

Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 Pursuant to 24 CFR 58.35(a)

Project Information: purchase and install playground equipment replacing existing equipment in the same footprint.

Project Name: Playground Equipment

Responsible Entity: City of Portsmouth

Grant Recipient (if different than Responsible Entity):

State/Local Identifier: B-20-MC-51-0018

Preparer: Jeffrey Crimer

Certifying Officer Name and Title: _____ Dr. L. Pettis Patton, City Manager

Grant Recipient (if different than Responsible Entity):

Consultant (if applicable):

Direct Comments to: Jeffrey Crimer

Project Location: City Park 5 Cpl J. M. Williams Ave.

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Replace within the same footprint, two adjoining playground structures. The entire playground area is about 15,000 sq. ft. consisting of 2 adjoining play structures. The replacement equipment will include 1) one 2-5 year old ADA accessible playground (including one 4-station swing set); and 2) one ADA accessible 5-12 year old playground (including one 8-station swing set and one 2 to 3-station ADA accessible swing set). The project includes a shade structure, pour in place rubber safety surface that meets all ATSM standards and complies with CPSC and ADA guidelines. The equipment will be anchored in the ground at depths of 18 inches to four feet depending on weight requirements. All equipment is galvanized steel dipped in powder coat.

Level of Environmental Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5:(a)(1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20% (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).

Funding Information

<u>Grant Number</u>	<u>HUD Program</u>	<u>Funding Amount</u>
<u>B-20-MC-51-0018</u>	<u>CDBG</u>	<u>\$700,000.00</u>

Estimated Total HUD Funded Amount: \$700,000.00

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$700,000.00

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.

<u>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</u>	<u>Are formal compliance steps or mitigation required?</u>	<u>Compliance determinations</u>
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.6		
<u>Airport Hazards 24 CFR Part 51 Subpart D</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Projects not located in Close Proximity to Airports Contained on the HUD list of 24 CFR Part 51D Covered Airports</u>
<u>Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>City not subject to Coastal Barrier Resources Act.</u>
<u>Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Project does not require flood insurance protection.</u>
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
<u>Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Project not subject to Clean Air Act regulations.</u>
<u>Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Replacement of pedestrian bridges not subject to Coastal Zone Management Act</u>
<u>Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)</u>	Yes No <input type="checkbox"/> <input type="checkbox"/>	<u>No toxic, hazardous, or radioactive substances known at park that could affect the health and safety or conflict with the intended use of the property.</u>
<u>Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</u>	Yes No <input type="checkbox"/> <input type="checkbox"/>	<u>Replacement of play equipment in same footprint at developed site does not have potential to effect endangered species.</u>
<u>Explosive and Flammable Hazards 24 CFR Part 51 Subpart C</u>	Yes No <input type="checkbox"/> <input type="checkbox"/>	<u>Project does not include development, construction, rehabilitation that will increase residential densities, or conversion.</u>
<u>Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Site not farmland.</u>
<u>Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55</u>	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<u>Sites may be in 100-year floodplain. City has completed 8-step decision making process and determined no significant impact of replacement of existing bridges. 8/31/20</u>
<u>Historic Preservation National Historic Preservation Act of 1966,</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>No effect to historic resources per Va DHR 8/12/20.</u>

<u>particularly sections 106 and 110; 36 CFR Part 800</u>		
<u>Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Use not noise sensitive, does not generate excess noise.</u>
<u>Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>City not within Sole Source Aquifer.</u>
<u>Wetlands Protection Executive Order 11990, particularly sections 2 and 5</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Disturbed sites, no wetlands.</u>
<u>Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>No Wild & Scenic Rivers in city.</u>
<u>ENVIRONMENTAL JUSTICE</u>		
<u>Environmental Justice Executive Order 12898</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Project has no adverse effects so no consideration of environmental justice required.</u>

Field Inspection (Date and completed by): July 23, 2020, Jeffrey Crimer

Summary of Findings and Conclusions: Project limited to replacement of play equipment at developed park within the existing footprints. No effect to the environment.

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.

