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

DOI NEPA Procedures

Major Areas of Change from Previous Regulations and Guidance

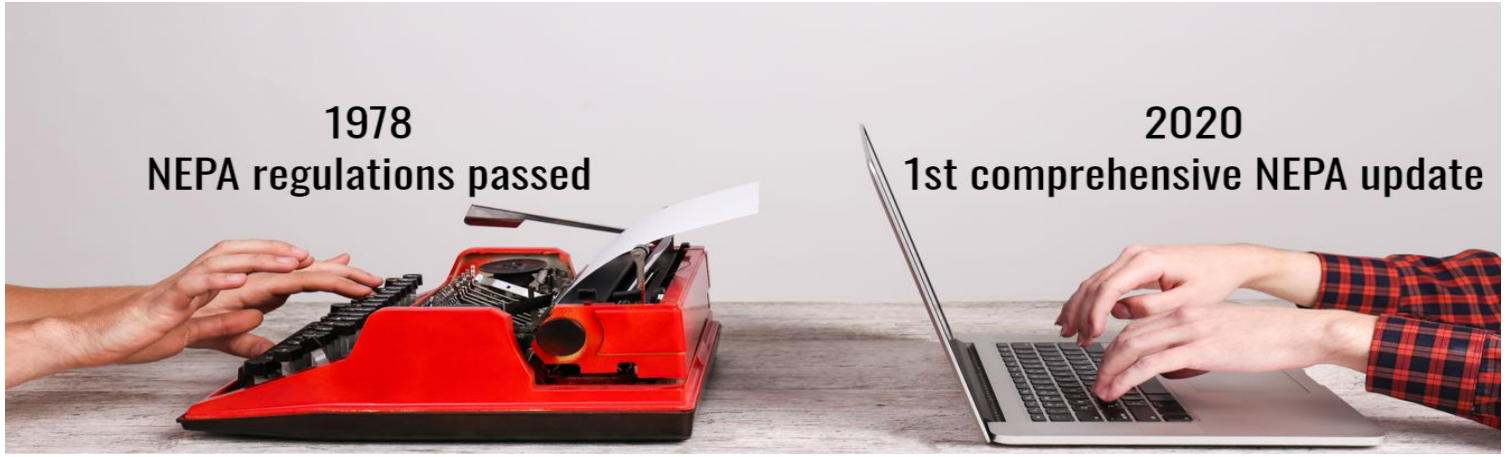


Outline

- Regulatory Overview
- Structure of the DOI NEPA Procedures
- DOI NEPA Procedures Highlights & Changes

Core NEPA Concepts	• When NEPA Applies • Determining the Level of NEPA • Significance & Effects (including new considerations)
Categorical Exclusions	• CE Processes • Use of Multiple CEs • Extraordinary Circumstances
Using Existing NEPA	• DNA and reliance on previous analyses • Programmatic NEPA • Using other agency NEPA
Public Involvement	• Requirements for EA and EIS • Scoping and comment considerations
Pre-NEPA & Applicant-Prepared NEPA	• Pre-NEPA requirements for applications • Applicant vs. BLM responsibilities
Agencies & Roles	• Lead and Cooperating Agencies • Guidance for cooperating agency relationships
Process Doc Requirements	• Deadlines and page limits • Decision documents
Additional Topics	• Mitigation • Reliability of data / research limits

Overview of Updates to NEPA and NEPA Implementing Regulations



January 1, 1970
NEPA signed into law

1978
1st NEPA Implementing Regulations took effect

July 15, 2020
CEQ updates NEPA Regulations

June 3, 2023
Fiscal Responsibility Act enacted statutory amendments to NEPA

Early 2025
CEQ rescinded its NEPA implementing regulations

July 2025-April 2026
Federal agencies issued interim final rules & final rules to update agency NEPA procedures

NEPA, as amended (42 USC 4321)

DOI NEPA Implementing Procedures (43 CFR 46)

Regulatory Overview

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

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 (*Unleashing American Energy*) issued in 2025 directed agencies to revise their NEPA implementing procedures.
- DOI rescinded most of its NEPA implementing regulations at 43 CFR Part 46, while retaining and making targeted updates to certain provisions.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 of National Environmental Policy Act Implementing Procedures***.

