

To: Michael Nedd[mnedd@blm.gov]
From: McAlear, Christopher
Sent: 2017-06-13T08:47:36-04:00
Importance: Normal
Subject: Fwd: E&E News Clips—June 12, 2017
Received: 2017-06-13T08:47:47-04:00
[ee06-12-17.docx](#)

Story number 3

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

From: **Black, Meredith** <mcblack@blm.gov>
Date: Mon, Jun 12, 2017 at 4:19 PM
Subject: E&E News Clips—June 12, 2017
To: blm_elt@blm.gov, blm_field_comm@blm.gov, BLM_All_Managers@blm.gov,
BLM_WO_100@blm.gov, Lesli Ellis-Wouters <lellis@blm.gov>, Amber Cargile
<acargile@blm.gov>, Martha Maciel <mmaciell@blm.gov>, Donna Hummel
<dhummel@blm.gov>, "Ronald (Rudy) Evenson" <revenson@blm.gov>, Jody Weil
<jweil@blm.gov>, Megan Crandall <mcrandal@blm.gov>, Kristen Lenhardt
<klenhard@blm.gov>, BLM_WO_610@blm.gov, Peter Mali <pmali@blm.gov>, Stephen
Clutter <sclutter@blm.gov>, "Wilkinson, Patrick" <p2wilkin@blm.gov>, Jill Ralston
<jralston@blm.gov>, Lola Bird <lbird@blm.gov>

E&E News Clips June 12, 2017
Contents

1. Former officials slam Trump admin's 'cynical' legal position
2. Interior defends Chaco-area oil and gas permitting
3. Zinke recommends shrinking Bears Ears
4. Zinke's move on Bears Ears remains under wraps — for now
5. Pipeline approval 'not reviewable' in court — Trump lawyers
6. How one group is charting health risks near oil fields
7. Committee to probe Trump's reorganization plan
8. Lawmakers to take up management and wildfire bill
9. In reversal, Trump downplays climate in mine reviews

1. Former officials slam Trump admin's 'cynical' legal position

Ellen M. Gilmer, E&E News reporter

Published: Monday, June 12, 2017

A bipartisan group of former Interior Department officials is urging a federal court to continue weighing a legal dispute over the federal government's hydraulic fracturing authority.

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

2. Interior defends Chaco-area oil and gas permitting

Ellen M. Gilmer, E&E News reporter

Published: Monday, June 12, 2017

The Interior Department is pushing back on claims that the agency ignored impacts to the environment and tribal artifacts while approving oil and gas development in New Mexico's remote Chaco Canyon area.

<http://bit.ly/2sV05bM>

3. Zinke recommends shrinking Bears Ears

Jennifer Yachnin, E&E News reporter

Published: Monday, June 12, 2017

Interior Secretary Ryan Zinke today revealed that he will recommend that Bears Ears National Monument in southeast Utah be significantly reduced, urging President Trump to slash the site's size by an undetermined amount.

<http://bit.ly/2s3tOzf>

4. Zinke's move on Bears Ears remains under wraps — for now

Jennifer Yachnin, E&E News reporter

Published: Monday, June 12, 2017

Interior Secretary Ryan Zinke will continue to review Bears Ears National Monument and has reopened the public comment period for the Utah site until mid-July, the White House confirmed today.

<http://bit.ly/2s3uVz7>

5. Pipeline approval 'not reviewable' in court — Trump lawyers

Ellen M. Gilmer, E&E News reporter

Published: Monday, June 12, 2017

The Trump administration is pushing back hard on legal challenges aimed at derailing the Keystone XL pipeline.

<http://bit.ly/2slup2h>

6. How one group is charting health risks near oil fields

Niina Heikkinen, E&E News reporter Published: Monday, June 12, 2017

Lucas Jasso, 66, has seen a lot of changes in Karnes County, Texas, since oil and gas companies first began flocking to his part of the state several years ago.

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

7. Committee to probe Trump's reorganization plan

Kevin Bogardus, E&E News reporter

Published: Monday, June 12, 2017

Senators will hold a hearing Thursday to examine President Trump's plan to dramatically transform the federal government.

<http://bit.ly/2ro0scZ>

8. Lawmakers to take up management and wildfire bill

Marc Heller, E&E News reporter

Published: Monday, June 12, 2017

Lawmakers will take a look this week at the latest version of a forest management and wildfire measure proposed by Rep. Bruce Westerman (R-Ark.).

<http://bit.ly/2rTq0Cz>

9. In reversal, Trump downplays climate in mine reviews

Dylan Brown, E&E News reporter

Published: Monday, June 12, 2017

Debate over two proposed coal mine expansions, long-running climate proxy wars, intensified last week after President Trump moved to abandon the nation's carbon-cutting goals last month in the name of helping miners.

