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1. Senate spotlight swings to 2 key Interior picks

Michael Doyle, E&E News reporter

Published: Tuesday, September 5, 2017

Since graduating from Brigham Young University Law School in 1999, Ryan Douglas Nelson has represented clients ranging from a private prison company defending itself against inmates to an Idaho businessman aggrieved over a magazine article.

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

2. Bill to let states regulate oil and gas work gets hearing

Scott Streater, E&E News reporter

Published: Tuesday, September 5, 2017

A House Natural Resources subcommittee will discuss three energy-related bills, including one

sponsored by Budget Chairwoman Diane Black (R-Tenn.) that would allow states to regulate oil and gas exploration and development on federal lands.

<http://bit.ly/2gJ0EEEd>

3. Harvey relief, Interior-EPA funding on tap

Geof Koss and Manuel Quiñones, E&E News reporters

Published: Tuesday, September 5, 2017

Already facing a series of crucial budget and spending deadlines, lawmakers will dive into emergency disaster relief for Hurricane Harvey and funding for U.S. EPA, the Interior Department and a host of other agencies as they return to the Capitol this week.

<http://bit.ly/2wEQKr9>

4. Unraveling the big event's impact on power grids

Peter Behr, E&E News reporter

Published: Tuesday, September 5, 2017

Ninety minutes before the arrival of the solar eclipse on Aug. 21, a large, thick cloud drifted in to obscure the sun, curdling the hopes of Tom Petray, a retired Texas State University professor who had lugged a vacuum-cleaner-sized telescope to the Tennessee Valley Authority's Melton Hill on the Clinch River outside Knoxville to see the once-in-a-lifetime spectacle.

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5. Report predicts electric future as energy demand levels off

Rod Kuckro, E&E News reporter

Published: Tuesday, September 5, 2017

Global energy demand will level off by 2035, and renewable electricity increasingly will become the dominant source of energy as the role of fossil fuels declines, according to a new report released today by Europe's DNV GL, a diversified company that provides advisory services to the maritime, oil and gas, and energy industries.

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

6. Home runs are done. Now Trump makes small moves on climate

Zack Colman, E&E News reporter

Published: Tuesday, September 5, 2017

Energy and environment experts say the Trump administration is reversing substantive policy measures that often fly under the radar.

<http://bit.ly/2w4vOYE>

7. Walden lays out ambitious fall agenda

George Cahlink, E&E News reporter

Published: Tuesday, September 5, 2017

CROOKED RIVER RANCH, Ore. — House Energy and Commerce Chairman Greg Walden will push an ambitious fall legislative agenda that could include a major restructuring of the Department of Energy and a rewrite of the controversial renewable fuel standard.

<http://bit.ly/2x8uAAr>

8. Bishop taps Hill veteran to direct Federal Lands staff

Scott Streater, E&E News reporter

Published: Tuesday, September 5, 2017

House Natural Resources Chairman Rob Bishop (R-Utah) has appointed a longtime Capitol Hill veteran to serve as staff director for the Subcommittee on Federal Lands.

<http://bit.ly/2f0uccN>

9. National lab breakthrough could reduce bird, bat deaths

Christa Marshall, E&E News reporter

Published: Tuesday, September 5, 2017

The prospect of turbines killing birds is one of the chief attacks made on the wind industry by President Trump and other critics.

<http://bit.ly/2f0Imuo>

10. Idaho lawmakers urge Sessions to halt Bundy prosecution

Published: Tuesday, September 5, 2017

Thirty-four Idaho lawmakers, a third of the combined House and Senate contingent, urged U.S.

Attorney General Jeff Sessions in a letter last week to end the federal prosecution of four state residents charged in the 2014 standoff in Nevada over public lands led by Cliven Bundy.

<http://bit.ly/2gJYF2x>

11. Trump plans 1.9% pay raise for 2018

Kevin Bogardus, E&E News reporter

Published: Tuesday, September 5, 2017

President Trump is set to boost wages for federal employees in 2018.

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

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1. Senate spotlight swings to 2 key Interior picks

Michael Doyle, E&E News reporter

Published: Tuesday, September 5, 2017

Since graduating from Brigham Young University Law School in 1999, Ryan Douglas Nelson has represented clients ranging from a private prison company defending itself against inmates to an Idaho businessman aggrieved over a magazine article.

The Trump administration nominee for Interior Department solicitor racked up earthier experience, as well, arguing 13 appellate cases and overseeing hundreds more as deputy assistant attorney general in the Justice Department's Environment and Natural Resources Division.

That background will inform his future work as Interior's top lawyer if he successfully navigates this week's grilling from the Senate Energy and Natural Resources Committee.

Also appearing before the panel this week is Joseph Balash, a North Pole native and former Alaska state official nominated to serve as assistant secretary for land and mineral management (*E&E Daily*, July 20).

Former Interior Solicitor Hilary Tompkins said of what's ahead for Nelson, "The challenges he will face are multifold. The first big challenge will be getting a handle on the great magnitude of diverse legal issues awaiting him as soon as he walks in the door."

Already, even without Tompkins on board, the solicitor's office has withdrawn two legal opinions issued during the Obama administration concerning the Dakota Access pipeline and another public lands issue. Three other Obama-era legal opinions have been suspended.

The Interior solicitor issued a total of 22 legal opinions during Obama's two terms on issues ranging from a Northern California water project to various tribal reservation boundaries. Any of these might be recast.

Nelson would also oversee 400 employees, including about 300 attorneys. His top legal team would include several deputy solicitors, associate solicitors and eight regional solicitors.

"He will be in charge of a huge legal office ... and he will need to lead as well as lawyer," Tompkins said, adding that "in my opinion, it is a stupendous ride."

Currently general counsel for Idaho-based Melaleuca Inc., a self-described "wellness company" owned by billionaire and outspoken conservative stalwart Frank VanderSloot, Nelson is one of two Interior nominees.

Now the father of seven children, Nelson gained early professional experience as an associate with the firm Sidley Austin LLP.

Records show he helped defend the Corrections Corporation of America against civil suits filed by inmates. One of them was an HIV-positive woman who claimed the company's negligence caused her to develop full-blown AIDS. The other was a man in a wheelchair who said he was assaulted by guards.

Resource cases

Nelson's subsequent work at the Justice Department starting in 2006 got him closer to the territory he'll roam as Interior's solicitor.

In 2008, for instance, he successfully defended the Army Corps of Engineers' granting of a mining permit to Alaska Gold Co. against environmental challenges.



Ryan Douglas Nelson. American Bar Association

The previous year, in a different appellate court, Nelson successfully argued that Interior had properly accepted land into trust for the Flandreau Santee Sioux Tribe in South Dakota.

"He worked hard to develop a good relationship with the career staff, an important element in succeeding when you are a senior political appointee," attorney Ronald Tenpas, Nelson's former Justice Department boss, said in an email.

"Perhaps more importantly," said Tenpas, "he ensured that the Division was focused on, and actually producing, professional high quality legal work."

