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Cheri,

The first article has a listing if all the Secretarial Orders, which might be helpful to look at. M

Sent from my iPhone

Begin forwarded message:

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**Subject:** E&E News Clips—November 27, 2017

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#### 1. Former Zinke backers dismayed by department's direction

E&E News staff Published: Monday, November 27, 2017

When President Trump chose Montana Rep. Ryan Zinke to lead the Interior Department, many lawmakers, environmentalists and sportsmen felt hope.

<https://goo.gl/M11NhR>

## **2. Utah residents slightly favor cutting sites — poll**

Jennifer Yachnin, E&E News reporter

Published: Monday, November 27, 2017

A narrow majority of Utah residents support reducing the size of two national monuments in the Beehive State, according to a poll released today.

<https://goo.gl/EVZr19>

## **3. BLM blocks rocket launch by flat Earth believer**

Published: Monday, November 27, 2017

Mike Hughes thinks the Earth is flat and intends to prove it by launching himself 1,800 feet into the sky on a homemade rocket.

<https://goo.gl/5MWLim>

## **4. Internal report warns of 'complex' climate impacts on agency**

Brittany Patterson, E&E News reporter

Published: Monday, November 27, 2017

Climate change continues to pose a major challenge to the Interior Department, according to a report released last week by the agency's oversight division.

<https://goo.gl/pXMsv0>

## **5. Committee to weigh NEPA reforms**

Maxine Joselow and Kellie Lunney, E&E News reporters

Published: Monday, November 27, 2017

The House Natural Resources Committee is set to consider revising National Environmental Policy Act guidelines during a hearing this week.

<https://goo.gl/wLoMTs>

## **6. High stakes as Senate debates taxes amid shutdown concerns**

Geof Koss and George Cahlink, E&E News reporters

Published: Monday, November 27, 2017

Senate Republicans this week will look to make headway on their top legislative priority of passing tax reform legislation, which would also open part of the Arctic National Wildlife Refuge to oil and gas drilling, even as key fiscal deadlines loom in an already packed agenda.

<https://goo.gl/Wb7hCD>

## **7. House to vote on Boundary Waters mining ban**

Dylan Brown, E&E News reporter

Published: Monday, November 27, 2017

The House is set to vote this week on legislation to overturn Obama-era mining limits near the Boundary Waters Canoe Area Wilderness.

<https://goo.gl/jGrKaJ>

## **8. Hearing blitz set for supplemental spending, storms**

Manuel Quiñones, E&E News reporter

Published: Monday, November 27, 2017

The House Appropriations Committee has scheduled a blitz of hearings for this week to scrutinize supplemental spending requests from the administration, as well as disaster recovery.

<https://goo.gl/oA6aVR>

## **9. Lawmakers study rule-killing panels at EPA, Interior and DOE**

Maxine Joselow, E&E News reporter

Published: Monday, November 27, 2017

House lawmakers this week will extend their probe of rule-cutting efforts across the

federal government to the three agencies responsible for issuing the bulk of environmental regulations: U.S. EPA, the Interior Department and the Department of Energy.

<https://goo.gl/N3ei7p>

#### **10. 'Acting' titles vanish across Trump admin**

Hannah Northey, E&E News reporter

Published: Monday, November 27, 2017

The Trump administration is quietly erasing the word "acting" from the titles of officials who lead critical offices at U.S. EPA and the Interior and Energy departments.

<https://goo.gl/DNGRq3>

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## **1. Former Zinke backers dismayed by department's direction**

E&E News staff Published: Monday, November 27, 2017

When President Trump chose Montana Rep. Ryan Zinke to lead the Interior Department, many lawmakers, environmentalists and sportsmen felt hope.

Zinke, a 23-year Navy SEAL veteran, had long billed himself as a "Teddy Roosevelt" Republican. An ardent supporter of keeping public lands public, he even resigned as a delegate from the 2016 Republican National Convention over the party's inclusion of selling public lands in its platform.

More than 40 hunting and fishing groups signed onto a letter endorsing Zinke for the post. During his January confirmation hearing, Zinke promised to be "a listening advocate rather than a deaf adversary."

But nine months into the job, many of those who initially supported Zinke say they are surprised by his actions in office. They express dismay over Zinke's review of national monuments, his decision to reopen debate over Obama-era greater sage grouse conservation plans, and the targeting of dozens of policies as "burdensome" to oil and gas development.

"He's stopped listening to Montanans, and he's really stopped listening to hunters and anglers, and if you look at who he's meeting with and the decisions that he's making, it looks like big industry, and that means oil and gas in particular, have got his ear right now," said Land Tawney, president and CEO of Backcountry Hunters & Anglers. Tawney had supported Zinke's nomination.

Whit Fosburgh, head of the Theodore Roosevelt Conservation Partnership, penned a letter backing Zinke's confirmation, writing that he would show balance and "approach resource management issues with an eye towards improving the multiple-use productivity of our public lands."

In a recent interview with E&E News, Fosburgh praised the secretary's actions to bring sportsmen to the table, but said there "has literally not been a single positive conservation vision put forward from that department."

