

From: Renner, Elinor
To: [Elinor Renner](mailto:Elinor.Renner)
Bcc: downey_magallanes@ios.doi.gov
Subject: Fwd: 30 Day Policy Look Ahead
Date: Wednesday, November 01, 2017 9:55:04 AM
Attachments: [DOI Cabinet 30 Day Report 10-31-17.docx](#)

Sharing with the team.

----- Forwarded message -----

From: **Magallanes, Downey** <downey_magallanes@ios.doi.gov>
Date: Tue, Oct 31, 2017 at 5:39 PM
Subject: Fwd: 30 Day Policy Look Ahead
To: "Renner, Elinor" <elinor_renner@ios.doi.gov>

----- Forwarded message -----

From: **Magallanes, Downey** <downey_magallanes@ios.doi.gov>
Date: Tue, Oct 31, 2017 at 5:38 PM
Subject: 30 Day Policy Look Ahead
To: CabinetAffairs@who.eop.gov, william.j.mcginley@who.eop.gov, Staff Secretary <staffsecretary@who.eop.gov>
Cc: Scott Hommel <scott_hommel@ios.doi.gov>

Attached.

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MEMORANDUM FOR THE WHITE HOUSE STAFF SECRETARY AND CABINET SECRETARY
October 30, 2017

FROM: Scott Hommel, Chief of Staff, U.S. Department of the Interior

SUBJECT: Interior Department Weekly Update for the Week of October 30, 2017

DOI 30-Day Policy Look Ahead

Presidential Initiatives and Awareness

1. **CRITICAL MINERALS REPORT:** USGS will release a new report presenting resource and geologic information for 23 critical mineral commodities important to our national economy and national security, many of which are sourced entirely outside of the United States. This is the first update since the last assessment undertaken in 1973. Staff Secretary is circulating a draft Executive Order (EO) directing Interior to help coordinate the appropriate agencies to undertake a government-wide approach to facilitate the domestic mining and processing of critical minerals. The Department is continuing to hold the release of the study to be issued in conjunction with the EO. DOI is awaiting the scheduling of the EO issuance.
Timing: November 2017
Contact: Jim Cason, Associate Deputy Secretary
2. **KING COVE LAND EXCHANGE:** Interior plans to exchange a 500-acre corridor through Izembek National Wildlife Refuge with the King Cove Corporation, an Alaska Native corporation. Through a separate agreement with the state, this will result in a road connecting the fishing community of King Cove with an airport capable of handling jet aircraft used for medical evacuations, which will improve the health, safety, and quality of life for residents. This is a critical issue to Senator Murkowski, Senator Sullivan, and Congressman Don Young. Interior has submitted a scheduling proposal for POTUS to announce the land exchange during the White House Tribal Leaders Summit the week of November 13th.
Timing: Week of November 13, 2013
Contact: Jim Cason, Associate Deputy Secretary
3. **MEMORIAL BRIDGE PROJECT AND REBUILD THE PARKS INITIATIVE:** The Secretary has worked with NEC and OMB on legislative language to create an account funded by energy revenues that would address the \$11.5 billion in backlog in the National Park Service and Fish and Wildlife Service Refuge maintenance. NEC has agreed to include this language in the infrastructure bill. The Secretary believes POTUS or VPOTUS should call on Congress separately to address the backlog. Senator Alexander has tentatively agreed to introduce legislation after this occurs. We will submit a request that POTUS or VPOTUS announce this initiative with the Arlington Memorial Bridge as the backdrop. The National Park Service (NPS) is ready to award the contract for the bridge by November 17. NPS has secured all funding (\$227 million) for a complete rehabilitation under budget and in a single phase rather than multi-phase. This would be an ideal backdrop to show the Trump Administration is doing all it can to fix America's infrastructure, but that Congress needs to do its part to restore and rebuild the parks.

We have submitted a scheduling request to Cabinet Affairs offering the week of November 13 as an ideal date.

Timing: November 14-17, 2017

Contact: Jason Larabee, Acting Assistant Secretary for Fish and Wildlife and Parks

4. **BOEM DRAFT PROPOSED PLAN:** On November 17, BOEM aims to publish the Draft Proposed Program (DPP) for the new National OCS Oil & Gas Program. Publication of the DPP is the first opportunity for the Administration to share proposed leasing areas with the public. Publication of the DPP follows the Request for Information that was published on July 3, in response to which BOEM received over 815,000 comments.

