

Wyoming Business Council **BOARD OF DIRECTORS MEETING**

Jan. 8, 2020 · Cheyenne, Wyoming



BUSINESS COUNCIL

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— INCREASING —
WYOMING'S
— PROSPERITY —

Board of Directors Agenda

Wednesday, January 8, 2020 | 12:00 P.M. | At Laramie County Community College in Room 108 of Clay Pathfinder building

Join by teleconference

https://zoom.us/webinar/register/WN_eU3XjOkkQCGY-QXCSXZWBw

WEDNESDAY, JANUARY 8

(Times and order of agenda are tentative and subject to change without notice)

- 12:00 p.m. Convene Public Meeting** - Co-chair Megan Goetz
- Roll Call of Board Members
- 12:05 p.m. Community Grant and Loan Standing Committee** - Co-chairs Kim DeVore, Erin Moore (Section B)
- **Community Development Block Grant Projects Consent Agenda for 2020** - Community Development Manager Noelle Reed
 - **ACTION ITEM:** Consideration of staff recommendations
 - **City of Cheyenne F.E. Warren AFB Enhanced Use Lease Infrastructure Project Update** - Southeast Regional Director Heather Tupper, BRC Project Manager Karen Fate
 - **ACTION ITEM:** Consideration of staff recommendations
- 12:30 p.m. Business Contract and Loan Standing Committee** - Chair Ron Harvey (Section A)
- **FY21-22 Amendment One to Lease with Land Investment, LLC for WBC HQ Facilities in Cheyenne** - Agency Services Manager Warren Appel
 - **ACTION ITEM:** Consideration of staff recommendations
 - **Payment Holiday for Western Sugar Beet Grower Loan Recipients** - Economic Development Finance Manager Josh Keefe
 - **ACTION ITEM:** Consideration of staff recommendations
 - **Economic Disaster Declaration for Goshen County**
 - **ACTION ITEM:** Consideration of staff recommendations
- 12:45 p.m. Preview of CEO Finalists, Interview Process** - WBC Advisory Search Committee
- 12:50 p.m. Break**
- 1:00 p.m. Interview Josh Dorrell**
- 2:15 p.m. Break**
- 2:30 p.m. Interview Steve Farkas**
- 3:45 p.m. Final Remarks** - Advisory Search Committee
- **ACTION ITEM:** Consideration of Executive Session to discuss personnel matters
 - Members of the board will recess to an anteroom

4:55 p.m. Resume Public Session, Closing Remarks

- **ACTION ITEM:** Consideration of recommendations from Executive Session
- Spring 2020 Standing Committee meeting reminders:
 - Community Grant and Loan: Tuesday, February 4th 10:00 a.m. to 12:00 noon
 - Personnel, Budget and Audit: Wednesday, February 5th 10:00 to 11:00 a.m.
 - Business Contract and Loan: Friday, February 7th 10:00 to 11:00 a.m.
- Special Meeting of the Board planned for Wednesday, February 12 at 2:00 p.m. by Teleconference
- Next Regular Meeting of this Board: March 4-5 at Greybull

SECTION A

BUSINESS CONTRACT AND LOAN COMMITTEE

Jan. 8, 2020 · Cheyenne, Wyoming





AGENDA ITEMS

January 8, 2020

Business Contract and Loan Committee:

- A-5 Payment Reprieve Memo for Western Sugar Cooperative
- A-7 Economic Disaster Memo
- A-11 Letter from Goshen County



Memorandum

TO: Wyoming Business Council Board of Directors
FROM: Josh Keefe, Economic Development Finance Manager
Date: January 8, 2020
RE: Skip January 1, 2020 Payment for Western Sugar Cooperative Sugar Beet Producers

In late 2017 and early 2018 the Wyoming Business Council (WBC) declared an Economic Disaster for the counties comprising the Big Horn Basin. Producers in this area have already made at least one loan payment to the WBC for this declaration.

The producers in the area are asking for a “skip payment” or “payment holiday” from the payments due on January 1, 2020. The reason for the request was due to weather conditions. During the spring of 2019, the weather conditions were more wet than usual. This caused the crop to be planted later than preferred. The summer months were uneventful, however, crop testing during the middle of July showed yields lower than typical/expected. The following two crop tests (August 8 & 28) showed the Lovell district sugar yields remaining steady, but still below typical yields. On September 11, Lovell received between 1.5” – 2” of rainfall and the early harvest began on September 14, 2019. More rain fell on September 17th in the Lovell and Emblem areas between 0.5”- 1”. Rain continues over the following two weeks totaling (approximately) three inches through September 29, 2019. On October 3, 2019 temperatures fall below freezing (27 degrees) for the first time. Throughout the month of October, there were freezing temperatures that made the processing of the beets very difficult and lowered yields. Western Sugar implemented a quota system on October 12, 2019 to deliver beets ahead of the factory slice. It is also determined that beets will not stay long term due to moisture content and freezing temperatures. On October 29-30th, temperatures in Lovell fell to -2 and -8 degrees respectively. On November 10, 2019, the last loads were delivered; temperature was 15 degrees and beets were deteriorating in fields and piles. November 20th, 2019, Western Sugar Cooperative officially calls the harvest over/completed. Approximately 5,600 acres of farmland still had beets in the ground.

It is staff’s recommendation to skip the annual payment due on January 1, 2020. A re-calculation of the annual payments has been completed. The accrued interest will be capitalized and the loan re-amortized over the remaining term. This will increase future years’ payments an average of 15.76%. There are 31 loans currently in the portfolio that would be deferred; totaling \$3,189,564. This is an average loan size of \$102,889. Amendments to the existing contracts will need to be completed with new loan payments. These amendments will be signed by producers sometime during Q12020.

Due to the wet conditions during the planting season in the Spring of 2019, it is staff’s recommendation to skip the loan payments for the Western Sugar Cooperative producers due on January 1, 2020. The accrued interest will be capitalized and the loan re-amortized over the

remaining life of the loan. An amended Promissory Note and Loan Agreement will be completed to reflect the changes for each producer/borrower.

Respectfully submitted,

Joshua S. Keefe

Economic Development Finance Manager

DESIGNATION OF ECONOMIC DISASTER AREA

Client: Goshen County Irrigation District / Board of County Commissioners in and for Goshen County, WY
Date: January 8, 2020
Purpose: Designation of Economic Disaster Area and authorizing staff to receive, analyze and approve direct loans with reporting to the WBC Board of Directors

Economic Disaster Loans. The Challenge Loan statute has a provision that allows a business or group of businesses to apply to the Wyoming Business Council for an Economic Disaster declaration and subsequent direct loans to the effected businesses. The net available balance in the Challenge Loan Fund is (approximately) **\$7,562,424**.

§ 9-12-301(a)(v) “Economic Disaster” means an event occurring in Wyoming that has an economic impact with total loss revenues to impacted businesses in a 12-calendar month period of at least \$4,000,000 or an economic impact with total lost revenues to impacted businesses in 4 or less counties in a 12-calendar month period of at least \$1,000,000. The business council may use good faith estimates of lost revenues to businesses in determining whether an event qualifies as an economic disaster. Calculation of lost revenues shall only include actual losses incurred and shall not include any future losses;

§ 9-12-304(c). Criteria for loans.

(c) Any business or group of businesses may apply to the council for designation of an area of this state as an area in which an economic disaster as defined in W.S. 9-12-301 (a) (v) has occurred. The council shall prescribe the form and contents of such applications. The council shall review each application and make a determination as soon as practicable as to whether an economic disaster area designation shall be made. The council may make loans to any business located within the designated economic disaster area that has lost revenue as a result of the economic disaster.

Goshen County Irrigation District Request. The Wyoming Business Council (WBC) has received a joint request for an Economic Emergency Declaration from the Board of County Commissioners in and for Goshen County, Wyoming and the Goshen Irrigation District (GID). The Fort Laramie Irrigation canal collapsed on July 14, 2019. The cause of the collapse was determined to be from the abnormally wet spring, which made the ground more susceptible to settling. The collapse of the canal stopped irrigation water from reaching hay/alfalfa producers in the area for approximately six (6) weeks. This interruption of water to crops caused a lower yield during the growing season. It was determined by the Farm Services Agency (FSA) that this event would allow for crop insurance payments to be issued for eligible crops; hay/alfalfa is not an eligible crop for insurance. Due to this particular crop being ineligible for insurance coverage, the help of the WBC’s loan program is requested. Staff had meetings with local bank officials and the SAREC office in Lingle, WY to help determine values of the crop and the need of the community.

Past Economic Disaster Loans. The Wyoming Business Council has had five rounds of funding for Economic Disaster loans since 2000:

- In 2000, 78 loans to alfalfa seed growers (\$3,941,758)
- In 2005, eight loans to bean growers (\$346,614)
- In 2007, 37 loans to beet growers (\$1,750,024)
- In 2017, 46 loans to beet growers (\$6,364,875)
- In 2018, eight loans to beet growers (\$1,569,100)

The total for all three designations has been 177 loans for \$13,972,371. Seven loans have been charged off amounting to \$167,901, with all seven growers filing bankruptcy and going out of business. Interest income earned during the history of the program has been \$1,199,578; the corpus of the fund has not been decreased.

Process and Requirements.

A copy of the GID membership was acquired by staff. A postcard was then mailed to all 417 members of the GID. Not all of these members grow hay/alfalfa, but staff felt it best to proceed this way. Staff also established a survey on the WBC website to establish the amount of funds and acreage affected by the canal collapse. The initial survey was set to close on December 1, 2019; however, after staff met with local bank leadership on November 25, 2019, the survey was extended to January 1, 2020. At the close of the survey window on January 1, 2020, the WBC received 36 responses totaling 17,845 acres.

The following calculation was used in determining the value and yield of the crop. The spot price for alfalfa hay on July 14, 2019 was \$160/ton. The five-year average yield per acre is 4.05 tons (according to USDA census data). This information was acquired from Brian Lee (Ag Economist at the SAREC facility in Lingle, WY). Then it was determined this was a 45% loss. Here is an example for a producer growing 320 acres of alfalfa.

Example:

$\$160 \text{ per ton} \times 4.05 \text{ tons per acre} \times 45\% = \291.60 per acre
 $\$291.60 \times 320 \text{ acres} = \mathbf{\$93,312 \text{ loan}}$

If the Board designates a disaster, each producer will need to submit required financial information to the Wyoming Business Council by February 15, 2020. WBC staff will analyze each loan for sufficient collateral, cash flow and personal guarantees (if applicable). When the loan is made to an entity (Partnership, LLC, Corporation), it will require a personal guarantee from the owners/members of the company. If additional collateral is required, the collateral shall be valued and follow the WBC loan policy. The maximum loan amount for each producer cannot exceed \$500,000 (per statute). The aggregate of all loans shall not exceed the calculated loss of **\$5,203,602**. The average loan is \$144,545, assuming all request the full, eligible amount. Each loan will have a \$100 loan origination fee (third party fees included), be charged 4.0% per annum, have a maximum loan term of 10 years and be closed at the Goshen County Economic Development Offices. Staff will issue loan proceeds in the form of a check to either the

borrower (solely), or the borrower and their respective financial institution. The loans will be serviced by Markee Escrow Services.

Recommendation:

Staff recommends the Board of Directors designate the hay/alfalfa producers in Goshen County as an “Economic Disaster” area as defined in W.S. 9-12-301(a) (v).

Staff further recommends the Board of Directors to authorize staff to receive, analyze, and close individual loans not to exceed, in aggregate, five million two hundred three thousand six hundred two dollars (\$5,203,602), with reports to the Board at subsequent meetings.

Joshua S. Keefe

Economic Development Finance Manager

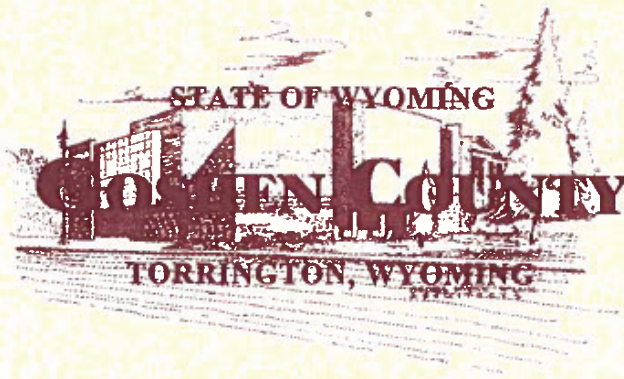
Attachments:

1. Joint correspondence letter from John Ellis, Chairman Goshen County Board of County Commissioners and Patrick Zimmerer, Counsel for Goshen Irrigation District



TM

P.O. Box 160
Torrington, WY 82240



Phone (307) 532-4051
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September 3, 2019

Wyoming Business Council
214 West 15th St.
Cheyenne, WY 82002-0240

Dear Sirs:

This is a joint letter from the Board of County Commissioners in and for Goshen County, Wyoming and the Goshen Irrigation District (GID) leadership requesting critically needed benefits from the Wyoming Business Council (WBC) Economic Disaster program for the benefit of the Goshen Irrigation District (GID) and its members/producers.

As you know, GID surface-water irrigators along the North Platte River in Goshen County, Wyoming, and irrigators in Scotts Bluff County, Nebraska utilizing the same water source lost their water supply due to a partially collapsed tunnel that occurred July 17, 2019, on the Goshen/Gering-Ft. Laramie Canal.

In that context, we consider it crucial to remember both that Goshen County Wyoming arguably remains the only Wyoming county still relying on the agriculture industry for its primary economic base –and- that the Wyoming Supreme Court has several times pointedly explained the legislative and economic historical significance and *publicly beneficial nature* of a Wyoming irrigation district “...reclaiming as it does, desert lands in the state, and accordingly conferring a benefit not alone upon the private individuals within the district, but also upon the people of the state . . . “ *Krenning v. Heart Mt. Irrigation District*, 200 P3d 774, at 781 (Wyo. 2009), quoting *Sullivan v. Blakesley*, 246 P. 918, at 921 (Wyo. 1926).

As described in the *Economic Impact Analysis of the Goshen/Gering Ft. Laramie Canal Failure*, (EIA) jointly produced on very short notice by the Universities of Nebraska and Wyoming due to this ongoing emergency, GID makes Goshen County a productive farming community, as water is delivered through a series of dams and canals from the mountains of Colorado and Wyoming along the North Platte River.

This infrastructure, often referred to as part of the bigger “North Platte Project,” was built by the Department of Interior and Bureau of Reclamation in the early 1900s. *Id.* The ongoing importance of this historic federal, state and locally-supported project cannot be overstated. The

North Platte Project, in total, has supplied surface-water to 368,433 acres of farmland in Nebraska and Wyoming for over a century. *Id.*

GID and the Gering-Ft. Laramie District (Nebraska) share a canal which delivers surface water to farmers south of the North Platte River. *Id.* The canal is 130 miles long, with three tunnels, and provides surface water to 107,325 acres of cropland in Goshen and Scotts Bluff counties. *Id.*

During this growing season and to the time of the late-season tunnel collapse on July 17, 2019, GID farmers made -significant- investments in crop production. The above-described EIA assumes a total loss of corn, dry edible beans and sugar beets in the affected region, and a 1/3 loss of alfalfa production. *Id.*

As described above, it arguably goes without saying that the production and processing of irrigated crops is critical to the economic base of these two rural counties, and this disaster entails severe “direct” and “re-spending” economic ripple effects within the local communities. *Id.*

The “direct effect” measures the economic impact of the loss of irrigated crop production in each county, while the “re-spending” (or “multiplier”) effect measures the money generated, or in this case lost, by the production and sale of irrigated crops as money circulates further within the regional economy and is exported out of the region. *Id.* Producers, for instance, purchase goods and services, and the employees (and their households) of grain processors and other businesses linked to farming spend their paychecks throughout the economy on household purchases, including housing, food, other retail items, entertainment, health care, insurance, and other goods/services. *Id.*


Per the above-described EIA, recently drafted by the Universities of Wyoming and Nebraska, the estimated *direct* economic loss from Goshen/Gering-Ft. Laramie Canal collapse is at least \$17.4 million in Goshen County alone. This estimate amounts to a loss of roughly \$325/acre, and other estimates double that *direct economic loss* figure and, including “re-spending” or “multiplier” losses suggest losses topping \$240,000,000 to the affected areas in Wyoming and Nebraska.

We understand this may be at least the fifth time the Business Council, Wyoming’s economic development agency, has been asked to provide loans under the disaster relief provision of its Challenge Loan program, and suggest that, in this case, the combination of late-season irrigation losses coupled with the interstate effect on local economies primarily relying on agricultural output make this request at least as critical as any of the preceding requests.

We respectfully request that you and your staff carefully consider the economic realities of the program’s arguably-required producer “collateral and cash flow” calculations, and in that vein consider longer-term loans with as low an interest rate as is feasible under the terms of the well-funded Challenge Loan program, which we understand has itself received interest income since the year 2000 approaching \$950,000 with the original principal balance remaining untouched.

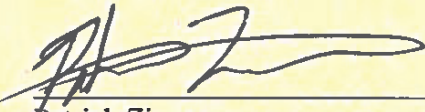
As has been previously described by your staff in connection with other agricultural disaster declaration requests: "Our mission is to increase Wyoming's prosperity, and agriculture is a huge contributor to that prosperity," *Shawn Reese, chief executive officer of the Business Council, 2017*. We respectfully request your attention in general to the plight of GID and the communities in which it operates, and in particular hope you favorably consider this matter eligible for economic disaster program assistance under the WBC Challenge Loan or other available programs.

Sincerely,



John Ellis, Chairman
Goshen County Board of County Commissioners





Patrick Zimmerer
Counsel for Goshen Irrigation District
307.575.0990



SECTION B

COMMUNITY GRANT AND LOAN COMMITTEE

Jan. 8, 2020 · Cheyenne, Wyoming







Community Grant and Loan Committee

Report and Recommendations to the Wyoming Business Council

Jan. 8, 2020

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MEMORANDUM

TO: WBC Board of Directors

FROM: Noelle Reed, Community Development Manager

DATE: January 8, 2020

RE: Community Development Block Grant (CDBG) Project Recommendations

The State of Wyoming has received an award of \$3,102,693 this funding cycle from the U.S. Department of Housing and Urban Development, Community Development Block Grant (CDBG) program. The funding is available to Wyoming cities, towns and counties excluding Cheyenne as they receive their own CDBG allocation.

Projects must meet a national objective:

- Benefit to low- to moderate-income clientele
- Elimination of Slum or Blight
- Urgent Threat

Projects must also be considered an eligible activity under CDBG rules.

To determine eligibility staff reviews a pre-qualification form submitted by applicants early in the program year. If the project meets the program guidelines, applicants are notified the project is eligible and they are approved to submit an application by the deadline (this year, June 1st).

Nine applications were received June 1, 2019 and totaled \$3,453,567. WBC Staff reviewed all applications, attended site visits with each applicant, and completed the CDBG Evaluation and Approval Form to determine a score out of a total possible 200 points.

Staff recommends for your consideration funding for five of the nine projects:

Yoder Water Distribution System Score: 188

\$500,000

The Town of Yoder requests \$500,000 to install water distribution mains at the south end of town and add municipal hydrants at the end of each block to increase fire protection. Currently, the town only has one waterline that conveys water from the wells and in most areas of town, including the school, water pressures and flows do not meet fire suppression standards.

Gillette Y.E.S. House Remodel ProjectScore: 175

\$262,399

The City of Gillette requests \$262,399 to remodel two of the Youth Emergency Services, Inc. facilities. The services that Y.E.S House provides include: Residential Mental Health and Substance Abuse Treatment; Crisis Shelter; On-site education; Impact Youth Mentorship Program; Independent Living/Transitional Living; Learn and Grow afterschool program; Day Treatment; Group Home; Adolescent Intensive Outpatient Program; Project Choice: one-on-one de-escalation services for youth with suicidal ideations or attempts; Nurturing Parent Program; Foster Care. Existing conditions of the kitchens and dining spaces of the Residential Treatment/Group Home and Crisis Shelter have deteriorated due to age and high volume of use.

Laramie Interfaith-Good Samaritan Food Pantry ExpansionScore: 173

\$500,000

The City of Laramie is requesting \$500,000 to expand the Interfaith Good Samaritan Food Pantry for additional food storage, a walk-in cooler, walk-in freezer and an office. The food pantry serves approximately 550 clients monthly, with that number rising during winter and holiday months. The increase in storage will allow more food to be provided to more people and the ability to procure greater volumes and varieties of nutritious food.

Dubois Abandoned School Building DemolitionScore: 160

\$400,000

The Town of Dubois requests \$400,000 demolish an abandoned school building. This structure served students until 1995 until portions of the building became unstable and was subsequently sold to a private party. The building is now in such poor condition, it has been deemed a hazard. Current ownership has been unable to do anything with the building in terms of demolition or refurbishment and has donated the property to the town.

Mills Finished Water Storage TankScore: 153

\$425,200

The Town of Mills requests \$425,200 to construct a new Finished Water Storage Tank at the town's Water Treatment Facility. The current finished water storage tank is 38 years old and the interior tank coating is failing which is subjecting the tank to corrosion. There is check valve which makes the tank more likely to intrusion by rodents which could result in significant water safety issues. The finished water tank is critical to the town being able to provide water that meets drinking water standards.

TOTAL \$2,087,599

Other funding considerations include the amounts of CDBG de-obligations from closed out projects, administrative fees, etc.

As of December 11, 2019, four CDBG projects had de-obligations. These include:

Evansville Sidewalk Installation	\$ 119,248
Evansville Water Booster Pump Station & W/S Line	\$ 27,491
Mills Water Well Replacement & West Belt Loop	\$ 21,227
Washakie County Ten Sleep Library Expansion	\$ 878
TOTAL	\$ 168,844

Additionally, there is a 3% administrative fee (\$93,081) and a \$700,000 payment of CDBG housing dollars to the Wyoming Community Development Authority (WCDA) for housing-related projects.

Below is a breakdown and shows a total balance remaining of \$390,857.

Total Requested:	\$ 3,453,567
Total Recommended:	\$ 2,087,599
CDBG HUD Award (December 2019):	\$ 3,102,693
Less 3% Administrative:	\$ (93,081)
Less WCDA funding:	\$ (700,000)
CDBG HUD Award Available:	\$ 2,309,612
Total De-obligated as of 12.11.19:	\$ 168,844
TOTAL AVAILABLE:	\$ 2,478,456
LESS RECOMMENDATIONS:	\$ (2,087,599)
BALANCE:	\$ 390,857

2019 CDBG APPLICATIONS

Applicant	Project	Requested Amount	Staff Recommendation
Town of Yoder	Water Distribution System	\$ 500,000	\$ 500,000
City of Gillette	Y.E.S. House Remodel Project	\$ 262,399	\$ 262,399
City of Laramie	Interfaith-Good Samaritan Food Pantry Expansion	\$ 500,000	\$ 500,000
Town of Dubois	Abandoned School Building Demolition	\$ 400,000	\$ 400,000
Town of Mills	Finished Water Storage Tank	\$ 425,200	\$ 425,200
Town of Evansville	Emergency Water Connection	\$ 400,608	\$ -
Town of Mills	#1 Water Storage Tank Rehab & Improvements	\$ 425,360	\$ -
City of Torrington	2019/2020 Sewer Collection System Improvements	\$ 500,000	\$ -
Town of Hanna	Handicap Accessibility - Public Bldgs ADA Retrofit	\$ 40,000	\$ -
Total		\$ 3,453,567	\$ 2,087,599



TOWN OF YODER

\$500,000 Community Development Block Grant

Water Distribution System

**Business Ready
Community Grant
and Loan Program**

Staff Recommendation:
Fund as requested

Yoder Water Distribution System Phase II

Purpose	The Town of Yoder requests \$500,000 to install water distribution mains at the south end of town and add municipal hydrants at the end of each block to increase fire protection. Currently, the town only has one waterline that conveys water from the wells and in most areas of town, including the school, water pressures and flows do not meet fire suppression standards.			
Objectives	National Objective	Benefit to low and moderate income persons		
	Eligible Activity	Suitable Living Environment		
Project Budget	Projected Grant Expenditure Schedule			
	Description	CDBG	Match	Total
			Cash	
	Non-Construction Costs	\$ 44,407	\$ 17,719	\$ 62,126
	Construction Costs	\$ 455,593	\$ -	\$ 455,593
Total Project Cost	\$ 500,000	\$ 17,719	\$ 517,719	
Performance Measures	Measure		Quantity	
	Households assisted		68	Provides improved water flow, reliability and fire protection.
	Additional Investment		\$ 500,000	2018 CDBG Award
Project Infrastructure	Water□		3,500 lineal-feet	Elevated water storage tank 6" and 8' PVC waterline
	Fire Hydrants		5	New hydrants to be installed.
Project Beneficiaries	Town of Yoder population		151	Town residents, as well as, school students and staff will benefit from water improvements.
	Southeast Schools (K-12) population		330	
	Low - Moderate Income Percentage		66%	



CITY OF GILLETTE

\$262,399 Community Development Block Grant

Youth Emergency Services Remodel Project

**Business Ready
Community Grant
and Loan Program**

Staff Recommendation:
Fund as requested

Gillette Y.E.S House Remodel				
Purpose	The City of Gillette requests \$262,399 to remodel two of the Youth Emergency Services, Inc. facilities. The services that Y.E.S House provides include: Residential Mental Health and Substance Abuse Treatment; Crisis Shelter; On-site education; Impact Youth Mentorship Program; Independent Living/Transitional Living; Learn and Grow afterschool program; Day Treatment; Group Home; Adolescent Intensive Outpatient Program; Project Choice: one-on-one de-escalation services for youth with suicidal ideations or attempts; Nurturing Parent Program; Foster Care. Existing conditions of the kitchens and dining spaces of the Residential Treatment/Group Home and Crisis Shelter have deteriorated due to age and high volume of use.			
Objectives	National Objective	Benefit to low and moderate income persons		
	Eligible Activity	Suitable Living Environment		
Project Budget	Projected Grant Expenditure Schedule			
	Description	CDBG	Match In Kind	Total
	Non-Construction Costs	\$ 16,700	\$ -	\$ 16,700
	Construction Costs	\$ 245,699	\$ 8,200	\$ 253,899
	Total Project Cost	\$ 262,399	\$ 8,200	\$ 270,599
Performance Measures Project Infrastructure	Measure	Quantity	Notes	
	Continued support of vulnerable youth			
	Group Home A Kitchen	215 square-feet	Kitchen area upgrades.	
	Group Home A Common Area flooring	2010 square-feet	Replacement of flooring in kitchen and common areas.	
	Group Home B Kitchen	215 square-feet	Kitchen area upgrades.	
	Group Home B Common Area flooring	2310 square-feet	Replacement of flooring in kitchen and common areas.	
	Crisis Shelter Kitchen	280 square-feet	Kitchen area upgrades.	
	Crisis Shelter Common Area flooring	2050 square-feet	Replacement of flooring in kitchen and common areas.	
Project Beneficiaries	Crisis Shelter population served	282	Number of youth served in 2018.	
	Residential Treatment/Group Home served	31	Population served in 2018	
	Total Population Served 2018	313		
	Total Anticipated population to be served.	346	Total anticipated population served in 2019 and per year through 2030.	
	Number of visits (2017)	1226		
	Hours of visits (2017)	2207		
	Volunteer hours (2017)	2515		
	Low - Moderate Income Percentage	94%	Total number of youth to be served over 10 year period: 3,200; 3,000 of these are low - moderate income.	



