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Secretarial Order on American Energy Independence

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"Muller, Kit" <kmuller@blm.gov>

From: "Muller, Kit" <kmuller@blm.gov>
Sent: Wed Mar 29 2017 14:50:14 GMT-0600 (MDT)
To: BLM_WO_200_Chiefs_DDCs_and_BCs
<BLM_WO_200_GM@blm.gov>
CC: Tim Hammond <thammond@blm.gov>, "Mead, Deborah" <dmead@blm.gov>, "Prentice, Karen L" <kprentic@blm.gov>, Gordon Toevs <gtoevs@blm.gov>
Subject: Secretarial Order on American Energy Independence
Attachments: Secretarial Order 3349.pdf Secretarial Order 3348.pdf

another worthy read....

"Bail, Kristin" <kbail@blm.gov>

From: "Bail, Kristin" <kbail@blm.gov>
Sent: Wed Mar 29 2017 15:22:02 GMT-0600 (MDT)
To: Deborah Mead <dmead@blm.gov>, Kit Muller <kmuller@blm.gov>, "Baker, Leah" <lbaker@blm.gov>
CC: Karen Kelleher <kkelleh@blm.gov>, "Tryon, Steve" <stryon@blm.gov>, "Reiland, Michael" <mreiland@blm.gov>, Shannon Stewart <scstewar@blm.gov>
Subject: Fwd: Secretarial Order on American Energy Independence
Attachments: Secretarial Order 3349.pdf Secretarial Order 3348.pdf

Just to highlight – there are some short turnarounds on mitigation policy review and climate change policy that we will need to respond to and a 21-day response on to identify "all existing actions that potentially burden the development

or utilization of domestically produced energy resources". --K

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

From: **Muller, Kit** <kmuller@blm.gov>

Date: Wed, Mar 29, 2017 at 4:50 PM

Subject: Secretarial Order on American Energy Independence

To: BLM_WO_200_Chiefs_DDCs_and_BCs <BLM_WO_200_GM@blm.gov>

Cc: Tim Hammond <thammond@blm.gov>, "Mead, Deborah" <dmead@blm.gov>, "Prentice, Karen L" <kprentic@blm.gov>, Gordon Toevs <gtoevs@blm.gov>

another worthy read....

"Kelleher, Karen" <kkelleh@blm.gov>

From: "Kelleher, Karen" <kkelleh@blm.gov>
Sent: Wed Mar 29 2017 15:26:59 GMT-0600 (MDT)
To: "Bail, Kristin" <kbail@blm.gov>
CC: Steve Tryon <stryon@blm.gov>
Subject: Re: Secretarial Order on American Energy Independence

Hi Kristin,
I've asked Deblyn & Kit to start on the mitigation item.

the last one is a bit more difficult to define.

Karen

On Wed, Mar 29, 2017 at 5:22 PM, Bail, Kristin <kbail@blm.gov> wrote:

Just to highlight -- there are some short turnarounds on mitigation policy review and climate change policy that we will need to respond to and a 21-day response on to identify "all existing actions that potentially burden the development or utilization of domestically produced energy resources". --K

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

From: **Muller, Kit** <kmuller@blm.gov>

Date: Wed, Mar 29, 2017 at 4:50 PM

Subject: Secretarial Order on American Energy Independence

To: BLM_WO_200_Chiefs_DDCs_and_BCs <BLM_WO_200_GM@blm.gov>

Cc: Tim Hammond <thammond@blm.gov>, "Mead, Deborah" <dmead@blm.gov>, "Prentice, Karen L" <kprentic@blm.gov>, Gordon Toevs <gtoevs@blm.gov>

another worthy read....

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Karen Kelleher

Deputy Assistant Director - Resources and Planning

Main Interior room 5644

kkelleh@blm.gov

202-208-4896

"Muller, Kit" <kmuller@blm.gov>

From: "Muller, Kit" <kmuller@blm.gov>
Sent: Sun Apr 02 2017 11:22:10 GMT-0600 (MDT)
To: BLM_WO_200_Chiefs_DDCs_and_BC
<BLM_WO_200_GM@blm.gov>
CC: Tim Hammond <thammond@blm.gov>, "Mead, Deborah" <dmead@blm.gov>, "Prentice, Karen L" <kprentic@blm.gov>, Gordon Toevs <gtoevs@blm.gov>
Subject: Re: Secretarial Order on American Energy Independence
Attachments: Report Outline.docx

Per Andy's request, here's an electronic copy of the proposed GRSG reporting template that we discussed at Friday's Division Chiefs' meeting.

