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Attached is the daily news report for August 16.

Ryan Sutherland
Bureau of Land Management Utah
Public Affairs Specialist
rrsutherland@blm.gov
801 539 4089



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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – AUGUST 16, 2017

1. Charges ‘lack factual foundation,’ says attorney for man accused of starting the Brian Head Fire

The Salt Lake Tribune, Aug. 15 | Tiffany Frandsen

Cedar City • During an initial court appearance of a Taylorsville man charged with accidentally starting the 71,000-acre Brian Head Fire — which destroyed 13 residences and cost about \$34 million to fight — the man’s attorney said “there are charges in this case that we believe lack factual foundation.”

2. 7 Utah counties exploring experimental nuclear power from ‘molten salt’

The Salt Lake Tribune, Aug. 15 | Brian Maffly

Imagine generating nuclear power that can’t be turned into weapons, doesn’t pose a risk of meltdown or radiation release nor produce high-level radioactive waste that could contaminate the environment for millennia. And to sweeten the deal, medical isotopes could be harvested from a process.

3. Solar Eclipse: Don’t use the solar eclipse protective glasses handed out at the University of Utah — they might be defective

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Protective glasses handed out by the John A. Moran Eye Center ahead of the Aug. 21 solar eclipse may not work — and center officials are asking Utah residents to throw them away.

4. Traveling to see the total solar eclipse? Here is what you can expect

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5. CAMPAIGN 2017: Former Provo mayor wins GOP bid to replace Chaffetz

E & E News, Aug. 16 | Nick Sobczyk

Former Provo Mayor John Curtis won the Republican nomination in the race to fill the Utah seat formerly held by Rep. Jason Chaffetz (R).

6. 1 killed, 5 injured in Bonneville Salt Flats crash

KSL News, Aug. 16 | Pat Reavy

WENDOVER — One person was killed and five others injured in a head-on crash Wednesday morning at the Bonneville Salt Flats.

E&E/NATIONAL NEWS – TOP STORIES

1. Defense attorneys withhold closing arguments in Bunkerville retrial

Las Vegas Review-Journal, Aug. 15 | David Ferrara

Defense attorneys sat silently Tuesday, rather than give closing arguments for the four men facing a retrial in the Bundy Ranch standoff.

2. Op-ed: Under new Interior Department plan, sage grouse will suffer

High Country News, Aug. 15 | James Lyons

Somehow, Interior Secretary Ryan Zinke needs to recognize that the greatest threat to economic development in sage grouse territory is not the existing sage grouse conservation plans, but the threat of losing the “regulatory certainty” that they provide. Lose the predictability necessary to encourage investment in the sagebrush landscape, and its communities are likely to become endangered along with the Greater sage grouse.



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3. CLEAN WATER RULE: Calif. farmer to pay \$1.1M penalty, ending wetland fight

The Washington Times, Aug. 15 | Ben Wolfgang

On social media, one thing is clear: Cute animals and sunsets often trump politics.

Amid a host of policy shifts from the Obama to Trump eras, one thing that has remained constant at the Interior Department is its massive online following, driven primarily by daily posts featuring wildlife, scenic landscapes and breathtaking views of the nation's national parks.

4. Stop with the 'catastrophic wildfire' scare tactics

The Pacific Standard, Aug. 15 | Jimmy Tobias

Wildfires can be a fright to witness. If you've ever watched a fir tree burst into flames, or experienced the furious heat of burning underbrush, or seen the towering columns of smoke and ash that incinerating forests throw into the sky, then you know what I'm talking about. Wildfires are an awesome and awful force. They move fast, they burn hot. Sometimes they destroy homes, sometimes people get caught in their path.

5. Do we have too many national monuments? 4 essential reads

High Country News, Aug. 16 | Jennifer Weeks

Under an order from President Donald Trump, Interior Secretary Ryan Zinke is reviewing the status of 27 national monuments that were designated or expanded by presidents as far back as Jan. 1, 1996, using authority under the Antiquities Act.

6. Q&A: Sally Jewell thought Zinke cared about Interior. Not anymore

E & E News, Aug. 16 | Brittany Patterson

Sally Jewell is going back to college. Well, sort of.

Last week, the Harvard Kennedy School's Institute of Politics announced that the former chief executive of outdoor retailer REI and Obama-era Interior secretary has accepted a fellowship to teach a series of undergraduate seminars this fall.



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7. **CALIFORNIA: Oil industry's next goal: Shape cap-and-trade cost cushions**

E & E News, Aug. 16 | Anne C. Mulkern

The biggest oil industry trade group in California won major concessions in the wording of the new law extending the state's carbon cap-and-trade program, critics say.

8. **CLIMATE: All eyes on pending challenges after enviros lose LNG case**

E & E News, Aug. 16 | Ellen M. Gilmer

A federal court's rejection of a challenge to liquefied natural gas exports does not spell doom for similar lawsuits working their way through the courts, environmental lawyers say.

9. **DAKOTA ACCESS: N.D. wins federal funding to offset protest response costs**

E & E News, Aug. 16 | Jenny Mandel

North Dakota will collect \$10 million from the Department of Justice to defray some of the costs associated with law enforcement during protests over construction of the Dakota Access pipeline.

10. **INTERIOR: Zinke, NPS defend parks' Confederate memorials**

E & E News, Aug. 16 | Rob Hotakainen

While many Americans regard Confederate statues as symbols of hate and want them removed from public spaces, the National Park Service values them.

11. **DOE: Grants fuel research on pulling rare earths from coal**

E & E News, Aug. 16 | Dylan Brown

The Department of Energy today moved into the second phase of its research to extract rare earth elements from coal and its byproducts.



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12. OFFSHORE DRILLING: House lawmakers push Interior to consider all U.S. waters

E & E News, Aug. 16 | Kellie Lunney

More than 100 House members are urging the Interior Department to consider all 26 planning areas in the outer continental shelf in the administration's new five-year leasing plan for offshore oil and gas exploration and drilling.

13. NATIONAL MONUMENTS: No change for Calif. Sand to Snow site — Zinke

E & E News, Aug. 16 | Jennifer Yachnin

Interior Secretary Ryan Zinke granted a sixth reprieve in his review of public lands today, declaring he will recommend no changes to California's Sand to Snow National Monument.

14. INFRASTRUCTURE: Lawmakers weigh environmental effects of Trump's order

E & E News, Aug. 16 | Arianna Skibell

Members of the House United for Climate and Environmental Justice Task Force are condemning President Trump's infrastructure order as a gag on public comment that will put the environment at risk for the sake of "corporate profit."



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UTAH – FULL STORY

1. Charges 'lack factual foundation,' says attorney for man accused of starting the Brian Head Fire

The Salt Lake Tribune, Aug. 15 | Tiffany Frandsen

Cedar City • During an initial court appearance of a Taylorsville man charged with accidentally starting the 71,000-acre Brian Head Fire — which destroyed 13 residences and cost about \$34 million to fight — the man's attorney said "there are charges in this case that we believe lack factual foundation."

Robert Ray Lyman, 61, was charged last month in 5th District Court with one count of reckless burning, a class A misdemeanor punishable by up to a year in jail and a \$2,500 fine. He also is charged with one count of class B misdemeanor failing to notify authorities or failing to obtain a permit before burning, which carries a penalty of up to six months in jail and a \$1,000 fine.

On Tuesday, Lyman's attorney, Andrew Deiss, asked Judge Keith Barnes to set a preliminary hearing, which was scheduled for Oct. 11. At that time, prosecutors must present enough evidence to show there is probable cause for the case to advance to trial.

After Tuesday's brief court appearance, Deiss told reporters: "Like all of us, Bob Lyman is distraught about the damage the fire caused. And, like all of us, he's grateful to the men and women, the first responders, who had to fight the fire, and those who had to deal with the aftermath."

Authorities have said the fire — which forced about 1,500 people to evacuate across Iron and Garfield counties — was sparked accidentally June 17 by a man torching weeds at a Brian Head cabin owned by Lyman.

"There are lots of rumors out there spinning around," Deiss said. "A lot of them are not true."

Lyman declined to answer questions from news reporters.

Lyman's cabin, according to Iron County property records, is located next to State Route 143, slightly north and downhill from the resort town. A photograph of the cabin figures prominently on a Facebook page for Lyman, who was a longtime West High School head basketball coach



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and Weber State University assistant basketball coach. The Salt Lake Tribune named him coach of the year in 2009, when he led West High to the 4A championship.

The fire burned for nearly a month through brush and beetle-killed timber in hot, dry conditions. It initially raced south and briefly threatened to torch dozens of cabins and businesses in Brian Head, a popular getaway for Las Vegas residents. Then the blaze turned northeast, where it destroyed cabins near the fishing destination of Panguitch Lake.

According to 911 calls released last month, the fire started as a weed-burning project.

“We’re trying to fight this, but it’s getting out of control. ... We need help!” a man at the cabin told an emergency dispatcher at about noon June 17. “It’s like 50 feet by 50 feet. It’s big — we need help!”

Deiss said Lyman came forward and cooperated with the investigation from the beginning.

“While we appreciate the prosecutor’s efforts and the investigator’s efforts to get to the bottom of this, there are charges in this case that we believe lack factual foundation, and we think will be exposed in the fullness of time,” Diess told reporters. He did not comment on whether Lyman’s cabin was damaged by the wildfire.

Utah is expected to share the cost of the blaze — among the highest for a Utah wildfire — with the U.S. Forest Service and the Bureau of Land Management, Lt. Gov. Spencer Cox has said. The government also often tries to recoup some costs from the person convicted of starting wildfires and from that person’s insurance policy. For example, settlements with two men responsible for the 2012 Saratoga Springs Dump Fire — which cost more than \$3.5 million to fight — totaled \$435,000.

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2. **7 Utah counties exploring experimental nuclear power from ‘molten salt’**

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the environment for millennia. And to sweeten the deal, medical isotopes could be harvested from a process.

Such technology, using thorium instead of uranium as a core fuel, is proven to some extent and Utah is well-positioned to lead the nation in developing what could be a world-changing energy source, according to experts and entrepreneurs who testified recently before the Utah Legislature.