CITY OF LARAMIE

\$500,000 Community Development Block Grant Interfaith-Good Samaritan Food Pantry Expansion

**Business Ready
Community Grant
and Loan Program**

Staff Recommendation:
Fund as requested

Laramie Interfaith Food Pantry Expansion				
Purpose	The City of Laramie is requesting \$500,000 to expand the Interfaith Good Samaritan Food Pantry for additional food storage, a walk-in cooler, walk-in freezer and an office. The food pantry serves approximately 550 clients monthly, with that number rising during winter and holiday months. The increase in storage will allow more food to be provided to more people and the ability to procure greater volumes and varieties of nutritious food.			
Objectives	National Objective	Benefit to low and moderate income persons		
	Eligible Activity	Suitable Living Environment		
Project Budget	Projected Grant Expenditure Schedule			
	Description	CDBG	Match	Total
	Non-Construction Costs	\$ 30,000		\$ 30,000
	Construction Costs	\$ 470,000	\$ 60,000	\$ 530,000
	Total Project Cost	\$ 500,000	\$ 60,000	\$ 560,000
Performance Measures	Measure			
	Increase in the number of people served per month	100	In 2018 approximately 550 persons per month were served.	
	Increase in the number of people served per year	1200	Approximately 2800 persons were served in 2018.	
	Additional Investment	\$ 60,000	Donations received for walk-in cooler	
Project Infrastructure	Measure		Quantity	
	New Addition Construction	1620 square-feet		New addition for food storage, walk-in cooler, and office
	Sidewalk upgrades			New sidewalk to building entry.
	Vestibule front entrance upgrades	80 square-feet		Upgrade building entry for public
	Roof			Tie in new addition & entry vestibule to existing building.
Project Beneficiaries	County poverty statistics	appx 7,000	The number of people at or below the poverty level in Albany County.	
	Target number of low to moderate income to be serve	6,550	Number of Albany County residents that do not have access to nutritious food (Food Bank of The Rockies survey).	
	Increase capacity of food storage			Current storage capacity is 300 square-feet. Increase capacity to 900 square-feet.
	Low - Moderate Income Percentage	93%		



TOWN OF DUBOIS

\$400,000 Community Development Block Grant

Abandoned School Building Demolition

**Business Ready
Community Grant
and Loan Program**

Staff Recommendation:
Fund as requested

Dubois Abandoned School Building Demolition				
Purpose	The Town of Dubois requests \$400,000 demolish an abandoned school building. This structure served students until 1995 until portions of the building became unstable and was subsequently sold to a private party. The building is now in such poor condition, it has been deemed a hazard. Current ownership has been unable to do anything with the building in terms of demolition or refurbishment and has donated the property to the town.			
Objectives	National Objective	Slum and Blight		
	Eligible Activity	Suitable Living Environment		
Project Budget	Projected Grant Expenditure Schedule			
	Description	CDBG	Match In Kind	Total
	Demolition/Nuisance Abatement	\$ 400,000	\$ 10,000	\$ 410,000
	Total Project Cost	\$ 400,000	\$ 10,000	\$ 410,000
Performance Measures	Measure		Quantity	Notes
	Lot size		2 acres	
	Building size		87,120 sq ft	
Project Benefits	Dubois population		971	



TOWN OF MILLS

\$425,200 Community Development Block Grant

Finished Water Storage Tank

**Business Ready
Community Grant
and Loan Program**

Staff Recommendation:
Fund as requested

Mills Finished Water Storage Tank				
Purpose	The Town of Mills requests \$425,200 to construct a new Finished Water Storage Tank at the town's Water Treatment Facility. The current finished water storage tank is 38 years old and the interior tank coating is failing which is subjecting the tank to corrosion. There is check valve which makes the tank more likely to intrusion by rodents which could result in significant water safety issues. The finished water tank is critical to the town being able to provide water that meets drinking water standards.			
Objectives	National Objective	Benefit to low and moderate income persons		
	Eligible Activity	Suitable Living Environment		
Project Budget	Projected Grant Expenditure Schedule			
	Description	CDBG	Match	Total
	Total Project Cost	\$ 425,200	\$ 106,300	\$ 531,500
Performance Measures	Measure	Quantity	Notes	
	People Assisted	63%	63% of Mills residents are low to moderate income	
Project Beneficiaries	Town of Mills	3,597	Provides safe water supply to entire population of Mills.	
	Low - Moderate Income Percentage	63%		

BUSINESS READY COMMUNITY REQUEST FOR CHANGE IN SCOPE

City of Cheyenne – F.E. Warren AFB Enhanced Use Lease Infrastructure Project

The city of Cheyenne requests an amendment to their previous award of a \$3,000,000 Business Ready Community (BRC), Community Readiness grant and a \$1,337,455 BRC loan for the F.E. Warren Air Force Base Enhanced Use Lease Project. The project will provide an extension of 12,000 lineal-feet of water main, 11,400 lineal-feet of sewer main, and minor road improvements to a public right-of-way which will serve approximately 50.3-acres of the total 75.3-acre site. This project will assist in the development of an Enhanced Use Lease for a mixed-use residential and commercial site located outside of the restricted area of F. E. Warren AFB adjacent to Interstate 25 and Happy Jack Road. The project was funded by SLIB in June of 2018.

The Grant Agreement and Loan Agreement have not been executed as all contingencies have not yet been met:

- Completion of Annexation of property to the city of Cheyenne;
- Completion of the environmental review; and
- Executed Enhanced Use Lease between F. E. Warren AFB and Balfour Beatty (developer).

Staff received a request from the city of Cheyenne to release a portion of their awarded funds in order to move the project forward. The \$400,000 request will be used for the completion of geotechnical testing and infrastructure design which plays a role in the completion of the previously identified contingencies.

Further documentation was requested including cost estimates for requested work, status of annexation process, status of EUL lease and environmental review. These items have been provided. (see addendum).

Moving ahead with this request will allow this project to meet these contingencies and will allow the city to take advantage of multiple opportunities in the Aerospace industry as it relates to Strategic Competition and advancement of military long-range strike capabilities in our region.

Staff Recommendation

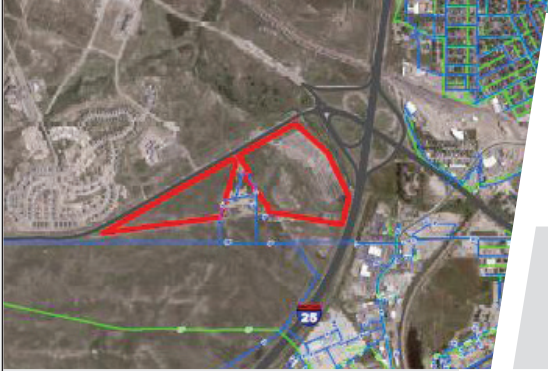
Staff recommends allowing the release of up to \$400,000 to be used for geotechnical testing and infrastructure design work that will allow for the required contingencies to be met. Suggested language to be used in the Grant Agreement will be:

“The City of Cheyenne, through the selected developer, shall be allowed to draw and expend up to \$400,000 of the \$3,000,000 grant award for the purpose of completing geotechnical testing and infrastructure design prior to the completion of the annexation, environmental review and execution of the lease between the developer and the United States Air Force. All remaining funds will be subject to the following contingencies to be met:

- Completion of Annexation of property to the city of Cheyenne;
- Completion of the environmental review; and
- Executed Enhanced Use Lease between F. E. Warren AFB and Balfour Beatty (developer).

All completed testing and design reports, plans, budgets, and other related documentation will remain the property of the City of Cheyenne.”

WYOMING BUSINESS COUNCIL



Business Ready Community Grant and Loan Program

CITY OF CHEYENNE— F.E. WARREN AIR FORCE BASE ENHANCED USE LAND LEASE INFRASTRUCTURE PROJECT

**\$3,000,000 BRC Community
Readiness Grant & \$1,337,455 BRC Loan**

Staff Recommendation: Fund as requested

Project Description

The city of Cheyenne requests a \$3,000,000 Business Ready Community (BRC) Community Readiness Grant and a \$1,337,455 BRC Loan for the extension of 12,000 lineal-feet of water main, 11,400 lineal-feet of sewer main, and minor road improvements to a public right-of-way. The city will own and maintain all public utility infrastructure to the site.

This infrastructure will serve approximately 50.3-acres of a total 75.3-acre site and assist in the development of the proposed Enhanced Use Lease (EUL), for a mixed-use residential and commercial site. An EUL is a program that provides opportunities for the military to partner with private developers to create mutually beneficial commercial and residential real estate projects on underutilized excess federal property. The property is owned by F.E. Warren Air Force Base (F.E. Warren) and is located outside of the restricted area allowing for public access, adjacent to Interstate 25, Happy Jack Road and the southern edge of the restricted area of F.E. Warren.

The city of Cheyenne is in the process of annexing the site. The city anticipates the annexation will be complete by July 2018.

The new infrastructure will primarily benefit the 50.3-acre eastern portion of the overall site, which will be developed in two phases. Phase I, the residential phase, will be designed to meet the housing needs of the 500 to 700 military personnel who currently live and commute from outside of the Cheyenne area each day. Phase II, the commercial phase, will provide commercial services including but not limited to restaurants, convenience stores, retail and office space to the community and serve as a gateway development outside the I-25 corridor.

The total estimated private investment for Phase I and Phase II is \$95.6 million. Phase III, which is not part of this application and project, consists of additional housing to be constructed on the remaining 25-acres west of the project area.

Project Background

The 75.3-acre site was identified by F.E. Warren as being underutilized and “excess” for the purposes of their mission.

F.E. Warren enlisted a team to conduct an economic impact study of the proposed site with the possibility of developing the property through the EUL program in mind. Coldwell Banker Commercial prepared the final Economic Impact Study report. F.E. Warren issued a Request for Qualifications (RFQ) to solicit proposals from the private sector to develop the entire 75.3-acre site through an EUL. Of particular interest to F.E. Warren is meeting the immediate housing needs of 500 to 700 military personnel who qualify for Basic Allowance Housing (BAH) and live off base. These military personnel currently live and commute from outside of Cheyenne due to the lack of housing available within their BAH in the community.

F.E. Warren has 170 open positions at this time but is unable to fill those positions due to the lack of housing in the community. There are currently 4,000 airmen stationed at F.E. Warren and there are an additional 10,000 personnel attached to F.E. Warren.

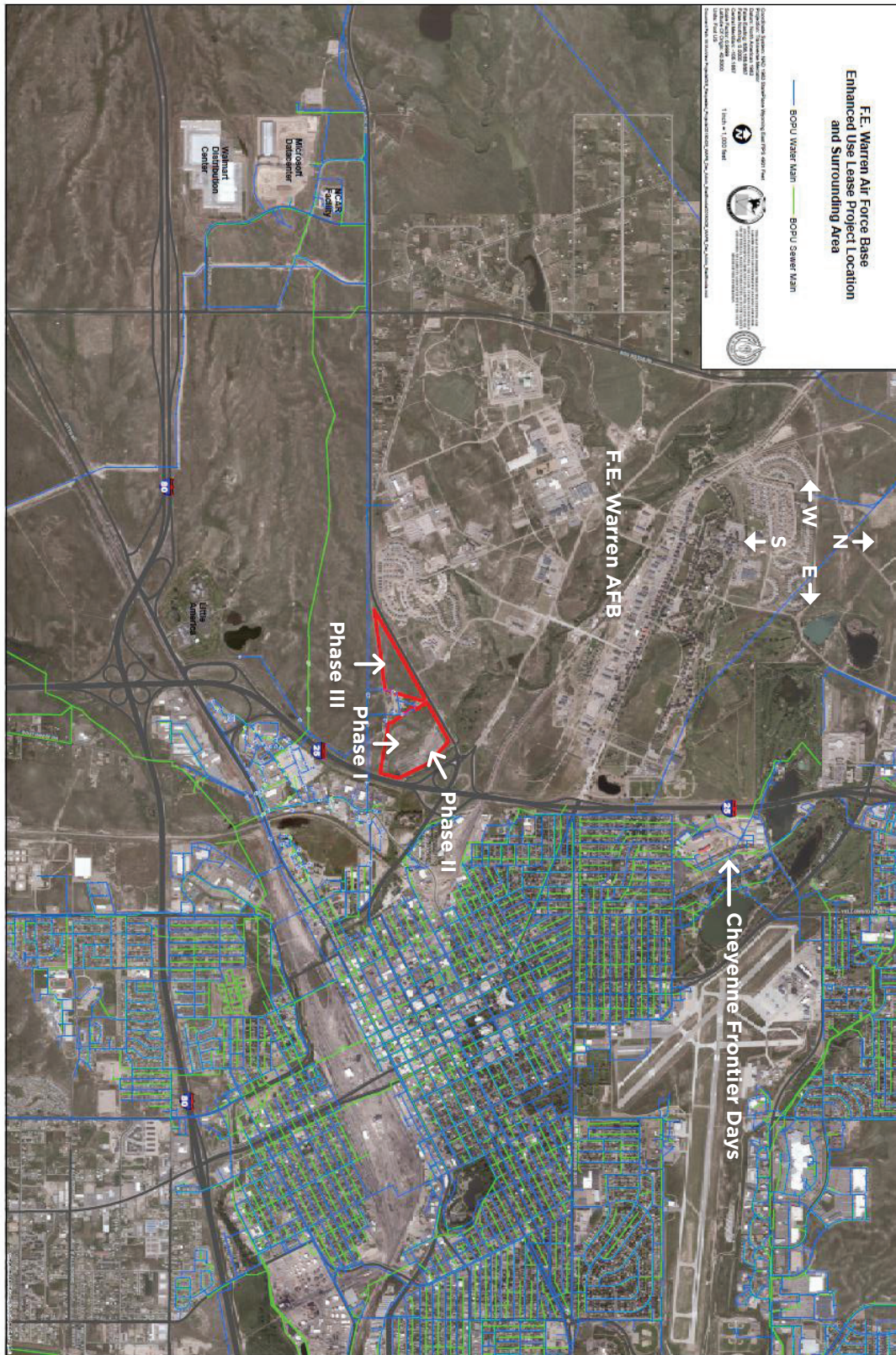
It was through the RFQ process that the city of Cheyenne was added to the conversation related to the lack of water and sewer infrastructure as a challenge to overcome in developing the property.

Balfour Beatty, PLC was selected through the RFQ process as the “Qualified Lessee” to be the master developer of the 75.3-acre site. Balfour Beatty, PLC is a leading international infrastructure group that finance, design, develop and construct, operate and maintain complex infrastructure projects worldwide. The company is structured in three components. One of them, Balfour Beatty Communities, manages and operates 55 military housing privatization projects for the Army, Navy and Air Force through the 1996 Military Housing Privatization Initiative (MHPI). In 2011, Balfour Beatty Communities was awarded a long-term contract through the MHPI to acquire, manage, and maintain the military housing on F.E. Warren, and in 2013 that award was extended to include the historic brick quarters housing.

Pending confirmation of award of this grant request, Balfour Beatty anticipates execution of the lease with F.E. Warren on October 1, 2019; with private development beginning immediately after execution of lease. Execution of the lease agreement triggers significant payments to F.E. Warren and carrying costs for the private developer. For this reason, final negotiations and execution of the lease depends on public investment.

Balfour Beatty will be responsible for the development of the housing component for Phase I and Phase III, which is not part of this project. Coldwell Banker Commercial, through sub-contract with Balfour Beatty, will develop the commercial component in Phase II of the project. The structure of this project and the cash flow analysis was based on the base housing allowance in order to insure the housing being available as intended to airmen. In the unlikely event that the housing is not fully occupied by F.E. Warren personnel, units will be made available to the public.

A Phase I Environmental Site Assessment (ESA) was performed on the property in October of 2010, and a full Environmental Assessment (EA) was performed in May of 2013. F.E. Warren is presently completing an Environmental Baseline Survey (EBS) for the project site which is expected to be completed by the fall of 2018. Upon completion of the EBS, as a normal part of their development protocol, Balfour Beatty will perform another Environmental Assessment on the property in anticipation of the execution of the lease on October 1, 2019. Since no changes have occurred on the site, and given the completeness of past environmental work, it is anticipated that the EA will be straight forward.



Public Benefits

The EUL provides unique public-private partnership opportunities for gateway development in Cheyenne, making an underutilized piece of property productive by facilitating housing and community activities.

While the provision of additional housing for F.E. Warren is an important element of this project, it provides several additional economic benefits to the Cheyenne community. These include:

- The creation of an attractive gateway development to help promote Cheyenne and capture additional dollars from outside of the community.

Much of Cheyenne's residential growth is happening on the eastern side of the city. New large-scale industrial and commercial developments have been happening on the southern and western parts of Cheyenne; i.e. North Range Business Park, Swan Ranch/Cheyenne Logistics Hub. The growth has inadvertently created a divide with a lack of commercial and residential development happening in between.

The EUL mixed-use development will diversify the area of commercial activity and increase the amount of spending from locals and outsiders because of its proximity to I-25. There is a captive market built into the development in the 500-600 new residents that will reside on the property.

- Provide important commercial services to support significant employers in the area.

The future development of this property will directly support significant employers in the area, Wal-Mart Distribution Center and Microsoft Data Center, National Center for Atmospheric Research (NCAR), and Little America, providing their workforce ancillary convenience services. Employees of these facilities must travel significant distances from the workplace in order to purchase food and other services during working hours.

- Encouraging additional private investment along Happy Jack Road and facilitating growth on the west side of Cheyenne.

Other potential benefits include:

- Total Assessed Land Value: \$6,534,000;
- Total Real Estate Tax Revenue: \$294,576 (Annual property taxes collected);
- Total Square Feet – Commercial Real Estate: 228,000;
- Total Estimated Workforce: 588 (based on employees per-square-foot for both neighborhood retail centers and office buildings);
- Total Estimated Payroll: \$28,532,112;
- Residential Construction: \$50,000,000 (estimated);
- Commercial Construction: \$46,600,000 (estimated);
- Additional Sales Tax Revenue: \$4,200,000 (calculated on 6% annual sales tax revenue).

Needs that will be addressed as a result of this project:

- F.E. Warren AFB demand for rental housing;
- Need to provide commercial support services;
- Important community gateway;
- Additional investment in community;
- Enhanced quality of life in Cheyenne.

Project Goals

The goal of this project is to support the long-term growth and stability of F.E. Warren Air Force Base and the Cheyenne community. The project will support the mission of F.E. Warren and the community at large by providing housing, ancillary services and amenities.

The project will contribute to what is poised to become the largest mixed-use development Enhanced Use Lease in the nation. This project has garnered national attention from both the public and private sectors. The result of this project will set precedent for public-private partnerships in the future.

F.E. Warren AFB is one of three strategic nuclear missile bases that are in the process of updating the nation’s ground-based intercontinental ballistic missile system. The projected cost of these updates from 2017 through 2026 is \$400 billion dollars, \$80 billion of which is to update the ICBM systems at F.E. Warren. Approximately \$750 million of this is expected to be spent locally in contracting and maintenance services. Having office space and retail amenities at this site to support the businesses that will be frequenting Cheyenne as a result of the base updates is important.

Timeline

Completion of Phase I and Phase II is anticipated by December 2019.

Funding

Total project cost is \$4,337,455, of which \$3,000,000 represents the BRC grant. The grant is matched by the \$1,337,455 BRC loan.

Loan Terms

Total Project: \$4,337,455

Total Loan: \$1,337,455

Total Grant: \$3,000,000

Loan term: 30 years, with interest not to begin to compound the first five years to allow for the commercial construction to be completed and formation of special districts.

Collateral: No collateral proposed. Non-revenue generating project.

Interest Rate: 0.5%

Sources	
BRC amount	\$ 3,000,000
Cash Match (BRC Loan)	\$ 1,337,455
Total eligible project cost	\$ 4,337,455
BRC % of total eligible project costs	100%
Uses	
Land Related Costs	
Land (rights-of-way, appraisals, etc.)	\$ 18,600
Non-Construction Costs	
Architectural and Engineering fees	\$ 249,000
Other fees (surveys, tests, etc.)	\$ 78,700
Project inspection fees	\$ 64,400
Construction Costs	
<i>Site Work/Infrastructure Components:</i>	
Water Main Infrastructure	\$ 1,251,200
Sewer Main Infrastructure	\$ 1,442,800
Earthwork - Water & Sewer Infrastructure	\$ 357,000
Public Roadway Improvements	\$ 310,000
Contingencies (15%)	\$ 565,755
Total Uses	\$ 4,337,455

Fees: \$3,750 loan service fee (\$125 per year for 30 years), other fees for loan documentation, filing fees, etc. are the responsibility of the city.

Repayment of the Loan will be from the following sources:

- Tax Increment Financing from formation of Special Districts (to be formed once Phase II, the commercial component, has been completed). Tax increment financing (TIF) is a public financing method used as a subsidy for community-improvement projects. A TIF district allocates funds from property taxes to encourage investment within the district. Any increased tax revenues realized as a result of an increase in property values then go into the TIF fund and may be used by the local government to promote redevelopment;
- City of Cheyenne General Funds;
- City of Cheyenne General Fund Reserves

As a non-revenue generating infrastructure project, the city is proposing a five-year interest free grace period to allow for commercial construction to be underway and/or completed, and the formation of any special districts the city is proposing to allow for tax increment financing or other assessments to help pay back the loan. Any short-falls between special district revenue and debt service will be made up with appropriations from the city's general fund or general fund reserves.

Attorney General Opinion

Pending

Staff Recommendation

Staff recommends funding as requested contingent upon:

- Completion of the annexation (expected September 2018);
- Completion of the environmental review (expected October 2018);
- Executed lease between F.E. Warren AFB and Balfour Beatty (expected February 2019).

Project Overview

Cheyenne F.E.Warren AFB Enhanced Use Lease Infrastructure Project			
Purpose	The city of Cheyenne requests a \$3,000,000 Community Readiness grant and a \$1,337,455 Community loan for the installation of 12,000 linear-feet of water main, and 11,400 linear-feet of sewer main to create a development ready 50.3 acre site located adjacent to F.E. Warren AFB at I-25 and Happy Jack Road.		
Project Budget	Projected Grant Expenditure Schedule		
	Description	BRC Grant	Match BRC Loan
	Land	\$ 12,865	\$ 5,735
	Non-Construction Costs	\$ 271,196	\$ 120,904
	Construction Costs	\$ 2,715,939	\$ 1,210,816
	Total Project Cost	\$ 3,000,000	\$ 1,337,455
	Percentage BRC of all cash:		100%
Performance Measures	Measure	Quantity	Notes
	Businesses Assisted	4	Minimum of four, and additional with future commercial retail development.
	Loan Repayment	\$ 1,405,720.80	Approximate sum of all payments based on 20 yr loan at .5% interest
	Increase in Real Estate Taxes per year	\$ 294,000	Estimate
	Increase in Sales Tax per year	\$ 4,200,000	Estimate
	Residential & Commercial Construction	\$ 95,000,000	Estimated investment in residential & commercial construction activities.
Project Infrastructure	Acres Developed	50.3	Total site size is 75.3, proposed development site 50.3 acres.
	Water	12,000 lf	Water main
	Sewer	11,400 lf	Sewer main
	Road	some	Additional road improvements associated with public right-of-ways on Happy Jack Road.