Behind the scenes, Tenpas added, Nelson "was deeply involved in developing the overall arguments and legal strategy" in a high-stakes and ultimately successful defense of the Navy's Pacific Ocean training activities that involve the use of sonar.

Nelson's boss for approximately the last eight years, Melaleuca's VanderSloot, likewise praised him.

"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.

Among his other legal tasks, Nelson helped represent VanderSloot in a defamation suit the businessman brought against *Mother Jones* magazine (*Greenwire*, Aug. 1).

"He was on the aggressive end of the spectrum," attorney James Chadwick, who represented *Mother Jones*, said in an interview last month.

An Idaho state judge dismissed the libel case in 2015.

On behalf of Melaleuca, Nelson has handled a number of business litigation, including a lawsuit filed in 2014 against a former executive who, according to the suit, acted "unlawfully to raid Melaleuca's independent marketing force."

Court records show Melaleuca has filed similar suits against other competitors for attempting to lure away the company's marketing executives.

Last Friday, 44 prominent Idaho attorneys added their support for Nelson's nomination in a letter to the Senate Energy and Natural Resources Committee.

Joseph Balash

If confirmed, Balash would oversee the Bureau of Land Management, Office of Surface Mining Reclamation and Enforcement, Bureau of Ocean Energy Management, and Bureau of Safety and Environmental Enforcement.



Joseph Balash. Balash/LinkedIn

The graduate of Oregon's Pacific University currently serves as the chief of staff to Sen. Dan Sullivan (R-Alaska) after previously serving as commissioner of the Alaska Department of Natural Resources.

"His wealth of knowledge and passion for Alaska, and more broadly federal land issues, cannot be overstated," Sullivan said.

While an Alaska state official, for instance, Balash urged the Fish and Wildlife Service to reconsider a decision barring the state from conducting seismic studies in the Arctic National Wildlife Refuge (*Energywire*, Aug. 22, 2013).

Balash's past work also ranged from oversight of gas pipeline negotiations to opposition research and fundraising for several state-level Republican candidates.

Schedule: The hearing is Thursday, Sept. 7, at 10:30 a.m. in 366 Dirksen.

Witnesses: Ryan Douglas Nelson and Joseph Balash.

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

2. Bill to let states regulate oil and gas work gets hearing

Scott Streater, E&E News reporter

Published: Tuesday, September 5, 2017

A House Natural Resources subcommittee will discuss three energy-related bills, including one sponsored by Budget Chairwoman Diane Black (R-Tenn.) that would allow states to regulate oil and gas exploration and development on federal lands.

The Subcommittee on Energy and Mineral Resources will also debate two other bills at tomorrow's hearing dealing with the collection of federal mineral royalties and the development of a long-term energy plan for federal lands.

Black's **H.R. 3565** is expected to receive the most attention.

The "Federal Land Freedom Act" will certainly draw opposition from Democrats, but the witness panel for the hearing is dominated by oil and gas industry representatives and John Ruple, a University of Utah associate law professor who previously worked as a public lands policy analyst for former Utah Gov. Jon Huntsman (R).

Black's bill, introduced in July, has nine co-sponsors — all Republicans — but no companion measure in the Senate. It seeks to "achieve domestic energy independence by empowering States to control the exploration, development and production of oil and gas on all available Federal land," according to the bill's text.

Any state that "wishes to assume exclusive jurisdiction over the leasing, permitting, and regulation" of oil and gas activities would need to submit a proposed "regulatory program" to the secretaries of the Interior and Agriculture departments. The program, among other things, would need to demonstrate that the state has "sufficient administrative and technical personnel, and sufficient funding" to regulate oil and gas development, it says.

Once the proposal is approved, "the State shall assume the Federal leasing, permitting and regulatory responsibilities for oil and gas exploration, development, and production on available Federal land located in the State in accordance with the approved plan," the bill says.

The measure would apply only to federal lands with a multi-use mandate, such as those overseen by the Bureau of Land Management and Forest Service. It would exempt tracts with special designations, such as congressionally approved wilderness areas, and would not apply to federal Indian lands, the National Park System or National Wildlife Refuge System lands.

But it would exempt state regulators overseeing oil and gas activities from fundamental federal environmental laws like the National Environmental Policy Act and the Endangered Species Act.

The legislation's apparent intent is to open tens of millions of acres of federal lands to oil and gas production — an idea supported by President Trump, who has called for increasing fossil fuel development on federal lands.

"As it stands today, the federal government is hampering domestic energy production by tying up the process in bureaucratic red tape," Black said in a **summary** of the bill.

"Our states have the tools and regional expertise necessary to regulate energy production on their own timetables and in a safe, responsible manner," she added. "That is why my bill puts them in the driver's seat and returns federalism back to our national energy discussion."

The bill includes a stipulation that any royalties or revenue collected by the state "shall be deposited in the same Federal account in which the revenues would have been deposited if the lease or permit had been issued by the Federal Government."

Giving states more freedom to regulate energy development has been a top priority for Black, who in February 2015 sponsored similar legislation, **H.R. 866**.

Although then-Senate Environment and Public Works Chairman Jim Inhofe (R-Okla.) sponsored a companion to that 2015 bill, S. 490, neither gained much traction.

Black also sponsored similar legislation in 2013.

Other bills

The subcommittee will also hear from witnesses on Wyoming Rep. Liz Cheney's (R) bipartisan H.R. 2661, which she says is designed to ensure federal mineral royalties are split 50-50 between the states and federal government.

It would amend the Mineral Leasing Act to eliminate a federal collection fee that generates about \$40 million per year and would allow states to instead collect their share of mineral royalties from producers. The federal government has said the 2 percent fee charged to states is necessary to cover collection and disbursement costs, according to a bill summary from Cheney's office.

The goal of the "State Mineral Revenue Protection Act" — co-sponsored by New Mexico Reps. Steve Pearce (R), Michelle Lujan Grisham (D) and Ben Ray Lujan (D) — is to prevent the federal government from "withholding" a portion of the annual mineral revenues "that belong to Western states," Cheney said in introducing the bill in May.

Senate Budget Chairman Mike Enzi (R-Wyo.) has filed a companion bill, S. 1267, in the upper chamber.

Enzi's bill enjoys some bipartisan support, with Sen. Tom Udall (D-N.M.) among its four co-sponsors.

Meanwhile, Colorado Rep. Scott Tipton's (R) H.R. 2907 would amend the Mineral Leasing Act to require the Interior secretary develop a "Federal onshore energy production strategy to meet domestic energy needs."

The "Planning for American Energy Act of 2017," introduced by Tipton in June, would require Interior to update and publish the strategy once every four years.

The measure would require the Interior secretary to "consult" with the administrator of the U.S. Energy Information Administration to determine the "projected energy demands of the United States for the next 30-year period," and to devise any actions to be taken in each four-year period that would meet those demands, the bill text says.

Co-sponsored by Rep. Paul Gosar (R-Ariz.), it would also require that each four-year report address "energy transmission, storage, and distribution infrastructure."

There is no companion bill in the Senate.

Schedule: The hearing is Wednesday, Sept. 6, at 10 a.m. in 1334 Longworth.

Witnesses: A.J. Ferate, vice president of regulatory affairs, Oklahoma Independent Petroleum Association; Mike Smith, executive director, Interstate Oil and Gas Compact Commission; Paul Ulrich, vice chairman, Petroleum Association of Wyoming; and John Ruple, associate professor of law, University of Utah S.J. Quinney College of Law.

<http://bit.ly/2gJ0EEd>

3. Harvey relief, Interior-EPA funding on tap

Geof Koss and Manuel Quiñones, E&E News reporters

Published: Tuesday, September 5, 2017

Already facing a series of crucial budget and spending deadlines, lawmakers will dive into emergency disaster relief for Hurricane Harvey and funding for U.S. EPA, the Interior Department and a host of other agencies as they return to the Capitol this week.

The House this week plans to take up the Trump administration's initial \$7.85 billion request for Harvey relief, according to the weekly schedule by Majority Leader Kevin McCarthy (R-Calif.). A vote could happen as soon as tomorrow.

In his [letter](#) Friday to Speaker Paul Ryan, White House Budget Director Mick Mulvaney asks for \$7.4 billion for the Federal Emergency Management Agency's disaster relief fund, whose \$3 billion balance has rapidly dwindled since Harvey's landfall late last month.

The White House wants \$450 million for the Small Business Administration's disaster loan program, which helps small companies and homeowners after disasters hit.

Mulvaney also supports a House plan to add \$6.7 billion to the disaster fund in a continuing resolution expected before Sept. 30 to keep the government operating while the chambers finalize a long-term appropriations deal.

The billions in disaster aid should be spent at an "accelerated rate," Mulvaney, a former South Carolina congressman and House Freedom Caucus leader, urged his former colleagues.

The White House aid request was nearly \$2 billion more than Capitol Hill was expecting and highlights the extent of Harvey's devastation, which will take years to address ([Greenwire](#), Sept. 1). Over the weekend, House Appropriations Chairman Rodney Frelinghuysen (R-N.J.) released [legislation](#) mirroring the White House request and promised to move rapidly.

Senate Majority Leader Mitch McConnell (R-Ky.) said his chamber "stands ready to act quickly to provide this much-needed assistance," and Appropriations Chairman Thad Cochran (R-Miss.) pledged fast action in his committee.

Harvey relief adds to an already crushing load of money matters on tap this month, including raising the debt ceiling, avoiding a government shutdown and extending the federal flood insurance program.

Lawmakers are also keen on approving a budget resolution, not necessarily to set spending levels but to create the groundwork for tax reform under the so-called budget reconciliation process ([Greenwire](#), Aug. 29).

Early in the summer, members and observers worried that the mounting fiscal agenda items — and disagreements about them — could lead to a default or government shutdown. Harvey may have diffused some of that.

President Trump in August said he would be willing to shut down the government to secure funding for his border wall. But on Friday, *The Washington Post* said the White House has privately told Congress that border funds are not a must-have in the CR ([Greenwire](#), Aug. 23).

Still, some disagreements remain. On Sunday, Treasury Secretary Steven Mnuchin urged lawmakers to move faster on raising the country's borrowing authority because of Harvey.

He told "Fox News Sunday" that "without raising the debt limit, I'm not comfortable that we will get the money that we need this month to Texas to rebuild."

Reports say House Freedom Caucus Chairman Mark Meadows (R-N.C.), however, last week urged GOP leaders not to attach a debt ceiling increase to the Harvey aid.

Energy, enviro fights

The House Rules Committee is set to meet this evening to begin setting debate parameters for an eight-bill spending package, **H.R. 3354**, which includes the following bills: Interior-Environment; Agriculture and Rural Development; Commerce, Justice and Science; Financial Services and General Government; Homeland Security; Labor; Health and Human Services; Education; State and Foreign Operations; and Transportation, Housing and Urban Development.

The package includes:

- \$31.4 billion that would go to Interior, EPA and other related programs, an \$800 million reduction from fiscal 2017 (*E&E Daily*, July 19).
 - \$20 billion in discretionary spending authority that would go to agriculture and rural operations, a slight cut from fiscal 2017 (*E&E News PM*, July 12).
 - \$54 billion to the Commerce and Justice departments, the National Science Foundation, and NASA. That's \$2.6 billion below fiscal 2017 levels (*E&E Daily*, July 14).
 - \$37 billion for the State Department, including a provision to bar U.S. contributions to the United Nations climate fund (*E&E News PM*, July 12).
 - \$14 million in cuts to the Mine Safety and Health Administration, pointing to "lower levels of mining across the country and especially in coal production" (*E&E Daily*, July 20).
 - \$56.5 billion for Transportation, Housing and Urban Development, a \$1.1 billion cut (*E&E Daily*, July 18).
- The House approved four other spending bills as a package before the August recess, including proposals to fund energy and water programs and the Department of Defense (*E&E Daily*, July 28).

The League of Conservation Voters on Friday **urged** lawmakers to oppose the latest appropriations measure, which the group said "would harm people's health and the outdoors by slashing funding for many critical programs or by using radical policy riders to outright block environmental protections and other domestic priorities that benefit communities nationwide."

Riders, amendments

Familiar fights over Obama-era energy and environmental policies are on hand. The bills include a slew of riders, and the Rules Committee is poised to discuss dozens of proposed amendments.

The **amendment roster** touches on newer and more recent controversies, as well, including Interior Secretary Ryan Zinke's national monuments review and the display of Confederate statues on federal land.

Democrats have filed a series of amendments that attempt to blunt the impact of the monument review by limiting the use of funds to redraw boundaries in their states.

Rep. Raúl Grijalva of Arizona, the top Democrat on the Natural Resources Committee, is also aiming for a vote on a proposal that would bar any funds to implement Zinke's review, submitted to the White House earlier this month but not publicly released.

When it comes to Confederate symbols, Rep. Hank Johnson (D-Ga.) wants a vote on an amendment that would broadly bar federal funds for maintaining or creating any statue that "venerates" such figures.

More targeted amendments addressing specific federal properties are also in the mix, such as proposals by Rep. Anthony Brown (D-Md.) against the Confederate Gen. Robert E. Lee statue at Antietam National Battlefield.

Democrats have recent Trump administration actions in their sights. A separate Grijalva amendment would fund the National Academy of Sciences study on the health effects of mountaintop-removal mining that Zinke halted last month.

Rep. Jared Huffman (D-Calif.) has filed multiple amendments to keep Obama-era requirements that federal infrastructure projects account for sea-level rise and extreme weather events in their design. Those rules, scrapped this summer by the Trump administration, will get new scrutiny in Harvey's wake.



E&E News reporters discuss the fall congressional agenda. [Click here](#) to watch.