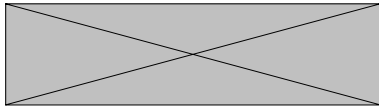
<http://bit.ly/2sulMCs>

--

Meredith C. Black
U.S. Department of the Interior
Division of Public Affairs, Washington Office

Bureau of Land Management
M Street Southeast Washington, D.C.
20003

--



Christopher McAlear
Assistant Director
National Conservation Lands
and Community Partnerships
(W) 202-208-4731
(C) 775-722-9539

Contents

1. Former officials slam Trump admin's 'cynical' legal position	1
2. Interior defends Chaco-area oil and gas permitting	2
3. Zinke recommends shrinking Bears Ears	3
Backlash	4
4. Zinke's move on Bears Ears remains under wraps — for now	5
5. Pipeline approval 'not reviewable' in court — Trump lawyers	6
6. How one group is charting health risks near oil fields	8
Collecting evidence state by state	8
Nausea, headaches, asthma	9
Oil industry emphasizes communication	10
7. Committee to probe Trump's reorganization plan	10
8. Lawmakers to take up management and wildfire bill	11
9. In reversal, Trump downplays climate in mine reviews	12
Spring Creek	13

1. Former officials slam Trump admin's 'cynical' legal position

Ellen M. Gilmer, E&E News reporter

Published: Monday, June 12, 2017

A bipartisan group of former Interior Department officials is urging a federal court to continue weighing a legal dispute over the federal government's hydraulic fracturing authority.

In a **brief** to be filed today, officials from the Obama, Clinton and both Bush administrations argue that the 10th U.S. Circuit Court of Appeals should hear oral arguments over Interior's fracking rule and reverse a lower court's conclusion that the government has no authority to regulate the oil and gas extraction process, which is used on 90 percent of wells on public lands.

"If there's no authority to regulate them, it's open season for oil and gas companies to do whatever they want," said David Hayes, deputy secretary under Presidents Obama and Clinton, who signed on to today's friend-of-the-court brief.

The filing is part of the latest round of legal wrangling over the Obama-era fracking rule, which was struck down by a district court in Wyoming last year. The government appealed the ruling and was set to argue its case at the 10th Circuit earlier this year when the Trump administration announced plans to rethink the rule.

"The district court's erroneous ruling is also almost surely having a negative effect right now on BLM's rulemaking processes and day-to-day supervision of public lands, and will continue to do so as long as it is allowed to stand," the former officials said in today's brief.

In addition to Hayes, the group includes Lynn Scarlett, deputy secretary for Interior under George W. Bush; James Caswell, Bureau of Land Management director under Bush; and Michael Dombeck, BLM acting director under Clinton and special assistant and science adviser under George H.W. Bush.

The Trump administration submitted its own brief last month, defending its authority over fracking but recommending that the appeal be paused while Interior considers revising or scrapping the regulation (*Energywire*, May 8).

Hayes called the agency's position "cynical and irresponsible."

"To me, that shows an irresponsible approach here that would leave the question open about whether there's any regulatory authority over fracking and invite the new administration to simply rescind the fracking regulations and leave that fundamental question open — even though the administration forthrightly states that there is such regulatory authority," he said.

The main players in the case — industry groups, states, environmental groups and the Ute Indian Tribe — made their own arguments in briefs last Monday. States, industry and the Utes want the 10th Circuit to pause the case, while environmentalists want it to move forward (*Energywire*, June 6).

Today's friend-of-the-court brief from the former officials argues that the 10th Circuit appeal focuses only on the fundamental question of authority, not the mechanics of the fracking rule, so the question remains ripe for review even as the Trump administration reconsiders the rule.

"And the district court's erroneous conclusion does not only implicate the rule under review, but all federal agency actions that purport to regulate hydraulic fracturing," the brief says.

The officials filed an initial amicus brief at the 10th Circuit last summer before the case was sidetracked by the Trump administration. Other groups and individuals who weighed in on the case last year are also expected to file supplemental briefs today.

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

2. Interior defends Chaco-area oil and gas permitting

Ellen M. Gilmer, E&E News reporter

Published: Monday, June 12, 2017

The Interior Department is pushing back on claims that the agency ignored impacts to the environment and tribal artifacts while approving oil and gas development in New Mexico's remote Chaco Canyon area.

In a court brief filed Friday, government lawyers argued that the coalition of environmental and tribal groups that sued over development two years ago relied on "sweeping and conclusory allegations" about the impacts of increased shale drilling in the area.

The Chaco region is home to 1,000-year-old tribal artifacts and modern Navajo communities. Chaco Culture National Historical Park, which hosts the highest concentration of artifacts, is off-limits to drilling, but critics say development is moving too close to its borders and several scattered historical sites in the region.