TM



Addendum Correspondence

TOPIC

PAGE

Letters of public input are in the following order:

Letter from the Mayor B-24

Additional Information B-27



www.cheyennecity.org ●

OFFICE OF THE MAYOR

2101 O'Neil Avenue
Cheyenne, WY 82001
(307) 637-6300
(307) 637-6378 FAX

December 3, 2019

Shawn Reese, CEO
Wyoming Business Council
214 West 15th Street
Cheyenne, WY 82001

Dear Mr. Reese,

The City of Cheyenne asks that you please accept this letter of request to the Wyoming Business Council to release funds in the amount of \$400,000 from the 2018 award for the F.E. Warren Air Force Base Enhanced Use Lease. This request is being made in order to support and facilitate the progression of this project.

The main goal of this project is to support the long-term growth and stability of F.E. Warren Air Force Base and benefit the greater Cheyenne Community. The 3 main objectives of the project are to:

- Support the mission of F.E. Warren Air Force Base as well as the community at large by providing much needed housing, ancillary support services, and amenities. The Enhanced Use Lease is directly adjacent to F.E. Warren Air Force base and will have the ability to directly support the Ground Based Strategic Deterrent ("GBSD") program.
- This project is the first of its kind in the nation and will act as a direct economic catalyst for the Greater Cheyenne area. This project has garnered national attention and will set a national precedent for public private partnerships in the future. It will also show a commitment from the State of Wyoming to support our military at the local and national level, as we await the arrival of the GBSD program.
- Infrastructure on this site will provide the opportunity to decrease Cheyenne's housing deficit, increase the ability to capture revenue from travelers along I-25, and contribute to the westerly development expansion of Cheyenne.

This request is specific to the geotechnical testing and infrastructure design. The City of Cheyenne will enter into an agreement with the selected developer for the Enhanced Use Lease that will specify policies and procedures for the accounting and financial management of these

City Of Cheyenne

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dollars. Items that will be addressed in the agreement include: Timing of Payments, Drawdown and Disbursement Requirements, Review of Allowable Costs, and a Design Progression Schedule. Upon the completion of the agreement, the City will enact a resolution recognizing the agreement.

The City of Cheyenne is looking forward to working with the Wyoming Business Council to help facilitate the progression of this project in order to support F.E. Warren Air Force, The State of Wyoming, and the Greater Cheyenne area.

Sincerely,



Marian J. Orr
Mayor, City of Cheyenne





October 21, 2019

Mr. Shawn Reese
Wyoming Business Council
214 W. 15th Street
Cheyenne, WY 82002

Dear Mr. Reese,

I write today to recommend to you a favorable consideration of the Cheyenne Chamber of Commerce's request to forward \$400K of preliminary funding from a previously passed grant to the City of Cheyenne. That grant was intended to support the development of military housing associated with F.E. Warren Air Force Base (Warren AFB) Enhanced Use Lease.

Properly priced housing for the military and their families in close proximity to Warren AFB is a critical need to support Ground Based Strategic Deterrent. I think you will find in their attached correspondence suggested language facilitating the projects progress.

Respectfully,

Mark Gordon
Governor

MG:el:kh



October 21, 2019

Shawn Reese, CEO
Wyoming Business Council
214 West 15th Street
Cheyenne, WY 82002

Dear Mr. Reese,

Please accept this letter as an official request for guidance regarding the F.E. Warren AFB EUL (Enhanced Use Lease). The purpose of this inquiry is to ascertain the appropriate action required to amend the stated conditions related to the previously approved grant between the Wyoming Business Council and the City of Cheyenne. The advancement of the project has necessitated a use of funds for planning of infrastructure and initial design. The current language in the approved grant has several limiting factors regarding the expenditure of funds that are necessary for the advancement of the project. The goal of this communication is to act on directives stemming from a meeting with the Wyoming Governor's office on the 4th of October 2019. The desired result of this request is a response from the Wyoming Business Council that outlines the specific steps to change the grant language to meet the needs of the developer and the City of Cheyenne.

The grant conditions need to be amended as follows to allow continued work on the EUL. Currently there are several conditions that forbid expenditure of funds. The conditions are:

- 1) Completion of Annexation to the City of Cheyenne
- 2) Completion of Environmental Review (In Process)
- 3) Executed Lease between developer and the USAF

The expediting of the project requires language to be added that says:

"The City of Cheyenne, through the selected developer, shall be allowed to draw and expend up to \$400,000 of grant funds for the purpose of completing geotechnical testing and infrastructure design prior to the completion of annexation, environmental review, and execution of the lease between the developer and USAF. All other funds above the \$400,000 will continue to be



subject to the aforementioned conditions. All completed testing and design reports, plans, budgets, etc. will remain the property of the City of Cheyenne.”

We write this letter with a sense of urgency. GBSD continues to advance and our need for housing for men and women in uniform continues to challenge us as we work to strengthen and grow the mission of F.E. Warren AFB. It is our sincere desire to complete this project so that we solve an existing problem as well as position Wyoming to take advantage of multiple opportunities in the Aerospace industry as it is related to Strategic Competition and advancement of long range strike capabilities in our region. We look forward to your prompt response to this issue and we look forward to advancing the steps required to modify the contract language and advance this critical project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Williams". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mike Williams
Chairman
Greater Cheyenne Chamber of Commerce

EUL Update

To: Wyoming Business Council Board and Staff

From: Brendan Ames – City of Cheyenne Chief Economic Development Officer

Date: 12/16/2019

This summary will provide an update on the F.E. Warren Enhanced Use Lease per the request of Wyoming Business Council (“WBC”) staff. The purpose of this is to provide some clarity to the request of funds and how this request is reflected in the original document containing project costs seen in Attachment A. In the original document, line items 2. – 4. “Eligible Project Costs” are:

- 2. Architectural & Engineering fees – \$249,000.00
- 3. Other (surveys, tests, etc.) – \$78,700.00
- 4. Project inspection fees – \$64,400.00

The total of these eligible project costs are \$392,100. The selected developer’s engineering firm, Woolpert, Inc., has provided a “Scope of Services and Compensation” (Attachment B) document that outlines the costs and purpose behind requesting these funds They are listed below:

- Conceptual/Schematic Design Services – \$107,710.00
- Surveying Services – \$40,680.00
- Geotechnical Subsurface Engineering Services – \$28,000.00
- Civil Engineering Services – \$218,170.00

The total cost of services that will be provided by the engineering firm are \$394,560. The total costs of updated scope are in-line with the original costs estimates.

There was \$50,000 invested into this project for the Environmental Assessment and Traffic Study. The Environmental Assessment is complete and the traffic study is expected to be complete in January of 2020. In addition, the Master Developer spent approximately \$15,000 on a market analysis. The Master Developer for the Enhanced Use Lease has expressed that there have been hundreds of thousands of dollars in costs that have been invested into this project to date. This includes RFQ bid preparation with supporting financial analysis, legal review, and other items associated with preparing a document for federal procurement. These support services associated with this project have continued as the Master Developer continues to navigate negotiations with federal agencies with regards to a project of this type and magnitude.

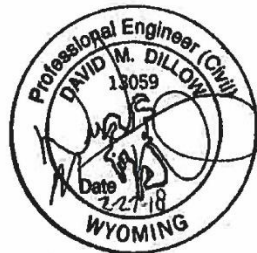
Attachment A

FE Warren AFB
Happy Jack Road - Enhanced Use
Lease
Residential/Commercial Project

Engineer's Estimate

Probable Development Cost
for
Potable Water and Sanitary Sewer
Extensions to and Distribution within
and
Public Roadway Improvements Providing Access to
the Proposed Project Site

Eligible Project Costs	
1. Land, structures, rights-of-way, appraisals, etc.	\$ 18,600.00
2. Architectural & Engineering fees	\$ 249,000.00
3. Other (surveys, tests, etc.)	\$ 78,700.00
4. Project inspection fees	\$ 64,400.00
5. Site work	
a. Water Main Infrastructure	\$ 1,251,200.00
b. Sewer Main Infrastructure	\$ 1,442,800.00
c. Earthwork - Water and Sewer Infrastructure	\$ 357,000.00
d. Public Roadway Improvements	\$ 310,000.00
6. Demolition & Removal	\$ -
7. Construction	
a. Electrical Systems *	\$ -
b. Mechanical, Plumbing, HVAC Systems *	\$ -
c. Landscaping *	\$ -
d. Foundation and/or Structural Framing System *	\$ -
e. Interior Finishes *	\$ -
f. Fire Protection *	\$ -
g. Remediation *	\$ -
h. Other (*)	\$ -
8. Miscellaneous/Other	\$ -
9. Subtotal (lines 1 through 8)	\$ 3,771,700.00
10. Contingencies	\$ 565,755.00
Total Eligible Project Costs	
11. Total Eligible Project Costs	\$ 4,337,455.00



February 27, 2018

Attachment B

ATTACHMENT A: SCOPE OF SERVICES

Services

Woolpert will provide civil engineering and surveying services to design, prepare construction documents, and coordinate permitting for the master planning, mass grading, and public utility, drainage, and roadway infrastructure construction for the eastern approximately 50-acre portion of the proposed FE Warren AFB Enhanced Use Lease project on Happy Jack Road in Cheyenne, Wyoming.

Conceptual/Schematic Design/Master Planning Services:

- *Prepare Schematic Design Plans.* Prepare schematic design/master planning conceptual layouts for the site (building, drives, parking, AT/FP compliance as necessary, stormwater detention, utility routing, etc.). Building footprints will be estimated based on input from the owner/developer. Construction documents will proceed when the schematic design has been approved by the owner/developer.
- *Coordination Meeting:* Attendance at two design kick-off/charette and coordination meetings are included in this scope of services.

Surveying Services:

- *Perform Topographic Survey:* Woolpert will perform a topographic survey of the 50-acre EUL parcel. Additional survey will be performed on the overall site and Black Jack Road frontage as necessary to support the infrastructure design. Survey will include ground shots, visible improvements (manholes, hydrants, sidewalks, curbs, streets, signs, valve lids, poles, etc), and trees. This topographic survey will be used as the existing condition/basis of design for the proposed improvements and construction documents.

Topographic survey of the off-site sanitary sewer connection alignment is included in this scope of services. Boundary surveys and easement creation for an off-site sewer alignment will be considered additional services.

- *Perform Boundary Survey:* The boundary survey prepared by FE Warren AFB and included with the EUL RFP will be used as the boundary survey. Beyond field verification of the boundary survey, additional boundary surveying services are not included with this scope of services, and if necessary, will be considered additional service.
- *Prepare Subdivision Plat:* Woolpert will prepare a subdivision plat to create the public rights-of-way or permanent easements as necessary to allow construction of the public interior development roadways. The subdivision plat will also be used to create utility easements as necessary for installation of the public (water, storm, and sanitary sewers) and private (gas, electric, and telephone) utilities. Creation of individual easements is not included in this scope and will be considered additional services.

Geotechnical Subsurface Engineering Services:

- Woolpert will work with a local geotechnical engineering firm to prepare a subsurface soil investigation, soil construction recommendations, and proposed pavement designs. This subsurface investigation will be limited to the proposed 50-acre tract. Soil borings for specific building locations or foundation recommendations will not be included in this scope of services and will be included with a future scope of services and separate contract.

Civil Engineering Services:

- *Prepare General Notes/Specifications:* A general notes and material specification plan will be prepared for this project, and included with the construction plans. An 8.5x11 specification book may be used for specialty items or detailed specifications as necessary.
- *Prepare Site Plan.* Site plan will include proposed conceptual building footprints, parking layout, curbing, light/heavy duty asphalt pavement, concrete pavement, dumpster pad, sidewalks, entrances, internal drives, fencing, retaining walls, sign location, and lawn/green areas for the development. Proposed buildings will be shown as conceptual and used to outline areas for building pad grading only. Beyond public roadways, layout of pavement, curbing, sidewalks, amenities, etc will be shown as conceptual for grading only. Construction documents for non-public roadway pavement, parking lots, sidewalks, amenities, etc will be provided under a future scope of services and separate contract.
- *Prepare Proposed Entrance Plan:* Widening of Happy Jack Road for left/right turn lanes and entrance radii adjacent to the frontage of the EUL property is included with this scope of services. Existing public roadway improvements beyond the immediate frontage of the EUL property is not included in this scope and will be considered additional services.
- *Prepare Mass Grading Plan.* Mass Grading plan will include existing and proposed contours, and spot elevations as necessary. Grading design will be based on minimizing earthwork, but site conditions may not allow a balanced earthwork site. The mass grading plan will provide building pad areas and general slopes in the future building and parking areas. Detailed grading for future building, parking, sidewalk, etc areas will be provided under a future scope of services and contract. Detailed roadway sections, profiles, public sidewalks, etc will be provided under this scope of services.
- *Prepare Stormwater Management Plan:* A stormwater management plan will be prepared for the overall 50-acre site. While only public infrastructure will be constructed with this scope of services, stormwater infrastructure will be constructed to accommodate the overall completed development. Pervious and impervious areas and public storm sewer routing will be based on the Conceptual Master Planning documents. Stormwater detention will be provided by a series of smaller basins and swales, or one larger regional basin/pond/lake. Feasibility of having a wet basin/lake will be explored with the geotechnical subsurface investigation. Semi-permanent sedimentation basins will be included with the design and can remain permanently or be removed upon completion of the overall project.
- *Prepare SWPPP and Erosion Control Plan.* Erosion Control plan will include temporary and permanent erosion control measures. These measures may include matting, inlet protection, silt fence, straw bale dikes, diversion berms, sedimentation basins, etc. Specifications for the erosion control measures, and construction schedules, as provided by the owner/developer, will be included to support the plan. A SWPPP and NOI will be prepared for receipt of a GESC/WYPDES permit for the project.
- *Prepare Utility Plan.* Utility plan will include proposed utility main extensions to the site and distribution/lateral service lines within the site. Utilities will include storm sewers and inlets, potable water mains, sanitary sewer (gravity mains, force mains, one lift station), and coordination with electric, gas, and telephone utility providers. A package sewage treatment plant or an off-site sanitary sewer extension/connection to an existing sanitary sewer trunk line is included in this scope of services. Preparation of easements or off-site boundary surveys to support obtaining easements for an off-site sanitary sewer extension/connection to an existing sanitary sewer is not included in this scope of services.
- *Details.* Details as necessary to support the above engineering plans will be included in the construction plans.

-
- *Prepare Permit Applications.* Plans and applications will be prepared and submitted to State, County, and City permitting jurisdictions as appropriate to allow construction of the project (City of Cheyenne Grading, GESD/WYPDES, DOT, DEQ water and sanitary sewer). Permit application fees, tap fees, etc. will be paid by others.

Construction Administration

Woolpert will address site related requests for information (RFI) and review site related shop drawings. Woolpert will provide assistance for drawing clarifications and issue ASI's as needed/requested.

Woolpert will perform an average of one site visit per month during site construction operations as requested.

Assumptions:

- FEMA, COE, DEQ, and Environmental approvals/review and delineation for floodplain, wetlands, and hydraulic studies will not be required for this site. Any flood study, delineation, approval process will be considered additional services.
- Retaining walls will be segmental concrete block retaining walls (Keystone, VersaLok, or similar). Retaining wall design will include plan and profile wall layout. Geogrid wall reinforcing will be specified to be provided by the contractor in the form of sealed shop drawings. Cast-In-Place walls will be by others (structural engineer).
- This scope of services includes six design team/city staff/owner coordination meetings. Additional meetings will be attended as requested on an hourly basis.
- Any permit or application fees will be paid by others.
- Off-site roadway improvements are limited to the EUL project frontage and pavement widening/intersection radius curbing only. Traffic signals, traffic studies, lane capacity analysis, intersection design studies, etc are not included in this scope of services.

ATTACHMENT B: COMPENSATION

Lump Sum Fee Summary

Conceptual/Schematic Design Services	\$107,710
Surveying Services	\$40,680
Geotechnical Subsurface Engineering Services (Budget, final lump sum TBD)	\$28,000
Civil Engineering Services	<u>\$218,170</u>
Total Lump Sum Fee	\$394,560

Note: The above lump sum fee includes any travel expenses for meetings and site visits. Cost for shipping, delivery, and permit fees as requested will be billed as a reimbursable expense in addition to the above lump sum fee.

City Contract No. _____

PROFESSIONAL SERVICES AGREEMENT
for
**CIVIL ENGINEERING AND DESIGN SERVICES FOR THE FE WARREN AFB
ENHANCED USE LEASE PROJECT ON HAPPY JACK ROAD**

THIS AGREEMENT is made and entered into this _____ day of _____, 2020, by and between the City of Cheyenne, located at 2101 O’Neil Avenue, Cheyenne, Wyoming 82001 (“City”), and Woolpert, Inc., located at 116 Inverness Drive East #107, Denver, CO 80112 (“Consultant”).

RECITALS

In consideration of the mutual covenants and obligations herein expressed, it is agreed by and between the parties as follows:

1. SCOPE OF WORK

The Consultant agrees to provide services as described for the above-mentioned project, in accordance with the Scope of Work attached hereto as Attachment A, incorporated by reference and expressly made a part hereof. This Agreement is part of the F.E. Warren AFB Extended Use Lease Project on Happy Jack Road. The City of Cheyenne is engaging the Consultant on behalf of this Project and therefore is not bound by the City’s internal procurement regulations. The obligation of the City to provide these funds to the Consultant is also subject to funds being received from the Wyoming Business Council Business Ready Community Grant and Loan Program (“BRC”) Community Enhancement Funds. The City is not legally liable for any of the Consultant’s costs or expenses as the City is acting only as a passthrough conduit for the Wyoming Business Council.

2. TIME OF PERFORMANCE

The work included in this Scope of Work will be completed by _____, as stated in Attachment A.

3. CONSULTANT RESPONSIBILITY

In providing services under this Agreement, the Consultant shall perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances. Upon notice to the Consultant, the Consultant will, without additional compensation, correct those services not meeting such a standard.

4. COMPLIANCE WITH LAWS

The Parties agree that they will perform their obligations as provided in this Agreement in accordance with all applicable laws and ordinances.

5. DRUG-FREE WORKPLACE

In compliance with the Drug Free Work Place Act of November 1988, the City of Cheyenne has established an Alcohol and Controlled Substance Policy that pertains to alcohol and drug usage by City Employees. All architects, engineers and other consultants under contract with City of Cheyenne, and their employees and sub-consultants, are required to comply with the provisions of the City's Alcohol and Controlled Substance Policy for drug and/or alcohol usage on City property or other sites occupied by the Consultant while performing the duties and responsibilities of the Agreement. It is the responsibility of the Consultant to familiarize themselves with the requirements of this policy and to inform all their employees and sub-consultants of the requirements and ensure their compliance. If the Consultant, their employees or sub-consultants are found in violation of this policy, the Agreement may be terminated.

6. INDEMNIFICATION/HOLD HARMLESS

The Consultant agrees to indemnify, hold harmless and defend the City from and against any and all liabilities, claims, penalties, forfeitures and suits, and the cost and expenses incident thereto, including reasonable attorney's fees, which may hereafter arise as a result the performance of the Consultant's duties, including death or bodily injury to any person, destruction or damage to any property, contamination of or adverse effects on the environment, or any violation of governmental laws, regulations or orders to the extent caused by (1) the Consultant's breach of any term or provision of this Agreement; or (2) any negligent or wrongful act, error or omission by the Consultant, or its employees or sub-consultants in the performance of this Agreement. The Consultant acknowledges that it may incur a financial obligation to the City pursuant to the terms of this paragraph.

7. INSURANCE REQUIREMENTS

The Consultant must provide proof of the following insurance coverages:

Commercial General Liability Insurance

For claims arising out of bodily injury, illness or death, or from damage to or destruction of property of others, including loss or use thereof, with minimum limits of \$1,000,000 per occurrence, \$2,000,000 aggregate for the entire term of the Agreement.

Workers' Compensation

Workers' compensation coverage shall be in effect for the entire term of the Agreement, as required by Wyoming law, for all employees or agents providing services under this Agreement. Consultant shall provide the City with proof of workers' compensation or employer's liability insurance coverage.

Professional Liability Insurance

The Consultant shall provide proof of professional liability insurance or errors and omissions liability insurance in an amount not less than \$500,000 to protect the City from any and all claims arising from the Consultant's negligence in the performance of duties under this Agreement. The City prefers that this liability insurance coverage be provided pursuant to an "occurrence" policy.

If this coverage is provided pursuant to a “claims made” policy:

- a. Consultant shall, concurrently with the execution of this Agreement, provide the City with a certificate of insurance demonstrating that such coverage is or shall be in effect at the time the Consultant begins the provision of services under this Agreement; and
- b. In the event the Consultant’s services extend into a future policy period, the Consultant shall, prior to the policy expiration date, provide the City with a new certificate of insurance demonstrating that such coverage is or shall be in effect during all periods of time that Consultant will provide services under this Agreement; and
- c. Consultant shall maintain said “claims made” coverage for a period of five (5) years following the last date that Consultant has provided services under this Agreement; and
- d. In the event the Consultant or the insurer terminates “claims made” coverage prior to the expiration of the periods provided in subparagraphs a., b., or c. of this paragraph, the Consultant shall provide to the City advance written notification of the termination of said coverage and shall provide the City with an endorsement for an extended reporting period (“tail coverage”) which shall be in effect for a period of time not less than five (5) years following the last date that Consultant has provided services under this Agreement.

Additional Insurance Information

The Consultant shall name the City of Cheyenne as **an Additional Insured** by endorsement on its insurance policies and shall provide the City with a copy of the endorsements. This requirement does not apply to workers’ compensation and professional liability insurance policies.

Consultant shall provide the City with certificates of insurance acknowledging the above-stated coverages prior to beginning any work under this Agreement.

It is understood and agreed that these policies are primary and not contributory. All policies required under this Agreement shall be in effect for the duration of the Agreement. It shall be an affirmative obligation upon Consultant to immediately notify in writing the city risk manager, city clerk, and city attorney of any fact, circumstance, or occurrence that has resulted in or may result in the cancellation of, or substantive change to any insurance coverage required by this Agreement, and failure to do so shall be construed to be a breach of this Agreement.

If requested by the City, the Consultant shall provide the City with copies of insurance policies and/or policy endorsements listing the City of Cheyenne as an additional insured. The City’s failure to request or review such policies, endorsements, or certificates shall not affect the City’s rights or Consultant’s obligation hereunder.

Any insurance company providing coverage under this Agreement shall have a minimum A. M. Best rating of A- (excellent).

8. MINORITY AND DISADVANTAGED BUSINESS ENTERPRISES 49 C.F.R. Part 26

All parties to this Agreement assure that no person will be excluded from participation in, denied the benefits of, or otherwise discriminated against, in connection with the award and performance of this Agreement on the grounds of age, race, color, disability, national origin or sex.

9. COMPENSATION

In consideration of the services to be performed pursuant to this Agreement, the Consultant will bill the City and the City agrees to pay Consultant a not to exceed amount of Three Hundred Ninety-Four Thousand and Five Hundred Sixty Dollars (\$394,560.00) as stated in Attachment B, incorporated by reference and expressly made a part hereof. All funds for the compensation in this Agreement shall come from the BRC Community Enhancement Funds Grant.

10. MONTHLY REPORTING AND BUDGET

With every monthly billing, Consultant shall provide the City Representative with a written statement of the status of the work with respect to the Scope of Work, time sheets, and work schedule. Failure to provide the required monthly report will delay processing of any payment request until the report is submitted. The budget for the Project is described in the Lump Sum Fee Summary ("Budget") in Attachment B.

- i. Consultant agrees it will not exceed any of the line item totals listed in the Budget in Attachment B by more than twenty percent (20%) without prior approval from City. Such changes will not result in any change in the total Project costs, or a change in the Grant amount.
- ii. This grant is incrementally funded as costs are incurred accordingly to the Budget in Attachment B.
- iii. Consultant shall submit one (1) reimbursement request per monthly cycle or one (1) request every thirty (30) days. If more than one request is received during that monthly cycle, the City may return each additional request to Consultant for submittal in the next appropriate monthly cycle.
- iv. The City will release funds only after payment vouchers or invoices approved by the Consultant are submitted to the City. After receipt of cash requests and billing documentation, the City will pay the amounts of invoices.
- v. If actual costs of the Project are more than the Budget indicated in Attachment B, Consultant agrees to pay the difference in the amount of funds awarded through the BRC Program and the actual costs of the

completed Project. If there is additional funding for the Project, the Consultant must provide the City with all necessary information regarding the funding.

