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**From:** **Public Lands News** <[james@publiclandnewsletter.com](mailto:james@publiclandnewsletter.com)>  
**Date:** Fri, Jun 2, 2017 at 7:01 AM  
**Subject:** Public Lands News: Alaska energy war begun; USDA backs fire transfers; lynx plan backed  
**To:** [james@publiclandnewsletter.com](mailto:james@publiclandnewsletter.com)

Dear Public Lands News Subscriber:

June 2, 2017: Attached is the current issue of the newsletter Public Lands News (Volume 42 Number 11), in .doc format and in PDF format. Below are the headlines. We thank you for reading Public Lands News.

The Editors

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# Public Lands News®

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## Zinke begins to shake up North Slope energy management

Secretary of Interior Ryan Zinke joined up with the Alaska establishment May 31 to launch an all-out campaign to open the North Slope of the state to energy development.

Zinke kicked off the campaign by issuing a two-headed Secretarial Order No. 3352 that (1) orders a replacement of a plan governing the National Petroleum Reserve in Alaska (NPRA) and (2) orders the development of a plan to assess oil and natural gas potential both in NPRA and in the coastal plain of the Arctic National Wildlife Refuge (ANWR).

BLM has already leased 189 tracts in NPRA covering 1,372,688 acres and Congress has yet to authorize oil and gas leasing in the coastal plain of ANWR.

But Gov. Bill Walker (I-Alaska) and the Alaska Congressional delegation are chomping at the bit to accelerate oil and gas development in NPRA and begin leasing in ANWR. Their immediate and long-term goal is to produce enough oil to replenish the Trans-Alaska Pipeline System and rescue a struggling Alaskan economy.

Zinke promised to help. On signing his secretarial order in Anchorage during a trip to the state he said, "Working with the Alaska Native community, Interior will identify areas in the NPRA where responsible energy development makes the most sense and devise a plan to extract resources. We will do it in a way that both respects the environment and traditional uses of the land as well as maintains subsistence hunting and fishing access."

Alaska Department of Natural Resources (DNR) Commissioner Andy Mack said, "The federal agencies have been relying on outdated assessments, stale data, and restrictive planning, so today's Secretarial Order is welcome news. The DNR team looks forward to working closely with North Slope leaders and DOI to achieve a better understanding of the tremendous potential that lies in NPR-A and the (coastal plain) of ANWR. We are excited about this new partnership to continue responsible development and production to fill the Trans-Alaska Pipeline System."

The Alaska Wilderness League will resist. Kristen Miller, interim executive director of the league, said a 2013 NPRA Integrated Activity Plan should be allowed to continue. "Upsetting this carefully crafted plan is irresponsible, and we and the hundreds of thousands of Americans who actively supported the current management plan will not sit idly by while this administration tries to give these public lands wholesale to the oil industry," she said.

And Miller said Zinke erred in inferring Congress set aside the coastal plain of ANWR for oil and gas development. "Interior Secretary Zinke is wrong that the Coastal Plain was set aside by Congress for its potential oil and gas resources; rather the special human and wild values of the coastal plain led Congress to reject drilling there in 1980, and many times since," she said.

As always, the energy market will determine whether oil and gas companies make the risky investment to develop resources in NPRA and ANWR, assuming Congress at some point makes ANWR available for leasing.

But ConocoPhillips Alaska is reportedly making progress on two major projects in NPRA - Greater Mooses Tooth 1 and 2. Greater Mooses Tooth-1 is reportedly ready to begin production in December 2018 and BLM is working on an EIS for Greater Mooses Tooth-2.

ConocoPhillips announced January 13 that it has made a significant oil and gas discovery in Greater Mooses Tooth-1 from two drilled wells called the Willow Discovery. The two wells are about four miles apart. BLM and the Corps of Engineers took years to complete permitting for the landmark lease.

The first part of Zinke's order directs his assistants to produce a schedule for revising the 2013 Obama administration Integrated Activity Plan. It calls for "a schedule to effectuate the lawful review and development of a revised Integrated Activity Plan for the NPR-A that strikes an appropriate statutory balance of promoting development while protecting surface resources."

The second part directs his assistants to put together a plan for assessing oil and gas reserves in both NPRA and ANWR. It tells them to submit to his office within 21 days "a joint plan for updating current assessments of undiscovered, technically recoverable oil and natural gas resources of Alaska's North Slope, focusing on Federal lands including the NPR-A and the Section 1002 Area. The joint plan shall include consideration of new geological and geophysical data that has become available since the last assessments, as well as potential f

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existing geological and geophysical data.”

**NPRA situation:** BLM is managing NPRA under a Feb. 26, 2013, Integrated Activity Plan that opened 11 million acres of the 22.8 million-acre area to oil and gas leasing. Zinke said the plan potentially precludes “development of up to 350 million barrels of oil and 45 trillion cubic feet of natural gas.”

ConocoPhillips is leading the drive to develop leases on land opened up by the 2013 plan with its Mooses Tooth projects.

The early success of ConocoPhillips has generated new interest in developing NPRA. In the most recent on Dec. 14, 2016 BLM received 92 bids on 67 tracts, generating \$18.8 million for 614,000 acres. ConocoPhillips offered most of the bids. That compares to a Nov. 18, 2015, sale that generated only \$788,680 in bids on six tracts. Again, in BLM’s most recent statistics of April of this year BLM has leased 189 tracts covering 1,372,688 acres.

**ANWR situation:** The Trump administration has already made known its interest in opening the 1.4 million-acre coastal plain to oil and gas leasing. The fiscal year 2018 Trump administration budget request assumes leasing would begin in 2022 and would produce \$1.8 billion in revenues for the federal government by 2027.

However, Congress would have to pass legislation, which it has refused to do for more than 30 years. Sen. Lisa Murkowski (R-Alaska) has introduced legislation (S 49) to authorize leasing in the 1.4 million-acre coastal plain. But Sen. Edward Markey (D-Mass.) and Rep. Jared Huffman (D-Calif.) have introduced legislation (HR 1889, S 820) to designate the coastal plain as wilderness.

Zinke said when the budget was introduced May 23, that Congress must act, but only after Interior does the scientific groundwork. “We need seismic testing to determine what resources are there,” he said. “It is incumbent on the Interior Department to do the science to determine what is there so Congress can make an informed decision on what is proper.”

### Perdue promotes wildfire assistance; it’s not in budget

Secretary of Agriculture Sonny Perdue May 25 promised to attack the explosive fire borrowing by the Forest Service, even though the fiscal year 2018 Forest Service budget request does not mention any such initiative.

At a hearing of the House subcommittee on Interior and Related Agencies Appropriations Perdue said, “Fire funding is a huge issue and I look forward to working with this committee. Mr. Simpson is kind of a spiritual leader of that effort and I want to see if we can get that across the goal line. I’ll advocate very strongly on this.”

Simpson is Rep. Mike Simpson (R-Idaho), the lead sponsor of legislation to transfer emergency wildfire spending out of annual Forest Service appropriations and into disaster spending.

Continued Perdue, “I think the President gets that from a management standpoint. You can’t manage a budget when you do not know where your emergency and disaster funds come out. We are over 53 percent today of the Forest Service budget in suppression. It should be like it used to be in the 15-to-20 percent area, and let us use the rest of the funds wisely for management.”

Simpson suggested that, because budget committee members oppose his stand-alone legislation, he would try a new trick in the next appropriations bill – forbid the Forest Service from borrowing money from other programs to pay for fire fighting.

"I thought of working with chairman (Ken Calvert (R-Calif.)) to see if we can strike that language in our appropriations bill so you can't borrow from other accounts," he said.

"The reason being when other members of Congress look at the end result and say, 'Well, they must have the money to do it because they fought the wildfires and they didn't run out of money.' What they don't see is they are borrowing money. If we could stop the borrowing legislatively (I'd rather do it with out fire bill), it would force the Forest Service to come to Congress for a supplemental and these people would understand what the true costs for these fires are."

From the other side of the fence ranking subcommittee Democrat Betty McCollum (D-Minn.) blasted the Trump budget. "I'm disappointed that the administration has failed to pursue any proposal to reform the way we fund wildfire costs," she said. "Mr. Simpson has been working tirelessly on this and there is totally nonpartisan support from the committee on this. This budget illustrates how other important programs suffer when funding is diverted into fighting wildfires."

In a related area the Trump administration's fiscal 2018 budget request would reduce the number of urban wildland acres treated for hazardous fuels to help limit wildfires, despite Republican demands for a sweeping treatment program.

The budget projects the Forest Service would treat 1.71 million acres of wildland urban interface in fiscal 2018 compared to 1.8 million acres in fiscal 2017 and more than 2 million acres in fiscal 2016.

The budget would reduce Forest Service hazardous fuels spending by \$36 million, from a fiscal 2017 appropriation of \$390 million to \$354 million.

For the Interior Department the Trump budget would reduce hazardous fuels spending by more than \$30 million from \$180 million in fiscal 2017 to \$149 million in fiscal 2018. The number of acres treated would be reduced commensurately.

The announcement of those projected cutbacks came just six days after the Republican-controlled House Federal Lands subcommittee held a hearing deploring the Forest Service's record in treating hazardous fuels.

Said committee chairman Tom McClintock (R-Calif.), "The American people want our forests returned to health. They want the growing scourge of wildfire brought back under control. They want the destruction of mountain habitats by fire, disease and pestilence arrested and reversed. They want the prosperity of their forest communities restored."

But it's not just money that is getting in the way of the removal of dead, dying and diseased trees that lead to costly wildfires, say the Republicans and their allies. It's also federal red tape.

At the House subcommittee hearing Steven A. Brink, vice president of Public Resources for CalForests, said, "(T)he myriad of environmental statutes, regulations, manuals, handbooks, letters of direction, and litigation make forest health and fuels reduction project development time consuming and costly. Many projects are stalled or stopped by litigation. As a result the Forest Service, California Region has not made any headway in increasing the pace."

House Republicans and a handful of Democrats in the last Congress offered a partial solution in the form of a bill (HR 2647) from Rep. Bruce Westerman (R-Ark.) Approved by the full House at least twice the measure would have limited environmental review requirements for timber harvests designed to remove dead and dying trees.

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To improve its efficiency in carrying out hazardous fuels projects the Forest Service proposed in its fiscal 2018 budget request to shift the program out of a wildfire line item and into the National Forest System line item.

"The proposal to appropriate hazardous fuels within the National Forest System aims to improve coordination within the National Forest System and increase goods and services coming from National Forest System lands," says the agency budget.

Closely related to hazardous fuels treatments are timber sales, and the Trump budget proposes flat spending to carry out projected sales of 3.2 billion board feet in fiscal 2018. The budget asks for \$8.7 million less for the Forest Products line item in fiscal 2018, down from \$367.8 million to \$359.1 million.

Some Democrats say the Republican focus on cleaning out hazardous fuels misses the point by ignoring the impact of climate change on infestations and drought. Said Ranking Member Raúl M. Grijalva (D-Ariz.) just before the House subcommittee hearing, "Serious forest policy has to account for climate change making our forests drier than ever and fund Forest Service fire prevention adequately, and Republicans refuse to do either."

For Forest Service wildfire management the Trump fiscal 2018 budget request approximates a fiscal 2017 final appropriations law (PL 115-31 of May 5). It requests \$2.849 billion for Forest Service wildfire management compared to a fiscal 2017 appropriation of \$2.8 billion. For the Interior Department the administration requested \$874 million for wildfire management compared to a fiscal 2017 appropriation of \$943 million.

### Legislation advocated to limit FWS habitat consultation

With the support of the Trump administration, bipartisan legislators from the northern Rockies are pushing a bill to undo a federal court decision requiring consultation on projects affecting lynx habitat. The Forest Service also fears the decision could be applied to other imperiled species.

A 2015 Cottonwood ruling directed the Forest Service to consult with the Fish and Wildlife Service (FWS) on plans that affect lynx habitat. The Forest Service had consulted with FWS when the lynx habitat was initially designated in 2007, but in 2009 FWS pulled that habitat designation and designated significantly more national forest as critical habitat.

At that point, said the Ninth U.S. Circuit Court of Appeals, the Forest Service should have consulted once again on plans governing lynx habitat. Although the court didn't enjoin any projects, it did say the Forest Service should revise the plans, and consult with FWS.

Secretary of Agriculture Sonny Perdue told a House subcommittee May 25 that the decision could delay 80 projects in 18 national forests, including hazardous fuels projects, while the service prepared new land use plans. And he endorsed legislation (HR 1483, S 605) that would waive consultation.

"That ruling is creating a lot of problems over consultation regarding habitat if there is any change," Perdue told the House subcommittee on Interior Appropriations at a hearing on the Forest Service budget. "I hope you can look to legislation to make it clear to the courts that the decision only delays those projects for months and years sometimes."

Perdue added, "We have at least 80 forest management projects at risk of being enjoined through that ruling. It is affecting 72,000 acres and 100 million board feet of timber."

Rep. Mike Simpson (R-Idaho), the sponsor of HR 1482, agreed. "The Cottonwood case is a perplexing problem that we need to address legislatively," he said.

Then, referring to the broader litigation picture, he said, "We've created a situation where you could get sued every step of the way and there are multiple steps all along the way, and it is just unmanageable, frankly."

The Cottonwood Environmental Law Center won an initial round in this fight when the U.S. District Court in Montana ruled May 16, 2013, that the Forest Service must consult with FWS on land use plans governing lynx habitat. The Forest Service had initially consulted with FWS after FWS first designated critical habitat in 2006 in preparing land use plans.

But in 2007 FWS said that its critical habitat designation had been "improperly influenced" by deputy assistant secretary of the Interior Julie MacDonald. So FWS redesignated critical habitat for the lynx, increasing it from 1,841 square miles to 39,000 square miles (not all of it managed by the Forest Service.)

At that point Cottonwood argued to the court that the Forest Service should have reconsulted with FWS and prepared new land use plans governing projects that might affect the lynx. The appeals court agreed on June 17, 2015.

The Supreme Court on Oct. 7, 2016, refused to hear a petition from the Forest Service.

Cottonwood now says, "Cottonwood is hopeful that it can now help the Forest Service monitor and study Canada lynx in areas designated as critical habitat to help create new management plans."

But the Forest Service said in a December 2016 memo the Cottonwood precedent may be applied elsewhere. "The implications of Cottonwood extend beyond NFs with lynx critical habitat," says the memo.

"There are similar lawsuits and multiple (notices of intent to sue) directed at projects on other NFs within the Ninth Circuit and beyond. A case was filed in the Federal District Court for the District of Columbia alleging the same reinitiation of consultation issue on the Superior National Forest last June. The court's decision may extend the range of the Cottonwood ruling beyond the 9th Circuit."

In addition to Perdue's support Simpson can anticipate backing for his legislation from Secretary of Interior Ryan Zinke. He cosponsored Simpson's bill in the last Congress when he was serving as a House member from Montana.

The Simpson bill is straightforward: It says the Forest Service - and BLM - should not have to reconsult with FWS if a management plan were already in place at the date of habitat designation. Sens. Steve Daines (R-Mont.) and Jon Tester (D-Mont.) introduced the Senate bill.

## Austere FY 2018 budget promotes energy, cuts agencies

The Trump administration, as advertised, submitted a fiscal year 2018 budget request May 23 that would cut appropriations for federal land management agencies across-the-board.

Substantively, the budget proposes major new policies, including leasing for oil and gas in the coastal plain of the Arctic National Wildlife Refuge (ANWR) within five years. That proposal has been before Congress for 35 years without success.

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The administration also would terminate the Southern Nevada Public Land Management Act (SNPLMA), which has produced \$3.4 billion from federal land sales over the last 20 years. The budget would confiscate unspent Nevada money.

Finally, the budget recommends the revival of the Federal Land Transaction Facilitation Act, which expired in 2011.

Western Republican senators offered different reactions. The House Public Lands Caucus was strongly supportive of the Trump proposal. Said House Western Caucus Chairman Paul Gosar (R-Ariz.), "While no budget is perfect, I am pleased to see a serious proposal from the White House to tackle our country's spending crisis and put us on sustainable path toward economic growth. Unlike the pipe-dream proposals put forth by the Obama Administration, this budget is grounded in sound policy and fiscal responsibility. Kudos to the Trump Administration for reducing bureaucratic blight within the EPA, supporting a true all-of-the-above energy strategy and providing much needed relief to rural communities and local stakeholders."

But Sen. Dean Heller (R-Nev.) was broadly critical of the budget, particularly the proposed elimination of SNPLMA. "The President's budget request is just one component of the budget process, and Nevadans can rest assured that I'm committed to fighting for our local priorities as the budget debate continues," he said.

For BLM resource management Trump proposed a \$132 million reduction, from \$1.095 billion in fiscal 2017 to \$963 million in fiscal 2018.

For the National Forest System Trump proposed a \$234 million increase, from \$1.513 billion in fiscal 2017 to \$1.747 billion in fiscal 2018, but the Trump budget would include in forest management \$354 million for hazardous fuel treatments. Deducting the hazardous fuels management transfer, the National Forest System would receive \$120 million less in fiscal 2018 than in fiscal 2017.

For wildfire management the Trump budget approximates a fiscal 2017 final appropriations law (PL 115-31 of May 5). It requests \$2.849 billion for Forest Service wildfire management compared to a fiscal 2017 appropriation of \$2.8 billion.

For the Interior Department the administration requested \$874 million for wildfire management compared to a fiscal 2017 appropriation of \$943 million.

Even for the almost sacred payments-in-lieu of taxes (PILT) program the Trump administration proposed a decrease of \$68 million, from \$465 million in fiscal 2017 to \$397 million in fiscal 2018.

For Park Service operations the Trump budget would reduce the appropriation by \$200 million, recommending \$2.225 billion, compared to a fiscal 2017 appropriation of \$2.425 billion.

The Interior Department suggested that the administration would compensate for fewer employees in land management agencies by detailing regional headquarters and Washington, D.C., headquarters personnel to the field.

Secretary of Interior Ryan Zinke defended a proposed decrease of 11 percent in his department's budget (down from a March budget outline proposal of 12 percent). He said during the previous administration the department's annual revenue collections had plummeted.

"Let me be clear," he said. "The Interior Department decreased in revenues from \$17 billion in 2009 to \$9 billion in 2016." Most of that was from a decline in energy development, he said.

