

Regulatory Impact Analysis for the Final Rule
National Environmental Policy Act Implementing Regulations
RIN: 1090-AB18
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INTRODUCTION

This Regulatory Impact Analysis (RIA) is part of the rule-making process for the Department of the Interior (DOI) Final Rule (Rule) for implementing the National Environmental Policy Act (DOI Rule). In accordance with the Administrative Procedure Act, 5 U.S.C. § 551 et seq., the RIA evaluates the potential economic, social and environmental impacts to demonstrate the DOI Rule is well-considered and justified.

The purpose of the National Environmental Policy Act, 42 U.S.C. §4321 et seq., (NEPA) is to ensure Federal agencies engage in informed decision-making, by considering the potential environmental effects of proposed major Federal actions, and to ensure the public is aware of the agency’s decision-making process. When proactively implemented and well managed, the NEPA review process results in more informative evaluations, concise documentation for decision-making, enhanced permitting coordination, and improved project implementation with positive environmental outcomes.

The DOI Rule is considered economically significant since DOI expects that revisions and updates to the existing DOI NEPA Implementing Regulations will have a broad range of cost savings for the Federal government, interested stakeholders, and DOI applicants. These cost savings are driven by clarifications provided by the proposed revisions to the regulations in the DOI Rule and by DOI’s updated “NEPA Procedures,” which include both the DOI Rule and Departmental NEPA Handbook. The DOI Rule clarifies the standards and processes that apply to NEPA review during emergency responses, the use of categorical exclusions, reliance by DOI and its bureaus on applicant-prepared documents, and designating lead agencies and selecting cooperating agencies. The revised DOI NEPA Procedures are intended to expedite the environmental review process, increase transparency, and promote early agency coordination for timely permit approvals.

NEED FOR DOI RULE

Over the past 50 years, the Council on Environmental Quality (CEQ) has issued more than 30 guidance documents, including best practices condensed as frequently asked questions, to assist Federal agencies in understanding and complying with NEPA and its implementing regulations, 40 CFR parts 1500–1508. Courts also have issued thousands of decisions addressing appropriate implementation and interpretation of NEPA and the CEQ regulations. The result is a large body of case law and other guidance interpreting NEPA and the various NEPA implementing CEQ regulations.¹

Additionally, Presidents have issued directives, and Congress has enacted legislation to reduce delays and accelerate NEPA review, including by establishing expedited permitting procedures to be overseen by a new agency, the Federal Permitting Improvement Steering Council.² In 2020, CEQ promulgated new regulations to streamline the environmental review process for federal projects and to reduce perceived burdens on the economy, including by imposing page and time limits on NEPA documents and processes. Subsequently, the CEQ rescinded those 2020 regulations, and promulgated new regulations in two phases during 2022 and 2024. In 2023, the Fiscal Responsibility Act (FRA) amended NEPA to include some of the efficiency measures from the since-rescinded 2020 regulations, including the same page and time limits. Notwithstanding the various guidance, Presidential directives, and legislative changes, implementation of NEPA remains challenging for complex projects, and the process can be lengthy, disjointed, and costly.

DOI RULE AND OBJECTIVES

Executive Order (E.O.) 14154, *Unleashing American Energy*, and E.O. 14192, *Unleashing Prosperity Through Deregulation*, were issued in January 2025 to significantly unburden how Federal agencies approve energy projects and ensure regulatory requirements are grounded in applicable law. These E.O.s direct agencies to roll back NEPA regulations and streamline permitting processes, aiming to reduce delays and expedite approvals. Meanwhile, CEQ has

¹ References to the “CEQ regulations” refers to all versions of the regulations in 40 CFR parts 1500 through 1508 as they existed before the CEQ NEPA regulations were vacated by the North Dakota district court in *Iowa v. CEQ*, 2025 U.S. Dist. LEXIS 36732 (D. N.D. 2025) and CEQ’s rescission of its remaining regulations through an interim final rule, 90 Fed. Reg. 10,610 (Feb. 25, 2025), which was effective April 11, 2025. These CEQ NEPA regulations have been repealed via a final rule issued on January 8, 2026, 91 Fed. Reg. 618 (Jan. 8, 2026).