Democrats are, as expected, pressing climate concerns. Rep. Adam Schiff (D-Calif.) is aiming to block EPA from reviewing the greenhouse gas standards for light-duty vehicles set to take effect in 2021.

And several proposals aim to prohibit the administration from suppressing climate studies and communicating science findings to Congress and the general public.

There's also Republican opposition to some Trump administration policies and budget proposals spread throughout the amendment list. Rep. Patrick Meehan (R-Pa.) is leading a group of GOP lawmakers who want to boost the level of funding for the Land and Water Conservation Fund to 2017 levels.

Rep. Mark Sanford (R-S.C.) wants to limit oil and gas leasing in the Atlantic and Straits of Florida outer continental shelf. A bloc of Gulf Coast Republicans is also looking to block the administration from ending state sharing of offshore federal drilling revenues authorized by a 2006 law.

And bucking his party on a key wildlife law, Florida Republican Rep. Vern Buchanan wants to boost the Fish and Wildlife Service's budget to consider new Endangered Species Act listings by \$3.3 million.

Other energy and environment issues to watch include:

- A proposal by Reps. Frank LoBiondo (R-N.J.) and Don Beyer (D-Va.) to bar exploration for oil, gas and methane hydrates off the Atlantic and Florida coasts.
- A plan by Rep. Bob Goodlatte (R-Va.) to bar EPA from taking actions against any of the six states in the Chesapeake Bay watershed if they don't meet water pollution mandates.
- Democratic amendments to limit seismic air gun testing in the Atlantic Ocean, as well as to maintain an existing ban on oil and gas activities in the eastern Gulf of Mexico Planning Area.

- An amendment by Rep. Kevin Cramer (R-N.D.) to block enforcement of an Obama-era rule on measuring and reporting volumes of gas produced on certain federal and tribal lands.
- Democratic amendments to increase funding for the National Weather Service and NOAA climate research. There's also a corresponding GOP push to block funding for the National Climate Assessment.
- Rep. Maxine Waters (D-Calif.) is pushing to extend the National Flood Insurance Program for one year.
- Rep. Will Hurd (R-Texas) is joining fellow Texas Rep. Beto O'Rourke (D) and Rep. Brian Fitzpatrick (R-Pa.) to block funding for Trump's border wall with Mexico until a comprehensive border strategy with cost estimates is sent to Congress.
- Grijalva is aiming to block the Department of Homeland Security from waiving environmental laws and public review requirements to construct the wall.
- Meadows wants to cut staffing and funding at MSHA by 10 percent.
- Rep. Gerry Connolly (D-Va.) is seeking to provide sufficient funds for the federal government to collect data on persons displaced by climate change.

Senate action

The Senate has been working at its own much slower pace on spending legislation, especially since there is talk of a CR to give the chambers more time to come up with a joint spending package for the rest of the fiscal year.

Still, Senate appropriators are set to vote this week on bills to fund the Labor Department, including MSHA and the Occupational Safety and Health Administration, and the State Department.

Subcommittee markups are scheduled for tomorrow, and a full panel debate, where appropriators are likely to flesh out amendments to the bills, is set for Thursday.

Reporter Ariel Wittenberg contributed.

Schedule: The Rules meeting is Tuesday, Sept. 5, at 4 p.m. in H-313 Capitol.

Schedule: The Senate Labor Appropriations Subcommittee markup is Wednesday, Sept. 6, at 11 a.m. in 124 Dirksen.

Schedule: The Senate State and Foreign Operations Appropriations Subcommittee markup is Wednesday, Sept. 6, at 2 p.m. in 124 Dirksen.

Schedule: The Senate Appropriations markup is Thursday, Sept. 7, at 10:30 a.m. in 106 Dirksen.

<http://bit.ly/2wEQKr9>

4. Unraveling the big event's impact on power grids

Peter Behr, E&E News reporter

Published: Tuesday, September 5, 2017

Ninety minutes before the arrival of the solar eclipse on Aug. 21, a large, thick cloud drifted in to obscure the sun, curdling the hopes of Tom Petray, a retired Texas State University professor who had lugged a vacuum-cleaner-sized telescope to the Tennessee Valley Authority's Melton Hill on the Clinch River outside Knoxville to see the once-in-a-lifetime spectacle.

The cloud wasn't welcomed either by engineers from the Electric Power Research Institute (EPRI), who brought their own instruments and monitors to the hilltop to record the eclipse's effects on solar panels there and at 10 other sites in nine states from Arizona to Florida.

But for the EPRI staff — concerned with fitting ever larger, varying amounts of solar power into the electricity grids — clouds are data, too, with their own stories to tell, said Ben York, technical leader in EPRI's Distributed Energy Resource group.

As if on cue, the cloud moved on and a perfect total eclipse followed, to cheers from more than a score of watchers. "Understanding grid ramping when clouds come over is a huge part of our research on grid operations," York said.

EPRI's initial report on its eclipse monitoring, released Friday, provided some first impressions. More analysis will follow to help grid operators compare their forecasts for rapid up-and-down ramping of solar power production compared with what actually happened as the eclipse passed over the continent.

EPRI's report demonstrated distinctive difference between the effects of clouds and the eclipse. The solar array at the Melton Hill site was putting out 8 kilowatts of power when the cloud arrived just after 1 p.m. It blocked direct sunlight, but indirect or diffuse sunlight bouncing off other clouds to Earth enabled the solar units to stay alive, generating 2 kW of electricity.

The total eclipse drove solar power production there to zero. But some solar power survived at nine of the other research sites where the eclipse was less than total, even at a Georgia solar farm where the moon covered 98 percent of the sun's face.

EPRI staff also monitored the performance of inverters — electronic devices that convert the steady flow of electrons as direct current from solar units, batteries and wind farms to the oscillating alternating current that travels across transmission lines.

Inverters are renewable energy's unsung, sometimes overlooked but indispensable partners. First-generation "dumb" inverters are preset to disconnect solar units from the grid if power output on the grid suddenly swells or sags beyond tight limits in order to protect the solar cells. The inverters also shut down when the solar cell output drops below minimum levels the inverters require to operate.

When the eclipse arrived, a set of inverters at an 8-megawatt solar plant in Chattanooga shut down together and then came back up in a rapid recovery as the sun re-emerged — an example of fast ramping that challenges grid operators.

At the other sites, where the eclipse never reached totality, the solar units kept delivering enough energy to keep the inverters operating and the panels connected to the grid.

"They did a good job of riding out a period of low sunlight," York said.

Newer, "smarter" inverters are programmed to delay the disconnect, enabling solar panels to ride through brief frequency or voltage gyrations, smoothing out the varying power from solar arrays and easing the tasks of grid operators, EPRI says. Germany, in its push to expand solar power, had to retrofit solar farms with the smarter units, at a cost EPRI estimates at \$300 million.

If inverters are connected to control rooms, operators can use them to monitor and help stabilize the grid, according to the National Renewable Energy Laboratory.

