



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

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MEMORANDUM FOR HEADS OF FEDERAL DEPARTMENTS AND AGENCIES

FROM: Katherine R. Scarlett
Chairman

SUBJECT: Implementation of the National Environmental Policy Act

I. Purpose and Overview

The purpose of this memorandum is to provide guidance¹ to Federal agencies as to their implementation of the National Environmental Policy Act (NEPA or the Act).² This memorandum includes an overview of NEPA, including a discussion of recent amendments to the statute and recent case law as relevant to agency implementation of NEPA. This memorandum also provides guidance for agencies to use when establishing or revising agency-specific NEPA implementing procedures. As part of this guidance, CEQ has provided a template that agencies are encouraged to follow for such NEPA implementing procedures, attached as Appendix 1.

This guidance and the associated template are intended to be used by agencies that routinely undertake, or anticipate undertaking, actions subject to NEPA. Agencies that only implement NEPA very rarely and that do not foresee the need to prepare environmental documents under the statute may find more streamlined procedures appropriate. Such agencies should consult with CEQ regarding the appropriateness of such streamlined procedures.

This guidance and the associated template are not mandatory or binding on Federal agencies. Rather, they are intended to provide clarity as to NEPA's requirements and promote consistency as to NEPA's implementation.

II. NEPA Background

NEPA established the national environmental policy of the Federal Government to use all practicable means and measures to foster and promote the general welfare, create and maintain conditions under which humans and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.³

¹ The contents of this guidance and its Appendix do not have the force and effect of law and are not meant to create legal rights or obligations with respect to any public party. This guidance does not establish new policy requirements. This memorandum is intended only to provide clarity to agencies regarding existing requirements under the law or agency policies.

² 42 U.S.C. § 4321 *et seq.*

³ 42 U.S.C. § 4331.

NEPA contains procedural requirements to carry out the policy stated in section 101 of NEPA. Specifically, the statute requires Federal agencies to provide a detailed statement on proposals for major Federal actions significantly affecting the quality of the human environment.⁴ The purpose and function of NEPA is satisfied if Federal agencies have considered relevant environmental information, and the public has been informed regarding the decision-making process. NEPA is a purely procedural statute; it does not mandate particular results or substantive outcomes. NEPA’s purpose is not to generate paperwork for its own sake or litigation, but to provide for informed decision-making and foster excellent action.

NEPA established CEQ as an advisory agency within the Executive Office of the President to assist and advise the President on certain environmental matters and the implementation of NEPA’s national policy.⁵ Section 102(2)(B) of NEPA directs all Federal agencies to “identify and develop methods and procedures, in consultation with [CEQ], . . . which will ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decision-making along economic and technical considerations.”⁶

A. Agency NEPA Implementation

As noted above, Section 102(B) of NEPA directs Federal agencies to “identify and develop methods and procedures” for implementing NEPA “in consultation with [CEQ].”⁷ In addition, section 103 of NEPA requires agencies to review their authorities, regulations, policies and procedures and propose measures to align them with the intent, purposes, and procedures of NEPA.⁸ Since NEPA took effect in 1970, Federal agencies have relied on agency-specific NEPA procedures to meet these mandates.

In 1977, President Carter issued E.O. 11991, *Relating to Protection and Enhancement of Environmental Quality*, directing CEQ to “[i]ssue regulations to Federal agencies for the implementation of the procedural provisions of [NEPA.]”⁹ CEQ promulgated its initial NEPA implementing regulations in 1978,¹⁰ substantively amending them in 1986,¹¹ 2020,¹² 2022,¹³ and 2024.¹⁴

On January 20, 2025, President Donald J. Trump signed Executive Order (E.O.) 14154, *Unleashing American Energy*.¹⁵ Section 5(b) of E.O. 14154 directs the Council on Environmental Quality (CEQ) to “propose rescinding CEQ’s NEPA regulations found at 40 CFR 1500 *et seq.*” CEQ issued an Interim Final Rule rescinding the regulations on February 25,

⁴ *Id.* § 4332(2)(C).

⁵ 42 U.S.C. 4342.

⁶ *Id.* § 4332(2)(B).