² The Federal Permitting Improvement Steering Council was established under Title 41 of the Fixing America’s Surface Transportation Act (FAST) Act (known as FAST-41) in 2015.

rescinded all its NEPA implementing regulations, 40 CFR 1500-1508, after the North Dakota district court vacated its 2024 rulemaking effort on the basis that NEPA does not authorize CEQ to promulgate implementing regulations in *Iowa v. CEQ*, 2025 U.S. Dist. LEXIS 36732 (D. N.D. 2025). 90 Fed. Reg. 10,610 (Feb. 25, 2025). CEQ also issued guidance directing Federal agencies to revise their own NEPA implementing procedures.

Therefore, DOI prepared this rule as part of its broader NEPA Procedures to update, modernize, revise, and clarify the DOI NEPA implementing regulations at 43 CFR Part 46. The revised Part will facilitate a more efficient process for timely NEPA reviews in connection with DOI actions.

ALTERNATIVE REGULATORY APPROACHES CONSIDERED

The DOI rule updates the regulations in light of the rescission of the CEQ regulations, meets the directives of the various relevant E.O.s, reduces regulatory burden, improves processes for applicants and non-federal sponsors, and expedites permitting approvals. The DOI Rule retains only the regulations necessary to interpret NEPA in service of efficiently implementing the major Federal actions specific to DOI missions and goals. The balance of the existing DOI NEPA regulations are rescinded.

BENEFITS AND COST ASSESSMENT

DOI expects the impacts of the DOI Rule, in the context of the broader DOI NEPA Procedures, to be economically significant, given potential cost savings to DOI as well as economy-wide impacts that will be catalyzed for the public and applicants by this rule. However, little quantifiable information exists on the costs and benefits of completing NEPA analyses. DOI does not normally track the cost of completing NEPA analyses and where information exists the sample size is not adequate for quantitative analysis. The Benefit and Cost Assessment, therefore, provides a largely qualitative summary of the scope and breadth of impacts DOI anticipates will result from the DOI Rule in combination with the rest of the DOI NEPA Procedures.

Cost of NEPA Compliance

NEPA requires Federal agencies to evaluate the potential significant environmental effects of major actions they propose to carry out, fund, or approve. Federal agencies prepare an EIS for proposed major Federal actions that would have significant effects on the environment. Based on

CEQ data³ over a 15-year period between 2010 and 2024, DOI published 541 final EISs. For proposals that will not have significant effects, NEPA requires a less comprehensive review and Federal agencies prepare an EA. Moreover, some categories of actions are excluded from the requirement even to prepare an EA. DOI does not routinely track the number of EAs it prepares or the number of actions it takes while relying on a categorical exclusion (CE). CEQ has estimated that Federal agencies apply CEs to approximately 100,000 Federal agency actions per year⁴ and prepare over 10,000 EAs per year.⁵

Actions requiring an EIS are a small proportion of all actions and are typically the most complex and provide the greatest economic benefit and impact to affected communities. Large infrastructure projects frequently require preparation of an EIS, and one estimate found that the cost of a 6-year delay in starting construction on public projects costs the nation over \$3.7 trillion, including the cost of prolonged inefficiencies and avoidable pollution.⁶

Completion Time

According to the most recent Federal government-wide data from 2010 to 2024,⁷ the median time to complete an EIS, from notice of intent (NOI) to final EIS, was 2.8 years or 34 months. Looking at the most recent data, for final EISs issued in 2024, the median time from NOI to final EIS was 2.2 years or 26 months. For DOI, the trend over the last 12 years, shown in four-year increments to provide for adequate sample size, reflects a downward trend in EIS median completion time from 4.4 years to 2.2 years. See Table 1 below.

³ CEQ has identified EISs completed between 2010 and 2024. See Council on Environmental Quality, *Environmental Impact Statement Timelines (2010–2024)*, (January 13, 2025) (“CEQ EIS Timelines Report”), [Environmental Impact Statement Timelines \(2010-2024\)](#).

⁴ See Council on Environmental Quality, *The Eleventh and Final Report on the National Environmental Policy Act Status and Progress for American Recovery and Reinvestment Act of 2009 Activities and Projects*, (Nov. 2, 2011), https://ceq.doe.gov/docs/ceq-reports/nov2011/CEQ_ARRA_NEPA_Report_Nov_2011.pdf.

⁵ See Council on Environmental Quality, *Report on Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act (NEPA)*, (Oct. 4, 2016), https://ceq.doe.gov/docs/ceq-reports/Attachment-A-Fourth-Cooperating-Agency-Report_Oct2016.pdf.

⁶ See Common Good, *Two Years, Not Ten Years: Redesigning Infrastructure Approvals* (September 15, 2015), [Two Years, Not Ten Years: Redesigning Infrastructure Approvals — Common Good](#).

