From:	Cardinale, Richard
To:	Moran, Jill
Cc:	Katharine Macgregor
Subject:	Fwd: FOR REVIEW: House Interior Approps. Member Requests
Date:	Wednesday, April 26, 2017 1:15:43 PM
Attachments:	Bears Ears National Monument Briefing Paper per budget office request_4_24_2017.docx Briefing Memo_GWW-20170420 + SOL-DLR.docx SOL OK to CLEAN 620-040917_RR_Briefing_Paper_for_Sec__NRS (A. Nelson) + ERC (1).an (1).docx GRSG_Budget_Brief_IOS_20170420_clean to WO100 (2).docx GRSG pop and hab data 022317.docx

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Jill,

May I ask you to review these memos that were prepared by BLM Budget for the Secretary's use. Thanks.

Rich
---------- Forwarded message ----------
From: **Adams, Lark** <ladams@blm.gov>
Date: Wed, Apr 26, 2017 at 11:48 AM
Subject: FOR REVIEW: House Interior Approps. Member Requests
To: Richard Cardinale <richard_cardinale@ios.doi.gov>
Cc: Linda Smith <lhsmith@blm.gov>, Tonya M Jackson <tmjackson@blm.gov>, Ann DeBlasi <amdeblas@blm.gov>, Janine Velasco <jvelasco@blm.gov>

Good morning,

The BLM prepared briefing papers to prep the Secretary for his meeting with members of the House Interior Approps. committee. The papers, attached below for review, are of specific interest to several members.

- Bears Ears National Monument, Utah
- Gateway West Transmission Line
- Red River Gradient Boundary Survey Act (H.R. 428)
- Greater Sage-Grouse Budget
    - Supplemental Paper: Sage-Grouse Historic Distribution and Population Trends

Kind regards,

Lark Adams
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Telework Days: Mon. & Fri.

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INFORMATION/BRIEFING MEMORANDUM
FOR THE ASSISTANT SECRETARY – LAND AND MINERALS MANAGEMENT

DATE: April 24, 2017

FROM: Mike Nedd, Acting Director – Bureau of Land Management

SUBJECT: Key information on the Bears Ears National Monument, Utah

The purpose of this memo is to provide an overview of the Bears Ears National Monument.

KEY FACTS

Jobs:

- In 2016, economic activity from visitors to National Monuments and National Conservation Areas supported approximately 7,100 jobs (non-federal). In Utah, the Bears Ears National Monument will add to the economic effects from the BLM's National Conservation Lands which contribute over $105 million in economic output and support nearly 1,200 jobs as of 2016.

- These areas provide great economic benefits to their surrounding communities. For every $1 the National Monuments and National Conservation Areas program receives in funding, it generates approximately $17 for local economies.[i]

- Overall, BLM's National Conservation Lands contribute over $600 million to regional economies each year.

Public Lands Affected:

- On December 28, 2016, the 1,351,849 acre Bears Ears National Monument in San Juan County, Utah, was designated by presidential proclamation and is jointly managed by the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS).

- The new monument includes 1.063 million acres managed by the BLM and 290,000 acres managed by the USFS within the boundaries of the Manti-La Sal National Forest.

- Over 380,000 acres of the federal lands within the boundaries are currently managed by the BLM as 11 Wilderness Study Areas. The BLM-managed part of the monument also contains nine Special Recreation Management Areas, which are managed for their recreation opportunities. The USFS administers the 46,000-acre Dark Canyon Wilderness just north of the Bears Ears formation, as well as the Cliff Dwellers Pasture Research Natural Area.

Stakeholder Positions:

- To date, Secretary Zinke has received 48 unique letters supporting the designation of Bears Ears National Monument and 3 letters opposing the designation, according to the BLM's Data Tracking System.

BACKGROUND

The idea of a national monument in this area is not new: calls for protection of the Bears Ears began over 80 years ago. The land that is now the Bears Ears National Monument was part of a larger area proposed for designation as early as 1936 by then-Interior Secretary Harold L. Ickes. Other areas within the initial proposal were subsequently designated as Capitol Reef National Park and Canyonlands National Park, managed by the National Park Service.