⁷ *Id.* § 4332(2)(B).

⁸ *Id.* § 4333.

⁹ 42 FR 26967 (May 25, 1977).

¹⁰ 43 FR 55978 (November 29, 1978).

¹¹ 51 FR 15,618 (Apr. 25, 1986).

¹² 85 FR 43304 (July 16, 2020).

¹³ 87 FR 23453 (April 20, 2022).

¹⁴ 89 FR 35442 (May 1, 2024).

¹⁵ E.O. 14154, *Unleashing American Energy*, 90 Fed. Reg. 8353 (Jan. 29, 2025).

2025.¹⁶ The Interim Final Rule became effective on April 11, 2025, following a 45-day delayed effective date from publication of the Interim Final Rule that provided fair notice to interested persons and included 30 days for public comment. Upon the effective date, all iterations of CEQ’s NEPA implementing regulations were rescinded.

Consistent with E.O. 14154, Federal agencies must revise or establish their NEPA implementing procedures (or establish such procedures if they do not yet have any) to expedite permitting approvals and for consistency with NEPA, including the deadlines established in NEPA. E.O. 14154 also directed CEQ to provide guidance on implementing NEPA to expedite and simplify the permitting process. Consistent with section 5(c) of the E.O., the CEQ’s guidance and the agencies’ NEPA implementing procedures must “expedite permitting approvals and meet deadlines established in” NEPA.¹⁷ Accordingly, CEQ issued initial guidance on February 19, 2025, to assist agencies with the implementation of NEPA and E.O. 14154.¹⁸ This guidance updates and replaces that initial guidance.

Agency NEPA implementing procedures also must take into account the Supreme Court’s opinion in *Seven County Infrastructure Coalition v. Eagle County, Colorado*,¹⁹ and, to the extent applicable to agency programs, implement the amendments to NEPA which Congress enacted in 2023 and 2025, each of which are discussed below.

As the E.O. further directed,²⁰ CEQ has worked and continues to work with agencies for consistency as they revise their agency-level NEPA implementing procedures. Based on the *Seven County* opinion, the efforts of the working group, and the statutory amendments to NEPA, CEQ is issuing this revised guidance to further assist agencies in establishing or revising their NEPA implementing procedures. Included with this guidance, CEQ is providing a template to assist agencies in developing revisions to their individual agency-level NEPA implementing procedures.

While these revisions are ongoing, agencies should continue to follow their existing practices and procedures for implementing NEPA to the extent consistent with the text of NEPA, E.O. 14154, case law, and this guidance. Agencies should not delay pending or ongoing NEPA analyses while undertaking these revisions. For such analyses, until agencies revise their current NEPA implementing procedures via the appropriate process, agencies should apply their current NEPA implementing procedures with any adjustments needed to be consistent with the NEPA statute, as revised by the FRA, and, as appropriate, this guidance. Moreover, although CEQ rescinded its NEPA implementing regulations at 40 C.F.R. parts 1500–1508, agencies should consider voluntarily relying on those regulations in completing ongoing NEPA reviews or defending against challenges to reviews completed while those regulations were in effect. CEQ intends to provide on an ongoing basis guidance and assistance through meetings of the Federal Agency NEPA Contacts. CEQ encourages agencies to use the accompanying template as an

¹⁶ 90 Fed. Reg. 10610 (Feb. 25, 2025).

¹⁷ 90 Fed. Reg. 8353 at § 5(c).

¹⁸ <https://ceq.doe.gov/docs/ceq-regulations-and-guidance/CEQ-Memo-Implementation-of-NEPA-02.19.2025.pdf>

¹⁹ 145 S. Ct. 1497 (2025).

²⁰ 90 Fed. Reg. 8353 at § 5(b).

initial framework for the development of revisions to their NEPA implementing procedures, to the extent consistent with agency authorities and applicable law.

B. The 2023 Amendments to NEPA

Congress amended NEPA in the Fiscal Responsibility Act of 2023²¹ (FRA) to provide more specific details on how agencies must comply with NEPA’s environmental review mandate and provide a more efficient and predictable process for all types of actions and projects.

