

# NEPA 101: USING CATEGORICAL EXCLUSIONS FOR OIA GRANTS

Presented by OIA and USACE  
25 August 2026





# NEPA 101 TRAINING 8/18/26

Introduction

Regulatory Overview

NEPA

Other Laws and Regs (ESA, NHPA, CWA)

OIA grant review process

USACE Screening

Project Description Checklist

Categorical Exclusions

Extraordinary Circumstances

Other Levels of Analysis

Best Practices

Planning and Coordination Summary

Questions?



# NEPA 101: CATEGORICAL EXCLUSIONS

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NEPA for OIA Grants

DOI NEPA Regs and Procedures

Levels of Analysis

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# NEPA = NATIONAL ENVIRONMENTAL POLICY ACT

Procedural law that requires federal agencies to evaluate the environmental effects of their actions

- USACE supports OIA environmental review efforts
- Required for any project receiving Federal Funds!
- ATP is not issued and Project cannot proceed until NEPA review is complete.

## U.S. Department of the Interior – Office of Insular Affairs (OIA)

### GRANT TERMS AND CONDITIONS

Acceptance of a Federal Financial Assistance award from the Department of the Interior (DOI) carries with it the responsibility to be aware of and comply with the terms and conditions of award. Acceptance is defined as the start of work, drawing down funds, or accepting the award via electronic means. Awards are based on the application submitted to, and as approved by DOI and are subject to OIA's Standard Terms and Conditions as detailed in this document, as well as DOI's Standard Terms and Conditions which can be found at the following link: <https://www.doi.gov/sites/doi.gov/files/migrated/doi-standard-award-terms-and-conditions-effective-december-2-2019.pdf>.

#### 1. Recipient Responsibilities

You as the recipient are responsible for compliance with the provisions of all laws and regulations governing the use of Federal grant funds, as applicable. In those instances in which you are not in compliance with applicable laws or regulations, or do not believe you can comply, you should immediately notify the Office of Insular Affairs (OIA). If feasible, the OIA will provide assistance to help correct the deficient area(s). Failure of a recipient to comply with any applicable laws and regulations may be the basis for withholding payments and/or for grant termination. OIA strongly urges all grant recipients to review the changes to 2 CFR 200 that went into effect on November 12, 2020.

#### 2. Limitations on the Use of Grant Funds

Grant funds are not to be used for any purpose other than that for which they are offered without prior approval from the OIA. Any change in the approved scope of work or project budget must be submitted to the grant manager for approval. Changes shall not be implemented until the OIA grant manager sends written approval to the grantee. Costs associated with the administration of OIA grant projects and programs by the grantee are to be charged against the grant funds only as approved in the project budget.

#### 3. National Environmental Policy Act (NEPA)

Prior to the start of any activity, the grantee will prepare documentation necessary to comply with DOI Secretarial Order (S.O.) 3389, the National Environmental Policy Act (NEPA) and all applicable environmental laws and regulations and submit them to OIA for review and approval. If an Environmental Assessment (EA) is required, the grantee and/or its agent will prepare a proposed EA for independent review by OIA. If it is determined that an Environmental Impact Statement (EIS) is required, the grantee shall prepare an EIS in accordance with 40 CFR 1506.2 and 1506.5.

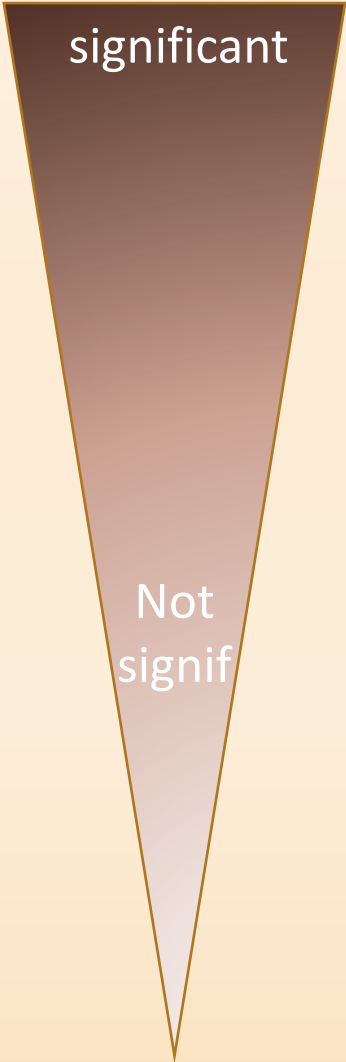
a. Costs may not be incurred, and work may not commence on the project until OIA has issued an Authorization to Proceed (ATP). The grantee may, however, incur costs associated with obtaining all the required environmental documentation.