<u>Law, Authority, or Factor</u>	<u>Mitigation Measure</u>

Determination:

This categorically excluded activity/project converts to EXEMPT per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; Funds may be committed and drawn down after certification of this part for this (now) EXEMPT project; OR

This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, publish NOI/RROF and obtain "Authority to Use Grant Funds" (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR

This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature: Jeffrey Crimer _____ **Date: 9/1/20** _____

Name/Title/Organization: Community Development Manager, City of Portsmouth _____

Responsible Entity Agency Official Signature: Dr. L. Pettis Patten, City Manager **Date: 9/1/20** _____

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).

Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 Pursuant to 24 CFR 58.35(a)

Project Information: purchase and install pedestrian bridges replacing existing bridges in the same footprint.

Project Name: Fence

Responsible Entity: City of Portsmouth

Grant Recipient (if different than Responsible Entity):

State/Local Identifier: B-20-MC-51-0018

Preparer: Jeffrey Crimer

Certifying Officer Name and Title: _____ Dr. L. Pettis Patton, City Manager

Grant Recipient (if different than Responsible Entity):

Consultant (if applicable):

Direct Comments to: Jeffrey Crimer

Project Location: City Park 5 Cpl J. M. Williams Ave.

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Replace within the existing footprint the existing split rail. The fencing consists of in-kind replacement of about 6,600 linear feet of split rail fence that lines both sides of the road through the park. The fence will be replaced with a similar 2-rail vinyl fence. The fence will be anchored about 12 to 18 inches below ground in the existing holes.

Level of Environmental Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5:(a)(1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20% (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).

Funding Information

<u>Grant Number</u>	<u>HUD Program</u>	<u>Funding Amount</u>
<u>B-20-MC-51-0018</u>	<u>CDBG</u>	<u>\$300,000.00</u>

Estimated Total HUD Funded Amount: \$300,000.00

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$300,000.00

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.

<u>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</u>	<u>Are formal compliance steps or mitigation required?</u>	<u>Compliance determinations</u>
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.6		
<u>Airport Hazards 24 CFR Part 51 Subpart D</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Projects not located in Close Proximity to Airports Contained on the HUD list of 24 CFR Part 51D Covered Airports</u>
<u>Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>City not subject to Coastal Barrier Resources Act.</u>
<u>Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Project does not require flood insurance protection.</u>
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
<u>Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Project not subject to Clean Air Act regulations.</u>
<u>Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Replacement of pedestrian bridges not subject to Coastal Zone Management Act</u>
<u>Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)</u>	Yes No <input type="checkbox"/> <input type="checkbox"/>	<u>No toxic, hazardous, or radioactive substances known at park that could affect the health and safety or conflict with the intended use of the property.</u>
<u>Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</u>	Yes No <input type="checkbox"/> <input type="checkbox"/>	<u>Replacement of play equipment in same footprint at developed site does not have potential to effect endangered species.</u>
<u>Explosive and Flammable Hazards 24 CFR Part 51 Subpart C</u>	Yes No <input type="checkbox"/> <input type="checkbox"/>	<u>Project does not include development, construction, rehabilitation that will increase residential densities, or conversion.</u>
<u>Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Site not farmland.</u>
<u>Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55</u>	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<u>Sites may be in 100-year floodplain. City has completed 8-step decision making process and determined no significant impact of replacement of existing bridges. 8/31/20</u>
<u>Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>No effect to historic resources per Va DHR 8/12/20.</u>
<u>Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Use not noise sensitive, does not generate excess noise.</u>

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<u>Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>No Wild & Scenic Rivers in city.</u>
ENVIRONMENTAL JUSTICE		
<u>Environmental Justice Executive Order 12898</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Project has no adverse effects so no consideration of environmental justice required.</u>

Field Inspection (Date and completed by): July 23, 2020, Jeffrey Crimer

Summary of Findings and Conclusions: Project limited to replacement of fence at developed park within the existing footprints. No effect to the environment.

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.

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Determination:

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This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature: Jeffrey Crimer _____ **Date: 9/1/20** _____

Name/Title/Organization: Community Development Manager, City of Portsmouth _____

Responsible Entity Agency Official Signature: Dr. L. Pettis Patten, City Manager Date: 9/1/20 _____

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