

**From:** [Morgan, Don](#)  
**To:** [seth\\_mott@fws.gov](mailto:seth_mott@fws.gov)  
**Subject:** Don Morgan is out of the office. Re: Fwd: Action Plan for SO 3349 deliverables  
**Date:** Friday, April 7, 2017 1:25:04 PM

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I am currently out of the office and will not be able to respond to your message until my return. Please dial (703) 358-2171 for assistance. Lew Gorman will be acting on 4/7 (X1911)  
Amy Brisendine will be acting on 4/10 (X2005)

Thank you,

Don

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Don R. Morgan  
U.S. Fish and Wildlife Service  
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Phone (703) 358-2444  
Fax (703) 358-1800

**From:** [Guertin, Stephen](#)  
**To:** [Maureen Foster](#); [Virginia Johnson](#); [Casey Hammond](#)  
**Cc:** [Charisa Morris](#)  
**Subject:** Draft SO 3349 additional response  
**Date:** Thursday, April 20, 2017 11:41:43 AM  
**Attachments:** [FWS Draft Response SO 3349.docx](#)

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We have attached the response to SO 3349 dealing with burdensome regulations. We believe we have addressed all of the feedback and suggestions we received during the pre brief on Tuesday afternoon.

Please let us know if you have additional comments.

Thanks.

Steve

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.

### III. Discussion

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