

## Conversation Contents

Report on SO 3349, Sections 5(c)(i), (ii), and (v)

### Attachments:

/2. Report on SO 3349, Sections 5(c)(i), (ii), and (v)/1.1 Briefing Memo\_2017\_0411\_revised.docx

/2. Report on SO 3349, Sections 5(c)(i), (ii), and (v)/3.1 Briefing Memo\_2017\_0411\_revised.docx

### "Stewart, Shannon" <scstewar@blm.gov>

---

**From:** "Stewart, Shannon" <scstewar@blm.gov>  
**Sent:** Tue Apr 11 2017 14:10:59 GMT-0600 (MDT)  
**To:** mike nedd <mnedd@blm.gov>, Kathleen Benedetto <kathleen\_benedetto@ios.doi.gov>, Jerome Perez <jperez@blm.gov>  
**CC:** Timothy Spisak <tspisak@blm.gov>, Shelley McGinnis <smcginnis@blm.gov>, Lonny Bagley <lbagley@blm.gov>  
**Subject:** Report on SO 3349, Sections 5(c)(i), (ii), and (v)  
**Attachments:** Briefing Memo\_2017\_0411\_revised.docx

Attached is the second report on SO 3349 prepared by WO-300 which is due to ASLM on Wednesday 4/12. The SOLs are reviewing concurrent with WO-100.

Shannon

--

Shannon Stewart  
Acting Chief of Staff  
Bureau of Land Management  
202-570-0149 (cell)  
202-208-4586 (office)  
[scstewar@blm.gov](mailto:scstewar@blm.gov)

### "McGinnis, Shelley" <smcginnis@blm.gov>

---

**From:** "McGinnis, Shelley" <smcginnis@blm.gov>  
**Sent:** Tue Apr 11 2017 14:16:11 GMT-0600 (MDT)  
**To:** "Stewart, Shannon" <scstewar@blm.gov>  
**Subject:** Re: Report on SO 3349, Sections 5(c)(i), (ii), and (v)

Thanks - by what time should I request comments from SOL?

On Tue, Apr 11, 2017 at 4:10 PM, Stewart, Shannon <[scstewar@blm.gov](mailto:scstewar@blm.gov)> wrote:

Attached is the second report on SO 3349 prepared by WO-300 which is due to ASLM on Wednesday 4/12. The SOLs are reviewing concurrent with WO-100.

Shannon

--

Shannon Stewart  
Acting Chief of Staff  
Bureau of Land Management  
202-570-0149 (cell)  
202-208-4586 (office)  
[scstewar@blm.gov](mailto:scstewar@blm.gov)

--

Shelley McGinnis, Ph.D.  
Resource Advisor  
Bureau of Land Management  
Energy, Minerals, and Realty Management  
1849 C Street NW, Room 5625  
Washington, DC 20240  
Office: 202-208-6551  
Cell: 202-578-3010  
Email: [smcginnis@blm.gov](mailto:smcginnis@blm.gov)

**"McGinnis, Shelley" <smcginnis@blm.gov>**

---

**From:** "McGinnis, Shelley" <smcginnis@blm.gov>  
**Sent:** Tue Apr 11 2017 14:32:34 GMT-0600 (MDT)  
Aaron Moody <aaron.moody@sol.doi.gov>, Richard McNeer <richard.mcneer@sol.doi.gov>, "Hawbecker, Karen" <karen.hawbecker@sol.doi.gov>, "Dorman, Wendy" <wendy.dorman@sol.doi.gov>, Briana Collier <briana.collier@sol.doi.gov>, "Russell, Gregory" <gregory.russell@sol.doi.gov>  
**To:**  
**CC:** Shannon Stewart <scstewar@blm.gov>, Timothy Spisak <tspisak@blm.gov>, Lonny Bagley <lbagley@blm.gov>  
**Subject:** Fwd: Report on SO 3349, Sections 5(c)(i), (ii), and (v)  
**Attachments:** Briefing Memo\_2017\_0411\_revised.docx

Good afternoon,

Attached is a draft memorandum that addresses implementation of Secretarial Order 3349, Sections 5(c)(i), (ii), and (v). This was just sent to the BLM Director and Deputy Directors and will be provided to ASLM tomorrow for an extended review.

If you have any initial comments that you would like us to incorporate before this is sent to ASLM, please send by noon on Wednesday, April 12th. We are requesting any additional comments by Friday, April 14th and will let ASLM know that the document is still undergoing SOL review when it is sent tomorrow.

