

**From:** [Guertin, Stephen](#)  
**To:** [Jim Kurth](#)  
**Cc:** [Charisa Morris](#); [Betsy Hildebrandt](#)  
**Subject:** Fwd: SO 3349  
**Date:** Thursday, April 20, 2017 11:39:15 AM  
**Attachments:** [FWS Draft Response SO 3349.docx](#)

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Here is the final revised version to address all of the feedback and guidance from our political team. Will send it up the line to ASFWP. Thanks. Steve

----- Forwarded message -----

**From:** **Patterson, Dan** <[dan\\_patterson@fws.gov](mailto:dan_patterson@fws.gov)>  
**Date:** Thu, Apr 20, 2017 at 12:29 PM  
**Subject:** Re: SO 3349  
**To:** Jerome Ford <[jerome\\_ford@fws.gov](mailto:jerome_ford@fws.gov)>  
**Cc:** "Guertin, Stephen" <[stephen\\_guertin@fws.gov](mailto:stephen_guertin@fws.gov)>

Okay.

Made Steve's changes -- removed date b/c I figured it would be date-stamped once signed; also it was 8 direct actions and "5" additional actions (we had 4).

Also reflects late edits from ES.

On Thu, Apr 20, 2017 at 12:17 PM, Jerome Ford <[jerome\\_ford@fws.gov](mailto:jerome_ford@fws.gov)> wrote:

Yep.

Dan has included.

Jerome Ford  
Assistant Director  
Migratory Birds Program  
Aviation Executive  
Tel. 202-208-1050

Sent from my iPad

On Apr 20, 2017, at 12:16 PM, Guertin, Stephen <[stephen\\_guertin@fws.gov](mailto:stephen_guertin@fws.gov)> wrote:

And I see you also just got late breaking edits from ES. Thanks. Steve

On Thu, Apr 20, 2017 at 12:06 PM, Guertin, Stephen  
<[stephen\\_guertin@fws.gov](mailto:stephen_guertin@fws.gov)> wrote:

Thanks, the content looks good.

Please rework to say:

To: Deputy Secretary

Through: Assistant Secretary for Fish and Wildlife and Parks  
From: Director

And change to "eight" the number we have identified on top of page 2 (it says "seven" actions).

Thanks and email me the final final final version.

Steve

On Thu, Apr 20, 2017 at 11:55 AM, Patterson, Dan  
<[dan\\_patterson@fws.gov](mailto:dan_patterson@fws.gov)> wrote:

Steve,

Attached is a clean draft of our preliminary response to SO 3349.

DP

On Thu, Apr 20, 2017 at 11:03 AM, Guertin, Stephen  
<[stephen\\_guertin@fws.gov](mailto:stephen_guertin@fws.gov)> wrote:

The document is looking good and reflects the conversation we had with the political team Tuesday. Pls send me the final once it ready to go and I will send it up the line to them ..... they could very well have further edits but that is their purview. Thanks! Steve

On Thu, Apr 20, 2017 at 10:47 AM, Patterson, Dan  
<[dan\\_patterson@fws.gov](mailto:dan_patterson@fws.gov)> wrote:

Steve,

Just left a VM for you about wanting to touch base on SO 3349. Our draft is nearly ready -- waiting on some language from Refuges and a quick check-in with Gary.

Did you have any edits you'd like incorporated? If so, please send them my way. Also, once we have a clean, final version of the draft, do you want to move it to Casey or should we do it?

Thanks,  
DP

--

DAN PATTERSON  
Chief, Branch of Program Support  
Migratory Bird Program

U.S. FISH AND WILDLIFE SERVICE HEADQUARTERS  
5275 Leesburg Pike, MS: MB

Falls Church, VA 22041-3803  
w. 703-358-2630  
c. 571-357-0347

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Memorandum

**To:** Deputy Secretary

**Through:** Assistant Secretary for Fish and Wildlife and Parks

**From:** Director, U.S. Fish and Wildlife Service

**Subject:** Preliminary response to the deliverable outlined in section 5c(v) of Secretary's Order 3349 – "American Energy Independence"

## **I. Introduction**

This memorandum identifies FWS Actions pursuant to Secretary's Order 3349 Section 5(v). Section 5c(v) states:

Within 21 days, each bureau and office head shall provide to the Deputy Secretary, through their Assistant Secretary, a report that identifies all existing Departmental Actions issued by their bureau or office that potentially burden (as that term is defined in the March 28, 2017 E.O.) the development or utilization of domestically produced energy resources, with particular attention to the oil, natural gas, coal, and nuclear resources.

According to the Executive Order "Promoting Energy Independence and Economic Growth," (issued March 28, 2017) 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."

## **II. Background**

In order to respond to the request, the FWS describes the Agency Action, industry perceived burden, how the action relates to law, and what the public interest is related to the Action, as follows:

Agency Action: The Executive Order defines Agency Actions as existing regulations, orders, guidance documents, policies, and any other similar agency actions. FWS considered Actions that are "policy" in nature and affect more than a single project level decision.

Burden: The Executive Order defines burden as "to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources." For the identified Agency Action, we summarize industry stated concerns as communicated in written comments, meetings, letters, emails, or otherwise.

Mandated by law: For each identified Action, we summarize how the Action is related to law, including whether the Action is specifically called for in legislation.

Public Interest: For each Action, FWS identifies the “public interest” as defined in statute, e.g., endangered species, eagles, etc. We also describe whether and why the Action is necessary for the public interest and how we arrived at that conclusion.

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