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Attached is the daily news report for July 14. I will be on military leave July 17-18.  
Have a great weekend.

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## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### UTAH – TOP STORIES – JULY 14, 2017

1. **In wake of the Brian Head Fire, commissioner pushes state to talk to U.S. Ag secretary about forest management**

*The Salt Lake Tribune, July 13 | Jennifer Dobner*

In the wake of the massive Brian Head Fire, Utah officials on Thursday moved to secure a meeting with U.S. Agriculture Secretary Sonny Perdue to talk about ways improved forest management practices and other measures might prevent future catastrophic fires.

2. **Agencies looking to crack down, recover costs on Utah's human-linked wildfires**

*The Standard-Examiner, July 12 | Leia Larsen*

Fighting wildland fires is tough. So is recovering costs for those fires when they're human-caused.

#### E&E/NATIONAL NEWS – TOP STORIES

1. **Hunting And Fishing Groups Are Starting To Turn On Trump's Interior Secretary**

*The Huffington Post, July 14 | Chris D'Angelo*

WASHINGTON — When President Donald Trump tapped Ryan Zinke — an avid hunter, Republican Montana congressman, “unapologetic admirer and disciple” of President Theodore Roosevelt and former Navy SEAL — to lead the Interior Department, hunting and fishing groups around the country rejoiced.

2. **Op-ed: National monuments key to Hispanic culture**

*The Albuquerque Journal, July 14 | Ralph Arellanes, Dennis Montoya and Paul 'Pablo' A. Martinez / New Mexico LULAC*

New Mexico's Hispano and Latino leaders worked fervently for many years, forging important partnerships, to ensure that Organ Mountains-Desert Peaks and Rio Grande del Norte in our state were preserved as national monuments.



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#### 3. NATIONAL MONUMENTS: Zinke to tour Ore. site to weigh possible reductions

*E & E News, July 14 | Jennifer Yachnin*

Interior Secretary Ryan Zinke is set to visit Cascade-Siskiyou National Monument this weekend, as he prepares to recommend potential rescissions to the 100,000-acre site, which straddles southern Oregon and Northern California.

#### 4. PUBLIC LANDS: Dems voice concern over land swap for mine

*E & E News, July 14 | Nick Bowlin*

Lawmakers discussed a land-transfer bill this morning to facilitate development of a controversial mine in northwestern Minnesota.

#### 5. INTERIOR: Senate Democrat demands answers from Zinke on personnel moves

*E & E News, July 14 | Kellie Lunney*

A top Democratic appropriator is pressing Interior Secretary Ryan Zinke for details on dozens of reassignments of senior executives over the last month as part of a larger-scale department reorganization.

#### 6. COAL ASH: In twist, industry pushes revamp of 'monolithic' permit regs

*E & E News, July 14 | Sean Reilly*

Regulatory certainty was the buzzword last year when Congress approved legislation granting states oversight authority for coal ash disposal. Better that, supporters said, than rely on a patchwork of citizen lawsuits as the main enforcement tool.

#### 7. INTERIOR: Western GOP senators urge vote on Bernhardt

*E & E News, July 14 | Michael Doyle*

Western Republican senators are amplifying their efforts to get lawyer and lobbyist David Bernhardt confirmed as the Interior Department's deputy secretary.



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#### 8. APPROPRIATIONS: Panels approve slew of bills, cuts to climate research

*E & E News, July 14 | Kellie Lunney*

The House Appropriations Committee yesterday approved nearly \$5 billion for the National Oceanic and Atmospheric Administration in fiscal 2018, prioritizing funding for weather programs and fisheries management over climate research.

#### 9. SAFETY: Colo. still compiling info of pipelines near homes

*E & E News, July 14 | Mike Lee and Mike Soraghan*

As Colorado regulators continue a first-of-its-kind inventory of oil and gas infrastructure located near homes, pressure is building on the state to make the information clearer and more accessible.



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#### UTAH – FULL STORY

##### **1. In wake of the Brian Head Fire, commissioner pushes state to talk to U.S. Ag secretary about forest management**

*The Salt Lake Tribune, July 13 | Jennifer Dobner*

In the wake of the massive Brian Head Fire, Utah officials on Thursday moved to secure a meeting with U.S. Agriculture Secretary Sonny Perdue to talk about ways improved forest management practices and other measures might prevent future catastrophic fires.

Garfield County Commissioner Leland Pollack initiated the request for an audience with Perdue amid a state Constitutional Defense Council discussion of the nearly 72,000-acre fire's impact on his county.

The human-caused fire has left ranchers without range land for grazing cattle and sheep, devastated the local tourism industry and put the local watershed at risk of contamination from the ash-filled runoff that will now flow into Panguitch Lake, Pollack said.

"We've got some major concerns," Pollack said, before asking the state for help with economic recovery for business owners and whether it has a sense of how the mountainsides scorched by the fire will be re-seeded and rejuvenated.

Pollack contends the human-caused fire would not have devastated the public and private lands of the Dixie National Forest if the federal forest service had been engaged in land management activity such as logging to thin timber stands and treatment for vegetation and watersheds — activity, he said, that had been shut down by environmental litigation.

"We've been talking about catastrophic fires for years and warning and warning and warning, to no avail," he told the commission. "Active forest management has to happen. That's the only way."

Pollack's suggestion prompted Lt. Gov. Spencer Cox to send an email to Gov. Gary Herbert's staff, asking them to initiate a meeting request with Perdue's office. Before Thursday's discussion was over, Cox reported the wheels were in motion.



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Pollack said a delegation of Utah leaders, including Herbert, state lawmakers and key commissioners from "public lands counties" should be at the table if and when a meeting with Perdue takes place.

"I think that this is perfect timing," Pollack said. "I really do, because I think we'll have his ear."

Cox said state officials had already begun a conversation about ways to encourage the return of tourists and to help businesses in fire-affected areas recover their losses. Cox offered to expand those efforts by reaching out to the Governor's Office of Economic Development and its rural area experts for more assistance.

Utah Department of Natural Resources Director Mike Styler also assured Pollack that a "burned area emergency response team" was already on the ground assessing the steps needed to restore the vegetation.

"We are going to be re-seeding as soon as the team finishes up their triage," Styler said.

That should help alleviate some of the concern over damage to the watershed, he added, because new grasses and other plants will stabilize the soil.

"There are many resources that are going to work on this," Styler said.

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## **2. Agencies looking to crack down, recover costs on Utah's human-linked wildfires**

*The Standard-Examiner, July 12 | Leia Larsen*

Fighting wildland fires is tough. So is recovering costs for those fires when they're human-caused.

In Utah, people cause a significant chunk of the fires burning in forests, fields and rangeland throughout the state. The winter's heavy precipitation brought dense springtime growth, which means heightened fire risk this summer and fall. Meanwhile, budgets for state and federal land management agencies remain tight. Those agencies are aggressively pursuing cost recovery for



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human-caused fires, and warning Utahns to take precautions so they don't burn thousands of acres — and get hit with a bill for thousands of dollars.

