 CFR §200.318(j)).

Yes No N/A

14. Sponsor is not using or will not use the prohibited cost-plus-percentage-of-cost (CPPC) contract method. (2 CFR § 200.323(d)).

Yes No N/A

Attach documentation clarifying any above item marked with "no" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Executed on this day of , .

Name of Sponsor:

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official:

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-135, Certification and Disclosure Regarding Potential Conflicts of Interest – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.



Certification and Disclosure Regarding Potential Conflicts of Interest Airport Improvement Program Sponsor Certification

Sponsor:

Airport:

Project Number:

Description of Work:

Application

Title 2 CFR § 200.112 and § 1201.112 address Federal Aviation Administration (FAA) requirements for conflict of interest. As a condition of eligibility under the Airport Improvement Program (AIP), sponsors must comply with FAA policy on conflict of interest. Such a conflict would arise when any of the following have a financial or other interest in the firm selected for award:

- a) The employee, officer or agent,
- b) Any member of his immediate family,
- c) His or her partner, or
- d) An organization which employs, or is about to employ, any of the above.

Selecting "Yes" represents sponsor or sub-recipient acknowledgement and confirmation of the certification statement. Selecting "No" represents sponsor or sub-recipient disclosure that it cannot fully comply with the certification statement. If "No" is selected, provide support information explaining the negative response as an attachment to this form. This includes whether the sponsor has established standards for financial interest that are not substantial or unsolicited gifts are of nominal value (2 CFR § 200.318(c)). The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance.

Certification Statements

1. The sponsor or sub-recipient maintains a written standards of conduct governing conflict of interest and the performance of their employees engaged in the award and administration of contracts (2 CFR § 200.318(c)). To the extent permitted by state or local law or regulations, such standards of conduct provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the sponsor's and sub-recipient's officers, employees, or agents, or by contractors or their agents.

Yes No

2. The sponsor's or sub-recipient's officers, employees or agents have not and will not solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements (2 CFR § 200.318(c)).

Yes No

3. The sponsor or sub-recipient certifies that it has disclosed and will disclose to the FAA any known potential conflict of interest (2 CFR § 1200.112).

Yes No

Attach documentation clarifying any above item marked with "no" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and have the explanation for any item marked "no" is correct and complete.

Executed on this day of , .

Name of Sponsor:

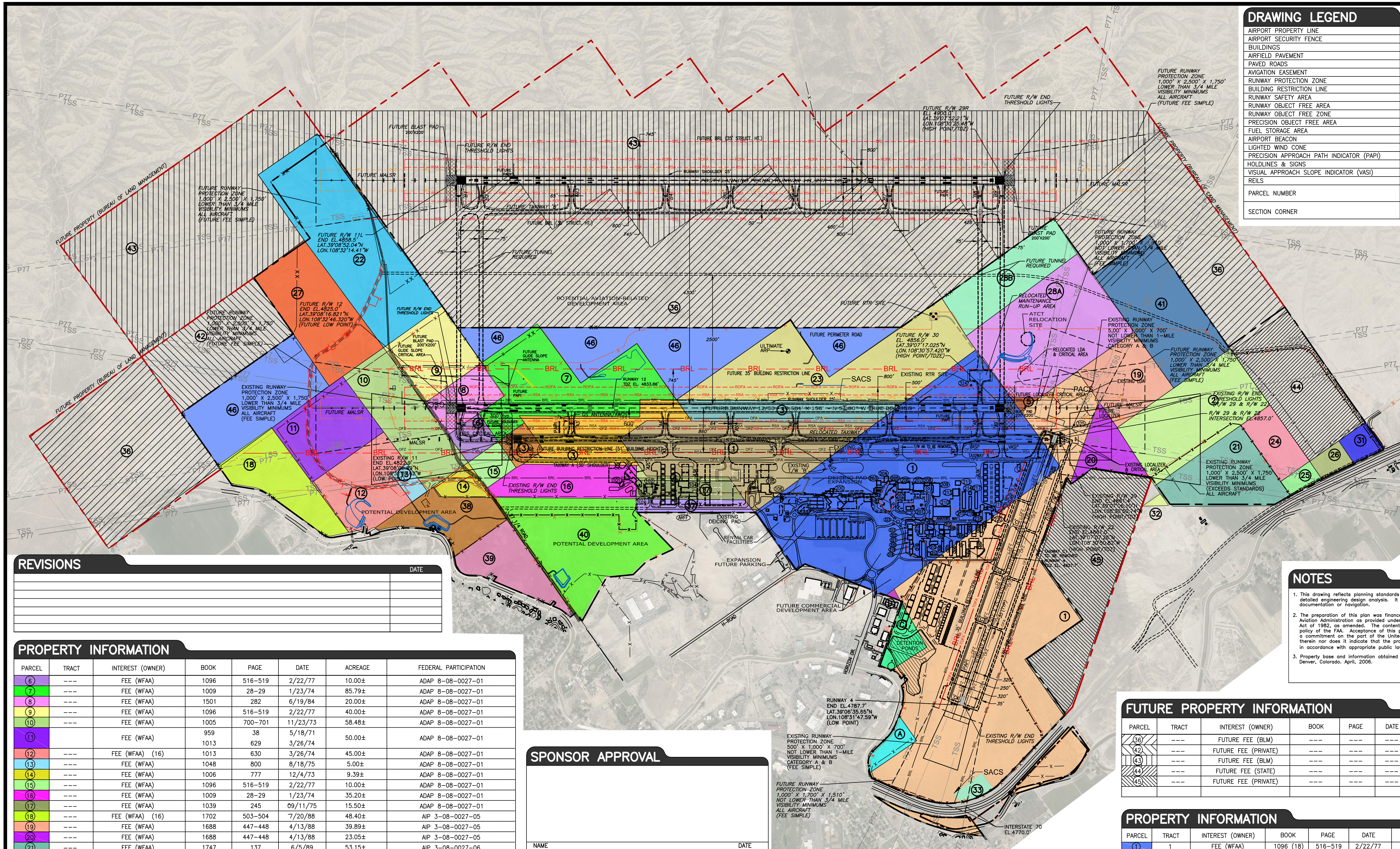
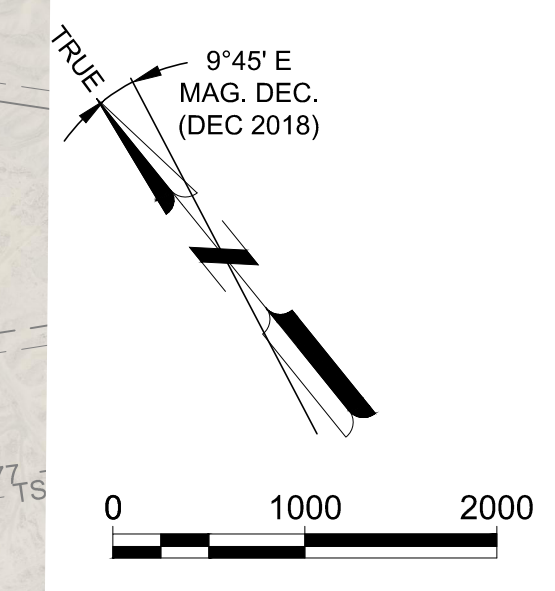
Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official:

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

DRAWING LEGEND		EXISTING	FUTURE
AIRPORT PROPERTY LINE		---	---
AIRPORT SECURITY FENCE		---	---
BUILDINGS		---	---
AIRFIELD PAVEMENT		---	---
PAVED ROADS		---	---
AVIGATION EASEMENT		---	---
RUNWAY PROTECTION ZONE		---	---
BUILDING RESTRICTION LINE		---	---
RUNWAY SAFETY AREA		---	---
RUNWAY OBJECT FREE AREA		---	---
RUNWAY OBJECT FREE ZONE		---	---
PRECISION OBJECT FREE AREA		---	---
FUEL STORAGE AREA		---	---
AIRPORT BEACON		---	---
LIGHTED WIND CONE		---	---
PRECISION APPROACH PATH INDICATOR (PAPI)		---	---
HOLDLINES & SIGNS		---	---
VISUAL APPROACH SLOPE INDICATOR (VASI)		---	---
REILS		---	---
PARCEL NUMBER		(10)	(10)
SECTION CORNER		24 19	25 130



REVISIONS	DATE

NOTES

- This drawing reflects planning standards specific to this airport, and is not a product of detailed engineering design analysis. It is not intended to be used for construction documentation or navigation.
- The preparation of this plan was financed in part through a planning grant from the Federal Aviation Administration as provided under Section 505 of the Airport and Airway Improvement Act of 1982, as amended. The contents do not necessarily reflect the official views or policy of the FAA. Acceptance of this plan by the FAA does not in any way constitute a commitment on the part of the United States to participate in any development depicted therein nor does it indicate that the proposed development is environmentally acceptable in accordance with appropriate public laws.
- Property base and information obtained from "Exhibit A" drawing file, by Carter/Burgess, Denver, Colorado, April, 2006.

PROPERTY INFORMATION							
PARCEL	TRACT	INTEREST (OWNER)	BOOK	PAGE	DATE	ACREAGE	FEDERAL PARTICIPATION
6	---	FEE (WFAA)	1096	516-519	2/22/77	10.00±	ADAP 8-08-0027-01
7	---	FEE (WFAA)	1009	28-29	1/23/74	85.79±	ADAP 8-08-0027-01
8	---	FEE (WFAA)	1501	282	6/19/84	20.00±	ADAP 8-08-0027-01
9	---	FEE (WFAA)	1096	516-519	2/22/77	40.00±	ADAP 8-08-0027-01
10	---	FEE (WFAA)	1005	700-701	11/23/73	58.48±	ADAP 8-08-0027-01
11	---	FEE (WFAA)	959	38	5/18/71	50.00±	ADAP 8-08-0027-01
12	---	FEE (WFAA) (16)	1013	629	3/26/74	45.00±	ADAP 8-08-0027-01
13	---	FEE (WFAA)	1048	800	8/18/75	5.00±	ADAP 8-08-0027-01
14	---	FEE (WFAA)	1006	777	12/4/73	9.39±	ADAP 8-08-0027-01
15	---	FEE (WFAA)	1096	516-519	2/22/77	10.00±	ADAP 8-08-0027-01
16	---	FEE (WFAA)	1009	28-29	1/23/74	35.20±	ADAP 8-08-0027-01
17	---	FEE (WFAA)	1039	245	09/11/75	15.50±	ADAP 8-08-0027-01
18	---	FEE (WFAA) (16)	1702	503-504	7/20/88	48.40±	AIP 3-08-0027-05
19	---	FEE (WFAA)	1888	447-448	4/13/88	39.89±	AIP 3-08-0027-05
20	---	FEE (WFAA)	1888	447-448	4/13/88	23.05±	AIP 3-08-0027-05
21	---	FEE (WFAA)	1747	137	6/5/89	53.15±	AIP 3-08-0027-06
22	---	FEE (WFAA)	1501	280	6/19/84	120.00±	SPONSOR ACQUIRED (6)
23	---	FEE (WFAA)	1682	962	3/2/88	126.00±	AIP 3-08-0027-06
24	---	FEE (WFAA)	1703	815	7/22/88	20.12±	AIP 3-08-0027-06
25	---	FEE (WFAA)	1687	741	4/8/88	6.05±	AIP 3-08-0027-06
26	---	FEE (WFAA)	1728	767	1/25/89	7.53±	AIP 3-08-0027-06
27	---	FEE (WFAA)	2402	145	2/2/98	80.00±	SPONSOR ACQUIRED (6)
28A	---	FEE (WFAA)	1688	447-448	4/13/88	105.95±	AIP 3-08-0027-05
28B	---	FEE (WFAA)	1688	447-448	4/13/88	52.98±	AIP 3-08-0027-05
31	1	FEE (WFAA)	1703	815	7/22/88	9.20±	SPONSOR ACQUIRED (6)
32	---	AVIGATION EASEMENT	---	---	11/21/89	3.82±	SPONSOR ACQUIRED (6)
33A	---	FEE (WFAA)	4063	363-365	12/22/05	4.759±	SPONSOR ACQUIRED (6)
37	---	FEE (WFAA)	3494	998	9/29/03	15.31±	AIP 3-08-0027-28
38	---	FEE (WFAA) (15) (16)	1826	923	3/6/91	18.50±	SPONSOR ACQUIRED (6)
39	---	FEE (WFAA) (16)	1920	527	8/7/92	15.91±	SPONSOR ACQUIRED (6)
40	---	FEE (WFAA)	2050	421-422	2/17/94	96.5±	SPONSOR ACQUIRED (6)
41	---	FEE	4367	319	03/04/07	70±	SPONSOR ACQUIRED (6)
A	---	FEE (CITY/COUNTY)	972	901	1/19/70	6.91±	---
C	---	FEE (WFAA)	972	901	1/19/70	13.65±	---
D	---	FEE (WFAA)	1096	516-519	2/22/77	1.10±	---
46	---	FEE (GJRAA)	---	---	05/22/2019	188.04	AIP 05-2019-0003

SPONSOR APPROVAL	
NAME	DATE

PROPERTY INFORMATION FOOTNOTES

- INFORMATION OBTAINED FROM MESA COUNTY CLERK AND RECORDER'S OFFICE.
- PROPERTY OWNED BY CITY OF GRAND JUNCTION AT TIME OF FAAP-01.
- PARCELS B AND E TRADED FOR PARCELS A, C, AND D.
- PARCEL B (3.00 +/- ACRES) REMOVED FROM PARCEL 1 TRACT 3.
- PARCEL E (18.59 +/- ACRES) REMOVED FROM PARCEL 1 TRACT 1.
- NO FEDERAL PARTICIPATION.
- NO PROPERTY ACQUIRED UNDER THE SURPLUS PROPERTY ACT.
- PARCEL 1 TRACT 2, PARCEL 1 TRACT 3, A PORTION OF PARCEL 2, PARCEL 3 TRACT 1, PARCEL 3 TRACT 2, PARCEL 3 TRACT 3, PARCEL 6 TRANSFERRED FROM OWNERSHIP BY CITY OF GRAND JUNCTION AND COUNTY OF MESA TO WALKER FIELD, COLORADO, PUBLIC AIRPORT AUTHORITY IN BOOK 1096, PAGES 516-519.
- EASEMENTS IN PARCEL 2 SUBSEQUENTLY ACQUIRED IN FEE AS PORTIONS OF PARCELS 19, 20 & 21.
- EASEMENTS IN PARCEL 2 SUBSEQUENTLY ACQUIRED IN FEE AS PORTIONS OF PARCELS 19, 20 & 21.
- EASEMENTS IN PARCEL 2 SUBSEQUENTLY ACQUIRED IN FEE AS PORTIONS OF PARCELS 19, 20 & 21.
- PARCELS F, G, H, I, J, AND K ARE PART OF PARCEL 1 TRACT 1. PARCELS F, G, I, J, AND K WERE RELEASED FROM REQUIRED AERONAUTICAL USE ON 2/1/79.
- PARCELS A AND C EXCLUDE ROAD AS DESCRIBED IN BOOK 714 PAGE 521.
- PARCEL 1 TRACT 3 EXCLUDES 3.00 ACRES DESCRIBED IN BOOK 962 PAGE 720.
- PARCEL 38 EXCLUDES TRACT OF LAND CONVEYED TO COLORADO-UTE ELECTRIC ASSOCIATION, INC. AS DESCRIBED IN BOOK 795 PAGE 28 AND A TRACT OF LAND CONVEYED TO GRAND VALLEY RURAL POWER LINES, INC. AS DESCRIBED IN BOOK 746 PAGE 278.
- PARCEL 1 TRACT 3, 18, 12, 38 AND 39 EITHER BORDER THE RIGHT-OF-WAY OF THE GOVERNMENT HIGHLINE CANAL OR ARE OFFSET FROM IT.
- FED. APT. ACT IS FEDERAL AIRPORT ACT OF 1946.
- PER PREVIOUSLY APPROVED EXHIBIT A, DATED 5/28/97.

FUTURE PROPERTY INFORMATION							
PARCEL	TRACT	INTEREST (OWNER)	BOOK	PAGE	DATE	ACREAGE	FEDERAL PARTICIPATION
36	---	FUTURE FEE (BLM)	---	---	---	1010±	---
42	---	FUTURE FEE (PRIVATE)	---	---	---	80±	---
43	---	FUTURE FEE (BLM)	---	---	---	935±	---
44	---	FUTURE FEE (STATE)	---	---	---	80±	---
45	---	FUTURE FEE (PRIVATE)	---	---	---	120±	---

PROPERTY INFORMATION							
PARCEL	TRACT	INTEREST (OWNER)	BOOK	PAGE	DATE	ACREAGE	FEDERAL PARTICIPATION
1	1	FEE (WFAA)	1096 (18)	516-519	2/22/77	321.04±	FED. APT. ACT. SEC. 16 (17)
1	2	FEE (WFAA)	402	8	8/15/41	112.08±	---
1	3	FEE (WFAA)	399	482-483	9/17/41	415.00±	---
1	3	FEE (WFAA)	1096	516-519	2/22/77	415.00±	---
1	3	FEE (WFAA)	375	294	10/31/38	415.00±	---
1	3	FEE (WFAA)	325	143	5/19/30	415.00±	---
1	3	FEE (WFAA)	325	78	5/12/30	415.00±	---
1	3	FEE (WFAA)	313	214	3/7/30	415.00±	---
1	3	FEE (WFAA)	313	235	4/21/30	415.00±	---
1	3	FEE (WFAA)	357	90	9/5/35	415.00±	---
1	3	FEE (WFAA)	315	49	9/14/38	415.00±	---
1	3	FEE (WFAA)	373	145	7/15/38	415.00±	---
1	3	FEE (WFAA)	399	482-483	9/17/41	415.00±	---
1	3	FEE (WFAA)	1096	516-519	2/22/77	415.00±	---
2	1	FEE (WFAA) (9,10,&11)	1096	516-519	2/22/77	102.44±	9-05-004-5802
3	1	FEE (WFAA)	778	290	4/20/60	37.95±	9-05-004-5802
3	1	FEE (WFAA)	1096	516-519	2/22/77	37.95±	9-05-004-5802
3	2	FEE (WFAA)	778	289-290	4/20/60	112.08±	9-05-004-5802
3	2	FEE (WFAA)	1096	516-519	2/22/77	112.08±	9-05-004-5802
3	3	FEE (WFAA)	1096	516-519	2/22/77	10.00±	9-05-004-5802
4	---	FEE (WFAA)	778	289	4/20/60	2.18±	9-05-004-5802
4	---	FEE (WFAA)	1096	516-519	2/22/77	2.18±	9-05-004-5802
5	---	FEE (WFAA)	778	289	4/20/60	1.08±	9-05-004-5802
5	---	FEE (WFAA)	1096	516-519	2/22/77	1.08±	9-05-004-5802

**Grand Junction Regional Airport
 AIRPORT LAYOUT PLAN UPDATE**

2828 Walker Field Dr.
 Grand Junction, CO 81506

ISSUED

NOT FOR CONSTRUCTION

M&H NO.: 2331300-170312.05
 DATE: FEB 2019
 DESIGNED BY: M&H
 DRAWN BY: JWB
 CHECKED BY: EWJ
 DO NOT SCALE DRAWINGS

SHEET CONTENTS
 AIRPORT PROPERTY
 MAP - EXHIBIT 'A'

SHEET NO. **25**

SUPPLEMENTAL CO-SPONSORSHIP AGREEMENT

This Supplemental Co-Sponsorship Agreement is entered into and effective this ____ day of _____, 2021, by and between the Grand Junction Regional Airport Authority (“Airport Authority”), and the City of Grand Junction (City).

RECITALS

A. The Airport Authority is a political subdivision of the State of Colorado, organized pursuant to Section 41-3-101 et seq., C.R.S. The Airport Authority is a separate and distinct entity from the City.

B. The Airport Authority is the owner and operator of the Grand Junction Regional Airport, located in Grand Junction, Colorado (“Airport”).

C. Pursuant to the Title 49, U.S.C., Subtitle VII, Part B, as amended, the Airport Authority has applied for monies from the Federal Aviation Administration (“FAA”), for the construction of certain improvements upon the Airport, pursuant to the terms, plans and specifications set forth in AIP Grant No. 3-08-0027-072-2021 (“Project”).

D. The FAA is willing to provide \$ _____ toward the estimated costs of the Projects, provided the City of Grand Junction and Mesa County execute the Grant Agreement as co-sponsors with the Airport Authority. The FAA is insisting that the City and County execute the Grant Agreement as co-sponsors for two primary reasons. First, the City and County have taxing authority, whereas the Airport Authority does not; accordingly, the FAA is insisting that the City and County execute the Grant Agreement so that public entities with taxing authority are liable for the financial commitments required of the Sponsor under the Grant Agreements, should the Airport Authority not be able to satisfy said financial commitments out of the net revenues generated by the operation of the Airport. In addition, the City and County have jurisdiction over the zoning and land use regulations of the real property surrounding the Airport, whereas the Airport Authority does not enjoy such zoning and land use regulatory authority. By their execution of the Grant Agreement, the City and County would be warranting to the FAA that the proposed improvements are consistent with their respective plans for the development of the area surrounding the Airport, and that they will take appropriate actions, including the adoption of zoning laws, to restrict the use of land surrounding the Airport to activities and purposes compatible with normal Airport operations.

E. The City is willing to execute the Grant Agreement, as a co-sponsor, pursuant to the FAA’s request, subject to the terms and conditions of this Supplemental Co-Sponsorship Agreement between the City and Airport Authority.

Therefore, in consideration of the above Recitals and the mutual promises and representations set forth below, the City and Airport Authority hereby agree as follows:

AGREEMENT

1. By its execution of this Agreement, the City hereby agrees to execute the Grant Agreement, as a co-sponsor, pursuant to the FAA's request.
2. In consideration of the City's execution of the Grant Agreement, as co-sponsor, the Airport Authority hereby agrees to hold the City, its officers, employees, and agents, harmless from, and to indemnify the City, its officers, employees, and agents for:
 - (a) Any and all claims, lawsuits, damages, or liabilities, including reasonable attorney's fees and court costs, which at any time may be or are stated, asserted, or made against the City, its officers, employees, or agents, by the FAA or any other third party whomsoever, in any way arising out of, or related under the Grant Agreement, or the prosecution of the Projects contemplated by the Grant Agreement, regardless of whether said claims are frivolous or groundless, other than claims related to the City's covenant to take appropriate action, including the adoption of zoning laws, to restrict the use of land surrounding the Airport, over which the City has regulatory jurisdiction, to activities and purposes compatible with normal Airport operations, set forth in paragraph 21 of the Assurances incorporated by reference into the Grant Agreement ("Assurances"); and
 - (b) The failure of the Airport Authority, or any of the Airport Authority's officers, agents, employees, or contractors, to comply in any respect with any of the requirements, obligations or duties imposed on the Sponsor by the Grant Agreements, or reasonably related to or inferred there from, other than the Sponsor's zoning and land use obligations under Paragraph 21 of the Assurances, which are the City's responsibility for lands surrounding the Airport over which it has regulatory jurisdiction.
3. By its execution of this Agreement, the Airport Authority hereby agrees to comply with each and every requirement of the Sponsor, set forth in the Grant Agreement, or reasonably required in connection therewith, other than the zoning and land use requirements set forth in paragraph 21 of the Assurances, in recognition of the fact that the Airport Authority does not have the power to effect the zoning and land use regulations required by said paragraph.
4. By its execution of this Agreement and the Grant Agreement, the City agrees to comply with the zoning and land use requirements of paragraph 21 of the Assurances, with respect to all lands surrounding the Airport that are subject to the City's regulatory jurisdiction. The City also hereby warrants and represents that, in accordance with paragraph 6 of the Special Assurances; the Projects contemplated by the Grant Agreements are consistent with present plans of the City for the development of the area surrounding the Airport.
5. The parties hereby warrant and represent that, by the City's execution of the Grant Agreement, as a co-sponsor, pursuant to the FAA's request, the City is not a co-owner, agent, partner, joint venture, or representative of the Airport Authority in the ownership, management or administration of the Airport, and the Airport Authority is, and remains, the sole owner of the Airport, and solely responsible for the operation and management of the Airport.

Done and entered into on the date first set forth above.

GRAND JUNCTION REGIONAL AIRPORT
AUTHORITY

By _____
Executive Director, Angela Padalecki
Grand Junction Regional Airport

CITY OF GRAND JUNCTION

By _____
Greg Caton, City Manager
City of Grand Junction

RESOLUTION ___-21

AUTHORIZING THE CITY MANAGER TO SIGN AND SUBMIT A GRANT AGREEMENT AND SUPPLEMENTAL CO-SPONSORSHIP AGREEMENT IN SUPPORT OF THE GRAND JUNCTION REGIONAL AIRPORT

RECITALS:

The Grand Junction Regional Airport Authority (GJRAA or Airport) has a multi-year program to improve the Airport. The Airport Improvement Program is continually coordinated with the Federal Aviation Administration (FAA) and Colorado Department of Transportation (CDOT) Aeronautics. The subject of this Resolution is the Airport Improvement Plan (AIP) grant offer from the FAA which will fund the grading and drainage construction work for the runway replacement project ("Project.")

If the Airport is awarded a grant for the Project, it will be in mid-September and the turnaround time for acceptance will be extremely short. Accordingly, the FAA has issued a draft AIP grant award which includes the terms of the grant except for the amount of the grant award. The Airport and City staff recommend the City Council authorize and approve the draft and execution of the final grant documents.

The GJRAA applied for and may receive up to \$20,000,000 and if the FAA can provide a grant in this fiscal year, there will be no matching requirement.

In order to position the GJRAA to secure the no-match grant award for the Project, the GJRAA has requested the City and the County authorize the acceptance of the AIP grant, should it be offered and consistent with the final terms of the Grant Agreement. As co-sponsors of the GJRAA both the County Commissioners and the City Council must approve grant awards. The runway project grant application was approved by the Airport Board of Commissioners on August 3, 2021 and the Board pre-authorized the Authority Board Chair to accept the anticipated Project grant award at the August 17, 2021 meeting.

By and with approval of this Resolution the City Council will authorize the City Manager to execute the required grant documentation as soon as the grant award is made.

NOW THEREFORE, the City Council of the City of Grand Junction having been fully advised in the premises authorizes, affirms and directs the approval of the "no match" Grant Offers and Agreement(s) from the Federal Aviation Administration in an amount to be determined, in support of the GJRAA runway reconstruction project, as described generally herein and in more detail in the Grant Application and the Grant Offer and Agreement(s) and the Co-Sponsorship Agreement and authorizes the City Manager and City Attorney to sign in accordance with this Resolution.

C.B. McDaniel
President of the Council

ATTEST:

Wanda Winkelmann
City Clerk



Grand Junction City Council

Workshop Session

Item #4.d.

Meeting Date: September 1, 2021

Presented By: Trenton Prall, Public Works Director, Carrie Gudorf, Angie Fowler

Department: Public Works - Engineering

Submitted By: Trent Prall, Public Works Director

Information

SUBJECT:

A Resolution Authorizing the Mayor to Sign as a Petitioner to Mesa County's Notice of Appeal and Request for Adjudicatory Hearing in Response to the Colorado Water Quality Control Division's Publication of the Total Maximum Daily Load Assessment for Colorado River Tributaries in the Grand Valley

EXECUTIVE SUMMARY:

As part of the federal Clean Water Act, Section 303(d), states are required to periodically submit to the EPA a list of waterbodies that are impaired. The Colorado Department of Health and Environment Water Quality Control Division is proposing regulation for the Grand Valley that will establish Total Maximum Daily Loads (TMDLs) that will determine the maximum amount of a pollutant that a waterbody may receive and still maintain water quality standards. Grand Valley stakeholders, including Mesa County, City of Fruita, City of Grand Junction and the Grand Valley Water Users Association have concerns about the proposed regulations. Mesa County has requested the City to join its petition for the appeal of the proposed TMDL for the Colorado River tributaries in the Grand Valley.

BACKGROUND OR DETAILED INFORMATION:

As part of the federal Clean Water Act, Section 303(d), states are required to periodically submit to the EPA a list of waterbodies that are impaired. A waterbody is considered impaired when it does not meet a state's water quality standards. States develop water quality standards that (1) designate the beneficial uses a waterbody can support, (2) define the levels of certain pollutants and certain characteristics that a waterbody can contain while still supporting the designated beneficial uses, and (3) protect waterbodies that currently support their designated beneficial uses from becoming impaired.

The Clean Water Act and EPA regulations require that states develop total maximum daily loads (TMDLs) for impaired waters identified on the section 303(d) List. In Colorado, the agency responsible for developing the 303(d) List is the Water Quality Control Division at the Colorado Department of Public Health and Environment (CDPHE). The List is adopted by the Water Quality Control Commission as Regulation No. 93. A TMDL is used to determine the maximum amount of a pollutant that a waterbody may receive and still maintain water quality standards.

The waterbodies of concern are in the Lower Colorado River Basin, which includes all tributaries to the Colorado River. The Grand Valley watershed is a portion of the Lower Colorado River Basin which encompasses more than 30 stream/river segments and six lake/reservoir segments. Pollutants of concern are dissolved selenium, total recoverable iron, and E.coli bacteria. These pollutants can originate from an array of sources including point (e.g. wastewater treatment facilities) and nonpoint (e.g. crop field runoff) sources.

The Grand Valley stakeholders (City of Grand Junction, City of Fruita, Grand Valley Water Users Association (GVWUA) and Mesa County) understand the importance of the EPA's and CPDHE's role to restore and protect the quality of all Colorado waters at levels that fully support established water quality standards. TMDLs are one aspect of making progress toward those goals. Progress will also be made through the collective efforts of the Grand Valley stakeholders, representing both point sources and non-point sources; however, additional monitoring and analysis are needed to ensure the mitigation efforts will reduce the loadings.

The Draft TMDL came out in April 2021 and Grand Valley stakeholders (City of Grand Junction, City of Fruita, Grand Valley Water Users Association and Mesa County) as well as the Colorado Stone, Sand & Gravel Association provided comments regarding the draft TMDL document. The concerns included the source assessment, allocation of loads, and prioritization of implementation activities (TMDL allocations).

Source Assessment - the concerns include poor data or missing data, limited ability to identify and assess sources of pollutants, and a challenge to bridge the link between sources and the observed impairments.

Allocation of Loads - point sources (wasteload allocation), seven (7) permits identified, GVWUA inaccurate assignment of (non-standard MS4 permit) loadings to Indian Wash, Mesa County MS4 Permit loadings outside of the urbanized area. Nonpoint sources (load allocation), need to understand baseflow loadings (irrigation and non-irrigation seasons) and stormwater loadings, and need to understand background contributions of loadings.

TMDL allocations and implementation responsibilities - Delineation of the drainage areas isn't accurate and misrepresents implementation responsibilities for loadings outside the urbanized area; no data to understand the influence of stormwater loadings upstream of the TMDL watershed upper boundary versus the background loadings;

large loading reductions are required for the non-irrigation season. Most of the loadings are from agricultural return flows. The ability to control these loadings is limited; and E. coli loadings for Adobe and Leach Creeks need to be characterized to understand the sources.

A request was made to the Water Quality Control Division (WQCD) to delay the determination of the Final TMDL for three years to allow the following:

- Continue ongoing Grand Valley Watershed Plan and stakeholder process
- Initiate the Colorado Mesa University's E. coli research to inform better characterization of the source loadings
- United States Geological Survey's (USGS's) post-fire water quality monitoring plan to be developed and implemented. Specifically, initiate a monitoring study that will increase the number of streamflow and water quality gages to: collect paired water quality and streamflow measurements at the 9 "high" priority and 6 "medium" priority monitoring locations to aid analysis, specifically, strengthen the linkage between the pollutant sources and impairments and the contribution of stormwater loadings and baseload loadings during the distinct irrigation and non-irrigation seasons; update data to "current conditions" in areas and evaluate loadings across wet, dry, and average years and shifting land uses to understand the influence of climactic variations; and integrate the Orchard Mesa and Walter Walker Wildlife Areas as well as other backwater habitats that support the threatened and endangered fish in the Grand Valley.
- Provide annual reports and periodic updates to WQCD and EPA to document progress across these projects

The end result of the above effort would be development of a TMDL that would be more attainable than as currently drafted.

A follow-up discussion with WQCD staff was held on June 24, 2021 to further explain our concerns. CDPHE issued the final version of the TMDL on August 10, 2021. The report appears similar to the draft version without much consideration given to the comments submitted by the group, leaving limited options for the stakeholder group. Mesa County, on behalf of Fruita and Grand Junction, is working with the Grand Valley Water Users Association on an appeal based on the concerns listed above as well as some procedural issues that CDPHE did not follow. Mesa County is requesting that City of Grand Junction and City of Fruita join as Petitioners in the Notice of Request for Adjudicatory hearing. If the City chose not be part of the appeal petition, it could submit for party status in the rule-making hearing by filing 15 days prior to the hearing which is anticipated in late September or early October.

The Notice of Appeal and Request for Adjudicatory hearing is due by September 8. TMDL's were discussed at the Wednesday, August 25, joint workshop with City Council and Board of Mesa County Commissioners. City staff was directed to prepare formal action authorizing the mayor to sign as Petitioners to Mesa County's Notice of Appeal

Request.

The TMDL is not self-implementing (does not take immediate effect) but will be incorporated into a revised discharge permit which is anticipated in 2022 at which point it becomes "real" for the Grand Valley. Next steps will include developing a plan for the watershed affected by the TMDL followed by implementation in 2023.

FISCAL IMPACT:

While the cost and other details of the appeal have not been determined, staff has included in the proposed 2022 budget an additional \$50,000 to the contract with Mesa County for stormwater quality services to cover costs associated with the appeal and/or implementation of TMDL mitigation measures.

SUGGESTED ACTION:

I move to (adopt/deny) Resolution No. 70-21, a resolution authorizing the Mayor to sign as a petitioner to Mesa County's Notice of Appeal and request for adjudicatory hearing in response to the Colorado Water Quality Control Division's publication of the Total Maximum Daily Load Assessment for Colorado River tributaries in the Grand Valley.

Attachments

1. Total Maximum Daily Load Assessment Final Report
2. Grand Valley Letter
3. Resolution

Total Maximum Daily Load Assessment



Colorado River tributaries in the Grand Valley
(COLCLC13b), Mesa County, Colorado

August 2021
Final Version



Executive Summary

The scope of the Total Maximum Daily Loads (TMDLs) presented in this document addresses selenium, iron and *Escherichia coli* (*E. coli*) impairments found in certain tributaries within the Grand Valley, located along the Colorado River in Mesa County, Colorado. The impaired waterbody, Segment COLCLC13b, represents “all tributaries to the Colorado River, including wetlands, from the Government Highline Canal Diversion to a point immediately below Salt Creek, and down-gradient from the Government Highline Canal, the Orchard Mesa Canal No. 2, Orchard Mesa Drain, Stub Ditch and the northeast Colorado National Monument boundary.”

Segment COLCLC13b is broken down into four separate Assessment Units (AUIDs), A through D. AUID COLCLC13b_A consists of “all tributaries to the Colorado River from Government Highline Canal Diversion to below Salt Creek, and downgradient from Government Highline Canal, Orchard Mesa Canal No. 2, Orchard Mesa Drain, Stub Ditch and northeast Colorado National Monument boundary, except Salt, Adobe, Leach Creeks, Indian Wash and Mack Wash.” AUID COLCLC13b_B consists of “Salt Creek and tributaries below lake and reservoir, including Mack Wash.” COLCLC13b_C consists of “Adobe Creek, Leach Creek and tributaries below canal.” COLCLC13b_D consists of “Indian Wash.” TMDLs were developed for the following waterbodies, grouped by their respective AUID:

- COLCLC13b_A: Lewis Wash, Hunter Wash, Pritchard Wash, Persigo Wash, Little Salt Wash, Big Salt Wash, and Reed Wash
- COLCLC13b_B: Salt Creek
- COLCLC13b_C: Adobe Creek and Leach Creek
- COLCLC13b_D: Indian Wash

The tributaries listed represent a combined drainage area of approximately 138 square miles that discharge into the Colorado River. The drainage area for each impaired tributary was calculated using HUC12 watershed delineations or a combination of HUC12 and drainage areas determined by local Mesa County maps. The Government Highline Canal demarks the upper boundary of each drainage area covered by the TMDLs. All listed tributaries are impaired for dissolved selenium and total recoverable iron based on Aquatic Life standards. In addition, AUID COLCLC13b_C (Adobe Creek and Leach Creek) are impaired for *E. coli* based on Recreation standards. The aquatic life use in AUID COLCLC13b_B is also impaired by sediment but this impairment will be addressed in a future TMDL effort. Figure ES-1 displays the location and impairments for each waterbody evaluated. It is the intent to protect the water quality of the Colorado River mainstem by implementing TMDLs for the tributaries identified above. Note that a tributary included in AUID COLCLC13b_A West of Indian Wash that was not evaluated in this TMDL. Although the tributary is included on the 303(d) List, no data from this tributary were available to assess. Therefore, the WQCD will work to create a separate AUID for this segment and a TMDL will be addressed for this tributary in the future.

There are several point source discharges and nonpoint sources potentially contributing to the impairments of the tributaries in the Grand Valley. Point sources addressed in this TMDL include dischargers covered by individual Colorado Discharge Permitting System (CDPS) permits as well as stormwater dischargers covered by general CDPS permits. Nonpoint sources addressed in this TMDL include discharge from irrigation and fertilization practices, in conjunction with the natural geological features of the area. This TMDL assigns allocations for dissolved selenium, total recoverable iron, and *E. coli*, and identifies the load reductions

necessary to attain the currently adopted standards. TMDLs and loading reductions for dissolved selenium and total recoverable iron were evaluated for all the aforementioned tributaries during the irrigation season (April to October) and non-irrigation season (November to March). TMDLs and loading reductions for *E. coli* were evaluated annually for Adobe and Leach Creek.

The Federal Clean Water Act and U.S. Environmental Protection Agency (U.S. EPA) regulations require that States develop TMDLs for waters on the Section 303(d) impaired waters list. A TMDL is the total amount of a pollutant that can be assimilated by the receiving water while still achieving water quality standards. TMDLs are composed of the sum of individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources. In addition, the TMDL must include a margin of safety (MOS), either implicitly or explicitly, that accounts for the uncertainty in the relationship between pollutant loads and the quality of the receiving waterbody. When future growth is a concern and can be quantified, it is also included and is referred to in this report as the reserve capacity (RC). Conceptually, this is defined by the equation:

$$\text{TMDL} = \sum \text{WLAs} + \sum \text{LAs} + \text{MOS} + \text{RC}$$

The WQCD, in conjunction with U.S. EPA, collected water quality samples for the waterbodies listed above. In addition, hydrological and water quality data were available from United States Geological Survey (USGS) and Riverwatch. These data were used to determine the current ambient load in the waterbodies and to calculate the required reductions to attain water standards. The TMDL was then allocated to the point and nonpoint sources identified as potential contributors to the impairments in the waterbody. Tables ES-1 to ES-4 summarize relevant information for each waterbody evaluated in this TMDL.

TMDL implementation is to occur through CDPS permits for point sources and through best management practice (BMP) implementation from various remediation efforts led by local stakeholders and watershed groups for nonpoint sources.

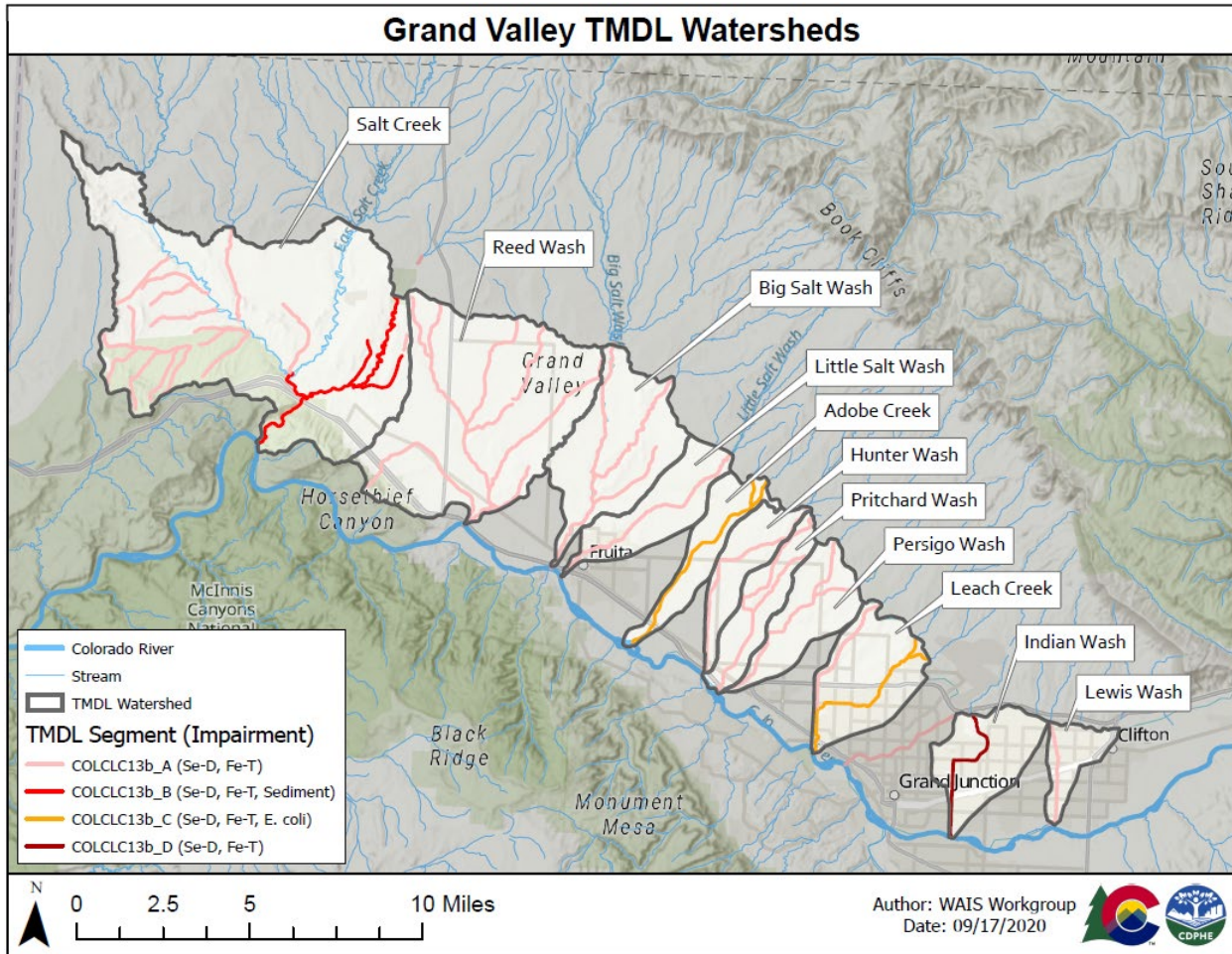


Figure ES-1. Impaired segments in the Grand Valley for which TMDLs were developed.

