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Contents

1. Zinke, Trump admin blasted as 'big bullies' in Nev. tour
2. Ad campaign pushes Zinke not to alter sites
3. Official gave away stolen ancient artifacts — IG
4. Trump makes picks for Interior, Defense
5. 'Aggressive' solicitor pick brings broad legal experience
6. Court orders EPA to enforce methane standards
7. Texas found 37 cases of groundwater contamination in 2016
8. Did Trump just get a win on coal?
9. Zinke makes hay of crawfish plans for Appalachia mine
10. Lawmakers introduce flurry of bills before recess
11. Trump admin waives 'variety' of enviro laws near San Diego

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Jennifer Yachnin, E&E News reporter

Published: Tuesday, August 1, 2017

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<http://bit.ly/2vquO54>

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<http://bit.ly/2w34XNH>

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<http://bit.ly/2vkOKWs>

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<http://bit.ly/2uRrWNe>

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The Trump administration's new nominee for Interior Department solicitor is an aggressive and widely experienced attorney who has represented a politically assertive corporate boss, fellow attorneys say.

<http://bit.ly/2vgfJm7>

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Ellen M. Gilmer, E&E News reporter

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The Trump administration must enforce Obama-era restrictions on greenhouse gas emissions from the oil and gas industry — at least for now.

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8. Did Trump just get a win on coal?

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Published: Tuesday, August 1, 2017

A deal to provide 700,000 tons of coal to Ukraine's state-owned utility provides a much-needed boost to northern Appalachia's ailing mining companies. It also helps President Trump fulfill a top campaign promise.

<http://bit.ly/2u1pqW0>

9. Zinke makes hay of crawfish plans for Appalachia mine

Dylan Brown, E&E News reporter

Published: Tuesday, August 1, 2017

Interior Secretary Ryan Zinke yesterday trumpeted new endangered crawfish management plans, which are clearing the way for an Appalachian coal mine. Zinke touted the plans as an example of the administration's commitment to coal.

<http://bit.ly/2w3mwgv>

10. Lawmakers introduce flurry of bills before recess

Kevin Bogardus and Manuel Quiñones, E&E News reporters

Published: Tuesday, August 1, 2017

House lawmakers introduced dozens of bills Friday before leaving for summer recess, including one to prevent the administration from closing U.S. EPA field offices and programs.

<http://bit.ly/2u1fkUU>

11. Trump admin waives 'variety' of enviro laws near San Diego

Jeremy P. Jacobs, E&E News reporter

Published: Tuesday, August 1, 2017

The Trump administration waived environmental and other regulatory requirements today to expedite construction of barriers along the border between California and Mexico.

<http://bit.ly/2tWDT1o>

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Contents

1. Zinke, Trump admin blasted as 'big bullies' in Nev. tour	1
Funding from offshore drilling?	3
2. Ad campaign pushes Zinke not to alter sites	3
3. Official gave away stolen ancient artifacts — IG	4
4. Trump makes picks for Interior, Defense	6
Pentagon pick	6
5. 'Aggressive' solicitor pick brings broad legal experience	7
6. Court orders EPA to enforce methane standards	8
7. Texas found 37 cases of groundwater contamination in 2016	9
8. Did Trump just get a win on coal?	10
9. Zinke makes hay of crawfish plans for Appalachia mine	12
10. Lawmakers introduce flurry of bills before recess	13
Other bills	13
11. Trump admin waives 'variety' of enviro laws near San Diego	14

1. Zinke, Trump admin blasted as 'big bullies' in Nev. tour

Jennifer Yachnin, E&E News reporter

Published: Tuesday, August 1, 2017

LAS VEGAS — Democratic Rep. Dina Titus yesterday railed against Interior Secretary Ryan Zinke's abbreviated review of national monuments in Nevada and accused the Trump administration of acting "like big bullies" in its management of public lands.

Titus appeared at a press conference organized by the progressive group Battle Born Progress, along with a pair of Clark County commissioners and leaders of the conservation organization Friends of Gold Butte.

Donning her self-proclaimed "fashion statement" — yellow sunglasses emblazoned with "#GoldButte" — Titus slammed Zinke for his one-day visit to view both the Gold Butte and Basin and Range national monuments.

"I wanted to set the record straight about Secretary Zinke: We have written, we have called, we have talked to the Department of Interior trying to get him out here so when he makes his sweep of the monuments he can have an understanding of just how valuable and just how important Nevada's monuments are," Titus said.

Both Nevada sites are part of Zinke's ongoing review of dozens of national monuments, with an eye toward potential reductions or even eliminations. President Trump ordered the review in late April, and a final report is due on Aug. 24.