⁷ CEQ identified 1,903 EISs completed between 2010 and 2024. See Council on Environmental Quality, *Environmental Impact Statement Timelines (2010–2024)*, (January 13, 2025) (“CEQ EIS Timelines Report”), [Environmental Impact Statement Timelines \(2010-2024\)](#).

Table 1. **Median Completion Time and Percent of DOI EISs Completed in Two Years or Less by Year from 2013 to 2024.**

Year	Median Years NOI to Final EIS	Percent of EISs Completed in Two Years or Less
2013-2016	4.4	15%
2017-2020	3.8	30%
2021-2024	2.2	37%

In 2024, DOI issued 40 final EISs and completed 24 of those (or 60 percent) in under two years.

EAs can cost significantly less to prepare than EISs. A previous study including the Departments of Agriculture, Energy, and the DOI found the average completion time within each agency for EAs ranged from 1 to 18 months.⁸ Reviews for the application of CEs generally take only a few days to complete. However, drafting the documentation to support reliance on a CE determination, including confirmation that there are no “extraordinary circumstances” that preclude reliance on the CE, can take months because of associated consultations, reviews, and the need for other agency determinations.⁹

PROVISION-BY-PROVISION ANALYSIS OF THE NEW REGULATION

In total, DOI makes various revisions to align its DOI NEPA Procedures with the intent and text of NEPA, as amended by the FRA. (See Appendix).¹⁰ DOI makes changes to ensure that the DOI NEPA Procedures, which would exist primarily beyond agency regulation, facilitate more efficient, effective, and timely NEPA reviews by including improvements in technology, additional guidance for applicant prepared documents, requirements to meet the statutory deadlines for NEPA reviews, and provisions for the use of existing studies, analyses, and environmental documents prepared by States, Tribes, and local governments and agencies. DOI clarifies the process and documentation required for complying with NEPA by amending sections on threshold

⁸ U.S. Government Accountability Office, *National Environmental Policy Act: Little Information Exists on NEPA Analyses*, GAO-14-370, (Apr. 15, 2014), <https://www.gao.gov/assets/670/662543.pdf>.

⁹ *Id.* at 16.

¹⁰ DOI does not intend this Regulatory Impact Analysis (“RIA”) or the Appendix that follows to affect the meaning of the DOI NEPA Procedures as adopted. To the extent there is any inconsistency between the meaning of this RIA or the Appendix and the DOI NEPA Procedures, the DOI NEPA Procedures control.

considerations, determination of the appropriate level of NEPA review, and the application of CEs. The changes are expected to facilitate more efficient, effective, and timely NEPA reviews for DOI.

The 2008 DOI NEPA regulations at 43 CFR Part 46 included five Subparts (A through E) and 42 regulatory sections. Under the DOI Rule, 29 of those sections (69 percent) are removed from the regulations and, with modifications, included instead in the Departmental NEPA Handbook; six sections (14 percent) are rescinded and removed; seven sections are retained with revisions (17 percent); and one new section is added. Each of these amendments to the regulations is identified by Subpart below.

Subpart A, *General Information*, is rescinded and reserved, and the provisions there are, with revisions, moved to the Departmental NEPA Handbook in the Electronic Library of The Interior Policies (www.doi.gov/document-library/handbook).

Subpart B, *Protection and Enhancement of Environmental Quality*, is amended by revising the following sections:

- Section 46.105 is revised by changing the section heading to *Using a bureau-directed contractor to prepare environmental documents* and adding direction to bureau Responsible Officials on conducting an independent evaluation of the contractor prepared documents. It also requires contractors to submit a professional integrity statement and financial and interest disclosure statement.
- Section 46.107 is added with a section heading of *Procedures for applicant-prepared environmental impact statements and environmental assessments*, and addresses in regulation the FRA provisions for applicant-prepared environmental review documents. It establishes the bureaus as responsible for the accuracy, scope, and content of environmental review documents prepared by applicants and includes requirements for applicants to submit a professional integrity statement and financial or other interest disclosure statement.
- Section 46.150, *Emergency responses*, is retained with some clarifications but no major substantive changes.

The following sections of Subpart B are rescinded, and no equivalent appears in the Departmental NEPA Handbook:

- 46.110, *Incorporating consensus-based management*;
- 46.115, *Consideration of past actions in the analysis of cumulative effects*;

- 46.145, *Using adaptive management*;
- 46.170, *Environmental effects abroad of major Federal actions*.

