



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Washington, D.C. 20240

National Policy Memorandum

Office of the Director

Number: NPM-DBIA-3

Effective: 8/24/2026

Expires: 8/24/2027

Title: Clarification of Documentation Requirements for Certain Categorical Exclusions (CEs) under the Department of the Interior (DOI) National Environmental Policy Act (NEPA) Handbook

1. Purpose

In February 2026, the DOI issued a revised [Handbook of NEPA Implementing Procedures](#) (“DOI NEPA Handbook”). The DOI NEPA Handbook replaces previous guidance, including BIA’s NEPA Handbook, and introduces several updates designed to make the permitting process and NEPA analyses more efficient for field operations.

A key change is that while we must continue to review actions for extraordinary circumstances, many CEs listed in the DOI NEPA Handbook, Appendix 2, § 10.5, no longer require supporting documentation. An asterisk indicates a requirement to document the applicability of the CE. Those CEs without an asterisk indicate that the CE does not require documentation (see [Attachment 1](#)).

This memorandum clarifies documentation requirements for certain BIA CEs, as indicated by the absence of an asterisk in the DOI NEPA Handbook, Appendix 2, § 10.5, do not require documentation. BIA must continue to record these actions into NEPA Tracker 2.0 for reporting purposes but must only include the necessary information – the title and approval date. No additional documents, such as a Categorical Exclusion Exception Review (CEER) checklist or other supporting documents, are required.¹

2. Scope

This policy applies to all BIA programs, offices, regions, and agencies involved in NEPA compliance or processing NEPA documents.

¹ Per 43 CFR 46.205 (f), when a bureau relies on multiple CEs in combination to cover a single proposed action with multiple elements, it must document that use, even if use of each CE on its own would not require documentation.

3. Policy and Procedure¹

For all CE actions without an asterisk as provided in DOI NEPA Handbook, Appendix 2, § 10.5, BIA staff must:

- A. Encode the application of the CE into NEPA Tracker 2.0, including only the following:
 - 1) Title of action and
 - 2) Approval date.
- B. Do NOT upload supporting documentation (*unless warranted by unique circumstances*). This includes the following:
 - No CEER checklist;
 - No CE worksheet; and
 - No attachments.

4. Roles and Responsibilities

- A. **Director, Bureau of Indian Affairs** ensures appropriate organization resources and personnel are available to implement and comply with NEPA actions of the BIA.
- B. **Deputy Bureau Director (DBD), Field Operations, BIA** is responsible for executive leadership, oversight, direction, and monitoring of the Regional Directors (RDs) and is responsible for disseminating policy directives and ensuring regional offices are held accountable for successful implementation, in alignment with the agency's trust responsibility.
- C. **DBD, Office of Trust Services, BIA** is responsible for creating policy, guidance, and training is provided to regional and agency staff tasked with processing NEPA actions.
- D. **Chief, Division of Environmental Services and Cultural Resources Management, OTS** is responsible for establishing BIA's NEPA policies, guidance, and standards for complying with statutory, regulatory, and departmental requirements; providing environmental services technical assistance and training to BIA regions and agencies, as appropriate; and assisting in the development and dissemination of trust resource policy to the RDs.

5. Approval



Digitally signed by BRYAN
MERCIER
Date: 2026.08.24 11:24:45 -04'00'

8/24/26

Bryan K. Mercier
Director, Bureau of Indian Affairs

Date

Attachment 1 – Internal Reference Sheet for BIA Regions & Agencies

BIA CEs which do not require documentation; excerpted from [DOI NEPA Handbook](#), Appendix 2, Section 10.5:

B. Transfer of Existing Federal Facilities to Other Entities. Transfer of existing operation and maintenance activities of Federal facilities to tribal groups, water user organizations, or other entities where the anticipated operation and maintenance activities are agreed to in a contract, follow BIA policy, and no change in facility operations or maintenance is anticipated.

C. Human Resources Programs. Examples are social services, education services, employment assistance, tribal operations, law enforcement and credit and financing activities not related to development.

D. Administrative Actions and Other Activities Relating to Trust Resources. Examples are: Management of trust funds (collection and distribution), budget, finance, estate planning, wills and appraisals.

E. Self-Determination and Self-Governance.

(1) Self-Determination Act contracts and grants for BIA programs listed as categorical exclusions, or for programs in which environmental impacts are adequately addressed in earlier NEPA analysis.

(2) Self-Governance compacts for BIA programs which are listed as categorical exclusions or for programs in which environmental impacts are adequately addressed in earlier NEPA analysis.

G. Minerals.

(1) Approval of permits for geologic mapping, inventory, reconnaissance and surface sample collecting.

(2) Approval of unitization agreements, pooling or communitization agreements.

(3) Approval of mineral lease adjustments and transfers, including assignments and subleases.

(4) Approval of royalty determinations such as royalty rate adjustments of an existing lease or contract agreement.

H. Forestry.

(1) Approval of free-use cutting, without permit, to Indian owners for on-reservation personal use of forest products, not to exceed 2,500 feet board measure when cutting will not adversely affect associated resources such as riparian zones, areas of special significance, etc.

(2) Approval and issuance of cutting permits for forest products not to exceed \$5,000 in value.

Attachment 1 (continued)

(5) Approval of Fire Management Planning Analysis detailing emergency fire suppression activities.

I. Land Conveyance and Other Transfers. Approvals or grants of conveyances and other transfers of interests in land where no change in land use is planned.

J. Reservation Proclamations. Lands established as or added to a reservation pursuant to 25U.S.C. 467, where no change in land use is planned.

L. Roads and Transportation.

(5) Emergency repairs under 23 U.S.C. 125.

(7) Alterations to facilities to make them accessible for the elderly or handicapped.

(8) Resurfacing a highway without adding to the existing width.

(10) Approvals for changes in access control within existing rights-of-way.