

# Environmental Assessment

## Determinations and Compliance Findings for HUD-assisted Projects

### 24 CFR Part 58

#### Project Information

<b>Project Name:</b>	Middleburg Town Hall
<b>Responsible Entity:</b>	Town of Middleburg, VA
<b>Grant Recipient:</b>	Town of Middleburg, VA
<b>State/Local Identifier:</b>	0107 (FIPS Code)
<b>Preparer/Consultant:</b>	Timmons Group, on behalf of the Town of Middleburg
<b>Certifying Officer Name and Title:</b>	Danny Davis, Town Manager, Town of Middleburg, VA
<b>Direct Comments to:</b>	Susan Morrison, AICP; Timmons Group; 5410 Trinity Road, Suite 102; Raleigh, NC 27607 – or – Danny Davis, Town of Middleburg, PO Box 187, Middleburg, VA 20118

**Project Location:** The project site is comprised of one parcel (PIN # 538279541) owned by the Town of Middleburg, totaling approximately 1.47 acres and located at 10 West Marshall Street within the Town of Middleburg, Virginia. The site is bounded to the north by vacant, undeveloped land owned by Salamander Middleburg MUV, LLC (associated with the Salamander Resort & Spa); to the east by commercial businesses; to the south by West Marshall Street and commercial businesses; and to the west by residential and commercial development with North Pendleton Street beyond.

The project site currently consists of a 1.5-story brick office building that is utilized as the Middleburg Town Office. A one-way, circular asphalt driveway is located around the perimeter of the building, with approximately ten on-site parking spaces located behind the building. The office building is currently connected to all local public utilities, including water, sewer, and electricity. See project site location maps included as **Appendix A**.

**Description of the Proposed Project** [24 CFR 50.12 & 58.32; 40 CFR 1508.25]: The Town of Middleburg has been awarded an Economic Development Initiative, Community Project Funding (EDI, CPF) grant, administered through HUD’s Office of Community Planning and Development, Congressional Grants Division, to construct a new one-story Town Hall Office Building totaling approximately 11,421 square feet on the existing Town Hall site. The new office building will also house a new police station, four public meeting rooms, and public restrooms that will remain open after business hours. Additionally, the project site will include two public green space areas located along North Pendleton Street and West Marshall Street to be utilized as passive parks for activities, festivals, and events.

The existing building, asphalt, site walls, sidewalk, concrete, and associated improvements will be demolished after completion of the new office building. The existing water main and gravel road located in the northern portion of the site will also be removed. Approximately 47 total parking

spaces will be provided for the new Town Hall Office Building. Twenty-five parking spaces will be sited immediately north of the building, including two Americans with Disabilities Act (ADA)-accessible spaces and nine permeable pavement spaces. A second parking lot with 22 spaces will be constructed of permeable pavement in the northeastern portion of the site. Ingress/egress to the site will be provided via West Marshall Street and North Pendleton Street.

**Statement of Purpose and Need for the Proposal** [40 CFR 1508.9(b)]: The Town of Middleburg, with support from Congresswoman Jennifer Wexton, identified the project site for redevelopment and the proposed construction of a new combined town hall and police headquarters. The existing Town Office building was constructed in 1964 and expanded in 1976 but is currently over capacity and not meeting the town's need for more parking, park/green space, community rooms, space for public events, and public restrooms. Additionally, the Town has had to conduct mold remediation three times in the past eight years to resolve moisture and mold issues within the existing building. The purpose of this project is to construct a Town Hall Office Building that will expand office space and provide modern, safe, ADA-accessible facilities. The new facilities will improve service for customers; afford greater access to public meetings, hearings, and activities; and provide needed public green space within the Town. The additional infrastructure also intends to support the business community and enhance economic development efforts.

**Existing Conditions and Trends** [24 CFR 58.40(a)]: The project site currently consists of an aging town hall building in need of expansion and modernization and an associated parking lot that only provides a limited number of public parking spaces. The area immediately surrounding the proposed project site is predominantly comprised of commercial properties, with single- and multi-family residences and public uses in the immediate vicinity. The *Town of Middleburg Comprehensive Plan 2019 (October 10, 2019)* has identified a new or expanded Town Hall as a priority. The construction of a new town hall was also identified as a Town Council Strategic Initiative as early as 2017. The proposed project also presents an opportunity for the Town to exemplify green and sustainable measures in construction and energy use desired in future developments within the Town. These measures may include solar/LED lighting in the parking lot, low-flow fixtures, energy efficient heating ventilation and air conditioning (HVAC) systems, infrastructure for future solar power, and electric vehicle (EV) charging.

## **Funding Information**

The Middleburg Town Hall project will utilize HUD EDI, CPF funding, a Loudoun County grant, and bonded debt from the Town. Construction costs are estimated at \$10,688,000. The total cost of the project, including architecture and engineering (A/E), land acquisition, and construction costs is estimated to be \$12,253,111 with an additional \$500,000 contingency. The Town has a significant fund balance in their reserves to use as cash assets to cover any remaining or additional costs and plans to pay off a portion of the debt if the federal funding is awarded.