b. Upon project completion, an assessment should be conducted to report on significant impacts or findings which were or were not anticipated by the NEPA approval. This assessment should be appended to the final performance report, which is due in <https://www.GrantSolutions.gov> 120 days after expiration or termination of the agreement.

#### 4. Marketing and Branding



# LEVELS OF NEPA ANALYSIS AND DOCUMENTS



significant

Environmental Impact Statement (**EIS**) documented with ROD

Environmental Assessment (**EA**) documented with a FONSI

Categorical Exclusion (**CatEx**) documented with a REC or MTF

Not  
signif

- Record of Environmental Consideration (**REC**)
  - CatEx(s) apply *and other compliance is required/conditions*
  - Weeks to Months
- Memo to File (**MTF**)
  - CatEx applies; *no other compliance* required
  - Fastest



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# NEPA COMPLIANCE

Each Federal agency has their own NEPA procedures!

- February 24, 2026 DOI published the final rule in the Federal Register & last updated DOI Handbook
  - DOI **NEPA Implementing Regulations** (43 CFR Part 46)
    - These are the final rules and regulations
  - DOI **NEPA Handbook** of Implementing Procedures
    - This explains the process

[www.doi.gov/oepec/national-environmental-policy-act-nepa](http://www.doi.gov/oepec/national-environmental-policy-act-nepa)





# National Environmental Policy Act (NEPA)

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## Department of the Interior NEPA Implementing Procedures



The Department of the Interior (DOI) has updated its procedures for implementation of the National Environmental Policy Act (NEPA). These procedures include a Final Rule that reaffirms the rescission of approximately 80% of Interior's prior NEPA regulations as first documented in an Interim Final Rulemaking of July 3, 2025. The majority of those prior regulations have now been moved into a streamlined DOI

Handbook of Implementing Procedures that provides guidance to NEPA practitioners across the Department while preserving flexibility to meet operational and project needs.

[DOI Final Rule](#)

[DOI Handbook of NEPA Implementing Procedures](#)

[Regulatory Impact Analysis](#)

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# DOI FINAL RULE



## 12 DOI Catexes (§46.210)

- commonly used when no ground disturbance

## Extraordinary Circumstances (§46.215)

- 9 situations where Catex cannot be applied

Regulations also include procedures for contractors, emergency responses, selecting lead agency

8738

Federal Register / Vol. 91, No. 36 / Tuesday, February 24, 2026 / Rules and Regulations

### DEPARTMENT OF THE INTERIOR

#### Office of the Secretary

#### 43 CFR Part 46

[267D0102DM; DS6CS00000;  
DLSN00000.000000; DOI-2025-0004]

RIN 1090-AB18

#### National Environmental Policy Act Implementing Regulations

**AGENCY:** Office of the Secretary, Interior.  
**ACTION:** Final rule.

**SUMMARY:** The Department of the Interior (Department or DOI) is adopting the interim final rule (IFR) published on July 3, 2025, with minor changes, as final. In the IFR, DOI provided a 30-day comment period for the public to review and make comments. This final rule addresses public comments and adopts as final the IFR, with certain substantive changes as explained herein. The IFR partially rescinded DOI's regulations implementing the National Environmental Policy Act (NEPA) and made necessary targeted updates to those provisions that were not repealed. DOI will henceforth maintain the majority of its NEPA procedures—which apply only to DOI's internal processes—in a Departmental Handbook separate from the Code of Federal Regulations (CFR).

**DATES:** This final rule is effective February 24, 2026.

**FOR FURTHER INFORMATION CONTACT:** Stephen G. Tryon, Director, Office of Environmental Policy and Compliance, 202-208-4221, [NEPAREgulations@ios.doi.gov](mailto:NEPAREgulations@ios.doi.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

DOI is issuing this final rule to adopt as final, subject to the revisions made by

regulations, effective as of April 11, 2025. *See Removal of National Environmental Policy Act Implementing Regulations*, 90 FR 10,610 (February 25, 2025); *Final Rule Removal of National Environmental Policy Act Implementing Regulations*, 91 FR 618 (January 8, 2026).