Although Zinke had planned to meet over two days with both supporters and opponents of each monument, along with local officials and tribal representatives, he cut back his visit to a day due to a White House staff shake-up and a related Cabinet meeting called for yesterday.

Individuals who did attend portions of Zinke's tour of the Nevada monuments said the secretary appeared geared toward considering only small portions of the 297,000-acre Gold Butte or the 704,000-acre Basin and Range monuments.

But Titus and Clark County officials questioned the mix of guests whom Zinke ultimately spent time with during aerial tours of both monuments, as well as short visits to antiquities at each site.



Battle Born Progress Executive Director Annette Magnus introduced Nevada Democratic Rep. Dina Titus (right) at a press conference yesterday criticizing Interior Secretary Ryan Zinke's monuments review. Jennifer Yachnin/E&E News

"They turned it into a political event instead of making it what it was supposed to be, getting good information about the value of our monuments. We don't appreciate it," Titus said.

Clark County Commissioner Chris Giunchigliani (D) likewise called Zinke's companions "most disappointing," referring to former Clark County GOP Chairman David McKeon, who is seeking Nevada's 3rd District seat, and state Attorney General Adam Laxalt (R), who is seen as a likely gubernatorial contender in 2018.

"They're not working in a collegial manner. Maybe that's just how they do business in Washington, but we do it different in Nevada," said Giunchigliani, who is herself a potential gubernatorial candidate.

Democratic officials also described efforts to meet with Zinke as chaotic, with numerous meetings set and rescheduled at the last minute.

"It's really disappointing that all of us couldn't collaborate in the meetings that we were promised to come together and talk about what's important for Nevada," said Clark County Commissioner Marilyn Kirkpatrick (D). "They left out local government in that entire process."

Funding from offshore drilling?

Some criticized Zinke's focus on the possibility of funding from offshore drilling as well as other concerns.

"He brought up some issues that were bizarre and not particularly relevant to the issue we were talking about," said Friends of Gold Butte board member Jim Boone, who met Zinke during his tour of the Mount Irish Archaeological District at the Basin and Range monument.

In particular, Boone said Zinke spoke about his "notion that environmentalists are the ones to be blamed for the lack of funding [for monuments], because funding largely comes from offshore drilling."

During multiple appearances on Capitol Hill earlier this summer, Zinke repeatedly pitched his plan to raise funds for cash-strapped agency priorities by boosting drilling in federal waters. In his testimony, Zinke has often highlighted the 2008 revenues of \$18 billion from offshore production, an outlier year that produced significantly more profit than those before or after (*Climatewire*, June 26).

Boone, an ecologist, said he was also concerned with Zinke's focus on preserving artifacts rather than "landscape-level issues" such as the geology of the Great Basin or even preserving "the tradition of ranching."

"He's clearly opposed to large national monuments, and under his philosophy places like the Grand Canyon would never have been established," Boone said. "Death Valley, Zion, Grand Teton, Joshua Tree, all these places would never have been established."

Boone also noted that he did not have significant time to speak with Zinke since most of the visit consisted of a Bureau of Land Management guided tour of local petroglyphs.

University of Nevada, Las Vegas, intersection resource coordinator Patrick Naranjo, who also met with Zinke during his visit, echoed Boone's remarks that Zinke opened discussions by focusing on the potential for oil and gas development to create federal revenues.

"We're trying to protect unique items that mean very important things to Nevada. I felt like he overlooked the importance of that," Naranjo said.

<http://bit.ly/2vquO54>

2. Ad campaign pushes Zinke not to alter sites

Jennifer Yachnin, E&E News reporter

Published: Tuesday, August 1, 2017

The Center for Western Priorities today launched a new television ad in the Washington, D.C., media market urging Interior Secretary Ryan Zinke to refrain from recommending any changes to the dozens of national monuments currently under review.

The 30-second **spot** highlights the more than 1.3 million public comments submitted to the Interior Department last month as part of its review of 27 national monuments (*E&E News PM*, July 10).

Although Zinke has announced that he will not make changes to at least three of those monuments in Idaho, Colorado and Washington state — and has informally said he will not alter a site in Montana — he has until Aug. 24 to complete a final report on the remaining sites.

In an interim report in June, Zinke indicated he would recommend significant reductions to the 1.35-million-acre Bears Ears National Monument in Utah. And in an appearance near Nevada's Gold Butte National Monument on Sunday, he reiterated his refrain that such sites should focus on the "smallest area" necessary.

In its new ad, the CWP notes that the majority of the public comments favors retaining the monuments as designated by President Obama and other former presidents.

