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Kellie Lunney, E&E News reporter

Published: Monday, December 11, 2017

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<https://goo.gl/H6JYAe>

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uranium production," according to a report from Utah's Department of Natural Resources.

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<https://goo.gl/NSEK6W>

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<https://goo.gl/5GrAqM>

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<https://goo.gl/PUrSW2>

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<https://goo.gl/Ekvc3L>

## **7. Trump admin to launch 'clean coal' effort**

Zack Colman, E&E News reporter

Published: Monday, December 11, 2017

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<https://goo.gl/WjWyxy>

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Published: Monday, December 11, 2017

A federal judge today acknowledged the possibility of a mistrial for Nevada rancher Cliven Bundy and other defendants in the 2014 Bunkerville standoff case.

<https://goo.gl/3Hdbga>

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### **1. Lawmakers to debate monuments bill, new Utah national park**

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Published: Monday, December 11, 2017

A House Natural Resources subcommittee this Thursday will discuss legislation to create a sixth national park in Utah and codify President Trump's reduction of the 1.9-million-acre Grand Staircase-Escalante National Monument.

The "**Grand Staircase Escalante Enhancement Act**," introduced by Rep. Chris Stewart (R-Utah) last week, would establish the Escalante Canyons National Park and Reserve, comprising roughly 100,000 acres within the newly created Escalante Canyons Unit of the monument.

President Trump last week issued two proclamations shrinking the size of Grand Staircase-Escalante and the Bears Ears National Monument, both in Utah, sparking controversy and several lawsuits from groups that view the move as illegal under the 1906 Antiquities Act and as part of an overall assault on public lands (*Greenwire*, Dec. 5).

The executive proclamation reduces Grand Staircase-Escalante, designated in 1996 by President Clinton, by about 50 percent, subtracting 862,000 acres.

Stewart's bill would codify those new boundaries consisting of three new units: the Escalante Canyons National Monument, where the new park would be located; Grand Staircase National Monument; and Kaiparowits National Monument.

Stewart's proposal seeks to enhance access to hunting, fishing, trapping and grazing within the park and national monument land. The legislation would prohibit mineral extraction within the new park and preserve.

The Grand Staircase-Escalante area is rich in energy and mineral resources. Oil, gas and coal leasing is expected to increase significantly on the lands left out of the monument's redrawn boundaries.

"I love these lands. I want to preserve them," Stewart said during a press conference last week, while also emphasizing he wanted to create more economic opportunities for his constituents.

"I love tourism," he said, "but it's difficult to raise a family in the tourism industry when you're working from May to October. There needs to be a foundation for other economic foundations for those families."

The Southern Utah Wilderness Alliance called Stewart's bill "a brazen handout" to those who want to get rid of federal control of public lands.

"Though it purports to protect these landscapes, by handing control almost exclusively to development interests in Kane [County] and Garfield County, it is clear the remnants of Grand Staircase-Escalante would become playgrounds for destructive recreation, poor lands management and dirty energy," said Scott Groene, executive director of the SUWA.

"The bill, with its throw away national park designation, is a bait and switch," he said. "No one should bite."

Stewart's legislation seeks to give local leaders a more prominent voice in management of federal lands in Utah by creating a council of local officials to oversee a management plan for the new park and monument units within the Grand Staircase-Escalante footprint.

Another provision in H.R. 4558 would transfer authority from the federal government to Utah to manage Hole-in-the-Rock Road, a 55.5-mile historic road constructed by Mormon settlers migrating to the state in the 19th century.

House Natural Resources Chairman Rob Bishop and other Utah Republicans, Mia Love and John Curtis, are co-sponsors of the bill.

**Schedule:** The hearing is Thursday, Dec. 14, at 9:30 a.m. in 1334 Longworth.

**Witnesses:** TBA.

<https://goo.gl/H6JYAe>

## **2. Former Bears Ears land could be open for uranium mining**

[Jennifer Yachnin](#), E&E News reporter

Published: Monday, December 11, 2017

Federal lands removed from Bears Ears National Monument last week hold "promise for future uranium production," according to a report from Utah's Department of Natural Resources.

President Trump last week signed a presidential proclamation reducing the southeastern Utah monument to 202,000 acres, a small fraction of its original 1.35-million-acre footprint.

Among the acreage that will now be open to new mining claims and potential extraction are large swaths of land north of Bluff, Utah, and east of Blanding, Utah.

"BENM has been productive for uranium deposits in the past, and some of the mining districts within the monument continue to hold some promise for future uranium production," said a statement issued by Utah's DNR along with a Utah Geological Survey [map](#) showing potential energy production.

