



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

September 25, 2015

Department of the Interior
Dr. Willie R. Taylor
Office of Environmental Policy and Compliance
Office of the Secretary
1849 C Street, N.W.
Washington, DC 20240

Dear Mr. Taylor,

Thank you for consulting with the Council on Environmental Quality (CEQ) on the Fish and Wildlife Service (FWS) revision to its National Environmental Policy Act (NEPA) implementing procedures in Departmental Manual 516 DM 8. The CEQ regulations provide that agencies review their NEPA policies and procedures and, in consultation with CEQ, revise them as necessary to ensure full compliance with the purposes and provisions of NEPA (40 C.F.R. § 1507.3).

The consultation with CEQ on the proposed change to the regulations implementing NEPA (attached) took into consideration inter-agency and public comments, and the revisions made in response to those comments. Specifically with regard to the new categorical exclusion that is being added to the NEPA implementing procedures, the FWS considered the potential environmental impacts of the activities covered by the new categorical exclusion, requested and considered public comments on the proposed Categorical Exclusion, and determined that the new categorical exclusion set forth in the attachment would not normally have the potential for having a potentially significant impact, either individually or cumulatively, on the quality of the human environment and therefore would not require additional NEPA analysis and documentation unless extraordinary circumstances exist (40 C.F.R. § 1508.4).

Based on this consultation, CEQ concludes that establishing the new Categorical Exclusion (attached) is in conformance with NEPA and the CEQ regulations. The categorical exclusion can be applied to new proposals for listing injurious species under the Lacey Act once it is published in final form in the Federal Register.

Thank you for your responsiveness to our comments and recommendations.

Sincerely,



Horst G. Greczmiel
Associate Director for NEPA Oversight

Attachment

cc: Don Ashe, Director, FWS
Robert Dreher, Associate Director, FWS
Larry Bright, Chief, Branch of Conservation Planning Assistance, FWS
Carol Braegelmann, Natural Resources Management Team Leader, OPEC

Attachment:

8.5 Categorical Exclusions.

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C. Permit and Regulatory Functions.

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(9) The adding of species to the list of injurious wildlife regulated under the Lacey Act (18 U.S.C. section 42, as amended) as implemented under 50 CFR subchapter B, part 16, which prohibits the importation into the United States and interstate transportation of wildlife found to be injurious.

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