NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
U.S. DEPARTMENT OF COMMERCE

April 3, 2025

MEMORANDUM FOR THE RECORD

From: Joe Barger
NEPA Coordinator

Subject: Categorical Exclusion
Record of Environmental Consideration

Project Title: Kansas National Security Innovation Center

Location: University of Kansas
2037 Becker Drive
Lawrence, Kansas 66047

The National Environmental Policy Act (NEPA) and associated implementing regulations (40 CFR Parts 1500-1508) require that all major actions by federal agencies be reviewed with respect to the environmental consequences on the human environment. The National Institute of Standards and Technology (NIST) is providing a congressionally directed funding grant for the Kansas National Security Innovation Center at the University of Kansas. Consequently, NEPA and the associated implementing regulations apply to this project.

This memorandum provides a Record of Environmental Consideration and summarizes the determination that the Kansas National Security Innovation Center at the University of Kansas has been found to be categorically excluded from further environmental review under NEPA.

Description of the Action

This project includes the construction and operation of a new building to house the Kansas National Security Innovation Center. The building will be constructed on the University of Kansas (KU) West Campus, located near the northwest quadrant of 23rd and Iowa Streets in Lawrence, Kansas. This building will be part of the KU Innovation Park and built adjacent to the Phase III building. It will be built on approximately two acres of land owned by the KU Endowment Association and occupied by the park through a long-term ground lease agreement.

The building is projected to have approximately 104,000 square-feet of floor space (three stories) and will house high-security research and office space (40%) and wet laboratory space (60%). The project will also include approximately 124,000 square feet of paving, paving rework/demolition and grading.

The building will include space for the expansion of the nearby Kansas Applied Research Laboratory located in the KU Innovation Park and will augment its capacity for classified research. KU has been nationally recognized for over 60 years in the development of advanced radar technology. Over the past decade, KU has broadened the scope of its efforts in this area by developing sensor and cybersecurity expertise aimed at detecting and mitigating threats to support both the defense and commercial sectors. The facility will also house 6-10 private industry companies. These companies, in conjunction with KU's collaborative partnerships with federal agencies and private contractors, are projected to produce over 200 jobs with an annual payroll of over $13,000,000. The site will also include a separate weather balloon launching facility.

This project will be accomplished in accordance with all applicable state and federal environmental and safety regulations. All applicable regulatory permitting will be obtained.

Specific Considerations of this Action and any Extraordinary Circumstances

- **Existing Site**

The proposed site for the new Kansas National Security Innovation Center is within a previously disturbed and developed portion of the University of Kansas. It will be built on approximately two acres of land owned by the KU Endowment Association and occupied by the Innovation Park through a long-term ground lease agreement.

The site is currently an open grassed area adjacent to parking lots and existing university buildings.

In 2021, a similar building, the Bioscience and Biotechnology Business Center, Phase III, was built in this same general area of the Innovation Park. An environmental assessment was completed for this project that resulted in a finding of no significant environmental impact (U.S. Economic Development Administration Environmental Assessment, July 17, 2020, Project Number 05-79-06036)

- **Endangered Species and Critical Habitats**

The U.S, Fish and Wildlife Service was consulted regarding this project. Several endangered or threatened species exist in the area of this project, including:

Northern Long Eared Bat
Tricolored Bat
Monarch Butterfly
Mead's Milkweed
Western Prairie Fringed Orchid

However, since no critical habitats are found on the project site, no impact to these species is anticipated.

- **Wetlands, Flooding Potential and Resilience**

No wetlands have been observed on the project site. A review of the U.S. Fish and Wildlife Service National Wetlands Inventory did not identify any wetlands on or adjacent to the proposed site.

The site is located outside of any 100- and 500-year flood hazard areas (FEMA). Based on a review using the Federal Flood Standard Support Tool, the project site is also not within a Federal Flood Risk Management Standard floodplain.

The project is located approximately 1300 feet from the nearest flood hazard area to the west of the site. The new building elevation will be 45 feet above the elevation of this floodplain. Due to the horizontal distance from the flood plain and elevation difference, the project area is not considered to be susceptible to increased flooding that may result from climate change.

- **Stormwater**

Erosion control plans will be coordinated with the Kansas Historical Society and the Kansas Department of Wildlife and Parks. A Construction Activity Stormwater Notice of Intent application will be submitted to the Kansas Department of Health and Environment. A Stormwater Pollution Prevention Plan will be prepared for this project which will specify actions to be taken to control stormwater runoff from the construction site and post-construction stormwater management.

- **Building Staffing/Utilities**

Staffing and student populations are expected to increase due to the operation of the new building. Some staff and students will move from existing buildings to the new Kansas National Security Innovation Center, and some new jobs will be created over time.