Table ES-1. Dissolved Selenium and Total Recoverable Iron TMDLs for Lewis Wash

Waterbody AUID	COLCLC13b_A			
Segment portion description	All tributaries to the Colorado River from Government Highline Canal Diversion to below Salt Creek, and downgradient from Government Highline Canal, Orchard Mesa Canal No. 2, Orchard Mesa Drain, Stub Ditch and northeast Colorado National Monument boundary, except Salt, Adobe, Leach Creeks, Indian Wash and Mack Wash			
HUC12 sub-watersheds	140100051503: Indian Wash-Colorado River			
Use classifications and impairments	Agriculture	Fully Supporting		
	Aquatic Life - Warm Water Class 2	Not Supporting		
	Recreation - E	Fully Supporting		
Pollutant addressed	Dissolved Selenium (Se-D) and Total Recoverable Iron (Fe-Trec)			
Major sources of impairment	Urban stormwater Runoff from pastures and small farms			
Loading capacity approach	Mass Balance			
Criteria	Se-D: 4.6 µg/l (chronic), 18.4 µg/l (acute) Fe-Trec: 1000 µg/l (chronic)			
TMDL target	Se-D: 4.6 µg/l Fe-Trec: 1000 µg/l			
Margin of safety	Explicit (10% for all parameters)			
Reserve capacity	Based on the projected change from natural to urban land cover from 2020 to 2030			
Flow Season	Irrigation (Apr-Oct)		Non-Irrigation (Nov-Mar)	
Parameter	Se-D (lb/d)	Fe-Trec (lb/d)	Se-D (lb/d)	Fe-Trec (lb/d)
TMDL	0.30	65	0.015	3.2
LA	0.029	6.0	0.0014	0.30
Sum of WLAs	0.24	52	0.012	2.6
MOS	0.030	6.5	0.0015	0.32
RC	0.0011	0.0854	0.00005	0.004
Existing load	0.13	32	0.11	1.1
Reductions	0%	0%	86%	0%

Table ES-2. Dissolved Selenium and Total Recoverable Iron TMDLs for Indian Wash

Waterbody AUID	COLCLC13b_D			
Segment portion description	Indian Wash			
HUC12 sub-watersheds	140100051503: Indian Wash-Colorado River			
Use classifications and impairments	Agriculture	Fully Supporting		
	Aquatic Life - Warm Water Class 2	Not Supporting		
	Recreation - E	Fully Supporting		
Pollutant addressed	Dissolved Selenium (Se-D) and Total Recoverable Iron (Fe-Trec)			
Major sources of impairment	Urban stormwater Runoff from pastures and small farms			
Loading capacity approach	Mass Balance			
Criteria	Se-D: 4.6 µg/l (chronic), 18.4 µg/l (acute) Fe-Trec: 1000 µg/l (chronic)			
TMDL target	Se-D: 4.6 µg/l Fe-Trec: 1000 µg/l			
Margin of safety	Explicit (10% for all parameters)			
Reserve capacity	Based on the projected change from natural to urban land cover from 2020 to 2030			
Flow Season	Irrigation (Apr-Oct)		Non-Irrigation (Nov-Mar)	
Parameter	Se-D (lb/d)	Fe-Trec (lb/d)	Se-D (lb/d)	Fe-Trec (lb/d)
TMDL	0.69	151	0.032	7.0
LA	0.071	15	0.0033	0.68
Sum of WLAs	0.55	121	0.026	5.6
MOS	0.069	15	0.0032	0.70
RC	0.0025	0.20	0.0001	0.009
Existing load	1.4	332	0.77	1.7
Reductions	50%	55%	96%	0%

Table ES-3. Dissolved Selenium, Total Recoverable Iron, and *E. coli* TMDLs for Leach Creek

Waterbody AUID	COLCLC13b_C				
Segment portion description	Adobe Creek, Leach Creek and tributaries below canal				
HUC12 sub-watersheds	140100051602: Leach Creek				
Use classifications and impairments	Agriculture		Fully Supporting		
	Aquatic Life - Warm Water Class 2		Not Supporting		
	Recreation - E		Not Supporting		
Pollutant addressed	Dissolved Selenium (Se-D) and Total Recoverable Iron (Fe-Trec), and <i>E. coli</i>				
Major sources of impairment	Runoff from pastures and small farms Wildlife and Domestic Pets (<i>E. coli</i>) Septic System Failures (<i>E. coli</i>) Urban stormwater runoff				
Loading capacity approach	Mass Balance				
Criteria	Se-D: 4.6 µg/l (chronic), 18.4 µg/l (acute) Fe-Trec: 1000 µg/l (chronic) <i>E. coli</i> : 126 cfu/ml				
TMDL target	Se-D: 4.6 µg/l Fe-Trec: 1000 µg/l <i>E. coli</i> : 126 cfu/ml				
Margin of safety	Explicit (10% for all parameters)				
Reserve capacity	Based on the projected change from natural to urban land cover from 2020 to 2030				
Flow Season	Irrigation (Apr-Oct)		Non-Irrigation (Nov-Mar)		Year Round
Parameter	Se-D (lb/d)	Fe-Trec (lb/d)	Se-D (lb/d)	Fe-Trec (lb/d)	<i>E. coli</i> (giga-cfu-d)
TMDL	1.1	243	0.20	43	105
LA	0.38	79	0.067	14	34
Sum of WLAs	0.62	139	0.11	25	60
MOS	0.11	24	0.020	4.3	10.5
RC	0.01	0.32	0.0018	0.057	0.342
Existing load	3.9	355	4.2	13	136
Reductions	71%	32%	95%	0%	23%

Table ES-4. Dissolved Selenium and Total Recoverable Iron TMDLs for Persigo Wash

Waterbody AUID	COLCLC13b_A			
Segment portion description	All tributaries to the Colorado River from Government Highline Canal Diversion to below Salt Creek, and downgradient from Government Highline Canal, Orchard Mesa Canal No. 2, Orchard Mesa Drain, Stub Ditch and northeast Colorado National Monument boundary, except Salt, Adobe, Leach Creeks, Indian Wash and Mack Wash			
HUC12 sub-watersheds	140100051604: Persigo Wash			
Use classifications and impairments	Agriculture	Fully Supporting		
	Aquatic Life - Warm Water Class 2	Not Supporting		
	Recreation - E	Fully Supporting		
Pollutant addressed	Dissolved Selenium (Se-D) and Total Recoverable Iron (Fe-Trec)			
Major sources of impairment	Runoff from pastures and small farms Urban stormwater runoff			
Loading capacity approach	Mass Balance			
Criteria	Se-D: 4.6 µg/l (chronic), 18.4 µg/l (acute) Fe-Trec: 1000 µg/l (chronic)			
TMDL target	Se-D: 4.6 µg/l Fe-Trec: 1000 µg/l			
Margin of safety	Explicit (10% for all parameters)			
Reserve capacity	Based on the projected change from natural to urban land cover from 2020 to 2030			
Flow Season	Irrigation (Apr-Oct)		Non-Irrigation (Nov-Mar)	
Parameter	Se-D (lb/d)	Fe-Trec (lb/d)	Se-D (lb/d)	Fe-Trec (lb/d)
TMDL	1.1	248	0.082	18
LA	0.80	175	0.058	13
Sum of WLAs	0.21	48	0.015	3.5
MOS	0.11	25	0.0082	1.8
RC	0.010	0.33	0.0007	0.023
Existing load	3.7	468	1.5	3.4
Reductions	69%	47%	95%	0%

Table ES-5. Dissolved Selenium and Total Recoverable Iron TMDLs for Pritchard Wash

Waterbody AUID	COLCLC13b_A			
Segment portion description	All tributaries to the Colorado River from Government Highline Canal Diversion to below Salt Creek, and downgradient from Government Highline Canal, Orchard Mesa Canal No. 2, Orchard Mesa Drain, Stub Ditch and northeast Colorado National Monument boundary, except Salt, Adobe, Leach Creeks, Indian Wash and Mack Wash			
HUC12 sub-watersheds	140100051606: Monument Canyon-Colorado River			
Use classifications and impairments	Agriculture	Fully Supporting		
	Aquatic Life - Warm Water Class 2	Not Supporting		
	Recreation - E	Fully Supporting		
Pollutant addressed	Dissolved Selenium (Se-D) and Total Recoverable Iron (Fe-Trec)			
Major sources of impairment	Runoff from pastures and small farms Urban stormwater runoff			
Loading capacity approach	Mass Balance			
Criteria	Se-D: 4.6 µg/l (chronic), 18.4 µg/l (acute) Fe-Trec: 1000 µg/l (chronic)			
TMDL target	Se-D: 4.6 µg/l Fe-Trec: 1000 µg/l			
Margin of safety	Explicit (10% for all parameters)			
Reserve capacity	Based on the projected change from natural to urban land cover from 2020 to 2030			
Flow Season	Irrigation (Apr-Oct)		Non-Irrigation (Nov-Mar)	
Parameter	Se-D (lb/d)	Fe-Trec (lb/d)	Se-D (lb/d)	Fe-Trec (lb/d)
TMDL	0.92	200	0.067	15
LA	0.53	115	0.039	8.4
Sum of WLAs	0.29	64	0.021	4.7
MOS	0.092	20	0.0067	1.5
RC	0.0084	0.26	0.0006	0.019
Existing load	2.3	539	0.36	17
Reductions	60%	63%	81%	16%

Table ES-6. Dissolved Selenium and Total Recoverable Iron TMDLs for Hunter Wash

Waterbody AUID	COLCLC13b_A			
Segment portion description	All tributaries to the Colorado River from Government Highline Canal Diversion to below Salt Creek, and downgradient from Government Highline Canal, Orchard Mesa Canal No. 2, Orchard Mesa Drain, Stub Ditch and northeast Colorado National Monument boundary, except Salt, Adobe, Leach Creeks, Indian Wash and Mack Wash			
HUC12 sub-watersheds	140100051605: Hunter Wash			
Use classifications and impairments	Agriculture	Fully Supporting		
	Aquatic Life - Warm Water Class 2	Not Supporting		
	Recreation - E	Fully Supporting		
Pollutant addressed	Dissolved Selenium (Se-D) and Total Recoverable Iron (Fe-Trec)			
Major sources of impairment	Runoff from pastures and small farms Urban stormwater runoff			
Loading capacity approach	Mass Balance			
Criteria	Se-D: 4.6 µg/l (chronic), 18.4 µg/l (acute) Fe-Trec: 1000 µg/l (chronic)			
TMDL target	Se-D: 4.6 µg/l Fe-Trec: 1000 µg/l			
Margin of safety	Explicit (10% for all parameters)			
Reserve capacity	Based on the projected change from natural to urban land cover from 2020 to 2030			
Flow Season	Irrigation (Apr-Oct)		Non-Irrigation (Nov-Mar)	
Parameter	Se-D (lb/d)	Fe-Trec (lb/d)	Se-D (lb/d)	Fe-Trec (lb/d)
TMDL	0.84	183	0.060	13
LA	0.64	140	0.045	10
Sum of WLAs	0.11	25	0.008	1.8
MOS	0.084	18	0.006	1.3
RC	0.0077	0.24	0.0005	0.017
Existing load	1.6	515	0.65	2.4
Reductions	48%	64%	91%	0%

Table ES-7. Dissolved Selenium and Total Recoverable Iron, and *E. coli* TMDLs for Adobe Creek

Waterbody AUID	COLCLC13b_C				
Segment portion description	Adobe Creek, Leach Creek and tributaries below canal				
HUC12 sub-watersheds	140100051607: Adobe Creek				
Use classifications and impairments	Agriculture		Fully Supporting		
	Aquatic Life - Warm Water Class 2		Not Supporting		
	Recreation - E		Not Supporting		
Pollutant addressed	Dissolved Selenium (Se-D) and Total Recoverable Iron (Fe-Trec), and <i>E. coli</i>				
Major sources of impairment	Runoff from pastures and small farms Wildlife and Domestic Pets (<i>E. coli</i>) Septic System Failures (<i>E. coli</i>) Urban stormwater runoff				
Loading capacity approach	Mass Balance				
Criteria	Se-D: 4.6 µg/l (chronic), 18.4 µg/l (acute) Fe-Trec: 1000 µg/l (chronic) <i>E. coli</i> : 126 cfu/ml				
TMDL target	Se-D: 4.6 µg/l Fe-Trec: 1000 µg/l <i>E. coli</i> : 126 cfu/ml				
Margin of safety	Explicit (10% for all parameters)				
Reserve capacity	Based on the projected change from natural to urban land cover from 2020 to 2030				
Flow Season	Irrigation (Apr-Oct)		Non-Irrigation (Nov-Mar)		Year Round
Parameter	Se-D (lb/d)	Fe-Trec (lb/d)	Se-D (lb/d)	Fe-Trec (lb/d)	<i>E. coli</i> (giga-cfu/d)
TMDL	0.89	194	0.065	14	86
LA	0.67	147	0.049	11	65
Sum of WLAs	0.12	28	0.009	2.0	12
MOS	0.089	19	0.0065	1.4	8.6
RC	0.0081	0.26	0.0006	0.019	0.282
Existing load	2.5	621	0.61	2.2	395
Reductions	65%	69%	89%	0%	78%

Table ES-8. Dissolved Selenium and Total Recoverable Iron TMDLs for Little Salt Wash

Waterbody AUID	COLCLC13b_A			
Segment portion description	All tributaries to the Colorado River from Government Highline Canal Diversion to below Salt Creek, and downgradient from Government Highline Canal, Orchard Mesa Canal No. 2, Orchard Mesa Drain, Stub Ditch and northeast Colorado National Monument boundary, except Salt, Adobe, Leach Creeks, Indian Wash and Mack Wash			
HUC12 sub-watersheds	140100051608: Little Salt Wash			
Use classifications and impairments	Agriculture	Fully Supporting		
	Aquatic Life - Warm Water Class 2	Not Supporting		
	Recreation - E	Fully Supporting		
Pollutant addressed	Dissolved Selenium (Se-D) and Total Recoverable Iron (Fe-Trec)			
Major sources of impairment	Runoff from pastures and small farms Urban stormwater runoff			
Loading capacity approach	Mass Balance			
Criteria	Se-D: 4.6 µg/l (chronic), 18.4 µg/l (acute) Fe-Trec: 1000 µg/l (chronic)			
TMDL target	Se-D: 4.6 µg/l Fe-Trec: 1000 µg/l			
Margin of safety	Explicit (10% for all parameters)			
Reserve capacity	Based on the projected change from natural to urban land cover from 2020 to 2030			
Flow Season	Irrigation (Apr-Oct)		Non-Irrigation (Nov-Mar)	
Parameter	Se-D (lb/d)	Fe-Trec (lb/d)	Se-D (lb/d)	Fe-Trec (lb/d)
TMDL	1.2	254	0.084	18
LA	0.78	170	0.057	12
Sum of WLAs	0.26	58	0.019	4.2
MOS	0.12	25	0.0084	1.8
RC	0.011	0.33	0.0008	0.024
Existing load	1.8	558	0.42	6.6
Reductions	34%	55%	80%	0%

Table ES-9. Dissolved Selenium and Total Recoverable Iron TMDLs for Big Salt Wash

Waterbody AUID	COLCLC13b_A			
Segment portion description	All tributaries to the Colorado River from Government Highline Canal Diversion to below Salt Creek, and downgradient from Government Highline Canal, Orchard Mesa Canal No. 2, Orchard Mesa Drain, Stub Ditch and northeast Colorado National Monument boundary, except Salt, Adobe, Leach Creeks, Indian Wash and Mack Wash			
HUC12 sub-watersheds	140100051613: Lower Big Salt Wash			
Use classifications and impairments	Agriculture	Fully Supporting		
	Aquatic Life - Warm Water Class 2	Not Supporting		
	Recreation - E	Fully Supporting		
Pollutant addressed	Dissolved Selenium (Se-D) and Total Recoverable Iron (Fe-Trec)			
Major sources of impairment	Runoff from pastures and small farms Urban stormwater runoff			
Loading capacity approach	Mass Balance			
Criteria	Se-D: 4.6 µg/l (chronic), 18.4 µg/l (acute) Fe-Trec: 1000 µg/l (chronic)			
TMDL target	Se-D: 4.6 µg/l Fe-Trec: 1000 µg/l			
Margin of safety	Explicit (10% for all parameters)			
Reserve capacity	Based on the projected change from natural to urban land cover from 2020 to 2030			
Flow Season	Irrigation (Apr-Oct)		Non-Irrigation (Nov-Mar)	
Parameter	Se-D (lb/d)	Fe-Trec (lb/d)	Se-D (lb/d)	Fe-Trec (lb/d)
TMDL	2.1	453	0.32	70
LA	1.7	363	0.26	56
Sum of WLAs	0.19	45	0.030	6.9
MOS	0.21	45	0.032	7.0
RC	0.019	0.60	0.0029	0.093
Existing load	6.9	1516	3.0	26
Reductions	70%	70%	89%	0%

Table ES-10. Dissolved Selenium and Total Recoverable Iron TMDLs for Reed Wash

Waterbody AUID	COLCLC13b_A			
Segment portion description	All tributaries to the Colorado River from Government Highline Canal Diversion to below Salt Creek, and downgradient from Government Highline Canal, Orchard Mesa Canal No. 2, Orchard Mesa Drain, Stub Ditch and northeast Colorado National Monument boundary, except Salt, Adobe, Leach Creeks, Indian Wash and Mack Wash			
HUC12 sub-watersheds	140100051614: Reed Wash			
Use classifications and impairments	Agriculture	Fully Supporting		
	Aquatic Life - Warm Water Class 2	Not Supporting		
	Recreation - E	Fully Supporting		
Pollutant addressed	Dissolved Selenium (Se-D) and Total Recoverable Iron (Fe-Trec)			
Major sources of impairment	Runoff from pastures and small farms Urban stormwater runoff			
Loading capacity approach	Mass Balance			
Criteria	Se-D: 4.6 µg/l (chronic), 18.4 µg/l (acute) Fe-Trec: 1000 µg/l (chronic)			
TMDL target	Se-D: 4.6 µg/l Fe-Trec: 1000 µg/l			
Margin of safety	Explicit (10% for all parameters)			
Reserve capacity	Based on the projected change from natural to urban land cover from 2020 to 2030			
Flow Season	Irrigation (Apr-Oct)		Non-Irrigation (Nov-Mar)	
Parameter	Se-D (lb/d)	Fe-Trec (lb/d)	Se-D (lb/d)	Fe-Trec (lb/d)
TMDL	1.7	367	0.14	31
LA	1.4	295	0.11	25
Sum of WLAs	0.15	34	0.012	2.9
MOS	0.17	37	0.014	3.1
RC	0.0061	0.48	0.0005	0.041
Existing load	7.6	1713	3.4	5.9
Reductions	78%	79%	96%	0%

Table ES-11. Dissolved Selenium and Total Recoverable Iron TMDLs for Salt Creek

Waterbody AUID	COLCLC13b_B			
Segment portion description	Salt Creek and tributaries below lake and reservoir, including Mack Wash			
HUC12 sub-watersheds	140100051807: Lower East Salt Creek			
Use classifications and impairments	Agriculture	Fully Supporting		
	Aquatic Life - Warm Water Class 2	Not Supporting		
	Recreation - E	Fully Supporting		
Pollutant addressed	Dissolved Selenium (Se-D) and Total Recoverable Iron (Fe-Trec)			
Major sources of impairment	Runoff from pastures and small farms Urban stormwater runoff			
Loading capacity approach	Mass Balance			
Criteria	Se-D: 4.6 µg/l (chronic), 18.4 µg/l (acute) Fe-Trec: 1000 µg/l (chronic)			
TMDL target	Se-D: 4.6 µg/l Fe-Trec: 1000 µg/l			
Margin of safety	Explicit (10% for all parameters)			
Reserve capacity	Based on the projected change from natural to urban land cover from 2020 to 2030			
Flow Season	Irrigation (Apr-Oct)		Non-Irrigation (Nov-Mar)	
Parameter	Se-D (µg/l)	Fe-Trec (µg/l)	Se-D (µg/l)	Fe-Trec (µg/l)
TMDL	2.8	609	0.23	51
LA	2.2	468	0.19	39
Sum of WLAs	0.29	79	0.024	6.6
MOS	0.28	61	0.023	5.1
RC	0.010	0.80	0.0008	0.067
Existing load	6.1	1283	3.2	24
Reductions	54%	52%	93%	0%

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Abbreviations, Acronyms, and Units of Measure

Abbreviation/acronym	Description
BMP	Best Management Practice
CDPHE	Colorado Department of Public Health and Environment
CDPS	Colorado Discharge Permit System
CWA	Clean Water Act
FDC	Flow Duration Curve
LA	Load Allocation
LDC	Load Duration Curve
MOS	Margin of Safety
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
NPS	Nonpoint Source
RC	Reserve Capacity
TMDL	Total Maximum Daily Load
U.S. EPA	U.S. Environmental Protection Agency
USDA	U.S. Department of Agriculture
USGS	U.S. Geological Survey (U.S. Department of the Interior)
WBID	Waterbody Identifier
WLA	Wasteload Allocation
WQCC	Water Quality Control Commission (Colorado)
WQCD	Water Quality Control Division (Colorado)
WWTP	Wastewater Treatment Plant

Unit of measure	Description
cfs	Cubic Foot per Second
cfu	Colony Forming Unit
ft ³	Cubic Feet
gal	Gallon
lb	Pound
mgd	Million Gallons per Day
mg/l	Milligram per Liter (equal to parts per million)
sec	Second
ton	Ton
µg/l	Microgram per Liter (equal to parts per billion)

1 Introduction

Section 303(d) of the federal Clean Water Act (CWA) requires States to periodically submit to the U. S. Environmental Protection Agency (U.S. EPA) a list of waterbodies that are impaired. A waterbody is considered impaired when it does not meet a State's water quality standards. States develop water quality standards that (1) designate the beneficial uses a waterbody can support, (2) define the levels of certain pollutants (numeric criteria) and certain characteristics (narrative criteria) that a waterbody can contain while still supporting the designated beneficial uses, and (3) protect waterbodies that currently support their designated beneficial uses from becoming impaired (*i.e.* anti-degradation).

The CWA and U.S. EPA regulations require that States develop total maximum daily loads (TMDLs) for impaired waters identified on the section 303(d) List. In Colorado, the agency responsible for developing the 303(d) List is the Water Quality Control Division (WQCD) at the Colorado Department of Public Health and Environment (CDPHE). The List is adopted by the Water Quality Control Commission (WQCC) as Regulation No. 93. WQCD also develops TMDLs for impaired waterbodies on Colorado's 303(d) List.

For waterbodies on the 303(d) List, a TMDL is used to determine the maximum amount of a pollutant that a waterbody may receive and still maintain water quality standards. The TMDL is the sum of the waste load allocation (WLA), which is the load from permitted point source discharges, load allocation (LA), which is the load attributed to natural background and/or nonpoint sources (NPS), and a margin of safety (MOS). When future growth is a concern and can be quantified, it is also included as reserve capacity (RC).

$$TMDL = \Sigma WLA + \Sigma LA + MOS + RC$$

The TMDL and water quality restoration planning process involves several steps including watershed characterization, target identification, source assessment, allocation of loads, and prioritization of implementation activities. TMDL targets and allocations are derived from the water quality standards (designated beneficial uses, numeric and narrative criteria, and anti-degradation).

The overall goals and objectives in developing the TMDLs for the waterbodies included in this report are as follows:

- Summarize the existing water quality within the project area and identify key issues associated with the impairments and potential pollutant sources.
- Use the available research and data to identify the water quality conditions that will result in all waterbodies fully supporting their designated uses.
- Prepare a final TMDL report that meets the requirements of the CWA.
- Provide information that can be used to facilitate implementation activities and improve water quality.

The results of the TMDL process are documented in this report. However, this TMDL was developed within a statewide environmental framework established by CDPHE.

WQCD's ultimate goal is to restore and protect the quality of all Colorado waters at levels that fully support established water quality standards. TMDLs are one step in a much larger and iterative process toward addressing water quality problems. The Colorado Statewide Water Quality Management Plan¹ and A Guide to Colorado Programs for Water Quality Management and Safe Drinking Water: A Continuing Planning Process² are useful references that describe how different regulations, programs, agencies, and stakeholders work together to set strategies and make progress on this goal.

TMDL effectiveness depends on the degree to which the WLAs and LAs are eventually implemented. WQCD has authority to require implementation of WLAs through surface water discharge permits issued to point sources. In Colorado, such permits are issued in the Colorado Discharge Permit System (CDPS). U.S. EPA performs this role in limited circumstances, where Tribal Lands or federal facilities are involved. TMDLs can support WLA implementation by establishing clearly defined expectations for point sources to ensure that future CDPS permits are consistent with the assumptions and requirements of WLAs.

WQCD primarily relies on incentive-based approaches that encourage partners to leverage resources in support of voluntary actions to address LAs. TMDL analyses can provide the necessary foundation to spur interest and funding opportunities, such as CWA §319 grants, to help local stakeholders develop implementation-focused Nine-Element Watershed Plans³ and carry out NPS restoration activities.

1.1 Water Quality Impairments and TMDLs Addressed in this Document

The waterbodies of concern are in COLCLC13b (Segment 13b), which is a segment in the Lower Colorado River Basin that includes all tributaries to the Colorado River, including wetlands, from the Government Highline Canal Diversion to a point immediately below Salt Creek, and down-gradient from the Government Highline Canal, the Orchard Mesa Canal No. 2, Orchard Mesa Drain, Stub Ditch and the northeast Colorado National Monument boundary. The Government Highline Canal demarks the upper boundary of each drainage area covered by the TMDLs.

The waterbodies are further broken down using Assessment Unit Identifications (AUIDs). An AUID consists of the waterbody identification with an underscore and a letter (_A, _B, etc.). These assessment units represent the portions of waterbodies that have been listed and tracked by the assessment unit. Each AUID is unique with no spatial overlap. On the 303(d) List, each AUID with its corresponding impairment is assigned a TMDL development priority. Priority options within Regulation 93 include: H = High Priority, M = Medium Priority, and L = Low Priority.

TMDLs were completed using existing data to perform analyses. Each impairment and a description of the portion addressed are listed in **Table 1**. The tributaries listed in **Table 1** will be referenced collectively as the Grand Valley watershed in this document.

¹ <https://www.colorado.gov/pacific/sites/default/files/A-Guide-To-Colorado-Programs.pdf>

² <https://cdphe.colorado.gov/water-quality-planning>

³ https://www.epa.gov/sites/production/files/2015-12/documents/watershed_mgmnt_quick_guide.pdf

Table 1. Impairments addressed by the TMDLs in this document

Assessment Unit ID (AUID)	Stream name	Size (river miles)	Impaired use classification(s)	Cause of impairment	Priority ranking
COLCLC13b_A	Lewis Wash	3.1	Aquatic Life	Dissolved selenium, Total recoverable iron	M
COLCLC13b_D	Indian Wash	4.5	Aquatic life	Dissolved selenium, Total recoverable iron	M
COLCLC13b_A & COLCLC13b_C	Leach Creek ¹	10.3	Aquatic life	Dissolved selenium, Total recoverable iron,	M
			Recreation	<i>E. coli</i> (13b_C only)	H
COLCLC13b_A	Persigo Wash	7.7	Aquatic Life	Dissolved selenium, Total recoverable iron	M
COLCLC13b_A	Pritchard Wash	9.0	Aquatic Life	Dissolved selenium, Total recoverable iron	M
COLCLC13b_A	Hunter Wash	6.7	Aquatic Life	Dissolved selenium, Total recoverable iron	M
COLCLC13b_C	Adobe Creek	7.5	Aquatic Life,	Dissolved selenium, Total recoverable iron,	M
			Recreation	<i>E. coli</i>	H
COLCLC13b_A	Little Salt Wash	6.8	Aquatic Life	Dissolved selenium, Total recoverable iron	M
COLCLC13b_A	Big Salt Wash	14.7	Aquatic Life	Dissolved selenium, Total recoverable iron	M
COLCLC13b_A	Reed Wash	30.7	Aquatic Life	Dissolved selenium, Total recoverable iron	M
COLCLC13b_A & COLCLC13b_B	Salt Creek	A: 30.3 B: 13.1 Total: 43.4	Aquatic Life	Dissolved selenium, Total recoverable iron	M

¹Only the mainstem of Leach Creek is listed for *E. coli*. Tributaries for Leach Creek are a portion of A. However, load calculations will include the tributaries as they contribute to the *E. coli* load in the mainstem.

1.2 Document Structure

This document addresses all the required components of a TMDL and includes an implementation and monitoring strategy. In addition to this introductory section, the document includes:

Section 2 (Standards and Impairments) describes Colorado’s water quality standards and the impairments in the Grand Valley watershed.

Section 3 (Watershed Characterization) summarizes the physical characteristics and social profile of the Grand Valley watershed, with a focus on factors that influence the impairments.

Section 4 (Source Assessment) summarizes potential point and nonpoint sources that may contribute to the impairments in the Grand Valley watershed. This section presents available monitoring data, evaluates the monitoring data with respect to the impairment, assesses loading from potential sources, and links in-stream impairments to potential sources.

Section 5 (TMDLs and Allocations) defines each component of a TMDL and describes how each component was determined for the Grand Valley watershed TMDL.

Section 6 (Public Participation) describes stakeholder involvement in the development of the Grand Valley watershed TMDL and addresses public comments received during the public notice of the TMDL.

2 Standards & Impairments

The *Colorado Basic Standards and Methodologies for Surface Water* (Regulation No. 31) establishes water quality standards⁴ for the State. This section begins with a discussion of how waterbodies in Colorado are segmented. The section continues with discussions of Colorado's water quality standards (*i.e.* use classifications, criteria), pollutants of concern, and impairments. The section finishes with a discussion of TMDL targets and goals.

2.1 Segments

Waterbodies in Colorado are divided into discrete units or “segments” to characterize changes in use classification(s) or ambient water quality. WQCD assigns a unique waterbody identifier (WBID) to each individual segment (*i.e.* COLCLC13b). WQCD then assesses individual segments to determine if such segments meet Colorado's water quality standards.

The *Colorado Basic Standards and Methodologies for Surface Water* (Regulation 31.6(4)) discusses segmentation of waterbodies in terms of several broad considerations:

31.6(4)(b) Segments may constitute a specified stretch of a river mainstem, a specific tributary, a specific lake or reservoir, or a generally defined grouping of waters within the basin (e.g. a specific mainstem segment and all tributaries flowing into that mainstem segment.)

31.6(4)(c) Segments shall generally be delineated according to the points at which the use, physical characteristics or water quality characteristics of a watercourse are determined to change significantly enough to require a change in use classifications and/or water quality standards...

The Grand Valley watershed is a portion of the Lower Colorado River Basin, which encompasses more than 30 stream/river segments and six lake/reservoir segments. Water quality standards for this region are adopted into *Regulation 37: Classifications and Numeric Standards for Lower Colorado River Basin* (WQCC, 2020a).

2.2 Use Classifications

The WQCC classifies the beneficial uses for waterbodies in Colorado. The use classifications are defined in Regulation 31 (WQCC, 2020b). Waters of the State may be classified for the following uses: recreation, agriculture, aquatic life, and domestic water supply (31.13(1)). Occasionally, these uses may be qualified as goal, seasonal, or interrupted flow (Regulation 31.13(2)). Individual segments may be designated for any or all of these use classifications.

Colorado's recreation use classifications are existing primary contact (E), potential primary contact (P), not primary contact (N), and undetermined (U). The recreation use classification for Segment 13b is E, existing primary contact. Colorado's aquatic life use classifications are cold water (Class I), warm water (Class 1), cold water (Class 2), and warm water (Class 2). The aquatic life use classification for Segment 13b is warm water, class 2 (W2). Segment 13b

⁴ Regulation No. 31 also defines the procedures for assigning and changing beneficial use classifications (Regulation 31.6), assigning temporary modifications and variances (Regulation 31.7), creates an antidegradation rule (Regulation 31.8), addresses the implementation of standards (Regulation 31.9), and defines mixing zones (Regulation 31.10).

is also classified for agriculture use, but currently is not classified for domestic water supply. In addition, there is a qualifier for Segment 13b in which Fish Ingestion Standards apply. If the domestic water supply use is added in the future, additional water quality standards would apply to this segment in order to protect the use. **Table 2** highlights the use classifications in Segment 13, and where those uses are not supported.

Table 2. Use classifications of Segment COLCLC13b in the Grand Valley watershed

Assessment Unit ID (AUID)	Portion description	Size (river miles)	Recreation	Agriculture	Aquatic life	Domestic water supply	Fish ingestion
COLCLC13b_A	All tributaries to the Colorado River downgradient from the Government Highline Canal ^a	112.9	E - fully supporting	Fully supporting	<u>W2- not supported</u>	NA	Fully supporting
COLCLC13b_B	Salt Creek and tributaries below lake and reservoir, including Mack Wash	13.1	E - fully supporting	Fully supporting	<u>W2- not supported</u>	NA	Fully supporting
COLCLC13b_C	Adobe Creek, Leach Creek and tributaries below canal	13.7	<u>E - not supported</u>	Fully supporting	<u>W2- not supported</u>	NA	Fully supporting
COLCLC13b_D	Indian Wash	4.5	E - fully supporting	Fully supporting	<u>W2- not supported</u>	NA	Fully supporting

a. All tributaries to the Colorado River, including wetlands, from the Government Highline Canal Diversion to a point immediately below Salt Creek, and downgradient from the Government Highline Canal, the Orchard Mesa Canal No. 2, Orchard Mesa Drain, Stub Ditch and the northeast Colorado National Monument boundary.

2.3 Pollutants of Concern

Pollutants of concern discussed in this TMDL document are dissolved selenium, total recoverable iron and *Escherichia coli* (*E. coli*) bacteria. These pollutants can originate from an array of sources including point (e.g. wastewater treatment facilities) and nonpoint (e.g. crop field runoff) sources.

2.3.1 *E. coli*

Microorganisms are ubiquitous across the world and while most are not harmful to humans, pathogens (*i.e.* disease-causing microorganisms) are a small subset of microorganisms that can cause sickness or death when taken into the body (U.S. EPA 2001). Certain bacteria typically indicate the presence of pathogens. *E. coli* is an indicator of pathogenic microorganisms and Colorado has established numeric criteria for *E. coli* based upon protection of designated recreation use classifications.

A waterbody with *E. coli* levels that exceed Colorado’s numeric criteria does not support its designated recreation use. A person that recreates in (e.g. swims) and directly contacts such a waterbody is at higher risk for becoming ill.

In Colorado, pathogenic bacteria in streams are typically derived from:

- **Humans**, such as through untreated sewage from Wastewater Treatment Plants (WWTPs) and failing septic systems
- **Livestock** with unrestricted access to streams or via stormwater runoff from grazed pastures or animal operations, and via runoff from manure application to crop fields;
- **Pets** via stormwater runoff from residential lawns and parks;
- **Wildlife** via stormwater runoff from natural and developed areas.

E. coli can also re-enter the water column through re-suspension of sediments when pathogens are attached to those sediments. Runoff will increase the velocity of water in a stream, which may yield sufficient power to scour the bottom of the stream.

Regardless of the source, once pathogens enter surface waterbodies, instream pathogen levels decrease over time. The die-off is controlled by factors including sunlight, temperature, moisture conditions, and salinity (U.S. EPA 2001, p. 2-7). Instream pathogen levels are dependent upon the die-off rate and the time and distance from the source to the waterbody of interest.

2.3.2 Selenium

Selenium is an essential trace nutrient for various aquatic organisms. However, elevated selenium concentrations have been proven to cause mortality, deformities, and reproductive failure in fish and aquatic birds (U.S. EPA 1998). The toxicity and bioaccumulation of selenium depends on the form and interaction with other variables. In alkaline soils and in oxidizing conditions, selenium uptake is increased because it is in its biologically active form, which increases its availability to aquatic organisms.

Selenium is also an essential trace nutrient for plants. “At low concentrations, selenium can act as a plant growth regulator, antioxidant, anti-senescent, abiotic stress modulator, and defensive molecule against pathogens in plants. [However], at higher concentrations, plants show various toxic symptoms, which include stunting of growth, chlorosis, withering, and drying of leaves, decreased protein synthesis, premature and even death of the plant” (Kaur et al. 2014).

Selenium is found throughout the West in marine Cretaceous shale deposits. Selenium occurs in sulfide ores of heavy metals. In addition, soils in proximity to volcanic activity contain elevated selenium concentrations. Selenium can enter a water body through surface runoff or groundwater inputs as a result of natural weathering of selenium-laden soil and geology; discharges of selenium-laden groundwater to surface water can increase the rate at which selenium enters a water body. Selenium is also an enriched element in coal. Irrigation practices have been noted to concentrate selenium when irrigation waters evaporate and concentrate the dissolved components (Bureau of Reclamation 2018). Anthropogenic sources of selenium include the combustion of coal and petroleum fuels and the smelting of other metals.

2.3.3 Iron

Iron often represents a major constituent in soils and sediments, and elevated concentrations can have indirect effects to aquatic life in surface waters. Iron precipitates in river ecosystems can affect the survival, reproduction, and behavior of aquatic animals. Several studies have found that the clogging of fish gills by iron-hydroxide precipitates is common in streams with a high iron concentration. In addition, it was found that the hatching success for fathead minnow decreases due to the high iron-hydroxide precipitates, which clogs egg pores and macroinvertebrate gills. Overall, iron precipitates restrict the distribution, abundance, and diversity of fishes, benthic invertebrates, and periphyton by reducing habitat availability and quality, and directly smother organisms. It is also likely that high iron concentrations can cause changes in food resources and animal feeding behavior. Lastly, when humic substances, ferrous iron and phosphorous are present during aerobic conditions, iron decreases phosphate adsorption to iron-organic complexes and increases availability for phytoplankton. This can promote algal growth, which blocks sunlight, thereby resulting in a loss of productivity and species interactions within the river (Vuori 1995).

2.4 Numeric and Narrative Criteria

Colorado water quality standards are established in *The Basic Standards and Methodologies for Surface Water* (Regulation No. 31). All surface waters of the State are subject to the basic narrative standards listed in Regulation No. 31.11(1), which states that State surface waters shall be free from substances attributable to human-caused point source or nonpoint source discharge. In addition, basin-specific numeric standards are adopted in separate regulations (*i.e.* Regulation Nos. 32 through 38). Stream classification and water quality standards for the Lower Colorado River basin are established in *Classifications and Numeric Standards for Lower Colorado River Basin* (Regulation No. 37). The chronic and acute dissolved selenium criteria adopted for the aquatic life classification W2 are 4.6 µg/l and 18.4 µg/l, respectively. The chronic total recoverable selenium criterion for the agricultural classification is 20 µg/l. The chronic total recoverable selenium criterion for the fish ingestion qualifier is 4,200 µg/l. The chronic total recoverable iron criterion adopted for the aquatic life classification W2 is 1,000 µg/l. The *E. coli* criterion adopted for recreation class E is 126 per 100 mL.

2.5 Impairments

WQCC and WQCD (2020) established Colorado's *Listing Methodology* and determinations of attainment and impairment. The number of samples necessary to list a waterbody depends on the type of waterbody (*e.g.* stream, lake), the pollutant, and the number of samples that exceed criteria. The procedures to assess use attainment and impairment vary by beneficial use, standard duration (*i.e.* acute or chronic), waterbody type, and pollutant.

Attainment of the chronic selenium standard is determined by comparing the 85th percentile of the most recent five years of data against the underlying standard (4.6 µg/l). Segment 13b was originally listed for selenium in 2002 for specific tributaries (Indian Wash, Little Salt Wash, Adobe Creek, Hunter Wash) and all tributaries in the segment have been considered impaired in subsequent listings, including the most recent 2018 List. One source of selenium loading to the Colorado River is from the Segment 13b tributaries. Implementation of TMDLs for the tributaries will reduce the selenium loading to the Colorado River. Note that selenium

standards are currently being re-evaluated as a part of the Water Quality Roadmap⁵. A change in the selenium standard may occur in 2027; however, this TMDL will still be relevant and applicable after new standards are in place. The Colorado River mainstem from the Gunnison River to the stateline (Segment 3) was previously listed on the Monitoring and Evaluation List for selenium in 2016, but now attains the selenium standard. The USGS and USBR have documented the benefits of selenium and salinity control projects in the Grand Valley that have focused on irrigation-related practices and have successfully reduced irrigation-related selenium loading to the Colorado River.

Attainment of the chronic total recoverable iron standard is determined by comparing the 50th percentile of the most recent five years of data against the underlying standard (1000 µg/l). Adobe Creek and Leach Creek were originally listed for total recoverable iron in 2008 and 2012, respectively. In 2016, all Segment 13b tributaries were listed as impaired for total recoverable iron. The Colorado River mainstem from the Gunnison River to the state line (Segment 3) is currently listed on the 303(d) list for total recoverable iron. The Segment 13b tributaries represent a source of iron loading contributing to the Colorado River impairment. Segment 3 was originally listed in 2020 with a 50th percentile of 1,980 µg/l. Implementation of TMDLs for the tributaries will help to reduce the total recoverable iron loading to the Colorado River.

Attainment of the *E. coli* standard is determined by comparing a 61-day rolling-geometric mean of the most recent five years of data against the underlying standard (126 per 100 ml). The Adobe Creek and Leach Creek portions of Segment 13b originally were listed as impaired for *E. coli* in 2008 and 2012, respectively.

The impaired parameters in each of the Grand Valley segments were summarized earlier in **Table 1**. **Figure 1** shows the locations of the impaired segments addressed in this document.

⁵ <https://cdphe.colorado.gov/water-quality-10-year-roadmap>

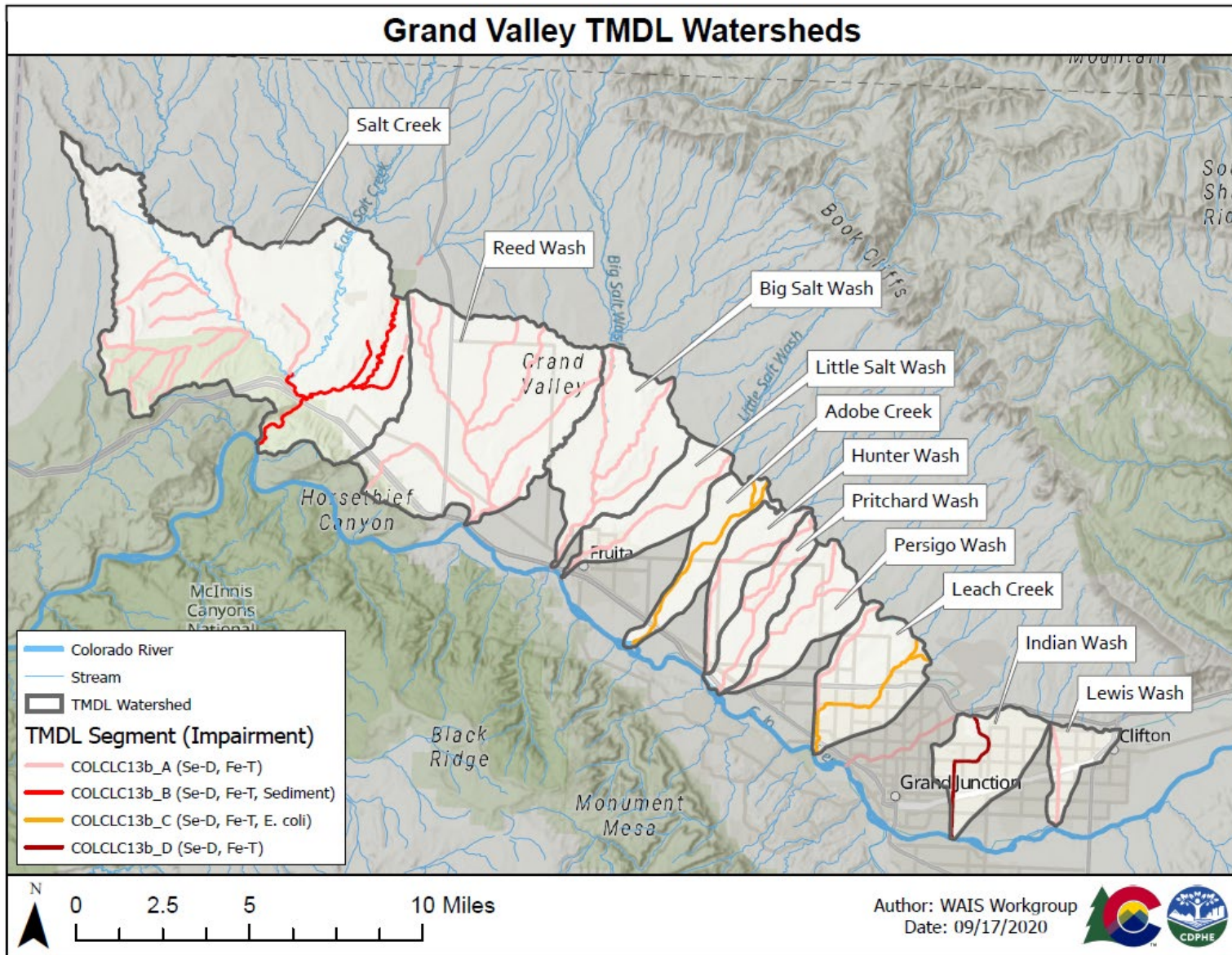


Figure 1. Impaired segments in the Grand Valley watershed.

2.6 TMDL Targets and Goals

TMDLs are required to identify a numeric target to determine whether or not the applicable water quality standard is attained. Generally, the pollutant causing the impairment and the parameter expressed as a numeric water quality criterion are the same. In these cases, selecting a TMDL target is as simple as applying the numeric criteria. Occasionally, an impairment is caused by narrative water quality criterion violations or by parameters that cannot be easily expressed as a load (e.g. dissolved oxygen). When this occurs, the narrative criteria or other parameters must be translated into a numeric TMDL target (e.g. no nuisance aquatic algae translated into a total phosphorus target) or a surrogate target (e.g. a pH impairment addressed through a total nitrogen target). The TMDL must demonstrate that the chosen target is protective of water quality standards. TMDL targets must also be protective of water quality standards of downstream waterbodies; this is especially important when a downstream waterbody has more stringent water quality standards than the impaired segment.

Dissolved selenium - The numeric dissolved selenium criterion of 4.6 µg/L for chronic exposure, and 18.4 µg/l for acute exposure, is protective of the warm water Class 2 aquatic life use for Segment 13b. A numeric criterion for chronic total recoverable selenium of 50 µg/l is protective of the agriculture use for Segment 13b. A numeric criterion for chronic total recoverable selenium of 4,200 µg/l is protective of the fish ingestion qualifier for Segment 13b. In the July 2000 Regulation No. 31 rulemaking hearing, the commission converted the total recoverable selenium standards of 5 µg/L (chronic) and 20 µg/L (acute) to dissolved selenium standards of 4.6 µg/L (chronic) and 18.4 µg/L (acute) using a conversion factor of 92.2% from EPA (1994). Therefore, when the dissolved numeric criterion of 4.6 µg/l is met, a total recoverable concentration of 5 µg/l will not be exceeded. Because the total recoverable concentration would not exceed 5 µg/l, the agriculture use and fish ingestion qualifier will be protected since the criterion to protect those uses are greater than 5 µg/l. As a result, the aquatic life use based criterion 4.6 µg/l will be used as the selenium TMDL target for Segment 13b as it is the most stringent and is protective of all uses.

Total recoverable iron - The numeric criterion of 1,000 µg/L chronic is the applicable standard used in this TMDL and is protective of the aquatic life use for Segment 13b.

E. coli - The numeric criterion of 126 per 100 ml is the applicable standard used in this TMDL and is protective of the existing primary contact classified recreation use for Segment 13b, and will be used as the *E. coli* TMDL target for impaired portions, Adobe and Leach creeks.

TMDLs must consider downstream water quality standards. In this case, the tributaries addressed in this TMDL (COLCLC13b) flow into the Colorado River (COLCLC02b and COLCLC03), and both segments have the same use classifications and associated criteria. Because of this alignment, TMDLs established to meet the water quality standards for the Segment 13b tributaries will also be protective of downstream water quality standards in segments 2b and 3.

The goals of this TMDL are to protect aquatic life and agriculture through attainment of dissolved selenium and total recoverable iron standards for all the tributaries listed in

Table 1 and to protect public health through attainment of the *E. coli* water quality standard for Adobe and Leach creeks. To achieve this goal, the WQCD proposes a load-based allocation approach in this TMDL that will address nonpoint and point sources of dissolved selenium, total recoverable iron and *E. coli*. The applicable water quality standard is reflective of the entire stream segment as a whole; therefore, any point sampled on tributaries in Segment 13b should meet the water quality standard. Meeting the TMDL target is expected to result in attainment of water quality standards as determined by WQCD's 303(d) Listing Methodology.

2.7 Antidegradation

Antidegradation is addressed via the Antidegradation Rule in Regulation 31. Regulation 31.8(1)(c) states:

“At a minimum, for all state surface waters existing classified uses and the level of water quality necessary to protect such uses shall be maintained and protected. No further water quality degradation is allowable which would interfere with or become injurious to these uses. The classified uses shall be deemed protected if the narrative and numerical standards are not exceeded.”

In addition, Basin-specific WQS regulations are contained in *Regulation 37: Classifications and Numeric Standards for Lower Colorado River Basin*. Segment COLCLC13b is designated as “Use-Protected.”

The TMDLs in this report are established at levels that attain and maintain all applicable WQS because the chosen TMDL targets represent a water quality condition that is supportive of all uses at a nonimpaired status. Therefore, the antidegradation rule requirements have been met.

3 Watershed Characterization

The Grand Valley watershed is briefly characterized in this section to provide a better understanding of historic and current conditions in the watershed that affect water quality and contribute to the Grand Valley impairments. Understanding the natural and human factors affecting the watershed will assist in selecting and tailoring appropriate and feasible implementation activities to achieve water quality standards.

The TMDL represents a snapshot in time based on data that is currently available. The division encourages local stakeholders to continue to collect additional data. Data collected after the TMDL is completed and approved should be used in conjunction with this document to inform implementation, provide a more refined source characterization, prioritize efforts and identify specific non-point source reduction projects.

3.1 Project Setting

The Grand Valley is located along the Colorado River in Mesa County in western Colorado. The valley contains the City of Grand Junction and several smaller municipalities, including the City of Fruita and the Town of Palisade. The impaired tributaries addressed in this TMDL document are within the jurisdictional boundaries of the municipalities of Grand Junction and Fruita, as well as the utilities special districts Mesa County Stormwater Division, Grand Valley Drainage District (GVDD), Grand Valley Water Users Association, Grand Valley Irrigation Company, Mesa County Irrigation District, and Palisade Irrigation District.

The 5-2-1 Drainage Authority was formed in 2004 to manage stormwater runoff and implement projects to maintain and upgrade the stormwater infrastructure. The 5-2-1 Drainage Authority was formed and is governed by representatives of the City of Grand Junction, City of Fruita, Town of Palisade, Mesa County and the GVDD. In April 2020, the municipal separate storm sewer system (MS4) Permit (COR90000) was transferred from the 5-2-1 Drainage Authority to the Mesa County Stormwater Division. Mesa County has intergovernmental agreements with the City of Grand Junction, City of Fruita, and Town of Palisade to implement, administrate, and enforce all aspects of the MS4 Stormwater Program.

For each waterbody listed in **Table 1**, a sub-watershed was created to analyze the TMDL in order to connect loads with associated land uses. The upper bound of the each sub-watershed included in this TMDL is the Government Highline Canal and the lower bound is the outlet of each sub-watershed to the Colorado River. The upper boundary was selected because the watershed above the Government Highline Canal is composed of federal and Bureau of Land Management (BLM) land which is not subject to the heavy irrigation as the portion of the watershed below the Government Highline Canal. The side boundaries of the sub-watersheds were based on either the Hydrologic unit code (HUC) 12 or the stormwater drainage system map within the Mesa County MS4 area in order to accurately delineate the contributing areas of each receiving stream. **Figure 2** illustrates the location of the municipal boundaries, the Government Highline Canal, and roads within the region in relation to the streams evaluated in this TMDL.

The dominant land use in the Grand Valley is agriculture. Alfalfa comprises more than 75% of the agriculture in the project area, according to the United States Department of Agriculture’s (USDA) National Agricultural Statistics Service Cropland Data Layer (2020). Other

crops grown in the area include corn, winter wheat, oats, and peaches. In addition, several hobby farms are scattered throughout the TMDL watershed. Mesa County has over 75,000 irrigated acres with the majority of land flood irrigated.

