




U.S. Department of the Interior  
Bureau of Land Management

# DOI NEPA Procedures

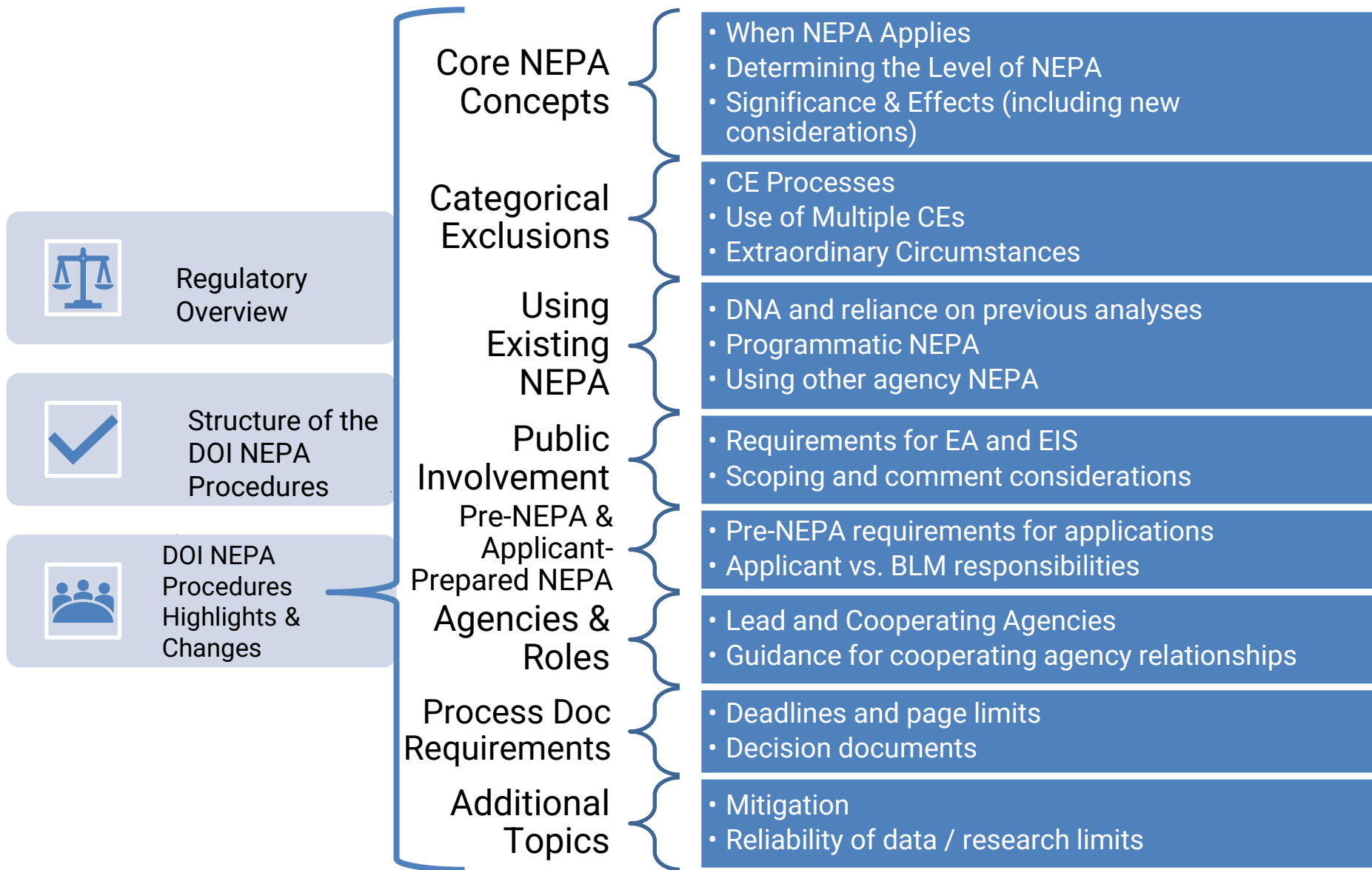
Major Areas of Change from Previous Regulations and Guidance

A scenic photograph of a mountain landscape. In the foreground, there are trees with vibrant yellow and orange autumn leaves. The middle ground shows a dense forest of evergreen trees. In the background, there are rugged, rocky mountains under a clear blue sky.

