



## **Town of Smithfield**

### Memorandum

April 14, 2023

**TO:** Public Buildings and Welfare

**FROM:** Michael Stallings, Town Manager

**SUBJECT:** Great Springs Road Project

As you know, the Town applied for a Building Resilient Infrastructure and Communities (BRIC) grant to acquire and demolish the homes along Great Springs Road that are impacted by reoccurring flooding. Although that application was not successful, we have been awarded a grant through the Hazard Mitigation Program with FEMA for the project.

The award is a 90% Federal share and a 10% required match. The representatives from the Virginia Department of Emergency Management (VDEM) have indicated that the State will be putting up the 10% match once it is approved. They expect that approval to be coming within the next several months. To get the project moving now, the Town can commit to the required match with the anticipation of the State providing the funds once they are approved.

I have reached out to Summit Design to assist us with the management of this project as they were the firm that completed the application package. They also are the firm that helped manage the Pinewood Heights project and have experience working with acquisition and relocation projects.

The total project cost is \$966,252. This comprises a Federal share of \$828,216 and a match of \$92,024.

I have attached a copy of the grant award and project description for your review.

I recommend that Town Council authorize the Town Manager to execute the grant award package and that the Town agree to commit the required \$92,024 match to get the project moving.



# 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 of  
Emergency Management

**MICHELLE T. OBLINSKY**  
Acting Chief Deputy State  
Coordinator  
of Emergency Management

April 3, 2023

Mr. Michael Stallings  
Town Manager  
Town of Smithfield  
P.O. Box 246  
Smithfield, VA 23431

RE: Great Springs Road Acquisition & Demolition Project  
FEMA-DR-4512-VA-0004

Dear Mr. Stallings:

I am pleased to notify you that the Federal Emergency Management Agency (FEMA) has approved the project titled "Great Springs Road Acquisition & Demolition 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% 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 Trina Addison, mitigation grant administrator. Congratulations on the approval of this project. If you have questions regarding this award or the implementation of your project, please contact Trina Addison at (804) 267-7734 or by e-mail at [Trina.Addison@vdem.virginia.gov](mailto:Trina.Addison@vdem.virginia.gov).

Sincerely,

Cheryl J. Adkins  
Alternate Governor's Authorized Representative

Enclosures

CJA/DJM/ta



# COMMONWEALTH OF VIRGINIA

## Department of Emergency Management

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of Emergency Management

### **Hazard Mitigation Grant Program** Grant Agreement FEMA-DR-4512-VA-0004

This Agreement is made as of this 30<sup>th</sup> day of August of 2022, by and between the Virginia Department of Emergency Management, hereinafter called "VDEM," and the Town of Smithfield, herein after called the "Sub-grantee." The UEI-EFT number for the Town of Smithfield is **XUNLT7LUTU83**.

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 **\$966,252** 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 **\$828,216**. FEMA shall also provide sub-recipient management cost funds in the amount of **\$46,012**. The sub-grantee agrees to provide a match in the amount of **\$92,024**. 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, and the sub-grantee shall provide from the sub-grantee's funds 10 percent of eligible costs. The non-federal funds must be from a non-federal funding source and can be completely fulfilled by in-kind services as long as financial records document them as such.

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-0004 for \$966,252.*

(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:**

**Town of Smithfield**

**Virginia Department of Emergency Management**

By:

By:

*Cheryl Adkins*

Date:

Date:

4/3/2023

\_\_\_\_\_  
Authorized Sub-grantee Signatory

\_\_\_\_\_  
Alternate Governor's Authorized Representative



**Attachment A**  
FEMA-DR-4512-VA-0004  
Project Scope of Work

**Project Sponsor:** Town of Smithfield

**Project Title:** Great Springs Road Acquisition & Demolition Project

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

The Town of Smithfield wishes to acquire and demolish four owner-occupied residential units and one investor-owned residential unit to ensure the health and safety of the Town's residents by mitigating exposure to flooding caused by stormwater. The Town proposes to acquire and demolish the five residential structures.

| Street Number | Property Address  | Subtotal  |
|---------------|-------------------|-----------|
| 600           | Quail Street      | \$181,050 |
| 204           | Great Spring Road | \$196,090 |
| 206           | Great Spring Road | \$167,050 |
| 208           | Great Spring Road | \$149,890 |
| 210           | Great Spring Road | \$182,340 |

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

|                                |                  |
|--------------------------------|------------------|
| Federal Project Funds          | \$828,216        |
| Local Project Funds            | \$92,024         |
| Sub-recipient Management Costs | \$46,012         |
| <b>Total Project Costs</b>     | <b>\$966,252</b> |

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

| Cost Type  | Quantity | Unit Cost Average | Total                |
|--|----------|-------------------|----------------------|
| Acquisition Costs                                | 5        | \$156,694.00      | \$783,470.00         |
| Appraisal  | 5        | \$750.00          | \$3,750.00           |
| Demolition, Debris Removal, and Site Restoration | 5        | \$11,900.00       | \$59,500.00          |
| Pre-Award Elevation Certificate                  | 5        | \$440.00          | \$2,200.00           |
| Survey   | 5        | \$1,500.00        | \$7,500.00           |
| Title Search, Closing Costs, and Legal Fees      | 5        | \$4,000.00        | \$20,000.00          |
| Construction Management                          | 1        | \$43,820.00       | \$43,820.00          |
| <b>Total Project Costs</b>                       |          |                   | <b>\$ 920,240.00</b> |

| Cost Type                      | Quantity | Unit Cost Average | Total              |
|--------------------------------|----------|-------------------|--------------------|
| Sub-Recipient Management Costs | 1        | \$46,012.00       | <b>\$46,012.00</b> |



**Attachment C**  
FEMA-DR-4512-VA-0004  
Project Milestone Table

| <b>Task Description</b>   | <b>Days</b>       |
|---|-------------------|
| Grant Agreement Execution   | 90 Days           |
| Project Initialization and Consultant Procurement                             | 130 Days          |
| Appraisals, Surveys, Title Searches, Other                                    | 120 Days          |
| Acquisition of Five Parcels   | 220 Days          |
| Relocation of Five Households   | 220 Days          |
| Prepare, Issue, Review, and Award Demolition Contract                         | 125 Days          |
| Demolition of Five Structures, Removal of Debris, Grade, Seeding of 5 Parcels | 100 Days          |
| Project Closeout  | 90 Days           |
| <b>Total Days</b>   | <b>1,095 Days</b> |

**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:**

Sabrina Jefferson  
FEMA Region III  
One Independence Mall, 6<sup>th</sup> Floor  
615 Chestnut Street  
Philadelphia, PA 19106-4404  
Mobile: (215) 687-0238  
[sabrina.jefferson@fema.dhs.gov](mailto:sabrina.jefferson@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 30, 2022

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

**Re: Great Springs Road Acquisition & Demolition Project  
FEMA-4512-DR-VA-0004 Town of Smithfield – County Isle of Wight  
Hazard Mitigation Grant Program (HMGP)**

Governor's Authorized Representative:

I am pleased to inform you that the application for the **HMGP County Isle of Wight Acquisition & Demolition Project (FEMA-4512-DR-VA-0004)** has been approved. This project proposes the acquisition and demolition of 5 residential properties. The properties are located within the floodplain in Isle of Wight County; these five properties experience frequent and severe flooding due to its low-lying location and high stormwater runoff from the surrounding neighborhood.

|                                | Federal Share | Non-Federal Share | Total        |
|--------------------------------|---------------|-------------------|--------------|
| Project Costs                  | \$828,216.00  | \$92,024.00       | \$920,240.00 |
| Sub-Recipient Management Costs | \$46,012.00   | \$0.00            | \$46,012.00  |
| Total                          | \$874,228.00  | \$92,012.00       | 966,240.00   |

The total approved project cost is \$920,240.00 with a federal project cost share of \$828,216.00 and a non-federal project cost share of \$92,024.00 has been obligated to this project. Sub-recipient Management Costs of \$46,012 has been obligated. A total federal share of \$874,228.00 is available in SMARTLINK. A copy of the obligation report is enclosed for your records.

In implementing this project, VDEM as the recipient, shall ensure that Isle of Wight County, the sub-recipient, continues to comply with the applicable FEMA-State Grant Agreement Articles and all applicable laws, assurances, and guidance. Also, the sub-recipient must adhere to all requirements and conditions outlined in the Record of Environmental Consideration (REC) document.



A copy of the Record of Environmental Considerations (REC) is also enclosed. **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.

Again, congratulations on the approval of this project proposal. If you have any questions concerning the approval of this project, please contact Jim Cedeno, the FEMA Project Officer, at (202) 841-8518 or at [jim.cedeno@fema.dhs.gov](mailto:jim.cedeno@fema.dhs.gov).