Now a Utah startup is developing a thorium reactor, perhaps the first in the U.S. in half a century, and a consortium of eastern Utah counties is exploring whether to participate in the project. The Seven County Infrastructure Coalition (SCIC) last month issued a request for qualifications (RFQ) seeking a "project analyst" to evaluate "a thorium energy facility for producing electricity, etc. as proposed by Alpha Tech Research Corp."

Alpha Tech incorporated last year with Salt Lake City data entrepreneur Nick Baguley and Brigham Young University professor Matthew Memmott at the helm. The firm is looking to site a 30-megawatt test reactor in Utah to produce medical isotopes and other valuable materials. On Friday, Baguley declined to identify the other materials, citing proprietary concerns.

"We are a young company working on a technology that is not only cutting edge, but could have significant impact on the world," Baguley said.

Utah is rich in two of the three elements — beryllium and lithium — needed to create a form of liquid salt best suited for conveying heat energy in thorium reactors, Memmott, an assistant professor chemical engineering, told the SCIC board last month.

Utah's salt flats hold a lot of lithium, while 85 percent of the world's beryllium comes from a mine near Delta, Memmott said. The state also has a host of rural sites ideal for locating such a test reactor while maintaining proximity to an airport for rapid shipping of medical isotopes to customers worldwide, he said.

"A Utah thorium reactor," Memmott said, "is a perfect fit."

However, the coalition's involvement has raised concerns about the use of limited county resources in such a speculative venture. Nor is it clear how the thorium proposal squares with the coalition's legal mission, which is to "build essential regional infrastructure elements," such as pipelines, roads, transmission and rail needed to deliver extracted minerals and power to markets.



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"It's very early on, but the thing that's exciting has to do with medical isotopes from the byproducts," said Mike McKee, who recently left his seat on the Uintah County Commission to head the county coalition. The other counties involved are Duchesne, Daggett, Carbon, Emery, Sevier and San Juan. The group has set aside \$25,000 to evaluate Alpha Tech's proposal and explore whether it wants to participate.

The coalition's initial request for qualifications drew no adequate responses by its Aug. 1 deadline, so the board extended its request by another month, according to McKee.

"The whole idea of the RFQ is for projects we take on, we want to make sure they are solid," he said. "This may or may not be a project we pursue."

The coalition's financing and procurement practices have recently come under intense scrutiny by Utah Treasurer David Damschen, who believes the group could be flouting accountability standards.

As a new member of the state Community Impact Board (CIB), which gives out federal mineral royalties to rural counties, Damschen has raised numerous concerns about the coalition's management of CIB grants—its sole source of revenue. At recent meetings, the state treasurer has openly wondered whether the coalition steers contracts to insiders instead of the best qualified people and spends public money in ways that provide minimal public benefit.

"We are being unfairly beat up," McKee said of the criticism. As to the thorium reactor project, he said the coalition has not made any commitments, beyond exploring the idea.

"We are trying to do everything we can to enhance the economy of rural Utah," he said. "We want to do everything right. When you are talking potentially 7,000 to 10,000 of jobs for rural Utah, I wouldn't be doing my job if I didn't check this out."

But thorium technology has years of costly research and development ahead before it's ready to produce power and isotopes, according to Mike Simpson, a University of Utah metallurgical engineering professor.

"It's not accurate to say it's proven to work. Aspects of it have been proven, but everything that has to be tied together hasn't happened," said Simpson, adding he would provide advice to the coalition for free. "They still need another 10 years to perfect this, and it would be great. There's lots of thorium. You could get thousands of years of energy out of it."



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But many technical hurdles remain and these rural counties are not positioned to help address these challenges other than siting assistance for a reactor, Simpson added.

Thorium is an abundant silvery metallic element listed at No. 90 on the periodic table of elements, two doors up from uranium. It was discovered in 1829 and named for Thor, the Norse god of thunder. The nation's richest deposits are at Lemhi Pass on the Idaho-Montana border. But currently thorium has little value and is considered a waste byproduct of rare-earth mining.

Thorium was the subject of nuclear research in the late 1960s at the Oak Ridge National Laboratory, but the lab's thorium reactor was shuttered in 1973 as the Cold War era tilted the U.S. toward light-water uranium reactors with their ability to produce fissile material used in nuclear weapons.

Consequently, the U.S. has to import its medical isotopes, even though they are used in 20 million health care procedures a year. Congress has mandated that the nation develop a domestic source by 2025.

"We could produce the first medical isotope industry in the U.S. here in Utah," Memmott said.

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3. Solar Eclipse: Don't use the solar eclipse protective glasses handed out at the University of Utah — they might be defective

The Salt Lake Tribune, Aug. 15 | Alex Stuckey

Protective glasses handed out by the John A. Moran Eye Center ahead of the Aug. 21 solar eclipse may not work — and center officials are asking Utah residents to throw them away.

Earlier this month, the Salt Lake City-based center handed out 1,000 free solar eclipse glasses, which look similar to 3-D movie theater glasses and block out all but one-millionth of the sun's rays. After those 1,000 ran out, Moran optical shops sold them for \$1.50 each.

But on Sunday, the center was notified via email by Amazon.com that those glasses were being recalled, according to a University of Utah news release.



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“Amazon has not received confirmation from the supplier of your order that they sourced the item from a recommended manufacturer,” the email stated. “We recommend that you do not use this product to view the sun or the eclipse.”

Glasses with a Clark Planetarium label are fine, the news released stated.

Looking directly at the Sun anytime — during an eclipse or not— risks permanent damage to the retina’s macula, an oval-shaped area at the center of the retina which controls high-resolution and color vision. The damage manifests as blurred or blind spots in the center of vision, making it difficult to read or distinguish facial features.

Individuals who purchased glasses can receive a refund from where they bought them. For questions, individuals can call 801-587-0712 from 7 a.m. to 9 p.m.

True eclipse glasses meet a worldwide standard from the International Organization for Standardization labeled ISO 12312-2, according to the American Astronomical Society, and make it impossible to see anything else when worn, other than when onlookers turn their vision toward the Sun.

The eclipse can also be viewed behind welder’s glass with a number 14 filter or greater, according to National Aeronautics and Space Association. More information on recommendation vendors for the glasses can be found at nasa.gov.

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4. **Traveling to see the total solar eclipse? Here is what you can expect**

The Salt Lake Tribune, Aug. 16 | Kelly Gifford

Storee Powell planned on being one of the many Utahns heading north to witness the total solar eclipse on Monday.

She and her husband would pack up their car and head to Shelley, Idaho, just south of Idaho Falls, to watch the moon block out the sun, turning day to night for two minutes, from her parents’ backyard. The trip normally takes the Logan couple just under two and half hours, but after hearing how bad the traffic is supposed to be, she had a change of heart.



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"It is disappointing," she said. "It's my home and I feel like I should be able to go there, but I don't think it's something we can swing."

Powell will be among the thousands to view a partial eclipse from the Beehive State. Those planning to trek north to Idaho or Wyoming should prepare to be patient, Utah traffic officials say, especially on Interstate 15.

The I-15 corridor is expected to be one of the most trafficked routes on the path of the total eclipse. Travelers as far south as Arizona and west as Los Angeles are expected to journey to Idaho.

Up to a half million additional vehicles could make their way to Idaho, a Utah Department of Transportation spokesman said, making delays inevitable. Idaho and Utah transportation officials have postponed or adjusted construction projects to open up as many lanes as possible.

Idaho Transportation Department (IDT) personnel are more concerned about safety and travel on the day of the eclipse and immediately after the two minutes of totality, said department spokesman Vince Trimboli. He worries about standstills and warned that if drivers are on a blocked road when the eclipse happens, they should move onto a shoulder or parking area off the road to watch the eclipse safely.

If travelers don't need to leave immediately after the eclipse, Trimboli advised that they don't. Staggering exit traffic as much as possible could mean shorter waits for gas and food on the route home.

There will be portable toilets and pull off locations in the eastern Idaho area to accommodate travelers, he said. Law enforcement will be on standby to conduct traffic control and respond to emergencies.

"Travelers need to be prepared with food, water and gas and we ask them to be patient," Trimboli said. "We want everyone to enjoy this rare event."

In reaction to what may be massive crowds, Idaho emergency managers and tourism officials have compiled a list of items travelers should bring.



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- A paper map: Cell service is spotty in many of the areas along the path of totality and there will be limited places to charge a phone. Plotting your route on a physical map and getting acquainted with using one is a safe bet against getting lost if a phone dies.
- Eclipse glasses: Regular sunglasses will not shield your eyes from the sun's rays. When purchasing eclipse glasses, make sure they meet the International Organization for Standardization requirements and are labeled ISO 12312-2. Welder's glass with a number 14 filter or greater can also be worn. (Amazon.com recently recalled protective glasses handed out by the John A. Moran Eye Center because they may be defective. Throw those glasses away if you have them).
- Water: At least two gallons per person per day.
- Food: Bring non-perishable foods, like granola bars, and a cooler for other items.
- A full tank of gas: Traffic is anticipated to be backed up before, during and after the eclipse. Plan ahead and map out fuel stops.
- Cash: Not every business in Idaho or Wyoming will take debit or credit cards.
- First aid kit: bandages, ibuprofen, antibiotic ointment, and emergency contact information are some of the essentials to have in a kit.
- Flashlights
- Extra batteries and chargers for electronic devices.
- Download the Idaho Transportation Department's I-15 app: when you have cell service, you can check the traffic.

In Utah, commuters should anticipate delays after work Monday evening as eclipse-goers head home, UDOT spokesman John Gleason said, especially along I-15 possibly all the way into Salt Lake County.

"Travel could be completely insane and a total nightmare or you won't even notice it," Gleason said. "We are at such a rare event, pretty much a one-time deal, it's really hard to anticipate how it's going to affect our roads."

Salt Lake City resident Jason Crowell wants to share the experience of an eclipse with his two daughters in Stanley, Idaho. Crowell witnessed his first solar eclipse almost 40 years ago in Oregon through a homemade cardboard pinhole camera.

Although watching the moon pass across the sun was enchanting, the now-46 year old said what he remembers most was the anticipation from his teachers, parents and neighbors. Crowell will



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brave the Monday traffic following the eclipse, which will be worth the hassle to share such a rare event with his daughters and family.

“What I hope most is that they get a sense of wonder for it all,” Crowell said. “You have the sky go dark in the middle of the day and you can see stars and planets that you don’t always get to see.”

“The rarity of it is spectacular.”

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5. **CAMPAIGN 2017: Former Provo mayor wins GOP bid to replace Chaffetz**

E & E News, Aug. 16 | Nick Sobczyk

Former Provo Mayor John Curtis won the Republican nomination in the race to fill the Utah seat formerly held by Rep. Jason Chaffetz (R).

Curtis, the moderate in the Republican primary contest, took just over 40 percent of the vote, beating out former state Rep. Chris Herrod and political newcomer Tanner Ainge.

Chaffetz's former district is in southeastern Utah, near the controversial Bears Ears National Monument, and the future of public lands played a major role in the primary race (Greenwire, Aug. 15).

Should Curtis beat Democrat Kathie Allen in the general election, he'll likely look to work with other Utah Republicans, like House Natural Resources Chairman Rob Bishop, on public lands policy.

Unlike the other two Republican candidates, Curtis has not advocated for rescinding the Bears Ears designation entirely, but he has expressed support for Bishop's Public Lands Initiative, an effort meant to provide an alternative to the monument.

Curtis emerges from a campaign that featured a barrage of attack ads from outside political action committees, including the deeply conservative Club for Growth Action, which backed Herrod in the race.



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Club for Growth and another PAC that backed Ainge both took aim at Curtis for an alleged lack of conservative credentials and his past voter registration as a Democrat.

But Curtis maintained an air of positivity in the campaign, and his ads featured him shooting at attack mail with a gun.

"They said you couldn't survive almost a million dollars of attack ads aimed at your character," Curtis told a crowd of supporters last night.

Curtis is the likely favorite in the general election. The 3rd District is historically conservative, and since his election in 2008, Chaffetz consistently tallied more than 70 percent of the vote in his re-election campaigns.

Still, Allen, a physician who was nominated at the Democratic Party's state convention in June, shares Curtis' disdain for outside spending.

"As the campaign moves now to the general election, I hope that the out-of-state Super PACs that have dumped so much money into negative ads will pack up, go home, and let Utah voters decide for themselves who ought to represent them in Congress," Allen said in a statement last night.

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6. **1 killed, 5 injured in Bonneville Salt Flats crash**

KSL News, Aug. 16 | Pat Reavy

WENDOVER — One person was killed and five others injured in a head-on crash Wednesday morning at the Bonneville Salt Flats.

Tooele County Sheriff's Lt. Ron Johnson said the crash was between two vehicles filled with spectators and did not involve any vehicles participating in Speed Week, currently going on at the raceway.

Just before 9 a.m., a Ford single cab truck and a Toyota Sienna were traveling in opposite directions in the "return lane," the lane used by racers who have just completed their event and are returning to the start area, Johnson said.



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There were four people in the truck; a 73-year-old male driver and three male passengers, ages 48, 65 and 77. The minivan had two people inside; a male driver, 74, and a female passenger, 75, officials said.

For an unknown reason, the truck veered into the path of the minivan and they hit head-on, officials said.

Three people were flown by medical helicopter in critical condition, and two were taken to local hospitals by ambulance. Officials said the deceased person was the 65-year-old man in the truck, but he did not have any other information Wednesday afternoon about the condition of the victims.

The Utah Highway Patrol was helping to reconstruct the crash Wednesday afternoon to determine how fast the vehicles were going. Officials did not know if the vehicles were supposed to be in the return lane.

Speed Week features more than 400 vehicles and drivers from all over the world. Participating vehicles have been known to reach 400 mph on the open Salt Flats.

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E&E/NATIONAL NEWS – FULL STORY

1. **Defense attorneys withhold closing arguments in Bunkerville retrial**

Las Vegas Review-Journal, Aug. 15 | David Ferrara

Defense attorneys sat silently Tuesday, rather than give closing arguments for the four men facing a retrial in the Bundy Ranch standoff.

Hamstrung throughout the trial by a judge's decision to limit the witnesses they could call, the questions they could ask and the testimony their clients could give, the lawyers made the final decision, a statement of sorts, after discussing the option with the defendants — Eric Parker, Scott Drexler, Steven Stewart and Ricky Lovelien — during a lunch break.

“It was a strategic decision,” said lawyer Jess Marchese, who represents Parker. “We thought we gained more by not giving a closing argument than the government giving a rebuttal.”



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Assistant U.S. Attorney Nadia Ahmed spent more than two hours in the late morning and early afternoon laying out the case against each of the four men, charged with driving from other states to Bunkerville in April 2014 to support rancher Cliven Bundy, who prosecutors allege conspired to thwart the federal government's roundup of roughly 1,000 cows from public land.

Earlier this year, another jury declared that they were deadlocked on all counts against them.

On Tuesday, the prosecutor pointed to social media posts in which the men discussed the activities in the rural southeastern Nevada town, about 80 miles northeast of Las Vegas. She played video of Bundy speaking to a crowd outside his ranch, encouraging his followers to "do what you need to do" to retrieve his cattle from the Bureau of Land Management.

At one point, Ahmed flashed a Facebook post from Lovelien written in all capital letters: "All oathkeepers and militia in proximity need to move into defcon 1 mode."

The prosecutor repeatedly showed photos of Stewart and Parker, prone on Interstate 15 with long guns pointed toward federal agents.

"We pushed forward and they had to back off," Stewart wrote on Facebook.

Parker was captured on video being asked whether the standoff could have turned violent. "Absolutely," he replied.

Ahmed said the defendants' "words, their attire, their positions and their decisions" proved their guilt. "The intention of these co-defendants is clear. They intended to threaten officers. Officers feared for their safety."

A day earlier, attorney Todd Leventhal called his client, Drexler, to testify and say that he did not intend to threaten anyone in Bunkerville. But Drexler admitted to pointing his gun at federal agents.

"We were going to get drowned out anyway," Leventhal said of the decision not to offer a closing argument. "And there wasn't much more we could add."



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U.S. District Judge Gloria Navarro barred the defense from referencing constitutional rights to freely assemble and to bear arms. She also prohibited mention of alleged misconduct or excessive force by law enforcement.

Stewart's lawyer, Rich Tanasi, agreed with Leventhal.

"It was the best decision available to us at the time," he said.

The lack of a final statement from the defense left acting U.S. Attorney Steven Myhre without a rebuttal, a common feature of jury trials. Prosecutors have the right to argue last because they are charged with the burden of proof.

Shawn Perez, who represents Lovelien, added defense closing statements could have backfired.

"We were going to get hammered on rebuttal," he said. "We would have been slammed one way or another."

As the six men and six women on the jury began to deliberate, about 30 supporters of the defendants gathered in a circle on the seventh floor, just down the hallway from the entrance to Navarro's courtroom.

The group held hands, knelt and prayed for "divine protection" for the "political prisoners" who have been locked up through both trials.

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2. **Op-ed: Under new Interior Department plan, sage grouse will suffer**

High Country News, Aug. 15 | James Lyons

Somehow, Interior Secretary Ryan Zinke needs to recognize that the greatest threat to economic development in sage grouse territory is not the existing sage grouse conservation plans, but the threat of losing the "regulatory certainty" that they provide. Lose the predictability necessary to encourage investment in the sagebrush landscape, and its communities are likely to become endangered along with the Greater sage grouse.



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Zinke has now directed Interior Department staff to modify or issue new policies for oil and gas leasing, including waivers, exceptions and modifications in priority habitats, despite expert advice that further energy development in priority sage grouse habitat should be avoided.

In fact, Zinke would open all sage grouse lands to energy development. This reverses current policy to lease and develop non-habitat first and ignores an independent oil and gas study that 79 percent of priority habitat areas have zero-to-low potential for oil and gas. And it is counter to the best practices of leaders in the energy business.

Also against expert advice (including, apparently, the counsel of Wyoming Gov. Matt Mead), Zinke intends to establish state population goals, captive breeding and predator control programs that he believes will benefit grouse populations. The Western Association of Fish and Wildlife Agencies questioned the population strategy, suggesting instead that preventing habitat conversion and degradation “will be necessary” to avoid listing.

One positive in the Zinke plan is the continued commitment to address rangeland fire, to combat cheat grass, and restore fire impacted areas. Fire is the principal threat to the bird in the western portion of its range, and preventing fire and restoring burned-over lands is critical to maintaining healthy sagebrush habitat and the bird’s survival. Another positive is the expressed interest “by most states in retaining the 2015 Greater sage grouse plans.”

Led by former Interior secretaries Ken Salazar and Sally Jewell, the Interior Department worked with Wyoming Republican Gov. Mead and Colorado Democratic Gov. John Hickenlooper, plus leadership from all 11 states in the species’ remaining range, to develop a strategy to conserve the bird and its habitat. Mead and Hickenlooper were joined by Nevada Republican Gov. Brian Sandoval and Montana Democratic Gov. Steve Bullock in September 2015, when Jewell and the U.S. Fish and Wildlife Service announced that the resulting state-federal sage grouse conservation plan provided enough “regulatory certainty” to protect this unique Western species so that Endangered Species Act protection would not be needed.

The land management plans that comprise the strategy were developed by the Bureau of Land Management and the Forest Service, but there was involvement from all the affected states, the U.S. Fish and Wildlife Service and the U.S. Geological Survey, as well as the Agriculture Department’s Natural Resources Conservation Service. Suggestions from public land users, locally elected officials, cattlemen, sportsmen and women, and other stakeholders were a major



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part of the process. And the conservation strategy benefitted private ranchlands, too. It was an all-lands approach, and the level of coordination and collaboration was unprecedented.

The Zinke directive, announced in conjunction with the sage grouse review, risks snatching defeat from the jaws of victory, particularly as it emphasizes that sage grouse conservation must not impede President Donald Trump's efforts to achieve American energy dominance.

How the report is interpreted and implemented by the Interior Department and BLM leadership will be critical. What they do to implement proposed changes in the plans and the process they follow will require close examination. A transparent process is important. Since changes will affect public lands, the public has a right to know how their lands and resources are impacted. The former Bush administration appointees now on Zinke's Interior leadership team amplifies that concern, as they previously ignored calls for sage grouse conservation. Instead, these appointees accelerated oil and gas development on the public lands.

