



## OFFICE OF LOCAL DEFENSE COMMUNITY COOPERATION

2231 CRYSTAL DRIVE, SUITE 520  
ARLINGTON, VA 22202-3711



### National Environmental Policy Act Determination Shoreview Facility Stormwater Mitigation, City of White Settlement – Texas Army National Guard, Texas

The Department of Defense Office of Local Defense Community Cooperation (OLDCC) reviewed the attached National Environmental Policy Act (NEPA) determination from the Texas Army National Guard (TXARNG) and other supporting documentation for proposed stormwater drainage improvements. The OLDCC Grantee, the City of White Settlement, proposes to construct a permanent drainage facility and an 1,800-foot flume and channel to drain stormwater into a creek attached to Lake Worth. The channel will be located approximately 450-feet east of the northern extent of Bourland Drive in White Settlement, Tarrant County, Texas. The Proposed Action will benefit the nearby TXARNG Shoreview Facility and the surrounding community by diverting floodwaters during large rain events. The Shoreview Facility has been damaged by multiple major flooding events over the past several years.

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, installation resilience, and/or military family quality of life. The attached documentation was prepared by the OLDCC Grantee for the TXARNG, who reviewed the environmental analysis and executed the attached Categorical Exclusion determination, “ARNG Environmental Checklist, White Settlement DCIP Drainage,” pursuant to the US Army’s NEPA regulations at 32 CFR Part 651, “Environmental Analysis of Army Actions (AR 200-2),” dated March 2002 (Attachment 1). The TXARNG applied Army Categorical Exclusion 32 CFR Part 651 Appendix B(d)(2), for “Routine maintenance of streams and ditches or other rainwater conveyance structures (in accordance with USACE permit authority under Section 404 of the Clean Water Act and applicable state and local permits), and erosion control and stormwater control structures.” The Grantee is responsible for meeting and implementing all applicable construction conditions and best practices attached to the Categorical Exclusion determination and supporting documentation (Attachments 1 and 2), and all federal, state, and local permits. OLDCC agrees with the Army 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 Categorical Exclusion applies to a proposed action if the action covered by the original Categorical Exclusion determination and OLDCC’s proposed action are substantially the same. The action evaluated in the TXARNG Categorical Exclusion determination 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 Categorical Exclusion, and that no extraordinary circumstances exist to preclude use of the Categorical Exclusion. Therefore, OLDCC adopts the Army Categorical

Exclusion determination for the subject project as supported by the analysis and documentation provided in the following attached files, which are incorporated by reference herein:

- “ARNG Environmental Checklist, White Settlement DCIP Drainage” Categorical Exclusion determination form, signed by Richard Martinez, Environmental Program Manager, Texas Military Department, executed on November 11, 2023 (TAB A Attachment 1 – TXARNG Environmental Checklist, White Settlement DCIP Drainage Project); and
- Supporting environmental documentation and consultation records; various formats, signatories, and production or signature dates (TAB A Attachment 2 – White Settlement DCIP Supporting Environmental Documentation and Consultation Records).

The Categorical Exclusion determination and supporting materials 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 the Categorical Exclusion listed in 32 CFR Part 651 Appendix B(d)(2) is applicable to this project.

OLDCC independently reviewed the attached documentation and finds that implementation of the Proposed Action will not significantly impact the quality of the human environment. Tarrant County is in air attainment and air quality impacts from the Proposed Action will be limited and temporary. The Grantee should follow best construction practices to limit emissions and fugitive dust. Typical construction noise is expected but will be temporary and not significant. No adverse effects to wetlands, or surface or ground water are expected, and the Grantee should follow best management practices to prevent erosion and protect runoff during construction. One small portion of the project site is located within the 100-year floodplain. The local permit authority, the city of Fort Worth Development Services Department, confirmed that a Floodplain Development Permit is not required (Attachment 2). OLDCC agrees with TXARNG that the Proposed Action likely meets the thresholds of Nationwide Permit 13 for bank stabilization and therefore does not require Pre-Construction Notification. The Grantee is responsible for obtaining any federal, state, or local permits that may be required.

No protected species are known to inhabit the project area except for the Monarch butterfly, which does not require consultation or mitigation. Migratory birds that could be found in this region include the Chimney Swift, the Lesser Yellowlegs, the Little Blue Heron, and the Red-headed Woodpecker; however, no suitable habitat for these species is present at the project location (Attachment 2). Therefore, no effect to protected species is expected. The Texas State Historic Preservation Officer (SHPO) concurred that no historic properties will be affected by the Proposed Action pursuant to National Historic Preservation Act Section 106 consultation (Attachment 2). The Grantee and their consultant engaged six federally recognized tribal governments, invited consultation, and provided project information concerning potential effects to historic properties of religious or cultural significance. One response from the Delaware Nation was received and indicated no concerns (Attachment 2). If human remains, funerary objects, cultural items, or archaeological materials are encountered during project construction and related work, activity in the area must cease immediately and appropriate tribal government contacts, OLDCC, TXARNG, and the SHPO must be contacted for additional guidance.

The action for which the Grantee and TXARNG prepared and executed the attached Categorical Exclusion determination (Attachment 1) is the same as OLDCC's Proposed Action and applying the Army Categorical Exclusion at 32 CFR Part 651 Appendix B(d)(2) is an appropriate NEPA determination for this project. Therefore, OLDCC adopts the Categorical Exclusion 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 in the documents referenced above provides sufficient evidence and analysis for determining that an Environmental Assessment or Environmental Impact Statement is not required.

Patrick J. O'Brien  
Director

Attachments:  
As stated