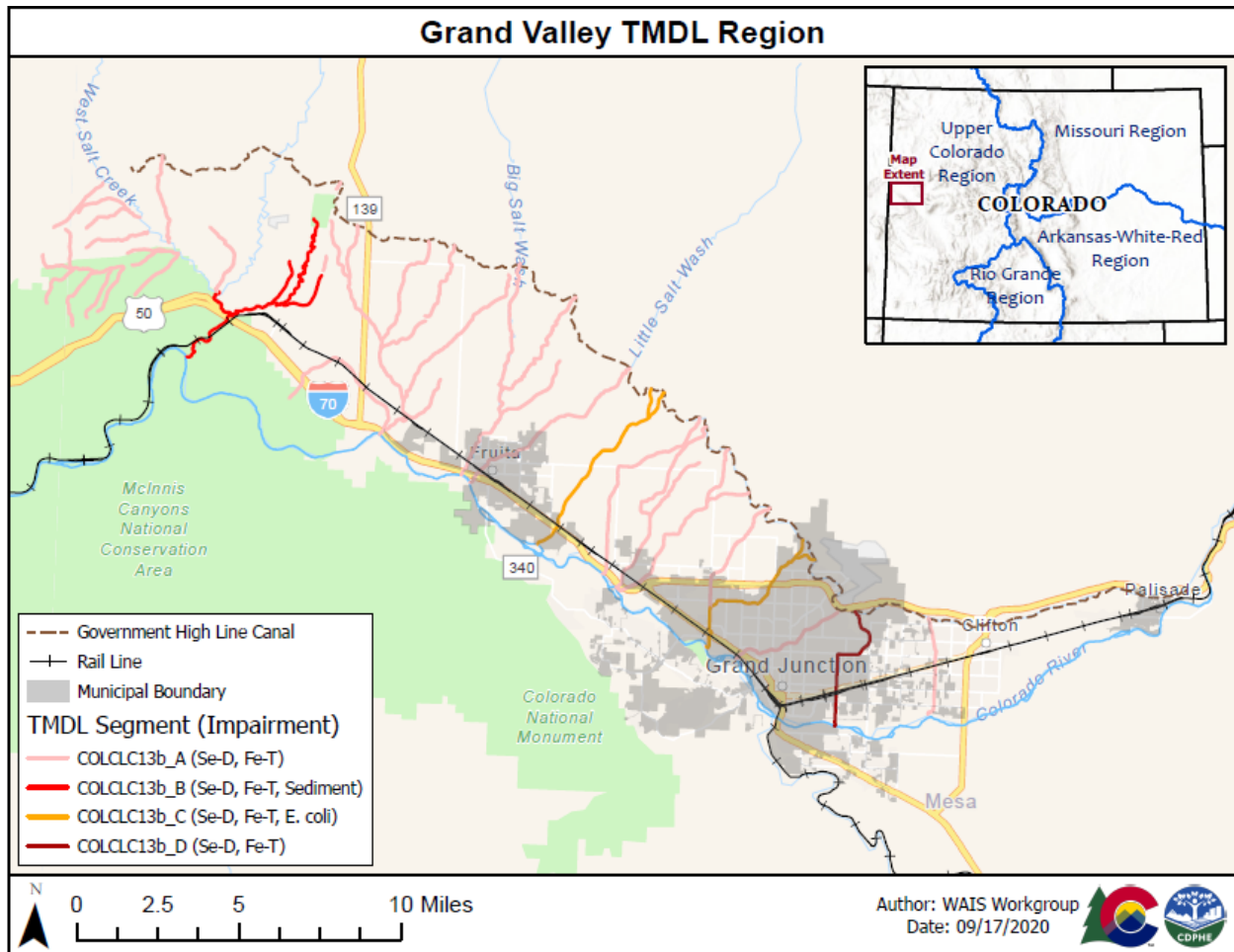


Figure 2. General Map of the Grand Valley Region

3.2 Land Use and Land Cover

Based on the 2016 National Land Cover Database (NLCD), the 168 square mile TMDL watershed is split between natural (39.2%), cultivated crops (37.5%) and developed (23.3%) land covers. Table 3 summarizes the land cover percentages for each TMDL sub-watershed, while Figure 3 provides a spatial land cover map. Note that the WQCD uses a “developed” designation to include the NLCD categories for “Developed, Low Intensity”, “Developed, Medium Intensity”, “Developed, High Intensity”, and “Developed, Open Space”. “Cultivated crops” includes the NLCD categories for “Cultivated Crops” and “Pasture/Hay”. The remainder of the NLCD categories are lumped under “natural”.

Table 3. NLCD Percentages per TMDL sub-watershed.

TMDL sub-watershed	NLCD 2016 Land Cover		
	Natural	Developed	Cropland
Lewis Wash	2.6%	87.5%	9.9%
Indian Wash	3.5%	86.4%	10.1%
Leach Creek	11.5%	57.3%	31.3%
Persigo Wash	17.8%	18.3%	64.0%
Pritchard Wash	10.1%	32.7%	57.2%
Hunter Wash	11.0%	13.7%	75.3%
Adobe Creek	13.9%	13.9%	72.2%
Little Salt Wash	11.7%	22.7%	65.6%
Big Salt Wash	25.1%	8.5%	66.4%
Reed Wash	26.6%	7.9%	65.5%
Salt Creek	74.9%	4.1%	21.1%

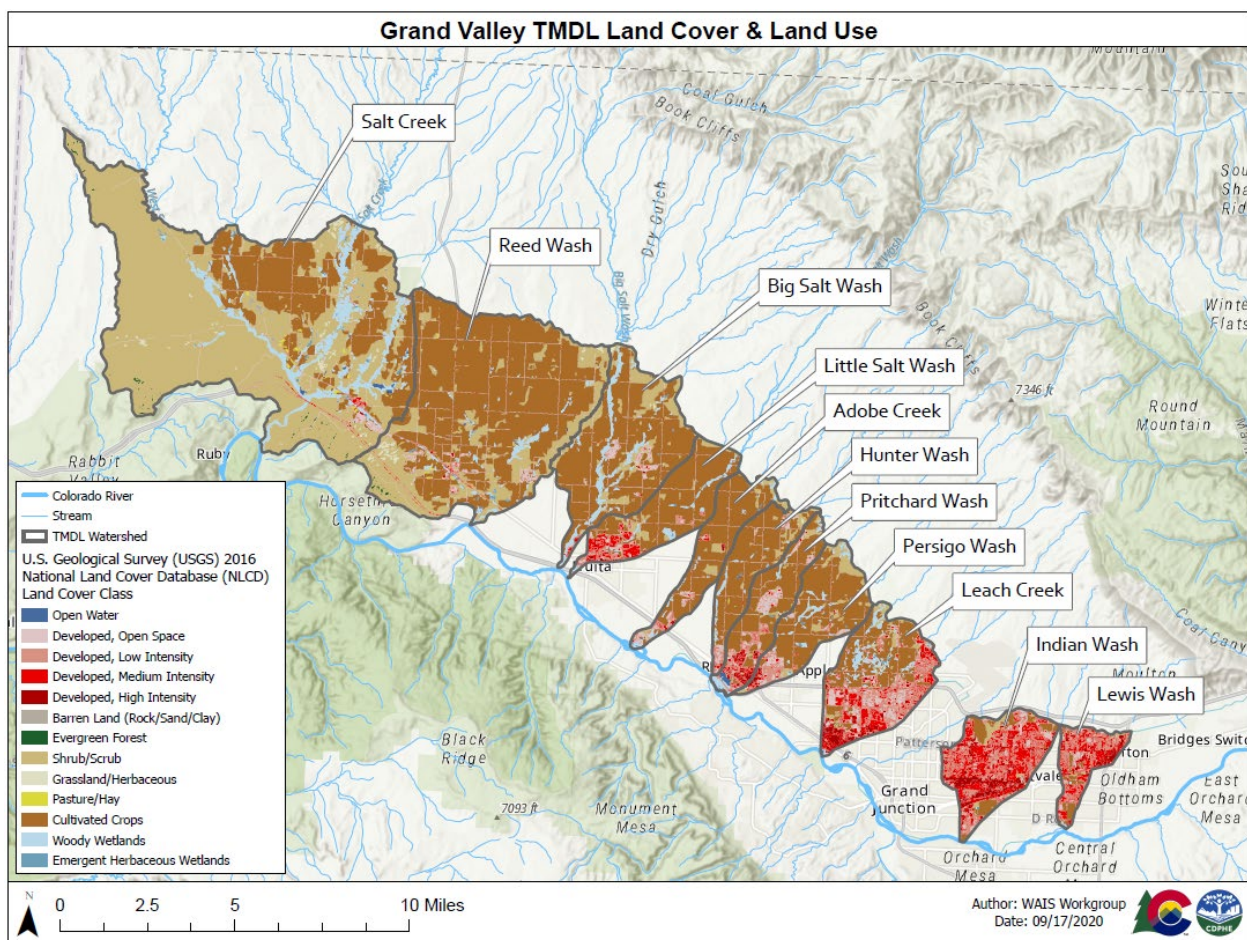


Figure 3. NLCD 2016 Land Cover Map for the Grand Valley TMDL watershed

3.3 Geology and Soils

U.S. Geological Survey's (USGS's) Digital Geologic Map of Colorado in ARC/INFO indicate that the Grand Valley TMDL sub-watersheds are underlain by shale, sandstone, gravel, and alluvium sands. **Figure 4** shows the breakdown of geological units within the TMDL watershed. Note that the upper portions of the watershed upstream of the TMDL sub-watersheds are also composed primarily of shale. Such deposits are often referred to as seleniferous shales due to their selenium content and are widely distributed throughout the western United States. Soils derived from underlying seleniferous shales also serve as selenium source material.

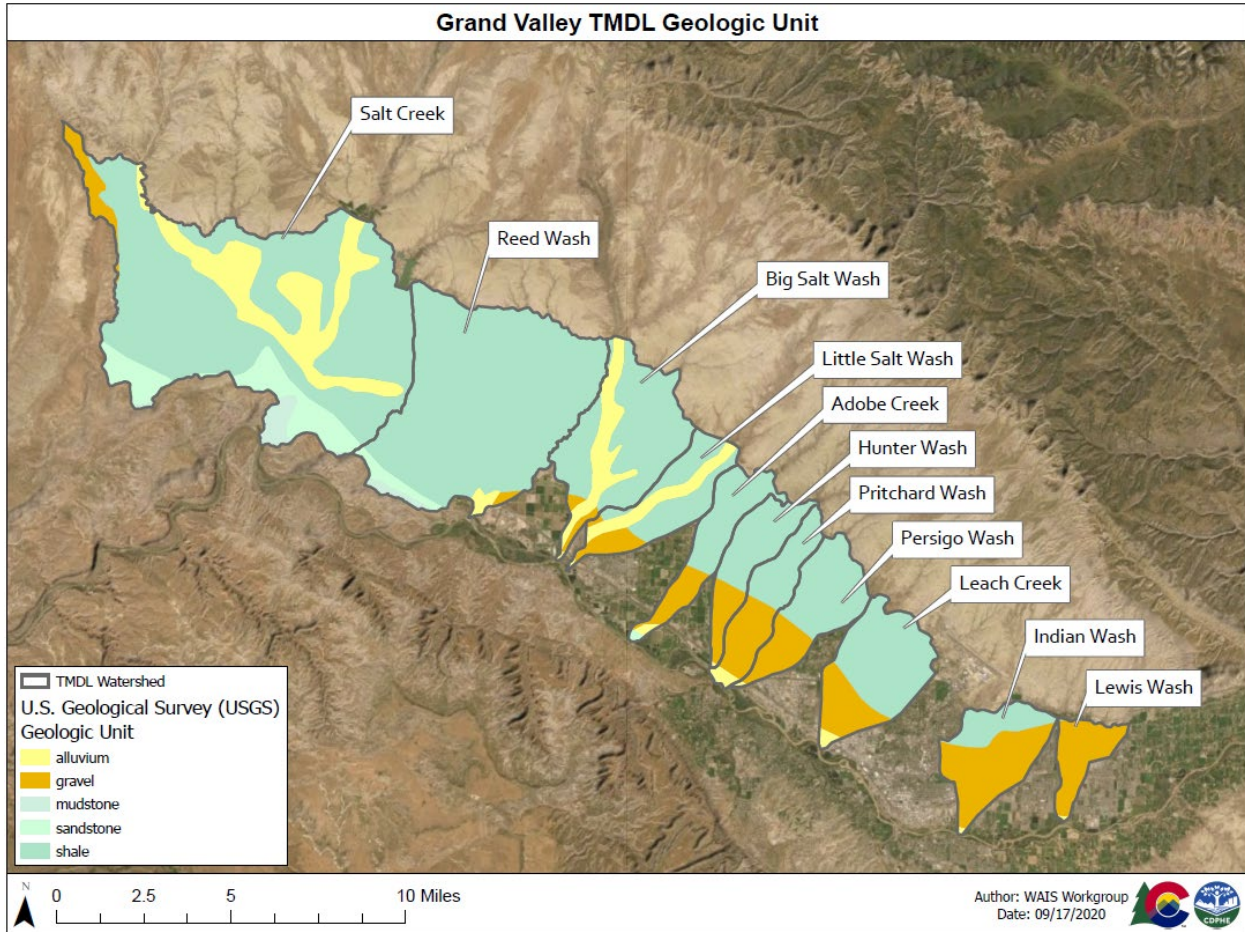


Figure 4. Geology of the Grand Valley TMDL watershed

The type of soil in the watershed can affect the magnitude and timing of pollutant loads in both surface and subsurface waters. Hydrologic Soil Groups C and D are the dominant USDA soil groups in the Segment 13b tributary catchments according to USDA's Web Soil Survey. Groups C and D are characterized as fine textured soils with slow (Group C) or very slow (Group D) infiltration and transmission rates. Some of the TMDL sub-watersheds have a high proportion of Group B soils, which are characterized by moderate infiltration and transmission rates. **Figure 5** provides the spatial representation of soils within the TMDL watershed.

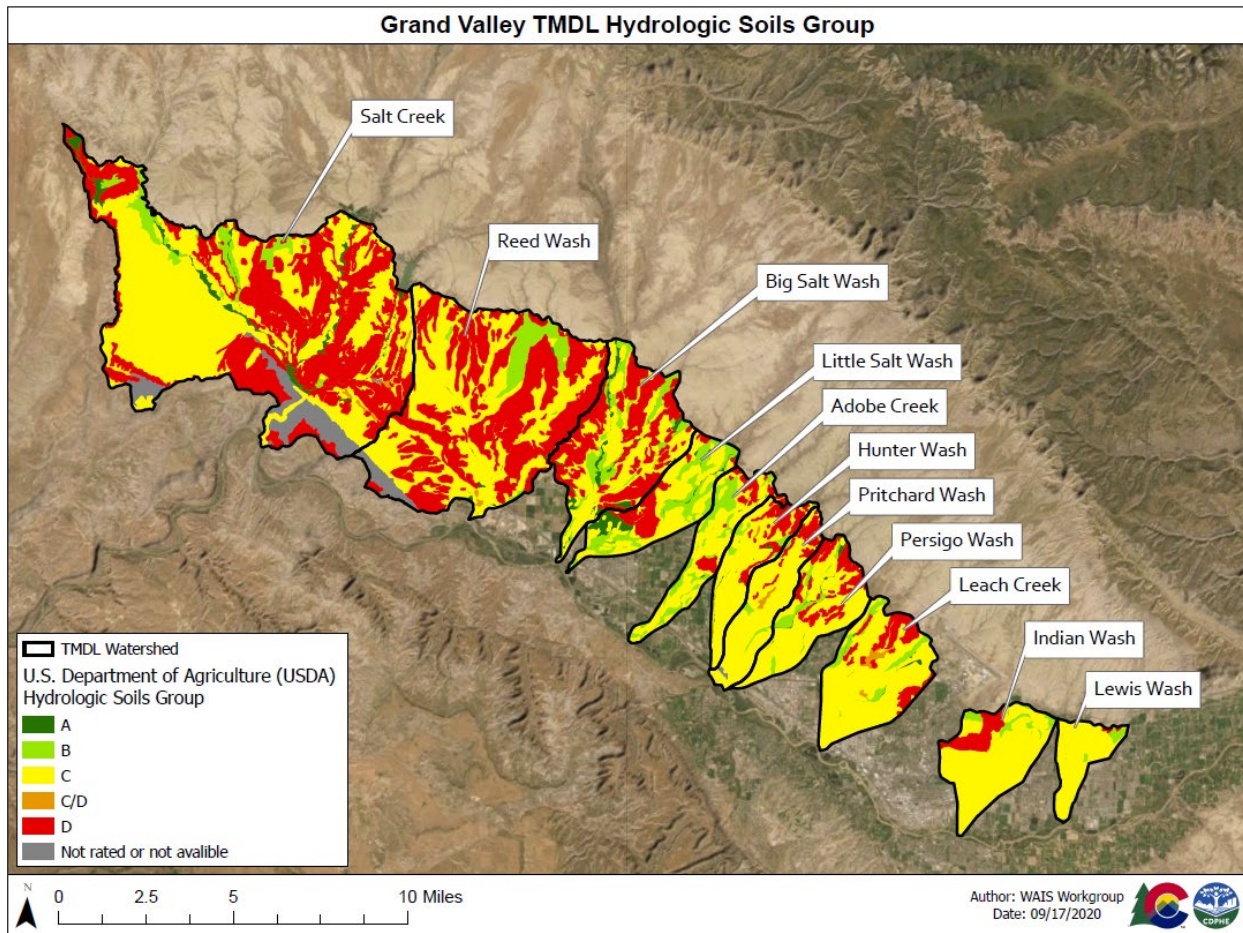


Figure 5. Hydrologic Soils Groups of the Grand Valley watershed

3.4 Climate

Because of its location at the foothills west of the Rocky Mountain Range, the Grand Valley receives lower precipitation compared to the mountains east of the Grand Valley. Based on PRISM 30-year normal (average) data (1981-2010), the Grand Valley TMDL watershed receives an average of approximately 9.86 inches of precipitation per year. The 30-year average monthly precipitation for the Grand Valley TMDL watershed are summarized in **Table 4**.

Table 4. 30-year monthly average precipitation data for the Grand Valley

Month	Precipitation (in.)
January	0.65
February	0.62
March	0.86
April	0.78
May	0.86
June	0.59
July	0.67
August	1.05

Month	Precipitation (in.)
September	1.12
October	1.13
November	0.85
December	0.69
Annual Total	9.86

All individual TMDL sub-watersheds follow the same precipitation pattern as the larger overall TMDL watershed. The winter season is characterized with low amounts of precipitation (usually in the form of snow) before an increase from March to May. Low precipitation in June and July is followed by a peak in precipitation from August to October. Based on the precipitation amounts, the climate in the TMDL sub-watersheds ranges from arid to semiarid.

The monthly average high temperature for the entire TMDL watershed area based on PRISM 30-year normal (average) data reaches approximately 77.9° F during the month of July while the average low temperature is approximately 27.9° F during the month January. The 30-year normal monthly temperature for the Grand Valley TMDL watershed is summarized in Table 5.

Table 5. 30-year monthly normal temperature data for the Grand Valley

Month	Temperature (°F)
January	27.8
February	34.7
March	44.0
April	51.8
May	61.6
June	71.2
July	77.8
August	75.2
September	66.0
October	53.0
November	39.9
December	29.1

3.5 Hydrology

The hydrology in the Grand Valley is significantly driven by the extensive system of irrigation canals. All of the streams included in the TMDL would likely be ephemeral streams under natural conditions, but as a result of the imported water for irrigation, these streams carry high flows from April - October and maintain small flows during the winter months due to irrigation return flows via groundwater. The tributaries to the Colorado River of the Grand Valley are highly managed streams. The ditch system that provides water for irrigation is managed by the GVDD. The flow during the winter months is mostly from shallow groundwater inflow, which is influenced by canal seepage and percolation of irrigation water which continues to drain out during the non-irrigation season.

Historically, there are five USGS stream gages that collected daily average flow data. The five stream gages and their period of record are:

- USGS 09153290 (Reed Wash near Mack, CO): October 1, 1975 to September 29, 2000
- USGS 09153270 (Big Salt Wash at Fruita, CO): March 1, 1973 to October 5, 1977
- USGS 09152900 (Adobe Creek Near Fruita, CO): April 1, 1973 to October 3, 1983
- USGS 09152650 (Leach Creek at Durham, CO): April 1, 1973 to October 4, 1983
- USGS 09106200 (Lewis Wash near Grand Junction, CO): April 1, 1973 to September 29, 1979 and April 23, 2002 to April 6, 2004

Although the flow data from these stations are relatively old, the WQCD has determined that they are representative of current flows based on the strict regulation of water rights in the watershed.

Figure 6 shows the daily average flow and flow range for each Julian day from water years 1976 to 2000 for USGS 09153290 (Reed Wash near Mack, CO).

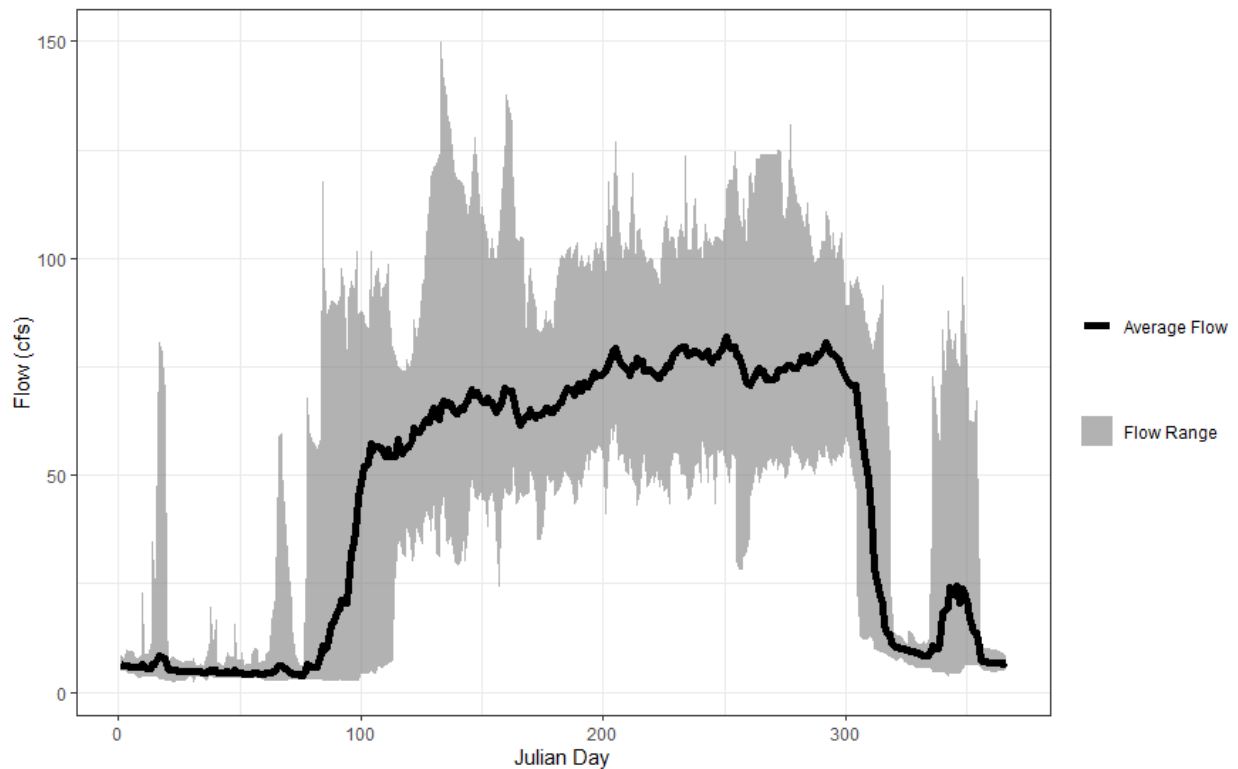


Figure 6. Daily average flow and range of flow values from water years 1976-2000 for USGS 09153290 (Reed Wash near Mack, CO).

Instantaneous flow data has also been collected by various organizations such as the division, USEPA, and USGS along all of the tributaries with paired water quality data. Locations of USGS gage stations are illustrated in **Figure 7** and **Figure 8**.

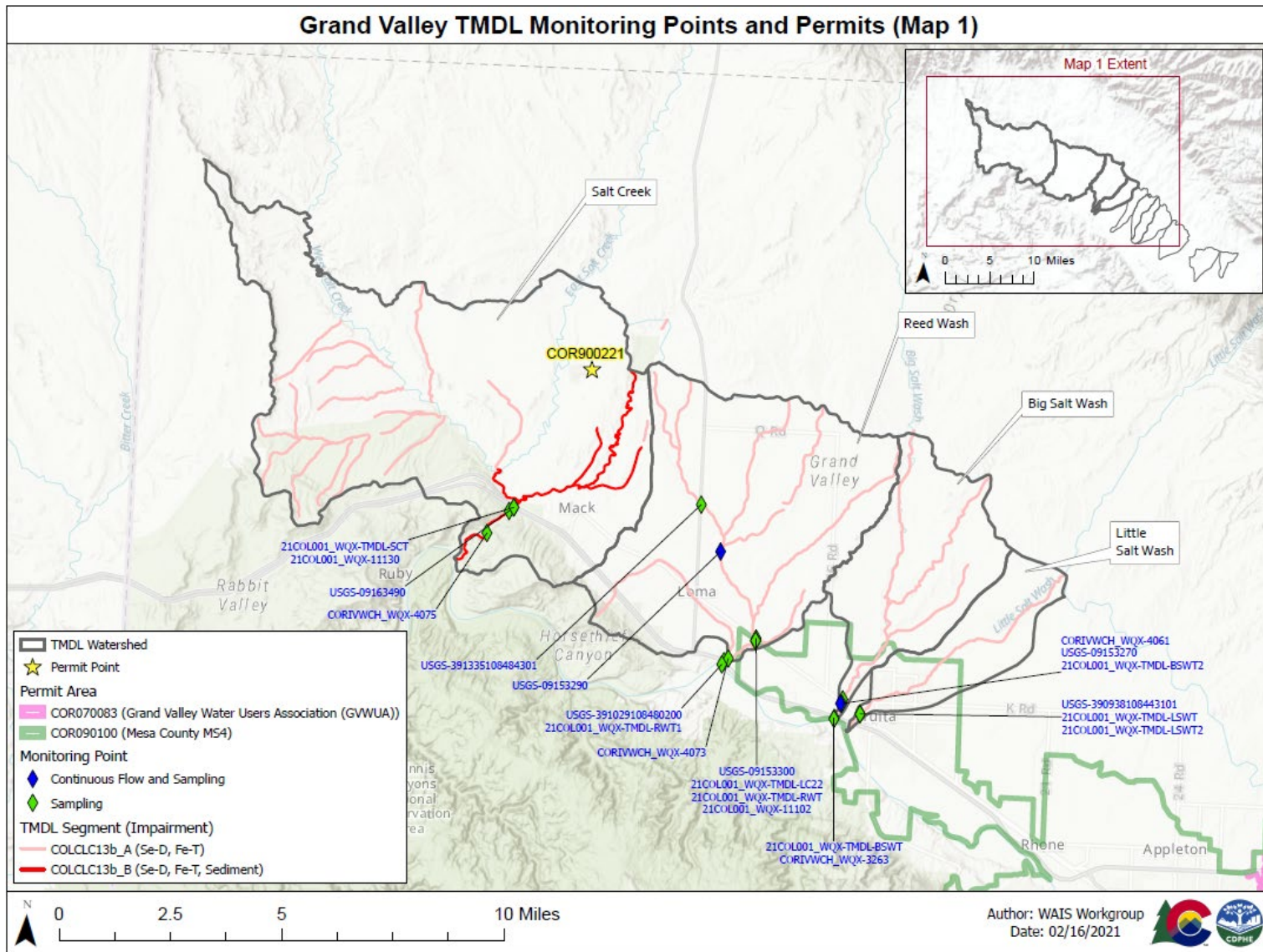


Figure 7. Flow monitoring points and permit locations for Salt Creek, Reed Wash, Big Salt Wash, and Little Salt Wash.

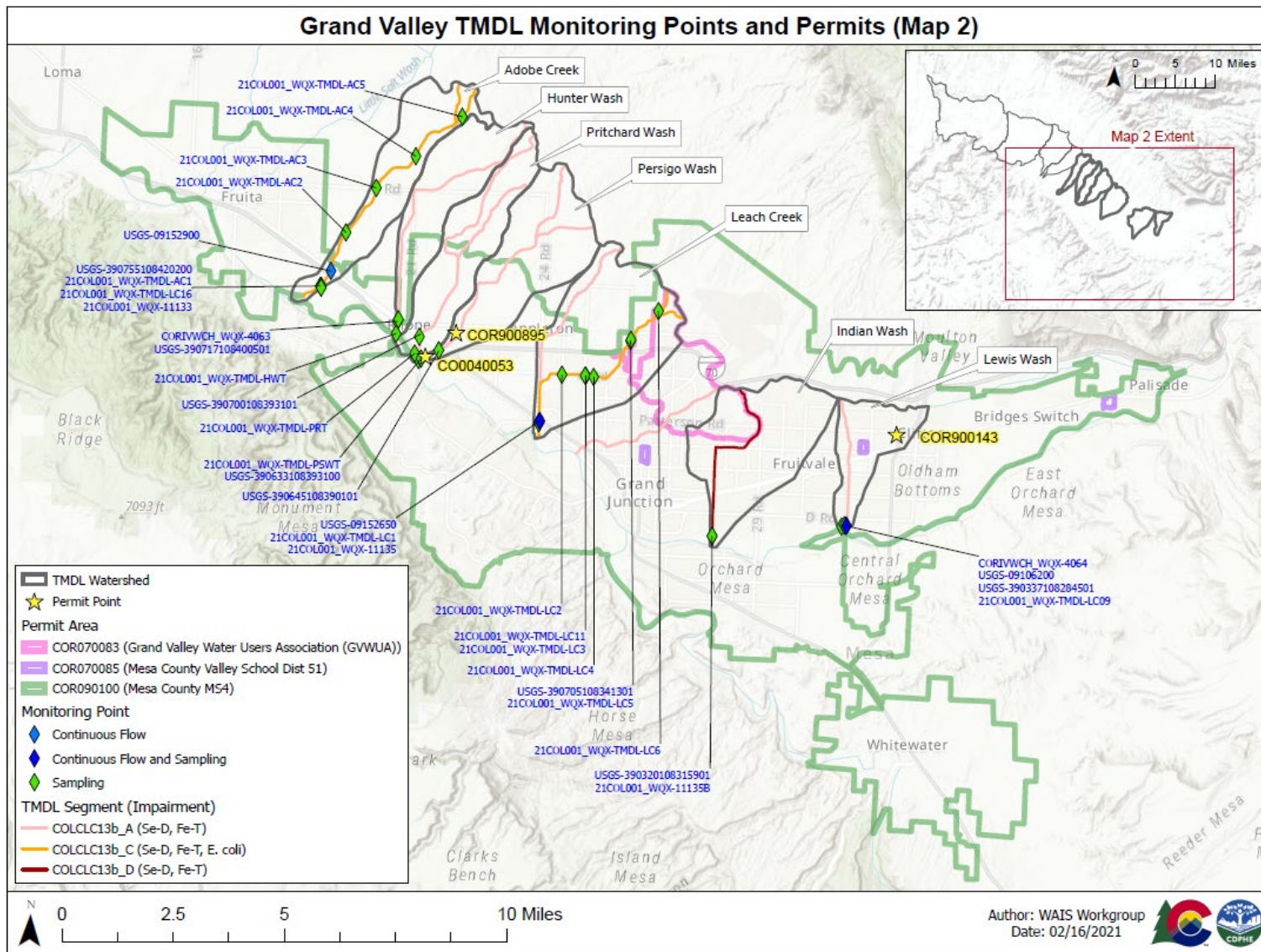


Figure 8. Flow monitoring points and permit locations for Adobe Creek, Hunter Wash, Pritchard Wash, Persigo Wash, Leach Creek, Indian Wash, and Lewis Wash.

3.6 Water Quality

Water quality has been monitored over time by several parties, including the WQCD, USGS, U.S. EPA Region 8, and Colorado River Watch. U.S. EPA, in conjunction with the U.S. Fish and Wildlife Service, have collected samples from multiple tributaries in Segment 13b. Section 4 provides information on sample locations and summary statistics.

3.7 Community Profile

The Grand Valley TMDL watershed area consists of two municipalities (Grand Junction and Fruita). The City of Grand Junction is located primarily within the Indian Wash and Leach Creek TMDL sub-watershed, while the City of Fruita is located primarily within the Little Salt Wash TMDL sub-watershed. **Table 6** summarizes the 2000 and 2010 census populations as well as the percent growth from 2000 to 2010. Although 2020 Census data were not final at the time this report was written, the estimated growth for Grand Junction is 7.7% and for Fruita is 6.2% from 2010 to 2019.

Table 6. Population data for municipalities within the TMDL sub-watershed area.

Municipality	Population (2000)	Population (2010)	Percent change
Grand Junction	41,986	58,566	39.5%
Fruita	6,478	12,646	95.2%

As indicated in **Table 3**, the majority of the land cover in the TMDL watershed is categorized for cultivated crops. The GVDD is a Special District that has existed for over 100 years to manage water for agricultural producers and municipalities. The GVDD system consists of irrigation laterals, over 258 miles of open and piped ditches throughout Mesa County. The GVDD service area includes lands from Palisade to Loma on the north side of the Colorado River. The GVDD has provided input throughout the development of this TMDL document.

4 Source Assessment

Source assessments are a key component of water quality management plans and TMDL development. These analyses are generally used to evaluate the type, magnitude, timing, and location of pollutant loading to a waterbody (U.S. EPA 1999). Source assessment methods vary widely with respect to their applicability, ease of use, and acceptability. The purpose of this section is to identify and evaluate potential sources of dissolved selenium, total recoverable iron and *E. coli* in the TMDL area.

4.1 Technical Approach

The objectives of the technical approach are to (1) identify and assess sources of the pollutants of concern and (2) provide the link between pollutant sources and the observed water quality impairments.

Based on the available dissolved selenium, total recoverable iron and flow data, links between the pollutant sources and observed water quality impairments were assessed for two

seasons: an irrigation season lasting from April to October and a non-irrigation season lasting from November to March. For dissolved selenium, these two seasons represented two different load regimes despite selenium concentrations exceeding water quality standards in both cases. The selenium load during the irrigation season is “flow-dominated”, wherein the selenium concentration is typically lower than during the non-irrigation season but high flows contribute a greater proportion of the load (recall load is defined as flow multiplied by concentration). These higher flows are the result of direct runoff from land surfaces (including natural, agricultural, and urban areas), which dilute selenium concentrations. The non-irrigation season is more “concentration-dominated”, wherein the streamflows are lower but concentrations are significantly higher than during the irrigation season. Lower streamflows during the non-irrigation season are the result of tailwaters from the irrigation water which enters the stream via groundwater. The lower amount of streamflow results in less dilution of selenium loading, which leads to an increased selenium concentration.

Total recoverable iron exhibits a different pattern than selenium. During the irrigation season, the existing and available data indicate exceedances of the water quality standard and that reductions are necessary. During the non-irrigation season, the existing and available data indicate the water quality standard is attained during the non-irrigation season and no reductions are necessary. The seasonal pattern of iron concentrations demonstrates that unlike selenium, direct runoff from land surfaces (including natural, agricultural, and urban areas) increase instream iron concentrations, likely as a result of sediment transport due to surface runoff and soil erosion.

In summary, total recoverable iron concentrations are typically runoff-driven, but selenium concentrations are predominantly driven by shallow (subsurface) groundwater flows to streams in areas with selenium-bearing geologic formations with mobilization and transport exacerbated by canal leakage and infiltration of irrigation water.

Based on the available *E. coli* and flow data available for Adobe and Leach Creeks, it was determined that the observed flows do not correlate to the observed magnitude of the *E. coli* concentration. Therefore, the source assessment was completed over an entire year.

For all three parameters, the characterization of flows and concentrations (based seasonally for dissolved selenium and total recoverable iron and yearly for *E. coli*) were linked to the pollutant sources that exist in each sub-watershed.

4.2 Point Sources

A point source⁶ may discharge effluent to a water of the state if the discharge is covered by a National Pollutant Discharge Elimination System (NPDES) or a Colorado Discharge Permit System (CDPS) permit. In Colorado, U.S. EPA issues NPDES permits for point sources on federal property and tribal property (tribal-member owned). WQCD issues CDPS permits for discharges from all other point sources.

⁶ A *point source* is defined by CWA section 502(14) as, “any discernible, confined and discrete conveyance, including any ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agriculture stormwater discharges and return flow from irrigated agriculture.”

U.S. EPA and WQCD issue two types of permits in Colorado: individual and general. Individual permits typically cover the discharges from a single entity, encompass a comprehensive permit application process, and are written site-specifically. General permits cover facilities with similar types of discharges across multiple entities (e.g. Sand and Gravel discharges). General permits contain requirements for all permittees and are not specific to a single entity. The application process for general permits is streamlined in comparison to the application process for an individual permit.

NPDES and CDPS permits are effective for five years, and, within that time, may be modified to account for alterations to the point source. When CDPS and NPDES permits are renewed, they must be consistent with the assumptions and requirements of WLAs for point sources that are developed in the TMDL process. Both NPDES/CDPS permits and TMDLs protect waterbodies from receiving more pollutant loading than the waterbody can assimilate.

For the purposes of this TMDL, permitted point sources can be categorized by ownership. Typical publicly-owned treatment works include sanitary wastewater treatment plants, MS4, and water treatment plants. Typical privately-owned treatment works include manufacturing plants that discharge process water or cooling water, natural resource extraction activities that discharge stormwater and process water, other industrial facilities that discharge stormwater and process water, and construction sites that discharge stormwater and dewatering water. Features associated with abandoned or legacy mine sites, including waste rock piles, mill tailings, discharging adits and mine dumps, are considered non-permitted point sources and are included within the WLA portion of the TMDL.

Stormwater discharges from MS4s, industrial, and construction sites primarily rely on widespread use of control measures and management practices designed to reduce the pollutants in stormwater. For MS4 permittees, these control measures and management practices should be designed to reduce pollutants to the “maximum extent practicable” (MEP). EPA does not define MEP, rather, MEP is established by the permitting authority. It is an iterative standard that is continually adapted to current conditions and control measure effectiveness. Note that TMDL load allocations developed for MS4s are not limited by MEP.

The remainder of CDPS discharges contain numeric limits for pollutants when they are determined to have a reasonable potential to cause or contribute to an exceedance of a water quality standard, or when a numeric Federal Effluent Limitation Guideline (ELG) has been promulgated by EPA. Stormwater discharges subject to numeric limits may also be required to comply with narrative and practice-based effluent limits to ensure the discharges are controlled as necessary to protect the water quality standards of the associated receiving water.

Seven facilities possess permits in the Grand Valley watershed and discharge directly to the impaired tributaries identified in Section 2; one facility is covered by an individual CDPS permit (**Table 7**) and six facilities are covered by general CDPS permits (**Table 8**). One additional facility covered by an individual permit is allowed to discharge dissolved selenium and total recoverable iron to a segment upstream of the impaired segments. This facility also is listed in **Table 7**. Permitted point sources are shown in Figure 7 and Figure 8.

Individual Permits

The Persigo Wastewater Treatment Facility (WWTF) (CO0040053) currently has a permitted discharge to Persigo Wash (Outfall 001A). A WLA has been identified for this facility for all the pollutants of concern: selenium, iron and *E. coli*. While the facility's primary discharge location was switched to the mainstem Colorado River (COLCLC03) in 2019 (Outfall 002A), a WLA is assigned to Persigo Wash because an outfall still exists that allows the facility to discharge to Persigo Wash.

McClane Mine (CO0038342) discharges to East Salt Creek Segment COLCLC13a, upstream of Segment COLCLC13b_B (Salt Creek), in Garfield County. The current discharge permit authorizes discharges from the mine from four outfalls (001-004). The discharge permit is protective of downstream water quality standards for dissolved selenium and total recoverable iron. Permit limits were established using federal ELGs applicable for alkaline mine drainage or applying water quality-based effluent limits (WQBELs), whichever is more stringent. A 30-day average of 1000 µg/l applies to outfalls 002, 001, and 004 for total recoverable iron. A qualitative reasonable potential (RP) analysis was completed for dissolved selenium for outfall 002 based on discharge data and a determination that there was a potential to contribute to exceedance of the standard. As it was uncertain if the facility could meet the WQBEL of 4.6 µg/l, the facility was given a compliance schedule. The WQBEL became effective on June 1, 2018. Outfalls 001 and 004 lacked data to conduct a quantitative RP analysis, and were given reporting requirements for dissolved selenium. The current permit became effective on September 1, 2015, and the permittee has discharged only one month from outfalls 001 and 004, in December 2018. The permit became administratively continued on September 1, 2020. The selenium concentrations measured for this discharge were both below the standard of 4.6 µg/l (1.6 µg/l for outfall 001 and 2.3 µg/l for outfall 004). A WLA is assigned to this facility in the Salt Creek TMDL sub-watershed.

General Permits - MS4

There is one Phase II MS4 (COG090100 - Mesa County) and two non-standard MS4s (COR070085 - Mesa County School District 51) and (COR070083 - Grand Valley Water Users) permitted in the Grand Valley watershed. The permittees are assigned relevant WLAs for *E. coli*, dissolved selenium, and total recoverable iron. Details on determination of allocations are found in Section 5.2.1.2.

Parts of the Mesa County MS4 area are present in each of the TMDL sub-watersheds to varying degrees. The Mesa County School District 51 permit authorizes discharge from Grand Junction High School, Central High School, and Palisade High School. Palisade High School is located east of the Lewis Wash TMDL sub-watershed and is outside of the scope of this TMDL. The Central High School boundary is within the Lewis Wash drainage, discharging to the City of Grand Junction storm-sewer system. Stormwater from Grand Junction High School drains to the City of Grand Junction storm-sewer system, reaching the Ligrani drainage and finally discharging to segment 3 of the mainstem of the Colorado River. The Ligrani Drainage is located to the West of Indian Wash TMDL and is outside of the scope of this TMDL. The Grand Valley Water Users MS4 is located within two of the TMDL sub-watersheds. The majority of the area is located in the Leach Creek TMDL sub-watershed, but a small portion is located in the Indian Wash TMDL sub-watershed.

General Permit - Non-Extractive Industrial Stormwater (COR900000)

Three non-extractive industrial stormwater permits (COR900143, COR900221, and COR900895) in the area discharge into one of the segments addressed in this TMDL. Each permit was evaluated to see if activities have potential to contribute to the impairments, and if so, were assigned a WLA. The facilities authorized to discharge within the TMDL watershed are summarized in **Table 8**. There are other COR900000 permits within the TMDL watershed; however, they do not discharge to the segments addressed in this TMDL and will not be further discussed.

General Permit - Sand and Gravel Mining Process Water and Stormwater (COG500000)

There are several sand and gravel permits in the Grand Valley. However, all discharge to either the mainstem of the Colorado River, drainage ditches that discharge to the mainstem, or unlisted segments not contributing to these drainages, and therefore are outside of the scope of the TMDL. As such, there are no discharges from sand and gravel permits identified in this document and correspondingly none were given WLAs.

Other Permits

There are a few facilities in the watershed that have no exposure exemptions for stormwater discharges that are included in **Table 8**. These do not discharge pollutants of concern and will not be further discussed.

There are also many construction stormwater general permits (covered under COR400000 certifications) in the area. These permits are practice-based and require permittees to establish best management practices (BMPs) to control sediment and erosion, thereby minimizing the potential of pollutant loading in streams. As sediment and erosion from these sites are minimized, they are not expected to contribute significantly to the impairments addressed in this TMDL. Therefore, no load will be assigned for permittees covered under the COR400000 permit.

One facility within the Reed Wash TMDL sub-watershed is covered under a groundwater permit (COX634048 - Loma Elementary School). However, due to its small discharge (0.00585 MGD) and proximity to the receiving stream, the WQCD has determined that it is not a significant source for selenium to Reed Wash and will not be further discussed.

There is one facility covered under a concentrated animal feeding operations (CAFO) permit (COA933090 - Colorado Egg, LLC) discharging to Adobe Creek. Under the requirements of the permit, BMPs must be implemented to prevent stormwater from coming into contact with pollutants by diverting clean water around facility processes. In addition, Colorado Egg, LLC is required to capture process-generated wastewater from egg washing and precipitation that comes into contact with their manure/compost in impoundments that are adequately sized, lined, and maintained below a specified level. A permitted discharge would only be allowed from an impoundment spillway in the event that the impoundment was properly maintained before a qualifying storm event occurs. They have not reported a discharge in the past five years. Therefore, no load will be assigned for this permittee for its discharge to Adobe Creek.

There are two facilities that are covered under dewatering permits (COG603022 - Fidelity Mortgage Company and COG603260 - Bank of the West GJ); however they do not discharge to the segments addressed in this TMDL and will not be further discussed.

Table 7. Facilities with individual CDPS permits

NPDES ID	Permittee	Facility	Discharge type	Discharge frequency	Receiving waterbody	Pertinent discharges
CO0040053	Mesa County Grand Junction City of	Persigo WWTF	CO-Individual permit	continuous	Persigo Wash - Colorado River	selenium, iron
CO0038342	McClane Canyon Mining LLC	McClane Canyon Mine	CO-Individual permit	intermittent	East Salt Creek - COLCLC13a_A approximately 11 miles upstream of segment 13b	selenium, iron

*WWTF = wastewater treatment facility

Table 8. Facilities covered by general CDPS permits

NPDES ID	Permittee	Facility	Discharge type	Discharge frequency	Receiving waterbody	Pertinent discharges
COR900143	YRC Inc dba YRC Freight	YRC 894 Grand Junction	General-Industrial stormwater	storm	Price Ditch Lewis Wash - Colorado River	selenium, iron
COR900221	Mack Mesa Airport	Mack Mesa Airport	General-Industrial stormwater	storm	East Salt Creek - Salt Creek	selenium, iron
COR900895	FedEx Freight Inc	FedEx Freight Grand Junction	General-Industrial stormwater	storm	Persigo Wash - Colorado River	selenium, iron
COR070083	Grand Valley Water Users Assn	Grand Valley Water Users MS4	Non-standard MS4 general permit	Storm, continuous	Indian Wash, Leach Creek; Colorado River	<i>E. coli</i> , selenium, iron
COR070085	Mesa County Valley School Dist 51	Mesa County Valley School Dist 51 MS4	Non-standard MS4 general permit	Storm, continuous	Colorado River	selenium, iron
COR090100	Mesa County	Mesa County MS4	Standard (Statewide) MS4 general permits	Storm, continuous	Colorado River	<i>E. coli</i> , selenium, iron

NPDES ID	Permittee	Facility	Discharge type	Discharge frequency	Receiving waterbody	Pertinent discharges
CONOX0382	Reddy Ice Corp	Reddy Ice Fruita	No exposure certification for exclusion from CDPS stormwater permitting	none	Big Salt Wash - Colorado River	none
CONOX0612	Reynolds Polymer Technology Inc	Reynolds Polymer Technology	No exposure certification for exclusion from CDPS stormwater permitting	none	Colorado River	none
CONOX0643	FedEx Freight Inc	FedEx Freight GJN2	No exposure certification for exclusion from CDPS stormwater permitting	none	Colorado River	none

4.3 Nonpoint Sources

The term *nonpoint source pollution* is defined as any source of pollution that does not meet the legal definition of point source. Nonpoint source pollution “occurs when rainfall, snowmelt, or irrigation water runs over the land or through the ground, picks up pollutants, and deposits them into rivers, lakes, and coastal waters or introduces them into ground water” (U.S. EPA 1996, p. 1). Additional pathways of nonpoint source pollution include groundwater and direct deposition (e.g., atmospheric, cattle in streams, etc.).

4.3.1 Stormwater Runoff (Unregulated)

Unregulated stormwater runoff is derived from wet weather events (rainfall, snowmelt). In areas with high imperviousness, stormwater cannot infiltrate. Such stormwater can impair streams by transporting pollutants, altering a stream’s natural hydrology, and affecting erosion. Most of the following discussions also apply to regulated stormwater covered by NPDES permits.

For a general review of the effects of urbanization and stormwater and references to additional resources, see the CADDIS Urbanization Module (U.S. EPA 2012) and *The Importance of Imperviousness* (Schueler 1994). Stormwater flowing over impervious surfaces can transport pollutants deposited upon those surfaces to nearby streams. The resultant pollutant loads are linked to the land uses and practices in the watershed.

Streams that receive significant stormwater contributions are often flashier with higher peak flows, higher runoff volumes, and lower base flow volumes⁷ compared to natural streams. Such altered instream hydrology can directly and indirectly impair beneficial uses. For example, higher stream velocities can stress and overwhelm aquatic insects, directly impairing aquatic life, or more powerful streamflows can degrade instream aquatic habitat, indirectly impairing aquatic life. Lower base flows can reduce access to habitat in the stream channel margins.

Erosion is a natural process that can be exacerbated by anthropogenic activities. The increased peak flows and runoff volumes derived from stormwater tend to increase streambank erosion. Splash, sheet, rill, and gully erosion⁸ occur more frequently in areas that lack or have sparse vegetation. Together, bank erosion and scour are referred to as channel erosion⁹; high rates of channel erosion typically indicate that instream flow and sediment dynamics are out of balance. Because soils in this region can contain elevated selenium and iron concentrations, this is a mechanism that should be considered as a potential contribution to loads. In addition, it is possible that dust from selenium and iron-rich soils in the area can be windblown to impervious surfaces, contributing some amount of contamination to the stream during storm events.

⁷ Groundwater discharge decreases without infiltration to recharge an aquifer.

⁸ Splash erosion is the detachment of soil particles by raindrop impact. Sheet erosion is the transport of soil particles by water flowing overland as a sheet. Rill erosion refers the development of small, ephemeral, concentrated flow-paths. Gully erosion occurs rapidly in narrow channels.

⁹ Bank erosion is the wearing away of the banks of a stream or river. Scour is erosion of the stream or river channel bed.