DOI NEPA Procedures Timeline

Feb 3, 2025

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

Feb 19, 2025

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

July 3, 2025

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

- Also published DOI Handbook of NEPA Implementing Procedures

January 8, 2026

CEQ issued final rule rescinding NEPA regulations

February 24, 2026

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

- Also published a revised DOI Handbook of NEPA Implementing Procedures

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

https://www.doi.gov/oepc/national-environmental-policy-act-nepa

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

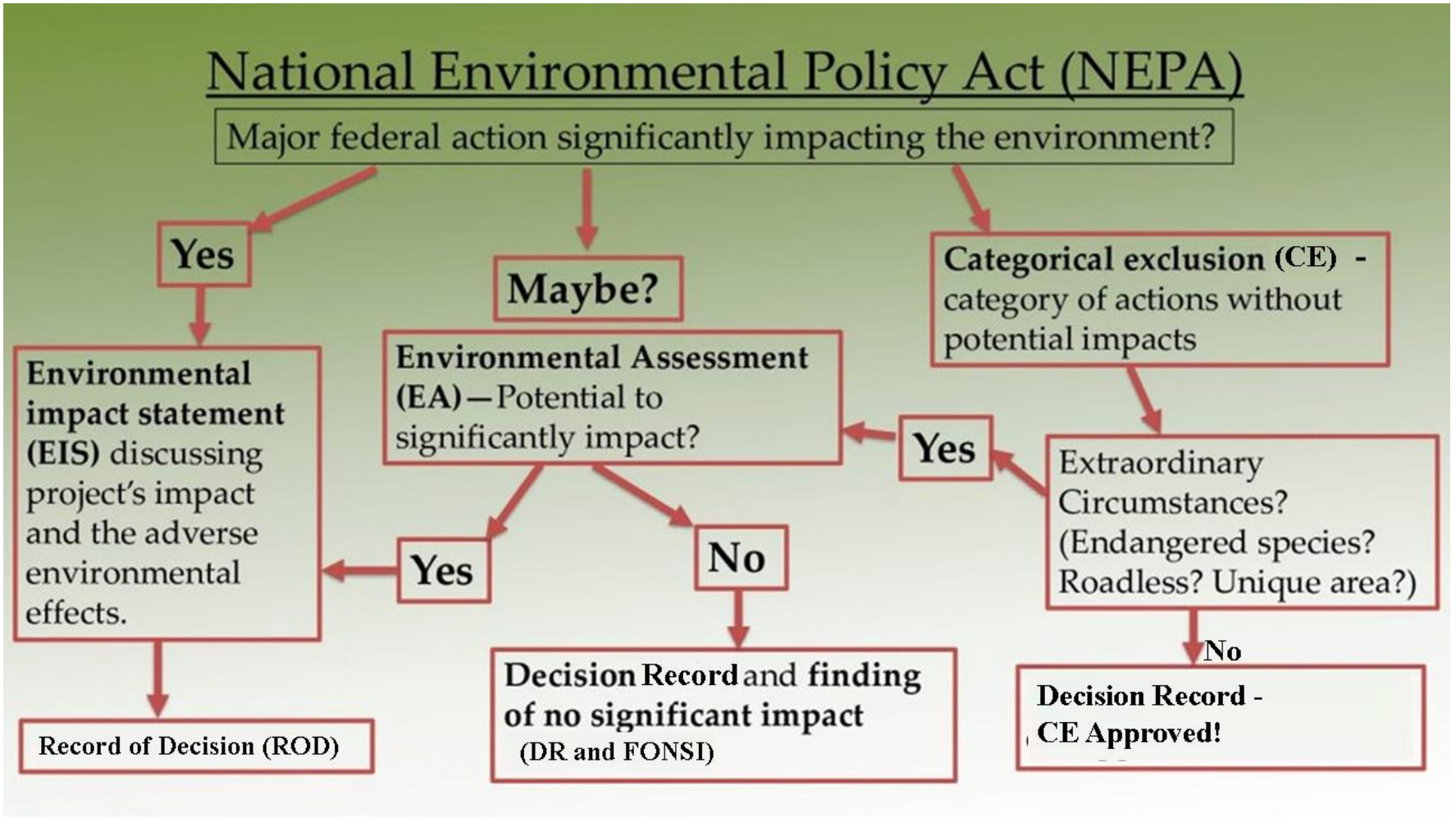
- CE not available and if significant effects are unknown or not reasonably foreseeable

EIS

- If significant effects are reasonably foreseeable

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

Categorical Exclusions



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.

