



OFFICE OF LOCAL DEFENSE COMMUNITY COOPERATION

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



National Environmental Policy Act Adoption of the Categorical Exclusion Determination for Ackerman Road Rehabilitation Project, City of San Antonio – Martindale Army Heliport, Texas

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 attached NEPA determination from the Texas Army National Guard (TXARNG) for rehabilitation of Ackerman Road. The OLDCC Grantee, the City of San Antonio, Texas, proposes to repave and reconstruct Ackerman Road, a 700-foot roadway connection Interstate 10 (IH-10) and the single of point of entry at Martindale Army Heliport (MAH). The project will reconstruct the roadway using concrete pavement to support general traffic, civilians, and military personnel serving at MAH, and heavy military vehicles, along with reconstructing the curbs, driveways, and sidewalk. The road improvements will extend the sidewalk approximately two feet beyond the existing footprint of the pavement. The project will benefit both MAH and the surrounding community by improving traffic flow onto the installation and the nearby section of IH-10.

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, the City of San Antonio, and TXARNG. On April 11, 2024, TXARNG personnel determined that Army Categorical Exclusion (CatEx) C-1 of 32 CFR § 651 is applicable to this project. This CatEx provides an exemption from further environmental analysis for “construction of an addition to an existing structure or new construction on a previously undisturbed site if the area to be disturbed has no more than five cumulative acres of new surface disturbance.” Furthermore, the TXARNG determined that none of the extraordinary circumstances outlined in 32 CFR § 651.29(b) are applicable to the project. Their full determination is included in the Army National Guard Environmental Checklist in Attachment 1.

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 TXARNG 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 TXARNG 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:

- “ARNG Environmental Checklist – Reconstruction of Ackerman Road San Antonio, TX” signed April 11, 2024 by Richard L. Verne Martinez, Environmental Program Manager, Texas Army National Guard; (TAB A Attachment 1- TXARNG Ackerman Road Checklist).
- Supporting environmental documentation and consultation records; various formats, signatories, and production or signature dates (TAB A Attachment 2-Ackerman Road Supplemental Docs).

The CatEx 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 Army CatEx C-1 of 32 CFR § 651 is applicable to this 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. While the project is in an air quality non-attainment area for ozone, TXARNG personnel have determined that the project will not exceed de minimis levels or otherwise require a formal Clean Air Act conformity determination. Emissions due to the proposed action would be construction-related and temporary. Typical construction noise is anticipated during the construction and will be temporary. Because the project is smaller than one acre, it will not require a National Pollutant Discharge Elimination System general permit for stormwater. The proposed action will not take place within wetlands or any body of water. No impacts to water resources or bodies of water are anticipated. The proposed action will not introduce new species, create a barrier for species migration, or result in a depletion of a renewable natural resource. TXARNG personnel have determined that no endangered or threatened species are present at the project location (see Attachment 1 for confirmation of this determination). Because the existing land is already disturbed and the scale of construction is relatively small, no impacts to natural resources are anticipated.

The TXARNG consulted with the Texas State Historic Preservation Office (SHPO) requesting a review of the project pursuant to requirements under Section 106 of the NHPA on January 23, 2024. They submitted a description of the project and materials delineating the Area of Potential Effect. The SHPO responded on February 21, 2024, stating that no historic properties are present at the project location and no historic properties would be impacted by the action. Record of the SHPO's determination is included in Attachment 2. Similarly, the TXARNG also consulted with four Federally recognized Tribes: The Kickapoo Tribe of Texas, the Alabama-Coushatta, the Comanche Nation, and the Tonkawa Tribe of Texas. A response was received from the Kickapoo Tribe of Texas, stating that they do not have interest in the construction location. Consultation with tribes can be found in 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 Native American tribal government contacts, SHPO, OLDCC, and TXARNG must be contacted for additional guidance.

The action for which the Grantee and TXARNG prepared and executed the attached CatEx determination (Attachment 1) is the same action as OLDCC's Proposed Action and applying the Army CatEx listed at C-1 of 32 CFR § 651 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 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