"I think all the rhetoric that has come out of the department to date has been opening up areas to oil and gas development, energy dominance, burdens to oil and gas development, shrinking monuments," Fosburgh said. "It's all been a very anti-conservation message."

Similarly, some Senate Democrats who voted for Zinke expressed regret.

New Mexico Sen. Tom Udall, the top Democrat on the Interior, Environment and Related Agencies Appropriations Subcommittee, said he's "very disappointed" in Zinke's track record so far. "He represented [himself], both in the committee when he testified and to me personally, as a Teddy Roosevelt Republican," said Udall, one of 16 Democrats who voted to confirm Zinke.

Among other issues, Udall has expressed concern over Zinke's effort to reorganize the department.

"I thought that the best thing to do in terms of working with him after those representations was to show good faith and vote for him," he said. "But, you know, that's water under the bridge."

Udall said that from now on, "we're going to try and hold him accountable."

"I think he is straying a long way from the kinds of things he did as a congressman," the senator said. "The reason I think he was picked [for secretary] is his record here in Montana," but as head of Interior, he "is headed in the other direction," said Udall.

Not everyone agrees.

"What I can tell you is that the issues we have been working with him on, he is dogged, he is focused," said Alaska Republican Sen. Lisa Murkowski, who chairs two panels key for Interior — the Energy and Natural Resources Committee and the Interior Appropriations Subcommittee.

"He is working not only with us, but as I talk to others who have dealings with Interior, they appreciate the level of attentiveness" from the department, she added.

Murkowski, who said she had a "difficult call" with Zinke in July after her "no" vote related to Republicans' health care bill, shares several priorities with the administration related to Alaska. Those include opening a portion of the Arctic National Wildlife Refuge to oil and gas drilling and building an 11-mile road through another wildlife refuge in the state to connect the towns of King Cove and Cold Bay.

Kathleen Sgamma, head of the trade group Western Energy Alliance, said Zinke has "exceeded expectations."

"I was just happy at the beginning of the year that we weren't going to have the third term of the Obama administration," she said. "We knew that they were going to be supportive of energy development, but I did

not know they would move as quickly and as effectively as they did. We're seeing not just the political will, but we're seeing execution."

One year after the election, Interior has moved quickly on many fronts, from a push for "energy dominance" to changes in endangered species, national parks and mining policies. What Zinke's department has accomplished so far reveals a different path than some observers expected — and is only a precursor to where it's headed.

#### National monuments



Interior Secretary Ryan Zinke has recommended shrinking some national monuments, including Bears Ears in Utah. Bob Wick/Bureau of Land Management/Flickr

Perhaps one of the biggest surprises of the new administration was a decision to review dozens of national monuments. While Zinke has said no monuments will be eliminated, he sent a report to Trump recommending that several be shrunk significantly.

Randi Spivak, the Center for Biological Diversity's public lands program director, said her group finds itself "in high-alert defense mode."

But Republicans who have long sought to reform the Antiquities Act of 1906 and rein in presidential authority cheered Zinke's recommendations.

"This should be a nonpartisan issue," said House Natural Resources majority spokeswoman Katie Schoettler. "The act has been abused by presidents of both parties, and we are focused on responsible reforms that will restore local input and the original intent of the act."

Schoettler added that Republicans are more hopeful that the reform of the Antiquities Act will proceed since Trump has endorsed reducing the powers Congress granted to the White House more than a century ago.

While Spivak lamented that her organization and others must now focus their efforts on causes such as preserving monuments, she suggested there is an upside to the significant shift in focus over the last year.

"There's a silver lining, which is this: I think more people today know what a public lands national monument is than they did before the Trump-Zinke attack," Spivak said. "And so by picking that fight, they have unleashed a more aware, more passionate, more outspoken public constituency for these lands than I think they bargained for."

Oil, gas and coal

Zinke made his views on energy clear from the start, but has moved even more quickly than some observers expected.

"I have said this once before, but it is better to produce energy in America under reasonable regulation and get better over time than watch it be produced overseas with no regulation," Zinke said during his confirmation hearing.

MARCH 20 On Ryan Zinke's first day at Interior, the new secretary signs orders 3346 blocking the phaseout of lead ammunition and 3347 to enhance conservation and recreation.

MARCH 29 Zinke signs S.O. 3348 overturning the 2016 coal moratorium and programmatic environmental impact statement and S.O. 3349 implementing President Trump's "energy independence" executive order.

MAY 15 S.O. 3350 enacts Trump's "America First" offshore order and S.O. 3351 establishes the position of counselor to the secretary for energy policy.

MAY 31 Zinke signs S.O. 3352, aimed at opening up energy development in the Arctic National Wildlife Refuge and the National Petroleum Reserve-Alaska.

JUNE 7 In S.O. 3353, Zinke calls for greater cooperation with Western states on greater sage grouse conservation.

JULY 6 S.O. 3354 instructs BLM to streamline the oil and gas permitting process and conduct quarterly lease sales.