**Estimated Total HUD Funded Amount: \$2,000,000**

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$12,253,111**

### **Source of Funds**

<b>Fund Source</b>	<b>Amount</b>
HUD EDI, CPF Grant	\$2,000,000
Loudoun County Grant/CIP Funding	\$500,000
Bonded Debt/Cash Reserves	\$9,753,111
<b>TOTAL FUNDS</b>	<b>\$12,253,111</b>

## Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6</b>		
<b>Airport Hazards</b> 24 CFR Part 51 Subpart D	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>There are no civilian airports within 2,500 feet and no military airports within 15,000 feet of the project site.</p> <p>The closest civilian airport, Dulles International Airport, is located approximately 13 miles east of the project site; there are no military airports located within the region. The project is not located within an Accident Potential Zone (APZ) or Runway Protection Zone/Clear Zone (RPZ/CZ).</p> <p>The proposed project is in compliance with Airport Hazards requirements. See <b>Appendix B</b>.</p>
<b>Coastal Barrier Resources</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>Per the Official Coastal Barrier Resources System Mapper (<a href="https://www.fws.gov/cbra/maps/mapper.html">https://www.fws.gov/cbra/maps/mapper.html</a>), the project site is inland and does not encompass coastal barrier resources. The proposed project is in compliance with the Coastal Barrier Resources Act. See <b>Appendix C</b>.</p>
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 & National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel 51107C0330E, effective February 17, 2017, the entire project site is located within an area of minimal flood hazard (Zone X). The Town of Middleburg and Loudoun County are members of the National Flood Insurance Program. The proposed project is in compliance with Flood Insurance requirements. See <b>Appendix D</b>.</p>
<b>Clean Air</b> Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>According to the U.S. Environmental Protection Agency's (EPA's) <i>Virginia Nonattainment/Maintenance Status for Each County by Year for all Criteria Pollutants</i>, as of May 31, 2022, Loudoun County is currently in nonattainment for 8-Hour Ozone (2015 standard) in 2022, and was in nonattainment for this standard between 2018 and 2021; was in nonattainment for 8-Hour Ozone (2008 standard) between 2012 and 2018, and is currently in maintenance for this standard; and was in nonattainment for 8-Hour Ozone (1997 standard, revoked on April 6, 2015) between 2004 and 2014.</p> <p style="text-align: right;">(Continued)</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</p>	<p>Formal compliance steps or mitigation required?</p>	<p>Compliance determinations</p>
<p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6</b></p>		
<p><b>Clean Air (Continued)</b> Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</p>		<p>In addition, Loudoun County was in nonattainment for PM 2.5 (1997 standard) between 2005 and 2013; however, the County is a maintenance area for this NAAQS and this standard is revoked in attainment or maintenance areas.</p> <p>According to the EPA, the <i>de minimis</i> levels for the 8-Hour Ozone 2015, 2008, and 1997 standards are 0.070 parts per million (ppm), 0.075 ppm, and 0.08 ppm, respectively: <a href="https://www.epa.gov/ground-level-ozone-pollution/table-historical-ozone-national-ambient-air-quality-standards-naaqs">https://www.epa.gov/ground-level-ozone-pollution/table-historical-ozone-national-ambient-air-quality-standards-naaqs</a>. Per 9VAC5-80-2130, the project will have ozone emissions of less than 25 tons per year when aggregated with all other net increases in emissions from the source over a period of five consecutive calendar years, so the project is exempted from air quality permit requirements (<a href="https://law.lis.virginia.gov/admincode/title9/agency5/chapter80/section2130/">https://law.lis.virginia.gov/admincode/title9/agency5/chapter80/section2130/</a>). According to the EPA, the <i>de minimis</i> level for the PM 2.5 1997 standard is 100 tons per year (<a href="https://www.epa.gov/sites/production/files/2016-03/documents/gc_factsheet_pm2.5_deminimis_3312006.pdf">https://www.epa.gov/sites/production/files/2016-03/documents/gc_factsheet_pm2.5_deminimis_3312006.pdf</a>). Per 9VAC5-80-1105, the project will have PM 2.5 of less than 10 tons per year, so the project is exempted from air quality permit requirements (<a href="https://law.lis.virginia.gov/admincode/title9/agency5/chapter80/section1105/">https://law.lis.virginia.gov/admincode/title9/agency5/chapter80/section1105/</a>). Thus, the ozone and PM 2.5 emissions are automatically considered <i>de minimis</i> per 40 CFR §93.153(c)(2), and the project is in compliance with the State Implementation Plan, regardless of Loudoun County’s air quality status. The proposed project is in compliance with the Clean Air Act. See <b>Appendix E</b>.</p>
<p><b>Coastal Zone Management</b> Coastal Zone Management Act, sections 307(c) &amp; (d)</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>The proposed project is located within Loudoun County, which is not a designated county within the Virginia coastal zone management (CZM) area subject to the Coastal Zone Management Act. However, the Virginia Department of Environmental Quality (DEQ) provided comments in correspondence, dated July 11, 2022, as part of a courtesy review during project scoping. The proposed project is in compliance with the Coastal Zone Management Act. See DEQ correspondence in <b>Appendix F</b>.</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</p>	<p>Formal compliance steps or mitigation required?</p>	<p>Compliance determinations</p>
<p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b></p>		
<p><b>Contamination and Toxic Substances</b> 24 CFR Part 50.3(i) &amp; 58.5(i)(2)</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>According to the Environmental Risk Information Systems (ERIS) Database Report, dated June 23, 2022, no <i>Aboveground Storage Tanks (AST)</i> are located on-site or within a 0.25-mile radius of the project site. In addition, no <i>Leaking Storage Tanks (LSTs)</i> are located on the project site; however, 24 <i>LST</i> sites are listed within a 0.5-mile radius of the project site. One <i>Underground Storage Tank (UST)</i> listing is identified on the project site and nine <i>UST</i> sites are listed within a 0.25-mile radius of the project site. All of the identified <i>LST</i> sites have received regulatory closure, and all but one of the identified <i>UST</i> listings are inactive and recorded as removed from the ground, permanently out of use, or closed in the ground. The on-site <i>UST</i> was a 550-gallon gasoline tank that was removed from the ground in 1997, and the active facility is for the Middleburg Exxon, located approximately 0.24-mile east of the project site, which has three gasoline and one diesel tank(s) currently in use. In addition, two <i>Drycleaner Facilities (FED DRYCLEANERS)</i> and four <i>SPILLS</i> listings are located within a 0.25-mile radius and a 0.125-mile radius of the project site, respectively. However, all of these listings are at a lower elevation than the project site and the <i>SPILLS</i> listings have all received regulatory closure. Following review and based on regulatory status, operational condition, distance, and/or the extrapolated direction of groundwater flow, none of these listings represent a potential environmental risk. The proposed project is in compliance with Contamination and Toxic Substances requirements. See the June 23, 2022, ERIS Database Report in <b>Appendix G</b>.</p>
