

## COMMONWEALTH OF VIRGINIA

### Department of Emergency Management

9711 Farrar Court, Suite 200, North Chesterfield, Virginia 23236  
TEL 804.267.7600 TDD 804.674.2417 FAX 804.272.2046

**SHAWN G. TALMADGE**

State Coordinator

Deputy Homeland Security Advisor

September 1, 2023

Ms. Mary Bunting  
City Manager  
City of Hampton  
22 Lincoln Street  
Hampton, VA, 23669

RE: City of Hampton – North Armistead Ave Resilience Project  
FEMA-DR-4512-VA-0002

Dear Ms. Bunting:

I am pleased to notify you that the Federal Emergency Management Agency (FEMA) has approved the project titled "City of Hampton- North Armistead Ave Resilience Project." The funds have been obligated through the Hazard Mitigation Grant Program. Attached you will find the grant award package. Please read all documents carefully prior to initiating your project. As funded, the federal share is 90% and the state share is 10% of the total project costs.

Your project cannot begin until the authorized agent has signed the grant award package. No reimbursements will be made until the award package is signed and received by the Virginia Department of Emergency Management. Please sign the attached grant agreement and scan and email it to Jessica Scott, Hazard Mitigation Grants Administrator. Congratulations on the approval of this project. If you have questions regarding this award or the implementation of your project, please contact Jessica Scott at (804)398-8707 or by e-mail at [Jessica.Scott@vdem.virginia.gov](mailto:Jessica.Scott@vdem.virginia.gov).

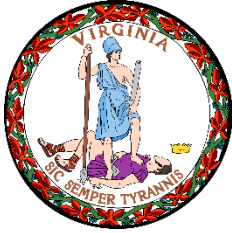
Sincerely,

A handwritten signature in blue ink that reads "Cheryl Adkins".

Cheryl J. Adkins  
Alternate Governor's Authorized Representative

Enclosures

CJA/DJM/js



## COMMONWEALTH OF VIRGINIA

### Department of Emergency Management

9711 Farrar Court, Suite 200, North Chesterfield, Virginia 23236  
TEL 804.267.7600 TDD 804.674.2417 FAX 804.272.2046

**SHAWN G. TALMADGE**  
State Coordinator  
Deputy Homeland Security Advisor

### **Hazard Mitigation Grant Program** Grant Agreement FEMA-DR-4512-VA-0002

This Agreement is made as of this 3<sup>rd</sup> day of August 2023, by and between the Virginia Department of Emergency Management, hereinafter called "VDEM," and the City of Hampton, herein after called the "Sub-grantee." The UEI-EFT number for the City of Hampton is **C2M9Z8KTQW68**.

The parties to this Agreement, in consideration of the mutual covenants and stipulations set out herein, agree as follows:

(1) GENERAL PROVISIONS:

This Agreement is a sub-grant award of federal funds from VDEM to the sub-grantee. VDEM has received a grant from the Department of Homeland Security, Federal Emergency Management Agency Hazard Mitigation Grant Program, Catalog of Federal Domestic Assistance Number 97.039. The sub-grantee shall implement the project as set forth in the grant Agreement documents. These documents consist of:

- (1) Executed Grant Agreement;
- (2) Scope of Work, Attachment A;
- (3) Project Budget, Attachment B;
- (4) Milestone Table, Attachment C; and
- (5) Grant Assistance Agreements and VDEM-FEMA General Terms and Conditions and Assurances; Attachment D.

**State agencies acting as the sub-grantee shall report all federal funds received as part of this Agreement as federal pass-thru funds on their agency's Schedule of Federal Assistance.**

Nothing in this Agreement shall be construed as authority for either party to make commitments, which will bind the other party beyond the Scope of Work contained herein. Furthermore, the sub-grantee shall assign, sublet, or subcontract any work related to this Agreement or any interest it may have herein with full compliance with federal and state procurement regulations. The schedule of service set forth in the Scope of Work and Milestone Table shall be deemed to have been consented to, as required by the preceding sentence, upon the execution of this Agreement by VDEM.

(2) SCOPE OF WORK:

The sub-grantee shall provide the service to VDEM set forth and summarized in the Scope of Work (Attachment A) and Milestone Table (Attachment C). All deliverables shall conform to accepted standards and practices. If there is any change in the original scope of work, a formal request must be made to VDEM for review and approval prior to implementing the change. These attachments are consistent with the original VDEM-FEMA (Federal Emergency Management Agency) grant project application. The sub-grantee shall provide VDEM with quarterly reports and a final report on the progress of work set forth in the Scope of Work. The quarterly reports and final report shall contain the following components: (1) a narrative describing in detail the progress of the sub-grantee in fulfilling the provisions of the Scope of Work; (2) Reimbursement Requests as needed that itemize the expenses incurred by the sub-grantee, including separate columns for the federal, state, and the sub-grantee's matching contribution to the total cost of services as reflected in the Project Budget-Attachment B; and (3) the schedule of specific project tasks with target completion dates and actual completion dates (Milestone Table – Attachment C). The first quarterly report is due to VDEM at the end of the first complete quarter following the award of the grant.