AUG. 31 Interior Deputy Secretary David Bernhardt signs S.O. 3355 to streamline National Environmental Policy Act reviews, implementing Trump's order to "establish discipline and accountability" in the permitting process.

SEPT. 15 S.O. 3356 directs greater coordination with states, tribes and territories on outdoor recreation.

OCT. 17 S.O. 3357 temporarily shifts authorities to the deputy assistant secretary for fish and wildlife and parks.

OCT. 25 Zinke signs S.O. 3358 to establish an executive committee for expedited permitting.

Zinke said he supported designating certain lands for "special recognition" and recognized the National Environmental Policy Act as the "backbone of our environmental policies." But, he added, "if we do not have an economy as a country, then the rest of it does not matter."

During a visit to Alaska in May, the secretary announced his plan to update the government's resource assessment for ANWR, to open new sections of the National Petroleum Reserve-Alaska to oil and gas leasing and to begin the process of rewriting the Obama administration's plan for leasing off U.S. coasts.

Next year, Zinke will hold what the department bills as the "largest ever" oil and gas lease sale in the Gulf of Mexico, testing companies' desire to develop offshore.

Interior is in the midst of a White House-ordered review of every agency action that could potentially hinder energy development on federal lands. The department's draft 2018-22 strategic plan tilts heavily toward oil, gas and coal priorities, while touting a focus on conservation.



Zinke also lifted the moratorium on federal coal leasing and revoked a regulation on how royalties for coal and other commodities are calculated.

The Forest Service said it plans to revise the uranium mining ban near the Grand Canyon, one of a number of Obama-era mineral withdrawals that industry would like to see rescinded or reduced.

Interior in the courtroom

Interior's efforts to boost energy development and trim red tape have stirred up a frenzy in federal courthouses across the country.

Environmental groups and other administration critics have lobbed dozens of new lawsuits at the government, with more to come. While many cases are in their early stages, groups have already scored key victories.

A district court in California, for example, smacked down two separate Interior efforts to delay Obama-era regulations under review: new restrictions on methane venting and flaring and a rule that changed how royalties are calculated for federal fossil fuels.

Trump officials have since finalized a wholesale rescission of the royalties measure and have proposed a longer delay of the Bureau of Land Management's methane rule. Court watchers say challenges to these final rollback measures may face tougher odds than the early legal action.

Courtroom scuffles over BLM's hydraulic fracturing rule are poised to continue. The Trump administration maintains that Interior has authority over the oil and gas extraction process but does not want to implement the Obama rule. A recent appeals court decision could cause the rule to take effect soon, and opponents are urging federal judges to step in and block it.

Trump officials are also facing legal blowback for efforts to free up certain sections of public land for development. States, environmental groups and tribes are suing over Interior's decision to lift an Obama-era moratorium on federal coal leasing. They're also opposing efforts to open wide swaths of Arctic and Atlantic waters to offshore drilling.

Zinke's efforts to stall the BLM methane rule and lift the coal leasing moratorium have been his most significant climate actions to date. The BLM rule was part of the Obama administration's Climate Action Plan, aimed at slashing domestic greenhouse gas emissions. The decision to lift the moratorium scuttled an Obama-era study that would have looked at cumulative climate impacts from federal coal development.

## National parks



The National Park Service has proposed increasing peak season entry fees at 17 popular national parks next year, including Olympic National Park. PKThundr7/Wikimedia Commons

Interior left a big mark on national parks in its first year, even though the president has yet to name a parks director.

In April, Zinke accepted a donation of \$78,333 from Trump, with the money earmarked for the National Park Service. It will be used next year to pay for a renovation of the historic Newcomer House at the Antietam National Battlefield.

Critics said the president should have shown equal generosity in his fiscal 2018 budget. Democrats complained that a nearly 13 percent cut would force NPS to eliminate hundreds of employees and do little to address an \$11 billion maintenance backlog.

Last month, Zinke said he wanted to raise \$70 million a year for those projects by increasing peak-season entry fees at 17 popular parks next year.

With sexual harassment remaining a nagging issue, Zinke released a survey in October that found 39 percent of the NPS workforce had suffered some form of harassment over a 12-month period. Zinke added a team of 14 investigators to handle complaints as part of his "zero-tolerance" policy.

In September, Zinke signed a secretarial order that required all federal agencies under his jurisdiction, including NPS, to develop plans to expand access for hunting and fishing.

And since he took office, NPS has put an end to two key Obama-era policies.

First it rescinded a policy that encouraged national parks to ban the sale of plastic water bottles as a way to reduce trash. And it scrapped Director's Order 100, a 2016 directive that called for a focus on climate change in managing natural resources in the 417 park sites.

## Endangered species

Although Zinke inherited a large backlog of Endangered Species Act decisions, his views were not well-known when he took office.

Zinke had co-sponsored several bills with ESA-related components. He did not author any ESA bills himself, though, and he only mentioned the phrase "endangered species" once during his Senate confirmation hearing.

The administration proposed a roughly 5 percent budget cut in the "ecological services" account that pays for ESA work, similar to cuts proposed to many other Interior programs.