Since DOI originally issued CEQ's NEPA regulation (2024); *see* 2021). Now DOI is issuing its updated *Handbook Policy Act* DOI's for NEPA pro that CEQ h implemen 618 (Jan. 8 removal of regulation rule and N complianc U.S.C. 433 agencies o identify a procedure to conduct that NEPA DOI, in its NEPA i 43 CFR pa making tar provisions and made relating to ensure tha any such e confusion validity of provision situations

respectively). All other removed from 43 CFR consistent with DOI's I these few provisions, I are contained in the *De Interior Handbook: Nat Environmental Policy / Procedures* (referred to

#### § 46.210 Listing of Departmental categorical exclusions.

The following actions are categorically excluded under § 46.205(b), unless any of the

extraordinary

apply. Relian

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approval of a

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paragraph (k)

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(a) Personn

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contracts.

(b) Internal

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guarantees, fi

transfers, aud

royalties.

(d) Departm

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#### § 46.215 Categorical exclusions: Extraordinary circumstances.

Extraordinary circumstances (*see* § 46.205(c)) exist for individual actions within categorical exclusions that may meet any of the criteria listed in paragraphs (a) through (i) of this section. Applicability of extraordinary circumstances to categorical exclusions is determined by the Responsible Official. If an extraordinary circumstance is not present, the Responsible Official may determine that the categorical exclusion applies to the proposed action and conclude review.

(a) Have significant impacts on public health or safety.

(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.



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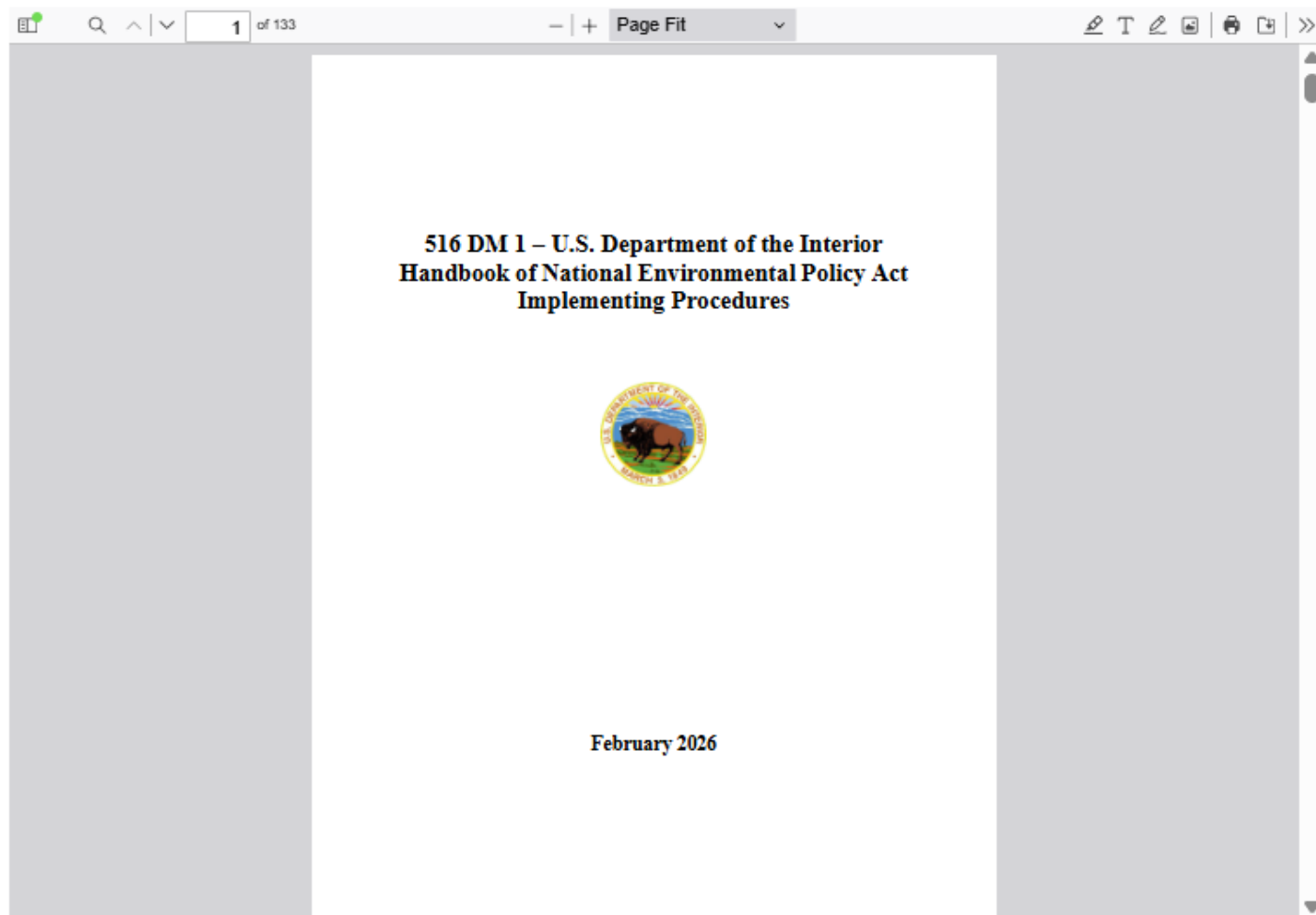
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# DOI Handbook of NEPA Procedures

