



United States Department of the Interior

FISH AND WILDLIFE SERVICE

[FWO name and address]



In reply refer to:

*** NEEDS CORRECT SPACING IN FINALIZATION

Dear _____,

As you may be aware, the Council of Environmental Quality's Implementing Regulations for the National Environmental Policy Act require that third parties preparing an environmental Impact Statement (EIS) for a federal agency "shall execute a disclosure statement prepared by the lead agency... specifying that they no financial or other special interest in the outcome of the project" (40 Code of Federal Regulation 1505.5 (c)).

In an effort to meet this requirement, we are requesting the company official responsible for the preparation of the EIS for the [name of the HCP] Habitat Conservation Plan sign the following disclosure statement. Failure to sign the necessary disclosure statement may result in the U.S. Fish and Wildlife Service (Service) being unable to accept the EIS document for processing the project incidental take permit application.

In addition, if your company has been involved in developing initial data or plans for the project, on a separate sheet please state the scope and extent of this prior involvement. Such work in itself does not disqualify your company from preparing the EIS, but must be disclosed.

Also, in order to address issues with an incidental take permit Applicant paying for the preparation of the EIS, we have developed a Statement of Responsibilities (Agreement). We believe this Agreement clearly describes the roles and responsibilities of the Service, [NOAA, Fisheries], [the Applicant], [the Lead CEQA Agency], and your firm in regards to EIS preparation. [Optional paragraph; use only if using Statement of Responsibilities]

If you have questions regarding this letter, the disclosure statement, or the Agreement please contact _____, of my staff, at _____.

Sincerely,

[FS, DFS, or AFS]



Attachments ()

DISCLOSURE STATEMENT

for [Consulting firm] concerning the preparation of the EIS
for the [Applicant name or name of HCP] HCP

I, [responsible official], of [Consulting firm] have made inquiry and to the best of my knowledge and belief declare that executing the contracted work of preparing the Environmental Impact Statement (EIS) for the [name of HCP] Habitat Conservation Plan does not represent an actual or potential conflict of interest and [Consulting firm] does not have any financial or other interest in the outcome of this project.

I understand the term “conflict of interest” to mean that because of other activities or relationships with other persons, the contractor is unable or potentially unable to render impartial assistance or advice to the Government, or the contractor’s objectivity in performing the contract work is or might be otherwise impaired, or the contractor may have an unfair competitive advantage. I understand the phrase “no financial or other special interest in the outcome of the project” to include any financial benefits such as a promise of future construction or design work on the project, as well as indirect benefits the consultant is aware of other than the enhancement of the contractor’s professional reputation.

Signed:

[name]

Employers name:

Address:

Phone number:
