



OFFICE OF LOCAL DEFENSE COMMUNITY COOPERATION

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National Environmental Policy Act Categorical Exclusion Adoption for the Creeds Law Enforcement Training Facility, City of Virginia Beach - Joint Expeditionary Base Little Creek-Fort Story – Virginia Beach, 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 Joint Expeditionary Base Little Creek-Fort Story (JEBLCFS) Categorical Exclusion Determination for the Creeds Training Center Renovation executed April 11, 2024. The OLDCC Grantee, the City of Virginia Beach, Virginia, proposes to improve current site conditions and renovate existing structures at the Creeds Law Enforcement Training Center in Virginia Beach, VA. Creeds Law Enforcement Training Center is a 225-acre training facility located in the Pungo area of Virginia Beach. Improvements will be focused on five priority areas: An Urban Simulation City Training Area, a Skid Track Training Area, a Precision Track Training Area, a Traffic Signal, and a Driving Track Training Area. Construction will include repaving, upgrading utilities, installation of prefabricated buildings, trenching, and replacing faulty lighting equipment. The total affected area of this action is estimated at of approximately 17.4 acres and will occur on previously renovated surfaces.

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 City of Virginia Beach and JEBLCFS prepared a Navy Region Mid-Atlantic Environmental Checklist (Attachment 1) for the proposed renovation of Creeds Training Center. JEBLCFS applied Categorical Exclusion 14 listed in 32 CFR § 775.6(f) for “Alterations of and additions to existing buildings, facilities, and systems (e.g., structures, roads, runways, vessels, aircraft, or equipment) when the environmental effects will remain substantially the same and the use is consistent with applicable regulations.” Furthermore, JEBLCFS determined that none of the extraordinary circumstances outlined in 32 § CFR 775.6(e) are applicable to this project. 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 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 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 JEBLCFS 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 Categorical Exclusion, and that no extraordinary circumstances exist to preclude use of

the Categorical Exclusion. Therefore, OLDCC adopts JEBLCFS's 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:

- “Navy Region Mid-Atlantic Environmental Checklist: Creeds Training Center Renovations,” Navy Categorical Exclusion Determination signed by Christopher Jeremy Widhalm on April 11, 2024; (Attachment 1- JEBLCFS Navy Checklist-Creeds).
- Supporting environmental documentation and consultation records; various formats, signatories, and production or signature dates (TAB A Attachment 2 –Creeds CATEX Supplemental Environmental Docs).

The Categorical Exclusion determination and supporting materials in Attachments 1 and 2 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 Categorical Exclusion 14 listed in 32 CFR § 775.6(f) is 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. The proposed location was previously in a non-attainment area, and a “Record of Non-applicability” was completed by the Grantee. The analysis determined that no emissions would exceed de minimis values. The Record of Non-applicability is included in Attachment 2. Emissions due to the proposed action would be construction-related and temporary. Typical construction noise is expected but will be temporary and not significant. The Grantee must develop and submit an erosion and Sediment Control Plan and Stormwater Management to the Virginia Department of Environmental Quality for approval. Effluent from discharges during construction will be filtered through approved trapping device or filtered to not adversely affect flowing streams. The project is not located close enough to the shoreline to warrant a Coastal Zone Management Act federal consistency determination; no effects to coastal areas are anticipated. Similarly, no effects to marine mammals are anticipated due to the project location.

On October 2023, the Grantee consulted with the Virginia Department of Natural Resources (VDNR) to determine the effect of the project on federally listed species pursuant to Section 7 of the Endangered Species Act. The Grantee submitted a project description, the proposed project area, and photographs via the VDNR website on October 20, 2023. VDNR responded on the same day with an Official Species List of candidate species that may be present at the project location. Based on the materials provided, VDNR determined that the project is not likely to affect the federally endangered Northern Long-Eared Bat (*Myotis septentrionalis*). Furthermore, they determined that no critical habitat for any federally listed species is located at the project location. Consultation with VDNR is included in Attachment 2. Overall, significant impacts to candidate species are not anticipated as a result of the proposed project.

The Grantee consulted with the Virginia Department of Historic Resources (VDHR) for a review of this project. On October 20, 2023, the Grantee submitted an application on the VDHR website which included a project description and aerial photographs of the project site. VDHR responded on November 13, 2023, indicating that the provided information was not sufficient to

determine the historical significance of the project location. The Grantee submitted an archeological assessment from 2020 and more detailed photographs to VDHR on December 8, 2023. With this updated information, VDHR made a determination of “No Historic Properties affected” on January 2, 2024. Record of consultation with VDHR is included in Attachment 2. OLDCC consulted with three federally recognized tribes, the Delaware Nation, the Nansemond Indian Nation, and the Pamunkey Indian Tribe, and invited comments regarding the subject project. Consultation included a description of the project, the archeological survey from 2020, and photographs of the project area. Records were sent on July 3, 2024. To date, no responses from any of the tribes have been received. Consultation with Tribes can be found in Attachment 2.

The action for which the Grantee and JEBCFS prepared and executed the attached Categorical Exclusion determination (Attachment 1) is the same action as OLDCC’s Proposed Action and applying the Navy Categorical Exclusion 14 listed in 32 CFR Part 775.6(f) 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 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