



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245



IN REPLY REFER TO:

Environmental Services

30 BIAM Supp. 1, Bulletin 1
September 1, 1988

Memorandum

To: Holders of 30 BIAM

From: Deputy to the Assistant Secretary - Indian Affairs
(Operations)

Subject: Hazardous Waste Disposal Facilities on Indian Lands

Several tribes around the country are contemplating the construction and operation of hazardous waste disposal facilities on their reservations. Such facilities must be carefully planned and thought out and must meet a variety of complex environmental standards from site selection to design, construction and operation. In addition, the often overwhelming, negative public perception, both on and off reservation, that accompanies such facilities must also be taken into account.

In view of the above and the potential long-range environmental harm that exists, it shall be Bureau policy that any such hazardous waste or carcinogen disposal facility on Indian lands will require an environmental impact statement in accordance with 30 BIAM Supplement 1 (NEPA Handbook), which may be funded by the applicant, before any decision is made concerning such projects. In addition, the site must comply with all Federal, state, local and tribal laws.

Deputy to the Assistant Secretary -
Indian Affairs (Operations)

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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

WASHINGTON, D.C. 20245

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30 BIAM Supplement 1, Release 2

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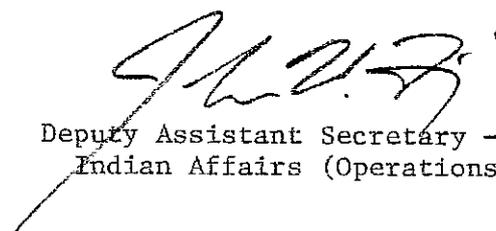
Memorandum

To: Holders of 30 BIAM

From: Deputy Assistant Secretary - Indian Affairs (Operations)

Subject: 30 BIAM Supplement 1, NEPA Handbook, Section 1.1

This release revises Section 1.1 of 30 BIAM Supplement 1, Release 1, (NEPA Handbook) to explicitly document the advisory status of the Handbook. The procedures described in the Handbook are designed to aid Bureau officials in the internal administration of the NEPA process and should not be construed to modify, nor create any other legal requirements not specifically stated in mandatory language in the National Environmental Policy Act or related authority.


Deputy Assistant Secretary -
Indian Affairs (Operations)

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- (a) Remove superseded material:
30 BIAM Supp. 1, Release 1 (dated 2/22/82)
1.1 - 1.7C (2 sheets)
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30 BIAM Supp. 1, Release 2 (dated 2/14/83)
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None

NEPA HANDBOOK
General

1. GENERAL

1.1 Introduction.

A. Purpose. The purpose of this Handbook is to provide guidance to Bureau personnel for implementing the National Environmental Policy Act of 1969 (NEPA) and related legal authorities. In addition, Tribal officials may find that the Handbook is a useful reference for obtaining guidance on NEPA and how it applies to the Bureau. Because the interests of Indian people are often affected by the actions of other Federal agencies, the Handbook also explains how the Bureau and the tribes can use the NEPA process to advise Federal decisionmakers of impacts on Indian people and their environment which might result from the actions of other Federal agencies.

B. Scope. While this Handbook is a permanent directive to Bureau personnel it is strictly advisory and does not create, add to, or otherwise modify any legal requirement. The procedures described in this Handbook were devised solely to aid Bureau officials in the internal administration of the agency, and are subject to reinterpretation, revision or suspension by the Bureau in its discretion at any time without notice. Users of this Handbook should resolve any conflict with its content in favor of the applicable legal authority.

1.2 Authorities.

A. National Environmental Policy Act of 1969 (NEPA). Section 102(2) of NEPA establishes procedures which are binding on all Federal agencies. The primary requirement is that an environmental impact statement (EIS) be prepared for every major Federal action significantly affecting the quality of the human environment. The full text of NEPA is included in this Handbook in Appendix A.