Sincerely,

**DUSTY R**  
**BROSIUS**

Digitally signed by  
DUSTY R BROSIUS

Date: 2022.08.30  
15:11:12 -04'00'

Dustin R. Brosius  
Hazard Mitigation Assistance  
Branch Chief

Enclosure(s)

REC Record of Environmental Consideration  
NEMIS Project Obligation Report

cc: Shawn Talmadge, Governor's Authorized Representative  
Debbie Messmer, State Hazard Mitigation Officer  
Robert Coates, Director of Grants Program  
Maura Hannigan-Pierce, Disaster Operations Section Supervisor  
Jim Cedeno, FEMA R3 (VA)  
Ousman Kah, FEMA R3 (VA)

08/16/2022  
13:59

FEDERAL EMERGENCY MANAGEMENT AGENCY  
HAZARD MITIGATION GRANTS PROGRAM  
Obligation Report w/ Signatures

HMGP-OB-02

| Disaster No | FEMA Project No | Amendment No | State Application ID | Action No | Supplemental No | State | Recipient |
|-------------|-----------------|--------------|----------------------|-----------|-----------------|-------|-----------|
| 4512        | 4-R             | 1            | 6                    | 1         | 1               | VA    | Statewide |

Subrecipient: Smithfield

Project Title : Town of Smithfield - Acquisition of 5 Properties

Subrecipient FIPS Code: 093-73200

| Total Amount Previously Allocated | Total Amount Previously Obligated | Total Amount Pending Obligation | Total Amount Available for New Obligation |
|-----------------------------------|-----------------------------------|---------------------------------|---|
| \$828,216.00                      |                                   | \$0.00                          | \$874,228.00                              |

  

| Project Amount | Subrecipient Management Cost Amount | Total Obligation | IFMIS Date | IFMIS Status | FY   |
|----------------|-------------------------------------|------------------|------------|--------------|------|
| \$828,216.00   | \$46,012.00                         | \$874,228.00     |            | Q            | 2022 |

**Comments**

Date: 08/16/2022 User Id: MHANNIGA

Comment: 4512-DR-VA MA approves an obligation for 4512-DR-VA, Application 0004 Isle of Wight County, VA. Acquisition 5 properties project Allocation  
Total amount FED SHARE \$828,216.00 (90%)  
Total Non- Fed Share \$92,024 (10%)  
Subrecipients Management Cost amount \$46,012.00  
Total federal share amount: \$874,228.00  
Total project cost: \$920,240.00

**Authorization**

Preparer Name: MONICA FORD

Preparation Date: 08/11/2022

HMO Authorization Name: MAURA HANNIGAN PIERCE

HMO Authorization Date: 08/16/2022

DUSTY R BROSIUS

Digitally signed by DUSTY R  
BROSIUS

Date: 2022.08.30 14:23:56 -04'00'

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Authorizing Official Signature

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Authorization Date

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Authorization Date

## RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4512-0004-VA

Title: Isle of Wight County - Smithfield Acquisition/Demolition of five (5) Residential Properties

## 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** The Town of Smithfield, Virginia is applying for FEMA Hazard Mitigation Grant Program (HMGP) funds for the acquisition and demolition of five residential properties in the Great Springs Road neighborhood in Smithfield, Isle of Wight County, Virginia to reduce hazards from flooding in the Little Creek floodway. Three of these properties are located in the 100 Year Floodplain/Special Flood Hazard Area (SFHA), the other two are directly adjacent to the SFHA and all five have experienced repetitive flood damage. The town will acquire these five residences, relocate the residents, demolish the houses and related structures, and convert the area into additional greenspace added to the adjacent greenway along the creek. The properties will all be maintained in perpetuity as open space maintained by the Town of Smithfield. Demolition will commence after the grant agreements are executed. All demolition activities will take place within the previously built environment, will be subject to the condition that no tree removal occur, and adhere to state and federal standards for the handling of hazardous debris and water and soil conservation practices. - ejohns85 - 05/18/2022 16:37:02 GMT  
 The five properties covered by this review are 204, 206, 208 and 210 Great Springs Road and 600 Quail Street in Smithfield, Virginia. - ejohns85 - 05/19/2022 15:11:42 GMT

## CATEX CATEGORIES

| Catex Category Code | Description   | Selected |
|---------------------|---|----------|
| *n3                 | (*n3) Federal Assistance for Property Acquisition and Demolition. Federal assistance for the acquisition of properties and the associated demolition and removal when the acquisition is from a willing seller, the assistance is solely for the purposes of financial compensation for the acquisition, and the land is deed restricted to open space, recreational, wildlife habitat, or wetland uses in perpetuity. The CATEX does not apply to subsurface uses of acquired properties, or acquired properties with encumbrances or easements authorizing current or future subsurface uses that are not allowable and compatible with open space. This CATEX covers actions associated with the determination of program eligibility. This CATEX does not cover Federal assistance actions that involve acquisition for the purpose of construction or development at a site in the acquired property. The use of eminent domain is explicitly excluded from the CATEX. | Yes      |