The 2015 state-federal sage grouse strategy was based on a review of threats to the bird's survival that was completed by a group of state and federal sage grouse experts. The team made clear the urgent need to "stop the bleeding" of continued population declines and habitat loss and that conserving all remaining 35 million acres of priority sage grouse habitat "must be a priority" since only half of the bird's historic habitat remains.

That is the strategy that still makes sense. But, if this and other key elements of the strategy are substantially modified or ignored, this new plan will not work. One can only hope that the wisdom of Western governors will still be consulted by the Interior Department.

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3. **CLEAN WATER RULE: Calif. farmer to pay \$1.1M penalty, ending wetland fight**

The Washington Times, Aug. 15 | Ben Wolfgang

On social media, one thing is clear: Cute animals and sunsets often trump politics.

Amid a host of policy shifts from the Obama to Trump eras, one thing that has remained constant at the Interior Department is its massive online following, driven primarily by daily posts featuring wildlife, scenic landscapes and breathtaking views of the nation's national parks.



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Within the federal government, Interior's following on Twitter, Instagram, Tumblr and other platforms is rivaled only by NASA, the Pentagon and President Trump.

The department's social media prowess began in 2014 but has continued virtually unchanged into the Trump administration, making it the exception rather than the rule while Interior Secretary Ryan Zinke overhauls the department in a number of areas.

Unlike the vast majority of government social media accounts, which exist largely to make policy announcements, regurgitate press releases and post mundane photos of federal officials at public events, Interior — much like NASA has done with captivating photos of and from outer space — views its accounts in a fundamentally different way.

A key aspect is offering Americans an easy way to see gorgeous sites from across the country that they never have viewed in person and, in some cases, may have never even heard of.

"We think of it as an art gallery in the sense of trying to balance locations — not just parks, it's also wildlife refuges and public lands," said Rebecca Matulka, deputy director of digital at Interior, who spearheaded the approach when she joined the department in 2014. "We try to balance and showcase some of the lesser-known places with the more popular places."

Two weeks ago, for example, the department tweeted photos of a sunset at Wyoming's Grand Teton National Park, kayakers at California's Lake Berryessa and a sleeping bear at Alaska's Katmai National Park and Preserve to mark "National Lazy Day."

Interior also has used social media to launch a comprehensive guide to the upcoming solar eclipse, offering advice on which public lands will provide the best viewing experiences.

The response from social media users, by government standards, has been impressive and often dwarfs those of other agencies and departments.

On Aug. 4, the Energy Department posted on Instagram a photo of its headquarters to celebrate the 40th anniversary of its founding in 1977. The photo garnered 323 likes.

The same day, Interior posted a photo of small burrowing owls for "Owl Awareness Day." It drew nearly 50,000 likes.



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On Twitter, the department has 3.95 million followers. By comparison, Energy has 753,000, the Justice Department has 1.45 million, the Environmental Protection Agency has 570,000, Homeland Security has 1.44 million and the Education Department has 1.26 million.

The Defense Department outpaces Interior with 4.8 million, as does NASA, with a whopping 25.2 million followers.

Mr. Trump, though, takes the top prize on social media following, with well over 35 million followers on Twitter.

Analysts say Interior's approach to social media is noteworthy, though the department, like NASA, benefits greatly from the fact that it has a better product to show to the American people.

National parks and cute animals at wildlife refuges are simply more exciting and visually appealing than virtually anything the Department of Health and Human Services, which has 699,000 followers on Twitter, for example, has to offer.

"They have a different client or target population. Interior, through the national parks, deals with people directly," said Lori Brainard, a professor at George Washington University who specializes in how the federal government communicates with citizens and disseminates information. "We all in the course of our lives will touch the Department of Interior, but we don't necessarily touch communications regulations or we don't directly touch [the Federal Energy Regulatory Commission]."

"It's a lot more immediate in our lives, and I think people are more inclined to follow," she said. "The national parks may be one of the few things we can all agree on. We all value them. We may want them regulated in different ways, but we all sort of value them."

The social media success, with its heavy focus on national parks and monuments, comes even as Mr. Zinke undertakes a sweeping review of more than 20 monuments. The purpose of the study, ordered by Mr. Trump in April, is to determine whether past presidents — especially President Obama — abused executive authority in creating the sites, which by law are supposed to be limited to the smallest area possible.



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Mr. Obama used presidential power to cordon off massive swaths of wilderness and sea to prevent energy exploration and other activities.

While Interior has built its internet following largely on national monuments, critics say, Mr. Zinke is actively waging war on those locations.

“Our national monuments remind us what we share as a country, who we are as a people and what we as Americans value enough to protect and conserve,” Rhea Suh, president of the Natural Resources Defense Council, said last week. “Protecting each of these treasures is a promise we’ve made to our children — and a promise we’re going to keep. If this administration tries to violate that, we’ll hold the president to account in the court of public opinion and in our courts of law.”

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4. **Stop with the 'catastrophic wildfire' scare tactics**

The Pacific Standard, Aug. 15 | Jimmy Tobias

Wildfires can be a fright to witness. If you've ever watched a fir tree burst into flames, or experienced the furious heat of burning underbrush, or seen the towering columns of smoke and ash that incinerating forests throw into the sky, then you know what I'm talking about. Wildfires are an awesome and awful force. They move fast, they burn hot. Sometimes they destroy homes, sometimes people get caught in their path.

Fire season is underway right now in the American West. In places like eastern Idaho or western Montana, where I live, fires can be found in pretty much every direction, roads are often blocked, and forests can be closed for weeks due to burning timber. For those living in such a place, it's reasonable to be anxious, afraid, even a bit annoyed.

Industrial interests, political operatives, and fast-talking politicians recognize this fundamental reality, and they make the most of it. Indeed, they have become adept at exploiting fear of wildfires to promote their own ends and agendas.

Consider, for instance, the phrase "catastrophic wildfire." It's a term that evokes calamity, cataclysm, havoc, and horror; it's also a common utterance these days. The media uses it.



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Government officials use it. Even climate activists use it. But no one uses it more frequently than industrial interests, anti-conservation activists, and their political allies.

Here, for instance, is an excerpt from a 2016 blog post featured on the website of the American Land Council, a leading member of the public lands seizure movement, which perfectly summarizes the right-wing rhetoric around "catastrophic" wildfires:

Wildfires occur naturally and have always been a part of the seasonal cycle in the West, it declares, but the size and intensity of the fires have dramatically increased in recent years due, in large measure, to the gross mismanagement of the national forests by the U.S. Forest Service and the incessant lawsuits of radical environmentalists that have thwarted all reasonable attempts at proper forest management.

Similar messaging has been deployed in recent months around forest policy on federal lands as the timber industry and its friends on Capitol Hill try to pass the Resilient Federal Forests Act of 2017. The bill aims to cut loopholes in environmental laws and reduce public involvement in federal management decisions in order to boost timber production on national forests and the like. The justification for doing so? Nick Smith, the executive director of Healthy Forests, Healthy Communities, a timber-industry-allied non-profit, explains in the Hill:

Congress should pass this legislation without delay, because the Forest Service estimates that at least 58 million acres of national forest are at high, or very high, risk of catastrophic wildfire. Due to bureaucracy, litigation and the unsustainable costs of fighting today's mega-fires, the agency treats only a small fraction of this amount on a yearly basis.

The message is clear: Catastrophic wildfires are big and scary and omnipresent, and the only way to defeat them is by cutting more timber, even if that means hamstringing environmental laws.

It's war rhetoric, basically, and it's in vogue right now. Trouble is, "catastrophic wildfire" is mostly a myth. It is an ill-defined, alarmist, and politically driven catchphrase that obfuscates science and stirs up fear. It's a term whose regular, propagandistic use has rendered it almost meaningless.

"The term catastrophic wildfire is scientifically bankrupt, there is no question about it," says Chad Hanson, a research ecologist and fire expert with the John Muir Project in California. "It has no scientific credibility."



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"It is a political and economic term," he adds, a "cudgel" used by politicians and interest groups to frighten people into supporting policies (like the Resilient Federal Forests Act) that are not in the public interest.

Hanson has studied the effects of large, high-intensity wildfires for years and, along with many other scientists, he believes the prevailing political discourse about wildland fire in the United States is fundamentally misinformed.

For one, the common perception, often promoted in the media, that wildfires are out of control and overrunning the American West is deeply flawed. In fact, nearly the opposite is true. The New York Times, in an August profile of Hanson's work, reported that "reams of evidence suggest the acreage that burned [in the U.S. before European settlement] was more than is allowed to burn today—possibly 20 million or 30 million acres in a typical year. Today, closer to four or five million acres burn every year."

What's more, it's not at all clear that wildfires have become more severe, or more "catastrophic" in recent years, as popular narratives might suggest. Hanson, for instance, points to a peer-reviewed paper published by The Royal Society in 2016 that found little indication that fires have become more severe in the American West."

[M]any consider wildfire as an accelerating problem, with widely held perceptions both in the media and scientific papers of increasing fire occurrence, severity and resulting losses. ... However, important exceptions aside, the quantitative evidence available does not support these perceived overall trends. Instead, global area burned appears to have overall declined over past decades, and there is increasing evidence that there is less fire in the global landscape today than centuries ago. Regarding fire severity, limited data are available. For the western USA, they indicate little change overall, and also that area burned at high severity has overall declined compared to pre-European settlement.

Even when fires do burn hot, even when they ignite canopies and sweep through large swaths of forest, they are often highly beneficial from an ecological standpoint.

"What hundreds of studies show is that patches of high-intensity fire creates one of the most ecologically important and biodiverse habitat in our forests, it creates snag forest habitat," Hanson



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says. "That habitat type is comparable in terms of wildlife abundance and native biodiversity to old growth forest. It is incredibly vibrant."

Timothy Ingalsbee, a fire ecologist and the executive director of Firefighters United for Safety, Ethics & Ecology, an organization that advocates for fire policy reform, largely agrees with this assessment. He believes the "catastrophic wildfire" hype is a harmful influence on forest policy in the U.S.