The department budget reinforced the Trump administration's emphasis on energy development. "Interior's 2018 budget supports an 'all-of-the-above' energy development strategy, increasing funding for onshore and offshore oil and gas, expanding coal activities, and sustaining the current pace of renewable energy development," the department budget said. The \$791.2 million for energy constitutes an increase of \$16.3 million over 2017, the department said.

Alaska Gov. Bill Walker (I-Alaska) endorsed the emphasis on energy development in his state. "We applaud members of the Trump Administration for their interest in responsible resource development on the North Slope," he said. "The National Petroleum Reserve, the Beaufort and Chukchi Seas and ANWR all hold significant promise for Alaska." (See related article page one.)

But ranking Senate Energy Committee Democrat Maria Cantwell (D-Wash.) declared war. "Once again, the Trump Administration has turned its back on Teddy Roosevelt-style conservatism and is instead trying to allow special interests to pillage our natural resources so a wealthy few can make themselves even wealthier," she said. "We won't let him."

Conservation groups joined with the outdoor recreation industry in deploring the Trump budget. Said the Center for Western Priorities Executive Director Jennifer Rokala: "The proposal will make it harder to keep America's most spectacular lands pristine for future generations. President Trump and Secretary Zinke are running roughshod over the legacy of Teddy Roosevelt, tilting the scale toward special interests instead of the American people."

Said Backcountry Hunters and Anglers President Land Tawney, "The administration's budget starves our public lands of critical funding. The cuts they would levy on our natural resource agencies, resource professionals and key programs are unprecedented and far-reaching in scope."

The Trump budget is but a starting point. The House and Senate will almost certainly come up on the bottom line numbers, as House Appropriations Committee Chairman Rodney Frelinghuysen (R-N.J.) inferred.

"As outlined in the Constitution, the Congress, not the Executive Branch, has the 'power of the purse.' My Committee takes this responsibility very seriously," he said. "It is our job to analyze the request, go through each and every budget line, question every witness, and demand spending justifications on behalf of the taxpayers who are footing the bill. Only then can Congress put forward our own plan to fund the federal government, ensuring the wise investment of taxpayer dollars on important programs while trimming back or eliminating waste and duplication."

House Democrats held a pre-emptive press conference May 18 to press for an increase in Congressional spending caps for domestic programs to reach parity with Defense spending. The bottom-line Trump budget calls for a \$54 billion increase in Defense spending, with the money to come from domestic spending.

Said ranking House Appropriations Committee Nina Lowey (D-N.Y.), "A failure to raise existing spending caps on defense and nondefense - combined with our late start and an erratic President who seems to want a government shutdown - would set this year's Appropriations process up for failure. We need a budget framework that makes it possible for Congress to pass responsible spending bills, and fulfill our responsibilities at home and abroad."

Appropriators face an almost impossible schedule. They usually begin marking up individual appropriations bills in June, yet most panels have barely begun hearings yet on fiscal 2018 spending measures. The Trump request, usually proposed the first week of February, was delayed because of the change in administrations.

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In effect Congress will have four months to put the fiscal 2018 spending bills together, and you can scratch August because the House and Senate intend to be on vacation for the entire month.

The Trump administration's proposed Interior Department cut is in line with the President's philosophy of transferring the business of federal agencies to state and local governments and the private sector. By program:

*Energy:* The request is all in on energy development. Said the department, "(The budget) strengthens the Nation's energy security by increasing funding for DoI programs that support environmentally responsible development of energy on public lands and offshore waters. Combined with administrative reforms already in progress, this would allow DoI to streamline permitting processes and provide industry with access to the energy resources America needs, while ensuring taxpayers receive a fair return from the development of these public resources."

*Agency operations:* Although the budget request proposed a staffing reduction of six percent, Zinke said, "The front line managers and rangers are a top priority asset. We need to shore them up."

He suggested he would do that in part with a grand, multi-agency reorganization that would lead to better coordination among BLM, the Fish and Wildlife Service, the Forest Service and other federal agencies. "There's no line item for a reorganization built into this budget but maybe in (fiscal) 2019," said Zinke. "The question is, how do we in government in the different bureaus work together better?"

*Wildfire:* The Interior budget request said, "The 2018 budget provides \$389.4 million for wildfire suppression - the full 10-year average of suppression expenditures. This level of funding is projected to be sufficient to meet fire suppression needs in an average fire season without the risk of needing emergency transfers from other departmental accounts." (See related article page one.)

*PILT:* The administration takes on the sacrosanct payments-in-lieu of taxes program, saying, "The 2018 budget proposes \$396.9 million in current funding for PILT, a decrease of \$54.3 million from the comparable 2017 CR baseline level (not the appropriated level) of \$451.1 million displayed in the Departmental Operations appropriation. This reduction of 12 percent is commensurate with the Department of the Interior's overall reduction from 2017 current budget levels."

**Fiscal 2018 numbers:** Here are a few numbers in the final fiscal 2018 budget request, compared to fiscal 2017 appropriations:

**BLM RESOURCE MANAGEMENT:** The fiscal 2018 proposal recommends an appropriation of \$963 billion, compared to a fiscal 2017 appropriation of \$1.095 billion.

**PAYMENTS-IN-LIEU OF TAXES:** The fiscal 2018 proposal recommends an appropriation of \$397 million, compared to a fiscal 2017 appropriation of \$465 million.

**WILD HORSES AND BURROS:** The fiscal 2018 proposal recommends an appropriation of \$70.7 million, compared to a fiscal 2017 appropriation of \$80.6 million.

**ENERGY AND MINERALS:** The fiscal 2018 proposal recommends an appropriation of \$177.4 million, compared to a fiscal 2017 appropriation of \$172.8 million.

**NATIONAL LANDSCAPE CONSERVATION SYSTEM:** The fiscal 2018 proposal recommends an appropriation of \$27.7 million, compared to a fiscal 2017 appropriation of \$36.8 million.

**NATIONAL FOREST SYSTEM:** The fiscal 2018 proposal recommends an appropriation of \$1.03934 billion, compared to a fiscal 2017 appropriation of \$1.03934 billion.

\$1.747 billion, compared to a fiscal 2017 appropriation of \$1.513 billion, but the Trump budget would include in forest management \$354 million for hazardous fuels management. Deducting the hazardous fuels management the National Forest System would receive \$120 million less, or \$1.393 billion.

**FOREST PRODUCTS:** The fiscal 2018 proposal recommends an appropriation of \$359.1 for this line item, which includes timber sales, compared to a fiscal 2017 appropriation of \$367.8 million.

**FWS REFUGE MANAGEMENT:** The fiscal 2018 proposal recommends an appropriation of \$470.1 million, compared to a fiscal 2017 appropriation of \$483.9 million.

**LWCF FEDERAL ACQUISITION:** The fiscal 2018 proposal recommends an appropriation of \$51 million, compared to a fiscal 2017 appropriation of \$188.8 million.

Here is the agency-by-agency LWCF distribution: the Bureau of Land Management (BLM) would receive \$3.6 million compared to \$31.4 million in fiscal 2017; the Fish and Wildlife Service (FWS) would receive \$17 million compared to \$50 million; the Park Service would receive \$23 million compared to \$42 million; and the Forest Service would receive \$7 million compared to \$54.4 million.

**Three substantive programs:** Here are three programs the Trump administration would launch, terminate and/or renew:

**ANWR leasing:** The budget assumes leasing would begin in 2022 and would produce \$1.8 billion in revenues for the federal government by 2027. However, Congress would have to pass legislation, which it has refused to do for more than 30 years. Sen. Lisa Murkowski (R-Alaska) has introduced legislation (S 49) to authorize leasing in the 1.4 million-acre coastal plain. However, Sen. Edward Markey (D-Mass.) and Rep. Jared Huffman (D-Calif.) have introduced legislation (HR 1889, S 820) to designate the coastal plain as wilderness. (*See related article page one.*)

Zinke agreed that Congress must act, but only after Interior does the scientific groundwork. "We need seismic testing to determine what resources are there," he said. "It is incumbent on the Interior Department to do the science to determine what is there so Congress can make an informed decision on what is proper."

Environmentalists immediately promised an all-out war against legislation to open the coastal plain to development. Said The Wilderness Society in a statement, "This budget includes a toxic policy rider that Congress has rejected for decades: drilling for oil in the Arctic National Wildlife Refuge. The Arctic Refuge is the wildest place left in America, and the American people have rallied to defend it since its creation."

**SNPLMA termination:** The pride and joy of former Senate Majority Leader Harry Reid (D-Nev.), this 1998 Nevada law authorizes the sale of surplus federal land around Las Vegas, usually to developers. SNPLMA has produced more than \$3.4 billion from the land sales, with most of the money returned to the state and local governments for conservation purposes. The Trump budget says termination of the program will produce \$230 million by taking back revenues that Nevada has not yet spent.

Democratic Rep. Dina Titus (D-Nev.) joined Sen. Heller in criticizing the administration for attempting to confiscate the \$230 million left for state and local programs.

"For years, the GOP has worked to dismantle SNPLMA, a law that has provided our state with valuable resources to grow the community, increase outdoor recreation, and conserve public lands responsibly in Northern and Southern Nevada." DOI-2020-02-03935

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she said. "By proposing to steal \$230 million from the balance of the SNPLMA account, Republicans are ignoring the success this law has had in places like Red Rock Canyon and Lake Tahoe. Money from land sales in Clark County should not be siphoned off to build a wall along the border."

*FLTFA renewal:* FLTFA (PL 106-248) authorized the sale by BLM of federal lands with the revenues returned to BLM, the Forest Service, the Fish and Wildlife Service, and the Park Service to acquire conservation lands. The revenue from hundreds of sales has raised more than \$115 million and paid for 39 projects.

The act, signed into law in 2000, expired in 2011. Reauthorization of the program has been promoted by Republicans and Democrats alike over the last five years and has been included in numerous omnibus conservation bills.

### Trump would spend less on sage-grouse plans, to start

The Trump administration signaled May 23 that it will back off from full implementation of 98 BLM and Forest Service sage-grouse management plans. The signal came in the form of a proposal to reduce spending on BLM plans.

That would undoubtedly give states more say in managing the sage-grouse and, inferentially, give commodity users greater access to the public lands.

The Trump signal came in a BLM budget request that would slash \$11.5 million from bureau's allocation for sage-grouse management. The request says the reduction will lead to "a revised implementation timeline of the Sagebrush Conservation Implementation Strategy and more limited habitat restoration work." The fiscal 2017 BLM appropriation for sage-grouse management was \$68.9 million.

The Obama administration sage-grouse policy, issued on Sept. 22, 2015, did not list the greater sage-grouse as an endangered or threatened species as western states had feared. Instead, it directed BLM and the Forest Service to implement 98 records of decisions to protect the bird. The plans affected 67 million acres across 10 western states.

To revise or replace those plans would likely take many years. But to slow their implementation could be executed with simple budget reductions.

As part of its sage-grouse policy the Obama Interior Department also withdrew 10 million-acres of public lands from hard rock mining claims for two years.

Now the hard rock mining industry, the oil and gas industry, some western states and some western local governments are pushing all buttons to do away with the Obama policy and let state plans govern the imperiled bird. By one count 38 lawsuits have been filed against the Obama policy.

The Trump Justice Department could always adopt the "sue-and-settle" strategy that western Republicans said the Obama administration used to strike agreements on environmentalist lawsuits in favor of the environmentalists. This time the settlements would presumably favor commercial users of the public lands.

In court, industry and its Nevada local government allies won a recent district court decision that requires the agencies to prepare a supplemental EIS on the designation of sage-grouse focal areas where mining is forbidden. However, the court did not halt implementation of the plans.

On March 28 U.S. District Court Judge Miranda Du in Nevada directed BLM and the Forest Service to prepare a supplemental EIS on the designation in land use plans of sage-grouse focal areas (SFAs) where mining would be forbidden. Judge Du

an Obama appointee, said the agencies didn't fully identify SFAs in proposed EISS that were included in final EISSs.

On the Hill House and Senate members have reintroduced this year legislation (S 273, HR 527) to halt the Obama policy in virtually all respects. Sen. Jim Risch (R-Idaho) and House Natural Resources Committee Chairman Rob Bishop (R-Utah) are the lead sponsors.

That is, the legislation would not only forbid FWS from listing the greater sage-grouse, it would also forbid implementation of the BLM and Forest Service plans governing the greater sage-grouse, if states had management plans in place, as almost all do. And the bills would forbid the Interior Department from carrying out the 10 million-acre withdrawal.

Before heading out the door the Obama administration in January asked for public comment on the advisability of extending a temporary two-year withdrawal of 10 million acres in the West to 20 years. On Sept. 24, 2015, BLM withdrew the 10 million acres within SFAs for two years and proposed the 20-year withdrawal.

To the January request for comments on the longer withdrawal the American Exploration & Mining Association responded the Trump administration should not only terminate the two-year withdrawal but should also reject a longer withdrawal.

### Wilderness Society, SITLA disagree on state land sales

In a sharply disputed report The Wilderness Society said May 23 the State of Utah has sold more than 50 percent of the 7.5 million acres it received at statehood.

In a brief report the society said the state sale of 4.2 million acres in biennial auctions demonstrates Utah officials could not be trusted with the 31 million acres of federal land they want to control.

"More than 54 percent of the original 7.5 million acres of trust lands granted to Utah at statehood have been sold, a telling sign of what the state would do if it took over public land," says the report. "Now the state is demanding 31 million more acres of Our Wild - public forests, refuges and national treasures."

But the Utah Schools and Institutional Trust Lands Administration (SITLA), which oversees the remaining 3.3 million acres of state lands, takes great exception to The Wilderness Society report.

In sum John Andrews, associate director of SITLA, told us that the vast majority of the sold land was conveyed in the state's early days and provided sites for major communities - South Jordan, Kearns, Herriman, Eagle Mountain, Cedar City and St. George.

More recently, Andrews said SITLA has focused on conservation. "Since 1994 (when SITLA assumed management of state lands) SITLA has placed more land into conservation than into private ownership," he told us.

Said SITLA in a statement it shared with us, "Since its creation in 1994, SITLA has auctioned an estimated 59,686 acres from its portfolio, an average of 2,600 acres per year."

"In contrast, during the same period, SITLA conveyed over 256,000 net acres into conservation, primarily through land exchanges with the federal governments, but also with the Utah Division of Wildlife Resources, and private conservation

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entities such as The Nature Conservancy," the statement continued.

SITLA concluded, "The Wilderness Society report falsely claims that these conservation lands were sold for development or private use."

The four-page Wilderness Society report obviously provides fodder in the ongoing debate over the management of federal lands in Utah and the West.

President Trump, backed by Utah officials, has launched a review of the recent designation of 22 recent national monuments and five marine monuments, most of them established by the Obama administration. Much of the focus is on a Bears Ears National Monument and a Grand Staircase Escalante National Monument, both in Utah. (See related article page 13.)

In addition Utah Gov. Gary Herbert (R) on March 23, 2012, signed a state law (HB 148) that demands the transfer of most federal land to the state, about 31 million acres, excepting only national parks (save for portions of Glen Canyon National Recreation Area), national monuments and wilderness areas.

However, scholars in Utah have argued that a wholesale transfer of federal lands to the State of Utah would cause wholesale disruptions in the management of those lands. And would cost the state much more than the lands would bring in.

John Ruple, a research associate professor at the University of Utah, and Bob Keiter, a distinguished professor of law at the university, said in a 2015 report that the state would have to come up with \$100 million per year more than the public lands now generate - \$247 million now plus \$35 million in foregone state payments and \$150 million in mineral leasing revenues.

SITLA usually holds two auctions per year to sell state lands. In its report The Wilderness Society says SITLA has sold more than half the lands it has disposed of since 2014 to one entity, Lyman Family Farm Inc. The report says Lyman has purchased more than 5,200 acres for \$6.4 million, frequently outbidding conservation-minded groups.

One of those tracts - a 390-acre Comb Ridge - was once proposed by conservationists to be included in the Bears Ears National Monument.

The outdoor industry praised The Wilderness Society for its report and said the sale of conservation lands - whether state or federal - would harm the state's recreation-based economy.

"Beyond the associated conservation issues, the economic stakes of the public lands takeover proposed by the state of Utah are alarmingly high," said Peter Metcalf, the founder and former long-time CEO of Black Diamond Equipment Co. "As this report by The Wilderness Society demonstrates through vivid examples, Utah's governor, congressional delegation and state leaders fail to understand the critical relationship between our healthy public lands and the vitality of Utah's growing economy."

The Wilderness Society report is available at: <http://wilderness.org/sites/default/files/Our%20Wild%20for%20sale%20-%20Utah%20-%20report.pdf>.

## DoI proposes sale of excess wild horses for slaughter

The Trump administration touched the third rail of wild horse management May 23 in releasing its fiscal year 2018 budget request - it proposed the sale of excess animals for slaughter.

That is anathema to wild horse advocates. "The BLM wants to slaughter thousands of iconic wild horses by selling them to kill buyers to save \$4 million and cover up its gross mismanagement and incompetence in managing the federal wild horse and burro program," said Suzanne Roy, executive director of the American Wild Horse Preservation Campaign, which calls itself the nation's leading wild horse protection organization.

"This outrageous and lethal budget is completely counter to the will of the American people, who overwhelmingly oppose horse slaughter and support protecting mustangs and burros on our Western public lands," Roy said.

The Trump proposal follows a Sept. 9, 2016, recommendation of the National Wild Horse and Burro Advisory Board that BLM sell off as many of the 46,000 excess wild horses as it could that are in corrals. Then it recommended BLM euthanize the unadoptable animals.

At the time BLM said in a statement, "We will continue to care for and seek good homes for animals that have been removed from the range. The BLM does not and will not euthanize healthy animals."

But the Trump budget says, "The budget proposes to eliminate appropriations language restricting the BLM from using all of the management options authorized in the Wild Free-Roaming Horse and Burro Act."

"The long-term goal is to realign program costs and animal populations to more manageable levels, enabling the BLM to reorient the WH&B program back to these traditional management strategies."

With fewer horses to manage the BLM wild horse and burro program would need less money, said the administration in proposing a \$10 million reduction in fiscal 2018 appropriations, from \$80.6 million in fiscal 2017 to \$70.7 million.

BLM annually sells only about 2,000-to-2,500 wild horses for adoption, so we are talking about euthanizing more than 40,000 animals. The alternative is to continue to corral the more than 45,000 wild horses at a cost of \$50 million per year.