Thanks, Shelley

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

From: **Stewart, Shannon** <[scstewar@blm.gov](mailto:scstewar@blm.gov)>

Date: Tue, Apr 11, 2017 at 4:10 PM

Subject: Report on SO 3349, Sections 5(c)(i), (ii), and (v)

To: mike nedd <[mnedd@blm.gov](mailto:mnedd@blm.gov)>, Kathleen Benedetto <[kathleen\\_benedetto@ios.doi.gov](mailto:kathleen_benedetto@ios.doi.gov)>, Jerome Perez <[jperez@blm.gov](mailto:jperez@blm.gov)>

Cc: Timothy Spisak <[tspisak@blm.gov](mailto:tspisak@blm.gov)>, Shelley McGinnis <[smcginnis@blm.gov](mailto:smcginnis@blm.gov)>, Lonny Bagley <[lbagley@blm.gov](mailto:lbagley@blm.gov)>

Attached is the second report on SO 3349 prepared by WO-300 which is due to ASLM on Wednesday 4/12. The SOLs are reviewing concurrent with WO-100.

Shannon

--

Shannon Stewart  
Acting Chief of Staff  
Bureau of Land Management  
202-570-0149 (cell)  
202-208-4586 (office)  
[scstewar@blm.gov](mailto:scstewar@blm.gov)

--

Shelley McGinnis, Ph.D.  
Resource Advisor  
Bureau of Land Management  
Energy, Minerals, and Realty Management  
1849 C Street NW, Room 5625  
Washington, DC 20240  
Office: 202-208-6551  
Cell: 202-578-3010  
Email: [smcginnis@blm.gov](mailto:smcginnis@blm.gov)

**"Dorman, Wendy" <[wendy.dorman@sol.doi.gov](mailto:wendy.dorman@sol.doi.gov)>**

---

**From:** "Dorman, Wendy" <[wendy.dorman@sol.doi.gov](mailto:wendy.dorman@sol.doi.gov)>  
**Sent:** Tue Apr 11 2017 15:02:37 GMT-0600 (MDT)  
**To:** "McGinnis, Shelley" <[smcginnis@blm.gov](mailto:smcginnis@blm.gov)>  
**Subject:** Re: Report on SO 3349, Sections 5(c)(i), (ii), and (v)

Thank you, Shelley. I'll take a look at the draft memo now. --Wendy

Wendy S. Dorman  
U.S. Department of the Interior  
Office of the Solicitor  
Division of Mineral Resources  
Phone: (202) 208-5312

On Tue, Apr 11, 2017 at 4:32 PM, McGinnis, Shelley <[smcginnis@blm.gov](mailto:smcginnis@blm.gov)> wrote:

Good afternoon,

Attached is a draft memorandum that addresses implementation of Secretarial Order 3349, Sections 5(c)(i), (ii), and (v). This was just sent to the BLM Director and Deputy Directors and will be provided to ASLM tomorrow for an extended review.

If you have any initial comments that you would like us to incorporate before this is sent to ASLM, please send by noon on Wednesday, April 12th. We are requesting any additional comments by Friday, April 14th and will let ASLM know that the document is still undergoing SOL review when it is sent tomorrow.

Thanks, Shelley

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

From: **Stewart, Shannon** <[scstewar@blm.gov](mailto:scstewar@blm.gov)>

Date: Tue, Apr 11, 2017 at 4:10 PM

Subject: Report on SO 3349, Sections 5(c)(i), (ii), and (v)

To: mike nedd <[mnedd@blm.gov](mailto:mnedd@blm.gov)>, Kathleen Benedetto <[kathleen\\_benedetto@ios.doi.gov](mailto:kathleen_benedetto@ios.doi.gov)>, Jerome Perez <[jperez@blm.gov](mailto:jperez@blm.gov)>

Cc: Timothy Spisak <[tspisak@blm.gov](mailto:tspisak@blm.gov)>, Shelley McGinnis <[smcginnis@blm.gov](mailto:smcginnis@blm.gov)>, Lonny Bagley <[lbagley@blm.gov](mailto:lbagley@blm.gov)>

Attached is the second report on SO 3349 prepared by WO-300 which is due to ASLM on Wednesday 4/12. The SOLs are reviewing concurrent with WO-100.