Interior's Bureau of Land Management defended its National Environmental Policy Act reviews for hundreds of challenged drilling permits in the area and noted that it conducted extensive public outreach.

"It invited the public, including Plaintiffs, to pre-disturbance on-site meetings for every [permit application], and it posted notice of proposed wells and final NEPA documents in its public reading room and on its website," the agency told the U.S. District Court for the District of New Mexico. "Where Plaintiffs have failed

to point to any record evidence to support their allegations, they cannot overcome the deference due to BLM's reasoned decisionmaking."

The government's defense is in response to environmental groups' April brief slamming BLM for continuing to permit oil and gas development in the Chaco region under what they consider an outdated resource management plan from 2003 (*Energywire*, May 2).

BLM in 2014 announced plans to amend its RMP for the area to consider the effects of increased production in the Mancos Shale formation, which has attracted new interest from industry with the spread of hydraulic fracturing and horizontal drilling technology.

The tribal group Diné Citizens Against Ruining Our Environment, the Natural Resources Defense Council, the San Juan Citizens Alliance and WildEarth Guardians say the agency should halt permitting while that amendment process advances.

The agency defended its approach, arguing Friday that it conducted environmental assessments for each of the challenged permits and properly tiered them to the 2003 RMP, "as that document remains in effect and provides accurate and relevant analysis for drilling in the Mancos Shale."

Meanwhile, the RMP amendment process is moving forward, and environmentalists sounded a note of optimism about it last week when BLM and the Bureau of Indian Affairs released a scoping report outlining plans to address a number of environmental and community concerns about development in the area.

"There is hope that Greater Chaco and its communities are on the path to receiving the protections deserved," Rebecca Sobel, who helps lead WildEarth Guardians' Climate and Energy Program, said in a statement. "The Bureaus of Land Management and Indian Affairs are moving in the right direction by taking seriously their duty to protect the American public and American resources."

<http://bit.ly/2sV05bM>

3. Zinke recommends shrinking Bears Ears

Jennifer Yachnin, E&E News reporter

Published: Monday, June 12, 2017

Interior Secretary Ryan Zinke today revealed that he will recommend that Bears Ears National Monument in southeast Utah be significantly reduced, urging President Trump to slash the site's size by an undetermined amount.

In an interim report on his review of the status of dozens of national monuments — which Trump ordered in late April with an eye toward reducing or eliminating some sites — Zinke said the president should use the "appropriate authority" to revise the monument's boundaries.

"The review shows that rather than designating an area encompassing almost 1.5 million acres as a national monument, it would have been more appropriate to identify and separate the areas that have significant objects to be protected to meet the purposes of the [Antiquities] Act, including that the area reserved be limited to the smallest area compatible with the proper care and management of the objects," the former Montana lawmaker said in the report.

Although Utah's Legislature adopted a resolution earlier this year encouraging Trump to revoke the monument's status entirely, Zinke indicated in a news conference today that he will not make that recommendation in his final report due Aug. 24.

"Certainly, rescinding the monument was an option, but looking at it, there are some antiquities within the monument that I think deserve to be protected," he said.

In particular, Zinke pointed to the twin buttes from which Bears Ears draws its name, as well as areas of "high-density dwellings and cultural artifacts" and land in the monument's northern end, near the site known as Newspaper Rock.

"There is no acreage attached to it because we're not at that point of drawing specific lines," he said in response to inquiries about the amount of acreage that could be cut from the monument.

He later added: "It's a little premature to throw out acreage, but if you look at the Bears Ears as a whole, there's a lot more drop-dead gorgeous land than there is historic landmarks, historic structures and other objects."

Zinke's preliminary recommendations also indicate he will seek congressional action on the Bears Ears site, asking lawmakers to establish co-management of the site with tribal nations as well as to protect some portions of the monument as national recreation or conservation areas.

Although Congress has previously failed to issue legislation protecting the Bears Ears area, Zinke remained confident that it could do so in the current session and said Trump would exert pressure on lawmakers.

"I would give it one word: President Trump," Zinke said.

President Obama created the 1.35-million-acre site in the final weeks of his presidency over the objections of Utah state and congressional lawmakers. They were unable to move their own legislation that would have preserved a similar area via two new national conservation areas and a wilderness designation (*Greenwire*, June 6).

In late April, Trump issued an executive order mandating a review of dozens of national monuments created since 1996, with a focus on those containing more than 100,000 acres.

Backlash

Conservationists who had urged the Trump administration to refrain from making changes to the monument slammed Zinke's preliminary recommendations, saying the Interior Department largely ignored a public comment process that produced a disproportionate call for preserving the site.