Lingering Interior Department vacancies, moreover, have complicated whatever visions Zinke might have for changing the 1973 law through either legislation or administrative practice. The White House has yet to nominate anyone for the positions of Fish and Wildlife Service director or assistant secretary for fish, wildlife and parks.

Still, driven in part by deadlines established by court settlements during the Obama administration, Zinke's FWS has continued cranking out cases. In early September, the Guadalupe fescue became the first plant to win ESA protection under the Trump administration. FWS had previously added the rusty patched bumblebee to the endangered list in March, in a move that also began during the Obama administration.

Zinke's more conservative stamp was displayed in September, when his department ordered that most environmental impact statements dealing with infrastructure be limited to 150 pages. More administrative moves may be afoot; currently, for instance, officials are considering potential changes to ESA mitigation policies.

Interior has also moved to dismantle sweeping Obama-era plans designed to protect the greater sage grouse and its habitat.

Those plans, finalized in September 2015 after years of work, represented arguably the most ambitious conservation effort ever undertaken by Interior. They incorporated sage grouse protection measures covering nearly 70 million acres in 10 Western states, and were strong enough to keep the bird off the endangered species list.

But BLM last month announced it is reopening the plans for public review and intends to make significant changes. One of the reasons, as outlined last month in an Interior **report** on agency regulations, is that sage grouse regulations may "burden" oil and gas industry efforts to develop domestic energy.

*Reporters Brittany Patterson, Pamela King, Kellie Lunney, Jennifer Yachnin, Ellen M. Gilmer, Dylan Brown, Rob Hotakainen, Michael Doyle, Scott Streater and Geof Koss contributed.*

<https://goo.gl/M11NhR>

## 2. Utah residents slightly favor cutting sites — poll

*Jennifer Yachnin*, E&E News reporter

Published: Monday, November 27, 2017

A narrow majority of Utah residents support reducing the size of two national monuments in the Beehive State, according to a poll released today.

The survey comes ahead of President Trump's expected visit to Utah to announce cuts to both the Bears Ears and Grand Staircase-Escalante national monuments, although no specific date has been announced.

The poll, conducted by Dan Jones & Associates for the website UtahPolicy.com, found 52 percent of Utah voters either "strongly" or "somewhat" in support of "shrinking the monuments."

The survey of 600 adults, conducted Nov. 16-21, showed 40 percent of those polled "somewhat" or "strongly" opposed to altering the monuments, and 7 percent without an opinion.

The survey had a 4-point margin of error.

The poll also found a stark split between Republicans, who dominate the state's political landscape, and Democrats.

Among those polled, 74 percent of self-identified Republicans backed a reduction to national monuments, while 88 percent of self-identified Democrats opposed it.

Interior Secretary Ryan Zinke recommended in late August that the president slash both Utah monuments, although he did not offer specifics in a private report in late August.

But earlier this month, an aide to Utah Sen. Orrin Hatch (R) told the state Legislature's Commission for the Stewardship of Public Lands that the president will direct the Grand Staircase-Escalante site in southwestern Utah be reduced to 700,000 acres from its current 1.9-million-acre size (*Greenwire*, Nov. 15).

Hatch's office also indicated the Bears Ears site in southeastern Utah would be reduced from its current 1.35-million-acre size to between 100,000 and 300,000 acres.

White House spokeswoman Sarah Huckabee Sanders revealed in late October that Trump will visit the state to announce his cuts in early December. The White House has not confirmed specific details about that pending trip.

Environmentalists, American Indian tribal leaders and Democratic lawmakers have vowed legal challenges to any attempt by Trump to reduce national monuments without congressional action.

Although past presidents have reduced the size of monuments created under the Antiquities Act of 1906, opponents note that none of those actions have ever been tested in court and argue that the law only grants a president the ability to establish a monument but not to reduce or eliminate such sites.

<https://goo.gl/EVZr19>

### **3. BLM blocks rocket launch by flat Earth believer**

Published: Monday, November 27, 2017

Mike Hughes thinks the Earth is flat and intends to prove it by launching himself 1,800 feet into the sky on a homemade rocket.

His plan will have to wait, though, after the Bureau of Land Management would not let him perform the launch on public lands in the Mojave Desert.

"It's still happening. We're just moving it 3 miles down the road," Hughes said Friday. "This is what happens anytime you have to deal with any kind of government agency."

He plans to launch sometime this week on private property in Amboy, Calif., an unincorporated community.

Hughes claimed the agency gave him verbal permission last year. Local BLM officials denied this.

"Someone from our local office reached out to him after seeing some of these news articles [about the launch], because that was news to them," BLM spokeswoman Samantha Storms said.

If Hughes survives the flight, he plans another launch that will put him miles above the Earth. His ultimate goal: a photograph that proves the planet is a disk, not a globe.

A self-taught rocket builder, Hughes flew a quarter-mile over Winkelman, Ariz., in 2014, before crashing and injuring himself.

Hughes took up the flat Earth conspiracy in 2016 after struggling to raise funds for a follow-up flight.

