



— BUREAU OF —
RECLAMATION

National Environmental Policy Act (NEPA) Implementation at Bureau of Reclamation

Discussion Draft – Subject to Change

DOI NEPA Procedures & Revised DOI NEPA Regs

- Revised DOI NEPA Implementing Regulations
 - Interim Final Rule effective 7/3/25; final rule effective February 2026
- New DOI Handbook of NEPA Implementing Procedures
 - Part of the Department Manual at 516 DM 1
 - 3 Appendices
 1. Actions normally requiring an EA/EIS for DOI bureaus
 2. Bureau Categorical Exclusions
 3. Implementation Guidance to Bureaus – 9 specific topics



Revised DOI NEPA Implementing Regs

Primary Topics include:

- Use of contractors and applicant prepared NEPA
 - Bureau-directed – 43 CFR 46.105
 - Applicant-prepared/directed – 43 CFR 46.107
- Emergency responses – 43 CFR 46.150
- Categorical Exclusions – 43 CFR 46.205-215
 - Establishment; adoption; applying multiple CEs for a single action; allowing use of other bureaus' administratively established or adopted CEs under NEPA Section 109; DOI Extraordinary Circumstances; DOI CE list



DOI NEPA Handbook

- U.S. Department of the Interior Handbook of National Environmental Policy Act Implementing Procedures
 - Formally 516 DM 1
 - Part 0: Purpose and Policy
 - Part 1: NEPA and Agency Planning
 - Part 2: Environmental Impact Statements
 - Part 3: Effective 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



DOI NEPA Handbook – cont.

Part 0: Purpose and Policy

Part 1: NEPA and Agency Planning

Determining if NEPA applies

What is not a “major Federal action”

Determining the appropriate level of NEPA review

Reasonably foreseeable effects

Consideration of degree of the effects

NEPA and decision making

Applicant Prepared/directed NEPA

Authority for mitigation

Discussion Draft – Subject to Change



DOI NEPA Handbook – cont.

Part 1: NEPA and Agency Planning – cont.

Categorical Exclusions

- Establishing/revising CEs

- NEPA Sec 109 adoption of CEs

- CE documentation requirements

EAs

- Scope, page limits, FONSI requirements

- Certification requirements – deadlines, page limits

- Deadline extension requirements

Other

- Lead/cooperating agencies, NOI requirements/scoping

Discussion Draft – Subject to Change



DOI NEPA Handbook – cont.

Part 2: EISs

- Preparation of environmental impact statements
 - Requirements regarding seeking comment from agencies and entities
 - Optional to request comments from the public
- Purpose and need
- Analysis within the environmental impact statement
 - Reasonably foreseeable effects, reasonable range of alts
- Page limits
 - Responsible Official can determine proposed action is extraordinarily complex
 - Certification requirements – deadlines, page limits



DOI NEPA Handbook – cont.

Part 3 Efficient Environmental Reviews

- Reliance on existing environmental documents
- Programmatic environmental impact statements or environmental assessments and tiering
- Publishing pre-decisional documents
- Supplemental EISs, combining documents, unique ID numbers

Part 4 – Agency Decision Making

- Decision Documents - more on this in Appendix 3
- Filing Requirements - EISs (all published drafts, finals, or supplementals and any comments/responses) need filed with EPA, triggering posting on their site and a Federal Register Notice



DOI NEPA Handbook – cont.

Part 5 – Procedures for Applicant-Prepared and Contractor-Prepared EISs/EAs/other Environmental Documents

Part 6 – Definitions

a-z – Includes definitions for: Tribe, Responsible Official, Related Action, Connected Action, Human Environment, Determination of NEPA Adequacy, Proposed Action, Reasonable Alternative, Reasonably Foreseeable, and Effect.