According to documents first obtained by *The Washington Post* on Friday, it appears likely that the operator of the nation's sole uranium processing mill could pursue new claims in the region.

Energy Fuels Inc., which operates the White Mesa mill that sits along the former Bears Ears monument border, lobbied members of Congress and the Trump administration to shrink the monument.

In a May letter to the Interior Department, Energy Fuels Chief Operating Officer Mark Chalmers said he was concerned the monument could curtail activity at the company's Daneros mine because of its overlap with the sole road used to access the site.

He also pointed to the loss of future uranium deposits if the Bears Ears boundaries remain unchanged.

"There are also many other known uranium and vanadium deposits located within the newly created BENM that could provide valuable energy and mineral resources in the future," Chalmers wrote.

Records first reported by the *Post* show the firm spent \$40,000 on related lobbying efforts.

Utah's DNR noted five districts that could see future uranium extraction: White Canyon, Elk Ridge, Deer Flat, Indian Creek and Fry Canyon.

In a May letter to Interior Secretary Ryan Zinke, the Utah Legislature's Commission for the Stewardship of Public Lands also endorsed reductions to Bears Ears out of concerns for the future of the White Mesa mill.

"Energy Fuels has estimated that it could take ten years and over \$250,000,000 to replace the White Mesa mill. The continued operation of White Mesa mill is critical to the operation of our nuclear naval fleet and our nuclear triad, and therefore vital to our national security," wrote Utah state Sen. David Hinkins (R) and state Rep. Keven Stratton (R). "The Monument threatens its existence."

Interior spokeswoman Heather Swift dismissed questions over the influence of Energy Fuels' lobbying campaign.

"There was a robust comment period in which the Department heard many points of view to modify the boundaries of Bears Ears, including from the local residents, elected officials, and the Utah Navajo who have lived on and worked the land for generations," she said.

House Natural Resources Committee spokeswoman Katie Schoettler criticized suggestions that new uranium production could take place within the monument as "another smokescreen."

"This has never been about development for the chairman," Schoettler said, referring to Chairman Rob Bishop (R-Utah). "It's about including local consultation before designations, guaranteeing public access, tribal co-management and protecting actual antiquities."

She also pointed to legislation introduced by Bishop and co-sponsored by fellow Utah GOP Rep. John Curtis that would add a "layer of clarity."

"The chairman is co-sponsoring legislation ... that maintains the existing 1.35-million-acre mineral withdrawal under the original designation by the Obama administration. This should put this false narrative to rest once and for all," she said.

<https://goo.gl/MxmGHn>

### **3. Environmentalists head to court over Mountain Valley approval**

Ellen M. Gilmer, E&E News reporter

Published: Monday, December 11, 2017

Environmentalists fired off a lawsuit less than 24 hours after Virginia regulators approved a critical water permit for a contentious natural gas pipeline last week.

The Sierra Club, Appalachian Voices, Chesapeake Climate Action Network and Wild Virginia are suing the State Water Control Board and other officials for their decision to greenlight the Mountain Valley pipeline.

The EQT Corp.-backed project would transport West Virginia shale gas some 300 miles to connect to infrastructure in southern Virginia. The water board's approval was the last major permit needed to begin construction (*Energywire*, Dec. 8).

But the environmental coalition, represented by Appalachian Mountain Advocates, argues that Virginia failed to assess how much pollution pipeline construction and related activities could add to the state's waters. The board found that yet-to-be-finalized erosion control plans were sufficient to protect water quality.

"The Mountain Valley Pipeline will cause severe sediment pollution in streams, springs, and waterways across Virginia, and not a single foot of pipe should be laid before the Commonwealth conducts a comprehensive analysis of the MVP's water quality impacts," Sierra Club's Beyond Dirty Fuels campaign director Kelly Martin said in a statement.

The pipeline's route crosses steep Appalachian terrain and national forestland.

Peter Anderson, Virginia program director for Appalachian Voices, accused the state water board of limiting public participation to streamline approval.

EQT did not respond to a request for comment. Virginia officials declined to comment.

The **lawsuit** was filed in the 4th U.S. Circuit Court of Appeals, which is also fielding a separate challenge to FERC's practice of granting eminent domain authority to pipeline developers. The new lawsuit joins a stack of other legal challenges aimed at slowing the rapid expansion of natural gas infrastructure across the East Coast (*Energywire*, Nov. 27).

Virginia regulators are also weighing Clean Water Act permits for the similarly divisive Atlantic Coast pipeline and are expected to issue a decision soon after a hearing on the project this week.