In addition there are nearly 70,000 wild horses and burros on the public range, or three times what BLM considers the appropriate management level of 27,000.

The livestock industry, upset about the impacts of an overpopulation of wild horses on the public range, last fall praised the advisory board recommendation. "As a stakeholder group that both cares for animals professionally and works the very rangelands currently being degraded by this growing problem, we are glad to see the Advisory Board take heed of this epidemic and recommend plausible management changes," said Dave Eliason, Public Lands Council president.

Industry charges that excess wild horses and burros not only damage the public range but also induce BLM to reduce livestock grazing.

Some veterinarians and livestock scientists have recommended that BLM adopt an aggressive sterilization campaign. But on Sept. 9, 2016, BLM said it would cancel a research program at Oregon State University.

Some western Congressmen such as Rep. Chris Stewart (R-Utah) have a different solution - put the states in charge. Stewart has introduced a bill (HR 3172) that would require the Interior Department or the Forest Service to cede management of wild horses and burros to states or Indian tribes if a legislature or governor so requested.

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## Democrats know what they think of Trump monument review

The House and Senate Democratic leadership weighed in last week in support of 27 national monuments under review by the Trump administration for possible shrinkage or elimination.

But Utah's two Republican senators welcomed the review to remedy "past abuses" of the law that authorizes a President to designate national monuments.

The to-and-fro came in response to a May 26 deadline for the review of a Bears Ears National Monument in Utah. The comment period for the other 26 monuments runs through July 9. At press time more than 125,000 comments had been submitted on Bears Ears. However, the Sierra Club counts more than 685,000 comments opposing any change to Bears Ears.

President Trump signed an executive order April 26 directing the Interior Department to review the designations of national monuments of more than 100,000 acres made since 1996. Trump did not take the ultimate step and say he had the authority to revoke those designations.

The Democratic leaders wrote Secretary of Interior Ryan Zinke May 25 and said, "As public servants, we have a moral obligation to protect America's natural places - our outdoor heritage - and important cultural and historic landmarks for our children and grandchildren to enjoy. For these reasons, we urge you to reject any attempt to diminish or eliminate national monuments in carrying out the President's executive order."

Signing the letter were House Minority Leader Nancy Pelosi (D-Calif.), House Minority Whip Steny H. Hoyer (D-Md.), Senate Minority Leader Charles E. Schumer (D-N.Y.), and Senate Minority Whip Dick Durbin (D-Ill.)

Zinke has hinted that he is more interested in reducing the size of monuments than the outright revocation of them. As he said after Trump kicked off the review, "Historically, the Act calls for the President to designate the 'smallest area compatible with proper care and management of the objects to be protected.' Despite this clear directive 'smallest area' has become the exception and not the rule."

Utah Republican Sens. Mike Lee and Orrin Hatch, who prodded Trump to begin the review as soon as he was elected, are all in. They wrote Trump last month, "No president has seriously revisited the modern, expansive use of the Antiquities Act (of 1906). We urge you to keep all remedies on the table as you consider how to correct past abuses of the Antiquities Act and work with Congress to ensure a more measure approach is taken and required in the future."

Among the more than 100,000 comments that you can view at <http://www.regulations.gov> (enter DoI-2017-0002) was one from an unidentified member of the American Motorcyclist Association, who was concerned about lost recreation opportunities.

"I oppose sweeping monument designations by administrations that fail to consider input from all stakeholders," said the commenter. "Such designations can restrict or eliminate opportunities for responsible off-highway motorized recreation on public lands and negatively affect the economies of the communities surrounding the monuments."

To immediately reach public comments on the monuments review at [regulations.gov](http://www.regulations.gov), go to: <https://www.regulations.gov/docketBrowser?rpp=25&po=0&dct=PS&D=DOI-2017-0002&refD=DOI-2017-0002-0001>.

The review is taking a look at the designation of 21 national monuments of more than 100,000 acres, plus an 87,500-acre Katahdin Woods and Waters National Monument in Maine and five huge marine monuments. That's 27 total.

The Trump-Zinke review could set the stage for Trump to at least reduce the size of the national monuments, if not outright revoke their designations. It directs Secretary of Interior Ryan Zinke to report back to the White House within 120 days with recommendations for "Presidential actions, legislative proposals, or other actions consistent with law."

In a trip through Utah last month Zinke gave mixed signals about his possible recommendation. "Some of the monuments are, I don't want to say universally, but certainly widely, supported and accepted," he said according to the *Salt Lake Tribune*. "The Bears Ears is not widely supported or accepted in the state of Utah."

At the same time he rejected the notion that the five Indian tribes that pushed for the Bears Ears designation were taken in by environmentalists. "I think they're smart, capable, passionate, and have a deep sense of tie to their culture and want to preserve it," Zinke said, according to the *Tribune*.

A national debate has erupted about whether or not the President has authority to unilaterally revoke or revise a national monument designation. In late March the influential American Enterprise Institute (AEI) published a report that argues Trump has unlimited authority to do so.

However, that report disagrees with a 1938 U.S. Attorney General opinion and a Congressional Research Service report of last fall that doubt Trump enjoys such authority.

### FWS begins work on plan to keep Bison Range under FWS

The Fish and Wildlife Service (FWS) made it official last month: It will prepare the paperwork that will keep the National Bison Range in Montana under its control.

That will reverse a last-second Obama administration proposal of January 18 to transfer management of the refuge to the Confederated Salish and Kootenai Tribes (CSKT).

Secretary of Interior Ryan Zinke had already made the call in April for the retention of Basin Range by FWS. Last month he reaffirmed that call, "I took a hard look at the current proposal suggesting a new direction for the National Bison Range and assessed what this would mean for Montana and the nation. As Secretary, my job is to look 100 years forward at all of Interior's resources. I recognize the Bison Range is a critical part of our past, present and future, which is why I have changed course."

In a May 18 *Federal Register* notice FWS said it would prepare a comprehensive conservation plan and EIS for the Range that would follow Zinke's direction to change course and retain FWS management of the site.

FWS asked for public comments on how it should proceed but made clear that the end result would be retention of the refuge by FWS. "(D)ue to the variety of information and perspectives received during the comment period and a change in policy direction, we will not proceed with evaluating a preferred alternative of legislative transfer of the NBR," says the FWS notice. "With this notice, we request comments in order to obtain suggestions and information on a revised scope of issues to be considered in the planning process."

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Comments should be send by June 19 to: [Scoping@NBR@fws.gov](mailto:Scoping@NBR@fws.gov).

The National Bison Range, located within the boundary of the reservation owned by the CSKT, hosts a herd of 350-to-500 bison, up from an initial herd of 40.

For the last 13 years the FWS has attempted to forge a working agreement with the CSKT to allow the tribes to manage the refuge. But environmentalists and FWS employees have resisted attempts to transfer jurisdiction over the 18,800-acre refuge to the CSKT tribes.

The Obama administration in January brought things to a head when it said it intended to write a comprehensive conservation plan with a preferred alternative recommending that Congress write legislation to transfer jurisdiction to the tribe.

On April 13 Zinke painted his decision to oppose legislation as consistent with his commitment not to dispose of public land. "I have said I will not sell or transfer public land. I remain steadfast in that commitment, which reflects my decision today," he said.

But Zinke said he would insure the tribe is fully consulted.

When FWS in 2016 first circulated the idea of a legislative solution to the management of the refuge, FWS employees objected. The Association of U.S. Fish & Wildlife Service Retirees Board Chair Robert G. Streeter said the transfer would set a bad precedent.

"The Board is gravely concerned that the proposed transfer is precedent-setting for future dealings with other tribal, state or even military organizations wishing to acquire and/or manage federal lands," he wrote then FWS Director Dan Ashe on behalf of the board. "This is a huge precedence for the NWRS, for wildlife conservation, for public use, and for the agency's heritage."

Montana's senior senator Jon Tester (D-Mont.), who has worked with the tribe on drafting legislation, does not plan to introduce a bill at this time, a Tester aide told the *Missoulan* newspaper after Zinke's announcement.

In December 2004 FWS signed an annual funding agreement (AFA) that paid the CSKT to assume several management jobs in the refuge. In June 2008 FWS and CSKT executed another agreement. However, the Public Employees for Environmental Responsibility (PEER) filed a lawsuit charging FWS had failed to prepare an environmental review.

The U.S. District Court for the District of Columbia agreed with PEER and directed FWS to prepare environmental documentation. In March 2012 FWS drafted a new AFA and in May 2012 it posted a notice of intent to prepare an environmental assessment.

In its complaints against the transfer of jurisdiction to CSKT under an AFA the environmental group PEER worried about the precedent for National Park System units. PEER said 57 National Park System units are eligible for AFAs, including Redwood, Glacier, Voyageurs and Olympic National Parks and the Cape Cod National Seashore.

## IBLA decisions

(We post current Interior Board of Land Appeals decisions at our website, <http://www.plnfpr.com/ibla.htm>. IBLA may be contacted at: Interior Board of Land Appeals, 801 North Quincy St., MS 300 QC, Arlington, VA 22203. Phone (703) 235 3750.)

**Subject:** O&G lease suspensions.

**BLM decision:** BLM will approve oil and gas lease suspensions while it proceeds. DOI-2020-02 03942

application for permit to drill (APD).

**Environmentalist appellants:** BLM should deny suspension of leases.

**Oil and gas lessee:** BLM should not grant state director review to environmentalist appellants.

**BLM argument to IBLA:** IBLA should dismiss appeal because environmentalist appellants don't have standing to appeal.

**IBLA decision:** Two holdings: one, state director review is allowed and, two, appellants don't have standing to appeal until APD is approved.

**Case identification:** *Southern Utah Wilderness Alliance*. 190 IBLA 152. Decided May 17, 2017. Nineteen pages. Appeal from an August 27, 2014, decision issued by the Deputy State Director, Utah State Office of BLM, who dismissed a request for State Director Review of a July 15, 2014, decision issued by the BLM's Vernal Field Office approving an application for suspension of operations and production for oil and gas leases on public lands in Utah.

**IBLA argument:** IBLA Administrative Judge Amy B. Sosin ultimately dismissed this appeal involving the suspension of oil and gas leases while BLM processes an application for permit to drill. In the appeal she considered two issues. First, she held that the Utah State Director is authorized to grant review of a field office decision approving the suspension of oil and gas leases. The oil and gas lessee had held that BLM's regulations did not authorize state director review. Held Sosin, "Because the regulations in Part 3160 require BLM to 'act on' applications for suspensions of operations and production, such action is subject to State Director Review." Second, Sosin held that even though state director review is required for lease suspension decisions, the environmentalists didn't have standing to appeal because no adverse action has occurred yet. That is, BLM will not make an appealable decision until it acts on an APD. "Since future development can only occur after approval of an application for a permit to drill, however, the adverse effect complained of by (the environmentalist appellant) is contingent upon some future occurrence and is merely hypothetical," held Sosin. "This is insufficient to demonstrate standing."

**Subject:** Coal unit modification.

**BLM decision:** BLM will approve a modification to a coal development unit that would achieve maximum economic recovery.

**Dissenting unit member:** BLM erred, the modification would bypass mineable coal.

**IBLA decision:** Affirmed BLM.

**Case identification:** *COP Coal Development Co.* 190 IBLA 199. Decided May 24, 2017. Twenty-three pages. Appeal from a decision of the Acting Field Manager, Price (Utah) Field Office of BLM, approving a minor modification to a coal resource recovery and protection plan. UTU-73342.

**IBLA argument:** IBLA Administrative Judge Amy B. Sosin affirmed a BLM decision approving a modification to a coal-mining unit in order to achieve maximum economic recovery (MER). The appellant is a member of the unit that objects to the bypassing of a patch of what it believes to be recoverable coal. However, the operator of the unit and BLM counter that the coal should be bypassed. Judge Sosin gives deference here to BLM's experts. Sosin concluded that the appellant "has failed to offer convincing argument or supporting evidence establishing that BLM erred in approving the discontinuation of mining in the 2nd North Panel, including the panels off of that Panel, and instead approving mining in the 3rd North Panel, including the panels off of that Panel."

## Notes

**Coal leasing EIS lawsuit action.** Two conservation groups asked a federal court to reopen an old lawsuit requesting a programmatic review of the federal coal-leasing program. That lawsuit from the Western Organization of Resource Councils and Friends of the Earth had been in abeyance while former Secretary of Interior Sally Jewell directed BLM to write a programmatic EIS on the federal program. But because the current Secretary of Interior Ryan Zinke terminated the review in March the groups asked the U.S. District Court of Appeals for the District of Columbia to take up its lawsuit again and set a briefing schedule on it. In the lawsuit the groups call on the court to direct BLM to consider the climate change impacts of the coal-leasing program. Said Bob LeResche on behalf of the Western Organization of Resource Councils, "Realities of climate change and shrinking markets for coal are real and ought to be considered. For a federal agency to ignore the huge new body of knowledge acquired since 1979 is just whistling past the graveyard."

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**Zinke names 18 DoI staffers.** Secretary of Interior Ryan Zinke May 26 drew on numerous sources to install 18 Interior Department staff members. The appointees include members of his personal staff from the Hill, Trump allies and members of the Republican establishment. Prominently, James E. Cason, who has been serving as associate deputy secretary since January, will continue in that post. Zinke also announced that Daniel Jorjani is serving as principal deputy solicitor; he worked in the solicitor's office under President George W. Bush. Zinke appointed Virginia Johnson as principal deputy assistant secretary for Fish and Wildlife and Parks; she has served most recently as an aide to former North Carolina Gov. Pat McCrory (R-N.C.) Zinke appointed Brian Pavlik as a special assistant for the National Park Service; he has worked as a concessioner for the Washington Sailing Marina. For his personal staff Zinke chose these former staff members from his days as a Congressman - Scott Hommel, Amanda Kaster-Averill, Aaron Thiele and Caroline Boulton.

**Zinke names Alaska liaison.** Secretary of Interior Ryan Zinke May 30 announced the appointment of Sen. Lisa Murkowski's (R-Alaska) re-election campaign manager as his senior advisor for Alaska issues. The appointee, Steve Wackowski, managed Murkowski's 2016 re-election campaign. Wackowski, a major in the Air Force Reserve, once served as former Sen. Ted Stevens's (R-Alaska) press secretary.

**BLM retirees back advisory groups.** An association representing BLM retirees May 24 asked Secretary of Interior Ryan Zinke to expeditiously put advisory boards and councils back in business. The department earlier this spring suspended the work of more than 200 advisory panels, including 38 BLM resource advisory councils, known as RACs. But the retirees, operating as the Public Lands Foundation, are asking Zinke to restore the panels as soon as possible. "We understand and appreciate the need to periodically review the membership and operation of various advisory committees and councils across the government. Our request is that this review be conducted as expeditiously as possible. Land management decisions are made daily. We believe these decisions are much more reflective of local needs when the BLM has the benefit of input from its Resource Advisory Council and other advisory committees," wrote Jesse Juen, president of the foundation. Eight Democratic senators are getting into the game. They wrote Zinke May 11, "We are very concerned about this news and would like an answer as to why the RAC meetings were postponed during the BLM's review of all advisory boards and committees. It is critical that local voices, including RACs, have the opportunity to provide input and take part in the process at all times, not just when those local voices align with the Administration or a large special interest." Sens. Ron Wyden and Jeff Merkley, both Oregon Democrats, were the lead signatories.

**Greens count huge energy subsidy.** Environmentalists argue in a new [report](#) that the federal government is providing more than \$7 billion per year in subsidies to the energy industry, onshore and offshore. The report, prepared for a group of environmentalists by Oil Change International, says the subsidies come in the form of "low royalty rates and exemptions; low rental, minimum bid, and fee rates; limited liability for cleanup of regular mining operations and oil spills; publicly-funded infrastructure projects in direct support of fossil fuel development; and inadequate regulation to prevent wasteful flaring of federal natural gas resources." The environmentalists cite the report to buttress their demand that the federal government discontinue leasing of fossil fuel energy from the public lands. "Federal subsidies for oil, gas and coal underwrite coastal flooding, severe drought and wildlife extinction," said Taylor McKinnon with the Center for Biological Diversity. "In an era of worsening climate change, fossil fuel subsidies are disastrous public policy." The report also argues that the onshore oil and gas royalty rate should be increased from its existing 12.5 percent level. It should be noted that the Trump administration is a major champion of fossil fuel development. The report is available at: <http://priceofoil.org/2017/05/24/unequal-exchange-taxpayers-burden-fossil-fuel-federal-lands/>.

**States seek more O&G royalties.** It's an old chestnut but with [DOI-2020-02-03944](#)

in the White House the political landscape may have changed for western states demanding a full 50 percent of fossil fuels energy royalties from onshore public lands. To that end Rep. Lynn Cheney (R-Wyo.), Rep. Stevan Pearce (R-N.M.) and five senators May 25 introduced legislation (HR 2661, S 1267) that would give the states the full 50 percent of royalties. Under existing law the federal government deducts two percent of the state share for administrative costs. Sen. Mike Enzi (R-Wyo.) was the lead Senate sponsor. The bill has bipartisan cover because Sen. Tom Udall (D-N.M.) is a key sponsor. Said Enzi, "Mineral royalties are supposed to be split 50-50, but by charging an unfair collection fee, the federal government is squeezing the states for more dollars to pad its own coffers. By empowering states to collect their own mineral revenue, they would no longer have to worry about the federal government snatching up mineral royalties that are rightfully theirs." However, the fiscal year 2018 Trump administration budget assumes a continued two percent deduction of the state share of royalties.

**Grijalva opposes grizzly delisting.** Rep. Raúl M. Grijalva (D-Ariz.) last month took exception to an Obama administration proposal to delist the grizzly bear in the Greater Yellowstone Ecosystem under the Endangered Species Act. The Fish and Wildlife Service proposed the delisting on March 3, 2016, because the population has increased from 136 bears in 1975 to an estimated more than 700 now. But Grijalva, ranking Democrat of the House Natural Resources Committee, said in a [letter](#) to Secretary of Interior Ryan Zinke, "Delisting the species would put it back on the chopping block for extinction in the Greater Yellowstone Ecosystem." The Grijalva letter is available at: <http://bit.ly/2rvz4eH>.

## Boxscore of Legislation

### **Fiscal year 2018 appropriations**

No bills yet. President Trump submitted his budget request May 23. Would reduce spending for virtually all public lands programs.

### **Fiscal year 2017 appropriations (full year)**

HR 244 (Cook). President Trump signed into law May 5 as PL 115-31. Appropriates roughly same amounts of money as fiscal 2016. Was stripped of riders.