Reporting Period

January 1 – March 31

April 1 – June 30

July 1 – September 30

October 1 – December 31

Report Due to VDEM

no later than April 15

no later than July 15

no later than October 15

no later than January 15

(3) TIME OF PERFORMANCE:

The services of the sub-grantee shall begin on the date of sub-grantee's signature of this document and terminate on **8-5-2025**, unless otherwise altered through provisions of this Agreement or extended by written authorization of VDEM. Requests for time of performance extension must be received in writing by VDEM within 75 days of termination date with reasons for requested time of performance extension and a revised Milestone Table – Attachment C. All time limits stated are of essence of this Agreement. All funds must be obligated no later than the project completion date. The final request for reimbursement must be received no later than 60 days after the completion date for the project.

(4) COMPENSATION:

The total grant award from VDEM is **\$13,838,664** provided through the Hazard Mitigation Grant Program, Disaster 4512, Virginia COVID-19 Pandemic. FEMA shall provide funds for the project identified in the Scope of Work (Attachment A) totaling **\$11,861,712**. FEMA shall also provide sub-recipient management cost funds in the amount of **\$658,984**. VDEM shall provide funds for the project identified in the Scope of Work (Attachment A) totaling **\$1,317,968**. The sub-grantee is aware of and shall comply with the cost-sharing requirements of federal mitigation grant assistance, specifically, that federal assistance is limited to 90 percent of eligible expenditures.

VDEM shall release the grant award to the sub-grantee on a cost-reimbursement basis upon receipt and approval of the sub-grantee's quarterly and final reports and deliverables as required by this Agreement or at other times agreed to by VDEM. Any cost overruns incurred by the sub-grantee during the time of performance shall be the responsibility of the sub-grantee. The sub-grantee shall spend the funds according to the specified categories of the contract budget. The sub-grantee shall use mitigation grant funds solely for the purposes for which these funds are provided and as approved by FEMA and VDEM. General

policies for determining allowable costs are established in 44 Code of Federal Regulations (CFR), Part 13.22 (included in Attachment D) and the appropriate OMB circulars that identify cost principles for different kinds of organizations. Minor shifts of the funds among categories by the sub-grantee, not to exceed 10% of any budget line item are permissible, but in no case can the total expenditures exceed the amount provided by this contract. Shifts in funds exceeding 10% among budget line items must be approved in writing by VDEM.

(5) ASSISTANCE:

VDEM agrees upon request of the sub-grantee to furnish, or otherwise make available to the sub-grantee, copies of existing non-proprietary materials in the possession of VDEM that are reasonably related to the subject matter of this Agreement and are necessary to the sub-grantee for completion of its performance under this Agreement. VDEM Recovery and Mitigation Division staff will provide technical support to the sub-grantee and make periodic site visits to monitor progress.

(6) ACKNOWLEDGEMENTS:

The role of the Virginia Department of Emergency Management (VDEM) and the Federal Emergency Management Agency (FEMA) must be clearly stated in all press releases, news articles, requests for proposals, bid solicitations, and other documents describing this project, whether funded in whole or part.

Acknowledgement of financial assistance, with VDEM and FEMA logos, must be printed on all reports, studies, web sites, and other products (including map products) supported, in whole or in part, by this award or any sub-award. The sub-grantee is responsible for contacting VDEM staff in adequate time to obtain the logo in camera-ready or digital form. The final draft must be approved by VDEM staff prior to production. The acknowledgement should read as follows:

*This report was funded by the Federal Emergency Management Agency through the Virginia Department of Emergency Management via grant Agreement number FEMA-DR-4512-VA-0002 for \$13,838,664.*

(7) CREATION OF INTELLECTUAL PROPERTY:

To the extent that the copyright to any copyrightable material created pursuant to this Agreement is owned by the sub-grantee and/or the sub-grantee is empowered to license its use, VDEM agrees to grant to the sub-grantee, and hereby does grant to the sub-grantee, a license to use the materials so owned for public, not-for-profit purpose within the territory of the Commonwealth and shall execute and deliver such further documents as the Commonwealth may reasonably request for the purpose of acknowledging or implementing such license.

