

## 20-Day Environmental Clearance Letter

### Information and Checklist - Updated August 9, 2024

**Purpose:** The purpose of the 20-day letter is to confirm that the environmental and wildlife conditions have been addressed for a property, prior to construction activities. Construction activities also include grading and placement of silt fencing, construction access roads, and staging areas. This letter must be approved by Open Space staff or a City and County of Broomfield designated consultant prior to construction activities. City and County Open Space and Trails Staff have **five business days** to review and provide feedback on letters submitted.

The 20-day period is designed to confirm that there are no environmental concerns before construction begins, while allowing enough time for Broomfield staff to review the letter, schedule a pre-construction meeting with the developer, and approve a grading permit. The 20-day period refers to working days and excludes weekends and holidays. The letter should review the entire property/parcel that is proposed for development, not just the immediate work area, as setbacks or buffers areas can be associated with surrounding wildlife or environmental issues. If there is a question about the specific area that needs to be included in the 20-day letter review, please contact Broomfield Open Space and Trails staff. This is a key aspect of the letter and it is best to address any questions before the letter is written and submitted.

The 20-day letter information will be provided to the developer by Broomfield Community Development staff at the beginning of the construction plan review period. The 20-day letter information will also be posted on Broomfield's Engineering and Open Space and Trails websites. The requirement for the 20-day letter is listed on the grading permit application with a reference to the website information.

**Description:** The 20-day letter is typically a follow-up to the initial environmental report that is completed during development review if deemed necessary. When the 20-day letter is submitted, it should be attached to any previous environmental report(s) that have been prepared for the property.

When the 20-day letter is submitted by the developer/applicant, it should be sent electronically to the **engineering project manager** in Community Development if the project is in the construction review stage. If the project is in the planning review stage, the letter should be sent to the **project planner**. This approach assures that the information will be sent out to the appropriate staff members and the letter is included in the project's documentation.

Below is a list of the items that will typically need to be addressed in the 20-day letter. The letter's narrative should explain the topic being evaluated, any impacts from the proposed project and proposed mitigation measures.

- Name of environmental consultant, date that environmental assessment was performed at the site, and the property address. Describe the development plan for the property (office building, hotel, parking lot, etc.)
- Provide a location map for the project that shows adjacent major streets.
- Provide a map of the development property that the consultant reviewed that shows any of the environmental issues identified below, including location of nests and buffer areas. The scale of this map should be large enough to show detail related to the environmental topics and the features on the site.
- Provide and describe any prior environmental site assessment(s) or report(s) for the project/property (eg. Initial Environmental Report submitted on xx/xx/xx date). Briefly describe any issues raised in previous reports that are going to be addressed with this letter.
- Address wetlands - are there wetlands on the site? If so, have the wetlands been surveyed? Are the wetlands jurisdictional? Are there U.S. Army Corps of Engineers (USACE) permits needed for the project? How many acres of wetlands are affected? etc. Provide any USACE permits and describe mitigation, if applicable.
- Address floodplain - determine if the project site is within a floodplain and what permits and mitigation are required.
- Other notable vegetation - Describe the vegetation on the site. Pay particular attention to native grasses, grasses suitable for ground nesting, mature native trees, and any trees with nests (occupied or unoccupied). Describe the removal of any vegetation and what mitigation measures are proposed such as native grass seeding and replacement trees and/or shrubs. The estimated numbers of trees and shrubs removed and the replacement trees and shrubs should be noted in the letter.
- Threatened and endangered species review - provide a list of possible species of concern based on the location of the project, and address whether there is habitat or the presence of the species on the development property. Describe any impact and mitigation measures.
- Colorado Parks and Wildlife Tier 1 Species of Greatest Conservation Need review- provide a list of all possible species of concern from Colorado's 2015 State Wildlife Action Plan Tier 1 Species of Greatest Conservation Need list, based on the location of the project. This includes, but may not be limited to, the following species: orangespotted sunfish, plains topminnow, northern leopard frog, burrowing owl, golden eagle, mountain plover, little brown myotis, and Preble's meadow jumping mouse. Also address whether there is habitat or the presence of the species on the development property.
- Migratory birds and raptors - address whether habitat on the site features potential nesting sites for migratory birds or raptors. The letter should describe a review of possible nesting