"The Trump administration's announcement today on Bears Ears is nothing less than an attack on the future of all American monuments, parks and public lands," said the Wilderness Society President Jamie Williams. "The administration's recommendations are directly against the wishes of the overwhelming majority of Americans — and also in direct conflict with the Antiquities Act and the Wilderness Act — making a mockery of the claimed public process and the good faith of these recommendations."

Arizona Rep. Raúl Grijalva, the top Democrat on the House Natural Resources Committee, dismissed Zinke's report as "nonsense."

"The memo released today doesn't give any accounting of the public comments the Interior Department received as part of this review process," Grijalva said. "It doesn't reference any maps or specify legislative language. It doesn't explain what the president will do regarding Bears Ears. It doesn't even explain what alleged problem this review is trying to solve."

But Chairman Rob Bishop (R-Utah) praised the interim report as "positive news."

"Anyone with honest intentions recognizes that local input should matter when the federal executive makes a decision of this magnitude," Bishop said. "I commend Secretary Zinke for actually listening to local voices on the issue and conducting a thoughtful and deliberative review to help inform the president's ultimate decision."

Democrats and conservation groups that had pre-emptively threatened to legally challenge any effort by the administration to reduce the monument's boundaries likewise disparaged Zinke's interim report.

"Make no mistake: Unilaterally shrinking the boundaries of Bears Ears National Monument would not only be a slap in the face to the five sovereign tribes who share sacred ties to this land, it would violate both the Antiquities Act and the separation of powers doctrine," said Earthjustice attorney Heidi McIntosh. "The president simply lacks the authority to change a national monument designation under the Antiquities Act, our country's century-old law that protects some of our most scenic and historic landscapes."

Under the Antiquities Act of 1906, presidents may designate federal lands as monuments to protect areas of cultural, historic or scientific interest.

Although previous commanders in chief have opted to reduce some sites — President Kennedy was the last to do so when he modified Bandelier National Monument in New Mexico — legal experts note that those decisions occurred before the enactment of the Federal Land Policy and Management Act of 1976 and suggest such changes are no longer allowable.

<http://bit.ly/2s3tOzf>

4. Zinke's move on Bears Ears remains under wraps for now

Jennifer Yachnin, E&E News reporter

Published: Monday, June 12, 2017

month. Francisco Kjolseth/AP Images

Interior Secretary Ryan Zinke will continue to review Bears Ears National Monument and has reopened the public comment period for the Utah site until mid-July, the White House confirmed today.

Zinke on Saturday submitted an interim report to President Trump on his ongoing review of the monument but has yet to disclose publicly whether he has recommend specific changes for the 1.35-million-acre site.

White House spokeswoman Kelly Love confirmed to E&E News that Zinke submitted his report to the president Saturday, but she declined to discuss the contents of the document and referred all questions to the Interior Department.

"There is no delay. The [executive order] specifically calls for a '45-day interim report' and this is exactly what @SecretaryZinke provided," Love later wrote on Twitter.

Zinke is set to hold a news conference with reporters this afternoon on the national monument. An announcement of it gave no indication of whether he will continue to review the southeastern Utah site or has reached a final determination about whether Trump or Congress should make changes to it.

Zinke, however, has reopened the public comment period on the Bears Ears monument at Regulations.gov. Comment will now be accepted on the site, as well as others under review, until July 10, according to a White House official.

In late April, Trump issued an executive order directing Zinke to review dozens of national monuments created since 1996, with an emphasis on those sites containing more than 100,000 acres.

The order focused in particular on the Bears Ears monument created by President Obama in his final weeks in office.

Congressional Republicans and Utah state lawmakers have criticized the designation and urged the Trump administration to significantly reduce or even revoke the monument's status.

"I commend the president for acting decisively to right the wrongs of his predecessors," Sen. Orrin Hatch (R-Utah) said in a video posted to social media. "I'm prepared to support whatever recommendations Secretary Zinke offers to the president at the conclusion of a thorough review process."

Under the executive order, Zinke was required to submit an interim report Saturday including the Bears Ears monument and a final report on all 27 monuments Aug. 24.

During his visit to Utah in May to view the Bears Ears and Grand Staircase-Escalante national monuments, Zinke asserted monument status was not the "right vehicle" to protect the former.

Although he ruled out seeking national park status for the lands, he asserted all other options remained on the table (*E&E News PM*, May 9).

But national park status, and other options such as a national conservation area, would require congressional action, which has proved difficult to obtain for the Bears Ears area.

The "Utah Public Lands Initiative Act" sponsored by House Natural Resources Chairman Rob Bishop (R-Utah) would have created two new national conservation areas and a wilderness designation.

But Republican lawmakers last year failed to push that legislation through the House and did not see a version introduced in the Senate, following long negotiations with outside groups.