Shannon

--

Shannon Stewart  
Acting Chief of Staff  
Bureau of Land Management  
202-570-0149 (cell)  
202-208-4586 (office)  
[scstewar@blm.gov](mailto:scstewar@blm.gov)

--

Shelley McGinnis, Ph.D.  
Resource Advisor  
Bureau of Land Management  
Energy, Minerals, and Realty Management  
1849 C Street NW, Room 5625  
Washington, DC 20240  
Office: 202-208-6551  
Cell: 202-578-3010  
Email: [smcginnis@blm.gov](mailto:smcginnis@blm.gov)

---

**Michael Nedd** <[mnedd@blm.gov](mailto:mnedd@blm.gov)>

**From:** Michael Nedd <[mnedd@blm.gov](mailto:mnedd@blm.gov)>  
**Sent:** Tue Apr 11 2017 15:08:28 GMT-0600 (MDT)  
**To:** Shannon Stewart <[scstewar@blm.gov](mailto:scstewar@blm.gov)>  
Timothy Spisak <[tspisak@blm.gov](mailto:tspisak@blm.gov)>, Shelley McGinnis <[smcginnis@blm.gov](mailto:smcginnis@blm.gov)>, Lonny Bagley <[lbagley@blm.gov](mailto:lbagley@blm.gov)>, Kathleen Benedetto <[kathleen\\_benedetto@ios.doi.gov](mailto:kathleen_benedetto@ios.doi.gov)>, Jerome Perez <[jperez@blm.gov](mailto:jperez@blm.gov)>  
**CC:**

**Subject:** RE: Report on SO 3349, Sections 5(c)(i), (ii), and (v)

Shannon,

I believe all the information is there and I'm wondering if we should not put this in a similar memo format as we did with the Mitigation and Climate Change report (from me through the ASLM to the Secretary).

For the next steps, (b) (5)



Take care and have a wonderful day! : )

Michael Nedd  
202-208-3801 Office  
202-208-5242 Fax  
[mnedd@blm.gov](mailto:mnedd@blm.gov)

A thought to consider "Do all the good you can, in all the ways you can, for all the people you can, while you can!"

**From:** Stewart, Shannon [mailto:[scstewar@blm.gov](mailto:scstewar@blm.gov)]  
**Sent:** Tuesday, April 11, 2017 4:11 PM  
**To:** mike nedd; Kathleen Benedetto; Jerome Perez  
**Cc:** Timothy Spisak; Shelley McGinnis; Lonny Bagley  
**Subject:** Report on SO 3349, Sections 5(c)(i), (ii), and (v)

Attached is the second report on SO 3349 prepared by WO-300 which is due to ASLM on Wednesday 4/12. The SOLs are reviewing concurrent with WO-100.

Shannon

--

Shannon Stewart  
Acting Chief of Staff  
Bureau of Land Management  
202-570-0149 (cell)  
202-208-4586 (office)  
[scstewar@blm.gov](mailto:scstewar@blm.gov)

**"Stewart, Shannon" <[scstewar@blm.gov](mailto:scstewar@blm.gov)>**

---

**From:** "Stewart, Shannon" <[scstewar@blm.gov](mailto:scstewar@blm.gov)>  
**Sent:** Tue Apr 11 2017 15:14:41 GMT-0600 (MDT)  
**To:** Michael Nedd <[mnedd@blm.gov](mailto:mnedd@blm.gov)>  
Timothy Spisak <[tspisak@blm.gov](mailto:tspisak@blm.gov)>, Shelley McGinnis  
<[smcginnis@blm.gov](mailto:smcginnis@blm.gov)>, Lonny Bagley <[lbagley@blm.gov](mailto:lbagley@blm.gov)>,  
**CC:** Kathleen Benedetto <[kathleen\\_benedetto@ios.doi.gov](mailto:kathleen_benedetto@ios.doi.gov)>, Jerome  
Perez <[jperez@blm.gov](mailto:jperez@blm.gov)>  
**Subject:** Re: Report on SO 3349, Sections 5(c)(i), (ii), and (v)

I can make those changes Mike. I will wait for any other input and finish this up in the morning.

Shannon

On Tue, Apr 11, 2017 at 5:08 PM, Michael Nedd <[mnedd@blm.gov](mailto:mnedd@blm.gov)> wrote:

Shannon,

I believe all the information is there and I'm wondering if we should not put this in a similar memo format as we did with the Mitigation and Climate Change report (from me through the ASLM to the Secretary).