4.3.2 On-Site Wastewater Treatment Systems

“In the modern era, the typical onsite system has consisted primarily of a septic tank and a soil absorption field, also known as a subsurface wastewater infiltration system” (U.S. EPA 2002, p. 1-1). If properly designed, sited, installed, operated, and maintained, on-site wastewater treatment systems (OWTS) will remove suspended solids, biodegradable organic compounds, and fecal coliforms, which include *E. coli* bacteria (U.S. EPA 2002, p.3-22). Such systems should not serve as a source of contamination to surface waters.

However, systems do fail for a variety of reasons. Onsite sewage wastewater treatment systems that do not sufficiently treat wastewater may result in discharges of nitrates, pathogens, and phosphorus (U.S. EPA 2002, p. 3-20). Effects on surface water from OWTS depend on numerous factors, including soil characteristics, topography, hydrography, and proximity to streams.

Characterization of OWTS in the Adobe Creek and Leach Creek drainage areas, the two *E. coli* impaired segments, was conducted by identifying parcels containing a septic system within one mile of the stream. Adobe Creek has 215 parcels containing septic systems, representing 53% of the total parcel area in the sub-watershed. Leach Creek has 470 parcels containing a septic system, corresponding to 27% of the total parcel area in the sub-watershed. An unknown proportion of these septic systems may contribute to *E. coli* loading to the streams if they are not functioning properly or have failed outright. However, because the number of faulty systems is unknown, the contribution currently cannot be quantified.

No information is available from Mesa County regarding the number of failing on-site wastewater treatment systems (OWTS) in the Adobe Creek or Leach Creek subwatersheds. This makes estimating potential loads of *E. coli* from this nonpoint source difficult; however a simple approach can be applied to get an indication of potential loading from failing OWTS. In this attempt, a worst-case scenario is used to develop a load from failing systems.

To consider a failing OWTS as a source, it would need to produce an effluent stream capable of reaching a waterbody in order to provide a significant *E. coli* load. For this to occur, an OWTS would need to be in close proximity to the waterbody to receive overland flow and contribute a load. In the Adobe Creek TMDL subwatershed, only about 30 OWTS are within 250 feet of Adobe Creek. In the Leach Creek TMDL subwatershed, only about 25 OWTS are within 250 feet of Leach Creek. Two hundred fifty feet is a conservative estimate of distance an effluent stream could be expected to persist and reach Leach or Adobe Creek without infiltrating into surface soils or becoming diluted by other means. A somewhat conservative rate of failure for OWTS is from 10-20% (USEPA, 2000). Therefore, it could be assumed that of the 30 OWTS within 250 feet of Adobe Creek, between three to six of these systems might be failing and have the capability of contributing an *E. coli* load. For Leach Creek, it can be assumed that between two and five of the 25 OWTS might be failing and have the capability of contributing an *E. coli* load. Based on factors such as actual location of the OWTS, size of the OWTS, and soil characteristics, the loading from a single OWTS can vary. Therefore, it would be difficult to estimate the total loading for a group of systems to Leach and Adobe Creek.

Subsurface water flow originating from a septic system leach field likely carries some selenium and iron when moving through selenium and iron-rich soils. However, no studies directly linking septic system discharge and selenium and iron fate and transport were found. Since it is impractical to project septic system contributions to selenium and iron loading in

the Grand Valley, any selenium and iron that might be associated with OWTs will not be quantified and will be considered part of the background contribution.

4.3.3 Agriculture

An assortment of hobby farms in the Grand Valley contain various animals, including cows, goats, horses, and pigs. Some of these hobby farms border Adobe Creek and Leach Creek, and likely contribute to the *E. coli* loads in these streams.

In most of the TMDL sub-watersheds, more than 50% of the land use comprises cultivated crops. Alfalfa is the most significant crop grown in the Grand Valley TMDL watershed, but other crops such as corn and winter wheat are also grown in the area. Irrigation of selenium-rich soils for crop production in arid and semi-arid regions of the country can mobilize selenium and move it off-site in surface water runoff or via leaching into ground water (U.S. EPA 2016, p. 4). Studies have shown that agriculture is a significant contributor to the mobilization of selenium loadings, specifically in the Grand Valley area (Leib 2008). Leib states:

“As unused irrigation water moves over the land surface or through the subsurface as groundwater, it mobilizes salinity and selenium by mechanical or chemical means. Without irrigation water, the rate of mobilization and loading of salinity and selenium from the Mancos Shale would be greatly reduced because only water that originated as precipitation would be available.

The mobilization of selenium in the Grand Valley occurs primarily in shallow aquifers as a result of deep percolation from irrigation and seepage of irrigation water from unlined canals, which generally occurs during the irrigation season. Water that is recharged to the groundwater system during this season continues to drain out after the irrigation season, which is the cause for selenium loadings during the non-irrigation season (Leib 2008). It is expected that the mobilization and transport of iron-rich soils in crop production is due to surface runoff and erosion.

Also, there have already been many projects implemented on agriculture lands in the Grand Valley to reduce the mobilization of selenium (and also salt), such as canal lining, irrigation improvements, and conversion of agricultural land to urban land. The reductions in selenium from recent projects may not be represented in the data presented in the following sections for each watershed and used to characterize ambient water quality.

4.3.4 Wildlife

Wildlife such as deer, raccoon, waterfowl, and riparian small mammals (e.g. muskrat, beaver) can be sources of pathogenic bacteria. The animal habitat and proximity to surface waters are principal factors that determine if animal waste can be transported to surface waters. Waterfowl and riparian mammals deposit waste directly into streams, while other riparian species deposit waste in the floodplain, which can be transported to surface waters by runoff from precipitation events. Animal waste deposited in upland areas can also be transported to streams and rivers; however, due to the distance from uplands to surface streams, only larger precipitation events can sustain sufficient amounts of runoff to transport upland animal waste to surface waters.

4.3.5 Soils and Geology

Selenium fate and transport is complex due to its complicated biogeochemistry in the aquatic environment (U.S. EPA 1998). These dynamics become more complex when surficial and aquifer hydrological systems are connected with irrigated agricultural systems (Bailey et al. 2014).

The Grand Valley is underlain by Mancos shale, a Cretaceous marine shale that contains naturally-occurring selenium (U.S. EPA 2016, p. 5). Soils derived from these shales consequently contain high selenium levels. According to the USGS National Geochemical Survey database, the mean selenium concentration in surficial soils and aquatic sediments is 0.455 ppm with a standard deviation of 0.342 ppm.

The mobilization of selenium from natural geologic sources in the Grand Valley is well-described by USBR:

The salinity and selenium stored in the Mancos Shale, however, are not harmful to the aquatic environment while in situ. Water is needed to mobilize the salinity and selenium stored in the Mancos Shale. Water comes in the form of precipitation or it is diverted and delivered from the Colorado and Gunnison Rivers for irrigation of residential and agricultural areas. During the process of delivering and applying irrigation water, some of the water remains on the land surface and becomes “tail water,” and some is lost to the groundwater system as seepage (from the delivery system) or deep percolation (irrigation water that percolates below the crop root zone and is not consumed). As the unused irrigation water moves over the land surface or through the subsurface as groundwater, it mobilizes salinity and selenium by mechanical or chemical means. Without irrigation water, the rate of mobilization and loading of salinity and selenium from the Mancos Shale would be greatly reduced because only water that originated as precipitation would be available. Approximately 8 inches of precipitation falls in the Grand Valley annually, whereas the applied irrigation water averages about 54 inches annually (U.S. Bureau of Reclamation, 1978).

“The chemical form of selenium that dominates a location is usually dependent on its sources, effluent treatments, and biogeochemical processes in the receiving waters” (U.S. EPA 2016, p. 6)¹⁰. Selenate, which is highly toxic, typically dominates in irrigated agricultural systems with marine shales and selenium-rich soils. Besides migrating to shallow soil directly from an aquifer, selenate can also migrate through surface waters that are diverted from native rivers and streams to irrigation canals. Canal seepage and irrigation infiltration both transport selenate into shallow soil where selenate enters plant-soil nutrient cycling. Selenium fate and transport through agricultural soil systems is highly complex¹¹ and are affected by inter-related factors, including:

- Crop management (e.g. plowing, fertilizer/manure application)

¹⁰ Selenate is typically derived from four anthropogenic activities: (1) agricultural irrigation drainage, (2) treated oil refinery effluent, (3) mountaintop coal mining and valley-fill leachate, and (4) copper mining discharge. Selenite is typically derived from three different anthropogenic activities: (1) oil refinery effluent, (2) fly ash disposal effluent, and (3) phosphate mining overburden leachate. Organoselenium is typically derived from treated agricultural drainage. (U.S. EPA 2016, p. 8).

¹¹ The following types of chemical reactions are pertinent to such systems: organic matter decomposition, mineralization/immobilization, nitrification, volatilization, heterotrophic chemical reduction, and autotrophic chemical reduction (Bailey et al. 2014, p. 44).

- Irrigation (including canal seepage)
- Precipitation
- Crop type (e.g. water needs, root mass, Selenium root content)
- Soil characteristics (e.g. organic content)
- Soil pore-water characteristics

4.4 Lewis Wash

Impairments listed for this TMDL sub-watershed include dissolved selenium and total recoverable iron. The impaired portion of Lewis Wash begins at the Government Highline Canal and flows south to the East Lake within Colorado River Island State Wildlife Area (SWA) and to the Humphrey Backwater portion of the Colorado River. East Lake is hydrologically connected to West Lake which directly discharges to Humphrey Backwater, downstream of the confluence with Lewis Wash. The area of the Lewis Wash TMDL sub-watershed is approximately 3.0 square miles. As discussed in Section 3.5, flow data were available at USGS 09106200 (Lewis Wash near Grand Junction, CO) with a period of record from April 1, 1973 to September 29, 1979 and April 23, 2002 to April 6, 2004. This data were used to represent the flow condition in Lewis Wash.

4.4.1 Ambient Water Quality

Water quality data for Lewis Wash were collected primarily by USGS and the WQCD. Impairments listed for this TMDL sub-watershed include dissolved selenium and total recoverable iron. **Table 9** summarizes the monitoring sites for dissolved selenium and total recoverable iron. **Table 10** and **Table 11** summarize the ambient data for dissolved selenium and total recoverable iron, respectively. Locations of the monitoring sites are shown in **Figure 8**. Lewis Wash exceeds the dissolved selenium water quality standard only during one season of the year, from November to March. However, the data demonstrate the total recoverable iron water quality standard is attained throughout the entire year.

Table 9. Monitoring sites for Lewis Wash

Organization	Site ID	Site name	Parameter	Period of record	n
USGS	09106200	Lewis Wash near Grand Junction, CO	Dissolved Selenium	3/1991-3/2006	40
USGS	390337108284501	Lewis Wash Inflow to East Pool	Dissolved Selenium	6/1996-4/1997	2
WQCD	TMDL-LC09	Lewis Wash @ 31 Rd	Dissolved Selenium	8/2011-6/2012	4
			Total Recoverable Iron	3/2012-6/2012	2
RIVERWATCH	4064	Lewis Wash - Lewis Wash	Dissolved Selenium, Total Recoverable Iron	12/2003-3/2005	4

Table 10. Ambient dissolved selenium data for Lewis Wash

Month	Median daily average flow (cfs)	Se-D TMDL target (µg/l)	85th percentile Se-D (µg/l)	Exceeds standard?
April to October	12	4.6	2.0	No
November to March	0.6	4.6	33	Yes

Table 11. Ambient total recoverable iron data for Lewis Wash

Month	Median daily average flow (cfs)	Fe-Trec TMDL target (µg/l)	50th percentile current Fe-Trec (µg/l)	Exceeds standard?
April to October	12	1000	490	No
November to March	0.6	1000	337	No

4.4.2 Potential Sources of Impairment

No permittees with set design flows discharge to Lewis Wash. However, there is one industrial stormwater facility (COR900143 - YRC Inc dba YRC Freight) and the Lewis Wash TMDL sub-watershed does include parts of the Mesa County and the Mesa County Valley School Dist 51 MS4s. As summarized in **Table 3**, approximately 9.9 percent of the land use cover is classified as cultivated crops, 87.5 percent of the land use cover is classified as developed, and 2.6 percent is classified as natural. Thus, the potential impairment causes for dissolved selenium include the mobilization of selenium due to canal leakage and agricultural return flow from irrigated lands (both overland flow and infiltration to shallow groundwater which migrates to surface water), infiltration from irrigated landscapes within the developed urban areas, storm runoff from developed areas, and storm runoff exposed to selenium-laden geologic features. Note, as indicated in **Table 11**, the ambient iron concentration indicates that the standard is not exceeded for either season. However, due to a limited sample size (n = 6; **Table 9**), it is likely that elevated samples of iron are missing from the dataset. Therefore, a TMDL for iron is still necessary for this segment.

4.4.3 Conclusion

The most significant source of selenium to Lewis Wash are agriculture nonpoint sources, as selenium is mobilized to surface water through shallow groundwater by canal leakage and percolation of irrigation water. Regulated storm runoff from developed areas and storm runoff exposed to selenium-laden geologic features are also probable sources of selenium loads in Lewis Wash. The sources will be addressed by selenium TMDLs on Lewis Wash at the outlet to the Colorado River, which is located at the most downstream monitoring site in Lewis Wash. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Lewis Wash sub-watershed will address the sources of selenium.

Regulated storm runoff from developed areas and runoff from irrigated agriculture lands are the most probable source of iron loads in Lewis Wash. Soil erosion from within the unlined

irrigation canals and soil erosion from the streambank are also probable sources of iron. The sources will be addressed by an iron TMDL on Indian Wash at the outlet to the Colorado River, which is located at the most downstream monitoring site in Lewis Wash. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Lewis Wash sub-watershed will address the sources of iron.

4.5 Indian Wash

Impairments listed for this TMDL sub-watershed include dissolved selenium and total recoverable iron. The impaired portion of Indian Wash begins at the Government Highline Canal and flows south to its confluence with the Colorado River. The area of the Indian Wash TMDL sub-watershed is approximately 7.0 square miles. Flow data were determined using a watershed ratio, derived from a watershed that contains similar land use characteristics. The watershed ratio of the Indian Wash to the Lewis Wash was calculated and multiplied by the flow record synthesized for Lewis Wash. As discussed in Section 3.5, flow data were available at USGS 09106200 (Lewis Wash near Grand Junction, CO) with a period of record from April 1, 1973 to September 29, 1979 and April 23, 2002 to April 6, 2004.

4.5.1 Ambient Water Quality

Ambient water quality for Indian Wash were collected by USGS and the WQCD. **Table 12** summarizes the monitoring sites for dissolved selenium and total recoverable iron. **Table 13** and **Table 14** summarize the ambient data for dissolved selenium and total recoverable iron, respectively. Indian Wash exceeds the water quality standards for dissolved selenium throughout the year, and exceeds the total recoverable iron water quality standard during the period of April to October. **Figure 8** displays the monitoring site locations.

Table 12. Monitoring sites for Indian Wash

Organization	Site ID	Site name	Parameter	Period of record	n
USGS	390320108315901	Indian Wash at C ½ Road	Dissolved Selenium	3/1991-1/1995	6
WQCD	11135B	Indian Wash at C ½ Road Near Mouth	Dissolved Selenium, Total Recoverable Iron	8/2009-6/2012	10

Table 13. Ambient dissolved selenium data for Indian Wash

Month	Median daily average flow (cfs)	Se-D TMDL target (µg/l)	85th percentile Se-D (µg/l)	Exceeds standard?
April to October	28	4.6	9.2	Yes
November to March	1.3	4.6	110	Yes

Table 14. Ambient total recoverable iron data for Indian Wash

Month	Median daily average flow (cfs)	Fe-Trec TMDL target (µg/l)	50th percentile current Fe-Trec (µg/l)	Exceeds standard?
April to October	28	1000	2200	Yes
November to March	1.3	1000	245	No

4.5.2 Potential Sources of Impairment

Only stormwater permittees discharge to Indian Wash. The Indian Wash TMDL sub-watershed includes part of the Mesa County and the Grand Valley Water Users MS4. As summarized in **Table 3**, approximately 10.1 percent of the land use cover is classified as cultivated crops, 86.4 percent of the land use cover is classified as developed, and 3.5 percent is classified as natural. Thus, the potential impairment causes for dissolved selenium the mobilization of selenium due to canal leakage and agricultural return flow from irrigated lands (both overland flow and infiltration to shallow groundwater which migrates to surface water), infiltration from irrigated landscapes within the developed urban areas, storm runoff from developed areas, and storm runoff exposed to selenium-laden geologic features. The potential impairment causes for total recoverable iron include stormwater runoff from developed areas, runoff from irrigated agricultural land, soil erosion from within unlined irrigation canals, and soil erosion from the streambank.

4.5.3 Conclusion

The most significant source of selenium to Indian Wash are agriculture nonpoint sources, as selenium is mobilized to surface water through shallow groundwater by canal leakage and percolation of irrigation water. Regulated storm runoff from developed areas (including industrial stormwater facilities) and storm runoff exposed to selenium-laden geologic features are also probable sources of selenium loads in Indian Wash. The sources will be addressed by a selenium TMDL on Indian Wash at the outlet to the Colorado River, which is located at the most downstream monitoring site in Indian Wash. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Indian Wash sub-watershed will address the sources of selenium.

Regulated storm runoff from developed areas and runoff from irrigated agriculture lands are the most probable source of iron loads in Indian Wash. Soil erosion from within the unlined irrigation canals and soil erosion from the streambank are also probable sources of iron. The sources will be addressed by an iron TMDL on Indian Wash at the outlet to the Colorado River, which is located at the most downstream monitoring site in Indian Wash. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Indian Wash sub-watershed will address the sources of iron.

4.6 Leach Creek

Impairments for this TMDL sub-watershed include dissolved selenium, total recoverable iron, and *E. coli*. The impaired portion of Leach Creek begins at the Government Highline Canal and flows southwest toward its confluence with the Colorado River. The area of the Leach

Creek TMDL sub-watershed is approximately 9.0 square miles. As discussed in Section 3.5, flow data were available at USGS 09152650 (Leach Creek at Durham, CO) with a period of record from April 1, 1973 to October 4, 1983. Flow data from this gage were used to represent the flow conditions in Leach Creek.

4.6.1 Ambient Water Quality

Water quality data for Leach Creek were collected by USGS and the WQCD. **Table 15** summarizes the monitoring sites for dissolved selenium, total recoverable iron, and *E. coli*. **Table 16**, **Table 17**, and **Table 18** summarize the ambient data for dissolved selenium, total recoverable iron, and *E. coli*, respectively. Note that, in some instances, same day samples were collected. In these cases, the medians of same day samples are used to calculate ambient data statistics in accordance with 303(d) listing methodology. **Figure 8** displays the monitoring site locations.

Note that for *E. coli*, the ambient concentration was determined using the geomean of all samples rather than the assessment methodology described in Section 2.5 because not enough samples were collected to compute 61-day rolling-geometric means.

Table 15. Monitoring sites for Leach Creek

Organization	Site ID	Site name	Parameter	Period of record	n
USGS	09152650	Leach Creek at Durham, CO	Dissolved Selenium	3/1991-8/1999	50
			Total Recoverable Iron	8/1997	1
USGS	390705108341301	Leach Creek at 26 Road	Dissolved Selenium	2/1992	1
WQCD	11135	Leach Creek Near Mouth	Dissolved Selenium, Total Recoverable Iron	7/2005-6/2011	21
WQCD	TMDL-LC1	Leach Creek at Riverside	Dissolved Selenium, Total Recoverable Iron	6/2016-2/2018	12
			<i>E. coli</i>	6/2016-10/2017	19
WQCD	TMDL-LC2	Leach Creek at G Rd. and 24.5 Rd, D/S Side of Turnabout	Dissolved Selenium, Total Recoverable Iron	6/2016-10/2017	10
			<i>E. coli</i>	6/2016-10/2017	19
WQCD	TMDL-LC3	Leach Creek at G Rd. and 24.5 Rd, U/S Side of Turnabout	Dissolved Selenium, Total Recoverable Iron	6/2016-2/2018	12
			<i>E. coli</i>	6/2016-10/2017	19
WQCD	TMDL-LC4	Leach Creek U/S Grand Valley Canal	Dissolved Selenium, Total Recoverable Iron	6/2016-10/2017	10
			<i>E. coli</i>	6/2016-10/2017	19
WQCD	TMDL-LC5	Leach Creek at 26 Rd.	Dissolved Selenium, Total Recoverable Iron	6/2016-10/2017	10
			<i>E. coli</i>	6/2016-10/2017	19
WQCD	TMDL-LC6	Leach Creek at Summer Hill Drive	Dissolved Selenium, Total Recoverable Iron	6/2016-10/2017	10
			<i>E. coli</i>	6/2016-10/2017	19
WQCD	TMDL-LC11	Leach Creek at 25 Rd.	Dissolved Selenium	8/2011-6/2012	4
			Total Recoverable Iron	3/2012-6/2012	2

Table 16. Ambient dissolved selenium data for Leach Creek

Month	Median daily average flow (cfs)	Se-D TMDL target (µg/l)	85th percentile Se-D (µg/l)	Exceeds standard?
April to October	45	4.6	16	Yes
November to March	8	4.6	98	Yes

Table 17. Ambient total recoverable iron data for Leach Creek

Month	Median daily average flow (cfs)	Fe-Trec TMDL target (µg/l)	50th percentile current Fe-Trec (µg/l)	Exceeds standard?
April to October	45	1000	1463	Yes
November to March	8	1000	295	No

Table 18. Ambient *E. coli* data for Leach Creek

Month	Median daily average flow (cfs)	<i>E. coli</i> TMDL target (cfu/100 ml)	<i>E. coli</i> geomean (cfu/100 ml)	Exceeds standard?
Annual	34	126	163	Yes

4.6.2 Potential Sources of Impairment

The only permitted dischargers in the Leach Creek sub-watershed are MS4 permittees. The Leach Creek TMDL sub-watershed includes parts of the Mesa County MS4 and Grand Valley Water Users MS4. As summarized in **Table 3**, approximately 31.3 percent of the land use cover is classified as cultivated crops, 57.3 percent of the land use cover is classified as developed, and 11.5 percent is classified as natural. Thus, the potential impairment causes for dissolved selenium the mobilization of selenium due to canal leakage and agricultural return flow from irrigated lands (both overland flow and infiltration to shallow groundwater which migrates to surface water), infiltration from irrigated landscapes within the developed urban areas, storm runoff from developed areas, and storm runoff exposed to selenium-laden geologic features. The potential impairment causes for total recoverable iron include stormwater runoff from developed areas, runoff from irrigated agricultural land, soil erosion from within unlined irrigation canals, and soil erosion from the streambank. Potential impairment causes for *E. coli* include human-caused sources such as agricultural return flows, septic system failures, and pet waste, and naturally occurring nonpoint sources such as wildlife, naturalized sources of bacteria, and resuspension of sediment in the stream.

4.6.3 Conclusion

The most significant source of selenium to Leach Creek are agriculture nonpoint sources, as selenium is mobilized to surface water through shallow groundwater by canal leakage and percolation of irrigation water. Storm runoff from developed areas (both regulated and

unregulated) and storm runoff exposed to selenium-laden geologic features are also probable sources of selenium loads in Leach Creek. The sources will be addressed by a selenium TMDL on Leach Creek at the outlet to the Colorado River, which is located at the most downstream monitoring site in Leach Creek. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Leach Creek sub-watershed will address the sources of selenium.

Runoff from irrigated agricultural lands and storm runoff from developed areas (both regulated and unregulated) are the most probable source of iron loads in Leach Creek. Soil erosion from within the unlined irrigation canals and soil erosion from the streambank are also probable sources of iron. The sources will be addressed by an iron TMDL on Indian Wash at the outlet to the Colorado River, which is located at the most downstream monitoring site in Leach Creek. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Leach Creek sub-watershed will address the sources of iron.

Agriculture and regulated and unregulated storm runoff of wildlife and pet waste are the most probable sources of *E. coli* loads in Leach Creek. The sources will be addressed by an *E. coli* TMDL on Leach Creek at the outlet to the Colorado River, which is located at the most downstream monitoring site in Leach Creek. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Leach Creek sub-watershed will address the sources of *E. coli*.

4.7 Persigo Wash

The impaired portion of Persigo Wash begins at the Government Highline Canal and flows southwest toward its confluence with the Colorado River. Impairments for this TMDL sub-watershed include dissolved selenium and total recoverable iron. The area of the Persigo Wash TMDL sub-watershed is approximately 6.7 square miles. Flow data were determined using a watershed ratio. The watershed ratio of the Persigo Wash to the Adobe Creek was calculated and multiplied by the flow record synthesized for Adobe Creek because the two sub-watersheds have similar land use and soil characteristics. As discussed in Section 3.5, flow data were collected at USGS 09152900 (Adobe Creek near Fruita, CO) with a period of record from April 1, 1973 to October 3, 1983. Therefore, a flow record for Persigo Wash was determined for the period of record from April 1, 1973 to October 3, 1983.

4.7.1 Ambient Water Quality

Ambient water quality for Persigo Wash were collected by USGS and the WQCD. Note that both USGS 390645108390101 (Persigo Wash at River Road) and WQCD-TMDL-PSWT (Persigo Wash) are located at the mouth of Persigo Wash, which is located downstream of the Persigo WWTF. As the Persigo WWTF no longer discharges into the Persigo Wash, the mass balance equation was used to determine the selenium and iron concentrations without the contributions of the Persigo WWTF based on DMR data submitted by the facility. As the Persigo WWTF rarely exceeded the selenium or iron standard, the calculated upstream selenium and iron concentrations were higher than the observed downstream concentrations. **Table 19** summarizes the monitoring sites for dissolved selenium and total recoverable iron. **Table 20** and **Table 21** summarize the ambient data for dissolved selenium and total recoverable iron, respectively. Persigo Wash exceeds the dissolved selenium water quality standard throughout the year, however the total recoverable iron is exceeded only during the April to October season. Note that, in some instances, same day samples were collected. In

these cases, the medians of same day samples are used to calculate ambient data statistics in accordance with 303(d) listing methodology. **Figure 8** displays the monitoring site locations.

Table 19. Monitoring sites for Persigo Wash

Organization	Site ID	Site name	Parameter	Period of record	n
USGS	390645108390101	Persigo Wash at River Road	Dissolved Selenium	3/1991-3/2006	19
USGS	390633108393100	Persigo Wash at Mouth Nr Fruita, CO	Dissolved Selenium	11/2004	1
WQCD	TMDL-PSWT	Persigo Wash	Dissolved Selenium, Total Recoverable Iron	8/2012-2/2018	14

Table 20. Ambient dissolved selenium data for Persigo Wash

Month	Median daily average flow (cfs)	Se-D TMDL target (µg/l)	85th percentile Se-D (µg/l)	Exceeds standard?
April to October	46	4.6	15	Yes
November to March	3.3	4.6	86	Yes

Table 21. Ambient total recoverable iron data for Persigo Wash

Month	Median daily average flow (cfs)	Fe-Trec TMDL target (µg/l)	50th percentile current Fe-Trec (µg/l)	Exceeds standard?
April to October	46	1000	1886	Yes
November to March	3.3	1000	193	No

4.7.2 Potential Sources of Impairment

The Persigo WWTF is authorized to discharge to Persigo Wash; however, it has changed its primary discharge outfall to the Colorado River. Note that the analysis of the load in this document was completed without the including the Persigo WWTF, but a load will still be provided to the facility based on the design flow and the standards in case the facility discharges into Persigo Wash. There is one industrial stormwater facility (COR900895 - FedEx Freight Grand Junction) and the Persigo Wash TMDL sub-watershed includes part of the Mesa County MS4. As summarized in **Table 3**, approximately 64.0 percent of the land use cover is classified as cultivated crops, 18.3 percent of the land use cover is classified as developed, and 17.8 percent is classified as natural. Thus, the potential impairment causes for dissolved selenium the mobilization of selenium due to canal leakage and agricultural return flow from irrigated lands (both overland flow and infiltration to shallow groundwater which migrates to surface water), infiltration from irrigated landscapes within the developed urban areas, storm runoff from developed areas, and storm runoff exposed to selenium-laden geologic features. The potential impairment causes for total recoverable iron include stormwater runoff from developed areas, runoff from irrigated agricultural land, soil erosion from within unlined irrigation canals, and soil erosion from the streambank.

4.7.3 Conclusion

The most significant source of selenium to Persigo Wash are agriculture nonpoint sources, as selenium is mobilized to surface water through shallow groundwater by canal leakage and percolation of irrigation water. Storm runoff from developed areas (both regulated and unregulated) and storm runoff exposed to selenium-laden geologic features are also probable sources of selenium loads in Persigo Wash. The sources will be addressed by a selenium TMDL on Persigo Wash at the outlet to the Colorado River, which is located at the most downstream monitoring site in Persigo Wash. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Persigo Wash sub-watershed will address the sources of selenium.

Runoff from irrigated agriculture lands and storm runoff from developed areas (both regulated and unregulated) are the most probable sources of iron loads in Persigo Wash. Soil erosion from within the unlined irrigation canals and soil erosion from the streambank are also probable sources of iron. The sources will be addressed by an iron TMDL on Persigo Wash at the outlet to the Colorado River, which is located at the most downstream monitoring site in Persigo Wash. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Persigo Wash sub-watershed will address the sources of iron.

4.8 Pritchard Wash

Impairments for this TMDL sub-watershed include dissolved selenium and total recoverable iron. The impaired portion of Pritchard Wash begins at the Government Highline Canal and flows southwest toward its confluence with the Colorado River. The area of the Pritchard Wash TMDL sub-watershed is approximately 5.4 square miles. Flow data were determined using a watershed ratio. The watershed ratio of the Pritchard Wash to the Adobe Creek was calculated and multiplied by the flow record synthesized for Adobe Creek because the two sub-watersheds have similar land use and soil characteristics. As discussed in Section 3.5, flow data were collected at USGS 09152900 (Adobe Creek near Fruita, CO) with a period of record from April 1, 1973 to October 3, 1983. Therefore, a flow record for Pritchard Wash was determined for the period of record from April 1, 1973 to October 3, 1983.

4.8.1 Ambient Water Quality

Ambient water quality for Pritchard Wash were collected by USGS and the WQCD. **Table 22** summarizes the monitoring sites for dissolved selenium and total recoverable iron. **Table 23** and **Table 24** summarize the ambient data for dissolved selenium and total recoverable iron, respectively. Water quality standards were exceeded for both selenium and iron throughout the whole year. **Figure 8** displays the monitoring site locations.

Table 22. Monitoring sites for Pritchard Wash

Organization	Site ID	Site name	Parameter	Period of record	n
USGS	390700108393101	Pritchard Wash at River Road	Dissolved Selenium	8/1991-2/1992	3
WQCD	TMDL-PRT	Pritchard Tributary Upstream of Colorado River	Dissolved Selenium, Total Recoverable Iron	10/2015-2/2018	12

Table 23. Ambient dissolved selenium data for Pritchard Wash

Month	Median daily average flow (cfs)	Se-D TMDL target (µg/l)	85th percentile Se-D (µg/l)	Exceeds standard?
April to October	37	4.6	12	Yes
November to March	2.7	4.6	25	Yes

Table 24. Ambient total recoverable iron data for Pritchard Wash

Month	Median daily average flow (cfs)	Fe-Trec TMDL target (µg/l)	50th percentile current Fe-Trec (µg/l)	Exceeds standard?
April to October	37	1000	2,700	Yes
November to March	2.7	1000	1,190	Yes

4.8.2 Potential Sources of Impairment

Only stormwater permittees discharge to Pritchard Wash. The Pritchard Wash TMDL sub-watershed includes part of the Mesa County MS4. As summarized in **Table 3**, approximately 57.2 percent of the land use cover is classified as cultivated crops, 32.7 percent of the land use cover is classified as developed, and 10.1 percent is classified as natural. Thus, the potential impairment causes for dissolved selenium the mobilization of selenium due to canal leakage and agricultural return flow from irrigated lands (both overland flow and infiltration to shallow groundwater which migrates to surface water), infiltration from irrigated landscapes within the developed urban areas, storm runoff from developed areas, and storm runoff exposed to selenium-laden geologic features. The potential impairment causes for total recoverable iron include stormwater runoff from developed areas, runoff from irrigated agricultural land, soil erosion from within unlined irrigation canals, and soil erosion from the streambank.

4.8.3 Conclusion

The most significant source of selenium to Pritchard Wash are agriculture nonpoint sources, as selenium is mobilized to surface water through shallow groundwater by canal leakage and percolation of irrigation water. Storm runoff from developed areas (both regulated and unregulated) and storm runoff exposed to selenium-laden geologic features are also probable sources of selenium loads in Pritchard Wash. The sources will be addressed by a selenium TMDL on Pritchard Wash at the outlet to the Colorado River, which is located at the most

downstream monitoring site in Pritchard Wash. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Pritchard Wash sub-watershed will address the sources of selenium.

Runoff from irrigated agriculture lands and regulated storm runoff from developed areas (both regulated and unregulated) are the most probable sources of iron loads in Pritchard Wash. Soil erosion from within the unlined irrigation canals and soil erosion from the streambank are also probable sources of iron. The sources will be addressed by an iron TMDL on Pritchard Wash at the outlet to the Colorado River, which is located at the most downstream monitoring site in Pritchard Wash. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Pritchard Wash sub-watershed will address the iron sources.

4.9 Hunter Wash

Impairments for this TMDL sub-watershed include dissolved selenium and total recoverable iron. The impaired portion of Hunter Wash begins at the Government Highline Canal and flows southwest toward its confluence with the Colorado River. The area of the Hunter Wash TMDL sub-watershed approximately is 4.9 square miles. Flow data were determined using a watershed ratio. The watershed ratio of the Hunter Wash to the Adobe Creek was calculated and multiplied by the flow record synthesized for Adobe Creek because the two sub-watersheds have similar land use and soil characteristics. As discussed in Section 3.5, flow data were collected at USGS 09152900 (Adobe Creek near Fruita, CO) with a period of record from April 1, 1973 to October 3, 1983. Therefore, a flow record for Hunter Wash was determined for the period of record from April 1, 1973 to October 3, 1983.

4.9.1 Ambient Water Quality

Ambient water quality for Hunter Wash were collected by USGS and the WQCD. **Table 25** summarizes the monitoring sites for dissolved selenium and total recoverable iron. **Table 26** and **Table 27** summarize the ambient data for dissolved selenium and total recoverable iron respectively. **Figure 8** displays the monitoring site locations.

Table 25. Monitoring sites for Hunter Wash

Organization	Site ID	Site name	Parameter	Period of record	n
USGS	390717108400501	Hunter Wash at River Road	Dissolved Selenium	3/1991-9/1993	6
RIVERWATCH	4063	Hunter Wash 2	Dissolved Selenium, Total Recoverable Iron	3/2002-12/2007	12
WQCD	TMDL-HWT	Hunter Wash Upstream of the Colorado River	Dissolved Selenium, Total Recoverable Iron	8/2012-2/2018	18

Table 26. Ambient dissolved selenium data for Hunter Wash

Month	Median daily average flow (cfs)	Se-D TMDL target (µg/l)	85th percentile Se-D (µg/l)	Exceeds standard?
April to October	34	4.6	8.9	Yes
November to March	2.4	4.6	50	Yes

Table 27. Ambient total recoverable iron data and allowable load for Hunter Wash

Month	Median daily average flow (cfs)	Fe-Trec TMDL target (µg/l)	50th percentile current Fe-Trec (µg/l)	Exceeds standard?
April to October	34	1,000	2,810	Yes
November to March	2.4	1,000	189	No

4.9.2 Potential Sources of Impairment

Only stormwater permittees discharge to Hunter Wash. The Hunter Wash TMDL sub-watershed includes part of the Mesa County MS4. As summarized in **Table 3**, approximately 75.3 percent of the land use cover is classified as cultivated crops, 13.7 percent of the land use cover is classified as developed, and 11 percent is classified as natural. Thus, the potential impairment causes for dissolved selenium the mobilization of selenium due to canal leakage and agricultural return flow from irrigated lands (both overland flow and infiltration to shallow groundwater which migrates to surface water), infiltration from irrigated landscapes within the developed urban areas, storm runoff from developed areas, and storm runoff exposed to selenium-laden geologic features. The potential impairment causes for total recoverable iron include stormwater runoff from developed areas, runoff from irrigated agricultural land, soil erosion from within unlined irrigation canals, and soil erosion from the streambank.

4.9.3 Conclusion

The most significant source of selenium to Hunter Wash are agriculture nonpoint sources, as selenium is mobilized to surface water through shallow groundwater by canal leakage and percolation of irrigation water. Storm runoff from developed areas (both regulated and unregulated) and storm runoff exposed to selenium-laden geologic features are also probable sources of selenium loads in Hunter Wash. The sources will be addressed by a selenium TMDL on Hunter Wash at the outlet to the Colorado River, which is located at the most downstream monitoring site in Hunter Wash. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Hunter Wash sub-watershed will address the sources of selenium.

Runoff from irrigated agriculture land and storm runoff from developed areas (both regulated and unregulated) are the most probable sources of iron loads in Hunter Wash. Soil erosion from within the unlined irrigation canals and soil erosion from the streambank are also probable sources of iron. The sources will be addressed by an iron TMDL on Hunter Wash at

the outlet to the Colorado River, which is located at the most downstream monitoring site in Hunter Wash. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Hunter Wash sub-watershed will address the sources of iron.

4.10 Adobe Creek

Impairments for this TMDL sub-watershed include dissolved selenium, total recoverable iron, and *E. coli*. The impaired portion of Adobe Creek begins at the Government Highline Canal and flows southwest until its confluence with the Colorado River, which is located east of the City of Fruita. The area of the Adobe Creek TMDL sub-watershed is approximately 5.2 square miles. As discussed in Section 3.5, flow data were available at USGS 09152900 (Adobe Creek near Fruita, CO) with a period of record from April 1, 1973 to October 3, 1983. Flow data from this gage were used to represent the flow conditions in Adobe Creek.

4.10.1 Ambient Water Quality

Ambient water quality for Adobe Creek were collected by USGS and the WQCD. **Table 28** summarizes the monitoring sites for dissolved selenium, total recoverable iron, and *E. coli*. **Table 29**, **Table 30**, and **Table 31** summarize the ambient data for dissolved selenium, total recoverable iron, and *E. coli*, respectively. Note that, in some instances, same day samples were collected. In these cases, the medians of same day samples are used to calculate ambient data statistics in accordance with 303(d) listing methodology. **Figure 8** displays the monitoring site locations.

Note that for *E. coli*, the ambient concentration was determined using the geomean of all samples rather than the assessment methodology described in Section 2.5 because not enough samples were collected to compute 61-day rolling-geometric means.

Table 28. Monitoring sites for Adobe Creek

Organization	Site ID	Site name	Parameter	Period of record	n
USGS	390755108420200	Adobe Creek at 19 Rd Nr Fruita, CO	Dissolved Selenium	1/2005	1
WQCD	11133	Adobe Creek Near Mouth	Dissolved Selenium, Total Recoverable Iron	7/2005-6/2011	24
			<i>E. coli</i>	6/2005-6/2010	20
WQCD	TMDL-AC1	Adobe Creek Near Mouth at 19 Rd	Dissolved Selenium, Total Recoverable Iron	6/2016-2/2018	12
			<i>E. coli</i>	6/2016-10/2017	14
WQCD	TMDL-LC16	Adobe Creek @ 19 Rd Nr Mouth	Dissolved Selenium, Total Recoverable Iron	8/2011-6/2012	4
WQCD	TMDL-AC2	Adobe Creek at J and 19.5 Rd	<i>E. coli</i>	6/2016-10/2017	14
WQCD	TMDL-AC3	Adobe Creek at K Rd	<i>E. coli</i>	6/2016-10/2017	14
WQCD	TMDL-AC4	Adobe Creek U/S Highline Canal at 21 Rd	<i>E. coli</i>	6/2016-10/2017	14
WQCD	TMDL-AC5	Adobe Creek at 22 Rd	<i>E. coli</i>	6/2016-10/2017	14

Table 29. Ambient dissolved selenium data and allowable load for Adobe Creek

Month	Median daily average flow (cfs)	Se-D TMDL target (µg/l)	85th percentile Se-D (µg/l)	Exceeds standard?
April to October	36	4.6	13	Yes
November to March	2.6	4.6	43	Yes

Table 30. Ambient total recoverable iron data and allowable load for Adobe Creek

Month	Median daily average flow (cfs)	Fe-Trec TMDL target (µg/l)	50th percentile current Fe-Trec (µg/l)	Exceeds standard?
April to October	36	1000	3200	Yes
November to March	2.6	1000	160	No

Table 31. Ambient *E. coli* data for Adobe Creek

Month	Annual median daily flow (cfs)	<i>E. coli</i> TMDL target (cfu/100 ml)	<i>E. coli</i> geomean (cfu/100 ml)	Exceeds standard?
Annual	28	126	577	Yes

4.10.2 Potential Sources of Impairment

Only stormwater permittees discharge to Adobe Creek. The Adobe Creek TMDL sub-watershed includes part of the Mesa County MS4. As summarized in **Table 3**, over 72.2 percent of the land use cover is classified as cultivated crops, 13.9 percent of the land use cover is classified as developed, and 13.9 percent is classified as natural. Thus, the potential impairment causes for dissolved selenium the mobilization of selenium due to canal leakage and agricultural return flow from irrigated lands (both overland flow and infiltration to shallow groundwater which migrates to surface water), infiltration from irrigated landscapes within the developed urban areas, storm runoff from developed areas, and storm runoff exposed to selenium-laden geologic features. The potential impairment causes for total recoverable iron include stormwater runoff from developed areas, runoff from irrigated agricultural land, soil erosion from within unlined irrigation canals, and soil erosion from the streambank. Potential impairment causes for *E. coli* include human-made sources such as agricultural return flows, septic system failures, and pet waste, and naturally occurring nonpoint sources such as wildlife, naturalized sources of bacteria, and resuspension of sediment in the stream.

4.10.3 Conclusion

The most significant source of selenium to Adobe Creek are agriculture nonpoint sources, as selenium is mobilized to surface water through shallow groundwater by canal leakage and percolation of irrigation water. Storm runoff from developed areas (both regulated and unregulated) and storm runoff exposed to selenium-laden geologic features are also probable sources of selenium loads in Adobe Creek. The sources will be addressed by a selenium TMDL on Adobe Creek at the outlet to the Colorado River, which is located at the most downstream monitoring site in Adobe Creek. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Adobe Creek sub-watershed will address the sources of selenium.

Runoff from irrigated agriculture land and storm runoff from developed areas (both regulated and unregulated) are the most probable sources of iron loads in Adobe Creek. Soil erosion from within the unlined irrigation canals and soil erosion from the streambank are also probable sources of iron. The sources will be addressed by an iron TMDL on Adobe Creek at the outlet to the Colorado River, which is located at the most downstream monitoring site in Adobe Creek. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Adobe Creek sub-watershed will address the sources of iron.

Agriculture and regulated and unregulated storm runoff of wildlife and pet waste are the most probable sources of *E. coli* loads in Adobe Creek. The sources will be addressed by an *E. coli* TMDL on Adobe Creek at the outlet to the Colorado River, which is located at the most downstream monitoring site in Adobe Creek. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Adobe Creek sub-watershed will address the sources of *E. coli*.

4.11 Little Salt Wash

Impairments for this TMDL sub-watershed include dissolved selenium and total recoverable iron. The impaired portion of Little Salt Wash begins at the Government Highline Canal and flows southwest toward its confluence with the Colorado River. The area of the Little Salt Wash TMDL sub-watershed is approximately 6.9 square miles. Flow data were determined using a watershed ratio. The watershed ratio of the Little Salt Wash to the Adobe Creek was

calculated and multiplied by the flow record synthesized for Adobe Creek because the two sub-watersheds have similar land use and soil characteristics. As discussed in Section 3.5, flow data were collected at USGS 09152900 (Adobe Creek near Fruita, CO) with a period of record from April 1, 1973 to October 3, 1983. Therefore, a flow record for Little Salt Wash was determined for the period of record from April 1, 1973 to October 3, 1983.

4.11.1 Ambient Water Quality

Ambient water quality for Little Salt Wash were collected by USGS and the WQCD. **Table 32** summarizes the monitoring sites for dissolved selenium and total recoverable iron. **Table 33** and **Table 34** summarize the ambient data for dissolved selenium and total recoverable iron, respectively. **Figure 7** displays the monitoring site locations.

Table 32. Monitoring sites for Little Salt Wash

Organization	Site ID	Site name	Parameter	Period of record	n
USGS	390938108443101	Little Salt Wash at Hwy 50, at Fruita	Dissolved Selenium	3/1991-2/1992	3
WQCD	TMDL-LSWT	Little Salt Wash Upstream of the Colorado River	Dissolved Selenium, Total Recoverable Iron	7/2016-2/2018	9
WQCD	TMDL-LSWT2	Little Salt Wash Above Hwy 50 and Above Stormwater Outfall	Dissolved Selenium, Total Recoverable Iron	5/2017-6/2017	2

Table 33. Ambient dissolved selenium data for Little Salt Wash

Month	Median daily average flow (cfs)	Se-D TMDL target (µg/l)	85th percentile Se-D (µg/l)	Exceeds standard?
April to October	47	4.6	6.9	Yes
November to March	3.4	4.6	23	Yes

Table 34. Ambient total recoverable iron data for Little Salt Wash

Month	Median daily average flow (cfs)	Fe-Trec TMDL target (µg/l)	50th percentile current Fe-Trec (µg/l)	Exceeds standard?
April to October	47	1000	2200	Yes
November to March	3.4	1000	360	No

4.11.2 Potential Sources of Impairment

Only stormwater permittees discharge to Little Salt Wash. The Little Salt Wash TMDL sub-watershed include part of the Mesa County MS4. As summarized in **Table 3**, approximately 65.6 percent of the land use cover is classified as cultivated crops, 22.7 percent of the land use cover is classified as developed, and 11.7 percent is classified as natural. Thus, the

potential impairment causes for dissolved selenium the mobilization of selenium due to canal leakage and agricultural return flow from irrigated lands (both overland flow and infiltration to shallow groundwater which migrates to surface water), infiltration from irrigated landscapes within the developed urban areas, storm runoff from developed areas, and storm runoff exposed to selenium-laden geologic features. The potential impairment causes for total recoverable iron include stormwater runoff from developed areas, runoff from irrigated agricultural land, soil erosion from within unlined irrigation canals, and soil erosion from the streambank.

4.11.3 Conclusion

The most significant source of selenium to Little Salt Wash are agriculture nonpoint sources, as selenium is mobilized to surface water through shallow groundwater by canal leakage and percolation of irrigation water. Storm runoff from developed areas (both regulated and unregulated) and storm runoff exposed to selenium-laden geologic features are also probable sources of selenium loads in Little Salt Wash. The sources will be addressed by a selenium TMDL on Little Salt Wash at the outlet to the Colorado River, which is located at the most downstream monitoring site in Little Salt Wash. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Little Salt Wash sub-watershed will address the sources of selenium.

Runoff from irrigated agriculture land and storm runoff from developed areas (both regulated and unregulated) are the most probable sources of iron loads in Little Salt Wash. Soil erosion from within the unlined irrigation canals and soil erosion from the streambank are also probable sources of iron. The sources will be addressed by an iron TMDL on Little Salt Wash at the outlet to the Colorado River, which is located at the most downstream monitoring site in Little Salt Wash. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Little Salt Wash sub-watershed will address the sources of iron.

4.12 Big Salt Wash

Impairments for this TMDL sub-watershed include dissolved selenium and total recoverable iron. The impaired portion of Big Salt Wash begins at the Government Highline Canal and flows southwest toward its confluence with the Colorado River. The area of the Big Salt Wash TMDL sub-watershed is approximately 12.6 square miles. As discussed in Section 3.5, flow data were available at USGS 09153270 (Big Salt Wash at Fruita, CO) with a period of record from April 1, 1973 to October 5, 1977. To elongate the period of record, a regression analysis was conducted for this gage and USGS 09153290 (Reed Wash), which is appropriate because the sub-watersheds have similar land use and soil characteristics. Flow data until September 29, 2000 were predicted, with an R^2 of observed data of 0.8923. This modified flow record was used to represent the flow conditions in Big Salt Wash.

4.12.1 Ambient Water Quality

Ambient water quality for Big Salt Wash were collected by USGS and the WQCD. **Table 35** summarizes the monitoring sites for dissolved selenium and total recoverable iron. **Table 36** and **Table 37** summarize the ambient data for dissolved selenium and total recoverable iron,

respectively. Note that the medians of same day samples are used to calculate ambient data statistics. **Figure 7** displays the monitoring site locations.