Since 2003, the U.S. Forest Service has pursued more than \$33 million in civil actions after fighting 58 human-caused fires in Utah. They've only managed to recover around one-third of those funds.

"All fires are different, just like all crimes are different. There are a lot of factors that come into play," said Micheal McKinney, assistant special agent in charge for the Intermountain Region of the U.S. Forest Service. "I think there's always a level of frustration. You can't solve everything."

Tracing the origin of fires has been honed to a science. Trained investigators can track a large-scale fire back to a single small area, "maybe the size of a pinhead," McKinney said.

Figuring out the cause isn't the hard part. The trouble often comes when tracking down the person or people who caused it, especially for wildland fires.

In that remote environment, often there are no witnesses. Sometimes evidence is destroyed during the firefighting process.

Fires don't follow human-made land boundaries, either, which means many agencies are often roped into the fight — and cost-recovery process — including counties, municipalities, federal agencies and the state.

In Box Elder County, wildland fires are common due to a combination of large, open public land or rangeland and the prevalence of fire-prone fuels like cheatgrass, juniper and pinyon.

"The biggest fire that we've billed was about \$35,000 in Blue Creek," said Corey Barton, Box Elder County Fire Marshal.

In 2016, the county billed individuals more than \$12,000 for three separate fires, according to a records request. In 2015, they billed nearly \$30,000 for four different fires.

Sometimes insurance companies will cover firefighting costs, like when a vehicle's dragging chain ignites dry grass growing along a highway. Sometimes, those found in the wrong have to shell out the funds. Often times, however, it's hard to figure out who caused the fire, leaving costs to the taxpayers.

"It's really hard if we don't know who started it," Barton said. "When we say 'human caused,' that doesn't mean we know who did it. We know how it started but don't have anyone to hold responsible."



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It's also frequently the case that a person doesn't realize he or she was the source of a wildland fire, officials said.

The county spent around \$400,000 on fire mitigation efforts this year, Barton said, but when it comes to actual fires the county turns to the state for help. Most Utah counties participate in the Wildland Fire Suppression Fund, administered by the Utah Division of Forestry, Fire and State Lands. It works like insurance.

"Last year, my firefighting costs for the county would've been right around \$3 million had we not participated in insurance fund," Barton said.

The division, in turn, works to recover those funds when fires are human-caused.

The most high-profile wildland this summer so far is the Brian Head fire, which reportedly started with someone using a weed torch.

It started on lands under the jurisdiction of the Utah Division of Forestry, Fire and State Lands. It spread to Dixie National Forest lands and Color Country District Bureau of Land Management lands. It's still burning. The impacted area included 71,673 acres as of Wednesday, July 12. A team of 560 personnel is involved in fighting the fire.

The blaze is still under investigation, but those damages will need to be paid by someone.

Wildland fires started by people became so problematic this season that agencies deployed a National Fire Prevention and Education Team.

As of July 11, Utah has had 376 human-caused fires this season so far. They burned a total of 111,552 acres. Around 80 percent of all fires in the state this season have been human-caused, said Chris Asbjorn with the National Fire Prevention and Education Team.

By comparison, for the 2016 season, 60 percent of wildland fires were caused by people, which burned 101,328 acres.

"Then there seems to be a trend in four primary causes across the state — campfires, burn piles, shooting and vehicles," Asbjorn said. "So those four activities combined with conditions present are what's responsible."

It's important to check on fire restrictions where Utahns live and recreate, Asbjorn said.





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“Even at the local level, make sure you have the correct permits, that you never leave fires unattended and that they’re completely out before you leave,” he said. “With shooting, making sure you have water and a shovel with you in case a fire does start, and that you’re using the correct ammunition.”

Some areas restrict steel ammunition for target shooting, for example. The Intermountain Region prohibits exploding targets.

Jason Curry, public information officer for the Utah Division of Forestry, Fire and State Lands, said the percentage of human-caused fires versus naturally caused ones can be skewed depending on the time of year.

“July is where we start to see more lightning, prior to that don’t see a lot of natural causes at all,” he said. “It’s difficult to make fair comparison ... sometimes more people are being irresponsible, sometimes Mother Nature is not doing enough to balance the statistics.”

The Standard-Examiner sent a records request to the division to determine how often the agency has recovered costs for human-caused wildfires in the past 10 years. But it’s not something they’re able to track.

The recovery process can be long and complex, Curry said.

“Often times, we see fires that happen and maybe two years later is the earliest we’d see recovery process come to fruition,” he said. “Sometimes it’s up to 10 years later.”

If the fire can be traced back to a single individual, and burned within the confines of the division’s jurisdiction, reimbursement can be as simple as a settlement with the guilty party. But if the fire spreads to multiple agencies or costs balloon beyond what a person can pay, things become more complicated.

Curry figures the state recovers “less than 10 percent” of costs for human-caused fires.

“Most of the time, that’s because ... we don’t know who started the fire. We don’t know who’s responsible,” he said.

The low recovery rate is also partly because, in the past, the division only pursued cases involving large fires.

“If there’s a \$5,000 fire, a lawsuit will not be worth the time and effort required to get money back,” Curry said.



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But, “we’re always looking for better ways to pursue costs,” he said. “Right we’re now in process of changing our rules and finding a way to do an administrative pursuit for costs (for smaller fires), so we can operate like a billing entity.”

Still, Curry acknowledge the role Utahns can play in reducing the amount of wildfires burning around the state.

“We only can have an impact on those fires caused by people out doing things, being careless,” he said. “We’re counting on the public to be careful and help us out.”

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#### E&E/NATIONAL NEWS – FULL STORY

##### 1. **Hunting And Fishing Groups Are Starting To Turn On Trump’s Interior Secretary**

*The Huffington Post, July 14 | Chris D’Angelo*

WASHINGTON — When President Donald Trump tapped Ryan Zinke — an avid hunter, Republican Montana congressman, “unapologetic admirer and disciple” of President Theodore Roosevelt and former Navy SEAL — to lead the Interior Department, hunting and fishing groups around the country rejoiced.

Ducks Unlimited applauded Zinke as “a smart choice” to lead an agency that manages some 500 million acres of federal land — roughly one-fifth of the United States — including 59 national parks. Zinke “understands the importance of public lands” and has shown himself to be “a potential ally of sportsmen and other outdoor recreationists,” noted Backcountry Hunters and Anglers.

The Theodore Roosevelt Conservation Partnership, a Washington, D.C.-based nonprofit advocating for public land access, called him “the best Cabinet nominee for sportsmen, so far” — someone the group “can work with” and who has “shown the courage to buck his own party on the issue of selling or transferring public lands.”

And the National Wildlife Federation, a nonprofit that advocates for protecting wildlife populations and public access, said the nomination signaled that Trump “intends to keep his promises to America’s hunters, anglers, and outdoor enthusiasts.”



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The morning after being confirmed by the Senate and sworn in on March 1, Zinke showed up to his new post in Washington sporting a cowboy hat and riding a horse. Hours later, flanked by representatives of hunting, conservation and gun rights groups, he signed a pair of orders to “expand access to public lands and increase hunting, fishing, and recreation opportunities nationwide,” according to the Interior Department.