**National Environmental  
Policy Act (NEPA)**



# Outline





# Regulatory Overview

For almost 50 years the CEQ regulations were cited as the authority on how federal agencies were to implement NEPA.

Originally issued in 1978 and revised in 1986, 2020, 2022 and 2024.

On Feb 3, 2025, in *Iowa v. CEQ*, the court vacated the 2024 regulations and found that CEQ lacks the authority to issue binding regulations.

On January 8, 2026, CEQ issued a Final Rule rescinding CEQ's implementing NEPA regulations (including as they relate to agency NEPA procedures).

- E.O. 14154 directed agencies to revise their NEPA implementing procedures.
- Update considers FRA amendment to NEPA and *Seven County Infrastructure Coalition* decision.
- NEPA does not require Federal agencies to issue regulations implementing NEPA but instead directs agencies to “identify and develop methods and procedures,” in coordination with CEQ, with respect to their environmental analysis of their proposed actions.
- DOI rescinded most of its NEPA implementing regulations at 43 CFR Part 46, while retaining and making targeted updates to certain provisions.
- Other than these few provisions, DOI's procedures will henceforth be contained in the ***Department of the Interior Handbook: National Environmental Policy Act Implementing Procedures.***



# DOI NEPA Procedures Timeline

Iowa v. CEQ – Court vacated the 2024 regulations and found CEQ lacks the authority to issue binding regulations

**Feb 3, 2025**

Interim Final Rule (IFR) published with a 30-day public comment period

- Also published DOI Handbook of NEPA Implementing Procedures

**July 3, 2025**

DOI considered public comment and issued a Final Rule on February 24, 2026

- Also published a revised DOI Handbook of NEPA Implementing Procedures

**February 24, 2026**

**Feb 19, 2025**

CEQ issues IFR rescinding NEPA regulations and directed agencies to develop NEPA procedures

**January 8, 2026**

CEQ issued final rule rescinding NEPA regulations



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# STRUCTURE OF THE DOI NEPA PROCEDURES

Regulations and the Handbook



# DOI NEPA Regulations

Wording changes to be consistent with CEQ Emergency guidance

## Emergency Responses (43 CFR 46.150)

- to ensure that DOI can respond timely to any such event and to avoid any confusion regarding the continued validity of this already-established provision for action in emergency situations;

## Categorical Exclusions and Their Use (43 CFR 46.205, 46.210, 46.215)

- to avoid any instability in these vital procedures or uncertainty about the continued validity of its already-established categorical exclusions

## Applicant and Contractor Preparation of Environmental Documents (43 CFR 46.105, 46.107)

- to provide a durable framework for the use of such documents

## How to Designate Lead Agencies (46.220) and How to Select Cooperating Agencies (46.225)

- added back to the regulations (from the DOI Handbook) following public comment



# DOI Handbook: National Environmental Policy Act Implementing Procedures

- Referenced as 516 DM 1
- Consists of:
  - Handbook Parts 0 – 7
  - Appendix 1 – Implementation Guidance to Bureaus
  - Appendix 2 - Bureau Categorical Exclusions

*Appendix 1: Actions Normally Requiring an EA or EIS from the July 2025 version was removed in the final.*



# Department of the Interior Handbook of NEPA Implementing Procedures

- Part 0 – Purpose and Policy
- Part 1 – NEPA and Agency Planning
- Part 2 – Environmental Impact Statements
- Part 3 – Efficient Environmental Reviews
- Part 4 – Agency Decision-Making
- Part 5 – Procedures for Applicant-Prepared and Contractor-Prepared EISs and EAs and Other Environmental Documents
- Part 6 – Definitions
- Part 7 – Severability