A copyright notice shall be placed in an appropriate location on any copyrightable material being distributed or published. Such notice shall include (1) either the symbol "©", the word "Copyright", or the abbreviation "Copr."; (2) the year of first publication; and (3) the name of the copyright owner (the Commonwealth of Virginia). This information shall be followed by the words, "all rights reserved."

(8) STRUCTURAL MITIGATION REQUIREMENTS:

Specific requirements must be adhered to for structural mitigation projects such as structural relocation, property acquisition and demolition and structural retrofitting or improvement as detailed in Attachment D. These requirements can include deed restrictions, operation and maintenance plans, and insurance requirements, as dictated by the specific grant and project requirements.

(9) BREACH AND TERMINATION:

In the event of breach by the sub-grantee of this Agreement, VDEM shall provide written notice to the sub-grantee specifying the manner in which the Agreement has been breached. If a notice of breach is given and the sub-grantee has not substantially corrected the breach within sixty (60) days of receipt of the written notice, VDEM shall have the right to terminate the Agreement. The sub-grantee shall be paid for no service rendered or expense incurred after receipt of the notice of termination, except such fees and expenses incurred prior to the effective date of termination that are necessary for curtailment of its work under the Agreement.

Termination of this Agreement can occur as an effect of one of two results: First, as a result of the proper completion and closeout of this project. Second, termination may occur as a result of *Termination for Convenience* or other termination as allowed or required by 44 CFR for projects, which cannot be completed as described in the FEMA-approved grant project application and the Scope of Work – Attachment, herein. Communication of this decision and information related to the project termination will be provided to the sub-grantee in coordination with FEMA through registered mail.

IN WITNESS THEREOF the parties have caused this Agreement to be executed by the following duly authorized officials:

**Sub-grantee:**

**Grantor:**

**City of Hampton**

**Virginia Department of Emergency Management**

By:

By:



Date:

Date:

9/01/2023

Authorized Sub-grantee Signatory

Alternate Governor's Authorized Representative

**Attachment A**

FEMA-DR-4512-VA-0002

Project Scope of Work

**Project Sponsor:** City of Hampton**Project Title:** City of Hampton- North Armistead Ave Resilience Project**Project Description from VDEM-FEMA HMGP application:**

The North Armistead Resilience Project comes out of a detailed planning process that the City of Hampton has undertaken to build community resilience; reduce risk, especially against flooding; and introduce new, innovative means of incorporating Nature-based solutions in a largely urban setting. The city began the planning process as part of the Hampton Roads Dutch Dialogues initiative, representing a fundamental shift in how the city creatively plans integration of water management and development of infrastructure in order to build a Living with Water™ vision of Hampton's future. Following the Dutch Dialogues collaboration, city staff has worked to integrate a new, holistic way of thinking about water and its impacts and benefits, into neighborhood master plans and overall city planning and budgeting processes. The city has employed consultants to assist in conceptualizing initial projects, to include the North Armistead Resilience Project, which will serve as pilot projects that can be replicated across the city.

In order to better prepare the city for increases in storm frequency and severity and sea-level rise and to enhance its ability to recover from disasters, the proposed project has been designed with three major components: elevation of a segment of North Armistead Avenue, between Convention Center Boulevard and the LaSalle Avenue Bridge, to reduce flood related road closures and build resilience; conversion of the existing Lake Hampton retention pond to a stormwater park which increases storage volume and reduces tidal influence (which currently compromises the facility's ability to store water during precipitation events); and transformation of the project area to Green-gray infrastructure by incorporating Nature-based solutions along the North Armistead road segment and throughout the Lake Hampton project area in order to slow, store and redirect stormwater.

**Special Conditions:**

**Executive Order 11988 – Floodplains:** The City's floodplain ordinance requires the lowest floor and equipment to be elevated 1 foot above the BFE. This project must also meet the requirements of the UCC, ASCE 24 and Zoning Chapter 9 Overlay Districts. Project should fully be reviewed by City of Hampton and include all proper review and permitting.

## **Attachment A**

FEMA-DR-4512-VA-0002

### **Project Scope of Work**

**Executive Order 11990 – Wetlands:** Appropriate erosion and sedimentation (E&S) control measures must be implemented during construction to prevent runoff of materials and soil into adjacent wetlands. If E&S control measures cannot be implemented, the applicant must notify FEMA EHP prior to the start of work.

**Executive Order 11990 – Wetlands:** All equipment must be staged outside the wetland and no work should occur within the wetland. If project scope changes to include work within the wetland, EHP must be notified prior to work starting for further review.

