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Kellie Lunney, E&E News reporter

Published: Tuesday, August 15, 2017

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<http://bit.ly/2wNqrP1>

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

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<http://bit.ly/2x0o62s>

### **6. States want stricter rules on gas distribution pipelines**

Mike Soraghan, E&E News reporter

Published: Tuesday, August 15, 2017

State pipeline officials have recommended stricter federal rules for replacing high-risk gas distribution pipelines.

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

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## 1. Zinke looks to move 3 agencies' headquarters to Denver

Kellie Lunney, E&E News reporter

Published: Tuesday, August 15, 2017

*This story was updated at 2:09 p.m. EDT.*

Interior Secretary Ryan Zinke reportedly has said Denver "will probably" become the headquarters for three major agencies within the department as part of an ambitious reorganization effort slated to get underway in fiscal 2019.

The Bureau of Land Management, Fish and Wildlife Service, and the Bureau of Reclamation could eventually move their headquarters operations from Washington to Denver, according to [employee notes](#) obtained by E&E News detailing a July meeting between Zinke and U.S. Geological Survey senior executives in Denver.

Zinke provided an overview of his reorganization plans to the senior executives during a July 21 lunch, USGS spokesman Dave Ozman confirmed. It included discussion of the secretary's desire to shift more department resources and personnel from Washington to field offices across the country and empower front-line employees with more decisionmaking authority.

But more authority might not translate into higher salaries for employees outside the Beltway.

The notes indicated that Zinke believes Interior is too top-heavy with managers. He told senior executives during the Denver meeting that shrinking the workforce would be achieved without layoffs, something he has said publicly before.

"Zinke believes the DOI organization is an upside-down pyramid — there are too many high-graded employees," the notes said. "There needs to be more lower grades, and they need to be in the field. Example, when a GS-14 retires, we should hire a GS-6 or 9."

Zinke has told lawmakers that he wants to reduce the department workforce by 4,000 full-time jobs through a mix of attrition, separation incentives and reassignments to meet the recommendations of the Trump administration's fiscal 2018 budget request.

The Montanan, a former Navy SEAL, also outlined for career managers his plan to have field offices report to regional joint management areas (JMA) based on watershed and wildlife corridors. The idea is based on the military's joint command structure. Leadership at the JMAs "could change or rotate between bureaus in the JMAs," the notes said.

"They are looking to select two to three cities in each of the 13 regions which will compete to be site of the regional/JMA office," the meeting notes said. "Cities have to be no more than two hops from D.C. (by air), affordable and with good community infrastructure."

Birmingham, Ala., and Boise, Idaho, were specifically mentioned as "two good candidates."

Ozman, who contributed to the meeting notes, said they "seemed to be accurate." He emphasized, however, that the information represented "a collection of informal notes that reflect the recollections" of those present at the meeting and are "not precise."

Interior spokeswoman Heather Swift said the department didn't have "anything to announce on the reorg right now" in response to several questions about issues discussed during the Denver meeting with senior executives. "The secretary plans to release his plan once everything has been finalized," Swift said.

Federal agencies submitted draft reorganization plans to the White House Office of Management and Budget at the end of June as part of a March executive order aimed at improving government efficiency. OMB has said the workforce plans will be made public with the release of the administration's fiscal 2019 budget proposal, presumably in February 2018.

The Denver notes, which jibe with much of what Zinke has said publicly so far about his reorganization plans, said President Trump and Vice President Mike Pence had approved Zinke's restructuring proposal centered around JMAs.

Lynn Scarlett, a former Interior Department deputy secretary and chief operating officer who also served as acting Interior secretary during the George W. Bush administration, said leaders must ask themselves what their goals are and what it will cost to achieve them when they undertake large-scale management changes.

"Reorganization is not free," said Scarlett, now global managing director for public policy at the Nature Conservancy. "It comes with political costs, practical costs, human capital costs. So you really have to ask, what is it that you are trying to accomplish, and what are the best ways to accomplish that?"

