

Final Notice and Public Review of a Proposed Activity in a Wetland

To: All interested Agencies, including all Federal, State and Local Groups, and Individuals

This is to give notice that the Responsible Entity under 24 CFR Part 58 has determined that the following proposed action under the Housing and Urban Development (HUD) Qualified Census Tract (QCT) or the Difficult Development Areas (DDA), along with being awarded project-based vouchers (PBA), is located in a wetland. The Responsible Entity will be identifying and evaluating practicable alternatives to locating the action within the wetland and the potential impacts on the wetland from the proposed action, as required by Executive Order 13690 and/or Executive Order 11990, in accordance with HUD regulations at 24 CFR 55.20 in Subpart C Procedures for Making Determinations on the Protection of Wetlands. The proposed project location is 250 E. German School Road in Richmond, Richmond City County, Virginia, 23224. ECS Mid-Atlantic, LLC delineated the Waters of the U.S. and wetland boundaries in May 2024. The findings of this delineation were confirmed by the U.S. Army Corps of Engineers (USACE) via a Preliminary Jurisdictional Determination dated November 11, 2024 (NAO-2024-02277). The extent of the palustrine wetland, existing natural and beneficial functions of the wetland, are potentially adversely affected by the activity. The terrain of the project site is very flat with a slight slope toward unnamed tributaries of Reedy Creek and is located within the Middle James-Willis watershed. The study area is primarily wooded land with a utility easement running east to west along the southern boundary. The total number of acres of wetlands potentially impacted is 9.85. The Flood Insurance Rate Map (FIRM) does not show any of the proposed projects to be located in a floodplain.

The proposed project involves the construction of a new income-restricted (affordable) for-rent townhouse community that will include access roads, parking areas, landscaped open spaces, stormwater management features, and a variety of amenities, such as a clubhouse and leasing office, an outdoor community green, a dog park, and a children's playground. According to the current site plan, anticipated impacts include general site grading to accommodate the townhomes, parking lots, internal roads, utilities, and stormwater infrastructure. The project site and adjacent areas to the north are zoned for business use, while the areas immediately to the south are zoned for residential use. The surrounding community, which features a mix of commercial and residential development, has experienced steady growth in recent years. Based on the proposed development plan and the anticipated purchase of mitigation banking credits, no adverse impacts to the surrounding area are expected. The potential effects on Virginia's coastal and natural resources have been evaluated through the twelve enforceable policies of the Virginia Coastal Zone Management (CZM) Program.

The City of Richmond has reevaluated alternatives to building in the wetland and determined that there is no practicable alternative to wetland development. Environmental files documenting compliance with Executive Orders 11990 and 13690 are available for

public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

The City of Richmond, as the Responsible Entity, has considered the following alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial functions and intrinsic values of the existing wetland:

There are three primary purposes for this notice. First, people who may be affected by activities in wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about wetlands can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in wetlands, it must inform those who may be put at greater or continued risk.

(i) Reasons why the action must take place within the wetland:

The project aims to address an urgent need for affordable housing in Richmond. The chosen site at 250 E. German School Road is the only location that meets zoning, financial viability, acreage, and Qualified Census Tract (QCT) criteria. Without this site, the project would fail to reach the required unit count or secure the necessary funding.

(ii) Alternatives considered and reasons for non-selection:

- No Build Alternative: This would not meet the City of Richmond's housing goals nor the applicant's purpose. It was deemed not practicable.
- Alternative Site A – 4715 Nine Mile Road (Henrico County, 9.7 acres): A developed shopping center site. While the impacts of wetlands would be minimal, rezoning risk, insufficient acreage, and the location outside Richmond City (making PBVs and tax reimbursement unavailable) rendered it infeasible.
- Alternative Site B – 5209 Wilkinson Road (Henrico County, 30.8 acres): Formerly developed, near an Amazon Fulfillment Center. However, it lacked transit access and was outside City/QCT boundaries, making it ineligible for PBVs and tax incentives.
- Alternative Site C – 2103/Staples Mill Road (Henrico County): Developed with an office building. No wetland impacts are expected, but outside Richmond/QCT/DDA, this disqualifies it for PBVs and financial feasibility.
- Alternative Site D – 2100 Whitcomb Street (Richmond, 19.78 acres): Undeveloped, with ~4 acres wetlands/streams. However, it lies in a HUD-designated R/ECAP, making PBVs unlikely, and the \$10 million asking price made it financially infeasible.

(iii) Mitigation measures:

To minimize and offset impacts, the project incorporates the following measures:

- Avoidance and minimization of wetland disturbance through site layout.

- Purchase of wetland mitigation bank credits to offset the 9.85 acres of unavoidable palustrine wetland impacts.
- Incorporation of stormwater BMPs to protect water quality.
- Compliance with the Virginia Coastal Zone Management Program enforceable policies and all state/local permitting.

The project complies with applicable state and local wetland protection procedures, including coordination under the Virginia Coastal Zone Management (CZM) Program.

An Early Public Notice was published on September 9, 2025, with a 15-day comment period ending September 24, 2025. No public comments were received during this period.

Written comments must be received by The City of Richmond at the following address on or before October 9, 2025: The City of Richmond, Department of Housing and Community Development, Main Street Location, 1500 East Main Street, Suite 3000, Richmond, Virginia 23219 and (804) 646-0361. Attention: Mr. Wilken Fernandez, Senior Project Development Manager. A full description of the project may also be reviewed from 8:00 am to 5:00 pm at 1500 East Main Street, Suite 3000, Richmond, Virginia 23219. Comments may also be submitted via email at Wilken.fernandez@rva.gov.

October 2, 2025: