

From: [Jerome Ford](#)
To: [Stephen Guertin](#)
Subject: Fwd: SO 3349
Date: Thursday, April 20, 2017 11:02:06 AM
Attachments: [ATT00001.htm](#)
[FWS Draft Response SO 3349.docx](#)

Standing by for further instructions.

Please advise at your earliest convenience.

Thanks.

Jerome E. Ford
Assistant Director
Migratory Birds Program

Begin forwarded message:

From: "Patterson, Dan" <dan_patterson@fws.gov>
Date: April 20, 2017 at 11:55:02 AM EDT
To: "Guertin, Stephen" <stephen_guertin@fws.gov>
Cc: Jerome Ford <jerome_ford@fws.gov>
Subject: Re: SO 3349

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> 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>
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

--

DAN PATTERSON
Chief, Branch of Program Support
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**Information Memorandum
for the Acting Assistant Secretary for Fish and Wildlife and Parks**

Date: April 20, 2017

From: Jerome Ford, Assistant Director, Migratory Birds, U.S. Fish and Wildlife Service (FWS)

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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