



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAR - 7 2012

Dear Tribal Leader:

During past consultation sessions, tribal leaders have requested a National Environmental Policy Act (NEPA) categorical exclusion (CE) for certain residential activities on Indian land. In response, we are pleased to invite you and/or your staff to comment on the following proposed CE:

“Approval of leases, easements, or funds for single-family homesites and associated improvements, including, but not limited to, homes, outbuildings, access roads, and utility lines, which encompass five acres or less of contiguous land, provided that such sites and associated improvements do not adversely affect any tribal cultural resources or historic properties and are in compliance with applicable Federal and tribal laws.”

This CE would include the Bureau of Indian Affairs (BIA) actions associated with leasing and/or constructing a home on Indian land, such as:

- Approving leases for homesites;
- Funding of home construction including any associated structures (e.g., garages, barns, or storage sheds);
- Constructing access roads and/or approving of road rights-of-way to the home; and
- Approving rights-of-way for other associated facilities (e.g., utility lines).

The CE would be limited by the following conditions: (1) the total area to be disturbed by construction and associated improvements must be five acres or less; and (2) each homesite must be reviewed for extraordinary circumstances (43 CFR 46.215), which not only include a review for historic properties and other relevant Federal and tribal laws, but also the affects on other resources such as wetlands and endangered species.

This CE is appropriate under NEPA because past BIA environmental assessments have consistently demonstrated that the activities to be covered by this CE have no significant individual or cumulative effects on the human environment. Additionally, this CE complements the revisions to the leasing regulations that are in progress, by helping increase the efficiency of the BIA approval process for residential leases on Indian land.

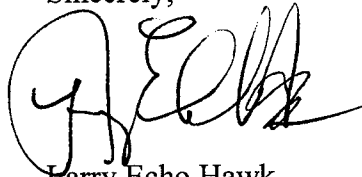
To establish this CE, the Department of the Interior must publish a public notice in the Federal Register, and before doing so, we provide you the opportunity to comment. The goal is to establish this CE in the Departmental Manual (516 DM 10.5), by June 2012.

Please provide your comments on the CE by May 14, 2012, to:

Marvin Keller, NEPA Coordinator
Office of the Assistant Secretary – Indian Affairs (Management)
Division of Environmental and Cultural Resources
Management
2051 Mercator Drive
Reston, VA 20191
email: marv.keller@bia.gov.

If you have any questions, please also feel free to call Mr. Keller at (703) 390-6470. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Echo Hawk', written over a circular stamp or mark.

Larry Echo Hawk
Assistant Secretary – Indian Affairs