The monument protects some of the most significant cultural, desert landscapes in the U.S., including abundant rock art, ancient cliff dwellings, ceremonial sites, and other places important to Native American tribes. Recognizing the importance of the area, tribes with ties to the region began working on a specific proposal six years ago to protect this area under the Antiquities Act. To reflect tribal expertise, the Bears Ears Commission has been created to enable tribes to share insight with federal land managers.

The proclamation for the Bears Ears National Monument also establishes a local advisory committee made up of interested stakeholders including state and local governments, tribes, recreational users, local business owners, and private landowners.

The monument preserves current uses of the land, including tribal access and traditional collection of plants and firewood, off-highway vehicle recreation, hunting and fishing, grazing, military training operations, utility corridors, and other valid and existing rights.

The BLM and the U.S. Forest Service will undertake a monument planning process for Bear Ears National Monument, including the opportunity for public input, according to the requirements of the National Environmental Policy Act (NEPA) and agency regulations and policy.

DISCUSSION

The BLM will manage the monument according to the Bureau's relevant manual (BLM Manual 6220–National Monuments, National Conservation Areas, and Similar Designations, 7/13/2012). More specifically, the BLM will follow a checklist that sets out steps that monument staff should take immediately (e.g., "Identify an interim manager/point of contact for the new National Conservation Lands unit") as well as longer-term actions (e.g., "Reach out to the cooperating agencies and entities identified in the designating language").

As mentioned above, the BLM and Forest Service will undertake a monument planning process that allows for generous public input and complies with NEPA as well as agency regulations and policy.

NEXT STEPS

- None

ATTACHMENTS

- None

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[i] See "An Analysis of the Economic Effects of the National Conservation Lands," Feb. 2017 (draft).

BUREAU: **Bureau of Land Management**
MEMBER: **Rep. Mike Simpson (R-ID2)**
ISSUE: **Gateway West Transmission Line**

Key Points:

- The BLM's January 19, 2017 Decision for a right-of-way grant for segments 8 and 9 of the project was appealed to the Interior Board of Land Appeals (IBLA) by the State of Idaho, the Owyhee County Commissioners, Western Watersheds Project, Wildlands Defense, and the Prairie Falcon Audubon.
- The project proponents – Rocky Mountain Power and Idaho Power – intervened in the appeals.
- In addition to the State's appeal, Idaho Governor Butch Otter also wrote to the Secretary of the Interior to request that the BLM reconsider the January 19, 2017, Decision for a right-of-way grant for segments 8 and 9 of the Gateway West project.
- The Governor requested that the BLM consider selecting a different alternative that would be less impactful to the State's and counties' interests.
- The proponents also requested that the BLM reconsider the Decision.
- The Acting BLM Director, upon recommendation of the BLM Idaho State Director, concluded that reconsidering the Decision would be in the public interest.
- The BLM filed motions with the IBLA asking that the Decision be remanded back to the BLM for further consideration, which were unopposed by the appellants and the proponents.
- The IBLA granted the motion and has remanded the Decision.

Background:

- On March 27, 2017, Congressman Mike Simpson (R-ID) introduced legislation to modify the boundaries of the Morley Nelson Snake River Birds of Prey National Conservation Area (NCA) to accommodate the routing alternative for Gateway West segments 8 and 9 that is favored by the State of Idaho, Owyhee County and other stakeholders. The bill is co-sponsored by Idaho's other Congressional Represenative, Raúl Labrador (R).
- The bill also directs the BLM to issue a right-of-way grant for this routing, and would add 4,726 acres to the NCA (2,606 acres currently in the NCA would be affected by the boundary adjustment).
- The bill is supported by the Conservation Lands Foundation, which has worked to represent the interests of the NCA as a unit of the BLM National Conservation Lands throughout the right-of-way authorization process.
- The alignment in the bill is the alignment that the project Proponents – Rocky Mountain Power and Idaho Power – proposed for segments 8 and 9 in August 2014.

Current Status:

- The BLM is preparing a Notice of Intent that will initiate reconsideration of the Decision.
- After complying with all applicable Federal laws and regulations, the BLM will issue a new decision, modify the Decision, or effectively affirm the Decision.
- It is BLM's intent to complete this process within six months.

