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**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

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**Opening Statement of**  
**Chairman John Fleming**  
**Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs**  
**On Friday, September 20, 2013**  
**1324 Longworth House Office Building**  
**Oversight Hearing on "The Department of the Interior's proposal to use a Categorical Exclusion under the National Environmental Policy Act (NEPA) for adding species to the Lacey Act's list of injurious wildlife"**

Good morning, on July 1, 2013, the Department of the Interior proposed a Categorical Exclusion for the listing of injurious wildlife by the U. S. Fish and Wildlife Service (Service).

Three weeks later, I, along with my distinguished Committee colleagues Rob Bishop, Don Young and Steve Southerland asked the Director of the Service to withdraw the proposed rule.

On September 10<sup>th</sup>, we received a response to that letter, indicating that the public comment period would be extended until October 15<sup>th</sup> and that the proposed exemption would "affect only one small part of a complex regulatory procedure". This begs the question as to why, forty three years after the enactment of the National Environmental Policy Act (NEPA), this change is suddenly necessary.

Before examining the new Categorical Exclusion, it may be useful to review the history of the injurious wildlife program. To date, the Service has added 236 species of birds, crustaceans, fish, mammals and reptiles to the list that prohibits their importation and interstate trade.

Since 1970, more than 40 species have been reviewed under NEPA and on two occasions the Service did utilize a Department of the Interior Categorical Exclusion which meant that there was no scoping process, discussion of environmental alternatives, public hearings, economic analysis or a record of decision on those two petitions.

In the Federal Register notice, the summary section states that the goal of the new Categorical Exclusion is "Making the NEPA process for listing injurious species more efficient". My question is more efficient for whom? Because it will certainly not be more efficient for aquariums, individual Americans, research institutions, small businesses and zoos who will be forced to seek redress in our federal courts.

While not completing an Environmental Impact Statement or Environmental Assessment may save the Fish and Wildlife Service money, I suggest a better alternative to short-circuiting the NEPA process, would be to dedicate more than two federal employees to the listing process each year. By contrast, the Service has 1,139 employees working on the Endangered Species Act program, 246 working on migratory bird management, 105 on the Federal Aid Programs and 89 employees in the Land Acquisition Office.

By making this program a priority, the Service can utilize its resources to stop invasive species before and not after they become established in the United States. We must strive to ensure that never again will species, like non-native carp, be allowed to devastate our fisheries. There is no reason, other than lack of attention, that it should have taken the Service seven years to list black, silver and largescale carp.

Today, the Fish and Wildlife Service will have the opportunity to justify their request for a new Categorical Exclusion, why the Service has not previously sought such an exclusion, and how it will benefit the regulated community. We will also hear from the Association of Zoos and Aquariums, the Pet Industry Joint Advisory Council, the U. S. Association of Reptile Keepers and the Center for Invasive Species Prevention who will give us their prospective on the proposed Categorical Exclusion.