

Attachment 1. CATEX Eligibility and/or Extraordinary Circumstances Statement(s)

North Avenue Co-op Infrastructure Upgrades, Burlington, VT

III. A & III. B. The purpose of the Project is to provide critical upgrades to the aging potable water, wastewater, and stormwater infrastructure for the NAC in Burlington, VT. The Project will occur at an 11-acre North Avenue Cooperative parcel (SPAN # 114-035-12886) (see Figure 1). The Project is expected to be completed in two phases, with EPA Community Grants funding allocated toward Phase 2, which includes:

- Installing 6- to 8-inch water, sewer, and storm water mains under roadways,
- Incorporating NAC's public water system into the City of Burlington Public Water System by connecting water and sewer services to 120 homes and installing individual water meters at each residence,
- Roadway repairs, and
- Installing stormwater collection and treatment infrastructure such as stormwater drains, catch basins, and french drains.

The Project involves a minor expansion of the drinking water and wastewater system through extension of water and sewer mains to the North Avenue Cooperative, which will tie into the City of Burlington Public Water System. The Project also involves minor upgrades to the existing stormwater system through installation of stormwater infrastructure such as stormwater drains and catch basins. The Project will not involve new or relocated discharges to surface or groundwater, result in new stormwater outfalls, provide capacity to serve a population of 30 percent greater than the existing population, or upgrade or extend infrastructure systems primarily for the purpose of future development.

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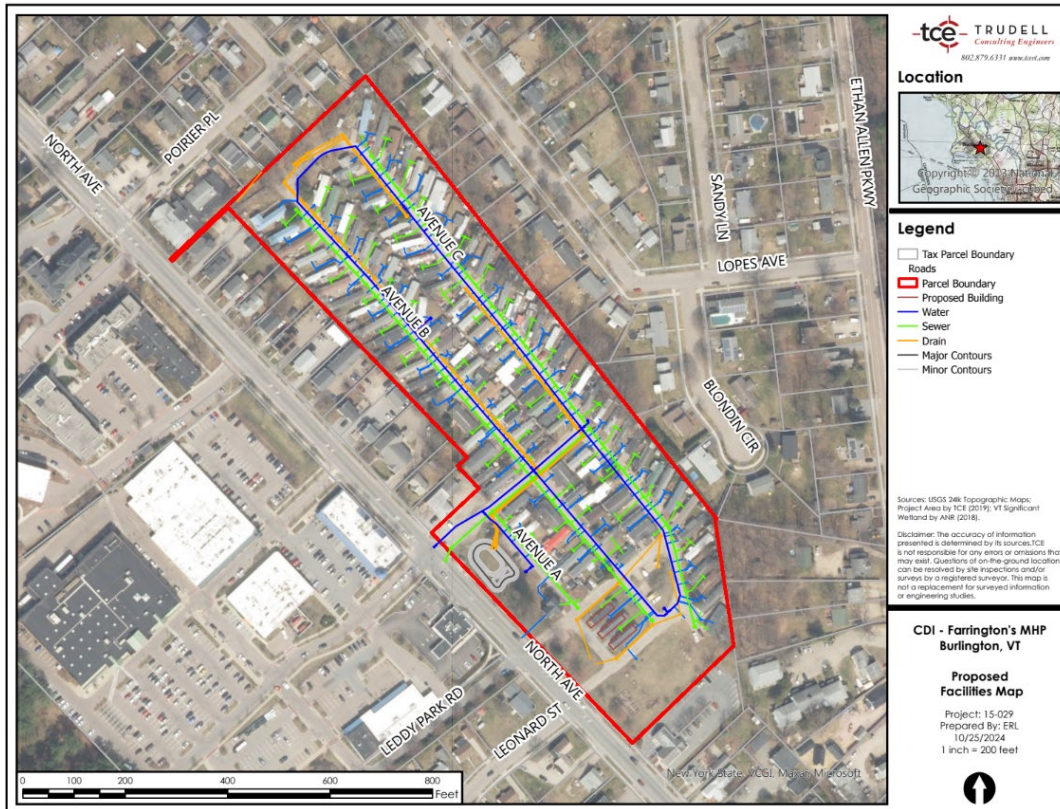


Figure 1. North Avenue Co-op Infrastructure Upgrades Project Area Map

Summary of previous environmental reviews. The Project has not been evaluated in any previous National Environmental Policy Act reviews or similar state-level environmental reviews.

IV. A. 3. The U.S. Fish and Wildlife Service (USFWS) Official IPaC Species List (dated January 14, 2025) indicates that one federally listed species, one proposed endangered species, and one proposed threatened species have the potential to occur in the vicinity of the Project Area: northern long-eared bat (*Myotis septentrionalis*), tricolored bat (*Perimyotis subflavus*), and the monarch butterfly (*Danaus plexippus*), and no critical habitat is present in the Project Area. The Northern Long-eared Bat and Tricolored Bat Rangewide Determination Key was completed on January 14, 2025 and resulted in a finding of *may affect, not likely to adversely affect* for both bat species. No response was received from USFWS within 15 days of the generated letter. Therefore, concurrence with the effect determination is valid. In addition, the Project will take place within previously disturbed areas consisting of paved roadways and maintained vegetation, which is not suitable habitat for the monarch butterfly. Therefore, the Project is *not likely to jeopardize the continued existence* of the monarch butterfly.

IV. A. 4. CDI Development Fund Inc. has led the consultation with the Vermont Division for Historic Preservation under Section 106 of NHPA. An archaeological resource assessment (dated February 13, 2024) was conducted by Monadnock Archeological Consulting, LLC on behalf of CDI and included background research and a visual inspection of the Project Area. The results of the assessment indicated widespread disturbance from previous development activities in the Project Area and intact archeological sites are not expected to occur. A consultation package was submitted on May 4, 2023. SHPO responded with a finding of *no effect on historic resources* in a letter dated March 14, 2024.

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According to the Tribal Directory Assessment Tool, one Tribe has interests in Chittenden County: the Delaware Tribe of Indians. However, the Tribe has indicated in a letter dated November 20, 2017 that they do not have interests in the state of Vermont and therefore do not need to be consulted for Projects in the state.

IV. A. 6. The Project is not located in a nonattainment or maintenance area for any Clean Air Act criteria pollutants. The Project will result in a temporary, minor increase in construction-related emissions. Because the Project will not install any new emissions units, no long-term changes in air pollution will occur as a result of this Project.

IV. A. 7. The Project will not result in any changes to land use or population. The Project will take place in previously developed areas.