Integrating wind, solar and battery power seamlessly into U.S. high-voltage grids and local utility distribution networks is still very much a work in progress, engineers like York say. A new technical standard for integrating customer solar power into local grids, established through an exhaustive committee process at the Institute of Electrical and Electronics Engineers, is due to be approved at the end of this year, to be effective in 2018, just one example of the research agenda that lies ahead.

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

5. Report predicts electric future as energy demand levels off

Rod Kuckro, E&E News reporter

Published: Tuesday, September 5, 2017

Global energy demand will level off by 2035, and renewable electricity increasingly will become the dominant source of energy as the role of fossil fuels declines, according to a new report released today by Europe's DNV GL, a diversified company that provides advisory services to the maritime, oil and gas, and energy industries.

The production of electricity will be dominated by renewables as technologies improve to the point where government and market subsidies will no longer be needed, according to Ditlev Engel, CEO of DNV GL's energy business and the former president and CEO of Vestas Wind Systems A/S.

"When you go to a renewable-based future, everybody has their own energy production basically under control. It's going to be abundant, and it's going to be cheap," Engel said in an interview.

The greatest transition to a more electric future will occur in "those countries that have managed to decouple economic growth with carbon emissions and at the same time have managed to combine energy policy, fiscal policies and industrial policies into one," Engel said.

In the United States, he cited Colorado, which under then-Gov. Bill Ritter (D) about 10 years ago "embraced a green transition" from being a coal-dominated state to one with a more diversified energy portfolio.

That policy change attracted investments by foreign companies in Colorado, Engel said. "Today, Colorado is no longer a coal state; it is a driver of the new energy agenda," he said.

Natural gas will continue as the world's largest single source of fossil energy as "coal will continue to decline and oil will, as well," he said.

Looking out to 2050, electricity storage technology will be "the biggest disrupter, because it will come even faster than people think," in use in both homes and electric vehicles, Engel said.

By 2050, "the world will run much more on electricity as its share in total energy supply rises to 40% compared with 18% today," the report says.

Roughly "72% of electricity will be from wind turbines and solar panels, as producing power from wind and sunlight becomes cheaper than burning fossil fuels," it says.

But DNV GL also sounded an alarm about global warming, forecasting that "the average global temperature will rise by 2.5 degrees Celsius compared with pre-industrial levels before the end of the century, significantly beyond the Paris Agreement's least ambitious target to limit warming to 'well below 2°C'."

Within 20 years, DNV GL predicts that the growth in global energy demand will cease "due to greater efficiency of end-users, less use of fossil fuels at relatively low thermal efficiency, and slower population and productivity growth."

The trend "will create challenges for electricity network operators, regulators and governments," the report says.

Because growth in demand is not guaranteed, "market participants will switch from expansion-led to defensive behavior," the report says. The result will be that "big players will seek to diversify into predicted growth

sectors: a strategy already visible in renewable and electricity supply, where oil and gas majors are shifting their focus into renewables," DNV GL said.

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

6. Home runs are done. Now Trump makes small moves on climate

Zack Colman, E&E News reporter

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The Trump administration is learning how to play small ball.

Energy and environment experts say the Trump administration is reversing substantive policy measures that often fly under the radar. At the same time, the administration has completed structural changes in the government that alter the trajectory of environmental and energy policy by, in part, crimping agencies' work on issues that are unimportant to the White House, like climate change.

These changes lack the high-profile bravado preferred by President Trump. But they can have a lasting effect.

"They got off to a flying start," said Dan Byers, who leads the U.S. Chamber of Commerce Global Energy Institute's coal program. He added, though, that there's still some heavy lifting ahead. "There's a lot of sort of small, under-the-radar process steps that have been taken to initiate reforms, but really to bring those to fruition they have to really roll up their sleeves."

Others see the administration's emphasis on small ball — a focus on numerous low-level wins — as a sign that it's the only strategy available to it.

Many of Trump's victories are process-oriented, like putting Obama-era rules on hold and issuing executive orders. The courts have looked unfavorably at some early White House moves, sending the administration back to the drawing board. Future litigation awaits.

"Basically I think that the Trump administration has taken a lot of shortcuts in the unrolling of environmental policies, and it's starting to get punished by the courts — and that's going to continue," said Richard Revesz, professor and dean emeritus at New York University School of Law and director of the Institute for Policy Integrity. "They made a serious strategic error in building a house on quicksand."

It's true that the Trump administration has misfired on some moves. U.S. EPA pulled back on a plan to delay implementation of a new ozone standard by two years (*Greenwire*, Aug. 3). The courts blocked EPA's attempt to halt a rule requiring oil and gas drillers to capture emissions of methane, a potent greenhouse gas (*Greenwire*, July 3). A court rejected a natural gas pipeline approval because it didn't account for potential greenhouse gas emissions, testing the Trump administration's revocation of requirements that federal agencies consider those emissions before approving projects (*Greenwire* Aug. 22).

For those who wish the administration success in accomplishing its agenda, the start has been at times "frustrating," said Jeff Holmstead, an EPA air chief under President George W. Bush. He said political vacancies are tripping up the administration's early efforts, a comment shared by many in industry, and amid reports that EPA political officials are shunning career staff (*Greenwire*, Aug. 31).

"The Trump folks clearly want to fix the regulatory problems created under Obama, but they haven't actually done much yet," Holmstead, now a lawyer at Bracewell LLP, said in an email. "Fixing regulations requires a lot of detailed technical and legal work, and they don't yet have the people in place to do this."

Giving coal 'confidence'

Still, it's also true that early setbacks may be temporary and largely a function of political vacancies. The big fight on ozone, for example, is over disarming the Obama standard, not merely delaying it. And while EPA's methane rule is being questioned on process grounds, industry groups are still pushing for a full rewrite or repeal. The Federal Energy Regulatory Commission has enough members now to approve a logjam of pipelines. That's underway.

Beyond that, the administration has brushed aside a number of environmental rules that industry says are slowing energy development.

Gone is the stream buffer rule designed to protect waterways from coal-mining pollution (*E&E News PM*, Feb. 16). Same goes for a resource planning framework for energy development on federal land that companies said required layers of permitting and environmental reviews (*Greenwire*, July 5). Curbs to royalties earned by fossil fuel firms for extracting resources from federal land are being ditched, though a recent court decision clouded the fate of those changes (*Greenwire*, Aug. 31). The social cost of carbon, which would have made it harder to justify projects and policies that increase greenhouse gas emissions, has vanished (*Greenwire*, March 29).

The most charitable view offered by administration supporters is that the White House has checked off the easy items and has inspired confidence that the whole wish list could be fulfilled.

"I think what's overlooked about this administration's help for our coal industry is what can't be measured but is nonetheless real: confidence," Luke Popovich, a spokesman with the National Mining Association, said in an email. "For the first time in almost a decade, operators, miners, investors and all those in the coal supply chain finally have a government that is not dedicated to their destruction. That leaves them unencumbered by regulations, more confident when facing marketplace pressures — gas and subsidized renewables."

