

## Department of the Interior Departmental Manual

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**Effective Date:** 7/22/10

**Series:** Environmental Quality Programs

**Part 516:** National Environmental Policy Act of 1969

**Chapter 7:** Managing the NEPA Process – Office of Native Hawaiian Relations

**Originator:** Office of Native Hawaiian Relations

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### 516 DM 7

7.1 **Purpose.** This chapter provides supplementary requirements for the Office of Native Hawaiian Relations to implement the provisions of the Department's NEPA regulations at 43 CFR Part 46 and the provisions of 516 DM 1 – 3.

7.2 **NEPA Responsibility.** The Director of the Office of Native Hawaiian Relations (ONHR) is responsible for:

- A. NEPA compliance for ONHR activities.
- B. Providing direction and oversight for environmental activities, including the implementation of NEPA, in conjunction with the Office of Environmental Policy and Compliance.
- C. Requesting, when needed, Hawaii's Department of Hawaiian Home Lands (DHHL) to assist in preparing NEPA documentation for a proposed action submitted by the Secretary.

### 7.3 Approvals.

- A. Actions proposed by the DHHL requiring ONHR approval. ONHR retains sole responsibility and discretion in all NEPA compliance matters related to the proposed action, although the Director of ONHR may request the DHHL to assist in preparing all NEPA documentation.
- B. Actions proposed by the DHHL not requiring federal approval, funding, or official actions, are not subject to NEPA requirements.

7.4 **Requirements for Environmental Assessment (EA) or Environmental Impact Statement (EIS).** Land exchanges requiring the Secretary's approval normally requiring an Environmental Assessment (EA) or Environmental Impact Statement.

- A. The following actions require preparation of an EA or EIS:
- (1) Actions not categorically excluded; or
  - (2) Actions involving extraordinary circumstances as provided in 43 CFR Part 46.215.
- B. Actions not categorically excluded as set forth at 43 CFR Part 46.210, or involving extraordinary circumstances as provided in 43 CFR Part 46.215, will require an EA when:
- (1) An EA will be used in deciding whether a finding of no significant impact is appropriate, or whether an EIS is required prior to implementing any action.
  - (2) The action is not being addressed by an EIS.
- C. If an EA is prepared, it will comply with the requirements of 43 CFR Part 46 subpart D.
- D. The following actions normally require the preparation of an Environmental Impact Statement (EIS):
- (1) Proposed water development projects which would inundate more than 1,000 acres of land, or store more than 30,000 acre-feet of water, or irrigate more than 5,000 acres of undeveloped land.
  - (2) Construction of a treatment, storage or disposal facility for hazardous waste or toxic substances.
  - (3) Construction of a solid waste facility.
- E. If an EIS is prepared, it will comply with the requirements of 43 CFR Part 46 subpart E.

**7.5 Categorical Exclusion.** In addition to the actions listed in the Departmental categorical exclusions specified in section 43 CFR Part 46.210, the following action is categorically excluded unless any of the extraordinary circumstances in section 43 CFR Part 46.215 apply, thus requiring an EA or an EIS: approval of conveyances, exchanges, and other transfers of land or interests in land between DHHL, and an agency of the State of Hawaii, or a Federal agency, where no change in the land use is planned. This activity is a single, independent action not associated with larger, existing, or proposed complexes or facilities.