



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

2221 WEST GREENWAY ROAD
PHOENIX, AZ 85023-4399
(602) 942-3000 • AZGFD.GOV

GOVERNOR
JANET NAPOLITANO
COMMISSIONERS
CHAIRMAN, JOE MELTON, YUMA
MICHAEL M. GOLIGHTLY, FLAGSTAFF
WILLIAM H. MCLEAN, GOLD CANYON
BOB HERNBRODE, TUCSON
JENNIFER L. MARTIN, PHOENIX
DIRECTOR
DUANE L. SHROUFE
DEPUTY DIRECTOR
STEVE K. FERRELL



October 13, 2006

NEPA Modernization
Attn: Associate Director for NEPA Oversight
722 Jackson Place NW
Washington, DC 20503

Re: Establishing, Revising, and Using Categorical Exclusions under the National Environmental Policy Act

The Arizona Game and Fish Department (Department) has reviewed the Federal Register, dated September 19, 2006, regarding the proposed guidance on categorical exclusions. The Department recognizes this would provide Federal agencies guidance in establishing and utilizing categorical exclusions to meet their requirements and responsibilities under the National Environmental Policy Act (NEPA). We offer the following comments for your consideration.

It is our understanding that the proposed guidance recommends procedures and approaches for establishing and revising categorical exclusions to assist Federal agencies in the improvement and modernization of their administration of categorical exclusions. Further, the revisions would clearly define the need for evaluating, monitoring, and reviewing categorical exclusions and the related agencies policies and procedures. The Department supports the continued efforts of the NEPA Task Force in improving the clarity and quality of the categorical exclusions process under NEPA. Further, the Department supports public and agency expert involvement when developing new categorical exclusion categories and evaluations of the long-term effects regarding those categorical exclusions already in place. Specific comments are listed in the attachment for consideration.

The Department appreciates the opportunity to provide comments regarding the proposed guidance recommendations. If you have any questions regarding this letter, please contact me at (602) 789-3605.

Sincerely,

Bob Broscheid
Habitat Branch Chief

cc: Rebecca Davidson, Project Evaluation Program Supervisor
Dana Warnecke, Habitat Specialist, Region VI
Dave Dorum, Habitat Program Manager, Region I
Troy Smith, Habitat Specialist, Region IV

Attachment



Arizona Game and Fish Department Comments on Establishing, Revising, and Using Categorical Exclusions Under the National Environmental Policy Act
October 13, 2006

III. Substantiating a New Categorical Exclusion, Page 2

The Department recognizes the need for clear demonstration of the categorical exclusion not resulting in significant environmental effects. We recommend that in addition to the evaluation of a categorical exclusion, clearly defining the types of potential and anticipated effects on the environment be included, such as the intensity, duration, and spatial extent of those effects. The clear identification of these effects would assist the Federal agencies along with the public for understanding how and to what extent the categorical exclusion may be utilized over time and how they may impact natural resources.

B. Gathering Information to Substantiate a Categorical Exclusion

1. Evaluating an Agency's Implemented Actions, Page 4

When discussing collaborative monitoring and evaluating implemented actions, we recommend that these activities include the meaningful involvement of the state wildlife agencies.

IV. Procedures for Establishing a New Categorical Exclusion, Page 7

In step 3, we recommend the consultation with state agencies as well as Federal, due to the different jurisdictional authorities, in addition to special expertise.

V. Public Involvement in Establishing a Categorical Exclusion, Page 7

The Department supports the encouragement within the recommendations in addressing the opportunity for public involvement beyond the Federal Register. The continued opportunity for a collaborative approach sends a positive message.

VI. Using an Established Categorical Exclusion

B. Public Involvement, Page 9

Although CEQ encourages Federal agencies to involve the public when using a categorical exclusion to meet their NEPA requirements, the process remains inconsistent and frequently other agencies do not get notified. This hinders the efforts of natural resource managers to provide insight into potential previously unidentified impacts. A more consistent notification process would increase the general awareness of land management actions and statewide cumulative impacts.

VII. Periodic Review of Categorical Exclusions, Page 9

The Federal agencies should have a standard minimum timeframe for the periodic review (ie. Every 5 – 10 years) to ensure that the impacts to natural resources through extraordinary circumstances, cumulative impacts, or other factors are not exceeding those impacts anticipated during the initial establishment of the categorical exclusion. If during the review, the categorical exclusion is inadequate in fulfilling NEPA as demonstrated overtime, it should be discontinued or re-evaluated. In addition, the procedures used to identify and revise categorical exclusions by the Federal agencies along with the information leading to the determination should be made available to state agencies and the public for clarity.

DATE 11/13/06

CEQ TRAVEL AUTHORIZATION FORM

(Please complete the * required info.)

*TRAVELER NAME: Edward Boling

*ADDRESS: 722 Jackson Place Washington DC 20503

*PHONE NUMBER: (202) 395-3449 SS# _____

*DESTINATION: Durham, NC

*DATES OF TRAVEL: November 15 – November 16, 2006

*PURPOSE OF TRAVEL:

*TRIP EXPENSES COVERED BY AN OUTSIDE SOURCE: YES NO

(if yes, attach copy of invitation letter; get signature of General Counsel)

NAME OF OUTSIDE SOURCE: Duke University Env. Law

CONTACT INFORMATION: Jessica Miller (919) 613-8082

AIR TICKET NEEDED: YES NO TICKET COST: _____

LEAVE: _____ AM PM AIRPORT: _____

ARRIVE: _____ AM PM AIRPORT: _____

SEATING: WINDOW AISLE

LEAVE: _____ AM PM AIRPORT: _____

ARRIVE: _____ AM PM AIRPORT: _____

SEATING: WINDOW AISLE

HOTEL NEEDED: YES NO HOTEL COST: _____

HOTEL NAME: _____

CONFERENCE/REGISTRATION FEE: 0

MEALS PROVIDED: YES NO

CAR RENTAL: YES NO CAR RENTAL COST: 0

Approved by: Chief of Staff _____

Date _____