Prepared by: June Shoemaker, BLM Idaho DSD-Resources, 208-373-3801
Date: April 20, 2017

BUREAU: **Bureau of Land Management**
MEMBER: **Representative Tom Cole (R -OK, 4th Dist.)**
ISSUE: **Red River Gradient Boundary Survey Act (H.R. 428)**

Key Points:

- Because of treaties that followed the Louisiana Purchase, and the 1867 treaty establishing the reservation lands of the Kiowa, Comanche and Apache (KCA) Tribes, there remains a 116-mile strip of public domain land that lies between the medial line and the southern bank of the Red River, from the North Fork of the river east to the 98th Meridian.
- Under the Act of June 12, 1926, specific percentages of the fluid mineral development royalties on that public domain are deposited into a trust for the KCA, with the remaining percentage going to the State of Oklahoma.
- BLM and Texas surveyors disagree as to the correct interpretation of the 1920's U.S. Supreme Court's description in *Oklahoma v. Texas* of the location of the southern boundary of the public domain along the Red River.
- Several Texas landowners, including the State of Texas General Land Office, claim land on the Red River, and have challenged the BLM in the Federal District Court for the Northern District of Texas, under the Quiet Title Act, the Constitution, and the Administrative Procedure Act, claiming that the BLM has "taken" their land. The State of Texas has intervened in the litigation. Dispositive motions in *Aderholt et al. v. Bureau of Land Management* are due by May 6, 2017, and trial is scheduled for July 2017.
- (b) (5) DPP [redacted]

Background:

- Boundary disputes between Texas and Oklahoma began in the late 1800s. In 1919, Oklahoma brought a lawsuit against Texas. The Supreme Court rendered several decisions in *Oklahoma v. Texas*, between 1922 and 1924, establishing first that the "cut bank" and then later that the "gradient boundary" on the south bank of the River defined the southern boundary.
- Under commission from the Supreme Court, Arthur Stiles and Arthur Kidder then surveyed the area, using the gradient boundary of the south bank as it had been defined in the Supreme Court's decisions, which also provided that the lands between the medial line and the south bank were in Oklahoma with full title and ownership belonging to the United States.
- The boundary dispute persisted. In 1991, the Red River Boundary Commission was created to resolve at least part of the boundary dispute. Following multiple meetings in the mid-1980s between the BLM and the two State Governments, the Congressional delegation, and the KCA, the Red River Compact identifies the "vegetation line" on the south bank of the river as the boundary between the States. The U.S. Congress gave its consent to the Red River Compact in 2000, following its approval by the State legislatures of Texas and Oklahoma.
- The Red River Compact of 2000 pertains only to the jurisdiction of the respective states, but does not alter ownership of land, including by the United States.

Current Status:

- The BLM has suspended three surveys, and notified the Court and Plaintiffs of the suspension, after the BLM discovered that three of the surveys addressing individual Indian allotments in

Oklahoma, conducted at the request of the Bureau of Indian Affairs in the mid-2000s, had not used the correct method to determine the gradient boundary of the south bank.

- Similarly, in the discovery process, the BLM found that certain of the monuments used are labeled "Texas" and "Oklahoma" with a line between the two. The U.S. has stated in briefings that it recognizes the validity of the 2000 Compact as establishing the border between Oklahoma and Texas, and that the U.S. had no intention of impugning Texas sovereignty. The BLM intends to stamp out the erroneous markings at its earliest opportunity.
- The parties also disagree as to whether or not the BLM has a duty to survey the 116 miles of public domain boundary, which it has never done.
- Under section 201(b) of the Federal Land Policy and Management Act of 1976 (FLPMA), the Secretary has the discretion when and where to ascertain the boundaries of the public lands and provide a means for public identification of them, as funds and manpower are made available.
- Under the Color of Title Act (COT), BLM has authority to dispose of public lands to individuals who have occupied them under color of title, and has completed processing of one COT claim by a Texas landowner along the Red River.
- For those who do not meet the requirements of the COT, BLM does not have the authority to dispose of public land for less than fair market value.
- The Secretary has discretion to sell public land, although FLPMA requires that the BLM must identify the land as meeting sale criteria through land use planning, and, in the case of the public lands south of the medial line of the Red River, the land for sale would have to be surveyed.