On Wed, Mar 29, 2017 at 4:50 PM, Muller, Kit <kmuller@blm.gov> wrote:
| another worthy read....



THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3349

Subject: American Energy Independence

Sec. 1 Purpose. This Order implements the review of agency actions directed by an Executive Order signed by the President on March 28, 2017 and entitled “Promoting Energy Independence and Economic Growth” (March 28, 2017 E.O.). It also directs a reexamination of the mitigation policies and practices across the Department of the Interior (Department) in order to better balance conservation strategies and policies with the equally legitimate need of creating jobs for hard-working American families.

Sec. 2 Authorities. This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, and other applicable statutory authorities.

Sec. 3 Background. Among other provisions, the March 28, 2017 E.O. directs the Department to review all existing regulations, orders, guidance documents, policies, and any other similar actions that potentially burden the development or utilization of domestically produced energy resources. A plan to carry out the review must be submitted to the Director of the Office of Management and Budget (OMB) and to certain other White House officials within 45 days of the date of the March 28, 2017 E.O. The objective of the review is to identify agency actions that unnecessarily burden the development or utilization of the Nation’s energy resources and support action to appropriately and lawfully suspend, revise, or rescind such agency actions as soon as practicable.

The March 28, 2017 E.O. also directs the Department to promptly review certain specific actions recently taken by the Department, in particular Secretary’s Order 3338, “Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program,” and four rules related to onshore oil and gas development.

The March 28, 2017 E.O. also rescinds certain Presidential Actions, reports, and final guidance related to climate change, including:

- a. E.O. 13653 of November 6, 2013 (Preparing the United States for the Impacts of Climate Change);
- b. Presidential Memorandum of June 25, 2013 (Power Sector Carbon Pollution Standards); and
- c. Presidential Memorandum of September 21, 2016 (Climate Change and National Security).

The March 28, 2017 E.O. directs the Department to identify agency actions “related to or arising from” the rescinded Presidential Actions, reports, and guidance, and to initiate a lawful and appropriate process to suspend, revise, or rescind such actions.

The March 28, 2017 E.O. also rescinds the Presidential Memorandum issued on November 3, 2015, entitled “Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment.” That Memorandum directed the Secretary of the Interior, among other Cabinet officials, to undertake a number of actions to implement a landscape-scale mitigation policy, including specific directions to the Bureau of Land Management (BLM) and the Fish and Wildlife Service (FWS) to develop mitigation policies that incorporated compensatory mitigation into planning and permitting processes.

Secretary’s Order 3330, “Improving Mitigation Policies and Practices of the Department of the Interior,” dated October 13, 2013, is directly related to the rescinded Presidential Memorandum on mitigation. Secretary’s Order 3330 dovetails with the subsequently issued Presidential Memorandum by directing the development and implementation of a landscape-scale mitigation policy for the Department. As directed by the Order, the Secretary received a report in April 2014 entitled, “A Strategy for Improving Mitigation Policies and Practices of the Department of the Interior.” The Strategy set forth a number of “deliverables” by nearly every office and bureau within the Department to advance the stated goal of “landscape-scale mitigation.” Given the close nexus between the rescinded Presidential Memorandum and Secretary’s Order 3330, a thorough reexamination is needed of the policies set out in that Order.

Sec. 4 Policy. To begin implementing the March 28, 2017 E.O., I hereby order the following:

a. Revocation of Secretary’s Order 3330. I hereby revoke Secretary’s Order 3330, “Improving Mitigation Policies and Practices of the Department of the Interior,” dated October 31, 2013. As set forth below, all actions taken pursuant to Secretary’s Order 3330 must be reviewed for possible reconsideration, modification, or rescission as appropriate.

b. Review of Department Actions. As set forth in Sec. 5 below, each bureau and office shall review all existing regulations, orders, guidance documents, policies, instructions, notices, implementing actions, and any other similar actions (Department Actions) related to or arising from the Presidential Actions set forth above and, to the extent deemed necessary and permitted by law, initiate an appropriate process to suspend, revise, or rescind any such actions, consistent with the policies set forth in the March 28, 2017 E.O.