For the next steps, (b) (5)

**Take care and have a wonderful day! : )**

Michael Nedd  
202-208-3801 Office  
202-208-5242 Fax  
[mnedd@blm.gov](mailto:mnedd@blm.gov)

**A thought to consider "Do all the good you can, in all the ways you can, for all the people you can, while you can!"**

**From:** Stewart, Shannon [mailto:[scstewar@blm.gov](mailto:scstewar@blm.gov)]  
**Sent:** Tuesday, April 11, 2017 4:11 PM  
**To:** mike nedd; Kathleen Benedetto; Jerome Perez  
**Cc:** Timothy Spisak; Shelley McGinnis; Lonny Bagley  
**Subject:** Report on SO 3349, Sections 5(c)(i), (ii), and (v)

Attached is the second report on SO 3349 prepared by WO-300 which is due to ASLM on Wednesday 4/12. The SOLs are reviewing concurrent with WO-100.

Shannon

--

Shannon Stewart  
Acting Chief of Staff  
Bureau of Land Management  
202-570-0149 (cell)  
202-208-4586 (office)  
[scstewar@blm.gov](mailto:scstewar@blm.gov)

--

Shannon Stewart  
Acting Chief of Staff  
Bureau of Land Management  
202-570-0149 (cell)  
202-208-4586 (office)  
[scstewar@blm.gov](mailto:scstewar@blm.gov)

**INFORMATION/BRIEFING MEMORANDUM  
FOR THE ASSISTANT SECRETARY – LAND AND MINERALS MANAGEMENT**

**DATE:** April 11, 2017

**FROM:** Michael D. Nedd, Acting Director – Bureau of Land Management

**SUBJECT:** Implementation of Secretarial Order 3349, Sections 5(c)(i), (ii), and (v)

**BACKGROUND**

Secretarial Order (S.O.) 3349, which was signed on March 29, 2017, implements the review of agency actions directed by an Executive Order signed by the President on March 28, 2017, 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 (DOI) in order to better balance conservation strategies and policies with the need for creating jobs.

**DISCUSSION**

This memorandum responds to sections 5(c)(i), 5(c)(ii), and 5(c)(v) of S.O. 3349. Section 5(c)(i) states that the Bureau of Land Management (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). The BLM is proceeding with proposing to rescind the final rule in coordination with the DOI Solicitor’s Office.

Section 5(c)(ii) states that within 21 days, the 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. The BLM has reviewed the final rule and determined that it is not fully consistent with the policy in Section 1 March 28, 2017 E.O. Specifically, some provisions of the rule add regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. (b) (5)

Section 5(c)(v) of S.O. 3349 states that 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 the development or utilization of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear resources. The term burden as defined in the March 28, 2017 E.O. means to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources. In addition to the Hydraulic Fracturing and Waste Prevention Rules, following is a preliminary list of the Actions that have been identified by the BLM that have the highest potential to burden the development or utilization of BLM energy resources. These are in addition to the items that were identified by the BLM in a separate memorandum responding to sections 5(a)(i) and 5(b)(i) of S.O. 3349, regarding “actions” the BLM has adopted or is in the processes of developing with respect to certain memoranda and orders related to mitigation and climate change.

## ***Fluid Minerals***

**Title:** Instruction Memorandum (IM) 2010-117, Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews

**Date:** 5/17/2010

**Purpose:** Establishes a process for ensuring orderly, effective, timely, and environmentally responsible leasing of oil and gas resources on Federal lands. The leasing process established in this IM will create more certainty and predictability, protect multiple-use values when the BLM makes leasing decisions, and provide for consideration of natural and cultural resources as well as meaningful public involvement.

**Title:** IM 2013-101, Oil and Gas Leasing Reform – Master Leasing Plans

**Date:** 4/15/2013

**Purpose:** Supplements existing BLM policy and guidance for processing Applications for Permit to Drill and outlines the regulatory and statutory requirements of Onshore Oil and Gas Order Number 1 (Order 1) and the Energy Policy Act of 2005.

**Title:** IM 2013-177, National Environmental Policy Act (NEPA) Compliance for Oil and Gas Lease Reinstatement Petitions

**Date:** 8/13/2013

**Purpose:** Directs all oil and gas leasing offices to: 1) ensure Resource Management Plan conformance; 2) evaluate the adequacy of existing NEPA analysis and documentation; and 3) complete any necessary new or supplemental NEPA analysis and documentation before approving a Class I or Class II oil and gas lease reinstatement petition.