Interior is a "very complicated department with a great deal of dispersed activity and many authorities," Scarlett said. Of Zinke's joint management area concept, Scarlett said coordination and collaboration are

important, especially in instances where there are "blended missions." Individual agencies, however, also have specialized missions that don't necessarily overlap with one another but still need to be carried out, she said.

"I've seen comments about the desire to reorganize and push people to the field and sort of combine agencies into these joint units," the former Interior official said. "But what I haven't seen a clear expression of is what's the management problem one is trying to fix, what are the goals one is trying to achieve?" She added that unless those are clearly articulated and the costs are carefully considered, "you can end up with a lot of effort on something that ultimately is going to have a hard time moving forward."

### **'Congress doesn't like to be surprised'**

The part of Zinke's preliminary reorganization plan that so far has attracted the most attention was the reassignment of dozens of senior executives at BLM in late spring. While the department hewed to senior executive notification rules, some employees and lawmakers viewed the reassignments as hasty and not particularly transparent. A second round of reassignment notifications for other senior executives at BLM and the National Park Service has been expected all summer, but to date details are scant.

Interior has roughly 225 or so senior executives across the department.

Democratic Sens. Martin Heinrich and Tom Udall of New Mexico are among the members of Congress who have expressed concern over the reassignments and Interior's larger reorganization effort. BLM's New Mexico Director Amy Lueders was among the senior executives transferred in June ([Greenwire](#), June 27).

Just before the Senate left for August recess, Udall and Heinrich told E&E News that the topic of reorganization came up during a late July trip the two took with Zinke in New Mexico, where they toured the Sabinoso Wilderness on horseback.

"I have some concerns," Heinrich said when asked about the reorganization. Udall, ranking member of the Senate Interior, Environment and Related Agencies Appropriations Subcommittee, said Zinke spoke in broad terms about the reorganization and did not offer "much in the way of details."

Udall, who sent a letter to Zinke in June seeking information on how many career senior executives Interior reassigned, why the department relocated them and how much it will cost the government, said he's still waiting for specific information ([Greenwire](#), July 14). "The devil's in the details," Udall said.

Agencies have to be as transparent as they possibly can with Congress, Kristine Simmons, vice president for government affairs at the nonprofit Partnership for Public Service, said during a forum last week on agency reform efforts. Panelists at the event hosted by the Center for Organizational Excellence at the National Press Club discussed the executive order and OMB guidance to agencies on restructuring their workforce.

"Congress doesn't like to be surprised," Simmons said. The legislative branch "likes to be engaged earlier in the process and have some input into designs" rather than receiving a finished product from agencies, she said.

"The more that can be done on the front end to engage and actually develop a working relationship between the branches, that's going to serve the agencies much better as they are trying to be innovative and do some different things," Simmons added.

Scarlett echoed those sentiments, saying, "Congress is a big player in any federal department organization rethink." Lawmakers care about the fate of federal offices and employees in their districts, as well as mission delivery and the bottom line, she said.

"I can tell you that even small organizational changes of a scale that is wildly more modest than what Secretary Zinke appears to be talking about resulted in a lot of dialogue on the Hill in order to move forward," Scarlett said of her own experience.

Employees — the ones most affected by a reorganization — also are hungry for information. In some cases, however, they might not be aware of what's coming. Ozman said there "weren't a lot of questions" at the Denver meeting with senior executives about the reorganization. "I think for a lot of people, maybe this was the first time they'd heard about it," he said.

Simmons spoke generally to E&E News about the need for communication between an organization's leaders and employees during major restructurings.

"If you look at private-sector data, mergers and acquisitions fail most often because of poor communication; the importance of communication with employees is enormous," Simmons said. Any kind of reorganization is something you should do "with employees, and not to the employees."

Linda Springer, former director of the Office of Personnel Management during the George W. Bush administration who also served as controller at OMB, said during last Wednesday's National Press Club event that engaging employees during a major agency reform effort is critical.

But she also said OMB and agencies should "take advantage" of the fact that the effort is happening under the radar with fewer outside distractions that can derail such major management initiatives. "I was talking to [OMB] Director [Mick] Mulvaney about this one day, and he said, 'You won't see tweets about this,' and I said, 'That's a good thing,'" Springer added.

