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CALIFORNIA

Headwaters trails now open

Times Standard Lifestyle, May 16

Recreational trails in the Headwaters Forest Reserve are now open and conditions are ideal for hiking. According to the Bureau of Land Management, the Little South Fork Elk River Trail near Eureka provides opportunities for a variety of hikes, including a paved section with interpretive signs detailing the story of Falk, a historic lumber town. Experienced hikers can traverse the entire length of the trail, a 10-mile round trip that includes a steep loop through a grove of ancient redwood trees.

BLM works to prevent lead contamination at shooting range

KRCR News, Channel 7, May 16

Parts of the Iron Mountain Shooting Range west of Redding is closed for the next two weeks as the Bureau of Land Management (BLM) works to prevent high levels of lead from running into local water ways. Charles Wright, a Supervisory Realty Specialist with the BLM, said the project is playing a critical role. "We're starting our land-use planning process and so I'm sure this will get looked at as part of everything else that we're looking at as far as long term management," said Wright. The project is in response to a request by the Central Valley Water Quality Control Board after samples showed high levels of the toxic metal in the soil.

Group says Trump threatens Berryessa Snow Mountain

Daily Republic, May 17

The Berryessa Snow Mountain National Monument is one of six California sites and among more than two dozen monuments nationally that an environmental-cultural coalition said is threatened by President Donald Trump's order to review the designations. Next 100 Coalition, a group of more than 50 civil rights, environmental justice, conservation and community organizations, sent a letter to the president May 15 expressing its concerns about Trump's recent executive order to review the monument designations under the U.S. Antiquities Act.

Trump Takes Aim at Western Monuments That May Hold Oil, Coal

Bloomberg, May 10

... For instance, EOG Resources last year won state approval to drill on state trust lands near Bears Ears. More than four dozen dormant wells were drilled in California's flower-dappled Carrizo Plain National Monument before it was protected. And a subsequently rescinded resource management plan governing Montana's Upper Missouri River Breaks National Monument included plans for new oil and gas wells in the site.

Controversial California Water Project Has New Life In Trump Era

Huffpost, May 14

Cadiz Inc., which has long sought the federal government's green light to pump groundwater from the Mojave Desert and pipe it to Southern California, has seen the project's prospects brighten under the Trump administration. In April, a potential backer of the project was nominated by President Donald Trump to a high-ranking Interior Department post. In late March, the department's Bureau of Land Management rescinded two legal directives the Obama administration used in a 2015 decision to block Cadiz from building the 43-mile pipeline.

NATIONAL

Letters: Conservation laws need protection

The Hill, opinion piece, May 16

The idea that states or other local entities have somehow been shut out of decisions about the designation of national monuments or endangered species ("Endangered species should face same Trump test as national monuments," May 9) is just plain wrong. The designation of national treasures like Bear's Ears and Giant Sequoia National Monuments was only done after extensive consultation with states and other stakeholders. A majority of the American public, including Utahans, supported the designation of Bear's Ears.

Methane rule survives Congress but its future is dim

The Hill, May 16

...The Bureau of Land Management (BLM) rule focused on reducing waste of natural gas from flaring, venting and leaks from oil and gas production on federal lands. Though part of the Obama administration's plan to reduce levels of the potent greenhouse gas methane, the rule also focused on curbing waste of a valuable resource and ensuring a fair return to the public. An initial compliance phase began in 2017, with stricter phases scheduled in 2018 and 2019.

Dems propose scrapping law GOP used to overturn regulations

The Hill, May 16

Democrats are taking aim at President Trump's power to roll back regulations. The Sunset the CRA and Restore American Protections (SCRAP) Act introduced Tuesday by Sens. Cory Booker (N.J.) and Tom Udall (N.M.) would eliminate the law that Trump and Republican lawmakers have used to repeal more than a dozen Obama-era regulations. Rep. David Cicilline (D-R.I.) is backing identical legislation in the House. The Congressional Review Act (CRA) makes it easier for lawmakers to repeal regulations they disapprove of from the executive branch.

Here are a few of the potential conflicts a key Interior Department nominee may face

La Times, May 17

David Bernhardt has represented major players in oil, mining and western water issues as a partner in Brownstein Hyatt Farber Schreck, one of the nation's top-grossing lobbying law firms.

These activities often occur on public land regulated by Interior Department agencies that Bernhardt would oversee if he is confirmed as Interior's deputy secretary...Bureau of Land Management...

Issue: Mining on Public Land

The nominee's background:

Bernhardt is a partner in Brownstein Hyatt Farber Schreck. The National Mining Assn. lists the firm as a member.

The National Mining Assn. sued the Department of Interior and the Bureau of Land Management after the administration of President Obama withdrew more than 1 million acres from uranium mining.

Why this may pose a conflict:

BLM oversees myriad controversial mining projects on the public land for which it is responsible.

Issue: Desert Water

The nominee's background:

Since 2010 Brownstein Hyatt Farber Schreck has received \$2.75 million in lobbying fees from Cadiz Inc. Bernhardt's ethics filings show that he has performed legal services for Cadiz.

One of Bernhardt's colleagues at Brownstein Hyatt is the chief executive of Cadiz.

Why this may pose a conflict:

Cadiz wants to build a water pipeline on a railroad right of way that crosses Mojave

Desert land managed by the BLM. Cadiz has an agreement to award up to 400,000 shares of stock to Brownstein Hyatt as the water project progresses.

