

To: Martha Maciel[mmaciel@blm.gov]
From: Webster, Sarah
Sent: 2017-03-09T12:30:37-05:00
Importance: Normal
Subject: DRAFT: BLM CA in the News March 9
Received: 2017-03-09T12:31:18-05:00

BLM CA in the News, March 8

CALIFORNIA

Cadiz water project poses grave threat to California desert: Dianne Feinstein

Redlands Daily Facts, March 7

The recent election may have changed the dynamic in Washington, but the facts on the ground in the California desert remain the same: The Cadiz water mining project poses a grave threat to the California desert and should not be approved. Covering about 35,000 acres of prime desert land, the project sits in the heart of the new Mojave Trails National Monument, described by President Obama as an area that “exemplifies the remarkable ecology of the Mojave Desert, where the hearty insistence of life is scratched out from unrelenting heat and dryness.”

Wet weather doesn't mean Sierra Nevada forests are OK

The Union Democrat, March 7

The impacts of 2013 Rim Fire and the 2015 Butte Fire on Tuolumne and Calaveras counties are used to prominently illustrate a state agency's update this month on the poor health and uncertain future of Sierra Nevada forests. Between 2014 and 2016, an estimated 83 million trees died in the Sierra Nevada from overgrowth, bark beetles, and drought. These are the same mountain forests that help generate more than 60 percent of California's developed water supply and are home to 60 percent of the state's animal species.

Critical minerals, soda ash bills emerge

E&EDaily, March 8

Lawmakers put forward two bills yesterday focused on boosting the domestic supply of key minerals.

Rep. Duncan Hunter (R-Calif.) introduced legislation aiming to reduce U.S. dependence on certain mining products.

Though the overall goal of the bill mirrors that of Nevada Republican Rep. Mark Amodei's critical minerals bill, the means of achieving that goal are different (Greenwire, Jan. 16).

H.R. 1407, the "Materials Essential to American Leadership and Security (METALS) Act," would create the Strategic Materials Investment Fund. Five-year, interest-free loans would be available to companies that find new ways to increase supply of materials vital to building weapons systems and other national security technologies.

The money would be 1 percent of the administrative budget for Department of Defense weapon system programs, with a strict prohibition on any reduction in weapons procurement.

"The risk of this dependence on national security is too great and it urgently demands that we reestablish our depleted domestic industrial base," Hunter said in a statement.

Hunter pointed to China, which currently supplies all U.S. rare-earth elements — materials integral to advanced weapons systems and a wide range of electronics.

With concern about a Russian billionaire's involvement, the bill would explicitly ban approval of the sale of the last operational U.S. rare-earth mine in California to foreign firms.

The bill also would prohibit the importation of rocket-propellant ammonium perchlorate and commission a report on whether thorium-fueled nuclear reactors can supply enough power for the Navy.

Supporters of domestic mineral production have long pushed the defense angle to encourage the government to take stronger action.

Royalty relief for soda ash industry

Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) and Sen. Ron Wyden (D-Ore.) proposed yesterday to cut the royalty rate for natural soda ash, the compound sodium carbonate used to manufacture industrial products like glass and detergent.

S. 546, the "Soda Ash Competitiveness Act," would reduce the rate from 6 percent to 2 percent for the next five years.

Proponents said the bill would give certainty to American soda ash companies employing thousands of workers nationwide.

"For too long, American producers have had to battle unfair foreign trade practices of China and other countries," Barrasso said in a statement.

China has given its synthetic soda ash producers tax breaks to try to undercut the U.S. industry, which exported \$1.4 billion in 2014.

The bill aims to reverse the trend of rising soda ash mining costs since a 4 percent royalty rate expired in October 2015.

"Royalty relief will boost the competitiveness of the American soda ash industry, supporting hundreds of good-paying jobs in Oregon and thousands more across the country," Wyden said in a statement. "It's past time to level the playing field."

The bill immediately had more than a dozen co-sponsors, including Senate Majority Whip John Cornyn (R-Texas) and a handful of Democrats.