- + Appendix 1 – Implementation Guidance to Bureaus
  1. Scoping and Public Involvement
  2. CE and Extraordinary Circumstances Review Protocol
  3. Using Existing NEPA
  4. Analytical Elements Common to EA and EISs
  5. Reasonably Foreseeable Effects of the Proposed Action and Action Alternatives
  6. Significance, Including Reaching FONSI
  7. Formal Aspects of Environmental Documents
  8. Documenting Decisions
  9. Applicant-Prepared and Contractor-Prepared EAs and EISs
  10. Cooperating Agencies
- + Appendix 2 – Bureau Categorical Exclusions



# DOI NEPA PROCEDURES HIGHLIGHTS

**How do the DOI NEPA procedures differ from past regulation and practice? AND**

**How do the final rule and handbook differ from the IFR and July 2025 versions?**



# Purpose of the Handbook – Sec. 0.1

- Sets forth the purpose of the Handbook to focus only on the **procedures governing NEPA compliance**
  - Final adds clarification that bureaus must continue to comply with the requirements of other applicable laws, regulations and policies.
  - Final clarifies that “environmental information” may also include “economic information” as appropriate

Handbook was revised to clarify which aspects of the handbook refer to law/regulatory requirements vs. policy requirements by using (**must/shall vs. should**)



# Determining the Appropriate Level of NEPA

## CE or Adopted CE

- Use an existing CE or adopted CE

## Adopt a new CE

- Consider whether to adopt another agency's CE (usually an HQ decision)

## Establish a new CE

- Consider whether a new CE or revision of an existing CE is warranted

## EA

- CE not available and if significant effects are unknown or not reasonably foreseeable

## EIS

- If significant effects are reasonably foreseeable

Clarification added to work with the Dept and follow procedures in regulations



# Significance

Final clarifies that consideration may also include **beneficial effects** as they relate to offsetting adverse effects to that specific resource value

## Potentially Affected Environment

Only focus on adverse environmental effects

Consider connected actions

Scope of the affected area  
(national, regional or local)

Reasonably Foreseeable  
Trends and Planned actions in  
the affected area

Natural and cultural resources  
within that area

## Degree of Effects



(i) Both short- and long-term effects;



(ii) Both beneficial and adverse effects;



(iii) Effects on public health and safety;



(iv) Economic effects; and



(v) Other Effects on the quality of life of  
the American people



# New considerations for Significance

## Economic effects

- Consider the degree to which the action, including any changes to the natural and physical environment, would affect economic activity
- Jobs, income, spending and output, property values etc.
- Economic effects by themselves generally do not require preparation of an EIS
- Consider effects on the local economy and not only those to the State or national economy.

## Effects on the quality of life of the American people

- Access to products
- Visitor experience
- Public services
- Way of life and culture for Native Americans
- Passive use of ecosystems
- Education and knowledge
- These effects should be evaluated at the local level (county or municipality) and, if applicable, separately at the State or national level.



# Effects Definition

- “reasonably foreseeable and have a reasonably close causal relationship”
  - A “but for” causal relationship is not sufficient to make an agency responsible for a particular effect.
- Identify a reasonable and manageable line when considering effects:
  - Remote in time
  - Geographically remote
  - Product of a lengthy causal chain
  - Agency has no ability to prevent due to limits of regulatory authority
- The guidance on scoping has been expanded to list specific types of environmental effects that should be considered, including “ecological, aesthetic, historic, cultural, economic, social, local custom and cultural, and health effects.”



# EIS Analysis Highlights



“reasonably foreseeable environmental effects” with a focus on adverse effects that cannot be avoided



Relationship between short-term uses of the human environment and maintenance and enhancement of long-term productivity



Irreversible and irretrievable commitments of Federal resources



Mitigation measures (must be analyzed in NEPA, but are not authorized by NEPA)

## • Scope of Analysis

- Supreme Court *Seven County* language inserted
- Document how BLM drew a “reasonable and manageable line” for impacts that occur outside the geographic territory of the project or might materialize later in time
- Not required to analyze the environmental effects of projects separate in time or place of proposed action or outside BLM authority or initiated by a third party.
- May choose to analyze them but should explain the “reasonable and manageable line”

## • Proportionate Analysis

- Discuss effects in proportion to their significance
- Dismiss non-significant issues with brief discussion



# Categorical Exclusions

Process for establishing\*,  
revising/removing\*, adopting,  
documenting, and applying\* CEs

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Adopting another agency's CE requires coordination with HQ and DOI and **publication of a Federal Register Notice** but does not require examination of the originating agency's substantiation.