<p><b>Endangered Species</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>A June 22, 2022, Virginia Fish and Wildlife Information Services (VaFWIS) query revealed that the Loggerhead Shrike (<i>Lanius ludovicianus</i>) and Green Floater (<i>Lasmigona subviridis</i>), both state threatened species, have been documented within two miles of the project area. Neither of these species has been documented within the project site.</p> <p>A June 23, 2022, Virginia Department of Conservation and Recreation (DCR) query documented the presence of natural heritage resources, including rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, or significant geological formations within the project boundary and a 100-foot buffer and stated that a</p> <p style="text-align: right;">(Continued)</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Endangered Species (Continued)</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402		<p>predictive habitat model for the Loggerhead Shrike (<i>Lanius ludovicianus</i>) may intersect the project site. However, in follow up correspondence dated July 19, 2022, DCR confirmed that this resource does not intersect the project boundary and a survey is not recommended.</p> <p>A June 23, 2022, Center for Conservation Biology mapping search revealed no bald eagle nests or roosts within regulatory buffer distances of the project site.</p> <p>A June 22, 2022, U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) official species list revealed one threatened species, the Northern Long-eared Bat (<i>Myotis septentrionalis</i>), and one candidate species, the Monarch Butterfly (<i>Danaus plexippus</i>), may be present in the area of the proposed project; however, there is no critical habitat identified within the project area. In addition, the proposed project may rely on the USFWS’s January 5, 2016, <i>Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Exempted from Take Prohibitions</i> for the Northern Long-eared Bat.</p> <p>The proposed project is in compliance with the Endangered Species Act. See <b>Appendix H</b>.</p>
<b>Explosive and Flammable Hazards</b> 24 CFR Part 51 Subpart C	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The proposed project is not a hazardous facility.</p> <p>Review of aerial imagery revealed no “tank-farm” type, large ASTs within one-mile of the project site. Review of the ERIS Database Report revealed no ASTs on-site or within a 0.25-mile radius of the project site.</p> <p>The proposed project is in compliance with Explosive and Flammable Hazards requirements. See the ERIS Database Report in <b>Appendix G</b>.</p>
<b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The soils on the project site are classified as <i>prime farmland</i> (48.5%), <i>farmland of statewide importance</i> (5.1%), and <i>not prime farmland</i> (46.5%). The project site is not located within a U.S. Census-designated Urbanized Area. The project site therefore consists of land that is subject to the Farmland Protection Policy Act (FPPA). A Farmland Conversion Impact Rating (Form AD-1006) was submitted to the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) for their evaluation</p> <p style="text-align: right;">(Continued)</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</p>	<p>Formal compliance steps or mitigation required?</p>	<p>Compliance determinations</p>
<p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b></p>		
<p><b>Farmlands Protection (Continued)</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>		<p>of whether protected farmland will be converted to a non-agricultural use as a result of the project. NRCS completed the form on July 25, 2022. The 95 total points calculated for the combined relative value of farmland to be converted and site assessment are well below HUD’s combined score of 160 points that requires the evaluation of at least one alternative project site. Therefore, it was determined that no land conversion will take place. The proposed project is in compliance with the FPPA. See <b>Appendix I.</b></p>
<p><b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes    No <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>According to FEMA FIRM Panel 51107C0330E, effective February 17, 2017, the entire project site is located within an area of minimal flood hazard (Zone X). The proposed project is in compliance with Executive Order 11988. See <b>Appendix D.</b></p>
<p><b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes    No <input checked="" type="checkbox"/>   <input type="checkbox"/></p>	<p>According to the Virginia Cultural Resource Information System (V-CRIS), the project site is located within four identified historic resources or districts that include: the <i>Middleburg Historic District</i> (Virginia Department of Historic Resources [DHR] ID: 259-0162), which is listed on the National Register of Historic Places (NRHP) and the Virginia Landmarks Register (VLR); the <i>Upperville Battlefield</i> (DHR ID: 030-5440), which has been determined eligible for listing on the NRHP and the VLR; and the <i>Aldie Battlefield</i> (DHR ID: 053-5056) and <i>Battle of Middleburg</i> (DHR ID: 053-5057), which are both potentially eligible for listing by DHR. Additionally, the project site, the <i>Middleburg Town Office</i> (DHR ID: 259-0162-0105), is within the <i>Middleburg Historic District</i>, which was listed in the VLR in 1981 and the NRHP in 1982.</p> <p>There are 14 architecture sites within a 0.25-mile radius of the project site that have not been individually evaluated by DHR, including alleged <i>Slaves Quarters</i> (DHR ID: 259-0162-0026), located on the adjoining parcel to the east at 100 North Madison Street.</p> <p>No archaeological surveys have been previously conducted within the project site or within a 0.25-mile radius of the APE.</p> <p>According to correspondence from DHR dated July 21, 2022, a 2016 survey conducted for the <i>Middleburg Historic District</i> classified the <i>Middleburg Town Office</i> as a</p> <p style="text-align: right;">(Continued)</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Historic Preservation (Continued)</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800		<p>contributing property. Based on the location of a portion of the lot on which the alleged <i>Slaves Quarters</i> historic site stands within the APE, and the APE coinciding with three Civil War battlefields (the <i>Upperville Battlefield</i>, the <i>Aldie Battlefield</i>, and the <i>Battle of Middleburg</i>), DHR additionally recommended a Phase I archaeological survey of the portion of the APE that will be subjected to ground disturbing activities. However, because extensive ground disturbing activities already occurred, prior to the proposed project’s notification of federal involvement, there are no intact portions of the project site that could be subjected to an archaeological survey. As such, no archaeological survey will be conducted, and the Town will continue to work with adjacent property owners to ensure the new building is adequately screened from nearby properties.