Rep. Paul Cook (R-Calif.) yesterday introduced a companion House bill, H.R. 1399, with a bipartisan group of co-sponsors.

NATIONAL

Zinke vows support on energy projects, infrastructure

E&EDaily, March 9, 2017

Interior Secretary Ryan Zinke pledged yesterday that the Trump administration would work to support tribal energy development.

In his first return to Capitol Hill since joining President Trump's Cabinet, the former Montana congressman told the Senate Indian Affairs Committee that the Interior Department "has not always stood shoulder to shoulder with many of the tribal communities for which it is tasked to fight."

"The administration has an opportunity," he said, "to foster a period of economic productivity through improved infrastructure and expanded access to an all-of-the-above energy development approach."

Zinke had asked to be seated on a panel with tribal leaders, a symbolic gesture that also limited the questions he could receive from lawmakers. Just over an hour into the hearing, Zinke left for a White House meeting with Trump and Alaska's Republican senators (see related story).

But before he left the packed hearing room, Zinke promised his fellow Montanan, Sen. Steve Daines (R), that he would urge the Army Corps of Engineers to quickly permit coal export terminals supported by Montana's Crow Nation and other mining-dependent tribes.

"My commitment to you is we will work hard to ensure that sovereignty means something," Zinke said. "It's up to the tribe. If the tribe wants to export their product — whatever that is — we should not stand in the way."

Zinke's response glossed divisions among tribes over coal export terminals. The Lummi Nation in Washington state, for example, filed the petition that blocked the Gateway Pacific Terminal, which was backed by the Crow (E&E Daily, May 10, 2016).

The secretary later pledged to support Sen. Al Franken's bid to find money for the tribal energy loan guarantee program. Created as part of the Energy Policy Act of 2005, the

program to provide loans for energy development on Indian lands was never funded, the Minnesota Democrat said.

"Senator, I would love to work with you on it," Zinke replied. "It's economic development. And without an economy, then nothing else really matters."

He added, "Those loan programs that can provide a path for energy, in whatever form ... I think that's an important part of it."

In response to questions about tribal opposition to the Dakota Access oil pipeline and drilling in New Mexico's Chaco Canyon area, Zinke also acknowledged the need to improve consultation with tribes around energy development.

Witnesses from Indian Country laid out their priorities for the Trump administration as well. Those included support for developing cleaner burning coal, protecting wildlife and ancestral lands, and increasing Interior staffing levels.

Crow Chairman Alvin Not Afraid indicated that his tribe started diversifying its energy production after regulations put in place by the Obama administration, but since the Indian coal production tax credit ceased at the end of 2016, more funds are "sorely" needed.

"By leveling the playing field for developing clean Crow coal for domestic markets, exports and coal conversion, we firmly believe we can help ourselves while simultaneously meeting national energy goals — achieving energy independence, securing a domestic supply of valuable energy, and reducing the country's dependence on foreign oil," Not Afraid said in his written testimony.

Not Afraid also presented the committee with a copy of a treaty signed by his tribe and others opposing the Fish and Wildlife Service's plan to remove federal protections for grizzly bears.

Paul Torres, chairman of the All Pueblo Council of Governors, spoke in favor of keeping Utah's Bears Ears National Monument under federal control.

During his confirmation hearing, Zinke suggested that Trump may take the unprecedented step of attempting to undo the monument, which was established by his predecessor under authorities granted by the Antiquities Act of 1906 (E&E Daily, Jan. 18).

Torres went on to express concern about the effect that the federal hiring freeze could have on the Bureau of Indian Affairs, which he said already doesn't have enough employees to fulfill its duties to tribal nations.

"In a matter of just a few years, you're not going to have enough employees left, and you're not going to get anything done," the Pueblo chairman said, referring to workers who had also planned to retire soon. "It's not good to have a freeze on the programs that affect Indian tribes."

Bipartisan bill would fully fund, permanently authorize LWCF

E&ENEWS, March 8

Senators yesterday introduced bipartisan legislation to permanently authorize and fully fund the \$900 million Land and Water Conservation Fund, a popular program that in recent years has been targeted by fiscal conservatives who want to overhaul it.