Timing: November 17, 2017

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

5. **INTERIOR DISASTER RELIEF PROPOSAL:** Interior has submitted a proposal for the President's consideration to call on Congress to give him the authority to lift environmental restrictions on resource-abundant lands to help develop construction materials to rebuild after a Presidentially-declared disaster. This proposal was submitted as a part of the National Security Council request for proposals. Interior is also working with OMB to submit legislative language to the supplemental appropriations bill.

Timing: Ongoing

Contact: Downey Magallanes, Acting Deputy Chief of Staff

6. **MONUMENTS REQUEST:** Interior has submitted the final draft monuments report to Staff Secretary. Secretary Zinke plans to send the final report this week. Interior has also submitted specific monument recommendations for Bears Ears National Monument (BENM) and the Grand Staircase Escalante National Monument (GSENM) to OLC for the form and legality review. Finally, Interior has submitted a scheduling request that POTUS travel to Utah to sign the proclamations for the BENM and GSENM. The Secretary has discussed this with the President.

Timing: Late November – Early December 2017

Contact: Downey Magallanes, Acting Deputy Chief of Staff

Reports to Congress and Congressional Testimony

1. **SENR HEARING RE: ALASKA 1002 AREA EXPLORATION:** Senate Energy and Natural Resources Committee (Murkowski) will hold a full Committee oversight hearing on The Potential for Oil and Gas Exploration and Development in the Non-Wilderness Portion of the Arctic National Wildlife Refuge (Section 1002). This will be a contentious hearing. Greg Sheehan (Principal Deputy Director, FWS) will be testifying on behalf of the Department.

Timing: November 2, 2017

Contact: Micah Chambers, Deputy Director, Congressional Affairs

2. **UPCOMING HNRC HEARING:** The House Natural Resources Water, Power, and Oceans Subcommittee is holding a legislative hearing on H.R. 221 (Rep. Don Young of AK), To reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes. “Hydrographic Services Improvement Amendments Act”; H.R. 1176 (Rep. Chellie Pingree), To

amend the Coastal Zone Management Act of 1972 to establish a Working Waterfront Task Force and a working waterfronts grant program, and for other purposes. “Keep America’s Waterfronts Working Act”; and S. 140 (Sen. Jeff Flake), To amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund. The Department will be providing a statement for the record on S. 140, per the Committee's request.

Timing: November 2, 2017

Contact: Amanda Kaster, Policy Adviser, Congressional Affairs

3. **UPCOMING SCIA HEARING:** The Senate Committee on Indian Affairs is hosting a legislative hearing on S. 1400 (Sen. Heinrich), the Safeguarding Tribal Objects of Patrimony Act of 2017 and S. 465 (Sen. Rounds), the Independent Outside Audit of the Indian Health Service Act of 2017. The Department will only be providing testimony on S.1400. Witness is pending.

Timing: November 8, 2017

Contact: Amanda Kaster, Policy Adviser, Congressional Affairs

4. **UPCOMING SCIA ROUNDTABLE:** The Senate Committee on Indian Affairs is holding a roundtable entitled "Confronting the Crisis: the Opioid Epidemic in Indian Country." DOI intends to send Charlie Addington, Deputy Associate Director, Office of Justice Services to participate.

Timing: November 9, 2017

Contact: Amanda Kaster, Policy Adviser, Congressional Affairs

5. **DOI NOMINEES IN PROGRESS:** Brenda Burman (BOR) and Susan Combs (A/S PMB) were passed out of committee August 3, 2017. Joe Balash (Assistant Secretary, Land & Minerals) and Ryan Nelson (Solicitor) appeared before the SENR committee on September 7, 2017. Both passed and now await full Senate approval. DOI OCL is working with OGE and the White House to get final approval for Asst. Sec. Indian Affairs nominee, Tara Sweeney before submitting her paperwork to the Senate. Last week, the White House announced its intent to nominate Steve Gardner for OSM. His Senate questionnaire is currently under review.

Contact: Micah Chambers, Deputy Director, Congressional Affairs

Other/Awareness Only

1. **ACTION ON ADVISORY BOARDS:** This week or next, the Department will announce the creation of two new advisory boards, the International Wildlife Conservation Council and the “Made in America” Recreation Advisory Committee. The first board will advise on responsible regulations and policies affecting international wildlife conservation efforts and sportsmen activities. The second board will facilitate public-private partnerships to promote outdoor recreation.