Prepared by: BLM and SOL
Date: April 20, 2017

BUREAU: **Bureau of Land Management**
MEMBER: **Multiple Members**
ISSUE: **Greater Sage-Grouse Budget**

Key Points:

- The Bureau of Land Management (BLM) is implementing the Greater Sage-Grouse plans in close cooperation with local communities, state agencies, ranchers, and other stakeholders to conserve sagebrush rangelands and provide economic opportunities for local communities. A primary focus is restoring degraded rangelands to provide improved habitat and forage for both wildlife and livestock.
- BLM manages 60 million acres of sagebrush rangelands, one-third of BLM's land management responsibilities in the lower 48 states (excluding Alaska).
- Healthy rangelands are essential to sustain the sage-grouse and more than 350 other species, local communities, hunting, fishing and recreational opportunities, and ranch operations.
- Since 1980 fire has burned 27 percent of the sage-grouse habitat in the Great Basin and fires have continued to consume over one million acres annually, on average, over the past 10 years.
- When fire occurs, sagebrush is often converted to non-native cheatgrass monoculture, which has caused a fire-invasives cycle where fire is much more frequent and intense than historic fire return and is causing areas to re-burn before sagebrush can establish. Cheatgrass does not provide quality habitat for sage-grouse or other species, and results in reduced forage value for ranching operations, because cheatgrass remains palatable for only a short time and has lower nutritional value than many native grasses.
- BLM estimates, using the Western Association of Fish and Wildlife Agencies (WAFWA) developed Fire and Invasive Assessment Tool, that in the Great Basin approximately 1.3 million acres need to be restored each year for the next 10 years to recover degraded or lost sagebrush rangeland. At the same time, BLM must decrease further losses to wildfire, and when fires occur, effectively implement post-fire rehabilitation to restore forage and habitat values.

Background:

Since the 1990s, a diverse coalition, including BLM, U.S. Fish and Wildlife Service (FWS), USFS, Natural Resources Conservation Service (NRCS), WAFWA, States, private landowners, and other stakeholders have worked together to conserve the Greater Sage-Grouse and sagebrush rangelands, not just for the sage-grouse but for the more than 350 other species that use it and the many local communities who rely on it for economic opportunities. Building on these efforts, in September 2015, the BLM and the USFS issued decisions that amended or revised 98 land use plans to conserve, enhance, and restore Greater Sage-Grouse habitat. The result is that on September 22, 2015, the FWS determined that the Greater Sage-Grouse did not need protection under the Endangered Species Act (ESA).

Current Status:

The Congress first provided increased funding for sage-grouse in 2015 with additional funding in 2016, for a total budget of $60 million dollars to implement the plan decisions. In fiscal year 2017, the BLM is using this funding to substantially increase restoration of sagebrush rangelands; improve monitoring to understand and respond to range conditions; work with public and private partners on projects, science, and outreach; and support economic opportunities. BLM's fire program has also made sagebrush rangelands a priority by directing fire preparedness funds to training in local communities and pre-positioning equipment and people to respond quickly to fire; and by directing

fuels funds to build fuels breaks that help slow fire and provide safe locations for firefighters and to reduce fuels which increase the rate of fire. In the last two years, these efforts have decreased sagebrush loss to approximately 500,000 acres each year. The bullets below provide examples of ongoing actions.