The other Subpart B sections are removed from regulation, moved to the Departmental NEPA Handbook, and revised to align the text more closely to NEPA, as amended, allowing increased flexibility for further situational implementation direction through guidance via other means, as needed, either Department-wide or program-specific.

Subpart C, *Initiating the NEPA Process*, is amended by revising 46.205, *Actions categorically excluded from further NEPA review*, 46.210, *Listing of Departmental categorical exclusions* and 46.215, *Categorical exclusions: Extraordinary circumstances*.

- Section 46.205 is amended to add procedures expanding upon how categorical exclusions can be used and the process to modify categorical exclusions, including consultation with CEQ.
- Section 46.210 is amended by identifying which categorical exclusions do and which categorical exclusions do not require documentation and making other changes to clarify the text.
- Section 46.215 is amended by removing paragraphs (c), (i), and (j), revising paragraphs (k) and (l), and redesignating the remaining paragraphs (c) through (i). The proposed changes to the extraordinary circumstances would reduce confusion eliminate provisions which are not germane to NEPA, references to E.O.s that could change, or based on other authorities no longer in effect.

The remaining Subpart C sections are removed from regulation, moved to the Departmental NEPA Handbook, and revised to align the text more closely to NEPA, as amended, allowing increased flexibility for further situational implementation direction through guidance via other means, as needed, either Department-wide or program-specific.

Subpart D, *Environmental Assessments*, is rescinded and reserved. Content currently in the sections of subpart D is moved to the Departmental NEPA Handbook and revised to align the text more closely to NEPA, as amended, allowing increased flexibility for further situational implementation direction through guidance via other means, as needed, either Department-wide or program-specific.

Subpart E, *Environmental Impact Statements*, is amended by rescinding the following sections, and no equivalent would appear in the Departmental NEPA Handbook:

- 46.425, *Identification of the preferred alternative in an environmental impact statement*;
- 46.445, *Preparing a legislative environmental impact statement*; and

46.450, *Identifying the environmentally preferred alternative(s)*.

The content currently in the other sections of Subpart E is moved to the Departmental NEPA Handbook and revised to align the text more closely to NEPA, as amended, allowing increased flexibility for further situational implementation direction through guidance via other means, as needed, either Department-wide or program-specific

BASELINE FOR ANALYSIS

The baseline for the analysis is defined as DOI's existing regulatory conditions in relation to NEPA, prior to issuance of the IFR and the Handbook revision. Additional guidance and amendments to NEPA have occurred since the last revisions to the DOI regulations. These major changes include the NEPA amendments included in the FRA and the rescission of the CEQ regulations. DOI cannot identify savings specifically attributed to the DOI IFR versus the FRA.

In evaluating the economic and environmental impacts of the DOI Rule, DOI considered NEPA, and relevant interpretive authority. There are many long-standing practices and case law that have developed over the years of implementing NEPA. The DOI Rule, and the rest of the DOI NEPA Procedures, incorporate several of these long-standing practices and examples of this case law. Given that those changes reflect existing practices and legal requirements, their incorporation would have marginal cost impact. Similarly, changes that clarify or otherwise improve the ability to interpret and implement the DOI NEPA Procedures in a manner similar to the rescinded CEQ regulations would have little to no quantifiable impact.

ADMINISTRATIVE COST SAVINGS FOR THE FEDERAL GOVERNMENT

The revisions to DOI Rule are anticipated to significantly lower administrative costs as a result of changes to reduce unnecessary paperwork and improve coordination and management while meeting the FRA statutory deadlines which shorten review times. These changes include removing unnecessary or duplicative documentation and review periods. The cost of an EIS is highly variable and may be skewed by expensive outliers. In 2003, a CEQ Task Force found that EISs typically cost between \$250,000 and \$2 million.¹¹ If DOI's NEPA Procedures shorten the time to complete an EIS, as expected, DOI should see substantial cost savings. The DOI Rule would establish presumptive time and page limits, requiring DOI and its bureaus to complete all EISs within two years and 150 to 300 pages. The Rule includes numerous efficiencies to achieve those limits. For example, CEQ found that across all Federal agencies, the median time to complete an EIS, measured from NOI to final EIS, is 2.8 years (34 months) for final EISs issued from January 2019, to December 2024.¹² This figure represents an improvement of almost 5 months (13 percent) relative to the period from 2010 to 2018, when the median time from NOI to final EIS was 3.2 years (38 months). Looking at the most recent data, for final EISs issued in 2024, the median time from NOI to final EIS was 2.2 years (26 months). This figure represents an improvement of nearly a year and a half from 2019, the first year of newly reported data when the median time was 3.6 years (43 months). Furthermore, approximately 41 percent of final EISs issued in 2024 were completed in 2 years or less, an improvement from 2019, when only 24 percent were completed in 2 years or less.¹³

