



Department of Energy

Washington, DC 20585

PUBLIC NOTICE

Notice of Adoption of U.S. Department of Agriculture Categorical Exclusions under the National Environmental Policy Act

The Department of Energy (DOE or the Department) has identified categorical exclusions established by the U.S. Department of Agriculture (USDA) Rural Development (RD) that cover categories of actions pertinent to DOE operations. This notice identifies those USDA categorical exclusions and announces that DOE has adopted them for the Department's future use pursuant to section 109 of the National Environmental Policy Act (NEPA).

This action is effective June 16, 2026.

For further information, contact Ms. Carrie Abravanel, Office of Assistant General Counsel for Environment, at carrie.abravanel@hq.doe.gov or 202-586-4600.

I. Background

NEPA, as amended, seeks to ensure that Federal agencies consider the environmental effects of their proposed major actions in their decision-making processes. 42 U.S.C. 4321 *et seq.* NEPA establishes three types of review for proposed actions—environmental impact statement, environmental assessment, and categorical exclusion—each involving different levels of information and analysis. An environmental impact statement is a detailed analysis of reasonably foreseeable environmental effects prepared for a major Federal action significantly affecting the quality of the human environment. 42 U.S.C. 4332(2)(C). An environmental assessment is a concise public document prepared by a Federal agency to set forth the basis for its finding of no significant impact or its determination that an environmental impact statement is necessary. 42 U.S.C. 4336(b)(2). A categorical exclusion is a category of actions that the agency has determined normally does not significantly affect the quality of the human environment and therefore does not require preparation of an environmental assessment or environmental impact statement.

Enacted as part of the Fiscal Responsibility Act of 2023, section 109 of NEPA allows a Federal agency to “adopt” another Federal agency’s categorical exclusions for proposed actions. 42 U.S.C. 4336c. To adopt another agency’s categorical exclusions under section 109, the adopting agency (“borrowing agency”) must identify the relevant categorical exclusions listed in another agency’s (“establishing agency”) NEPA procedures that cover the borrowing agency’s category of proposed actions or related actions; consult with the establishing agency to ensure that the proposed adoption of the categorical exclusion for a category of actions is appropriate; identify to the public the categorical exclusions that the borrowing agency plans to use for its proposed

actions; and document adoption of the categorical exclusions. This process is incorporated into the DOE NEPA Implementing Procedures at Section 5.2.¹

II. The USDA Categorical Exclusions that DOE Is Adopting

A. Text of the USDA Categorical Exclusions

DOE is adopting two categorical exclusions established by the USDA. These categorical exclusions are listed in the USDA NEPA procedures at 7 C.F.R. 1b.4(d)(24). That section of the USDA NEPA procedures includes categorical exclusions that require NEPA documentation as set forth in 7 C.F.R. 1b.3(g).

Prior to July 3, 2025, these categorical exclusions were found at 7 C.F.R. 1970.54 within the program regulations for USDA Rural Development. On July 3, 2025, USDA issued an interim final rule that, among other changes, consolidated the categorical exclusions of various USDA subcomponents within the USDA regulations at 7 C.F.R. 1b.4. The USDA regulations explain that “Categories have been assigned unique numbers for ease of reference. The following acronyms at the end of the number sequence indicate the USDA subcomponent that originally promulgated the category.” 7 C.F.R. 1b.4(b).

DOE is adopting two categorical exclusions: USDA-24-1d-RD(D), found at 7 C.F.R. 1b.4(d)(24)(i)(D), and USDA-24-3d-RD(B), found at 7 C.F.R. 1b.4(d)(24)(iii)(B). The text of these categorical exclusions is:

(i) (USDA-24-1d-RD) Small-scale site-specific development. The following CEs apply to proposals where site development activities (including construction, expansion, repair, rehabilitation, or other improvements) for rural development purposes would impact not more than 10 acres of real property and would not cause a substantial increase in traffic. These CEs are identified in paragraphs (d)(24)(i)(A) through (J). This paragraph does not apply to new industrial proposals (such as ethanol and biodiesel production facilities).