- The BLM is leveraging Wildlife Management, Fire and Fuels, Resilient Landscapes, Healthy Lands, and other program funds to improve approximately 600,000 acres of rangeland in 2017, including more than 190,000 acres of conifer removal, 40,000 acres of fuel breaks, 130,000 acres of invasive species removal, 30,000 acres of hazardous fuel reduction, and 100,000 acres of restoration.
- The BLM is also leveraging funding and capacity with partners to increase restoration, including:
    - The Intermountain West Joint Venture (IWJV), which started its first project in Box Elder County, UT where a voluntary, locally driven, collaborative effort including private ranchers, NRCS, Utah Department of Agriculture, Utah State Extension Service, and the Utah Watershed Restoration Initiative is demonstrating the strength of these partnerships to conserve private and public working lands. The BLM and the IWJV are currently exploring additional projects in Nevada and Idaho.
    - The State of Idaho, ranchers and other partners on the Soda Mountain Fire restoration efforts including evaluating “best restoration practices” post fire and using livestock to reduce fuel loading and control the spread of invasive cheat grass.
- The BLM is working with ranchers in Nevada and Idaho to demonstrate the effectiveness of using livestock to create fuels breaks and is looking for additional opportunities in other States.
- The BLM is working with local working groups and State agencies in Oregon and Utah to identify and respond to the cause of sage-grouse population declines in the Baker City and Sheeprock Mountain populations, respectively.
- To increase the pace of rangeland restoration, the BLM has committed funds for two Programmatic Environmental Impact Statements to streamline the NEPA process for fire and fuels breaks and vegetation restoration treatments in Idaho, Nevada, Oregon, Utah, Washington, and California
- The BLM is continuing the decades long collaboration with Wyoming to support development of oil, gas, and coal while conserving sagebrush through Wyoming’s Core Area Strategy.
- The BLM is continuing to implement collaborative State, Federal, and private efforts to conserve the California-Nevada Bi-State population and the Colorado-Gunnison Basin population
- The BLM is increasing engagement with Rangeland Fire Protection Associations (RFPAs) and partnering with local fire departments and ranchers to fight rangeland fire in Idaho, Nevada, and Oregon. The BLM is very interested in expanding these efforts to other States.
- Starting in 2015, the BLM and Team Rubicon have trained more than 400 veterans as fire fighters and each year has deployed Team Rubicon crews to respond to rangeland fires.
  The BLM is working with tribal nurseries in Montana and Idaho to grow sagebrush seedlings for restoration. In Montana, native seed work is supported by agreements with Special K Ranch, a working ranch for adults with disabilities and the Montana Department of Corrections.

Feb 23, 2017

Sage-Grouse Historic Distribution and Population Trends

Information assembled by Vicki Herren, BLM National Sage-Grouse Coordinator, Division of Fish and Wildlife Conservation

Historic Distribution

The basis for the historic distribution map for sage-grouse comes from a publication titled "Distribution of sage-grouse in North America" (Schroeder et al. 2004). The publication is cited widely and relied upon within the scientific community for sage-grouse distribution information, including being cited 12 times by the U.S. Fish and Wildlife Service (FWS) when they found "that listing the greater sage-grouse (rangewide) is warranted, but precluded by higher priority listing actions" (12 Month Finding page 11-12, FR03052010). (https://www.fws.gov/mountain-prairie/species/birds/sagegrouse/FR03052010.pdf).

Schroeder et al. (2004) reviewed journals of early explorers, early published observations, and over 1000 museum specimens, and then used more recent biological information on seasonal habitat use and movement capabilities to determine the presettlement distribution of potential habitat. (Page 363-376, http://www.bioone.org/doi/full/10.1650/7425)

Schroeder et al. (2004) reviewed the journals of Meriwether Lewis, William Clark, and their sergeants which described their 1803–1806 expedition from St. Louis, Missouri, to the west coast of Oregon and return (transcribed by Moulton 1987, 1988; summarized by Zwickel and Schroeder 2003). They also reviewed publications that provided information about early observations of sage-grouse, especially those prior to 1850 (Swainson and Richardson 1831, Stansbury 1852, Frémont 1887, Thwaites 1978, Johnson 1984).

Schroeder et al. (2004) considered 1167 records of museum specimens, being cautious in their interpretations because of potential inaccuracies in recorded locations and the ability of individual sage-grouse to travel long distances (Connelly et al. 1988). A portion of these museum records (n = 166) had locations that were unknown or too imprecise to be plotted. They also considered 138 published observations of sage-grouse, including those mentioned by Bent (1932) or mapped by Aldrich and Duvall (1955).

In 2010, FWS stated that "Prior to settlement of western North America by European immigrants in the 19th century, Greater Sage-Grouse occurred in 13 States and 3 Canadian provinces. Sagebrush habitats that potentially supported sage-grouse occurred over approximately 463,509 mi^2 before 1800. By 2010, Greater Sage-Grouse only occurred in 11 western states and 2 Canadian provinces occupying approximately 56% of their historic range" (12 Month Finding page 9, FR03052010).

