

**Informational Memo to Bureau of Reclamation Staff
on National Environmental Policy Act (NEPA)
2026 NEPA Streamlining via new DOI Handbook**

FRAMEWORK:

The following is intended as an updated framework for implementation of NEPA and is for use when reviewing projects and otherwise collaborating with partners related to ongoing activities, planning, design, and construction. Reclamation is committed to partnering more effectively and collaboratively with its partner entities responsible for water delivery infrastructure within each community, and this document shall serve as a framework for how to accomplish this mission without increasing risk to communities.

ISSUE:

Reclamation stakeholders have engaged with Reclamation to improve timeliness and reduce costs associated with NEPA compliance with the goal of reducing project cost and completing compliance in a timely manner, while meeting the spirit and intent of NEPA and complying with applicable law. This initiative is focused on specific NEPA compliance areas such as categorical exclusions, public involvement, contractor handling of projects, scope, and use of pre-existing documentation. This initiative is driven by the Department of the Interior's (Department's) revised NEPA implementing regulations (issued in July 2025 and finalized in February 2026) and new NEPA Handbook (issued in July 2025, revised in February 2026, and incorporated into the Departmental Manual at 516 DM 1) and related appendices which provide opportunities to achieve NEPA timeliness and cost reduction objectives.

ACTIONS:

As outlined in Secretarial Order No. 3446, Sec. 5.c, staff shall broadly implement the required actions to maximize the Order's effect, through both stakeholder engagement and internal Bureau review, aiming to reduce and avoid unnecessary costs for partner entities and apply streamlined processes in all areas, particularly Environmental compliance. The following steps should be implemented and incorporated into the standard NEPA process.

Maximize use of Categorical Exclusions (CE):

- Staff will utilize CEs administratively established or adopted by any DOI bureau (43 CFR 46.205(g), Handbook Appendix § 1, Topic 2 – Categorical Exclusions (CE) and Extraordinary Circumstances Review Protocol) as applicable.
- CE stacking (43 CFR 46.205(f), Handbook Appendix § 1, Topic 2 – Categorical Exclusions (CE) and Extraordinary Circumstances Review Protocol) will be utilized when possible and as needed to apply multiple categorical exclusions to cover a single proposed action and support Reclamation's determination that the effects of the proposed action, with all its elements, are not reasonably foreseeable to be significant (43 CFR

46.205(f), Handbook Appendix § 1, Topic 2 – Categorical Exclusions (CE) and Extraordinary Circumstances Review Protocol).

Maximize use of Public Involvement Flexibilities:

- No requirement to issue draft EAs and EISs for public comment periods. Public comment periods, beyond those required when Reclamation publishes a Notice of Intent to prepare an EIS, are discretionary and only should be used in limited cases or with support of the applicant (Handbook § 1.8 Notices of intent and scoping, § 2.1 Preparation of environmental impact statements (b)(ii), Handbook Appendix § 1, Topic 1 – Scoping and Public Involvement).

Expanded use of applicant-prepared/directed NEPA:

- Reclamation will take advantage of updated procedures and requirements for applicant and applicant-directed contractor preparation of NEPA documents including required certifications and disclosures (43 CFR 46.107, Handbook Appendix § 1, Topic 9 – Applicant-Prepared and Contractor-Prepared EAs and EISs).
- Before initiating NEPA, Bureaus must issue written documentation, in collaboration with Applicants, describing the project scope, underlying substantive law defining federal actions, purpose and need, NEPA document type and approach, roles, responsibilities, schedules, deliverables, and oversight expectations. Any material changes to the written document will be documented in collaboration with Applicants and confirmed in an updated document. Such descriptions shall be reflected in the NEPA documents. Applicants or their contractors must certify completeness and integrity of submissions, ensuring they meet federal quality standards and support informed decision-making. Reclamation remains responsible for the accuracy, scope, and content of the NEPA documents (43 CFR 46.107(c), Handbook Appendix § 1, Topic 9 – Applicant-Prepared and Contractor-Prepared EAs and EISs).

Focused/narrow NEPA alternatives and effects analyses:

- Utilize the definitions in the Handbook of “effects or impacts” and “reasonably foreseeable” (Handbook § 6.1 (k) and (w)) and remove the outdated concepts and terminology of direct, indirect and cumulative impacts to focus and narrow the effects analysis required in NEPA documents.
- Reclamation is not required to consider effects that are separate in time or place from the project at hand, fall outside an agency’s regulatory authority, or are carried out by third parties. *Seven Counties Infrastructure Coalition vs. Eagle County, 2025* (Handbook Appendix § 1, Topic 5 – Reasonably Foreseeable Effects of the Proposed Action and Action Alternatives).
- Reclamation should apply the Handbook definition of reasonable alternatives (Handbook § 6.1 (w)) and only include alternatives in EAs and EISs that are technically and

economically feasible, meet the purpose and need for the proposed action, are within the jurisdiction of the bureau, and, where applicable, meet the goals of the applicant.

Use existing NEPA Reviews (Handbook Appendix § 1, Topic 3):

- Use existing NEPA documentation in its entirety. Not all new proposed actions will require a new environmental analysis. If the effects of a proposed action are already adequately analyzed in an existing environmental document, Reclamation will use a Determination of NEPA Adequacy (DNA) where applicable.
- Rely on other Agency EA or EIS. When Reclamation is a cooperating agency, it will rely on the other agency's EA/EIS without republishing if it determines that the EA/EIS adequately addressed the environmental impacts of Reclamation's proposed action. When Reclamation is not a cooperating agency, it will determine whether the proposed action in the EA/EIS and Reclamation's proposed action are substantially the same, and if so, it will rely on another agency's EA/EIS after republishing the document.

Partnership collaboration process requirements

- Reclamation staff will create and implement an open, honest, and transparent process to elevate NEPA related decisions made by area office managers to the Region at the request of the applicant to ensure timely and effective decision-making consistent with this initiative.
- Recommendations for increasing efficiency include wide use of Memoranda of Understanding with partners (project applicants) and increased clarity in documentation of NEPA decisions, together with the support for those decisions, in collaboration with partners and Region.

NEXT STEPS:

- Reclamation's Natural and Cultural Resources Division within the National Programs Office is planning an internal webinar to focus on updated implementation approaches during spring and summer 2026 for Reclamation Area Managers, NEPA staff and other related staff.
- A NEPA implementation meeting is planned with stakeholders in early 2026 to review and discuss typical and new scenarios where efficiencies in the NEPA handbook can be applied. Details are forthcoming.
- Reclamation will continue to collaborate with the stakeholder community to assure application of the current NEPA Handbook and updated approaches is occurring, not just within Reclamation, but also within the private sector – ensuring both sides of the partnership are on the same page.
- Reclamation will provide outreach/education for Applicants and Applicant Contractors to understand the streamlined approach and new tools available. Reclamation will develop a webpage summarizing this information and identify contacts for questions.

ADDITIONAL RESOURCES:

- DOI NEPA Handbook <https://www.doi.gov/oepec/national-environmental-policy-act-nepa>
- *Seven Counties Infrastructure Coalition vs. Eagle County, Decided May 2025.*
- Natural and Cultural Resources Division contacts Shane Hunt and Madeline Franklin.