11. INDEPENDENT CONSULTANT

The Consultant shall function as an independent consultant for the purposes of this Agreement. The Consultant shall assume sole responsibility for any debts or liabilities that may be incurred by the Consultant in fulfilling the terms of this Agreement. Nothing in this Agreement shall be interpreted as authorizing the Consultant or its agents or employees to act as an agent or representative of or on behalf of the City or to incur any obligation of any kind on the behalf of the City.

12. TAXES

The Consultant agrees to pay all valid taxes, excises, license fees, permit fees, bills, debts and obligations incurred by and in connection with its operations under this Agreement.

13. DEFAULT

Each and every term and condition in this Agreement shall be deemed to be a material element of the Agreement. In the event either party should fail or refuse to perform according to the terms of this Agreement, such party may be declared in default.

14. REMEDIES

In the event a party has been declared in default, such defaulting party shall be allowed a period of fifteen (15) days within which to cure the default. In the event the default remains uncorrected, the non-defaulting party declaring default may elect to:

- a. Terminate the Agreement and seek damages, which damages shall not exceed the contract amount; or
- b. Treat the Agreement as continuing and require specific performance.

15. TERM AND TERMINATION

This Agreement shall be for a period of _____. The parties may by mutual written agreement renew or extend this Agreement.

The City may, without cause, and upon thirty days' written notice to the Consultant, terminate this Agreement in whole or in part at any time, for the City's convenience.

Upon receipt of such notice, the Consultant shall:

- a. Discontinue all services affected; and
- b. Deliver to the City within five (5) days all data, drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated by the Consultant in performing this Agreement, whether completed or in process.
- c. In the event of termination for convenience, the City will pay the Consultant for accepted work done and expenses incurred to the date of termination. Such acceptance shall not be unreasonably withheld.

16. ADDITIONAL REMEDIES

In the event the Consultant fails to strictly perform in accordance with this Agreement, the City may elect to correct the deficiencies and charge the Consultant. In the event of default of any of the conditions by either party which shall require the party not in default to commence legal or equitable action against the defaulting party each party shall bear its own costs and expenses, including without limitation, attorney's fees.

17. GOVERNING LAW, JURISDICTION AND VENUE

The construction, interpretation and enforcement of this Agreement shall be governed by the laws of the State of Wyoming. The courts of the State of Wyoming shall have jurisdiction over any action arising out of this Agreement and over the parties, and the venue shall be the First Judicial District, Laramie County, Wyoming.

18. GOVERNMENTAL IMMUNITY

The City of Cheyenne, along with its officials and employees, does not waive its governmental immunity by entering into this Agreement, except to the extent necessary for the parties to pursue a contract action to clarify or enforce the written terms of the Agreement. Furthermore, the City specifically retains all immunities and defenses available to it as a sovereign or governmental entity pursuant to Wyo. Stat. § 1-39-101, *et seq.*, and all other relevant state and federal law. Designations of venue, choice of law, enforcement actions, and similar provisions should not be constructed as a waiver of governmental immunity. The parties agree that any ambiguity in this Agreement shall not be strictly construed, either against or for either party, except that any ambiguity as to governmental or sovereign immunity shall be construed in favor of governmental immunity.

19. MONITORING ACTIVITIES

The City shall have the right to monitor all activities related to this Agreement that are performed by the Consultant or its sub-consultants. This shall include, but not be limited to, the right to make site inspections at any time and with reasonable notice; to bring experts and consultants on site to examine or evaluate completed work or work in progress; to examine the books, ledgers, documents, papers, and records pertinent to this Agreement; and to observe personnel in every phase of performance of the related work.

20. OWNERSHIP OF DOCUMENTS AND WORK PRODUCT

All deliverables by the Consultant, all work product of the Consultant, all notes, calculations, memoranda, or any other documentation generated by the Consultant pursuant to the scope of this Agreement, shall be the property of the City of Cheyenne and shall be provided to the City of Cheyenne immediately upon request.

21. NON-DISCRIMINATION

The Consultant shall comply with the Civil Rights Act of 1964, the Wyoming Fair Employment Practices Act (Wyo. Stat. § 27-9-105, *et seq.*), the Americans With Disabilities Act (ADA), as amended, 42 U.S.C. § 12101, *et seq.*, and the Age Discrimination Act of 1975 and any properly promulgated rules and regulations thereto,

and shall not discriminate against any individual on the grounds of age, sex, creed, color, race, religion, national origin, ancestry, pregnancy or qualifying disability in connection with the performance under this Agreement.

22. PROFESSIONAL REGISTRATION

The Consultant shall endorse, as required by law, plans and reports prepared under this Agreement, and shall affix thereto his or her seal of professional registration, showing that he or she is licensed to practice in the State of Wyoming, if necessary.

23. ENTIRETY OF AGREEMENT

This Agreement consisting of seven (7) pages, Attachment A consisting of three (3) pages, and Attachment B consisting of one (1) page, contain the entire understanding of the parties. There are no other terms or conditions, written or oral, concerning or controlling this matter.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

City of Cheyenne

(SEAL)

Attest:

Kristina F. Jones, City Clerk

By: _____
Marian J. Orr, Mayor

Date: _____

Consultant

By: _____

Print Name: _____

Date: _____



**DEPARTMENT OF THE AIR FORCE
90TH MISSILE WING (AFGSC)**

MEMORANDUM FOR PUBLIC DISTRIBUTION

FROM: 90 MW/CC

SUBJECT: Final Finding of No Significant Impact for the proposed Enhanced Use Lease at Francis E. Warren Air Force Base, Cheyenne, Wyoming

1. Francis E. Warren Air Force Base (FEW) proposes to lease non-excess currently underutilized federal property to a qualified lessee using an Enhanced Use Lease (EUL) at FEW, Cheyenne, Wyoming.
2. Pursuant to 40 CFR §1508.13 and 32 CFR §989 *Air Force Environmental Impact Analysis Process*, Federal Agencies shall complete an Environmental Assessment (EA) and, if appropriate, document that the action will not have a significant effect on the environment through a Finding of No Significant Impact (FONSI). FEW completed an EA for the proposed action. The EA, attached and incorporated by reference, included a complete description of the proposed action, alternatives considered and any anticipated environmental effects.
3. I conclude that the proposed action does not constitute a major federal action significantly affecting the quality of the human environment when considered individually or cumulatively in the context of the referenced act, including both direct and indirect impacts. Therefore, an Environmental Impact Statement (EIS) is not required. My decision to approve the proposed action is based upon the following:
 - a. Leasing of the 75.3 acres of federal property is mutually beneficial use to FEW and the community of Cheyenne.
 - b. On 11 March 2019, U. S. Fish and Wildlife Service reviewed the proposed action and the agency issued no objections.
 - c. On 17 April 2019, the U.S. Army Corps of Engineers issued an Approved Jurisdictional Determination indicating that the Proposed Action would not impact jurisdictional waters of the U.S. under Section 404 of the Clean Water Act.
 - d. On 22 April 2019, the Wyoming State Historic Preservation Office concurred with FEW that the Proposed Action would have no effect to historic properties.
 - e. On 4 April 2019, FEW issued letters to 26 tribes spanning nine states soliciting comments on the Proposed Action and no comments have been received. Correspondence with the tribes will continue as the development plans for the site mature and are implemented.
 - f. FEW released a draft copy of the EA to the public on the 21st of October 2019. FEW held a public meeting on the 12th November 2019.
4. The point of contact for this EA is Mr. Travis Beckwith, NEPA Coordinator. He can be reached at (307) 773-3667 or via e-mail at travis.beckwith@us.af.mil.

Peter Bonetti, Colonel, USAF
Commander

Attachment:

Final Francis E. Warren Air Force Base Enhanced Use Lease Environmental Assessment

FRANCIS E. WARREN AIR FORCE BASE ENHANCED USE LEASE ENVIRONMENTAL ASSESSMENT

**Prepared for:
Department of the Air Force
Francis E. Warren Air Force Base
Cheyenne, Wyoming**

**Prepared by:
Trihydro Corporation
Laramie, Wyoming**



November 19, 2019

For information contact:

NEPA Resource Project Manager, 90 CES/CEIEC
300 Vesle Drive, F.E. Warren AFB
Cheyenne, WY 82005-2793

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List of Acronyms

AF	Air Force
ACAM	Air Conformity Applicability Model
AFB	(Francis E. Warren) Air Force Base
BMP	best management practice
BOPU	(Cheyenne) Board of Public Utilities
CCPD	City of Cheyenne Planning and Development
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
EA	Environmental Assessment
EIAP	Environmental Impact Assessment Process
EPA	Environmental Protection Agency
EUL	Enhanced Use Lease
FEMA	Federal Emergency Management Agency
ICRMP	Integrated Cultural Resource Management Plan
INRMP	Integrated Natural Resource Management Plan
ISWM	Integrated Solid Waste Management
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NRCS	Natural Resource Conservation Service
NRHP	Natural Register of Historic Places
ROW	right-of-way
SHPO	State Historic Preservation Office
T&E	Threatened & Endangered
TCE	trichloroethylene
TIS	Traffic Impact Study
USACE	United States Army Corps of Engineers

List of Acronyms (cont.)

USFWS	United States Fish and Wildlife Service
WDEQ	Wyoming Department of Environmental Quality
WYDOT	Wyoming Department of Transportation

1.0 INTRODUCTION AND BACKGROUND

1.1 INTRODUCTION

The Francis E. Warren Air Force Base (AFB) is a United States Air Force (USAF) located approximately 3 miles west of Cheyenne, Wyoming. It is one of three strategic-missile bases in the U.S. It was named in honor of Francis E. Warren in 1930. The AFB is home of the 90th Missile Wing (90 MW), assigned to the Twentieth Air Force, Air Force Global Strike Command. The 90 MW operates the LGM-30G Minuteman III Intercontinental Ballistic Missile (ICBM). It is also the home of Twentieth Air Force, which commands all U.S. Air Force ICBMs. The AFB is the oldest continuously active military installation within the Air Force, established in 1867 by the United States Army as Fort David Allen Russell. The facility came under United States Army-Air Forces control on 1 June 1947 after World War II. Then, on 18 September 1947, the Installation was solely controlled by the USAF with the creation of the new, separate Uniformed Service.

The AFB is proposing to establish an Enhanced Use Lease (EUL) with a qualified lessee on non-excess, but currently under-utilized, federal property within the AFB. At present, the land is minimally developed and serves as additional parking space during Cheyenne Frontier Days. The property would be leased with the intent to develop it for residential housing and as commercial infrastructure that would service the whole community of Cheyenne, Wyoming (hereon referred to as, "Project" or "Proposed Action"). The Project would encompass 75.3 acres of land located in the southeast corner of the AFB (Project Area). The Project Area (75.3 acres) is located immediately south of the intersection of Happy Jack Road and Carlin Avenue, Cheyenne, WY (Figure 1-1). In addition to residential and commercial development of currently underutilized land, the Project includes the construction of 12,000 linear feet of water line, 11,400 linear feet of sewer line, and minor road improvements.

1.2 PURPOSE AND NEED

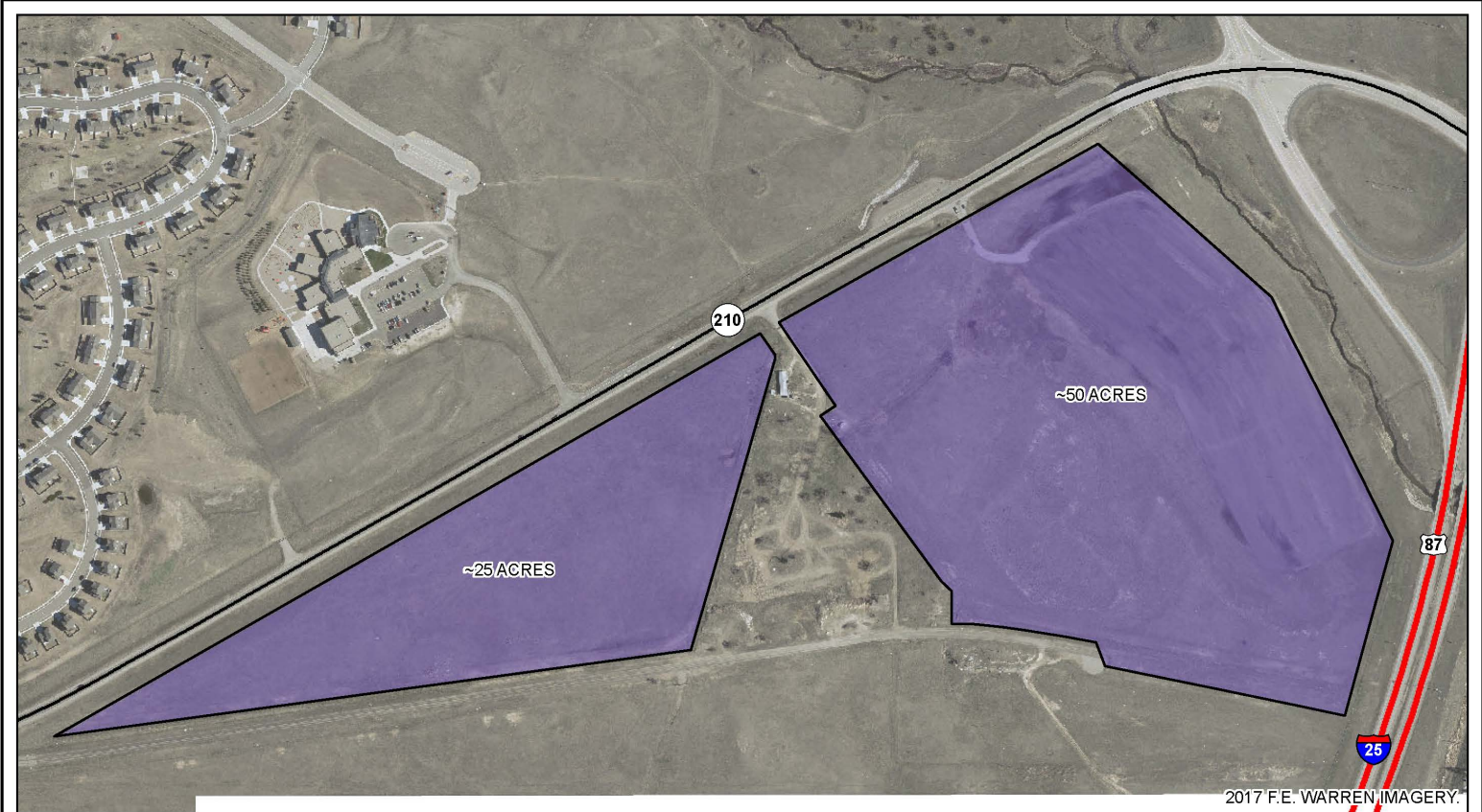
The purpose and need of the Proposed Action are to maximize the value of non-excess, but currently underutilized, federal property within the AFB. Using an EUL, the AFB would lease a 75-acre area to a qualified development company as a mixed-use development site. The development of residential housing and commercial infrastructure on the property is expected to support the long-term growth and economic benefit of the Cheyenne community.

1.3 ENVIRONMENTAL ASSESSMENT SCOPE

The EA process is subject to federal regulations, including the National Environmental Protection Act (NEPA) of 1969, the Council on Environmental Quality (CEQ) Code of Federal Regulations (CFR) parts 1500 through 1508, and the AF Environmental Impact Analysis Process (EIAP; codified in 32 CFR Part 989). Additional federal regulations influencing the assessment of specific resources are included in Sections 3 through 4. The scope of this EA was designed to assess applicable environmental, cultural, and socioeconomic impacts associated with the Proposed Action

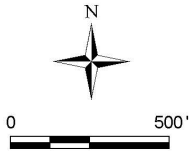
and No Action alternatives described in Section 2.0. In addition to identifying potential resource impacts of concern, scoping provides an opportunity to eliminate insignificant impacts. Eliminating the need for unnecessary analysis promotes a focused discussion of potential resource impacts, and results in an efficient NEPA process. An assessment of visual resources and human safety are not included in the scope of this EA, due to the nature of the Proposed Action and the existing conditions of the Project Area. The Project Area is adjacent to existing disturbance, major road infrastructure, and subdivisions. As such, the current aesthetic qualities of the general area do not constitute a visually sensitive area that warrants further assessment. The Project Area is outside of the accident potential zones for AFB helicopter operations and within the general area of other public infrastructure (i.e. Freedom Elementary School, which is located north of Happy Jack Road). As such, further safety considerations were not assessed in this EA. Section 5.0 includes additional information regarding consultation with federal agencies, state agencies, and the public entities that occurred during the scoping phase of the EA.

Figure 1-1. Project Area



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EXPLANATION
 RESIDENTIAL AND COMMERCIAL DEVELOPMENT



Trihydro
 CORPORATION
 1252 Commerce Drive
 Laramie, WY 82070
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FIGURE 1-1	
PROJECT AREA	
ENVIRONMENTAL ASSESSMENT	
FE WARREN AFB	
CHEYENNE, WYOMING	
Drawn By: KEJ	Checked By: SJ
Scale: 1" = 500'	Date: 3/20/19
File: Fig_1-1_ProjectArea_Aerial.mxd	

2.0 PROPOSED ACTION AND ALTERNATIVES

In accordance with EIAP Regulations 989.8, *Analysis of alternatives*, a No Action alternative must be considered, in addition to all reasonable alternatives. A description of the consideration of alternatives is included in Section 2.1.

2.1 ALTERNATIVE SELECTION STANDARDS

In accordance with 32 CFR § 989.8(c), selection standards were developed to establish a means for determining the reasonableness of an alternative and whether an alternative should be carried forward for further analysis in the EA. Alternatives considered but eliminated from detailed analysis included implementing the EUL program on an alternate AF property. Consistent with 32 CFR § 989.8(c), the selection standards described below meet the purpose of and need for the Proposed Action and were used to identify reasonable alternatives for analysis in the EA:

- Compliance with AFB's 2018 Installation Development Plan
- Site identified as potential EUL parcel for redevelopment
- Compatible with future development needs and existing land use and infrastructure
- Located on the edge of the installation so the development area can be unsecured for easier access
- Absence of special environmental resources

The Proposed Action met each of the standards identified above. During internal scoping, Alternative B (described below) was considered but eliminated from further evaluation because it failed to meet the selection standards. As such, this EA will discuss two alternatives, including the No Action and Proposed Action alternatives.

2.2 PROPOSED ACTION – ALTERNATIVE A

Under the Proposed Action, which is also the preferred alternative, the area shown on Figure 1-1 would be developed to include residences and commercial services that would be available to AFB personnel and the Cheyenne community. This would be accomplished through the implementation of an EUL with a qualified lessee. The development would occur within 75.3 acres of currently underutilized land outside the secured perimeter of the AFB. This alternative would also result in the development of 12,000 linear feet of water line, 11,400 linear feet of sewer line, and minor road improvements.

2.3 NO ACTION

Under the No Action alternative, the AF would not develop the area for residential housing and commercial infrastructure. Therefore, an EUL with a private lessee would not be implemented. Under this alternative, current land

use may continue in the Project Area, including but not limited to, serving as additional parking space during Cheyenne Frontier Days and remaining as undeveloped land.

2.4 SOUTHWEST BASE LOCATION – ALTERNATIVE B

Under Alternative B, a relatively smaller (as compared to Alternative A) parcel north of Happy Jack Road and within the current cantonment area would be leased and developed to provide residential housing and commercial services. An EUL would be implemented with a qualified lessee to develop the area. Alternative B would require the AFB to reconfigure the security perimeter and it would be limited (in the developable area) by Crow Creek and its associated wetlands and floodplain, which would bisect the parcel. These limitations, coupled with the additional cost to the USAF to reconfigure the security perimeter, along with its lack of access to the I-25 Corridor, resulted in Alternative B not being carried forward for additional consideration as an alternative. Specifically, the following selection standards for identifying reasonable alternatives meeting the purpose and need of the Proposed Action were not met: 1) compatible with future development needs and existing land use and infrastructure and 2) absence of special environmental resources. Consequently, this alternative was not carried forward for analysis.

3.0 AFFECTED ENVIRONMENT

This Section describes the existing resources within the Project Area that may be affected under the Proposed Action or the No Action alternatives. The affected environment consists of the environmental, sociological, economic, or cultural resources of interest that would likely be impacted by the alternatives. The affected environment is described for each resource and based on a review of best-available data sources. Recognized as the oldest continuously active military installation within the USAF, the AF has maintained an iconic presence during the growth and development of the City of Cheyenne (AFB 2018a). As a result of the long-term establishment of the AF, numerous and diverse assessments of natural resources have been previously conducted, and these documents are commonly referenced in Sections 3 and 4.

3.1 AIR QUALITY

The US Environmental Protection Agency (EPA) establishes primary and secondary National Ambient Air Quality Standards (NAAQS) under the Clean Air Act that address air pollutants considered harmful to human health and the environment. The EPA indicates whether a specified geographic area, such as Laramie County, meets the NAAQS. Areas that exceed air pollutant standards are considered nonattainment areas. Laramie County is currently in attainment for all criteria pollutants, and the closest nonattainment areas are located in Weld County, Colorado, approximately 10 miles south of the Project Area (EPA 2019). Currently, the Project Area does not generate regulated air emissions.

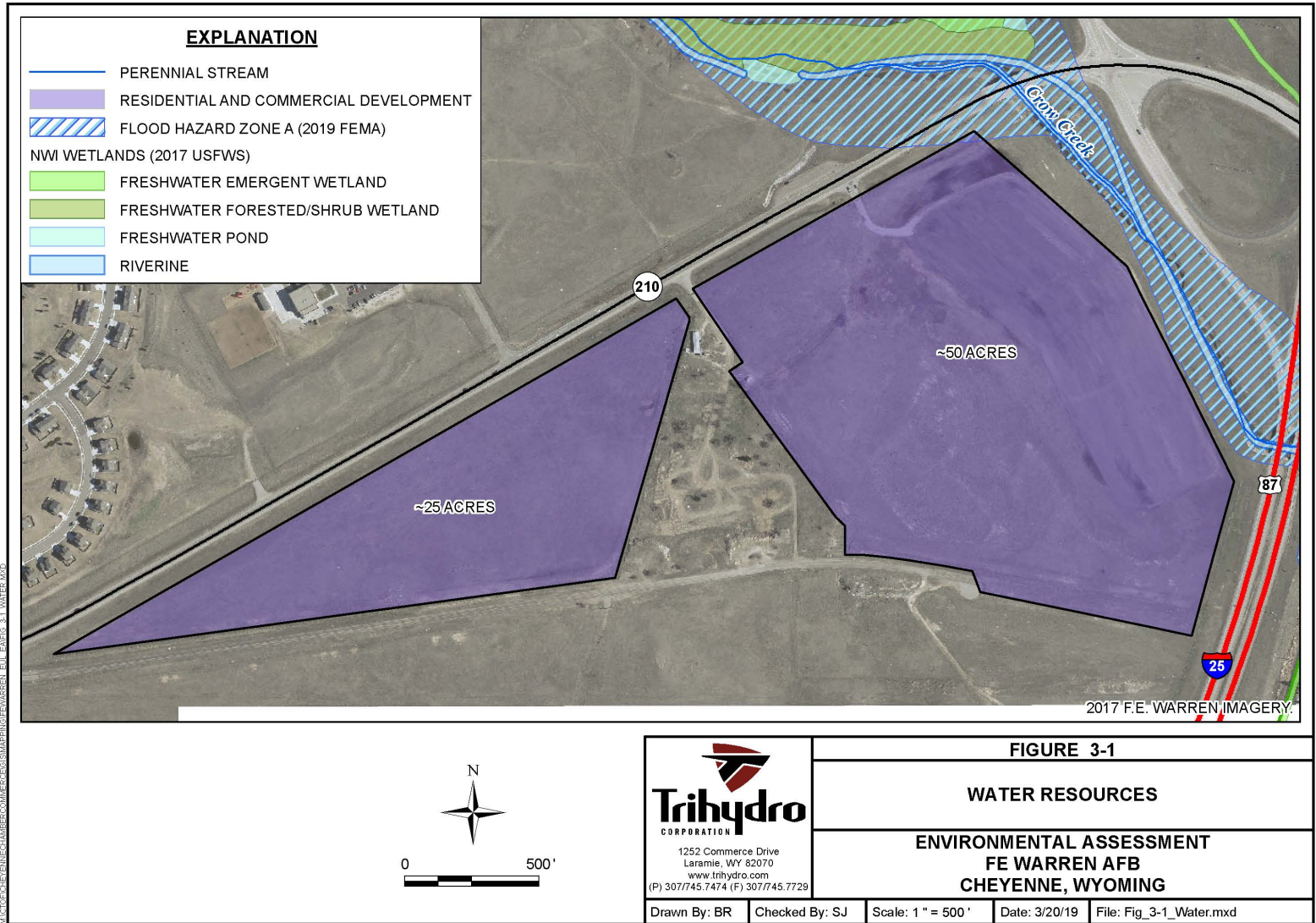
3.2 WATER RESOURCES

A description of existing ground and surface water resources was obtained from a previous AFB Final Environmental Assessment (2013) and the Integrated Natural Resource Management Plan (INRMP) (AFB 2018b). Depths to groundwater within the Project Area range from 12 to 16 feet. Crow Creek is a meandering perennial stream that flows from north to south through the AFB and serves as a tributary to the South Platte River. Crow Creek is considered a Water of the United States under the Clean Water Act (CWA) and is therefore subject to federal jurisdiction. Crow Creek is located approximately 150 feet east of the Project Area, and while it does not intersect the Project Area boundary, impacts occurring within its floodplain may require additional consultation with the Federal Emergency Management Agency (FEMA) (Figure 3-1). A Special Flood Hazard Area boundary associated with Crow Creek is made available by FEMA and indicates that 0.04 acres within the northeast portion of the Project Area overlap the Crow Creek floodplain (Figure 3-1). According to most recent data (i.e. 2018) from the U.S. Fish and Wildlife Service National Wetlands Inventory, there are no wetlands within the Project Area (Figure 3-1). However, during a comprehensive field wetland inventory that was conducted within the AFB in 2004 in accordance with the 1987 United States Army Corps of Engineers (USACE) Wetland Delineation Manual, four isolated wetlands (1.75 acres total) were identified within the Project Area. During consultation with the USACE in the development of this EA, the USACE determined that only a single wetland (0.89 acres) is currently present and that this wetland has no nexus to waters of

the U.S. and is therefore isolated. An approved Jurisdictional Determination was issued by the USACE and indicates that the wetland is not jurisdictional under Section 404 of the CWA (Appendix A). Development within the Crow Creek Floodplain and the 0.89-acre wetland is not anticipated to occur, and avoidance measures are further described in Section 4.2.