<https://goo.gl/NSEK6W>

#### **4. Robust markup features fisheries, lands bills**

*Kellie Lunney*, E&E News reporter

Published: Monday, December 11, 2017

The House Natural Resources Committee will mark up 16 bills Wednesday, including legislation that would overhaul the landmark law regulating fishing in federal waters.

The "Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act" would amend the 1976 Magnuson-Stevens Fishery Conservation and Management Act, last modified about a decade ago.

**H.R. 200**, sponsored by Rep. Don Young (R-Alaska), aims to provide greater flexibility for fishermen in part by modifying the framework for determining annual catch limits.

"As a father of the original 1976 legislation, my goal is to reauthorize the MSA with a focus on maintaining the species; ensuring they're healthy, can sustain themselves and can continue to support coastal communities that rely on these fisheries," said Young during a Natural Resources subcommittee hearing on the bill in September.

But some opponents of H.R. 200 fear it will lead to overfishing and reduce the quality of science used in management decisions.

Supporters of the current law say quotas have helped prevent overfishing. Critics say it has become too bureaucratic and is keeping too many fishermen off the water.

NOAA has said it supports greater flexibility related to annual catch limits and accountability measures imposed by the federal government.

In September, Chris Oliver, who leads NOAA Fisheries, told lawmakers that 91 percent of all fishing stocks assessed by the agency are no longer subject to overfishing.

Young's bill isn't the only one under consideration this week that would revise Magnuson-Stevens.

The "Regionally Empowered Decision-making for Snapper, Noting the Angling Public and the Preservation of an Exceptional Resource (RED SNAPPER) Act", sponsored by Rep. Garret Graves (R-La.), would give Gulf Coast states more control in managing the species.

**H.R. 3588** would let the states work with federal fisheries managers to expand access for recreational fishermen to as much as 25 miles into the Gulf of Mexico.

Opponents of the legislation worry it will lead to overfishing, but Graves has said changes are needed after the federal fishing season for red snapper was reduced to three days this year.

#### Bikes in the wilderness

Lawmakers also will vote on legislation, **H.R. 1349**, to amend the Wilderness Act to allow bicycles, strollers, game carts, motorized wheelchairs and other devices in any wilderness area.

"People who enjoy mountain biking have just as much a right to use the public trails as those who enjoy hiking or riding, and our wilderness areas were never intended by Congress to prohibit mountain bikes," said sponsor Rep. Tom McClintock (R-Calif.) during a hearing last week.

But more than 100 conservation and wilderness organizations have come out against the legislation, saying it subverts the original intent of a wilderness area.

"I like to mountain bike, but wilderness areas are not an appropriate place for that activity," wrote John Gilroy, director of the Pew Charitable Trusts' U.S. public lands program, in a Dec. 7 [blog post](#) criticizing McClintock's bill.

"America's conservationist visionaries set aside these lands for a very specific type of recreational use: 'solitude or a primitive and unconfined type of recreation,'" Gilroy said. "That definition does not include promoting mechanical transport."

#### Other bills

The panel Wednesday also plans to vote on several bills related to outdoor recreation, endangered species and geologic mapping. They are:



- **H.R. 1157**, sponsored by Rep. William Keating (D-Mass.), which would relinquish the federal government's claim of ownership of nearly 4,000 acres of submerged lands on the west side of the Monomoy National Wildlife Refuge in Massachusetts, ceding control to the state and town of Chatham.
  - **H.R. 3400**, sponsored by Natural Resources Chairman Rob Bishop (R-Utah), aims to cut red tape to enhance outdoor recreation on federal land. The bipartisan legislation seeks to ease permitting for tour guides, including expediting permits issued by the Forest Service and Bureau of Land Management. It also would simplify permitting for trips that include travel from one federal agency's jurisdiction into another and mandate that all passes or permits required for outfitters and guides be made available online.
  - **H.R. 4465** from Rep. John Curtis (R-Utah), would maintain annual funding for the Upper Colorado and San Juan fish recovery programs through 2023. The legislation would aid four species of endangered fish in the Colorado River Basin: the bonytail chub, the Colorado pikeminnow, the razorback sucker and the humpback chub.
  - **H.R. 4475**, sponsored by Young, would establish a national volcano monitoring and early warning system within the U.S. Geological Survey.
  - **H.R. 1675** from Rep. Suzan DelBene (D-Wash.), to establish a national program to identify and reduce losses from landslide hazards and a national 3-D elevation program.
  - **H.R. 4033**, from Colorado Republican Rep. Doug Lamborn, to reauthorize until 2023 the National Cooperative Geologic Mapping Program, set to expire next year. Geologic maps can be used for natural resources exploration and extraction, as well as water and federal land management and natural hazard mitigation.
  - **H.R. 4264**, from Bishop, to direct the Interior secretary to convey certain BLM land in Cache County, Utah, to the city of Hyde Park for public purposes.
  - **H.R. 4266**, from Maine Republican Rep. Bruce Poliquin, to clarify the boundary of Acadia National Park in the state.
  - **H.R. 2888**, from Missouri Republican Rep. Jason Smith, to create the Ste. Genevieve National Historic Site in the state.
  - **H.R. 1350**, from Minnesota Democratic Rep. Richard Nolan, to modify the boundary of Voyageurs National Park in the state.
  - **H.R. 4568**, from Idaho Republican Rep. Raúl Labrador, to amend the 1970 Geothermal Steam Act to promote timely exploration of geothermal resources.
  - **S. 825**, sponsored by Sen. Lisa Murkowski (R-Alaska), to provide for the conveyance of certain property to the Southeast Alaska Regional Health Consortium in Sitka, Alaska.
  - **S. 1285**, from Sen. Jeff Merkley (D-Ore.), to allow the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians; the Confederated Tribes of the Grand Ronde Community of Oregon; the Confederated Tribes of Siletz Indians of Oregon; the Confederated Tribes of Warm Springs; the Cow Creek Band of Umpqua Tribe of Indians; the Klamath Tribes; and the Burns Paiute Tribes to lease or transfer certain lands.
- Schedule:** The markup begins Tuesday, Dec. 12, at 5 p.m. in 1324 Longworth and continues Wednesday, Dec. 13, at 10 a.m. in 1324 Longworth.

