

From: Spear, Susan J -FS
Sent: 19 Apr 2017 17:19:31 +0000
To: Mattson, Liane -FS
Cc: Vaughn, Gary D -FS
Subject: FW: Executive Order 032818 -Promoting Energy Independence and Economic Growth

Hi Liane, Dusty Vaughn on my staff reviewed the EO and prepared info below on inclusion of WWSR. We think since we have clear requirements provided by law, we probably don't need to be included in the review team. We'll be available if needed by the team.

I asked Dusty to provide you with reference info so you could review too.

Thank you for reaching out to us.

Susan J. Spear

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From: Vaughn, Gary D -FS
Sent: Wednesday, April 19, 2017 12:27 PM
To: Spear, Susan J -FS <sspear@fs.fed.us>
Subject: RE: Executive Order 032818 -Promoting Energy Independence and Economic Growth

That was my understanding – she wants to know whether to include WWSR in the review plan.

Since “such review shall not include agency actions that are mandated by law”, WWSR may not need to be included since our actions are mandated by the Wilderness, Wild & Scenic Rivers, and Clean Air Acts, but it may be good for us to stay in the loop since we have developed guidance related to the operations in order to follow these laws.

References:

For air quality impacts to wilderness from outside oil, natural gas, coal, and nuclear energy resource operations, FS2300 discusses actions that we are to take to protect air quality such as:

- Determining the potential impacts of proposed facilities in coordination with State air quality management agencies.
- Making appropriate recommendations in the permitting process following established Prevention of Significant Deterioration application review procedures for major emission sources.
- Making requests to air quality management agencies for consideration of class II values in the permit process are appropriate (FSM 2120).

For mineral resources, section 4(d)(3) of the Wilderness Act authorizes mineral exploration and development operations only where there are valid existing rights. FSM 2300 further defines our actions to preserve the wilderness resource to the extent possible if operations are conducted on this sites.

From the Wild & Scenic River Management Responsibilities technical report developed by the Interagency Wild & Scenic Rivers Coordinating Council: The Wild & Scenic Rivers Act affects the development of federal minerals in several ways:

- First, subject to valid existing rights (i.e., subject to existing mining claims and mineral leases), the minerals located on federal lands within the bed or banks or 1/4 mile of the banks³ of any designated wild river are withdrawn from all forms of appropriation under the mining laws and from the operation of the mineral leasing laws.
- Second, subject to valid existing rights (i.e., subject to mining claims where the claimant has filed a proper patent application and paid the required fees prior to the river's designation), mining claimants may only obtain title to the mineral deposits and such rights to the use of the surface and surface resources as are reasonably required for prospecting or mining.
- Third, the Act requires regulations be developed to govern mining and mineral leasing activities in WSR corridors. While the Secretaries of the Interior and Agriculture have not issued these regulations, the BLM and USFS use their existing regulations (43 CFR 3809 and 36 CFR 228, respectively) to meet, to the extent possible, the nondegradation standard of Section 10(a).



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Caring for the land and serving people

From: Spear, Susan J -FS

Sent: Tuesday, April 18, 2017 4:55 PM

To: Vaughn, Gary D -FS <gdvaughn@fs.fed.us>

Subject: FW: Executive Order 032818 -Promoting Energy Independence and Economic Growth

Please see Liane's note below. I think we need to ID whether we need to be included in the review, if I understand her email....

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From: Mattson, Liane -FS
Sent: Tuesday, April 18, 2017 4:26 PM
To: Spear, Susan J -FS <sspear@fs.fed.us>
Subject: RE: Executive Order 032818 -Promoting Energy Independence and Economic Growth

Good afternoon, I should have indicated that I am the lead MGM person for this effort. At any rate, we have drafted a Draft Review Plan (attached) in coordination with other WO director areas to respond to Phase 1. I have a deadline of tomorrow COB for a first cut to Nick. Of note, this effort is just to respond to Section 2 of the EO.