Congress revised Section 102 of NEPA to clarify the requirements for environmental impact statements (EISs). Agencies must analyze and disclose the “reasonably foreseeable environmental effects of the proposed agency action;”²² “any reasonably foreseeable adverse environmental effects which cannot be avoided should the proposal be implemented;”²³ “a reasonable range of alternatives to the proposed agency action, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternative, that are technically and economically feasible, and meet the purpose and need of the proposal;”²⁴ “the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity;”²⁵ and “any irreversible and irretrievable commitments of Federal resources that would be involved in the proposed agency action should it be implemented.”²⁶ The amendments to section 102 of NEPA also require that agencies ensure the professional integrity, including scientific integrity, of the discussion and analysis in environmental documents;²⁷ make use of reliable data and resources in NEPA reviews;²⁸ and study, develop, and describe technically and economically feasible alternatives.²⁹

Congress added new Section 106 to clarify that there are certain situations when environmental documents are not required.³⁰ It also affirmed certain historical practices, codifying certain levels of NEPA review (categorical exclusions (CEs), environmental assessments (EAs), and EISs) and emphasizing that an EIS, the most elaborate of these levels of review, is only required for a proposed agency action that “has a reasonably foreseeable significant effect on the quality of the human environment.”³¹ Additionally, this section clarifies that an agency may make use of “any reliable data source” and that an agency is “*not* required to undertake new scientific or technical research” unless “essential to a reasoned choice among alternatives, and the overall costs and time frame of obtaining it are not unreasonable.”³²

Congress also added new section 107 of NEPA, which provides clear direction for agencies to establish the lead agency with respect to a proposed agency action, identify cooperating

²¹ Pub. L. No. 118-5, § 321, 137 Stat. 10.

²² 42 U.S.C. § 4332(2)(C)(i).

²³ *Id.* § 4332(2)(C)(ii).

²⁴ *Id.* § 4332(2)(C)(iii).

²⁵ *Id.* § 4332(2)(C)(iv).

²⁶ *Id.* § 4332(2)(C)(v).

²⁷ *Id.* § 4332(2)(D).

²⁸ *Id.* § 4332(2)(E).

²⁹ *Id.* § 4332(2)(F).

³⁰ *Id.* § 4336(a).

³¹ *Id.* § 4336(b)(1).

³² *Id.* § 4336(b)(3)(A), (B).

agencies,³³ and prepare a single, coordinated environmental document if a proposed action will require action by more than one Federal agency.³⁴ Section 107(e) sets page limits for EISs and EAs.³⁵ Section 107 also establishes deadlines for the completion of EAs and EISs,³⁶ which are critically important to expedite permitting approvals and prioritize efficiencies. Section 107 also includes a right for project sponsors to challenge an agency's alleged failure to act in accordance with deadlines applicable under Section 107.³⁷

In addition, Congress added new section 108 of NEPA, which allows agencies to rely on programmatic environmental documents for five years without additional review and beyond that term of years so long as the agency reevaluates the analysis in the programmatic environmental document and any underlying assumptions to ensure reliance on the analysis remains valid,³⁸ and new section 109, which provides agencies the authority to adopt and use other agencies' CEAs.³⁹ Finally, Congress added new section 111, which provides includes key definitions for NEPA terms, including "major Federal action."⁴⁰

C. The 2025 Amendments to NEPA (Sponsor Opt-in Fees)

In section 60026 of the One Big Beautiful Bill Act,⁴¹ Congress enacted Section 112 of NEPA, entitled "Project Sponsor Opt-in Fees for Environmental Reviews." This provision allows project sponsors to pay a fee to obtain shortened NEPA review deadlines. The statute requires CEQ to provide to the project sponsor notice of the amount of the fee to be paid within 15 days of receiving particular information from the project sponsor. CEQ expects project sponsors to coordinate with Federal agencies before submitting a request, as such coordination may be necessary for the project sponsor to provide an accurate description of the project to help CEQ understand the anticipated level of NEPA review (i.e., whether an EA or EIS) and the anticipated EA or EIS-associated costs. To the extent applicable, agencies may address this provision in their NEPA implementing procedures, as discussed in section III.A below and in the attached template.