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Relying on another agency's CE determination where actions are "substantially the same" – does not require HQ or DOI coordination or reviewing DOI extraordinary circumstances and allows joint determination

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Allows application of multiple CEs in combination to cover a proposed action **composed of multiple action elements** – documentation required.

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All bureaus can use any DOI bureau CE – administratively established or adopted (not legislative)

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Use of Departmental CEs don't need to be documented **with the exception of the hazardous fuels and post-fire rehab CEs – Final Rule added these back to DOI regulations and included the limitation for the hazardous fuels CE in the Ninth circuit**

\*In the regulations as opposed to the handbook



# Relying on Multiple Categorical Exclusions (CE) for a Proposed Action

- Proposed action consisting of multiple action elements or composite of smaller actions can be covered by a combination of CEs.
  - Must cover all the action elements of the larger proposal (can't use a CE to cover part of an action where other aspects would require an EA a.k.a., piecemealing)
  - Broader action does not have reasonably foreseeable significant effects
- Must review extraordinary circumstances for the action as a whole



# DOI Extraordinary Circumstances

## Removes three ECs

- *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources*
- *Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.*
- *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*

- All references to E.O.s were removed from the ECs
- Modification to (f) – which referred to “individually insignificant but cumulatively significant,” changed to “implicate potentially significant environmental effects”
- Added “significantly” to the last two ECs on Indian sacred site access and noxious weeds



# Using/Relying on Existing NEPA

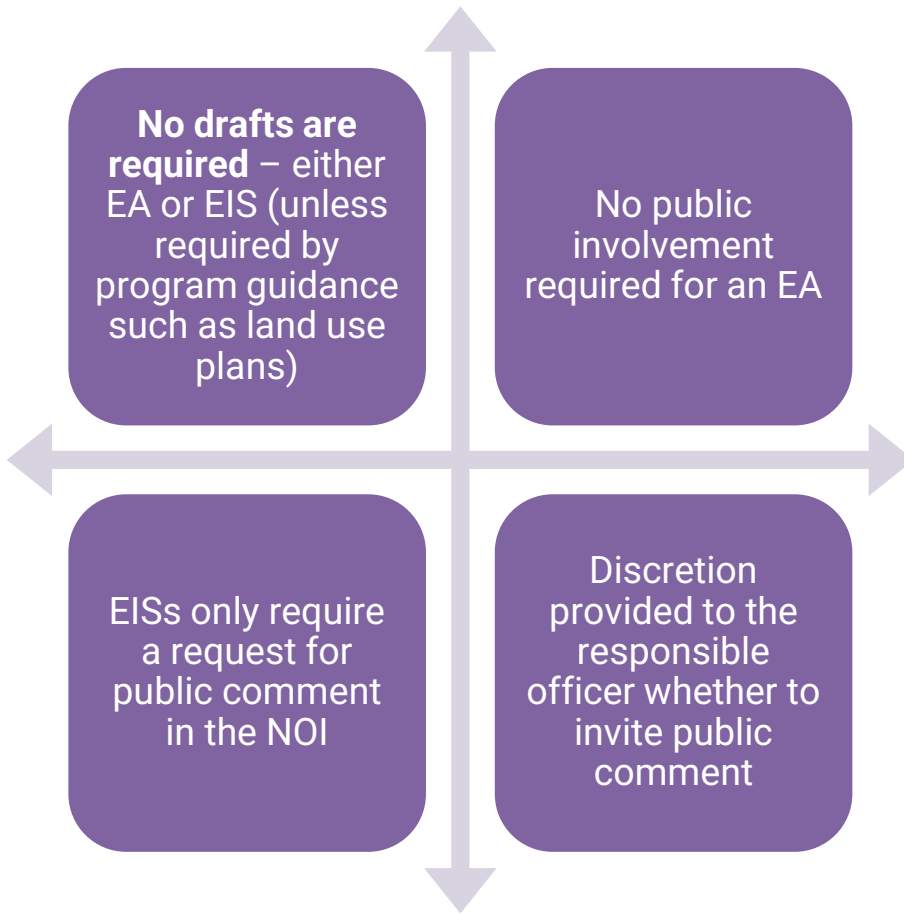
**Determination of NEPA Adequacy**, memo to file or other writing used to document that a proposed action is adequately analyzed in an existing EA or EIS