### **Rule restrictions**

HR 21 (Issa). House approved January 4. Would allow Congress to revoke groups of regulations at one time with majority vote (no Senate filibuster.)

HR 5 (Goodlatte). House approved January 11. Would subject BLM and FS plans to major economic impact analysis.

*(Specific rules)* HJ Res 36 (Bishop), HJ Res 44 (Cheney), HJ Res 35 (Young). President Trump signed into law March 27 (PL 115-12) a resolution reversing a BLM planning rule (HJ Res 44). Trump signed into law April 3 a resolution (PL 115-20) reversing a FWS hunting rule in Alaska (HJ Res 35). The Senate defeated 51-to-49 a resolution that would have reversed a BLM methane emissions rule (HJ Res 36). The time has expired for Congress to act on other resolutions to reverse Obama energy regulations.

### **Federal land transfers**

H Res 5 (McCarthy). House approved January 3. Would not require economic offsets if Congress tried to transfer federal lands to states, local governments or tribes.

HR 232 (Young). Young introduced January 3. Would allow states to acquire up to 2 million acres of national forest.

### **National monument restrictions**

S 33 (Murkowski), S 132 (Crapo). Murkowski introduced January 5. Crapo introduced

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January 12. Murkowski would require Congressional and state approval of new monuments. Crapo would require Congressional approval.

**New national monuments**

HR 360 (Grijalva). Grijalva introduced January 6. Would establish a Greater Grand Canyon Heritage National Monument.

**Greater sage-grouse**

HR 527 (Bishop), S 273 (Risch). Bishop introduced January 13. Risch introduced February 1. Would largely revoke federal sage-grouse management policy and give the job to the states.

**Wolf in Wyoming**

HR 424 (Peterson, Cheney), S 164 (Johnson). Peterson introduced January 10. Johnson introduced January 17. Would maintain the delisting of the gray wolf in Wyoming, overcoming a judge's decision.

**Critical minerals**

HR 520 (Amodei), S 145 (Heller). House hearing March 21. Senate hearing March 28. Would have federal land managers establish time lines for acting on all mineral permits.

**Energy policy limitations**

S 737 (Markey), S 800 (Cantwell), HR 1819 (Cartwright) S 750 (Merkley), S 987 (Merkley). Markey introduced March 27. Cantwell and Cartwright introduced March 30. Merkley introduced March 28. Merkley introduced April 27. Markey would increase coal royalty, Cantwell and Cartwright would forbid coal self-bond, and Merkley would forbid new fossil fuels leasing from the public lands.

**County assistance**

S 1027 (Hatch) HR 2340 (Rodgers). Hatch, Rodgers introduced May 3. Would reauthorize Secure Rural Schools program for two years.

**Arctic National Wildlife Refuge (development)**

S 49 (Murkowski). Murkowski introduced January 5. Would open coastal plain to O&G development.

**Arctic National Wildlife Refuge (wilderness)**

HR 1889 (Huffman), S 820 (Markey). Huffman and Markey introduced April 4. Would designate coastal plain as wilderness.

**BLM foundation**

HR 1668 (Hice) HR 244 (Cook). President Trump signed the fiscal 2017 appropriations bill into law May 5 as PL 115-31 that establishes a BLM foundation, like those supporting NPS, FWS and FS.

**Land and Water Conservation Fund**

HR 502 (Grijalva), S 569 (Cantwell), S 896 (Burr). Grijalva introduced January 12. Cantwell introduced March 8. Burr introduced April 7. Would make the program permanent.

**Park Service Centennial**

S 751 (Warner). Warner introduced March 28. Would guarantee as much as \$500 million per year for NPS maintenance.

**Red Rock wilderness (Utah)**

HR 2044 (Lowenthal), S 948 (Durbin). Lowenthal introduced April 6. Durbin introduced April 26. Would protect 9.2 million acres of Utah land.

# **Federal Parks & Rec**

## **addendum to Public Lands News**

June 2, 2017

- \* *FY 2018 budget would largely eliminate new fed land buys*
- \* *Even NPS not exempt from austerity in FY 2018 budget*
- \* *Notes*
- \* *Monuments (See Public Lands News article)*

### **Trump would eliminate most federal land acquisitions**

In the face of serious pushback from the Hill, the Trump administration in its fiscal year 2018 budget May 23 proposed virtually no new major federal land acquisitions.

For instance the Forest Service budget request of May 23 calls for, "Reducing funding for lower priority activities in the National Forest System, such as new Federal land acquisitions; instead, the 2018 President's Budget focuses on maintaining existing forests and grasslands."

And the Interior Department budget request says, "The 2018 budget places a priority on Interior taking care of its current assets. Accordingly, the budget for land acquisition programs is \$54.0 million, \$129.1 million below 2017. A small amount of funding is maintained in each bureau for emergencies or acquisition of inholdings needed to improve management of established areas or to increase access."

At a hearing of the House subcommittee on Interior Appropriations May 25 one western Republican, Rep. Mike Simpson (R-Idaho), took exception to those who would shrink the federal presence in the West. He told Secretary of Agriculture Sonny Perdue, "If you really want to see what LWCF (Land and Water Conservation Fund) has done when you come out to Idaho, I'll take you down south where it's incredible what LWCF funds have done there."

Simpson went on to take further exception to his western colleagues who are championing the transfer of federal lands to states. "There's a movement to have the states take over all the federal lands," he said. "I don't see that happening either. It would not happen and I don't want it to happen because quite frankly we live in Idaho because we love our public lands."

In raw numbers the fiscal 2018 Trump budget request would slash the federal side of LWCF by \$138 million, from \$189 million in fiscal 2017 to \$51 million in fiscal 2018. The one exception for land acquisition appears to be the American Battlefield Protection Program, which would receive \$8.5 million from the Park Service land acquisition appropriation.

The state side of LWCF would receive \$3 million, compared to \$110 million in fiscal 2017, but the budget would have Congress allocate an additional \$90 million from Gulf of Mexico offshore oil and gas royalties to the program, for a conditional total of \$93 million. That of course assumes Congress changes the law.

The Forest Service Forest Legacy program, which is financed by LWCF revenues, would receive no money, compared to \$62.3 million in fiscal 2017.

The pushback against LWCF cuts in the Senate came May 15 even before the Trump budget hit the streets. Forty-nine senators from both parties wrote the Senate Appropriations Committee May 15 and asked for continued support for LWCF, including

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federal land acquisition, state grants and a Forest Legacy program. The lead signatories were Sens. Richard Burr (R-N.C.) and Jeanne Shaheen (D-N.H.)

"We are writing to express our strong support for the (LWCF) and Forest Legacy Program(s)," the senators wrote. "As you begin the process of drafting the Fiscal Year 2018 Interior, Environment, and Related Agencies Appropriations bill, we respectfully request that you allocate at least enacted level funding to this program to honor and continue the commitment to outdoor access for all Americans."

Support for the state grant program came from Barbara Tulipane, president of the National Recreation Park Association. She said, "President Trump effectively eliminates funding for (LWCF), which is particularly troubling and shortsighted, as it threatens the future of our public lands, such as local, state and national parks. Moreover, these cuts don't save tax payers a dime. LWCF isn't funded by taxpayer dollars, but from fees generated from offshore energy development. "

Here are the LWCF budget request numbers compared to fiscal 2017 appropriations:

**LWCF FEDERAL ACQUISITION:** The fiscal 2018 proposal recommends an appropriation of \$51 million compared to a fiscal 2017 appropriation of \$188.8 million.

By agency: the Bureau of Land Management would receive \$3.6 million compared to \$31.4 million in fiscal 2017; the Fish and Wildlife Service (FWS) would receive \$17.1 million compared to \$50 million; the Park Service would receive \$23.3 million compared to \$42 million; and the Forest Service would receive \$7 million compared to \$54.4 million.

**LWCF STATE:** The fiscal 2018 proposal recommends an appropriation of \$3 million, compared to \$110 million in fiscal 2017. But the budget also proposes to boost state side revenues with \$90 million from Gulf of Mexico oil and gas royalties, for a total of \$93 million in fiscal 2018. Congress would have to approve legislation to provide the offshore oil and gas money, no sure thing.

## **Even NPS not exempt from Trump FY 2018 budget cuts**

Park and recreation programs were not spared in the fiscal year 2018 budget request the Trump administration submitted to Congress May 23.

However, Congress almost certainly will treat the request for what it is, a recommendation, and establish its own spending agenda.

For now though the administration is asking for across-the-board cuts in operational spending for federal land management agencies. Even the Park Service is not exempt, with a proposed \$200 million reduction for operations, down from \$2.425 billion in fiscal 2017 to \$2.225 in fiscal 2018.

As promised in an outline of a budget request the administration published in March, the federal side of the Land and Water Conservation (LWCF) is down for a big cut of \$138 million, from \$189 million in fiscal 2017 to \$51 million in fiscal 2018.

The state side of LWCF would receive \$3 million, compared to \$110 million in fiscal 2017, but the budget would have Congress allocate an additional \$90 million from Gulf of Mexico offshore oil and gas royalties to the program, for a conditional total of \$93 million. That of course assumes Congress changes the law.

The pattern of decreases continues for other agencies with the National Forest System in for a \$120 million reduction and the Bureau of Land Management in for a \$132 million reduction.

For the Interior Department in total the Trump budget proposed a six percent reduction in force from 64,000 to 60,000 full-time equivalents. For the Park Service alone the budget would take away 1,242 jobs, reducing the number of full-time equivalent employees from 19,510 to 18,268,

At a press conference May 23 Secretary of Interior Zinke agreed that many parks need additional resources. "That's a concern I have is protecting the resource," he said. "No doubt in some instances we don't have the resources."

But he blamed the prior Obama administration in part for not collecting enough revenues, particularly from energy. He noted that the department took in only \$9 billion in 2016 compared to \$17 billion in 2008.

Democrats have an ask of their own. They are asking their Republican colleagues to reject a Trump administration proposal to take \$54 billion out of domestic spending and shift it to Defense spending.

Separately, 49 senators from both parties wrote the Senate Appropriations Committee May 15 and asked for continued support for LWCF, including federal land acquisition, state grants and a Forest Legacy program. The lead signatories were Sens. Richard Burr (R-N.C.) and Jeanne Shaheen (D-N.H.)

"We are writing to express our strong support for the (LWCF) and Forest Legacy Program(s)," the senators wrote. "As you begin the process of drafting the Fiscal Year 2018 Interior, Environment, and Related Agencies Appropriations bill, we respectfully request that you allocate at least enacted level funding to this program to honor and continue the commitment to outdoor access for all Americans."

Separately, a huge alliance of conservation groups earlier this month asked appropriators on both sides of the Hill to at least maintain fiscal 2017 conservation-spending levels for fiscal 2018. Groups including the National Parks Conservation Association and the National Recreation and Park Association deplored proposed reductions in the Trump budget outline of May 16, including a 75 percent cut for LWCF.

They then told House and Senate Appropriations Committee leaders, "We also request this preservation of funding because of the cumulative impact of years of constrained allocations on environmental and public health programs and agencies. Just taking the FY10 enacted levels and adjusting for inflation, the FY17 level is already a 10% cut."

Of note, both the senators and the conservationists ask for *level* funding for the programs, a departure from past requests for substantial spending *increases*.

Time is short, as usual. President Trump had barely signed a fiscal year 2017 appropriations bill into law (PL 115-31) May 5, before he submitted his detailed fiscal 2018 budget request 18 days later. In effect Congress will have four months to put the fiscal 2018 spending bills together, and you can scratch August because the House and Senate intend to be on vacation for the entire month.

The fiscal 2018 request fleshes out a sketch of a budget recommendation that the administration published March 16. That recommendation would famously slash Interior Department spending by 12 percent.

Here are some numbers in the fiscal 2018 Trump budget, compared to the final fiscal 2017 numbers:

LWCF FEDERAL ACQUISITION: The fiscal 2018 proposal recommends an appropriation of \$51 million, compared to a fiscal 2017 appropriation of \$188.8 million.

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Here is the agency-by-agency LWCF distribution: the Bureau of Land Management (BLM) would receive \$3.6 million compared to \$31.4 million in fiscal 2017; the Fish and Wildlife Service (FWS) would receive \$17.1 million compared to \$50 million; the Park Service would receive \$23.3 million compared to \$42 million; and the Forest Service would receive \$7 million compared to \$54.4 million.

LWCF STATE: The fiscal 2018 proposal recommends an appropriation of \$3 million, compared to \$110 million in fiscal 2017. But the budget also proposes to boost state side revenues with \$90 million from Gulf of Mexico oil and gas royalties, for a total of \$93 million in fiscal 2018. Congress would have to approve legislation to provide the offshore oil and gas money, no sure thing.

PARK SERVICE OPERATIONS: The fiscal 2018 proposal recommends an appropriation of \$2.225 billion, compared to a fiscal 2017 appropriation of \$2.425 billion.

CENTENNIAL CHALLENGE GRANTS: The fiscal 2018 proposal recommends an appropriation of \$15 million, compared to a fiscal 2017 appropriation of \$20 million.

PARK SERVICE RECREATION AND PRESERVATION: The fiscal 2018 proposal recommends an appropriation of \$37 million, compared to a fiscal 2017 appropriation of \$62.6 million.

NATIONAL HERITAGE AREAS: The fiscal 2018 proposal recommends \$1 million in administrative support, compared to a fiscal 2017 appropriation of \$19.8 million.

PARK SERVICE CONSTRUCTION: The fiscal 2018 proposal recommends an appropriation of \$226.5 million, compared to a fiscal 2017 appropriation of \$209.4 million.

PARK SERVICE HISTORIC PRESERVATION: The fiscal 2018 proposal recommends an appropriation of \$51.1 million, compared to a fiscal 2017 appropriation of \$80.9 million.

SAVE AMERICA'S TREASURES: The fiscal 2018 proposal recommends no appropriation, compared to a \$5 million appropriation in fiscal 2017.

STATE WILDLIFE CONSERVATION GRANTS: The fiscal 2018 proposal recommends an appropriation of \$52.8 million, compared to a fiscal 2017 appropriation of \$82.6 million.

NATIONAL FOREST SYSTEM: The fiscal 2018 proposal recommends an appropriation of \$1.747 billion, compared to a fiscal 2017 appropriation of \$1.513 billion, but the Trump budget would include in forest management \$354 million for hazardous fuels management. Deducting the hazardous fuels management the National Forest System would receive \$120 million less.

FOREST SERVICE RECREATION: The fiscal 2018 proposal recommends an appropriation of \$252.9 million, compared to a fiscal 2017 appropriation of \$264.6 million.

FOREST SERVICE TRAILS: The fiscal 2018 proposal recommends an appropriation of \$12.7 million, compared to a fiscal 2017 appropriation of \$77.5 million.

FOREST LEGACY: The fiscal 2018 proposal recommends no appropriation, compared to a \$62.3 million appropriation in fiscal 2017.

BLM RECREATION MANAGEMENT: The fiscal 2018 proposal recommends an appropriation of \$62.7 million, compared to a fiscal 2017 appropriation of the same, \$71.7 million.

NATIONAL LANDSCAPE CONSERVATION SYSTEM: The fiscal 2018 proposal recommends an appropriation of \$27.7 million, compared to a fiscal 2017 appropriation of \$36.8 million.

FWS REFUGE MANAGEMENT: The fiscal 2018 proposal recommends an appropriation of \$470 million, compared to a fiscal 2017 appropriation of \$483.9 million.

## Notes

**Glacier's glaciers disappearing.** The U.S. Geological Survey (USGS) says in a new [report](#) that the number of glaciers in Glacier National Park has been reduced from 150 when the park was designated in 1910 to 26 now. And those 26 are in danger. USGS said that since 1966 in the whole state of Montana the 39 glaciers still in the inventory have been reduced by climate change, some as much as 85 percent. Portland State University geologist Andrew G. Fountain, who worked on the project with USGS, said glaciers throughout the country have been shrinking. "While the shrinkage in Montana is more severe than some other places in the U.S., it is in line with trends that have been happening on a global scale," he said. Glaciers are defined as ice masses of 25 acres or more. The report is available at: <https://www.usgs.gov/news/glaciers-rapidly-shrinking-and-disappearing-50-years-glacier-change-montana>

**Minneapolis parks still the best.** In the Trust for Public Lands annual [rating](#) of urban parks in the country, released last week, Minneapolis maintains the number one post. Its twin city, St. Paul, took second place. San Francisco jumped ahead of Washington, D.C., and Arlington, Va., to take third place. The Trust bases the ratings on park access, park size and facilities. Bringing up the rear as the nation's two worst park systems are Fort Wayne and Indianapolis, both in Indiana, in a dead heat. Just above them was Charlotte, N.C. "You can't have a great city without a great park system," said Adrian Benepe, senior vice president and director of City Park Development for The Trust for Public Land. "Our top-ranked park systems are terrific, but all cities have room to improve." The report is available at: [www.tpl.org/parkscore](http://www.tpl.org/parkscore).

**Everglades bill would skip Congress.** Sen. Bill Nelson (D-Fla.) and two House members from Florida introduced legislation (S 1234, HR 2691) that would authorize Everglades restoration projects as soon as the Corps of Engineers completed plans for them. Under existing law the Corps must submit the plans to Congress for approval, often a long and torturous route. "There's simply too much at stake here in Florida to wait around for Congress to pass a water bill every few years," said Nelson. "This bill will allow the Corps to begin work on these projects as soon as they are ready." Rep. Alcee Hastings (D-Fla.) is the lead sponsor of the House bill. Congress approves individual projects for a multi-billion dollar Comprehensive Everglades Restoration Project every few years in broad legislation called Water Resources Development Acts (WRDAs). Most recently Congress developed WRDAs in 2016, 2014, 2007 and 2000. In the 2016 WRDA (PL 114-322 of Dec. 16, 2016) Congress included authorization for a \$976,375,000 Central Everglades Planning Project. The Corps had completed an analysis for it in December 2014.