"I don't think [the term] really has scientific merit, that is the bottom line," he says. "It is popular vernacular that got picked up and adopted and used, but I don't think it has any scientific merit and there are no real metrics for it either." His organization publishes a "reporter's guide to wildland fire" that warns journalists against using often inaccurate and explicitly pejorative terms like "catastrophic" to describe wildfires. "[T]hese words," the guide asserts, "have become politicized terms with not-so-subtle ideological intentions for promoting fire policies that favor existing bureaucratic institutions and economic interests."

None of this, of course, is meant to suggest that wildfires can't cause catastrophe. As Hanson readily admits, any loss of human life or property is always a catastrophe and fires can result in both. Stephen Pyne, a prominent fire historian and a professor at Arizona State University, adds that one might also call a catastrophe any fire that results in the eradication of endangered species populations or the spread of invasive species like cheatgrass, to offer a few examples.

But Pyne too believes that the term "catastrophic wildfire" is often used to promote particular political ends.

This country has many problems related to fire, including a fire deficit in many places, he says, and "lumping them all together under a label of catastrophic fire isn't helpful."

Ultimately, the point is this: Be skeptical of the prevailing discourse about forest fires. Next time you hear a politician, lobbyist, reporter, or a climate campaigner use the phrase "catastrophic wildfire," understand that someone, whatever the intention, may be misleading you.

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5. Do we have too many national monuments? 4 essential reads

High Country News, Aug. 16 | Jennifer Weeks

Under an order from President Donald Trump, Interior Secretary Ryan Zinke is reviewing the status of 27 national monuments that were designated or expanded by presidents as far back as Jan. 1, 1996, using authority under the Antiquities Act.

Conservation groups and Native American tribes strongly support creating national monuments to protect sensitive lands and public resources from development or exploitation. But other stakeholders, including adjoining communities and businesses that use the areas in question, often view these steps as federal land grabs. The Interior Department received more than 1.2 million public comments on the review.

Zinke has already said he will recommend scaling back Bears Ears National Monument in Utah and has removed three sites in Colorado, Idaho and Washington from the review list. He is scheduled to issue recommendations for the remaining 24 sites by August 24. They could include rescinding some national monument designations or altering boundaries.

Can the Trump administration do that, and what's at stake? Our experts offer some answers:

The law that started it all

Congress passed the Antiquities Act in 1906 to give presidents power to protect land quickly, without having to get consent from Congress. Initially it was meant to preserve historically valuable archaeological sites in the Southwest that were being looted by "pot hunters" and scavengers.

But as Boise State University public policy scholar John Freemuth observes, presidents soon were using it much more expansively – and affected interests pushed back:

"Use of the Antiquities Act has fueled tensions between the federal government and states over land control – and not just in the Southwest region that the law was originally intended to protect. Communities have opposed creating new monuments for fear of losing revenues from livestock grazing, energy development, or other activities, although such uses have been allowed to continue at many national monuments."



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Freemuth predicts that “future designations will succeed only if federal agencies consult widely in advance with local communities and politicians to confirm that support exists.” One question Zinke is considering is whether there was enough consultation in connection with the monuments on his list.

The value of national monuments

Today national monuments protect many unique resources. As law professors Michelle Bryan and Monte Mills of the University of Montana and Sandra B. Zellmer of the University of Nebraska-Lincoln point out, looting is still a serious threat to prehistoric rock art and ruins in western states.

Monuments such as Bears Ears also protect places where indigenous people have lived, hunted and worshiped for centuries. The Bears Ears designation was requested by an intertribal coalition and approved after extensive consultation with tribal governments.

Many national monuments also protect scenic lands and areas that are critical habitat for endangered species, such as desert tortoises and California condors. In sum, the authors assert, Trump’s order:

“...makes no mention of the extraordinary economic, scientific and cultural investments we have made in those monuments over the years. Unless these losses are considered in the calculus, our nation has not truly engaged in a meaningful assessment of the costs of second-guessing our past presidents.”

The ocean’s mega-monuments

Under the Antiquities Act, monuments are supposed to be as small as possible in order to be consistent with conservation. But when the goal is to protect whole ecosystems, bigger is usually better.

The Papahānaumokuākea Marine National Monument, which was created by President George W. Bush and expanded dramatically by President Barack Obama, is the largest ocean reserve on the planet, covering nearly 600,000 square miles. That’s a huge step forward for protecting marine life, but a massive management challenge, according to Pomona College professor of environmental analysis Char Miller:



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“I understand why [President Obama] is moving with dispatch (a mash-up of legacy building and opportunity knocks). But I worry that the speed with which these sites have been designated, and their disparate fiscal demands, has outstripped the executive branch’s capacity to underwrite them. My worry is magnified given the strong opposition in the Republican-controlled House of Representatives to the president’s ready use of the Antiquities Act.”

Can presidents unmake national monuments?

If Zinke recommends abolishing or shrinking some national monuments, can President Trump do it by himself? The Antiquities Act doesn’t say anything on this point.

But when we asked four environmental law experts, their view based on other environmental statutes and legal opinions was that such acts would require congressional approval.

Moreover, they noted, Congress has reversed only 10 national monument designations in more than a century. More frequently, it has opted to give these sites even more protection by promoting them into national parks:

The Conversation“Congress has converted many monuments into national parks, including Acadia, the Grand Canyon, Arches and Joshua Tree. These four parks alone attracted over 13 million visitors in 2016. The aesthetic, cultural, scientific, spiritual and economic value of preserving them has long exceeded whatever short-term benefit could have been derived without legal protection.”

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6. Q&A: Sally Jewell thought Zinke cared about Interior. Not anymore

E & E News, Aug. 16 | Brittany Patterson

Sally Jewell is going back to college. Well, sort of.

Last week, the Harvard Kennedy School's Institute of Politics announced that the former chief executive of outdoor retailer REI and Obama-era Interior secretary has accepted a fellowship to teach a series of undergraduate seminars this fall.



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She'll be sharing living quarters with one of the biggest critics of the Obama administration's public lands policies: former Utah Republican Rep. Jason Chaffetz.

Twice a year, Harvard's fellowship program brings six individuals from across the political spectrum together for an immersive semesterlong experience. Jewell will share a dorm-style apartment complex in Cambridge, Mass., with the five other resident fellows, including Chaffetz, who railed against the Obama Interior Department when he was chairman of the House Oversight and Government Reform Committee.

Jewell said she expects the experience to be "very interesting." The pair might even engage in some lively political conversations over beverages. "Well, it probably won't be drinks. I don't think he drinks," Jewell said of Chaffetz, whose Mormon religion shuns alcohol consumption. "Milkshakes, yes, we can settle on that," she said.

Speaking by phone from the office she currently shares with her husband, Warren, in their Seattle home, Jewell said she has been focused on putting the final touches on her eight Tuesday night lectures.

Broadly, the focus will be on the ways government, business and civil society can together shape a future that's both economically successful and environmentally sustainable.

Lecture titles include "Why getting sued can be good" and "If you're not at the table, you're on the menu."

It's a broader view than Jewell could take while head of the wide-ranging Interior Department during President Obama's second term, but one she feels "uniquely qualified" to tackle.

Speaking with E&E News, Jewell discussed what she hopes to cover during her first semester, her view that President Trump's monuments review is "ridiculous" and why she's no longer optimistic about her successor, Ryan Zinke.

It's been announced that you're going to be a fellow at the Institute of Politics in the fall. Can you tell me more about what you hope to be working on there?

I've got an overarching theme, which is: "We don't inherit the Earth from our ancestors; we borrow it from our children." That is something that guided me as a proverb, if you will. But



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basically, it takes a variety of different aspects of civil society in a democracy to shape a sustainable future. It's business, it's government, it's nonprofits and civil society broadly.

I'll be hosting leaders from a variety of different aspects of that who are working together to build understanding to set priorities and to craft policies that shape a nation, a planet that we're proud to leave for future generations.

Are you going to focus on the intersection of public lands with that and climate change, or is this broader?

It's broader, but I'll be using things like that as examples.

One example I may use — and I have not yet approached Dave Archambault [the tribal chairman of the Standing Rock Sioux Tribe] — but would be for Dave Archambault to talk about the Dakota Access pipeline and how going through the regular process did not result in the tribe getting the respect and the dialogue it deserved or needed and the pressure they put on the company to come to the table.

That's still playing itself out in the courts, so it's an unresolved circumstance, but it certainly spoke to — you've got powerful oil interests, who are used to sort of buying their way through the permit process, and then, all of a sudden, 10,000 people amassing to say, "Wait a minute. This is not upholding the trust and treaty obligations we have to Indian tribes." That put tremendous pressure, obviously, on the company and whether, in the short run, you lose a battle, do you win in a way by actually putting it on people's radar and making sure that they're paying attention to tribes in the future as they may not have in the past?

I've got another session that is called "Why getting sued can be good." That is about the importance of nonprofit organizations in accountability and shaping policy. I'll talk about my own experience. In business, you do everything you can to not get sued. You settle, and you want to keep yourself out of the courts, but in shaping public policy, laws are not always clear. They're ambiguous, or sometimes government officials may not be upholding the law in the way people think it was intended. I got sued at Interior on average three times a week. At any given time, there was like 3,500 open lawsuits against the secretary of the Interior.

It sounds like a lot of what you're going to run through really touches on a lot of your time at Interior.



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It's both at Interior and in business. It's bringing a perspective that I have that many people in politics don't have, which is I've run a good-sized business, and I've been a banker, and I've worked with a variety of different industries. It's — do things work within our economy? How do they intersect with government? How can we make it all work better?

I enjoyed watching your road trip on Twitter. What was your favorite stop?

You know, I'll give you my standard answer: I love all my children equally. I would say that Warren and I — Warren's my husband — we took the southern route. We did about 10,000 miles, and I think that [one of the] two things that emerged for us as being really powerful on the trip was the African-American journey from slavery through emancipation, Reconstruction, the Jim Crow era and the ongoing civil rights movement, which of course flared this weekend in Charlottesville, [Va.].

One of the most dramatic examples of that, for me, anyways, was Anniston, Alabama, which was where the Ku Klux Klansmen tried to burn Freedom Riders alive in a bus, both black and white, who were trying to hold the South accountable for desegregation.