In 2015, the FWS stated that "Sage-grouse currently occupy a portion of their historical range and are more concentrated in certain Core Areas. Sage-grouse have been extirpated from

Nebraska, British Columbia, and Arizona (Schroeder *et al.* 1999, p. 2; Young *et al.* 2000 p. 445; Schroeder *et al.* 2004, p. 369). Changes from the estimated historical distribution are the result of sagebrush alteration and degradation (Schroeder *et al.* 2004, p. 363; Knick and Connelly 2011, p. 6). The current distribution of sage-grouse is estimated at 703,453 km^2 (271,604 mi^2; USFWS 2015a). (Page 59865 of 80 FR 59857). (https://www.federalregister.gov/documents/2015/10/02/2015-24292/endangered-and-threatened-wildlife-and-plants-12-month-finding-on-a-petition-to-list-greater).

Population Trend

The basis for sage-grouse population decline information comes from multiple sources best summarized by the FWS in 65 FR 51580 from August 24, 2000 (page 3). “A number of studies since the mid-1990s provide sage grouse density estimates for a range of habitats considered of low to high quality (Johnsgard 1973, Drut et al. 1994a, WDFW 1995). Assuming 1 grouse per square kilometer (km^2) (0.4 square mi (mi^2) as an approximate lower limit, 10 grouse per km^2 (0.4 mi^2) as an approximate upper limit (Michael Schroeder, WDFW, pers. comm. 1999), and the most recent estimate of historic sage grouse distribution, roughly between 1.6 million and 16 million sage grouse would have occurred rangewide prior to European expansion across western North America."

Ten years later the FWS found “that listing the greater sage-grouse (rangewide) is warranted, but precluded by higher priority listing actions” (12 Month Finding page 11-12 FR03052010). The notice stated that “Although population numbers are difficult to estimate, the long-term data collected from counting males on leks provides insight to population trends. Periods of historical decline in sage grouse abundance occurred from the late 1800s to the early-1900s (Hornaday 1916, pp. 179-221; Crawford 1982, pp. 3-6; Drut 1994, pp. 2-5; WDFW 1995; Braun 1998, p. 140; Schroeder et al. 1999, p. 1). Other noticeable declines in sage-grouse populations occurred in the 1920s and 1930s, and then again in the 1960s and 1970s (Connelly and Braun 1997, pp. 3-4; Braun 1998, p. 141). Declines in the 1920s and 1930s were attributed to hunting, and declines in the 1960s and 1970s were primarily as a result of loss of habitat quality and quantity (Connelly and Braun 1997, p. 2). State wildlife agencies were sufficiently concerned with the decline in the 1920s and 1930s that many closed their hunting seasons and others significantly reduced bag limits and season lengths as a precautionary measure (Patterson 1952, pp. 30-33; Autenrieth 1981, p. 10)”.

In September 2015, the FWS provided information relative to the size of the current population on their web site (https://www.fws.gov/greatersagegrouse/findings.php. U.S. Fish and Wildlife Service. 2015. Frequently Asked Questions: Greater Sage-Grouse Status Review. September 22, 2015. 36 pp). “There are several reports and publications that describe and report population trends derived from lek count data [Connelly et al. 2004, Western Association of Fish and

Wildlife Agencies (WAFWA) 2008, Garton et al. 2011, Garton et al. 2015, and WAFWA 2015]. While each analyzed a slightly different time frame, they all conclude there has been a long-term population decline range-wide, with population estimates from 200,000 to 500,000 birds range-wide."

In the October 2015 Federal Register notice, the FWS stated that "Approximately half of the sage-grouse occur in the Rocky Mountain portion of the range and half in the Great Basin portion of the range. Management Zones with the highest relative amounts of birds are MZ II (37.5 percent of the rangewide population estimate) and MZ IV (30.7 percent of the rangewide population estimate)" (Page 59865 of 80 FR 59857). (https://www.federalregister.gov/documents/2015/10/02/2015-24292/endangered-and-threatened-wildlife-and-plants-12-month-finding-on-a-petition-to-list-greater).