Sec. 5 **Implementation.** The following actions shall be taken pursuant to this Order:

a. Mitigation Policy Review.

(i) Within 14 days of the date of this Order, each bureau and office head shall provide to the Deputy Secretary, through their Assistant Secretary, all Department Actions they have adopted or are in the process of developing relating to (1) the Presidential Memorandum dated November 3, 2015, “Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment” and (2) Secretary’s Order 3330.

(ii) Within 30 days of the date of this Order, the Deputy Secretary shall inform the Assistant Secretaries whether to proceed with reconsideration, modification, or rescission as appropriate and necessary of any Department Actions they have adopted or are in the process of developing relating to (1) the Presidential Memorandum dated November 3, 2015, “Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment” and (2) Secretary’s Order 3330.

(iii) Within 90 days of the date of this Order, each bureau and office required to reconsider, modify, or rescind any such Department Action, shall submit to the Deputy Secretary, through their Assistant Secretary, a draft revised or substitute Department Action for review.

b. Climate Change Policy Review.

(i) Within 14 days of the date of this Order, each bureau and office head shall provide to the Deputy Secretary, through their Assistant Secretary, all Department Actions they have adopted, or are in the process of developing, relating to the Presidential Actions, reports, and guidance that are rescinded by the March 28, 2017 E.O., in particular: Executive Order 13653 of November 6, 2013 (Preparing the United States for the Impacts of Climate Change); Presidential Memorandum of June 25, 2013 (Power Sector Carbon Pollution Standards); Presidential Memorandum of September 21, 2016 (Climate Change and National Security); Report of the Executive Office of the President of June 2013 (The President’s Climate Action Plan); Report of the Executive Office of the President of March 2014 (Climate Action Plan Strategy to Reduce Methane Emissions); and the Council on Environmental Quality’s final guidance entitled “Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews,” 81 *Fed. Reg.* 51866 (August 5, 2016).

(ii) Within 30 days of the date of this Order, the Deputy Secretary shall inform the Assistant Secretaries whether to proceed with reconsideration, modification, or rescission as appropriate and necessary of any Department Actions identified in the review required by subsection (i) above.

(iii) Within 90 days of the date of this Order, each bureau and office required to reconsider, modify, or rescind any such Department Action, shall submit to the Deputy Secretary, through their Assistant Secretary, a draft revised or substitute Department Action, for review.

c. Review of Other Department Actions Impacting Energy Development.

(i) As previously announced by the Department, BLM shall proceed expeditiously with proposing to rescind the final rule entitled, “Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands,” 80 *Fed. Reg.* 16128 (Mar. 26, 2015).

(ii) Within 21 days, the Director, BLM shall review the final rule entitled, “Waste Prevention, Production Subject to Royalties, and Resource Conservation,” 81 *Fed. Reg.* 83008 (January 17, 2017), and report to the Assistant Secretary – Land and Minerals Management on whether the rule is fully consistent with the policy set forth in Section 1 of the March 28, 2017 E.O.

(iii) Within 21 days, the Director, National Park Service shall review the final rule entitled, “General Provisions and Non-Federal Oil and Gas Rights,” 81 *Fed. Reg.* 77972 (Nov. 4, 2016), and report to the Assistant Secretary for Fish and Wildlife and Parks on whether the rule is fully consistent with the policy set forth in Section 1 of the March 28, 2017 E.O.

(iv) Within 21 days, the Director, FWS shall review the final rule entitled, “Management of Non-Federal Oil and Gas Rights,” 81 *Fed. Reg.* 79948 (Nov. 14, 2016), and report to the Assistant Secretary for Fish and Wildlife and Parks on whether the rule is fully consistent with the policy set forth in Section 1 of the March 28, 2017 E.O.

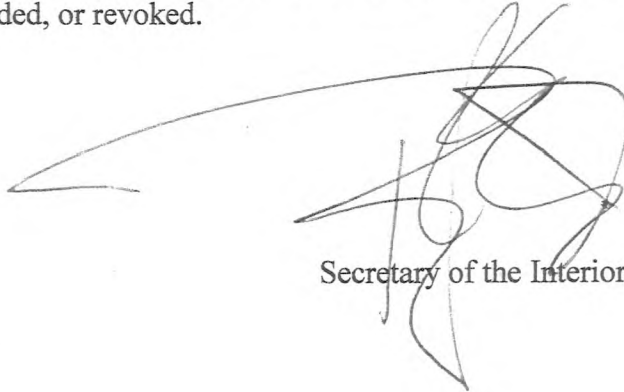
(v) Within 21 days, each bureau and office head shall provide to the Deputy Secretary, through their Assistant Secretary, a report that identifies all existing Department Actions issued by their bureau or office that potentially burden (as that term is defined in the March 28, 2017 E.O.) the development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

(vi) Within 35 days, the Deputy Secretary shall provide to me a plan to complete the review of Department Actions contemplated by Section 2 of the March 28, 2017 E.O. The plan must meet all objectives and time lines set forth in the March 28, 2017 E.O.