The administration has shown signs of moderating its ambition. It has rebuffed coal and nuclear companies that sought preferential treatment, despite the fact that doing so might have pleased core constituencies (*Greenwire*, Aug. 22). And while speculation abounded that the White House might attack the endangerment finding on greenhouse gas emissions, a ruling that undergirds all climate regulation, it's looking as if Trump may steer clear of that path.

The most obvious sign on that front involves ongoing discussions around the Clean Power Plan. While Trump spoke on the campaign trail of ending Obama's signature domestic climate policy, it looks increasingly likely that the administration will leave a scaled-back version in place (*Climatewire*, Aug. 24).

Interior Secretary Ryan Zinke's tour to evaluate national monuments has also demonstrated some restraint. Reports indicate he will propose shrinking four of the 27 sites reviewed, though Zinke is reportedly considering a drastic reduction of the Bears Ears National Monument in Utah (*Greenwire*, Aug. 24).

That use of a scalpel rather than ax perhaps reflects the minimal interest by the oil and gas industry in downsizing monuments. While the industry, along with the ideological right, is concerned about abuse of a 111-year-old rule allowing presidents to unilaterally designate monuments, there's little conflict between current monuments and oil and gas resources, said Kathleen Sgamma, president of the Western Energy Alliance trade group.

"There have been a few leases in some monuments, most of which companies have long since abandoned," Sgamma said. "There are a few leases in the Bears Ears, so if the boundaries were adjusted, maybe — and they're all in the periphery. But energy development has not been significantly impacted to date by monuments."

'Driving people out'

Still, detractors contend that the administration, while delivering some wins to its supporters, hasn't met Trump's hyperbolic promises from the campaign trail. And they claim it won't ever, due to legal pushback.

On that front, some see the Energy Department's electric grid study as an example of the administration's inability to effect the change it seeks. The report largely confirmed analysts' assertions about the electricity market: Cheap natural gas plus an influx of renewables, combined with sagging demand and environmental regulations, are economically stressing coal and nuclear power plants.

The report offered a series of policy recommendations that a Republican-leaning FERC may take up (*Energywire*, Aug. 25). But FERC is an independent panel. And a major recommendation for EPA regarding expanding flexibility for existing power plants to make improvements without triggering new permitting has been contested in the past (*Greenwire*, Aug. 24).

Beyond that, while Trump has spoken of regulatory reform on any number of issues, much of what he wants to accomplish may require Congress changing underlying statutes — a big hurdle in this age of gridlock. There are few clear ways, for example, to act on the executive order signed last month to shorten environmental review timelines short of adding or reassigning staff to quicken approvals (*Greenwire*, Aug. 23). A number of ad hoc regulatory reform committees are also working on proposals, but whatever comes of that might be for naught without legislation or changes to bedrock environmental laws like the Clean Air Act.

"I think it's funny because there's a lot of news articles about how they're doing so much, but in most cases issuing an executive order isn't doing anything," said Brian Potts, an environmental lawyer with Perkins Coie. "They haven't issued the Clean Power Plan replacement, they haven't issued any kind of ozone rules that I'm aware of. There's things that they could and likely will do, but they just take a long time."

It's not just about rules, though.

Decimating the career staff through steep budget cuts, reassigning climate personnel to areas in which they have little expertise and calling for public debate on climate science constitute some of the subtle alterations that greatly affect the future of policymaking, noted Jody Freeman, a White House official under President Obama who now teaches at Harvard Law School.

"All the less visible stuff really in a way can be more dangerous and more difficult to overcome than the policy shifts," Freeman said. "The message is a message of, 'We don't respect this stuff.' A lot of it is designed, I think, to cut the civil staff through attrition or driving people out."

Even with some of these more subtle developments, Trump, along with EPA Administrator Scott Pruitt, has tried to hammer a home run. Nothing to come in the energy and environment space will match the pageantry with which Trump withdrew the United States from the Paris climate accord.

Even within that massive shift lies a little bit of small ball, said Jim Murphy, senior counsel with the National Wildlife Federation. Although the administration has had a number of legal "misfires," the Paris pullout has greatly lowered the climate ceiling.

"The whole kind of driving principle that was behind the methane rule and the Clean Power Plan, he's kind of wiped that policy away," Murphy said. "He's dramatically changed the trajectory EPA was on."

<http://bit.ly/2w4vOYE>

7. Walden lays out ambitious fall agenda

George Cahlink, E&E News reporter

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CROOKED RIVER RANCH, Ore. — House Energy and Commerce Chairman Greg Walden will push an ambitious fall legislative agenda that could include a major restructuring of the Department of Energy and a rewrite of the controversial renewable fuel standard.

The Oregon Republican outlined his plans during a wide-ranging interview with E&E News during a stop here last month. Crooked River Ranch is a private community in central Oregon and part of Walden's sprawling district.

Walden made clear that even with fiscal issues likely to dominate Capitol Hill in the coming weeks, there was still room for moving potentially major energy and environmental legislation through the committee, and even the House, by the end of this year.

Walden emphasized that House Republican leaders have asked all committee chairmen to look at reauthorizing agencies and programs under their purview that in some cases have gone decades without new policy instructions from Congress.

Walden noted his panel is already doing so by passing an update to the Safe Drinking Water Act and moving to reauthorize U.S. EPA's brownfields program and would next focus on DOE.

"What should the [Energy Department] of 2018 look like as opposed to the agency that was created in the days of energy scarcity under Jimmy Carter? It's time to do a look," said Walden, who noted that DOE had not been fully reauthorized since forming in 1977.

Committee Vice Chairman Joe Barton (R-Texas), a former chairman with deep ties to the energy industry and an ally of Energy Secretary Rick Perry, will lead the review.

Barton had said he hoped to begin drafting the DOE reauthorization legislation over the August recess, in advance of possible hearings and industry roundtables this fall.



Walden visiting the Crooked River Branch subdivision near Bend, Ore. George Cahlink/E&E News

Walden cited several questions he wants addressed. "How's it set up? How's it operate? What works today? What are the priorities? What should they be going forward versus what they are today? What does that mean in terms of the organization and structure? I am not going to prejudge that. But that is first of all what we should look at. Do we have the right priorities in place for the energy world we are now in?"

Walden said he was especially interested in getting a handle on the role of DOE's 17 national research laboratories, which have been targeted for steep cuts in President Trump's fiscal 2018 budget.

The chairman also said the review should consider what role DOE needs to play in addressing threats to the nation's electricity infrastructure grid.

Some conservatives, including Barton and Rep. Kevin Cramer (R-N.D.), have pressed for using the reauthorization to give DOE power over some EPA functions. Cramer in particular has pushed the Trump administration to get behind a plan for creating a Department of Energy and Environmental Regulation (*Greenwire*, Aug. 9).

But Walden does not see the DOE reauthorization as the vehicle to reshape EPA, although the review could inform legislation down the road. "I think the EPA will be another time," said Walden. "I think that's biting off too much in one [review]."