"Excuse us, Secretary Zinke, the West is calling," a male narrator says, as an image of Zinke in a dark suit appears on screen. "You asked whether we wanted to keep our national monuments. We do: All of them."

The ad switches to images of landscapes and individuals hunting or hiking, as the narrator continues: "One million Westerners answered your question: 98 percent asked you to respect our national monuments and the history and heritage they represent. So when it comes to our public lands, will you listen to Washington insiders or will you listen to the West?"

In a statement, CWP Executive Director Jennifer Rokala pointed to the Trump administration's vow to expand fossil fuel production on public lands.

"If the Secretary recommends anything other than full protection for our monuments, he will be siding with Washington insiders who want to exploit America's protected lands for oil, gas, coal and uranium," she said.

It remains to be seen whether President Trump will attempt to rescind or reduce any monuments, or if he will seek congressional assistance.

Republicans and Democrats on Capitol Hill have split over whether the Antiquities Act — which allows presidents to set aside federal land as monuments to protect areas of cultural, scientific or historic value — may also be used to undo prior designations. To date, no president has ever sought to repeal a monument created by his predecessors.

Zinke acknowledged Sunday that the judicial branch would need to settle that question.

"I don't think there's too much question that a monument can be adjusted. Whether a monument can be rescinded or not, that is a question for the courts. I'm going to do the right thing," Zinke said (*Greenwire*, July 31).

Still, no president has reduced the boundaries of a monument since President Kennedy did so with the Bandelier National Monument in New Mexico in 1963, and conservationists suggest that the adoption of the Federal Land Policy and Management Act in 1976 has also eliminated that ability.

<http://bit.ly/2w34XNH>

3. Official gave away stolen ancient artifacts — IG

Scott Streater, E&E News reporter

Published: Tuesday, August 1, 2017

A Bureau of Land Management senior law enforcement manager allowed co-workers to "display" on their work desks moqui marbles being held as evidence in a criminal case, and gave away some of the ancient stones to a private contractor as a "reward" for good work, according to the Interior Department's internal watchdog.

The moqui marbles — compacted sandstone balls millions of years old that are found primarily in Utah, as well as parts of Arizona, Colorado and Nevada — were "taken illegally" by poachers from an undisclosed

BLM site and later seized by the agency as part of a criminal investigation into their theft, the report from Interior's Office of Inspector General said.

But while the chocolate-colored stones were in storage as evidence, the senior law enforcement manager, who is not named in the report, "allowed subordinate employees to display the marbles at their workstations against basic chain of custody standards," the report said. Some marbles were also "given, without authority, to other senior law enforcement officials in other geographic locations," it said.

The senior BLM official also "gave marbles to a contractor as a reward for doing a good job on a project," according to the report, which called these actions a "serious failure to safeguard evidence in accordance with basic law enforcement standards."

The IG's report was sent to William Woody, BLM's director of law enforcement and security, who expressed concern about the investigation's findings in an email to E&E News.

"There is simply no excuse for mishandling evidence," Woody said.

He pledged that his office "will work closely with the OIG to address deficiencies and deal with this incident appropriately."

He concluded, "We take the findings of this investigation very seriously, and comprehensive improvements to our evidence storage and collection program will be made where necessary."

It's not clear whether the unnamed senior law enforcement manager has been disciplined. The report provided no details on the manager, including the location where the manager worked. A BLM spokeswoman said the manager remains an employee of the agency.

The IG report also did not provide information on the impact BLM's mishandling of the marbles had on the criminal case. A spokeswoman with the IG's office said she could not comment about the investigation.

But the criminal probe did not appear to be a matter of great concern to some BLM employees, the IG found.

"At least five BLM employees were aware of the mishandling of evidence but did not report or question the misconduct, which demonstrates an alarming lack of integrity and accountability," the IG report said. "Senior law enforcement officials who received marbles chose not to question where the marbles came from and kept them until we collected them during our investigation."

What's more, IG's investigators said they "found several instances" in which other moqui marbles resembling those collected for evidence were on display in the same BLM office. While employees told investigators these marbles were not part of the evidence collection and had been "obtained elsewhere," the report noted that federal law "prohibits removal of artifacts or other materials from BLM land."

The report did not name the "undisclosed" BLM site from which the marbles at issue in the criminal case had been removed illegally.

A possible candidate is southern Utah's 1.9-million-acre Grand Staircase-Escalante National Monument, which contains multiple beds of marbles. Removal of the stones there has been a problem, with stolen marbles reportedly sold on a black market that reaches as far as Germany (*Greenwire*, June 10, 2014).

BLM has said the federally protected spheres are irreplaceable, can get anywhere from a few dollars to \$100 per marble and occasionally can be found for sale on eBay.

As for handling evidence in criminal cases, the IG report acknowledged that BLM "updated its evidence policy" in April 2016.

But more action is needed, the report said.

"The vast amount of evidence collected in the moqui marble investigation was problematic from the time of seizure," the IG report said.

The marbles were "being stored in an unsecured area of a multiuse warehouse for a lengthy period of time" and "were kept in multiple unsealed containers in an area routinely accessible to non-law-enforcement personnel," it said.

The marbles were eventually moved from the warehouse to a BLM evidence room in Salt Lake City. But, as was the case in the warehouse, "the evidence containers were not sealed and individual marbles were not accounted for," the report noted.

The IG report listed three recommendations for "corrective action by BLM management" to address the "mishandling of evidence in a criminal case and the attitudes of the BLM employees and law enforcement officials involved."

They include establishing a policy "that items of evidence are not to be used for any purpose other than prosecution" of a case, and training law enforcement officers and managers "on how to secure large amounts of evidence while protecting the evidence from loss, theft, or improper removal."

<http://bit.ly/2vkOKWs>

4. Trump makes picks for Interior, Defense

Manuel Quiñones, E&E News reporter

Published: Tuesday, August 1, 2017

President Trump last night announced his intention to nominate Idaho attorney and former congressional aide Ryan Douglas Nelson to be Interior Department solicitor.

The White House, in its nomination announcement, pointed out that Nelson has worked in all branches of government. He is currently general counsel for Idaho-based Melaleuca Inc., a wellness and natural products company owned by conservative donor Frank VanderSloot.

Nelson graduated from Brigham Young University's law school and clerked for Judge Karen Henderson of the U.S. Court of Appeals for the District of Columbia Circuit.

He served as deputy assistant attorney general in the Justice Department's natural resources division during the George W. Bush administration and as deputy general counsel for the Office of Management and Budget.

On Capitol Hill, Nelson served as special counsel to the Senate Judiciary Committee in 2009, according to the White House and the website Legistorm. He has also been an associate at the firm Sidley Austin LLP.

Pentagon pick

Separately, the White House announced the president's interest to nominate John Henderson to be assistant secretary of the Air Force for installations, environment and energy.

Henderson most recently served as commander of the Omaha District of the Army Corps of Engineers, said the White House. He has worked on water projects and energy infrastructure needs for the military.

Henderson, a veteran of both Iraq and Afghanistan, has a civil engineering degree from the South Dakota School of Mines and Technology. He is the latest in a string of Pentagon nominees who will have a say in the Defense Department's energy and environment policies.

<http://bit.ly/2uRrWnc>

5. 'Aggressive' solicitor pick brings broad legal experience

Michael Doyle, E&E News reporter

Published: Tuesday, August 1, 2017

The Trump administration's new nominee for Interior Department solicitor is an aggressive and widely experienced attorney who has represented a politically assertive corporate boss, fellow attorneys say.

Tapped late yesterday by the White House for Interior's top legal slot, Idaho Falls resident Ryan Douglas Nelson is currently general counsel for Idaho-based Melaleuca Inc. The self-described "wellness company" is owned by billionaire Frank VanderSloot, who has contributed immense sums to various Republican causes and candidates.

Nelson previously served in the White House, Justice Department and on Capitol Hill.

"He's a very good lawyer: smart and a pleasure to work with," attorney Tom Lorenzen, a former colleague in the Justice Department's Environment and Natural Resources Division, said today. "He'll make a great [solicitor general] for Interior."



Ryan Nelson. American Bar Association

In his former Justice Department job, Nelson "argued more than a dozen important cases and oversaw more than 500 overall," according to another former colleague, Ron Tenpas.

If confirmed as solicitor, the Brigham Young University Law School graduate will oversee 400 employees, including 300 attorneys. His legal team, whose other members are still being fleshed out, will include several deputy solicitors, associate solicitors and eight regional solicitors (*E&E News PM*, July 27).

The crucial position was once held during the George W. Bush administration by David Bernhardt, who was sworn in today as the Interior Department's deputy secretary.

"Ryan Nelson is coming to the Department of the Interior with a strong background in natural resources policy and law, stretching many years in both the public and private sector," Interior Secretary Ryan Zinke said in a statement. "Having a seasoned legal expert like Ryan, who is also a son of the West, will benefit the entire department."

Nelson's boss for approximately the last eight years, VanderSloot, likewise praised his company's general counsel as a "true patriot."

"During his service, the company has nearly tripled in size, and Ryan has built a strong legal team and worked tirelessly to successfully guide the company's growth," VanderSloot said in a statement.