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

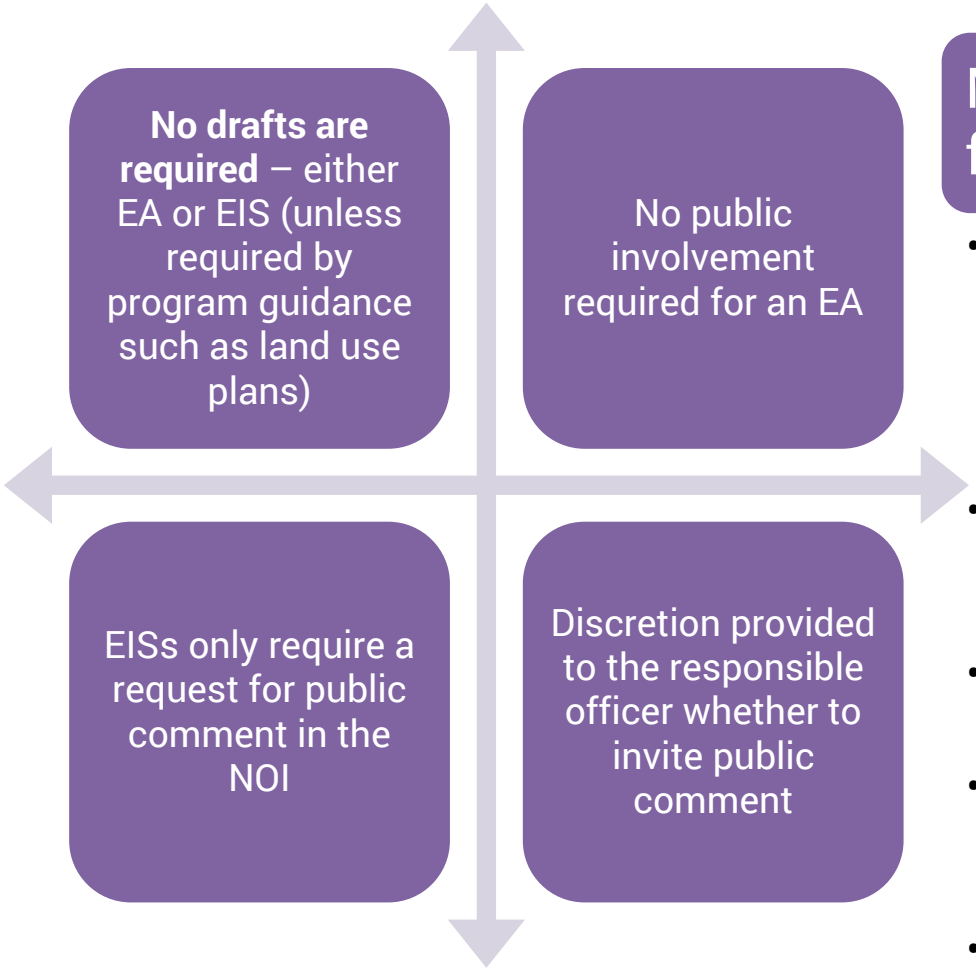
Economic effects

- 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.

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 <u>not</u> 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

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

Highlights unique relationship with cooperating agencies as working partnerships.

