To: BLM_UT_All[blm_ut_all@blm.gov]; Jayson Barangan[jbaranga@blm.gov]; Edwin Roberson[eroberso@blm.gov]; Anita Bilbao[abilbao@blm.gov]
From: Sutherland, Ryan
Sent: 2017-08-04T10:03:14-04:00
Importance: Normal
Subject: Fwd: Public Lands News Bulletin: Fourth monument protected?; reg reversals case-by-case
Received: 2017-08-04T10:03:25-04:00
PLNBulletinAug4.pdf
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Hill Schedule: The Senate August 3 joined the House in leaving on an extended summer vacation. Before leaving, the Senate failed to act on an omnibus energy bill (S 1460) on the floor and on an Interior spending bill in committee. All that has been postponed until fall.

Our schedule: We are modifying our publishing schedule during the annual Congressional summer recess. The next issue of Public Lands News will be published on August 25.

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The department's target is an Obama administration rule that sought to replace an old standard that applied (and may apply again) a series of benchmarks to set the royalty price. In the Obama rule ONRR would begin with a first affiliated sales price, followed by index prices.

The States of California and New Mexico have filed a lawsuit against the delay in implementation of the Obama rule. They argue, as have Congressional Democrats, that ONRR has no authority to delay implementation of a regulation once it has been instituted.

ESA grizzly bears: Following the lead of the Obama administration, the Trump administration said June 22 it will delist the Yellowstone population of the grizzly bear under the Endangered Species Act (ESA).

Absent a court order – and one will surely be requested – management of the Yellowstone bear will be turned over to the States of Wyoming, Montana and Idaho. The grizzlies that stay within the borders of Yellowstone National Park will be managed by the Park Service and will be subject to state rules only if they leave the park.

FWS published a grizzly bear recovery plan in 1993. FWS first delisted the Yellowstone population in 2007 but a federal judge vacated that action. In March 2016 the Obama administration reproposed delisting.

Sage-grouse plans: This is not part of the Trump administration's regulatory review, but the administration has its eye on the modification of a Sept. 22, 2015, Obama administration policy encapsulated in 98 BLM and Forest Service management plans.

BLM said July 14 that it has begun drafting a proposal for state-federal partnerships for managing the sage-grouse under the plans. That effort responds to an order from Secretary of Interior Ryan Zinke to strengthen collaboration between BLM and the states.

That may allow BLM to work with states to revise management of the sage-grouse without having to go through a laborious, multi-year rewrite in total of the 98 plans. Of course that would invite a major lawsuit.

On June 7 Zinke established a review team to consider possible changes to the plans. Holland & Hart's Meyers anticipates Zinke will take a variety of actions from the team's recommendations.

"I think he'll take the suggestions and decide which ones he can implement with a secretarial order, which ones BLM can implement with changes in its instruction manual and which ones need land management plan amendments," he said.

Coal moratorium: on March 28 President Trump issued a sweeping executive order that directed the Interior Department to terminate a coal-leasing moratorium declared by former Secretary of Interior Sally Jewell in January 2016.

Zinke the next day issued an executive order of his own – Secretarial Order 3348 – that terminated the moratorium.

The administration does not consider the prior work done on an EIS by the Obama administration requires continuation of that work, or an EIS to back a reversal.

Environmentalists immediately filed a lawsuit arguing that the Trump administration should prepare an EIS before cancelling the moratorium. The Earthjustice law firm is leading the lawsuit on behalf of seven conservation groups.

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BLM's existing planning rules – posted in 1979, 1983 and 2005 - guide the management of public lands, as required by the Federal Land Policy and Management Act of 1976.

Oil & gas & coal valuation: On April 4 the Interior Department formally proposed outright repeal of the Obama administration oil, gas and coal royalty rule of July 1, 2006. The department in February had already delayed implementation of the rule.

The department's target is an Obama administration rule that sought to replace an old standard that applied (and may apply again) a series of benchmarks to set the royalty price. In the Obama rule ONRR would begin with a first affiliated sales price, followed by index prices.

The States of California and New Mexico have filed a lawsuit against the delay in implementation of the Obama rule. They argue, as have Congressional Democrats, that ONRR has no authority to delay implementation of a regulation once it has been instituted.

ESA grizzly bears: Following the lead of the Obama administration, the Trump administration said June 22 it will delist the Yellowstone population of the grizzly bear under the Endangered Species Act (ESA).

Absent a court order – and one will surely be requested – management of the Yellowstone bear will be turned over to the States of Wyoming, Montana and Idaho. The grizzlies that stay within the borders of Yellowstone National Park will be managed by the Park Service and will be subject to state rules only if they leave the park.

FWS published a grizzly bear recovery plan in 1993. FWS first delisted the Yellowstone population in 2007 but a federal judge vacated that action. In March 2016 the Obama administration reproposed delisting.

Sage-grouse plans: This is not part of the Trump administration's regulatory review, but the administration has its eye on the modification of a

Sept. 22, 2015, Obama administration policy encapsulated in 98 BLM and Forest Service management plans.

BLM said July 14 that it has begun drafting a proposal for state-federal partnerships for managing the sage-grouse under the plans. That effort responds to an order from Secretary of Interior Ryan Zinke to strengthen collaboration between BLM and the states.

That may allow BLM to work with states to revise management of the sage-grouse without having to go through a laborious, multi-year rewrite in total of the 98 plans. Of course that would invite a major lawsuit.

On June 7 Zinke established a review team to consider possible changes to the plans. Holland & Hart's Meyers anticipates Zinke will take a variety of actions from the team's recommendations.

"I think he'll take the suggestions and decide which ones he can implement with a secretarial order, which ones BLM can implement with changes in its instruction manual and which ones need land management plan amendments," he said.

Coal moratorium: on March 28 President Trump issued a sweeping executive order that directed the Interior Department to terminate a coal-leasing moratorium declared by former Secretary of Interior Sally Jewell in January 2016.

Zinke the next day issued an executive order of his own – Secretarial Order 3348 – that terminated the moratorium.

The administration does not consider the prior work done on an EIS by the Obama administration requires continuation of that work, or an EIS to back a reversal.

Environmentalists immediately filed a lawsuit arguing that the Trump administration should prepare an EIS before cancelling the moratorium. The Earthjustice law firm is leading the lawsuit on behalf of seven conservation groups.

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