Sponsored by Sens. Maria Cantwell (D-Wash.) and Richard Burr (R-N.C.) and co-sponsored by 20 other Democratic senators, the bill would permanently fund the program "without further appropriation or fiscal year limitation, to carry out the purposes of the Fund," according to the bill text.

The LWCF, established by Congress in 1965, is funded annually by a portion of offshore oil and gas drilling revenues, and it has been used over the decades to support projects that help fund or establish new recreation areas and parks in urban zones and towns in all 50 states.

The "Land and Water Conservation Authorization and Funding Act" would also mandate that a portion of the "annual authorized funding amount" be available "for projects that secure recreational public access to existing Federal public land for hunting, fishing, or other recreational purposes," the bill text says.

"For decades, the LWCF has brought together public and private resources to open access to trails, create wildlife corridors, and preserve our clean air and water," Cantwell said in a statement. "We wouldn't have some of the best outdoor recreation opportunities, like Olympic National Park and Riverside State Park, without the LWCF."

The legislation is similar to a House bill filed in January by Arizona Rep. Raúl Grijalva, the Natural Resources Committee's ranking Democrat.

Grijalva's bill, co-sponsored by Pennsylvania Republican Rep. Patrick Meehan, would permanently reauthorize LWCF and ensure that at least 1.5 percent or \$10 million of the annual LWCF appropriation goes toward projects that secure "access to existing Federal public land for hunting, fishing, and other recreational purposes" (Greenwire, Jan. 12).

But the Cantwell-Burr legislation would both permanently authorize the program and fully fund it annually.

"The Land and Water Conservation Fund protects our natural treasures," Burr said in a statement. "I'm proud to work with Sen. Cantwell to make sure this program continues so that future generations can enjoy North Carolina's most beautiful places and that the program has the resources it needs to continue conservation initiatives across the country."

Ongoing debate

The legislation is the latest in the continuing debate over one of the nation's marquee conservation programs.

Congress authorized funding for the LWCF when it was established five decades ago for up to \$900 million a year but has only once authorized the full funding amount.

Still, the fund has enjoyed largely bipartisan success and has the full support of Interior Secretary Ryan Zinke.

Zinke, while a Republican congressman from Montana, was a staunch supporter of LWCF — a point noted last week by Theresa Pierno, president and CEO of the National Parks Conservation Association, after Zinke's nomination by President Trump was confirmed by the Senate.

Zinke has repeatedly called for full and complete funding for the program (Climatewire, March 1).

Zinke last year bucked House Natural Resources Chairman Rob Bishop (R-Utah) — who at the time was pushing a stated-focused LWCF reform package — to support permanent reauthorization of the program. He was the only Republican to do so.

The program briefly expired in late 2015 before Congress agreed to reauthorize LWCF for three years as part of a \$1.15 trillion omnibus spending package for fiscal 2016 (Greenwire, Dec. 16, 2015).

Meanwhile, the Trump administration is looking to slash the Interior Department's budget by 10 percent in fiscal 2018 (Greenwire, Feb. 28).

Budget wish lists circulated in recent weeks by prominent conservative think tanks such as the Heritage Foundation have indicated that LWCF could be under siege during Interior budget hearings this spring.

But LWCF costs taxpayers nothing and should not be on the budget cut list, said Tom Cors, director of government relations for lands at the Nature Conservancy.

"Without spending a dime of our tax dollars, LWCF boosts water quality, supports agriculture and forestry on private lands, provides habitat for fish and wildlife, access to public lands for hunting and fishing, and improves the overall quality of life of all Americans," Cors said in a statement. "Sen. Cantwell, Sen. Burr and their colleagues should be commended for their commitment to America's most important conservation program."

Congress overturns Obama-era land planning rule

E&ENEWS, March 8

The Senate yesterday voted 51-48 to kill a controversial Bureau of Land Management rule meant to help the agency better plan for using 245 million acres of federal land. The

vote was along party lines.