<https://goo.gl/5GrAqM>

## 5. Committee to probe FERC, Interior permitting

Sam Mintz and Michael Doyle, E&E News reporters

Published: Monday, December 11, 2017

Senate lawmakers will examine the infrastructure permitting processes at the Federal Energy Regulatory Commission and Department of the Interior this week.

FERC's permitting for natural gas pipelines and other projects has been under a microscope in recent months and seen significant legislative action on the House side.

**H.R. 2910** would designate FERC as the lead agency in reviewing interstate gas pipelines and allow it to impose deadlines on other state and federal regulators involved in the process (*E&E Daily*, July 20).

The proposal passed the House in July. Sens. Jim Inhofe (R-Okla.) and Angus King (I-Maine) are championing similar language in their chamber. Separately, the House passed a bill recently to reform hydropower permitting.

Democrats have generally argued these types of reforms are unneeded because FERC has said the majority of delays are caused by license applicants failing to provide information on time. But Republicans say the approval processes at FERC are unnecessarily drawn out and should be streamlined.

#### Permitting at Interior

Interior Secretary Ryan Zinke issued Secretarial Order 3354 on July 6, directing the department to hold quarterly lease sales and cut permit processing times from 257 days to 30 days.

The three-page **order** states the intention to "promote the exploration and development of both federal onshore oil and gas resources and federal solid mineral resources."

Interior manages lands, subsurface rights and offshore areas that produce approximately 19 percent of the nation's energy. The department's Office of Natural Resources Revenue collects an average of more than \$10 billion annual revenue from onshore and offshore production.

"It is hard to envision increased investment on federal lands when a federal permit can take the better part of a year or more in some cases," Zinke said in a statement at the time.

The environmental group WildEarth Guardians subsequently filed a Freedom of Information Act lawsuit in an effort to obtain documents relating to the order.

Zinke himself has spoken often of the benefits of streamlining the process, telling members of the National Petroleum Council, an Energy Department advisory panel, in September that a "structural" change is needed to ensure that the federal government's permitting process is "more joint in the very beginning."

Zinke told the group at the time, "When you have some of these permits that are 15, 16 years, then it becomes a war of attrition."

Interior further fleshed out its intentions to streamline permitting, as part of a broader energy development strategy, in a **44-page report** issued in October.

**Schedule:** The hearing is Tuesday, Dec. 12, at 10 a.m. in 366 Dirksen.

**Witnesses:** TBA.

<https://goo.gl/PUrSW2>

## 6. Mont. tribe cautious as Zinke proposes protections

Published: Monday, December 11, 2017

The Blackfeet Nation has long fought fossil fuel development in the Badger-Two Medicine area, a wilderness area next to Glacier National Park in Montana that the tribe holds sacred. But tribal officials are cautious as Interior Secretary Ryan Zinke proposes co-managing the area with the tribe, making it a national monument.

"We want total return to Blackfeet ownership," said tribal Chairman Harry Barnes. However, he said there could be a "workable solution."

Barnes said any attempt to rescind tribal hunting and fishing treaty rights in the area would be a nonstarter.

