

MEMORANDUM TO FILE

DATE: June 12, 2026

SUBJECT: Agricultural Research Service (ARS) and Department of the Navy (DON)
Categorical Exclusion (CATEX) Adoption Consultation

This memorandum documents the consultation between the United States Department of Agriculture (USDA) Agricultural Research Service (ARS) and the Department of the Navy (DON) and Department of War (DoW) on the adoption of two DON categorical exclusions (CATEX) for use in construction and demolition of research and other support buildings and structures. Representatives from ARS consulted with DON/DoW representatives on May 22, 2026, during which time ARS requested to adopt the DON CATEX detailed below.

Consultation Summary

ARS initiated the meeting describing the ARS organizational set up, the ARS National Environmental Policy Act (NEPA) process, and how and where NEPA is usually conducted within the agency. ARS also described the research needs for additional facilities and structures through construction projects that require the NEPA process. ARS shared background information concerning the project implementation process and how the office supports the research with construction and demolition projects. ARS provided some background on the size of structure and building construction (which ranges from 15 to 600,000+ square feet), and the types of structures and buildings constructed to support research (e.g., greenhouses, etc.). ARS also briefly described the setting for construction, mostly on previously disturbed grounds/environments, with some projects in primarily agricultural settings, both with and without surrounding development. Discussion primarily focused on construction projects, but demolition projects were also briefly discussed. ARS noted previous development of a partial substantiation document to develop their own CATEX for demolition. However, this substantiation was stopped based on consolidation and updates of the USDA NEPA regulations.

ARS NEPA evaluation of construction and demolition projects has historically resulted in development of Environmental Assessments (EAs). However, the goal is to align with the Council on Environmental Quality's (CEQ) April 9, 2026 memorandum for Establishing, Revising, Adopting, and Applying Categorical Exclusions Under the National Environmental Policy Act to the extent possible. USDA, as stated in 7 CFR 1b, identifies CATEX adoption as an option for determining the appropriate level of NEPA review, hence the request for the adoption of DON CATEX. ARS intends to apply the DON CATEX to construction of facilities and support structures, and demolition of buildings and structures following applicable federal, state, and local regulations.

DON provided context for how the construction CATEX (identified as CATEX 33 below) has been applied to projects, noting no size limitations if the construction is consistent with the existing land use, and noting the wide-range and use of the CATEX. Some DON projects noted building construction footprints up to 85,000 square feet, but most were of smaller building size. DON provided discussion on interpretation of the CATEX along with an August 24, 2016 memorandum for Environmental Planning Process Improvements, Metrics, and Reporting providing interpretation and explanation of the applicability of the CATEX. During consultation, DON noted that CATEX application does not affect the requirement to obtain appropriate

permits or other applicable environmental requirements and also requires extraordinary circumstances evaluation.

Extraordinary Circumstances

Application and reliance on the DON CATEX require consideration of potential extraordinary circumstances. During consultation, DON noted that environmental reviews are performed and documented in compliance with NEPA implementing regulations. DON extraordinary circumstances are identified and can be found in the document DoW National Environmental Policy Act Implementing Procedures, Appendix A, III - Department of the Navy at <https://www.denix.osd.mil/nepa/>. The USDA list of extraordinary circumstances is published in regulation at [7 CFR 1b3\(f\)](#).

ARS will conduct extraordinary circumstances review in accordance with USDA regulations, ensuring analysis and review that includes USDA extraordinary circumstances, which are equivalent to or more stringent than DON extraordinary circumstances, upon application of the CATEX.

USDA adoption of DON CATEX

ARS is adopting the two DON CATEX below:

- 33. *New construction that is similar to or compatible with existing land use (i.e., site and scale of construction are consistent with those of existing adjacent or nearby facilities) and, when completed, the use or operation of which complies with existing regulatory requirements (e.g., a building within a cantonment area with associated discharges and runoff within existing handling capacities). The test for whether this CATEX can be applied should focus on whether the proposed action generally fits within the designated land use of the proposed site.*
 - Identified as DoW A153-33 in Appendix A.
- 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 hazardous materials.*
 - Identified as DoW A154-34 in Appendix A.

Proposed Uses

- Construction of buildings and structures to support USDA mission requirements.
- Demolition of buildings and structures to support USDA mission requirements.

Recommendation

Based on the above referenced consultation conducted May 22, 2026, ARS and DON/DoW agree that the use of DON CATEX is appropriate for USDA projects related to construction and demolition in support of USDA mission activities, provided that the project(s) are evaluated for extraordinary circumstances.

NEPA consultation requirements are satisfied and the use of the CATEX above is appropriate. Although ARS specifically consulted with DON/DoW, the CATEX will be made available for use across USDA sub-agencies. USDA will publish the CATEX adoption on a public-facing website.