Springer was asked during the event whether OMB's decision not to release agencies' draft plans due in June was a good choice. "I don't have a lot of insight into that. ... I am guessing because it's part of the [fiscal 2019] budget process, it's all considered pre-decisional," she said.

## **'Department of everything and everywhere'**

The idea of moving the headquarters of some Interior agencies from Washington out West is not new. Sen. Cory Gardner (R-Colo.) and Rep. Scott Tipton (R-Colo.) in May introduced legislation that would shift BLM's headquarters from Washington to one of 12 Western states, with their [stated preference](#) being Grand Junction, Colo.

Interior Deputy Secretary David Bernhardt also has expressed support for moving BLM's headquarters out West.

And Democratic Colorado Gov. John Hickenlooper in March expressed support for relocating BLM headquarters to the West during an [event](#) sponsored by the American Petroleum Institute.

"We should go get 'em," Hickenlooper said at the time. "I think there's too much concentration of decisionmaking in Washington already. Having some of that spread out in other parts of the country is not necessarily a bad idea."

BLM and the Bureau of Reclamation "are largely already weighted to the West," said Scarlett, adding that Interior overall has a significant presence in Denver; Phoenix; Portland, Ore.; and Sacramento, Calif.

BLM is headquartered in Washington, has a national operations center in Denver and has a national training center in Phoenix. Reclamation has Washington headquarters, but it also has several offices already in Denver. FWS, which has "a national role" with refuges in every state, Scarlett said, has headquarters offices in Washington and Falls Church, Va., a Beltway suburb.

Not all the agencies' responsibilities "lie in the West," Scarlett said.

"It is sort of the department of everything and everywhere in many respects," the former Bush administration official said. "It isn't by serendipity that there is a main Interior building [in Washington] in which leadership positions across all the agencies exist. They are there because there are some cross-cutting functions where you do want really strong leadership coordination, and frankly also, closeness to the Hill."

Scarlett said that during the Clinton administration, one of the "perceived challenges" was that the department was in so many places that it needed more people in senior positions in headquarters to better coordinate and bring more consistency to planning processes.

"It may be that there is a perception that that pendulum swung too far and that there would be benefit from some re-examination of opportunities for some different kind of leadership in the field," Scarlett said. "But again, there's a lot of homework [to do] here."

The shape of Interior's reorganization, and its success or failure, rest squarely on the secretary and his leadership team. And Zinke has demonstrated that he competes to win, a trait the note takers in Denver homed in on.

"Zinke is very emphatic about being number one. ... He made several references to his military experience and playing college football," according to the meeting notes.

<http://bit.ly/2wNqrP1>

## **2. Bears Ears weighs heavily in race to replace Chaffetz**

[Nick Sobczyk](#), E&E News reporter

Published: Tuesday, August 15, 2017

Utah Republicans are voting today in a primary that will likely decide who takes the House seat once held by Rep. Jason Chaffetz (R), and the debate over the future of public lands is a major factor in the race.

Chaffetz's former district encompasses large swaths of southeastern Utah, including the controversial new 1.4-million-acre Bears Ears National Monument, which is under Interior Department review.

All three major candidates — former Provo Mayor John Curtis, former state Rep. Chris Herrod and political newcomer Tanner Ainge — support Interior Secretary Ryan Zinke's probe.





John Curtis. Curtis for Congress

But Curtis, a moderate who has emerged as the front-runner in the race, takes a softer stance on the issue than other conservative Utah lawmakers.

Curtis is known for his fight to preserve Provo's Rock Canyon from mining. In an interview with the city's *Daily Herald* newspaper last month, Curtis said he took issue with the process President Obama followed in creating Bears Ears rather than with the idea of conservation itself.

"My sense is it needs to be smaller, and it doesn't need to be so big to accomplish the goal of preservation down there," Curtis said.

"There's a couple of things I'm hoping happen. One is, in the process of re-examining things down there, we'll help people feel better on both sides, that we've preserved the right things in the right place."