**Should** evaluate analysis to ensure analysis and assumptions **to be relied upon** remain valid, considering whether any new and substantial information or circumstances not previously analyzed may result in substantially different environmental effects.



# Public Involvement



## Must request comment on EISs from:

- Federal agencies with jurisdiction by law or special expertise or who is authorized to develop and enforce environmental standards governing the proposed action
- Appropriate State, Tribal and local agencies that are authorized to develop and enforce environmental standards
- State, Tribal or local governments affected by the proposed action
- Any agency that has requested it receive statements on actions of the kind proposed
- Applicant



# Public Involvement

- Appendix 1 includes guidance on scoping and public involvement:
  - Introduction to scoping
  - Mechanics of scoping
  - Public involvement requirements for each level of NEPA
  - Considerations concerning discretionary public involvement
    - Public Interest:** From the number of potentially substantive issues raised in scoping for the proposed action, is engagement with the public likely to provide new insights or information the bureau lacks?
    - Complexity:** Is the proposed action so complex that public discussion is likely to generate significant substantive stakeholder information the bureau lacks?
    - Process Efficiency:** Would public input improve the overall efficiency of the process, perhaps by providing information the bureau lacks?



# Public Involvement

## EA

- Not required
- Discretionary
- *"A Responsible Official may determine that the proposed action to be evaluated in an EA is of sufficient public interest or that the bureau would benefit from receiving information from the public such that the bureau elects to involve the public in the preparation of an EA. In general, public involvement may include virtual or in-person meetings or may be limited to electronic submission of comments. Public comment periods, if offered, should generally not be fewer than 15 days or more than 30 days."*

## EIS

- Required to solicit public comment in the NOI
- Discretion to invite further public involvement
- *"Therefore, the Responsible Official has discretion to determine whether any further public involvement would be helpful, and the parameters of that involvement within the two-year EIS timeframe. When soliciting public comment, bureaus should provide 30 days for public comment periods for an EIS, to the extent practicable."*



# Draft EIS – Not required

- NOI is the only required comment period for the public
- During the EIS process you **will** request comments of specific parties (relevant Federal, State, Tribal and local agencies/ affected governments, agencies that have requested it receive specific types of EISs, and the applicant) and **may** request comments from the public.
  - Clarifies that while public scoping may include tribal consultation, they are not the same; formal tribal consultation is required if a proposed action affects Federally recognized tribal members, assets, or resources
- **However, publication of a Draft EIS for comment is not required (unless another regulation requires it, such as RMPs and RMP Amendments)**
- Request for public comment can happen at any time and the Handbook Appendix recommends the comment period be no more than 30 days – should not cause bureau to violate deadlines.
  - *During the process of preparing any environmental document provided for by these procedures, a bureau may publish such draft, pre-decisional materials as in the bureau's judgment may assist in fulfilling its responsibilities under NEPA and these procedures. **Sec 3.3***
- Drafts, if published, should be filed with EPA



# Pre-NEPA Requirements



Applies to “acceptance for review” of an application or proposal submitted for consideration that would result in BLM proposing an action requiring compliance with NEPA *(note the focus on an external proposal becoming a BLM proposed action)*



Requires engagement with the applicant prior to initiating NEPA process to provide written documentation outlining the bureau’s expectations regarding roles, responsibilities, the project schedule, coordination, deliverables (including draft and final documents), and supervision



Should occur within 30 days of the date bureau initiates preparation of the NEPA compliance document\*



