



## OFFICE OF LOCAL DEFENSE COMMUNITY COOPERATION

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### National Environmental Policy Act CATEX Adoption for the Hampton Boulevard Flood Mitigation Project, City of Norfolk Virginia - Naval Support Activity Hampton Roads, Norfolk, Virginia

Pursuant to the Council on Environmental Quality regulations (40 Code of Federal Regulations [CFR] Parts 1500–1508) implementing the National Environmental Policy Act (NEPA), the Department of Defense Office of Local Defense Community Cooperation (OLDCC) gives notice that it is adopting the Navy Categorical Exclusion (CATEX) Determination for the Hampton Boulevard Flood Mitigation Project at Hampton Boulevard in Norfolk, Virginia, executed June 6, 2024. The OLDCC Grantee, the City of Norfolk, Virginia, proposes to improve flood mitigation along Hampton Boulevard outside of Naval Facilities Engineering Systems Command Atlantic, located at Naval Support Activity Hampton Roads (NSA HR). The first phase of the project will be rehabilitating three existing stormwater outfalls, to increase outfall pipe size, install new headwalls and install new energy-dissipating plunge pools. Concrete pipe will be added or replaced within the stormwater conveyance system to increase capacity and to better balance flows through the three outfalls in the system. Once the new runs of pipe are connected to the manhole/junction box located at the south entrance to the parking lot, the existing pipe will be abandoned in place and the outfall will be sealed with concrete and covered in riprap. Backflow preventing check valves will be installed for each of the three outfalls. These valves will be placed at the outfalls or housed in a junction box or manhole immediately upstream of the outfall. The Lexan Avenue and Hampton Boulevard intersection and adjacent segments of Hampton Boulevard, from approximately 270 feet north of the intersection to approximately 280 feet south of the intersection, will be raised to approximately 4.4 feet North American Vertical Datum of 1988 (NAVD 88). Two trees will be removed to install the new pipe and outfall and the trench for new pipes will require removal of vegetation and some demolition of impervious surfaces such as pavement, curb, and sidewalk. Upon completion, the project is expected to reduce flood damage at NSA HR and the surrounding community.

OLDCC is the Grantor of federal funding under the Defense Community Infrastructure Program, which seeks to address deficiencies in community infrastructure that support military installations to enhance military value, the training of cadets at covered educational institutions, installation resilience, and/or military family quality of life. City of Norfolk and NSA HR personnel prepared an Environmental Checklist (Attachment 1) for the proposed improvements to Hampton Boulevard. NSA HR determined that the following Navy CATEXs listed in 32 CFR Part 775(e) are applicable to this project:

- CATEX 14: “Alterations of and additions to existing buildings, facilities, and systems (e.g. structures, roads, runways, vessels, aircraft, or other equipment) when the environmental effects will remain substantially the same and the use is consistent with applicable regulations.”

- CATEX 34: “Demolition, disposal, or improvements involving buildings or structures when done in accordance with applicable regulations including those regulations applying to removal of asbestos, PCBs, and other materials.”

Furthermore, Navy personnel determined that none of the extraordinary circumstances outlined in 32 CFR Part 775(f) are applicable to this project. The Grantee is responsible for meeting and implementing all applicable construction conditions and best practices attached to the CATEX determination and supporting documentation (Attachments 1, 2, and 3), and all federal, state, and local permits. OLDCC agrees with this determination and finds the attached documentation appropriately evaluates the Proposed Action.