For many in the outdoor sporting community, it was a sign Zinke would have their back.

Over the last four and a half months, however, some of those same organizations have changed their tune as Zinke has cozied up to fossil fuel interests and come to support a budget proposal — one he initially vowed to fight — that would slash funding for land acquisition and conservation programs while promoting increased drilling and extraction on public lands.

“The level of frustration is growing daily” among outdoor groups, Whit Fosburgh, president of the Theodore Roosevelt Conservation Partnership, told HuffPost.

“To date, it’s been overwhelmingly development, development, development — without even lip service to conservation,” Fosburgh said of Zinke. “That is troubling.”

Since taking over the Interior Department, Zinke has repeatedly called himself “a Teddy Roosevelt guy” and stressed the need for his agency to get the economic wheels of America’s public lands turning while continuing to be a steward of the environment.

To that end, he has spent a large portion of his time meeting with a slew of fossil fuel executives, visiting national monuments as part of the Trump administration’s controversial review of 27 protected areas, and advancing Trump’s push for “energy dominance.”

Zinke overturned an Obama-era moratorium on new coal leases on federal land and moved to scrap a hydraulic fracturing rule meant to better protect public health. He is also working to rewrite a rule limiting the amount of methane, a powerful greenhouse gas, that can be released from oil and gas operations on federal land. He signed an order earlier this month to expand onshore fossil fuel production by holding quarterly lease sales and by reducing the time the Bureau of Land Management takes to issue permits.

Habitat restoration and endangered species listings have taken a back seat as Zinke pushes for energy and infrastructure projects — not a huge surprise, considering his track record on



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threatened species, his paltry 4 percent lifetime score from the League of Conservation Voters and his listing on the Center for American Progress' "anti-parks caucus," a collection of lawmakers who, according to the group, jeopardize the future of the country's flagship protected lands.

In June, Zinke took aim at protections for the greater sage grouse, launching a review of an Obama-era conservation plan for the ground-dwelling game bird — a move he said would provide states with "greater flexibility" to pursue opportunities for energy development and job growth.

HuffPost contacted representatives of four groups that came out as early supporters of Zinke. Three expressed disappointment with what they've seen from him thus far, but they also said it's still early and that they remain hopeful.

"We keep on waiting for the Theodore Roosevelt Zinke to show up," said Land Tawney, president and chief executive of Backcountry Hunters and Anglers, a Montana-based nonprofit dedicated to protecting public lands and preserving opportunities for hunting and fishing.

Tawney said that while Zinke has said he plans to emulate Roosevelt, "actions speak louder than words."

"There hasn't been concrete action yet, but there's been a lot of rhetoric that doesn't fit, I think, that conservation ethic that Roosevelt set into motion," he said.

Trump's 2018 budget request would slash the Interior Department's funding by \$1.6 billion — to \$11.7 billion — and support fewer than 60,000 full-time staff members, a reduction of roughly 4,000 people. Among the programs that would be gutted is the Land and Water Conservation Fund, which supports protecting federal public lands and waters.

Tawney called the Land and Water Conservation Fund "the No. 1 access tool that we have in this country," and said cutting its funding simply doesn't jibe with what Zinke has said about improving access.

He also has serious concerns about what he sees as a push to not only balance a budget, but turn a profit, off America's public lands.



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"That is not the vision of our public lands," Tawney said. "You're not going to drill your way into a net positive unless you totally cut the operating resources for the agency and really exploit these lands really at an all-time high. That's something that is potentially the most damaging to our resources out on the ground — that idea that the Interior lands are for making money and that's about it."

Collin O'Mara, president and CEO of the National Wildlife Federation, also wants to see more focus on conservation and fulfilling the promises Zinke made to outdoor groups during his confirmation process.

"The biggest concern is that we're re-litigating the past instead of talking about the future — on everything," he said. "Every minute that we're squabbling over the sage grouse plans, which have broad support from the governors, or monument designations that have been settled, in some cases, for 25 years, is a minute that we're not restoring habitat, we're not increasing access."

"We don't think we can afford to tread water or lose ground in the next four years, given the kind of the state of America's wildlife populations and the tens of millions of kids that have no meaningful experience in the outdoors," O'Mara said.

Zinke has also taken heat from outdoor publications. In an open letter, Andrew McKean, the editor-in-chief of Outdoor Life magazine, took the Trump administration and Zinke to task over their review of monument designations and expansions made under the Antiquities Act, a law Roosevelt signed in 1906.

"If you continue to borrow from Roosevelt's legacy, as I hope you do, it's fair to ask you: What would TR do with this opportunity to question the integrity of national monuments?" McKean wrote. "I think he would say it's time to stop demonizing monuments and the process that created them, and instead to celebrate them as a collection of the best of our landscapes, and places to exercise true multiple use on our most remarkable public lands."

This week, online fly fishing magazine Hatch published a piece in which veteran conservation writer Ted Williams skewers Zinke — whom he describes as "an oil-and-gas promoter in green drag" — and the people who "gush about anti-environmental bureaucrats and politicians" who hunt and fish, or just pretend to.



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"Hunters and anglers are too easily seduced by candidates who bloviate about the Second Amendment or flounce around at photo ops with borrowed fly rods and shotguns," Williams writes. "Sportsmen need to pay more attention to what those candidates do and less attention to what they say."

To be fair, Zinke still has supporters in the hunting and outdoor community. Ducks Unlimited, a nonprofit dedicated to protecting wetlands for waterfowl and recreation, was unable to schedule time for a call with HuffPost, but emailed a statement from its chief policy officer, Margaret Everson.

"Thanks to Sec. Zinke's leadership, Ducks Unlimited and sportsmen and women from around the country are being welcomed as partners at the Department of Interior," she said.

However, Everson also made a reference to the number of unfilled positions at the Interior Department, which Zinke alluded to during a budget hearing on June 22. "I don't have a deputy," he said. "I have about 70 appointments, to date there is not one that has gone through Senate confirmation yet."

"We agree with Sec. Zinke's frustration with the process and are disappointed at the pace that important nominations and confirmations have moved so far," Everson said. "Until political nominees have been appointed and confirmed, positive policy changes that the Secretary has committed to cannot be accomplished at the Department of Interior."

The unfilled positions mean there are few experts Zinke trusts to guide him on key issues, Fosburgh likewise noted.

The Interior Department did not immediately respond to HuffPost's request for comment.

Fosburgh, Tawney and O'Mara said a lot hinges on what happens in the next couple of months, as Zinke is set to complete his reviews of both monument designations and sage grouse conservation plans. And they plan to keep a watchful eye on him.

"I think the jury is still out," O'Mara said. "I think that we have someone that shares values with sportsmen and is a sportsman himself, but now we need action. Talk's not enough."



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At some point, if Zinke doesn't deliver, the hunters, fishermen and outdoor enthusiasts who endorsed him are going to "get really frustrated that they got snookered," Fosburgh said.

"I think you're going to see more stuff coming from the sportsmen's side basically saying, 'We spoke up for you. We supported your nomination. We have embraced you coming in, given you every benefit of the doubt. And we're not even getting the time of day.'"