"The Blackfeet Tribe's interest has always been protection of the Badger-Two Medicine," Barnes said. "We have fought a long time, and we see it not being over yet."

The tribe is talking informally with the Interior Department, Barnes said, but has also joined other Southwest tribes to fight President Trump's reductions to the Bears Ears and Grand Staircase-Escalante national monuments (Matthew Brown, [\*AP/Seattle Post-Intelligencer\*](#), Dec. 9). — **NB**

<https://goo.gl/Ekvc3L>

## 7. Trump admin to launch 'clean coal' effort

[Zack Colman](#), E&E News reporter

Published: Monday, December 11, 2017

The White House is launching an effort to expand the use of U.S. coal abroad by cooperating with countries that are highly reliant on the fossil fuel, an administration official told E&E News.

White House energy aide George David Banks is leading the effort known as the "Clean Coal Alliance," though the official said it will likely include natural gas exports, as well. The Energy Department is taking the departmental lead, according to State Department spokesman Scott Lueders. DOE did not respond to a request for comment.



George David Banks. Banks/LinkedIn

The effort is meant to be a counterweight to nations like Canada and the United Kingdom, which formed an anti-coal coalition during the United Nations climate talks last month in Bonn, Germany. The White House initiative seeks to boost exports of U.S. coal and technology as domestic utilities turn increasingly to cheap natural gas and renewable power.

Formal outreach to other countries hasn't begun, but big coal exporters and importers — Australia, Indonesia, China, India, Ukraine, Poland, Japan and others — are expected to be invited to participate in the Trump administration's fledgling alliance.

"The U.S. is considering pulling together a group of countries that support using cleaner, more efficient fossil fuels," the official said. "There is an anti-fossil fuel movement being aggressively pursued by a number of countries and environmental activists."

The news comes after Energy Secretary Rick Perry promoted natural gas production and export at an oil conference in South Africa. For his part, Banks promoted the use of fossil fuels and nuclear technology at a panel in Bonn. Banks also spoke of the forthcoming international outreach effort in a meeting last week with lawmakers and coal companies, including Peabody Energy Corp., FirstEnergy Corp., Arch Coal Inc. and the National Mining Association.

"As follow-up to Secretary Perry's trip to South Africa, the administration is considering organizing a group of countries that would work together to promote cleaner, more efficient use of fossil fuels, including more highly efficient coal," the administration official said. "There would likely be a technology track that would seek cooperation in advancing more efficient coal technologies and [carbon capture, utilization and storage]."

The plan underscores the Trump administration's goal of framing U.S. coal exports and coal technology as cleaner than those being developed by other nations (*Climatewire*, Nov. 20). Critics have argued that there's no such thing as clean coal, because it emits twice the amount of carbon dioxide as natural gas and contributes to toxic water and air pollution.

The Trump administration already has taken some steps to buoy U.S. coal overseas. It reversed Obama-era guidance in July to enable U.S. representatives to the World Bank and other multilateral funding institutions to approve public financing of coal-fired power plants abroad. Those institutions will likely be part of the strategy for promoting fossil fuel projects, the official said.

The news comes as President Trump has touted a surge in U.S. coal production and exports this year. While Europe is still the largest importer of U.S. coal, producers are increasingly shipping the fuel to Asia.

"If you look at what's happened in West Virginia and so many different places, we're sending clean coal," Trump said at a Dec. 5 event. "We're sending it out to different places — China. A lot of coal ordered in China right now. So a lot of things are changing, and they're changing very rapidly."

<https://goo.gl/WjWyxy>

## 8. Judge hints at mistrial for Bundy

Published: Monday, December 11, 2017

A federal judge today acknowledged the possibility of a mistrial for Nevada rancher Cliven Bundy and other defendants in the 2014 Bunkerville standoff case.

U.S. District Judge Gloria Navarro said government prosecutors failed to provide key information to Bundy, his sons Ammon and Ryan, and militiaman Ryan Payne in a timely manner.

Since the information could have helped the defendants, that failure could be "sufficient to undermine the confidence in the outcome of the trial," Navarro said.

Her remarks came three weeks into testimony about the armed standoff with federal agents near the Bundy family's Bunkerville, Nev., ranch. The high-profile incident was sparked when the Bureau of Land Management tried to impound Cliven Bundy's cattle.

Navarro last month reversed her earlier refusal to release Cliven and Ammon Bundy from federal custody during their ongoing criminal trial — but the elder Bundy rejected the terms of release and remains in detention without bail (*Greenwire*, Nov. 30).

Ryan Bundy was released last month (David Ferrara, *Las Vegas Review-Journal*, Dec. 11). — **MJ**

<https://goo.gl/3Hdbga>