Timing: Early November

Contact: Lori Mashburn, White House Liaison

2. **COAL MINING ACTIONS:** Throughout October, the Office of Surface Mining Reclamation and Enforcement will submit mining decisions and a notice of availability.

- **Belle Ayr Mine Plan Decision:** OSMRE anticipates forwarding a mining plan decision document with a recommendation for the Belle Ayr Mine Mining plan modification in early November 2017. The mine employs 259 people and produces approximately 20 million tons of coal per year.
- **Cordero Rojo Mine.** The draft Environmental Assessment (EA) prepared for Cordero Mine mining plan modification was published on July 6, 2017, and comments were accepted for 30 days. The bureau will forward a mining plan decision document with a recommendation in late November 2017. The mine employs 383 people and produces approximately 20 million tons of coal per year.
- **King II Mine Modification:** In mid- to late fall, BLM-CO expects to issue a decision on whether to modify GCC Energy's King II Mine in Montezuma County in southwest Colorado by 951 acres. The modification would allow GCC to access an estimated 4.66 million tons of recoverable Federal coal reserves for an additional 6.5 years of mining. Montezuma County supports the modification, noting Federal mineral development's positive impacts on the region through jobs and tax revenue. The BLM hopes to issue the decision this fall, pending final approval from the Department.

Timing: November 2017

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

3. **EISENHOWER MEMORIAL NEARS PERMITTING PHASE:** A ceremonial groundbreaking is scheduled for the Eisenhower Memorial, which will be administered by National Mall and Memorial Parks (NAMA). Final approvals have been granted by the National Capital Planning Commission (NCPC) and the Commission of Fine Arts (CFA). NAMA anticipates issuing a construction permit in October, with completion tentatively scheduled for May 2020. When completed the Memorial will become part of National Mall and Memorial Parks. Officials from the NPS will attend.

Timing: November 2, 2017

Contact: Jason Larrabee, Acting Assistant Secretary for Fish and Wildlife and Parks

4. **US FISH & WILDLIFE MITIGATION POLICIES SCHEDULED FOR REVISION:** FWS is issuing a notice requesting public comment on portions of its Agency-Wide Mitigation Policy and Endangered Species Act Compensatory Mitigation Policy. The portions on which FWS will request comment include the policies' reference to a mitigation planning goal of net conservation gain and the policies references to the previous Administration's mitigation directives. Based on comments received, FWS will decide whether and how to revise the policies. Outreach will include a news release and notifications to targeted stakeholders. There is a high level of interest from states, stakeholders, NGOs and the public.

Timing: November 3, 2017

Contact: Jason Larrabee, Acting Assistant Secretary for Fish and Wildlife and Parks

5. **NON-SUBSISTENCE TAKE RULE TO BE NULLIFIED:** Under the Congressional Review Act (CRA), Congress passed, and the President signed, a resolution of disapproval of the U.S. Fish and Wildlife Service rule titled "Non-subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska" (non-subsistence take of wildlife rule). By operation of the CRA, the non-subsistence take of wildlife rule shall be treated as if it had never taken effect. However, because the CRA does not direct the Office of the

Federal Register to remove the voided regulatory text and reissue the pre-existing regulatory text, the U.S. Fish and Wildlife Service is issuing a notice to effect the removal of any amendments, deletions, or other modifications made by the nullified rule and the reversion to the text of the regulations in effect immediately prior to the effective date of the non-subsistence take of wildlife rule.

Timing: Early November 2017

Contact: Jason Larrabee, Acting Assistant Secretary for Fish and Wildlife and Parks

6. **STREAM PROTECTION RULE TO BE NULLIFIED:** Under the Congressional Review Act (CRA), Congress passed, and the President signed, a resolution of disapproval of the OSMRE Stream Protection Rule. By operation of the CRA, the rule shall be treated as if it had never taken effect. However, because the CRA does not direct the Office of the Federal Register to remove the voided regulatory text and reissue the pre-existing regulatory text, OSMRE is issuing a notice to effect the removal of any amendments, deletions, or other modifications made by the nullified rule and the reversion to the text of the regulations in effect immediately prior to the effective date of the Stream Protection Rule.