Identifies the benefits of cooperating agency relationships

Provides guidance on approaching a coordination with cooperating agencies

Clarifies that cooperating agencies are generally exempt from FACA

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

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

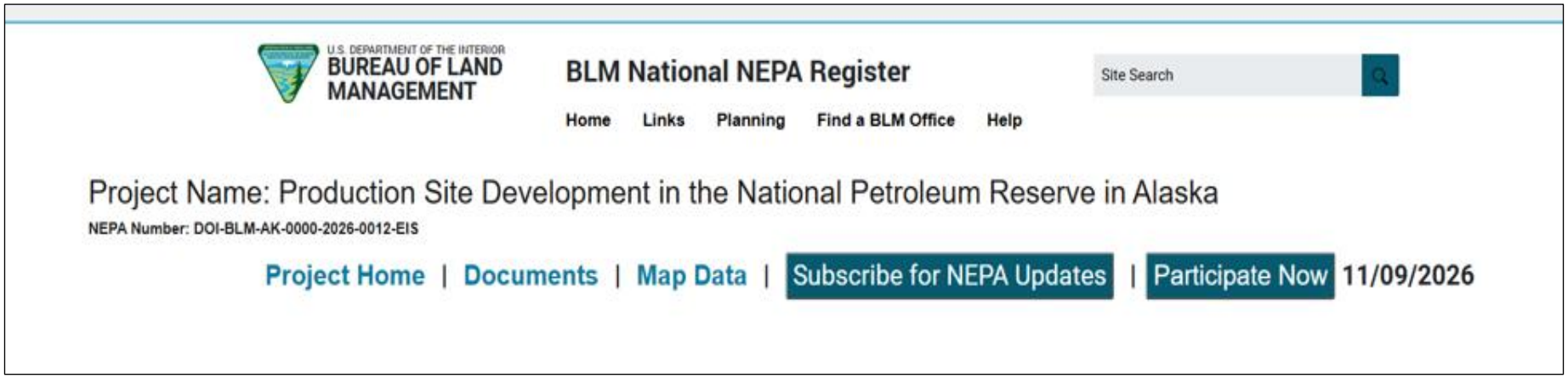
Outlines possible roles for cooperating agencies

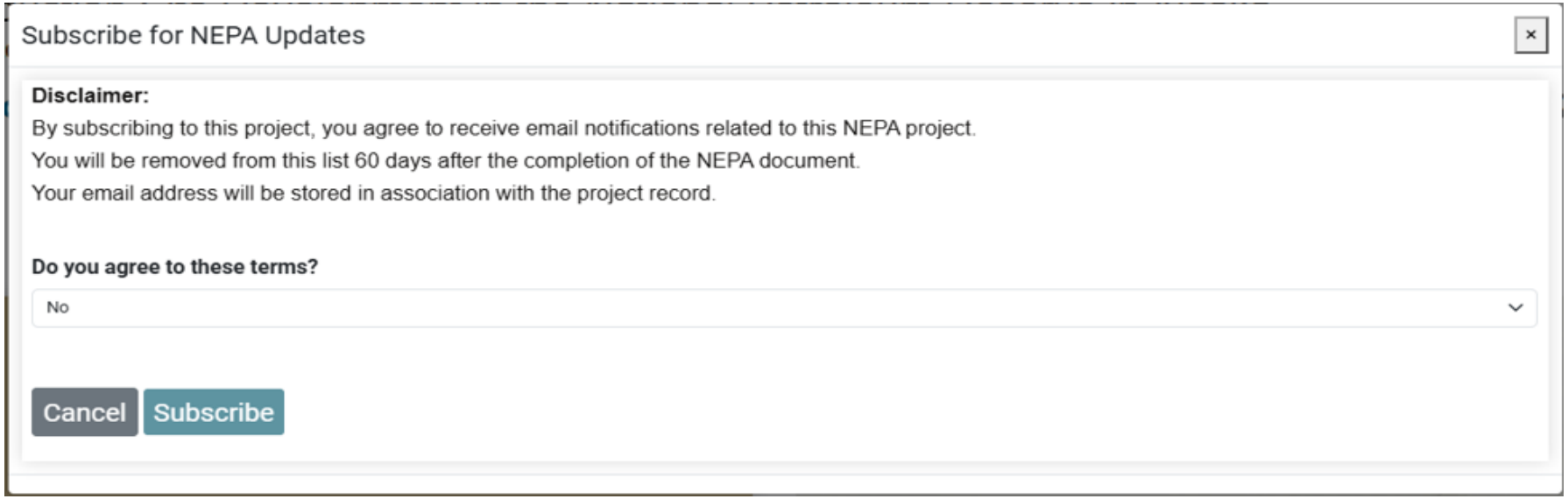
Mitigation

- **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 (over time), and 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.

