

Agency NEPA Guidance Comparison

NEPA Provision	CEQ 1978 Rule	CEQ 2020 Rule	Fiscal Responsibility Act of 2023	CEQ 2025 Guidance Template	DOI 2025 Guidance	DOT 2025 Guidance	Army Corps 2025 Rule	DOE 2025 Guidance
	CEQ 1978 Rule Link	CEQ 2020 Rule Link	FRA 2023 Link	CEQ 2025 Guidance Link	DOI 2025 Guidance Link	DOT 2025 Guidance Link	Army Corps 2025 Rule Link	DOE 2025 Guidance Link
Page Limits	EA: No specific provisions EIS: 150 pages normally, 300 pages if complex	EA: 75 pages EIS: 150 pages normally, 300 pages if complex	EA: 75 pages (not including citations/ appendices) EIS: 150 pages normally, 300 pages if complex (not including citations/appendices)	EA: 75 pages (not including citations/ appendices) EIS: 150 pages normally, 300 pages if complex (not including citations/appendices)	Same as CEQ	Same	Same	Same
Time Limits	Encourages agencies to set time limits for developing EAs and EISs.	EA: 1 year EIS: 2 years	EA: 1 year (OBBBA can shorten to 6 months) EIS: 2 years (OBBBA can shorter to 1 year)	EA: 1 year EIS: 2 years	Same as CEQ	Same	Same	Same
Time Limit Extensions	No specific provisions	New time limits must be approved by a senior agency official of the lead agency in writing	Instructs agencies to abide by deadlines unless additional time is necessary to complete the analysis	Instructs agencies to abide by deadlines even if incomplete NEPA document unless the analysis is fundamentally in breach of the spirit of NEPA's requirements	Instructs agencies to abide by deadlines even if incomplete NEPA document unless the analysis is inadequate	Same as DOI	Same as DOI	Instructs agencies to abide by deadlines unless the analysis is not sufficiently developed
Categorical Exclusions Borrowing	No specific provisions	Agencies may use CE listed in other agency's NEPA procedures	Agencies may adopt a CE listed in another agency's NEPA procedures	Agencies may adopt a CE listed in another agency's NEPA procedures Agencies may also rely on another agency's CE determination if the proposed action is "substantially the same"	Same as CEQ (see 43 CFR 46.205(e))	Same	Same	Same
Definition of "impacts" or "effects"	"Reasonably foreseeable" whether "direct, indirect, or cumulative" impact	"Reasonably foreseeable" and have a "reasonably close casual relationship" to actions	No specific definition, but codifies concept of "reasonably foreseeable"	"Reasonably foreseeable" and have a "reasonably close casual relationship" to actions. Effects should generally not be considered if they are remote in time, geographically remote, or the product of a lengthy causal chain. Effects do not include those effects that the agency has no ability to prevent due to the limits of its regulatory authority, or that would occur regardless of the proposed action.	Same as CEQ, but adds exclusion for effect that "would need to be initiated by a third party."	Same as DOI	Same as DOI	Same as DOI
Cumulative Impacts	Defines cumulative impacts, includes cumulative impacts as an "effect," and categorical exclusions include actions that do not "cumulatively" have a significant effect	Removes all mention of cumulative impacts	No specific provisions	No specific provisions; effects not separated into direct, indirect, or cumulative.	Same	Same	Same	Same
No Action Alternative	In an EIS, consideration of "types of alternatives" shall include a no action alternative	In an EIS, consideration of alternatives shall include a no action alternative	In an EIS, consideration of reasonable alternatives shall include an analysis of negative environmental impacts of a no action alternative	In an EIS, consideration of reasonable alternatives shall include an analysis of negative environmental impacts of a no action alternative	IFR cites FRA	In an EIS, consideration of reasonable alternatives shall include an analysis of both beneficial and negative environmental impacts of a no action alternative	In any EIS, the no-action alternative analysis only needs to include negative environmental effects of not implementing proposed action	In an EIS, the no-action alternative analysis only needs to include negative environmental effects of not implementing proposed action
NEPA Triggers/ Definition of "major federal action"	Effects that may be major and are "potentially" subject to Federal control and responsibility	Subject to federal control and responsibility	Subject to substantial federal control and responsibility. Lists several categories of exclusions consistent with prior CEQ rules and caselaw.	"Major" and "federal action" have independent force and both criteria must be met to trigger NEPA. Directs agencies to create a "non-exhaustive list" of activities that "presumptively" are exempt from NEPA review. Adds NEPA exemptions where: NEPA "would clearly and fundamentally conflict with the requirements of another provision of law"; another statute's decisional criteria afford agency no residual discretion to alter its action based on consideration of environmental factors; another statute's requirements "serve the function of agency compliance with NEPA"	Same NEPA exclusions as CEQ. Adds that control over "only a small part" of an action is generally not sufficient to trigger NEPA. Exempts specific DOI agency actions such as all Office of Natural Resources Revenue functions and Endangered Species Act listing decisions.	Same NEPA exclusions as CEQ. Adds that will consider "only the action or project at hand." Defers to individual modal agencies to identify specific actions exempt from NEPA.	Same NEPA exclusions as CEQ. Adds that will consider "only the project at hand." Adds specific exemptions, such as for CWA 404 jurisdictional determinations, aquatic resource delineation concurrences, and certain RHA 408 determinations.	Similar NEPA exclusions as CEQ, but stated a bit differently, and excludes functional equivalence of another statute except for CERCLA. Adds that will consider "only the action or project at hand." Adds specific exemptions, such as authorizations for import or certain export of natural gas or for cross-border electric transmission.