Timing: Early November 2017

Contact: Kate MacGregor Acting Assistant Secretary for Land and Minerals

7. **NATIONAL PARK SERVICE CONSIDERING HUNTING AND FISHING CHANGES IN ALASKA:** The NPS intends to initiate a rulemaking process that will consider changes to regulations for sport hunting and trapping in national preserves in Alaska (80 FR 65325) (promulgated in October 2015 and effective on November 23, 2015). Throughout this process, the NPS will consider the purpose of Secretarial Order 3347 (“Conservation Stewardship and Outdoor Recreation”) to advance conservation stewardship and increase outdoor recreation opportunities, including hunting and fishing, for all Americans. The NPS will also identify ways to improve recreational hunting and fishing cooperation, consultation, and communication with State of Alaska wildlife managers. The NPS will comply with all applicable laws governing the rulemaking process, including the requirement to provide an opportunity for public comment on any proposed regulatory changes under 5 U.S.C. 553. The NPS is not accepting comments on this announcement. The public will have an opportunity to comment when a proposed rule is published in the Federal Register.

Timing: Early November 2017

Contact: Jason Larrabee, Acting Assistant Secretary for Fish and Wildlife and Parks

8. **FISH AND WILDLIFE SERVICE INCREASING ACCESS FOR HUNTERS AND ANGLERS:** FWS will publish a final rule on the 2017-18 Refuge-Specific Hunting and Sport Fishing Regulations. The final rule will open various national wildlife refuges to hunting and/or sport fishing for the first time (new hunts) and expand hunting and fishing opportunities at others. Outreach is planned to include a national news release when the *Federal Register* notice is published and notifications to members of Congress in affected districts, with some stakeholder outreach.

Timing: Early November 2017

Contact: Jason Larrabee, Acting Assistant Secretary for Fish and Wildlife and Parks

- 9. OSM/ASLM RESCISSION MEMORANDUM:** In accordance with the Executive Order on reducing regulatory burdens, OSMRE has identified several policy documents and guidance that could burden domestic energy production. In September, the Office of Surface Mining held a summit related to state and federal regulatory policy issues which provided additional feedback from state regulatory partners on regulatory burdens and the ongoing partnership between SRAs and OSMRE. As a result of both the summit and the OSMRE regulatory review, ASLM has directed OSMRE to rescind two policy documents- one being a policy advisory on self-bonding and the second being a policy memorandum regarding the Clean Water Act. Both of these were put in place by the previous administration.

Timing: November 2017

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

- 10. NAVAJO GENERATING STATION:** On July 2nd, the Navajo government approved a two-year lease extension for continuing operation of the Navajo Generating Station (NGS) through 2019. The Department's Bureau of Reclamation has a participation (quasi-ownership) interest in the power generated by the plant and thus the Administration has a role in decisions associated with the plant. Interior is facilitating a process being led by Peabody Energy and Lazard (investment banking) to identify a possible future owner(s) to keep the plant generating power post-2019, since the current utility owners will exit the plant at the end of 2019. DOE transmitted two studies to DOI and Peabody that analyze energy efficiency and grid reliability respectively. EPA is working with Lazard and Peabody on analyzing calculations of Regional Haze Rule compliance.

Timing: November 2017

Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science

- 11. ATLANTIC COAST AND MOUNTAIN VALLEY PIPELINES:** Environmental compliance and signing required right-of-way and construction permits anticipated. Approval by the NPS is one of several steps necessary for the larger projects to move forward. Both pipelines would traverse the Blue Ridge Parkway and the Appalachian National Scenic Trail, and are currently under environmental review and consideration by the Federal Energy Regulatory Commission (FERC) with final decisions by FERC, and a number of other state and federal agencies, anticipated later in 2017.

Timing: November 2017

Contact: Jason Larrabee, Acting Assistant Secretary for Fish and Wildlife, and Parks

- 12. ATLANTIC OFFSHORE RENEWABLE RFF:** In late November, BOEM plans to publish a Request for Feedback (RFF) in the Federal Register seeking input on a proposed path forward for renewable energy leasing offshore the Atlantic Coast. The RFF describes the process and factors used by BOEM to identify and forecast areas along the Atlantic Coast where future development is most likely and leasing should be focused.

