



COUNCIL ON ENVIRONMENTAL QUALITY

Implementation of the National Environmental Policy Act Guidance

AGENCY: Council on Environmental Quality.

ACTION: Notice of Availability.

SUMMARY: On April 9, 2026, the Council on Environmental Quality (CEQ) issued a memorandum to the heads of Federal departments and agencies (agencies) on establishing, revising, adopting, and applying categorical exclusions under the National Environmental Policy Act (NEPA). This guidance replaces initial guidance on the same subject issued on December 6, 2010.

DATES: This guidance was issued on April 9, 2026.

FOR FURTHER INFORMATION CONTACT: Jomar Maldonado, Director for NEPA, 202–395–5750, Jomar.MaldonadoVazquez@ceq.eop.gov. The guidance is available for viewing online at www.nepa.gov.

SUPPLEMENTARY INFORMATION:

On April XX, 2026, CEQ issued a memorandum entitled *Establishing, Revising, Adopting, and Applying Categorical Exclusions Under the National Environmental Policy Act* to provide guidance to Federal agencies regarding categorical exclusions. This guidance replaces guidance issued on December 6, 2010, entitled *Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act*, which CEQ published at www.nepa.gov and reproduced in a Federal Register notice (75 Fed. Reg. 75628 (Dec. 6, 2010)). The 2010 Guidance is now rescinded.

Since CEQ issued the 2010 Guidance, Congress revised NEPA to (1) include, for the first time, a definition of “categorical exclusion,” and (2) establish a process by which an agency may adopt and use a categorical exclusion listed in another agency’s NEPA implementing procedures. 42 U.S.C. §§ 4336e(1), 4336c. In addition, the 2010 Guidance

was issued pursuant to and based on CEQ's 1978 NEPA implementing regulations. CEQ has rescinded all iterations of its NEPA implementing regulations effective April 11, 2025. *See* Removal of National Environmental Policy Act Implementing Regulations, 90 Fed. Reg. 10610 (Feb. 25, 2025) (interim final rule); 91 Fed. Reg. 618 (Jan. 8, 2026) (final rule). Therefore, it is appropriate for CEQ to issue revised guidance at this time.

CEQ has long emphasized the importance of categorical exclusions as a core feature of NEPA practice to facilitate efficient and effective reviews in accordance with Congress's intent. Congress also recognizes that categorical exclusions are a form of review that agencies use to comply with NEPA for proposed actions that normally do not significantly affect the quality of the human environment. By identifying categorical exclusions as a threshold consideration for whether an EA or EIS is required, Congress has expressly directed agencies to consider which categories of actions they perform "normally" do not have significant effects. For these reasons, agencies should establish categorical exclusions to cover such categories of actions, adopt other agencies' categorical exclusions where appropriate, and in all instances consider whether a proposed action is excluded pursuant to a categorical exclusion before beginning to develop an EA or EIS for that proposed action. *See* 42 U.S.C. §§ 4336e(1), 4336c, 4336(a)(2), (b)(2).

The contents of the guidance do not have the force and effect of law and are not meant to create legal rights or obligations to any public party. The guidance does not establish new policy requirements. The guidance is intended only to provide clarity to the agencies regarding existing requirements under the law or agency policies. CEQ developed this guidance to expedite and simplify the permitting process and promote consistency as to NEPA's implementation consistent with 42 U.S.C. § 4332(2)(B) and Section 5 of Executive Order 14154, *Unleashing American Energy* (90 FR 8353, Jan. 20, 2025).

The guidance is available at www.nepa.gov.

Katherine R. Scarlett,

Chairman.

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