Curtis said one of his primary concerns is facilitating a less divisive process for public lands designations in the future.

Curtis also supports House Natural Resources Chairman Rep. Rob Bishop's "Utah Public Lands Initiative Act," which Chaffetz co-sponsored in 2016. The bill was meant to provide an alternative to Bears Ears (*E&E Daily*, June 13).

Whichever candidate emerges from the primary and, later, the general election will likely have a chance to get behind similar legislation.

Bishop (R-Utah) last month said he plans to push a new effort aimed at striking a better balance between conservation and development (*E&E Daily*, Aug. 3).

## **'Political weapon'**



Christopher Herrod. Herrod for Congress

The other two candidates, meanwhile, take a harder line on the issue, and both support reducing the monument's size or rescinding the Bears Ears designation entirely.

Herrod on his website calls Obama's use of the Antiquities Act to protect large parcels of land a "political weapon" and touts his legislative credentials opposing federal public lands designations.

"It was never the intent of the Antiquities Act to lock up 1.3 million acres, especially without input from those most affected [sic]," Herrod's website says. "It was meant to protect 50 acres."

The Antiquities Act of 1906 allows presidents to designate federal lands as national monuments to protect areas of cultural, historic or scientific interest.

The law does not set limitations on the size of monuments, although it does call for the "smallest area compatible with the proper care and management of the objects to be protected."

Herrod has also taken public stances on climate change. In a 2009 [op-ed](#), he compared the rhetoric surrounding global warming to communist propaganda and called cap-and-trade proposals "the greatest redistribution of wealth this world has ever known."



Tanner Ainge. Ainge for Congress

Ainge, the son of Boston Celtics General Manager Danny Ainge, also criticized Obama's use of the Antiquities Act, calling Bears Ears a "dramatic overreach and abuse of executive power."

"I hope that it [Bears Ears] can be rescinded or at least reduced," Ainge said in an interview with the *Herald*. "I would introduce a bill to get an exemption for the state of Utah from the Antiquities Act."

Democrat Kathie Allen, who will eventually face off with the winner of the GOP primary, falls in direct opposition to all three on Bears Ears, climate change and a range of other issues.

But she is unlikely to make waves in the general election. Since Chaffetz first won Utah's 3rd District in 2008, he tallied more than 70 percent of the vote in each of his re-election campaigns.

## The Trump factor

Despite some minor differences in their views on public lands, the top Republican candidates are closely aligned on nearly every major policy issue.

As the race winds down, President Trump and outside money could play roles in determining who emerges from the primary.

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Curtis did not vote for the president in last year's election, and his "Don't D.C. my Utah" message could sell well in a state where independent presidential candidate Evan McMullin won more than 20 percent of the vote in 2016.

"I don't mind telling you I struggled with that presidential election," Curtis said at a Republican candidate forum in June. "And in the end, I didn't vote for any of the candidates on the ballot, because none of them had earned my vote."

Herrod and Ainge have both blasted him in ads over his lack of support for the president and his previous party affiliation as a Democrat.

Herrod in particular touts his Trump credentials to the party's right wing. He has called the allegations of Russian collusion surrounding Trump "overblown," and he takes hard-line stances on many of the president's key issues, like immigration.

Herrod also boasts endorsements from Sens. Ted Cruz (R-Texas) and Rand Paul (R-Ky.), two of the biggest names in the GOP's most conservative factions.

## Outside money

Political action committees have contributed more than \$800,000 to the race, and the largest, the deeply conservative Club for Growth Action, has spent \$296,900 backing Herrod, according to a report from the *Salt Lake Tribune*.

In fact, the Washington, D.C.-based group has spent more on the race than any one candidate. As of July 26, Curtis had spent \$264,840, Ainge had spent \$110,799 and Herrod had put just \$48,653 into the race, according to data compiled by the Center for Responsive Politics.

Most Club for Growth money has gone toward [ads](#) attacking Curtis and Ainge for an alleged lack of conservative credentials.

Ainge has his own Washington-based PAC in tow, which is largely funded by his family. Conservative Utah received more than \$200,000 from Ainge's mother. It has attacked Curtis as a "Democrat in disguise" and pegs both Curtis and Herrod as reckless government spenders.