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#### 2. **Op-ed: National monuments key to Hispanic culture**

*The Albuquerque Journal, July 14 | Ralph Arellanes, Dennis Montoya and Paul 'Pablo' A. Martinez / New Mexico LULAC*

New Mexico's Hispano and Latino leaders worked fervently for many years, forging important partnerships, to ensure that Organ Mountains-Desert Peaks and Rio Grande del Norte in our state were preserved as national monuments.

The recent executive order by President Trump calling for a review of national monuments designated since 1996, including these two, is a huge threat to our culture.

Leading state-based Latino and Hispano organizations have submitted public input to the Department of Interior to voice our support for these monuments and ask that they remain untouched. The fact that Interior Secretary Ryan Zinke is planning to visit New Mexico as part of this "review" is causing us concern.

These monuments protect dramatic landscapes used for centuries by our ancestors, recognizing our traditional land uses of hunting, grazing and collection of firewood and piñon nuts and ensuring these activities will continue. The names of the monuments' geographic features are indicative of the cultural ties of Hispanic people to these lands: Cerro de la Olla; Cerro San Antonio, the Robledo and Doña Ana Mountains, Sierra de Las Uvas, and, of course, Rio Grande del Norte itself.

These protected public lands contain a rich array of archaeological resources that span thousands of years and represent our state's and nation's diverse cultural traditions. Their geography encompasses the iconic Rio Grande Gorge, sweeping mesas, and of course the majestic Organ Mountains that leave indelible impressions on visitors and residents. The Potrillo and Robledo



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Mountains in the south and the Taos Mesa in the north offer prized opportunities for hunting, exploring, camping and learning about history. These areas are of critical importance to many plants and wildlife, including bighorn sheep, river otter, pronghorn antelope, and birds of prey.

There was a long and open public process that led to the establishment of these national monuments. After years of gridlock in Congress, President Obama used the Antiquities Act, as 16 presidents – eight Republicans and eight Democrats – have done since 1906, to designate these important cultural centerpieces. It was finally settled – so we thought.

However, Interior Secretary Zinke appears to be ready to swoop in to stir things up, even though local businesses and municipalities are benefiting greatly from their efforts to promote the monuments, with visitation to Organ Mountains-Desert Peaks and Rio Grande del Norte up over 100 percent and 40 percent, respectively.

Fortunately, our community leaders are standing up for our monuments and our natural and cultural heritage, economic growth and way of life. The Taos and Doña Ana county commissions and the municipalities of Taos, Las Cruces, Mesilla and Anthony have all passed strong resolutions restating their support for our monuments and urging Secretary Zinke and President Trump to not alter them. Additionally, on July 8, the membership of the League of United Latin American Citizens, our nation's oldest and largest Hispano/Latino civil rights organization, unanimously passed a resolution, 651-0, at our national convention urging the Trump administration and U.S. Department of Interior to maintain our national monuments' existing boundaries and not alter them in any way. LULAC has joined with the Hispano Round Table of New Mexico, MANA de Albuquerque, New Mexico ENLACE, and other state-based Latino and Hispano organizations on behalf of these public lands to emphatically request that Secretary Zinke not alter our monuments' boundaries.

The Democratic members of New Mexico's congressional delegation – Sens. Tom Udall and Martin Heinrich and Reps. Ben Ray Lujan and Michelle Lujan Grisham – have also been standing up strongly for our public lands and representing our communities' wishes.

The threat posed to our national monuments couldn't be more clear. Organ Mountains-Desert Peaks and Rio Grande del Norte national monuments recognize the history and contributions of Latino and Hispanic Americans as a valued part of our nation's heritage. Any reduction in size of these monuments would be a step backward in preserving our cultural heritage.





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*Ralph Arellanes, Executive Director; Dennis Montoya, State Director; and Paul "Pablo" A. Martinez, past State Director/New Mexico LULAC.*

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### 3. NATIONAL MONUMENTS: Zinke to tour Ore. site to weigh possible reductions

*E & E News, July 14 | Jennifer Yachnin*

Interior Secretary Ryan Zinke is set to visit Cascade-Siskiyou National Monument this weekend, as he prepares to recommend potential rescissions to the 100,000-acre site, which straddles southern Oregon and Northern California.

Congressional lawmakers have split over the Cascade-Siskiyou monument along party lines. Oregon's Democratic senators have pressed the Trump administration to refrain from making changes, while House Natural Resources Chairman Rob Bishop (R-Utah) has vowed to "undo the damage" of a decision by President Obama to nearly double the size of the monument during his final weeks in office (E&E News PM, Jan. 13).

President Clinton first established the site in 2000, marking the first time a monument had been created with the sole intention of protecting biodiversity. Obama added an additional 42,000 acres in Oregon and 5,000 acres in California in late 2016.

During his visit to Oregon, Zinke will meet with Gov. Kate Brown (D), the Klamath Tribes, the Soda Mountain Wilderness Council, local Bureau of Land Management officials and council commissioners.

The site is faced with potential reductions as part of Zinke's ongoing review of dozens of national monuments nationwide.

Trump issued an executive order in late April mandating an assessment of all monuments created since 1996 that include more than 100,000 acres for potential elimination, reductions or changes to management plans.

Zinke has already issued one recommendation calling for significant reductions to the 1.35-million-acre Bears Ears National Monument in southeast Utah. Yesterday, he announced he would



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not call for changes to Craters of the Moon National Monument and Preserve in Idaho or Hanford Reach National Monument in Washington state.

The Cascade-Siskiyou monument is among the 24 monuments that Zinke has yet to make any public pronouncements about. He is set to file a final report Aug. 24.

#### **Meeting concerns, lawsuits**

In a letter to the Department of Justice yesterday, conservation groups raised concerns that Zinke would meet with representatives of the timber industry who have filed lawsuits over the monument's expansion.

"While we welcome Secretary Zinke's visit to Oregon to view first-hand the Cascade-Siskiyou National Monument, the Secretary has only arranged to ... talk extensively with Monument opponents," Earthjustice staff attorney Kristen Boyles and Western Environmental Law Center staff attorney Susan Jane Brown wrote in the letter.

"Such a one-sided review is inappropriate and furthers the impression that the Secretary only values the opinions of Monument opponents. To the contrary, the Department of the Interior should represent all Americans, not just timber and county interests," the duo added.

The Justice Department is defending the Cascade-Siskiyou monument in the lawsuit filed by Oregon's Murphy Co. and Murphy Timber Investments LLC, which asserted that more than 80 percent of the new monument land is used for timber production.

Both Earthjustice and WELC are also defending the monument's expansion along with the government.

A federal judge postponed action in that case last month, however, pointing to the Trump administration's ongoing review. The Associated Press reported that the case will proceed with status reports from all parties in late September.

But Oregon Attorney General Ellen Rosenblum (D) has threatened a separate lawsuit should the Trump administration attempt to alter the monument's current boundaries.