Groundwater provides approximately 30% of the City's water supply, and the remaining 70% is supplied through a water transfer system that transports water from the Medicine Bow and Laramie Mountain Ranges (City of Cheyenne Board of Public Utilities [BOPU] 2019a). Potential impacts to water resources are included in Section 4.2.

Figure 3-1. Water Resources



3.3 HAZARDOUS MATERIALS, HAZARDOUS WASTE, AND SOLID WASTE

The AFB is listed as a Superfund Site under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The AFB contains hazardous waste cleanup sites associated with spills, fire training, landfills, firing ranges, and unexploded ordnances. As such, temporary satellite storage facilities (i.e. 180 day) do exist on the AFB, before hazardous waste is ultimately transferred to a Hazardous Waste Characterization Site. From there, hazardous waste is categorized and transported off-site to appropriate disposal facilities (AFB 2013). One hazardous waste cleanup site is located within the Project Area and consists of a trichloroethylene (TCE) plume that resulted from a landfill that is no longer active. The TCE plume intersects the northeast corner of the Project Area, and monitoring wells used to track the plume are located within the Project Area. Above Storage Tanks and Underground Storage Tanks, and their associated piping are located on the AFB. No storage tanks or their associated infrastructure are located within the Project Area.

3.4 BIOLOGICAL AND ECOLOGICAL RESOURCES

A description of existing biological and ecological resources is included in the INRMP (AFB 2018b). Wildlife species commonly observed within the Project Area are typical of mixed grass prairies. The AFB has developed a Wildlife Management Plan that includes a comprehensive list of species observed or suspected to occur on the AFB (AFB 2018b). In addition to the AFB Wildlife Management Plan, the AFB has developed or considered implementing various species-specific management plans, such as a Goose (*Branta canadensis*) Management Plan and a Pronghorn (*Antilocapra Americana*) Management Plan (AFB 2008 and 2013).

Surveys for species protected under the Threatened and Endangered (T&E) Species Act of 1979 have been conducted on the AFB and have resulted in the identification of the Colorado Butterfly Plant (*Gaura neomexicana ssp. coloradensis*) and the Preble's Jumping Mouse (*Zapus hudsonius preblei*) (AFB 2018b). No additional T&E species have been identified within the AFB. Notably, while these species are known to occur on the AFB, neither species has been documented within the Project Area (AFB 2018b). Preferred habitat for these species is associated with intermittent and perennial streams that do not intersect the Project Area. During consultation with the United States Fish and Wildlife Service (USFWS), it was confirmed that the Project is in compliance with the Endangered Species Act of 1973 (Appendix B).

Existing vegetation community types within the AFB have been characterized by identifying dominant plant species (AFB 2018b). Within the Project Area, four vegetation community types exist, and include Mixed Grassland/Gravel Breaks, Crested Wheatgrass (*Agropyron cristatum*), Wet Meadow, and Urban/Other. Mixed Grassland/Gravel Breaks and Crested Wheatgrass comprise the majority of the Project Area, and are characterized by crested wheatgrass, western wheatgrass (*Pascopyrum smithii*), blue grama (*Bouteloua gracilis*), and needleandthread (*Hesperostipa comata*) (AFB 2013). Crested wheatgrass has been identified as its own community type because it was widely planted

to revegetate disturbed areas within the AFB. The Wet Meadow community type is dominated by foxtail barley (*Hordeum jubatum*), Kentucky bluegrass (*Poa pratensis*), tall wheatgrass (*Thinopyrum ponticum*), baltic rush (*Juncus balticus*), tufted hairgrass (*Deschampsia cespitosa*), and sedges (*Carex* spp.), amongst others (AFB 2004). The Urban/Other community type refers to roads, parking lots, and other areas generally devoid of vegetation. Figure 3-2 displays land cover made available by the National Gap Analysis Program and includes broad vegetation community types that conform to those identified above.

Noxious weeds known to occur on or adjacent to the Project Area include Canada thistle (*Cirsium arvense*), leafy spurge (*Euphorbia esula*), Dalmation toadflax (*Linaria dalmatica*), common hound's tongue (*Cynoglossum officinale*), and field bindweed (*Convolvulus arvensis*) (AFB 2013). The AFB has developed an Integrated Pest Management Plan, which includes guidance for controlling noxious weeds (AFB 2018b).

3.5 CULTURAL RESOURCES

The AFB INRMP (AFB 2018b) and Integrated Cultural Resource Management Plan (ICRMP; AFB 2018c) specify regulations for the maintenance archaeological, architectural, and traditional cultural resources, in accordance with Executive Order 11593. Cultural resources may include, but are not limited to, prehistoric archaeological sites, indigenous artifacts, historically significant buildings, or culturally significant plants and animals. Historic Properties include those demonstrating specific criteria (i.e. age, significance, and integrity) that make them eligible for listing within the National Register of Historic Places (NRHP).

A Cultural Resource Inventory was conducted within the Project Area in 2013, following consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the State Historic Preservation Act (AFB 2013). The Cultural Resource Inventory identified two previously recorded properties eligible for listing under the NRHP that overlapped the Project Area. These included Happy Jack Road (48LA541) and the Cheyenne Depot (48LA106). It was determined that the portion of these sites overlapping the Project Area did not contribute to the age, significance, or integrity listing criteria (AFB 2013). No additional cultural resources are known to exist within the Project Area.

3.6 GEOLOGY AND SOILS

The AFB is located within the High Plains Ecoregion and is characterized by predominately flat tablelands and gently rolling terrain derived from the Ogallala and Arikaree formations (EPA 2013, AFB 2018b). The High Plains Ecoregion is an arid ecoregion characterized by short mixed-grass prairies suitable for dryland farming and livestock grazing. The Natural Resource Conservation Service (NRCS) Web Soil Survey (2019) was used to identify soils within the Project Area, and a summary of the report is included in Figure 3-3. Portions of the Project Area exhibit disturbed soils, resulting from the development associated with utility lines installation, a parking lot, and overhead lighting poles.

Soils within the Project Area are non-hydric and range from silty loam to loam textures. No soils located within the Project Area are considered NRCS prime farmland (Web Soil Survey 2019).

Figure 3-2. Land Cover

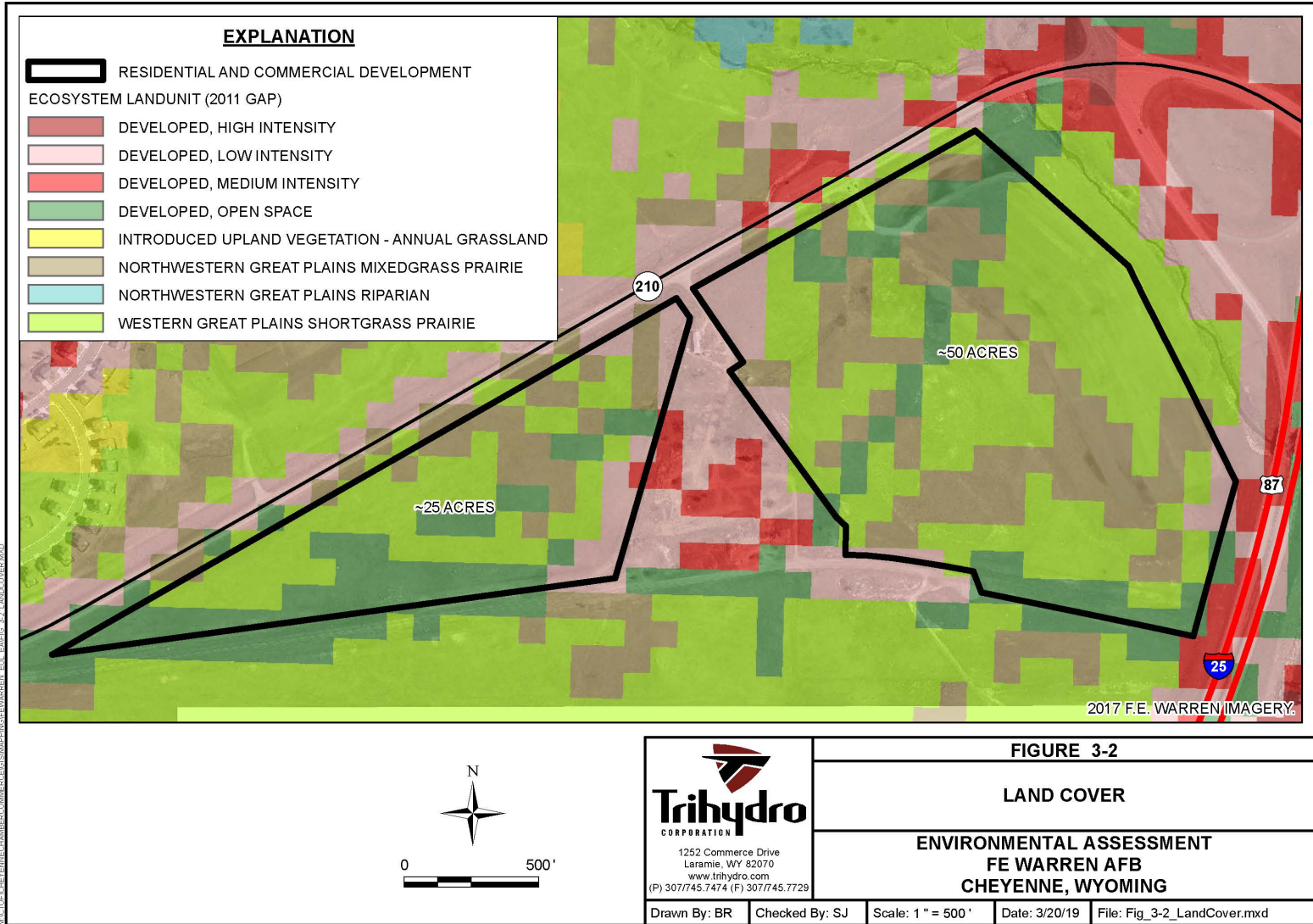
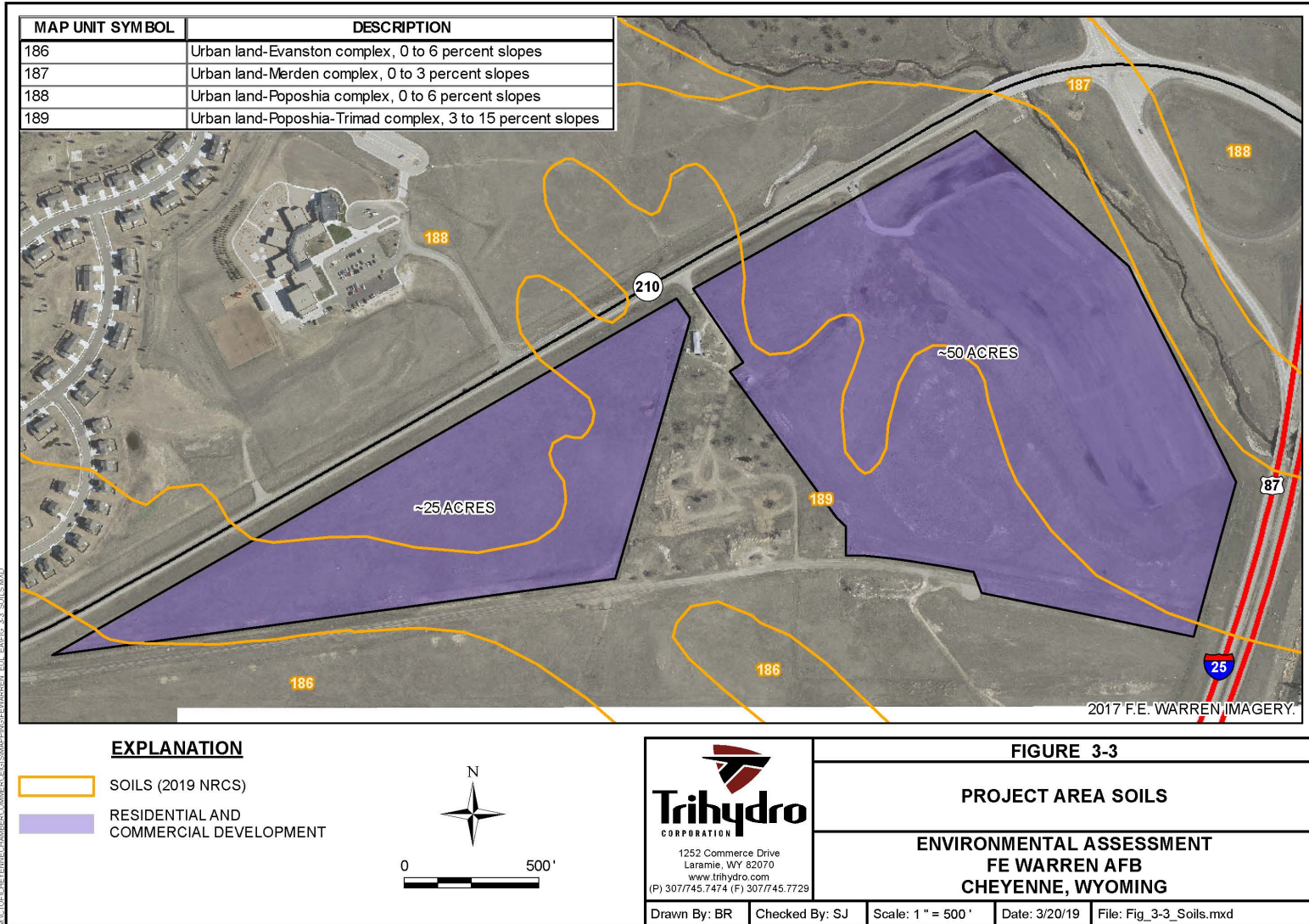


Figure 3-3. Soils



3.7 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

Guidance for NEPA-level analysis for identifying impacts to low-income households and minorities is provided under Executive Order 12898 (Clinton 1994). Socioeconomic data for this section were obtained for the City of Cheyenne, Laramie County, and the State of Wyoming. According to the U.S. Census Bureau, the average income within the City of Cheyenne (\$60,878) is less than the average income within the County (\$62,879), but similar to the state-wide average (\$60,938) (US Census Bureau 2010a-c). Based on 5-year estimates, 10.7% of Cheyenne residents were living below the poverty line in 2017 (US Census Bureau 2010a). The estimated percentage of individuals living below the poverty line in Cheyenne is slightly above Laramie County (10.4%) and below the State estimate (11.1%). The Laramie County Comprehensive Plan reported that the five predominant employers within the Greater Cheyenne Area include state government, military, Laramie County School District #1, Cheyenne Regional Medical Center, and the federal government (Laramie County Planning and Development 2016).

According to the 2010 U.S. Census Bureau, the population within the City of Cheyenne was 59,466 and the population of the surrounding Laramie County was 91,738 (U.S. Census Bureau 2010a-b). Based on 2010 growth estimates, the 2017 populations with the City of Cheyenne and the surrounding Laramie County increased to 63,624 and 97,031, respectively (U.S. Census Bureau 2010b). Table 3-1 describes the proportion of races within three geographic scales.

Table 3-1. Demographics

Race	State of Wyoming		Laramie County		City of Cheyenne	
	Number	Percent	Number	Percent	Number	Percent
White	511,279	91	81,205	89	51,999	87
Hispanic or Latino (of any race)	50,231	9	11,978	13	8,594	14
Black or African American	4,748	1	2,248	2	1,715	3
American Indian and Alaska Native	13,336	2	878	1	570	1
Asian	4,426	1	976	1	732	1
Other Race(s)	29,837	5	6,431	7	4,450	7
Total*	563,626	--	91,738	--	59,466	--

Notes:

*Percent based on a total population. Hispanic or Latino is considered an ethnicity, and therefore, respondents may have been included under more than one race category, resulting in a sum larger than 100%.

3.8 LAND USE

The Project Area is currently zoned for military use and is devoid of routine activity with the exception of the semi-developed parking lot that serves as additional parking during the Cheyenne Frontier Days. This parking use is limited to approximately 10 days in July. The land segmenting the eastern and western portions of the Project Area is known as Nob Hill and is excluded from the Project Area. Nob Hill is zoned as mixed-use, and properties are predominantly vacant commercial lots owned by the Laramie County Memorial Hospital, with the exception of one privately-owned

residential property. Lands immediately south of the Project Area are zoned as agricultural and serve primarily as rangeland. According to the Cheyenne Area Master Plan, future land use in the surrounding area is anticipated to be zoned as mixed-use residential (City of Cheyenne 2014).

3.9 NOISE

Sources of noise are located adjacent to the Project Area, and include the AFB helicopter operations, AFB ground maintenance activities, I-25 traffic, and fixed-wing aircraft noise associated with the Cheyenne Regional Airport (AFB 2013). The Cheyenne Regional Airport is located approximately one-mile northeast of the Project Area. Noise impacts from the communities surrounding the AFB are minimal (AFB 2018b).

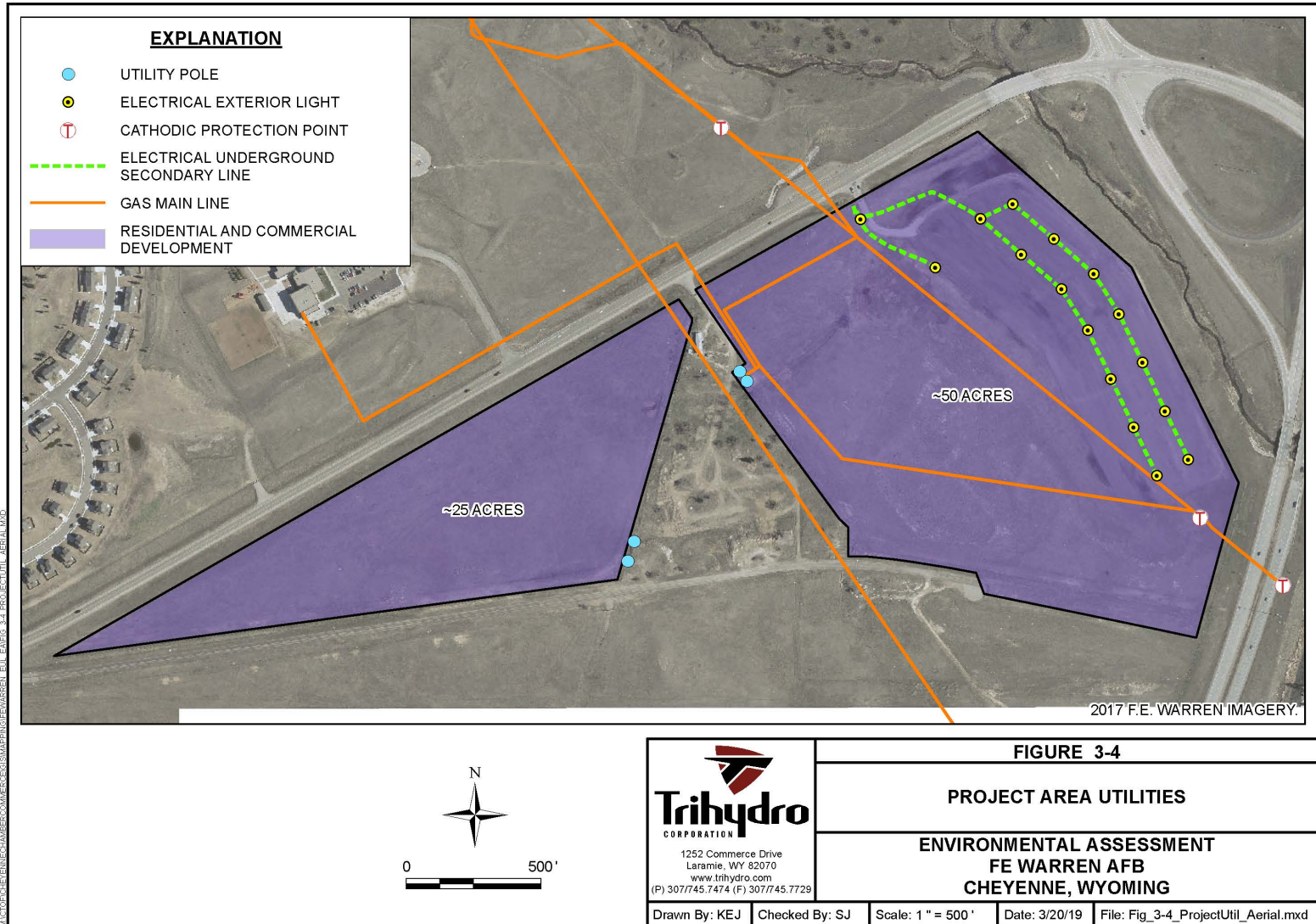
3.10 TRANSPORTATION

The Project Area is subject to minimal vehicle traffic and includes temporary use during the Cheyenne Frontier Days. In accordance with Executive Order 11989, the AFB allows the use of off-road vehicles within designated areas for research, conservation, and security purposes only (AFB 2018b). Currently, no Traffic Impact Study (TIS) exists for the Project Area. A traffic memorandum was developed for the Project Area in 2012 and suggests that a TIS may be conducted upon the development of a site plan (AFB 2013). Roads within 0.25 miles of the Project Area that may be included in a TIS consist of Happy Jack Road, Missile Road, and I-25 (AFB 2013). The Wyoming Department of Transportation (WYDOT) reviewed the 2012 traffic memorandum during the development of this EA and determined that the scope of the 2012 TIS should be expanded to reference the I-25 and I-80 Interchange Project that includes ramp considerations between Missile Drive and I-25 Lincoln way Interchanges (CH2M Hill 2008; WYDOT 2019). An updated TIS is currently underway. Transportation impacts are described in Section 4.10.

3.11 INFRASTRUCTURE

Current utility connections and easements within or near the Project Area include water, electric, natural gas, and telephone (AFB 2013). Overhead light poles are located within the Project Area, as well as exterior lighting associated with the semi-developed parking lot (Figure 3-4). Groundwater monitoring wells used to track the TCE plume are present within the Project Area. While no sanitary sewer line is present, an existing sewer line located south of the Project Area has been identified as a potential connection. Connections to existing utilities are described in Section 4.11.

Figure 3-4. Infrastructure



4.0 ENVIRONMENTAL CONSEQUENCES

Section 4 describes impacts associated with each affected resource under each Alternative. Environmental impacts are defined as modifications to the affected environment brought about by implementing the Proposed Action or the No Action Alternative. Impacts can be beneficial or adverse, direct or indirect, and can be short-term or long-term. Direct effects of the Proposed Action are those that are caused by the action and occur at the same time and place. Indirect effects are defined as those that are caused by the Proposed Action and are later in time and farther removed in distance but are still reasonably foreseeable. Short-term effects are those that would occur primarily during construction activities, whereas long-term effects are those that would occur following construction. Cumulative impacts include those resulting from the incremental resource impacts added to other past, present, and reasonably foreseeable future actions. Non-military lands surrounding the AFB and Project Area are identified in the County and City Master Land Use Plans as anticipated industrial, residential, and mixed-use development. Because the Proposed Action supports the anticipated land use within the City and County, no significant cumulative impacts to resources were identified at the community and county scale. Cumulative impact discussions are included in each resource section, including those warranting an assessment of cumulative impacts at a broader scale. Construction plans for the development associated with the Proposed Action are still in the development stage, so the impact analysis described in this Section, including cumulative impact analysis, was conducted on a qualitative basis using best available data.