That was a very powerful spot. Freedom Riders National Monument is a new national monument proclaimed by President Obama toward the end of his term. He did three, and we went to all three. And that was ... all three of those, but also Selma to Montgomery, Martin Luther King's church in Montgomery, Alabama ... this was all part of our journey. So that was very, very powerful, especially because of current events, not just this weekend, but current events over the last few years of Black Lives Matter.

And then the other thing that I would say that was really powerful was that we spent more time in the newer designated areas, like Organ Mountains-Desert Peaks National Monument in Las Cruces, New Mexico, and Rio Grande del Norte [National Monument] in northern New Mexico, Bears Ears [National Monument] and Grand Staircase-Escalante [National Monument] in Utah. These are places that are not as well-developed. There's just a real wildness and opportunity to sort of immerse yourself in the science, the culture and the history of these places, much of that around the ancient Pueblo people.

The most important thing is these are artifacts that are still in place, and they are left as they should be, with their archaeological and their anthropological context. That was extraordinary. This is an area that is controversial. It's part of President Trump's monuments review, which is



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ridiculous and I think illegal, but nonetheless, we spent time in those places, and that was really powerful.

We are expecting a report on Trump's monument review on Aug. 24. One of the claims that I hear a lot from folks is that the agency under your leadership didn't go far enough with public outreach. How do you respond to something like that when thinking about a place like Bears Ears?

There was a media account of my trip to the area, the number of public meetings I held, exactly what my schedule was, which we provided to anybody that asked on a very detailed basis, unlike what I think what's happening now.

In June of 2016, I spent four days in the area. I met with the Emery County Commission, the Grant County Commission and the San Juan County Commission. I met with the Bears Ears Inter-Tribal Coalition. I met with tribal members who were opposed to a national monument designation. Embedded with me were reporters from the Deseret News in Salt Lake and The Salt Lake Tribune and the [Associated Press] and also members of Chaffetz's staff, [Utah Republican Rep. Rob] Bishop's staff, [Utah Republican] Sen. [Orrin] Hatch's staff and [Utah Republican] Gov. [Gary] Herbert's staff.

So I did extensive meetings there, and I held a very large open public meeting at which 1,500 people attended, and we took comments, both orally and in writing. We had to use a lottery system, because more people wanted to speak than we would have had time for, but we spent four hours listening to very different points of view in a very thoughtful and open way. It was extensive outreach for Bears Ears in particular.

Under your tenure, you pushed hard to have climate change be a part of everything at Interior. A lot of that was through regulatory policy and through secretarial orders, and we're seeing a lot of that being rolled back. What impacts do you think that might have for public lands or for the agency?

Well, I think it's shameful to see the rollback on the very, very important science that's going on and the people that are so knowledgeable in these areas be marginalized by the current administration. I said early on in my tenure, like six weeks, in the first major address that I gave to all Interior employees, that tackling climate change was one of the reasons that I stepped out of the private sector to take this job — and that in my first six weeks on the job, as I went around



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to public lands sites, you cannot deny that climate change is going on. We see it everywhere we go. We see it in profound droughts, in sea-level rise, in ocean acidification, in increased salinity, in forest fires. It is so dramatic and so obvious. It's everywhere, and to have these scientists or public lands managers have to continue to try and do the right thing without acknowledging it's happening on the ground puts them in a very, very difficult and awkward situation. I think it's shameful, and I will say that the behavior of the current administration doesn't change the reality of what's happening on the ground.

In your outgoing speech to staff, you said that you thought Zinke was someone you "believes cares about Interior and its mission." Is that something you still believe?

No. I'm very disappointed that his actions do not match his words. Actions speak louder than words. ... You can say you're a Teddy Roosevelt Republican, but the actions — whether it's around national monuments or the budget recommendations that have come out of the Trump administration specific to Interior land management agencies — those are actions that do not back up the words about being a Teddy Roosevelt Republican or "Nobody cares more about public lands than I do." That is not what I'm seeing in the actions that he's taking.

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7. **CALIFORNIA: Oil industry's next goal: Shape cap-and-trade cost cushions**

E & E News, Aug. 16 | Anne C. Mulkern

The biggest oil industry trade group in California won major concessions in the wording of the new law extending the state's carbon cap-and-trade program, critics say.

Now that coalition will work to shape key cost elements of the system as those are crafted, the group's president said.

The Western States Petroleum Association (WSPA) will focus on setting the new price ceiling for allowances auctioned under the market system. It also wants to influence details on two "speed bumps," or price containment points, where the state's Air Resources Board will offer more allowances.

A.B. 398, passed last month, included mechanisms to establish those elements but was silent on the dollar amounts. ARB will determine the exact triggers.



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"Any expert we have in this field will be at the table trying to actually write this thing so we can comply with it," WSPA President Catherine Reheis-Boyd said. "The top priorities now really are how do you implement everything in 398 and [A.B.] 617," she added, referring to a companion measure that sets up a system to address local air pollution.

Reheis-Boyd in a lengthy interview for the first time talked about WSPA's role in shaping the bill and what's next on it for the trade group.

The oil alliance at the same time emphasized a study it commissioned that detailed industry jobs and how much it pays in taxes. The analysis said the sector is constrained by California mandates to cut greenhouse gas emissions 40 percent below 1990 levels by 2030.

The emissions rule "may already be limiting the permitting of new petroleum refining facilities, making any potential increase in oil refining capacity in the future in California highly unlikely," the report from the Los Angeles Economic Development Corp. said.

Reheis-Boyd said the cap-and-trade extension — which the oil group supported as an alternative to direct regulations — will impose a financial challenge on many businesses.

"I'm very worried about the costs, even with all cost containment. This program going forward with these aggressive goals is going to be very costly," Reheis-Boyd said. It also will hurt consumers, she said, by raising fuel costs.

One climate action advocate said the oil sector isn't hurting.

"It's really hard for me to muster up any sympathy for this industry," said R.L. Miller, president of Climate Hawks Vote, a political group building grass-roots advocacy. "They got everything they wanted in A.B. 398. They wrote the original wish list that became A.B. 398."

And, she said, WSPA and member companies Chevron Corp. and Tesoro Corp. were among the top spenders on lobbying efforts in California in April through June, before the cap-and-trade vote.

"It's really hard for me to see this as an industry under attack when they own the Legislature and they play such an outsized role in electing corporate Democrats," Miller said, explaining that the sector backs Democratic candidates it sees as more sympathetic to the oil industry.



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WSPA wanted more offsets

A.B. 398, which extends cap and trade through 2030, passed last month in a two-thirds bipartisan vote. Eight Republicans crossed party lines to approve it, while three Democrats opposed. It was a priority in the final term of Gov. Jerry Brown (D), who signed it into law.

Several involved in the negotiations on the measure say WSPA secured controversial language in it. That includes a provision stating that only ARB can regulate carbon emissions at oil and gas facilities, and solely through cap and trade. That means the state's 35 local air districts cannot directly regulate carbon dioxide.

There also is the price ceiling and speed bumps, and more free allowances for businesses, which submit those environmental permits to cover their emissions.

A.B. 398 also extends a sales tax exemption for purchases of some equipment used in manufacturing. It was expanded to include machinery used for the generation and distribution of renewable electric energy, such as solar, wind and hydropower.

Reheis-Boyd rejected that WSPA wrote major parts of the bill.

"There were a lot of people that had a lot of issues around what this bill should include," and many businesses were involved, she said.

"Did we get everything we wanted? No," she said. "Do we like a bill that has 40 percent reduction by 2030? No, it's not our favorite bill. Those are really aggressive targets that we would probably have written differently."

She said oil companies wanted more offsets, where businesses can invest in projects that reduce carbon. Those right now are limited to 8 percent of a company's compliance. The bill cut those to 4 percent from 2020 through 2025 and 6 percent from 2026 through 2030.

Kathryn Phillips, director of Sierra Club California, said her group didn't get what it wanted on offsets either, as it wanted to get rid of them.

\$40 price ceiling?

Asked about the price ceiling ARB wants to secure, Reheis-Boyd said, "We would love it at \$25" per carbon ton, "and they'd probably laugh us out of the room."



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"We've started studying what it should be," she added. "Even at \$40 it's still going to be an extremely expensive program." She said that before the bill passed she heard "everything from \$40 to \$100, so who knows what the number is."

Erica Morehouse, senior attorney at the Environmental Defense Fund, said that in setting the ceiling, one factor ARB must consider is the price of allowances under the current containment reserve. That's a pool of allowances set aside for sale if prices spike. In June those started at \$50.69.

"Having a high price ceiling to make sure that the price ceiling is only used in an emergency is critical to achieving the outcomes that cap and trade is intended to achieve," Morehouse said.

Phillips said there's concern about how oil companies will try to shape the cap-and-trade elements that ARB will write.

"The history is that they don't accurately explain to people what the impact will be," Phillips said. And, she said, "they manage to entirely ignore the cost to society of their product."

Phillips said WSPA has consistently argued California climate policies will cost more than they ultimately do. Its analyses "look at the worst-case scenario," and those "don't pan out."

"We'll just have to fight back and hope that we'll get a little bit farther to contain climate change," Phillips said.

Crafting guidelines on pollution control technology

Reheis-Boyd said WSPA also will seek to shape how [A.B. 617](#), the local pollution control measure, is rolled out.

It requires local air districts to speed up retrofits of industrial emission sources in places out of compliance with federal Clean Air Act standards. It mandates the installation of "best available retrofit control technology" no later than 2023. It also creates local monitoring systems for conventional air pollutants in disadvantaged communities and potentially at specific stationary sources.

"We want to know if we are impacting communities," she said. "If we are, then we want to step to the plate and deal with that."



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If the monitor shows the pollution is from another source, "that's equally important to know." She said refineries often are pointed to as the source when they're not.

Guidelines identifying the best available control technology that can be put on, but that also is cost-effective, are being written, "so that's one area we will be very interested in," Reheis-Boyd said.

Phillips said that WSPA, while causing local pollution, has "consistently wanted to point at other entities."

"Nobody except the oil industry would deny that they're polluting," Phillips said.

Reheis-Boyd also spoke on other California moves affecting oil. She said the Golden State "has been very clear on their goal to transition away from petroleum."

