



THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

JUNE 7 2022

Memorandum

To: Assistant Secretaries
Bureau and Office Directors

From: Deputy Secretary

Subject: Additional Direction for Implementing Secretary's Order (SO) 3398 and Designating a Senior Agency Official (SAO) for the National Environmental Policy Act (NEPA)

Purpose: On April 16, 2021, the Secretary issued SO 3398, entitled “[Revocation of Secretary’s Orders Inconsistent with Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis](#).” This SO revoked several SOs that were found to be inconsistent with Executive Order (EO) 13990, entitled “[Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis](#),” (January 20, 2021). In addition, the Secretary directed each Assistant Secretary to review and revise as necessary all policies and instructions that implemented the revoked SOs or that were otherwise inconsistent with the policies set forth in EO 13990 and provide a report, with recommendations, to me by June 15, 2021. The Assistant Secretary – Policy, Management and Budget (AS-PMB) report on SO 3398 implementation listed several memoranda that need to be repealed, replaced, or revised with the revocation of the SOs as part of SO 3398. This memorandum accepts and implements the AS-PMB’s recommendation.

Further Direction: The following memoranda—all related to the implementation of NEPA under revoked SOs—are hereby rescinded:

- [Deputy Secretary Memorandum Additional Direction for Implementing SO 3355](#) (April 27, 2018)
- [Deputy Secretary Memorandum NEPA Document Clearance Process](#) (April 27, 2018)¹
- [Deputy Secretary Memorandum Compiling Contemporaneous Decision Files](#) (April 27, 2018)²

¹ This memorandum will be replaced by a newly issued Environmental Review Memorandum (ERM) from the AS-PMB Office of Environmental Policy and Compliance, ERM 10-11 *Departmental Review Team Process for Environmental Impact Statements (EISs)*.

² This memorandum will be replaced by guidance from the Office of the Solicitor.

- [Deputy Secretary Memorandum Standardized Intra-Department Procedures Replacing Individual Memoranda of Understanding for Bureaus Working as Cooperating Agencies](#) (June 11, 2018)
- [Deputy Secretary Memorandum Reporting Costs Associated with Developing Environmental Impact Statements](#) (July 23, 2018)
- [Questions and Answers Related to Deputy Secretary Memoranda dated April 27, 2018](#) (June 22, 2018)
- [ERM 10-11 Determining the Applicable Environmental Review Framework for Infrastructure Projects](#) (August 9, 2018)
- [ERM 10-12 Reporting Costs Associated with Developing Environmental Impact Statements \(EISs\) and Environmental Assessments \(EAs\)](#) (April 28, 2020)

New instructions and guidance for effectively implementing NEPA, consistent with EO 13990 or SO 3398, may be issued by the applicable offices, consistent with their delegated authorities.

The AS-PMB report also recognized the need to establish an SAO for NEPA for the Department to continue compliance with the Council on Environmental Quality NEPA implementing regulations with the rescission of the above memoranda. These regulations at [40 C.F.R. 1508.1\(dd\)](#) indicate an SAO is an “official of assistant secretary rank or higher (or equivalent) that is designated for overall agency NEPA compliance, including resolving implementation issues.” In order to provide leadership to the Department on implementing NEPA consistent with the administration’s priorities of climate change, racial justice, and the economy, I hereby appoint the Associate Deputy Secretary of the Interior to be the Department’s SAO for NEPA. This appointment is effective immediately until it is revoked.