Founded in 1985, Melaleuca now calls itself "the largest online wellness shopping club in North America," with reported annual sales of \$1.75 billion. Its founder has also made himself a force to be reckoned with in Republican circles.

Last year, records show, VanderSloot and his wife contributed to numerous Republicans, including a \$446,700 contribution to the Trump campaign in August and an additional \$446,5000 to the campaign in September.

Nelson's campaign contributions have been much more modest. Last year, records show, he contributed \$500 to Trump's onetime rival, Florida Republican Sen. Marco Rubio.

Among his other legal tasks, Nelson helped represent VanderSloot in a defamation suit the businessman brought against *Mother Jones* magazine.

"He was on the aggressive end of the spectrum," attorney James Chadwick, who represented *Mother Jones*, said in an interview today, recalling Nelson's approach during hearings and depositions. After the state-level case was dismissed in 2015, VanderSloot announced he was pledging \$1 million toward a "Guardian of True Liberty Fund" that he said would "help pay for the legal expenses of people who have been defamed by *Mother Jones* magazine or other liberal press because of their conservative values."

On behalf of Melaleuca, Nelson has been active in an assortment of run-of-the-mill business cases, including a lawsuit filed in 2014 against a former executive who, according to the suit, acted "unlawfully to raid Melaleuca's independent marketing force." Under Nelson's guidance, court records show, Melaleuca has filed similar suits against other competitors for attempting to lure away the company's marketing executives.

Nelson previously served as deputy assistant attorney general in the Environment and Natural Resources Division of the Department of Justice and as deputy general counsel for the White House Office of Management and Budget. He also served as special counsel for the Senate Judiciary Committee. Nelson was formerly an associate at Sidley Austin LLP.

<http://bit.ly/2vgfJm7>

6. Court orders EPA to enforce methane standards

Ellen M. Gilmer, E&E News reporter

Published: Tuesday, August 1, 2017

The Trump administration must enforce Obama-era restrictions on greenhouse gas emissions from the oil and gas industry — at least for now.

The U.S. Court of Appeals for the District of Columbia Circuit last night issued a mandate striking down U.S. EPA's attempt to pause methane restrictions for the sector. The agency's 90-day stay of key provisions of New Source Performance Standards is now formally vacated, and the rule is in effect.

According to the D.C. Circuit, EPA exceeded its authority when it paused the rule to consider industry concerns (*Greenwire*, July 3). The three-judge panel reached that conclusion in early July but had given EPA extra time to weigh its legal options before enforcing the regulation — which the Trump administration ultimately plans to reconsider through a public process.

States and industry intervenors that oppose the Obama administration rule last week asked all the court's active judges to rethink the decision. To the surprise of many court watchers, EPA has not made its own request.

Nine of the court's 11 active judges last night decided to issue the panel's mandate and unfreeze the methane rule. But the court is still weighing intervenors' request for rehearing and asked environmental groups and a coalition of states to file a response by tomorrow afternoon. The order notes that Judges Janice Rogers Brown and Brett Kavanaugh, both George W. Bush appointees, would not have issued the mandate.

The legal back-and-forth means continued uncertainty for the oil and gas industry, which for months has aggressively lobbied EPA Administrator Scott Pruitt to scrap the standards, which are designed to reduce methane leaks from wells and other infrastructure. The American Petroleum Institute and other critics have argued that Obama's EPA ignored voluntary efforts oil and gas operators were taking to slash emissions.

"API continues to support an extension of the compliance deadlines, as a stay or extension is appropriate to allow EPA time to review and, as necessary, revise the 2016 EPA final rulemaking," Howard Feldman, API's senior director for regulatory and scientific affairs, said in a statement last night.

Feldman added that EPA's separate, ongoing consideration of a two-year stay of the methane standards will avoid "subject[ing] businesses to on-again, off-again, requirements until EPA can reconsider the rule."

Environmental groups, meanwhile, celebrated the news as a win for climate and clean air protections.

"Today's issuance of the mandate by the full D.C. Circuit protects families and communities across America under clean air safeguards that EPA Administrator Scott Pruitt sought to unlawfully tear down," Environmental Defense Fund attorney Peter Zalzal said in a statement.

EPA did not respond to a request for comment.

<http://bit.ly/2tVqKFx>

7. Texas found 37 cases of groundwater contamination in 2016

Mike Soraghan, E&E News reporter

Published: Tuesday, August 1, 2017

Texas officials documented 37 new cases of groundwater contamination from oil and gas operations in 2016, according to newly released state data.

Overall, the state is dealing with 577 cases of groundwater contamination from oil and gas operations, according to the 2016 "**Joint Groundwater Monitoring and Contamination Report**," released last month by the Texas Groundwater Protection Committee. The report compiles cases from several state agencies.