Table 35. Monitoring sites for Big Salt Wash

Organization	Site ID	Site name	Parameter	Period of record	n
USGS	09153270	Big Salt Wash at Fruita, CO	Dissolved Selenium	3/1991-3/1999	31
			Total Recoverable Iron	8/1997	1
RIVERWATCH	3263	Big Salt Wash - Salt Wash 2	Dissolved Selenium, Total Recoverable Iron	8/1993-8/2007	3
RIVERWATCH	4061	Big Salt Wash - Abv Conf Colorado R	Dissolved Selenium, Total Recoverable Iron	10/2001-11/2006	10
WQCD	TMDL-BSWT	Big Salt Wash at I-70 Bridge	Dissolved Selenium, Total Recoverable Iron	9/2012-7/2017	9
WQCD	TMDL-BSWT2	Big Salt Wash Above Hwy 50	Dissolved Selenium, Total Recoverable Iron	5/2017-2/2018	7

Table 36. Ambient dissolved selenium data for Big Salt Wash

Month	Median daily average flow (cfs)	Se-D TMDL target (µg/l)	85th percentile Se-D (µg/l)	Exceeds standard?
April to October	84	4.6	15	Yes
November to March	13	4.6	43	Yes

Table 37. Ambient total recoverable iron data for Big Salt Wash

Month	Median daily average flow (cfs)	Fe-Trec TMDL target (µg/l)	50th percentile current Fe-Trec (µg/l)	Exceeds standard?
April to October	84	1000	3345	Yes
November to March	13	1000	369	No

4.12.2 Potential Sources of Impairment

Only stormwater permittees discharge to Big Salt Wash. The Big Salt Wash TMDL sub-watershed includes part of the Mesa County MS4. As summarized in **Table 3**, approximately 66.4 percent of the land use cover is classified as cultivated crops, 8.5 percent of the land use cover is classified as developed, and 25.1 percent is classified as natural. Thus, the potential impairment causes for dissolved selenium the mobilization of selenium due to canal leakage and agricultural return flow from irrigated lands (both overland flow and infiltration to shallow groundwater which migrates to surface water), infiltration from irrigated landscapes within the developed urban areas, storm runoff from developed areas, and storm runoff exposed to selenium-laden geologic features. The potential impairment causes for total recoverable iron include stormwater runoff from developed areas, runoff from irrigated agricultural land, soil erosion from within unlined irrigation canals, and soil erosion from the streambank.

4.12.3 Conclusion

The most significant source of selenium to Big Salt Wash are agriculture nonpoint sources, as selenium is mobilized to surface water through shallow groundwater by canal leakage and percolation of irrigation water. Storm runoff from developed areas (both regulated and unregulated) and storm runoff exposed to selenium-laden geologic features are also probable sources of selenium loads in Big Salt Wash. The sources will be addressed by a selenium TMDL on Big Salt Wash at the outlet to the Colorado River, which is located at the most downstream monitoring site in Big Salt Wash. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Big Salt Wash sub-watershed will address the sources of selenium.

Runoff from irrigated agriculture land and storm runoff from developed areas (both regulated and unregulated) are the most probable sources of iron loads in Big Salt Wash. Soil erosion from within the unlined irrigation canals and soil erosion from the streambank are also probable sources of iron. The sources will be addressed by an iron TMDL on Big Salt Wash at the outlet to the Colorado River, which is located at the most downstream monitoring site in Big Salt Wash. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Big Salt Wash sub-watershed will address the sources of iron.

4.13 Reed Wash

Impairments for this TMDL sub-watershed include dissolved selenium and total recoverable iron. The impaired portion of Reed Wash begins at the Government Highline Canal and flows southwest toward its confluence with the Colorado River. The area of the Reed Wash TMDL sub-watershed is approximately 5.4 square miles. As discussed in Section 3.5, flow data for Reed Wash were collected at USGS 09143290 (Reed Wash near Mack, CO) with a period of record from October 1, 1975 to September 29, 2000. This data were used unmodified to determine the flow conditions of Reed Wash.

4.13.1 Ambient Water Quality

Ambient water quality for Reed Wash were collected by USGS and the WQCD. **Table 38** summarizes the monitoring sites for dissolved selenium and total recoverable iron. **Table 39** and **Table 40** summarize the ambient data for dissolved selenium and total recoverable iron, respectively. Note that, in some instances, same day samples were collected. In these cases, the medians of same day samples are used to calculate ambient data statistics in accordance with 303(d) listing methodology. **Figure 7** displays the monitoring site locations.

Table 38. Monitoring sites for Reed Wash

Organization	Site ID	Site name	Parameter	Period of record	n
USGS	09153290	Reed Wash Near Mack, CO	Dissolved Selenium	9/1991-9/1998	54
USGS	09153300	Read Wash Near Loma, CO	Dissolved Selenium	8/1991-3/1999	54
			Total Recoverable Iron	8/1997	1
USGS	391029108480200	Reed Wash Near Fruita, CO	Dissolved Selenium	3/1991	1
USGS	391335108484301	Reed Wash at 13 RD	Dissolved Selenium	3/1992	1
WQCD	11102	Reed Wash @ Hwy 6	Dissolved Selenium	7/2000-9/2000	2
WQCD	TMDL-LC22	Reed Wash @ US Hwy 50 Nr Gilsonite	Dissolved Selenium	11/2011-6/2012	3
			Total Recoverable Iron	3/2012-6/2012	2
WQCD	TMDL-RWT	Reed Wash at US Hwy 50	Dissolved Selenium, Total Recoverable Iron	8/2013-2/2018	15
WQCD	TMDL-RWT1	Reed Wash at US Hwy 6	Dissolved Selenium, Total Recoverable Iron	9/2012	1
RIVERWATCH	4073	Reed Wash	Dissolved Selenium, Total Recoverable Iron	10/2001-3/2004	5

Table 39. Ambient dissolved selenium data for Reed Wash

Month	Median daily average flow (cfs)	Se-D TMDL target (µg/l)	85th percentile Se-D (µg/l)	Exceeds standard?
April to October	68	4.6	21	Yes
November to March	5.7	4.6	110	Yes

Table 40. Ambient total recoverable iron data for Reed Wash

Month	Median daily average flow (cfs)	Fe-Trec TMDL target (µg/l)	50th percentile current Fe-Trec (µg/l)	Exceeds standard?
April to October	68	1000	4670	Yes
November to March	5.7	1000	191	No

4.13.2 Potential Sources of Impairment

Only stormwater permittees discharge to Reed Wash. The Reed Wash TMDL sub-watershed includes a small portion of the Mesa County MS4. As summarized in **Table 3**, approximately 65.5 percent of the land use cover is classified as cultivated crops, 7.9 percent of the land use cover is classified as developed, and 26.6 percent is classified as natural. The majority of the developed land cover are split between the unincorporated communities of Mack, Colorado and Loma, Colorado which do not have MS4 permit coverage. Thus, the potential impairment causes for dissolved selenium the mobilization of selenium due to canal leakage and agricultural return flow from irrigated lands (both overland flow and infiltration to shallow groundwater which migrates to surface water), infiltration from irrigated landscapes

within the developed urban areas, storm runoff from developed areas, and storm runoff exposed to selenium-laden geologic features. The potential impairment causes for total recoverable iron include stormwater runoff from developed areas, runoff from irrigated agricultural land, soil erosion from within unlined irrigation canals, and soil erosion from the streambank.

4.13.3 Conclusion

The most significant source of selenium to Big Salt Wash are agriculture nonpoint sources, as selenium is mobilized to surface water through shallow groundwater by canal leakage and percolation of irrigation water. Storm runoff from developed areas (both regulated and unregulated) and storm runoff exposed to selenium-laden geologic features are also probable sources of selenium loads in Reed Wash. The sources will be addressed by a selenium TMDL on Reed Wash at the outlet to the Colorado River, which is located at the most downstream monitoring site in Reed Wash. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Reed Wash sub-watershed will address the sources of selenium.

Runoff from irrigated agriculture land and storm runoff from developed areas (both regulated and unregulated) are the most probable sources of iron loads in Reed Wash. Soil erosion from within the unlined irrigation canals and soil erosion from the streambank are also probable sources of iron. The sources will be addressed by an iron TMDL on Reed Wash at the outlet to the Colorado River, which is located at the most downstream monitoring site in Reed Wash. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Reed Wash sub-watershed will address the sources of iron.

4.14 Salt Creek

Impairments for this TMDL sub-watershed include dissolved selenium and total recoverable iron. The impaired portion of Salt Creek begins at the Government Highline Canal and flows south and southwest toward its confluence with the Colorado River. The area of the Salt Creek TMDL sub-watershed is approximately 59.2 square miles. Flow data were determined using a watershed ratio between Salt Creek and Reed Wash because the two sub-watersheds have similar land use and soil characteristics. Therefore, a flow record for Salt Creek was determined for the period of record from April 1, 1973 to September 29, 2000.

4.14.1 Ambient Water Quality

Ambient water quality for Salt Creek were collected by USGS and the WQCD. **Table 41** summarizes the monitoring sites for dissolved selenium and total recoverable iron. **Table 42** and **Table 43** summarize the ambient data for dissolved selenium and total recoverable iron, respectively. **Figure 7** displays the monitoring site locations.

Table 41. Monitoring sites for Salt Creek

Organization	Site ID	Site name	Parameter	Period of record	n
USGS	09163490	Salt Creek Nr Mack, CO	Dissolved Selenium	3/1991-8/1997	37
			Total Recoverable Iron	3/1991	1
WQCD	TMDL-SCT	Salt Creek at I-70	Dissolved Selenium, Total Recoverable Iron	9/2012-10/2015	5
WQCD	11130	Salt Creek at I-70	Dissolved Selenium, Total Recoverable Iron	10/2000	1
RIVERWATCH	4075	Salt Cr - Salt Creek	Dissolved Selenium, Total Recoverable Iron	10/2001-3/2004	5

Table 42. Ambient dissolved selenium data for Salt Creek

Month	Median daily average flow (cfs)	Se-D TMDL target (µg/l)	85th percentile Se-D (µg/l)	Exceeds standard?
April to October	113	4.6	10	Yes
November to March	9.4	4.6	63	Yes

Table 43. Ambient total recoverable iron data for Salt Creek

Month	Median daily average flow (cfs)	Fe-Trec TMDL target (µg/l)	50th percentile current Fe-Trec (µg/l)	Exceeds standard?
April to October	113	1000	2105	Yes
November to March	9.4	1000	483	No

4.14.2 Potential Sources of Impairment

Only one permitted discharge contributes to Salt Creek, which is an industrial stormwater facility (COR900221 - Mack Mesa Airport). As summarized in **Table 3**, approximately 21.1 percent of the land use cover is classified as cultivated crops, 4.1 percent of the land use cover is classified as developed, and 74.9 percent is classified as natural. Thus, the potential impairment causes for dissolved selenium the mobilization of selenium due to canal leakage and agricultural return flow from irrigated lands (both overland flow and infiltration to shallow groundwater which migrates to surface water), infiltration from irrigated landscapes within the developed urban areas, storm runoff from developed areas, and storm runoff exposed to selenium-laden geologic features. The potential impairment causes for total recoverable iron include stormwater runoff from developed areas, runoff from irrigated agricultural land, soil erosion from within unlined irrigation canals, and soil erosion from the streambank.

4.14.3 Conclusion

The most significant source of selenium to Salt Creek are agriculture nonpoint sources, as selenium is mobilized to surface water through shallow groundwater by canal leakage and percolation of irrigation water. Storm runoff from developed areas (including industrial stormwater facilities and unregulated urban runoff) and storm runoff exposed to selenium-laden geologic features are also probable sources of selenium loads in Salt Creek. The sources will be addressed by a selenium TMDL on Salt Creek at the outlet to the Colorado River, which is located at the most downstream monitoring site in Salt Creek. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Salt Creek sub-watershed will address the sources of selenium.

Runoff from irrigated agriculture land and storm runoff from developed areas (including industrial stormwater facilities and unregulated urban runoff) are the most probable sources of iron loads in Salt Creek. Soil erosion from within the unlined irrigation canals and soil erosion from the streambank are also probable sources of iron. The sources will be addressed by an iron TMDL on Salt Creek at the outlet to the Colorado River, which is located at the most downstream monitoring site in Salt Creek. The implementation of this TMDL through installation of agricultural BMPs and urban stormwater BMPs in the Salt Creek sub-watershed will address the sources of iron.

5 TMDLs and Allocations

A TMDL is the total amount of a pollutant that a receiving waterbody can assimilate while still achieving water quality standards. TMDLs can be expressed in terms of load (*i.e.* mass per unit time) or by other appropriate measures. TMDLs are composed of the sum of wasteload allocations (WLAs) for point sources and load allocations (LAs) for NPS and natural background sources. In addition, the TMDL must include a margin of safety (MOS), either implicitly or explicitly, that accounts for the uncertainty in the relationship between pollutant loads and the quality of the receiving waterbody. When future growth is a concern and can be quantified, it is also included and is referred to in this report as the *reserve capacity* (RC). Conceptually, the TMDL is defined by the following equation:

$$TMDL = \sum WLA + \sum LA + MOS + RC$$

The TMDL was calculated at the target, which is typically the most conservative numeric criterion for a given constituent, multiplied by the flow and converted to appropriate load units. For example, the selenium TMDL for a hypothetical waterbody at median flow (10 cfs) would be calculated as

$$\begin{aligned} TMDL &= (\text{median daily average flow}^*) \times (\text{TMDL target}) \times (\text{conversion factors}) \\ &= (10 \text{ cfs}) \times (4.6 \text{ } \mu\text{g/l}) \times (86,400 \text{ sec/day}) \times (28.3168 \text{ L/ft}^3) \times (2.205 \times 10^{-9} \text{ lb/ug}) \\ &= 4.32 \text{ lb/d} \end{aligned}$$

*irrigation/non-irrigation season median daily average flow for selenium and iron; annual median daily average flow for *E. coli*

All loads are reported on a daily time-scale. For the allocation tables, TMDLs are calculated using irrigation season and non-irrigation season median daily average flows (for selenium and iron) and annual median daily average flows (for *E. coli*). Note that selenium and iron TMDLs

are calculated for both the irrigation season and non-irrigation season because the criteria apply-year round; however, reductions are not necessarily required for each season.

5.1 Methodology

WLAs and LAs are allocated in order to meet the water quality targets listed in Section 2.4. Specifically, in this TMDL, WLAs for the Grand Valley sub-watersheds are allocated for facilities covered under individual CDPS permits, stormwater discharges covered by general CDPS permits, and agricultural and natural background sources, which may be conveyed into an MS4 and then discharged to the waterbody. Before WLAs and LAs are allocated to the point and nonpoint sources, an MOS is subtracted from the TMDL. After the MOS was subtracted from the TMDL, WLAs are then assigned to point sources with a designated design flow (i.e. permits with a flow permit limit). The remainder of the TMDL is then distributed as a percentage of land area to stormwater point sources, nonpoint sources, and an RC for future growth, which is based on the projected change from natural to urban land cover from 2020 to 2030 as discussed in Section 5.2.3.

5.2 Allocations

5.2.1 Wasteload Allocations

WLAs were calculated using several methodologies based upon the type of CDPS permit and the authorizations within the NPDES permits.

5.2.1.1 Facilities Covered by Individual CDPS Permits

For facilities covered by individual CDPS permits that contain design flows and selenium, iron, and *E. coli* limits, the WLA is calculated by multiplying the design flow by concentration limit and converting to appropriate units. For example, at the Persigo WWTF that discharges to Persigo Wash with a permitted design flow (12,500,000 gallons per day) and selenium limit (4.6 µg/l), the WLA would be calculated as:

$$\begin{aligned} \text{WLA} &= (\text{design flow}) \times (\text{TMDL target}) \times (\text{conversion factors}) \\ &= (12,500,000 \text{ gal/day}) \times (4.6 \text{ µg/l}) \times (3.78541 \text{ L/gal}) \times (2.205 \times 10^{-9} \text{ lb/ug}) = \\ &= 0.5 \text{ lb/d} \end{aligned}$$

Two facilities covered by individual CDPS permits are authorized to discharge effluent containing selenium and iron within or upstream of the TMDL sub-watersheds. Note that the facilities do not discharge to a waterbody listed for *E. coli*. Individual WLAs were calculated for each facility for dissolved selenium and total recoverable iron (**Table 44**).

5.2.1.2 Stormwater Discharges Covered by General CDPS Permits

For industrial facilities authorized to discharge stormwater through the non-extractive industrial stormwater permit (COR900000), WLAs are calculated using an apportionment of the TMDL based upon land area. The WLA for an industrial stormwater discharge is calculated as the percentage (based on permitted area) of the quantity of the TMDL less the MOS, RC, and WLAs determined for individual CDPS permits. The WLAs for non-extractive industrial

stormwater permits vary by irrigation and non-irrigation season for selenium and iron and are presented in **Table 45**.

For MS4s authorized to discharge stormwater through either the statewide MS4 general permit (COR090000) or non-standard MS4 general permit (COR070000), a categorical WLA is calculated using an apportionment of the TMDL based upon land area. The WLA for MS4 stormwater discharge is calculated as the percentage (based on urban area) of the quantity of the TMDL less the MOS, RC, and WLAs determined for individual CDPS permits. The categorical WLAs for MS4 general permits vary by irrigation and non-irrigation season for selenium and iron and are presented in the TMDL tables listed in Section 5.4.

Table 44. Selenium and Iron WLAs for facilities covered by individual CDPS permits

NPDES ID	Permittee	Facility	TMDL sub-watershed	Design flow (mgd)	Limit (µg/l)	WLA (lb/d)
CO0040053*	City of Grand Junction and Mesa County	Persigo WWTF	Persigo Wash	Outfall 001A: 12.5	Se (Dis) = 4.6 Fe (TR) = 1000	Outfall 001A: Se (Dis) = 0.5 Fe (TR) = 104
CO0038342	McClane Canyon Mining LLC	McClane Canyon Coal Mine	Salt Creek	Outfall 001: 0.216 Outfall 002: 0.216 Outfall 004: 0.216	Se (Dis) = 4.6 Fe (TR) = 1000	Outfall 001: Se (Dis) = 0.008 Fe (TR) = 1.8 Outfall 002: Se (Dis) = 0.008 Fe (TR) = 1.8 Outfall 004: Se (Dis) = 0.008 Fe (TR) = 1.8

*WLA applies when discharging from outfall 001A (to Persigo Wash). When the facility discharges from outfall 001B (to Colorado River), the WLA applied for Persigo Wash is 0 lb/d for the Persigo Wash.

Table 45. Selenium and Iron WLAs for stormwater covered by the general CDPS permits

NPDES ID	Permittee	TMDL sub-watershed	Site Area (sq. mi.)	Percent Area of TMDL sub-watershed (%)	Irrigation Season TMDL (lb/d)	Non-Irrigation Season TMDL (lb/d)
COR900895	FedEx Freight Inc	Persigo Wash	0.01	0.15%	Se (Dis) = 0.0015 Fe (TR) = 0.34	Se (Dis) = 0.0002
COR900221	Mack Mesa Airport	Salt Creek	0.04	0.08%	Se (Dis) = 0.006 Fe (TR) = 1.6	Se (Dis) = 0.0005
COR900143	YRC Inc dba YRC Freight	Lewis Wash	0.012	0.4%	Fe (TR) = 0.20	Se (Dis) = 0.0001

5.2.2 Load Allocation

The LA is the load contribution from human-caused NPS pollution sources and natural background levels. The natural background LA is the product of the natural background concentrations and the percentage of flow contributing from natural land cover (the median flow for the entire TMDL sub-watershed multiplied by NLCD percentage for natural land cover). Natural background concentrations were determined from regional sampling locations located upstream of any agricultural or urban influences. **Table 46** summarizes monitoring locations used to calculate background concentration for selenium, iron, and *E. coli*. An 85th percentile of 1.7 µg/l, which is based on all available data, was used as the background concentration selenium for both seasons. A median of 132 µg/l, which is based on all available data, was used as the background concentration iron for both seasons. A geomean of 16 cfu/100 ml, which is based on all available data, was used as the annual background concentration for *E. coli*. For selenium and iron, the agriculture LA was calculated as the percentage (based on land area) and the remainder of the load from the loading capacity less the WLAs, MOS, RC, and natural background LA. For *E. coli*, the NPS LA was calculated as the percentage (based on land area) and the remainder of the load from the loading capacity less the WLAs, MOS, RC, and natural background LA. Note that the land area used to calculate the LA for natural background levels are based on the 2030 projected NLCD land cover area because the RC has been defined as the projected change in NLCD land cover area as described in Section 5.2.3.

Table 46. Background Concentration Monitoring Locations

Organization	Site ID	Site Name	Parameter	Period of Record	n
USGS	392031108503701	East Salt Creek at Mitchell Road	Dissolved Selenium	5/1992-5/2000	6
WQCD	11110	Big Salt Creek below Ruby Lee Reservoir	Dissolved Selenium	10/1995-7/1996	6
			Total Recoverable Iron	10/1995-7/1996	10
Riverwatch	4067	Mack Wash 2-Below Highline Lk	Total Recoverable Iron	10/2001-12/2007	7
USGS	09095529	Camp No. 7 Spillway near Mack, CO	<i>E. coli</i>	8/2000-9/2003	19

5.2.3 Reserve Capacity

An RC for urban growth was added for all TMDL sub-watersheds to a certain degree. A percentage of the 2016 NLCD natural land use was reserved and was set aside as reserve capacity for potential development, including urban growth and industrial activity. For Lewis Wash, Indian Wash, Reed Wash, and Salt Creek, the RC was set equal to 1% of the TMDL less the MOS. For all other TMDL sub-watersheds, the RC was set equal to 2.5% of the TMDL less the MOS. A lower percentage was used for Lewis Wash and Indian Wash because these watersheds are more heavily urbanized than the other TMDL sub-watersheds (see

Table 3), with a lower likelihood of further growth. A lower percentage for Reed Wash and Salt Creek was used because the Mesa County MS4 area is only a very small portion in these TMDL sub-watersheds with less likelihood of further growth. Based on a comparison between the NLCD 2001 and NLCD 2016 for Reed Wash and Salt Creek, the growth of the developed area was much less for these TMDL sub-watersheds than for the others. **Table 47** summarizes the projected 2030 land cover percentages for each TMDL sub-watershed. Note that the cultivated crops is assumed to remain constant from 2016 to 2030; therefore, the increase in developed land cover percentage results in a decrease in the natural land cover of the same percentage. The division acknowledges that potential land cover changes from cultivated crops to developed land would result in a change in hydrology in the region as well as different load allocations; however, in order to simplify the analysis, no further scenarios were evaluated. In one study, it was found that “the conversion of land use from agriculture land use to urban land use reduces water use by about 74 percent and deep percolation as much as about 90 percent” (Mayo 2008).

Table 47. Projected 2030 Land Cover Percentages (with changes from 2016 in parenthesis)

TMDL Sub-watershed	Land Cover		
	Natural	Developed	Cultivated Crops
Lewis Wash	1.6% (-1%)	88.5% (+1.0%)	9.9% (-)
Indian Wash	2.5% (-1%)	87.4% (+1.0%)	10.1% (-)
Leach Creek	9.0% (-2.5%)	59.8% (+2.5%)	31.3% (-)
Persigo Wash	15.2% (-2.5%)	20.8% (+2.5%)	64% (-)
Pritchard Wash	7.6% (-2.5%)	35.2% (+2.5%)	57.2% (-)
Hunter Wash	8.5% (-2.5%)	16.2% (+2.5%)	75.3% (-)
Adobe Creek	11.4% (-2.5%)	16.4% (+2.5%)	72.2% (-)
Little Salt Wash	9.2% (-2.5%)	25.2% (+2.5%)	65.6% (-)
Big Salt Wash	22.6% (-2.5%)	11.0% (+2.5%)	66.4% (-)
Reed Wash	25.6% (-1%)	8.9% (+1.0%)	65.5% (-)
Salt Creek	73.8% (-1%)	5.1% (+1.0%)	21.1% (-)

5.2.4 Margin of Safety

Section 303(d) of the CWA and U.S. EPA regulations at 40 CFR 130.7 require that “TMDLs shall be established at levels necessary to attain and maintain the applicable narrative and numeric water quality standards with seasonal variations and a MOS which accounts for any lack of knowledge concerning the relationship between limitations and water quality.” U.S. EPA guidance explains that the MOS may be implicit (*i.e.* incorporated into the TMDL through conservative assumptions in the analysis) or explicit (*i.e.* expressed in the TMDL as loadings set aside for the MOS). An explicit 10% MOS was applied for each parameter in all TMDL sub-watersheds. There is no consistent MOS value for TMDLs, but the 10% criterion is the most used value for TMDLs throughout the United States (Nunoo et al. 2020).

5.3 Critical Conditions and Seasonal Variation

The CWA requires that TMDLs consider critical conditions for stream flow, loading, and water quality parameters as part of the analysis of loading capacity. Critical conditions will depend upon the characteristics of the impaired waterbody, the applicable water quality standards, the sources of pollution, and the characteristics of the pollutant. Critical conditions may have spatial and temporal aspects (e.g. summer low flows in small headwaters streams). When the source(s) of pollution include point sources, critical conditions need to be considered when allocating WLAs. In addition, the CWA and U.S. EPA's implementing regulations require TMDLs to be established with consideration of seasonal variations.

Selenium TMDLs were calculated for the irrigation (April to October) and non-irrigation (November to March) seasons at the mouth of each sub-watershed. Calculating loads for these two seasons captures two different flow regimes: (1) a period of higher flow but lower concentration during the irrigation season and (2) a period of lower flow with a higher concentration during the non-irrigation season. The seasonal breakdown allowed analyses of load reductions for a load dominated by a higher flow (irrigation season) and a load dominated by a higher concentration (non-irrigation season). By calculating the load at the mouth of each sub-watershed, it is possible to analyze the load from all potential sources.

Iron TMDLs were also calculated for the irrigation (April to October) and non-irrigation (November to March) seasons at the mouth of each sub-watershed. By using these seasons, it was determined that the critical season for most of the sub-watersheds was the irrigation season. One of the TMDL sub-watersheds (Pritchard Wash) also showed iron exceedances during the non-irrigation season and therefore a TMDL was included for both seasons. By calculating the load at the mouth of each sub-watershed, it is possible to analyze the load from all potential sources.

E. coli TMDLs were calculated year-round at the mouth of each sub-watershed. By calculating the load at the mouth of each sub-watershed, it is possible to analyze the load from all potential sources. It was not necessary to calculate loads for an irrigation or non-irrigation season because there was no correlation between flows and concentrations (i.e. high or low concentrations of *E. coli* occurred at any flow level).

5.4 TMDLs and Reductions

E. coli WLAs and LAs for Adobe and Leach Creeks are summarized in **Table 48**. Dissolved selenium WLAs and LAs for each AUID are presented in **Table 49** to **Table 52**. Total recoverable iron WLAs and LAs for each AUID are presented in **Table 53** to **Table 56**. Because the Persigo WWTF has two discharge outfalls, TMDL and reduction scenarios were evaluated for when the facility discharges to Persigo Wash and for when it discharges to the Colorado River. Because the discharge from the McClane Canyon Coal Mine is intermittent, TMDL and reduction scenarios were evaluated for when the facility discharges to East Salt Creek and when it does not discharge to East Salt Creek. As the current conditions for Persigo Wash and Salt Creek were determined without the influence of the two facilities, the calculated TMDL load was added to the current condition loads in the scenarios in which Persigo WWTF discharges to Persigo Wash and McClane Canyon Coal Mine discharges to East Salt Creek. Note that the TMDLs for these facilities are deducted from the current condition loads prior to the rest of the allocations.

Pollutant reductions are necessary to achieve TMDLs. They are calculated as the difference between the observed load and TMDL, relative to the observed load.

$$\text{Necessary reduction} = \frac{(\text{Load}_{\text{Observed}} - \text{Load}_{\text{TMDL}})}{\text{Load}_{\text{Observed}}}$$

The observed load ($\text{Load}_{\text{observed}}$) is calculated using the same equation described in the beginning of Section 5. In this calculation, the flows and conversion factors are the same; however the TMDL target concentration is replaced by the corresponding listing methodology statistic for each parameter (e.g. 85th percentile for chronic dissolved selenium, 50th percentile for total recoverable iron, and geometric mean for *E. coli*).

Table 48. *E. coli* WLAs and LAs for Adobe and Leach Creeks (AUID COLCLC13b_C)

Stream	Current condition (giga-cfu/d)	TMDL (giga-cfu/d)	MOS (giga-cfu/d)	Background LA (giga-cfu/d)	Nonpoint LA (giga-cfu/d) ^a	MS4 WLA (giga-cfu/d) ^b	Reserve capacity (giga-cfu/d)	Percent reduction (%)
Leach Creek	136	105	10.5	1.227	33	60	0.342	23%
Adobe Creek	395	86	8.6	1.29	64	12	0.282	78%

^aThe nonpoint sources include, but are not limited to, OWTS, hobby farms, and grazing activities.

^bThe MS4 WLA for Leach Creek is composed of the Mesa County MS4 (COR090100), Grand Valley Water Users Association (COR070083), and unpermitted, regulated stormwater. The MS4 WLA for Adobe Creek is composed of the Mesa County MS4 (COR090100) and unpermitted, regulated stormwater.

Table 49. Selenium WLAs and LAs for AUID COLCLC13b_A

Stream	Season	Current condition (lb/d)	TMDL (lb/d)	MOS (lb/d)	Industrial stormwater WLA (lb/d)	Individual permit WLA (lb/d)	Background LA (lb/d)	Agriculture LA (lb/d)	MS4 WLA (lb/d) ^a	Reserve capacity (lb/d)	Percent reduction (%)
Lewis Wash	Irrigation	0.13	0.30	0.03	0.0011	0	0.0017	0.027	0.24	0.0011	0
	Non-Irrigation	0.11	0.015	0.0015	0.0001	0	0.0001	0.0013	0.012	0.00005	86%
Persigo Wash ^b	Irrigation	3.7	1.1	0.11	0.0017	0	0.063	0.74	0.21	0.010	69%
	Non-Irrigation	1.5	0.082	0.0082	0.0001	0	0.0045	0.053	0.015	0.0007	95%
Persigo Wash ^c	Irrigation	4.2	1.6	0.11	0.0017	0.48	0.063	0.74	0.21	0.010	69%
	Non-Irrigation	2.0	0.56	0.0082	0.0001	0.48	0.0045	0.053	0.015	0.0007	95%
Pritchard Wash	Irrigation	2.3	0.92	0.092	0	0	0.025	0.50	0.29	0.0084	60%
	Non-Irrigation	0.36	0.067	0.0067	0	0	0.0019	0.037	0.021	0.0006	81%
Hunter Wash	Irrigation	1.6	0.84	0.084	0	0	0.026	0.61	0.11	0.0077	48%
	Non-Irrigation	0.65	0.06	0.006	0	0	0.0018	0.043	0.008	0.0005	91%
Little Salt Wash	Irrigation	1.8	1.2	0.12	0	0	0.039	0.74	0.26	0.011	34%
	Non-Irrigation	0.42	0.084	0.0084	0	0	0.0028	0.054	0.019	0.0008	80%
Big Salt Wash	Irrigation	6.9	2.1	0.21	0	0	0.17	1.5	0.19	0.019	70%
	Non-Irrigation	3.0	0.32	0.032	0	0	0.027	0.23	0.030	0.0029	89%
Reed Wash	Irrigation	7.6	1.7	0.17	0	0	0.16	1.2	0.15	0.0061	78%
	Non-Irrigation	3.4	0.14	0.014	0	0	0.0132	0.10	0.012	0.0005	96%

^aThe MS4 WLA for Lewis Wash is composed solely of the Mesa County MS4 (COR090100). The MS4 WLA for all other streams is composed of the Mesa County MS4 (COR090100) and unpermitted, regulated stormwater.

^bThis load evaluation scenario applies when the Persigo WWTF (CO0040053) discharges to the Colorado River.

^cThis load evaluation scenario applies when the Persigo WWTF (CO0040053) discharges to Persigo Wash.

Table 50. Selenium WLAs and LAs for AUID COLCLC13b_B

Stream	Season	Current condition (lb/d)	TMDL (lb/d)	MOS (lb/d)	Industrial stormwater WLA (lb/d)	Individual permit WLA (lb/d)	Background LA (lb/d)	Agriculture LA (lb/d)	MS4 WLA (lb/d) ^a	Reserve capacity (lb/d)	Percent reduction (%)
Salt Creek ^{b,c}	Irrigation	6.1	2.8	0.28	0.0056	0.0000	0.75	1.5	0.28	0.010	54%
	Non-Irrigation	3.2	0.23	0.023	0.0005	0.0000	0.063	0.12	0.023	0.0008	93%
Salt Creek ^{b,d}	Irrigation	6.1	2.8	0.28	0.0056	0.025	0.75	1.5	0.28	0.010	54%
	Non-Irrigation	3.2	0.26	0.023	0.0005	0.025	0.063	0.12	0.023	0.0008	93%

^aThe MS4 WLA is composed solely of unpermitted, regulated stormwater.

^bThe Salt Creek sub-watershed includes tributary segments that are a portion of AUID COLCLC13b_A. The loads calculated also address these tributary segments as they are sources to AUID COLCLC13b_B.

^cThis load evaluation scenario applies when there is no discharge from CO0038342 (McClane Canyon Mining LLC).

^dThis load evaluation scenario applies when there is discharge from CO0038342 (McClane Canyon Mining LLC).

Table 51. Selenium WLAs and LAs for AUID COLCLC13b_C

Stream	Season	Current condition (lb/d)	TMDL (lb/d)	MOS (lb/d)	Industrial stormwater WLA (lb/d)	Individual permit WLA (lb/d)	Background LA (lb/d)	Agriculture LA (lb/d)	MS4 WLA (lb/d) ^a	Reserve capacity (lb/d)	Percent reduction (%)
Leach Creek ^b	Irrigation	3.9	1.1	0.11	0	0	0.036	0.34	0.62	0.010	71%
	Non-Irrigation	4.2	0.20	0.020	0	0	0.0065	0.060	0.11	0.0018	95%
Adobe Creek	Irrigation	2.5	0.89	0.089	0	0	0.037	0.64	0.12	0.0081	65%
	Non-Irrigation	0.61	0.1	0.0065	0	0	0.0027	0.046	0.009	0.0006	89%

^aThe MS4 WLA for Leach Creek is composed of the Mesa County MS4 (COR090100), Grand Valley Water Users Association (COR070083), and unpermitted, regulated stormwater. The MS4 WLA for Adobe Creek is composed of the Mesa County MS4 (COR090100) and unpermitted, regulated stormwater.

^bThe Leach Creek sub-watershed includes a tributary segment that is a portion of AUID COLCLC13b_A. The load calculated also addresses this tributary segment as it is a source to AUID COLCLC13b_C.

Table 52. Selenium WLAs and LAs for AUID COLCLC13b_D

Stream	Season	Current condition (lb/d)	TMDL (lb/d)	MOS (lb/d)	Industrial stormwater WLA (lb/d)	Individual permit WLA (lb/d)	Background LA (lb/d)	Agriculture LA (lb/d)	MS4 WLA (lb/d) ^a	Reserve capacity (lb/d)	Percent reduction (%)
Indian Wash	Irrigation	1.4	0.69	0.069	0	0	0.0063	0.065	0.55	0.0025	50%
	Non-Irrigation	0.77	0.032	0.0032	0	0	0.0003	0.0030	0.026	0.0001	96%

^aThe MS4 WLA for Indian Wash is composed of the Mesa County MS4 (COR090100) and Grand Valley Water Users Association (COR070083).

Table 53. Iron WLAs and LAs for AUID COLCLC13b_A

Stream	Season	Current condition (lb/d)	TMDL (lb/d)	MOS (lb/d)	Industrial stormwater WLA (lb/d)	Individual permit WLA (lb/d)	Background LA (lb/d)	Agriculture LA (lb/d)	MS4 WLA (lb/d) ^a	Reserve capacity (lb/d)	Percent reduction (%)
Lewis Wash	Irrigation	32	65	6.5	0.24	0	0.1367	5.9	52	0.0854	0%
	Non-Irrigation	1.1	3.2	0.32	0.012	0	0.0068	0.29	2.6	0.00427	0%
Persigo Wash ^b	Irrigation	468	248	25	0.40	0	5.5	169	48	0.33	47%
	Non-Irrigation	3.4	18	1.8	0.028	0	0.39	12	3.4	0.023	0%
Persigo Wash ^c	Irrigation	572	352	25	0.40	104	5.5	169	48	0.33	47%
	Non-Irrigation	108	122	1.8	0.028	104	0.39	12	3.4	0.023	0%
Pritchard Wash	Irrigation	539	200	20	0	0	2.4	113	64	0.26	63%
	Non-Irrigation	17	15	1.5	0	0	0.17	8	4.7	0.019	16%
Hunter Wash	Irrigation	515	183	18	0	0	2.4	137	25	0.24	64%
	Non-Irrigation	2.4	13	1.3	0	0	0.17	9.7	1.8	0.017	0%
Little Salt Wash	Irrigation	558	254	25	0	0	3.6	167	58	0.33	55%
	Non-Irrigation	6.6	18	1.8	0	0	0.26	12	4.2	0.024	0%
Big Salt Wash	Irrigation	1516	453	45	0	0	14	348	45	0.60	70%
	Non-Irrigation	26	70	7.0	0	0	2.2	54	6.9	0.093	0%
Reed Wash	Irrigation	1713	367	37	0	0	12	283	34	0.48	79%
	Non-Irrigation	5.9	31	3.1	0	0	1.0	24	2.9	0.041	0%

^aThe MS4 WLA for Lewis Wash is composed solely of the Mesa County MS4 (COR090100). The MS4 WLA for all other streams is composed of the Mesa County MS4 (COR090100) and unpermitted, regulated stormwater.

^bThis load evaluation scenario applies when the Persigo WWTF (CO0040053) discharges to the Colorado River.

^cThis load evaluation scenario applies when the Persigo WWTF (CO0040053) discharges to Persigo Wash.

Table 54. Iron WLAs and LAs for AUID COLCLC13b_B

Stream	Season	Current condition (lb/d)	TMDL (lb/d)	MOS (lb/d)	Industrial stormwater WLA (lb/d)	Individual permit WLA (lb/d)	Background LA (lb/d)	Agriculture LA (lb/d)	MS4 WLA (lb/d) ^a	Reserve capacity (lb/d)	Percent reduction (%)
Salt Creek ^{b,c}	Irrigation	1283	609	61	1.6	0	59	409	78	0.80	52%
	Non-Irrigation	24	51	5.1	0.1	0	4.9	34	6.5	0.1	0%
Salt Creek ^{b,d}	Irrigation	1288	615	61	1.6	5.4	59	409	78	0.80	52%
	Non-Irrigation	30	56	5.1	0.1	5.4	4.9	34	6.5	0.1	0%

^aThe MS4 WLA is composed solely of unpermitted, regulated stormwater.

^bThe Salt Creek sub-watershed includes tributary segments that are a portion of AUID COLCLC13b_A. The loads calculated also address these tributary segments as they are sources to AUID COLCLC13b_B.

^cThis load evaluation scenario applies when there is no discharge from CO0038342 (McClane Canyon Mining LLC).

^dThis load evaluation scenario applies when there is discharge from CO0038342 (McClane Canyon Mining LLC).

Table 55. Iron WLAs and LAs for AUID COLCLC13b_C

Stream	Season	Current condition (lb/d)	TMDL (lb/d)	MOS (lb/d)	Industrial stormwater WLA (lb/d)	Individual permit WLA (lb/d)	Background LA (lb/d)	Agriculture LA (lb/d)	MS4 WLA (lb/d) ^a	Reserve capacity (lb/d)	Percent reduction (%)
Leach Creek ^b	Irrigation	355	243	24	0	0	3.4	76	139	0.32	32%
	Non-Irrigation	13	43	4.3	0	0	0.6	13	25	0.057	0%
Adobe Creek	Irrigation	621	194	19	0	0	3.3	144	28	0.26	69%
	Non-Irrigation	2.2	14	1.4	0	0	0.2	10.4	2.0	0.0	0%

^aThe MS4 WLA for Leach Creek is composed of the Mesa County MS4 (COR090100), Grand Valley Water Users Association (COR070083), and unpermitted, regulated stormwater. The MS4 WLA for Adobe Creek is composed of the Mesa County MS4 (COR090100) and unpermitted, regulated stormwater entities.

^bThe Leach Creek sub-watershed includes a tributary segment that is a portion of AUID COLCLC13b_A. The load calculated also addresses this tributary segment as it is a source to AUID COLCLC13b_C.

Table 56. Iron WLAs and LAs for AUID COLCLC13b_D

Stream	Season	Current condition (lb/d)	TMDL (lb/d)	MOS (lb/d)	Industrial stormwater WLA (lb/d)	Individual permit WLA (lb/d)	Background LA (lb/d)	Agriculture LA (lb/d)	MS4 WLA (lb/d) ^a	Reserve capacity (lb/d)	Percent reduction (%)
Indian Wash	Irrigation	332	151	15	0	0	0.50	14	121	0.20	55%
	Non-Irrigation	1.7	7.0	0.70	0	0	0.023	0.66	5.6	0.0093	0%

^aThe MS4 WLA for Indian Wash is composed of the Mesa County MS4 (COR090100) and Grand Valley Water Users Association (COR070083).

6 TMDL Implementation

Implementation of this TMDL will require a combined effort from point and nonpoint sources. For point sources, implementation will be carried out through the permits process. For nonpoint sources, implementation will be carried out through the Grand Valley Watershed Plan and other local and areawide initiatives.

6.1 Point Sources

For Persigo WWTF (CO0040053), the WLAs calculated in **Table 44** should be applied in the permit for Outfall 002A. For the McClane Canyon Coal Mine (CO0038342), the WLAs calculated in **Table 44** should be applied in the permit for Outfalls 001, 002, 004. New outfalls should receive concentration limits based on the WQS in addition to the WLAs based on the equation described in Section 5.2.1.1. If it is not feasible to re-assign WLAs from the existing outfalls to account for the new outfall, then the WLA will need to be deducted from the reserve capacity. However, the reserve capacity should not be used to grant dilution for new outfalls. Selenium and iron load limitations from this TMDL should be included along with selenium and iron limits implemented by the permits section based on site specific analyses during the renewal process.

It is the division's long-standing practice to assign new dischargers (except stormwater permits) numeric WQBELs equal to the underlying standards in cases where in-stream standards are currently exceeded (i.e. where there is not assimilative capacity to include dilution in calculating WQBELs). The WLA for a new discharger should be developed using the equation described in Section 5.2.1.1 and will need to be deducted from the reserve capacity. The reserve capacity should not be used to grant dilution for new dischargers.

For non-extractive industrial stormwater permittees (COR900000), the potential for specific pollutants varies widely among types of industries. The permit includes requirements for structural and non-structural control measures that comprehensively address pollutants in runoff. Permit writers may therefore make qualitative or quantitative reasonable potential determinations on a facility-specific basis to determine whether additional controls, monitoring, or limits are required.

For MS4 permittees, compliance with CWA Section 402(p) requires pollutants in stormwater discharges to be reduced to the Maximum Extent Practicable (MEP). Permittees develop stormwater management programs as a framework to comply with their stormwater discharge permit requirements. MEP is therefore assessed through compliance with the program description documentation. MEP is iterative, and permits will continually reduce pollutants over time to progress towards achieving the WLA. Permits must incorporate the numeric WLA with the TMDL. However, MS4s typically have complex interconnections, contributions from multiple regulated MS4s and other regulated and non-regulated stormwater sources. As a result, permit writers may use discretion on how the WLA is translated into limits and how compliance with the WLA is determined. Where existing permit limits representing MEP are insufficient to achieve the WLA, permits may include additional control measures or treatment techniques to achieve further reductions. If feasible, permits may also include thresholds based on water quality targets or concentrations derived from the TMDL WLAs. Translations into thresholds or limits may involve conversions to concentration, loading, percentage or other methodologies that align with the TMDL.

Control measures may be designed to target discrete sources (i.e., sources on land that become transported through the MS4, such as illicit discharges, pet wastes, increased flows from exposed soils) or specific land uses (e.g., areas of high development, older portions of MS4) and other specific sources identified by permittees. Using an iterative approach, control measures and other non-numeric requirements may be established in different phases over multiple permit terms. For example, permits may address pollutants for dry weather conditions before addressing wet weather conditions. Dry weather monitoring is an effective way to determine the significance of dry weather sources versus wet weather sources. Wet weather monitoring, on the other hand, may be designed to assess problematic drainage areas and assess control measure effectiveness over time.

The division may assess compliance with the WLA based on successful implementation of program requirements alone, or in combination with monitoring data. Permits may require site specific monitoring or may allow representative types of monitoring, such as regional monitoring, performance monitoring, industry studies, calculations of pollutant reductions, etc., to assess compliance with the WLA. The division encourages coordination and cooperation among MS4s in implementing control measures and monitoring for TMDL pollutants.

6.2 Non Point Sources

EPA guidelines that are in place for states' use of Clean Water Act Section 319 (Section 319) funding (Nonpoint Source Program and Grants Guidelines for States and Territories, 2013) state:

“Because implementation of the load allocations established by these TMDLs is not enforceable under the Clean Water Act, for waters impaired solely or partly by nonpoint sources, the primary implementation mechanism is generally the state NPS management program coupled with state, local, and federal land management programs and authorities. Thus, the § 319 program is an important mechanism to implement TMDLs and restore the impaired waters listed under § 303(d) where NPS pollution is a contributor to the water quality impairment. EPA believes that implementation of these TMDLs can best be achieved through the development of WBPs that incorporate information from TMDLs that have been developed in the watershed. The implementation of WBPs has been and continues to be one of EPA’s highest priorities for the use of § 319 funds.”

Consistent with this discussion in EPA’s guidelines, one of the primary ways for addressing the nonpoint source recommendations made in this TMDL report will be through the Section 319-funded Grand Valley Watershed Plan update that is in progress and will be completed in April of 2022. Section 319 funds were used to assist with watershed group development in the Grand Valley and outreach to the watershed group completing the watershed plan, as well as other potentially affected stakeholders, was conducted throughout the development of this report. The report discusses potential nonpoint sources and analyzes the loads necessary to bring the watershed back into attainment. The primary nonpoint sources identified include (but are not limited to) agriculture, failing on-site wastewater treatment systems (OWTS), and natural sources. Tables 48-56 provide the LAs and reductions necessary to bring the watershed back into attainment. Loads for the natural sources were separated from anthropogenic sources; however, as the relative source contribution from different nonpoint source categories is unknown, it is at the discretion of local government, non-governmental organizations, and private groups to determine the appropriate implementation analyses and strategies for carrying out this TMDL based on their prioritized needs and a more robust

evaluation of nonpoint sources within the watershed which will be the focus of the watershed plan update.

Planning at the watershed scale is needed to provide a comprehensive analysis of the causes and sources of pollution and to identify critical areas (i.e., those that generate the most pollution) in which to give priority to support implementation. In addition to selecting and applying practices that will be effective in addressing the pollutants of concern, implementation is dependent on local willingness to adopt and maintain these practices. The watershed-based planning approach will identify implementation activities that address the nonpoint source water quality problems, and then prioritize these activities based on their relative contributions to nonpoint source pollutant loads and the likelihood that they will be adopted and maintained by local partners. Existing analysis documents, such as the Grand Valley TMDL, will serve as valuable building blocks for the watershed-based plan and will be incorporated by reference in the plan, but must be flexible enough to allow local planning and prioritization to occur without contradicting the local priorities that develop under the watershed-based plan.

The division’s Nonpoint Source Program has a long-standing history of working with local partners in the Grand Valley area to reduce nonpoint source pollution and will continue to do so to support the implementation of this TMDL through technical assistance and funding assistance (contingent on funding availability). Below are 319-funded projects that utilized approximately \$1,077,920 in nonpoint source funds to address selenium and/or *E.coli* in the Grand Valley area dating back to 2003, although project history in this area dates back even further than the years detailed here.