The DOI-only figures show that 24 final EISs issued in 2024 (60 percent of all final EISs DOI issued that year) were completed in 2 years or less. The average cost to prepare an EIS is \$1.967 million (2003 NEPA Task Force report mid-point cost adjusted to 2025 dollars). Assuming that reducing the time required for all DOI EISs to 2 years or less results in a 40% cost savings, then the per EIS savings would average \$787,000. Over the 15 years covered by the CEQ dataset, 413 DOI EISs (out of 541) took more than 2 years to complete, which would translate, using the

¹¹ See The NEPA Task Force, *Report to The Council on Environmental Quality, Modernizing NEPA Implementation* (Sept. 2003), <https://ceq.doe.gov/docs/ceq-publications/report/finalreport.pdf>.

¹² See Council on Environmental Quality, *Environmental Impact Statement Timelines (2010–2024)*, (January 13, 2025) (“CEQ EIS Timelines Report”), [Environmental Impact Statement Timelines \(2010-2024\)](#)

¹³ See Council on Environmental Quality, *Environmental Impact Statement Timelines (2010–2024)*, (January 13, 2025) (“CEQ EIS Timelines Report”), [Environmental Impact Statement Timelines \(2010-2024\)](#)..

2025 savings rate, into \$325 million in savings, annualized to \$21.7 million (in 2025 dollars).¹⁴ This figure is similar to that using more recent median EIS costs using DOI-only data from 2019 to 2023 when the cost of EIS development was included on the final EIS covers. With a sample size of 52 and a median cost of \$1.89 million (in 2025 dollars), the 40 percent cost savings of reducing the time required for all DOI EISs to 2 years or less is a savings per EIS of \$757,000. Using the CEQ dataset of 413 DOI EISs over 2 years, this figure would translate, using the 2025 savings rate, into \$313 million in savings, annualized to \$20.9 million (in 2025 dollars).¹⁵ The amount of time required to prepare an EIS does not necessarily correlate with the total cost. However, for those EISs taking over 2 years to prepare, comparing the anticipated time savings with the respective administrative costs provides insight into the potential cost savings that an agency may generate under the rule.

INDIRECT BENEFITS TO THE ECONOMY

Time savings resulting from a more efficient and predictable NEPA process are expected to generate cost savings for non-Federal project sponsors. Delays require additional resources to sustain projects and are especially impactful to those that are capital intensive with high upfront costs. Uncertainties compound the effects of delays as well as create doubts on the expected returns from projects. Severe uncertainties may even result in reduction in future projects that will likely require EISs. Estimating the cost of delay requires analyses that can account for the diverse nature of projects, and detailed case studies may not be widely applicable. Building representative models may also be difficult due to the heterogeneous nature of capital projects. Delays may result in higher planning and design costs, changes in the option value of the project as well as higher construction costs.

The economics literature has spent a considerable time examining the effect of uncertainty on investment. If investment is highly irreversible, environmental compliance uncertainties would negatively affect investment. Conversely, if investment is largely reversible, environmental compliance uncertainties may not have significant effect.¹⁶ Investments that may require extensive

¹⁴ This calculation uses the mid-point of the \$250,000 to \$2 million cost range found in the NEPA Task Force report adjusted to 2025 dollars (\$1.967 million) and assumes a 40 percent reduction, or \$787,000 per EIS, in costs for those EISs taking longer than 2 years. The NEPA Task Force, *supra*, note 10. This number is consistent with the cost data from the Department of Energy, which found a median EIS cost of \$1.4 million. U.S. Government Accountability Office, *supra*, note 7.

¹⁵ See Environmental Protection Agency, *Environmental Impact Statement (EIS) Database* (accessed June 12, 2025), <https://www.epa.gov/nepa>.

¹⁶ Dixit, Avinash K., and Robert S. Pindyck, *Investment under Uncertainty* (1994).

environmental impact assessment may be skewed towards ones that are more irreversible than reversible. Bloom et al. state “uncertainty increases real option values making firms more cautious when investing or disinvesting.”¹⁷ They find that reducing uncertainty from the 75th percentile to the 25th percentile doubles the increase in investment.