# Applicant Prepared NEPA

- Covers both applicant or applicant-directed contractor preparation of an EA or EIS.
  - Different from a BLM-directed contractor (even one who is funded by an applicant referred to as “third-party contracting”)
  - The applicant and applicant-directed contractor are still under “bureau supervision”
- BLM may request additional information, revise analysis methodologies or choose not use a NEPA document submitted by an applicant



# Lead and Cooperating Agencies

- Final Rule returns these topics to the regulations from the July 2025 Handbook
- Substantially the same as what was in the July 2025 Handbook
- Changed “eligible government entity” to “agency” to be consistent with NEPA and CEQ guidance
- Corrected “must” to “may” in the provision regarding inviting cooperating agencies when preparing an EA.
- Clarified that MOUs (or similar agreements) include a commitment to keep draft documents confidential, but that FOIA and other laws (such as state “sunshine laws”) may limit that commitment
- Requires obtaining comments from cooperating agencies, **as appropriate to their role**, before completing an EIS with recommended 30 days for review.



# Cooperating Agencies

New Section in  
Implementation Guidance  
Appendix

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Highlights unique relationship with cooperating agencies as working partnerships.

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Identifies the benefits of cooperating agency relationships

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Provides guidance on approaching a coordination with cooperating agencies

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Clarifies that cooperating agencies are generally exempt from FACA

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Lead agencies are expected to use analyses and proposals from cooperators to the max extent possible consistent with its responsibility

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Cooperating agencies are expected to contribute staff time and develop/review analyses with their own funds.

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Outlines possible roles for cooperating agencies



# Deadlines and Page Limits

- Statutory requirements outlined
- **Schedules should be developed “working with lead and cooperating agencies and the project applicant, if any”**
- Page is defined more specifically and would now include maps and tables
- Coordination with SOL prior to requesting schedule extensions
- Certification required in EA and EIS for both page and time limits
- **Section 112 Amendment to NEPA - Added in reference to timelines associated with allowing an applicant to pay 125% of costs to expedite NEPA**

*EA or EIS will be “formatted for an 8.5”x11” page with one-inch margins in an electronic or paper format with 12-point proportionally spaced font, single spaced. Footnotes may be in 10-point font. Such size restrictions do not apply to explanatory maps, diagrams, graphs, tables, and other means of graphically displaying quantitative or geospatial information, although pages containing such material do count towards the page limit. When an item of graphical material is larger than 8.5”x11”, each such item will count as one page. Pages do not include citations or appendices.”*



# EA Requirements

Revised from focus on  
“whether environmental  
effects . . . are significant”

“concise” - Focus on effects *“that may be significant”*

## Elements

- Purpose and need
- Proposed Action and Alternatives
- Reasonably Foreseeable effects of the proposed action and action alternatives

75-page limit

1 year deadline

- Start date = determination an EA is needed, notification to an applicant for a ROW that the application is complete or an NOI
- End date = publication of the EA or revised EA if issued for public review



# EIS Components

No longer required:

- Cover sheet
- Consultation and coordination
- List of Preparers



Notice of Intent

Request for public comment - may be the only source of public involvement



Purpose and Need



Reasonable range of alternatives that are technically and economically feasible and within the BLM's legal authority to implement