D. The Supreme Court Opinion in *Seven County Infrastructure Coalition v. Eagle County, Colorado*

On May 29, 2025, the Supreme Court issued a landmark decision, *Seven County Infrastructure Coalition v. Eagle County, Colorado*,⁴² in which it decried the "transform[ation]" of NEPA from its roots as "a modest procedural requirement," into a significant "substantive roadblock" that "paralyze[s]" "agency decisionmaking."⁴³ The Supreme Court accordingly issued a "course correction," directing lower courts to give "substantial deference" to reasonable agency

³³ *Id.* § 4336a(a).

³⁴ *Id.* § 4336a(b).

³⁵ *Id.* § 4336a(c).

³⁶ *Id.* § 4336a(g)(1)(A)-(B).

³⁷ *Id.* § 4336a(g)(3).

³⁸ *Id.* § 4336b(1), (2).

³⁹ *Id.* § 4336c.

⁴⁰ *Id.* § 4336e.

⁴¹ Pub. L. 119-21 (July 4, 2025).

⁴² 145 S. Ct. 1497 (2025).

⁴³ *Id.* at 1513 (quotations omitted).

conclusions underlying its NEPA process.⁴⁴ Through the “course correction,” the Court acknowledged and sought to address the effect of overly prescriptive judicial review of agencies’ NEPA reviews on “litigation-averse agencies,” which had been “tak[ing] ever more time and . . . prepar[ing] ever longer EISs for future projects.”⁴⁵ With this Supreme Court decision, NEPA implementation reform now has been called for, authorized, and directed by all three branches of government at the highest possible level: Congress, the President, and the Supreme Court.

This guidance and the accompanying template reflect the course correction that the Court has set. In particular, when determining the scope of its action that is subject to NEPA review, agencies must consider the proposed action at hand and *that action’s* effects.⁴⁶ As the Court recognized, an agency is not required by NEPA to analyze environmental effects from other projects separate in time, or separate in place, or that fall outside of the agency’s regulatory authority, or that would have to be initiated by a third party.⁴⁷ If the agency determines that such analysis would assist it in reasoned decisionmaking, it will document this determination in the NEPA review and explain where it drew a reasonable and manageable line relating to the consideration of such effects from such separate projects.⁴⁸ In any event, the Court stressed that reviewing courts should accord agencies deference in determining *how far* to trace out the “so-called indirect” effects of a proposed action, and whether *at all* to consider effects of other projects—especially projects outside the agency’s own statutory jurisdiction.⁴⁹ The Court also noted that the 2023 amendments, by establishing deadlines and page limits, “strictly *prohibit*[.]” the NEPA process from going on too long in time or in volume;⁵⁰ emphasized that decisions as to what to analyze in a NEPA analysis and how detailed the analysis should be are owed “substantial deference” by reviewing courts;⁵¹ reiterated its earlier holding that just because an environmental impact is a foreseeable but-for result of an agency’s action does not mean that the impact is a legally relevant impact that NEPA requires the agency to analyze;⁵² and stressed that an agency’s NEPA analysis is only relevant to a court reviewing a challenge to a permit or other final agency action to the extent that the NEPA analysis is relevant to the legality of the agency’s final decision.⁵³ The template accompanying this guidance reflects these aspects of the Court’s opinion.

III. Establishing and Revising Agency NEPA Implementing Procedures

As explained above, Federal agencies must revise their NEPA implementing procedures (or establish such procedures if they do not yet have any) consistent with E.O. 14154, the 2023 and 2025 statutory amendments to NEPA (as applicable), and case law. While these revisions are

⁴⁴ *Id.* at 1513-14.

⁴⁵ *Id.* at 1513.

⁴⁶ *Id.*

⁴⁷ *See id.* at 1517.

⁴⁸ *See id.*

⁴⁹ *See id.* at 1513.

⁵⁰ *Id.* at 1512 n.3.

⁵¹ *See esp. id.* at 1512.

⁵² *See id.* at 1515-16.