B. Council on Environmental Quality Regulations. Congress established the Council on Environmental Quality (CEQ) in the Executive Office of the President. On November 29, 1978, CEQ issued Regulations for Implementing the Procedural Provisions of NEPA (43 FR 55978-56007; 40 CFR Parts 1500-1508). These Regulations became effective July 30, 1979, and were adopted by the Department on March 18, 1980 in 516 DM 1.7B. They are included in the Handbook in Appendix B.

As stated in the Executive Order 11991, the purpose of the Regulations is:

"...to make the environmental impact statement process more useful to decisionmakers and the public; and to reduce paperwork and the accumulation of extraneous background data, in order to

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emphasize the need to focus on real environmental issues and alternatives. [The Regulations] require impact statements to be concise, clear, and to the point, and supported by evidence that agencies have made the necessary environmental analyses."

Part 1500 of the Regulations discusses in further detail their purpose. References to the Regulations in this Handbook normally give only the section number, omitting "40 CFR."

C. Department of the Interior Procedures. The CEQ Regulations require Federal agencies to adopt procedures to implement the Regulations in agency programs. The Department of the Interior's implementing procedures are codified at 516 DM 1-7, and are included in this Handbook as Appendix C. The Department's procedures are generally uniform for all bureaus within the Department. However, because of the differences among bureaus, some provisions apply only to specific bureaus. These bureau-specific provisions are codified as appendices to Chapter 6 of 516 DM. The appendix for each bureau contains the information specified by 516 DM 6.5A. The appendix for the Bureau of Indian Affairs is 516 DM 6, Appendix 4, which is included in this Handbook as part of Appendix C.

1.3 Approach of This Handbook. The person who uses this Handbook must become familiar with the authorities listed in Section 1.2 above, i.e., NEPA, the CEQ Regulations, and the Department's implementing procedures. The approach which this Handbook takes in explaining the application of NEPA to BIA decisionmaking is to describe each phase of the NEPA process in a step-by-step way, providing references to provisions in the authorities so that the user can find the provisions which are of particular relevance to each step. The reason for this approach is to keep the Handbook as brief as possible, since it is the authorities which the Handbook explains, not the Handbook itself, which govern the NEPA process.

1.4 Policy. The policy established by NEPA is set forth in 40 CFR 1500.2 and is augmented by the policy of the Department of the Interior as set forth in 516 DM 1.2. The policy of the Bureau regarding protection and enhancement of environmental quality, as set forth in 30 BIAM 1.2, is also relevant.

1.5 Responsibilities. The responsibilities of Bureau officials for the administration of activities for compliance with NEPA and the CEQ Regulations are set forth in 516 DM 1.3, 6.3, 6.4, 6.5, and 516 DM 6, Appendix 4.1. All Bureau officials to whom authority is delegated for making decisions on proposed actions subject to NEPA documentation requirements are responsible for compliance with NEPA and the CEQ regulations (see 10 BIAM 1.9, 30 BIAM 1.4). Line officials are responsible for assigning sufficient staff to the preparation of environmental documents to insure

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that their decisions comply with NEPA and the CEQ regulations. If the preparation of an adequate EA or EIS by a decisionmaker requires staff or financial resources which are not subject to the decisionmaker's authority, this should be brought to the attention of the line official from whom the delegation of authority is derived.

A. Central Office Environmental Services Staff. The Chief, Environmental Services Staff, will exercise primary staff responsibility for assignments, coordination, processing and monitoring NEPA activities and resulting documents within BIA. The office will also resolve issues regarding decisions on whether or not to prepare environmental documents, and will provide assistance, advice and training to achieve the objective of BIA compliance with NEPA.

B. Area Directors. Area Directors will make adequately trained staff available for NEPA compliance. Adequate funds should also be made available.

C. Area Office Environmental Quality Specialists. The Environmental Quality Specialists will implement the procedures established in this Handbook or develop area-wide procedures consistent with the Handbook for issuance as addenda to this Handbook (See 2.5 below). Environmental Specialists will also coordinate with responsible agency officials concerning agency-wide actions and assume the responsibilities described in 1.5A for the area. As required, the Environmental Specialist will serve as liaison between the area office, central office and other Federal, State, and local agencies with regard to completion, processing and issuance of environmental documents as required.