ENVIRONMENTAL IMPACTS

NEPA is a procedural statute that requires Federal agencies to disclose and consider potential environmental effects in their decision-making processes and inform the public. The DOI Rule does not alter any substantive environmental law or regulation such as the Endangered Species Act or the National Historic Preservation Act. Although some may view the changes in the DOI Rule as reducing the number or scope of analyses, DOI has determined that, using a baseline of the statutory requirements of NEPA, current practices, and existing case law, there are no adverse environmental impacts (see Appendix). There are a small number of changes that would result in certain Federal activities no longer being subject to the same NEPA class of action. DOI has determined that those changes, for example, changes to the identification in guidance of the actions normally subject to NEPA or normally meriting preparation of an EA or EIS and new categorical exclusions, would not result in a substantive environmental impact.

The changes to the identification of certain decisions meriting a particular level of NEPA review reflect current practice resulting from changes in other program procedures, e.g. conducting a planning process before consideration of implementation activities triggering NEPA review, or new case law precedent resulting in a change in when a NEPA review occurs. These conditions are part of the baseline for determining impacts under E.O. 12866, so the changes in the rule are not anticipated to have environmental impacts relative to that baseline.

In addition, the DOI has established or adopted a number of new categorical exclusions, which are identified in Appendix 2 of the Departmental NEPA Handbook. Given that the nature of categorical exclusions, which represent categories of actions not expected to have significant environmental effects, DOI has determined that the establishment or adoption of new categorical exclusions is not anticipated to have an environmental impact under E.O. 12866.

¹⁷ Bloom, Nick, Stephen Bond, and John van Reenen, *Uncertainty and Investment Dynamics*, 74 Review of Econ. Stud. 391-415. (Apr. 2007).

Appendix RIN 1090-AB18: Summary of Economic and Environmental Impacts

The following appendix lists the main provisions likely to have economic impacts. Provisions that do not change existing requirements will not result in a change compared to the baseline and generally are not included here. Proposed changes to the DOI regulatory text would, in themselves, have no environmental effects. The rulemaking addresses the Fiscal Responsibility Act (FRA), which amended NEPA. DOI maintains the pre-statutory baseline for this analysis, while noting in the “FRA Amendment” column which provisions of the regulation are based in part on or implement the FRA.

Section Number	Section Topic	Description of Changes in the Rule	Impacts of Proposed Changes	Based on FRA NEPA Amendment?
Subpart A: General Information [Removed and Reserved]				
46.10	Purpose of this part.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 0.1 <i>Purpose and policy.</i>	No economic or environmental impacts are expected.	No.
46.20	How to use this part.	Removed from the DOI regulations and paragraphs (b)-(e) revised in the Departmental NEPA Handbook at <i>Part 1—NEPA and Agency Planning</i> by paragraphs 1.2(a), 1.5(e), 2.5, and 1.3(c).	No economic or environmental impacts are expected.	No.
46.30	Definitions.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 6.1 <i>Definitions.</i>	No economic or environmental impacts are expected.	Yes, FRA, NEPA section 111.
Subpart B—Protection and Enhancement of Environmental Quality [Removed and Reserved, except Revise 43 CFR 46.105 and 150, and Add 46.107]				
46.100	Federal action subject to the procedural requirements of NEPA.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 1.1 <i>Determining when NEPA applies.</i>	No economic or environmental impacts are expected.	No.
46.105	Using a contractor to prepare environmental documents.	Revised by changing section heading to <i>Using a bureau-directed contractor to prepare environmental documents</i> and adding direction to bureau Responsible Officials on conducting an independent	Adds clarity and improves agency coordination with agency-directed contractors. No economic or environmental impacts are expected.	No.

		evaluation of the contractor prepared documents and requires contractors to submit a professional integrity statement and financial and interest disclosure statement.		
46.107	Procedures for applicant and contractor prepared environmental impact statements and environmental assessments.	Add section 46.107 to regulation to address FRA provisions for applicant-prepared environmental documents. Establishes the bureau as responsible for the accuracy, scope, and content of environmental documents prepared by applicants. Includes requirement for applicants to submit a professional integrity statement and financial and interest disclosure statement.	In some circumstances, applicants and contractors may prepare environmental documents more cost-effectively, thereby lowering administrative costs. DOI anticipates that bureaus will use their discretion to approve applicant-prepared documents where doing so will improve the overall NEPA review. DOI does not anticipate environmental impacts.	Yes, FRA, NEPA section 107(f).
46.110	Incorporating consensus-based management.	Removed from the DOI regulations.	No economic or environmental impacts are expected.	No.
46.115	Consideration of past actions in the analysis of cumulative effects.	Removed from the DOI regulations.	No economic or environmental impacts are expected.	No.
46.120	Using existing environmental analyses prepared pursuant to NEPA and the Council on Environmental Quality regulations.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by <i>Part 3—Efficient Environmental Reviews</i> sections 3.1, 3.2, and 3.5.	No economic or environmental impacts are expected.	No.
46.125	Incomplete or unavailable information.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 3.7 <i>Integrity and completeness of information.</i>	No economic or environmental impacts are expected.	No.
46.130	Mitigation measures in analyses.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 1.3 <i>NEPA and agency decision-making</i>	No economic or environmental impacts are expected.	No.