Both the draft review plan and the EO are attached, so please forward to your staff, and ask them to respond to me with any comments on the draft Review Plan, or simply a yes/no if WWSR needs to stay involved.

Thanks for your help, LM



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Caring for the land and serving people

From: Spear, Susan J -FS
Sent: Tuesday, April 18, 2017 2:18 PM
To: Mattson, Liane -FS <lmattson@fs.fed.us>
Subject: RE: Executive Order 032818 -Promoting Energy Independence and Economic Growth

Hi Liane, I was looking for this EO to do a quick confirmation that it doesn't apply to and W or WSR. Thanks for sending it. Should I forward your email to my staff to review, or are you creating a list for future information?

Susan J. Spear

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From: Mattson, Liane -FS
Sent: Tuesday, April 18, 2017 2:12 PM
To: Spear, Susan J -FS <sspear@fs.fed.us>
Subject: FW: Executive Order 032818 -Promoting Energy Independence and Economic Growth

Hello Sue, please see trailing email from Nick Douglas re: FS response to the attached executive order. I didn't see you among the WO Directors contacted about this.

MGM is taking the lead on preparing the FS response, and part of our charge is to outreach to other director areas for input. Would there be need to include someone from WWR in this effort?

Thank you, LM



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From: Douglas, Nicholas E -FS
Sent: Thursday, March 30, 2017 3:21 PM
To: Casamassa, Glenn -FS <gcasamassa@fs.fed.us>
Cc: Smith, Greg -FS <gsmith08@fs.fed.us>; French, Chris -FS <cfrench@fs.fed.us>; Rowley, Allen -FS <arowley@fs.fed.us>; Johnson, Paul -FS <pjohnson02@fs.fed.us>; Douglas, Nicholas E -FS <nedouglas@fs.fed.us>
Subject: Executive Order 032818 -Promoting Energy Independence and Economic Growth

Glenn-

We are starting the first phase of work to comply with the requirements of EO 03281 - "Promoting Energy Independence and Economic Growth." Section 2 of this EO 032817, subtitled (b)(5);Deliberative

(b)(5);Deliberative Process Privilege

Mandate:

(a) The heads of agencies shall review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (collectively, agency actions) that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. Such review shall not include agency actions that are mandated by law, necessary for the public interest, and consistent with the policy set forth in section 1 of this order.

Definition:

(b) In the EO, "burden" means to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources.

Delivery/Completion Timeframes:

Phase One:

(c) Within 45 days of the date of this order, the head of each agency with agency actions described in subsection (a) of this section shall develop and submit to the Director of the Office of Management and Budget (OMB Director) a plan to carry out the review required by subsection (a) of this section the heads of each agency to review all agency actions that potentially burden the safe, efficient development of domestic energy resources and sets timeframes for the review and follow-up actions.

Phase Two:

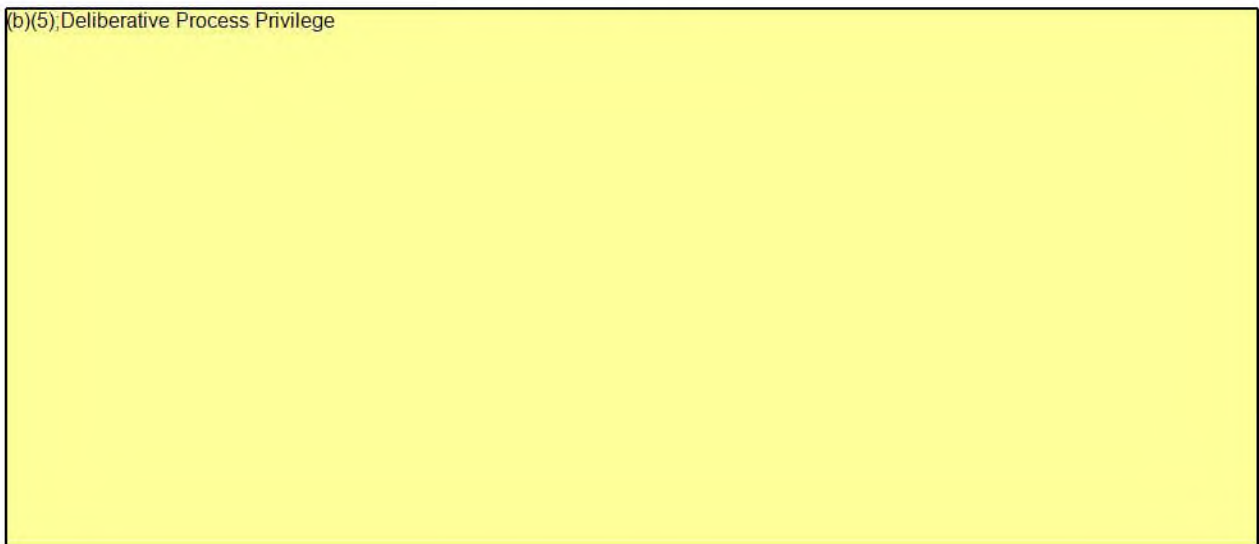
Within 120 days of issuance of the EO, this report of the agency's findings must be submitted to the Vice President, the OMB Director, the Assistant to the president for Economic Policy, the Assistant to the president for Domestic Policy, and the Chair of the Council on Environmental Quality.

Phase Three:

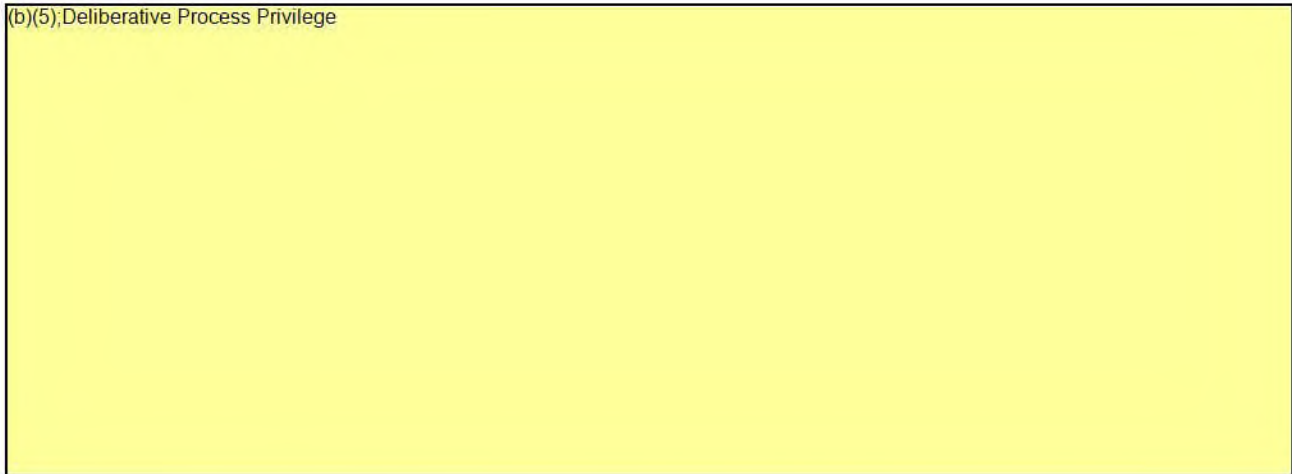
Within 180 days of the date of the EO, the report will be finalized and submitted to the OMB Director and the other officials listed above (under phase two).

We are taking the following steps to implement this section:

(b)(5), Deliberative Process Privilege



(b)(5);Deliberative Process Privilege



I have attached the EO in case you need to see more details. We will also schedule a meeting with you as possible. The DOI Secretary has already issues an order to Interior agencies to begin this work.

Thnx



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Director

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Withheld pursuant to exemption

(b)(5); Deliberative Process Privilege

of the Freedom of Information and Privacy Act

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