⁵³ *See id.* at 1514 (“The ultimate question is not whether an EIS in and of itself is inadequate, but whether the agency’s final decision was reasonable and reasonably explained. Review of an EIS is only one component of that analysis.”).

ongoing, agencies should continue to follow their existing practices and procedures for implementing NEPA consistent with the text of NEPA, E.O. 14154, and this guidance.

A. Agency Procedures Template

CEQ has developed a template, included in Appendix 1, to assist Federal agencies in preparing or updating their NEPA procedures. This template is a non-binding, informational resource intended to support agencies and coordinate agency efforts to provide for consistency, coordination, and use of best practices in their implementation of NEPA's procedures requirements. The template does not establish new requirements, create legal obligations, or represent CEQ's final position on how agencies should implement NEPA. Rather, the template provides a framework that agencies may consider and adapt to their missions. Agencies are encouraged to use this template in a manner that allows them flexibility to tailor it to agency-specific statutory responsibilities, organizational structures, and programmatic needs.⁵⁴

As reflected in the template, agencies' NEPA implementing procedures need not restate the text of NEPA, but should describe how the agency will meet the statute's requirements taking into account the agency's unique authorities and mission, with the goal of prioritizing efficiency and certainty over any other policy objectives.

B. CEQ Consultation Process, Interagency Review, and Public Comment

To ensure consistency and predictability amongst agency NEPA implementing procedures, agencies must consult with CEQ while developing or revising their NEPA implementing procedures, in accordance with NEPA § 102(2)(B). To assist in planning and ensure timely reviews, agencies should inform CEQ as soon as possible about plans to develop or revise their procedures and their anticipated timeline for submitting procedures to CEQ for review. This information can be submitted to CEQ at NEPA@ceq.eop.gov.

CEQ anticipates that it will complete initial review of agency NEPA implementing procedure proposals within 30 days from submission of a complete package. During this process, CEQ may ask for additional information or to meet with the agency when doing so will facilitate and efficient review process. *Agencies should conduct this initial consultation with CEQ prior to initiating any interagency or public rulemaking process as described in the following paragraphs.*

The Supreme Court emphasized strenuously and repeatedly in *Seven County* that “NEPA is a purely procedural statute.”⁵⁵ Agencies may wish to issue some or all of their NEPA

⁵⁴ CEQ recommends that agencies carefully review the procedures recently issued by the following Departments, which illustrate how other agencies have utilized the template consistent with this guidance and Administration priorities: Defense (<https://www.denix.osd.mil/nepa/denix-files/sites/55/2025/06/DoD-NEPA-Procedures-FINAL.pdf>); Interior (<https://www.doi.gov/media/document/doi-nepa-handbook>); and Transportation (https://www.transportation.gov/sites/dot.gov/files/2025-07/DOT_Order_5610.1D_OST-P-250627-001_508_Compliant.pdf).

⁵⁵ 145 S. Ct. at 1507; *see id.* at 1510 (“NEPA is purely procedural.... NEPA ‘does not mandate particular results, but simply prescribes the necessary process’ for an agency’s environmental review of a project.”); *id.* at 1511 (NEPA is

implementing procedures not as codified regulations in the Code of Federal Regulations (C.F.R.), but rather as non-regulatory documents in the nature of a guidance or handbook, as some agencies that revised their NEPA procedures earlier this year chose to do. This approach provides additional flexibility for agencies to update their procedures more quickly if their experience implementing them suggests that further changes are warranted.

Agencies that choose to promulgate their NEPA implementing procedures through rulemaking for publication in the C.F.R. must submit both the proposed and final rule to the Office of Management and Budget (OMB) for a significance determination and possible interagency review consistent with E.O. 12866.⁵⁶ In addition, new or revised agency NEPA implementing procedures that are not published in the C.F.R. may be considered significant guidance subject to E.O. 12866. Agencies should consult with OMB's Office of Information and Regulatory Affairs (OIRA) in determining E.O. 12866's applicability.

When applicable, agencies should conduct timely and efficient E.O. 12866 reviews in coordination with OIRA. If necessary to meet timeframes, agencies may request a significance determination by OIRA prior to or concurrent with CEQ's consultation process, but should not initiate E.O. 12866 review until after CEQ's initial review is complete.