He called in to a flat Earth community web show.

"We were kind of looking for new sponsors for this. And I'm a believer in the flat Earth," Hughes said. "I researched it for several months" (Wang/Selk, *Washington Post*, Nov. 24). — NS

<https://goo.gl/5MWLim>

#### **4. Internal report warns of 'complex' climate impacts on agency**

*Brittany Patterson*, E&E News reporter

Published: Monday, November 27, 2017

Climate change continues to pose a major challenge to the Interior Department, according to a report released last week by the agency's oversight division.

Interior's Office of Inspector General **identified** climate change as one of nine major vulnerabilities facing the federal agency, which manages one-fifth of land in the United States.

Other top challenges: energy management, public safety and disaster response, information technology, water programs, meeting responsibilities to American Indians and insular areas, awarding grants, workplace culture and ethics, hiring and training staff, and collecting fees and dealing with a multibillion-dollar deferred maintenance backlog in the national parks.

The report — which was crafted by the IG with input by top Interior officials — factored in "high-risk" issues identified by the Government Accountability Office and will be included in the Agency Financial Report for fiscal 2017.

In the report's introduction, the IG notes this is the first analysis outlining top challenges at Interior to be presented to the Trump administration, "and with this transition comes new perspectives and approaches to addressing the DOI's top management and performance challenges."

The agency's strategic plan is traditionally a place where major operational vulnerabilities are addressed. The high-level document lays out the goals, strategies and guiding principles for the agency's 10 bureaus and 70,000 employees.

The current strategic plan is due to be updated in fiscal 2018.

Of the six focal points laid out in a recently leaked draft of Interior's fiscal 2018-22 strategic plan, none touches on the impacts of a changing climate on public lands or the agency's role in adapting to them.

"Climate change" appeared 46 times in the previous strategic plan. It does not appear in the new draft (*Greenwire*, Oct. 25).

By contrast, the IG noted a series of ways in which climate change affects the agency and its priorities. Rising temperatures drive up the cost of fighting wildfires, disproportionately affect tribal communities, jeopardize water supply and impact "insular areas." The report notes that places like the Marshall Islands are already facing sea-level rise and other climate impacts.

"Effects from a changing climate are a cross-cutting, complex issue that impacts the DOI and other land management agencies," the report states. "Most of the risks are relatively static year-to-year, but the way those risks are managed can vary depending on departmental priorities."

<https://goo.gl/pXMsvo>

## 5. Committee to weigh NEPA reforms

Maxine Joselow and Kellie Lunney, E&E News reporters

Published: Monday, November 27, 2017

The House Natural Resources Committee is set to consider revising National Environmental Policy Act guidelines during a hearing this week.

A mainstay of federal environmental oversight, NEPA was enacted on Jan. 1, 1970. In addition to establishing the White House Council on Environmental Quality, the law requires agencies to assess the environmental impact of their proposed actions.

Since its passage nearly 50 years ago, NEPA has come under fire from some business interests that say it slows the progress of large infrastructure projects. CEQ said in September that it would take steps to speed up the reviews (*E&E News PM*, Sept. 14).

The Trump administration has made efforts at other agencies to expedite NEPA studies. Interior Deputy Secretary David Bernhardt issued a September memo directing that environmental impact statements under NEPA "shall not be more than 150 pages or 300 pages for unusually complex projects" (*Greenwire*, Sept. 6).

Natural Resources has also been paying more attention to NEPA issues, elevating oversight from the Energy and Mineral Resources Subcommittee to the full panel.

"The original goal of this piece of legislation was to ensure that each federal agency carefully considers how their decisions will impact the environment. Today, however, the regulatory reach of NEPA far outweighs its general concern for the wellbeing of our environment," the Natural Resources majority says on its website.

"It has become another tool for excessive litigation and to block or impede literally any economic or energy-related activity that may have a federal nexus," the site says.

"The Obama Administration's push to force its climate agenda using NEPA as a back door regulatory tool has begun to seriously impact the future development and production of energy, electricity, transportation, forest management, agriculture and a host of other activities that are the base of the American economy," it says.

Other NEPA-related hearings since last year have focused on CEQ guidance on greenhouse gas emissions scrutiny, environmental group litigation and Obama regulations.

The idea of waiving NEPA to expedite recovery in Puerto Rico, which faces years of rebuilding from Hurricane Maria, is likely to crop up during the hearing.

House Natural Resources Chairman Rob Bishop (R-Utah) in late September said waiving requirements for detailed environmental assessments of projects that receive federal funds would be a boon to the island, whose electric grid was mostly destroyed (*E&E Daily*, Sept. 27).

NEPA's environmental review process can be waived under the Stafford Act for emergency actions, although other environmental laws still apply.

Democrats, including the panel's ranking member, Raúl Grijalva of Arizona, have complained that Bishop and other Republicans have tried to undermine bedrock environmental laws like NEPA through various legislative maneuvers, including bills aimed at streamlining the backlog of oil and gas permits for federal lands.