H.J. Res. 44, the resolution of disapproval against BLM's so-called Planning 2.0 rule, now heads to President Trump. He will likely sign it.

The measure is one of several disapproval resolutions Republican lawmakers have introduced this session through the Congressional Review Act in an effort to roll back regulations from the final weeks of President Obama's term.

The House passed H.J. Res. 44 234-186 in February, also mostly along party lines. Four Democrats voted for it, and four Republicans against.

Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska), who shepherded the measure in her chamber, took to the floor yesterday to urge her colleagues to support the resolution against what she called "a fatally flawed rule" that costs jobs and economic opportunity and "hurts" people in Western states.

Murkowski said the Obama administration's goals in overhauling 34-year-old BLM planning standards "were to create a better process that would increase transparency, increase public involvement, and reduce the amount of time that it takes to develop a resource management plan."

"Unfortunately, the reason why we're here today seeking to overturn this Planning 2.0 rule is that the BLM absolutely failed to achieve any of these three goals."

BLM has said the rule, finalized in December, creates a more efficient process to modernize and revise the roughly 160 resource management plans for federal lands (E&E Daily, Feb. 8).

Murkowski yesterday reminded her colleagues that "BLM lands are not national parks or wildlife refuges," but are "working lands" that "contain energy and minerals" and are designed for multiple use.

Congressional Republicans, including Murkowski, have said the regulation leaves state and local input out of important land management decisions.

"Planning 2.0 allows BLM officials to really remove the decisionmaking authority from our field offices and our state directors, and it tends to centralize that power at BLM headquarters," the Alaskan said.

"So, for those of us in the West, we're looking at a situation where effectively the management decisions of our lands are being taken from those who are on the ground, who really understand the conditions, who are those that are most impacted by it."

Several outside groups, including the American Petroleum Institute, American Exploration and Mining Association, Independent Petroleum Association of America, Public Lands Council, and National Association of Counties opposed Planning 2.0.

"This is an important step in creating certainty in the regulation of oil and gas in America and restoring BLM land management for multiple uses as Congress intended," said Erik Milito, API's upstream and industry operations group director.

"Forward-looking energy policies will ensure the United States continues leading the world in the production and refining of oil and natural gas, and in the reduction of carbon emissions."

'Asinine' and 'undemocratic'

Many conservation and sportsmen groups, on the other hand, supported the Planning 2.0 rule and worked to convince lawmakers to vote against the resolution of disapproval.

Rule backers included the Outdoor Industry Association, National Parks Conservation Association and Wilderness Society.

"At the urging of oil and gas lobbyists, politicians in Washington have voted to undermine a policy whose central goal is increasing public participation in public lands management," said Greg Zimmerman, deputy director of the Center for Western Priorities.

"Public lands across the West will now be guided by antiquated planning rules that frequently shut out public participation," he said.

Phil Hanceford, assistant director at the Wilderness Society's BLM action center, said he didn't "quite completely understand the opposition" to the Planning 2.0 rule.

"I think what [opponents] have tried to do is say that state and local governments will be harmed by having more of a public voice in the process," said Hanceford. "I find that asinine, and it's also undemocratic."

Hanceford, who is based in Denver, said the rule "is the BLM's attempt to modernize land-use planning for our public lands, and the way they are proposing to do that is through greater transparency and increased public participation and planning at the landscape level, which should be noncontroversial modern planning concepts."

The 1983 regulation, which Planning 2.0 replaced, "is not only out of date, but people have also complained widely that it is very inefficient and leads to more controversies and lawsuits," Hanceford said.

Using the CRA to kill rules prohibits the current or future administrations from reintroducing another substantially similar set of standards.

"It's a wonder to me that Congress wants to tie the hands of the administration here to not be able to make these fixes," Hanceford said.

Energy and Natural Resources ranking member Maria Cantwell (D-Wash.) took the Senate lead in opposing the effort to overturn the Planning 2.0 rule.