....

(D) Infrastructure to support utility systems such as water or wastewater facilities; headquarters, maintenance, equipment storage, or microwave facilities; and energy management systems.

....

(iii) (USDA-24-3d-RD) Financial assistance for small-scale energy proposals.

....

¹ <https://www.energy.gov/nepa/articles/doe-nepa-implementing-procedures-february-2026>

(B) Construction of electric power lines and associated facilities designed for or capable of operation at a nominal voltage of either:

- (1) Less than 69 kilovolts (kV);
- (2) Less than 230 kV if no more than 25 miles of line are involved; or
- (3) 230 kV or greater involving no more than three miles of line, but not for the integration of major new generation resources into a bulk transmission system;

III. DOE's Use of the Adopted USDA Categorical Exclusions

A. Types of DOE Actions

DOE expects to use USDA-24-1d-RD(D), found at 7 C.F.R. 1b.4(d)(24)(i)(D), for proposed actions that would enhance the safety and reliability of transmission operations, including within the systems operated and maintained by DOE's Power Marketing Administrations. For example, consistent with the USDA-24-1d-RD(D) categorical exclusion, DOE would complete small-scale site development such as transmission system maintenance headquarters, equipment and material storage, and other infrastructure development to support the operation of the transmission system. DOE infrastructure actions to support utility systems, including the transmission system, would be less than 10 acres in size and would not cause a substantial increase in traffic in the development area.

DOE expects to use USDA-24-3d-RD(B), found at 7 C.F.R. 1b.4(d)(24)(iii)(B), for proposed actions that would provide financial assistance for improving electric grid infrastructure. For example, consistent with USDA-24-3d-RD(B), DOE would fund construction of power lines and associated facilities that fall within the voltage and mileage limitations of the categorical exclusion.

DOE's use of these USDA categorical exclusions would not be limited to these examples and could be used in other circumstances for which their use is appropriate.

B. Additional Considerations in DOE's Use of the Adopted Categorical Exclusions

DOE will document categorical exclusion determinations that rely on any categorical exclusion listed in appendix C (Categorical Exclusions Adopted Pursuant to NEPA Section 109) of DOE's NEPA procedures. DOE NEPA Implementing Procedures Section 5.4(d). DOE will also post online the categorical exclusion determinations that rely on the adopted categorical exclusions using the process found in DOE NEPA Implementing Procedures Section 5.4(e).

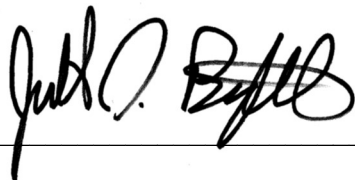
In deciding whether to use the adopted USDA categorical exclusions, DOE will refer to the list of integral elements at the start of appendix B to the DOE NEPA Implementing Procedures. DOE also will refer to the definition of extraordinary circumstances in its NEPA Implementing Procedures Section 5.4(c)(3).

IV. Consultation with USDA and Determination of Appropriateness

DOE consulted with USDA and RD to identify categorical exclusions that could apply to DOE proposed actions and consulted with USDA and RD in August 2025. During that consultation, the agencies discussed DOE's proposed use of these categorical exclusions, RD past practice when relying on the categorical exclusions, and the agencies' practices concerning analysis of extraordinary circumstances. At the conclusion of that process, DOE determined that its proposed use of the categorical exclusions as described in this notice would be appropriate.

V. Conclusion

This notice documents adoption by DOE of the USDA categorical exclusions listed above in accordance with 42 U.S.C. 4336c(4) and the DOE NEPA Implementing Procedures Section 5.2, and they are available for use by DOE, effective immediately. DOE will maintain a copy of this notice of adoption and a written record of DOE's use of the categorical exclusions listed in this notice on the DOE NEPA website at www.energy.gov/nepa.



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Date

06/16/2026