Congress has never authorized EPA since President Nixon created the agency by executive order in 1970. Since then, however, lawmakers have approved bills tasking EPA with certain duties.

Like many Republicans, Walden said he would back legislation to further codify EPA's missions. But for that, Energy and Commerce would have to work with other committees.

RFS 'sweet spot'

Perhaps, the most contentious issue facing the panel is a push to reform the renewable fuel standard, which was created more than a decade ago to expand the use of biofuels in the nation's fuel supply. Much of the controversy has centered over a mandate for having corn-based ethanol make up about 10 percent of all gasoline.

Past efforts to scale back the RFS have never gained much momentum, largely due to resistance from corn-state lawmakers in the Senate who see ethanol production as a boon for farmers.

But long-standing opposition from the oil industry and, increasingly, environmentalists could make the issue ripe for reform.

Moreover, Walden said he believes there could be bipartisan support for revising the RFS ahead of 2022, when current law would give EPA greater latitude in managing biofuels. Neither party is eager to cede such broad control to the regulator.

"It needs to be broad," Walden said of any RFS bill. "We can probably pass whatever we want in the House or could come close, [but] if it's not a bipartisan vote, it will run into a buzz saw in the Senate and that will be the end of it."

Walden said a markup of RFS legislation is possible this fall if Energy and Commerce lawmakers hosting a series of public roundtables can find common ground.

Environment Subcommittee Chairman John Shimkus (R-Ill.) and Rep. Bill Flores (R-Texas) are leading the effort to draft language that will grow out of ongoing public hearings on RFS.

Shimkus, hailing from a district filled with cornfields, has been an ethanol supporter, and Flores is allied with oil interests and has backed legislation to reduce the mandate.

"I always figured [Shimkus] was the guy to do it because he was known as the ethanol guy. And yet, he understands, and I think that industry does, that it's got to change, it's not sustainable going forward," said Walden, who added that Shimkus has been "marvelous" in trying to forge legislation.

For his part, Shimkus said he hopes Congress can find a "sweet spot" on the RFS but offered no guarantees. "I'm not saying we can, I'm not saying we can't. All I know is that we have diverse voices together, and we're not yelling at each other. It's been a pretty good process," he told E&E News.

Yucca, cleanup issues

For Walden, nuclear waste disposal and environment cleanup is a national, but also local, priority. His Oregon district covers the Columbia River Gorge, which lies just downstream from the Energy Department's Hanford nuclear production facility in eastern Washington, the nation's largest hazardous waste cleanup program.

"Nuclear waste cleanup I would argue is one of the biggest environmental issues we need to address, and we are doing that," said Walden, who worries about aging storage tanks at Hanford leaking into the Columbia.

Walden wants to move bipartisan legislation, H.R. 3053, to the floor aimed at restarting work on a permanent nuclear waste storage disposal site at Yucca Mountain, Nev., which would eventually house the Hanford refuse (*Greenwire*, July 3).

The bill has its best chance in decades of becoming law given last year's retirement of Sen. Harry Reid (D-Nev.), a fierce critic who had blocked Yucca's development since the early 2000s.

However, concerns over how to cover the cost of Yucca and two interim storage sites proposed by the bill are running afoul of House budget rules that require offsetting the cost of any new spending.

The legislation proposes tapping the Nuclear Waste Fund, which collected more than \$30 billion from 1983 to 2014 by levying fees on utility ratepayers, but lawmakers have tapped the pot of money over the years for other federal programs.

"Now rather than having however many billion dollars is it sitting there, it's been tapped into and used by others," said Walden. The chairman said he was working with GOP leaders to find an alternative funding source or get an exemption from budget rules.

Shimkus, whose subcommittee moved the measure, suggested one option may be to eventually tack the bill onto a \$1 trillion infrastructure package that the White House and Republicans have said they'd like to pass. Few specifics on that legislation, however, have yet to emerge.

Additionally, Shimkus suggested that bipartisan bills he drafted and helped move through committee over the summer reauthorizing the brownfields program and the Safe Drinking Water Act could soon move to the floor.

He said there may be enough support for them to move on the suspension calendar, a spot reserved for noncontroversial proposals.

Energy package, other bills

Walden would not commit to reviving bipartisan energy reform legislation that moved through both the House and Senate last year but stalled after late-year conference talks broke down.

A version of the measure has already been introduced in the Senate, with 11 titles addressing efficiency, infrastructure, research, natural gas exports and public lands.



E&E News reporters discuss the fall congressional agenda. [Click here](#) to watch.

"I was not party to any of that at the time, so I don't know what all caused that to blow up. I know it did blow up, and there were some hard feelings over that," said Walden.

The chairman said he has told both Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska) and ranking member Maria Cantwell (D-Wash.) he's "more than open on it."

But Walden was quick to add that last year's version would almost certainly stand a chance at being enacted with a Republican now in the White House. He added the bill had "a lot of good pieces," but he declined to offer specifics.

Energy and Commerce members and staff have been directed by Walden to have even minor legislation ready to go this fall given the always-fluid House floor schedule.

Walden noted a pair of bills to speed approval of pipeline and transmissions projects, approved by the committee, were able to pass the House over the summer when leaders were scrambling for legislation to debate amid a calendar shake-up (*E&E Daily*, July 20).

"I've told the team we just need to have our stuff ready. You can beg for floor time and get it, but they also need stuff from time to time, so we always need to be ahead and have some things in the can that can go," he added.

<http://bit.ly/2x8uAAr>

8. Bishop taps Hill veteran to direct Federal Lands staff

[Scott Streater](#), E&E News reporter

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House Natural Resources Chairman Rob Bishop (R-Utah) has appointed a longtime Capitol Hill veteran to serve as staff director for the Subcommittee on Federal Lands.

Steven Petersen, who is currently advising Bishop on military issues, will start as subcommittee staff director today and will oversee about five employees, according to a spokesman.



Steven Petersen. Petersen/LinkedIn

The subcommittee, led by Rep. Tom McClintock (R-Calif.), handles legislative matters associated with National Park System lands, national forests and grasslands, national monuments, and public lands in general.

"Steve is a trusted advisor who joins our team with extensive policy and institutional knowledge," Bishop said in a statement Friday. "He's an ideal fit to lead our staff on the vitally important issues under the Subcommittee's purview. I have every confidence that he will bring the same level of diligence, expertise and effectiveness to the job."

Petersen has 28 years of experience as a Hill staffer. He previously served as an associate staff member for the House Rules Committee, as well as deputy chief counsel to the Natural Resources Committee, according to Bishop's office. He also served as legislative director to former Utah Rep. Jim Hansen (R) and senior counsel and military adviser in Bishop's personal office.

He replaces Erica Rhoad, a former lobbyist for the National Rifle Association and the Society of American Foresters who had served as staff director since 2015.

Rhoad as recently as June was widely rumored to be a front-runner for the Agriculture Department's undersecretary for natural resources and the environment, a Senate-confirmed job that would have entailed overseeing the Forest Service (*Greenwire*, June 23).