Part 7 – Severability

Discussion Draft – Subject to Change



Handbook Appendices

Appendix 1: Actions normally requiring an EA or EIS by Bureau

- Nothing is listed for Reclamation in July 2025 version

516 DM 14.4: The following types of Reclamation proposals will normally require preparation of an EIS:

- (1) Proposed Feasibility Reports on water resources projects.
- (2) Proposed Definite Plan Reports on water resources projects if not covered by an EIS at the feasibility report stage or if there have been major changes in the project plan which may cause significantly different or additional new impacts.
- (3) Proposed repayment contracts and water service contracts or amendments thereof or supplements thereto, for irrigation, municipal, domestic, or industrial water where NEPA compliance has not already been accomplished.
- (4) Proposed modifications to existing projects or proposed changes in the programmed operation of an existing project that may cause a significant new impact.
- (5) Proposed initiation of construction of a project or major unit thereof, if not already covered by an EIS, or if significant new impacts are anticipated.
- (6) Proposed major research projects where there may be significant impacts resulting from experimentation or other such research activities.

Appendix 2: Bureau Categorical Exclusions

Discussion Draft – Subject to Change



Handbook Appendix 3

Implementation Guidance to Bureaus

- Additional guidance on 9 specific topics

1. Scoping and Public Involvement

- Covers mandatory requirements and discretionary considerations
 - No NEPA requirements for public involvement for CEs or EAs
 - EIS – no NEPA requirements for public involvement beyond soliciting comments when an NOI is published
 - Describes specific considerations concerning discretionary public involvement
 - Addressing and responding to public comments



Handbook Appendix 3 – cont.

2. Categorical Exclusions (CE) and Extraordinary Circumstances Review Protocol

3. Using Existing NEPA

- Questions to answer to help determine whether an existing NEPA document adequately covers a proposed action under consideration. Requires documentation.

4. Analytical Elements Common to EAs and EISs

- Purpose and need
- Proposed action and alternatives
 - No action, identification description and comparison of alts

Discussion Draft – Subject to Change



Handbook Appendix 3 – cont.

5. Reasonably Foreseeable Effects of the Proposed Action and Action Alternatives

- Not required to consider env. effects that:
 - Are separate in time or place from the project at hand
 - Fall outside an agency's regulatory authority, or
 - Are carried out independently by third parties

6. Significance, Including Reaching a FONSI

- Includes more detailed considerations for determining significant building from each item in the list in Handbook Section 1.2
- Info on addressing climate change/GHG emissions

Discussion Draft – Subject to Change



Handbook Appendix 3 – cont.

7. Formal Aspects of Environmental Documents

- Includes suggested format/content for EAs and EISs
- Page limits, deadlines, and certifications
- Circulation, publication, and filing

8. Documenting Decisions

- RODs meet this requirement for EISs. CECs and FONSIIs are not decision documents. Can combine docs
- States: It is generally preferable to meet the requirements of other statutes, such as the National Historic Preservation Act or Endangered Species Act, prior to issuing a decision

Discussion Draft – Subject to Change



Handbook Appendix 3 – cont.

9. Applicant-Prepared and Contractor-Prepared EAs and EISs

- Best Practices:
 - Early coordination
 - Recommends development of an MOU or other agreement
 - Maintain close coordination
- Bureau responsibilities for review, remains responsible for compliance with other laws and requirements (ESA Section 7, NHPA Section 106, Government-to-Government consultation) and cooperating/participating agency relationships
- Bureau must document its evaluation of EA/EIS



How is Reclamation using the revised regs and DOI Handbook

- Using the CE flexibilities to expedite NEPA reviews
 - Larger bank of CEs available
 - Clarity regarding CE stacking
- Focusing analyses in new start EAs and EISs
 - Definitions of reasonably foreseeable effect
- Reducing redundant analyses/documents
 - More adoptions, incorporation, reliance on other agency's NEPA

Discussion Draft – Subject to Change



NEPA 112 – More to come

- P.L. 119-21 FY25 Reconciliation Law (aka One Big Beautiful Bill Act)
- Section 60026 added Section 112 to NEPA
- Allows project sponsors to pay for expedited completion of an EA or EIS
- CEQ developing implementation guidance
- CEQ email address for questions: NEPAfees@ceq.eop.gov