Analysis

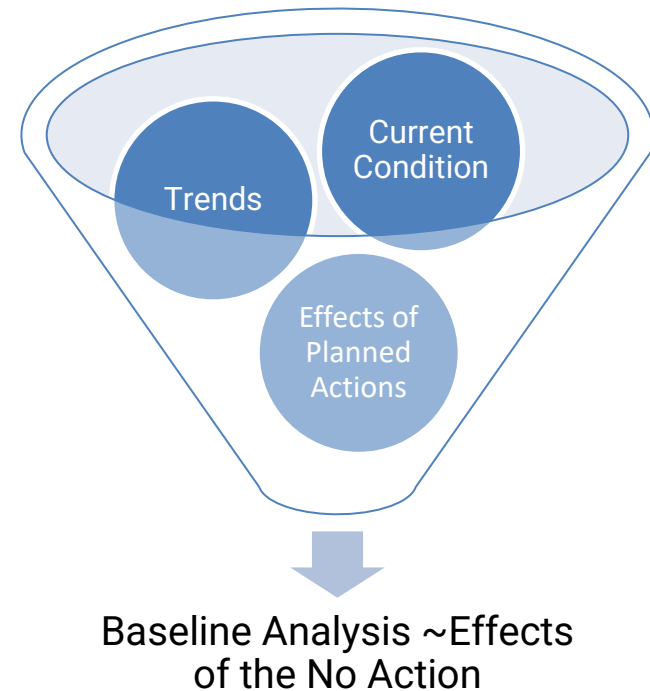


Certifications for page (150 or 300) and time limits (2 years)



# Analytical Elements – Appendix 1 Guidance

- “No Action Alternative” – not required for EAs or EISs as a separate alternative; however, analyses must compare the effects of the proposed action to the future without the federal action
  - A separate “no action alternative” may be considered as part of the NEPA analysis when doing so would set a useful reference against which the effects of the proposed action (and any action alternatives) would be measured





## Analytical Elements – Appendix 1 Guidance

- Identification, Description, and Comparison of Alternatives
  - NEPA **does not required a preferred alternative** but may be helpful where there is a broad range
  - Does not require addressing **alternatives eliminated from detailed study** in the EA; however, bureau should explain the reasons eliminated –especially for alternatives recommended by external sources (appendix suggested)
    - EIS may describe the reasons for dismissal in brief
  - The **analysis of the effects** should focus on those resources that may be **affected in a significant way** by implementation of the proposed action. The bureau should present **both potential beneficial and adverse effects**.



# Decision Documents

EIS

Record of  
Decision

EA with FONSI

Decision Record

Other appropriate  
decision  
document

Documented CE

Decision Record

Other appropriate  
decision  
document

DNA or similar  
documentation

Decision Record

Other appropriate  
decision  
document

- DOI Handbook clarifies that a decision should be documented for a *documented CE*, *DNA or similar NEPA compliance documentation* but that the bureau has discretion whether to publish that decision. Clarifies that bureaus should publish decisions supported by an EA or EIS



# Mitigation

- **NEPA does not require or authorize mitigation**
  - Authority to require or implement mitigation must rely on other laws.
  - NEPA does require consideration of mitigation.
- Applications should include any mitigation required to make the application conform with applicable legal requirements and any voluntary commitments.
- Definition still includes all 5 levels of mitigation (*avoid, minimize, rectify, reduce or eliminate, compensate*).
- FONSI should include authority for mitigation and applicable monitoring and enforcement provisions – specifically identify those mitigation measures applied to avoid significant impacts.
- Design feature definition added to 2026 Handbook - (sometimes called *design elements*) means specific means, measures, or practices incorporated into the proposed action or action alternatives. Mitigation measures included in the proposed action or any action alternative and evaluated through the NEPA process are design features.



# Other Notables

## Unique Identification Number

- DOI still in discussions with CEQ on this, would apply to all levels of NEPA compliance

## Use reliable data sources

- Do not undertake new research unless essential to evaluating alternatives or determining significance



# BLM NEPA PROGRAM NEXT STEPS

What happens to our guidance? What will BLM NEPA provide?




# BLM NEPA Handbook and IMs

No formal guidance from DOI yet; however, the following are likely:

- Rescind BLM NEPA Handbook
  - Perhaps relocation of guidance on Energy Policy Act section 390 CEs to fluid minerals program guidance
- Additional S.O. or guidance from the Office of Environmental Policy and Compliance (OEPC) (i.e., Environmental Statement Memoranda (ESM))
- Revise 516 DM Chapter 11 – very narrowed content



# Questions?

A scenic landscape photograph showing a valley with a dense forest of evergreen trees. In the background, there are rugged mountains with some snow patches. The foreground is filled with vibrant yellow autumn leaves, likely from aspen trees, framing the scene.

**National Environmental  
Policy Act (NEPA)**