Curtis, meanwhile, has drawn support mostly from within the state. [One of his campaign ads](#) blasts Herrod and Ainge for their "Washington, D.C., super PACs." The spot also features Curtis plastering attack mail from the other two candidates on a target and shooting at it with a gun.

So far, Curtis' homegrown approach seems to be working. In a poll last month conducted by UtahPolicy.com, Curtis had a nearly 20-point lead over Herrod and Ainge.

But as the election draws closer, so does the gap. The most recent poll, conducted last week, shows Curtis with just an 8-point lead, with more than 20 percent of respondents still undecided.

## Ala. fight

Separately, voters will also take to the polls in Alabama today in the process to fill the seat once held by Attorney General Jeff Sessions.

Sen. Luther Strange, the Republican incumbent appointed to the seat after Sessions took over as the nation's top lawyer, will face off against Rep. Mo Brooks and former state Chief Justice Roy Moore in a GOP primary. Moore led the most recent poll, but Strange last week scored an endorsement from Trump ([Greenwire](#), Aug. 9).

The race will likely go down to the wire and produce a runoff election in September, with no candidate polling over 50 percent ahead of tomorrow's vote.

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

## 3. How old wagon wheel ruts and warming hurt a bird

[Brittany Patterson](#), E&E News reporter

Published: Tuesday, August 15, 2017

GUNNISON, Colo. — The air is heavy with humidity and the herbaceous scent of sage as a needed summer storm rolls into the Upper Gunnison River Basin. Angry black clouds roil in the distance.

Surveying a pile of roughly hewn stones neatly stacked about 18 inches high, Nathan Seward doesn't seem overly concerned. He appears rather pleased.

"I haven't been back here since we put this in," says the wildlife biologist with Colorado Parks and Wildlife. "It's looking good."

The stacked stones are helping the rolling hills of sagebrush steppe here in Chance Gulch return slowly to what they looked like before pioneers traversed this region in the 1800s in their covered wagons. The great wooden wheels carved deep ruts into this landscape, altering the way water flows through it. Instead of pooling naturally in large wet meadows, today water rushes through the sagebrush in deeply cut channels.

Now the challenge is reversing those impacts and restoring the wet meadows. Seward calls them "the grocery store for sage grouse." This ecosystem, like many in the West, is a mishmash of public and private lands, and fixing the problem falls to various land managers. That can be a challenge in communities where the federal government is not always welcome.

#### Advertisement

Here in the Upper Gunnison River Basin, a group of federal, state and local land managers have come together to build resilience against climate change and help the Gunnison sage grouse. For years, their efforts were aided by federal grants, but early actions by the Trump administration could mean this project, and others like it, could be in jeopardy.

### In the name of climate change

The Gunnison sage grouse is a third of the size of its better-known relative, the greater sage grouse. But the colorful bird is still the stuff of legends here in southwest Colorado.

Federal land managers protect its dwindling population; ranchers live in fear that it will be listed under the Endangered Species Act and affect where they can graze their cattle; and conservation groups fight to protect its habitat, which is increasingly threatened by climate change and land development.

It is the very reason why in 2009 resource managers from a bevy of state, local and federal agencies, including the Bureau of Land Management, the Forest Service and Colorado Parks and Wildlife, sat down with the Nature Conservancy with a goal of restoring the wet meadows. Climate models predict heavier precipitation events in this region and an increase in drought.

After that initial climate workshop, everyone agreed to keep talking and formed an informal coalition called the Gunnison Climate Working Group.

Since 2012, the working group has been writing grants and hauling rocks together to install more than 1,000 stone structures. It has also restored more than 1,100 acres of sage grouse brood-rearing habitat. Wet meadows were targeted because they are highly productive stretches of habitat that provide sustenance for 90 percent of the wildlife in the basin, including the Gunnison sage grouse.

"This project we're here working on together is an example of local partners coming together to work on a common problem," said Betsy Neely, climate change program manager for the Nature Conservancy.