**Rec industry eyes commerce study.** The outdoor recreation industry is trying to make sure that the Department of Commerce counts all manner of economic contributions recreation makes to the nation's economy. The industry is asking commerce's Bureau of Economic Analysis to capture expenditures by corporations as well as the public, capital investments and taxes. President Obama signed into law (PL 114-249) Dec. 9, 2016, legislation that directs the Department of Commerce to conduct a first-ever analysis of the economic activity generated in this country by recreation. Now the Bureau of Economic Analysis is working on an Outdoor Recreation Satellite Account. This spring the Outdoor Industry Association published a report that says the outdoor recreation industry contributes \$887 billion per year to the nation's economy. Now the outdoor industry as represented by the Outdoor Recreation Industry Roundtable wants that private study confirmed by the federal government.

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Zinke begins to shake up North Slope energy management

Secretary of Interior Ryan Zinke joined up with the Alaska establishment May 31 to launch an all-out campaign to open the North Slope of the state to energy development.

Zinke kicked off the campaign by issuing a two-headed Secretarial Order No. 3352 that (1) orders a replacement of a plan governing the National Petroleum Reserve in Alaska (NPRA) and (2) orders the development of a plan to assess oil and natural gas potential both in NPRA and in the coastal plain of the Arctic National Wildlife Refuge (ANWR).

BLM has already leased 189 tracts in NPRA covering 1,372,688 acres and Congress has yet to authorize oil and gas leasing in the coastal plain of ANWR.

But Gov. Bill Walker (I-Alaska) and the Alaska Congressional delegation are chomping at the bit to accelerate oil and gas development in NPRA and begin leasing in ANWR. Their immediate and long-term goal is to produce enough oil to replenish the Trans-Alaska Pipeline System and rescue a struggling Alaskan economy.

Zinke promised to help. On signing his secretarial order in Anchorage during a trip to the state he said, "Working with the Alaska Native community, Interior will identify areas in the NPRA where responsible energy development makes the most sense and devise a plan to extract resources. We will do it in a way that both respects the environment and traditional uses of the land as well as maintains subsistence hunting and fishing access."

Alaska Department of Natural Resources (DNR) Commissioner Andy Mack said, "The federal agencies have been relying on outdated assessments, stale data, and restrictive planning, so today's Secretarial Order is welcome news. The DNR team looks forward to working closely with North Slope leaders and DOI to achieve a better understanding of the tremendous potential that lies in NPR-A and the (coastal plain) of ANWR. We are excited about this new partnership to continue responsible development and production to fill the Trans-Alaska Pipeline System."

The Alaska Wilderness League will resist. Kristen Miller, interim executive director of the league, said a 2013 NPRA Integrated Activity Plan should be allowed to continue. "Upsetting this carefully crafted plan is irresponsible, and we and the hundreds of thousands of Americans who actively supported the current management plan will not sit idly by while this administration tries to give these public lands wholesale to the oil industry," she said.

And Miller said Zinke erred in inferring Congress set aside the coastal plain of ANWR for oil and gas development. "Interior Secretary Zinke is wrong that the Coastal Plain was set aside by Congress for its potential oil and gas resources; rather the special human and wild values of the coastal plain led Congress to reject drilling there in 1980, and many times since," she said.

As always, the energy market will determine whether oil and gas companies make the risky investment to develop resources in NPRA and ANWR, assuming Congress at some point makes ANWR available for leasing.

But ConocoPhillips Alaska is reportedly making progress on two major projects in NPRA - Greater Mooses Tooth 1 and 2. Greater Mooses Tooth-1 is reportedly ready to begin production in December 2018 and BLM is working on an EIS for Greater Mooses Tooth-2.

ConocoPhillips announced January 13 that it has made a significant oil and gas discovery in Greater Mooses Tooth-1 from two drilled wells called the Willow Discovery. The two wells are about four miles apart. BLM and the Corps of Engineers took years to complete permitting for the landmark lease.

The first part of Zinke's order directs his assistants to produce a schedule for revising the 2013 Obama administration Integrated Activity Plan. It calls for "a schedule to effectuate the lawful review and development of a revised Integrated Activity Plan for the NPR-A that strikes an appropriate statutory balance of promoting development while protecting surface resources."

The second part directs his assistants to put together a plan for assessing oil and gas reserves in both NPRA and ANWR. It tells them to submit to his office within 21 days "a joint plan for updating current assessments of undiscovered, technically recoverable oil and natural gas resources of Alaska's North Slope, focusing on Federal lands including the NPR-A and the Section 1002 Area. The joint plan shall include consideration of new geological and geophysical data that has become available since the last assessments, as well as potential for reprocessing existing geological and geophysical data."

**NPRA situation:** BLM is managing NPRA under a Feb. 26, 2013, Integrated Activity Plan that opened 11 million acres of the 22.8 million-acre area to oil and gas leasing. Zinke said the plan potentially precludes "development of up to 350 million barrels of oil and 45 trillion cubic feet of natural gas."

ConocoPhillips is leading the drive to develop leases on land opened up by the 2013 plan with its Mooses Tooth projects.

The early success of ConocoPhillips has generated new interest in developing NPRA. In the most recent on Dec. 14, 2016 BLM received 92 bids on 67 tracts, generating \$18.8 million for 614,000 acres. ConocoPhillips offered most of the bids. That compares to a Nov. 18, 2015, sale that generated only \$788,680 in bids on six tracts. Again, in BLM's most recent statistics of April of this year BLM has leased 189 tracts covering 1,372,688 acres.

**ANWR situation:** The Trump administration has already made know its interest in opening the 1.4 million-acre coastal plain to oil and gas leasing. The fiscal year 2018 Trump administration budget request assumes leasing would begin in 2022 and would produce \$1.8 billion in revenues for the federal government by 2027.

However, Congress would have to pass legislation, which it has refused to do for more than 30 years. Sen. Lisa Murkowski (R-Alaska) has introduced legislation (S 49) to authorize leasing in the 1.4 million-acre coastal plain. But Sen. Edward Markey (D-Mass.) and Rep. Jared Huffman (D-Calif.) have introduced legislation (HR 1889, S 820) to designate the coastal plain as wilderness.

Zinke said when the budget was introduced May 23, that Congress must act, but only after Interior does the scientific groundwork. "We need seismic testing to determine what resources are there," he said. "It is incumbent on the Interior Department to do the science to determine what is there so Congress can make an informed decision on what is proper."

## Perdue promotes wildfire assistance; it's not in budget

Secretary of Agriculture Sonny Perdue May 25 promised to attack the explosive fire borrowing by the Forest Service, even though the fiscal year 2018 Forest Service budget request does not mention any such initiative.

At a hearing of the House subcommittee on Interior and Related Agencies Appropriations Perdue said, "Fire funding is a huge issue and I look forward to working with this committee. Mr. Simpson is kind of a spiritual leader of that effort and I want to see if we can get that across the goal line. I'll advocate very strongly on this."

Simpson is Rep. Mike Simpson (R-Idaho), the lead sponsor of legislation to transfer emergency wildfire spending out of annual Forest Service appropriations and into disaster spending.

Continued Perdue, "I think the President gets that from a management standpoint. You can't manage a budget when you do not know where your emergency and disaster funds come out. We are over 53 percent today of the Forest Service budget in suppression. It should be like it used to be in the 15-to-20 percent area, and let us use the rest of the funds wisely for management."

Simpson suggested that, because budget committee members oppose his stand-alone legislation, he would try a new trick in the next appropriations bill forbid the Forest Service from borrowing money from other programs to pay for fire fighting.

"I thought of working with chairman (Ken Calvert (R-Calif.)) to see if we can strike that language in our appropriations bill so you can't borrow from other accounts," he said.

"The reason being when other members of Congress look at the end result and say, 'Well, they must have the money to do it because they fought the wildfires and they didn't run out of money.' What they don't see is they are borrowing money. If we could stop the borrowing legislatively (I'd rather do it with out fire bill), it would force the Forest Service to come to Congress for a supplemental and these people would understand what the true costs for these fires are."

From the other side of the fence ranking subcommittee Democrat Betty McCollum (D-Minn.) blasted the Trump budget. "I'm disappointed that the administration has failed to pursue any proposal to reform the way we fund wildfire costs," she said. "Mr. Simpson has been working tirelessly on this and there is totally nonpartisan support from the committee on this. This budget illustrates how other important programs suffer when funding is diverted into fighting wildfires."

In a related area the Trump administration's fiscal 2018 budget request would reduce the number of urban wildland acres treated for hazardous fuels to help limit wildfires, despite Republican demands for a sweeping treatment program.

The budget projects the Forest Service would treat 1.71 million acres of wildland urban interface in fiscal 2018 compared to 1.8 million acres in fiscal 2017 and more than 2 million acres in fiscal 2016.

The budget would reduce Forest Service hazardous fuels spending by \$36 million, from a fiscal 2017 appropriation of \$390 million to \$354 million.

For the Interior Department the Trump budget would reduce hazardous fuels spending by more than \$30 million from \$180 million in fiscal 2017 to \$149 million in fiscal 2018. The number of acres treated would be reduced commensurately.

The announcement of those projected cutbacks came just six days after the Republican-controlled House Federal Lands subcommittee held a hearing deploring the Forest Service's record in treating hazardous fuels.

Said committee chairman Tom McClintock (R-Calif.), "The American people want our forests returned to health. They want the growing scourge of wildfire brought back under control. They want the destruction of mountain habitats by fire, disease and pestilence arrested and reversed. They want the prosperity of their forest communities restored."

But it's not just money that is getting in the way of the removal of dead, dying and diseased trees that lead to costly wildfires, say the Republicans and their allies. It's also federal red tape.

At the House subcommittee hearing Steven A. Brink, vice president of Public Resources for CalForests, said, "(T)he myriad of environmental statutes, regulations, manuals, handbooks, letters of direction, and litigation make forest health and fuels reduction project development time consuming and costly. Many projects are stalled or stopped by litigation. As a result the Forest Service, California Region has not made any headway in increasing the pace."

House Republicans and a handful of Democrats in the last Congress offered a partial solution in the form of a bill (HR 2647) from Rep. Bruce Westerman (R-Ark.) Approved by the full House at least twice the measure would have limited environmental review requirements for timber harvests designed to remove dead and dying trees.

To improve its efficiency in carrying out hazardous fuels projects the Forest Service proposed in its fiscal 2018 budget request to shift the program out of a wildfire line item and into the National Forest System line item.

"The proposal to appropriate hazardous fuels within the National Forest System aims to improve coordination within the National Forest System and increase goods and services coming from National Forest System lands," says the agency budget.

Closely related to hazardous fuels treatments are timber sales, and the Trump budget proposes flat spending to carry out projected sales of 3.2 billion board feet in fiscal 2018. The budget asks for \$8.7 million less for the Forest Products line item in fiscal 2018, down from \$367.8 million to \$359.1 million.

Some Democrats say the Republican focus on cleaning out hazardous fuels misses the point by ignoring the impact of climate change on infestations and drought. Said Ranking Member Raúl M. Grijalva (D-Ariz.) just before the House subcommittee hearing, "Serious forest policy has to account for climate change making our forests drier than ever and fund Forest Service fire prevention adequately, and Republicans refuse to do either."

For Forest Service wildfire management the Trump fiscal 2018 budget request approximates a fiscal 2017 final appropriations law (PL 115-31 of May 5). It requests \$2.849 billion for Forest Service wildfire management compared to a fiscal 2017 appropriation of \$2.8 billion. For the Interior Department the administration requested \$874 million for wildfire management compared to a fiscal 2017 appropriation of \$943 million.

### Legislation advocated to limit FWS habitat consultation

With the support of the Trump administration, bipartisan legislators from the northern Rockies are pushing a bill to undo a federal court decision requiring consultation on projects affecting lynx habitat. The Forest Service also fears the decision could be applied to other imperiled species.

A 2015 Cottonwood ruling directed the Forest Service to consult with the Fish and Wildlife Service (FWS) on plans that affect lynx habitat. The Forest Service had consulted with FWS when the lynx habitat was initially designated in 2007, but in 2009 FWS pulled that habitat designation and designated significantly more national forest as critical habitat.

At that point, said the Ninth U.S. Circuit Court of Appeals, the Forest Service should have consulted once again on plans governing lynx habitat. Although the court didn't enjoin any projects, it did say the Forest Service should revise the plans, and consult with FWS.

Secretary of Agriculture Sonny Perdue told a House subcommittee May 25 that the decision could delay 80 projects in 18 national forests, including hazardous fuels projects, while the service prepared new land use plans. And he endorsed legislation (HR 1483, S 605) that would waive consultation.

"That ruling is creating a lot of problems over consultation regarding habitat if there is any change," Perdue told the House subcommittee on Interior Appropriations at a hearing on the Forest Service budget. "I hope you can look to legislation to make it clear to the courts that the decision only delays those projects for months and years sometimes."

Perdue added, "We have at least 80 forest management projects at risk of being enjoined through that ruling. It is affecting 72,000 acres and 100 million board feet of timber."

Rep. Mike Simpson (R-Idaho), the sponsor of HR 1482, agreed. "The Cottonwood case is a perplexing problem that we need to address legislatively," he said.

Then, referring to the broader litigation picture, he said, "We've created a situation where you could get sued every step of the way and there are multiple steps all along the way, and it is just unmanageable, frankly."

The Cottonwood Environmental Law Center won an initial round in this fight when the U.S. District Court in Montana ruled May 16, 2013, that the Forest Service must consult with FWS on land use plans governing lynx habitat. The Forest Service had initially consulted with FWS after FWS first designated critical habitat in 2006 in preparing land use plans.

But in 2007 FWS said that its critical habitat designation had been "improperly influenced" by deputy assistant secretary of the Interior Julie MacDonald. So FWS redesignated critical habitat for the lynx, increasing it from 1,841 square miles to 39,000 square miles (not all of it managed by the Forest Service.)

At that point Cottonwood argued to the court that the Forest Service should have reconsulted with FWS and prepared new land use plans governing projects that might affect the lynx. The appeals court agreed on June 17, 2015.

The Supreme Court on Oct. 7, 2016, refused to hear a petition from the Forest Service.

Cottonwood now says, "Cottonwood is hopeful that it can now help the Forest Service monitor and study Canada lynx in areas designated as critical habitat to help create new management plans."

But the Forest Service said in a December 2016 memo the Cottonwood precedent may be applied elsewhere. "The implications of Cottonwood extend beyond NFs with lynx critical habitat," says the memo.

"There are similar lawsuits and multiple (notices of intent to sue) directed at projects on other NFs within the Ninth Circuit and beyond. A case was filed in the Federal District Court for the District of Columbia alleging the same reinitiation of consultation issue on the Superior National Forest last June. The court's decision may extend the range of the Cottonwood ruling beyond the 9th Circuit."

In addition to Perdue's support Simpson can anticipate backing for his legislation from Secretary of Interior Ryan Zinke. He cosponsored Simpson's bill in the last Congress when he was serving as a House member from Montana.

The Simpson bill is straightforward: It says the Forest Service and BLM should not have to reconsult with FWS if a management plan were already in place at the date of habitat designation. Sens. Steve Daines (R-Mont.) and Jon Tester (D-Mont.) introduced the Senate bill.

## Austere FY 2018 budget promotes energy, cuts agencies

The Trump administration, as advertised, submitted a fiscal year 2018 budget request May 23 that would cut appropriations for federal land management agencies across-the-board.

Substantively, the budget proposes major new policies, including leasing for oil and gas in the coastal plain of the Arctic National Wildlife Refuge (ANWR) within five years. That proposal has been before Congress for 35 years without success.

The administration also would terminate the Southern Nevada Public Land Management Act (SNPLMA), which has produced \$3.4 billion from federal land sales over the last 20 years. The budget would confiscate unspent Nevada money.

Finally, the budget recommends the revival of the Federal Land Transaction Facilitation Act, which expired in 2011.

Western Republican senators offered different reactions. The House Public Lands Caucus was strongly supportive of the Trump proposal. Said House Western Caucus Chairman Paul Gosar (R-Ariz.), "While no budget is perfect, I am pleased to see a serious proposal from the White House to tackle our country's spending crisis and put us on sustainable path toward economic growth. Unlike the pipe-dream proposals put forth by the Obama Administration, this budget is grounded in sound policy and fiscal responsibility. Kudos to the Trump Administration for reducing bureaucratic blight within the EPA, supporting a true all-of-the-above energy strategy and providing much needed relief to rural communities and local stakeholders."

But Sen. Dean Heller (R-Nev.) was broadly critical of the budget, particularly the proposed elimination of SNPLMA. "The President's budget request is just one component of the budget process, and Nevadans can rest assured that I'm committed to fighting for our local priorities as the budget debate continues," he said.

For BLM resource management Trump proposed a \$132 million reduction, from \$1.095 billion in fiscal 2017 to \$963 million in fiscal 2018.

For the National Forest System Trump proposed a \$234 million increase, from \$1.513 billion in fiscal 2017 to \$1.747 billion in fiscal 2018, but the Trump budget would include in forest management \$354 million for hazardous fuel treatments. Deducting the hazardous fuels management transfer, the National Forest System would receive \$120 million less in fiscal 2018 than in fiscal 2017.

For wildfire management the Trump budget approximates a fiscal 2017 final appropriations law (PL 115-31 of May 5). It requests \$2.849 billion for Forest Service wildfire management compared to a fiscal 2017 appropriation of \$2.8 billion.

For the Interior Department the administration requested \$874 million for wildfire management compared to a fiscal 2017 appropriation of \$943 million.

Even for the almost sacred payments-in-lieu of taxes (PILT) program the Trump administration proposed a decrease of \$68 million, from \$465 million in fiscal 2017 to \$397 million in fiscal 2018.

For Park Service operations the Trump budget would reduce the appropriation by \$200 million, recommending \$2.225 billion, compared to a fiscal 2017 appropriation of \$2.425 billion.

The Interior Department suggested that the administration would compensate for fewer employees in land management agencies by detailing regional headquarters and Washington, D.C., headquarters personnel to the field.

Secretary of Interior Ryan Zinke defended a proposed decrease of 11 percent in his department's budget (down from a March budget outline proposal of 12 percent). He said during the previous administration the department's annual revenue collections had plummeted.

"Let me be clear," he said. "The Interior Department decreased in revenues from \$17 billion in 2009 to \$9 billion in 2016." Most of that was from a decline in energy development, he said.

The department budget reinforced the Trump administration's emphasis on energy development. "Interior's 2018 budget supports an 'all-of-the-above' energy development strategy, increasing funding for onshore and offshore oil and gas, expanding coal activities, and sustaining the current pace of renewable energy development," the department budget said. The \$791.2 million for energy constitutes an increase of \$16.3 million over 2017, the department said.