4.1 AIR QUALITY IMPACTS

4.1.1 NO ACTION

Under the No Action Alternative, emissions associated with the proposed development and subsequent land use would not occur. No impacts to air quality are anticipated under this Alternative.

4.1.2 PROPOSED ACTION

The Wyoming Department of Environmental Quality (WDEQ), Department of Air Quality, protects Wyoming's air quality by regulating emissions from proposed and existing development. Development resulting under the Proposed Action would be subject to the WDEQ Air Quality regulations. Under the Proposed Action, direct impacts include the temporary increase in both construction and operational emissions. Temporary impacts are directly associated with construction and may result in minor increases in Greenhouse Gas emissions, particulate matter, and volatile organic compounds. Long-term impacts may include increased emissions resulting from residential or commercial development, including increased use of vehicles, heaters, boilers, and generators. Both temporary and long-term impacts are anticipated to be minor and would not compromise the current air quality attainment status of Laramie County. The USAF Air Conformity Applicability Model (ACAM) was used to calculate the anticipated overall emissions resulting from Project development. Because the final plans for construction are still being developed, the ACAM model was conducted using a series of assumptions, which include the following two key assumptions:

- All ground disturbing activities, including grading, excavation, trenching, and paving, would occur at the beginning of site development.
- Construction of residential structures would occur first, followed by construction of commercial structures.

Because of the sequential nature of development, two Record of Air Analysis reports were produced using the ACAM model to assess short- and long-term emissions impacts (Appendix C). The first report assesses the ground disturbing activities, as well as the development and painting of residential properties. The second report assesses the construction and painting of the commercial properties. Table 4-1 summarizes the combined annual emissions anticipated to occur as a result of all construction associated with residential and commercial development. The overall estimated emissions anticipated to occur under the Proposed Action are below the air quality impact significance criteria (i.e. 100 tons per year). Best Management Practices (BMPs) such as surface wetting to control dust during construction, may be used to minimize adverse impacts to adjacent residents. Significant adverse impacts are not anticipated under the Proposed Action.

4.1.3 CUMULATIVE IMPACTS

Development resulting in both temporary and long-term increases in emissions conform to the City of Cheyenne Master Plan that estimates an additional 13,000 housing units by 2035 (City of Cheyenne 2014). Cumulatively, the Proposed Action is not anticipated to significantly and adversely impact the air quality (Table 4-1). The nearest non-attainment area within the State of Wyoming is located in Sweetwater County, over 150 miles west of Cheyenne. Weld County, Colorado, is located south of Cheyenne and is currently one of nine counties in the North Front Range of Colorado listed as a non-attainment area. The temporary and long-term increases in emissions from the Project are anticipated to be minor, and not alter the attainment status of Laramie County or adjacent counties.

Table 4-1. ACAM Annual Emissions Summary

Pollutant	CY 2020			CY 2021			CY 2022			Threshold (tpy)	Exceedance (Y/N)
	Res (tpy)	Cml (tpy)	Total (tpy)	Res (tpy)	Cml (tpy)	Total (tpy)	Res (tpy)	Cml (tpy)	Total (tpy)		
VOC	0.63	0.00	0.63	4.35	1.21	5.56	0.03	0.00	0.03	100.00	NO
NOx	4.24	0.00	4.24	1.82	1.79	3.61	0.14	0.00	0.14	100.00	NO
CO	3.20	0.00	3.20	2.08	1.78	3.86	0.15	0.00	0.15	100.00	NO
SOx	0.01	0.00	0.01	0.00	0.00	0.01	0.00	0.00	0.00	100.00	NO
PM 10	90.33	0.00	90.33	1.88	0.07	1.95	0.01	0.00	0.01	100.00	NO
PM 2.5	0.18	0.00	0.18	0.08	0.07	0.15	0.01	0.00	0.01	100.00	NO
Pb	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25.00	NO
NH3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	NO
CO2e	886.00	0.00	886.00	424.90	422.00	846.90	24.90	0.00	24.90	N/A	N/A

Note:

CY- Calendar Year, tpy- tons per year, Res- residential, Cml- commercial

4.2 WATER RESOURCES IMPACTS

4.2.1 NO ACTION

Under the No Action Alternative, impacts to water resources associated with the proposed development would not occur. No impacts to water resources are anticipated under this Alternative.

4.2.2 PROPOSED ACTION

Development associated with the Proposed Action may result in direct and indirect impacts to surface water resources. Under the Proposed Action, the Project Area leased by the AFB would remain subject to Executive Orders 11990 and 11988, which require federal agencies to avoid impacts to wetlands and floodplains, where feasible. No other reasonable alternatives were identified for this EUL, and scoping letters were sent to the USACE and FEMA. Following a review of wetland information available for the Project Area, the USACE determined that one wetland is present, but has no surface water connection to Crow Creek and lacks a discernable, non-speculative ground-water connection to Crow Creek. The wetland (0.89 acres) is isolated and considered a non-jurisdictional water of the U.S. The use, degradation or destruction of this isolated wetland would not affect interstate or foreign commerce, and does not require permitting under Section 404 of the CWA. As such, the USACE, in coordination with the EPA, generated an approved Jurisdictional Determination and subsequently issued a No Permit Required Letter for the AFB (Appendix A). In accordance with AFI 32-7064, the development design for the 75.3-acre parcel would avoid direct impacts to this wetland and incorporate it into the design plans for collecting and conveying precipitation runoff and stormwater. As such, development within the 0.89 acres of wetlands would not occur, and stormwater BMPs would be used to minimize or eliminate impacts from surrounding development. With respect to floodplains, 0.04 acres northeast corner of the Project Area overlaps a designated Special Flood Hazard Area associated with Crow Creek (Figure 3-1). Development within this flood area is not anticipated to occur. Development within the Flood Hazard Area would warrant additional coordination with FEMA under the National Flood Insurance Program. The adjacent Crow Creek is a designated Wyoming 303(d) impaired stream as a result of sedimentation from stormwater runoff. As such, final plans for development associated with the Proposed Action would require thorough and integrated planning with the WDEQ to prevent additional adverse impacts to the impaired waterbody.

Surface and groundwater distribution within the City and County are subject to the authority of the WDEQ, BOPU, and the City Engineer's Office. Providing potable water to the Project Area would be performed in accordance with the Infrastructure Policies & Design Criteria (IPDC). The AFB has developed a Stormwater Pollution Prevention Plan, and currently discharges stormwater into Crow Creek under authority from WDEQ (AFB 2018b). Additional drainage and stormwater management plans may be developed in accordance with Laramie County Land Use Regulations. Further impact avoidance and minimization measures for Crow Creek would be implemented during the development of final plans, and may include the acquisition of federal permits, such as a CWA 401 Water Quality Certification or National Pollutant Discharge Elimination System permit issued by the EPA. State-regulated mitigation for Crow Creek may

include the acquisition of a large construction general permit or a temporary turbidity waiver issued by the WDEQ. Due to the measures that would be implemented to limit impacts under the Proposed Action, significant adverse impacts to water resources are not anticipated.

4.2.3 CUMULATIVE IMPACTS

The isolated wetland identified within the Project Area in 2004 is not subject to USACE jurisdiction. The proposed Project Area overlaps a Special Flood Hazard Area (i.e. 0.04 acres). Development within the Special Flood Hazard Area would require prior consultation with FEMA to discuss potential mitigation measures. The Crow Creek Watershed extends from Albany County east to Carpenter, Wyoming, located approximately 20 miles east of Cheyenne. Cheyenne is the only large urbanized area within the Crow Creek Watershed (RESPEC 2013). Past and present actions impacting Crow Creek near Cheyenne have resulted in its impaired status. In an effort to prevent adverse impacts from future projects, anticipated development, including the Proposed Action, require thorough and integrated planning with the WDEQ following the development of final construction plans. Similarly, potable water services are regulated by the WDEQ, BOPU, and the City Engineer's Office. Following the development of construction plans, water demand and availability may be assessed by State and local water regulators. Because the Proposed Action would be developed in accordance with necessary federal, state, and local regulations, no cumulative adverse impacts to water resources are anticipated to occur.

4.3 HAZARDOUS MATERIALS, HAZARDOUS WASTE, AND SOLID WASTE IMPACTS

4.3.1 NO ACTION

Under the No Action Alternative, existing hazardous waste conditions would not change. Monitoring associated with the TCE plume would continue under this Alternative.

4.3.2 PROPOSED ACTION

Under the Proposed Action, the development of residential and commercial infrastructure would occur on land that has minimal, but previously documented and characterized, existing hazardous waste (i.e. a TCE plume). Monitoring of the TCE plume is expected to continue under this alternative. Construction in areas with potentially contaminated groundwater or soils may occur, and if so, will be completed in accordance with state and federal regulations to ensure exposure to humans or the environment is below established criteria. No other hazardous waste is known to exist within the Project Area. Construction associated with residential and commercial development would result in short-term increases in solid waste, increasing the local landfill demand. The operational phase of Project activities would also result in the long-term increase in municipal solid waste. However, the increase in debris from construction and subsequent municipal waste is not anticipated to significantly impact the capacity of local landfills. The generation,

storage, and disposal of waste during construction and operation would be executed in compliance with applicable regulations.

4.3.3 CUMULATIVE IMPACTS

The AFB currently manages their hazardous and solid waste disposal in accordance with federal and state regulations. During the construction and operation of residential and commercial infrastructure, the Project Area would remain subject to applicable federal, state, and local regulations that manage the storage and disposal of hazardous and solid wastes and limit exposure to people and/or the environment. In January of 2019, the City awarded a contract in response to a Request for Proposal regarding an amendment to their Integrated Solid Waste Management (ISWM) plan (City of Cheyenne 2019a). The amended ISWM plan will emphasize the sustainability of the Happy Jack Landfill, which was approved for expansion in 2018. The City's long-term recognition of anticipated need to expand waste management needs predates the Proposed Action, and steps are being taken to facilitate the growth of the City through the support of infrastructure. As such, the Proposed Action is not anticipated to result in cumulative impacts to solid or hazardous waste.

4.4 BIOLOGICAL AND ECOLOGICAL RESOURCE IMPACTS

4.4.1 NO ACTION

Under the No Action Alternative, the existing biological and ecological conditions of the Project Area would remain unchanged, and wildlife protection plans developed by the AFB would continue to occur. Under the No Action Alternative, T&E species would still be protected under the Endangered Species Act of 1973 and monitored under the AF Policy Directive 32-70. The AFB would continue to maintain current inventories of T&E species and their habitat within the Project Area. No adverse impacts are anticipated to occur under the No Action Alternative.

4.4.2 PROPOSED ACTION

Under the Proposed Action, the existing biological and ecological conditions would be subject to both short- and long-term impacts, resulting from habitat loss associated with the development of Project infrastructure. However, impacts not anticipated to be significant or adverse, due to the relatively low-quality mixed-grass wildlife habitat that currently exists within the Project Area. Numerous wildlife surveys conducted within the AFB have determined that species of particular conservation concern are not located in the Project Area, and federal and state wildlife protection regulations would continue to apply under this Action (AFB 2018b). The United States Fish and Wildlife Service reviewed T&E species impacts under the Proposed Action and concurred with the no effect determination (Appendix B). Indirect impacts to non-T&E species may include temporary displacement resulting from construction equipment and noise, which may serve as audible and visual deterrents to nearby wildlife. However, this indirect impact would be temporary, as commonly observed species on the AFB are accustomed to urbanized environments. Land disturbance

resulting from construction could increase noxious weed populations; however, best management practices (i.e. weed control methods) would be implemented as necessary to minimize or mitigate the establishment of noxious weeds. As such, the Proposed Action is not anticipated to significantly and adversely impact biological or ecological resources.

4.4.3 CUMULATIVE IMPACTS

Short-term impacts resulting from the Proposed Action may include temporary displacement of nearby wildlife, but no impacts to species of particular conservation concern are anticipated. Long-term impacts include a decrease in mixed grass prairie habitat. Cumulatively, this habitat loss would occur on pre-existing disturbance, so a loss of natural habitat and habitat connectivity would not occur. Neither short- or long-term impacts are anticipated to compromise plant or wildlife populations at the local, state, or national scale. As such, cumulative impacts are not anticipated to occur.

4.5 CULTURAL RESOURCE IMPACTS

4.5.1 NO ACTION

Under the No Action Alternative, disturbance within the Project Area would not occur, and cultural resources would not be impacted.

4.5.2 PROPOSED ACTION

Impacts to known cultural sites within the Project Area are identified in the AFB ICRMP, which includes a comprehensive list of known and potentially occurring cultural resources (AFB 2018b). Similarly, a previous site-specific Cultural Resource Inventory has been conducted for the Project Area, and determined that impacts to cultural resources would not impact their eligibility towards listing under the NRHP (AFB 2013). Section 106 consultation was conducted for this EA in accordance with 36 CFR 800. Following an assessment of the Proposed Action, SHPO provide a letter response indicating a finding of no historic properties will be affected (Appendix B). As such, any impact to known cultural resources would not be significant.

4.5.3 CUMULATIVE IMPACTS

Potential impacts to unknown resources have been addressed through Section 106 consultation, and resulted in a finding of no historic properties affected. Due to the extensive cultural resource investigation conducted on the AFB and concurrence from SHPO, the Proposed Action is not anticipated to cumulatively impact cultural resources in this area.

4.6 GEOLOGY AND SOILS IMPACTS

4.6.1 NO ACTION

Under the No Action Alternative, no impacts to soils resulting from proposed construction activities would occur.

4.6.2 PROPOSED ACTION

Under the Proposed Action, the proposed construction of surface and subsurface infrastructure would result in temporary disturbance to Project Area soils. However, no soils in the Project Area are designated as Prime Farmland, therefore warranting further consultation with the NRCS.

4.6.3 CUMULATIVE IMPACTS

The Proposed Action would result in temporary disturbance to soils within the Project Area during the proposed construction. Disturbance to soils would occur on pre-existing disturbance within a predominantly urbanized setting and are therefore not anticipated to result in significant cumulative impacts.

4.7 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE IMPACTS

4.7.1 NO ACTION

Under the No Action Alternative, existing low-income or minority population conditions would persist.

4.7.2 PROPOSED ACTION

Under the Proposed Action, beneficial long-term impacts to low-income or minority populations may occur. While the general Project Area does not host a disproportionate population of low-income or minority populations, the Proposed Action would increase local housing and commercial real estate opportunities for the Cheyenne community as a whole.

4.7.3 CUMULATIVE IMPACTS

The Project Area is adjacent to predominantly vacant commercial lots, and the development associated with the Proposed Action would not negatively impact low-income or minority populations at the local, county, or state-scale. As such, the Proposed Action would result in long-term benefits to the local community, through the development of additional residential and commercial spaces.

4.8 LAND USE IMPACTS

4.8.1 NO ACTION

Under the No Action Alternative, the existing zoning of the land for military use would remain unchanged, and existing land use would persist.

4.8.2 PROPOSED ACTION

Under the Proposed Action, the existing land zoned for military use would be changed to mixed-use, accommodating residential and commercial functions. A land use change would result in long-term impacts to the Project Area, as a result of increased subsurface and surface development. However, the Project Area was identified as underutilized under its current use. The City of Cheyenne Planning and Development (CCPD) Department oversees rezoning applications, planned unit developments, and site plan reviews, amongst others. According to the CCPD, the property may require an amendment to the existing Land Use Plan, would require zoning to a zone district(s) applicable to the Proposed Action, and would require conformance with the applicable subdivision and development standards of the City.

4.8.3 CUMULATIVE IMPACTS

The Project Area would be zoned as mixed-use, allowing for the development of residential and commercial infrastructure. The Proposed Action conforms to the City of Cheyenne's Master Plan, which anticipates an increase in mixed-use land in the general Project Area (City of Cheyenne 2014). Within the City of Cheyenne, over 2,000 acres of agricultural and vacant land are available to accommodate the development of approximately 3,250 residential housing units (City of Cheyenne 2014). Because the Project Area currently resides on federal land, development would not affect the availability of vacant and agricultural land that the City has identified for additional housing units. Cumulatively, long-term beneficial impacts are anticipated under the Proposed Action.

4.9 NOISE IMPACTS

4.9.1 NO ACTION

Under the No Action Alternative, the existing sources of noise associated with helicopter and fixed-wing aircraft operations, traffic, and ground maintained would persist.

4.9.2 PROPOSED ACTION

Under the Proposed Action, temporary increases in noise are anticipated as a result of construction activities. Construction, including noise control, would be conducted under applicable Laramie County Land Use Regulations. Additional noise considerations may include a noise attenuation assessment (i.e. I-25 noise) associated with a Traffic Study discussed in Section 4.10. Noise impacts resulting from construction would be temporary. Permanent increases in ambient noise from the resulting operational phase of development would not be significant.

4.9.3 CUMULATIVE IMPACTS

Noise associated with development under the Proposed Action would be compatible with the City of Cheyenne's (2014) plan to develop the surrounding areas as mixed-use residential properties, and would be consistent with existing

ambient noise resulting from aircrafts, traffic, and ground maintenance. Additionally, potential nuisances associated with noise are associated with temporary construction. Cumulative noise impacts under the Proposed Action are not anticipated to be significant.

4.10 TRANSPORTATION IMPACTS

4.10.1 NO ACTION

Under the No Action Alternative, the existing road infrastructure and associated traffic would remain unchanged.

4.10.2 PROPOSED ACTION

Under the Proposed Action, long-term impacts may occur, including minor road modifications and increased traffic from subsequent use of the Project Area. Detailed plans for road modifications have not been developed, but the Proposed Action is anticipated to increase vehicular, bicycle, and pedestrian traffic. These long-term impacts may ultimately serve as beneficial to the community, as the City of Cheyenne Community Plan calls for increased vehicle and pedestrian access to mix-use areas (City of Cheyenne 2014). Transportation impacts would be minimized through the development of a TIS, as described in Section 3.10. Additionally, prior to construction within a highway right-of-way (ROW), a permit would be secure through the WYDOT District 1 Office for utilities, fencing modifications, or additions, modifications, or removal of highway access. If drainage is affected within the highway ROW, a drainage study will be developed to demonstrate that post-development discharge rates are equal to or below pre-development rates during 2-, 5-, 10-, 50-, and 100-year events. Existing WYDOT monuments disturbed or removed during construction would be replaced. Due to the proposed TIS and subsequent acquisition of permits where necessary, no significant adverse impacts are anticipated under this Action.

4.10.3 CUMULATIVE IMPACTS

An increase in vehicle, bicycle, and pedestrian traffic is anticipated to be a long-term impact from resulting from the Proposed Action. The TIS would assess existing road infrastructure with respect to future road projects identified in the surrounding area, including the I-25 and I-80 Interchange Project that includes ramp considerations between Missile Drive and I-25 Lincolnway Interchanges. Through transparent communication with applicable state and local agencies during the develop of construction plans and a TIS, long-term cumulative impacts are not anticipated to be significant.

4.11 INFRASTRUCTURE IMPACTS

4.11.1 NO ACTION

Under the No Action Alternative, the existing water, electricity, natural gas, and telephone easements will remain unchanged.

4.11.2 PROPOSED ACTION

Under the Proposed Action, additional infrastructure is anticipated to include 12,000 linear feet of water line and 11,400 linear feet of sewer line. These utilities would require connections to existing utility lines located adjacent to the Project Area. The Project Area currently resides on federal land, and connections to existing utilities would require annexation of the property or an Outside City User Agreement to receive water and sanitary sewer utilities. In the event that an Outside City User Agreement was the preferred approach for development, approval from the Cheyenne Board of Public Utilities (BOPU), the City of Cheyenne Development Department, the BOPU Board, and the Cheyenne City Council would be required. In either instance, connections to existing infrastructure would be conducted in accordance with the Cheyenne Municipal Code and the BOPU IPDC (City of Cheyenne 2019b; BOPU 2018). The increased demand for utility line connections may result in adverse impacts to the sewer lines, which have known capacity limitations. However, BOPU implements safeguards to protect human and environmental health through their water reclamation facilities (BOPU 2019b). Because the utility lines would be designed and installed in accordance with City regulations, adverse impacts under this Action are not anticipated to be significant.

4.11.3 CUMULATIVE IMPACTS

The Project Area contains existing utility easements for water, electricity, natural gas, and telephone. According to BOPU, sewer capacity in this area is a known concern, and will need to be addressed as part of the development's planning efforts outlined in Section 4.11.2. Due to the known sewer capacity limitations, the development of the Proposed Action may result in adverse impacts to existing sewer infrastructure, if new infrastructure were not designed to accommodate and/or moderate the additional load. Because the design and installation of the sewer infrastructure would be conducted in accordance with City regulations, adverse impacts are not anticipated to be significant. As demonstrated by the City and County Land Use Plans, urban expansion is anticipated to occur near the existing City limits. The increased demand for sewer utilities resulting from the Proposed Action is not unique or significant with respect to the anticipated City growth, and sewer system rehabilitation and improvement is currently on the list of BOPU projects (BOPU 2019c). As such, the cumulative impacts resulting from increased utility demands are not anticipated to be significant.

5.0 CONSULTATION AND COORDINATION

In accordance with NEPA regulations, the lead agency (i.e. United States AF) is required to involve the public in the preparation of an EA. This chapter describes the public involvement process as well as other key components of consultation and coordination. Federal, State, and local agencies contacted during the scoping phase of this EA are included in Table 5-1.

5.1 PUBLIC SCOPING

A Notice of Intent was published in the Eagle Tribune on February 12-15th, 2019. No public comments regarding the Notice of Intent were received. Scoping letters requesting comments on the proposed Project were mailed to 10 federal, state, and local agencies and one private landowner adjacent to the Project Area; nine comments were received in response (Table 5-1). The Draft version of the EA was made available for a 30-day public review on the AFB website, and hard copies were made available in the Laramie County Public Library. A Notice of Availability was published in the Eagle Tribune the week of October 14, 2019 and indicated where electronic and hard copies of the Draft EA were available for review. Additionally, a public scoping meeting was held on November 12, 2019, at the Laramie County Public Library. A notification of the public meeting was included in the Notice of Availability.

Table 5-1. Public Scoping

Public Scoping Letter Recipient	Response Received
Cheyenne Board of Public Utilities (BOPU)	See appendix B
City of Cheyenne Planning and Development (CCPD)	See appendix B
Federal Emergency Management Agency (FEMA)	See appendix B
Freedom Elementary School	No Response
Laramie County Planning Department (LCPD)	No Response
State Historic Preservation Office (SHPO)	See appendix B
U.S. Army Corps of Engineers (USACE)	See appendix B
U.S. Fish and Wildlife Service (USFS)	See appendix B
Wyoming Department of Environmental Quality (WDEQ)	See appendix B
Wyoming Department of Transportation (WYDOT)	See appendix B
Private landowner	See appendix B

5.2 TRIBAL CONSULTATION

In accordance with 36 CFR 300, Section 989.18 of the EIAP, and the Department of Defense Instruction 4710.02, *Interaction with Federally Recognized Tribes*, the lead agency identified tribes with historical or cultural affiliation to land potentially impacted by the proposed projects. Specifically, the AFB designated an Installation Tribal Liaison Officer performed consultation with applicable tribal representatives. A total of 26 tribes spanning nine states were solicited for comments. Tribal representatives were originally solicited on April 4, 2019, with subsequent letters sent

on September 2, 2019. No comments have been received. The AFB has not been identified as a historic settlement for tribes (AFB 2018c). A comprehensive list of tribal scoping letter recipients is included in Appendix D, and examples of letters sent to tribal representatives are included in Appendix D. If the Project moves forward, the AFB ITLO will maintain correspondence with tribes as development plans mature and construction commences to provide ongoing opportunity for comment.

5.3 PREPARERS OF THE EA

An interdisciplinary team of natural resource specialists employed by Trihydro Corporation assisted in the preparation of this EA under the supervision of the AF. The team that prepared this EA is provided below in Table 5-2. Additional technical review was provided by those listed in Table 5-3.