**Clean Water Act (CWA):** Project may require Section 401/404 Clean Water Act (CWA) permits and/or Section 10 permits under the Rivers & Harbors Act. When these permits are required, applicant must maintain documentation of compliance with applicable nationwide permit (NWP), exemption from requirements, or obtain individual permits from U.S. Army Corps of Engineers and/or the Virginia Department of Environmental Quality prior to construction, unless exempt by the NWP from pre-construction notification. Applicant must comply with all applicable permit conditions.

**Magnuson-Stevens Fishery Conservation and Management Act (MSA):** The project is located within Essential Fish Habitat. Appropriate erosion and sedimentation (E&S) control measures must be implemented during construction activities to prevent runoff of materials and soil into adjacent waterways. Work in water activities should not take place. If these conditions cannot be met, the applicant must notify FEMA EHP prior to the start of work to allow for the appropriate coordination with NOAA.

**Attachment B**  
FEMA-DR-4512-VA-0002  
Project Budget

**Project Awarded Budget – Funding Source HMGP:**

|                                |                        |
|--------------------------------|------------------------|
| Federal Project Funds (90%)    | \$11,861,712.00        |
| State Project Funds (10%)      | \$1,317,968.00         |
| Sub-recipient Management Costs | \$658,984.00           |
| <b>Total Project Costs</b>     | <b>\$13,838,664.00</b> |

**Project Budget from VDEM-FEMA HMGP application:**

| Cost Type                         | Quantity | Unit Cost Average | Total                  |
|-----------------------------------|----------|-------------------|------------------------|
| General Construction Requirements | 1        | \$3,713,477.00    | \$3,713,477.00         |
| Utility Relocations & Signs       | 1        | \$1,150,785.00    | \$1,150,785.00         |
| Demolition                        | 1        | \$259,167.00      | \$259,167.00           |
| Erosion & Sediment Control        | 1        | \$162,153.00      | \$162,153.00           |
| Paving, Earthwork                 | 1        | \$2,954,800.00    | \$2,954,800.00         |
| Drainage                          | 1        | \$2,003,044.00    | \$2,003,044.00         |
| Landscaping                       | 1        | \$73,602.00       | \$73,602.00            |
| Traffic Signal                    | 1        | \$620,413.00      | \$620,413.00           |
| Construction Inspection & Testing | 1        | \$2,242,239.00    | \$2,242,239.00         |
| <b>Total Project Costs</b>        |          |                   | <b>\$13,179,680.00</b> |

| Cost Type                      | Quantity | Unit Cost Average | Total               |
|--------------------------------|----------|-------------------|---------------------|
| Sub-Recipient Management Costs | 1        | \$658,984.00      | <b>\$658,984.00</b> |



**Attachment C**  
FEMA-DR-4512-VA-0002  
Project Milestone Table

| Phase I Task Description                                | Days            |
|---|-----------------|
| Grant Implementation                                    | 60 Days         |
| Project Design Completion                               | 180 Days        |
| Solicitation of Bids                                    | 60 Days         |
| Bid Opening, Contract Award, & Notification to Proceed  | 60 Days         |
| Permitting  | 45 Days         |
| Substantial Completion                                  | 180 Days        |
| Final Completion- Inspections & Permitting Finalization | 60 Days         |
| Project Closeout with VDEM                              | 90 Days         |
| <b>Total Days</b>                                       | <b>735 Days</b> |

**Attachment D**

FEMA-DR-4512-VA-0002

Administrative Requirements and Guidance

**Federal Administration and Guidance Documents:**

1. 2 CFR Part 200 Cost Principles for State, Local, Indian Tribal Governments
2. CATEX documentation (where required)
3. Structural Mitigation Project Requirements (where required)
4. Current Hazard Mitigation Assistance (HMA) Guidelines
5. FEMA Award Package

**Federal Emergency Management Agency (FEMA) Contact:**

Gail Gronlund

FEMA Region III

One Independence Mall, 6<sup>th</sup> Floor

615 Chestnut Street

Philadelphia, PA 19106-4404

Mobile: (771) 202-0535

[gail.gronlund@fema.dhs.gov](mailto:gail.gronlund@fema.dhs.gov)

## **Hazard Mitigation Assistance**

### **Non-Supplanting Certification**

I certify that any funds awarded under Hazard Mitigation Assistance grants will be used to supplement existing funds for program activities and will not replace (supplant) non-federal funds.