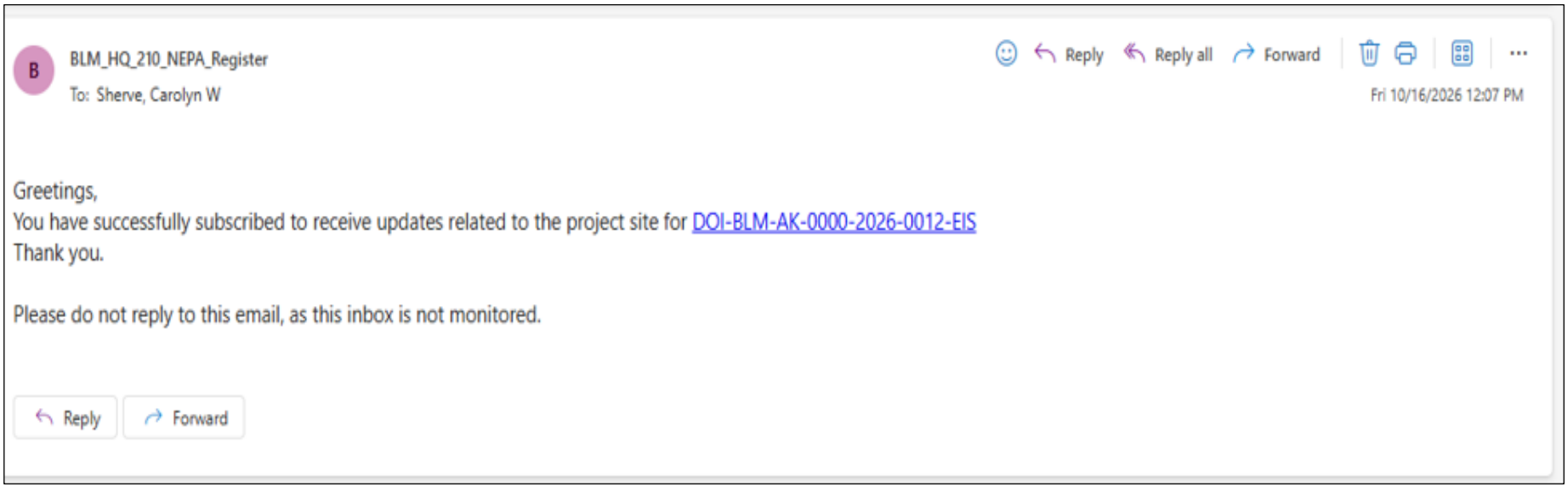
NATIONAL NEPA REGISTER UPDATES

Public Notifications





Public Notifications



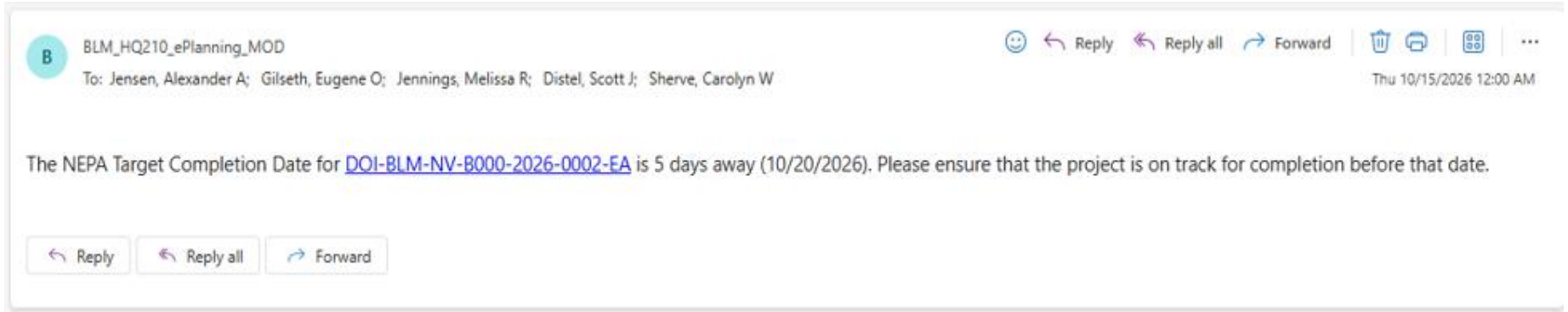
B BLM_HQ_210_NEPA_Register
To: Sherve, Carolyn W

