

MITIGATED COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS STATE OF VERMONT

January 31, 2024
Linda January, Director
Otter Creek Child Center, Inc.
150 Weybridge Street,
Middlebury, VT 05753
802-388-9688

Vermont Agency of Commerce and
Community Development
Grace Vinson, Environmental Officer
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Montpelier, Vermont 05620
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Request for Release of Funds

The purpose of this notice is to satisfy two separate but related procedural requirements for activities to be undertaken by the Otter Creek Childcare Center.

On or about February 15th 2024, the Agency of Commerce and Community Development (ACCD) will authorize the grantee (Otter Creek Child Center, Inc., Linda January – Executive Director) to submit a request to the Department of Housing and Urban Development (HUD) for the release of Community Project Funding (CPF) funds under the Consolidated Appropriations Act, 2022 (P.L. 117- 103 (the Act) to undertake a project known as the Otter Creek Expansion Project to address the need to expand childcare capacity in Addison County.

If implemented, the Proposed Action would expand the existing Otter Creek Child Center Facility (OCCC) facility by 12,000 square feet, which would allow for the facility to double the number of children currently served at the existing OCCC and College Street Children's Center (CSCC) facilities.

The Proposed Action would provide the space for the OCCC and CSCC facilities to operate under one roof, provide additional staffing needs, and increase programmatic capacity for childcare in the region. The current CSCC facility, under this Proposed Action, would no longer be used as a childcare facility. The OCCC project is located at 150 Weybridge Street, Middlebury, VT 05753. The total estimated cost of the project is \$9,800,000 which includes: \$500,000 from VT CRRP, \$100,000 from Hoehl Family Foundation, \$300,000 from OCCC/CSCC, \$5,000,000 from Middlebury College, and \$3,150,351.14 in CPF funding.

Mitigation factors include the following:

Threatened and Endangered Species: An IPaC report was generated, indicating a potential impact on the northern long-eared/Indiana bat, which resulted in a "May Affect" determination. On 07/31/2023, a consultation and determination request was sent to the New England Ecological Field Service Office, yielding no response. Before this request, knowledge of bat activity on-site was known, and consultation with the Vermont Department of Environmental Conservation's (DEC) small mammal biologist was initiated for due diligence. A site visit on June 29, 2023, occurred with this knowledge to investigate bat activity. During the site inspection, evidence confirmed the presence of bats roosting in the barn, as well as the childcare facility. DEC indicated that, because bats were present, all project construction work would need to be carried out between November 1 and April 31st as mitigation measures, avoiding any potential impacts and 'take' to roosting bat species. Due to costly genetic testing and difficult capturing techniques in identifying bat species, this modified construction timeline was DEC's recommendation to pursue to avoid such impacts.

Stormwater: Due to the expansion of the parking lot, the grantee's engineering firm would design and install a specialized stormwater facility as a mitigation practice and use erosion control methods required as a best management practice.

Erosion Control: The Proposed Action has the potential to adversely increase erosion due to the expanded gravel parking lot size. However, construction will conform to the topography of the land to reduce impacts regarding erosion and sedimentation. To address stormwater impact, the grantee's engineer has designed a stormwater facility to reduce erosion and sedimentation from the expanded gravel parking lot size. This mitigation measure would ensure stormwater slowly percolates back into the water table rather than creating runoff damage from storm events. The grantee's engineer staff will file for an erosion control Construction General Permit (3-9020) to address all construction site runoff as well, as to follow best management practices, thus reducing potential impacts associated with erosion.

Historic Preservation: The Proposed Action's barn removal triggers Section 106 review (Federal - Advisory Council on Historic Preservation outlined in 36 CFR Part 800) and State review per 22 V.S.A. § 723 because the barn was built in the 1900s and is more than 50 years old. ACCD notified the Advisory Council on Historic Preservation (ACHP) in November 2023 of its adverse effect recommendation and sent the required documentation to the ACHP, which has chosen not to participate in the consultation. ACCD notified the Stockbridge-Munsee Tribe on November 29, 2023, and did not receive a response to date. A Standard Mitigation Measures Agreement (SMMA) between ACCD, SHPO, and OCCC was agreed upon and includes several stipulations:

1. A 3-D scan of the barn and house in a publicly usable format, hosted on the Otter Creek Childcare website with a history of the property. The scan will be sent to VDHP where it will be available for researchers and interested parties. The scan and plans will be made available to the new barn owner to help in reconstruction.
2. Market the barn in 2023 as available for dismantling and reconstruction. There is an apple orchard owner nearby who has expressed interest in the barn, subject to funding. This individual has applied for a State Agency of Agriculture grant.
3. Slate roofing from the wing will be salvaged and stockpiled on-site for slate roofing repairs on the main house and may be advertised as available for repairs for other historic properties within the greater Middlebury area.
4. The historic arched gable window and arched wood surround on the west gable are to be restored, adhering to the standards outlined in Preservation Brief 9: The Repair of Historic Wooden Windows, published by the National Park Service
5. The expansion building and wing connector will be sided with Hardie Plank per plans and detailed in the Scope of Work.
6. The airlock is to be removed from the wrap-around porch deck, and structural porch repairs completed as described in the Scope of Work.

If project plans change and historically significant or unanticipated effects on historic properties are found, Otter Creek and ACCD will recommence Section 106 consultation by notifying SHPO and the Environmental Officer

Finding of No Significant Impact

Otter Creek Childcare Center has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record, which will be made available to the public for review either electronically or by U.S. mail. Please submit your request by U.S. mail to Environmental Officer, Department of Housing and Community Development, National Life Building, One National Life Drive, Davis Building 6th floor, Montpelier, Vermont 05620 or via email at Grace.Vinson@vermont.gov.

Public Comments

Any individual, group, or agency may submit written comments regarding the Environmental Review (ER) to the Agency, Attn: Environmental Officer, Agency of Commerce and Community Development, Department of Housing and Community Development, One National Life Drive, Davis Building, 6th Floor, Montpelier, Vermont, 05620 or via email at grace.vinson@vermont.gov. All comments received by February 15th, 2024, will be considered by the Department before authorizing a request for release of funds.

Environmental Certification

The Agency is certifying to the HUD that Ann Kroll, in her official capacity as Director of Federal Programs, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. The Agency's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the Otter Creek Childcare Center to use CPF funds.

Objections to Release of Funds

HUD will accept objections to its release of funds and the Agency's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer, Ann Kroll, Director of Federal Programs; (b) the Agency has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by the Agency; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be emailed to cpdrofbo@hud.gov. Potential objectors should contact HUD to verify the actual last day of the objection period.