"This is not a rule that regulates any specific use on public land. It does not restrict any particular activity," she said yesterday. "It updates the current law and says it is better to have input from local officials so they can update [land-use plans] earlier."

Cantwell said the rule continues to recognize the valuable role of state, local and tribal governments in collaborating with the federal government on public land use and that it "does nothing to change this principle established in the underlying law."

Methane rule outlook

Now that Congress has overturned the Planning 2.0 rule, observers are wondering about the status of another House-passed resolution pending in the Senate to repeal the Obama administration's venting and flaring standards to reduce methane emissions (Greenwire, Feb. 20).

Senate Majority Whip John Cornyn (R-Texas) told E&E News yesterday that leaders were "not where we need to be" and "not ready" to bring the CRA resolution against the methane rule to the floor. "We're still working on it," Cornyn said.

Several lawmakers, usually supporters of fossil fuels, have expressed doubts about the wisdom of killing the methane rule (Greenwire, Feb. 24).

"I have people on both sides of the fence on it coming to me," Sen. Joe Manchin (D-W.Va.) said late last month. "I want to see the technology in place that captures that methane and markets it and sells it."

EDF Action, the political arm of the Environmental Defense Fund, launched an ad campaign in several Western states and Washington, D.C., calling on the public to urge its lawmakers to oppose overturning the BLM methane rule.

"Recent polling shows widespread public support across the political spectrum for these rules," Elizabeth Thompson, president of EDF Action, said in a statement yesterday.

"While industry likes to suggest that senators need to be 'educated' about the drawbacks to the rule, constituents are, in fact, educated about what's at stake," she said. "Taxpayer revenues and public health — and they are strong in their support for these regulations."

[Key lawmakers urge Trump to allow fishing in marine sites](#)

E&EDaily, March 8

House Natural Resources Chairman Rob Bishop (R-Utah) yesterday asked President Trump to open all marine monuments to fishing.

In a letter to Trump, Bishop and Delegate Aumua Amata Coleman Radewagen (R-American Samoa) argue that closing U.S. waters to domestic fisheries "is a clear example of federal overreach and regulatory duplication." Their solution: Open them

back up to anglers and reinstate federal fisheries regulations.

"You alone can act quickly to reverse this travesty, improve our national security, and support the U.S. fishing industry that contributes to the U.S. economy while providing healthy, well-managed fish for America's tables," they wrote.

Using the Antiquities Act, presidents have created a handful of marine monuments, each with varying restrictions on fishing and recreation. Most are in the Pacific Ocean. In 2016, President Obama expanded the Papahānaumokuākea Marine National Monument to 600,000 square miles, making it the largest marine protected area in the world.

Obama also created the first marine monument in the Atlantic Ocean. New England fishermen filed a lawsuit yesterday challenging the Northeast Canyons and Seamounts Marine National Monument (Greenwire, March 7).

Bishop has railed against the Antiquities Act and the unilateral power it gives presidents to protect land and water. He has urged Trump to rescind the recent Bears Ears National Monument, as well as others. But it's unclear whether Trump has the power to do so.

Yesterday's letter takes a different tack in asking Trump to change the protections in marine monuments rather than directly undo designations. It cites the plight of the tuna purse-seine fleet in the Pacific and the closure of a tuna cannery in American Samoa.

Bishop and Radewagen assert that the Magnuson-Stevens Fishery Conservation and Management Act (MSA) will ensure environmental protection while allowing fishing. Regional fishery management councils — which manage fisheries with the National Oceanic and Atmospheric Administration — would "prevent overfishing and protect the marine environment as required by the MSA and other applicable laws," the lawmakers wrote.

But Bishop also thinks the MSA should be amended. He was the sponsor of a bill last Congress that Democrats and conservationists said would weaken MSA (E&E Daily, June 2, 2015). H.R. 1335 would have eliminated a 10-year limit on rebuilding fish stocks, removed catch limit requirements for some species and allowed economic hardship exemptions to some conservation measures.

Sarah K. Webster

Lead Public Affairs Specialist
Office of Communications

Bureau of Land Management California State Office

Office: (916) 978-4622