Reply | Reply all | Forward
Fri 10/16/2026 12:07 PM

Greetings,
You have successfully subscribed to receive updates related to the project site for DOI-BLM-AK-0000-2026-0012-EIS
Thank you.

Please do not reply to this email, as this inbox is not monitored.

Reply | Forward



B BLM_HQ210_ePlanning_MOD
To: Jensen, Alexander A; Gilseth, Eugene O; Jennings, Melissa R; Distel, Scott J; Sherve, Carolyn W

Reply | Reply all | Forward
Thu 10/15/2026 12:00 AM

The NEPA Target Completion Date for DOI-BLM-NV-B000-2026-0002-EA is 5 days away (10/20/2026). Please ensure that the project is on track for completion before that date.

Reply | Reply all | Forward

NEPA Decisions

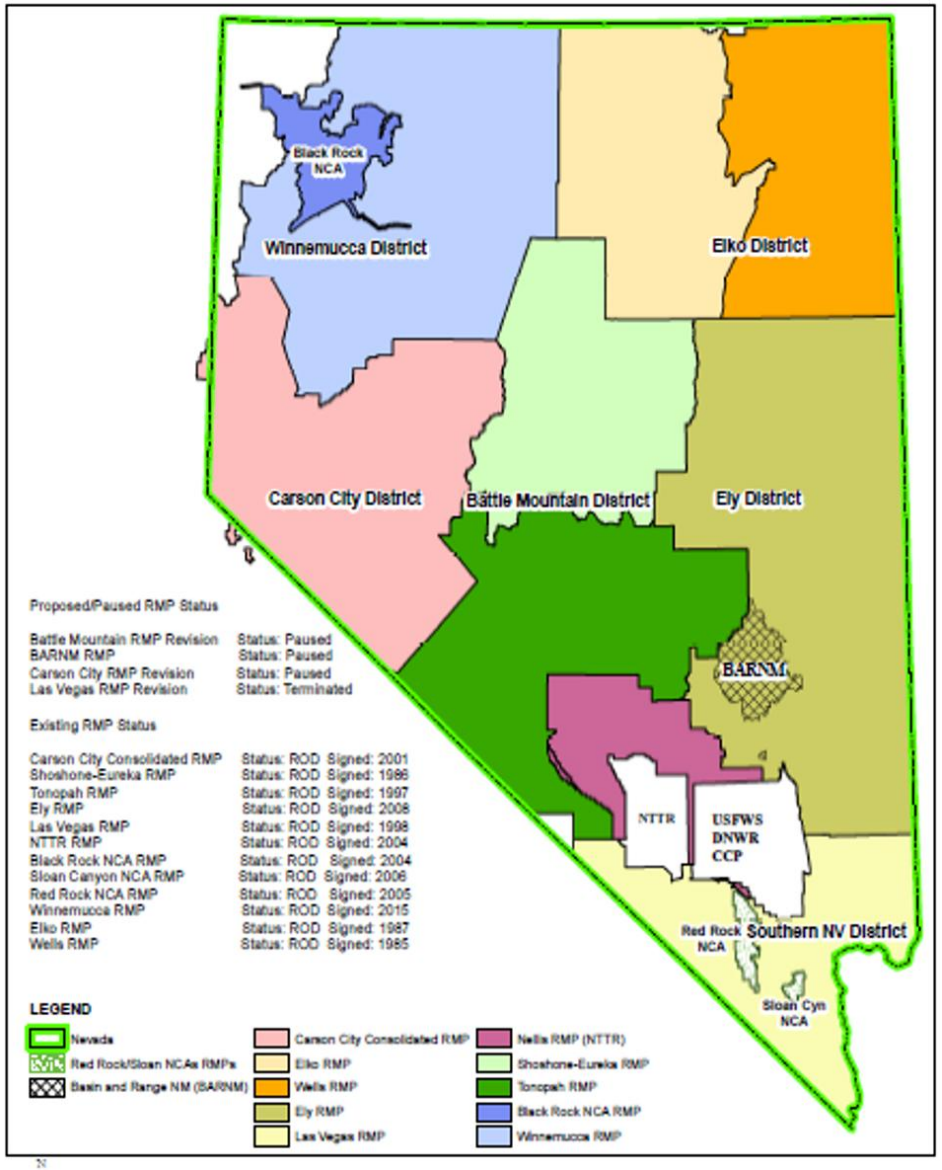
Decisions Posted in Last 30 Days

Project Name	State	Program	Sub-status	Decision Posted
Temporary Closure for the North Complex Herd Management Area Wild Horse Gather	NV	Wild Horses and Burros	Decision and Appeal Period	10/16/2026
American Gilsonite Powerline Upgrade Project	UT	Lands and Realty	Decision and Appeal Period	10/15/2026
Getty 5 Fed Com 746H Line Easement 2937303	NM	Fluid Minerals (Oil & Gas, Tar Sands, Oil Shale)	Decision and Appeal Period	10/15/2026
Rattlesnake 28 Fed Com 704H Access Road 2934636	NM	Fluid Minerals (Oil & Gas, Tar Sands, Oil Shale)	Decision and Appeal Period	10/15/2026
Celilo-Sylmar Transmission Line Invasive Plant Treatments	CA	Vegetation	Decision and Appeal Period	10/15/2026
Freya to Kinetic Gas Pipeline	NM	Lands and Realty	Decision and Appeal Period	10/15/2026
Stallion CS Fuel Line	NM	Lands and Realty	Decision and Appeal Period	10/15/2026
Avant Remington Well Connect	NM	Lands and Realty	Decision and Appeal Period	10/15/2026