It's one of hundreds of public-private partnerships that exist across communities straddling public lands, said Anne Carlson, a senior climate adaptation specialist with the Wilderness Society.

Carlson called collaborations "crucial" for addressing big land management issues such as sage grouse, climate change and energy development. They allow groups to leverage funding against one another and bring disparate folks to the same table.

But the future of these ventures remains unclear under the new administration. The president's fiscal 2017 budget request zeroed out a \$13 million program administered by the Fish and Wildlife Service. The program has brought federal, state and local partners together to improve the resilience of ecosystems and species affected by climate change since 2009 ([Climatewire](#), May 25).

The 22 Landscape Conservation Cooperatives do have their critics, including some state managers who say their interests are underrepresented. Carlson said they can take longer to accomplish projects because of their collaborative nature. However, a 2015 congressionally mandated analysis conducted by

the National Academies of Sciences, Engineering and Medicine found that the program had achieved "numerous objectives and milestones."

"You just see where some of these public-private partnerships are so much more than a sum of their parts," Carlson said. "It's deeply worrisome if we're going to see funding for climate change and science disappear."

## **'Robust' enough to survive**

In the case of the Gunnison Basin project, the methods have been so successful that the Agriculture Department's Natural Resources Conservation Service has adopted the project's methodology and is promoting and funding similar projects in sage grouse habitat across the West. The agency can use money in the farm bill to help farmers install similar structures on private lands, which helps tie ecosystems together, said Dan Olson, district conservationist with NRCS.

While it can take years to restore the wetlands, data from vegetation monitoring seem to show good news. Across four heavily studied sites, monitoring showed a 28 to 245 percent increase in wetland species, compared with a 15 percent increase at untreated locations.

That's great news for people like fourth-generation cattle rancher Brett Redden. He sees the work being done in the sagebrush shrublands as something tangible to help his daughters continue ranching in the future.

"To be very blunt, if we go out and rape and pillage the land, there won't be anything left for this generation," said the rancher, clad in a cowboy hat. "If we can bring the meadows back and grow grass [as] opposed to having dirt, there will be something here for the next generation."

The Gunnison sage grouse project was born out of a desire to increase climate resilience — and that could pose a challenge down the road, said Tom Grant, a restoration ecologist and coordinator for the project with the Upper Gunnison River Water Conservancy District.

Federal funding, including money earmarked for climate adaptation out of BLM's Colorado office and NRCS, served as a substantial chunk of the project's early capital. It's unclear if that will continue.

Still, he's optimistic that its early success will give him options when asking for money.

"Climate change restoration is just one improvement," Grant said. "I think the program is robust enough and collaborative enough that it will survive."

<http://bit.ly/2w6MMKa>

## **4. ConocoPhillips drills new Alaska site**

Published: Tuesday, August 15, 2017

ConocoPhillips Alaska has launched drilling at a new site of viscous oil, the latest sign that the oil industry is recovering from its long slump.

Low oil prices led the company to delay the \$460 million project last year, but now the company expects oil to be flowing by year's end.

The field on the North Slope is expected to produce about 8,000 barrels a day, adding to the 530,000-barrel daily production the slope has posted so far this year.

The project, called 1H NEWS, taps into some of the slope's biggest opportunities: viscous oil and its stickier cousin, heavy oil. Companies have so far focused on Alaska's easier-flowing, cheaper-to-produce light oil (Alex DeMarban, *Alaska Daily News*, Aug. 13). — **AAA**

<http://bit.ly/2i2RbHQ>

## 5. Gas flaring rises despite N.D. regulations

Mike Lee, E&E News reporter

Published: Tuesday, August 15, 2017

Gas flaring in North Dakota's Bakken Shale oil field has been creeping back up, blunting the state's efforts to tame a problem that came to symbolize the excesses of the oil boom.

The volume of gas burned in flares reached 222 million cubic feet a day in June, a 31 percent increase from the same month last year, when the volume was 170 million cubic feet. That's still far lower than the peak in 2014, but critics said the turnaround shows the limits of North Dakota's industry-friendly regulations.