</p> <p>In further correspondence from DHR dated August 31, 2022, DHR recommended “<i>a finding of adverse effect for the proposed demolition of the Middleburg Town Office Building and the execution of the Memorandum of Agreement (MOA) to conclude the Section 106 process and memorialize mitigation of the adverse effect to the Middleburg Historic District.</i>”</p> <p>The Town and DHR entered into a Memorandum of Agreement (MOA), dated and executed on September 9, 2022, to resolve the adverse effects of demolition. To mitigate adverse effects, the Town will:</p> <ol style="list-style-type: none"> <li>1. Complete an intensive level architectural survey for the existing Town Office building at 10 West Marshall Street and submit the completed documentation to DHR prior to the building’s demolition;</li> <li>2. Provide an interpretive exhibit in the new Town Hall, discussing the history of the Town and the existing Town Office building, as well as research on the history of the building and associated parcel located at 100 North Madison Street, as it allegedly pertains to the formerly enslaved community of the Town; and</li> <li>3. Immediately halt all activity and notify DHR if unidentified historic properties or unanticipated</li> </ol> <p style="text-align: right;">(Continued)</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</p>	<p>Formal compliance steps or mitigation required?</p>	<p>Compliance determinations</p>
<p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b></p>		
<p><b>Historic Preservation (Continued)</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>		<p>effects to historic properties, including archaeological resources, are discovered during demolition.</p> <p>As part of the adverse effect finding, the Town submitted Section 106 documentation and supporting attachments to the Advisory Council on Historic Preservation (ACHP) on August 31, 2022, to notify the ACHP of a finding that an undertaking may adversely affect historic properties. In correspondence dated September 7, 2022, the ACHP responded that “<i>we do not believe our participation in the consultation to resolve adverse effects is needed.</i>”</p> <p>The Catawba Indian Nation; the Delaware Nation, Oklahoma; the Monacan Indian Nation; and the Eastern Shawnee Tribe of Oklahoma have interests in Loudoun County and were contacted by the Town regarding the project. The Delaware Nation, in a response dated June 27, 2002, accepted the invitation for consultation on this project and requested additional information to complete a thorough review. The Town, in correspondence dated July 12, 2022, provided a response with the requested information and supporting attachments. The Delaware Nation provided a follow up response on July 18, 2022, stating the project should have <i>No Adverse Effect</i>, requesting that the Town continue with the project as planned, and advising to halt construction and ground disturbing activities and contact their office and the appropriate state agencies within 24 hours should human remains and/or any Native American archaeological resources inadvertently be uncovered.</p> <p>The Monacan Indian Nation, in correspondence dated June 28, 2022, declined to actively participate in project consultation after anticipating that the project’s impact will be minimal.</p> <p>The Eastern Shawnee Tribe, in a response dated July 1, 2022, proposed <i>No Adverse Effect</i> from the project and requested that the Tribe and the appropriate state agencies be contacted immediately should the project inadvertently discover an archaeological site or object(s).</p> <p style="text-align: right;">(Continued)</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</p>	<p>Formal compliance steps or mitigation required?</p>	<p>Compliance determinations</p>
<p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b></p>		
<p><b>Historic Preservation (Continued)</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>		<p>Similarly, the Catawba Indian Nation, in a response dated July 28, 2022, has no immediate concerns and wishes to be notified if Native American artifacts and/or human remains are located during the ground disturbance phase of the project. <b>See Appendix J.</b></p>
<p><b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes    No <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>The proposed project includes the construction of a new town hall and police station, which are not noise sensitive uses. According to the HUD Noise Abatement and Control Checklist, the project is not subject to the noise standards. The proposed project is in compliance with the Noise Control Act. <b>See Appendix K.</b></p>
<p><b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes    No <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>There are no sole source aquifers in the region. The proposed project is in compliance with Sole Source Aquifer requirements. <b>See Appendix L.</b></p>
<p><b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes    No <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>Review of the US Fish and Wildlife Service National Wetlands Inventory Wetlands (NWI) Map indicates that no wetlands or streams are present on-site or located on adjacent or nearby parcels.  The subject property is not located within or adjacent to a Chesapeake Bay Preservation Area.  The proposed project is in compliance with Executive Order 11990. <b>See Appendix M.</b></p>
<p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b></p>		
<p><b>Wild and Scenic Rivers</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes    No <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>There are no wild and scenic rivers in Virginia. The closest Nationwide Rivers Inventory (NRI)-listed segment, the Goose Creek reach from the headwaters to Evergreen Mills, is located approximately 1.5 miles northwest of the site. The proposed project is in compliance with the Wild and Scenic Rivers Act. <b>See Appendix N.</b></p>
<p><b>ENVIRONMENTAL JUSTICE</b></p>		
<p><b>Environmental Justice</b> Executive Order 12898</p>	<p>Yes    No <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>The project is located within Blockgroup 511076109001, with an approximate population of 930 for this 8.82 square mile area. The proposed project is not located within a predominantly <i>people of color</i> population (minority) area (23 percent), with only 33 percent or less of the population falling below federal poverty limits. The project will not  (Continued)</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Formal compliance steps or mitigation required?	Compliance determinations
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice (Continued)</b> Executive Order 12898		cause adverse environmental effects, will not result in displacements, and will not disproportionately and adversely affect low income and minority populations. The proposed project is in compliance with Executive Order 12898. See <b>Appendix O.</b>

