



United States Department of the Interior

OFFICE OF THE SECRETARY

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National Policy Memorandum

Assistant Secretary - Indian Affairs
Deputy Assistant Secretary – Management
Division of Environmental and Cultural Resources

Number: NPM-ENV-2

Effective: JUL 20 2010

Expires: JUL 20 2011

Title: NEPA Review of the Purchase of Fractionated Interests

1. Purpose

The purpose of this policy is to standardize and clarify how the Bureau of Indian Affairs will complete National Environmental Policy Act (NEPA) reviews for purchasing fractionated land interest(s) in trust or restricted land by the Indian Land Consolidation Program (ILCP) for the respective tribes.

2. Scope

This policy applies to all Bureau of Indian Affairs (BIA) offices in the regions where the ILCP will be acquiring or has acquired fractional land interests.

3. Policy

The purchase of fractionated interests by ILCP is categorically excluded under 516 DM 10.5 (I) and a single nation-wide Categorical Exclusion Review will apply to all purchases completed under this law. The BIA has also determined that no extraordinary circumstances will apply to any individual purchase because: (1) land use will not change; and (2) any future change in land use that requires a major federal action will require further NEPA review.

This determination applies to all fractionated purchases under the Land Consolidation Program and no further NEPA review is required. The following statement will be included with each deed as evidence of NEPA compliance:

“In compliance with the National Environmental Policy Act (NEPA), BIA has determined that the purchase of the fractionated interests under this deed is categorically excluded under 516 DM 10.5 (I). BIA has evaluated the purchase to determine whether it meets any of the extraordinary circumstances in 43 C.F.R. §

46.215, and has determined that any extraordinary circumstances would not be affected because the land use of the purchased interests would not change. Any future change in land use that requires a major federal action would require further NEPA review.”

4. Authority.

- A. 42 U.S.C. §§ 4321 - 4347, National Environmental Policy Act of 1969 (NEPA), as amended;
- B. 43 CFR Part 46, Implementation of the National Environmental Policy Act (NEPA) of 1969;
- C. 40 CFR Parts 1500 - 1508, Regulations of the Council on Environmental Quality (CEQ);
- D. The American Indian Probate Reform Act of October 27, 2004, P. L. 108-374 (118 Stat. 1773)

5. Roles and Responsibilities

- A. **Director, Bureau of Indian Affairs (BIA)** reviews and acts upon any NEPA documents including categorical exclusions, environmental impact statements, environmental assessments or Findings of No Significant Impact that are raised to the Director level.
- B. **Director, Indian Land Consolidation Center** is responsible for coordinating the Bureau’s nationwide program to consolidate fractionated interests in Indian lands pursuant to statutory requirements.
- C. **Chief, Division of Environmental and Cultural Resources Management** is responsible for policy direction, coordination, and monitoring of NEPA activities throughout Indian Affairs. This Division also provides assistance, advice and training regarding compliance with NEPA.
- D. **Regional Directors, BIA** ensure that acquisitions of trust lands and transfers of trust lands to tribes meet environmental requirements.
- E. **Regional NEPA Coordinators or Regional Environmental Scientists** coordinate NEPA and other review and analysis activities in the Region.

6. Approval



Grayford Payne
Deputy Assistant Secretary – Indian Affairs (Management)



Date