D. Agency Superintendents. Superintendents are responsible for NEPA compliance for actions initiated at the agency level. If the agency does not have its own environmental coordinator, the Superintendent assumes the duties outlined in 1.5E.

E. Agency Environmental Coordinators. Agency environmental coordinators are responsible for coordinating activities at the agency level for compliance with the procedures outlined in this handbook. The coordinator will work with the area office environmental specialist and the tribe(s) to assess environmental consequences of proposed actions. This coordination will include determining the timing, method, and extent of documentation necessary to comply with NEPA.

1.6 Definitions. For the purpose of this Handbook all definitions of terms are those presented in Part 1508 (Terminology and Index) of the CEQ Regulations. Bureau personnel who use this Handbook should familiarize themselves with these terms. An additional term used in this Handbook is "Bureau decisionmaker," which is defined in section 2.3.

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1.7 Relationships With Other Agencies. The CEQ regulations emphasize cooperative consultation among agencies prior to the preparation of EISs, rather than the submission of adversary comments on completed documents (40 CFR 1501.1). There are three basic roles which BIA may assume in the NEPA process. First, if BIA has jurisdiction over the proposed action it may take primary responsibility for NEPA compliance as the lead agency. Second, BIA may support another agency by providing special expertise or resources as a cooperating agency for EAs or EISs. Third, BIA may comment on environmental documents prepared by other agencies.

A. Lead Agency. (See 40 CFR 1501.5 and 1508.16 and 516 DM 2.4). The lead agency is primarily responsible for the preparation of the EIS for a proposed action. In some circumstances two or more agencies may serve as joint lead agencies.

B. Cooperating Agency. (See 40 CFR 1501.6 and 1503.5 and 516 DM 2.5.) If a proposed Federal action for which an environmental impact statement is being prepared may affect Indian interests, it may be advantageous for the BIA to become a cooperating agency. Affected tribes may also become cooperating agencies. Bureau or tribal participation may also be necessary because of Bureau or tribal special expertise or jurisdiction by law.

C. Commenting Agency. (See 40 CFR 1503.1, 1503.2, 1503.3 and 516 DM 7.) If a proposed Federal action for which an environmental impact statement has been prepared may affect Indian lands, rights, or other interests, the BIA has a duty to comment on the draft EIS, whether or not BIA is a cooperating agency. Tribes may also want to submit comments on EISs. This subject is discussed in more detail in Chapter 7 of this Handbook.



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WASHINGTON, D.C. 20245

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Environmental Services
Staff

30 BIAM Supplement 1, Release 1

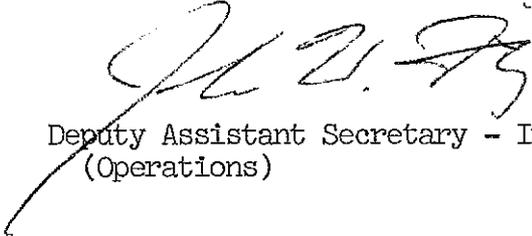
2/22/82

Memorandum

To: Holders of 30 BIAM, Environmental Quality
From: Deputy Assistant Secretary - Indian Affairs (Operations)
Subject: Transmittal of 30 BIAM Supplement 1, NEPA Handbook

This transmits the Bureau's NEPA Handbook, a new supplement to 30 BIAM which provides guidance for compliance with the National Environmental Policy Act of 1969 (NEPA) as implemented by regulations issued by the Council on Environmental Quality (40 CFR Parts 1500-1508) and procedures issued by the Department of the Interior (516 DM 1-7). The NEPA Handbook does not establish any new requirements for Bureau actions. Rather, it provides guidance for compliance with requirements which presently apply to the Bureau. All Bureau personnel who are involved in programs which may have effects on environmental quality are required to make use of this Handbook.

This Handbook may be revised as necessary. Comments should be directed to the Environmental Services Staff, Central Office Code 204, telephone FTS 343-4541.


Deputy Assistant Secretary - Indian Affairs
(Operations)

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Delete "(to be issued later)" which appears
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