In addition to creating monuments, parks and conservation areas, Congress can also declare wilderness areas and national recreation areas.

Congress could also opt to rescind the monument entirely or amend its boundaries, as it has previously done with the Grand Staircase-Escalante monument (*Greenwire*, May 2). Democratic lawmakers have warned, however, that if the Trump administration attempts to alter the status of the monument without congressional approval, it could lead to legal challenges (*Greenwire*, June 6).

Under the Antiquities Act of 1906, past presidents have designated more than 150 national monuments to protect federal lands with historic, cultural or scientific importance.

No president has ever sought to undo the designations made by one of his predecessors.

While previous presidents have reduced the size of some monuments — President Kennedy was the last president to do so when he modified Bandelier National Monument in New Mexico — legal experts note that those decisions occurred before the enactment of the Federal Land Policy and Management Act of 1976 and suggest such changes are no longer allowable.

<http://bit.ly/2s3uVz7>

5. Pipeline approval 'not reviewable' in court Trump lawyers

Ellen M. Gilmer, E&E News reporter

Published: Monday, June 12, 2017

The Trump administration is pushing back hard on legal challenges aimed at derailing the Keystone XL pipeline.

In legal filings Friday, government lawyers argued that federal courts simply do not have authority to review the administration's March approval of a cross-border permit for the contentious oil project to pass from Canada to the United States.

"As multiple courts have found, because the issuance of a presidential permit for an international crossing is an exercise of the President's delegated authority over foreign affairs and national security, the exercise of that authority constitutes presidential action that is not reviewable under the Administrative Procedure Act," the administration said.

The argument comes as part of the Trump administration's request that the U.S. District Court for the District of Montana dismiss two lawsuits filed by environmental and tribal groups in March. The groups view the pipeline as a symbol of overreliance on fossil fuels in the face of climate change and are hoping to use the courts and a state permitting process in Nebraska to halt the project.

As anticipated by legal experts, the government's position centers on the jurisdictional issue, maintaining that presidential permits are not subject to judicial review. The previous administration made the same argument when it defended President Obama's 2015 decision to deny Keystone XL a permit (Energywire, April 4, 2016).

In their March complaint, the Sierra Club, Natural Resources Defense Council and others attempted to sidestep the issue by focusing on the State Department's role in actually signing and issuing the permit. The final permit was signed by Thomas Shannon, the agency's undersecretary for political affairs.

The groups argued that Shannon was required to ensure State Department compliance with the National Environmental Policy Act and the Administrative Procedure Act — and that he failed to do so because the presidential permit relied on an "arbitrary, outdated, and incomplete" 2014 environmental analysis (Greenwire, March 30).

Trump administration lawyers counter that Shannon "acted solely pursuant to the inherent constitutional authority delegated by the President," so the action remains unreviewable by a court.

In challenges to other pipelines, several district courts have agreed with the government's analysis that delegation to State Department officials does not change the presidential nature of the permit.

The government's filing also notes two less favorable court decisions and urges the Montana district court to ignore them. In a 2010 pipeline case and a 2014 electric transmission case, courts in Minnesota and California, respectively, held that the environmental impact statements underlying disputed presidential permits were reviewable in court.

The Trump administration notes that the cases "are neither binding nor persuasive" and urged the Montana court to reject the concern raised by the court in the transmission case that an agency could shield its actions from judicial review by labeling them as presidential.

Trump's January presidential memorandum pushing for completion of the pipeline underscores the presidential nature of the action, government lawyers told the court.

Friday's filings also take aim at environmentalists' claims that the Bureau of Land Management is also on the hook for relying on the 2014 environmental impact statement to approve rights of way for the pipeline to cross federal lands in Montana. The government counters that the rights of way have not yet been granted, so there is no final agency action for the groups to challenge.

Pipeline backer TransCanada Corp. will file its own motion to dismiss the lawsuits Friday, and the environmental and tribal groups will have a chance to respond in July.

<http://bit.ly/2slup2h>

6. How one group is charting health risks near oil fields

Niina Heikkinen, E&E News reporter Published: Monday, June 12, 2017

Lucas Jasso, 66, has seen a lot of changes in Karnes County, Texas, since oil and gas companies first began flocking to his part of the state several years ago.

"I call it Flare City USA — every time I go into the countryside, I see flares," Jasso said. "It used to be paradise."

Once mainly fields and ranchland, Karnes County is now a top crude oil producer in Texas, due to its location on top of the Eagle Ford Shale play. But long-term residents like Jasso say they are concerned about whether the oil boom, which helped to fix up their highways and put money into their children's schools, was also responsible for their migraines, dizziness and shortness of breath.

"A lot of them noticed there had been a lot of changes in the community. A lot of people, when they talk about their health issues, were saying, 'We weren't feeling this before all this,'" said Priscilla Villa, a community organizer with the environmental group Earthworks.