		paragraph (e).		
46.135	Incorporation of referenced documents into NEPA analysis.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 3.5 <i>Incorporation by reference.</i>	No economic or environmental impacts are expected.	No.
46.140	Using tiered documents.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 3.2 <i>Programmatic environmental impact statements or environmental assessments and tiering.</i>	No economic or environmental impacts are expected.	Yes, FRA, NEPA section 108.
46.145	Using adaptive management.	Removed from the DOI regulations.	No economic or environmental impacts are expected.	No.
46.150	Emergency responses.	No substantive changes to this section.	No economic or environmental impacts are expected.	No.
46.155	Consultation, coordination, and cooperation with other agencies.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 1.7 and 2.1.	No economic or environmental impacts are expected.	No.
46.160	Limitations on actions during the NEPA analysis process.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 1.3 <i>NEPA and agency decision-making</i> paragraph 1.3(b).	No economic or environmental impacts are expected.	No.
46.170	Environmental effects abroad of major Federal actions.	Removed from the DOI regulations.	No economic or environmental impacts are expected.	No.

Subpart C—Initiating the NEPA Process [Removed and Reserved, except 43 CFR 46.205, 46.210, 46.215, 46.220, and 46.225]

46.200	Applying NEPA early.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 1.3, paragraph (c), 1.7 and 1.8.	No economic or environmental impacts are expected.	No.
46.205	Actions categorically excluded from further NEPA review.	Amended to add new paragraphs (e) through (j) to provide that DOI bureaus can rely on categorical exclusions from other Federal agencies; apply multiple categorical exclusions to a single action; and rely on a categorical exclusion administratively established or adopted by another DOI bureau.	Improves DOI flexibility to develop, adopt, and apply categorical exclusions, which save bureau resources, leading to reduced costs.	Yes, FRA, NEPA sections 106(a)(2) and 109.
46.210	Listing of Departmental categorical exclusions.	Amended by noting reliance on categorical exclusions at paragraphs (k) and (l) require documentation, move from 43 CFR 46.210 (2008). Other clarifying edits with no substantive change to categorical exclusion text or practice.	No economic or environmental impacts are expected.	No.
46.215	Categorical exclusions: Extraordinary circumstances.	Amended to remove references to specific E.O.s and clarify when the nature and magnitude of the environmental effects of an action constitute an extraordinary circumstance by removing paragraphs (c), (i), and (j); revising paragraphs (k) and (l); and redesignating the remaining paragraphs (c) through (i).	The Department anticipates the changes to improve clarity and efficiency in decision-making, thereby reducing administrative costs, but does not anticipate them to result in environmental impacts.	No.
46.220	How to designate lead agencies.	A portion moved and revised in the Departmental NEPA Handbook by section 1.7 <i>Lead and cooperating agencies</i> . No substantive changes to the remaining rule text.	The Department anticipates the changes to improve clarity but does not anticipate them to result in economic or environmental impacts.	Yes, FRA, NEPA sections 107(a) and (b), and 111(9).

