

**From:** [Matson, Noah](#)  
**To:** [Stephen Guertin](#); [Charisa Morris \(charisa\\_morris@fws.gov\)](#)  
**Subject:** Fwd: Submitted Report Regarding SO 3349 - Potentially Burdensome Actions  
**Date:** Wednesday, May 23, 2018 11:55:33 AM  
**Attachments:** [ATT00001.htm](#)  
[FWS Draft Response SO 3349.docx](#)

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Steve - I'm helping respond to the latest request for information about our implementation of SO3349 and filling out a spreadsheet from ASFWP. Unfortunately, no one seems to have the final, dated version of the attached memo that Jerome says you forwarded to Casey Hammond/ASFWP last April - do you have an email/file, etc? It is not in DTS as far as I can tell.

Thanks!

Noah Matson

Acting Chief, Division of Natural Resources and Conservation Planning  
National Wildlife Refuge System  
U.S. Fish and Wildlife Service  
[noah\\_matson@fws.gov](mailto:noah_matson@fws.gov)  
(703) 358-2270

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

**From:** **Jerome Ford** <[jerome\\_ford@fws.gov](mailto:jerome_ford@fws.gov)>  
**Date:** Thu, Apr 20, 2017 at 12:46 PM  
**Subject:** Submitted Report Regarding SO 3349 - Potentially Burdensome Actions  
**To:** Cynthia Martinez <[cynthia\\_martinez@fws.gov](mailto:cynthia_martinez@fws.gov)>, Gary Frazer <[gary\\_frazer@fws.gov](mailto:gary_frazer@fws.gov)>  
**Cc:** Stephen Guertin <[stephen\\_guertin@fws.gov](mailto:stephen_guertin@fws.gov)>, Mike J Johnson <[Mike\\_J\\_Johnson@fws.gov](mailto:Mike_J_Johnson@fws.gov)>, Noah Matson <[noah\\_matson@fws.gov](mailto:noah_matson@fws.gov)>, Dan Patterson <[dan\\_patterson@fws.gov](mailto:dan_patterson@fws.gov)>

Team,

Attached is the report Steve will forward to Casey. I want to thank you and your staff for providing information and your comprehensive review this morning. I am hopeful that our product will move forward without delay.

Again thank you for your cooperation.

Sincerely,

Jerome

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

Sent from my iPad

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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