Table 5-2. Preparers of the EA

Name	Education	Role/Section Prepared
Jana White	Ph.D. Ecology M.S. Biology B.S. Geology and Biology	Project Manager; Quality Assurance
Sam Joseph	B.S. Environment and Natural Resources	Assistant Project Manager; Sections 1-6
Ted Koller	B.S. Environmental Science	Resource Specialist; Sections 3 and 4
Brian Robeson	B.S. Geography	GIS Specialist; Figure Development
Stephen Walls	B.S. Environmental Engineering	Air Quality and Permitting Engineer
Clerical Staff	Kathy White	Quality Assurance; document formatting

Table 5-3. Technical Reviewers

Name	Affiliation
Travis Beckwith	NEPA/Cultural Resources Program Manager, Installation Management Flight, 90th Civil Engineer Squadron, F.E. Warren Air Force Base
John A. McKinley	Chief, Environmental Element, 90th Civil Engineer Squadron, F.E. Warren Air Force Base
Nicole Ng	Air, Toxics, & Water Program Manager, 90th Civil Engineer Squadron, F.E. Warren Air Force Base

6.0 REFERENCES

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Appendix A

US Army Corp of Engineers Approved Jurisdictional Determination



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
WYOMING REGULATORY OFFICE
2232 DELL RANGE BOULEVARD, SUITE 210
CHEYENNE WY 82009-4942

April 17, 2019

Mr. Sam Joseph
Trihydro Corporation
1252 Commerce Drive
Laramie, Wyoming 82070

Dear Mr. Joseph:

This letter is in response to information we received on February 21, 2019 from Trihydro Corporation sent on behalf of the U.S. Air Force – Francis E. Warren Air Force Base (AFB). The information concerned the Francis E. Warren AFB Enhanced Use Lease program on a non-excess federal property located in Section 35, Township 14 North, Range 67 West, Laramie County, Cheyenne, Wyoming.

The U.S. Army Corps of Engineers regulates the placement of dredged and fill material into waters of the United States in accordance with Section 404 of the Clean Water Act (33 U.S.C. 1344). The term "waters of the United States" has been broadly defined by statute, regulation, and judicial interpretation to include all waters that were, are, or could be used in interstate commerce such as streams, reservoirs, lakes and adjacent wetlands. The Corps regulations are published in the *Code of Federal Regulations* as 33 CFR Parts 320 through 332. Information on Section 404 program requirements in Wyoming can be obtained from our website: <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Wyoming.aspx>

The information received on February 21, 2019 contained a delineation completed in 2004. This delineation was evaluated using a desktop analysis and field observations. Although wetland boundaries have appeared to shift since 2004, it was apparent that the wetland identified in the delineation had a no nexus to waters of the United States, and determined to be isolated.

We have reviewed the documents provided by Trihydro Corporation and based on that information, it appears the any activities occurring within the review area, as defined in the approved jurisdictional determination (attached), would not result in the discharge of dredged or fill material into waters of the United States. Thus, a Department of the Army (DA) permit will not be required. This determination does not eliminate requirements to obtain any other applicable federal, state, tribal, or local permits.

In the March 28, 2000, edition of the *Federal Register* (Vol. 65, No. 60), the Corps implemented an administrative appeals process for jurisdictional determinations. This letter and enclosed form serve as an approved jurisdictional determination. You or other affected parties can appeal this determination to the Northwestern Division Appeals Review Officer, Ms. Melinda Witgenstein, using the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal* form. Section I Part D of the form explains the appeal

procedure. Please complete Section II if you disagree with this determination and send it to Ms. Witgenstein at the address on the form prior to June 8, 2019 or you will forfeit the right to an administrative appeal.

Thank you for your interest in complying with requirements of the U.S. Army Corps of Engineers' Regulatory Program. Please contact me by phone at (307) 772-2300 Ext. 5 or by email at Matthew.C.Sailor@usace.army.mil and reference file NWO-2019-00280-RWY if you have any questions.

Sincerely,

Matthew C. Sailor

Matthew Sailor
Project Manager
Wyoming Regulatory Office

Enclosure:

Approved Jurisdictional Determination

The Omaha District, Regulatory Branch, Wyoming Regulatory Office is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete a Customer Service Survey found on our web site <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Wyoming.aspx> Paper copies of the survey are also available upon request for those without Internet access.

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): April 9, 2019

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Omaha District, NWO-2019-00280, Warren AFB

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Wyoming County/parish/borough: Laramie County City: Cheyenne
Center coordinates of site (lat/long in degree decimal format): Lat. 41.132735°, Long. -104.853308°
Universal Transverse Mercator: 13

Name of nearest waterbody: Crow Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: South Platte River

Name of watershed or Hydrologic Unit Code (HUC): 101900090109, Diamond Creek-Crow Creek

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form:

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: March 7, 2019

Field Determination. Date(s): March 7, 2019

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet, wide, and/or acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: Pick List

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: One wetland (0.89 ac) exists within the project area. The subject wetland is a slope wetland receiving runoff from uplands in the vicinity of the review Area. The wetland has no surface water connection to Crow Creek and the wetland lacks a discernable, non-speculative ground-water connection to Crow Creek as well. The wetland is isolated and considered a non-waters of the U.S. The use, degradation or destruction of this isolated wetland would not affect interstate or foreign commerce.

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW:

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

- Watershed size: **Pick List**
- Drainage area: **Pick List**
- Average annual rainfall: inches
- Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

- Tributary flows directly into TNW.
- Tributary flows through **Pick List** tributaries before entering TNW.

- Project waters are **Pick List** river miles from TNW.
- Project waters are **Pick List** river miles from RPW.
- Project waters are **Pick List** aerial (straight) miles from TNW.
- Project waters are **Pick List** aerial (straight) miles from RPW.
- Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵:

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

- Tributary is: Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

- Average width: feet
 Average depth: feet
 Average side slopes: **Pick List**.

Primary tributary substrate composition (check all that apply):

- Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover:
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime:

Other information on duration and volume:

Surface flow is: **Pick List**. Characteristics:

Subsurface flow: **Pick List**. Explain findings:

- Dye (or other) test performed:

Tributary has (check all that apply):

- Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list):
 Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- High Tide Line indicated by: Mean High Water Mark indicated by:
 oil or scum line along shore objects survey to available datum;
 fine shell or debris deposits (foreshore) physical markings;
 physical markings/characteristics vegetation lines/changes in vegetation types.
 tidal gauges
 other (list):

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain:

Identify specific pollutants, if known:

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: _____ acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately _____ acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 TNWs: linear feet, wide, Or acres.
 Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet wide.
- Other non-wetland waters: acres.

Identify type(s) of waters:

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**
 Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

⁸See Footnote # 3.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet, wide.
- Other non-wetland waters: acres.
Identify type(s) of waters:

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 - Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
 - Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain:
- Other factors. Explain:

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet, wide.
- Other non-wetland waters: acres.
Identify type(s) of waters:
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
- Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, wide.
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: **0.89** acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, wide.
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date):
or Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: A site visit was conducted to review to validate a historic aquatic resource inventory (ARI) and check for connectivity of the subject wetland to nearby Crow Creek (RPW). The ARI was completed in 2004 and was considered out of date but was useful in determining areas that may contain wetlands. Based upon this site visit it was determined that a slope wetland measuring 0.89 acres existed within the review area. The wetland was up-gradient ~13' from the Crow Creek Floodplain and showed no surface or discernable sub-surface connection to Crow Creek. The use, degradation or destruction of this isolated wetland would not affect interstate or foreign commerce.

NWO-2019-00280

Isolated JD Map



REVIEW AREA

ISOLATED WETLAND

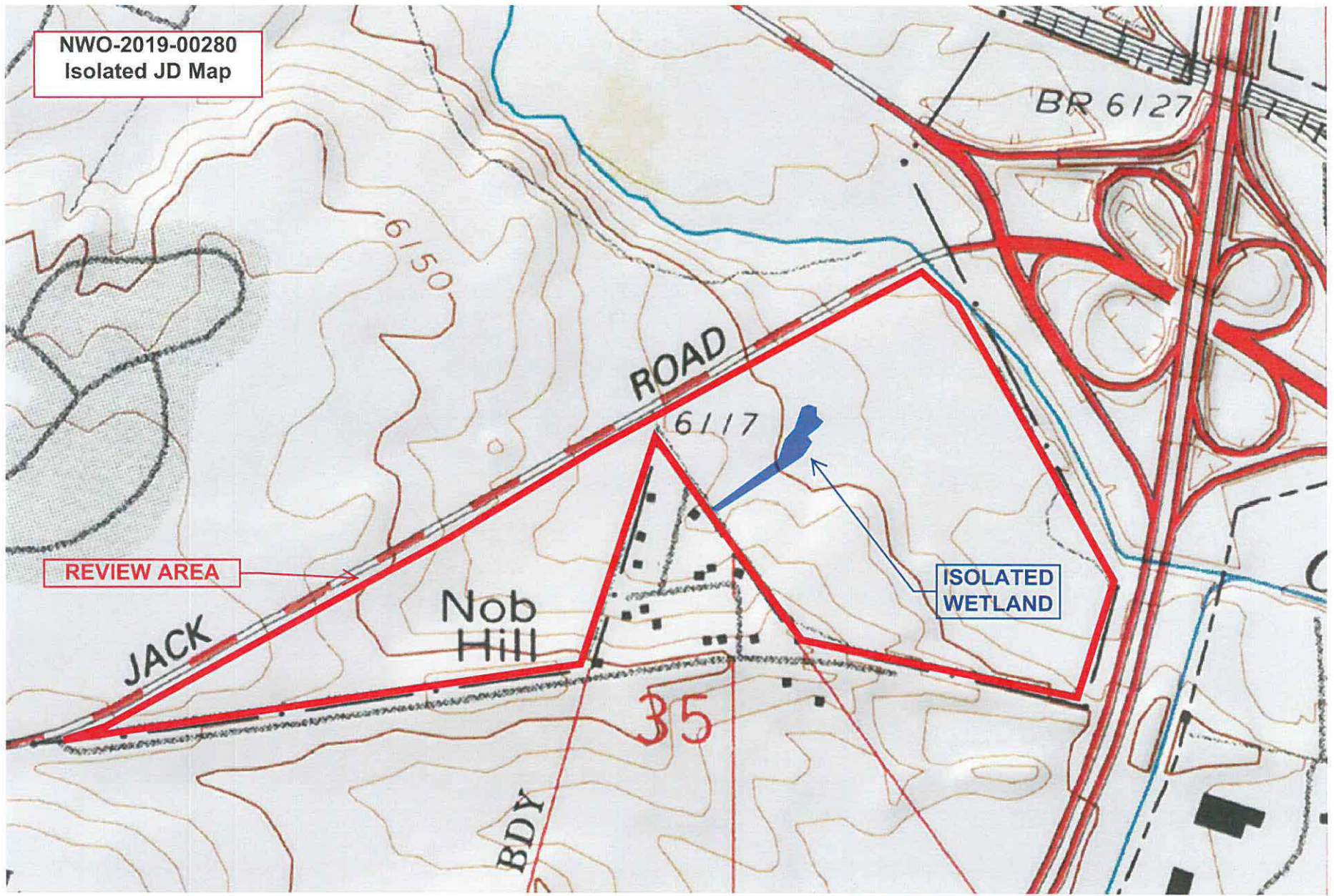
Google earth

© 2018 Google

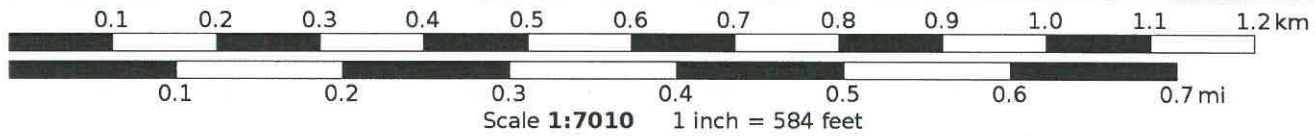
1000 ft



NWO-2019-00280
Isolated JD Map



Mercator Projection
WGS84
USNG Zone 13TEF
CalTopo



NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Francis E. Warren Air Force Base		File Number: 2019-00280	Date: 04/9/2019
Attached is:			See Section below
	A. INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A	
	B. PROFFERED PERMIT (Standard Permit or Letter of Permission)	B	
	C. PERMIT DENIAL	C	
X	D. APPROVED JURISDICTIONAL DETERMINATION	D	
	E. PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding a modification, reconsideration, or administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or request modification of the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **REQUEST MODIFICATION:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the District Engineer. Your objections must be received by the District Engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the District Engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the District Engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer (address on page 2). This form must be received by the Division Engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer (address on page 2). This form must be received by the Division Engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept the approved JD, appeal the approved JD, or submit new information and request reconsideration of the approved JD.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer (address on page 2). This form must be received by the Division Engineer within 60 days of the date of this notice.
- **RECONSIDERATION BASED ON NEW INFORMATION:** You may submit new information to the District Engineer for reconsideration of an approved JD. You must submit the information within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II –Fill out this section and return this form to the appropriate office only if submitting a request for modification or reconsideration to the District Engineer, or if submitting a request for Administrative Appeal to the Division Engineer. All such submittals must be made within 60 days of the date of this notice.

Submit the following requests to the District Engineer

- A. Modification of an INITIAL PROFFERED PERMIT (Item A).
- D. Reconsideration of an APPROVED JURISDICTIONAL DETERMINATION based on NEW INFORMATION (Item D RECONSIDERATION).

Submit the following requests to the Division Engineer

- B. Administrative Appeal of a PROFFERED PERMIT (Item B).
- C. Administrative Appeal of a PERMIT DENIAL (Item C).
- D. Administrative Appeal of an APPROVED JURISDICTIONAL DETERMINATION (Item D APPEAL) (for reasons other than reconsideration of an approved JD based on new information).

(Note: Preliminary Jurisdictional Determinations (Item E) are not appealable. If you have concerns regarding a preliminary Jurisdictional Determination, you can request an approved Jurisdictional Determination).

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

SUBMITTAL OF NEW OR ADDITIONAL INFORMATION: The District Engineer may accept and consider new information if you request a modification to an initial proffered permit (Part A), or a reconsideration of an approved JD (Part D). An administrative appeal to the Division Engineer is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the administrative record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
DISTRICT ENGINEER
Attn: Joseph A. McMahan
Chief, Regulatory Branch
U.S. Army Engineer District, Omaha
1616 Capitol Avenue
Omaha, NE 68102
Telephone: 402-995-2458
(Use this address for submittals to the District Engineer)

If you wish to submit an appeal or have questions regarding the appeal process you may contact:
DIVISION ENGINEER
ATTN: Melinda M. Witgenstein
Regulatory Appeals Review Officer
U.S. Army Corps of Engineers
P.O. Box 2870
Portland, OR 97208-2870
Telephone: 503-808-3888

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:
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Appendix B

Comments Received

Sam Joseph

From: Bryce Dorr <bdorr@cheyennebopu.org>
Sent: Tuesday, March 19, 2019 8:45 AM
To: Sam Joseph
Subject: FE WAFB EUL - Cheyenne BOPU

Sam,

Thank you for discussing the enhanced use lease project proposed by the FE Warren Air Force Base. The Cheyenne Board of Public Utilities (BOPU) understands that the development plans to be annexed, which is managed through the City of Cheyenne. If this annexation does not occur, the development will need to enter an outside-user agreement to receive water and sewer utilities.

Currently, water and sewer utilities do not exist in the proposed development area. The utilities will need to be extended to serve the area. Sewer capacity in this area is a known concern and will need to be addressed as part of the development's planning efforts. Design criteria for the utilities can be found in the BOPU [Infrastructure Policies and Design Criteria](#) (IPDC). The IPDC also outlines the different processes that need to be completed as part of a new development.

Linda Gunter is our Development Specialist and will be a key contact through this process. I will also be available to provide support throughout the project. Please feel free to contact me at any time with questions.

Linda Gunter
Development Specialist
lgunter@cheyennebopu.org
307-637-6497

Thanks,

Bryce Dorr, P.E.
Capital Projects Supervisor
Cheyenne Board of Public Utilities
bdorr@cheyennebopu.org | 307.432.2618



A COMMUNITY OF CHOICE

Planning and Development Department
2101 O'Neil Avenue, Suite 202, Cheyenne WY 82001
(Phone) 307-637-6282 (Fax) 307-637-6366

March 22, 2019

Sam Joseph
Trihydro Corporation
1252 Commerce Drive
Laramie, WY 82070

RE: Francis E. Warren Air Force Base (AFB) Environment Assessment Review

Mr. Joseph:

Thank you for contacting us regarding the Francis E. Warren Air Force Base environmental assessment. The proposed project is located on 75.3 acres immediately west of the City of Cheyenne.

The site is presently located in unincorporated Laramie County and shown as Military / Federal on Plan Cheyenne's Land Use Plan. City staff anticipates annexation of the property into the City. Upon annexation the property may require an amendment to the Land Use Plan, will require zoning to a zone district(s) applicable to the proposed uses, and will require conformance with the applicable subdivision and development standards of the City.

Thank you,

Charles W. Bloom AICP
Planning and Development Director



FEMA

R8-Mitigation

March 4, 2019

Mr. Sam Joseph,
Assistant Project Manager
Trihydro Corporation
707 West 1st Street
Casper, Wyoming 82601

RE: Proposed project for development of residential and commercial property.

Dear Mr. Sam Joseph,

Thank you for your inquiry regarding the Floodplain comments on the proposed project for development of residential and commercial property located in the southeast corner of Warren Air Force Base. FEMA's major concern is if this project is located within a mapped Special Flood Hazard Area as development in these areas requires further consideration.

307-637-6246-793-0053, to receive further guidelines regarding the Floodplain comments of the proposed project for development of residential and commercial property, which might be relative to the regulations and policies of the National Flood Insurance Program. Considering that floods are the most devastating of all natural disasters in this country, any efforts to reduce the impacts of that hazard is worthwhile.

Let me know if I can be of assistance and please feel free to contact me at 303-235-4802. Thank you for giving us the opportunity to assist you on the proposed project for development of residential and commercial property located in the southeast corner of Warren Air Force Base, Cheyenne, Wyoming.

Sincerely,

A handwritten signature in blue ink that reads "Tom Birney".

Tom Birney, CFM
Natural Hazards Program Specialist
Floodplain Management and Insurance Branch
Mitigation Division, FEMA Region VIII

Sam Joseph

From: Sailor, Matthew C CIV USARMY CENWO (USA) <Matthew.C.Sailor@usace.army.mil>
Sent: Monday, March 25, 2019 10:48 AM
To: Sam Joseph
Subject: Francis Warren AFB - Enhanced Use Lease EA - NWO-2019-00280

Sam, this email is in reference to our conversation this morning regarding the FE Warren AFB EUL Program. As discussed on the call, the delineation completed in 2004 was evaluated using a desktop analysis and field observations. Although wetland boundaries have appeared to shift since 2004, it did not appear that the wetlands identified in the delineation had a nexus to waters of the United States. Thus, the Corps drafted an approved jurisdictional delineation (AJD) and sent that document to the EPA soliciting comment under existing Corps/EPA coordination policies. The AJD concluded that the review area contained one wetland, and that wetland "has no surface water connection to Crow Creek and lacks a discernable, non-speculative ground-water connection to Crow Creek as well. The wetland is isolated and considered a non-waters of the U.S. The use, degradation or destruction of this isolated wetland would not affect interstate or foreign commerce....", activities in the review area are not regulated by the Department of the Army. Under the coordination policies in place the EPA has until 8 April 2019 to comment on the draft findings, and if no comments are received, the Corps will finalize the AJD and immediately issue a "no permit required" letter to Warren AFB for the proposed project.

Please let me know if you need additional clarification on this project for your Draft EA.

Regards,

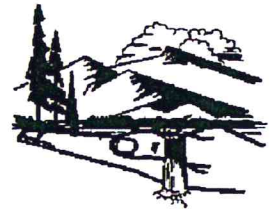
Matt Sailor
Regulatory Project Manager
Cheyenne Regulatory Field Office
2232 Dell Range Blvd, Suite 210
Cheyenne, WY 82009
(307) 772-2300 x5



Mark Gordon, Governor

Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Todd Parfitt, Director

March 27, 2019

Sam Joseph
Assistant Project Manager
Trihydro Corporation
1252 Commerce Dr
Laramie, WY 82070

Via: sjoseph@trihydro.com

Re: FE Warren Air Force Base Enhanced Use Lease

Dear Mr. Joseph,

Thank you for the opportunity to provide scoping comments for the upcoming Environmental Assessment (EA) in anticipation of the FE Warren Air Force Base (AFB) Enhanced Use Lease Project (Project). The Wyoming Department of Environmental Quality (WDEQ) – Water Quality Division (WQD) is responsible for protecting surface water and groundwater quality in the State of Wyoming and therefore takes an interest in the potential impacts of the Project to water resources. Please accept the following comments on behalf of the WQD.

The WQD understands that Project involves the leasing of land currently owned by the FE Warren AFB for residential and commercial development. According to the preliminary maps that were sent to the WQD, the east parcel is adjacent to Crow Creek. Crow Creek is currently on the Wyoming 303(d) list of impaired waters for not supporting its aquatic life designated use due to sediment from stormwater. The WQD requests that the EA include an analysis of the potential for the Project to exacerbate this impairment and for the final Project design to incorporate design features to mitigate this issue.

In addition, the Project may require the following permits and/or authorizations from the WQD:

Clean Water Act 401 Water Quality Certification. A Clean Water Act Section 401 Water Quality Certification is required for any activity or project that requires a federal license or permit which may result in a discharge of dredge or fill material into waters of the United States. Federal licenses/permits include Clean Water Act Section 404 dredge and fill permits and Rivers and Harbors Act Sections 9&10 permits issued by the US Army Corps of Engineers as well as hydroelectric power projects licensed by FERC. 401 Certifications includes conditions that must be followed to ensure that the discharge will be in compliance with applicable state surface water quality standards (Chapter 1 of the Wyoming Water Quality Rules and Regulations) and any applicable water quality improvement plans (total maximum daily loads). The conditions of the 401 Certification become conditions of the federal permit or license. Please contact Eric Hargett (307-777-6701) for additional information.

200 West 17th Street, Cheyenne, WY 82002 · <http://deq.wyoming.gov> · Fax (307)635-1784

ADMIN/OUTREACH (307) 777-7937	ABANDONED MINES (307) 777-6145	AIR QUALITY (307) 777-7391	INDUSTRIAL SITING (307) 777-7369	LAND QUALITY (307) 777-7756	SOLID & HAZ. WASTE (307) 777-7752	WATER QUALITY (307) 777-7781
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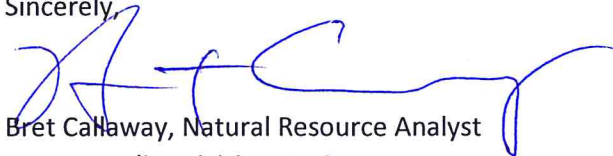
Large Construction General Permit. A large construction storm water permit is required any time project construction results in clearing, grading, or otherwise disturbing one or more acres. The disturbed area does not need to be contiguous. The permit is required for surface disturbances associated with construction of the project, access roads, construction of wetland mitigation sites, borrow and stockpiling areas, equipment staging and maintenance areas and any other disturbed areas associated with construction. A general permit has been established for this purpose and either the project sponsor or general contractor is responsible for filing a Notice of Intent (NOI) and complying with the provisions of the general permit. The NOI should be filed no later than 30 days prior to the start of construction activity. Please contact Barb Sahl (307-777-7570) for additional information.

Discharge Permit. Any surface water discharges to “waters of the state”, including discharges from cofferdam dewatering, discharges from hydrostatic pipeline testing, or discharge of other waste waters must be permitted under the Wyoming Pollutant Discharge Elimination System (WYPDES) program. Waters of the state include rivers, streams, dry draws, wetlands, lakes, reservoirs and even stock ponds. The WQD has been delegated authority to issue discharge permits under the federal Clean Water Act. A WYPDES permit will require sampling and incorporate effluent limits for any constituents of concern. Jason Thomas (307-777-5504) can provide additional information.

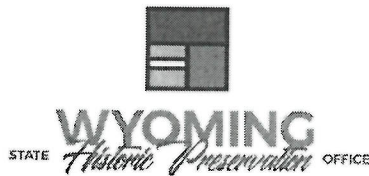
Temporary Turbidity Waiver. Wyoming’s Water Quality Rules and Regulations, Chapter 1, Wyoming Surface Water Quality Standards, include turbidity criteria for waters designated as fisheries and/or drinking water supplies. Any type of construction activity within these streams is likely to result in exceedances of these criteria. In accordance with Section 23(c)(ii) of Chapter 1, the administrator of the WQD may authorize temporary increases in turbidity above the numeric criteria in Section 23(a) in response to an individual application for a specific activity. In circumstances where a project has the potential to exceed the turbidity criteria, a waiver is recommended. An application must be submitted and a waiver approved by the administrator before work begins. This process generally takes about 45 days. Please contact Bret Callaway (307-777-5802) for more information.

If you have any questions, please contact me at Bret.Callaway@wyo.gov or 307-777-5802.

Sincerely,



Bret Callaway, Natural Resource Analyst
Water Quality Division, DEQ



Apr 22, 2019

Russell Littlejohn
90th Civil Engineer Squadron
300 Vesle Drive, Ste 600
F.E. Warren AFB, WY 82005

re: Enhanced Use Lease for 75.3 Acres in Southeast Corner of F.E. Warren AFB (SHPO File # 0419BAB010)

Dear Mr. Littlejohn:

Thank you for consulting with the Wyoming State Historic Preservation Office (SHPO) regarding the above referenced undertaking. We have reviewed the associated report and find the documentation meets the Secretary of the Interior's Standards for Archaeology and Historic Preservation (48 FR 44716-42). We concur with your finding that no historic properties, as defined in 36 CFR § 800.16(l)(1), will be affected by the undertaking as currently planned.