Her outreach is part of the Washington-based nonprofit's newly expanding national effort to help people around the country living near oil and gas development hold polluters and governments accountable.

Those efforts could take on added significance under the Trump administration, which has moved to halt implementation of methane regulations, a potent greenhouse gas that has 25 times the heat-trapping capability of carbon dioxide. Not only would these regulations have helped address climate change, they would also have helped stop emissions of other pollutants like volatile organic compounds (VOCs) that are linked to respiratory and cardiovascular problems.

Examples of some known hazardous air pollutants include benzene, a carcinogen, which comes from burning oil. Chronic exposure to toluene, used to produce benzene, can lead to upper respiratory tract irritation, dizziness, sore throat and headaches. VOCs also have indirect health impacts when it forms chemical reactions with nitrogen oxides in sunlight and creates ground-level ozone, the main component of smog. Exposure to smog can lead to asthma, wheezing and cardiovascular effects, according to U.S. EPA data.

Collecting evidence state by state

About 12.4 million people in the United States live within the "threat radius" — about half a mile away from active oil and gas wells, compressors, and processors, according to the **Oil and Gas Threat Map** compiled jointly by Earthworks, the Clean Air Task Force and FracTracker Alliance. The estimate is based on data from industry, EPA, recorded methane leaks and resident interviews.

The groups say the figure is a conservative estimate of the area where people are exposed to toxic air pollution. The actual figure, they argue, is likely much greater. The threat map also identifies 238 counties in 21 states where the cancer risk exceeds EPA's threshold of 1 in 1 million.

Earthworks is aiming to go into as many of these affected areas as it can around the country. The organization has been tracking both anecdotal and empirical evidence about pollution levels from the oil and gas sector around the country as part of its Community Empowerment Project and has worked with communities to help file complaints both against the companies themselves and state environmental regulators.

The goal is to improve state oversight and "systematically reducing oil and gas pollution from all operations in those states," said Alan Septoff, strategic communications director at Earthworks.

While other groups are also working at the community level, none is working at quite the same scale, environmental groups say.

As the South Texas fracking organizer, Villa is educating community members about the health risks associated with emissions from the oil and gas industry. The forums also encourage residents to talk to each other about their concerns, she said.

"Generally, communities contact us and tell us there is a problem and they invite us to go in and help them," said Sharon Wilson, a certified optical gas imaging thermographer with Earthworks' Oil and Gas Accountability Project. She periodically tracks emissions levels in Karnes County.

"A community member will contact us because they are experiencing odors and health impacts, and the industry says, 'Oh, it's not us,'" she said.

Nausea, headaches, asthma

After receiving a complaint, Wilson will either tour with someone from the area or use residents' photographs to guide her through a thorough survey of as many oil and gas facilities as possible. She uses a specialized infrared camera to record evidence of methane leaks and VOCs coming from the facilities, and then sends the videos to the Texas Commission on Environmental Quality as part of a formal complaint. The footage helps identify where methane and VOCs are escaping into that atmosphere.

"We can't say which VOCs or how much. We can say there is a dense plume, and we can see emissions are crossing the fence line and going into the neighborhoods," Wilson said. "Some of these events that I have captured are stunning."

Jasso, who once thought of Karnes County as paradise, is cautious about laying blame for his health problems on the oil flare at the edge of his property or the oil wells on private land around his home. The retired postal worker had a bout with cancer last year and experiences with severe nausea.

"I'm going to be 67 years old, I have one foot in the grave or one foot out," he said.

Other residents have similar questions about their health. A Karnes County resident who declined to give his name for fear of backlash said his wife experienced debilitating headaches that made her forehead and sinuses throb after their neighbor leased part of his land to the oil industry about four years ago. He has had his own troubles with headaches and trying to keep his asthma in check. Meanwhile, his three grandsons, who also live nearby, always seem to be coming down with something.

"The federal government is not going to protect us from anything. They are interested in money, and these oil companies are pumping tons and tons of money," the 67-year-old man said.

"They don't care about the regular Joe Blow, the regular guy. They don't care in the environment, they don't believe in global warming or any of this stuff. Our politicians are turning a blind eye."

Oil industry emphasizes communication

Oil and gas companies say they are working to reduce their emissions to prevent harm to the environment and want to increase transparency and dialogue between companies and local communities.

While they did not speak directly to the situation in Karnes County, in a recently published report, the American Petroleum Institute included eight paragraphs in a 64-page report about the need to work with communities affected by oil and gas development.

"The industry understands that operating daily in a manner that protects the safety, environment and health of the community, employees and contractors is critical to building trust, as is open, two-way communication through a number of channels," the report read.