Local roadways have capacity for a temporary increase in traffic during construction and for the ongoing increase in traffic expected for staff and students at the new building.

The following utility providers will be contacted to confirm that they have the capacity to supply the proposed project:

- Evergy - Electrical service,
- University of Kansas - Water service and fiber optic connections
- City of Lawrence - Sanitary sewer, and
- Black Hills Energy - Gas service,

- **Air Quality/Greenhouse Gas Emissions**

EPA Criteria Air Pollutants and Greenhouse Gas emissions are expected to increase due to the energy requirements of the new building. The air emissions produced by the new facility would result primarily from the added heating and cooling load required for the new building.

To mitigate the increased emissions resulting from the operation of the new building, the following energy conservation measures will be implemented:

- LED lighting will be implemented throughout the project
- Building performance energy modeling was conducted during design to optimize the building enclosure and make energy efficient system recommendations,
- High-performance air-cooled chillers are part of the mechanical design, resulting in a building 20% more efficient than the ASHRAE baseline.

- **Hazardous Materials**

During the operation of the new Kansas National Security Innovation Center, hazardous materials are planned to be used and hazardous waste generated. The University of Kansas has an existing Chemical Hygiene Plan and existing Hazardous Waste Disposal Procedures that will be followed to ensure that hazardous materials and hazardous wastes are handled properly.

- **Historic/Cultural Significance**

The State Historic Preservation Officer (SHPO) has confirmed that no properties listed or eligible for listing on the National Register of Historic Places will be affected by this project. (Attachment A).

This project was coordinated with the Tribal Historic Preservation Officer (THPO) of the Prairie Band Potawatomi Nation and Iowa Tribe of Kansas and Nebraska. No comments were received from the Prairie Band Potawatomi Nation. The Iowa Tribe of Kansas and Nebraska has concurred with NIST's finding that this project will have no impact to historic or cultural resources (attached). If any human remains or historic objects are uncovered during construction, work will stop in that area, and the SHPO and THPO will be notified.

- **Environmental Justice**

Due to nature of the project and the proposed site location on the University of Kansas Campus, this project is not expected to have disproportional adverse human health or environmental impacts to overburdened and underserved communities, including minority, Tribal, or low-income populations.

Effects of the Action

No significant adverse impacts on the environment are expected from this action.

Categorical Exclusion

The activities associated with this project fall within the criteria of the following Department of Commerce Categorical Exclusion (CATEX):

> A–2, New construction upon or improvement of land where all of the following conditions are met:
> (a) The site is in a developed area and/or a previously disturbed site,
> (b) The structure and proposed use are compatible with applicable Federal, Tribal, State, and local planning and zoning standards and consistent with Federally approved State coastal management programs,
> (c) The proposed use will not substantially increase the number of motor vehicles at the facility or in the area,
> (d) The site and scale of construction or improvement are consistent with those of existing, adjacent, or nearby buildings, and
> (e) The construction or improvement will not result in uses that exceed existing support infrastructure capacities (roads, sewer, water, parking, *etc.*). This CE does not apply where the project must be submitted to the National Capital Planning Commission (NCPC) for review and NCPC determines that it does not have an applicable Categorical Exclusion. DOC is not a major land managing agency in the Federal government. Department activities involving new construction or improvements of land typically involve single buildings and supporting infrastructure in a single locality. Any potential for environmental impacts would be of a small scale and confined to more localized impacts.

The proposed project meets the criteria of CATEX A-2 as follows:

(a) The proposed site has been disturbed during previous construction of university buildings.

(b) Located on the campus of University of Kansas, the project is compatible with applicable Federal, Tribal, State, and local planning and zoning standards.
(c) Increases in the number of motor vehicles at the facility or in the area are not expected to be significant.
(d) The scale and design of the proposed building is consistent with nearby buildings.
(e) The proposed new building will not will not result in uses that exceed existing infrastructure capacities. The project does not require review by the NCPC.

The proposed project: new Kansas National Security Innovation Center at the University of Kansas is categorically excluded from the need for further environmental review under NEPA. Any changes to the above project will require additional NEPA review.

JOSEPH BARGER Digitally signed by JOSEPH BARGER Date: 2025.04.04 08:55:03 -04'00'

Joe Barger
NIST NEPA Coordinator

4/3/2025
Date

ALEX FOLK Digitally signed by ALEX FOLK Date: 2025.04.11 10:25:43 -04'00'

Alex R. Folk
NIST Chief Facilities Management Officer

Date

Attachment A, Letters from the Historic Preservation Officers