**Environmental Assessment Factors** [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

**Impact Codes:** Use an impact code from the following list to make the determination.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>LAND DEVELOPMENT</b>		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The Town of Middleburg Land Use Policy Map designates the project site as Public/Civic and Medium Density Residential. The project site is zoned C-2 (Town Commercial District), which permits municipal buildings, municipal parking lots, and public parks. As part of land acquisition of a portion of the private property to the north of the project site, the northern section of the site is restricted to use for parking, access, and green space; no future building is permitted. The proposed project is in conformance with plans, land use, zoning, scale, and urban design. See <b>Appendix P</b> .
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	The largest soil unit concentration on the project site (46.4%) is <i>Udorthents</i> (103). This soil unit includes deep or very deep, well drained or somewhat excessively drained, nearly level to very steep, loam and clayey soils and is non-hydric. The next largest soil units on-site are <i>Eubanks loam, 2 to 7% slopes</i> (31%; 28B) and <i>Middleburg silt loam, 2 to 7% slopes</i> (17.5%; 17B), which are both well drained and have low runoff, no frequency of flooding, and are non-hydric. The remainder of the project site (5.1%) is <i>Tankerville and Philomont soils, 7 to 15% slopes</i> (30C), which is well drained and has high runoff, no frequency of flooding, and is non-hydric. See <b>Appendix Q</b> .
Hazards and Nuisances including Site Safety and Noise	3	Project implementation may result in short term impacts to nearby residential and commercial properties in the form of fugitive dust and noise. Appropriate mitigation measures will be employed in accordance with local permitting and OSHA requirements during construction to minimize any potential short-term effects. The proposed project will have no long-term adverse effects.
Energy Consumption	2	Compared to the existing Town Office use of the project site, energy demand is projected to slightly increase within the local grid with the expanded footprint of the new Town Hall building, which will include a police station. However, energy consumption of the new Town Hall building is projected to be of a reduced need capacity based on the incorporation of green building design and sustainable measures for increased energy efficiency.
<b>SOCIOECONOMIC</b>		
Employment and Income Patterns	1	The proposed project will provide a minor benefit to employment and income patterns via construction activities and ongoing jobs for the consolidated town hall and police facilities with expanded office space available to accommodate additional employees as the need arises.
Demographic Character Changes, Displacement	1	The proposed project involves the construction of a new town hall and police station, along with public green space areas, which will not create any demographic character changes or cause the displacement of any residents.