Year	Amount/Source	Brief Project Description
2017	\$88,009 - NPS 319 funds \$38,000 - Other Federal funds \$19,444 - State funds \$82,650 Local matching funds \$17,400 Local In-kind	Updating the Grand Valley portion of the 2012 Lower Gunnison River Basin Watershed Plan (ongoing) <ul style="list-style-type: none"> The purpose of this project is to revise the existing Selenium Watershed Management Plan Update Lower Gunnison River Basin and Grand Valley, Colorado (2012) to reflect upcoming watershed and water quality characterization activities in the Grand Valley specific to mitigation of the selenium and <i>E. coli</i> impaired streams. The Selenium Task Force and stakeholders in the Lower Gunnison Basin have actively monitored and reduced the selenium concentrations and loadings along the mainstem of the Colorado River through the implementation of their identified projects. The lessons learned and information from these efforts needs to be transferred to the Grand Valley area to mitigate existing water quality in the tributaries and prevent new selenium loadings. This project will also include information that aligns with other statewide and regional planning efforts such as the current TMDL development, Colorado Water Plan, Colorado Basin Implementation Plan (BIP), and Stream Management

		Planning (also referred to as Integrated Water Planning).
2016	\$4,980 - NPS 319 funds \$3,320 - Local matching funds	Mini-Grant supporting Outreach, Education, & Grand Valley TMDL Integration <ul style="list-style-type: none"> The purpose of this mini-grant was to educate stakeholders about the watershed, water quality issues, and pending Selenium and <i>E. coli</i> Total Maximum Daily Load (TMDL) development and process.
2010	\$26,171 - NPS 319 funds \$3,400- Other Federal funds \$20,666 Local matching funds	Supporting Selenium Control Efforts in the Lower Gunnison River Basin through Data Collection <ul style="list-style-type: none"> The project identified significant data gaps needed to fully characterize selenium loading in the Lower Gunnison Basin, develop a plan to address them, and subsequently fill them in order to support U.S. Geological Survey (USGS) efforts to optimize a predictive model of selenium loading in the North Fork and lower Gunnison River basins.
Various (2007 parent file)	\$800,000 - NPS 319 funds \$760,461 - Other Federal Funds \$645,269 -Local matching funds	Selenium Control Project: Loutzenhizer Lateral Piping <ul style="list-style-type: none"> The goal of this project was to reduce selenium and salt loading to the lower Gunnison and Colorado River systems. This project helped bring several selenium-impaired 303(d) listed segments into compliance by replacing 6.5 miles of open ditch laterals with closed pipe in a highly seleniferous and saline area. This effort reduced 171 pounds of selenium loading/year and controlled 2,138 tons of salt per year. This lateral piping project was one component of a larger Integrated Phased Piping Project in the Loutzenhizer Arroyo sub-basin where approximately 11.9 miles of open ditch laterals were replaced with closed pipe resulting in an estimated 262 to 328 pounds of selenium and 3,275 tons of salt reduced.
2004	\$97,200 - NPS 319 funds	Grand Valley Selenium Assessment <ul style="list-style-type: none"> The goal of this project was to quantify selenium loading and characterize sources in Grand Valley tributaries (tracer studies, water-quality sampling). The collection of this information will support TMDL development and implementation for selenium remediation planning.
2003 & 2006 (parent file)	\$32,479 - NPS 319 funds	Lower Gunnison River Basin Watershed Plan Update (2012) <ul style="list-style-type: none"> To improve water quality within the Lower Gunnison Basin by developing an effective watershed plan.

	\$25,102 - Local matching funds	
2003	\$29,081 - NPS 319 funds \$19,389 - local matching funds	Grand Valley Selenium Task Force Coordinator (part-time over 3 years) <ul style="list-style-type: none"> The overall goal of this project was to enable the Grand Valley Selenium Task (GVSTF) to continue its mission of addressing selenium loading from 303(d)-listed nonpoint sources to segments of the lower Colorado River. The coordinator served as a bridge between the GVSTF and the Gunnison Basin Selenium Task Force (GBSTF) to ensure that group activities complimented and did not duplicate one another.

For priorities identified in the watershed plan, Section 319 funds can be used for projects that address agricultural nonpoint sources through implementation of best management practices (BMPs) such as: irrigation method changes, irrigation scheduling changes, buffer strips, exclusion fencing, lining or piping of canals and ponds, soil health practices (reduced/no-tillage, cover crops) or stormwater BMPs outside of municipal separate storm sewer system permit coverage areas.

Beyond implementation activities associated with the state’s Section 319 nonpoint source program, there are other programs and mechanisms in place to assist with implementation of the load allocation discussed in this report. For example, permitting and ensuring compliance with local OWTS regulation in the Grand Valley watershed is conducted by the Mesa County Health Department. In addition to working with Mesa County, owners of OWTS may receive funding assistance for maintenance and failure issues from the Colorado Department of Local Affairs’ Community Development Block Grant (CDBG) Program, CDPHE’s Water Pollution Control Revolving Fund Loan Program, Rural Community Assistance Corporation’s (RCAC) Environmental Infrastructure Loans, and the United States Department of Agriculture Rural Development Program.

In addition there are a number of active stakeholder groups associated with area-wide programmatic efforts to address both selenium and salinity. For example, the Gunnison Basin & Grand Valley Selenium Task Forces are stakeholder groups with missions to reduce selenium loading to local waterways while maintaining the agricultural heritage and economic viability of the area and the related Selenium Management Program being facilitated by the US Bureau of Reclamation. The Colorado River Basin Salinity Control Forum, while focused on salinity, provides ancillary benefit for selenium control through both engaging stakeholders in actions to protect water quality in the Colorado River Basin and through on-the-ground implementation activities that reduce nonpoint sources of a number of different pollutants. The Natural Resources Conservation Service provides support for selenium control through its Environmental Quality Incentives Program and funded a water quality improvement project in the Lower Gunnison through the Regional Conservation Partnership Program which has lessons learned that are applicable across the broader geographic area (project title: Modernizing Agricultural Water Management in the Lower Gunnison River Basin: A Cooperative Approach to Increased Water Use Efficiency and Water Quality Improvement).

7 Public Participation

Several stakeholder meetings were held, from February 2017 to March 2021. Two larger stakeholder meetings were held to educate the general public about the TMDL process in March 2017, October 2018, and March 2021. From the larger stakeholder meetings, a technical advisory committee (TAC) was formed in order to discuss the technical aspects for the TMDL. Two TAC meetings were held in August 2019 and June 2020.

7.1 Public Notice Process

The draft TMDL report was made available for public review and comment during a 30-day public notice period from April 2, 2021 through May 3, 2021. Announcement of the public notice of the draft TMDL was made in the *Water Quality Information Bulletin*. Two interested parties submitted comments during this time. The division met with both parties to discuss their written comments. The final TMDL document includes additional background and context, clarifying edits and other editorial changes based upon the comments submitted. The final report, including response to comments received during draft TMDL public notice, will be made available for an additional public review during a 30-day public notice period from August 10, 2021 through September 9, 2021, as required by Regulation 21 (WQCC, April 2017). Following this final public notice period, the report will be submitted to EPA.

7.2 Appeals Process

Once a TMDL draft has gone through a 30-day public notice process, which allows for public review and comment, the WQCD will address any comments received and then publish the final TMDL in the *Water Quality Information Bulletin* for a second 30 days. Public comments are not accepted during this period, but rather this time allows for any concerned parties to appeal the final TMDL to the WQCC (Reg 21.18). Per the requirements in Regulation 21, any appeal shall be made in writing to the office of the Administrator of the Commission and must be postmarked no later than 30 days after the date of publication of a final TMDL in the *Bulletin*. If no such appeal is filed within the 30-day publication date, no further appeals will be considered and the WQCD may submit the final TMDL to U.S. EPA Region 8 for approval.

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Appendix A. Response to Comment

The Colorado Stone, Sand and Gravel Association (CSSGA) submitted comments to the division on May 3, 2021. The division includes the comments in the comment letter, mostly verbatim, and provides responses below.

Comment 1. For each tributary, the major sources of impairment for dissolved selenium and total recoverable iron are identified as “urban stormwater runoff” and “runoff from pastures and small farms.” Although these statements are likely accurate for total recoverable iron, this characterization is not correct for dissolved selenium, based on decades of work and research by the U.S. Geological Survey (USGS), U.S. Bureau of Reclamation (USBR) and the U.S. Department of Agriculture (USDA). The sources and transport pathways for the two pollutants are fundamentally different: total recoverable iron issues are typically runoff-driven, but selenium issues in the Grand Valley are predominantly driven by shallow (subsurface) groundwater flows to streams in areas with naturally occurring selenium-bearing geologic formations with mobilization and transport exacerbated by irrigation systems and practices.

Properly characterizing the source and transport pathways for selenium in the TMDL are fundamental to the next phase of TMDL implementation. Substantial reductions in selenium loading in the Grand Valley and Gunnison Basin that have occurred are due to changes in irrigation-related practices such as canal lining and irrigation improvements. Although the TMDL lightly touches on naturally occurring geologic sources and groundwater, the greater emphasis of the TMDL in terms of load reductions is surface runoff, which is not correct based on decades of work completed in the Grand Valley. This misplaced emphasis could have an unintended consequence of decreasing focus on the actual dominant sources and transport pathways for selenium. In contrast, the long-term science established by the USGS and USBR focuses on the natural background geology and irrigation-related agricultural components of the selenium issue. We recommend that key findings from USGS, USBR and USDA research and projects be integrated throughout the TMDL for selenium.

Response 1. More site-specific language has been added to Section 4.3.3 to more adequately summarize the complex fate and transport of dissolved selenium in the Grand Valley, including most of the recommended quotes summarizing findings from USGS, USBR and USDA. Additional language has also been added to Section 4.1 to clarify the reason selenium (and iron) analyses were completed for the irrigation and non-irrigation season.

The division agrees that the predominant source of selenium in all of the watersheds is likely groundwater inflow from canal seepage and deep percolation from irrigated lands. As described in Section 5.1, the allowable loads for stormwater point sources and agriculture nonpoint sources were distributed based upon the percentage of land use for each source. However, the current loading from urban lands and agricultural lands are not expected to be equivalent for selenium. A greater reduction in loading will be needed from agriculture sources to achieve the nonpoint source load allocation.

Comment 2. The flow data used in the TMDL are extremely old, with the most recent gauge data being 20 to 40 years old, with the exception of Lewis Wash at 15 years old. This is a major limitation of the TMDL that needs to be explicitly acknowledged. CDPHE states, “Although the flow data from these stations are relatively old, the WQCD has determined that they are representative of current flows based on the strict regulation of water rights in the watershed.” This statement needs to be further substantiated, given that changes in use for

water rights can and do occur and other practices related to canal lining and irrigation practices also may have occurred in the subwatersheds for the tributaries. This is a major limitation of the TMDL given that flows are a fundamental component of load calculations. We understand CDPHE's constraints in this regard; however, we believe it is important that this significant constraint be explicitly acknowledged. Instantaneous flow data are referenced in the TMDL, but it is not clear how or if these data were used in terms of reasonableness checks of historic flow data.

Response 2. *The division compared the yearly medians of flow for the irrigation and non-irrigation seasons collected at USGS 09106200 (Lewis Wash near Grand Junction, CO). The period of record for this gage are from April 1, 1973 to September 29, 1979 and from April 23, 2002 to April 26, 2004.*

The data do indicate that median streamflow during the non-irrigation season has decreased from the 1970s to the 2000s; however, there is no clear evidence that the median streamflow during the irrigation season has decreased in that same timeframe. During the non-irrigation season, the range of median flow values dropped from about 0.38-0.98 cfs in the 1970s to about 0.13-0.21 cfs from 2002-2004 (note that the year 2002 and 2004 did not have a complete flow record). During the irrigation season, the range of median flow values during the 1970s was 9.15-17 cfs compared to a median flow values of 6.83 cfs in 2002 and 13.05 cfs in 2003 (note that 2004 was not analyzed because the period of record ended on April 26, 2004). 2002 was a severe drought year, so it is inconclusive if there actually is a distinct difference for the medians during the two time periods.

In addition, flows measured instantaneously at Lewis Wash post-2000, in some cases, exceeded the median flow used to calculate loads in the TMDL document, indicating that flow has not necessarily decreased over time; however, the division acknowledges that there could be significant differences comparing daily average flow collected at the USGS gage and instantaneous flow collected during field sampling.

The division believes that the determination of flows in the TMDL are appropriately estimated using the best available data. Although the flow data in this document are old, the methodology used to calculate percent reduction removes the importance of flow as it uses the same flow to calculate the current load and the TMDL. By using the same flow for both the current load and the TMDL, the flow component of percent reduction equation cancels out, resulting in a percent reduction that is a function of the current concentration and TMDL target for each parameter (i.e. the flow component does not affect percent reduction).

The division acknowledges the Mayo 2008 study quoted in the full comment letter regarding the change in flow and load regime due to a change from agricultural to urban land use and added language to Section 5.2.3 based on this citation.

Comment 3. Similar to the concerns stated for older flow data, the water quality monitoring data included in the TMDL are quite dated for several of the tributaries. For example, the majority of data for Lewis Wash is prior to 2006. Although it may not be possible to collect more data at this point in the process, an acknowledgement that selenium reductions may have occurred through projects such as canal lining, irrigation improvements and conversion of agricultural land to urban land should be included. Ideally, statistical analysis of old versus new data should be completed for all of the tributaries to assess whether there are statistically significant differences over time. If so, the calculations in the TMDL should be

revised and limited to more recent representative data. The five-year time period used in the Division's 303(d) Listing methodology would be a better basis for conducting loading analysis where sufficient recent data are available. If this is not possible, then the limitations of aged data and limited number of samples for recent data should be explicitly stated so that those tasked with implementation of the TMDL, particularly in permits, understand the limitations of the data used in the analysis.

Response 3. *The division added a statement in Section 4.3.3 to acknowledge that some reduction in selenium may have already occurred through recent projects such as canal lining, irrigation improvements, and conversion of agricultural land to urban land.*

The division conducted a Mann Whitney U analysis for all tributaries to determine if there is a statistically significant difference between data collected before 2000 and data collected after 2000. For all but two of the tributaries, there was no statistically significant difference (p-value greater than 0.05) between the pre-2000 and post-2000 data; therefore no changes were made to the analysis for dissolved selenium for these tributaries. Statistically significant differences (p-value less than 0.05) were only found in Persigo and Reed Wash.

Despite statistically significant differences in Persigo and Reed wash, the division has determined that using the longer datasets is appropriate in order to have enough data to analyze loads for both the irrigation and non-irrigation seasons. Language has been added to the TMDL document in Section 3 to discuss the limitations in data and that future data collected should be used to inform implementation. .

Comment 4. Suggest adding a sentence: "Although the Lower Colorado River (COLCLC03) was previously listed on the Monitoring and Evaluation List for selenium in 2016, the Lower Colorado River now attains the selenium standard. The USGS and USBR have documented the benefits of selenium and salinity control projects in the Grand Valley that have focused on irrigation-related practices and have successfully reduced irrigation-related selenium loading to the Colorado River."

Response 4. *A slightly reworded statement has been added to the Section 2.5 of the TMDL document, as requested.*

Comment 5. Section 4.3.3 should be updated based on the scientific research conducted by USGS and USBR. Groundwater return flows (e.g., subsurface irrigation drainage) to the tributaries are the primary transport and mobilization pathway for dissolved selenium to the tributaries. Surface runoff and erosion are the likely paths for total recoverable iron—these are not similar source and transport pathways.

Response 5. *The division agrees that the transport and mobilization pathways for iron and selenium are different. The division has updated the language in Section 4.1, and Section 4.3.3 to better characterize these differences.*

Comment 6. Section 4.3.5 could be significantly improved by citing local research by USBR and USGS. The pollutant fate and transport paradigm in the Grand Valley is well researched and should be included (as described in #2 above), as opposed to the current generic discussion. Background conditions related to geology may be a limiting factor on whether the TMDL is attainable. A discussion of natural or irreversible human-induced conditions should be considered somewhere in the report, either in this section or in the implementation discussion.

Response 6. Section 4.3.5 has been updated to reference the updated Section 4.3.3 since selenium mobilization is associated with both agriculture and soils and geology.

The division did not include any discussion regarding whether the underlying standard is attainable in the TMDL, because the division's analysis did not seek to answer this question. Whether or not underlying standards are attainable is a determination made by the Water Quality Control Commission when adopting standards. TMDLs are always written to attain underlying standards. The degree to which each source can be feasibly reduced is not currently known. Since all the streams included in this TMDL would likely be ephemeral streams under natural conditions, establishing "background" conditions is challenging. When enough information is available to determine the in-stream concentrations that represent natural or irreversible conditions, the commission may revise the underlying standard. Having a TMDL in place does not preclude the commission from changing the underlying standard in the future. The watershed analysis included in the TMDL may facilitate the effort to develop site-specific standards. Source identification is one of the requirements for ambient-quality based standards (see Regulation 31.7(1)(b)(ii)). As the TMDL is implemented in permits and as non-point source projects continue to be completed, the result of these activities will help inform how much water quality improvement may ultimately be feasible.

Comment 7. We suspect that the background concentration of selenium calculated at 1.7 ug/L dramatically underestimates the actual background loading. This is a fundamental limitation of whether the TMDL is actually attainable. The data set is extremely limited both spatially and temporally. Limitations of this data set should be clearly stated. We understand that from a wasteload allocation perspective, it is more generous to dischargers to not have a large background load in the TMDL; therefore, we are not opposed to leaving this value as-is for the TMDL exercise itself. However, a better understanding of background conditions should be recognized as a potential basis for future regulatory adjustments such as a site-specific standard based on natural or irreversible human-induced conditions and other permit-related flexibilities.

Response 7. The division acknowledges that the dataset used to determine background loading is limited. A selenium concentration of 1.7 µg/l is the best current estimate based on the available data. To the best of the division's knowledge, the data used to determine the background concentration were the only data available in the region upstream of anthropogenic influences.

The purpose of the background concentration in the TMDL is to account for the expected loading from the natural land use areas. Although there is some uncertainty in the background concentrations, the division expects the loading from the undeveloped parts of the watershed to be a small percentage of the overall loading. In other words, we think that the magnitude of the load allocation reserved for the undeveloped land areas is adequate. Even if the actual background concentrations are higher, the proportion of the streamflow coming from these areas was estimated based upon the percentage of land use area, which likely overestimates the true flow coming from the natural land areas. The natural areas are arid and are not irrigated, and therefore the loading from these areas is expected to be less significant than the loads from irrigated lands.

Regarding site-specific standards, a significantly more robust data collection effort would be needed to characterize the spatial and temporal variability of background concentrations in each of the watersheds. The identification of "background concentrations" for the purpose

of the TMDL does not form a basis for making any determinations regarding the underlying standard.

Comment 8. “An RC for urban growth was added for all TMDL sub-watersheds to a certain degree. A percentage of the 2016 NLCD natural land use was reserved and was set aside as reserve capacity for potential development.” It is unclear from this language whether the Reserve Capacity is intended to include industrial activity such as gravel mining in the absence of broader development. We request that the sentence be edited as follows “...for potential development and industrial activity.” Additionally, Table 47 is somewhat confusing in the context of the stated assumption “the cultivated crops is assumed to remain constant from 2016 to 2030”. What is the basis of this assumption and what is the meaning of the “(-)” in the cultivated crops column of Table 47? Given that irrigation associated with cultivated crops is a well-documented significant source of selenium in the Grand Valley, this assumption is important. Additionally, is there a mechanism for the Reserve Capacity to be increased as selenium loading from cultivated crops decreases?

Response 8. *The division has edited the sentence for added clarification. It is expected that an increase in urban land use could result from an increase in industrial activity.*

The division assumed no change in agricultural land use in order to simplify the TMDL by minimizing the number of scenarios simulated. The TMDL is written for current conditions with some reserve capacity built in for a change in land use from natural to developed. Without running multiple scenarios, reducing agricultural land use would greatly underestimate the current and near-term agricultural load reductions. The division feels that too many scenarios will complicate the end result, especially with the number of tributaries evaluated. Therefore, the focus on the TMDL is mostly for the baseline condition with a small reserve capacity calculated.

The division does not dispute that there may be a significant change to the area of agricultural land use. The TMDL can be considered one source of information within a larger adaptive management model. The TMDL can be reopened and revised if land use changes dramatically in the future (e.g. if a significant industrial user replaced a large area of irrigated agriculture).

Language has been added to Section 6.1 to clarify how permits should address new outfalls and permittees for non-stormwater discharges with numeric limits.

Comment 9. The list of CDPHE’s non-point source projects in the basin is encouraging; however, we are unclear why the long-term work of the USBR and USDA in the basin is not included. The long-term study and work over the past 30 years provides a basis for better understanding non-point sources and solutions that have been effective in reducing selenium loads. Additionally, knowing where non-point source projects have already been completed would be helpful in prioritizing areas where new non-point source projects may be effective in reducing selenium mobilization and loading to the tributaries. We hope that this information can be referenced in the Watershed Plan Update.

Response 9. *Section 6.2 is intended to provide reasonable assurance that there are mechanisms in place in order for nonpoint sources to meet the necessary reductions. The section states that 319 funds are available for implementation and summarizes previously 319-funded projects to address selenium and/or E. coli dating back to 2003. The TMDL does acknowledge that the project history in the area dates back even further than 2003; however*

a complete project history list is outside of the scope of this document. More detailed information should be available in the Watershed Plan.

The Grand Valley Water Users Association (GVWUA), Mesa County, City of Grand Junction, and City of Fruita submitted comments to the division on April 30, 2021. The letter received by the division highlighted three primary areas of concern: source assessment, allocation of loads, and TMDL allocations and implementation responsibilities. The division enumerates these comments as well as other requests discussed in the comment letter and provides responses below.

Comment 10. Source Assessment - The entities state that the existing datasets used in the TMDL were inadequate and limited to sufficiently characterize the load and provide linkages between sources and their observed impairments. Specifically, the existing data set lacked continuous streamflow data on the tributaries, lacked paired water quality and streamflow data on the tributaries, lacked an adequate characterization of stormwater data, and was missing data to characterize the influence of stormwater-related loadings from the BLM lands upstream of the Government Highline Canal.

Response 10. *The primary purpose of the TMDL is to conduct a watershed-scale analysis of sources and loads and estimate the total load reduction necessary to attain stream standards based on the current data that is available. Based on this scope, the division has determined that the data are sufficient in order to identify sources and conduct a load analysis for each of the tributaries. Neither a robust continuous streamflow data set for each tributary nor paired water quality and streamflow data are necessary in the TMDL analysis. Based on the methodology used in the TMDL, the flow component cancels out when calculating the total load reduction percentage for all sources (see response 2 for more detail). The division believes that the inclusion of loadings upstream of the watershed is not necessary in the analysis because the total loading upstream of the watershed is insignificant in magnitude compared to the loading within the watershed. Note that previous USGS studies also used the Government Highline Canal as the upper boundary of their load calculations. The division agrees that more stormwater data within the watershed could be useful for informing implementation of the aggregate stormwater WLA into MS4 permits. This information does not need to be included in the TMDL as the analysis is meant to be a snapshot in time and a starting point for implementation based on the period of record in which data is available. New data collected after the TMDL is completed and approved should be used in conjunction with the information provided in the TMDL to prioritize implementation strategies.*

The division added clarification to Section 6 by including the statement that additional data and other information can be used to inform implementation at each permit renewal cycle.

Comment 11. Allocation of Loads - The entities have concerns regarding the allocation of loads and the ability to implement control measures in their MS4 areas. The GVWUA does not directly discharge to Leach Creek and Indian Wash and delivers water to lands that irrigate with water diverted from the Colorado River via the Government Highline Canal. Once the water is diverted from the Government Highline Canal, the GVWUA does not have the ability to control or mitigate the use of water nor the agricultural runoff from the irrigated lands or return flows. In addition, the GVWUA does not receive nor discharge stormwater. The Mesa County MS4 Permit is responsible for stormwater discharges within the Mesa County Urbanized Area and therefore only has the ability to implement control strategies and management practices within this area.

Response 11. Footnotes for MS4 WLAs for Indian Wash and Leach Creek in tables 48, 51, 52, 55, and 56 indicate that these subwatersheds are composed of the Mesa County and the Grand Valley Water Users Association MS4s. The TMDL lists all active permits as potential sources, although the TMDL does not allocate a specific portion to these two permittees. The MS4 WLA is intended to be an aggregated load to be split among the Mesa County MS4, the Grand Valley Water Users Association MS4, and any currently unpermitted, regulated stormwater (i.e. there may be additional entities that should be covered under a non-standard MS4 permit). Note that the TMDL divided loads by sector using percent land use coverage and not by current MS4 permittee coverage area. The load allocation for urban land use remains the same even if the permittees change and will be applied to whomever is a permittee at the time when a permit is renewed. All permittees will have the opportunity to provide data to the permits section in addition to written comment during the MS4 permit renewal so that the appropriate requirements, if necessary, are added to their respective permits.

Comment 12. TMDL Allocations and Implementation Responsibilities - The entities express the following concerns with the wasteload and load allocations for the TMDL: (1) the delineation of the drainage areas is not accurate and misrepresents implementation responsibilities for loadings outside the urbanized area, (2) there is a lack of data to understand the influence of stormwater loadings upstream of the TMDL watershed upper boundary versus the background loadings, (3) large loading reductions are required for the non-irrigation season, which is largely driven by agricultural return flows, and (4) *E. coli* loadings for Adobe and Leach Creeks need to be characterized to better understand the sources.

Response 12. The division believes that the delineations accurately reflect the outer boundary of all significant sources of sources of selenium, iron, and *E. coli* to the impaired stream, including stormwater, irrigation return flows and transport pathways through shallow groundwater that migrates to surface water. Based on the complex fate and transport of selenium, while not all surface runoff within the subwatersheds may drain to its respective tributary, infiltration occurring in the subwatersheds could result in subsurface runoff to its respective tributary. Therefore, the division did not revise the delineations in the TMDL.

As stated in Response 10, any new data collected after the TMDL is completed and approved should be used to characterize stormwater sources when prioritizing implementation efforts and to provide information to permits in the development of permit requirements. New information collected for stormwater loadings upstream of the TMDL watershed upper boundary as well as *E. coli* loadings for Adobe and Leach Creeks should be used in the same manner as described in Response 10. The division acknowledges that there are large loading reductions required for the non-irrigation season that is largely driven by agricultural return flows. The loading reductions were determined based on the current data available and it is up to the local stakeholders to further the analysis to determine where to expend resources for implementation.

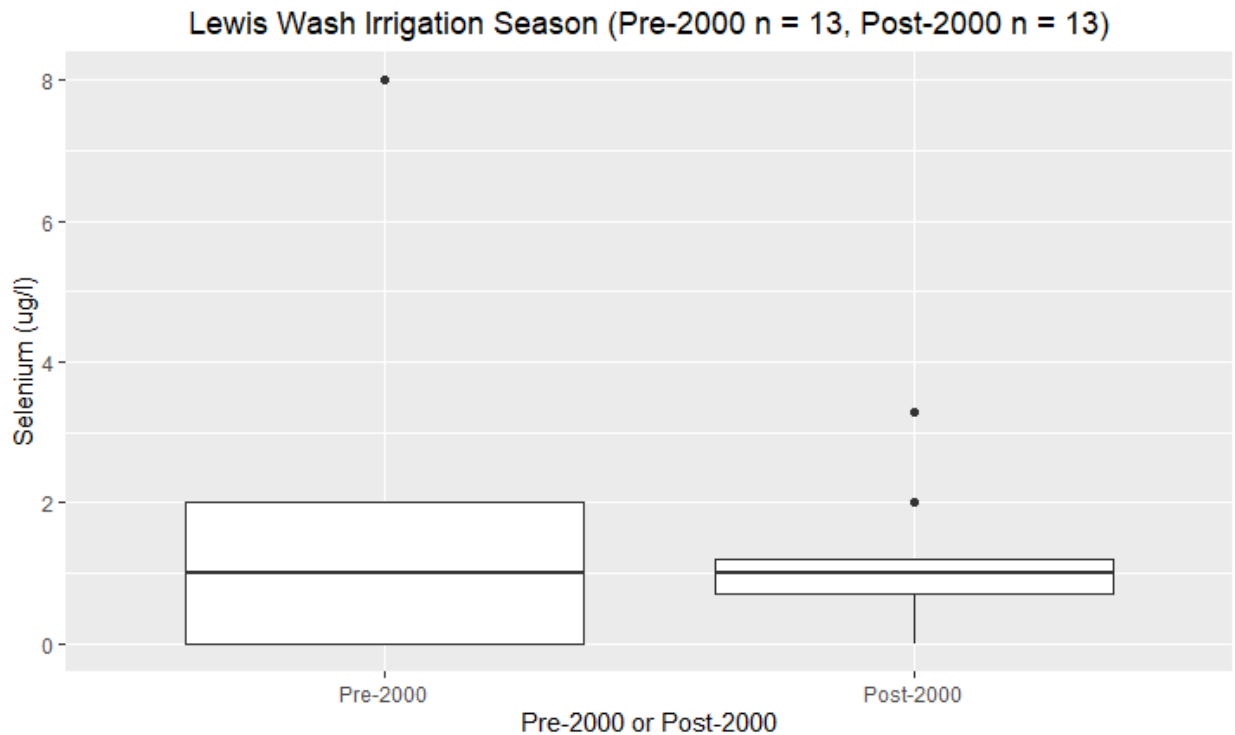
The division added text to Section 4.2 to clarify TMDL implementation in MS4 permits.

Comment 13. In addition to these three primary areas of concern, the entities requested minor corrections to the document. Overall, the primary request in the comment letter is to delay the determination of the Final TMDL for three years to allow the on-going Grand Valley Watershed Plan and Stakeholder process to continue.

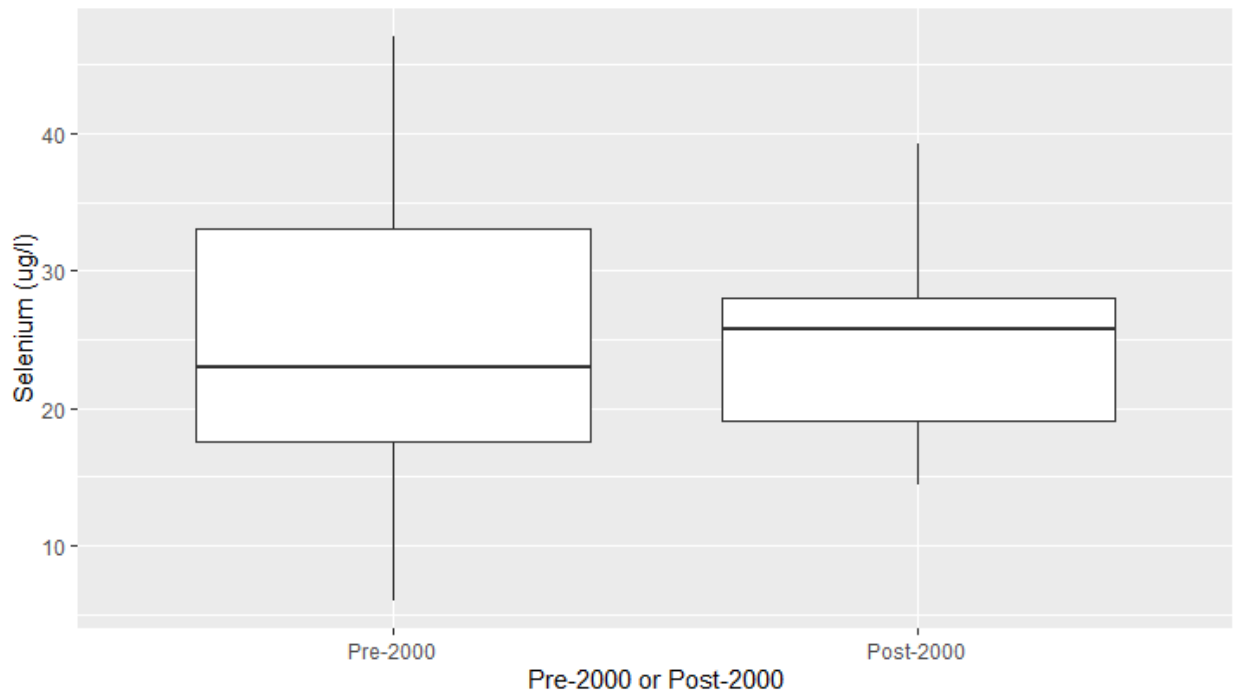
Response 13. *The TMDL will not be delayed because, as stated in Response 10, sufficient data are available to fulfill the scope of a TMDL analysis. Furthermore, the division determined that Comments 11 and 12 do not necessitate a delay of the TMDL. The division acknowledges the unique nature of the Grand Valley watershed and encourages monitoring efforts by local stakeholders to continue to help facilitate effective implementation; however, the division lacks resources to provide a more in depth TMDL analysis for the region due to obligations to conduct TMDL analyses for other listings on the 303(d) list. Minor corrections in the comment letter have been addressed and updated in the TMDL document.*

Appendix B. Pre-2000 and Post-2000 Mann Whitney U Analysis and Boxplots

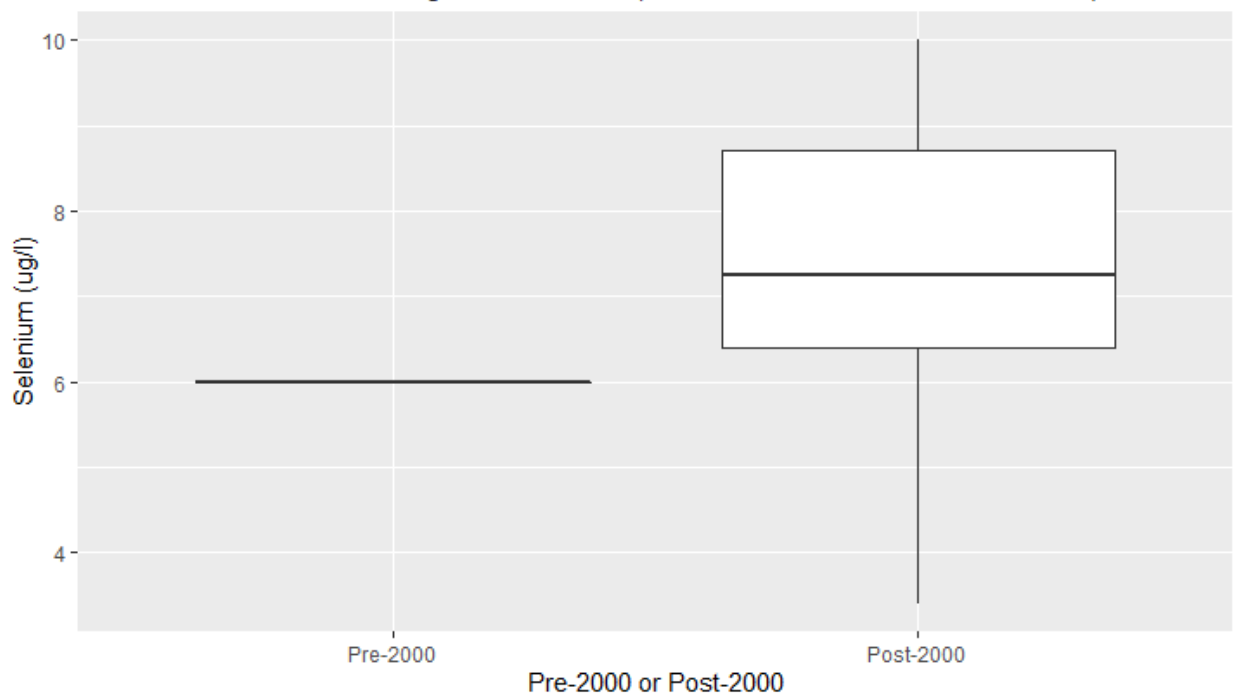
Mann Whitney U Tests Results						
	Irrigation Season			Non-Irrigation Season		
Subwatershed	Pre-2000 n	Post-2000 n	p-value	Pre-2000 n	Post-2000 n	p-value
Lewis Wash	13	13	0.515	7	17	0.852
Indian Wash	1	6	0.571	5	4	0.623
Leach Creek	27	28	0.248	23	7	0.641
Persigo Wash	9	12	0.0003	7	5	0.015
Pritchard Wash	1	10	0.364	2	2	0.667
Hunter Wash	4	16	0.097	2	14	0.6
Adobe Creek	No pre-2000 data					
Little Salt Wash	1	9	0.861	2	2	0.667
Big Salt Wash	16	17	0.112	14	11	0.529
Reed Wash	67	16	0.00003	40	8	0.0005
Salt Creek	23	6	0.432	15	4	0.293



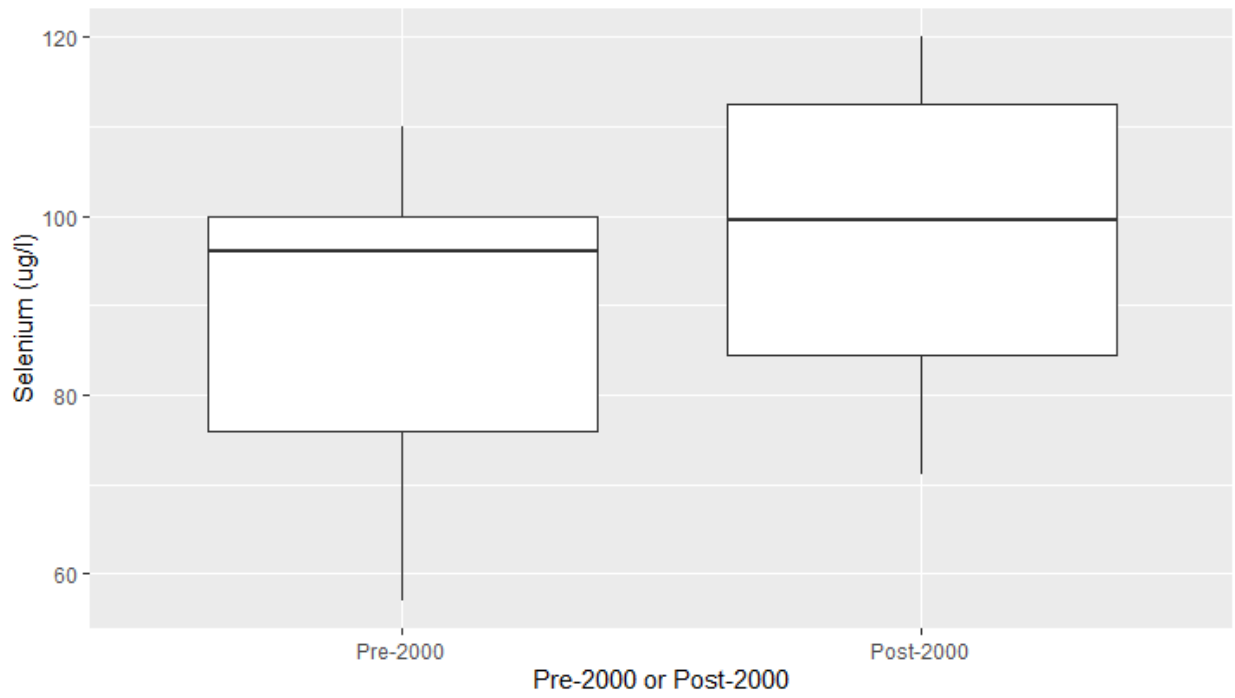
Lewis Wash Non-Irrigation Season (Pre-2000 n = 7, Post-2000 n = 17)



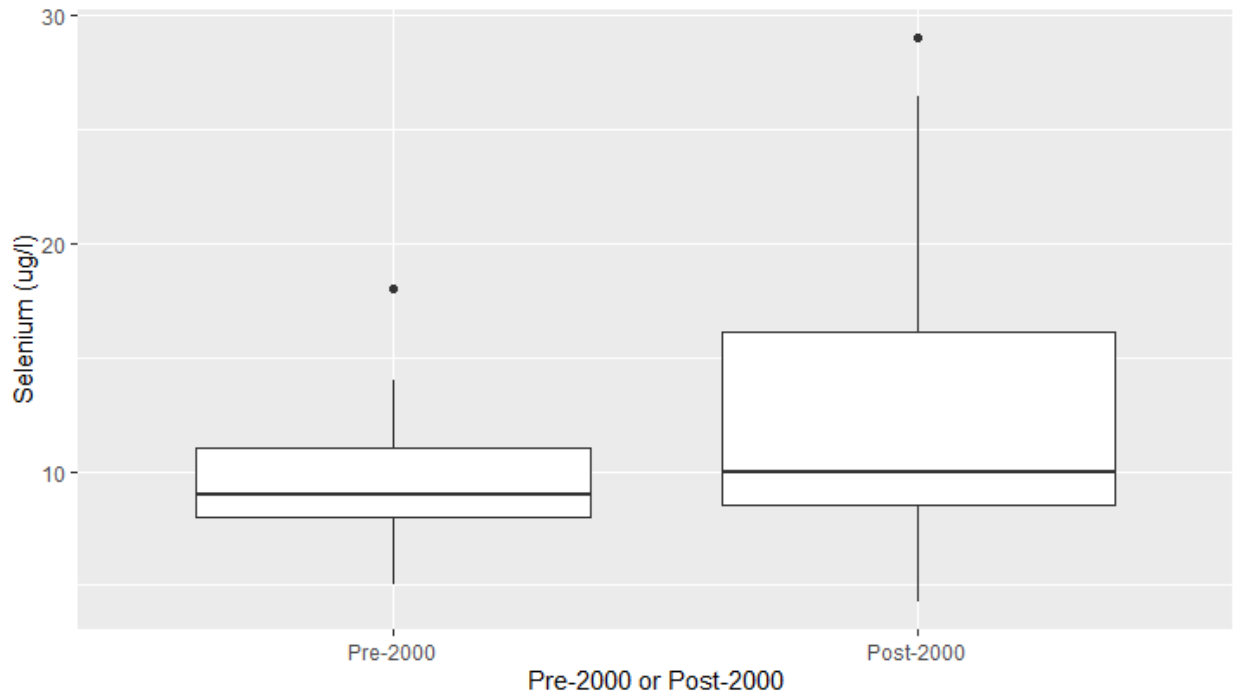
Indian Wash Irrigation Season (Pre-2000 n = 1, Post-2000 n = 6)



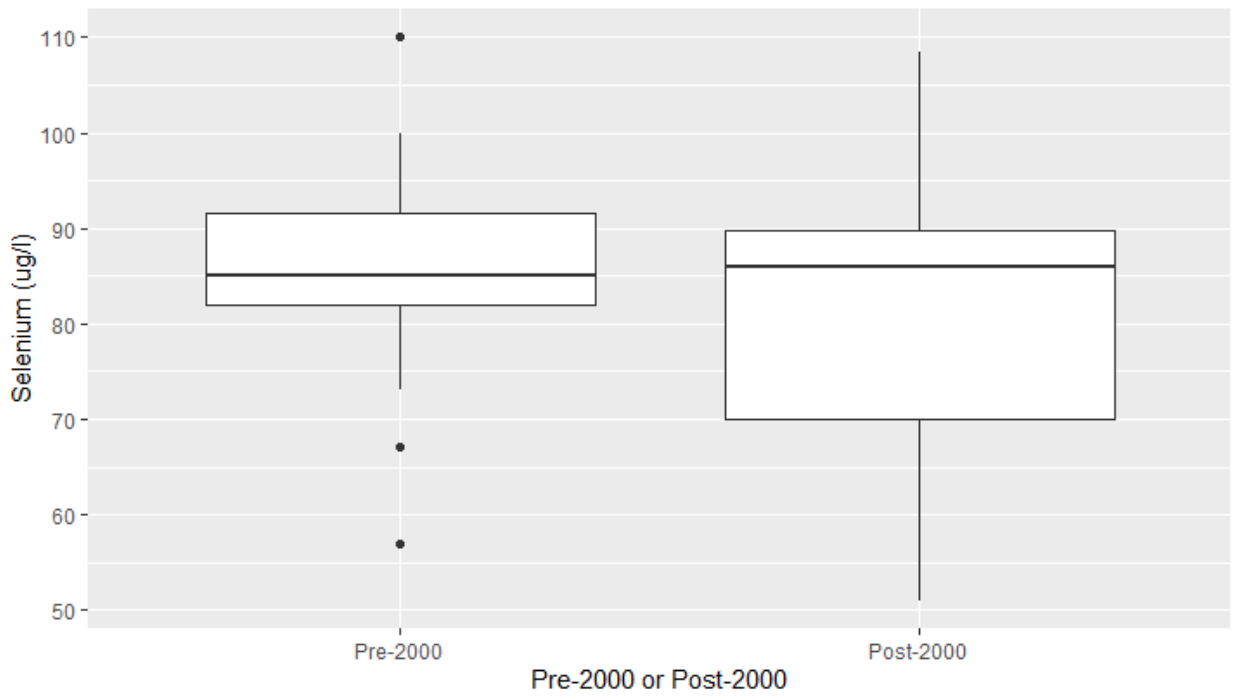
Indian Wash Non-Irrigation Season (Pre-2000 n = 5, Post-2000 n = 4)



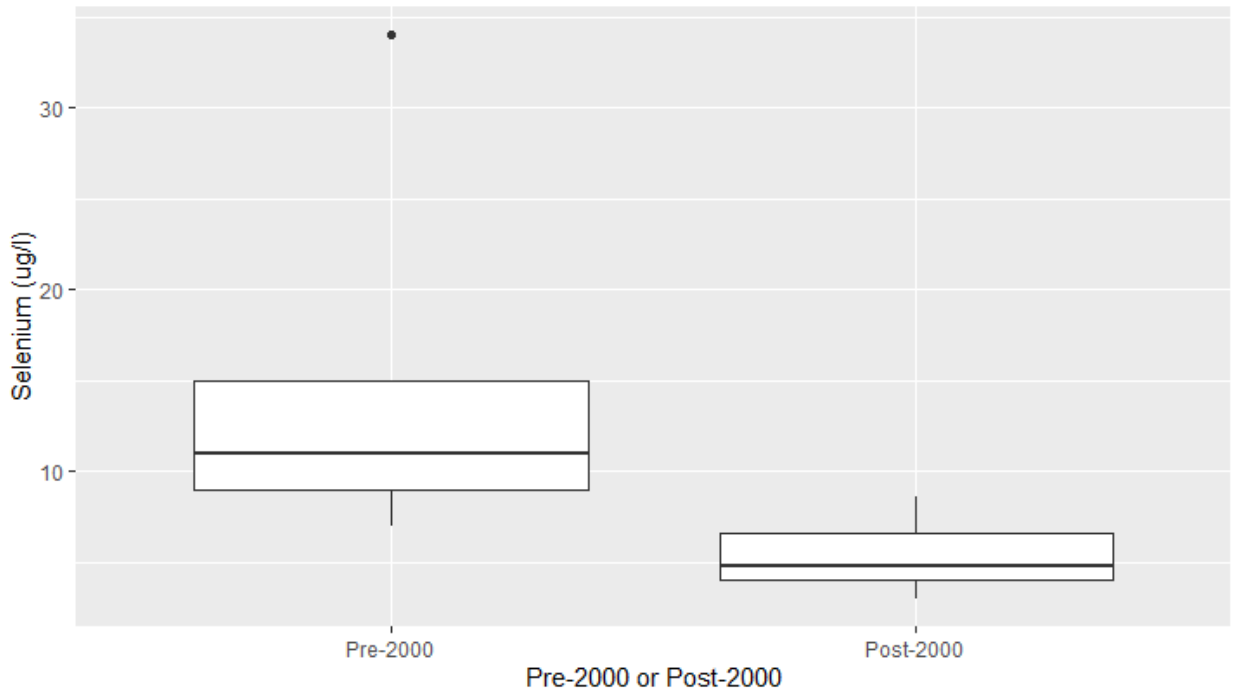
Leach Creek Irrigation Season (Pre-2000 n = 27, Post-2000 n = 28)