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"As you review the vibrant landscape within the Cascade-Siskiyou region, I know that you and the President will share our desire to preserve it for future generations," Rosenblum wrote in a letter to Zinke, first reported by Oregon Public Broadcasting. "However, if the President attempts instead to revoke or reduce the Cascade-Siskiyou National Monument, we stand ready to take appropriate legal action."

Conservationists and Democratic lawmakers have repeatedly asserted that Trump has no authority to eliminate monuments under the Antiquities Act of 1906, which allows presidents to protect lands with scientific, cultural or historic value.

Although presidents have previously reduced the size of monuments, no president has done so since the enactment of the Federal Land Policy and Management Act of 1976, and legal scholars assert that such changes are no longer allowable (Greenwire, June 6).

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#### 4. **PUBLIC LANDS: Dems voice concern over land swap for mine**

*E & E News, July 14 | Nick Bowlin*

Lawmakers discussed a land-transfer bill this morning to facilitate development of a controversial mine in northwestern Minnesota.

H.R. 3115, backed by Rep. Rick Nolan (D-Minn.), would accelerate an already-approved land exchange between the Forest Service and PolyMet Mining Corp. The company plans a copper-nickel project on a site within the Superior National Forest.

The agency approved the land deal in January, but several lawsuits from mine opponents have stalled the transaction. PolyMet owns the subsurface mineral rights, while the federal government holds the surface area.

Nolan presented his bill during a Natural Resources Subcommittee on Federal Lands hearing, calling it a "very good land exchange for citizens," noting a net gain for the Forest Service in acreage, lakeshore and wild rice land.



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"It creates many, many good-paying jobs and facilitates mining of the kinds of minerals that are essential for our economy, for our national security, for a carbon-free footprint in the future," Nolan said, noting that wind farms require significant amounts of copper.

Ranking member Colleen Hanabusa (D-Hawaii) noted in her opening statement the multiple legal challenges to the land transfer.

"We should be wary of tipping the scales towards one side when there is active litigation," she said, and submitted for the record letters from several Minnesota mine opponents: the Lac du Flambeau Band of Lake Superior Chippewa, the Minnesota Center for Environmental Advocacy and the Minnesota Environmental Partnership.

#### **Other bills**

The panel spent more time on [H.R. 1547](#), a bill sponsored by Arizona Rep. Martha McSally (R) that would resolve a land dispute between the city of Tucson and Bureau of Land Management.

The government was supposed to transfer the land to the city back in 1989 but never formally did so, even though Tucson operated it as a park. In 2010, BLM informed the city it could not build a farmers market or a cell tower there.

Subcommittee Chairman Tom McClintock (R-Calif.) called for the officials who blocked the plans to be "held accountable."

The bill would direct the agency to complete the transfer without requiring the city to pay market value, given the city's investment in the parkland over the years.

"We've more than paid for the reversion," said Tucson City Manager Michael Ortega.

Interior Department official Tim Spisak said the agency had to block the projects by law, since it legally owned the property.

Separately, Spisak said the agency had no objection to [H.R. 2582](#), from Utah GOP Rep. Mia Love, to facilitate a process for conveying 500 acres of BLM land to be used by state public schools.



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The fourth bill on the agenda, H.R. 873, would establish a memorial in Washington to armed service members who served in the war on terror.

Current law prohibits building memorials until a decade after a war ends. Bill sponsor Rep. Mike Gallagher (R-Wis.) argued that the war on terror is a different type of conflict and that the nearly 7,000 service members killed deserve remembrance.

"This war has no ending," he said.

The hearing saw the first subcommittee appearance of Montana Rep. Greg Gianforte (R), who won the May special election to fill the seat vacated by Interior Secretary Ryan Zinke. He briefly questioned a witness regarding the war memorial.

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#### **5. INTERIOR: Senate Democrat demands answers from Zinke on personnel moves**

*E & E News, July 14 | Kellie Lunney*

A top Democratic appropriator is pressing Interior Secretary Ryan Zinke for details on dozens of reassignments of senior executives over the last month as part of a larger-scale department reorganization.

Sen. Tom Udall (D-N.M.) sent Zinke a letter earlier this week seeking information on how many career senior executives Interior reassigned, why the department relocated them and how much it will cost the government.

Udall, ranking member of the Senate Interior, Environment and Related Agencies Appropriations Subcommittee, said he was "deeply concerned" about the personnel moves, in part because the changes "are uprooting employees who have formed deep and lasting relationships with the surrounding communities" with "virtually no notice or input" from the affected communities.

"This subcommittee has no idea why these positions were selected for reassignment, or how moving these individuals out of their current positions improves management of the department,"



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Udall wrote in the Tuesday letter. "We also don't know how these changes fit, if at all, into the larger workforce plan for the department that you've been directed by the Office of Management and Budget to assemble — a workforce plan not yet approved or submitted to the subcommittee."

President Trump directed agencies in March to craft reorganization plans as part of an executive order aimed at improving government efficiency; draft plans were due to OMB on June 30, but details are scarce.

An OMB spokesman said the workforce plans will be made public with the release of the administration's fiscal 2019 budget proposal, presumably early next year.

Udall and fellow appropriator Sen. Chris Van Hollen (D-Md.) both told E&E News that Interior had not provided them with any details on its larger reorganization plan. Many federal employees live and work in Maryland.

The news that the department in late spring notified dozens of senior executives — including some in Udall's state of New Mexico — that they were being reassigned has rankled employees and lawmakers. While the department hewed to senior executive notification rules, some observers found the reassignments hasty, and not particularly transparent.

It's not clear how many Interior senior executives have received reassignment notices so far, but estimates range from 30 to 50 employees. A second round of reassignment notifications for other department senior executives is expected soon. Zinke said in late June that more details would emerge in "about 60 days or so" on the overall department reorganization (E&E News PM, June 20).

Udall wants answers to 13 specific questions in his letter, including the criteria used to determine the personnel reassignments, how reassigning retirement-eligible employees advances government efficiency, and whether the department properly notified and consulted with affected employees.

The New Mexico Democrat also wants to know how much the reassignments will cost the department and why Interior forged ahead with the personnel moves before its broader workforce development plan was shared with Congress and vetted by OMB.



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"It is critical that this subcommittee better understands these personnel decisions, which carry with them real consequences, for both the employees who must now uproot their lives, and for the constituents with whom they've worked, often hand in hand for decades," Udall wrote.

Zinke has defended the decision, saying the department is shifting people to jobs where their skills are better suited, or moving them out of headquarters into the field, where there is greater need.

He also noted that reassigning senior executives is "not unprecedented." But it's not frequent, either. By statute, agencies can reassign senior executives provided they comply with the proper notification process, and senior executives know when they enter the Senior Executive Service that they are subject to involuntary reassignments.

In fact, the cadre of top career leaders was intended to be a mobile force, changing assignments as needed. President Obama issued an executive order during his second term aimed at reforming the SES; one of the recommendations involved moving senior executives around more to avoid complacency and improve management throughout the government.

Affected senior executives can either accept the reassignment or resign. They have the right to appeal a reassignment if they believe it was the result of discrimination or a prohibited personnel practice.

Interior did not immediately respond to a request for comment on Udall's letter.