In accordance with the Council on Environmental Quality’s “National Environmental Policy Act Implementing Regulations” at 40 CFR § 1506.3, OLDCC may adopt another agency’s determination that a CATEX applies to a Proposed Action if the action covered by the original CATEX determination and OLDCC’s Proposed Action are substantially the same. The action evaluated in the Navy Environmental Checklist is the same proposed project that is the subject of the OLDCC award. Further, OLDCC agrees the Proposed Action will not have significant individual or cumulative environmental impacts, meets the criteria for the listed CATEX, and that no extraordinary circumstances exist to preclude use of the CATEX. Therefore, OLDCC adopts the Navy CATEX determination for the subject project as supported by the analysis and documentation provided in the following attached files, which are incorporated by reference herein:

- “Navy Region Mid-Atlantic Environmental Checklist, Request for Environmental Impact Analysis-Hampton Boulevard DCIP Flooding Mitigation Improvements,” Naval Support Activity Hampton Roads CATEX Determination signed on June 6, 2024 by Charles Ferdinand Murdock; (Attachment 1- NSA HR Checklist-Hampton Boulevard).
- Supporting environmental documentation and consultation records; various formats, signatories, and production or signature dates; (Attachment 2 – Hampton Boule Records).
- “Preliminary Environmental Assessment-Hampton Boulevard Drainage Improvements,” Environmental Survey data and determinations, prepared by Victoria Holmes, WPIT, Kimley-Horn and Associates, Inc.; (Attachment 3-Preliminary EA).

The CATEX determination and supporting materials in Attachments 1, 2, and 3 demonstrate that the Proposed Action will have no significant environmental impacts and therefore does not require further assessment. The documentation constitutes a complete NEPA determination and shows that Navy CATEXs 14 and 34 of 32 Part 775(e) are applicable to the subject project.

OLDCC has independently reviewed the attached documentation and finds that implementation of the Proposed Action will not significantly impact the quality of the human environment. Dust control and mitigation measures will be utilized during construction in accordance with the Virginia Department of Environmental Quality Stormwater Management Handbook. Record of Non-Applicability (RONA) calculations demonstrate that project emissions are below de

minimis levels. Emissions due to the Proposed Action would be construction-related and temporary. The RONA and supporting calculations are included in Attachment 2. Typical construction noise is anticipated during the construction and will be temporary. Once constructed, the Proposed Action will not increase noise levels. Any soil excavation, soils removal/disposal or backfill brought on site will require analytical testing in accordance with the Virginia Department of Environmental Quality guidance document #LPR-SW-02-012 and #LPR-SW-04-2012. Excess soils will be re-used as possible at project site area provided there is no petroleum contamination. If during excavation of soils, any visible and/or odor/smell of petroleum contamination is encountered, excavation operations should stop, and the City's Environmental Department contacted immediately.

The Grantee and their consultant, Kimley-Horn and Associates, Inc. (Kimley-Horn), completed a Preliminary Environmental Assessment of the Hampton Boulevard Drainage Improvements project in July 2023. Included in this assessment were consultations with United States Fish and Wildlife Service (USFWS) regarding species that may be found on the project area, as well as Northern Long-Eared Bat (*Myotis septentrionalis*) consultation requirements. No known Northern Long-Eared Bat hibernaculum or maternity roosts have been identified within or around the project area. Consultation with the USFWS determined that no significant effect to candidate species is expected due to the Proposed Action. Record of consultation with USFWS is included in Attachment 3. Additionally, the assessment addresses the Migratory Bird Treaty Act and mentions application of conservation measures to protect migratory birds with respect to tree removal/vegetation management at the project site. Felling of trees will be avoided between March 15 and August 15, unless a qualified biologist identifies the absence of active nests within the project area prior to removal, per the Virginia Department of Wildlife Resources. Overall, no significant impacts to threatened and/or endangered species are anticipated as a result of the project.