Bishop last month, however, used NEPA to his advantage. He introduced his long-awaited Antiquities Act reform bill, which would sharply reduce the president's authority to designate national monuments under the current law.

That bill includes new limitations on the size and purpose of national monuments and would institute requirements for those sites to be reviewed under NEPA (*E&E Daily*, Oct. 10).

**Schedule:** The hearing is Wednesday, Nov. 29, at 10 a.m. in 1324 Longworth.

**Witnesses:** Mike Bridges, president, Longview/Kelso Building Trades and Construction Council, Portland, Ore.; Jim Willox, commissioner, Converse County, Wyo.; Philip Howard, chairman, Common Good, New York City; and Dinah Bear, former general counsel, White House Council on Environmental Quality.

<https://goo.gl/wLoMTs>

## 6. High stakes as Senate debates taxes amid shutdown concerns

Geof Koss and George Cahlink, E&E News reporters

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Senate Republicans this week will look to make headway on their top legislative priority of passing tax reform legislation, which would also open part of the Arctic National Wildlife Refuge to oil and gas drilling, even as key fiscal deadlines loom in an already packed agenda.

The Senate Budget Committee will meet tomorrow afternoon to pass the fiscal 2018 budget reconciliation **package**, completing another procedural step that will allow the tax overhaul to reach the floor later this week.

Under the reconciliation process, the legislation will be subject to 20 hours of debate before a vote that need muster only a simple majority.

With Vice President Mike Pence able to cast tie-breaking votes, Republicans must line up 50 of their 52 members behind the bill. President Trump will attempt to rally support with a visit tomorrow to Senate Republicans' weekly policy lunch.

Senate Republican Conference Chairman John Thune of South Dakota predicted yesterday that his party will be able to pass the bill.

"I think that in the end — we have members who are expressing what are legitimate concerns, who are — have ideas about how to make the bill stronger and better," he said on "Fox News Sunday." "And we're certainly open to those. And we're going to have an open process on the floor of the United States Senate where people can offer amendments.

"Those amendments can get debated and voted upon. So it will be ... plenty of opportunities to change the bill in the direction that some of our senators want to see."

Floor debate could provide an opening for discussion on the nearly two dozen energy-related amendments filed during the Finance Committee hearing before the Thanksgiving break (*E&E Daily*, Nov. 14).

The Senate tax bill would largely uphold the status quo on energy provisions of the tax code, while the House-passed bill includes extensions for "orphaned" renewable sectors and a key nuclear break.

Senate Republicans have suggested that a separate tax extenders bill could later address disputed energy incentives, including the wind production tax credit, which would see its value slashed in the House tax proposal (*E&E Daily*, Nov. 3).

While energy amendments may fall by the wayside on the Senate floor, there will be plenty of heated debate over the tax bill's ANWR provisions.

Critics of the bill, including environmentalists, are appealing to GOP deficit hawks, including Tennessee's Bob Corker and Arizona's Jeff Flake, as they look to defeat the bill (*Greenwire*, Nov. 22). The liberal Center for American Progress last week unveiled an analysis showing that the Senate tax bill could force an end to popular state mineral leasing payments — including from new ANWR drilling — which are among the programs threatened by automatic sequestration cuts by new deficit projections.

Senate Republicans made the already-heavy political lift of tax reform heavier by adding a repeal of the individual mandate for health insurance in the Affordable Care Act to the bill in committee.

While Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska) helped tank the GOP effort to repeal that law earlier this year, she indicated last week that she supports scrapping the individual mandate in the tax bill.

Republicans are especially anxious to deliver a legislative win on their stalled agenda before the end of the year, although conferencing with the House on taxes is expected to push final enactment into next year.

"We need to get this accomplishment," Thune said yesterday. "This is a goal that we've had for a long time. If we want to get the economy growing at a faster rate, creating better-paying jobs, raising wages in this country, we need to get this tax bill across the finish line."

#### Spending pressure

Aside from taxes, lawmakers will spend the rest of the year sparring over fiscal 2018 funding for federal agencies. Congress has a Dec. 8 deadline for reaching at least a short-term spending accord, or agencies will be forced to shut down.

Lawmakers set that deadline in September and approved temporary appropriations when they failed to have any new funding in place when the new fiscal year began Oct. 1. Trump is expected to meet with congressional leaders from both parties tomorrow afternoon to discuss spending issues.

Both sides agree they want to avoid a politically treacherous government shutdown, but it's doubtful they'll reach a final deal during the next two weeks. Tax legislation has crowded out work on appropriations.

As a result, Congress is likely to pass another stopgap measure until around Dec. 21 to give members extra time to assemble a final, massive omnibus package. Most members would prefer that the funding issue be wrapped up before Congress adjourns for the holidays rather than spilling into 2018.

Appropriators are expected to begin hammering out details of the package this week when leaders reach an accord on discretionary spending levels for the coming year. It's expected to top \$1 trillion, but how that would be split between defense and other domestic accounts is unresolved.

As it stands now, the House is pushing for increases in defense spending at the expense of domestic accounts. The Senate has called for more modest military increases with largely flat funding for domestic programs.