Federal Funding Threshold	No specific provisions	A "non-federal" action is an action with no or minimal federal funding, or minimal federal involvement	A "non-federal" action is an action with "no or minimal federal funding," or with "no or minimal Federal involvement where a Federal agency cannot control the outcome of the project"	Encourages agencies to determine non-binding monetary threshold for determining if an action is "major" or "significant"	Same as FRA. No federal funding threshold identified.	Same as FRA. Defers to individual modal agencies to identify any federal funding threshold.	Same as FRA. No federal funding threshold identified.	Same as FRA. No federal funding threshold identified. Adds example of "financial assistance for non-Federal activities or projects where all physical work has been completed before the applicant seeks funds or reimbursement from DOE"
Public Comments	For an EIS, agencies must seek comments from "interested parties" during scoping and seek public comment on the draft EIS.	For an EIS, agencies will publish a notice of intent for public comment and seek public comment on the draft EIS.	For an EIS, agencies will publish a notice of intent for public comment. Silent on public notice on a draft EIS or on other NEPA documents.	For an EIS, agencies will publish a notice of intent for public comment. Agencies will obtain comments on a draft EIS from federal agencies and state, tribal, and local agencies with authorization to develop and enforce environmental standards. Agencies have discretion in obtaining comments on a draft EIS from certain other state, tribal, and local governments, federal agencies, the applicant, and the public.	For an EIS, agencies will publish a notice of intent for public comment. Agencies will obtain comments on a draft EIS from federal agencies and state, tribal, and local agencies with authorization to develop and enforce environmental standards, certain other federal agencies and state, tribal, and legal governments, and the applicant. Agencies have discretion in obtaining comments on a draft EIS from the public.	For an EIS, agencies will publish a notice of intent for public comment. Although NEPA does not require that a draft EIS is published for comment, some modal agencies require public comment on a draft EIS per statute.	Same as CEQ	For an EIS, agencies will publish a notice of intent for public comment. Agencies have discretion in publishing a draft EIS or an EA scoping notice for public comment.
Project Sponsor Can Prepare NEPA Documents	A lead agency may hire a contractor to prepare an environmental impact assessment under agency supervision	An applicant or contractor may prepare an environmental document under agency supervision	A lead agency shall develop procedures to allow a project sponsor to prepare an EA or EIS	Outlines procedures to allow applicants or contractors to prepare NEPA documents under agency supervision	Procedures for applicant-prepared NEPA reviews are at 43 CFR 46.107. Procedures for bureau-directed contractors are at 43 CFR 46.105. DOI NEPA Handbook Appendix 3 provides further guidance.	Similar to CEQ	Similar to CEQ	Similar to CEQ, and outlines respective responsibilities.
Methodology and Scientific Accuracy	Agencies shall ensure "professional integrity" and "scientific integrity" in analyses and reference sources used	Agencies shall ensure "professional integrity" and "scientific integrity" in analyses and reference sources used Agencies shall use reliable existing data and sources, and are not required to do new research	Agencies shall ensure "professional integrity" and "scientific integrity" in analyses Agencies shall use reliable existing data and sources, and "study, develop, and describe" feasible alternatives	Agencies shall use reliable existing data and sources, and "will not" do new research unless "essential" in its analysis of a "reasoned choice among alternatives" and the cost and time of obtaining it are "not unreasonable." If information is unavailable and cannot be obtained at a reasonable cost the agency will document that the information is lacking.	Same as CEQ	Same	Same	Similar to CEQ, except "need not" rather than "will not" undertake new research.