



U.S. Department of Defense

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National Environmental Policy Act Guidance

FREQUENTLY ASKED QUESTIONS

Why is this happening?

On January 20, 2025, President Trump issued Executive Order (E.O.) 14154, Unleashing American Energy, which directed the Council on Environmental Quality (CEQ) to propose rescinding CEQ's National Environmental Policy Act (NEPA) regulations and to provide guidance on implementing NEPA for each of the Federal agencies. CEQ published an Interim Final Rule on February 25, 2025, to rescind their NEPA regulations. This rule went into effect on April 11, 2025.

Following the CEQ Final Rule, CEQ provided guidance to Federal agencies and directed each agency to repeal any existing NEPA Regulations in the Code of Federal Regulations (CFR) and to develop their own NEPA implementing procedures. The Department of Defense (DOD) will publish NEPA implementing procedures to cover NEPA compliance and implementation for all of DOD, including the DOD Components and U.S. Army Corps of Engineers (USACE) Civil Works.

Has the National Environmental Policy Act been repealed?

No, the NEPA statute remains as enacted in 1969 and amended in 2023. 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. Agencies without previously established NEPA procedures were instructed by CEQ to draft and establish agency NEPA implementing procedures by June 30, 2025.

Does the Department of Defense still have to do National Environmental Policy Act analyses for Federal actions?

Yes, if an action meets the definition of a "major Federal action" under the definition in the Fiscal Responsibility Act (FRA), Federal agencies still must conduct an analysis to determine NEPA compliance and inform the decision maker of the potential impacts of the action. A "major Federal action" is defined under the FRA as "an action that the agency carrying out such action determines is subject to substantial Federal control and responsibility."

What is changing?

Agencies continue to have an obligation to comply with NEPA, and NEPA procedures still require Federal agencies to assess how a proposed action has the potential to affect the human environment. Previously, CEQ's NEPA regulations served as the guidelines that Federal agencies used in guiding their own implementing regulations or procedures. With the removal of CEQ regulations, each agency must now develop or revise their own NEPA implementing procedures. NEPA still remains a process for decision making, not a mandate for specific environmental outcomes.

What does this mean for the Department of Defense?

The new DOD NEPA procedures ensure uniformity across the Department, which is critical for maintaining a strategic advantage. The enterprise-wide DOD NEPA procedures facilitate coordinated, consistent, predictable, and timely environmental reviews that are consistent across the DOD. DOD will continue fulfilling its responsibilities to develop evidence-based, concise and focused documents that evaluate and address the potential environmental impacts of major Federal actions. These new procedures focus on streamlining the NEPA implementing processes to make informed decisions and ensure DOD actions move expeditiously.

What is the Department of Defense's approach to establishing these new procedures?

All existing DOD Component NEPA regulations that were published in the CFR were repealed on June 30, 2025, and replaced with enterprise-wide DOD NEPA procedures. These procedures do not substantively change the NEPA review process that DOD or its Components have been following. DOD will continue to make informed, data-based decisions in compliance with NEPA and any other applicable Federal laws.

Who do these new Department of Defense National Environmental Policy Act procedures apply to?

The new DOD NEPA procedures apply to all DOD Components, including USACE Civil Works. The remainder of USACE has made the decision to develop their own NEPA implementing procedures to replace their rescinded NEPA regulations.