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>COMMUNITY FACILITIES AND SERVICES</b>		
Educational and Cultural Facilities	2	<p>Within the Town of Middleburg limits, the Middleburg Community Charter School (kindergarten through grade 5) is located approximately 0.1-mile northeast of the project site, and The Hill School (kindergarten through grade 8), a private school, is located approximately 0.4-mile south. The proposed project will have no effect on the respective schools' populations, as the project does not include the construction of residential housing.</p> <p>According to the Town of Middleburg website (<a href="https://www.middleburgva.gov/31/Visitors-Events">https://www.middleburgva.gov/31/Visitors-Events</a>) and Google Maps, the proposed project is located near cultural facilities such as museums, art galleries, and/or theaters/performing arts centers. The nearest such features are the Middleburg Museum, located approximately one block southeast of the project site; the National Sporting Library and Museum, located approximately 0.3-mile southwest; the Masters of Foxhounds Museum, located approximately 0.3-mile northeast; the Byrne Gallery and Red Fox Fine Art, both located approximately 0.1-mile southeast; Artists in Middleburg, located approximately 0.1-mile southwest; Sporting Gallery, Inc. and Carey Ellis Company, both located approximately 0.2-mile east; and the Battle of Middleburg/Mt. Defiance Historic Park, located approximately 1.6 miles west. These facilities will not be adversely impacted by the proposed project.</p>
Commercial Facilities	2	Commercial facilities are interspersed throughout the project area and include commercial corridors primarily along adjacent West Marshall Street; U.S. Route 50/West Washington Street, located one block to the south of the project site; and West Federal Street, located two blocks south. No adverse impacts are anticipated.
Health Care and Social Services	2	There are no public health and human services or social services departments located within the Town of Middleburg. An array of general and family practice clinics, eye care, orthopedic surgery, physical therapy, and psychiatric/psychology facilities are located within a half mile of the project site. The StoneSprings Hospital Center is located approximately 11.3 miles southeast of the project site, and Inova Loudoun Hospital is located approximately 24 miles northeast; numerous specialty health care facilities are located within and around these hospitals. No impact is anticipated to local health care and social service facilities.
Solid Waste Disposal / Recycling	2	Redevelopment of the project site with the expanded Town Hall building footprint that will include a police station will generate a slight increase in solid waste and recycling when compared to the current demand for solid waste collection services. However, adequate public and private options for solid waste collection/disposal and recycling services are available to the site.

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>
Wastewater / Sanitary Sewers	3, 1	Redevelopment of the project site with the expanded Town Hall building footprint that will include a police station will increase the demand for wastewater and sanitary sewer utilities when compared to the current usage of the site. However, new on-site utility infrastructure will be designed with increased efficiency.
Water Supply	3	Redevelopment of the project site will increase municipal water supply demands as a result of expanded office/public facility usage and landscaping needs when compared to the current usage of the site. However, based on the installation of modern water conserving fixtures and/or appliances, the increase in water demand may be marginally mitigated and may result in slight decreases in demand.
Public Safety - Police, Fire and Emergency Medical	2	The project site is located approximately 11.3 miles northwest of StoneSprings Hospital Center Emergency Room. The Middleburg Fire and Rescue Station is located approximately 0.7-mile southwest of the project site. The Middleburg Police Department is currently located approximately 0.2-mile southwest of the project site, but upon project completion will be located on-site.
Parks, Open Space and Recreation	2	<p>The proposed project will include two public green space areas to be utilized as passive parks for activities, festivals, and events. The <i>Village Green</i> will be located along North Pendleton Street, between the site's two proposed parking lots, and the <i>Town Park</i> will be sited along West Marshall Street in the location of the current Town Hall Office building after its demolition.</p> <p>The Town itself does not own or maintain any public parks or recreational facilities. However, the following facilities owned by private businesses are open to the public:</p> <p>The Middleburg Community Center, located approximately 0.2-mile southwest of the project site, offers picnic grounds, a garden, playgrounds, a swimming pool, and classes such as yoga and ballet.</p> <p>Walking trails are provided on the grounds of the National Sporting Library and Museum, located approximately 0.3-mile southwest of the project site; The Hill School, located approximately 0.4-mile south; and the Salamander Resort, located immediately north and west of the project site.</p> <p>Mickie Gordon Memorial Park, owned and operated by Loudoun County, is located approximately two miles east of the project site. The approximately 100-acre park offers playing fields for baseball/softball, cricket, football, lacrosse, and soccer; batting cages(s); two tennis courts; a fishing pond; a picnic pavilion with table and grills; public restrooms; and free parking.</p>
Transportation and Accessibility	2	<p>Ingress and egress to the project site will occur from the south via West Marshall Street or from the west via North Pendleton Street. A total of approximately 47 parking spaces will be associated with the new Town Hall building. Twenty-five parking spaces will be located closest to the North Pendleton Street entrance. These spaces will be</p> <p style="text-align: right;">(Continued)</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
Transportation and Accessibility (Continued)		<p>sited immediately north of the office building and include two ADA-accessible spaces and nine permeable pavement spaces. A second parking lot with 22 spaces will be constructed of permeable pavement in the northeast portion of the site. Sidewalks are currently present along both sides of West Marshall Street and along the west side of North Pendleton Street.</p> <p>There are no rail or bus services available within the Town of Middleburg.</p>
<b>NATURAL FEATURES</b>		
Unique Natural Features, Water Resources	2	No unique natural features or water resources are identified on-site or in the immediate project vicinity. Wancopin Creek, a tributary to Goose Creek, is located approximately 0.5-mile east of the project site.
Vegetation, Wildlife	2	<p>VaFWIS correspondence dated June 22, 2022 revealed that the Loggerhead Shrike (<i>Lanius ludovicianus</i>) and Green Floater (<i>Lasmigona subviridis</i>), both state threatened species, have been documented within two miles of the project area. Neither of these species has been documented within the project site.</p> <p>DCR correspondence dated June 23, 2022, documented the presence of natural heritage resources within the project boundary and a 100-foot buffer and stated that a predictive habitat model for the Loggerhead Shrike (<i>Lanius ludovicianus</i>) may intersect the project site. However, DCR confirmed in follow up correspondence, dated July 19, 2022, that this resource does not intersect the project boundary and a survey is not recommended.</p> <p>The USFWS IPaC official species list, dated June 22, 2022, revealed that one threatened species, the Northern Long-eared Bat (<i>Myotis septentrionalis</i>), and one candidate species, the Monarch Butterfly (<i>Danaus plexippus</i>), may be present in the area of the proposed project; however, there is no critical habitat identified within the project area. In addition, the proposed project may rely on the USFWS's January 5, 2016, <i>Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions</i> for the Northern Long-eared Bat.</p> <p>See <b>Appendix H</b>.</p>
Other Factors		N/A