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#### 6. **COAL ASH: In twist, industry pushes revamp of 'monolithic' permit regs**

*E & E News, July 14 | Sean Reilly*

Regulatory certainty was the buzzword last year when Congress approved legislation granting states oversight authority for coal ash disposal. Better that, supporters said, than rely on a patchwork of citizen lawsuits as the main enforcement tool.



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But, if a recent utility industry push succeeds, the same legislation could serve a seemingly contrary purpose — acting as a crowbar for reopening the dense package of U.S. EPA rules for handling the waste produced by coal-fired power plants.

In a recent rulemaking petition to the agency, the Utility Solid Waste Activities Group highlighted the measure as a prime reason for the agency to reconsider or delay major pieces of the 2015 regulations, which spanned some 200 triple-columned pages in the Federal Register and took years to hammer out.

The rationale: Because states now have the leeway to craft their own coal ash permitting programs — conditioned on an EPA finding that those programs are at least as protective as the federal standards — they can tailor more flexible "risk-based" provisions around conditions at individual sites, according to the petition. The current "monolithic" EPA regime, by contrast, is "imposing tremendous operational costs on the power industry" and threatening the premature shutdown of some coal ash disposal units, the petition said.

Last year's law, known as the Water Infrastructure Improvements for the Nation (WIIN) Act, "acknowledged that states can take a different and flexible approach and we think that flexibility should be in the rule itself," Jim Roewer, executive director of the utility group, said in an interview last week. The group is usually known by its acronym USWAG.

Environmental groups, who say they were blindsided by the move, offer a different take: Electricity producers are opportunistically angling to take advantage of the Trump administration's scorn for environmental safeguards.

"They are seeing what other industries are getting from EPA, and they want their piece of the pie," Earthjustice lawyer Mary Whittle said. At the Southern Environmental Law Center, senior attorney Frank Holleman scoffed at utilities' arguments in favor of changes to the 2015 rule but acknowledged concerns that they could prevail. If so, Holleman said, "it would undercut the safety of communities around the country."

While Roewer said the industry would be pursuing revisions even if Donald Trump hadn't been elected president, the petition seeks to bolster its case with allusions to recently adopted administration policies. Those include an executive order intended in part to promote the use of fossil fuels and EPA's recent decision to postpone implementation of effluent limitations





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guidelines. The future of coal-fired power production is at risk, the petition warned, "if there is no economical option for managing the residuals from its use."

Among specific items on the wish list, utilities want EPA to drop regulation of "inactive" coal ash ponds that stopped receiving waste before the 2015 rule took effect and delay an October deadline for groundwater monitoring requirements around disposal sites. USWAG is also asking the agency to seek court approval to freeze proceedings in a jumble of legal challenges brought by industry and environmental groups to the 2015 rules. That litigation is pending before the U.S. Court of Appeals for the District of Columbia Circuit; while all sides have turned in their briefs, the court has not yet scheduled oral arguments.

USWAG, which submitted the petition in late May, only last month got a formal acknowledgment of receipt from EPA, according to Roewer, and the agency has announced no decision on granting reconsideration. As of this morning, employees in EPA's press office had not responded to written questions posed Monday on the petition's status. Agency representatives also did not reply to a query seeking information on the number of states that have expressed interest in creating their own permitting programs.

Under the banner of "cooperative federalism," EPA Administrator Scott Pruitt has urged governors to consider that option (E&E Daily, May 2). The agency, with prodding from Congress, has since drafted guidance for states to follow in setting up their programs, but that document remains under review by the White House Office of Management and Budget, according to the [Reginfo.gov](http://Reginfo.gov) website.

Coal ash, technically known as coal combustion residuals, amounts to one of the nation's largest waste streams, with about 117 million tons generated in 2015, according to industry data. Around half of that total is recycled into building products or used for other purposes; the rest typically ends up in an archipelago of landfills and ponds spread across the United States.

Late last year, power producers had to turn in safety assessments and closure plans required by the EPA regulations for more than 290 plants (Greenwire, Nov. 23, 2016). Some are warning of hefty bills ahead.

In its latest annual report, for example, Atlanta-based Southern Co. says that operations could be "significantly impacted" if it's not allowed to pass on compliance costs to ratepayers.



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Duke Energy Corp, which last fall agreed to a \$6 million fine after a 2014 spill soiled North Carolina's Dan River with liquefied coal ash, is suing its insurers for help in covering liabilities predicted to run into the billions of dollars (E&E News PM, March 29).

In an email this week, spokeswoman Dawn Santoianni said the Charlotte-based power producer backs efforts to amend the coal ash rule and looks forward "to constructively working with EPA" on consistent and "cost-effective solutions" that protect the environment.

Following decades of inaction, EPA was forced to confront coal ash policy after a 2008 dike failure at a Tennessee Valley Authority plant in Kingston, Tenn., dumped more than 1 billion gallons of coal ash slurry into two rivers. In the 2015 rule, which took more than four years to craft, the agency opted to classify coal ash as a nonhazardous waste but reported "numerous instances" in which lead, arsenic and other toxic metals had leached out of storage ponds and landfills at "levels of concern."

That classification decision was a victory for industry, but it also meant that the primary enforcement mechanism would be citizen lawsuits. Utilities, predicting the result would be chronic regulatory uncertainty, lobbied for state permitting authority as a more stable alternative.

After attempts to pass stand-alone legislation to that end repeatedly fell short, utilities succeeded in getting the needed language tucked into the WIIN Act, a water projects bill, last December (E&E Daily, Dec. 7, 2016).

"The passage of this bill is great news," Rep. David McKinley (R-W.Va.), a lead backer of state permitting authority, said in a statement at the time. "This legislation will help protect jobs and empower individual states, not the federal government, to oversee the proper management and disposal of coal ash."

A McKinley spokesman declined to comment for the record this week on power producers' attempt to now use the act as a lever for changing the 2015 regulations. USWAG's Roewer denied that the industry had pushed the legislation with that broader strategy in mind, saying the idea came after the bill was passed.



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Between the original 2015 rule and the customized approach allowed by the WIIN act, he said, "we put one and one together there and got two."

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#### 7. **INTERIOR: Western GOP senators urge vote on Bernhardt**

*E & E News, July 14 | Michael Doyle*

Western Republican senators are amplifying their efforts to get lawyer and lobbyist David Bernhardt confirmed as the Interior Department's deputy secretary.

In a show of both force and frustration, seven GOP members of the Senate Western Caucus yesterday jointly blasted out their support for Bernhardt and their impatience with his seemingly slow confirmation.

"Unfortunately, a partisan minority in the Senate continues to block Mr. Bernhardt's nomination, and I hope that the confirmation process has not become a broken process that disincentives qualified people, like Mr. Bernhardt, who are held in high professional regard, from becoming public servants," Colorado Republican Sen. Cory Gardner said in a statement.

Republican Sen. Jeff Flake of Arizona added that "we need this experienced nominee confirmed without delay."