Sec. 5 Effect of the Order. This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies,

instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 6 **Expiration Date.** This Order is effective immediately. It will remain in effect until it is amended, superseded, or revoked.



Secretary of the Interior

Date: MAR 29 2017



THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3348

Subject: Concerning the Federal Coal Moratorium

Sec. 1 Purpose. The Federal coal leasing program is of critical importance to the economy of the United States, supplying approximately 40 percent of the coal produced in the Nation. On January 15, 2016, Secretary's Order 3338, "Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program," was signed and placed a moratorium on the coal leasing program with limited exceptions. Given the critical importance of the Federal coal leasing program to energy security, job creation, and proper conservation stewardship, this Order directs efforts to enhance and improve the Federal coal leasing program.

Sec. 2 Authorities. This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended. Other statutory authorities for this Order include but are not limited to the following statutes:

- a. Mineral Leasing Act, 30 U.S.C. §1181 *et seq.*
- b. Mineral Leasing Act for Acquired Lands, 30 U.S.C. § 351 *et seq.*
- c. Federal Land Policy and Management Act, 43 U.S.C. 1701-1785.
- d. Surface Mining Control and Reclamation Act, 30 U.S.C. §§ 1201–1328.

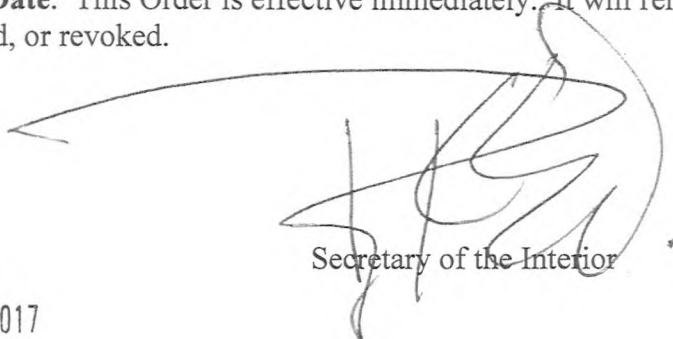
Sec. 3 Background. Secretary's Order 3338 directs the Bureau of Land Management (BLM) to analyze and "consider potential leasing and management reforms to the current Federal coal program." Secretary's Order 3338 ordered the preparation of a discretionary Programmatic Environmental Impact Statement (PEIS) to analyze potential reforms and ordered a "pause on leasing, with limited exceptions" pending completion of the discretionary Federal Coal Program PEIS. The PEIS is estimated to cost many millions of dollars and would be completed no sooner than 2019, even with robust funding.

Sec. 4 Revocation of Secretary's Order 3338. Based upon the Department's review of Secretary's Order 3338, the scoping report for the discretionary Federal Coal Program PEIS issued in January 2017, and other information provided by BLM, I find that the public interest is not served by halting the Federal coal program for an extended time, nor is a PEIS required to consider potential improvements to the program. Accordingly, consistent with the principles of responsible public stewardship entrusted to this office, I revoke Secretary's Order 3338, "Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program."

Sec. 5 Implementation. With the revocation of Secretary's Order 3338, BLM is directed to process coal lease applications and modifications expeditiously in accordance with regulations and guidance existing before the issuance of Secretary's Order 3338. All activities associated with the preparation of the Federal Coal Program PEIS shall cease. The Deputy Secretary, Assistant Secretaries, and heads of bureaus and offices are hereby directed to make changes in their policy and guidance documents that are consistent with the revocation of Secretary's Order 3338.

Sec. 6 Effect of the Order. This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 7 Expiration Date. This Order is effective immediately. It will remain in effect until it is amended, superseded, or revoked.



Secretary of the Interior

Date: MAR 29 2017