



U.S. Army Corps of Engineers Civil Works Implementing the National Environmental Policy Act

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The National Environmental Policy Act (NEPA) was signed into law by President Nixon on January 1, 1970. As stated in the statute, the purposes of the Act (Section 4321 of Title 42 of U.S. Code) are:

- To declare a national policy which will encourage productive and enjoyable harmony between humans and their environment;
- To promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of people;
- To enrich the understanding of the ecological systems and natural resources important to the Nation; and
- To establish a Council on Environmental Quality.

NEPA directs all Federal agencies to use a systematic, interdisciplinary approach to consider the impacts on the environment in planning and decision making by developing methods and procedures that give appropriate consideration to environmental amenities and values.

For every recommendation or report on major Federal actions that significantly affect the quality of the human environment, Federal agencies must include a detailed statement on the reasonably foreseeable environmental effects of the proposed action, any reasonably foreseeable adverse environmental effects which cannot be avoided, and a reasonable range of alternatives to the proposed action.

U.S. Army Corps of Engineers Civil Works Program

The U.S. Army Corps of Engineers (USACE) Civil Works Program performs a NEPA analysis on its recommendations to Congress as well as for other activities that are considered major federal actions. Guidance from the Council on Environmental Quality (CEQ) as well as USACE guidance has been followed for many years regarding these NEPA analyses. Guidance for USACE's NEPA analyses has recently changed.

What has happened?

On February 25, 2025, CEQ issued an interim final rule in the Federal Register to remove their NEPA implementing regulations. This action was necessitated by and consistent with Executive Order (E.O.) 14154, *Unleashing American Energy* (90 FR 8353; January 20, 2025), which rescinded E.O. 11991, *Relating to Protection and Enhancement of Environmental Quality*. E.O. 11991 was the original authority for CEQ's issuance of NEPA implementing regulations.

USACE NEPA implementing procedures (33 CFR 230) had served as a supplement to the CEQ regulations. E.O. 14154 further directed agencies to revise their NEPA implementing procedures consistent with the E.O.

On July 3, 2025, the Assistant Secretary of the Army for Civil Works rescinded most of 33 CFR 230 except for two sections: Applicability (33 CFR 230.2) and Categorical Exclusions (33 CFR 230.9).

On June 30, 2025, the Department of Defense issued the *Department of Defense National Environmental Policy Act Implementing Procedures* (DoD NEPA Implementing Procedures). These procedures apply to all DoD components, including functions for the USACE Civil Works programs.

What does this mean for the USACE Civil Works program?

The NEPA statute remains as enacted in 1970 and amended in 2023 and 2025 (Title 42, Chapter 55 of U.S. Code).

CEQ has removed their NEPA regulations and instructed Federal agencies to rely on their own NEPA implementing procedures, allowing for varying levels of complexity based on internal operational procedures with each individual agency.

If a USACE action meets the definition of a “major Federal action,” the agency must conduct a NEPA analysis to inform the decision maker of the potential impacts of the action. A “major Federal action” is defined as “an action that the agency carrying out such action determines is subject to substantial Federal control and responsibility” (42 USC 4336e).

What is changing?

Many of the procedures from the former CEQ and USACE implementing regulations are now incorporated into the DoD NEPA Implementing Procedures. The DoD NEPA Implementing Procedures seek to implement the recent changes to NEPA prescribed by Congress, instruction provided by E.O. 14154, and guidance provided by the Supreme Court.

The DoD NEPA Implementing Procedures streamline and improve efficiency of the environmental review process; expedite project delivery; and ensure that NEPA documents inform and, to the extent appropriate, involve the public. NEPA documents will continue to focus on the significant issues that require analysis and foster informed decision making based on an understanding of the potential action’s environmental impacts.

Civil Works projects with draft NEPA documents already released, or soon to be released, will use the procedures in place at the time of document development, while incorporating appropriate DoD NEPA Implementing Procedures that will not significantly delay the final document. Future USACE Civil Works NEPA documents (integrated and stand-alone) will follow the DoD NEPA Implementing Procedures.

Appendix A to the DoD NEPA Implementing Procedures lists categorical exclusions that have been established by DoD components. These Categorical Exclusions are available for use by all DoD components including the USACE Civil Works program.

For More Information

For specific projects or studies: Contact your local USACE District office.

For DOD NEPA policy and procedures: Visit <https://www.denix.osd.mil/nepa/> for the DoD NEPA Implementing Procedures and frequently asked questions.