The report said the Texas Railroad Commission, which oversees oil and gas in the state, is dealing with contamination cases in 125 of the state's 254 counties.

Legal enforcement actions or other formal actions were taken in nine cases. Federal or state cleanup funds were expended in 15 cases.

The 37 new oil field cases in 2016 represent a decrease from last year, when there were 50 new cases (*Energywire*, Sept. 6, 2016).

Groundwater contamination has been cited as one of the chief risks of the country's oil and gas boom, driven by advances in hydraulic fracturing. Railroad Commission spokeswoman Ramona Nye said none of the contamination cases resulted from the specific practice of hydraulic fracturing.

Fracking is a relatively brief part of well construction in which chemical-laced water and sand are injected down the hole at high pressure to crack open rock and release oil or gas.

There are many other ways oil and gas production can affect groundwater, beyond fracking. Pipelines break, faulty well construction allows "stray" gas to rise into aquifers, and surface spills release salts and chemicals that seep underground.

<http://bit.ly/2hldB6T>

8. Did Trump just get a win on coal?

Benjamin Storrow and *Dylan Brown*, E&E News reporters

Published: Tuesday, August 1, 2017

A deal to provide 700,000 tons of coal to Ukraine's state-owned utility provides a much-needed boost to northern Appalachia's ailing mining companies. It also helps President Trump fulfill a top campaign promise.

The agreement between Xcoal Energy & Resources LLC, a Pennsylvania-based marketing firm, and Centrenergy PJSC follows years of falling domestic demand and represents one of the Trump administration's most consequential forays into the coal market to date, industry analysts said.

While Trump has made headlines for rolling back a host of Obama-era climate regulations, those moves have done little to alter the long-term trajectory of an industry devastated by low natural gas prices and mounting competition from renewables. The Ukrainian deal, by contrast, ensures a new customer for coal companies at a time when buyers are increasingly scarce.

"It would be one of the first direct impacts they have had," said Joe Aldina, an analyst who tracks the coal industry at S&P Global's PIRA Energy Group.

To be sure, 700,000 tons is a relatively small figure in the context of the U.S. coal market, where American miners last year produced in excess of 700 million tons. Production in northern Appalachia, where much of the coal for the deal is likely to be mined, was nearly 42 million tons last year. And the Ukrainian market for thermal coal used in electricity generation represents a drop in the bucket compared to the millions of tons lost to domestic coal plant closures, analysts said.

But, coming against the backdrop of annual production declines, the agreement represents something of a lifeline for northern Appalachian miners, who have witnessed output fall from 54.7 million tons in 2010 to almost 42 million tons last year. Those declines have largely coincided with natural gas's rise in the PJM Interconnection, a regional transmission organization serving 65 million people across the eastern United States.

In 2005, according to PJM, coal accounted for more than 90 percent of the organization's generation capacity. Last year, natural gas and coal each made up roughly a third of PJM's generation mix.

"When you throw in a new consumer, at 700,000 tons, that's a nice uptick, especially in this environment when we have consumers retiring," said Hans Daniels, CEO of Doyle Trading Consultants, a research firm. "This is not the equivalent of a big power plant, but it's a nice little extra."

He predicted that production in northern Appalachia would rise 48 million tons in 2017, helped in part by the Ukrainian deal.

The agreement is an outgrowth of Ukraine's conflict with Russia. American and Ukrainian officials first broached the prospects of a supply arrangement in 2014, when Ukrainian coal shipments were disrupted by fighting in the mining region of Donbass, according to U.S. officials with knowledge of the talks. Ukraine initially elected to fill the lost tons with shipments from South Africa. But earlier this year, Kiev instituted a blockade on all trade with the country's separatist regions, prompting Ukrainian officials to again raise the issue of coal imports with their American counterparts.

Officials from the Energy and Commerce departments responded by putting Ukrainian officials in direct contact with U.S. coal suppliers, arranging a five-day tour of Pennsylvania's coal mines in June.

"They were very critical in the introduction and helping tie things up through our trips to Kiev to finalize the deal," said Xcoal spokesman Ted O'Brien.

Administration officials trumpeted their involvement, saying it was part of Trump's larger pledge to revive the coal industry.

"This announcement will also boost our own economy by supporting jobs in the coal and transportation industries," Commerce Secretary Wilbur Ross said in a statement. "This Administration looks forward to making available even more of our abundant natural resources to allies and partners like Ukraine in the future to promote their own energy security through diversity of supply and source."