Pointedly, the seven Republicans cast Bernhardt's fate in the context of other Trump administration nominees. The senators noted that the Senate has confirmed 23 percent of Trump's 216 nominations. By August during President Obama's first term, the Senate had confirmed 69 percent of his 454 nominations.

The president himself, though, has been slow to nominate individuals, contributing to the home-alone experiences of many Cabinet secretaries. No nominees have yet been named for at least 12 of the top Interior Department positions requiring Senate confirmation, according to a tally by the nonpartisan Partnership for Public Service.

Bernhardt was nominated in late April and passed through the Senate Energy and Natural Resources Committee on a 14-9 vote June 6 (Greenwire, June 6).



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"We reported his nomination ... with bipartisan support more than a month ago, so I urge my colleagues to support the swift confirmation of this well-qualified nominee," said Sen. Lisa Murkowski, the Alaska Republican who chairs the Senate panel.

It could not be immediately determined late yesterday whether individual senators have explicitly placed a hold on Bernhardt's nomination, and a spokesperson for the ENR Committee referred questions about vote timing to Senate leadership.

Senate Majority Leader Mitch McConnell (R-Ky.) has already announced a two-week delay in the start of the Senate's August recess, citing in part the need to confirm more of Trump's nominees.

Whatever the specific reasons for the handling of Bernhardt's confirmation, Democrats have made clear their unhappiness with the nominee, whose past clients have included the likes of California's politically potent Westlands Water District.

"I don't think he would provide the proper consideration and implementation of public policies that represent interests across the United States of America," said Sen. Maria Cantwell of Washington, ENR's ranking Democrat.

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#### 8. **APPROPRIATIONS: Panels approve slew of bills, cuts to climate research**

*E & E News, July 14 | Kellie Lunney*

The House Appropriations Committee yesterday approved nearly \$5 billion for the National Oceanic and Atmospheric Administration in fiscal 2018, prioritizing funding for weather programs and fisheries management over climate research.

The legislation, which passed 31-21, would allocate a total of \$54 billion to the Commerce and Justice departments, the National Science Foundation and NASA. That's \$2.6 billion below fiscal 2017 levels. The funding for NOAA, housed in Commerce, would amount to a \$710 million cut.



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Appropriators approved reducing climate research at the agency by 19 percent, which concerned many committee Democrats. The bill would provide \$128 million for the research, down from \$158 million.

Ranking member Nita Lowey (D-N.Y.) said the cut is "further proof that the Republican majority does not take the science of climate change seriously or have any intent to combat one of the great threats of our time."

The bill provides \$973 million for the National Weather Service's operations, research and facilities — \$37 million more than the administration's request — "to maintain critical capabilities to provide weather forecasts and warnings," the committee report said. The panel also rejected the White House's proposed reduction to the Tsunami Warning System.

NOAA's National Marine Fisheries Service would receive \$848 million for fiscal 2018, while the National Ocean Service would receive \$462.6 million for operations, research and facilities. The committee rejected the administration's proposed reduction to NMFS's national catch share program.

The panel also rejected administration budget proposals to cut or eliminate popular programs, including the Pacific Coastal Salmon Recovery Fund and the Sea Grant program.

The committee carved out \$65 million for the salmon recovery fund and \$63 million for the Sea Grant initiative, which supports research at 33 universities nationwide. The White House budget wanted to slash the Sea Grant program, but appropriators decided to give it the same level of funding it received in fiscal 2017.

Appropriators also chose not to follow the administration's recommendation to gut the National Estuarine Research Reserve System, instead providing funding at the fiscal 2017 level, approximately \$23 million.

"The NERRS is an important partnership between NOAA and the coastal States that is crucial for protecting and studying estuarine systems," the committee [report](#) on the bill said.

Appropriators "clearly took a more thoughtful approach than the Trump White House to funding this important agency [NOAA] by supporting key coastal and ocean programs like Sea Grant, [the



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Office of Ocean Exploration and Research], and National Estuarine Research Reserves," said Addie Haughey, associate director of government relations at the Ocean Conservancy.

"Unfortunately, the House [committee spending bill] retains some of the more egregious cuts from the Trump budget," Haughey added, citing the 50 percent cut to the coastal management grants program, which "empower coastal states to protect the invaluable ocean resources in their backyards, have a say in how federal agencies manage the ocean right of their shores, and keep communities safe from ocean and weather hazards."

The panel would fund the Coastal Zone Management Program at \$45 million in fiscal 2018, down from \$70 million in fiscal 2017. The bill does not fund Regional Coastal Resilience Grants, which received \$15 million in fiscal 2017.

Together the two programs typically have constituted the coastal management grants budget line in spending legislation. The administration recommended zeroing out both programs.

House appropriators also approved "full funding to continue the Joint Polar Satellite System weather satellite program and the Geostationary Operational Environmental Satellite program to help maintain and improve weather forecasting to warn communities about potentially devastating natural disasters," a committee summary said.

They included \$775.8 million for JPSS in fiscal 2018, a series of satellites that will circle the Earth from pole to pole, gathering atmospheric, weather and climate data. The GOES-R Series program would receive roughly \$518.5 million.

#### **Amendments**

Amendments approved during yesterday's marathon markup include:

- Language from Rep. Andy Harris (R-Md.) to prohibit any funds in the bill from being used to implement or enforce the "designation of any area of the Chesapeake Bay watershed as critical habitat for the Atlantic sturgeon." It passed by voice vote.
- An amendment by Rep. Derek Kilmer (D-Wash.) to provide \$20 million in assistance to communities affected by fishery disasters or failures, funding that the administration did



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not request. Kilmer praised the bipartisan effort to find money for fishery disasters and said he hoped the committee could work together to address more concerns. "Literally thousands of jobs in my district are related to fishing," he said.

An unsuccessful amendment offered by Democratic Reps. José Serrano of New York and Henry Cuellar of Texas to prohibit the federal government from seizing private property to build a wall along the U.S.-Mexico border generated some controversy during the markup.

Rep. John Culberson (R-Texas), chairman of the Commerce, Justice, Science and Related Agencies Appropriations Subcommittee, said the measure didn't belong in the CJS bill. The amendment, similar to others Democrats have floated in recent days to different bills, failed in a 21-31 vote.

Another amendment that failed would have restored \$30 million for climate research at NOAA. "I appreciate Chairman Culberson's effort to retrench some of the funding, but it doesn't go far enough," said sponsor Rep. Matt Cartwright (D-Pa.).

Culberson said he would "do all I can to continue to support NOAA" but that "without a spending offset" to pay for the amendment, "it would prevent our bill from reaching the floor."

Serrano also unsuccessfully tried to add language that would have reversed cuts to coastal management grants as part of a larger amendment to add \$1.7 billion to the CJS bill. It failed in a 22-30 roll call vote.

Culberson reiterated during the markup that the House will have to come up with a broad, far-reaching budget deal if appropriators hope to boost funding for NOAA programs and the National Science Foundation.

#### **Science**

The NSF would be cut by \$133 million, to \$7.3 billion, under the bill. Still, the number is higher than President Trump's budget request, which would have funded NSF at \$6.7 billion.



