



Vermont Department of Environmental Conservation

Agency of Natural Resources

WATER INVESTMENT DIVISION
National Life Building, DAVIS 3
1 National Life Drive
Montpelier, VT 05620-3510
FAX: (802)828-1552

Mr. Mike Harris, Town Administrator
Town of Burke
212 School Street
Burke, VT 05871

May 14, 2021
Expiration Date: May 14, 2026

**Re: Burke Wastewater Feasibility Test Pits Project
Vermont DEC NBRC Decentralized Wastewater Study**

Notice of Intent to Issue a Finding of No Significant Impact

Dear Mike Harris:

The Department of Environmental Conservation intends to issue a Finding of No Significant Impact (FONSI) for the Burke Wastewater Feasibility Test Pits Project.

This project additionally involves excavation of test pits to determine the suitability of two sites (212 School Street and 3799 US 5) for community wastewater disposal systems. The test pits at the 212 School Street site may be in an archeologically sensitive area based on a desktop review by UVM Consulting Archeology. Additional archeological test pits are required prior to the soil test pit excavation for the septic analysis and this FONSI is strictly conditional on approval from the State Historic Preservation Program to continue with the excavation with no mitigation measures. If the State Historic Preservation Program does not approve the soil test pit excavations or if it requires mitigation measures, then the soil test pit excavations at the 212 School Street site are not allowed under this FONSI. If in the future the Town wants to pursue soil test pits excavations at the 212 School Street site, then another FONSI that identifies the mitigation measures required by the State Historic Preservation Program will be required.

Otherwise, this project may have been eligible for Categorical Exclusion from detailed environmental review; additionally, the direct and indirect environmental effects of the project are still not significant enough to necessitate an Environmental Impact Statement (EIS).

The Department's environmental review procedures require a 30-day public comment period following the issuance of a Notice of Intent to Issue a Finding of No Significant Impact. If no public comments received during that period demonstrate that this Notice of Intent is in error, then the Finding of No Significant Impact will become effective.

Copies of documents supporting a Finding of No Significant Impact are enclosed. Please keep copies of the enclosed documents, along with any pertinent reports by your consulting engineers, available for public inspection

Mike Harris, Authorized Representative, Town of Burke
Burke Wastewater Feasibility Test Pits
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during a public comment period of 30 days. A full listing of the documents that must be available for public inspection is attached. Please call, 802-490-6226, if you have any questions or concerns.

Sincerely,

Lynnette Claudon, PE
Chief Pollution Control Design Engineer
Water Investment Division

Enclosures

Documents Posted for Finding of No Significant Impact Public Comment Period (30 days)

1. Notice of Intent to Issue a Finding of No Significant Impact (Signed by Eric Blatt, P.E., Director I, Water Investment Division, enclosed.)
2. Evaluation of Eligibility for Finding of No Significant Impact (Approved by Eric Blatt, P.E., Director I, Water Investment Division, enclosed.)
3. State Environmental Review Procedures for Projects Funded Through the Vermont/ EPA Revolving Loan Program, <http://dec.vermont.gov/facilities-engineering/water-financing/srf/environmental-review>

Additional Documents Needed for Finding of No Significant Impact Public Comment Period (30 days)

4. Environmental Information Document titled "*Environmental Report and Environmental Information Document*", and dated 3/2/21, by Vermont DEC.
<https://anrweb.vt.gov/DEC/IronPIG/DownloadFile.aspx?DID=189494&DVID=0>
5. Desktop Archeological Reviews by UVM Archeology, dated October 2020
<https://anrweb.vt.gov/DEC/IronPIG/DownloadFile.aspx?DID=189495&DVID=0>

COPY LIST

Rich Wilson and Cristin Ashmankas, VT-DEC, Drinking Water and Groundwater Protection Division
Bryan Harrington, VT-DEC, Drinking Water and Groundwater Protection Division
Scott Dillon and Elizabeth Peebles, Division for Historic Preservation, ACCD
Andrea Day, PE Dufresne Group
NBRC

Department of Environmental Conservation
Water Investment Division
1 National Life Drive, Davis 3
Montpelier, VT 05620

802-490-6226

Notice of Intent to Issue a Finding of No Significant Impact

**Town of Burke
Burke Wastewater Feasibility Test Pits**

Vermont/ USEPA Clean Water Revolving Loan Number: N.A

In accordance with section VII of the Department's *"Environmental Review Procedures for Projects Funded Through the Vermont/ EPA Revolving Loan Program"*, the Department of Environmental Conservation intends to issue a Finding of No Significant Impact (FNSI) for the proposed Burke Wastewater Feasibility Test Pits Project. This project involves excavation of test pits to determine the suitability of two sites (212 School Street and 3799 US 5) for community wastewater disposal systems. The test pits at 212 School Street may be in an archeologically sensitive area based on a desktop review by UVM Consulting Archeology. Additional archeological test pits are required prior to the soil test pit excavations for the onsite community wastewater disposal analysis and this FONSI is strictly conditional on approval from the State Historic Preservation Program to continue with the excavations with no mitigation measures. If the State Historic Preservation Program does not approve the soil test pit excavations or requires mitigation measures, then the soil test pit excavations at the 212 School Street site will not be allowed.

Under the Procedure, the project is ineligible for Categorical Exclusion (CATEX) from detailed environmental review. The project may involve impacts to archeological resources and therefore exceeds the threshold for CATEX. Also, the direct and indirect environmental effects of the project are not significant enough to necessitate an Environmental Impact Statement (EIS), under the Department's environmental review procedures.