Alaska Gov. Bill Walker (I-Alaska) endorsed the emphasis on energy development in his state. "We applaud members of the Trump Administration for their interest in responsible resource development on the North Slope," he said. "The National Petroleum Reserve, the Beaufort and Chukchi Seas and ANWR all hold significant promise for Alaska." (*See related article page one.*)

But ranking Senate Energy Committee Democrat Maria Cantwell (D-Wash.) declared war. "Once again, the Trump Administration has turned its back on Teddy Roosevelt-style conservatism and is instead trying to allow special interests to pillage our natural resources so a wealthy few can make themselves even wealthier," she said. "We won't let him."

Conservation groups joined with the outdoor recreation industry in deploring the Trump budget. Said the Center for Western Priorities Executive Director Jennifer Rokala: "The proposal will make it harder to keep America's most spectacular lands pristine for future generations. President Trump and Secretary Zinke are running roughshod over the legacy of Teddy Roosevelt, tilting the scale toward special interests instead of the American people."

Said Backcountry Hunters and Anglers President Land Tawney, "The administration's budget starves our public lands of critical funding. The cuts they would levy on our natural resource agencies, resource professionals and key programs are unprecedented and far-reaching in scope."

The Trump budget is but a starting point. The House and Senate will almost certainly come up on the bottom line numbers, as House Appropriations Committee Chairman Rodney Frelinghuysen (R-N.J.) inferred.

"As outlined in the Constitution, the Congress, not the Executive Branch, has the 'power of the purse.' My Committee takes this responsibility very seriously," he said. "It is our job to analyze the request, go through each and every budget line, question every witness, and demand spending justifications on behalf of the taxpayers who are footing the bill. Only then can Congress put forward our own plan to fund the federal government, ensuring the wise investment of taxpayer dollars on important programs while trimming back or eliminating waste and duplication."

House Democrats held a pre-emptive press conference May 18 to press for an increase in Congressional spending caps for domestic programs to reach

parity with Defense spending. The bottom-line Trump budget calls for a \$54 billion increase in Defense spending, with the money to come from domestic spending.

Said ranking House Appropriations Committee Nina Lowey (D-N.Y.), "A failure to raise existing spending caps on defense and nondefense combined with our late start and an erratic President who seems to want a government shutdown would set this year's Appropriations process up for failure. We need a budget framework that makes it possible for Congress to pass responsible spending bills, and fulfill our responsibilities at home and abroad."

Appropriators face an almost impossible schedule. They usually begin marking up individual appropriations bills in June, yet most panels have barely begun hearings yet on fiscal 2018 spending measures. The Trump request, usually proposed the first week of February, was delayed because of the change in administrations.

In effect Congress will have four months to put the fiscal 2018 spending bills together, and you can scratch August because the House and Senate intend to be on vacation for the entire month.

The Trump administration's proposed Interior Department cut is in line with the President's philosophy of transferring the business of federal agencies to state and local governments and the private sector. By program:

*Energy:* The request is all in on energy development. Said the department, "(The budget) strengthens the Nation's energy security by increasing funding for DoI programs that support environmentally responsible development of energy on public lands and offshore waters. Combined with administrative reforms already in progress, this would allow DoI to streamline permitting processes and provide industry with access to the energy resources America needs, while ensuring taxpayers receive a fair return from the development of these public resources."

*Agency operations:* Although the budget request proposed a staffing reduction of six percent, Zinke said, "The front line managers and rangers are a top priority asset. We need to shore them up."

He suggested he would do that in part with a grand, multi-agency reorganization that would lead to better coordination among BLM, the Fish and Wildlife Service, the Forest Service and other federal agencies. "There's no line item for a reorganization built into this budget but maybe in (fiscal) 2019," said Zinke. "The question is, how do we in government in the different bureaus work together better?"

*Wildfire:* The Interior budget request said, "The 2018 budget provides \$389.4 million for wildfire suppression - the full 10-year average of suppression expenditures. This level of funding is projected to be sufficient to meet fire suppression needs in an average fire season without the risk of needing emergency transfers from other departmental accounts." (See related article page one.)

*PILT:* The administration takes on the sacrosanct payments-in-lieu of taxes program, saying, "The 2018 budget proposes \$396.9 million in current funding for PILT, a decrease of \$54.3 million from the comparable 2017 CR baseline level (not the appropriated level) of \$451.1 million displayed in

the Departmental Operations appropriation. This reduction of 12 percent is commensurate with the Department of the Interior's overall reduction from 2017 current budget levels."

**Fiscal 2018 numbers:** Here are a few numbers in the final fiscal 2018 budget request, compared to fiscal 2017 appropriations:

**BLM RESOURCE MANAGEMENT:** The fiscal 2018 proposal recommends an appropriation of \$963 billion, compared to a fiscal 2017 appropriation of \$1.095 billion.

**PAYMENTS-IN-LIEU OF TAXES:** The fiscal 2018 proposal recommends an appropriation of \$397 million, compared to a fiscal 2017 appropriation of \$465 million.

**WILD HORSES AND BURROS:** The fiscal 2018 proposal recommends an appropriation of \$70.7 million, compared to a fiscal 2017 appropriation of \$80.6 million.

**ENERGY AND MINERALS:** The fiscal 2018 proposal recommends an appropriation of \$177.4 million, compared to a fiscal 2017 appropriation of \$172.8 million.

**NATIONAL LANDSCAPE CONSERVATION SYSTEM:** The fiscal 2018 proposal recommends an appropriation of \$27.7 million, compared to a fiscal 2017 appropriation of \$36.8 million.

**NATIONAL FOREST SYSTEM:** The fiscal 2018 proposal recommends an appropriation of \$1.747 billion, compared to a fiscal 2017 appropriation of \$1.513 billion, but the Trump budget would include in forest management \$354 million for hazardous fuels management. Deducting the hazardous fuels management the National Forest System would receive \$120 million less, or \$1.393 billion.

**FOREST PRODUCTS:** The fiscal 2018 proposal recommends an appropriation of \$359.1 for this line item, which includes timber sales, compared to a fiscal 2017 appropriation of \$367.8 million.

**FWS REFUGE MANAGEMENT:** The fiscal 2018 proposal recommends an appropriation of \$470.1 million, compared to a fiscal 2017 appropriation of \$483.9 million.

**LWCF FEDERAL ACQUISITION:** The fiscal 2018 proposal recommends an appropriation of \$51 million, compared to a fiscal 2017 appropriation of \$188.8 million.

Here is the agency-by-agency LWCF distribution: the Bureau of Land Management (BLM) would receive \$3.6 million compared to \$31.4 million in fiscal 2017; the Fish and Wildlife Service (FWS) would receive \$17 million compared to \$50 million; the Park Service would receive \$23 million compared to \$42 million; and the Forest Service would receive \$7 million compared to \$54.4 million.

**Three substantive programs:** Here are three programs the Trump administration would launch, terminate and/or renew:

*ANWR leasing:* The budget assumes leasing would begin in 2022 and would produce \$1.8 billion in revenues for the federal government by 2027. However, Congress would have to pass legislation, which it has refused to do for more than 30 years. Sen. Lisa Murkowski (R-Alaska) has introduced legislation (S 49) to authorize leasing in the 1.4 million-acre coastal plain. However, Sen. Edward Markey (D-Mass.) and Rep. Jared Huffman (D-Calif.) have introduced legislation (HR 1889, S 820) to designate the coastal plain as wilderness. (See related article page one.)

Zinke agreed that Congress must act, but only after Interior does the scientific groundwork. "We need seismic testing to determine what resources are there," he said. "It is incumbent on the Interior Department to do the science to determine what is there so Congress can make an informed decision on what is proper."

Environmentalists immediately promised an all-out war against legislation to open the coastal plain to development. Said The Wilderness Society in a statement, "This budget includes a toxic policy rider that Congress has rejected for decades: drilling for oil in the Arctic National Wildlife Refuge. The Arctic Refuge is the wildest place left in America, and the American people have rallied to defend it since its creation."

*SNPLMA termination:* The pride and joy of former Senate Majority Leader Harry Reid (D-Nev.), this 1998 Nevada law authorizes the sale of surplus federal land around Las Vegas, usually to developers. SNPLMA has produced more than \$3.4 billion from the land sales, with most of the money returned to the state and local governments for conservation purposes. The Trump budget says termination of the program will produce \$230 million by taking back revenues that Nevada has not yet spent.

Democratic Rep. Dina Titus (D-Nev.) joined Sen. Heller in criticizing the administration for attempting to confiscate the \$230 million left for state and local programs.

"For years, the GOP has worked to dismantle SNPLMA, a law that has provided our state with valuable resources to grow the community, increase outdoor recreation, and conserve public lands responsibly in Northern and Southern Nevada," she said. "By proposing to steal \$230 million from the balance of the SNPLMA account, Republicans are ignoring the success this law has had in places like Red Rock Canyon and Lake Tahoe. Money from land sales in Clark County should not be siphoned off to build a wall along the border."

*FLTFA renewal:* FLTFA (PL 106-248) authorized the sale by BLM of federal lands with the revenues returned to BLM, the Forest Service, the Fish and Wildlife Service, and the Park Service to acquire conservation lands. The revenue from hundreds of sales has raised more than \$115 million and paid for 39 projects.

The act, signed into law in 2000, expired in 2011. Reauthorization of the program has been promoted by Republicans and Democrats alike over the last five years and has been included in numerous omnibus conservation bills.

Trump would spend less on sage-grouse plans, to start

The Trump administration signaled May 23 that it will back off from full implementation of 98 BLM and Forest Service sage-grouse management plans. The signal came in the form of a proposal to reduce spending on BLM plans.

That would undoubtedly give states more say in managing the sage-grouse and, inferentially, give commodity users greater access to the public lands.

The Trump signal came in a BLM budget request that would slash \$11.5 million from bureau's allocation for sage-grouse management. The request says the reduction will lead to "a revised implementation timeline of the Sagebrush Conservation Implementation Strategy and more limited habitat restoration work." The fiscal 2017 BLM appropriation for sage-grouse management was \$68.9 million.

The Obama administration sage-grouse policy, issued on Sept. 22, 2015, did not list the greater sage-grouse as an endangered or threatened species as western states had feared. Instead, it directed BLM and the Forest Service to implement 98 records of decisions to protect the bird. The plans affected 67 million acres across 10 western states.

To revise or replace those plans would likely take many years. But to slow their implementation could be executed with simple budget reductions.

As part of its sage-grouse policy the Obama Interior Department also withdrew 10 million-acres of public lands from hard rock mining claims for two years.

Now the hard rock mining industry, the oil and gas industry, some western states and some western local governments are pushing all buttons to do away with the Obama policy and let state plans govern the imperiled bird. By one count 38 lawsuits have been filed against the Obama policy.

The Trump Justice Department could always adopt the "sue-and-settle" strategy that western Republicans said the Obama administration used to strike agreements on environmentalist lawsuits in favor of the environmentalists. This time the settlements would presumably favor commercial users of the public lands.

In court, industry and its Nevada local government allies won a recent district court decision that requires the agencies to prepare a supplemental EIS on the designation of sage-grouse focal areas where mining is forbidden. However, the court did not halt implementation of the plans.

On March 28 U.S. District Court Judge Miranda Du in Nevada directed BLM and the Forest Service to prepare a supplemental EIS on the designation in land use plans of sage-grouse focal areas (SFAs) where mining would be forbidden. Judge Du, an Obama appointee, said the agencies didn't fully identify SFAs in proposed EISs that were included in final EISs.

On the Hill House and Senate members have reintroduced this year legislation (S 273, HR 527) to halt the Obama policy in virtually all respects. Sen. Jim Risch (R-Idaho) and House Natural Resources Committee Chairman Rob Bishop (R-Utah) are the lead sponsors.

That is, the legislation would not only forbid FWS from listing the greater sage-grouse, it would also forbid implementation of the BLM and

Forest Service plans governing the greater sage-grouse, if states had management plans in place, as almost all do. And the bills would forbid the Interior Department from carrying out the 10 million-acre withdrawal.

Before heading out the door the Obama administration in January asked for public comment on the advisability of extending a temporary two-year withdrawal of 10 million acres in the West to 20 years. On Sept. 24, 2015, BLM withdrew the 10 million acres within SFAs for two years and proposed the 20-year withdrawal.

To the January request for comments on the longer withdrawal the American Exploration & Mining Association responded the Trump administration should not only terminate the two-year withdrawal but should also reject a longer withdrawal.

### Wilderness Society, SITLA disagree on state land sales

In a sharply disputed report The Wilderness Society said May 23 the State of Utah has sold more than 50 percent of the 7.5 million acres it received at statehood.

In a brief report the society said the state sale of 4.2 million acres in biennial auctions demonstrates Utah officials could not be trusted with the 31 million acres of federal land they want to control.

"More than 54 percent of the original 7.5 million acres of trust lands granted to Utah at statehood have been sold, a telling sign of what the state would do if it took over public land," says the report. "Now the state is demanding 31 million more acres of Our Wild - public forests, refuges and national treasures."

But the Utah Schools and Institutional Trust Lands Administration (SITLA), which oversees the remaining 3.3 million acres of state lands, takes great exception to The Wilderness Society report.

In sum John Andrews, associate director of SITLA, told us that the vast majority of the sold land was conveyed in the state's early days and provided sites for major communities - South Jordan, Kearns, Herriman, Eagle Mountain, Cedar City and St. George.

More recently, Andrews said SITLA has focused on conservation. "Since 1994 (when SITLA assumed management of state lands) SITLA has placed more land into conservation than into private ownership," he told us.

Said SITLA in a statement it shared with us, "Since its creation in 1994, SITLA has auctioned an estimated 59,686 acres from its portfolio, an average of 2,600 acres per year."

"In contrast, during the same period, SITLA conveyed over 256,000 net acres into conservation, primarily through land exchanges with the federal governments, but also with the Utah Division of Wildlife Resources, and private conservation entities such as The Nature Conservancy," the statement continued.

SITLA concluded, "The Wilderness Society report falsely claims that these conservation lands were sold for development or private use."

The four-page Wilderness Society report obviously provides fodder in the ongoing debate over the management of federal lands in Utah and the West.

President Trump, backed by Utah officials, has launched a review of the recent designation of 22 recent national monuments and five marine monuments, most of them established by the Obama administration. Much of the focus is on a Bears Ears National Monument and a Grand Staircase Escalante National Monument, both in Utah. *(See related article page 13.)*

In addition Utah Gov. Gary Herbert (R) on March 23, 2012, signed a state law (HB 148) that demands the transfer of most federal land to the state, about 31 million acres, excepting only national parks (save for portions of Glen Canyon National Recreation Area), national monuments and wilderness areas.

However, scholars in Utah have argued that a wholesale transfer of federal lands to the State of Utah would cause wholesale disruptions in the management of those lands. And would cost the state much more than the lands would bring in.

John Ruple, a research associate professor at the University of Utah, and Bob Keiter, a distinguished professor of law at the university, said in a 2015 report that the state would have to come up with \$100 million per year more than the public lands now generate - \$247 million now plus \$35 million in foregone state payments and \$150 million in mineral leasing revenues.

SITLA usually holds two auctions per year to sell state lands. In its report The Wilderness Society says SITLA has sold more than half the lands it has disposed of since 2014 to one entity, Lyman Family Farm Inc. The report says Lyman has purchased more than 5,200 acres for \$6.4 million, frequently outbidding conservation-minded groups.

One of those tracts a 390-acre Comb Ridge was once proposed by conservationists to be included in the Bears Ears National Monument.

The outdoor industry praised The Wilderness Society for its report and said the sale of conservation lands whether state or federal would harm the state's recreation-based economy.

"Beyond the associated conservation issues, the economic stakes of the public lands takeover proposed by the state of Utah are alarmingly high," said Peter Metcalf, the founder and former long-time CEO of Black Diamond Equipment Co. "As this report by The Wilderness Society demonstrates through vivid examples, Utah's governor, congressional delegation and state leaders fail to understand the critical relationship between our healthy public lands and the vitality of Utah's growing economy."

The Wilderness Society report is available at:  
<http://wilderness.org/sites/default/files/Our%20Wild%20for%20sale%20-%20Utah%20-%20report.pdf>.

DoI proposes sale of excess wild horses for slaughter

The Trump administration touched the third rail of wild horse management May 23 in releasing its fiscal year 2018 budget request it proposed the sale of excess animals for slaughter.

That is anathema to wild horse advocates. "The BLM wants to slaughter thousands of iconic wild horses by selling them to kill buyers to save \$4 million and cover up its gross mismanagement and incompetence in managing the federal wild horse and burro program," said Suzanne Roy, executive director of the American Wild Horse Preservation Campaign, which calls itself the nation's leading wild horse protection organization.

"This outrageous and lethal budget is completely counter to the will of the American people, who overwhelmingly oppose horse slaughter and support protecting mustangs and burros on our Western public lands," Roy said.

The Trump proposal follows a Sept. 9, 2016, recommendation of the National Wild Horse and Burro Advisory Board that BLM sell off as many of the 46,000 excess wild horses as it could that are in corrals. Then it recommended BLM euthanize the unadoptable animals.

At the time BLM said in a statement, "We will continue to care for and seek good homes for animals that have been removed from the range. The BLM does not and will not euthanize healthy animals."

But the Trump budget says, "The budget proposes to eliminate appropriations language restricting the BLM from using all of the management options authorized in the Wild Free-Roaming Horse and Burro Act."

"The long-term goal is to realign program costs and animal populations to more manageable levels, enabling the BLM to reorient the WH&B program back to these traditional management strategies."

With fewer horses to manage the BLM wild horse and burro program would need less money, said the administration in proposing a \$10 million reduction in fiscal 2018 appropriations, from \$80.6 million in fiscal 2017 to \$70.7 million.

BLM annually sells only about 2,000-to-2,500 wild horses for adoption, so we are talking about euthanizing more than 40,000 animals. The alternative is to continue to corral the more than 45,000 wild horses at a cost of \$50 million per year.

In addition there are nearly 70,000 wild horses and burros on the public range, or three times what BLM considers the appropriate management level of 27,000.

The livestock industry, upset about the impacts of an overpopulation of wild horses on the public range, last fall praised the advisory board recommendation. "As a stakeholder group that both cares for animals professionally and works the very rangelands currently being degraded by this growing problem, we are glad to see the Advisory Board take heed of this epidemic and recommend plausible management changes," said Dave Eliason, Public Lands Council president.