**Additional Studies Performed:** None

**Field Inspection** (Date and completed by): N/A

**List of Sources, Agencies and Persons Consulted** [40 CFR 1508.9(b)]:

- Center for Conservation Biology Eagle Nest Locator
- EPA EJScreen
- EPA NEPAAssist
- EPA Virginia Nonattainment/Maintenance Status
- Environmental Risk Information Services (ERIS) Database Report
- FEMA Flood Insurance Rate Map
- Google Earth
- Google Maps
- HUD Tribal Directory Assessment Information
- Loudoun County Public Schools
- Loudoun County, Virginia WebLogis Online Mapping System
- NPS Nationwide Rivers Inventory
- Town of Middleburg Comprehensive Plan 2019
- Town of Middleburg Zoning Ordinance
- Tribal Historic Preservation Officer (THPO) – Catawba Indian Nation
- THPO – Delaware Nation, Oklahoma
- THPO – Eastern Shawnee Tribe of Oklahoma
- THPO – Monacan Indian Nation
- USDA NRCS Web Soil Survey
- USFWS Coastal Barrier Resources System
- USFWS IPaC Information for Planning and Conservation
- USFWS National Wetlands Inventory
- USGS National Map
- VA Coastal Barrier Resources Map
- VA Dept. of Conservation & Recreation
- VA Dept. of Environmental Quality
- VA Dept. of Historic Resources (SHPO)
- VA Fish & Wildlife Information Service
- VA Dept. of Wildlife Resources
- Virginia’s Coastal Zone Map

**List of Permits to be Obtained:** SMP GC permit, if applicable

**Public Outreach** [24 CFR 50.23 & 58.43]: The Town of Middleburg has conducted extensive public outreach for the proposed project. The following public meetings and news releases have occurred to date:

- Middleburg Eccentric: “A New and Green Middleburg Town Office,” July 25-August 22, 2019;
- Public Information Packet for Town Hall Project, August 2020;
- Town News Release: Town of Middleburg Announces Proposal to Acquire Land as a Part of Its Future New Town Hall Project, August 14, 2020;
- Middleburg Town Council public meeting for Loudoun County CIP funding request, September 10, 2020;
- Historic District Review Committee (HDRC) initial meeting and public meeting to discuss demolition of existing Town Office, March 4, 2021;
- Public Information Meeting to reveal initial architectural plans and necessity to demolish existing Town Office and replacement with a “pocket park,” March 15, 2021;
- Loudoun Now: “Design Firms Outline ‘Casual Civic’ Middleburg Town Hall Project,” March 16, 2021;
- Loudoun Times: “Middleburg outlines ‘casual civic’ or ‘country chic’ design proposal for new town hall,” March 30, 2021;
- Dedicated webpage for Town Hall project, created April 2021;

- Middleburg Town Council meeting for consideration of resolution requesting Community Project Funding from Congresswoman Jennifer Wexton, April 14, 2021;
- HDRC and public meeting on Town Hall design, including demolition of Town Office, April 15, 2021;
- Middleburg Eccentric: “New Town Hall Makes Progress,” March 25-April 22, 2021;
- Middleburg Planning Commission public hearing for consideration of zoning map amendments to rezone property and amend proffers associated with project, April 26, 2021;
- HDRC pre-application meeting and public meeting on formal application for new Town Hall, including demolition, May 6, 2021;
- Middleburg Town Council public hearing for consideration of proposed issuance of bonds, May 13, 2021;
- Middleburg Planning Commission public meeting on Special Use Permit (SUP) 21-01 request to have a front yard greater than 30 feet in the C-2 Zoning District and need to demolish existing Town Office, May 24, 2021;
- Middleburg Town Council public hearing for consideration of zoning map amendments to rezone property and amend proffers associated with project, May 27, 2021;
- HDRC meeting to consider Certificate of Appropriateness (COA) 21-20 to construct a new Town Hall and demolish the existing Town Office, June 3, 2021;
- HDRC public hearing on demolition of existing Town Office, June 17, 2021;
- Middleburg Planning Commission public hearing to recommend approval on SUP 21-01, June 28, 2021;
- Middleburg Town Council public hearing on SUP 21-01, July 8, 2021;
- Public Information Meeting for update on latest architectural drawings, review and approvals from the HDRC and Planning Commission, and demolition of existing Town Office, July 12, 2021;
- Planning Commission public meeting on Site Plan 21-01 - Middleburg Town Hall and demolition of Town Office, October 25, 2021;
- Middleburg Town Council public meeting for Council award of GC contract during special meeting, December 16, 2021;
- Middleburg Town Council public hearing for consideration of debt financing as additional financing for Town Hall project, February 24, 2022; and
- Middleburg Town Council public meeting for approval of MOA with DHR for Town Hall project, September 8, 2022

The public will also have an opportunity to comment during required public notice periods for the HUD Environmental Assessment.