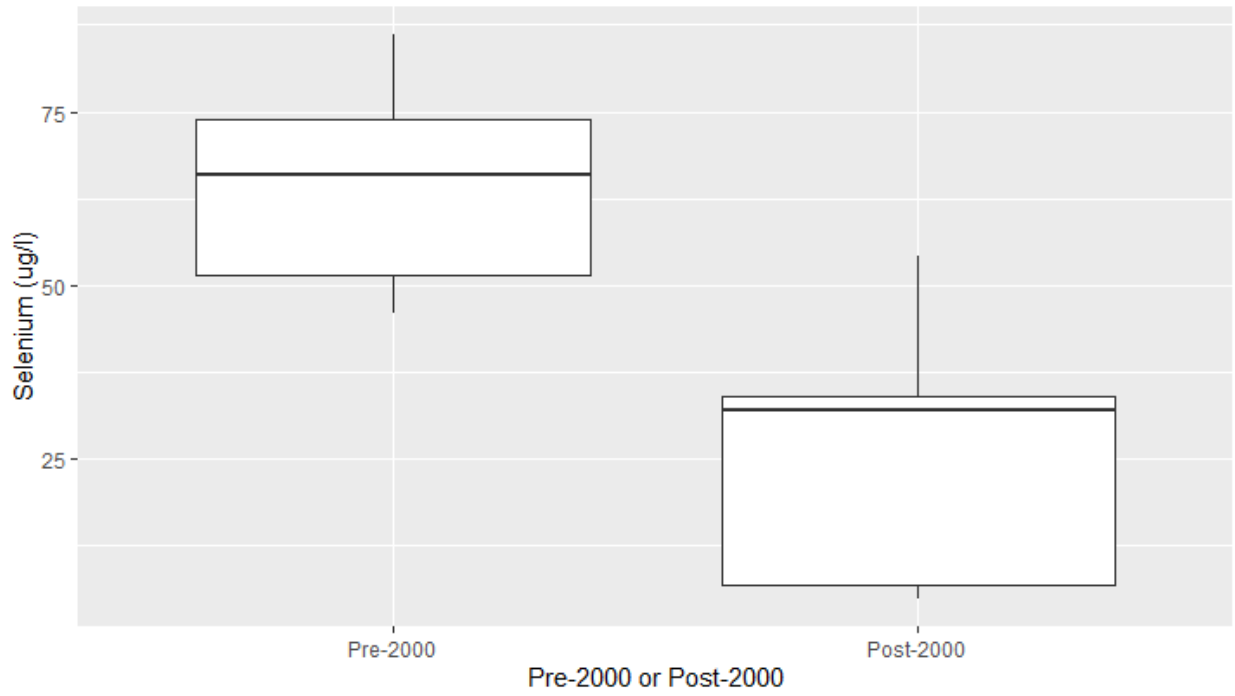
Leach Creek Non-Irrigation Season (Pre-2000 n = 23, Post-2000 n = 7)



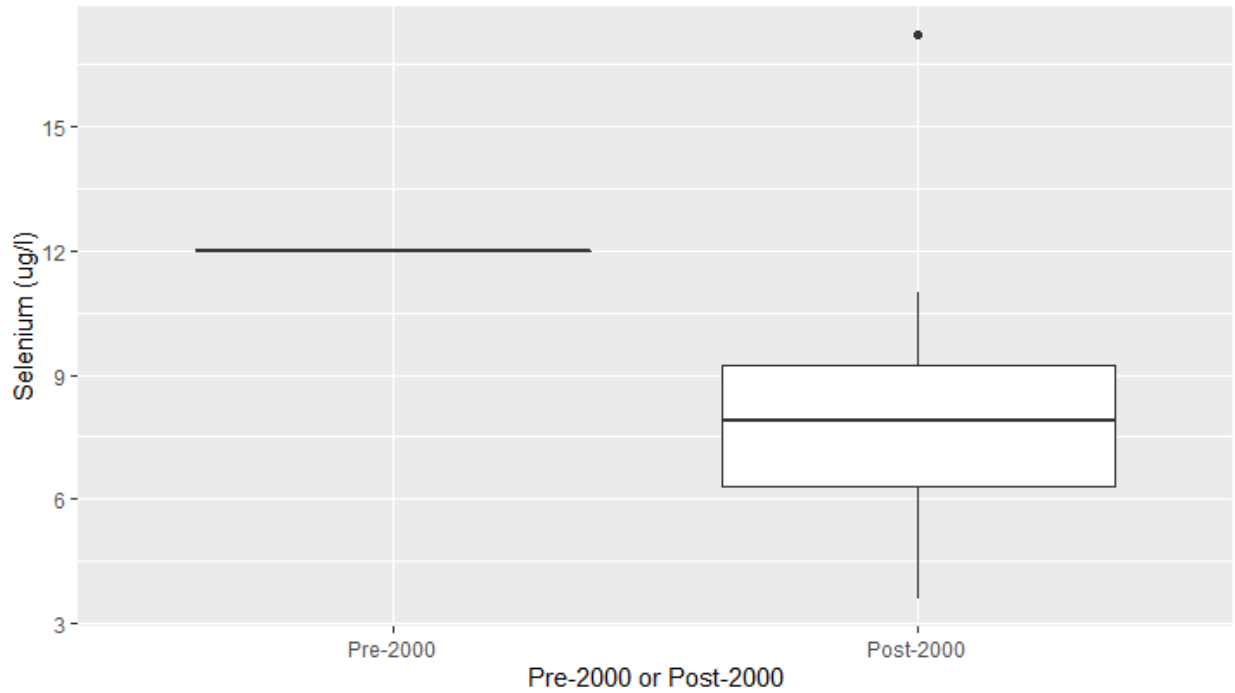
Persigo Wash Irrigation Season (Pre-2000 n = 9, Post-2000 n = 12)



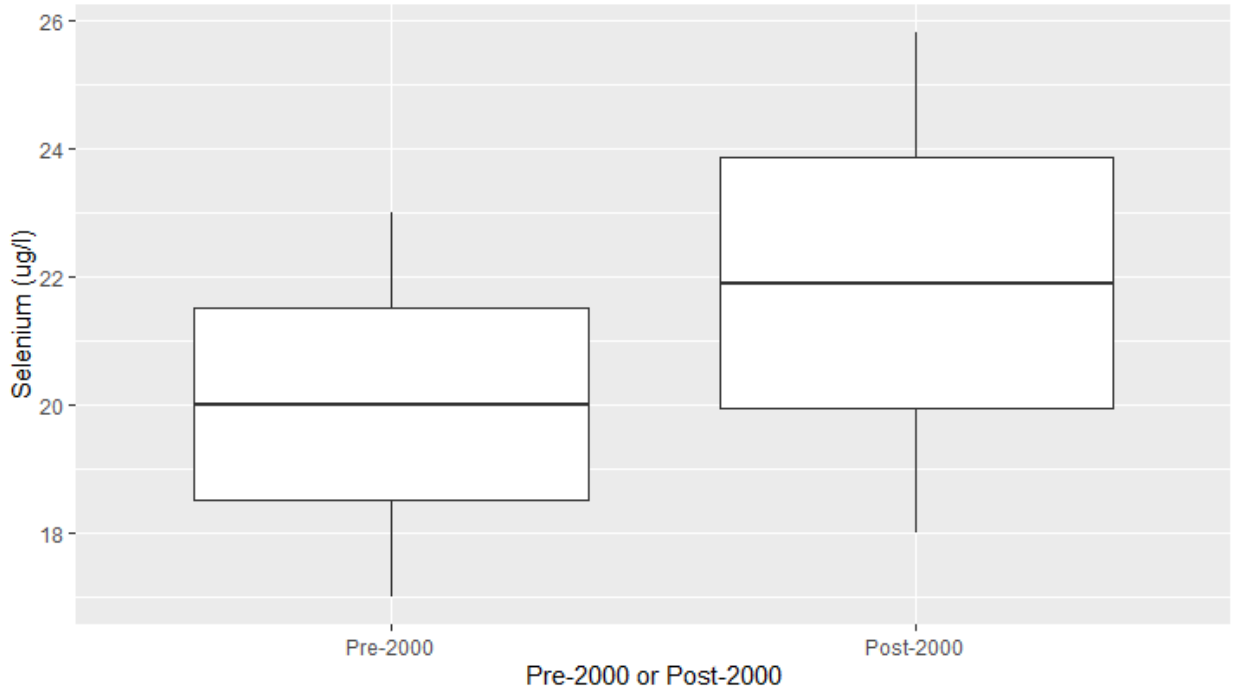
Persigo Wash Non-Irrigation Season (Pre-2000 n = 7, Post-2000 n = 5)



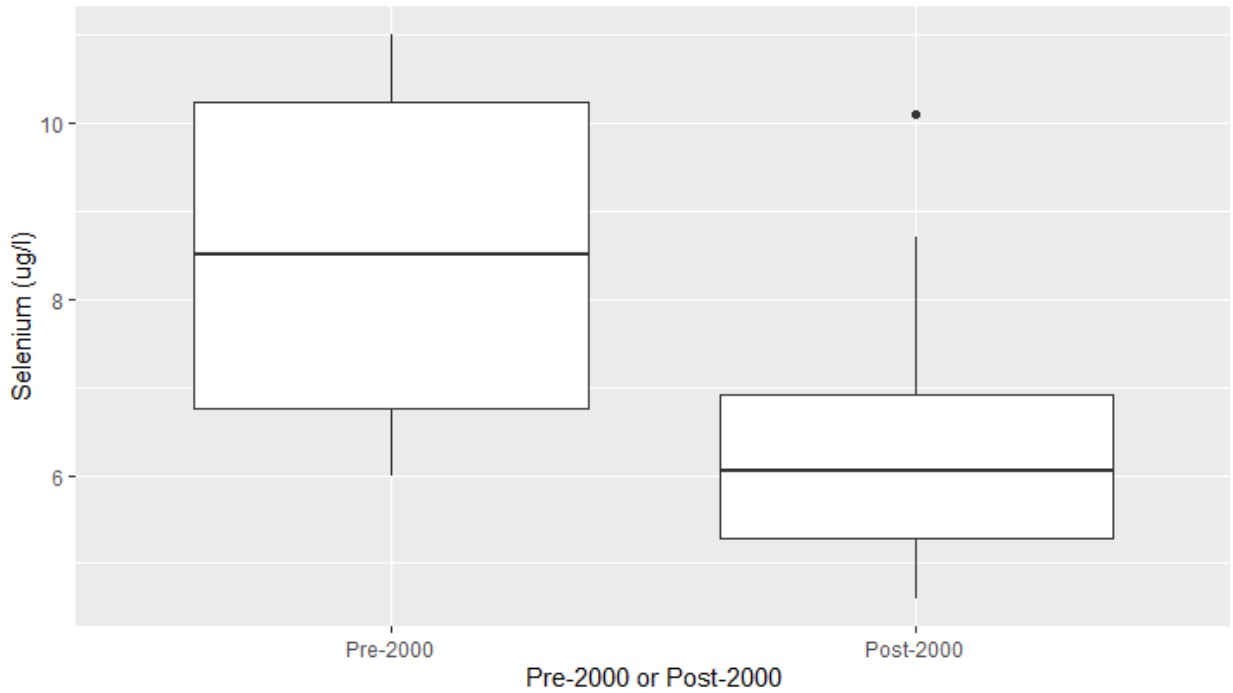
Pritchard Wash Irrigation Season (Pre-2000 n = 1, Post-2000 n = 10)



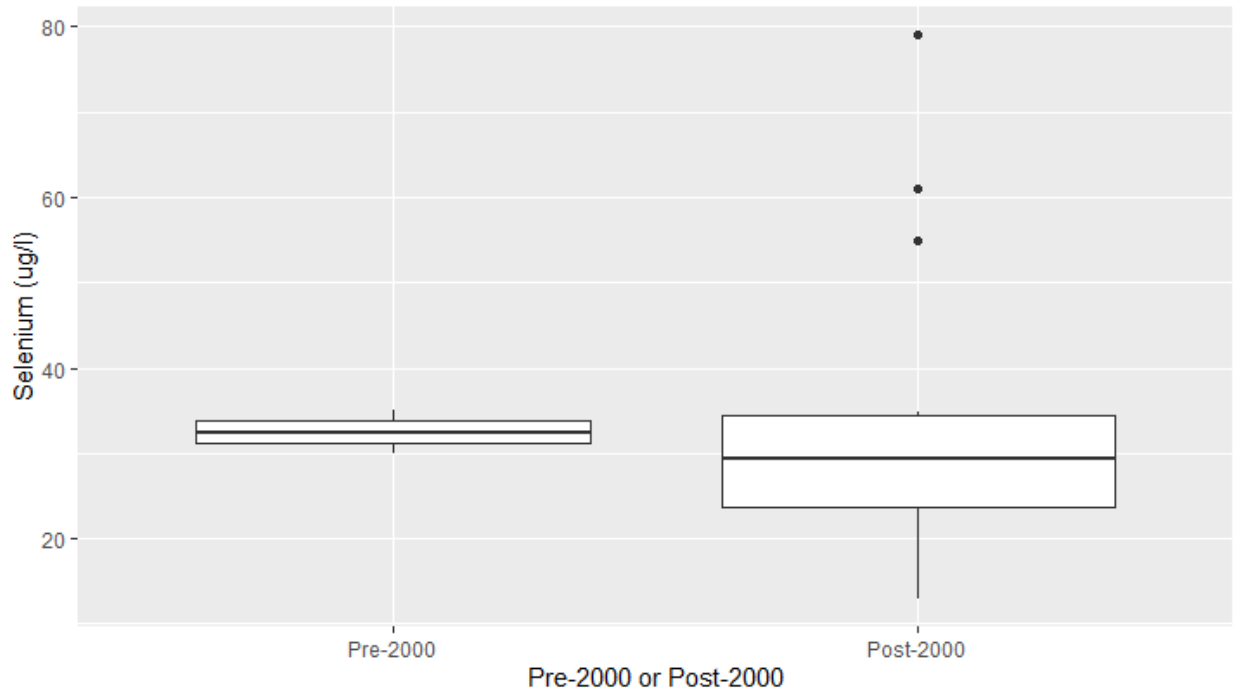
Pritchard Wash Non-Irrigation Season (Pre-2000 n = 2, Post-2000 n = 2)



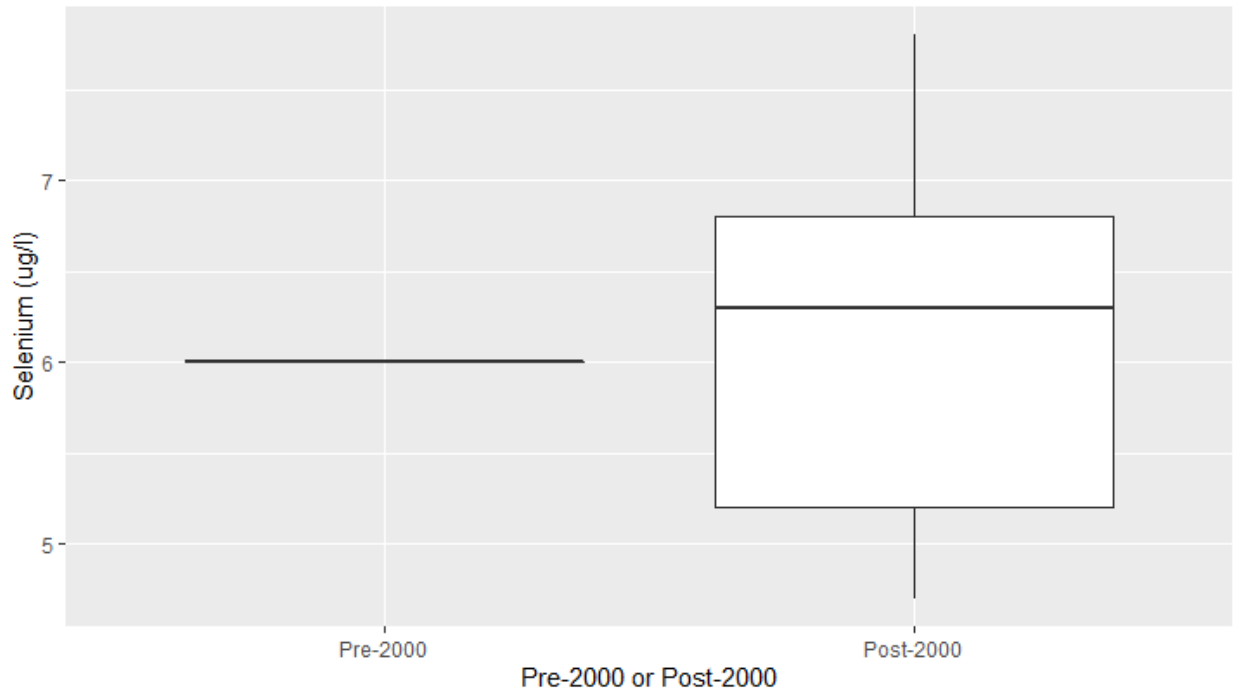
Hunter Wash Irrigation Season (Pre-2000 n = 4, Post-2000 n = 16)



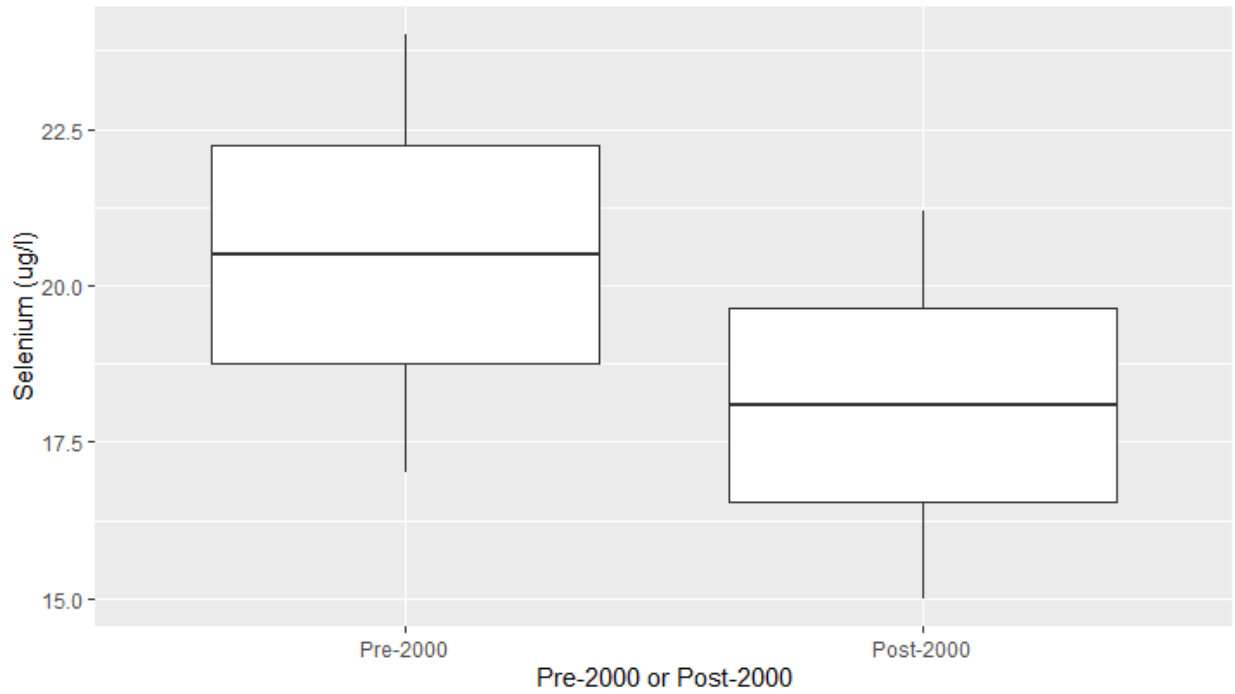
Hunter Wash Non-Irrigation Season (Pre-2000 n = 2, Post-2000 n = 14)



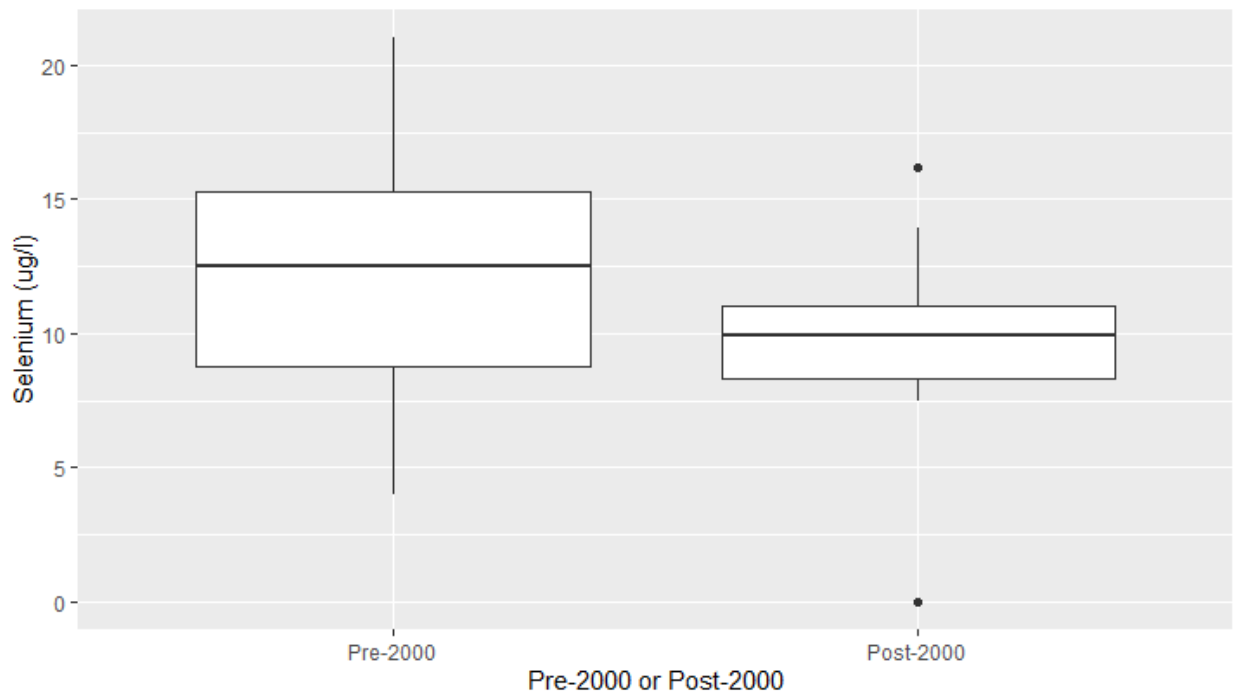
Little Salt Wash Irrigation Season (Pre-2000 n = 1, Post-2000 n = 9)



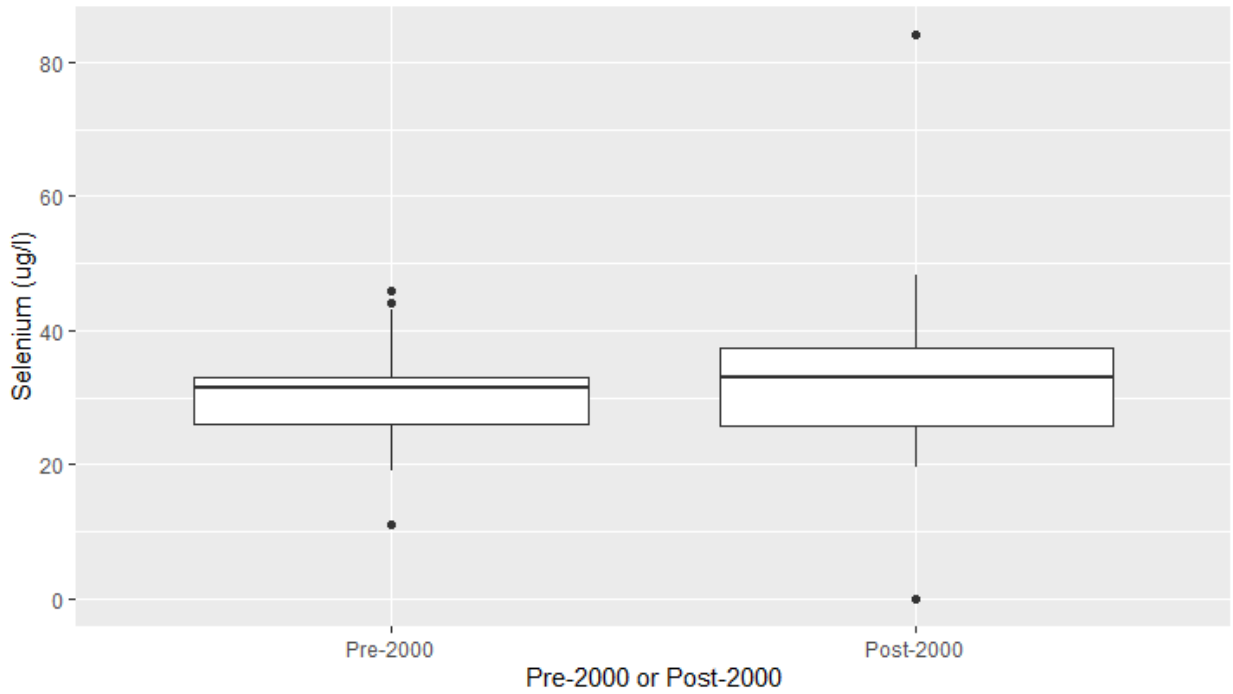
Little Salt Wash Non-Irrigation Season (Pre-2000 n = 2, Post-2000 n = 2)



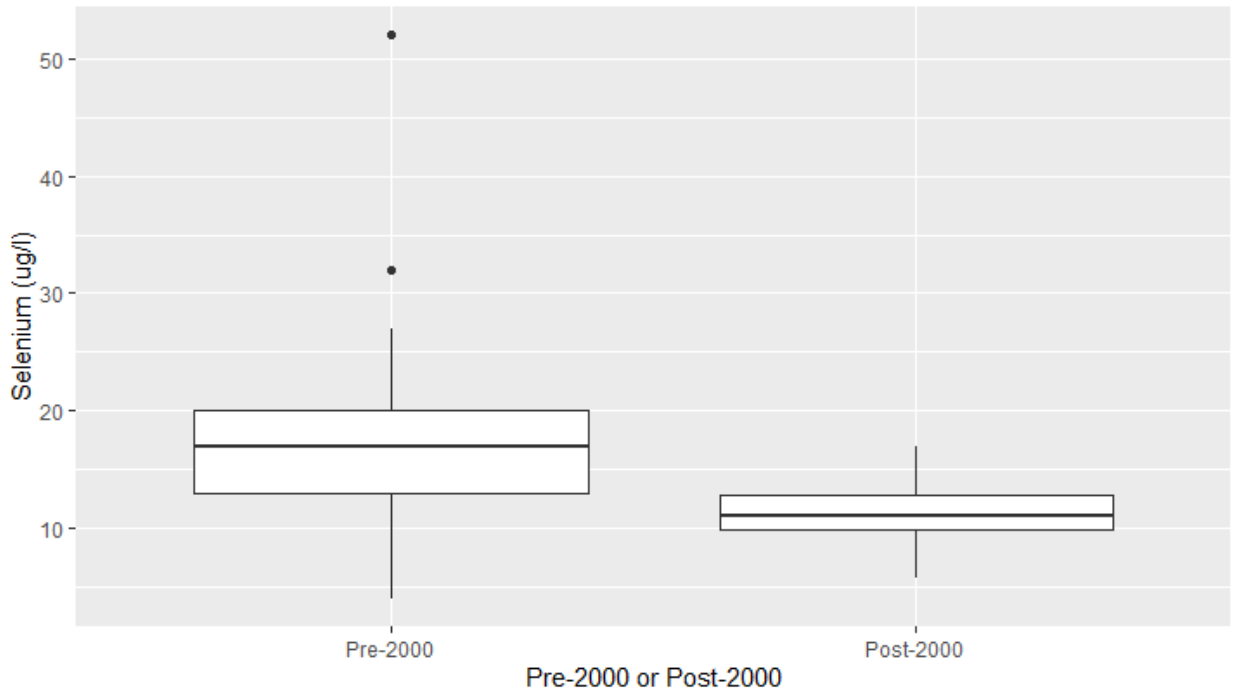
Big Salt Wash Irrigation Season (Pre-2000 n = 16, Post-2000 n = 17)



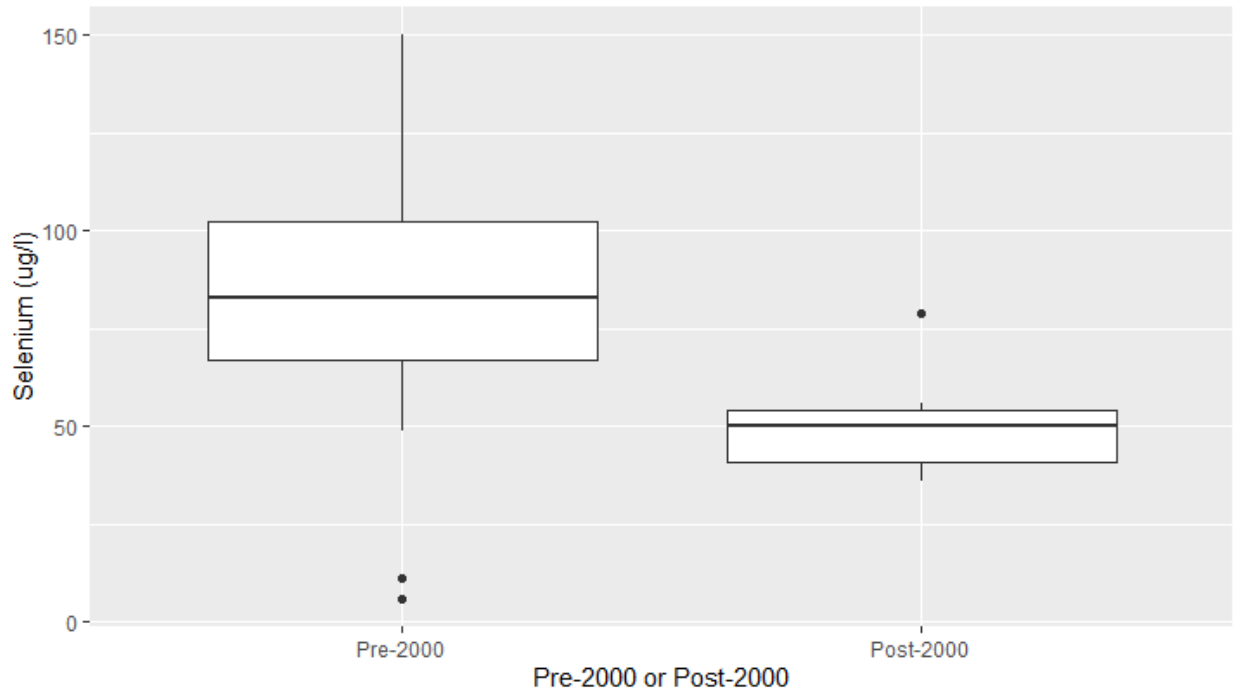
Big Salt Wash Non-Irrigation Season (Pre-2000 n = 14, Post-2000 n = 11)



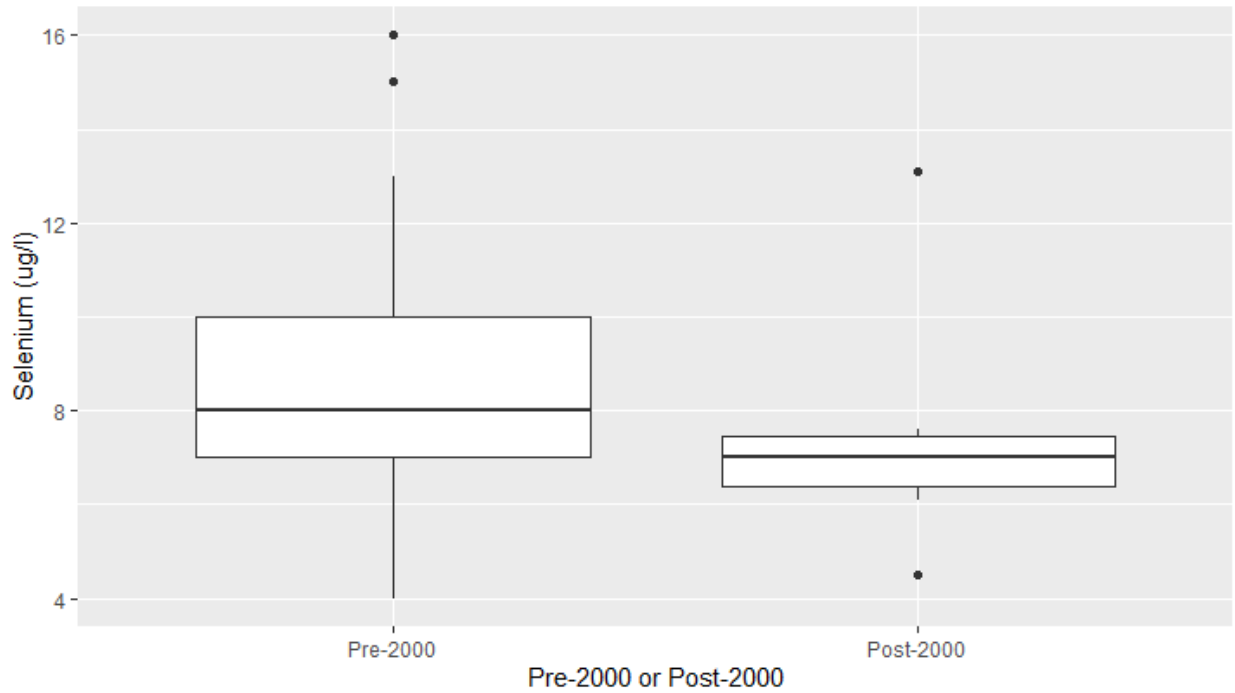
Reed Wash Irrigation Season (Pre-2000 n = 65, Post-2000 n = 18)



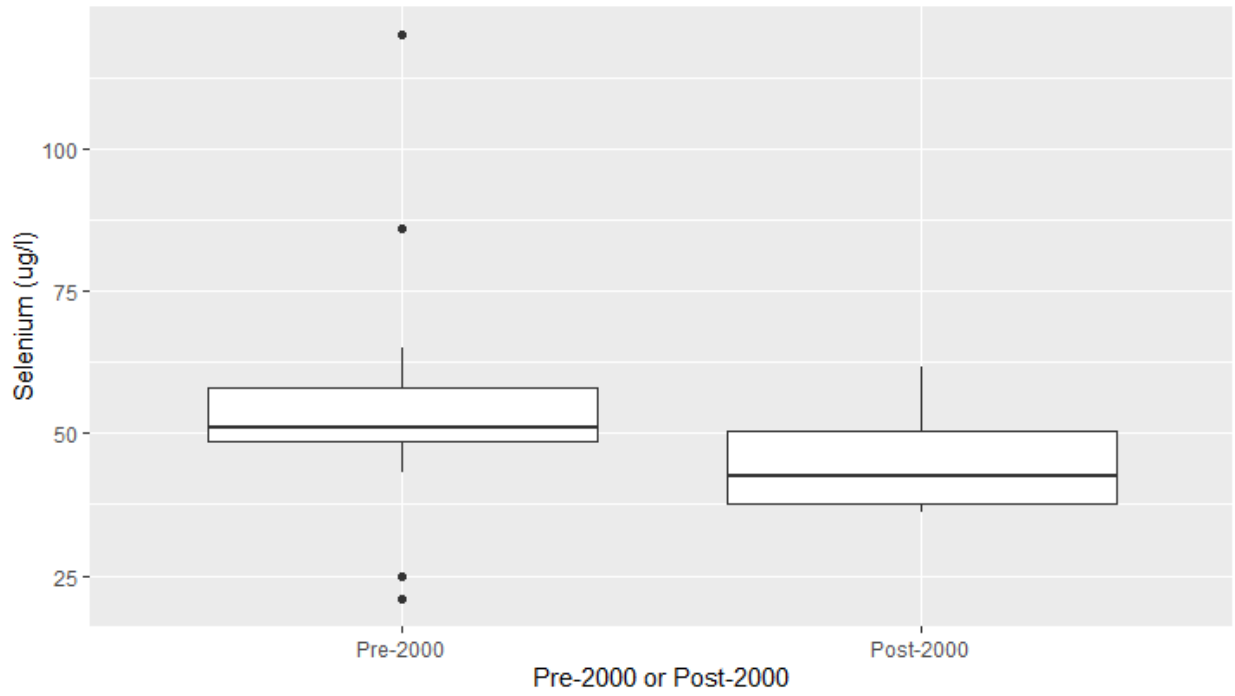
Reed Wash Non-Irrigation Season (Pre-2000 n = 40, Post-2000 n = 8)

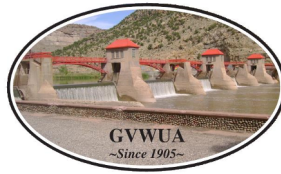


Salt Creek Irrigation Season (Pre-2000 n = 22, Post-2000 n = 7)



Salt Creek Non-Irrigation Season (Pre-2000 n = 15, Post-2000 n = 4)





April 30, 2021
Tristan Acob
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RE: Grand Valley Public Comments on the Total Maximum Daily Load Assessment (TMDL) – Colorado River tributaries in the Grand Valley (COLCLC13b), Mesa County, Colorado April 2021 Draft Version

Tristan,

Thank you for all your efforts and time in compiling the Draft Total Maximum Daily Load (TMDL) for the Colorado River tributaries in the Grand Valley (COLCLC13b), Mesa County, Colorado (April 2021). The Colorado Department of Public Health and Environment (CDPHE) – Water Quality Control Division (WQCD) (Division) and U.S. Environmental Protection Agency (EPA) staff listened to the stakeholders. Most importantly, you were willing to work cooperatively and delayed the TMDL schedule to allow additional water quality data collection to inform the process. This letter documents the primary concerns of the Grand Valley Water Users Association (GVWUA), the City of Grand Junction, Mesa County Stormwater Division, and the City of Fruita associated with the above-referenced Draft TMDL Assessment.

We understand the importance of the Division and EPA's roles to restore and protect the quality of all Colorado waters at levels that fully support established water quality standards. TMDLs are one aspect of making progress towards these goals. We also understand that progress will be made through the collective efforts of the Grand Valley stakeholders, representing both point sources and nonpoint sources; however, additional monitoring and analysis are needed to ensure the mitigation efforts will reduce the loadings.

As you are aware, in working on this TMDL, the Grand Valley is unique. It is characterized by a rich agricultural presence and semi-arid climate, requiring a non-traditional approach to understanding the hydrology and pollutant loadings throughout the area due to the historical irrigation practices. Although the Draft TMDL is highly technical, the area is complex, and the document falls short of depicting the hydrology and pollutant sources accurately. Hence, we respectfully request that you delay the issuance of the TMDL to allow the planned water quality monitoring efforts to characterize the water quality.

The Grand Valley stakeholders have also taken the initiative to understand better the impairments in the Grand Valley. They are updating the 2012 Selenium Watershed Management Plan Update for the Lower Gunnison River Basin and the Grand Valley, Colorado, as part of this effort. The Updated Watershed Plan will enhance the Grand Valley area with

information and develop a water quality monitoring strategy to understand the data gaps and pollutant loadings causing stream impairments. Information regarding the Lower Gunnison's lessons learned and successes in mitigating selenium loadings is also being considered for implementation in the Grand Valley area. Hence, we request your consideration in delaying this TMDL to keep this initiative moving forward and informing collaborative solutions rather than regulating permit holders that may or may not have the authority to control sources due to their unique function in the Grand Valley (i.e., some irrigation districts don't collect stormwater and only deliver irrigation water to lands and have no control of the water beyond the delivery structure, can't mitigate the water)

The Draft TMDL emphasizes the importance of the water quality restoration planning process in that it involves several steps, including:

- Watershed characterization,
- Target identification,
- Source assessment,
- Allocation of loads, and
- Prioritization of implementation activities.

Our primary concerns with the Draft TMDL are with the source assessment and allocation of loads, which then impact the prioritization of implementation activities steps. The following sections provide additional justification for these concerns.

Primary Concerns

This section summarizes our primary concerns associated with the Draft TMDL.

Source Assessment

The existing data sets used to determine the TMDLs are inadequate and limited in that they:

- Lack of continuous streamflow data on the tributaries
- Lack of paired water quality and streamflow data on the tributaries
- Lack of adequate characterization of stormwater data
- Are missing data to characterize the influence of stormwater-related loadings from the BLM lands upstream of the Government Highline Canal (GHC)

Therefore, the ability to identify and assess sources of the pollutants of concern and provide the link between sources and the observed impairments is therefore limited by the poor streamflow and water quality data.

The U.S. Geological Survey (USGS), in cooperation with the Grand Valley Drainage District (GVDD) and the Colorado Water Conservation Board (CWCB), conducted a study to 1) characterize concentrations, loads, and load reductions for *Escherichia coli* (*E. coli*), total recoverable iron, and dissolved selenium using existing data and 2) identified water-quality data

gaps to inform future monitoring strategies for the development of TMDLs (Thomas, 2020). The Grand Valley stakeholders initiated this effort as part of the Watershed Plan Update process.

Key findings from this work included:

- Overall lack of continuous streamflow data
- Total Recoverable Iron
 - None of the sampling sites had enough concurrent total recoverable iron and streamflow data to compute annual loads
- Dissolved Selenium
 - Analysis of 3 Colorado River mainstem sites show decreasing trends in concentration and load from 1980 – 2018
 - The downward trends at the mainstem sites could indicate that the tributary concentrations and loads might also be changing over time, however, there is a lack of paired flow and concentration data to be able to confirm this at this time

The USGS also conducted a loading analysis for selected constituents and tributaries to the Colorado River in the Grand Valley, western Colorado, using data from 1991 to 2018, to characterize concentrations, stream loading, and load reductions for *E. coli*, total recoverable iron, and dissolved selenium for stream segments on the State of Colorado 303(d) list of impaired waters. *E. coli*, total recoverable iron, and dissolved selenium concentrations, and streamflow data were compiled from the Water Quality Portal (WQP). The data tables include information on sites, data collection time periods, concentrations, computed loads, and regression model diagnostics. Dissolved selenium annual loads, percentage load reductions required to meet State regulatory standards, mean daily loads computed for irrigation and non-irrigation seasons, and regression model diagnostics and results are presented for sites where sufficient data were available. The USGS integrated this information into an interactive map tool¹ to support the visual representation of the data and future monitoring efforts (Gidley and Miller, 2020).

Allocation of Loads

The Draft TMDL describes the allocation of pollutant loads by defining point sources and nonpoint sources and the relative contribution of each to impairments.

Grand Valley Point Sources (Wasteload Allocations)

In general dischargers covered by individual Colorado Discharge Permitting System (CDPS) as well as stormwater dischargers covered by general CDPS permits are point sources. The TMDL implementation will occur through CDPS permits for point sources and through Best Management Practice (BMP) implementation from various remediation efforts led by local stakeholders. There are seven facilities that have permits in the Grand Valley watershed and discharge directly to the impaired tributaries (listed in Table 7).

¹ [Analysis of Escherichia coli, total recoverable iron, and dissolved selenium concentrations and loads for selected 303\(d\) listed segments in the Grand Valley, western Colorado, 1991–2018 \(ver. 2.0, August 2020\) - ScienceBase-Catalog](#)

Grand Valley Water Users Association MS4

The GVVUA has a non-standard Municipal Separate Storm Sewer System (MS4) permit and is included in the WLA of the TMDLs for Leach Creek and Indian Wash (note Table 8 needs to be revised to reflect Leach Creek instead of Persigo Wash). The operations of the GVVUA will not allow them to implement control measures and management practices to directly influence the loading reductions. It should be noted that the GVVUA doesn't directly discharge to these impaired tributaries and delivers water to lands that irrigate with water diverted from the Colorado River and conveyed through the GHC. Once the water is diverted from the GHC the GVVUA doesn't have the ability to control or mitigate the use of the water nor the agricultural runoff from the irrigated lands or return flows. In addition, the GVVUA doesn't receive nor discharge stormwater.

The Clean Water Act definition for point sources does not include agriculture stormwater discharges and return flow from irrigated agriculture.

Mesa County MS4

The Mesa County MS4 Permit is responsible for stormwater discharges within the Mesa County Urbanized Area and therefore only has the ability to implement control strategies and management practices within this area.

Grand Valley Nonpoint Sources (Load Allocations)

In general discharge from irrigation and fertilization practices, in conjunction with the natural geological features of the area are nonpoint sources. TMDL implementation will also occur through volunteer efforts led by local stakeholders and watershed groups to remediate nonpoint source contributions.

The Draft TMDL also recognizes the contributions from unregulated stormwater, during wet weather (rainfall and snowfall) events outside the Urbanized (regulated) Area. It is important to characterize the unregulated stormwater influence of the lands upstream from the upper TMDL watershed boundary, above the GHC, to distinguish between baseflow and stormwater loading contributions to the impairments in the Grand Valley.

TMDL Allocations and Implementation Responsibilities

We have the following overall concerns with the Wasteload and Load Allocations for the TMDL:

- Delineation of the drainage areas isn't accurate and mis-represents implementation responsibilities for loadings outside the urbanized area (MS4 implementation for WLAs)
- No data to understand the influence of stormwater loadings upstream of the TMDL watershed upper boundary versus the background loadings
- Large loading reductions are required for the non-irrigation season. Most of the loadings are from agricultural return flows. The ability to control these loadings is limited.
- *E. coli* loadings for Adobe and Leach Creeks need to be characterized to understand the sources.

Grand Valley Drainage Areas and Hydrology

The TMDL drainage areas for each impaired tributary were calculated using Hydrologic Unit Code (HUC) 12 watershed delineations or a combination of HUC12 and drainage areas

determined by local Mesa County maps. The upper boundary is the Government Highline Canal (GHC) which acts as a boundary between the Bureau of Land Management (BLM) lands and the urbanized and agricultural land uses of the Grand Valley. We don't believe the drainage areas are accurately delineated and therefore don't depict the pollutant loadings and TMDL allocations correctly.

The following explanation of GVWUA's water delivery near Indian Wash is just one example of the inaccurate delineation of the sources of impairment and misrepresentation of them as a WLA.

Figure 1 shows the diversion of water from the GHC and flowpaths. Note there is a ridge to the east of the pink lateral (running north and south, immediately after the diversion) that keeps the water to the west, not discharging to Indian Wash.

- Red circles represent points of diversion off the GHC
- The yellow circles represent the location where Indian Wash goes under the GHC (no comingling of GHC and Indian Wash)
- Water is applied to the farm fields, which slope to the west/southwest or conveyed in the lateral represented by the pink and red lines that deliver water to the southwest (red arrows).
- This water ultimately travels to the west, where it is used to irrigate lands and ultimately returns to the Grand Valley Irrigation Canal (red arrows).

In addition, MS4's or "urbanized areas" will have multiple sources of pollution. Not just storm runoff. Deep percolation from irrigated areas (parks, lawns, hobby farms), irrigation delivery systems, septic systems, leaky domestic pipes, and even retention basins all contribute to the overall complexity of pollution sources and quantities in "urban areas". These are all nonpoint sources. These complexities would affect the allocation of pollutant loads from this land use type.

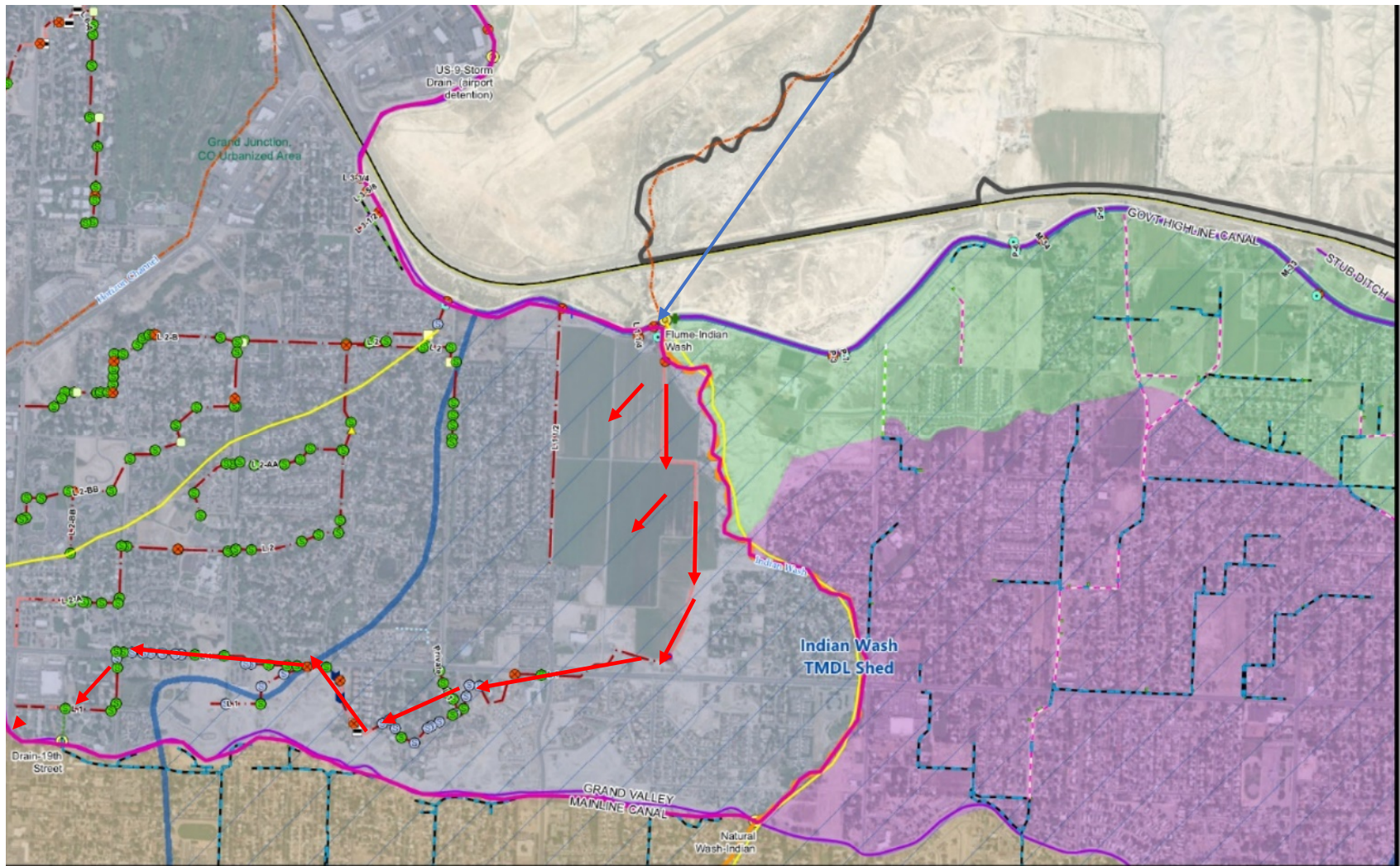


Figure 1. Indian Wash Example for GVWUA.