The flares release carbon dioxide and raw methane, both of which contribute to global climate change. Methane from flares is the biggest source of greenhouse gas emissions from North Dakota's oil and gas sector, according to the Environmental Defense Fund.

Landowners have objected to the waste of gas from their property, and residents who live in the oil field worry that the emissions from flaring could cause health problems, said Don Morrison, president of the Dakota Resource Council, whose members include farmers and ranchers in the Bakken region.

"What we can do about it is not issue a permit to drill until there is some place for the gas to go," Morrison said. "Other states have figured it out. I'm not sure why North Dakota can't figure it out, too."

Like other oil fields, the Bakken Shale produces large amounts of gas along with its crude. Unlike other fields, though, it has historically lacked the pipelines and processing plants needed to get gas to market. While oil companies can still turn a profit by trucking gas out to collection points, they argued they had no option but to burn their gas in flares at individual well sites.

Most other oil-producing states don't allow long-term flaring.

The practice drew widespread attention in 2011, when *The New York Times* featured a front-page story with a picture of a flare lighting up the surrounding prairie. At the time, producers in North Dakota were burning about 180 million cubic feet per day — more than a third of the gas produced in the state.

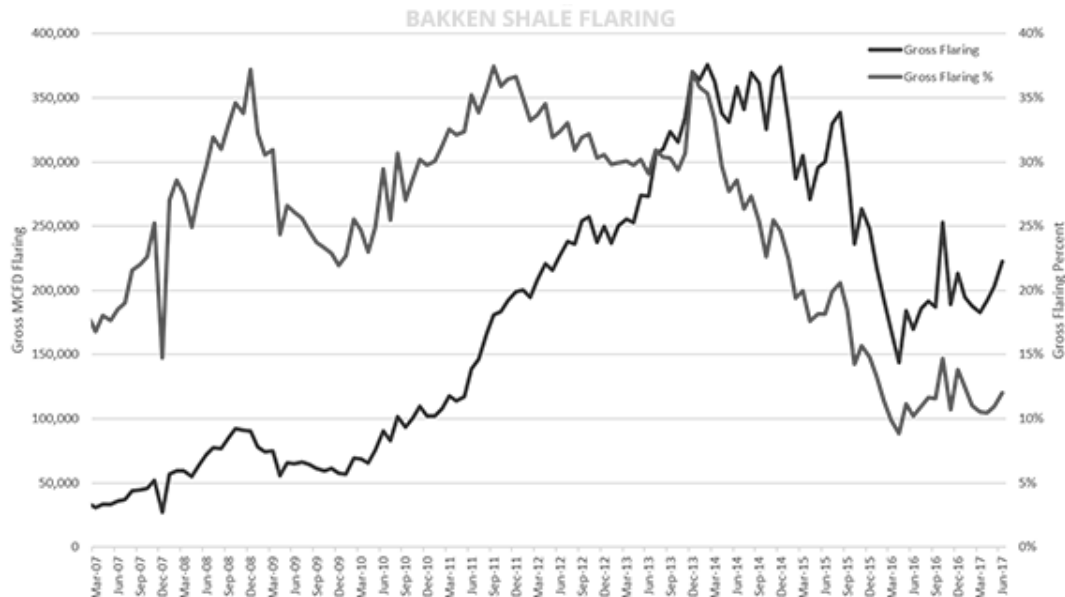
The publicity led then-Gov. Jack Dalrymple's (R) administration in 2014 to pass regulations aimed at limiting flaring by 2020, and the oil industry invested billions of dollars in infrastructure to move the gas to market.

The state Industrial Commission, which the governor leads, set a goal of reducing flaring to 10 percent of total gas production and later reduced the final level to 9 percent. The state also required companies to submit plans for how they'll capture gas when they apply for an oil well permit (*Energywire*, July 2, 2014).

The Sierra Club and Environmental Defense Fund argued at the time that the state should set a limit on the total volume of gas that can be flared. Setting a percentage limit allows the volume to rise when production rises.