But Rhoad recently announced she is returning to the private sector, according to a committee press statement announcing Petersen's promotion.

"Erica Rhoad has stood out as a driving force on the Committee," Bishop said in his statement. "She is a talented professional with a deep passion for our issues who will be sorely missed by members and staff. We are grateful for her years of service and dedication and wish her the very best in future endeavors."

<http://bit.ly/2f0uccN>

9. National lab breakthrough could reduce bird, bat deaths

Christa Marshall, E&E News reporter

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The prospect of turbines killing birds is one of the chief attacks made on the wind industry by President Trump and other critics.

Now, researchers at the Pacific Northwest National Laboratory say they may have a solution to the problem, with help from technology typically used in night-vision goggles.

The lab developed software that analyzes images from special thermal cameras to automatically identify birds and bats and track their flight patterns around the clock, including in bad weather. The goal is to determine if a

given area is a bird hot spot, and avoid siting offshore turbines in those places or adjust operations at existing wind farms.

"To the best of my knowledge, there is no commercial system out there now to automatically detect birds and bats and record their flight tracks," said Shari Matzner, a PNNL engineer leading development of the technology. "This technology is needed to support long-term monitoring around wind turbines, especially offshore."

Currently, environmental assessments can be unreliable, requiring humans to estimate possible bird collisions by observing animals with the naked eye for a short period of time while standing in a field or sitting in a boat. Offshore, observations typically can only occur in daylight or good weather, making it more likely that assessments will miss bird risks entirely.

The software, known as ThermalTracker, allows continuous monitoring in remote places where it's currently impossible, said Wing Goodale, deputy director of the Biodiversity Research Institute, which is currently testing the technology in Maine.

"This is an extraordinary collaboration between technology developers, engineers and wildlife biologists who are working together on cutting-edge technology," he said.

Matzner said she is looking at the possibility of using the system on floating platforms, or at the base of turbines.

Unlike current assessment methods, the technology can collect data "in all weather conditions and at night, when human surveyors cannot make observations," said Matzner. It also can allow researchers to categorize birds by broad families, such as gulls versus terns.

The use of two cameras creates a 3-D effect that can determine whether detected birds are flying at heights where they could collide with turbines, according to PNNL.

There is only one operating U.S. offshore wind farm, but the siting issue is expected to arise more frequently with additional proposed offshore sites.

Trump stirred up the issue last year, saying to former Republican candidate Herman Cain on a radio show that wind "kills all the birds. I don't know if you know that. ... Thousands of birds are lying on the ground. And the eagle. You know, certain parts of California — they've killed so many eagles."

The American Bird Conservancy estimates that "hundreds of thousands of birds and bats" are killed by turbines annually. It and several other groups sent a letter to the Trump administration in April saying that the awarding of offshore wind leases by the Interior Department is premature unless a full environmental risk assessment is done (*E&E News PM*, April 17).

Wind supporters say the concerns are exaggerated, noting various studies (*Climatewire*, Oct. 27, 2016). The American Wind Energy Association says wind power is far less harmful to wildlife than traditional energy sources and is one of the only energy sources without population-level impacts like climate-change-driven habitat loss.

Scientists have used thermal imaging in the past to observe bats but were not able to get much detail other than rough shapes. ThermalTracker aims to improve that by harnessing algorithms that determine the frequency of wing flaps and analyze the shape of animal flight paths in thermal camera images. The dual data allow researchers to categorize birds by broad families.

Published papers found early versions of ThermalTracker detected 81 percent of all animals and accurately classified more than 80 percent of those.

The lab is working to allow the system to process video in real time, so it only records video when a bird or bat is detected. That allows equipment to be used for longer periods of time, since it doesn't have to save as much data.

Yet Michael Hutchins, director of the bird smart wind energy campaign at American Bird Conservancy, said he was skeptical. He noted the technology cannot analyze birds down to the species level.

"That's really pretty critical. You have to know whether you have a regular tern or a roseate tern, which is an endangered species," he said.

Matzner said the technology might be able to do that within a year or two, at least to identify with high probability a species of interest.

"The identification of the animals to some taxonomic level is a work in progress," she said.

<http://bit.ly/2f0Imuo>

10. Idaho lawmakers urge Sessions to halt Bundy prosecution

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Thirty-four Idaho lawmakers, a third of the combined House and Senate contingent, urged U.S. Attorney General Jeff Sessions in a letter last week to end the federal prosecution of four state residents charged in the 2014 standoff in Nevada over public lands led by Cliven Bundy.

Two trials have ended with no major prosecutions.

"We believe that the decision by the current U.S. attorney to Nevada to prosecute these men a third time represents disrespect for the rule of law and the jury system," states the letter.

The four men — Ammon Bundy, Eric Parker, Scott Drexler and Todd Engel — are among more than 20 defendants in the case. The standoff started after federal officials tried to seize Cliven Bundy's cattle. Bundy refused to pay grazing fees for federal land.

Ammon Bundy was found not guilty in a separate case stemming from a standoff in Malheur County, Ore. He faces conspiracy, assault and other felony charges in the Nevada case.

Parker and Drexler have been tried twice. Prosecutors are considering a third attempt on assault and weapons charges.

In the first trial, Engel was convicted of obstruction and traveling across state lines to aid extortion.

A federal judge set an Oct. 10 trial date for seven more Nevada defendants, including Cliven Bundy (Cynthia Sewell, *Idaho Statesman*, Sept. 1). — NB

<http://bit.ly/2gJYF2x>

11. Trump plans 1.9% pay raise for 2018

[Kevin Bogardus](#), E&E News reporter

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President Trump is set to boost wages for federal employees in 2018.

In a letter sent to Congress on Thursday, the president said he will authorize a 1.9 percent pay raise for government workers. That planned raise consists of a 1.4 percent across-the-board pay increase along with an average boost of 0.5 percent in locality pay.

The pay raise would take effect Jan. 1 and is line with what Trump proposed in his fiscal 2018 budget blueprint earlier this year (*Greenwire*, March 21).

Trump had until Friday to set forth an alternative pay plan or a higher pay raise would have automatically gone into effect under the Federal Employees Pay Comparability Act.

Trump's pay raise is lower than the 2.1 percent bump in wages that President Obama authorized for government workers in 2017 (*Greenwire*, Dec. 9, 2016).

Federal employee unions were not pleased with Trump's planned pay raise.

In a statement, Tony Reardon, president of the National Treasury Employees Union, said government workers should be paid more, considering private-sector pay is climbing at a faster rate. His union supports legislation that would give federal employees a 3.2 percent pay raise in 2018 (*Greenwire*, Jan. 31).

"Federal employees work hard and care deeply about their jobs. In times like these when our country is dealing with a massive natural disaster, the public counts on federal employees for response and recovery efforts," Reardon said.

"They are not the swamp; they are our nation's frontline protectors," he added.

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