



United States Department of the Interior

OFFICE OF THE SECRETARY

Office of Native Hawaiian Relations
300 Ala Moana Blvd., P.O. Box 50165, Honolulu, HI 96850



December 20, 2024

Memorandum

Subject: Notice of Categorical Exclusion Adoption to Support Approval of Individual Actions

Purpose

The Department of the Interior (Department), Office of Native Hawaiian Relations (ONHR) is notifying the public and documenting the adoption of a U.S. Fish and Wildlife Service (USFWS) categorical exclusions (CE) covering 3 individual projects receiving funding through ONHR's Grants Programs. Section 109 of National Environmental Policy Act (NEPA), enacted as part of the Fiscal Responsibility Act of 2023, allows a Federal agency to "adopt" or use another agency's CE for a category of proposed agency actions.¹ To use another agency's CE under Section 109, the adopting agency must identify the relevant CE listed in another agency's ("establishing agency") NEPA procedures that cover the adopting agency's category of proposed actions or related actions; consult with the establishing agency to ensure that the proposed adoption of the CE for an action is appropriate; identify to the public the CE that the adopting agency plans to use for its proposed actions; and document adoption of the CE. ONHR prepared this documentation to describe to the public which CE is being adopted and how ONHR has met applicable statutory requirements for the adoption.

Background

Office of Native Hawaiian Relation

The ONHR, formally established by Congress in 2004, discharges responsibilities related to the Native Hawaiian people and assists with the Department's activities in Hawai'i. ONHR's mission is to serve as a liaison with the Native Hawaiian Community—and the Department and its bureaus and offices—on issues affecting Hawai'i. ONHR also seeks to fulfill the Federal Government's responsibilities to effectuate and implement the special political and trust relationship between the United States and the Native Hawaiian Community and to continue the process of reconciliation with the Native Hawaiian people.

ONHR carries out financial assistance opportunities through two grant programs, the Kapapahuliau Climate Resilience Grant Program and the Heritage Opportunities in Hawai'i

¹ 42 U.S.C. 4336(c)

January 7, 2025

(HŌ'ĪHI) Grant Program. As part of the Inflation Reduction Act (IRA), the Department received \$25 million for Native Hawaiian Community climate resilience and adaptation activities. ONHR formed the Kapapahuliau Climate Resilience Grant Program and awarded funding to 17 eligible Native Hawaiian Organizations (NHOs) through a competitive notice of funding process. Environmentally impactful work related to these awards is not to begin until the completion of compliance with NEPA and other relevant statutory and regulatory authorities. Proposed projects met the program goal of enhancing the ability of the Native Hawaiian Community to navigate the effects of climate change in ways that maintain the integrity and identity of the Native Hawaiian people while also maintaining and enhancing their capacity for coping, adaptation, and transformation.

Through the Native American Tourism and Improving Visitor Experience (NATIVE) Act, ONHR implements the HŌ'ĪHI Grant Program. The HŌ'ĪHI Program equips NHO's across Hawai'i with additional resources to engage in the visitor industry with experiences that are mutually beneficial to visitors and the islands' original stewards. In FY2024, ONHR awarded \$1 million to 6 NHO's with projects ranging from visitor engagement services, voluntourism activities, and Native Hawaiian entrepreneurial engagement. Environmentally impactful work related to these awards is not to begin until the completion of compliance with NEPA and other relevant statutory and regulatory authorities.

National Environmental Policy Act

The NEPA, as amended at, 42 U.S.C. 4321–4347, requires all Federal agencies to consider the environmental impact of their proposed actions before deciding whether and how to proceed. NEPA's aims are to ensure agencies consider the environmental effects of their proposed actions in their decision-making processes and inform and involve the public in that process.² The Department's NEPA procedures are codified at 43 CFR part 46 and address its compliance with NEPA, protocols for the application of CEs³ and a list of available CEs⁴ which all bureaus within the Department may rely on. Additional Department-wide NEPA policy is found in the Department's Departmental Manual (DM), along with supplementary NEPA procedures for the Department's bureaus. The ONHR's NEPA procedures are provided in the DM at 516 DM 7⁵ and the USFWS' NEPA procedures are provided in 516 DM 8.

² 42 U.S. Code § 4331 - Congressional declaration of national environmental policy

³ 43 CFR 46.205

⁴ 43 CFR 46.210

⁵ [516 DM 07 Office of Native Hawaiian Relations, Managing the NEPA Process](#)

CE Adopted

The ONHR has identified the following USFWS CE found at 516 DM 8 for adoption:

E.(2) - Grants for categorically excluded actions in paragraphs A, B, and C, above; and categorically excluded actions in Appendix 1 of 516 DM 2.