### **Designated Agent**

---

Name

---

Signature

---

Title

---

Agency

One Independence Mall  
615 Chestnut Street, 6<sup>th</sup> floor  
Philadelphia, PA 19106-4404



**FEMA**

August 3, 2023

Shawn Talmadge  
Governor's Authorized Representative  
Virginia Department of Emergency Management (VDEM)  
9711 Farrar Court, Suite 200  
North Chesterfield, VA 23236

**Re: Resilience Project Approval Letter  
FEMA-4512-DR-VA-0002  
City of Hampton -North Armistead Ave Resilience Project  
Hazard Mitigation Grant Program (HMGP)**

Governor's Authorized Representative Talmadge:

I am pleased to inform you that the application for the **City of Hampton - North Armistead Ave Resilience Project (FEMA-4512-DR-VA-0002)** has been approved. This project proposes the elevation of the North Armistead Avenue roadway between Findley Street and the LaSalle Avenue Bridge (37.035981 -76.369356) and will install green infrastructure for rainwater storm sewers along the road. This will mitigate recurring flooding on this critical transportation artery. The elevation of this section will allow the continuous use of this avenue as an evacuation route and as an access road to critical services, as well as to Department of Defense facilities located in the area.

|                               | Federal Share   | Non-Federal Share | Total           |
|-------------------------------|-----------------|-------------------|-----------------|
| Project Costs                 | \$11,861,712.00 | \$1,317,968.00    | \$13,179,680.00 |
| Subrecipient Management Costs | \$ 658,984.00   | \$0.00            | \$658,984.00    |
| Total                         | \$12,520,696.00 | \$1,317,968.00    | \$13,838,664.00 |

The total approved project cost is \$13,179,680.00 with a 90% federal share of \$11,861,712.00 and a 10% non-federal share of \$1,317,968.00. In addition, the 100% federal share amount of \$658,984.00 is available for Sub-recipient management costs. The total federal share of \$12,520,696.00 is available in the SMARTLINK system. A copy of the obligation report is enclosed for your records.

In implementing this project, VDEM as the recipient, shall ensure that the City of Hampton, the sub-recipient, continues to comply with the applicable FEMA-State Grant Agreement Articles and all applicable laws, assurances, and guidance.

In addition, the sub-recipient must adhere to all requirements and conditions outlined in the Record of Environmental Consideration (REC) document enclosed. The Special Conditions are highlighted below:

**Executive Order 11988 – Floodplains:** The City's floodplain ordinance requires the lowest floor and equipment to be elevated 1 foot above the BFE. This project must also meet the requirements of the UCC, ASCE 24 and Zoning Chapter 9 Overlay Districts. Project should fully be reviewed by City of Hampton and include all proper review and permitting.

**Executive Order 11990 – Wetlands:** Appropriate erosion and sedimentation (E&S) control measures must be implemented during construction to prevent runoff of materials and soil into adjacent wetlands. If E&S control measures cannot be implemented, the applicant must notify FEMA EHP prior to the start of work.

**Executive Order 11990 – Wetlands:** All equipment must be staged outside the wetland and no work should occur within the wetland. If project scope changes to include work within the wetland, EHP must be notified prior to work starting for further review.

**Clean Water Act (CWA):** Project may require Section 401/404 Clean Water Act (CWA) permits and/or Section 10 permits under the Rivers & Harbors Act. When these permits are required, applicant must maintain documentation of compliance with applicable nationwide permit (NWP), exemption from requirements, or obtain individual permits from U.S. Army Corps of Engineers and/or the Virginia Department of Environmental Quality prior to construction, unless exempt by the NWP from pre-construction notification. Applicant must comply with all applicable permit conditions.

**Magnuson-Stevens Fishery Conservation and Management Act (MSA):** The project is located within Essential Fish Habitat. Appropriate erosion and sedimentation (E&S) control measures must be implemented during construction activities to prevent runoff of materials and soil into adjacent waterways. Work in water activities should not take place. If these conditions cannot be met, the applicant must notify FEMA EHP prior to the start of work to allow for the appropriate coordination with NOAA.

**The Period of Performance (POP)** for this award ends on **August 5, 2025**. All changes to this award must be submitted to our office in writing for review and approval prior to commencement of any change-related work. Please provide our office with a quarterly report thirty (30) days after the end of each federal fiscal year quarter.

If you have any questions concerning the approval of this project, please contact Sabrina Jefferson, HMGP Section Supervisor, at [sabrina.jefferson@fema.dhs.gov](mailto:sabrina.jefferson@fema.dhs.gov).