According to Kimley Horn's Environmental Assessment (Attachment 3), a segment of the Lafayette River and emergent tidal wetlands are located near the southwestern portion of the project area. The Grantee consulted with the US Army Corps of Engineers (USACE) to accurately delineate the wetlands present and to demonstrate that the Proposed Action does not represent a significant negative impact to wetlands and there is no practicable alternative. Consultation with USACE identified two sites of wetland areas. Site 1 is located immediately south of the Larchmont Public Library (6525 Hampton Blvd) and will temporarily impact 3,018 sq ft of vegetated wetland for pipe replacement. Approximately 1,872 sq ft of the temporary impacts are non-tidal vegetated wetlands and the remaining 1,146 sq ft are tidal vegetated wetlands. Site 1 will also permanently impact an additional 88 sq ft of tidal vegetated wetlands where the new outfall headwall is placed. Approximately 2,698 sq ft of subaqueous bottom will be temporarily impacted through construction activity adjacent to the outfall and an additional 84 sq ft will be permanently impacted by placement of the outfall headwall. The Site 1 stormwater outfall piping upgrades will temporarily and permanently impact a combined total of 3,106 sq ft of vegetated wetlands and will temporarily and permanently impact a combined total of 2,782 sq ft of subaqueous bottom. Site 2 is across the street from 1226 Richmond Crescent and will temporarily impact 684 sq ft of tidal vegetated wetlands for pipe replacement. Approximately 504 sq ft of subaqueous bottom will be temporarily impacted through construction activity adjacent to the wetlands and an additional 120 sq ft will be permanently impacted by placement

of the new outfall headwall. The Site 2 stormwater pipe replacement will temporarily impact a total of 684 sq ft of vegetated wetlands and will temporarily and permanently impact a combined total of 624 sq ft of subaqueous bottom. The Norfolk District of the USACE determined that the Proposed Action meets the criteria for Nationwide USACE Permits 3 (Maintenance) and 7 (Outfall Structures and Associated Intake Structures) and, as proposed, satisfies the general conditions for both permits, including those related to environmental compliance. Because the project is required to mitigate flooding issues on a specific roadway, alternate locations are not practicable. The Grantee's consultation with USACE satisfies requirements under Executive Order 11990 (*Protection of Wetlands*). Consultation with USACE and the wetland permits can be found in Attachment 2.

The Grantee and Kimley-Horn reviewed the Virginia Cultural Resource Information System (V-CRIS) to identify known or potential historic or archaeological sites within the project area. Four architectural resources were identified within the project area. Two additional architectural resources and one individual historic district property were identified within a 50-foot buffer of the project. Within a 500-foot radius of the project area, two architectural resources, one archaeological resource, and two individual historic district properties were identified. The identified resources and their eligibility status as identified in the V-CRIS database are described in Table 6 of Attachment 3. Kimley-Horn compiled these findings and consulted with the Virginia Department of Historic Resources (VDHR), requesting a review of the project pursuant to requirements under Section 106 of the National Historic Preservation Act. VDHR responded on August 22, 2023, and determined that the Proposed Action would not adversely affect historic properties within the project area. Record of consultation with VDHR is included in Attachment 2.

OLDCC consulted with nine federally recognized Tribes with potential jurisdiction in the project area. Tribes were sent a description of the project, materials delineating the Area of Potential Effect, and VDHR's determination of no adverse effects, and were invited to provide comments on the project via letters sent on August 27, 2024, and August 28, 2024. A response received from the Chickahominy tribe indicated that the project is outside their immediate ancestral territory, and they do not wish to participate in consultation. A response received from the Monacan Nation indicated they did not wish to comment on the project. A response from the Tuscarora Nation indicated that the project does not affect culturally or historically significant sites, but they would like to be informed of any inadvertent discoveries during construction. To date, no other comments from Tribes have been received. Consultation with Tribes can be found in Attachment 2.

The action for which the Grantee and the Navy prepared and executed the attached CATEX determination (Attachment 1) is the same action as OLDCC's Proposed Action and applying the Navy CATEXs 14 and 34 of 32 Part 775(e) is an appropriate NEPA determination for this project. Therefore, OLDCC adopts the CATEX determination per 40 CFR § 1506.3. Further, OLDCC, as the adopting agency, confirms that none of the circumstances listed in 40 CFR § 1506.3(e) are present.

I have determined that the information provided above and in the attached documents provides sufficient evidence and analysis for determining that an Environmental Assessment or Environmental Impact Statement is not required.

Sincerely,

Patrick J. O'Brien  
Director

Attachments:  
As stated