The CE language references FWS specific CEs listed in section B of 516 DM 8. ONHR evaluated the CE's listed and found that the proposed actions are consistent with the following:

B.(3) – The construction of new, or the addition of, small structures or improvements, including structures and improvements for the restoration of wetland, riparian, instream, or native habitats, which result in no or only minor changes in the use of the affected local area. The following are examples of activities that may be included.

- *The installation of fences.*
- *The construction of small water control structures.*
- *The planting of seeds or seedlings and other minor revegetation actions.*
- *The construction of small berms or dikes.*
- *The development of limited access for routine maintenance and management purposes.*

The adoption is effective December 20, 2024.

Proposed Actions

Below are the 3 proposed actions for which OHNR is adopting the USFWS CE to rely on for NEPA compliance:

1. Project Title: Kiolaka'a Dryland Forest Restoration Project

NHO: Ala Kahakai Trail Association

This project aims to restore and preserve the native ecosystem and ancestral relationships of the Kiolaka'a dryland forest in Ka'u through Native Hawaiian descendant and community engagement. Educational and field activities for the community and youth will increase awareness of climate change and lead to a long-term program for community stewardship and management. Project activities will include the establishment of a 30-acre preserve enclosure through the installation of a 48" hog wire fence approximately 5520 feet in length with one strand of barbless wire. The fence will protect the existing dryland forest from ungulates including cattle, wild goats and feral pigs and facilitate recruitment of new plants. A total of six access gates will be included: two gates for vehicular access to fight future wildfires on the property, two gates for

utility vehicle access to facilitate community stewardship and two gates for pedestrian access to support community education and recreational hiking. Work will be completed by hand. Additional invasive species removal will be conducted as needed throughout the property and will be followed by native plant restoration activities in partnership with community groups.

2. Project Title: Ola I Ke Au A Kanaloa: Thrive in the Era of Kanaloa
NHO: Kohe Mālamalama o Kanaloa, Protect Kaho'olawe Fund
Grant funding will assist the on-island restoration activities of Kaho'olawe by the PKO, helping to upgrade and repair aging infrastructure and addressing needs related to creating a more sustainable base camp. Project activities include replacing aging campsite infrastructure including 2 existing composting toilets with new solar powered clivus composting toilets, replacing an aging water tank and associated piping currently utilized for native plant irrigation, and helping to establish a new base camp location better suited for sea-level rise and storm conditions.

3. Project Title: Punahoa Heritage Forest Protection and Preservation Project
NHO: Pū'ā Foundation
Conservation of 390 acres of intact native forest and forest bird habitat in the Hilo Watershed on Hawai'i to perpetuate traditional Native Hawaiian practices and stewardship. Project activities involve feral ungulate and invasive species control and removal, perimeter ungulate fencing installation on the property protecting native forest habitat, the development of a managed walking trail for educational and management purposes, and the development of cultural access protocols.

Analysis for Adoption of Categorical Exclusions

Consultations with USFWS – Determination of Appropriateness

The ONHR consulted with USFWS Refuges leads in Hawai'i for NEPA and environmental planning in November 2024 on the appropriateness of ONHR's adoption of the CE in relation to its grants programs. The consultation included a review of USFWS policies and procedures on NEPA compliance, USFWS experience applying the CE, as well as the proposed actions for which ONHR plans to rely on the CE for compliance. It was determined that ONHR was applying the CE effectively in the above proposed actions. A summary of the communication will be included in office files for this adoption. As USFWS does when relying on any CE, ONHR will additionally evaluate the proposed actions covered by the CE against the

Department's extraordinary circumstances and include additional justification and considerations in its analysis.⁶

Conclusion

ONHR's proposed actions under its grant programs are similar in type and scope to the actions that USFWS undertakes, and therefore the effects of ONHR's actions are expected to be similar to the effects of USFWS actions, which are not significant, and absent the presence of extraordinary circumstances that could involve potentially significant effects. Therefore, ONHR determines the adoption of the aforementioned CE described in this documentation is appropriate.

If there are any questions, please contact ONHR Kapapahuliau Program Manager, Ka'aleleo Wong at bradley_wong@ios.doi.gov.

Me ka ha'aha'a,



Ka'i'ini Kaloi
Director, Office of Native Hawaiian Relations

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⁶ [43 CFR 46.215 Categorical exclusions: Extraordinary circumstances.](#)