We recommend that the undertaking proceed in accordance with state and federal laws subject to the following stipulation:

If any cultural materials are discovered during construction, work in the area shall halt immediately, the federal agency must be contacted, and the materials evaluated by an archaeologist or historian meeting the Secretary of the Interior's Professional Qualification Standards (48 FR 22716, Sept. 1983).

This letter should be retained in your files as documentation of a SHPO concurrence on your finding of no historic properties affected. Please refer to SHPO project #0419BAB010 on any future correspondence regarding this undertaking. If you have any questions, please contact me at 307-777-8594.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. Beadles', with a long, sweeping flourish extending to the right.

Brian Beadles
Historic Preservation Specialist

Mark Gordon | Governor
Darin J. Woolby, P.E. | Director
Sara Noedles | Administrator



ARTS, PARKS,
HISTORY.

RECEIVED MAR 18 2019



March 11, 2019

Mr. Tyler Abbott, Field Supervisor for Ecological Services
United States Fish and Wildlife Service
5353 Yellowstone Rd., #308A
Cheyenne, WY 82009

Dear Mr. Abbott:

The Francis E. Warren Air Force Base (AFB) is preparing an environmental assessment (EA) in accordance with the National Environmental Policy Act of 1969, the Council on Environmental Quality regulations (40 Code of Federal Regulations [CFR] 1500-1508), and the Air Force Environmental Impact Analysis Process (EIAP) (32 CFR 989) for an Enhanced Use Lease (EUL) on non-excess federal property that is located in the southeast corner of the AFB. The proposed EUL encompasses 75.3 acres and will allow for the residential and commercial development of currently underutilized property that will service the whole community of Cheyenne, Wyoming (Project Area). The EA will analyze the potential impacts from the implementation of the EUL. The Project Area is located immediately south of the intersection of Happy Jack Road and Carlin Avenue, Cheyenne, WY (Attachment 1).

An updated Integrated Natural Resource Management Plan for the AFB was developed in 2018 and indicates that the following federally listed Threatened and Endangered (T&E) species have been documented on the AFB:

- Colorado Butterfly Plant (*Gaura neomexicana* ssp. *coloradensis*)
- Preble's Jumping Mouse (*Zapus hudsonius preblei*)

Notably, while these species are known to occur on the AFB, neither species has been documented within the Project Area. Preferable habitat for these species is associated with intermittent and perennial streams that do not intersect the Project Area.

In 2013, *The Final Environmental Assessment for Property Transfer to Cheyenne Regional Medical Center* was developed to assess potential impacts to natural resources resulting from the development of medical facilities. As such, T&E species impacts were assessed, and no significant adverse impacts were identified, resulting in the issuance of a Finding of No Significant Impact (FONSI). The Proposed Action and No Action Alternatives that will be assessed in the 2019 EA are described in Attachment 2. Under the Proposed Action, these species would still be protected under the Endangered Species Act of 1973 and monitored under the Air Force Policy Directive 32-70.

An Information for Planning and Conservation (IPaC) report was obtained for the Project Area and identified eight T&E species that may be affected by the Project (Attachment 3). In accordance with Air

Via Certified Mail #7016 3010 0000 7660 5060
U.S. FISH AND WILDLIFE SERVICE

Based on the information provided, you may consider this project to be in compliance with the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq. The project should be reanalyzed by our office if any new information indicates there may be effects to protected species or their habitats.

Date: 4/15/19

Signature:

Field Supervisor

U.S. Fish and Wildlife Service - Wyoming ES Office

5353 Yellowstone Road, Suite 308A

Cheyenne, WY 82009

Phone: (307) 772-2374

Fax: (307) 772-2358

06E13000-19-CFA-0052



Mr. Tyler Abbott
March 11, 2019
Page 2

Force Policy Directive 32-70, the AFB maintains current inventories of T&E species and their habitat, and the species identified in the IPaC report have not been identified within the Project Area.

Please review this project on behalf of your agency and provide a response to the attention of Mr. Sam Joseph ([307] 745-7474) at 1252 Commerce Dr, Laramie, WY 82070, or email sjoseph@trihydro.com. We respectfully request your reply within 30 days of receiving this letter.

Sincerely,
Trihydro Corporation

A handwritten signature in black ink that reads "Sam Joseph".

Sam Joseph
Assistant Project Manager / Environmental Scientist

61B-001-001

Attachments



Mark Gordon
Governor

WYOMING Department of Transportation

"Providing a safe, high quality, and efficient transportation system"

5300 Bishop Boulevard, Cheyenne, Wyoming 82009-3340



K. Luke Reiner
Director

March 19, 2019

Sam Joseph
Trihydro Corporation
1252 Commerce Drive
Laramie, WY 82070

RE: Project Review of Enhanced Use Lease on Non-Excess Federal Property – Southeast Corner of the Warren Air Force Base

Dear Mr. Joseph,

It looks like the information contained in the 2012 Traffic Memorandum was pretty inclusive for the area and extent of what would be needed for a traffic impact study (TIS). It should reference the I-25 & I-80 Interchange study which would key ramp considerations between the Missile and I-25 Lincolnway Interchanges. Another issue to consider from the maintenance end will be a drainage study that covers all the disturbed areas including roadway modifications.

General comments:

1. Prior to any work in the highway right-of-way, secure a permit through the District office.
 - a. Highway right-of-way fencing modifications will require a permit through the District office.
 - b. Landscaping in the right-of-way, will require a landscape agreement through the District office.
 - c. Do not install utilities in the right-of-way without securing a permit through the District office.
 - d. Highway access (new, land use change, existing with modification, removal) will require an access permit through the District office.
2. Drainage
 - a. If drainage is affected in the highway right-of-way, a drainage study needs to demonstrate that post-development discharge rates are metered at or below pre-development rates for 2, 5, 10, 20, 50 and 100 year events.



This must be documented in tabular form; for example:

Rain Event (Years)	Pre-Development Rate (CFS)	Post Development Rate (CFS)
2		
5		
10		
25		
50		
100		

3. Replace any monuments disturbed or lost during construction along our highway.
4. Ensure that when the TIS is performed, the weaving analysis addresses the new proposed Lincolnway Interchange on I-25 as indicated in the I-25/I-80 Interchange Project.

If you have any questions or concerns, please contact Scott Gamo at 307-777-4379.

Thank you.

Sincerely,

Scott Gamo, PhD
Environmental Services Manager

cc: Tom DeHoff, District Engineer, Laramie

3-11-19

Mr. Sam Joseph
Assistant Project Manager/Environmental Scientist
Trihydro Corporation
1252 Commerce Dr.
Laramie, Wyoming 82070

Dear Mr. Sam Joseph:

I appreciate the information provided by Trihydro Corporation on the possible future development in my residential area and understand that there may be some advantageous benefits in the development for certain people who could be benefiting. However, I do hope that even though you may see a benefit of other people's interests, you will understand that it's against my own interests and benefit; therefore I can't be supportive of this development and hope there will be a consideration for "No Action" of the "Attachment 2. Action Alternatives listed by Trihydro Corporation.

This possible development will transform my area of living from country type living to a city living environment that will most likely attribute to other potential problems and inconveniences, primarily causing a permanent change in my living environment. Even though you included some information, there are other factors, which were not included, which leave me with concerns and more questions. I can only imagine the time limit that it will take to fully develop this project, which leaves me with additional concerns listed below from the proposed residential and commercial development.

My concerns of some of the ways I identified of how this project will personally have a negative impact for me are listed below. I'm sure there are other considerations that I have not had time to fully identify, but am concerned with the fact that:

- I have lived here because it has been in my family's residence since my grandparent's time. It has been an ideal place to live, not only because of the family history and memories, but the beautiful ambience and the feel of country life, privacy and its unique location.
- Bringing this type of commercial development to the area will have a population increase, both for commercial and residential, which will cause problems and inconveniences that I have never been made to deal with and why I have chosen the county.
- The time frame it will take to fully develop this project is concerning, as this kind of construction is lengthy and often makes navigating through construction areas much more difficult. Avoiding a construction area or changing my route is impossible. This kind of site will likely produce some of the following; temporary barriers, fences, construction signs, rerouting of traffic, detour pathways, slippery or muddy surfaces, sharp objects like nails or glass around construction zone, cluttered construction materials and/or appearance of littered debris, ongoing nuisance of large vehicles and heavy equipment such as excavators, wheel loaders and dozers, which often pose traffic problems, noise pollution etc.
 - Estimates of project times aren't given, and even when they are, often go beyond projected times. Future continued development is possible with future unknown impacts, but it's guaranteed that there will be future increase of activity and population in the area.

- Is there an increase of environmental and potential health risks due to sewage & sewage lines (I'm assuming these will be used), wind, concrete and debris hazards? (I use a septic system) Is storm drainage an issue for the increased structures and population? Other kind of impact to this environment?
- With increased population, is a legitimate concern for safety.
- Commercial and residence areas will increase activity in the area, in some days, maybe on weekends, possibly 24 hours day. I wonder about the brightness of the new lighting and will they be appropriate color and the brightness or will it look like a giant parking lot like Walmart? What other structural changes are required to operate the recommended facilities?
- The concern for property taxes increasing tremendously, which impacts me by increasing my annual living expense.

After review of the project proposal, these are my initial concerns. In 2013, even though the area was identified as the potential development of medical facilities, I was not in agreement in the development at that time, nor am I in agreement in this time. Furthermore, there was a resulted impact of soil contamination from the AFB of contaminants in our soil from decades ago, which shows the possible environmental impact that is often discovered decades after the fact of development. I respectfully hope that you will take my concerns and personal situation seriously, as this has been my home and place of family memories for over 50 years that is very much cherished.

Sincerely,

Antoinette Hallam



Appendix C

Record of Air Analysis Reports

AIR CONFORMITY APPLICABILITY MODEL REPORT RECORD OF AIR ANALYSIS (ROAA)

1. General Information: The Air Force's Air Conformity Applicability Model (ACAM) was used to perform an analysis to assess the potential air quality impact/s associated with the action in accordance with the Air Force Instruction 32-7040, Air Quality Compliance And Resource Management; the Environmental Impact Analysis Process (EIAP, 32 CFR 989); and the General Conformity Rule (GCR, 40 CFR 93 Subpart B). This report provides a summary of the ACAM analysis.

a. Action Location:

Base: F.E. WARREN AFB
State: Wyoming
County(s): Laramie
Regulatory Area(s): NOT IN A REGULATORY AREA

b. Action Title: F.E. Warren AFB Enhanced Use Lease (EUL) Environmental Assessment (EA)

c. Project Number/s (if applicable):

d. Projected Action Start Date: 8 / 2020

e. Action Description:

Report 1: grading, excavating, trenching, residential construction and architectural coating.

The AFB is proposing to establish an EUL with a qualified lessee on non-excess, but currently under-utilized, federal property within the AFB. At present, the land is minimally developed and serves as additional parking space during Cheyenne Frontier Days. The property would be leased with the intent to develop it for residential housing and as commercial infrastructure that would service the whole community of Cheyenne, Wyoming. The Project would encompass 75.3 acres of land located in the southeast corner of the AFB. The Project Area (75.3 acres) is located immediately south of the intersection of Happy Jack Road and Carlin Avenue, Cheyenne, WY. In addition to residential and commercial development of currently underutilized land, the Project includes the construction of 12,000 linear feet of water line, 11,400 linear feet of sewer line, and minor road improvements.

f. Point of Contact:

Name: Stephen Walls
Title: Air Permitting Engineer
Organization: Trihydro Corporation
Email: swalls@trihydro.com
Phone Number: 7048044506

2. Air Impact Analysis: Based on the attainment status at the action location, the requirements of the General Conformity Rule are:

applicable
 not applicable

Total combined direct and indirect emissions associated with the action were estimated through ACAM on a calendar-year basis for the "worst-case" and "steady state" (net gain/loss upon action fully implemented) emissions.

"Air Quality Indicators" were used to provide an indication of the significance of potential impacts to air quality. These air quality indicators are EPA General Conformity Rule (GCR) thresholds (de minimis levels) that are applied out of context to their intended use. Therefore, these indicators do not trigger a regulatory requirement; however, they provide a warning that the action is potentially significant. It is important to note that these indicators only provide a clue to the potential impacts to air quality.

AIR CONFORMITY APPLICABILITY MODEL REPORT RECORD OF AIR ANALYSIS (ROAA)

Given the GCR de minimis threshold values are the maximum net change an action can acceptably emit in non-attainment and maintenance areas, these threshold values would also conservatively indicate an actions emissions within an attainment would also be acceptable. An air quality indicator value of 100 tons/yr is used based on the GCR de minimis threshold for the least severe non-attainment classification for all criteria pollutants (see 40 CFR 93.153). Therefore, the worst-case year emissions were compared against the GCR Indicator and are summarized below.

Analysis Summary:

2020

Pollutant	Action Emissions (ton/yr)	AIR QUALITY INDICATOR	
		Threshold (ton/yr)	Exceedance (Yes or No)
NOT IN A REGULATORY AREA			
VOC	0.632	100	No
NOx	4.239	100	No
CO	3.199	100	No
SOx	0.009	100	No
PM 10	90.328	100	No
PM 2.5	0.176	100	No
Pb	0.000	25	No
NH3	0.001	100	No
CO2e	886.0		

2021

Pollutant	Action Emissions (ton/yr)	AIR QUALITY INDICATOR	
		Threshold (ton/yr)	Exceedance (Yes or No)
NOT IN A REGULATORY AREA			
VOC	4.354	100	No
NOx	1.815	100	No
CO	2.077	100	No
SOx	0.004	100	No
PM 10	1.881	100	No
PM 2.5	0.082	100	No
Pb	0.000	25	No
NH3	0.001	100	No
CO2e	424.9		

2022

Pollutant	Action Emissions (ton/yr)	AIR QUALITY INDICATOR	
		Threshold (ton/yr)	Exceedance (Yes or No)
NOT IN A REGULATORY AREA			
VOC	0.028	100	No
NOx	0.144	100	No
CO	0.151	100	No
SOx	0.000	100	No
PM 10	0.008	100	No
PM 2.5	0.008	100	No
Pb	0.000	25	No
NH3	0.000	100	No
CO2e	24.9		

2023 - (Steady State)

Pollutant	Action Emissions (ton/yr)	AIR QUALITY INDICATOR	
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**AIR CONFORMITY APPLICABILITY MODEL REPORT
RECORD OF AIR ANALYSIS (ROAA)**

		Threshold (ton/yr)	Exceedance (Yes or No)
NOT IN A REGULATORY AREA			
VOC	0.000	100	No
NOx	0.000	100	No
CO	0.000	100	No
SOx	0.000	100	No
PM 10	0.000	100	No
PM 2.5	0.000	100	No
Pb	0.000	25	No
NH3	0.000	100	No
CO2e	0.0		

None of estimated emissions associated with this action are above the GCR indicators, indicating no significant impact to air quality; therefore, no further air assessment is needed.



Stephen Walls, Air Permitting Engineer

November 19, 2019
DATE

AIR CONFORMITY APPLICABILITY MODEL REPORT RECORD OF AIR ANALYSIS (ROAA)

1. General Information: The Air Force's Air Conformity Applicability Model (ACAM) was used to perform an analysis to assess the potential air quality impact/s associated with the action in accordance with the Air Force Instruction 32-7040, Air Quality Compliance And Resource Management; the Environmental Impact Analysis Process (EIAP, 32 CFR 989); and the General Conformity Rule (GCR, 40 CFR 93 Subpart B). This report provides a summary of the ACAM analysis.

a. Action Location:

Base: F.E. WARREN AFB
State: Wyoming
County(s): Laramie
Regulatory Area(s): NOT IN A REGULATORY AREA

b. Action Title: F.E. Warren AFB Enhanced Use Lease (EUL) Environmental Assessment (EA)

c. Project Number/s (if applicable):

d. Projected Action Start Date: 2 / 2021

e. Action Description:

Report 2: commercial construction and architectural coating.

The AFB is proposing to establish an EUL with a qualified lessee on non-excess, but currently under-utilized, federal property within the AFB. At present, the land is minimally developed and serves as additional parking space during Cheyenne Frontier Days. The property would be leased with the intent to develop it for residential housing and as commercial infrastructure that would service the whole community of Cheyenne, Wyoming. The Project would encompass 75.3 acres of land located in the southeast corner of the AFB. The Project Area (75.3 acres) is located immediately south of the intersection of Happy Jack Road and Carlin Avenue, Cheyenne, WY. In addition to residential and commercial development of currently underutilized land, the Project includes the construction of 12,000 linear feet of water line, 11,400 linear feet of sewer line, and minor road improvements.

f. Point of Contact:

Name: Stephen Walls
Title: Air Permitting Engineer
Organization: Trihydro Corporation
Email: swalls@trihydro.com
Phone Number: 7048044506

2. Air Impact Analysis: Based on the attainment status at the action location, the requirements of the General Conformity Rule are:

applicable
 not applicable

Total combined direct and indirect emissions associated with the action were estimated through ACAM on a calendar-year basis for the "worst-case" and "steady state" (net gain/loss upon action fully implemented) emissions.

"Air Quality Indicators" were used to provide an indication of the significance of potential impacts to air quality. These air quality indicators are EPA General Conformity Rule (GCR) thresholds (de minimis levels) that are applied out of context to their intended use. Therefore, these indicators do not trigger a regulatory requirement; however, they provide a warning that the action is potentially significant. It is important to note that these indicators only provide a clue to the potential impacts to air quality.

AIR CONFORMITY APPLICABILITY MODEL REPORT RECORD OF AIR ANALYSIS (ROAA)

Given the GCR de minimis threshold values are the maximum net change an action can acceptably emit in non-attainment and maintenance areas, these threshold values would also conservatively indicate an actions emissions within an attainment would also be acceptable. An air quality indicator value of 100 tons/yr is used based on the GCR de minimis threshold for the least severe non-attainment classification for all criteria pollutants (see 40 CFR 93.153). Therefore, the worst-case year emissions were compared against the GCR Indicator and are summarized below.

Analysis Summary:

2021

Pollutant	Action Emissions (ton/yr)	AIR QUALITY INDICATOR	
		Threshold (ton/yr)	Exceedance (Yes or No)
NOT IN A REGULATORY AREA			
VOC	1.206	100	No
NOx	1.790	100	No
CO	1.780	100	No
SOx	0.004	100	No
PM 10	0.073	100	No
PM 2.5	0.072	100	No
Pb	0.000	25	No
NH3	0.003	100	No
CO2e	422.0		

2022 - (Steady State)

Pollutant	Action Emissions (ton/yr)	AIR QUALITY INDICATOR	
		Threshold (ton/yr)	Exceedance (Yes or No)
NOT IN A REGULATORY AREA			
VOC	0.000	100	No
NOx	0.000	100	No
CO	0.000	100	No
SOx	0.000	100	No
PM 10	0.000	100	No
PM 2.5	0.000	100	No
Pb	0.000	25	No
NH3	0.000	100	No
CO2e	0.0		

None of estimated emissions associated with this action are above the GCR indicators, indicating no significant impact to air quality; therefore, no further air assessment is needed.

Stephen Walls

Stephen Walls, Air Permitting Engineer

November 19, 2019

DATE

Appendix D

Tribal Consultation

**APPENDIX D-1. TRIBAL CONSULTATION LIST
FRANCIS E. WARREN AIR FORCE BASE ENHANCED USE LEASE
ENVIRONMENTAL ASSESSMENT**

Colorado
Southern Ute Indian Tribe
Ute Mountain Ute Tribe
Montana
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation
Crow Nation of the Crow Reservation
Northern Cheyenne Tribe
Nebraska
Santee Sioux Nation
New Mexico
Jicarilla Apache Tribe
North Dakota
Spirit Lake Sioux Tribe
Standing Rock Sioux Tribe of North & South Dakota
Three Affiliated Tribes of the Mandan, Hidatsa & Arikara Nation
Oklahoma
Apache Tribe of Oklahoma
Cheyenne and Arapaho Tribes of Oklahoma
Comanche Nation of Oklahoma
Fort Sill Apache Tribe
Kiowa Tribe of Oklahoma
Pawnee Nation of Oklahoma
South Dakota
Cheyenne River Sioux Tribe of the Cheyenne Reservation
Crow Creek Sioux Tribe of the Crow Creek Reservation
Flandreau Santee Sioux Tribe of South Dakota
Lower Brule Sioux Tribe of the Lower Brule Reservation
Oglala Sioux Tribe of Pine Ridge Reservation
Rosebud Sioux Tribe
Yankton Sioux Tribe of South Dakota
Utah
Ute Indian Tribe of the Uintah & Ouray Reservation
Wyoming
Eastern Shoshone Tribe of Wind River Reservation
Northern Arapaho Tribe



DEPARTMENT OF THE AIR FORCE
90TH MISSILE WING (AFGSC)

Mr. Travis Beckwith
NEPA Program Manager
300 Vesle Drive, Ste 600
F. E. Warren AFB WY 82005

04 APR 2019

Mr. Wilford Ferris III
Tribal Historic Preservation Officer
Eastern Shoshone Tribe of Wind River Reservation
P.O. Box 538
Fort Washakie, WY 82514

Dear Mr. Ferris III,

F. E. Warren Air Force Base (FEW) is preparing an environmental assessment (EA) in accordance with the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality regulations (40 Code of Federal Regulations [CFR] 1500-1508), and the Air Force Environmental Impact Analysis Process (EIAP) (32 CFR 989) for an Enhanced Use Lease (EUL) on non-excess federal property located in the southeast corner of FEW. The proposed EUL encompasses 75.3 acres and will allow for the residential and commercial development of currently underutilized property that will service the whole community of Cheyenne, Wyoming. The EA will analyze the potential impacts from the implementation of the EUL. The Project Area is located immediately south of the intersection of Happy Jack Road and Carlin Avenue, Cheyenne, WY (see Attachment 1). FEW would like to solicit your input on the proposed action and future development. If you have any questions, please contact Mr. Travis Beckwith at (307) 773-3667.

Sincerely

TRAVIS A. BECKWITH, DAF
NEPA Program Manager

Attachment:
Project Area Map

cc: 90 CES/CEIE



DEPARTMENT OF THE AIR FORCE
90TH MISSILE WING (AFGSC)

Mr. Eric Rushing
Installation Tribal Liaison Officer
300 Vesle Dr
F. E. Warren AFB, WY 82005

20 SEP 2019

Mr. Joshua Mann
Tribal Historic Preservation Officer
Eastern Shoshone Tribe of Wind River Reservation
P.O. Box 538
Fort Washakie, WY 82514

Dear Mr. Mann,

As a follow up to our initial scoping letter dated April 4, 2019, Francis E. Warren Air Force Base (FEW) is preparing an environmental assessment (EA) in accordance with the National Environmental Policy Act of 1969, the Council on Environmental Quality regulations (40 Code of Federal Regulations [CFR] 1500-1508), and the Air Force Environmental Impact Analysis Process (EIAP) (32 CFR Part 989) for an Enhanced Use Lease (EUL) on non-excess federal property located in the southeast corner of the installation. The proposed EUL encompasses 75.3 acres (Project Area) and will allow for the residential and commercial development of currently underutilized property that will service the whole community of Cheyenne, Wyoming. The EA will analyze the potential impacts from the implementation of the EUL. The Project Area is located immediately south of the intersection of Happy Jack Road and Carlin Avenue, Cheyenne, WY (see Figure 1).

FEW is in the process of identifying cultural resources that may be present in the Project Area. A 2013 cultural resource investigation identified two previously recorded historic properties, Happy Jack Road and the Cheyenne Depot. Pursuant to Section 106 of the National Historic Preservation Act (NHPA), we request Government-to-Government consultation to provide your tribe the opportunity to share information on properties of religious and historic significance located in the Project Area, and to discuss potential avoidance, minimization or mitigation measures.

As the Installation Tribal Liaison Officer (ITLO), I have been designated as FEW's point of contact for tribal consultation on the Project. Please send any information regarding properties of religious and cultural significance that you would like the Air Force to consider to the attention of the FEW ITLO, Mr. Eric Rushing (307-773-3600) at 300 Vesle Drive, F.E. Warren AFB, Cheyenne, WY 82005-2793, or email eric.rushing@us.af.mil.

If the Project moves forward and as development plans mature, I will provide you or your chosen representative with additional project information and opportunities to consult. You will also have the opportunity to comment on our EA when it is released to other governmental agencies for review.

Sincerely

A handwritten signature in black ink, appearing to read "E B Rushing". The signature is stylized with a large, sweeping "R" and a horizontal line extending to the right.

Eric B. Rushing, P. E.
F. E. Warren AFB Tribal Liaison Officer

Attachment:
Figure 1, Project Area