DOI Handbook of NEPA Procedures February 2026 version



# DOI HANDBOOK

- 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



## APPENDIX 2: CATEXES

- Listed by bureau (~200 actions!)
- does proposed action fits within one or more catex
- ensure all components included
  - Planning through construction
  - Permits
  - Agency consultations
- A catex action cannot trigger extraordinary circumstances

- (9) Development of standards for, and identification, nomination, certification and determination of eligibility of properties for listing in the National Register of Historic Places and the National Historic Landmark and National Natural Landmark Programs.

### F. Actions Related to Grant Programs.

- (1) \*Proposed actions essentially the same as those listed in paragraphs A-E above.
- (2) \*Grants for acquisition of areas which will continue in the same or lower density use with no additional disturbance to the natural setting.
- (3) \*Grants for replacement or renovation of facilities at their same location without altering the kind and amount of recreational, historical or cultural resources of the area; or the integrity of the existing setting.
- (4) \*Grants for construction of facilities on lands acquired under a previous NPS or other Federal grant provided that the development is in accord with plans submitted with the acquisition grant.
- (5) \*Grants for the construction of new facilities within an existing park or recreation area, provided that the facilities will not:
  - (a) Conflict with adjacent ownerships or land use, or cause a nuisance to adjacent owners or occupants; e.g., extend use beyond daylight hours;
  - (b) Introduce motorized recreation vehicles;
  - (c) Introduce active recreation pursuits into a passive recreation area;
  - (d) Increase public use or introduce noncompatible uses to the extent of compromising the nature and character of the property or causing physical damage to it; or
  - (e) Add or alter access to the park from the surrounding area.
- (6) \*Grants for the restoration, rehabilitation, stabilization, preservation and reconstruction (or the authorization thereof) of properties listed on or eligible for listing on the National Register of Historic Places at their same location and provided that such actions:



NPS Section  
12.5 on Page 89

## EXAMPLE PROJECT:

“Minor interior restroom renovations at a community park (flooring replacement, new fixtures, painting).” Map and contractor plans are included.

- 1) Ensure you have a complete project description
- 2) Verify all action components fit within one (or more) catex

(9) Development of standards for, and identification, nomination, certification and determination of eligibility of properties for listing in the National Register of Historic Places and the National Historic Landmark and National Natural Landmark Programs.

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# EXTRAORDINARY CIRCUMSTANCES (EC)

If action fits within a catex...

- Next step is to review for applicability of any ECs
- Actions cannot trigger EC when reviewed as a whole
- ECs tie into other environmental laws and regulations
- Must have complete details to evaluate

minor boundary changes and land title transactions) or having primarily economic, social, individual, or institutional effects; and comments and reports on referrals of legislative proposals.

(i) Policies, directives, regulations, and guidelines: that are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to lend themselves to a categorical exclusion process, either collectively or case-by-case.