"Are we excited about that possibility?" she asked. "No, but ... we will continue to work with the governor and the Legislature to comply with whatever they think is in the best interests of the state."

She noted, however, that there are just 200,000 electric vehicles in California and 26 million internal combustion engines. Brown wants 1.5 million zero-emissions vehicles by 2025 and wants to cut petroleum use in half by 2030.

"To get to 1.5 million by 2025 is an ambitious goal from 200,000 [EVs], and it's not even close to 50 percent" of gas or diesel-powered cars, Reheis-Boyd said. "So A plus B doesn't equal C here. The facts don't support that kind of a transition in that period of time in a state where 97 percent of its fuel is from our industry."

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8. **CLIMATE: All eyes on pending challenges after enviros lose LNG case**

E & E News, Aug. 16 | Ellen M. Gilmer

A federal court's rejection of a challenge to liquefied natural gas exports does not spell doom for similar lawsuits working their way through the courts, environmental lawyers say.



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Yesterday's decision by the U.S. Court of Appeals for the District of Columbia Circuit to toss the Sierra Club's calls for federal regulators to take a closer look at greenhouse gas emissions associated with exports from a terminal in Freeport, Texas, is a definite blow to climate action advocates.

But, they say, it's not fatal to a collection of other cases teed up for oral argument before the same court in October.

"Nothing in today's opinion directly addresses those other cases," Sierra Club attorney Nathan Matthews told E&E News. "Our view is that additional questions need to be resolved in the cases that are currently set for argument in October."

At issue is the Department of Energy's consideration of indirect greenhouse gas emissions when it approves LNG exports from new terminals that have cropped up around the country.

Environmentalists have pushed the government to more closely analyze impacts from the production of the natural gas that feeds the projects, pointing to National Environmental Policy Act obligations to consider direct, indirect and cumulative impacts.

After losing several challenges against the Federal Energy Regulatory Commission, which oversees terminal construction, environmental groups turned their sights on DOE, which handles applications for exports to countries that do not have free-trade agreements with the U.S.

Factual distinctions

Yesterday's Freeport LNG (FLEX) ruling was the first major decision in a line of cases that raise many overlapping claims.

Writing for a three-judge panel, Obama appointee Judge Robert Wilkins agreed with DOE that gas production uncertainties made it too difficult to precisely analyze greenhouse gas emissions that could result from increased exports.

"The Department was not required to 'foresee the unforeseeable,'" Wilkins wrote (Greenwire, Aug. 15). "Its determination that an economic model estimating localized impacts would be far too speculative to be useful is a product of its expertise in energy markets and is entitled to deference."



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Three more LNG cases against DOE — challenging exports from Corpus Christi, Texas; Sabine Pass, La.; and Cove Point, Md. — are set for oral argument on Oct. 18 in the D.C. Circuit.

Matthews, the Sierra Club lawyer, maintained that the pending LNG export challenges still have a strong case before the D.C. Circuit, largely because of factual distinctions.

He noted, for example, that Sierra Club's challenge to exports from Maryland's Cove Point LNG terminal includes information about contracts with natural gas suppliers that could sway a court's acceptance of DOE's argument that production impacts are too speculative to analyze.

He declined to comment on whether the group will seek a rehearing in the Freeport case.

Uphill battle?

Others have put tougher odds on the next group of LNG challenges.

The American Petroleum Institute, which has intervened to fend off environmental challenges to exports, celebrated the Freeport decision and its potential impacts on future cases.

In a statement, API's Marty Durbin said the decision was "great news for other planned LNG export projects around the country."

ClearView Energy Partners analyst Christi Tezak said this week's decision does not bode well for the other cases.

"We think that Sierra Club's chances of forcing reconsideration of the NEPA reviews of DOE's license approvals may fail as well, given the court's rationale in today's FLEX ruling," she wrote in a memo.

She noted that the Cove Point case includes very similar arguments about DOE's public interest consideration for LNG exports but that the other two cases rely on a slightly different analysis.

"We will be watching to see whether argument in these cases suggests that the Sierra Club's subsequent appeals resolve the deficiencies enumerated by the court today, or whether, like FERC's reviews, the DOE's license approvals will stand," she said.



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University of California, Berkeley, law and public policy lecturer Steven Weissman, who has researched how agencies can account for the climate impacts of natural gas, agreed that the Freeport decision may create a new hurdle.

"The fact that this decision was issued will have a tendency to perhaps shift the burden a little bit more in the other cases: Why should this case be any different from the first Sierra Club case?" he said, describing the judges' possible approach.

He added, however, that specific factual differences in the cases could be enough to set them apart — an outcome he would support.

"There seems to be a consistent willingness on the part of courts and the part of agencies to just assume beneficial outcomes from expanded use of natural gas, and that seems to color the assessment you get out of these agencies and out of the courts," he said.

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9. **DAKOTA ACCESS: N.D. wins federal funding to offset protest response costs**

E & E News, Aug. 16 | Jenny Mandel

North Dakota will collect \$10 million from the Department of Justice to defray some of the costs associated with law enforcement during protests over construction of the Dakota Access pipeline.

The money will come from present-year funding under DOJ's Emergency Federal Law Enforcement Assistance Program and will offset some of the nearly \$40 million that Republican Sen. John Hoeven says the state spent over 233 days of protests against the project by Energy Transfer Partners LP.

Hoeven said in a July letter to Attorney General Jeff Sessions that the state sought \$13.85 million in federal reimbursement, pointing to "emergency law enforcement costs directly related to protests on federal lands over an easement withheld for months by the U.S. Army Corps of Engineers."

Yesterday, Hoeven said he would continue to seek additional funding in the coming year's federal budget. The \$10 million in new money is in addition to \$1.3 million in resources



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provided during the protest by the Bureau of Indian Affairs, the U.S. Fish and Wildlife Service and the National Park Service and to \$1.1 million that the Army Corps of Engineers put toward cleaning up the protest camp site this winter ahead of spring flooding, Hoeven's office said.

Oil started flowing through the pipeline in June, despite efforts by American Indian tribes fighting the project to have crude flows stopped pending the outcome of their legal challenge (Energywire, June 21).

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10. **INTERIOR: Zinke, NPS defend parks' Confederate memorials**

E & E News, Aug. 16 | Rob Hotakainen

While many Americans regard Confederate statues as symbols of hate and want them removed from public spaces, the National Park Service values them.

Park officials say they're worth preserving and a good way to recognize the Civil War and other events that changed the course of the nation.

"Don't rewrite history," Interior Secretary Ryan Zinke said during a visit to Antietam National Battlefield in western Maryland last month. "Understand it for what it is and teach our kids the importance of looking at our magnificent history as a country and why we are what we are" (E&E News PM, July 5).

Echoing that view in a statement to E&E News yesterday, Jeremy Barnum, public affairs officer for the Park Service, said the monuments, markers and plaques that commemorate those who fought and died in the Civil War are "an important part of our country's history" that are maintained and interpreted by the agency.

"The National Park Service is committed to safeguarding these memorials while simultaneously educating visitors holistically and objectively about the actions, motivations and causes of the soldiers and states they commemorate," he said.

Americans, however, remain deeply divided over the memorials.

The Saturday violence in Charlottesville, Va., which left one woman dead and 35 injured and claimed the lives of two state troopers who perished in a helicopter crash, came after white



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nationalists gathered in the city to protest a decision to remove a statue of Robert E. Lee, the Confederacy's top general.

On Monday night, protesters in Durham, N.C., destroyed a monument of a Confederate soldier, putting a rope around its head and pulling it down as they chanted, "No Trump, no KKK, no fascist USA." Overnight last night, Baltimore removed all of its Confederate statues.

And yesterday, a handful of members of the District of Columbia City Council asked NPS to remove a statue of slavery proponent and Confederate general Albert Pike from Judiciary Square, a few blocks from the U.S. Capitol.

"There is nothing inspiring or enjoyable about the life of Albert Pike," the council members wrote in a letter to the Park Service

The issue is hardly a new one for the National Park Service, which has sought to strike a balance between competing views.

In 2015, for example, the agency asked its gift shops, largely run by concessionaires, to stop selling the Confederate flag and items that featured it, such as coffee mugs, T-shirts and key chains.

"Any stand-alone depictions of Confederate flags have no place in park stores," said Jonathan Jarvis, the National Park Service director at the time.

But then, last year, park officials approved a permit for a Confederate Flag Day event at Gettysburg National Military Park in Pennsylvania.

That event drew protests from the NAACP and others who said it glorified a racist flag that stood for slavery.

While addressing the Charlottesville violence at his news conference yesterday, President Trump said a decision to remove a statue should be left "to a local town, community or the federal government, depending on where it is located." But he left little doubt where he stood on the issue.



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"This week, it's Robert E. Lee," Trump said. "I noticed that Stonewall Jackson is coming down. I wonder, is it George Washington next week, and is it Thomas Jefferson the week after? You know, you really do have to ask yourself, where does it stop?"

The issue has also flared in Congress, most notably in 2015, when a fight over displaying Confederate flags on U.S. Capitol grounds derailed a spending bill for the Interior Department and U.S. EPA.

Zinke comments

Zinke, who oversees the 417 national parks, battlefields and other historic sites, went to Antietam on July 5, after Trump donated \$78,000 to the park. The president gave his entire first-quarter salary to the battlefield to pay for maintenance projects (Greenwire, July 5).

The park, located in Sharpsburg, Md., includes six Confederate monuments, recognizing Civil War soldiers from Georgia, Maryland, Texas and Virginia. Gettysburg has 12 state monuments that honor Confederate soldiers.

But the National Park Service could not provide an estimate of how many Confederate monuments exist in all its parks, with a spokesman saying no such inventory has been done.

At the Antietam event, when a Breitbart News reporter asked Zinke to respond to the push to remove Confederate war memorials, the Interior secretary said "history's important."

And he cited Antietam, which claimed nearly 23,000 casualties on Sept. 17, 1862.

"What did the Battle of Antietam bring us?" Zinke said. "One is that it was the deadliest battle in the history of our country, but also one can argue successfully that it also brought us the Emancipation Proclamation. So there's goodness that came out of this battlefield, but recognizing two sides fought, recognizing the historical significance of a change in our country. I'm an advocate of recognizing history as it is."