Chris Ashcraft, vice president of the South Texas Energy and Economic Roundtable (STEER), said preserving the environment in the Eagle Ford Shale region is a "top priority." The organization is meant to ensure that energy development in the region is "mutually beneficial to industry and communities throughout South Texas."

Ashcraft noted in an email that the oil and gas industry had partnered with the Environmental Defense Fund in their methane leak detection program and is currently testing "cutting edge" technology for detecting and reducing methane leaks and other pollutants. The industry had also worked with the Alamo Area Council of Governments, providing emissions data to enable the creation of a regional emissions inventory.

Because air pollution is a regional problem, he said, everyone needs to work together to address it.

"In addition to our partnerships with outside organizations, STEER members are continually implementing voluntary steps to reduce emissions," Ashcraft said. "Companies have implemented leak detection and repair (LDR) programs and are sharing the data to learn how and when equipment fails in order to prevent leaks."

Earthworks recently received a three-year, \$3 million grant from the John D. and Catherine T. MacArthur Foundation to expand its work in the six states that emit about half of the methane emissions from oil and gas.

The group is still fine-tuning a strategy for using the funding across the country, but it plans to base its work in part on efforts it has already made to help residents in places like Karnes County.

It's an approach that Paul Billings, senior vice president of advocacy at the American Lung Association, said has been an important one to combating pollution from the oil and gas industry in particular.

"I think that's really true that community by community, neighborhood by neighborhood, that is how you drive change — change the community, change the state, I think it's very important for that change to be going together with strong advocacy at the state, local and federal level," he said.

"You need continued research of the problems and innovation to craft solutions, but it does start at the basic community level," Billings added.

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

7. Committee to probe Trump's reorganization plan

Kevin Bogardus, E&E News reporter

Published: Monday, June 12, 2017

Senators will hold a hearing Thursday to examine President Trump's plan to dramatically transform the federal government.

The Senate Homeland Security and Governmental Affairs Subcommittee on Regulatory Affairs and Federal Management will scrutinize the administration's effort to reform agencies and reduce the federal workforce.

"In this hearing the Subcommittee will examine the processes agencies are pursuing to reorganize, streamline, and make their operations and organizational structures more effective," said a panel statement.

"Agencies are encouraged to provide the subcommittee with an update on their plans to achieve the memorandum's requirements and suggest any ways Congress can help agencies more effectively and efficiently serve the public," the statement said.

Superficially, the subcommittee will consider an Office of Management and Budget **memo** issued in April that provided guidance to agencies on how to reorganize and downsize. OMB directed agencies to submit agency reform plans by June 30.

Some agencies have already taken steps to follow the guidance. U.S. EPA leaders say they will offer early retirement and buyouts this year.

The agency expects to get those buyout packages approved by OMB and the Office of Personnel Management later this month and start offering them to workers in July (*E&E News PM*, June 1).

Schedule: The hearing is Thursday, June 15, at 9:30 a.m. in 342 Dirksen.

Witnesses: Ellen Herbst, chief financial officer and assistant secretary for administration at the Commerce Department; Lee Lofthus, assistant attorney general for administration at the Justice Department; Don Bice, associate director for the Agriculture Department's Office of Budget and Program Analysis; and Michael Stough, director of the Homeland Security Department's Program Analysis and Evaluation Division.

<http://bit.ly/2ro0scZ>

8. Lawmakers to take up management and wildfire bill

Marc Heller, E&E News reporter

Published: Monday, June 12, 2017

Lawmakers will take a look this week at the latest version of a forest management and wildfire measure proposed by Rep. Bruce Westerman (R-Ark.).

The House Natural Resources Subcommittee on Federal Lands on Thursday will take up a draft of Westerman's "Resilient Federal Forests Act," which would ease environmental review hurdles for forest-thinning projects and fund wildfires like natural disasters, addressing the Forest Service's borrowing of money from non-fire-related accounts to pay for wildfire suppression.

Westerman's **draft** would expand the use of categorical exclusions, which eliminate longer reviews under the National Environmental Policy Act that would otherwise slow forest management projects. It also calls for faster efforts to salvage timber after fires.

In the new version, Westerman dropped a requirement that groups challenging forest management projects post bonds to cover the government's anticipated legal costs; that provision troubled some conservation groups that said it goes too far toward blocking litigation.

While that change may please some groups and Democratic lawmakers, other provisions still repel environmental organizations.

"It's basically a gift to the timber industry," said Tracy Coppola, senior legislative counsel for Earthjustice. In her group's view, she said, the draft is "much worse" than last year's bill.

Among other changes, the draft increases the amount of land eligible for categorical exclusions for salvaging operations to 10,000 acres, up from 5,000 acres in last year's version and 250 acres in current law.