(j) Activities which are educational, informational, advisory, or consultative to other agencies, public and private entities, visitors, individuals, or the general public.

(k) (Not for use within the jurisdiction of the Ninth Circuit Court of Appeals.) Hazardous fuels reduction activities using prescribed fire not to exceed 4,500 acres, and mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing, not to exceed 1,000 acres. Such activities:

- (1) Shall be limited to areas—
  - (i) In wildland-urban interface; and
  - (ii) Condition Classes 2 or 3 in Fire Regime Groups I, II, or III, outside the wildland-urban interface;
- (2) Shall be identified through a collaborative framework as described in “A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment 10-Year Comprehensive Strategy Implementation Plan;”

(3) Shall be conducted consistent with bureau and Departmental procedures and applicable land and resource management plans;

(4) Shall not be conducted in wilderness areas or impair the suitability of wilderness study areas for preservation as wilderness; and

(5) Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and may include the sale of vegetative

Such activities must comply with the following:

(1) Shall be conducted consistent with bureau and Departmental procedures and applicable land and resource management plans;

(2) Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and

(3) Shall be completed within three years following a wildland fire.

## **§ 46.215 Categorical exclusions: Extraordinary circumstances.**

Extraordinary circumstances (see § 46.205(c)) exist for individual actions within categorical exclusions that may meet any of the criteria listed in paragraphs (a) through (i) of this section. Applicability of extraordinary circumstances to categorical exclusions is determined by the Responsible Official. If an extraordinary circumstance is not present, the Responsible Official may determine that the categorical exclusion applies to the proposed action and conclude review.

(a) Have significant impacts on public health or safety.

(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.

(c) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

(d) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

(e) Have a direct relationship to other actions that implicate potentially significant environmental effects.

(f) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic

(i) Contribute to potentially significant effects resulting from the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or from other actions that promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act).

## **§ 46.220 How to designate lead agencies.**

(a) In most cases, the Responsible Official should designate one Federal agency as the lead with the remaining Federal, State, Tribal, and local agencies assuming the role of cooperating agency. In this manner, the other Federal, State, Tribal, and local agencies can work to ensure that the environmental impact statement will meet their needs for adoption and application to any related decision.

(b) In some cases, a non-Federal agency (including a State, Tribal, or local government) must comply with State, Tribal, or local requirements that are comparable to the NEPA requirements. In these cases, the Responsible Official may designate the non-Federal agency as a joint lead agency.

(c) In some cases, the Responsible Official may establish a joint lead relationship among several Federal agencies. If there are joint leads for an environmental impact statement, then one Federal agency must be identified as the agency responsible for filing the environmental impact statement with the Environmental Protection Agency.

(d) Bureaus may allow joint lead agencies to cooperate in developing environmental assessments.

## **§ 46.225 How to select cooperating agencies.**

(a) An eligible agency is:

(1) Any Federal, State, Tribal, or local agency that is qualified to participate in the development of an environmental assessment or environmental impact statement by virtue of its jurisdiction by law, consistent with 42 U.S.C. 4336a(a)(3);

(2) Any Federal, State, Tribal, or local agency that is qualified to participate in



# EXTRAORDINARY CIRCUMSTANCES

- 9 criteria in DOI regulations
  - a) Public health and safety
  - b) Natural and cultural resources, wetlands, protected areas, water supplies
  - c) Novel approaches or unknown risks
  - d) Establishes a precedent/represents a decision in principle
  - e) Directly related to other potentially significant actions/segmentation
  - f) Historic sites eligible for National Register listing
  - g) ESA listed species or critical habitat
  - h) Culturally important/ceremonial sites
  - i) Noxious weeds and invasive species
- Must be justified through project description and agency coordination





## WHEN NO CATEX FITS...

Revisit Discussions with OIA, USACE and grantee.

1. Does project have potentially significant impacts?
  - If so, can project be modified?
  - If missing information, can the project be phased?
2. OIA can look to adopt another agency catex or establish a new catex
  - Adoption and development timeframes are outside DOI
3. Options to draft an EA or EIS
  - When no catex is available / extraordinary circumstances cannot be overcome
  - Decision reviewed by OIA leadership

# Questions