**Cumulative Impact Analysis [24 CFR 58.32]:** Based on the historical improvement of the project area, the proposed action will not introduce any environmental conditions or adverse effects in a magnitude that cannot be reasonably mitigated through responsible design and engineering. Overall, the development of the site for the new Town Hall Office Building will result in a positive impact for the Town of Middleburg by providing an expanded, safe, and modern building to

consolidate Town services, including police, and provide needed ADA-accessible facilities, community meeting space, and areas of public green space. No other federally funded construction projects were identified within the Town.

**Alternatives** [24 CFR 58.40(e); 40 CFR 1508.9]: Eight alternative locations were identified and considered for the proposed project. These sites were considered in closed session (confidentially) and were not made public. These sites, referred to as Potential Sites 1-8, were eliminated from further consideration for the following reasons:

- The location would require extensive remodel/restoration, limited parking, and the assessment was that the cost would be inordinately high;
- The location would require purchase of land, underground parking, the site is not as pedestrian friendly, and the assessment was that costs would be very high and dependent on buying out existing businesses/property;
- The Town considered purchase of the existing building on this site, but the current owner and Town could not agree on a price, the building's size was not as large as desired, parking not as much as desired, and the site was not as close to downtown as preferred;
- The location had access/elevation that proved very difficult, the site would require potential access through a third-party's property, the location is not connected with pedestrian links to the Town, and costs were unknown but likely high;
- The location's buildings are disconnected and would require remodeling, the site would require relocation of existing, successful businesses, and parking remains limited and could be a challenge for accessibility and easy connection between offices;
- The location does not provide enough space and parking is a challenge;
- The location is too far north, not large enough, and contingent on their future development timeline/plans; and
- The current owner of this location had no interest in selling and the proposed project at this site would impact park uses and remove community space.

**No Action Alternative** [24 CFR 58.40(e)]: Presently, the No Action Alternative is not a consideration unless funding is not readily available, in which case construction could be delayed while additional funding sources are explored and evaluated. Continued use of the project site as it exists today would not expand and modernize the current, aging Middleburg Town Office; consolidate Town services, including police; and provide ADA-accessible facilities, community meeting space, and public green space areas, and therein be a detriment to the human environment. Therefore, the No Action Alternative would not meet the purpose and need of the project.

**Summary of Findings and Conclusions:** Following a review of the environmental factors stipulated by 24 CFR Part 58, the proposed action may result in short term/temporary environmental impacts that will be sufficiently addressed by appropriate mitigation measures. Where affected, appropriate mitigation measures have already been proposed. With implementation of these mitigation measures, the project as proposed meets the purpose and need and will result in no significant impacts.

**The following conditions are noted:**

1. Project work must adhere to all local and state development regulations and/or permits.
2. Project work must be completed per submitted plan materials. Changes in the scope of the project must be communicated to the HUD Richmond Field Office for Environmental Review documentation update as necessary. No work will be interrupted by the documentation update.
3. Recommendations provided through inter-agency review and Virginia Department of Environmental Quality via the Federal Consistency Determination review should be followed. These recommendations are provided in the appendices of this report as noted in the Compliance checklist above.

**Mitigation Measures and Conditions [40 CFR 1505.2(c)]**

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure</b>
Historic Preservation	The Town of Middleburg and DHR will enter into a MOA stipulating specific measures that must be implemented in order to adequately avoid or satisfactorily mitigate any adverse effect on historic properties.
Hazards and Nuisances - Fugitive Dust (40 CFR Subchapter C, Part 50) - OSHA (29 CFR Part 1926 Subpart D)	Fugitive emissions shall be operationally controlled during construction with the use of dust suppressants and ultra-low sulfur diesel fuel.
Energy Consumption	The new Town Hall building will be constructed utilizing green building design and sustainable measures for increased energy efficiency.
Wastewater / Sanitary Sewers	The storm/sanitary sewer system will be improved to increase efficiency and accommodate increased flow.
Water Supply	The existing water main was relocated to avoid the new building; adequate water supply exists for the minimal increase in water consumption at the new site.

**Determination:**

**Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]  
The project will not result in a significant impact on the quality of the human environment.

**Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]  
The project may significantly affect the quality of the human environment.

Preparer Signature Susan Morrison Date: 09/12/2022

Susan Morrison, AICP / Environmental Project Manager and Planner / Timmons Group

Certifying Officer Signature:  Date: 09-14-2022

Danny Davis, Town Manager, Town of Middleburg, Virginia

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).