In a statement to E&E News yesterday, Zinke had nothing to add about the question of removing monuments, but he said he backs Trump "in uniting our communities and prosecuting the criminals to the fullest extent of the law."



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"The racism, bigotry and hate perpetrated by violent white supremacist groups has no place in America," Zinke said. "It does not represent what I spent 23 years defending in the United States military and what millions of people around the globe have died for. We must respond to hate with love, unity and justice."

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11. **DOE: Grants fuel research on pulling rare earths from coal**

E & E News, Aug. 16 | Dylan Brown

The Department of Energy today moved into the second phase of its research to extract rare earth elements from coal and its byproducts.

Four projects were selected to receive \$17.4 million in grants from the Office of Fossil Energy for research into rare earth recovery.

Scandium, yttrium and 15 other elements are integral parts of numerous modern technologies including electronics and military systems, but the United States is completely reliant on Chinese imports.

Concerns about the national security risks of such a dependence have escalated since the last U.S. rare earth mine was idled in 2015 as its owners entered bankruptcy (Greenwire, Sept. 9, 2015). Sen. Joe Manchin (D-W.Va.) has proposed legislation increasing funding for DOE's National Energy Technology Laboratory rare earth coal research to \$20 million annually (E&E Daily, July 18).

DOE began the first phase of its research into rare earth recovery in 2015. Ten projects, working alongside NETL, received more than \$8 million to figure out how to extract trace elements from an array of feedstocks — coal, coal preparation plant waste, power plant fly ash and acid mine drainage (E&E News PM, Dec. 2, 2015).

Phase two, which ends in 2020, will focus on developing and validating "cost-effective and environmentally benign" recovery approaches.

All four of today's selectees participated in the first phase.



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Two projects will be "bench-scale," or in the laboratory. With \$2.75 million, University of North Dakota researchers will test extraction from low-grade lignite coal. The West Virginia University Research Corp. received \$2.66 million for its project using acid mine drainage solids.

Two pilot-scale projects each received \$6 million.

The Lexington-based University of Kentucky Research Foundation will use waste from both an Appalachian preparation plant in eastern Kentucky and another in the Illinois Basin to test the differing kinds of bituminous coal.

Separately, Massachusetts-based Physical Sciences Inc. will continue its work on processing fly ash, gathering up the byproduct from a Kentucky power plant and testing it at a Pennsylvania facility.

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12. **OFFSHORE DRILLING: House lawmakers push Interior to consider all U.S. waters**

E & E News, Aug. 16 | Kellie Lunney

More than 100 House members are urging the Interior Department to consider all 26 planning areas in the outer continental shelf in the administration's new five-year leasing plan for offshore oil and gas exploration and drilling.

It is "imperative" to consider all OCS lands, including those not part of the plan crafted by the Obama administration, "to ensure opportunities are not missed," 118 Republicans, including Natural Resources Chairman Rob Bishop of Utah, wrote to Interior Secretary Ryan Zinke today. Democratic Rep. Gene Green of Texas also signed the [letter](#).

The Trump administration decided to reopen and revise the Obama administration's [current 2017-2022 leasing plan](#) that was approved in January. President Trump's April 28 [executive order](#) reversed the Obama-era ban on drilling in much of the Arctic Ocean and directed Interior to consider adding areas in the Arctic, the Atlantic Ocean and the Gulf of Mexico.

The revised plan being crafted by Interior's Bureau of Ocean Energy Management will cover lease sales from 2019 to 2024. The department published a request for information in the Federal Register on July 3, with a 45-day comment period that closes tomorrow.



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Bishop's office said the lawmakers' letter was separate from the comments submitted to BOEM about the administration's forthcoming OCS plan.

There are four OCS regions (Alaska, Atlantic, Gulf of Mexico and Pacific) that include 26 "planning areas." Alaska is the largest OCS region with 15 planning areas, followed by the Pacific and Atlantic with four each and the Gulf with three.

The letter to Zinke said the country's "onshore energy renaissance" presents an opportunity to "further secure our global position by encouraging exploration and leasing in new OCS areas and encouraging investment in traditional offshore development areas." The long lead time on offshore projects, which can take years because of an extensive seismic testing, permitting and leasing process that has to occur before drills go in, makes it "critical" that the department include all OCS lands as development potential, the members wrote.

"The safe and environmentally responsible development of our offshore resources not only enhances our status as an international energy superpower, but benefits the nation through increased job creation, additional government revenue, and affordable and reliable energy supplies for consumers and manufacturing," said the letter. "The time is now to make the U.S. energy dominant."

The administration's push to explore offshore drilling along the Atlantic coast in particular has alarmed environmentalists, coastal residents and some members of both parties. Several lawmakers have sent multiple letters to Zinke opposing offshore drilling in the areas, saying it threatens beaches, wildlife and tourism in coastal communities.

As of this afternoon, BOEM had received more than [50,000 public comments](#) in its request for information on the 2019-2024 OCS oil and gas leasing plan, according to [regulations.gov](#).

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13. **NATIONAL MONUMENTS: No change for Calif. Sand to Snow site — Zinke**

E & E News, Aug. 16 | Jennifer Yachnin

Interior Secretary Ryan Zinke granted a sixth reprieve in his review of public lands today, declaring he will recommend no changes to California's Sand to Snow National Monument.



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Zinke is set to deliver a final report to President Trump on his assessment of dozens of national monuments Aug. 24 but has offered early decisions on a handful of sites in recent weeks.

In addition to the California site, he has stated he will not seek changes to the Craters of the Moon National Monument and Preserve in Idaho, Hanford Reach National Monument in Washington state, Canyons of the Ancients National Monument in Colorado, Upper Missouri River Breaks National Monument in Montana and Grand Canyon-Parashant National Monument in Arizona.

"The land of Sand to Snow National Monument is some of the most diverse terrain in the West, and the monument is home to incredible geographic, biologic, and archaeological history of our nation," Zinke said in a statement.

President Obama created the 154,000-acre monument, located east of Los Angeles, in early 2016.

In late April, Trump ordered a review of all monuments created since 1996 that are larger than 100,000 acres, with an eye toward reducing or even eliminating some sites.

In an interim report issued in mid-June, Zinke called for significant cuts to the 1.35-million-acre Bears Ears National Monument in southeastern Utah, but he has yet to reveal the specifics of his proposal.

Twenty-seven monuments, including five ocean sites, were included in the review. In addition to Bears Ears, observers see Utah's Grand Staircase-Escalante National Monument as a likely target for revisions.

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14. INFRASTRUCTURE: Lawmakers weigh environmental effects of Trump's order

E & E News, Aug. 16 | Arianna Skibell

Members of the House United for Climate and Environmental Justice Task Force are condemning President Trump's infrastructure order as a gag on public comment that will put the environment at risk for the sake of "corporate profit."



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"Removing existing protections and stripping away long-term planning requirements will mean more waste, more accidents, and shorter useful lives for the projects we build. These changes are a deep disservice to the American public, and the president should be ashamed," the task force said in a statement to E&E News.

The task force is chaired by Reps. Don McEachin (D-Va.), Nanette Barragán (D-Calif.) and Pramila Jayapal (D-Wash.), who are members of the Congressional Black Caucus, Congressional Hispanic Caucus and Congressional Asian Pacific American Caucus, respectively. All are freshmen.

The Democrats launched the task force in response to proposed cuts to U.S. EPA, fearing that minority and low-income communities would be hit the hardest.

"As sea levels rise, and as floods and extreme storms become more common, it will become ever more necessary that we acknowledge and plan for those realities," the task force said.

Issued yesterday, Trump's executive order calls for streamlining infrastructure permits and rescinds a 2015 Obama administration directive requiring federal agencies to account for rising sea levels when funding proposed projects. President Obama billed the original directive as a climate change measure, noting that the number of flood-prone areas is likely to increase nationally as sea levels rise, putting more infrastructure at risk (Greenwire, April 15).

The scrapped Obama directive, which sought to address the lack of coordination across governments on flood adaptation, required public projects like government-subsidized housing to be built 2 feet above the 100-year flood standard. Critical infrastructure like hospitals required 3 feet.

Environmental groups, spending watchdogs and engineers derided the decision to toss Obama's so-called federal flood risk management standard, saying the action overlooked mounting evidence that climate change will affect flood plains and risk taxpayer dollars (Climatewire, Aug. 16).

"Instead of making bipartisan plans to rebuild America's crumbling infrastructure, Donald Trump has once again put big corporations ahead of our health and safety," the House task force said.



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"What we need instead are fair, inclusive decision-making processes that give all Americans a voice; a prudent, farsighted approach to how we spend scarce public dollars on infrastructure; and a more sustainable economy built on well-paying green jobs."

The bipartisan House Climate Solutions Caucus expressed mixed reactions to the infrastructure order, which came just days after NOAA released a report stating that sea levels are at a record high.

Republican Co-chairman Carlos Curbelo of Florida slammed the order as not fiscally conservative.

"It's irresponsible, and it will lead to taxpayer dollars being wasted on projects that may not be built to endure the flooding we are already seeing and know is only going to get worse," he said in a statement.

"Sea level rise and the risk of severe flooding are a reality for communities across the country. When you're on the front lines like South Florida, we know the importance of having more resilient building codes to protect our infrastructure, especially when taxpayer dollars are used."

Curbelo's Republican colleagues in the caucus were not all in alignment on how the order factors in climate change. Rep. Patrick Meehan (R-Pa.) said he was pleased to see the administration taking strong steps to cut through the "red tape and bureaucracy," adding it also would protect the environment.

"We can and should overhaul our national infrastructure while being good stewards of our environment, and the Executive Order issued yesterday will help ensure that appropriate environmental reviews are undertaken in a timely and efficient manner," he said in a statement to E&E News.

"Modernizing our infrastructure will create jobs, make us more competitive on the world stage, make our communities safer and benefit the environment."

Meehan also plans to introduce legislation next month to boost investment in "green" infrastructure, according to a congressional aide.



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The order came as Congress is gearing up to reauthorize the National Flood Insurance Program and after the release of a draft study by 13 federal agencies stating that rising temperatures are leading to more intense and frequent rainstorms, extreme weather events, and higher seas.

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