Stormwater Loadings from Upstream of TMDL Watersheds

The tributaries and natural washes that flow into the Grand Valley from above the upper TMDL watershed boundary at the GHC are ephemeral in nature and potentially contribute to the stormwater loads during precipitation events. The characterization of stormwater events is not technically supported with the existing water quality and streamflow datasets and needs further monitoring and analysis.

Control of Non-Irrigation Season Loadings

The pollutant loadings in the non-irrigation season (November – March) are primarily due to the conveyance of agricultural return flows and seepage of ground water into the natural washes, tributaries, and drains. In general, these loadings should be accounted for in the Load Allocation portion of the TMDL. The average precipitation during these months is less than 1 inch, therefore most likely reducing the pollutant loadings from the Wasteload Allocation (WLA) categories as there is little to no stormwater runoff.

E. coli Loadings

The Draft TMDL lists the major *E. coli* sources of impairment for Adobe and Leach Creeks as runoff from pastures and small farms, wildlife and domestic pets, septic system failures, and urban stormwater runoff and that based upon the available *E. coli* and flow data, it was determined that the observed flows do not correlate to the observed magnitude of the *E. coli* concentration, therefore, the source assessment was completed over an entire year. The GVVUA and Mesa County Stormwater Division are identified as having “pertinent discharge” (Table 8) contributing to *E. coli* loadings.

The GVVUA and Mesa County Stormwater Division’s MS4 Permits apply to those areas within the Urbanized Area and most of the potential *E. coli* sources are outside the Urbanized Area, hence, limiting the opportunity for them to control the sources.

The Mesa County Stormwater Division is working with the Colorado Mesa University and Mesa County to characterize the specificity of the *E. coli* loadings (humans, cows, horses, dogs, and ducks) using the ddPCR method. The objective for this work is to provide Mesa County with a tool to better understand the sources of fecal contaminations in hopes to mitigate them.

Requests and Recommendations

Overall, we are requesting that you ***delay the determination of the Final TMDL for three years to allow the on-going Grand Valley Watershed Plan and Stakeholder process to continue, USGS’ post-fire water quality monitoring plan, and the Colorado Mesa University’s E. coli research to inform better characterization of the source loadings.*** Specifically, the implementation of the water quality monitoring study that will increase the number of streamflow and water quality gages to:

- Collect paired water-quality and streamflow measurements at the 9 ‘high’ priority and 6 ‘medium’ priority monitoring locations (see USGS proposed future monitoring discussion above) to aid analysis, specifically, strengthen the linkage between the pollutant sources

and impairments and the contribution of stormwater loadings and baseload loadings during the distinct irrigation and non-irrigation seasons,

- Update data to "current conditions" in areas with probable trends and evaluate loadings across wet, dry, and average years and shifting land uses to understand the influence of climactic variations, and
- Integrate the Orchard Mesa and Walter Walker Wildlife Areas as well as other backwater habitats that support the Threatened and Endangered fish in the Grand Valley

We commit to providing annual reports and periodic updates to you and EPA to document progress across these projects.

Additional Minor Comments

The following list identifies minor comments and suggested edits.

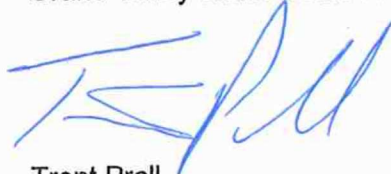
- Page 22 - Add a footnote for Leach Creek in Table 1. There is a footnote under the table but no cross-reference within the table.
- Section 3.1 (Project Setting) recognizes several municipalities, special districts such as the GVDD and Mesa County Stormwater Division, and GVWUA. There are other irrigation districts within the Grand Valley that should be included in the Project Setting of the TMDL.
- Table 8 mentions Persigo Wash for the GVWUA. Should this be Leach Creek?

We appreciate your time reviewing our comments and want to be clear that the request for a delay in the implementation of the TMDL is not intended to avoid responsibility, but set realistic goals based upon sound science and data with on-going and upcoming projects. Please don't hesitate to reach out to Angie Fowler at angief@sgm-inc.com or 970-384-9027 if you have any questions.

Truly yours,



Mark Harris
General Manager
Grand Valley Water Users Association



Trent Prall
Public Works Director
City of Grand Junction

DocuSigned by:

Scott Mai

2DE393F188E449F...

Scott Mai
Deputy Public Works Director
Mesa County



Kimberly Bullen
Public Works Director
City of Fruita

cc: Tammy Allen, CDPHE-WQCD (tamara.allen@state.co.us)
Sarah Wheeler, CDPHE-WQCD (sarah.wheeler@state.co.us)
Shera Reems, EPA Region 8 (reems.shera@epa.gov)
Jon Markovich, EPA Region 8 (markovich.jonathan@epa.gov)

Citations

Gidley, R.G., and Miller, L.D., 2020, Analysis of Escherichia coli, total recoverable iron, and dissolved selenium concentrations and loads for selected 303(d) listed segments in the Grand Valley, western Colorado, 1991–2018 (ver. 2.0, August 2020): U.S. Geological Survey data release, <https://doi.org/10.5066/P9P6WI44>.

Thomas, J.C., 2020, Analysis of Escherichia coli, total recoverable iron, and dissolved selenium concentrations and loads for 303(d) listed segments in the Grand Valley, Colorado, 1991-2018: U.S. Geological Survey data release, <https://doi.org/10.5066/P9WYN7DK>.

RESOLUTION NO. _____

A Resolution authorizing the Mayor to sign as a petitioner to Mesa County's Notice of Appeal and Request for Adjudicatory Hearing in response to the Colorado Water Quality Control Division's publication of the Total Maximum Daily Load Assessment for Colorado River tributaries in the Grand Valley

Recitals:

The Federal Clean Water Act, Section 303(d), requires the States to periodically submit to the EPA a list of impaired waterbodies. A waterbody is considered impaired when it does not meet a state's water quality standards. States are required to develop water quality standards that: (1) designate the beneficial uses a waterbody can support, (2) define the levels of certain pollutants and certain characteristics that a waterbody can contain while still supporting the designated beneficial uses, and (3) protect waterbodies that currently support their designated beneficial uses from becoming impaired.

The Clean Water Act and EPA regulations require that the States develop total maximum daily loads (TMDLs) for impaired waters identified on the Section 303(d) List (303 List or List). In Colorado, the agency responsible for developing the 303(d) List is the Water Quality Control Division (WCQD) of the Colorado Department of Public Health and Environment (CDPHE).

The Grand Valley stakeholders (City of Grand Junction, City of Fruita, Grand Valley Water Users Association (GVWUA) and Mesa County) understand the importance of the EPA's and CDPHE's role to restore and protect the quality of all Colorado waters at levels that fully support established water quality standards. TMDLs are one aspect of making progress toward those goals. Progress will also be made through the collective efforts of the Grand Valley stakeholders, representing both point sources and non-point sources; however additional monitoring and analysis are needed to ensure the mitigation efforts will reduce the loadings.

The Grand Valley stakeholders have worked with the CDPHE throughout the development of the TMDL including most recently providing input on the April 2021 draft TMDL and meeting with CDPHE in June 2021.

On August 10, 2021, CDPHE WCQD released the publication of the Total Maximum Daily Load Assessment for Colorado River tributaries in the Grand Valley. Grand Valley stakeholders remain concerned regarding the quality of the data used in development of the TMDL and believe more time to collect additional data and further develop a Watershed Plan that addresses the source assessment, allocation of loads, and prioritization of implementation activities will ultimately lead to a TMDL that is attainable.

The City of Grand Junction and City of Fruita contracts with Mesa County for stormwater quality services. Mesa County, on behalf of the Fruita and Grand Junction is working with the GVWUA on an appeal of the Regulation. The appeal will, among

other things, assert that the Regulation did not address the concerns noted above as well as some procedural matters.

Mesa County is requesting that City of Grand Junction and City of Fruita join as Petitioners in the Notice of Appeal Request for Adjudicatory hearing (Appeal.) The Notice of Appeal is due by September 8.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

- 1: The City Council of the City of Grand Junction supports Mesa County's role in representing and advocating for water quality in the Grand Valley.
- 2: The City Council of the City of Grand Junction authorizes the Mayor to sign as a petitioner to Mesa County's Notice of Appeal and Request for Adjudicatory Hearing in response to the Colorado Water Quality Control Division's publication of the Total Maximum Daily Load Assessment for Colorado River tributaries in the Grand Valley

This Resolution shall be in full force and effect from and after its passage and adoption.

Passed and adopted this ____ day of _____, 2021.

Chuck McDaniel
President, Grand Junction City Council

ATTEST:

Wanda Winkelman
City Clerk



Grand Junction City Council

Regular Session

Item #5.a.i.

Meeting Date: September 1, 2021
Presented By: David Thornton, Principal Planner
Department: Community Development
Submitted By: David Thornton, Principal Planner

Information

SUBJECT:

An Ordinance Vacating a Road Right-of-Way, Known as Tonto Lane

RECOMMENDATION:

The Planning Commission recommended 7-0 to zone the Reece Annexation R-5 (Residential 3 to 5 du/ac).

EXECUTIVE SUMMARY:

The Applicant, Kraig Andrews, is requesting the vacation of the Tonto Lane right-of-way, a roadway which begins from Cottonwood Drive heading north for approximately 200 feet located between 2632 and 2635 Cottonwood Drive that was never constructed and terminates into I-70 Interstate right-of-way. Tonto Lane, dedicated in 1955, is no longer needed to provide access to properties to the north. A utility easement will be reserved and retained that will cross over and line up with the existing 15 ft. utility easement running east to west across the northern portion of the right-of-way vacation area.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The North Rolling Acres Subdivision approved and platted in 1955 dedicated the Tonto Lane right-of-way. The Applicant, Kraig Andrews, is requesting the vacation of the Tonto Lane right-of-way, a roadway which begins from Cottonwood Drive heading north for approximately 200 feet located between 2632 and 2635 Cottonwood Drive. The road was never constructed, and the northern portion became part of the Interstate 70 right-of-way. Cottonwood Drive, which Tonto Lane ties into, was constructed and provides the necessary access to the residential lots in the subdivision. Tonto Lane no longer provides access to properties to the north with the construction of I-70.

The Tonto Lane right-of-way is not shown on the Grand Valley Circulation Plan and is not needed to provide future access and/or connectivity.

A utility easement will be reserved and retained in the area of Tonto Lane to include the overhead utilities that exist. It extends immediately from the existing 15' utility easement on Lot 4 of the North Rolling Acres and cross over and line up with the existing 15' utility easement on Lot 5 of the North Rolling Acres plat so that it will be a continuous utility easement. Additional area will be reserved as the overhead utilities border or go just outside that area where the original utility easement was granted.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed vacation request was held virtually on May 27, 2021, in accordance with Section 21.02.080 (e) of the Zoning and Development Code. There was one neighbor in attendance at the meeting. He was supportive of the vacation request.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject right-of-way areas, as well as neighborhood associations within 1000 feet, on August 13, 2021. The notice of this public hearing was published on August 17, 2021 in the Grand Junction Daily Sentinel.

ANALYSIS

The vacation of the right-of-way or easement shall conform to the following:

(1) The Comprehensive Plan, Grand Junction Circulation Plan and other adopted plans and policies of the City;

The vacation is in conformance with the 2020 Comprehensive Plan, Grand Valley Circulation Plan and all other policies of the City. The vacation helps by removing rights-of-way that are not necessary and do not further a safe, balanced and well-connected transportation system.

(2) No parcel shall be landlocked as a result of the vacation;

The right-of-way proposed for vacation is not constructed and will not provide future access and/or connectivity to lands adjacent to it nor to I-70 which Tonto Lane terminates into. No parcels will be landlocked as a result of the vacation.

(3) Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;

There are two lots fronting Tonto Lane; however, both lots have access to Cottonwood Drive, therefore these properties are not devalued by the vacation request. Additionally, both properties will receive half the vacated right-of-way for ownership purposes. Access to I-70 utilizing Tonto Lane is not permitted.

(4) There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services);

The existing Cottonwood Drive provides the necessary and quality public facility to the properties affected by the vacation request. There is no adverse impacts on the health, safety and/or welfare of the general community nor the residents in this subdivision.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 GJMC; and

Public facilities and services will not be affected by the proposed vacation for the reasons stated above.

(6) The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

The proposal will provide benefits to the City by eliminating the potential for a stub street that cannot be continued north due to I-70. This will also eliminate confusion and or expectations of a road or access where one is not intended to be located.

FINDINGS OF FACT

After reviewing the City of Grand Junction, Community Development right-of-way vacation request, VAC-2021-392, the following findings of fact have been made:

1. The request conforms with Section 21.02.100 of the Zoning and Development Code.

FISCAL IMPACT:

Since the proposed vacated right-of-way area will be absorbed in adjacent privately-owned property, there is no fiscal impact to the City.

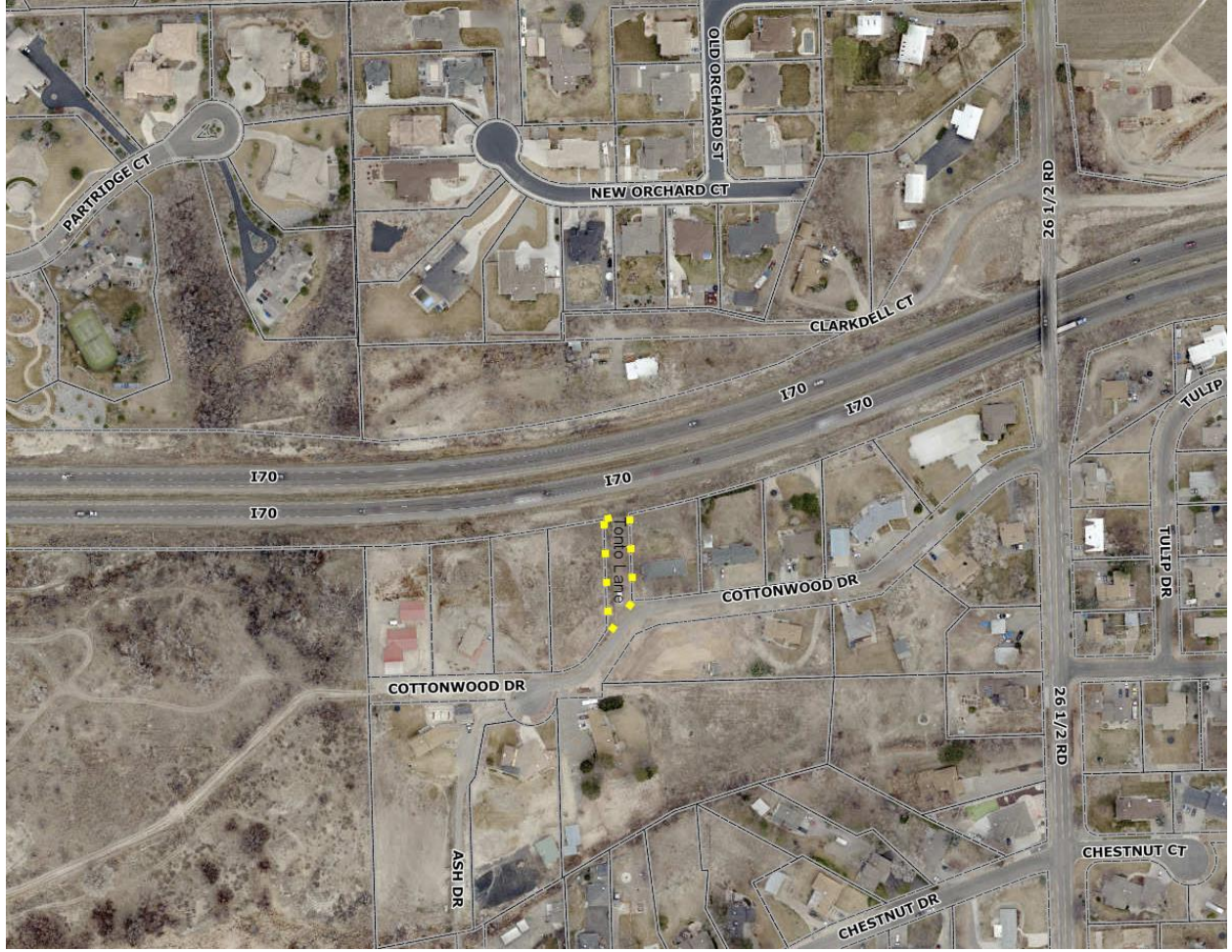
SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. 5015, an ordinance vacating the Tonto Lane right-of-way and order final publication in pamphlet form.

Attachments

1. Location Map
2. Development Application dated 6 May 2021

3. Ordinance



Location Map



Photo of Area

Planner's Name: Scott D. Peterson	SUBMITTAL CHECKLIST	Date: Feb 22, 2021
	Vacation of Easement	Expiration Date: Aug 22, 2021
Location: 2701-352-02-004	Project Name:	
ITEMS - DESCRIPTION		
<input checked="" type="checkbox"/> Application Fee \$575.00 <input checked="" type="checkbox"/> Development Application <input checked="" type="checkbox"/> Ownership Statement w/ Deed <input checked="" type="checkbox"/> General Project Report <input type="checkbox"/> Annexation Information Sheet <input type="checkbox"/> Annexation Petition <input type="checkbox"/> Appraisal of Vacant Land <input type="checkbox"/> Articles of Incorporation <input type="checkbox"/> Avigation Easement <input type="checkbox"/> Boundary Agreement <input type="checkbox"/> Building Elevations <input type="checkbox"/> City of GJ Sales Tax Lic (copy) <input type="checkbox"/> County Treasurer's Tax Cert <input type="checkbox"/> CC&R/Condo Declarations <input type="checkbox"/> CDOT Access Permit <input checked="" type="checkbox"/> Composite Plan <input type="checkbox"/> Conveyances/Easements - Existing <input type="checkbox"/> Conveyances/Easements - New <input type="checkbox"/> Delineate Wetlands/404 Permit <input type="checkbox"/> Detail Sheet <input type="checkbox"/> Development Imp Agrmt Exh B <input type="checkbox"/> Fence/Wall Plans <input type="checkbox"/> Final Drainage Report <input type="checkbox"/> Final Drainage Letter	<input type="checkbox"/> Final Geotechnical Report <input type="checkbox"/> Fire Flow Form* <input type="checkbox"/> Fire Site Plan <input type="checkbox"/> Floodplain Elev. Cert (FEC) <input type="checkbox"/> Floor Plan <input type="checkbox"/> Grading Plan <input type="checkbox"/> Improvement Survey <input type="checkbox"/> Industrial Pretreatment Survey <input type="checkbox"/> Inside Cover Sheet <input type="checkbox"/> Institutional Master Plan <input type="checkbox"/> Landscape Plan <input checked="" type="checkbox"/> Legal Description <input type="checkbox"/> Letter from Property Owner <input type="checkbox"/> Lighting Plan <input type="checkbox"/> Materials Testing Plan <input type="checkbox"/> Neighborhood Meeting Notes <input type="checkbox"/> Outline Development Plan (ODP) <input type="checkbox"/> Plat <input type="checkbox"/> Preliminary Drainage Report <input type="checkbox"/> Preliminary Geotechnical Report <input type="checkbox"/> Preliminary Landscape Plan <input type="checkbox"/> Preliminary Subdivision Plan <input type="checkbox"/> Road Cross Sections <input type="checkbox"/> Roadway Plan & Profile	<input type="checkbox"/> Sewer System Design Report <input type="checkbox"/> Sign Plan/Sign Package <input type="checkbox"/> Site Data Table <input type="checkbox"/> Site Plan <input type="checkbox"/> Site Sketch <input checked="" type="checkbox"/> Sketch for Descriptions <input type="checkbox"/> Post Const Stormwater Agmt <input type="checkbox"/> Stormwater Mgmt Plan/Permit <input type="checkbox"/> Surveyor Verification <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> Transaction Screen Process <input type="checkbox"/> Utilities Plan & Profile <input type="checkbox"/> Water System Design Report <input type="checkbox"/> Cell Site Inventory <input type="checkbox"/> Coverage Area Map <input type="checkbox"/> FCC License (copy) <input type="checkbox"/> Haul Route <input type="checkbox"/> Dredge & Fill Permit <input type="checkbox"/> Reclamation Plan <input type="checkbox"/> Photographs of Property <input type="checkbox"/> Colo. Historical Society Inventory Record Form*
DISTRIBUTION		
<input checked="" type="checkbox"/> Planning <input checked="" type="checkbox"/> Development Engineer <input checked="" type="checkbox"/> City Surveyor <input type="checkbox"/> City Parks & Recreation <input checked="" type="checkbox"/> City Attorney <input checked="" type="checkbox"/> City Fire Dept <input type="checkbox"/> Clifton Fire Dept <input type="checkbox"/> Lower Valley Fire Dept <input type="checkbox"/> City Police Dept <input checked="" type="checkbox"/> City Addressing <input type="checkbox"/> City Code Enforcement <input type="checkbox"/> City Sanitation <input type="checkbox"/> Persigo WWTF <input type="checkbox"/> 911 <input type="checkbox"/> City Transportation Engineer <input checked="" type="checkbox"/> Mesa Co Building Dept <input type="checkbox"/> Mesa Co Public Works <input type="checkbox"/> Mesa Co Health Dept <input type="checkbox"/> Mesa Co Planning <input type="checkbox"/> Mesa Co Assessor	<input type="checkbox"/> Mesa Cty Stormwater <input checked="" type="checkbox"/> Grand Valley Drainage Dist <input type="checkbox"/> Redlands Water & Power <input checked="" type="checkbox"/> Grand Valley Irrigation Dist <input type="checkbox"/> Mesa Co Irrigation Dist <input type="checkbox"/> Palisade Irrigation Dist <input type="checkbox"/> Orchard Mesa Irrigation Dist <input checked="" type="checkbox"/> Grand Valley Water Users <input type="checkbox"/> Highland Park Lateral Ditch Co <input type="checkbox"/> Water Users of Lateral Ditch 110 <input type="checkbox"/> Fruitvale Lateral & Waste Ditch <input checked="" type="checkbox"/> Ute Water <input type="checkbox"/> Clifton Water <input type="checkbox"/> Clifton Sanitation Dist No. 2 <input checked="" type="checkbox"/> Xcel <input checked="" type="checkbox"/> Grand Valley Power <input checked="" type="checkbox"/> Spectrum <input checked="" type="checkbox"/> Century Link <input type="checkbox"/> School District #51	<input type="checkbox"/> CO Dept of Transportation <input type="checkbox"/> CO Dept of Public Health & Environment <input type="checkbox"/> CO Div of Reclamation Mining & Safety <input type="checkbox"/> CO Geological Survey <input type="checkbox"/> CO Division of Wildlife <input type="checkbox"/> CO National Monument <input type="checkbox"/> CO State Parks <input type="checkbox"/> Federal Aviation Administration <input type="checkbox"/> Dept of Military & Veterans Affairs <input type="checkbox"/> US Postal Service <input type="checkbox"/> Army Corp of Engineers <input type="checkbox"/> Bureau of Reclamation <input type="checkbox"/> Downtown Development Authority <input type="checkbox"/> Historic Board <input type="checkbox"/> Grand Valley Transit <input type="checkbox"/> RTPO <input type="checkbox"/> Urban Trails/Riverfront Commission <input type="checkbox"/> Grand Junction Regional Airport Authority
Notes: * An asterisk in the item description column indicates that a form is supplied by the City and available on the City website.		



Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For: Vacation - Easement - R. O. W.

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation: _____ Existing Zoning: _____

Proposed Land Use Designation: _____ Proposed Zoning: _____

Property Information

Site Location: 2632 Cottonwood Dr Site Acreage: .62

Site Tax No(s): 2701-352-02-004 Site Zoning: R2

Project Description: New Single Family Residence

Property Owner Information

Name: Kraig Andrews

Street Address: 2991 Debra St #B

City/State/Zip: Grand Junction, Co. 81504

Business Phone #: 970-201-4242

E-Mail: andrews1201@msn.com

Fax #: _____

Contact Person: Kraig Andrews

Contact Phone #: 970-201-4242

Applicant Information

Name: Kraig Andrews

Street Address: 2991 Debra St #B

City/State/Zip: Grand Junction, Co. 81504

Business Phone #: 970-201-4242

E-Mail: andrews1201@msn.com

Fax #: _____

Contact Person: Kraig Andrews

Contact Phone #: 970-201-4242

Representative Information

Name: _____

Street Address: _____

City/State/Zip: _____

Business Phone #: _____

E-Mail: _____

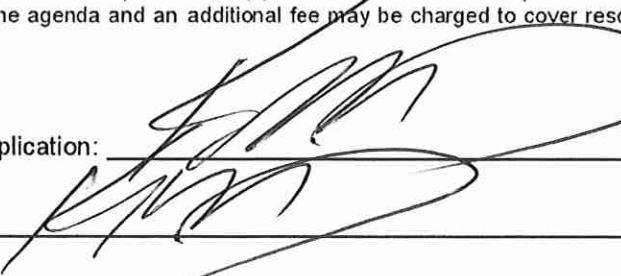
Fax #: _____

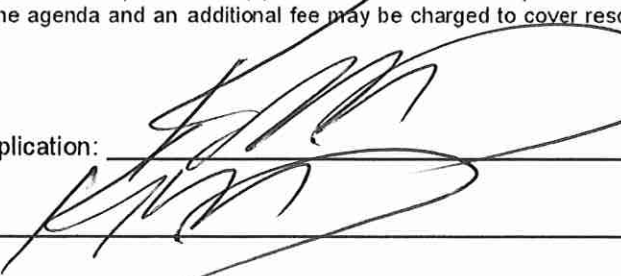
Contact Person: _____

Contact Phone #: _____

NOTE: Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application:  Date: 5-6-21

Signature of Legal Property Owner:  Date: 5-6-21

OWNERSHIP STATEMENT - NATURAL PERSON

I, (a) Kraig M Andrews, am the owner of the following real property:

(b) 2632 Cottonwood Drive Grand Junction, CO 81506
Parcel # 2701-352-02-004

A copy of the deed evidencing my interest in the property is attached. All documents, if any, conveying any interest in the property to someone else by the owner, are also attached.

I am the sole owner of the property.

I own the property with other(s). The other owners of the property are (c):


Jennifer D Andrews

I have reviewed the application for the (d) Vacation - Easement pertaining to the property.

I have the following knowledge and evidence concerning possible boundary conflicts between my property and the abutting property(ies): (e) _____

I understand that I have a continuing duty to inform the City planner of any changes in interest, including ownership, easement, right-of-way, encroachment, lienholder and any other interest in the property.

I swear under penalty of perjury that the information contained in this Ownership Statement is true, complete and correct.

Owner signature as it appears on deed: 

Printed name of owner: Kraig M. Andrews

State of Colorado)

County of Mesa) ss.


Subscribed and sworn to before me on this 6 day of May, 2021

by Kraig M Andrews

Witness my hand and seal.

My Notary Commission expires on 4-27-2023




Notary Public Signature

2632 Cottonwood Dr



03/18/2020

Exhibit A

A Parcel of land situated the Southeast Quarter of the Northwest Quarter of Section 35, Township 1 North, Range 1 West, Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, described as follows:

That portion of Tonto Lane as shown on the North Rolling Acres Subdivision, Mesa County, Colorado as recorded at Reception Number 645847 of the Mesa County Records lying North of a line between the Southwest Corner of Lot 5 and the Southeast Corner of Lot 4 both in said North Rolling Acres Subdivision and lying South of the Department of Highways, State of Colorado Right of Way for Interstate 70 and being further described as follows

Commencing at the West Sixteenth Corner of said Section 35 from whence the Center Quarter Corner bears N 89°58'53" E a distance of 1314.79 feet; thence N 89°58'53" E along the South line of the Southeast Quarter of the Northwest Quarter of said Section 35 a distance of 456.72 feet; thence leaving said line N 0°01'07" W a distance of 111.47 feet to the Southeast Corner of said Lot 4 and the Point of Beginning; thence N 0°01'07" W along the East line of said Lot 4 a distance of 202.34 feet to the Southeast Corner of that State of Colorado Right of Way for Interstate 70 as described at Reception Number 849966 of the Mesa County Records; thence 50.76 feet along a non-tangent curve to the left with a radius of 2965.00 feet and a central angle of 0°58'51" whose chord bears N 80°01'59" E a distance of 50.76 feet to the Southwest Corner of that State of Colorado Right of Way for Interstate 70 as described at Reception Number 844384 of the Mesa County Records and a point on the West line of said Lot 5; thence S 0°01'07" E along said West line a distance of 153.02 feet to the Southwest Corner of said Lot 5; thence S 40°42'05" W a distance of 76.64 feet to the Point of Beginning.

Said Parcel contains 0.204 acres as described.

EXHIBIT B

RIGHT OF WAY
DEPARTMENT OF HIGHWAYS
STATE OF COLORADO
RECEPTION # 849966

DEPARTMENT OF HIGHWAYS
STATE OF COLORADO
RECEPTION # 844384

RAD=2965.00'
L=50.76'
CHORD=50.76
BRG=N80°01'59"E
Δ=0°58'51"

EASEMENT REC. No. 645847

15' UTILITY

VACATION AREA
CONTAINS 0.204
ACRES

2632 COTTONWOOD DRIVE
LOT 4
NORTH ROLLING ACRES
2701-352-02-004
RECEPTION # 645847

NO° 01' 07"W 202.34'

TONTO LANE

50' R.O.W.
RECEPTION # 645847

NO° 01' 07"W

2635 COTTONWOOD DRIVE
LOT 5
NORTH ROLLING ACRES
2701-352-02-005
RECEPTION # 645847

SO° 01' 07"E 153.02'

POINT OF BEGINNING

COTTONWOOD DRIVE
R.O.W. VARIES
RECEPTION # 645847

POINT OF COMMENCEMENT
WEST 1/16 CORNER
SECTION 35,
T1N, R1W, UTE
3.25 INCH ALUMINUM CAP
BLM 1986 0.25'
BELOW SURFACE

NO° 01' 07"W
111.47'

CENTER 1/4 CORNER
SECTION 35,
T1N, R1W UTE
3-1/4 INCH ALUMINUM CAP
PLS 37904, MCSM No. 1268-2
0.50' BELOW SURFACE IN BOX

456.72' 858.07'
N89° 58' 53"E 1314.79'
SOUTH LINE SE 1/4 NW 1/4 SECTION 35
BASIS OF BEARING



GRAPHIC SCALE:
1" = 50'



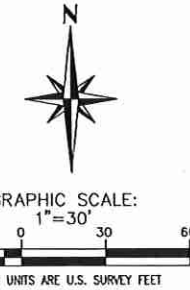
POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE. #B
GRAND JUNCTION, CO 81504
PHONE (970)434-7038

RIGHT of WAY VACATION
SITUATED IN THE SE 1/4 NW 1/4 SECTION 35
TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN
CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO

BOUNDARY SURVEY
 SITUATED IN THE SE¼ NW¼ SECTION 35
 TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN
 CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO



LEGEND:

FOUND SURVEY MARKER AS DESCRIBED
 SET No. 6 REBAR WITH 3 1/4 INCH ALUMINUM CAP PLS 37904
 SET No. 5 REBAR WITH 2 INCH ALUMINUM CAP PLS 37904

LEGAL DESCRIPTION:

LOT 4 NORTH ROLLING ACRES
 SOUTH OF INTERSTATE 70
 AS RECORDED AT RECEPTION No. 645847 OF THE MESA COUNTY CLERK AND
 RECORDER'S OFFICE CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF
 COLORADO

Said parcel contains 0.62 ACRES.

NOTES

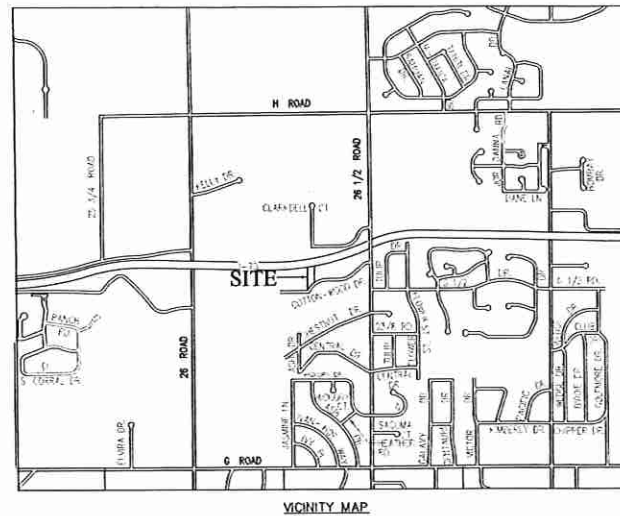
- OWNERSHIP, RECORDED RIGHTS-OF-WAY, AND EASEMENT INFORMATION WAS DONE WITHOUT USING A CURRENT TITLE POLICY.
- BEARINGS ARE BASED ON WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 35, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN. FOUND IN PLACE WAS A BLM ALUMINUM CAP AT THE SOUTH END OF SAID LINE AND A 2.00 FOOT WITNESS CORNER 2" ALUMINUM CAP PLS 27279 MARKING THE NORTH END OF SAID LINE. THE BEARING USED N0°02'45"W IS BASED ON GPS OBSERVATIONS WHILE USING THE MESA COUNTY SURVEY INFORMATION MANAGEMENT SYSTEM.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THIS BOUNDARY SURVEY IS BASED ON THE DEED AS RECORDED AT RECEPTION No. 2778653, OF THE MESA COUNTY RECORDS.

SURVEYOR'S CERTIFICATION:

I, Patrick W. Click, a registered Professional Land Surveyor in the State of Colorado, do hereby certify that this Plat represents a field survey completed by me and / or under my direct supervision. Both conform to the standards of practice, statutes and laws of the State of Colorado to the best of my knowledge and belief. This statement is not a guaranty or warranty, either expressed or implied.



COLORADO REGISTERED LAND SURVEYOR PLS #37904



FOUND 2.00' WITNESS TO
 NORTHWEST 1/16 CORNER
 SECTION 35 T1N, R1W UTE
 2 INCH ALUMINUM CAP LS27279
 IN CONCRETE FLUSH WITH SURFACE

BASIS OF BEARINGS
 WEST LINE SE¼ NW¼ SECTION 35
 N0° 02' 45"W 1313.36'

FOUND
 WEST 1/16 CORNER
 SECTION 35 T1N, R1W UTE
 3.25 INCH ALUMINUM CAP
 BLM 1986 0.25' BELOW SURFACE



LOT 2
 NORTH ROLLING ACRES
 RECEPTION # 645847

LOT 3
 NORTH ROLLING ACRES
 RECEPTION # 645847

LOT 4
 NORTH ROLLING ACRES
 SOUTH OF INTERSTATE 70
 VACANT PROPERTY
 0.62 ACRES

TONTO LANE
 50' R.O.W.
 RECEPTION # 645847

LOT 5
 NORTH ROLLING ACRES
 RECEPTION # 645847

COTTONWOOD DRIVE
 50' R.O.W. VARIES
 RECEPTION # 645847

SET
 CENTER ¼ CORNER
 SECTION 35 T1N, R1W UTE
 3-1/4 INCH ALUMINUM CAP PLS 37904
 STAMPED MCSM No. 1268-2
 0.50' BELOW SURFACE IN BOX

LAND SURVEY DEPOSIT
 MESA COUNTY SURVEYORS OFFICE
 DATE: 06-12-2017
 BOOK 1 PAGE 160
 DEPOSIT No. 5398-17

BOUNDARY SURVEY		
STEVEN J. & BONNIE J. KEEP		
SITUATED IN THE SE¼ NW¼ SECTION 35		
TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN		
CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO		
DATE: 1/25/2017	JOB #: 2016140	FIELD WORK: SL
DRAWING NAME: COTTONWOOD DRIVE		DRAWN BY: OM
POLARIS SURVEYING		
PATRICK W. CLICK P.L.S.		3194 MESA AVE. #B GRAND JUNCTION, CO 81504 PHONE/FAX (970)434-7038

DEPOSIT No. 5398-17

CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE VACATING TONTO LANE RIGHT-OF-WAY

RECITALS:

A vacation of right-of-way has been requested by Kraig Andrews to vacate right-of-way that abuts property owned by he and his wife, Jennifer. The right-of-way was dedicated to the public with the North Rolling Acres subdivision plat which is found in Mesa County's Records Reception No. 645847. A road was never built in the area being requested for vacation or it has not been used for such time that there is no indication of the road having been built. The vacation request is limited only to the 50' wide Tonto Lane right-of-way. The vacation area contains 0.204 acres.

A utility easement will be reserved and retained in the area of Tonto Lane to include the overhead utilities that exist. It extends immediately from the existing 15' utility easement on Lot 4 of the North Rolling Acres and cross over and line up with the existing 15' utility easement on Lot 5 of the North Rolling Acres plat so that it will be a continuous utility easement. Additional area will be reserved as the overhead utilities border or go just outside that area where the original utility easement was granted.

The City Council finds that the request is consistent with the 2020 Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommended that the vacation be approved with the reservation of the utility easement.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described right-of-way is hereby vacated:

A Parcel of land situated the Southeast Quarter of the Northwest Quarter of Section 35, Township 1 North, Range 1 West, Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, described as follows:

That portion of Tonto Lane as shown on the North Rolling Acres Subdivision, Mesa County, Colorado as recorded at Reception Number 645847 of the Mesa County Records lying North of a line between the Southwest Corner of Lot 5 and the Southeast Corner of Lot 4 both in said North Rolling Acres Subdivision and lying South of the Department of Highways, State of Colorado Right of Way for Interstate 70 and being further described as follows

Commencing at the West Sixteenth Corner of said Section 35 from whence the Center Quarter Corner bears N 89°58'53" E a distance of 1314.79 feet; thence N 89°58'53" E along the South line of the Southeast Quarter of the Northwest Quarter of said Section 35 a distance of 456.72 feet: thence leaving said line N 0°01'07" W a distance of 111.47 feet to the Southeast Corner of said Lot 4 and the Point of Beginning; thence N 0°01'07" W along the East line of said Lot 4 a distance of 202.34 feet to the Southeast Corner of that State of Colorado Right of Way for Interstate 70 as described at Reception Number 849966 of the Mesa County Records; thence 50.76 feet along a non-tangent curve to the left with a radius of 2965.00 feet and a central angle of 0°58'51" whose chord bears N 80°01'59" E a distance of 50.76 feet to the Southwest Corner of that State of Colorado Right of Way for Interstate 70 as described at Reception Number 844384 of the Mesa County Records and a point on the West line of said Lot 5; thence S 0°01'07" E along said West line a distance of 153.02 feet to the Southwest Corner of said Lot 5; thence S 40°42'05" W a distance of 76.64 feet to the Point of Beginning.

Said Parcel contains 0.204 acres as described and graphically shown on Exhibit C.

A utility easement is reserved and retained in the area of Tonto Lane as shown on Exhibit A and Exhibit B.

Introduced for first reading on this 18th day of August, 2021.

PASSED and ADOPTED this ___ day of _____, 2021.

ATTEST:

President of City Council

City Clerk

Exhibit A

A Parcel of land situated the Southeast Quarter of the Northwest Quarter of Section 35, Township 1 North, Range 1 West, Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, described as follows:

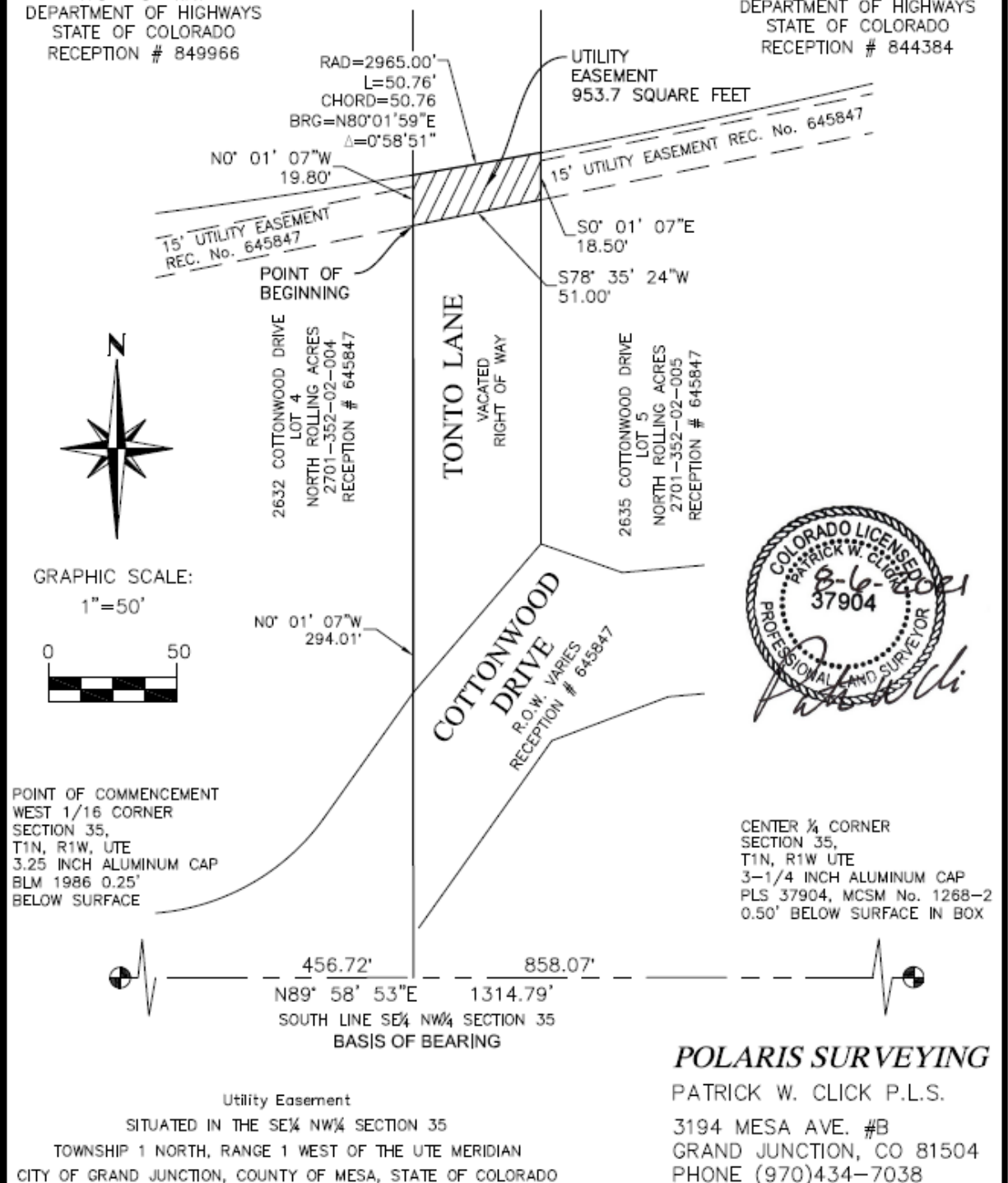
Commencing at the West Sixteenth Corner of said Section 35 from whence the Center Quarter Corner bears N 89°58'53" E a distance of 1314.79 feet; thence N 89°58'53" E along the South line of the Southeast Quarter of the Northwest Quarter of said Section 35 a distance of 456.72 feet: thence leaving said Line N 0°01'07" W a distance of 294.01 feet to the intersection of the East Line of Lot 4 North Rolling Acres Subdivision, Mesa County, Colorado as recorded at Reception Number 645847 and the South Line of a 15 foot Utility Easement as shown on said North Rolling Acres Subdivision and the Point of Beginning; thence N 0°01'07" W along the East Line of said Lot 4 a distance of 19.80 feet to the start of a non-tangent curve to the left at the North end of vacated Right of Way for Tonto Lane; thence 50.76 feet along said non-tangent curve to the left with a radius of 2965.00 feet and a central angle of 0°58'51" whose chord bears N 80°01'59" E a distance of 50.76 feet to the West Line Lot 5 of said North Rolling Acres Subdivision; thence S 0°01'07" E along the West Line of said Lot 5 a distance of 18.50 feet to the South Line of said Utility Easement; thence S 78°35'24" W a distance of 51.00 feet to the Point of Beginning.

Said Parcel contains 953.7 square feet as described.

RIGHT OF WAY
DEPARTMENT OF HIGHWAYS
STATE OF COLORADO
RECEPTION # 849966

EXHIBIT B

DEPARTMENT OF HIGHWAYS
STATE OF COLORADO
RECEPTION # 844384



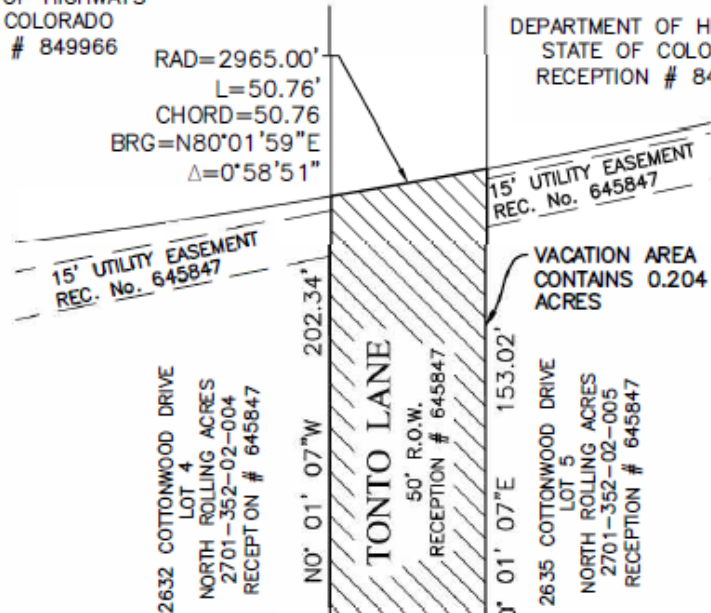
POLARIS SURVEYING
PATRICK W. CLICK P.L.S.
3194 MESA AVE. #B
GRAND JUNCTION, CO 81504
PHONE (970)434-7038

RIGHT OF WAY
DEPARTMENT OF HIGHWAYS
STATE OF COLORADO
RECEPTION # 849966

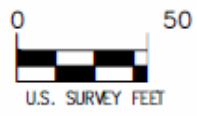
EXHIBIT C

DEPARTMENT OF HIGHWAYS
STATE OF COLORADO
RECEPTION # 844384

RAD=2965.00'
L=50.76'
CHORD=50.76
BRG=N80°01'59"E
 $\Delta=0^{\circ}58'51"$



GRAPHIC SCALE:
1"=50'



POINT OF COMMENCEMENT
WEST 1/16 CORNER
SECTION 35,
T1N, R1W, UTE
3.25 INCH ALUMINUM CAP
BLM 1986 0.25'
BELOW SURFACE

CENTER ¼ CORNER
SECTION 35,
T1N, R1W UTE
3-1/4 INCH ALUMINUM CAP
PLS 37904, MCSM No. 1268-2
0.50' BELOW SURFACE IN BOX

RIGHT OF WAY VACATION
SITUATED IN THE SE¼ NW¼ SECTION 35
TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN
CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO

POLARIS SURVEYING
PATRICK W. CLICK P.L.S.
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