'Frontline' documentary on Oregon occupation explores clash 'between different American realities,' producer says

The Oregonian, May 16

"It took us months to gain people's trust, because they all thought we were feds," says Rick Rowley. "And then we discovered part of the way through that was not unreasonable." Rowley is talking about making "American Patriot: Inside the Armed Uprising Against the Federal Government." The new "Frontline" documentary explores the background of the Bundy family and how Ammon Bundy and his supporters came to stage an armed occupation of Oregon's Malheur National Wildlife Refuge in early 2016.

3K drilling permit applications await BLM approval

ENERGYWIRE, May 17

The Bureau of Land Management is staring down the task of tackling nearly 3,000 outstanding bids to drill on public land. BLM's backlog of applications for permit to drill (APD) landed on a leaked internal "priority work" list (Greenwire, April 10). The bureau is currently considering several strategies to cut through the logjam, said acting Director Mike Nedd. *See PDF for full story.*

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NATIONAL

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BLM's backlog of applications for permit to drill (APD) landed on a leaked internal "priority work" list (Greenwire, April 10). The bureau is currently considering several strategies to cut through the logjam, said acting Director Mike Nedd.

"It may be a strike team. It may be shifting the workload to a different office," he said. "The idea is to really look around and find how best to address this backlog and where the capabilities for doing so lie."

As of April 30, BLM had 2,955 APDs pending, according to data provided by the bureau. That's down from a previous count of 3,785 pending APDs at the end of fiscal 2015.

The APD pileup is concentrated in BLM's Carlsbad, N.M., and Casper, Wyo., field offices, Nedd said. Those offices have experienced a crush of applications to develop in the San Juan Basin and Niobrara Shale — two of the areas of highest interest among industry groups, he said.

Activity also remains high in the North Dakota field office near the once-booming Bakken Shale, he added.

"I think what we're seeing is that it depends on where industry has set up their infrastructure and where their business leads are taking them," Nedd said. "Clearly, in the West, there is lots of interest."

But BLM maintains that it is staying ahead of industry demand. Despite the backlog, the bureau says it is approving APDs nearly twice as fast as companies are drilling wells.

In 2014, then-Director Neil Kornze testified that BLM was providing about two years' worth of headroom to industry. At that time, the bureau had approved nearly 7,000 APDs that were still awaiting industry action.

As of Sept. 30, 2015, the most recent set of data, that number stood at 7,532.

The glut of unused permits has puzzled the top Democrat on the Natural Resources Committee. Rep. Raúl Grijalva of Arizona last month raised the question to BLM in his request for data on the current APD backlog (E&E News PM, April 12).

"Obviously the BLM isn't responsible for individual company decisions on when to drill, but it is bewildering that the agency would prioritize approving more permits — at the inevitable expense of your environmental responsibilities — when companies have plenty and appear to be simply stockpiling them," Grijalva wrote.

But industry groups say the number of idle permits is of little relevance because — due to government inefficiencies and unpredictable pricing — companies need to collect more permits than they actually use (Greenwire, Oct. 23, 2014).

"The backlog of applications for permits to drill is still a very real issue that our member companies are facing," said Neal Kirby, spokesman for the Independent Petroleum Association of America (IPAA). "Every day that goes by while independent producers — companies with an average of 12 employees — wait for their permits to be approved means more money out of their own pockets, more business uncertainty as it relates to long-term planning, and less royalties flowing back to the federal and state treasuries to help fund priorities, such as education and infrastructure projects."

IPAA has urged BLM to use every tool at its disposal to improve the permitting process.

More resources, new systems

There are a few new instruments in BLM's toolkit that could help address the backlog.

The fiscal 2015 National Defense Authorization Act created a project to direct back to seven BLM field offices a portion of the fee submitted with each APD. That new revenue stream was designed to enable the busiest offices to hire employees to help process permits in a more timely fashion.

"Utilizing this tool alone will provide BLM greater flexibility and will help improve the efficiency of the permitting process," Kirby said.

While BLM confirmed that the fee allocation is being implemented, a progress report — the first of which was due in February 2016 — is still underway.

BLM is also in the initial stages of deploying its automated fluid minerals support system to standardize APD processing.

"We began to implement that in 2016, and that's been promising, but like any computer system you implement, it takes some iterations to get it perfect," Nedd said. "We believe that's going to be a big help."

The bureau is taking stock of its field office operations to see if there are any best practices that could be translated to a broader scale, Nedd said.

Finding a 'balanced approach'

Nedd said clearing the APD backlog is consistent with BLM's new aim of opening up additional lands for energy development.

"We're always looking for ways we can create an environment where all-of-the-above energy — wind, solar, oil, gas, coal — is available, and then let industry determine whether to develop," he said. "Our goal is to make certain we're creating an environment where industry can determine where is the wind, oil and coal they would like to develop, and then do it in a way that is environmentally sound and balanced."

Nedd hesitated to say that BLM would add new environmental protections over drilling, suggesting instead that safeguards would be baked into the permitting process. He said the bureau is still brainstorming ideas for improving that process in a way that will also ensure that applications don't sit too long in the queue.

"We want to make certain that when we develop with industry, we are not creating undue or unnecessary burden," Nedd said. "Again, it's that balanced approach. How do we do it in a manner that is safe and balanced?"

Whether BLM's approach translates to more drilling on federal lands depends on energy companies' thirst for new development, he said.

"I think by all accounts, industry is really saying, 'Yes, we would like to develop the resource that is available,'" he said.