Discussion Draft – Subject to Change



CE Revisions 2025

- Proposed revisions to 7 existing Reclamation CEs in June 2024
- Finalized revisions in January 2025
- Revised 2 CEs for water-related Contracts into 1 CE
- Revised 2 CEs for Use Authorizations into 1 CE
- Revised 3 CEs for Financial Assistance, loans, and funding activities into 1 CE

Discussion Draft – Subject to Change



Operation and Maintenance Activities (Water-related Contracts)

Prior CE Language

D4. Approval, execution, and implementation of water service contracts for minor amounts of long-term water use or temporary or interim water use where the action does not lead to long-term changes and where the impacts are expected to be localized.

D14. Approval, renewal, transfer, and execution of an original, amendatory, or supplemental water service or repayment contract where the only result will be to implement an administrative or financial practice or change.

Revised CE Language

D4. Approval, execution, administration, and implementation of water-related contracts and contract renewals, amendments, supplements, and assignments, and water transfers, exchanges, and replacements, for which one or more of the following apply: (a) for minor amounts of long-term water use, where the action does not lead to long-term changes and impacts are expected to be minor and localized; (b) for where the action does not lead to long-term changes and where the impacts are expected to be minor and localized; or (c) where the only result will be to implement an administrative or financial practice or change. A “water-related” contract is any legally binding agreement to which Reclamation becomes a party, pursuant to its authority under Federal law that (1) makes water available from or to the United States; (2) allows water to be stored, removed, introduced, conveyed, carried, or delivered in facilities Reclamation owns, manages, operates, or funds; or (3) establishes operation, maintenance, and replacement responsibilities for such facilities.

D14. Reserved

516 DM 14.5

Operation and Maintenance Activities (Use Authorizations)

Prior CE Language

Revised CE Language

D8. Renewal of existing grazing, recreation management, or cabin site leases which do not increase the level of use or continue unsatisfactory environmental conditions.

D8. Issuance or renewal of use authorizations (as defined in 43 CFR 429.2, including crossing agreements which provide rights-of-way) that authorize use of Reclamation land, facilities, or waterbodies where one or more of the following apply: (a) impacts of the action are expected to be minor and localized; (b) the action does not lead to a major public or private action; (c) the only result of the authorization will be to implement an administrative or financial practice or change; or (d) the level of use or impacts to resources is not increased.

D10. Issuance of permits, licenses, easements, and crossing agreements which provide right-of-way over Bureau lands where the action does not allow for or lead to a major public or private action.

D10. Reserved.

516 DM 14.5

Financial Assistance, Loans, and Funding Activities.

Prior CE Language

E1. Rehabilitation and Betterment Act loans and contracts which involve repair, replacement, or modification of equipment in existing structures or minor repairs to existing dams, canals, laterals, drains, pipelines, and similar facilities.

E2. Small Reclamation Projects Act grants and loans where the work to be done is confined to areas already impacted by farming or development activities, work is considered minor, and where the impacts are expected to be localized.

E3. Distribution System Loans Act loans where the work to be done is confined to areas already impacted by farming or developing activities, work is considered minor, and where the impacts are expected to be localized.

Revised CE Language

E1. Financial assistance, cooperative agreements, grants, loans, contracts, or other funding, where (a) the underlying action being funded would be covered by another Reclamation CE if Reclamation were implementing the action itself, or (b) the action is confined to areas already impacted by farming or development activities and the impacts are expected to be minor and localized.

E2. Reserved.

E3. Reserved.

New CEs – Under final development

- Reclamation is implementing a Hydropower Action Plan in alignment with Executive Order 14154, Unleashing American Energy, and Secretarial Order 3418, Unleashing American Energy
- Currently collecting and analyzing previously prepared NEPA documents (EAs/FONSI) to substantiate 2 new CEs:
 - Lease of Power Privilege CE
 - Hydropower O&M activities CE
- Timeline: Spring 2026

Discussion Draft – Subject to Change