Sincerely,

**DUSTY R** Digitally signed by  
**BROSIUS** DUSTY R BROSIUS  
Date: 2023.08.03  
10:11:47 -04'00'

Dustin R. Brosius  
Community Resilience and  
Infrastructure Grants (CRAIG)  
Branch Chief

Enclosure(s):

REC Record of Environmental Consideration  
Obligation Report

cc: Cheryl Adkins, CFO, Deputy State Coordinator  
Dillon Taylor, Chief of Staff and Senior Counsel  
Robert Coates, Director of Grant Management and Recovery  
Debbie Messmer, State Hazard Mitigation Officer  
Alexander Krupp, Deputy State Hazard Mitigation Officer  
Maura Hannigan-Pierce, HMGP Branch Chief  
Sabrina Jefferson, HMGP Section Supervisor  
Gail Gronlund, VAFIT Project Officer

## HAZARD MITIGATION GRANTS PROGRAM

## Obligation Report w/ Signatures

| Disaster No | FEMA Project No | Amendment No | State Application ID | Action No | Supplemental No | State | Recipient |
|-------------|-----------------|--------------|----------------------|-----------|-----------------|-------|-----------|
| 4512        | 2-R             | 0            | 2                    | 1         | 15              | VA    | Statewide |

Subrecipient: Hampton

Project Title : City of Hampton - North Armistead Avenue Resilience Project

Subrecipient FIPS Code: 650-93827

| Total Amount Previously Allocated | Total Amount Previously Obligated | Total Amount Pending Obligation | Total Amount Available for New Obligation |
|-----------------------------------|-----------------------------------|---------------------------------|---|
| \$11,861,712.00                   | \$11,861,712.00                   | \$0.00                          | \$0.00                                    |

| Project Amount  | Subrecipient Management Cost Amount | Total Obligation | IFMIS Date | IFMIS Status | FY   |
|-----------------|-------------------------------------|------------------|------------|--------------|------|
| \$11,861,712.00 | \$658,984.00                        | \$12,520,696.00  | 07/11/2023 | Accept       | 2023 |

**Comments**

Date: 07/11/2023 User Id: CMILLS4

Comment: DR-4512-VA approves funding of:  
 Total Project Costs: \$13,179,680  
 90% Federal share: \$11,861,712  
 10% non-Federal share: \$1,317,968  
 and \$658,984.00 in SRMC.  
 LPN approved with an available to obligate date of July 10, 2023.

Date: 07/10/2023 User Id: NENCARNA

Comment: 4512-DR-VA approves and obligation for City of Hampton - North Armistead Ave Resilience Project are pending for HMO approval.  
 DR-4512-VA approves Allocation #9 totaling \$11,861,712.00 in Federal Share project costs and \$658,984.00 in SRMC

**Authorization**

Preparer Name: NATALIA ENCARNACION COHEN

Preparation Date: 07/10/2023

HMO Authorization Name: CONNIE MILLS

HMO Authorization Date: 07/11/2023

**DUSTY R BROSIUS**Digitally signed by DUSTY R  
BROSIUS

Date: 2023.08.03 10:13:07 -04'00'

\_\_\_\_\_  
Authorizing Official Signature\_\_\_\_\_  
Authorizing Official Title\_\_\_\_\_  
Authorization Date\_\_\_\_\_  
Authorizing Official Signature\_\_\_\_\_  
Authorizing Official Title\_\_\_\_\_  
Authorization Date

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4512-0002-VA (1)

Title: Independent City of Hampton - North Armistead Ave Resiliency Project

NEPA DETERMINATION

|                        |                |                |
|------------------------|----------------|----------------|
| Non Compliant Flag: No | EA Draft Date: | EA Final Date: |
| EA Public Notice Date: | EA Fonsi       | Level: CATEX   |
| EIS Notice of Intent   | EIS ROD Date:  |                |

**Comment** Independent City of Hampton. Project is to address localized stormwater flooding by elevating approximately 0.5 miles of four-lane divided roadway, reconstructing approximately 2.0 lane miles of road involving new curbs and gutters, paved shoulders, and driveway aprons, as well as stormwater drainage systems including storm drainage structures, median bioswale, landscaping, and associated piping in pre-disturbed floodplain area on North Armistead Ave, Hampton, VA (37.039139, -76.372722 to 37.035500, -76.365083). Additionally, the project will re-install traffic signals, including mast arms, foundations, signal heads, controllers, wiring, controller cabinets, and other required appurtenances, pavement markings and traffic signage. - joswalt1 - 12/08/2022 12:44:19 GMT