Leaders in both chambers are hoping to reach a bipartisan deal on spending that would raise caps for both domestic and defense accounts for two years.

Any deal, however, could be complicated by a push to also address an expiring program that allows people who came to the United States illegally as children to stay in the country.

<https://goo.gl/Wb7hCD>

## 7. House to vote on Boundary Waters mining ban

Dylan Brown, E&E News reporter

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The House is set to vote this week on legislation to overturn Obama-era mining limits near the Boundary Waters Canoe Area Wilderness.

Minnesota Republican Rep. Tom Emmer's bill, **H.R. 3905**, "Minnesota's Economic Rights in the Superior National Forest Act," would essentially block a federal mineral withdrawal south of the Boundary Waters Canoe Area Wilderness. The Rules Committee will meet tomorrow to set up floor debate. The mining limits, imposed by the Obama administration last year, took aim at the controversial Twin Metals copper-nickel mine project near Ely, Minn. (*Greenwire*, Aug. 11).

During the current two-year segregation, the Forest Service and the Interior Department are conducting a review to determine whether to enforce a 20-year ban on new claims in 234,000 acres of the Superior National Forest, including the Twin Metals site.

Emmer's bill, approved by a 17-12 vote in the House Natural Resources Committee earlier this month, would require Congress to sign off any mineral withdrawal in northern Minnesota (*Greenwire*, Nov. 8).

"I know that we can responsibly mine and bring jobs back to this region without destroying the forests, lakes and streams that all Minnesotans hold dear," Emmer said.

The project has split local residents as environmentalists worry about the future of the nation's most visited wilderness.

Rep. Betty McCollum (D-Minn.) said the bill "paves the way for toxic pollutants to flow throughout the Rainy River watershed and poison the Boundary Waters forever."

The House will also vote this week on the following bills under suspension of the rules:

- H.R. 3115, from Rep. Richard Nolan (D-Minn.), to provide for a land exchange involving federal land in the Superior National Forest in Minnesota acquired by the Agriculture secretary through the Weeks Act.
  - H.R. 1491, from Rep. Doug LaMalfa (R-Calif.), to reaffirm the action of the Interior secretary to take land into trust for the benefit of the Santa Ynez Band of Chumash Mission Indians.
  - H.R. 2768, from Rep. Scott Tipton (R-Colo.), to designate certain mountain peaks in Colorado as Fowler Peak and Boskoff Peak.
  - H.R. 2615, from Rep. Steven Palazzo (R-Miss.), to authorize the exchange of certain land located in Gulf Islands National Seashore in Jackson County, Miss., between the National Park Service and the Veterans of Foreign Wars.
  - H.R. 995, sponsored by Rep. Hakeem Jeffries (D-N.Y.), which would direct the Interior and Agriculture secretaries to amend regulations for "racial appropriateness."
- Schedule:** The Rules meeting is Tuesday, Nov. 28, at 5 p.m. in H-313 Capitol.

<https://goo.gl/jGrKaJ>

## 8. Hearing blitz set for supplemental spending, storms

Manuel Quiñones, E&E News reporter

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The House Appropriations Committee has scheduled a blitz of hearings for this week to scrutinize supplemental spending requests from the administration, as well as disaster recovery.

Earlier this month the White House asked Congress for \$44 billion to help pay for ongoing storm relief in Puerto Rico, Texas and Florida, and wildfires in the West.

Lawmakers are set to decide how much to appropriate in the coming weeks. More requests are possible, especially with representatives from affected areas calling the \$44 billion deeply inadequate.

This week House appropriators will hear from the leaders of numerous agencies involved in disaster response and planning, including the Federal Emergency Management Agency and Army Corps of Engineers.

The Interior Department and Forest Service will also be on the hot seat, along with transportation and agricultural agencies.

The supplemental request includes \$25.2 billion for FEMA and the Small Business Administration. An additional \$12 billion would go to communities in the form of Community Development Block Grants for flood mitigation projects, \$4.6 billion for replacing damaged federal property, \$1.2 billion for an education recovery fund and \$1 billion for emergency agriculture assistance.

**Schedule:** The Appropriations subcommittee hearing on agriculture issues is Wednesday, Nov. 29, at 10 a.m. in 2362-A Rayburn.

**Witnesses:** Bob Johansson, acting deputy Agriculture undersecretary for farm production and conservation; Leonard Jordan, acting chief, Natural Resources Conservation Service; and Steve Peterson, acting administrator, Farm Service Agency.

**Schedule:** The Appropriations subcommittee hearing on the Forest Service is Wednesday, Nov. 29, at 10 a.m. in 2007 Rayburn.

**Witness:** Forest Service Chief Tony Tooke.

**Schedule:** The Appropriations subcommittee hearing on the Army Corps is Wednesday, Nov. 29, at 11 a.m. in 2362-B Rayburn.

**Witnesses:** Ryan Fisher, acting assistant secretary of the Army for civil works; and Maj. Gen. Donald Jackson, deputy commanding general for civil and emergency operations.