"The planet doesn't care what percentage of gas you're wasting — the planet cares about the volume," said Dan Grossman, director of state programs at the Environmental Defense Fund.

## Hard to enforce



[+] The amount of gas burned in flares in the Bakken Shale oil field has crept back up in the last year, despite state regulations intended to limit the practice. North Dakota Department of Mineral Resources/North Dakota Pipeline Authority

Regulators at the state Department of Mineral Resources considered a volume limit when they wrote the rules in 2014 but rejected the idea because it would be too hard to enforce, said Alison Ritter, a spokeswoman for the agency.

Overall, the program has worked, she said. At the peak of the oil boom in December 2014, producers in North Dakota were flaring 374 million cubic feet a day, or 25 percent of production. By April 2016, the volume was down to 144 million cubic feet a day, or 8.8 percent of production.

In the last year, though, the oil bust has forced producers to shift their drilling into the most productive parts of the field, which also produce the most gas, according to the Department of Mineral Resources.

The increase in production means that more gas has been flared, even though the percentage has stayed roughly flat.

By May of this year, production grew to 1.85 billion cubic feet a day and flaring hit 203 million cubic feet a day, or about 10.9 percent of production.

This June, shutdowns at processing plants and a pipeline operator pushed up both the volume and percentage of flaring — to 12 percent and 222 million cubic feet — even though production stayed flat, according to the Department of Mineral Resources.

The industry has also had problems obtaining rights of way for new gas lines, particularly across the Fort Berthold Indian Reservation, said Ron Ness, president of the North Dakota Petroleum Council.



Two new gas-processing plants are planned for the field, which should help reduce the amount of flaring. Processing plants strip out byproducts and impurities from the gas stream so that the gas can meet the standards set by interstate pipelines.

Environmentalists hope that the state will rethink its approach to the regulations during the current downturn in drilling.

"Hopefully the Industrial Commission learned from the last boom cycle to be proactive so that it doesn't get away from us again," said Wayne Schafer, the North Dakota organizer for the Sierra Club.

<http://bit.ly/2x0o62s>

## 6. States want stricter rules on gas distribution pipelines

Mike Soraghan, E&E News reporter

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State pipeline officials have recommended stricter federal rules for replacing high-risk gas distribution pipelines.

They also want faster action to deal with leaking gas pipelines, saying they should not be "accepted as normal operating conditions," according to a report to Congress from the U.S. Pipeline and Hazardous Materials Safety Administration.

"Many called for more prescriptive federal and state regulations or policies regarding pipeline replacement," the report stated.

PHMSA did not endorse the stricter rules in its recommendations to Congress in a report earlier this month on pipeline leaks. It said additional study is necessary to determine if more regulation would enhance safety.

The country has about 2.2 million miles of gas distribution pipelines, which comprise 81 percent of all gas and hazardous liquid pipelines.

The American Gas Association (AGA), in a statement to E&E News, said "it is unclear how a federal regulation that requires more frequent inspection would improve pipeline safety."

AGA noted that the PHMSA report found no barriers from state policies to replacing high-risk pipelines. The group's member companies point to permitting delays, higher material and labor costs, and availability of qualified workers as factors delaying replacement of such lines.

The survey and report were ordered by Congress in a 2016 pipeline law. Forty-eight states, the District of Columbia and Puerto Rico responded and 44 percent offered suggestions. Hawaii and Alaska do not participate in PHMSA's pipeline safety program. The study was done in collaboration with the National Association of State Pipeline Safety Representatives.

The state recommendations were distilled by PHMSA officials from the responses of 22 states or state-level entities who provided suggestions about dealing with pipeline leaks. The agency's report did not say which states recommended stricter rules.

Federal regulations require leaking pipelines to be repaired immediately, call for the "immediate repair" of hazardous leaks or continuous work until they're no longer hazardous. But repairs of nonhazardous leaks can often be delayed.

In 2015 there was an average of 50 unrepaired leaks outstanding for each 1,000 miles of gas distribution pipeline, according to operator data reported to PHMSA.

The survey also indicated 48 percent of states do not have regulations addressing the repair of leaks on natural gas distribution pipelines.

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