Remington Pipeline	NM	Lands and Realty	Decision and Appeal Period	10/15/2026
Coriander 1-12 Federal Com 123H and 300H	NM	Fluid Minerals (Oil & Gas, Tar Sands, Oil Shale)	Decision and Appeal Period	10/15/2026
Hillstone Booster OHE	NM	Lands and Realty	Decision and Appeal Period	10/15/2026
RAMM Corporation Direct Land Sale for ABC Millsite Trespass	NV	Lands and Realty	Decision and Appeal Period	10/15/2026
BEU Robin 18-24 Overhead Electric Reroute 2924064	NM	Fluid Minerals (Oil & Gas, Tar Sands, Oil Shale)	Decision and Appeal Period	10/15/2026
CDFW Repair/Replace eight (8) existing big game guzzlers	CA	Fish and Wildlife	Decision and Appeal Period	10/14/2026
Dammeron Valley WUI Hazardous Fuels Removal	UT	Wildland Fire Management	Decision and Appeal Period	10/14/2026
Cosgriff Brothers T41R74S28NWNE Oil and Gas Project	WY	Fluid Minerals (Oil & Gas, Tar Sands, Oil Shale)	Decision and Appeal Period	10/14/2026
Van Horn Road ROW/Assignment	CO	Lands and Realty	Decision and Appeal Period	10/14/2026

BLM National NEPA Register: https://eplanning.blm.gov

Status of Statewide RMP

- **Baselines Completed**
  - Statewide LWC inventory
  - Visual Resource Inventory
  - Wild and Scenic River inventory
  - Wind/Solar RFD
  - Analysis of the Management Situation (AMS)
  - Economic baselines
  - Geothermal RFD
- **In Progress**
  - Class I Cultural Resources Overview and Ethnographic Digitization
  - Outcomes Focused Management Surveys (Recreation)
- **Baselines Needed**
  - Cave & Karst inventory/evaluation
  - Paleontological Overview and PFYC update
  - National Historic Trail IAM
  - Mineral Potential Report
  - Oil and Gas RFD



Questions?