CATEX CATEGORIES

| Catex Category Code | Description  | Selected |
|---------------------|--|----------|
| *n7                 | (*n7) Federal Assistance for Structure and Facility Upgrades. Federal assistance for the reconstruction, elevation, retrofitting, upgrading to current codes and standards, and improvements of pre-existing facilities in existing developed areas with substantially completed infrastructure, when the immediate project area has already been disturbed, and when those actions do not alter basic functions, do not exceed capacity of other system components, or modify intended land use. This category does not include actions within or affecting streams or stream banks or actions seaward of the limit of moderate wave action (or V zone when the limit of moderate wave action has not been identified).   | Yes      |
| *n9                 | (*n9) Federal Assistance for Flood Hazard Reduction Actions. Federal assistance for drainage, berm, water crossing, and detention, retention, or sediment pond projects which have the primary purpose of addressing flood hazards and: (a) Do not affect more than 25 acres, (b) Do not result in adverse flood risk effects to downstream communities, (c) Do not result in any increase of flood levels within the community during the occurrence of the base flood discharge if the action takes place within the regulatory floodway, and (d) Where the effect of the proposed project when combined with other existing or reasonably foreseeable development will not increase water surface elevation of the base flood more than one foot at any point within the community if the action takes place in a floodplain with no regulatory floodway. This CATEX covers minor flood control actions as identified in Sections 1366 and 1361 of the National Flood Insurance Act (NFIA). Actions that are not covered in Sections 1366 and 1361 of the NFIA, such as dikes, levees, seawalls, groins, and jetties, are excluded from this CATEX. | Yes      |

EXTRAORDINARY

| Extraordinary Circumstance Code | Description                                  | Selected ? |
|---------------------------------|--|------------|
|                                 | No Extraordinary Circumstances were selected |            |

ENVIRONMENTAL LAW / EXECUTIVE ORDER



## RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4512-0002-VA (1)

Title: Independent City of Hampton - North Armistead Ave Resiliency Project

| Environmental Law/<br>Executive Order   | Status    | Description  | Comment  |
|---|-----------|--|--|
| Clean Air Act (CAA)   | Completed | Project will not result in permanent air emissions - Review concluded  |  |
| Coastal Barrier Resources Act (CBRA)  | Completed | Project is not on or connected to CBRA Unit or otherwise protected area - Review concluded   |  |
| Clean Water Act (CWA)   | Completed | Project would affect waters, including wetlands, of the U.S.   | See condition. - joswalt1 - 11/22/2022 15:10:52 GMT  |
|   | Completed | Project may require Section 404/401 or Section 9/10 (Rivers and Harbors Act) permit, including qualification under Nationwide Permits - Review concluded |  |
| Coastal Zone Management Act (CZMA)  | Completed | Project is located in a coastal zone area and/or affects the coastal zone  | Per the Virginia Department of Environmental Quality, FEMA federal assistance activities are not subject to consistency review. - joswalt1 - 11/22/2022 14:47:26 GMT   |
|   | Completed | State administering agency does not require consistency review - Review concluded  |  |
| Executive Order 11988 - Floodplains   | Completed | Located in floodplain or effects on floodplain/flood levels  | Per Flood Insurance Rate Map (FIRM) panel 5155270018H, dated 05/16/2016, the project is located in the floodplain. Project is elevation of roadway and new stormwater infrastructure, which is functionally dependent upon being located in the floodplain to mitigate flood risk to the community. See condition. - joswalt1 - 11/22/2022 14:53:28 GMTInternal coordination completed with FMI. Project is compliant with local floodplain ordinances and Executive Order 13690 Federal Flood Risk Management Standards (FFRMS) with condition (see attached). - joswalt1 - 12/08/2022 12:38:29 GMT |
|   | Completed | No adverse effect on floodplain and not adversely affected by the floodplain - Review concluded  |  |
| Executive Order 11990 - Wetlands  | Completed | No effects on wetlands and project outside wetlands - Review concluded   | Per National Wetlands Inventory, project is located adjacent to a wetland. Project is road elevation and stormwater infrastructure, which is not likely to affect wetland values. See conditions. - joswalt1 - 11/22/2022 14:57:53 GMT   |
| Executive Order 12898 - Environmental Justice for Low Income and Minority Populations | Completed | Low income or minority population in or near project area  | Minority or low-income populations were identified through program coordination and public involvement, state EJ community lists or maps, or EJSCREEN reports for the area around N Armistead  |

## RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4512-0002-VA (1)

Title: Independent City of Hampton - North Armistead Ave Resiliency Project

| Environmental Law/<br>Executive Order                          | Status    | Description  | Comment  |
|--|-----------|--|--|
|  |           |  | Ave, Hampton, VA (37.039139, -76.372722 to 37.035500, -76.365083). Review of the project scope of work revealed no adverse effects on these populations. The project shall conform to City of Hampton specifications as set forth in the Public Works Design and Construction Standards and Policy. Construction hours will be limited and lane closures will be restricted to one lane. Two-way traffic will be maintained at all times. Therefore, no additional review for potential EJ concerns is required. The maps, reports, and other information are saved to the project files. - joswalt1 - 11/22/2022 15:01:03 GMT |
|  | Completed | No disproportionately high and adverse impact on low income or minority population - Review concluded  |  |
| Endangered Species Act (ESA)                                   | Completed | No listed species and/or designated critical habitat present in areas affected directly or indirectly by the federal action - Review concluded | See attachments. - joswalt1 - 11/22/2022 14:37:29 GMT  |
| Farmland Protection Policy Act (FPPA)                          | Completed | Project does not affect designated prime or unique farmland - Review concluded   |  |
| Fish and Wildlife Coordination Act (FWCA)                      | Completed | Project does not affect, control, or modify a waterway/body of water - Review concluded  |  |
| Migratory Bird Treaty Act (MBTA)                               | Completed | Project located within a flyway zone   |  |
|  | Completed | Project does not have potential to take migratory birds - Review concluded   |  |
| Magnuson-Stevens Fishery Conservation and Management Act (MSA) | Completed | Project located in or near Essential Fish Habitat  | Per NOAA Essential Fish Habitat Mapper, the project is located within Essential Fish Habitat. Project will elevate roadway and install new stormwater infrastructure. All work will be confined to the immediately developed area, no work is occurring in water, and the stormwater infrastructure is likely to improve water quality by reducing runoff pollution into nearby waterways. Therefore, the project will not adversely affect EFH. See condition. - joswalt1 - 11/22/2022 15:09:03 GMT   |
|  | Completed | Project does not adversely affect Essential Fish Habitat - Review concluded  |  |

## RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4512-0002-VA (1)

Title: Independent City of Hampton - North Armistead Ave Resiliency Project

| Environmental Law/<br>Executive Order     | Status    | Description  | Comment   |
|---|-----------|--|---|
| National Historic Preservation Act (NHPA) | Completed | Applicable executed Programmatic Agreement (enter date in comments).   | Per a consultation letter dated December 8, 2022, FEMA determined this undertaking resulted in no adverse effect to historic resources. VA SHPO stated that no historic properties will be affected by the project in a letter dated December 15, 2022. Documentation is attached. - jhathaw1 - 12/15/2022 16:05:48 GMT |
|   | Completed | Historic Buildings and Structures  |   |
|   | Completed | Building or structure 50 years or older or listed on the National Register in the project area and activity not exempt from review |   |
|   | Completed | Determination of No Historic Properties Affected (FEMA finding/SHPO/THPO concurrence attached) - Review concluded                  |   |
|   | Completed | Archeological Resources  |   |
|   | Completed | Project affects undisturbed ground   |   |
|   | Completed | Project area has potential for presence of archeological resources   |   |
| Wild and Scenic Rivers Act (WSR)          | Completed | Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence attached) - Review concluded                  |   |
|   | Completed | Project is not along and does not affect Wild and Scenic River - Review concluded  |   |

## CONDITIONS

## Special Conditions required on implementation of Projects:

The City's floodplain ordinance requires the lowest floor and equipment to be elevated 1 foot above the BFE. This project must also meet the requirements of the UCC, ASCE 24 and Zoning Chapter 9 Overlay Districts. Project should fully be reviewed by City of Hampton and include all proper review and permitting.

Source of condition: Executive Order 11988 - Floodplains

Monitoring Required: No

FEDERAL EMERGENCY MANAGEMENT AGENCY  
RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4512-0002-VA (1)  
Title: Independent City of Hampton - North Armistead Ave Resiliency Project

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Appropriate erosion and sedimentation (E&S) control measures must be implemented during construction to prevent runoff of materials and soil into adjacent wetlands. If E&S control measures cannot be implemented, the applicant must notify FEMA EHP prior to the start of work.

Source of condition: Executive Order 11990 - Wetlands Monitoring Required: No

All equipment must be staged outside the wetland and no work should occur within the wetland. If project scope changes to include work within the wetland, EHP must be notified prior to work starting for further review.

Source of condition: Executive Order 11990 - Wetlands Monitoring Required: No

Project may require Section 401/404 Clean Water Act (CWA) permits and/or Section 10 permits under the Rivers & Harbors Act. When these permits are required, applicant must maintain documentation of compliance with applicable nationwide permit (NWP), exemption from requirements, or obtain individual permits from U.S. Army Corps of Engineers and/or the Virginia Department of Environmental Quality prior to construction, unless exempt by the NWP from pre-construction notification. Applicant must comply with all applicable permit conditions.

Source of condition: Clean Water Act (CWA) Monitoring Required: No

The project is located within Essential Fish Habitat. Appropriate erosion and sedimentation (E&S) control measures must be implemented during construction activities to prevent runoff of materials and soil into adjacent waterways. Work in water activities should not take place. If these conditions cannot be met, the applicant must notify FEMA EHP prior to the start of work to allow for the appropriate coordination with NOAA.

Source of condition: Magnuson-Stevens Fishery Conservation and Management Act (MSA) Monitoring Required: No

Standard Conditions:

Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.