Industry charges that excess wild horses and burros not only damage the public range but also induce BLM to reduce livestock grazing.

Some veterinarians and livestock scientists have recommended that BLM adopt an aggressive sterilization campaign. But on Sept. 9, 2016, BLM said it would cancel a research program at Oregon State University.

Some western Congressmen such as Rep. Chris Stewart (R-Utah) have a different solution put the states in charge. Stewart has introduced a bill (HR 3172) that would require the Interior Department or the Forest Service to cede management of wild horses and burros to states or Indian tribes if a legislature or governor so requested.

### Democrats know what they think of Trump monument review

The House and Senate Democratic leadership weighed in last week in support of 27 national monuments under review by the Trump administration for possible shrinkage or elimination.

But Utah's two Republican senators welcomed the review to remedy "past abuses" of the law that authorizes a President to designate national monuments.

The to-and-fro came in response to a May 26 deadline for the review of a Bears Ears National Monument in Utah. The comment period for the other 26 monuments runs through July 9. At press time more than 125,000 comments had been submitted on Bears Ears. However, the Sierra Club counts more than 685,000 comments opposing any change to Bears Ears.

President Trump signed an executive order April 26 directing the Interior Department to review the designations of national monuments of more than 100,000 acres made since 1996. Trump did not take the ultimate step and say he had the authority to revoke those designations.

The Democratic leaders wrote Secretary of Interior Ryan Zinke May 25 and said, "As public servants, we have a moral obligation to protect America's natural places - our outdoor heritage - and important cultural and historic landmarks for our children and grandchildren to enjoy. For these reasons, we urge you to reject any attempt to diminish or eliminate national monuments in carrying out the President's executive order."

Signing the letter were House Minority Leader Nancy Pelosi (D-Calif.), House Minority Whip Steny H. Hoyer (D-Md.), Senate Minority Leader Charles E. Schumer (D-N.Y.), and Senate Minority Whip Dick Durbin (D-Ill.)

Zinke has hinted that he is more interested in reducing the size of monuments than the outright revocation of them. As he said after Trump kicked off the review, "Historically, the Act calls for the President to designate the 'smallest area compatible with proper care and management of the objects to be protected.' Despite this clear directive 'smallest area' has become the exception and not the rule."

Utah Republican Sens. Mike Lee and Orrin Hatch, who prodded Trump to begin the review as soon as he was elected, are all in. They wrote Trump last month, "No president has seriously revisited the modern, expansive use of the Antiquities Act (of 1906). We urge you to keep all remedies on the table as you consider how to correct past abuses of the Antiquities Act and work with Congress to ensure a more measured approach is taken and required in the future."

Among the more than 100,000 comments that you can view at <http://www.regulations.gov> (enter DoI-2017-0002) was one from an unidentified member of the American Motorcyclist Association, who was concerned about lost recreation opportunities.

"I oppose sweeping monument designations by administrations that fail to consider input from all stakeholders," said the commenter. "Such designations can restrict or eliminate opportunities for responsible off-highway motorized recreation on public lands and negatively affect the economies of the communities surrounding the monuments."

To immediately reach public comments on the monuments review at [regulations.gov](http://www.regulations.gov), go to:  
<https://www.regulations.gov/docketBrowser?rpp=25&po=0&dct=PS&D=DOI-2017-0002&refD=DOI-2017-0002-0001>.

The review is taking a look at the designation of 21 national monuments of more than 100,000 acres, plus an 87,500-acre Katahdin Woods and Waters National Monument in Maine and five huge marine monuments. That's 27 total.

The Trump-Zinke review could set the stage for Trump to at least reduce the size of the national monuments, if not outright revoke their designations. It directs Secretary of Interior Ryan Zinke to report back to the White House within 120 days with recommendations for "Presidential actions, legislative proposals, or other actions consistent with law."

In a trip through Utah last month Zinke gave mixed signals about his possible recommendation. "Some of the monuments are, I don't want to say universally, but certainly widely, supported and accepted," he said according to the *Salt Lake Tribune*. "The Bears Ears is not widely supported or accepted in the state of Utah."

At the same time he rejected the notion that the five Indian tribes that pushed for the Bears Ears designation were taken in by environmentalists. "I think they're smart, capable, passionate, and have a deep sense of tie to their culture and want to preserve it," Zinke said, according to the *Tribune*.

A national debate has erupted about whether or not the President has authority to unilaterally revoke or revise a national monument designation. In late March the influential American Enterprise Institute (AEI) published a report that argues Trump has unlimited authority to do so.

However, that report disagrees with a 1938 U.S. Attorney General opinion and a Congressional Research Service report of last fall that doubt Trump enjoys such authority.

### FWS begins work on plan to keep Bison Range under FWS

The Fish and Wildlife Service (FWS) made it official last month: It will prepare the paperwork that will keep the National Bison Range in Montana under its control.

That will reverse a last-second Obama administration proposal of January 18 to transfer management of the refuge to the Confederated Salish and Kootenai Tribes (CSKT).

Secretary of Interior Ryan Zinke had already made the call in April for the retention of Basin Range by FWS. Last month he reaffirmed that call, "I took a hard look at the current proposal suggesting a new direction for the National Bison Range and assessed what this would mean for Montana and the nation. As Secretary, my job is to look 100 years forward at all of Interior's resources. I recognize the Bison Range is a critical part of our past, present and future, which is why I have changed course."

In a May 18 *Federal Register* notice FWS said it would prepare a comprehensive conservation plan and EIS for the Range that would follow Zinke's direction to change course and retain FWS management of the site.

FWS asked for public comments on how it should proceed but made clear that the end result would be retention of the refuge by FWS. "(D)ue to the variety of information and perspectives received during the comment period and a change in policy direction, we will not proceed with evaluating a preferred alternative of legislative transfer of the NBR," says the FWS notice. "With this notice, we request comments in order to obtain suggestions and information on a revised scope of issues to be considered in the planning process."

Comments should be send by June 19 to: Scoping@NBR@fws.gov.

The National Bison Range, located within the boundary of the reservation owned by the CSKT, hosts a herd of 350-to-500 bison, up from an initial herd of 40.

For the last 13 years the FWS has attempted to forge a working agreement with the CSKT to allow the tribes to manage the refuge. But environmentalists and FWS employees have resisted attempts to transfer jurisdiction over the 18,800-acre refuge to the CSKT tribes.

The Obama administration in January brought things to a head when it said it intended to write a comprehensive conservation plan with a preferred alternative recommending that Congress write legislation to transfer jurisdiction to the tribe.

On April 13 Zinke painted his decision to oppose legislation as consistent with his commitment not to dispose of public land. "I have said I will not sell or transfer public land. I remain steadfast in that commitment, which reflects my decision today," he said.

But Zinke said he would insure the tribe is fully consulted.

When FWS in 2016 first circulated the idea of a legislative solution to the management of the refuge, FWS employees objected. The Association of U.S. Fish & Wildlife Service Retirees Board Chair Robert G. Streeter said the transfer would set a bad precedent.

"The Board is gravely concerned that the proposed transfer is precedent-setting for future dealings with other tribal, state or even military organizations wishing to acquire and/or manage federal lands," he wrote then FWS Director Dan Ashe on behalf of the board. "This is a huge

precedence for the NWRs, for wildlife conservation, for public use, and for the agency's heritage."

Montana's senior senator Jon Tester (D-Mont.), who has worked with the tribe on drafting legislation, does not plan to introduce a bill at this time, a Tester aide told the *Missoulan* newspaper after Zinke's announcement.

In December 2004 FWS signed an annual funding agreement (AFA) that paid the CSKT to assume several management jobs in the refuge. In June 2008 FWS and CSKT executed another agreement. However, the Public Employees for Environmental Responsibility (PEER) filed a lawsuit charging FWS had failed to prepare an environmental review.

The U.S. District Court for the District of Columbia agreed with PEER and directed FWS to prepare environmental documentation. In March 2012 FWS drafted a new AFA and in May 2012 it posted a notice of intent to prepare an environmental assessment.

In its complaints against the transfer of jurisdiction to CSKT under an AFA the environmental group PEER worried about the precedent for National Park System units. PEER said 57 National Park System units are eligible for AFAs, including Redwood, Glacier, Voyageurs and Olympic National Parks and the Cape Cod National Seashore.

## IBLA decisions

(We post current Interior Board of Land Appeals decisions at our website, <http://www.blmfor.com/ibla.htm>. IBLA may be contacted at: Interior Board of Land Appeals, 801 North Quincy St., MS 300 QC, Arlington, VA 22203. Phone (703) 235 3750.)

**Subject:** O&G lease suspensions.

**BLM decision:** BLM will approve oil and gas lease suspensions while it processes an application for permit to drill (APD).

**Environmentalist appellants:** BLM should deny suspension of leases.

**Oil and gas lessee:** BLM should not grant state director review to environmentalist appellants.

**BLM argument to IBLA:** IBLA should dismiss appeal because environmentalist appellants don't have standing to appeal.

**IBLA decision:** Two holdings: one, state director review is allowed and, two, appellants don't have standing to appeal until APD is approved.

**Case identification:** *Southern Utah Wilderness Alliance. 190 IBLA 152.* Decided May 17, 2017. Nineteen pages. Appeal from an August 27, 2014, decision issued by the Deputy State Director, Utah State Office of BLM, who dismissed a request for State Director Review of a July 15, 2014, decision issued by the BLM's Vernal Field Office approving an application for suspension of operations and production for oil and gas leases on public lands in Utah.

**IBLA argument:** IBLA Administrative Judge Amy B. Sosin ultimately dismissed this appeal involving the suspension of oil and gas leases while BLM processes an application for permit to drill. In the appeal she considered two issues. First, she held that the Utah State Director is authorized to grant review of a field office decision approving the suspension of oil and gas leases. The oil and gas lessee had held that BLM's regulations did not authorize state director review. Held Sosin, "Because the regulations in Part 3160 require BLM to 'act on' applications for suspensions of operations and production, such action is subject to State Director Review." Second, Sosin held that even though state director review is required for lease suspension decisions, the environmentalists didn't have standing to appeal because no adverse action has occurred yet. That is, BLM will not make an appealable decision until it acts on an APD. "Since future development can only occur after approval of an application for a permit to drill, however, the adverse effect complained of by (the environmentalist appellant) is contingent upon some future occurrence and is merely hypothetical," held Sosin. "This is insufficient to demonstrate standing."

**Subject:** Coal unit modification.

**BLM decision:** BLM will approve a modification to a coal development unit that would achieve maximum economic recovery.

**Dissenting unit member:** BLM erred, the modification would bypass mineable coal.

**IBLA decision:** Affirmed BLM.

**Case identification:** *COP Coal Development Co. 190 IBLA 199*. Decided May 24, 2017. Twenty-three pages. Appeal from a decision of the Acting Field Manager, Price (Utah) Field Office of BLM, approving a minor modification to a coal resource recovery and protection plan. UTU-73342.

**IBLA argument:** IBLA Administrative Judge Amy B. Sosin affirmed a BLM decision approving a modification to a coal-mining unit in order to achieve maximum economic recovery (MER). The appellant is a member of the unit that objects to the bypassing of a patch of what it believes to be recoverable coal. However, the operator of the unit and BLM counter that the coal should be bypassed. Judge Sosin gives deference here to BLM's experts. Sosin concluded that the appellant "has failed to offer convincing argument or supporting evidence establishing that BLM erred in approving the discontinuation of mining in the 2nd North Panel, including the panels off of that Panel, and instead approving mining in the 3rd North Panel, including the panels off of that Panel."

## Notes

**Coal leasing EIS lawsuit action.** Two conservation groups asked a federal court to reopen an old lawsuit requesting a programmatic review of the federal coal-leasing program. That lawsuit from the Western Organization of Resource Councils and Friends of the Earth had been in abeyance while former Secretary of Interior Sally Jewell directed BLM to write a programmatic EIS on the federal program. But because the current Secretary of Interior Ryan Zinke terminated the review in March the groups asked the U.S. District Court of Appeals for the District of Columbia to take up its lawsuit again and set a briefing schedule on it. In the lawsuit the groups call on the court to direct BLM to consider the climate change impacts of the coal-leasing program. Said Bob LeResche on behalf of the Western Organization of Resource Councils, "Realities of climate change and shrinking markets for coal are real and ought to be considered. For a federal agency to ignore the huge new body of knowledge acquired since 1979 is just whistling past the graveyard."

**Zinke names 18 DoI staffers.** Secretary of Interior Ryan Zinke May 26 drew on numerous sources to install 18 Interior Department staff members. The appointees include members of his personal staff from the Hill, Trump allies and members of the Republican establishment. Prominently, James E. Cason, who has been serving as associate deputy secretary since January, will continue in that post. Zinke also announced that Daniel Jorjani is serving as principal deputy solicitor; he worked in the solicitor's office under President George W. Bush. Zinke appointed Virginia Johnson as principal deputy assistant secretary for Fish and Wildlife and Parks; she has served most recently as an aide to former North Carolina Gov. Pat McCrory (R-N.C.) Zinke appointed Brian Pavlik as a special assistant for the National Park Service; he has worked as a concessioner for the Washington Sailing Marina. For his personal staff Zinke chose these former staff members from his days as a Congressman - Scott Hommel, Amanda Kaster-Averill, Aaron Thiele and Caroline Boulton.

**Zinke names Alaska liaison.** Secretary of Interior Ryan Zinke May 30 announced the appointment of Sen. Lisa Murkowski's (R-Alaska) re-election

campaign manager as his senior advisor for Alaska issues. The appointee, Steve Wackowski, managed Murkowski's 2016 re-election campaign. Wackowski, a major in the Air Force Reserve, once served as former Sen. Ted Stevens's (R-Alaska) press secretary.

**BLM retirees back advisory groups.** An association representing BLM retirees May 24 asked Secretary of Interior Ryan Zinke to expeditiously put advisory boards and councils back in business. The department earlier this spring suspended the work of more than 200 advisory panels, including 38 BLM resource advisory councils, known as RACs. But the retirees, operating as the Public Lands Foundation, are asking Zinke to restore the panels as soon as possible. "We understand and appreciate the need to periodically review the membership and operation of various advisory committees and councils across the government. Our request is that this review be conducted as expeditiously as possible. Land management decisions are made daily. We believe these decisions are much more reflective of local needs when the BLM has the benefit of input from its Resource Advisory Council and other advisory committees," wrote Jesse Juen, president of the foundation. Eight Democratic senators are getting into the game. They wrote Zinke May 11, "We are very concerned about this news and would like an answer as to why the RAC meetings were postponed during the BLM's review of all advisory boards and committees. It is critical that local voices, including RACs, have the opportunity to provide input and take part in the process at all times, not just when those local voices align with the Administration or a large special interest." Sens. Ron Wyden and Jeff Merkley, both Oregon Democrats, were the lead signatories.

**Greens count huge energy subsidy.** Environmentalists argue in a new report that the federal government is providing more than \$7 billion per year in subsidies to the energy industry, onshore and offshore. The report, prepared for a group of environmentalists by Oil Change International, says the subsidies come in the form of "low royalty rates and exemptions; low rental, minimum bid, and fee rates; limited liability for cleanup of regular mining operations and oil spills; publicly-funded infrastructure projects in direct support of fossil fuel development; and inadequate regulation to prevent wasteful flaring of federal natural gas resources." The environmentalists cite the report to buttress their demand that the federal government discontinue leasing of fossil fuel energy from the public lands. "Federal subsidies for oil, gas and coal underwrite coastal flooding, severe drought and wildlife extinction," said Taylor McKinnon with the Center for Biological Diversity. "In an era of worsening climate change, fossil fuel subsidies are disastrous public policy." The report also argues that the onshore oil and gas royalty rate should be increased from its existing 12.5 percent level. It should be noted that the Trump administration is a major champion of fossil fuel development. The report is available at: <http://priceofoil.org/2017/05/24/unequal-exchange-taxpayers-burden-fossil-fuel-federal-lands/>.

**States seek more O&G royalties.** It's an old chestnut but with a new regime in the White House the political landscape may have changed for western states demanding a full 50 percent of fossil fuels energy royalties from onshore public lands. To that end Rep. Lynn Cheney (R-Wyo.), Rep. Stevan Pearce (R-N.M.) and five senators May 25 introduced legislation (HR 2661, S 1267) that would give the states the full 50 percent of royalties. Under existing law the federal government deducts two percent of the state share for administrative costs. Sen. Mike Enzi (R-Wyo.) was the lead Senate sponsor. The bill has bipartisan cover because Sen. Tom Udall (D-N.M.) is a

key sponsor. Said Enzi, "Mineral royalties are supposed to be split 50-50, but by charging an unfair collection fee, the federal government is squeezing the states for more dollars to pad its own coffers. By empowering states to collect their own mineral revenue, they would no longer have to worry about the federal government snatching up mineral royalties that are rightfully theirs." However, the fiscal year 2018 Trump administration budget assumes a continued two percent deduction of the state share of royalties.

**Grijalva opposes grizzly delisting.** Rep. Raúl M. Grijalva (D-Ariz.) last month took exception to an Obama administration proposal to delist the grizzly bear in the Greater Yellowstone Ecosystem under the Endangered Species Act. The Fish and Wildlife Service proposed the delisting on March 3, 2016, because the population has increased from 136 bears in 1975 to an estimated more than 700 now. But Grijalva, ranking Democrat of the House Natural Resources Committee, said in a letter to Secretary of Interior Ryan Zinke, "Delisting the species would put it back on the chopping block for extinction in the Greater Yellowstone Ecosystem." The Grijalva letter is available at: <http://bit.ly/2rvz4eH>.

## Boxscore of Legislation

### **Fiscal year 2018 appropriations**

No bills yet. President Trump submitted his budget request May 23. Would reduce spending for virtually all public lands programs.

### **Fiscal year 2017 appropriations (full year)**

HR 244 (Cook). President Trump signed into law May 5 as PL 115-31. Appropriates roughly same amounts of money as fiscal 2016. Was stripped of riders.

### **Rule restrictions**

HR 21 (Issa). House approved January 4. Would allow Congress to revoke groups of regulations at one time with majority vote (no Senate filibuster.)

HR 5 (Goodlatte). House approved January 11. Would subject BLM and FS plans to major economic impact analysis.