46.225	How to select cooperating agencies.	Amended rule text and revised in the Departmental NEPA Handbook by section 1.7 <i>Lead and cooperating agencies</i> .	The Department anticipates the changes to improve clarity but does not anticipate them to result in economic or environmental impacts.	Yes, FRA, NEPA section 107(a) and (b), and 111(2).
46.230	Role of cooperating agencies in the NEPA process.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 1.7 <i>Lead and cooperating agencies</i> .	The Department anticipates the changes to improve clarity but does not anticipate them to result in economic or environmental impacts.	Yes, FRA, NEPA section 107(a) and (b).
46.235	NEPA scoping process.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 1.8 <i>Notices of intent and scoping</i> .	The Department anticipates the changes to improve clarity but does not anticipate them to result in economic or environmental impacts.	Yes, FRA, NEPA section 107(c).
46.240	Establishing time limits for the NEPA process.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 1.5 <i>Environmental assessments</i> , paragraph (e) and 2.5 <i>Deadlines</i> . Adds FRA NEPA amendment requirement to meet deadline of one-year for environmental assessments and two years for environmental impact statements.	The Department expects the changes to produce more timely reviews and thereby reduce administrative costs. The flexibility to extend the deadline will ensure bureaus comply with all other requirements. DOI does not anticipate environmental impacts.	Yes, FRA, NEPA section 107(g).
Subpart D—Environmental Assessments [Removed and Reserved]				
46.300	Purpose of an environmental assessment and when it must be prepared.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 1.2 <i>Determine the appropriate level of NEPA review</i> paragraph (a)(5) and 1.5 <i>Environmental assessments</i> , paragraph (a).	No economic or environmental impacts are expected.	No.
46.305	Public involvement in the environmental assessment process.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 1.7 <i>Lead and cooperating agencies</i> and 1.8 <i>Notices of intent and scoping</i> .	No economic or environmental impacts are expected.	No.

46.310	Contents of an environmental assessment.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 1.5 <i>Environmental assessments, paragraph (b).</i>	No economic or environmental impacts are expected.	No.
46.315	How to format an environmental assessment.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 1.5 <i>Environmental assessments</i> in paragraph (d). Adds FRA amendment requirement to meet 75-page limit for environmental assessment documents.	The Department expects the changes to reduce administrative costs. DOI does not anticipate environmental impacts.	Yes, FRA, NEPA section 107(e)(2).
46.320	Adopting environmental assessments prepared by another agency, entity, or person.	Elements move and revised in added section 46.107 and other elements removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 3.1 <i>Reliance on existing environmental documents</i> , and 5.1 <i>Procedures for applicant-prepared environmental impact statements and environmental assessments.</i>	No economic or environmental impacts are expected.	No.
46.325	Conclusion of the environmental assessment process.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 1.6 <i>Findings of no significant impact.</i>	No economic or environmental impacts are expected.	No.

Subpart E—Environmental Impact Statements [Removed and Reserved]				
46.400	Timing of environmental impact statement development.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 2.1 <i>Preparation of environmental impact statements</i> , paragraph (a).	No economic or environmental impacts are expected.	No.
46.405	Remaining within page limits.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 2.4 <i>Page limits</i> and added FRA amendment that established page limits for EISs (150 or 300 pages).	The Department expects the changes to reduce administrative costs. DOI does not anticipate environmental impacts.	Yes, FRA, NEPA section 107(e)(1).
46.415	Environmental impact statement content, alternatives, circulation and filing requirements.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by sections 2.1 <i>Preparation of environmental impact statements</i> , 2.2 <i>Purpose and Need</i> , 2.3 <i>Analysis within the environmental impact statement</i> , 2.6, <i>Publication of the environmental impact statement</i> , and 4.2 <i>Filing requirements</i> .	No economic or environmental impacts are expected.	No.
46.420	Terms used in an environmental impact statement.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by sections 2.2 <i>Purpose and Need</i> , 2.3 <i>Analysis within the environmental impact statement</i> , and 6.1 <i>Definitions</i> , paragraph (u).	No economic or environmental impacts are expected.	No.
46.425	Identification of the preferred alternative in an environmental impact statement.	Removed from the DOI regulations.	No economic or environmental impacts are expected.	No.
46.430	Environmental review and consultation requirements.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by sections 3.7 <i>Integrating NEPA with other</i>	No economic or environmental impacts are expected.	No.

		<i>environmental requirements.</i>		
46.435	Inviting comments.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by sections 1.8 <i>Notices of intent and scoping</i> , paragraphs (b) and (c), and 2.1 <i>Preparation of environmental impact statements</i> , paragraph (b).	No economic or environmental impacts are expected.	No.
46.440	Eliminating duplication with State and local procedures.	Removed from the DOI regulations and revised in the Departmental NEPA Handbook by section 3.9 <i>Elimination of duplication with State, Tribal, and local procedures.</i>	No economic or environmental impacts are expected.	No.
46.445	Preparing a legislative environmental impact statement.	Removed from the DOI regulations.	No economic or environmental impacts are expected.	No.
46.450	Identifying the environmentally preferable alternative(s).	Removed from the DOI regulations.	No economic or environmental impacts are expected.	No.