Timing: Late November

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

- 13. HURRICANE IRMA AND MARIA RESPONSE/RECOVERY OPERATIONS:** Twenty-seven employees from DOI bureaus and offices are currently deployed supporting the FEMA Surge Capacity Force. FEMA has determined that no additional DOI employees will be deployed

as part of the Surge Capacity Force. In total, DOI successfully deployed 35 employees to support this effort. In addition, DOI has 36 employees supporting SBA activities, with ten additional personnel scheduled to deploy by mid-November. DOI personnel are assisting FEMA and SBA in Puerto Rico, Texas, the U.S. Virgin Islands, Nevada, Florida, New York, California, Virginia, and Washington, D.C. DOI also continues to transition to long-term response and recovery operations on Puerto Rico (including Vieques and Culebra) and the U.S. Virgin Islands (St. Thomas, St. Croix and St. John). DOI personnel are providing technical expertise to interagency partners at the FEMA Puerto Rico Initial Operating Facility pertaining to natural and cultural resource protection, the safe removal of stranded vessels in the Caribbean, protection of critical habitats during response and recovery efforts, and analysis of landslide occurrences and threats in Puerto Rico. While recovery functions remain largely in the planning stages due to ongoing response efforts, DOI remains engaged with the lead agencies for the Recovery Support Functions including the Department of Commerce, Health and Human Services, and FEMA.

Timing: Ongoing

Contact: Scott Hommel

14. **WEST ELK MINE ROYALTY RATE REDUCTION:** In early December, BLM-CO expects to issue a decision on whether to grant a royalty rate reduction for the West Elk Mine. The BLM proposes to approve Mountain Coal Company, LLC's application for a royalty rate reduction from 8 percent to 5 percent for 10.3 million tons of coal in the West Elk Mine in southwest Colorado's North Fork Valley. Colorado Governor John Hickenlooper expressed support for the royalty rate reduction, contingent on Mountain Coal Company exploring methane capture at the mine.

Timing: December 1-2, 2017

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

15. **DOI ENERGY SUMMIT:** In support of the President's energy dominance agenda, Secretary Zinke will be hosting an all-day energy summit at DOI HQ on December 6, 2017. The summit will broadcast all aspects of the DOI's energy portfolio, including the economic benefits for the American taxpayer. The summit will definitively set forth the Administration's energy priorities. Participants will also include cabinet principles, members of congress, industry and NGO representatives.

Timing: December 6, 2017

Contact: Vincent DeVito, Counselor to the Secretary for Energy Policy

Other Significant Rulemakings and Actions

1. **US FISH & WILDLIFE SERVICE TO ADDRESS CORMORANT ISSUE:** USFWS is planning to release a draft environmental assessment that could give some authority for local residents to kill cormorants in select circumstances. The birds, currently protected by the Migratory Bird Treaty Act, are being blamed for waning fish populations in the Finger Lakes region of New York and significant depredation throughout the eastern United States.

Timing: Early November 2017

Contact: Jason Larabee, Acting Assistant Secretary for Fish and Wildlife and Parks

5. **IMPORTS OF AFRICAN ELEPHANT TROPHIES FROM ZIMBABWE:** The Fish and Wildlife Service (FWS) plans to publish in the Federal Register a change to the permitting status for imports of African elephant trophies from Zimbabwe. After receiving information from Zimbabwe on a number of substantial improvements to their management program and elephant conservation efforts, FWS has determined that taking of African elephant trophy animals in Zimbabwe on or after January 21, 2016 (the date that Zimbabwe's new management plan was officially adopted) through 2017 would enhance the survival of African elephants, and import permits can be issued for these trophies.
Timing: November 2017
Contact: Jason Larabee, Acting Assistant Secretary for Fish and Wildlife and Parks

Release of High-Profile Grants

1. **URBAN PARTNERSHIP GRANTS:** National Fish and Wildlife Foundation (NFWF) in cooperation with US Fish & Wildlife, will award over \$2 million in grants under their Five Star and Urban Waters Restoration Program. The grants fund multiple federal initiatives, including new and existing Urban Wildlife Refuge Partnerships and Urban Bird Treaty cities. NFWF will make its initial announcement and FWS will follow the next day.
Timing: Ongoing
Contact: Jason Larabee, Acting Assistant Secretary for Fish and Wildlife and Parks
2. **CENTENNIAL CHALLENGE PROJECTS:** The NPS will announce the award of \$18 million in Centennial Challenge projects. Many of the projects accomplish deferred maintenance projects, and all represent public-private partnerships, since each project requires a minimum 50/50 match with non-Federal funds.
Timing: Ongoing
Contact: Jason Larabee, Acting Assistant Secretary for Fish and Wildlife and Parks

Key Events for Upcoming 30-Days

Travel by Secretary

October 30-November 5	Secretary Zinke on personal leave until November 5 th .
November 10	Secretary Zinke traveling to Virginia to tour Manassas National Battlefield Park in advance of Veterans Day with the Vice President. They plan to interact with Boy Scouts and veteran volunteers.