In Pennsylvania, the Ukrainians found a region uniquely suited to meet their needs. Ukraine's power plants burn anthracite coal, an energy-rich variety of the mineral that is less common today. While anthracite mining is now relatively limited in Pennsylvania, the state's mines still produce an energy-packed brand of coal that can be used as a substitute by Ukrainian plants, analysts said.

That helps explain the high price of \$113 per ton that Xcoal will receive for its first shipments to Ukraine, they noted. Had the country's power plants been able to burn another variety of coal, they might have bought shipments from Europe, where prices are hovering around \$80 a ton, or from other regions of the United States, where exports averaged almost \$60 a ton in the first quarter of 2017.

It remains to be seen if the export market can provide a long-term boost for American coal miners. U.S. shipments abroad totaled 42.7 million tons over the first half of 2017, a 50 percent increase compared to the first six months of 2016, according to the U.S. Energy Information Administration. Thermal exports used in power generation, which have doubled over the first half of the year, accounted for 42 percent of all U.S. coal exports.

Analysts attributed the rebound to an increase in international coal prices, which have made American shippers more competitive in the global market.

Yet the long-term trends remain daunting. American coal companies are better placed to compete in Europe than in Asia thanks to shorter shipping routes. The Netherlands was the largest market for U.S. thermal

exports, with 6.1 million tons in 2016, followed by India (2.7 million tons) and Germany (1.8 million tons). Shipments to Ukraine were 32,211 tons.

"The problem is Europe is not a growing market," Daniels said.

For now, a short-term boost will do.

<http://bit.ly/2u1pqW0>

9. Zinke makes hay of crawfish plans for Appalachia mine

Dylan Brown, E&E News reporter

Published: Tuesday, August 1, 2017

Interior Secretary Ryan Zinke yesterday trumpeted new endangered crawfish management plans, which are clearing the way for an Appalachian coal mine. Zinke touted the plans as an example of the administration's commitment to coal.

The Berwind Mine would be on private land along the West Virginia-Virginia border, but right in the middle of the only known habitat for two freshwater crustaceans.

The Obama administration put the Guyandotte River crawfish and the Big Sandy crawfish under Endangered Species Act protection last year, with mountaintop-removal coal mining tagged as a main threat to their survival (*Greenwire*, April 6, 2016). The mining industry opposed the move.

Interior Secretary Ryan Zinke yesterday lauded the Fish and Wildlife Service for helping the West Virginia Department of Environmental Protection draft wildlife conservation plans for crawfish. Vincent DeVito, Zinke's energy policy counselor, held meetings in West Virginia.

"The Berwind Mine is the first of many projects that demonstrate the Trump Administration's commitment to coal country and to good government," Zinke said in a statement.

Ramaco Resources — a subsidiary of a company that wants to open the first new coal mine in Wyoming in decades — expects to eventually extract about 800,000 tons a year of metallurgical coal at the Appalachian site (*Greenwire*, July 31).

Steel-making coal is less than 8 percent of U.S. production but enjoyed a surge this past year because of increasing global demand.

Interior said "clean recoverable" reserves would be critical to infrastructure construction — a trillion-dollar President Trump campaign promise.

With about 72 million tons to mine, the Berwind operation expects to gradually increase employment from 50 to roughly 200 miners.

Ramaco Resources CEO Michael Bauersachs thanked the Trump administration for taking an interest and resolving an "unnecessary delay."

"We look forward to seeing better and more timely results from agencies who interact with coal mining," he said in the Interior press release.

West Virginia Sens. Joe Manchin (D) and Shelley Moore Capito (R), Congressional Coal Caucus Chairman Rep. David McKinley (R-W.Va.), and Rep. Morgan Griffith (R-Va.) all hailed the help for one of the nation's poorest regions, crippled by a decadeslong coal decline and opioid addiction problems.

"Once again, President Trump has shown West Virginia coal miners that he meant it when he said he would help them get back to work," West Virginia Coal Association Vice President Jason Bostic said.

West Virginia's top coal regulator and longtime coal executive Austin Caperton thanked the Trump administration for working to "strike the proper balance."

<http://bit.ly/2w3mwgv>

10. Lawmakers introduce flurry of bills before recess

Kevin Bogardus and Manuel Quiñones, E&E News reporters

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House lawmakers introduced dozens of bills Friday before leaving for summer recess, including one to prevent the administration from closing U.S. EPA field offices and programs.

Michigan Democratic Rep. Debbie Dingell's **H.R. 3582**, known as the "Recognizing the Environmental Gains in Overcoming Negligence (REGION) Act," is only two pages long but would be enough to prohibit any substantial shrinking of EPA.