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"These funds will foster innovation and U.S. economic competitiveness, including funding for research on advanced manufacturing, physics, mathematics, cybersecurity, neuroscience, and [science, technology, engineering and math] education," the committee summary said.

The Trump plan prompted outrage from House Democrats, who noted it was the first time in 60 years a president submitted an NSF budget with a spending request lower than the previous fiscal year's.

The agency funds a variety of climate, energy and polar research, including the Ocean Observatories Initiative, a network of sea sensors intended to advance learning on issues like ocean acidification.

The committee allocated \$6 billion for research and related activities at NSF. Rep. David Price (D-N.C.) introduced a failed amendment that would have boosted funding for the agency by \$604.2 million.

#### **Justice**

Also in the bill is a provision that would bar the Justice Department from entering into settlement agreements that require donations to third parties. The language appears to track a memo issued by Attorney General Jeff Sessions in June.

Environmentalists say that the rider would block money from going toward environmental projects. It would have barred, for example, a stipulation in the government's settlement with Volkswagen AG over the recent diesel emissions cheating scandal that required the German automaker to fund electric vehicle infrastructure (Greenwire, June 7).

#### **State**

Separately, the State and Foreign Operations Appropriations Subcommittee approved by voice vote its fiscal 2018 proposal. Members offered no amendments and debate was limited, as is generally the case at the subcommittee level.

The bill includes provisions to prevent money from going to the U.N. Green Climate Fund and the Intergovernmental Panel on Climate Change (E&E News PM, July 12).





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Lowey decried the absence of funds for climate action. She and other Democratic members said they would offer amendments when the bill reaches full committee as soon as next week.

The legislation would reduce funding for the State Department and foreign operations by \$10 billion, down from about \$57.4 billion in fiscal 2017. Still, the cuts are not as deep as those in Trump's proposal, which included roughly \$37 billion for State.

#### **Other agencies**

The Appropriations subcommittee with jurisdiction over the Labor Department yesterday approved legislation that would cut the Mine Safety and Health Administration by \$14 million, pointing to "lower levels of mining across the country and especially in coal production."

The full committee later approved legislation to fund financial services regulators and other government entities, including the Office of Management and Budget.

The legislation includes a rider to roll back Obama-era limits on funding for overseas power plans. Another rider would prevent OMB from reviewing Army Corps of Engineers water resource projects.

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#### **9. SAFETY: Colo. still compiling info of pipelines near homes**

*E & E News, July 14 | Mike Lee and Mike Soraghan*

As Colorado regulators continue a first-of-its-kind inventory of oil and gas infrastructure located near homes, pressure is building on the state to make the information clearer and more accessible.

The Colorado Oil and Gas Conservation Commission, responding to a pipeline leak that destroyed a home and killed two people, ordered energy companies to turn over an inventory of all flow lines located within 1,000 feet of homes and other buildings. It also ordered companies to test the lines for leaks (Energywire, May 3).



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The deadline to submit the information was June 30, but some companies have asked for extensions, and the COGCC has said it could take months to compile and publish all the information. Flaws in the data that have been released so far make it hard to gauge the impact on counties, cities or individual homes.

It's also not clear yet how well companies are complying with the COGCC's order on leak tests.

Those have become high-profile issues for homeowners in eastern Colorado, where simultaneous booms in housing and oil production have left tens of thousands of people living near pipelines and other equipment.

"I'd like to see somebody map it," said Josh Joswick, a former county commissioner from western Colorado who now works for the environmental group Earthworks.

A bill in the state Legislature would've required the state to create a searchable database of the information. It was narrowly voted down just before the session ended in May, but it may be resurrected in 2018, said state Rep. Mike Foote, a Boulder Democrat who was one of its sponsors.

"That information is just gibberish unless it is put into an understandable format," Foote said in an email.

#### **Turning over records**

Flow lines are low-pressure lines that connect oil and gas wells to storage tanks and other equipment. They're common in older oil fields, where dozens of vertical wells are served by a single tank battery.

The suburbs north and east of Denver are dotted with tens of thousands of older wells, and the state never had clear maps of the flow lines that connect them. A lot of the same oil fields are now being redrilled using horizontal drilling and hydraulic fracturing, or fracking, which has increased the tension between homeowners and oil companies (Energywire, May 5).



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The data released on the COGCC's [website](#) show blank entries for more than half the pipelines' test results, although several large companies have said that more than 99 percent of their lines passed.

The test results are even more important than the inventory data, and it's important to know what type of test was used, said Cornell University engineering professor Anthony Ingraffea.

"That's the kind of information I would expect to see in those blank columns," Ingraffea said.

The COGCC data show more than 248,000 flow lines and risers, but the true number of pipelines may be far different.

Anadarko Petroleum Corp., the biggest operator in Colorado, reported on its website that it turned in about 53,000 records to the COGCC, including individual pipelines and risers that connect the lines to wellheads and storage tanks. But the state agency's database shows 118,000 entries for Anadarko.

PDC Energy Inc., another large operator, reported testing 13,800 pipelines and risers, a spokeswoman said. The COGCC database shows more than 27,000 entries for PDC.

A spokeswoman for the Colorado Department of Natural Resources, which is the parent of the COGCC, said the commission is still processing hundreds of thousands of pieces of information, and it will take months to complete the process.

"In this undertaking, some of the data will be incomplete, contain errors and require follow-up to work through questions generated by what is submitted," Julie Murphy, assistant director of the Department of Natural Resources, said in an email.

#### **Anadarko's response**

The oil industry is leaving the door open to a mapping bill, while cautioning that any discussions should happen after the inventory and related tests are complete, according to the Colorado Oil and Gas Association.



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"Any possible next steps, from a policy perspective, must be made with full understanding of what the data reveals," Scott Prestidge, a spokesman for the trade group, said in a statement. "Does a map ensure safety, or does validating pipeline integrity ensure safety? In other words, mapping may or may not be the answer. If mapping is part of the discussion, can it be done in a way that protects proprietary information and does not create new security or public safety risks?"

The explosion happened April 17 at a newly built home in Firestone, about 35 miles north of Denver. The home was part of a subdivision built on top of oil and gas wells that were drilled in the 1980s and 1990s. The area was laced with flow lines, some of which were relocated as the adjacent subdivision grew.

One of the pipelines was cut off just a few feet from the home's basement, and it was still connected to a gas well 178 feet away, investigators found.

Gas from the well migrated through the soil and built up in the home's basement. The owners, Mark and Erin Martinez, were home when the gas ignited. Mark Martinez was killed along with his brother-in-law, Joey Irwin. Erin Martinez was severely injured, and one of the couple's children was slightly injured after being blown out of an upstairs window.

Anadarko, which owns the well and the pipelines involved, shut down 3,000 old vertical wells while it conducted safety checks.

The company has tested 4,000 flow lines and found about 12 leaks, John Christiansen, a company spokesman, said in an interview. They've all been shut down.

The company also found 52 leaks in process pipelines, which connect equipment in a tank battery or processing plant, Christiansen said. Process pipelines pose less of a risk to surrounding homes because they typically don't run outside the boundaries of the installation they serve.

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