

**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**

Forest Service, National Forest System, WO  
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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](mailto: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 banks<sup>3</sup> 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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**From:** Spear, Susan J -FS

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

**To:** Vaughn, Gary D -FS <[gdvaughn@fs.fed.us](mailto: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....

**Susan J. Spear**

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