"No office of the Environmental Protection Agency, including any region, regional office, or program office, shall be closed, consolidated, or eliminated using funds made available in any appropriations Act for any fiscal year," says the legislation.

Dingell introduced the bill after visiting EPA's National Vehicle and Fuel Emissions Laboratory in Ann Arbor, Mich., this May. The lab, which employs more than 400 people, has been under threat; an internal budget document proposed cutting funding by 99 percent.

"This is a national treasure in Ann Arbor, and we will not let them destroy it," Dingell said at a rally outside the lab during her visit (*Climatewire*, May 11).

Joining Dingell on her bill as co-sponsors are Democratic Reps. Marcy Kaptur of Ohio, Mike Quigley and Bobby Rush of Illinois, and Betty McCollum of Minnesota. Illinois Sen. Tammy Duckworth introduced similar legislation in the Senate (*Greenwire*, June 29).

The White House has proposed to cut EPA's budget by roughly 30 percent, or more than \$2 billion, in fiscal 2018, although lawmakers have pushed back on those reductions.

Still, the administration's budget plan sparked speculation that EPA plans to close one or more of its regional offices, particularly the Chicago-based Region 5 bureau.

Senior officials, including Administrator Scott Pruitt, have pushed back against those rumors. At a House hearing in June, the EPA chief said it was "pure legend" that the agency plans to relocate Region 5 (*E&E News PM*, June 15).

Other bills

Separately, Rep. Salud Carbajal (D-Calif.) introduced H.R. 3533 to require the secretary of Commerce to create a coastal climate change adaptation preparedness and response program. It would amend the Coastal Zone Management Act of 1972 to reflect the change.

Rep. Raúl Grijalva (D-Ariz.), the top Democrat on House Natural Resources Committee, introduced H.R. 3590 to codify environmental justice and civil rights protection by setting up an Interagency Working Group.

Environmental justice is currently governed by a Clinton-era executive order. Over the years, advocates have called for the order to be codified or strengthened.

Rep. Chris Stewart (R-Utah) introduced H.R. 3543 to accelerate vegetation projects meant to help the greater sage grouse. And Rep. Mike Johnson (R-La.) introduced H.R. 3593 to amend the Wilderness Act to facilitate border security activities.

Last week, House Natural Resources Chairman Rob Bishop (R-Utah) praised legislation by GOP leaders on the Homeland Security panel to also address land and security issues (*E&E Daily*, July 31).

<http://bit.ly/2u1fkUU>

11. Trump admin waives 'variety' of enviro laws near San Diego

Jeremy P. Jacobs, E&E News reporter

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The Trump administration waived environmental and other regulatory requirements today to expedite construction of barriers along the border between California and Mexico.

The Department of Homeland Security said the waiver covers a "variety of environmental, natural resource and management laws" along the border near San Diego.

It marks one of the first steps in the administration's bid to construct a border wall along the U.S.-Mexico border, a pillar of President Trump's campaign last year. The president issued an executive order on the issue days after entering office.

The waiver will apply to border infrastructure projects near the U.S. Border Patrol's San Diego sector. The administration says it is "one of the busiest sectors in the nation," where "more than 31,000 illegal aliens" were detailed in the 2016 fiscal year. DHS also said 9,167 pounds of marijuana and 1,317 pounds of cocaine were seized in the area during that time.

DHS will focus primarily on a 15-mile segment of the border that begins in the Pacific Ocean.

The agency said it has authority to issue such a waiver under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and subsequent amendments to that law.

The **waiver** exempts construction activities from requirements under the National Environmental Policy Act, Endangered Species Act, Clean Water Act, Migratory Bird Treaty Act, Solid Waste Disposal Act, Resource Conservation and Recovery Act, Wild and Scenic Rivers Act and other environmental statutes. It will be officially published in the *Federal Register* tomorrow, according to a DHS spokesman.

It remains unclear how large portions of the wall would be funded and how feasible construction would be.

Congressional Republicans have introduced legislation that would ease environmental requirements for expanding a border wall, including exempting U.S. Customs and Border Protection agents (*E&E Daily*, July 31).

Trump's border wall pledge remains a contentious issue, including the environmental ramifications of such a barrier.

The Center for Biological Diversity has already challenged the San Diego project in federal court. The case is pending.

Brian Segee, an attorney with CBD, sharply criticized the waiver today, contending that it is "inapplicable and unconstitutional."

"Trump wants to scare people into letting him ignore the law and endanger wildlife and people," Segee said in an email. "This isn't just a wall they're in a rush to build. It's roads, lighting and all of the infrastructure that comes with it. All of this without any environmental review or public input. It's a travesty that must be stopped."

<http://bit.ly/2tWDT1o>