sites on the property that may be protected by the Migratory Bird Treaty Act, or any other federal, state, or local regulations. The site should be reviewed for trees that may provide nesting habitat or taller grasses that may allow for ground nesting sites. Discuss the relevant dates that apply to nesting seasons for any affected birds and describe possible mitigation plans, if applicable. Mitigation may include such practices as monitoring the nest by a wildlife biologist, providing buffers, timing of work each day, etc. during the implementation of the project to protect the species. Determine if a nesting bird study is needed.

- Migratory Birds nesting within proximity to the worksite should be given, at minimum, a buffer zone in accordance with Colorado Parks & Wildlife (CPW) [guidelines](#), noting the updated additional buffer for Burrowing Owls of 1/8th mile (660 ft, 200 meters). For those nesting species not covered under these CPW guidelines, refer to the recommended buffers outlined by the Bird Conservancy of the Rockies.
- Prairie dogs and burrowing owls - the letter should confirm if prairie dogs or active prairie dog burrows are on the site even if they are not in the immediate work area, including inactive burrows. Confirm that [Broomfield's Policies for Prairie Dog Conservation and Management](#) have been followed, if prairie dogs are on the site. Confirm that prairie dogs have been removed, if applicable, and reference dates and permits associated with that work. If prairie dog burrows (active or inactive) are found on the site, burrowing owls need to be addressed as well (and this topic may also be addressed in the T & E section). The burrowing owl nesting season is from March 15 to October 31, and a survey is required for any construction work that will be initiated within those dates. If burrowing owl surveys took place, provide the dates of the surveys, findings, and confirm that they were completed in accordance with state guidelines. Please find Broomfield's complete prairie dog policies and permit applications at: [www.broomfield.org/prairiedogs](http://www.broomfield.org/prairiedogs)
- Any other applicable wildlife issues. This would include den sites for mammals like coyotes and foxes, fish and other aquatic life in wetland areas, turtles, snakes, etc.
- If the 20-day letter identifies impacts, the biologist needs to explain how the project will be adjusted to remove the impacts and or how proposed mitigation measures will be included in the project's construction scope to address these impacts. Mitigation measures may include monitoring by a wildlife biologist with stop work authority if impacts occur, use of expanded buffers, adjustments to the start and end of the work day, fencing, etc.
- Provide pictures of the site, as attachments.
- The 20-day letter should confirm that all of the issues noted in a prior environmental report have been cleared for any concerns related to the development of the site.
- Provide consultant's email and phone contact information for any follow-up and questions.
- Conclude the letter with a summary of the topics evaluated, whether there are impacts and if so the mitigation. If no impacts, this should also be noted for each factor.

**Timeline:** The 20 working days will be counted with the site inspection being Day 1 (not the date the letter is submitted, unless it is the same day as the inspection), and the letter needs to state the date of the site inspection/survey.

The 20 days will exclude holidays and weekends to cover 20-day working days. **If construction activity does not begin within 20 working days of the site inspection, a new letter will be needed.** It will be the developer's responsibility to start construction on the site before the 20 working-day period expires as long as the letter has been approved by Broomfield (see timeline below).

After the grading permit is released, the developer is still responsible for any environmental/wildlife issues that arise after the 20-day letter or during the construction period. The developer shall notify Broomfield staff immediately if such an issue is observed on the site. For example, if a migratory bird were to nest on the site after the 20-day letter was approved, the developer would still be subject to the provisions of the Migratory Bird Treaty Act or any other regulations, and would need to address the issue with the environmental consultant and Broomfield staff.

If there are any questions about the 20-day letter, please contact Open Space and Trails staff at [openspace@broomfield.org](mailto:openspace@broomfield.org) or call 303-438-6270.

**Timeline for the 20 Day-Letter and Release of Grading Permit**  
**(20 days below refers to 20 working days)**