**Title:** IM 2016-140, Implementation of Greater Sage-Grouse Resource Management Plan Revisions or Amendments – Oil & Gas Leasing and Development Sequential Prioritization

**Date:** 9/1/2016

**Purpose:** Provides guidance on prioritizing implementation decisions for BLM oil and gas leasing and development, to be consistent with the Approved Resource Management Plan Amendments for the Rocky Mountain and Great Basin Greater Sage-Grouse Regions and nine Approved Resource Management Plans in the Rocky Mountain Greater Sage-Grouse Region (collectively referred to as the GRSG Plans). This IM applies to activities in the areas covered by both the Rocky Mountain and Great Basin Regions Records of Decision, issued by the BLM in September 2015. This IM also contains reporting requirements for communication between State Offices and the Washington Office.

**Title:** Onshore Orders Nos. 3, 4 and 5

**Date:** All three final rules were published in the *Federal Register* on 11/17/2016, and became effective on 1/17/2017

**Purpose:** “Onshore Orders” is shorthand for the three concurrent rulemakings that replaced the BLM’s site security, oil measurement, and gas measurement regulations contained in Onshore Oil and Gas Orders Nos. 3, 4 and 5, which had been in place since 1989. The recent rulemakings resulted in new site security, oil measurement, and gas measurement regulations for Onshore Federal and Indian oil and gas production and are codified in the Code of Federal Regulations at 43 C.F.R. part 3170. These rulemakings were prompted by external and internal oversight

reviews which found many of the BLM's production measurement and accountability policies to be outdated and inconsistently applied. The new rules also address some of the Government Accountability Office concerns for High Risk with regards to the Department's production accountability.

### ***Solid Minerals***

**Title:** IM 2014-156, Supplemental Guidance on Processing Royalty Rate Reduction Applications  
**Date:** 9/26/2014

**Purpose:** Provides State Directors notice that they must provide the Washington Office (WO) a royalty rate reduction (RRR) justification with a copy of their draft decision when requesting WO concurrence. A checklist is attached to ensure that all required RRR application elements are included. Further, this IM augments and reiterates the existing policy for processing RRR applications.

(b) (5)



**Title:** IM 2017-035, Publicly Accessible Bureau of Land Management Websites for Information Regarding Federal Coal Program Leasing, Exploration Licensing, and Royalty Rate Reductions  
**Date:** 1/19/2017

**Purpose:** Improves transparency in administering the Federal coal program. Responds to stakeholder suggestions for improved access to information on the Federal coal program, and replaces the policy and guidance previously provided in WO-IM-2014-159, *Publicly Accessible Bureau of Land Management Websites for Coal Leasing Information*. This IM directs the BLM offices to post and update specified Federal coal program information on BLM publicly accessible websites, including, as described more fully below: (1) information about Federal coal lease applications and leases, lease modification applications, and lease modifications; (2) information about exploration licensing applications and exploration licenses; (3) information about royalty rate reduction applications; and (4) summary information on the Federal coal program.

**Title:** IM 2017-037, Waste Mine Methane Policy  
**Date:** 1/20/2017

**Purpose:** Establishes national policies and processes to foster voluntary activities by operators to capture waste mine methane from underground coal or other solid mineral mines. These policies will allow waste mine methane to be put to productive use, where economical, and reduce environmental impacts, while ensuring continued safe underground mining operations on Federal lands.

*Other*

**Title:** IM 2016-140, Process for Assessing, Coordinating, and Implementing Greater Sage-Grouse Land Use Plan Adaptive Management Hard and Soft Triggers

**Date:** 9/1/2016

**Purpose:** Directs the implementation of the land use plan adaptive management process to evaluate and apply hard and soft triggers and responses, as detailed in the Greater Sage-Grouse Approved Resource Management Plans and Amendments, Great Basin and Rocky Mountain Greater Sage-Grouse Regional Records of Decision (September 21, 2015).

(b) (5)



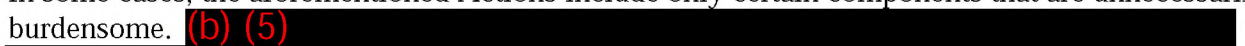
**Title:** BLM Land Use Planning Handbook, H-1601-1, Appendix C

**Date:** 3/11/2017

**Purpose:** The Handbook provides specific guidance for preparing, amending, revising, maintaining, implementing, monitoring, and evaluating BLM land use plans. Appendix C of the handbook identifies resource-specific guidance for BLM program areas that could restrict or impact energy development. The specific restrictions depend on the individual program's requirements, as identified in the laws, regulations, manuals, handbooks, and instruction memoranda governing each program.

**NEXT STEPS**

In some cases, the aforementioned Actions include only certain components that are unnecessarily burdensome. (b) (5)



Therefore, the BLM recommends coordination with the DOI Solicitor's Office to discuss modification of these Actions where appropriate, rather than complete rescission.