*(Specific rules)* HJ Res 36 (Bishop), HJ Res 44 (Cheney), HJ Res 35 (Young). President Trump signed into law March 27 (PL 115-12) a resolution reversing a BLM planning rule (HJ Res 44). Trump signed into law April 3 a resolution (PL 115-20) reversing a FWS hunting rule in Alaska (HJ Res 35). The Senate defeated 51-to-49 a resolution that would have reversed a BLM methane emissions rule (HJ Res 36). The time has expired for Congress to act on other resolutions to reverse Obama energy regulations.

### **Federal land transfers**

H Res 5 (McCarthy). House approved January 3. Would not require economic offsets if Congress tried to transfer federal lands to states, local governments or tribes.

HR 232 (Young). Young introduced January 3. Would allow states to acquire up to 2 million acres of national forest.

### **National monument restrictions**

S 33 (Murkowski), S 132 (Crapo). Murkowski introduced January 5. Crapo introduced January 12. Murkowski would require Congressional and state approval of new monuments. Crapo would require Congressional approval.

**New national monuments**

HR 360 (Grijalva). Grijalva introduced January 6. Would establish a Greater Grand Canyon Heritage National Monument.

**Greater sage-grouse**

HR 527 (Bishop), S 273 (Risch). Bishop introduced January 13. Risch introduced February 1. Would largely revoke federal sage-grouse management policy and give the job to the states.

**Wolf in Wyoming**

HR 424 (Peterson, Cheney), S 164 (Johnson). Peterson introduced January 10. Johnson introduced January 17. Would maintain the delisting of the gray wolf in Wyoming, overcoming a judge's decision.

**Critical minerals**

HR 520 (Amodei), S 145 (Heller). House hearing March 21. Senate hearing March 28. Would have federal land managers establish time lines for acting on all mineral permits.

**Energy policy limitations**

S 737 (Markey), S 800 (Cantwell), HR 1819 (Cartwright) S 750 (Merkley), S 987 (Merkley). Markey introduced March 27. Cantwell and Cartwright introduced March 30. Merkley introduced March 28. Merkley introduced April 27. Markey would increase coal royalty, Cantwell and Cartwright would forbid coal self-bond, and Merkley would forbid new fossil fuels leasing from the public lands.

**County assistance**

S 1027 (Hatch) HR 2340 (Rodgers). Hatch, Rodgers introduced May 3. Would reauthorize Secure Rural Schools program for two years.

**Arctic National Wildlife Refuge (development)**

S 49 (Murkowski). Murkowski introduced January 5. Would open coastal plain to O&G development.

**Arctic National Wildlife Refuge (wilderness)**

HR 1889 (Huffman), S 820 (Markey). Huffman and Markey introduced April 4. Would designate coastal plain as wilderness.

**BLM foundation**

HR 1668 (Hice) HR 244 (Cook). President Trump signed the fiscal 2017 appropriations bill into law May 5 as PL 115-31 that establishes a BLM foundation, like those supporting NPS, FWS and FS.

**Land and Water Conservation Fund**

HR 502 (Grijalva), S 569 (Cantwell), S 896 (Burr). Grijalva introduced January 12. Cantwell introduced March 8. Burr introduced April 7. Would make the program permanent.

**Park Service Centennial**

S 751 (Warner). Warner introduced March 28. Would guarantee as much as \$500 million per year for NPS maintenance.

**Red Rock wilderness (Utah)**

HR 2044 (Lowenthal), S 948 (Durbin). Lowenthal introduced April 6. Durbin introduced April 26. Would protect 9.2 million acres of Utah land.

**Northern Rockies wilderness**

HR 2135 (Maloney), S 936 (Whitehouse). Maloney and Whitehouse introduced April 25. Would protect more than 20 million acres across the northern Rocky Mountains.

## **Federal Parks & Rec**

### **Addendum to Public Lands News**

June 2, 2017

\* *FY 2018 budget would largely eliminate new fed land buys*

\* *Even NPS not exempt from austerity in FY 2018 budget*

\* *Notes*

\* *Monuments (See Public Lands News article)*

### **Trump would eliminate most federal land acquisitions**

In the face of serious pushback from the Hill, the Trump administration in its fiscal year 2018 budget May 23 proposed virtually no new major federal land acquisitions.

For instance the Forest Service budget request of May 23 calls for, "Reducing funding for lower priority activities in the National Forest System, such as new Federal land acquisitions; instead, the 2018 President's Budget focuses on maintaining existing forests and grasslands."

And the Interior Department budget request says, "The 2018 budget places a priority on Interior taking care of its current assets. Accordingly, the budget for land acquisition programs is \$54.0 million, \$129.1 million below 2017. A small amount of funding is maintained in each bureau for emergencies or acquisition of inholdings needed to improve management of established areas or to increase access."

At a hearing of the House subcommittee on Interior Appropriations May 25 one western Republican, Rep. Mike Simpson (R-Idaho), took exception to those who would shrink the federal presence in the West. He told Secretary of Agriculture Sonny Perdue, "If you really want to see what LWCF (Land and Water Conservation Fund) has done when you come out to Idaho, I'll take you down south where it's incredible what LWCF funds have done there."

Simpson went on to take further exception to his western colleagues who are championing the transfer of federal lands to states. "There's a movement to have the states take over all the federal lands," he said. "I don't see that happening either. It would not happen and I don't want it to happen because quite frankly we live in Idaho because we love our public lands."

In raw numbers the fiscal 2018 Trump budget request would slash the federal side of LWCF by \$138 million, from \$189 million in fiscal 2017 to \$51 million in fiscal 2018. The one exception for land acquisition appears to be the American Battlefield Protection Program, which would receive \$8.5 million from the Park Service land acquisition appropriation.

The state side of LWCF would receive \$3 million, compared to \$110 million in fiscal 2017, but the budget would have Congress allocate an additional \$90 million from Gulf of Mexico offshore oil and gas royalties to the program, for a conditional total of \$93 million. That of course assumes Congress changes the law.

The Forest Service Forest Legacy program, which is financed by LWCF revenues, would receive no money, compared to \$62.3 million in fiscal 2017.

The pushback against LWCF cuts in the Senate came May 15 even before the Trump budget hit the streets. Forty-nine senators from both parties wrote the Senate Appropriations Committee May 15 and asked for continued support for LWCF, including federal land acquisition, state grants and a Forest Legacy program. The lead signatories were Sens. Richard Burr (R-N.C.) and Jeanne Shaheen (D-N.H.)

"We are writing to express our strong support for the (LWCF) and Forest Legacy Program(s)," the senators wrote. "As you begin the process of drafting the Fiscal Year 2018 Interior, Environment, and Related Agencies Appropriations bill, we respectfully request that you allocate at least enacted level funding to this program to honor and continue the commitment to outdoor access for all Americans."

Support for the state grant program came from Barbara Tulipane, president of the National Recreation Park Association. She said, "President Trump effectively eliminates funding for (LWCF), which is particularly troubling and shortsighted, as it threatens the future of our public lands, such as local, state and national parks. Moreover, these cuts don't save tax payers a dime. LWCF isn't funded by taxpayer dollars, but from fees generated from offshore energy development. "

Here are the LWCF budget request numbers compared to fiscal 2017 appropriations:

LWCF FEDERAL ACQUISITION: The fiscal 2018 proposal recommends an appropriation of \$51 million compared to a fiscal 2017 appropriation of \$188.8 million.

By agency: the Bureau of Land Management would receive \$3.6 million compared to \$31.4 million in fiscal 2017; the Fish and Wildlife Service (FWS) would receive \$17.1 million compared to \$50 million; the Park Service would receive \$23.3 million compared to \$42 million; and the Forest Service would receive \$7 million compared to \$54.4 million.

LWCF STATE: The fiscal 2018 proposal recommends an appropriation of \$3 million, compared to \$110 million in fiscal 2017. But the budget also proposes to boost state side revenues with \$90 million from Gulf of Mexico oil and gas royalties, for a total of \$93 million in fiscal 2018. Congress would have to approve legislation to provide the offshore oil and gas money, no sure thing.

### **Even NPS not exempt from Trump FY 2018 budget cuts**

Park and recreation programs were not spared in the fiscal year 2018 budget request the Trump administration submitted to Congress May 23.

However, Congress almost certainly will treat the request for what it is, a recommendation, and establish its own spending agenda.

For now though the administration is asking for across-the-board cuts in operational spending for federal land management agencies. Even the Park Service is not exempt, with a proposed \$200 million reduction for operations, down from \$2.425 billion in fiscal 2017 to \$2.225 in fiscal 2018.

As promised in an outline of a budget request the administration published in March, the federal side of the Land and Water Conservation (LWCF) is down for a big cut of \$138 million, from \$189 million in fiscal 2017 to \$51 million in fiscal 2018.

The state side of LWCF would receive \$3 million, compared to \$110 million in fiscal 2017, but the budget would have Congress allocate an additional \$90 million from Gulf of Mexico offshore oil and gas royalties to the program, for a conditional total of \$93 million. That of course assumes Congress changes the law.

The pattern of decreases continues for other agencies with the National Forest System in for a \$120 million reduction and the Bureau of Land Management in for a \$132 million reduction.

For the Interior Department in total the Trump budget proposed a six percent reduction in force from 64,000 to 60,000 full-time equivalents. For the Park Service alone the budget would take away 1,242 jobs, reducing the number of full-time equivalent employees from 19,510 to 18,268,

At a press conference May 23 Secretary of Interior Zinke agreed that many parks need additional resources. "That's a concern I have is protecting the resource," he said. "No doubt in some instances we don't have the resources."

But he blamed the prior Obama administration in part for not collecting enough revenues, particularly from energy. He noted that the department took in only \$9 billion in 2016 compared to \$17 billion in 2008.

Democrats have an ask of their own. They are asking their Republican colleagues to reject a Trump administration proposal to take \$54 billion out of domestic spending and shift it to Defense spending.

Separately, 49 senators from both parties wrote the Senate Appropriations Committee May 15 and asked for continued support for LWCF, including federal land acquisition, state grants and a Forest Legacy program. The lead signatories were Sens. Richard Burr (R-N.C.) and Jeanne Shaheen (D-N.H.)

"We are writing to express our strong support for the (LWCF) and Forest Legacy Program(s)," the senators wrote. "As you begin the process of drafting the Fiscal Year 2018 Interior, Environment, and Related Agencies Appropriations bill, we respectfully request that you allocate at least enacted level funding to this program to honor and continue the commitment to outdoor access for all Americans."

Separately, a huge alliance of conservation groups earlier this month asked appropriators on both sides of the Hill to at least maintain fiscal 2017 conservation-spending levels for fiscal 2018. Groups including the

National Parks Conservation Association and the National Recreation and Park Association deplored proposed reductions in the Trump budget outline of May 16, including a 75 percent cut for LWCF.

They then told House and Senate Appropriations Committee leaders, "We also request this preservation of funding because of the cumulative impact of years of constrained allocations on environmental and public health programs and agencies. Just taking the FY10 enacted levels and adjusting for inflation, the FY17 level is already a 10% cut."

Of note, both the senators and the conservationists ask for *level* funding for the programs, a departure from past requests for substantial spending *increases*.

Time is short, as usual. President Trump had barely signed a fiscal year 2017 appropriations bill into law (PL 115-31) May 5, before he submitted his detailed fiscal 2018 budget request 18 days later. In effect Congress will have four months to put the fiscal 2018 spending bills together, and you can scratch August because the House and Senate intend to be on vacation for the entire month.

The fiscal 2018 request fleshes out a sketch of a budget recommendation that the administration published March 16. That recommendation would famously slash Interior Department spending by 12 percent.

Here are some numbers in the fiscal 2018 Trump budget, compared to the final fiscal 2017 numbers:

**LWCF FEDERAL ACQUISITION:** The fiscal 2018 proposal recommends an appropriation of \$51 million, compared to a fiscal 2017 appropriation of \$188.8 million.

Here is the agency-by-agency LWCF distribution: the Bureau of Land Management (BLM) would receive \$3.6 million compared to \$31.4 million in fiscal 2017; the Fish and Wildlife Service (FWS) would receive \$17.1 million compared to \$50 million; the Park Service would receive \$23.3 million compared to \$42 million; and the Forest Service would receive \$7 million compared to \$54.4 million.

**LWCF STATE:** The fiscal 2018 proposal recommends an appropriation of \$3 million, compared to \$110 million in fiscal 2017. But the budget also proposes to boost state side revenues with \$90 million from Gulf of Mexico oil and gas royalties, for a total of \$93 million in fiscal 2018. Congress would have to approve legislation to provide the offshore oil and gas money, no sure thing.

**PARK SERVICE OPERATIONS:** The fiscal 2018 proposal recommends an appropriation of \$2.225 billion, compared to a fiscal 2017 appropriation of \$2.425 billion.

**CENTENNIAL CHALLENGE GRANTS:** The fiscal 2018 proposal recommends an appropriation of \$15 million, compared to a fiscal 2017 appropriation of \$20 million.

**PARK SERVICE RECREATION AND PRESERVATION:** The fiscal 2018 proposal recommends an appropriation of \$37 million, compared to a fiscal 2017 appropriation of \$62.6 million.

NATIONAL HERITAGE AREAS: The fiscal 2018 proposal recommends \$1 million in administrative support, compared to a fiscal 2017 appropriation of \$19.8 million.

PARK SERVICE CONSTRUCTION: The fiscal 2018 proposal recommends an appropriation of \$226.5 million, compared to a fiscal 2017 appropriation of \$209.4 million.

PARK SERVICE HISTORIC PRESERVATION: The fiscal 2018 proposal recommends an appropriation of \$51.1 million, compared to a fiscal 2017 appropriation of \$80.9 million.

SAVE AMERICA'S TREASURES: The fiscal 2018 proposal recommends no appropriation, compared to a \$5 million appropriation in fiscal 2017.

STATE WILDLIFE CONSERVATION GRANTS: The fiscal 2018 proposal recommends an appropriation of \$52.8 million, compared to a fiscal 2017 appropriation of \$82.6 million.

NATIONAL FOREST SYSTEM: The fiscal 2018 proposal recommends an appropriation of \$1.747 billion, compared to a fiscal 2017 appropriation of \$1.513 billion, but the Trump budget would include in forest management \$354 million for hazardous fuels management. Deducting the hazardous fuels management the National Forest System would receive \$120 million less.

FOREST SERVICE RECREATION: The fiscal 2018 proposal recommends an appropriation of \$252.9 million, compared to a fiscal 2017 appropriation of \$264.6 million.

FOREST SERVICE TRAILS: The fiscal 2018 proposal recommends an appropriation of \$12.7 million, compared to a fiscal 2017 appropriation of \$77.5 million.

FOREST LEGACY: The fiscal 2018 proposal recommends no appropriation, compared to a \$62.3 million appropriation in fiscal 2017.

BLM RECREATION MANAGEMENT: The fiscal 2018 proposal recommends an appropriation of \$62.7 million, compared to a fiscal 2017 appropriation of the same, \$71.7 million.

NATIONAL LANDSCAPE CONSERVATION SYSTEM: The fiscal 2018 proposal recommends an appropriation of \$27.7 million, compared to a fiscal 2017 appropriation of \$36.8 million.

FWS REFUGE MANAGEMENT: The fiscal 2018 proposal recommends an appropriation of \$470 million, compared to a fiscal 2017 appropriation of \$483.9 million.

## Notes

**Glacier's glaciers disappearing.** The U.S. Geological Survey (USGS) says in a new [report](#) that the number of glaciers in Glacier National Park has been reduced from 150 when the park was designated in 1910 to 26 now. And those 26 are in danger. USGS said that since 1966 in the whole state of Montana the 39 glaciers still in the inventory have been reduced by climate

change, some as much as 85 percent. Portland State University geologist Andrew G. Fountain, who worked on the project with USGS, said glaciers throughout the country have been shrinking. "While the shrinkage in Montana is more severe than some other places in the U.S., it is in line with trends that have been happening on a global scale," he said. Glaciers are defined as ice masses of 25 acres or more. The report is available at: <https://www.usgs.gov/news/glaciers-rapidly-shrinking-and-disappearing-50-years-glacier-change-montana>

**Minneapolis parks still the best.** In the Trust for Public Lands annual rating of urban parks in the country, released last week, Minneapolis maintains the number one post. Its twin city, St. Paul, took second place. San Francisco jumped ahead of Washington, D.C., and Arlington, Va., to take third place. The Trust bases the ratings on park access, park size and facilities. Bringing up the rear as the nation's two worst park systems are Fort Wayne and Indianapolis, both in Indiana, in a dead heat. Just above them was Charlotte, N.C. "You can't have a great city without a great park system," said Adrian Benepe, senior vice president and director of City Park Development for The Trust for Public Land. "Our top-ranked park systems are terrific, but all cities have room to improve." The report is available at: [www.tpl.org/parkscore](http://www.tpl.org/parkscore).

**Everglades bill would skip Congress.** Sen. Bill Nelson (D-Fla.) and two House members from Florida introduced legislation (S 1234, HR 2691) that would authorize Everglades restoration projects as soon as the Corps of Engineers completed plans for them. Under existing law the Corps must submit the plans to Congress for approval, often a long and torturous route. "There's simply too much at stake here in Florida to wait around for Congress to pass a water bill every few years," said Nelson. "This bill will allow the Corps to begin work on these projects as soon as they are ready." Rep. Alcee Hastings (D-Fla.) is the lead sponsor of the House bill. Congress approves individual projects for a multi-billion dollar Comprehensive Everglades Restoration Project every few years in broad legislation called Water Resources Development Acts (WRDAs). Most recently Congress developed WRDAs in 2016, 2014, 2007 and 2000. In the 2016 WRDA (PL 114-322 of Dec. 16, 2016) Congress included authorization for a \$976,375,000 Central Everglades Planning Project. The Corps had completed an analysis for it in December 2014.

**Rec industry eyes commerce study.** The outdoor recreation industry is trying to make sure that the Department of Commerce counts all manner of economic contributions recreation makes to the nation's economy. The industry is asking commerce's Bureau of Economic Analysis to capture expenditures by corporations as well as the public, capital investments and taxes. President Obama signed into law (PL 114-249) Dec. 9, 2016, legislation that directs the Department of Commerce to conduct a first-ever analysis of the economic activity generated in this country by recreation. Now the Bureau of Economic Analysis is working on an Outdoor Recreation Satellite Account. This spring the Outdoor Industry Association published a report that says the outdoor recreation industry contributes \$887 billion per year to the nation's economy. Now the outdoor industry as represented by the Outdoor Recreation Industry Roundtable wants that private study confirmed by the federal government.