After CEQ's satisfactory review of the final version of the agency's NEPA implementing procedures, CEQ will inform the agency in writing that consultation with CEQ is concluded. For procedures that are not being established or revised by rulemaking, the agency's new or revised NEPA implementing procedures are effective after the conclusion of the consultation. The agency should make the procedures available to the public, such as through publication in the *Federal Register* or an agency website. For procedures being established or revised by rulemaking, the agency must publish the proposed and final rule in the *Federal Register*. CEQ will provide its statement on the conclusion of consultation at the final rule stage, prior to publication in the *Federal Register*.

In brief, the process for consulting with CEQ to establish or revise NEPA implementing procedures includes the following steps:

- Agencies inform CEQ as early as possible about plans to develop or revise agency procedures and submit an anticipated timeline to CEQ at NEPA@ceq.eop.gov.
- Agencies develop proposed procedures and submit required documents to CEQ for review (see requirements in III.C).
- CEQ completes initial review of agency documents.
- As applicable, agencies revise documents based on CEQ review.

a purely procedural statute"); *id.* at 1513 (NEPA is properly understood as "a modest procedural requirement"); *id.* at 1514 ("NEPA's status as a purely procedural statute"); *see also id.* at 1507 ("Simply stated, NEPA is a procedural cross-check, not a substantive roadblock.").

⁵⁶ E.O. 12866, *Regulatory Planning and Review*, 58 Fed. Reg. 51735 (Oct. 4, 1993).

- Agencies take action to fulfill any applicable interagency review processes depending on the nature of the action (rulemaking or non-rulemaking), as applicable, and make the procedures available to the public.

At the conclusion of these processes, agencies receive notification from CEQ that consultation has concluded, and fulfill any additional processes to make the procedures available to the public. For procedures proceeding via notice-and-comment rulemaking, CEQ will conclude consultation at the final rule stage.

C. CEQ's Submission Requirements

The documentation required to initiate consultation with CEQ will vary depending on the type of action the agency is undertaking to revise or establish NEPA implementing procedures. CEQ will not initiate review of documents unless all required elements are submitted. Documents should be submitted in Microsoft Word format to facilitate review.

- For rulemaking actions: Submissions must include a formatted *Federal Register* notice for a Notice of Proposed Rulemaking, Interim Final Rule, or other type of rule, as applicable. The notice must include a preamble that describes the action being taken and the proposed regulatory text. If an agency is removing regulations from the C.F.R., the agency must prepare a *Federal Register* notice rescinding the existing regulations.
- For non-rulemaking actions: Submissions must include the complete text of the proposed NEPA implementing procedures. CEQ encourages agencies to draft a *Federal Register* notice stating the availability of the agency's procedures and where the procedures can be accessed. If an agency elects to publish a *Federal Register* notice, it should include a draft of the notice in the submission to CEQ.
- For CEs: For any action that includes establishing new or revising existing CEs, the rulemaking or non-rulemaking package must include a written record containing information to substantiate the agency's determination that the category of actions normally do not significantly affect the quality of the human environment. For actions that involve the removal of existing CEs, the agency should develop a written explanation for the removal. Packages for CEQ review must contain the appropriate formatted *Federal Register* notice signaling that the agency is establishing, revising, or removing CEs.

When revising NEPA implementing procedures, CEQ encourages agencies to also include redline of the revised text. This can be a helpful tool for reviewers when changes are of a smaller scale or where only certain sections of an agency's procedures are being revised.

If you have any questions about what to include in a submission, please contact CEQ.

D. Conclusion and Contact Information

CEQ is working with agencies to update their procedures in an efficient and coordinated manner. Agencies with questions regarding the timeframe for their updates to their procedures should

reach out to CEQ. Within departments, it may be efficient for sub-components of a department to adopt their own procedures, as departments deem appropriate.

If your staff has any questions regarding this memorandum, contact Jomar Maldonado, Director for the National Environmental Policy Act, at (202) 395-0827 or Jomar.MaldonadoVazquez@ceq.eop.gov or Jocelyn D'Ambrosio, Principal Deputy General Counsel, at (202) 456-7467 or Jocelyn.M.D'Ambrosio@ceq.eop.gov.