Consideration of the FNSI included a review of the following documents:

- **Environmental Information Document (EID)** signed 3/2/21, by Vermont DEC.
- **Desktop Archeological Reviews** by UVM Consulting Archeology dated October 2020

**Town of Burke
Burke Wastewater Feasibility Test PitsBurke Wastewater Feasibility Test Pits
Notice of Intent to Issue a Finding of No Significant Impact
5/14/2021**

Further information on the project and this Notice of Intent is available for inspection at the following locations:

Mike Harris, Town Administrator
Town of Burke
212 School Street
Burke, VT 05871

tel. 802-467-3717
burke@burkevermont.org

Lynnette Claudon, PE
Vermont Department of Environmental Conservation
Water Investment Division
1 National Life Drive, Davis 3
Montpelier, VT 05620-3510

tel. 802-490-6226
Lynnette.Claudon@Vermont.gov

(Note: National Life requires photo identification to obtain an access badge for entry.)

Andrea Day
Dufresne Group
481 Summer Street, Suite 8
St. Johnsbury, VT 05819

tel. 802-748-8605
aday@dufresnegroup.com

No significant administrative action will be taken on this project for thirty (30) days from issuance of this Notice of Determination, to allow for public response.

Eric Blatt, P.E., Director of Engineering
Water Investment Division

Date

Department of Environmental Conservation
Vermont Agency of Natural Resources

TO: Eric Blatt, P.E., Director of Engineering, Water Investment Division

FROM: Lynnette Claudon, PE,
Chief Pollution Control Design Engineer, Water Investment Division

SUBJECT: Town of Burke
West Burke Wastewater Feasibility Test Pits Project
Environmental Assessment
Evaluation of Eligibility for Finding of No Significant Impact

DATE: May 14, 2021

A. Project Identification

Project Name: Town of Burke
Burke Wastewater Feasibility Test Pits

Address: Mike Harris, Authorized Representative
Town of Burke
212 School Street
Burke, VT 05871

Project Location: Town of Burke, Vermont; Passumpsic Watershed

This project involves excavation of test pits to determine the suitability of two sites (212 School Street and 3799 US 5) for community wastewater disposal systems.

Vermont/ USEPA Clean Water Revolving Loan Number: **PENDING**

Mike Harris, Authorized Representative, Town of Burke
Evaluation of Eligibility for Finding of No Significant Impact
Burke Wastewater Feasibility Test Pits
Vermont/ USEPA Clean Water Loan Number N.A
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B. Summary of Environmental Review

The Department of Environmental Conservation, Water Investment Division, has reviewed this proposed project in accordance with the Department's State Environmental Review Procedures for Projects Funded Through the Vermont/ EPA Revolving Loan Program.

The Department has reviewed the following planning documents:

- Environmental Information Document titled “Environmental Report and Environmental Information Document”, and 3/2/21, by Vermont DEC.
- Archeological Desktop Reviews by UVM Consulting Archeology dated October 2020

A Finding of No Significant Impact (FNSI) is the appropriate environmental review response for this project if the issues presented can be resolved with mitigation or permits. This project is not eligible for Categorical Exclusion from detailed environmental review due to potential impacts to archeological resources. Also, the project’s direct and indirect environmental effects do not necessitate issuance of an Environmental Impact Statement (EIS), consistent with the criteria as described in section XI of the Department’s environmental review procedures.

1. Project Description

The Town of Burke is located in Caledonia County, Vermont in the Passumpsic River watershed draining to the Connecticut River/Long Island Sound major watershed.

This project involves excavation of test pits to determine the suitability of two sites in the village of West Burke in the Town of Burke (212 School Street and 3799 US 5) for community wastewater disposal systems. The project will determine the suitability of the soils at these sites for onsite community wastewater disposal. The test pits at 212 School Street may be in an archeologically sensitive area based on a desktop review by UVM Consulting Archeology. Additional archeological test pits are required prior to the soil test pit excavations for the onsite community wastewater disposal analysis and this FONSI is strictly conditional on approval from the State Historic Preservation Program to continue with the excavation with no mitigation measures. If the State Historic Preservation Program does not approve the soil test pit excavations or if it requires mitigation measures, then the soil test pit excavations at the 212 School Street site are not allowed.

This work is currently funded through a grant from the Northern Border Regional Commission and is expected to be designed with financing from the Vermont Clean Water State Revolving Fund (CWSRF) loan.

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Evaluation of Eligibility for Finding of No Significant Impact
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Eligibility for clean water revolving loan (CWSRF) construction funding will be limited to the eligible clean water work as detailed in the Preliminary Engineering Report and to physical areas cleared through this environmental review process.

2. Justification for Finding of No Significant Impact

We have determined that the proposed project meets the criteria for issuance of a Finding of No Significant Impact.

This project involves potential impacts to potentially archeologically sensitive site at 212 School Street.

Otherwise, this project may have been eligible for Categorical Exclusion from detailed environmental review; additionally, the direct and indirect environmental effects of the project are still not significant enough to necessitate an Environmental Impact Statement (EIS).

A public hearing was held May 3rd, 2021 at 5:00pm as part of a regular Burke Selectboard meeting and as part of this FNSI process. The selectboard had questions about the test pit process and size of the test pits.