



United States Department of the Interior

Office of the Secretary
Washington, D.C. 20240

PEP - ENVIRONMENTAL STATEMENT MEMORANDUM NO. ESM 13-6¹

To: Heads of Bureaus and Offices

From: Michaela E. Noble, Director /s/ 09/24/2018
Office of Environmental Policy and Compliance

Subject: State and Local Agency Review of Environmental Impact Statements

PURPOSE

This memorandum provides guidance on state and local agency review of environmental impact statements (EISs).

BACKGROUND

The following references apply to this memorandum:

Executive Order 12372 (as amended by EO 12416); Intergovernmental Review of Federal Programs at <http://www.fws.gov/policy/library/rgeo12372.pdf>.

Intergovernmental Review of the Department of the Interior Programs and Activities; 43 CFR 9 at <http://www.gpo.gov/fdsys/pkg/CFR-2011-title43-vol1/pdf/CFR-2011-title43-vol1-part9.pdf>.

Directory of State and Areawide Clearinghouses; Office of Management and Budget, pursuant to EO 12372, at https://www.whitehouse.gov/wp-content/uploads/2017/11/Intergovernmental_Review-_SPOC_01_2018_OFFM.pdf.

Departmental Manual, Part 511, Chapters 1-8. Available at: <http://doi.gov/elips>.

¹ The guidance in this Environmental Statement Memorandum (ESM) are being issued under the authority provided to the Office of Environmental Policy and Compliance (OEPC) by 381 Departmental Manual (DM) 4.5B, to convey instructions and guidance through its Environmental Memoranda Series, and by 516 DM 3.2, which authorizes OEPC to provide advice and assistance to the Department on matters pertaining to environmental quality and for overseeing and coordinating the Department's compliance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations, and 516 DM 1.21, which authorizes OEPC to provide further guidance concerning NEPA.

PROCEDURE

Bureaus and offices are requested to utilize State clearinghouses in order to secure state agency review of EISs where State and local governments would provide the non-Federal funds for, or would be directly affected by, proposed Federal financial assistance or direct Federal development. In addition, where bureaus deem it appropriate, they may circulate environmental impact statements directly to State agencies with a clear indication that the environmental impact statement has also been sent to the State Clearinghouse or to the Governor's designated alternative if there is one. Where State clearinghouses do not exist, environmental impact statements should be circulated directly to appropriate local governmental agencies.

GENERAL

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Additionally, nothing in this guidance is intended to affect the authority and responsibility of the United States Department of Justice with respect to the conduct of litigation on behalf of the United States.

This memorandum replaces ESM 10-14.