Westerman and other supporters say that making such projects easier is important to prevent catastrophic wildfires, and that a combination of litigation against the Forest Service and an increase in potential fuel in forests over many years has made forests susceptible to worse fires.

A spokesman for Westerman said the draft is likely to change before the congressman formally introduces legislation. Sen. Pat Roberts (R-Kan.), chairman of the Senate Agriculture, Nutrition and Forestry Committee, proposed similar legislation last year.

Schedule: The hearing is Thursday, June 15, at 10 a.m. in 1324 Longworth.

Witnesses: TBA.

<http://bit.ly/2rTq0Cz>

9. In reversal, Trump downplays climate in mine reviews

Dylan Brown, E&E News reporter

Published: Monday, June 12, 2017

Debate over two proposed coal mine expansions, long-running climate proxy wars, intensified last week after President Trump moved to abandon the nation's carbon-cutting goals last month in the name of helping miners.

Last week, the Forest Service released a **draft supplemental environmental impact statement** for Arch Coal Inc.'s long-controversial West Elk mine expansion in the Gunnison National Forest.

The document signaled a departure from Obama-era efforts — and court mandates — to better account for climate impacts in National Environmental Policy Act reviews.

The Forest Service said the social cost of carbon methodology, which the Obama administration used to calculate climate impacts, is not an "appropriate tool at the project level" and is "no longer representative of governmental policy," as a Trump executive order disbanded the Interagency Working Group associated with it.

The supplemental review set out to address the climate deficiencies that a federal court found after environmental groups sued to block expansion of the Colorado site.

Environmentalists were not thrilled with the Forest Service under President Obama, either. The agency back then defended the expansion and the Colorado roadless rule that made it possible (*Greenwire*, Dec. 16, 2016).

But Earthjustice attorney Ted Zukoski said that from his perspective, things are worse now. "This proposal is the latest example of the Trump administration's apparent desire to ignore science, poison the air we breathe," he said.

The updated study discusses rising temperatures, precipitation changes and other climate risks, and finds "no credible reason to deny the modification on the basis of climate change."

"Coal produced from the West Elk mine is a tiny fraction of the total coal mined and combusted in the U.S. on an annual basis," the Forest Service wrote. "Absent policy, or a demand side shift away from coal, there are still far too many suppliers that could substitute their coal for West Elk's in the market place."

The mining industry has long defended the Colorado roadless rule as a compromise between resource development and the environment. And, long skeptical of Obama climate review metrics, it cheers the new administration's move to undo them.

Environmentalists plan to file their objections during the public comment period lasting until July 24. And whether or not their complaints will work, Zukoski said the West Elk mine — and others like it — faces an unforgiving market for selling its coal.

Recapping the last months of 2016 with investors, Arch CEO John Eaves said the company "locked in significant international commitments" for exporting its coal.

But long-term export hopes are gloomy, as the federal Energy Information Administration has said, "Lower mining costs, cheaper transportation costs, and favorable exchange rates continue to provide a market advantage to other major coal-exporting countries" (*E&E News PM*, March 15).

According to EIA, the West Elk mine sold roughly 60 percent of its coal to U.S. power plants. Zukoski points out that a sizable portion of that coal goes to facilities that have either switched to natural gas or are working toward it.

Spring Creek

Bullish as usual on coal, the president last week delivered a recorded message to celebrate the opening of a Pennsylvania metallurgical coal mine.

"We have withdrawn the United States from the horrendous Paris climate accord, something that would have put our country back decades and decades; we would have never allowed ourselves to be great again," Trump said.

At less than 10 percent of nationwide production, the recent steel-making coal surge offers limited relief to coal overall, but Trump touts it as proof of an industry reborn because his White House puts economics before climate (*Climatewire*, June 6).

WildEarth Guardians and the Montana Environmental Information Center responded by suing the Interior Department over an 85-million-ton expansion at the Spring Creek mine in southeastern Montana.

WildEarth Guardians, which challenges federal coal leasing at every turn, also joined the cohort of environmental groups chastising new environmental analysis yesterday for West Elk.

"Whether it's turning a blind eye to our climate or letting unauthorized employees make decisions, Interior is letting Americans down," WildEarth Guardians' Jeremy Nichols said.

On Spring Creek, WildEarth Guardians and the MEIC accuse Interior of ignoring climate impacts and violating NEPA in its approval of a lease modification at Cloud Peak Energy Inc.'s operation, the country's seventh-largest coal mine.

The lawsuit also says the Interior official that signed a finding of no significant impact for the expansion lacked authority to do so — an argument that has proved fruitful for delaying other coal leases (*Greenwire*, March 20).

"Climate change is having disastrous consequences on our economy, our environment and our way of life both here and abroad," MEIC attorney Derf Johnson said. "It's time the federal government did its job and followed the law."

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