## EXTRAORDINARY

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

## ENVIRONMENTAL LAW / EXECUTIVE ORDER

| Environmental Law/<br>Executive Order | Status    | Description   | Comment |
|---------------------------------------|-----------|---|---------|
| Clean Air Act (CAA)                   | Completed | Project will not result in permanent air emissions - Review concluded |         |



## RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4512-0004-VA

Title: Isle of Wight County - Smithfield Acquisition/Demolition of five (5) Residential Properties

| Environmental Law/<br>Executive Order   | Status    | Description  | Comment   |
|---|-----------|--|---|
| 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 not affect any water of the U.S. - 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. - ejohns85 - 05/18/2022 16:07:21 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  | Project is for the removal of five residential properties located within the floodplain. - ejohns85 - 05/18/2022 16:25:25 GMT   |
|   | Completed | Beneficial Effect on Floodplain Occupancy/Values - 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 the demolition of five residential properties, which is not likely to affect wetland values. - ejohns85 - 05/18/2022 16:26:55 GMT   |
| Executive Order 12898 - Environmental Justice for Low Income and Minority Populations | Completed | Low income or minority population in or near project area  |   |
|   | Completed | No disproportionately high and adverse impact on low income or minority population - Review concluded                    |   |
| Endangered Species Act (ESA)  | Completed | Listed species and/or designated critical habitat present in areas affected directly or indirectly by the federal action | Northern long-eared bats (NLEB) may occur within the range of the project area but are unlikely to be affected by the proposed project. A full analysis can be found in the attached IPaC report and species tables. There are no Critical Habitats in the project area, and the project is not close to known hibernacula or maternal roosting sites. This project proposes to demolish five residential properties within previously developed areas. No tree removal is planned to occur. This project has been screened for impacts to listed species and has been determined to have no effect due to lack of suitable habitat, along with a condition that the applicant adhere to the attached condition |

## RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4512-0004-VA

Title: Isle of Wight County - Smithfield Acquisition/Demolition of five (5) Residential Properties

| Environmental Law/<br>Executive Order                          | Status    | Description   | Comment   |
|--|-----------|---|---|
|  |           |   | regarding the protection of forested areas.<br>Please see 'Special Conditions' at the end of the<br>REC. - ejohns85 - 05/18/2022 16:00:37 GMT   |
|  | Completed | No effect to species or designated critical habitat (See comments for justification) - Review concluded                             |   |
| 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 (EFH) Mapper, the project area is located in a inland portion of EFH near the James River. This project will demolish five residential properties in the Little Creek floodway. No work will occur in water. Ground disturbance on will be limited to the existing footprint of the buildings and all work will be confined to the developed area; therefore, the project will not adversely affect EFH. - ejohns85 - 05/18/2022 16:14:06 GMT |
|  | Completed | Project does not adversely affect Essential Fish Habitat - Review concluded   |   |
| National Historic Preservation Act (NHPA)                      | Completed | Applicable executed Programmatic Agreement. Activity meets Programmatic Allowance (enter date and # in comments) - Review concluded | 2020 (Amended 2021) Virginia Programmatic Agreement, Allowance II.B.11.a. - jhathaw1 - 05/17/2022 18:55:15 GMT  |
| State Hazardous Materials and Solid Waste Laws                 | Completed | Review concluded  |   |
| Wild and Scenic Rivers Act (WSR)                               | Completed | Project is not along and does not affect Wild and Scenic River - Review concluded   |   |

## RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4512-0004-VA

Title: Isle of Wight County - Smithfield Acquisition/Demolition of five (5) Residential Properties

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CONDITIONS**Special Conditions required on implementation of Projects:**

The project location is within range of federally listed bat species. This review does not include standing tree removal. If the scope of work changes to include removal of standing trees, EHP should be notified to allow for coordination with the U.S. Fish and Wildlife Service.

Source of condition: Endangered Species Act (ESA)

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

Applicant is responsible for determining the presence of asbestos containing materials (ACM). This may include, but is not limited to, cementitious siding, caulking compound, roof felt and shingles, roofing mastic, pipe insulation, furnaces and related elements, sheet vinyl, floor tiles, floor underlayment, and associated mastics. Applicant is responsible to identify, abate, and dispose of ACMs in accordance with state and federal requirements.

Source of condition: State Hazardous Materials and Solid Waste Laws

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.