



Department of Energy

Washington, DC 20585

PUBLIC NOTICE

Notice of Adoption of a United States Coast Guard Categorical Exclusion under the National Environmental Policy Act

The Department of Energy (DOE or the Department) has identified a categorical exclusion established by the United States Coast Guard (Coast Guard) that covers a category of actions pertinent to DOE operations. This notice identifies the Coast Guard categorical exclusion and announces that DOE has adopted it for the Department's future use pursuant to section 109 of the National Environmental Policy Act (NEPA).

This action is effective July 13, 2026.

For further information, contact Ms. Carrie Abravanel, Office of Assistant General Counsel for Environment, at carrie.abravanel@hq.doe.gov or 202-586-4600.

I. Background

NEPA, as amended, seeks to ensure that Federal agencies consider the environmental effects of their proposed major actions in their decision-making processes. 42 U.S.C. 4321 *et seq.* NEPA establishes three types of review for proposed actions—environmental impact statement, environmental assessment, and categorical exclusion—each involving different levels of information and analysis. An environmental impact statement is a detailed analysis of reasonably foreseeable environmental effects prepared for a major Federal action significantly affecting the quality of the human environment. 42 U.S.C. 4332(2)(C). An environmental assessment is a concise public document prepared by a Federal agency to set forth the basis for its finding of no significant impact or its determination that an environmental impact statement is necessary. 42 U.S.C. 4336(b)(2). A categorical exclusion is a category of actions that the agency has determined normally does not significantly affect the quality of the human environment and therefore does not require preparation of an environmental assessment or environmental impact statement.

Enacted as part of the Fiscal Responsibility Act of 2023, section 109 of NEPA allows a Federal agency to “adopt” another Federal agency’s categorical exclusions for proposed actions. 42 U.S.C. 4336c. To adopt another agency’s categorical exclusions under section 109, the adopting agency (“borrowing agency”) must identify the relevant categorical exclusions listed in another agency’s (“establishing agency”) NEPA procedures that cover the borrowing agency’s category of proposed actions or related actions; consult with the establishing agency to ensure that the proposed adoption of the categorical exclusion for a category of actions is appropriate; identify to the public the categorical exclusions that the borrowing agency plans to use for its proposed

actions; and document adoption of the categorical exclusions. This process is incorporated into the DOE NEPA Implementing Procedures at Section 5.2.¹

II. The Coast Guard Categorical Exclusion that DOE Is Adopting

A. Text of the Coast Guard Categorical Exclusion

DOE is adopting a categorical exclusion established by the United States Coast Guard (Coast Guard), specifically L14. This categorical exclusion is listed in the U.S. Department of Homeland Security Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act, Appendix A, Table 1.² The text of this categorical exclusion is:

*L14 Coast Guard new construction upon, or improvement of, land where all of the following conditions are met:

- (a) The structure and proposed use are substantially in compliance with prevailing local planning and zoning standards.
- (b) The site is on heavily developed property and/or located on a previously disturbed site in a developed area.
- (c) The proposed use will not substantially increase the number of motor vehicles at the facility.
- (d) The site and scale of construction are consistent with those of existing, adjacent, or nearby buildings.

In adopting this categorical exclusion, DOE will make an administrative change to remove “Coast Guard” from the L14 categorical exclusion text, in alignment with recent Council on Environmental Quality (CEQ) guidance on categorical exclusions.³

III. DOE’s Use of the Adopted Coast Guard Categorical Exclusion

A. Types of DOE Actions

DOE expects to apply Coast Guard categorical exclusion L14 to proposed actions consistent with the categorical exclusion text. Examples include, but are not limited to, construction of facilities to recycle or manufacture electric vehicle battery and battery components, new facilities adjacent

¹ <https://www.energy.gov/nepa/doe-nepa-implementing-procedures>

² An asterisk [*] next to a categorical exclusion in this table denotes classes of actions that have a higher possibility of involving extraordinary circumstances.

³ CEQ’s April 2026 guidance on “[Establishing, Revising, Adopting, and Applying Categorical Exclusions Under the National Environmental Policy Act](#)” provides for non-substantive changes when adopting another agency’s categorical exclusion. Specifically, CEQ guidance states: “[i]f an agency needs to clarify that an adopted categorical exclusion applies to its proposed action despite non-substantive language in the categorical exclusion referencing the establishing agency, it may explain this in the public notice adopting the categorical exclusion.”

to power generation or industrial manufacturing facilities, and facilities to extract or process critical minerals and materials necessary for domestic energy security. DOE would apply L14 to support new construction in previously disturbed areas adjacent to power plants or other industrial facilities.

DOE's use of this Coast Guard categorical exclusion would not be limited to these examples and could be used in other circumstances for which its use is appropriate.

B. Additional Considerations in DOE's Use of the Adopted Categorical Exclusions

DOE will document its determination that one or more categorical exclusions applies to a proposed agency action. DOE NEPA Implementing Procedures Section 5.4(d). DOE will also post online the categorical exclusion determinations that rely on the adopted categorical exclusions using the process found in DOE NEPA Implementing Procedures Section 5.4(e).

In deciding whether to use the adopted Coast Guard categorical exclusion, DOE will refer to the list of integral elements at the start of appendix B to the DOE NEPA Implementing Procedures. DOE also will refer to the definition of extraordinary circumstances in its NEPA Implementing Procedures Section 5.4(c)(3).

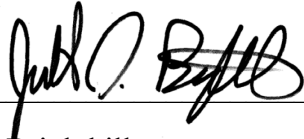
IV. Consultation with Department of Homeland Security and Determination of Appropriateness

DOE consulted with Department of Homeland Security (DHS) to identify categorical exclusions that could apply to DOE proposed actions in May 2026. During that consultation, the agencies discussed DOE's proposed use of this categorical exclusion, DHS and Coast Guard past practice when relying on the categorical exclusion, and the agency's practices concerning analysis of extraordinary circumstances. At the conclusion of that process, DOE determined that its proposed use of the categorical exclusion as described in this notice would be appropriate.

V. Conclusion

This notice documents adoption by DOE of the Coast Guard categorical exclusion listed above in accordance with 42 U.S.C. 4336c(4) and the DOE NEPA Implementing Procedures Section 5.2, and they are available for use by DOE, effective immediately. DOE will maintain a copy of this notice of adoption and a written record of DOE's use of the categorical exclusion listed in this notice on the DOE NEPA website at www.energy.gov/nepa.

Signature

A handwritten signature in black ink, appearing to read "Jonathan D. Brightbill", written over a horizontal line.

Jonathan D. Brightbill

General Counsel, U.S. Department of Energy

Date

7/13/2026