



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



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In Reply Refer To:
ER 06/923

Horst Greczmiel
NEPA Modernization (CE)
Attn: Associate Director for NEPA Oversight
722 Jackson Place, N.W.,
Washington, D.C. 20503

Subject: **National Environmental Policy Act- Guidance on Categorical Exclusions**

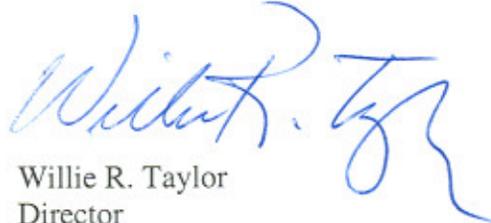
Dear Mr. Greczmiel:

As stated in the Federal Register, Vol. 71, No. 181, Tuesday, September 19, 2006, Notices, the Council on Environmental Quality (CEQ) requested comments on their proposed guidance to Federal agencies for establishing and for using categorical exclusions in meeting agency responsibilities under the National Environmental Policy Act (NEPA). The U.S. Department of the Interior (Department) has reviewed the proposed Categorical Exclusion Guidance and offers the following comments:

1. For clarification purposes, we would suggest section VI., "*A. Documentation*" is moved just below section "*VI. Using an Established Categorical Exclusion.*" This would better show what limited documentation CEQ wants and that additional Federal agency documentation can be reasonably necessary and appropriate.
2. We suggest adding a paragraph title: "*A. Periodic Reviews*" directly under section "*VII. Periodic Review of Categorical Exclusions.*"
3. We suggest adding a paragraph title: "*B. Program Reviews*" under the second paragraph in section "*VII. Periodic Review of Categorical Exclusions.*"
4. Because of the importance in the creation and maintenance of Federal records, we suggest adding an additional section with a title of: "*VIII. Federal Records Act and 36 CFR 1222, Creation and Maintenance of Federal Records.*" This new section title would go above the last paragraph, which starts out reading, "Finally, the rationale and supporting..." We would also like to see Footnote 21 placed into the body of this new section.

Thank you for the opportunity to review and comment on the Proposed Categorical Exclusion Guidance. If you have any questions concerning our comments, please contact B.J. Howerton, Division of Environmental Safety and Cultural Resources Management, Bureau of Indian Affairs, at 503-231-6749, or Shawn Alam in the Office of Environmental Policy and Compliance, at 202-208-5465. We appreciate the opportunity to provide these comments.

Sincerely,



Willie R. Taylor
Director
Office of Environmental Policy
and Compliance