



THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3360

Subject: Rescinding Authorities Inconsistent with Secretary's Order 3349,
"American Energy Independence"

Sec. 1 Purpose. The primary action of this Order continues the direction in Secretary's Order 3349, "American Energy Independence," dated, March 29, 2017 (SO 3349), to review all actions taken pursuant to Secretary's Order 3330, "Improving Mitigation Policies and Practices of the Department of the Interior," dated, October 31, 2013 (SO 3330), for possible reconsideration, modification, or rescission, as appropriate. This Order rescinds specific documents and policies that are inconsistent with goals identified in SO 3349. By doing so, this Order continues to implement Executive Order 13783, "Promoting Energy Independence and Economic Growth," signed by the President on March 28, 2017 (EO 13783).

A secondary action is to establish the groundwork to re-evaluate mitigation policies and guidance throughout the Department of the Interior (Department). The Department seeks to implement statutorily-based, effective and transparent compensatory mitigation principles and standards, across its bureaus and offices that are consistent with explicit direction provided by Congress and that provide a level of certainty to all involved parties.

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, EO 13783 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. The EO 13783 also:

a. Revoked four Presidential actions: (1) Executive Order 13653 of November 1, 2013, "Preparing the United States for the Impacts of Climate Change;" (2) Presidential Memorandum of June 25, 2013, "Power Sector Carbon Pollution Standards;" (3) Presidential Memorandum of November 3, 2015, "Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment;" and (4) Presidential Memorandum of September 21, 2016, "Climate Change and National Security;"

b. Rescinded two reports: (1) Report of the Executive Office of the President of June 2013, "The President's Climate Action Plan;" and (2) Report of the Executive Office of the President of March 2014, "Climate Action Plan Strategy to Reduce Methane Emissions;" and

c. Directed the Council on Environmental Quality to rescind its 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.”

The SO 3349 implements the review of agency actions directed by EO 13783. Among other provisions, SO 3349 revokes SO 3330 and directs that all actions taken pursuant to SO 3330 be reviewed for possible reconsideration, modification, or rescission, as appropriate. The SO 3349 further directs each bureau and office to review all existing regulations, orders, guidance documents, policies, instructions, notices, implementing actions, and any other similar action arising from the Presidential actions described above and, to the extent deemed necessary, initiate a process to suspend, revise, or rescind any such actions. Consistent with the aforementioned mandates, this Order represents the next step in implementing EO 13783 and SO 3349 by rescinding policies and documents that are based on authorities that have now been revoked by the President and the Secretary.

Implemented properly and appropriately, compensatory mitigation can be an appropriate tool used to reduce or off-set impacts from specific actions. Compensatory mitigation can be effectively used to facilitate development of our nation’s resources by reducing impacts, but we must be guided by Congressional directives. The Department recognizes the appropriateness of compensatory mitigation in certain instances and the role it serves in the legal use and management of public lands under the jurisdiction of the Department.

Sec. 4 Policy.

a. To continue implementing EO 13783 and SO 3349, the following documents are inconsistent with EO 13783 and SO 3349 and/or based on other outdated authorities, are hereby rescinded:

- (1) Departmental Manual Part 523, Chapter 1: Climate Change Policy, dated, December 20, 2012;
- (2) Departmental Manual Part 600, Chapter 6: Landscape-Scale Mitigation Policy, dated, October 23, 2015;
- (3) Bureau of Land Management, Manual Section 1794 - Mitigation, dated, December 22, 2016; and
- (4) Bureau of Land Management, Mitigation Handbook H-1794-1, dated, December 22, 2016.


b. In addition, I hereby direct the Director, Bureau of Land Management (BLM) to assess whether the BLM Draft Regional Mitigation Strategy for the Northeastern National Petroleum Reserve in Alaska, BLM/AK/PL-16/008+1600+9301, issued September 2016 (“Draft Regional Mitigation Strategy”), and Technical Report Number ANL/EVS-16/5 BLM/AK/PL-16/009+1600+930 (“Technical Report”) are consistent with EO 13783, SO 3349, and/or the policies described herein; and begin the process to revise the draft Regional Mitigation Strategy and Technical Report as needed, including seeking public comment where necessary.

c. Finally, I hereby direct BLM to revise and reissue Instruction Memorandum (IM) No. 2008-204, issued September 30, 2008, within 30 days following the date of this Order. (The IM 2008-204 outlines policy for the use of offsite mitigation for authorizations issued by the BLM.) Upon completion of the revision, BLM shall immediately effectuate the revised IM.

Sec. 5 Implementation. The Assistant Secretary – Policy, Management and Budget; Assistant Secretary – Land and Minerals Management; Assistant Secretary – Water and Science; and Assistant Secretary for Fish and Wildlife and Parks are hereby directed to take immediate steps to effectuate the rescission of the policies and documents listed above, and other actions herein, that are within their purview.

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, suspended, or revoked.



Deputy Secretary of the Interior

Date: **DEC 22 2017**