

## **NOTE TO REVIEWERS**

The ER Team reviewed all current ECMs related to team functions for potential updates to the guidance. As part of this revision, the OEPC is renumbering them as part an overall effort to re-number the memoranda series such that the numbers of the memoranda do not change with every update to the guidance. The proposed numbering for the ER Team series is ECM 50-X. Currently, the ER Team has two ECMs, which are proposed for rescission, and are proposing one addition, pursuant to OEPC tasks.

The ER Team reviewed the ECM 95-3, *National Environmental Policy Act (NEPA) Responsibilities Under the Departmental Environmental Justice Policy*, and ECM 97-2, *Departmental Responsibilities for Indian Trust Resources and Indian Sacred Sites on Federal Lands*, and are proposing to rescind these two ECMs. The ECM 95-3 and 97-2 are superseded by DM chapters and increased awareness, knowledge, and experience bureaus and offices have with implementing the related policy since the mid-1990's when they were issued originally. To reflect this change, OEPC is proposing that less specificity is needed from the Departmental level and that guidance is no longer needed to supplement the policies in these two areas. This approach responds to bureau comment on the unnecessary specificity in ECM 95-3 and provides increased flexibility in bureau and office implementation of the policies to address their specific programs.

A new ECM is proposed to remind bureaus and offices of their NEPA compliance responsibility related to discretionary grants that fund projects with potential environmental consequences. The OEPC finds this reminder necessary based on recent experience where the meaning of discretionary, versus non-discretionary, is not always well understood among different offices within the Department. To ensure clarity and promote improved compliance, the ER Team drafted a proposed ECM 50-1, *Environmental Review Compliance and Federal Finance Assistance Programs*, for concurrence.

Concurrence on rescinding ECM 95-3 and ECM 97-2:

Approved: Michaela E. Noble, Director /s/ 09/15/2018  
Office of Environmental Policy and Compliance