**Schedule:** The Appropriations subcommittee on the Small Business Administration and General Services Administration is Wednesday, Nov. 29, at 2 p.m. in 2359 Rayburn.

**Witnesses:** TBA.

**Schedule:** The Appropriations subcommittee hearing on the Interior Department is Thursday, Nov. 30, at 9:30 a.m. in 2007 Rayburn.

**Witness:** Interior Deputy Secretary David Bernhardt.

**Schedule:** The Appropriations subcommittee hearing on the Federal Emergency Management Agency is Thursday, Nov. 30, at 10 a.m. in 2359 Rayburn.

**Witness:** FEMA Administrator Brock Long.

**Schedule:** The Appropriations subcommittee hearing on transportation issues is Thursday, Nov. 30, at 3 p.m. in 2358-A Rayburn.

**Witnesses:** Federal Highway Administration Deputy Administrator Brandye Hendrickson and FHWA Executive Director Walter Waidelich.

<https://goo.gl/oA6aVR>

## 9. Lawmakers study rule-killing panels at EPA, Interior and DOE

Maxine Joselow, E&E News reporter

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House lawmakers this week will extend their probe of rule-cutting efforts across the federal government to the three agencies responsible for issuing the bulk of environmental regulations: U.S. EPA, the Interior Department and the Department of Energy.

Two House Oversight and Government Reform subcommittees will hold a hearing Wednesday on the regulatory reform task forces at those agencies.

At the committee's first hearing on the panels — which featured witnesses from the Transportation and Defense departments— Democrats raised concern that the bodies lacked transparency and had deep industry ties (*E&E Daily*, Oct. 25).

The task force at EPA is being led by Samantha Dravis, a former top official at the Republican Attorneys General Association.

While the panel has not publicly disclosed the names of stakeholders it has consulted, documents obtained under Freedom of Information Act litigation show that Dravis has met with Chevron Corp. executives about regulatory reform (*Greenwire*, Oct. 23).

A joint investigation by *The New York Times* and ProPublica found that task force appointees have significant corporate ties at other agencies, too.

For example, the task force at Interior is being led by Scott Cameron, founder and former president of a nonprofit that received funding from the pesticide maker Syngenta AG and other industry groups.

And at DOE, the panel's regulatory reform officer is Daniel Simmons, a former top official at a conservative think tank that has opposed efforts to limit greenhouse gas emissions and that has received money from the American Petroleum Institute and the Charles Koch Institute.

**Schedule:** The hearing is Wednesday, Nov. 29, at 10 a.m. in 2154 Rayburn.

**Witnesses:** David Bernhardt, Interior Department deputy secretary; Brittany Bolen, EPA Office of Policy deputy associate administrator; and Daniel Simmons, acting assistant secretary in DOE's Office of Energy Efficiency and Renewable Energy.

<https://goo.gl/N3ei7p>

## 10. 'Acting' titles vanish across Trump admin

Hannah Northey, E&E News reporter

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The Trump administration is quietly erasing the word "acting" from the titles of officials who lead critical offices at U.S. EPA and the Interior and Energy departments.

Those once-acting occupants of posts needing Senate confirmation have been forced by the Federal Vacancies Reform Act to step aside without a nominee waiting in the wings. That's now happened at Interior's Bureau of Land Management and DOE offices focused on renewables, efficiency and nuclear energy (*Greenwire*, Nov. 9).

Noticeably lacking an acting leader is DOE's Office of Energy Efficiency & Renewable Energy, which until last week was led by Dan Simmons, a free-market advocate formerly with the Institute for Energy Research and American Legislative Exchange Council.

Employees of that DOE office were informed last week in an internal email obtained by E&E News that Simmons would no longer hold the title of acting EERE director as of Nov. 16 but would continue to "serve in a leadership capacity" as principal deputy assistant secretary.

A day after that memo, Simmons signed off on a request for comment on potentially sweeping changes to the DOE efficiency program (*see related story*).

Other high-profile DOE offices also appear to be operating without acting chiefs, including the Office of Nuclear Energy, where Edward McGinnis, once acting, is now principal deputy assistant secretary. The same is true for the Advanced Research Projects Agency-Energy, where Eric Rohlfing shifted from acting head to **deputy director**.

Under the Federal Vacancies Reform Act, Senate-confirmable posts without nominees cannot perform their office's specific duties or functions assigned under statute or regulation. Acting officials who violate the act could see their decisions later challenged and possibly reversed in court, according to the Congressional Research Service.

In offices where deputies can step up and missions are clear, the effect may be muted, said a DOE official who asked that his name not be used because he's not authorized to speak to the media. But in larger and more complex operations, the official said, work can be more cumbersome and questions are cropping up about who should defend individual offices' needs once budget fights heat up again.

Other agencies are defending their responses in the face of legal questions.

Interior, for example, defended its appointment of Brian Steed as the interim director of BLM, saying Secretary Ryan Zinke can delegate the responsibilities of any confirmed post under the Reorganization Plan No. 3 of 1950, part of the U.S. Code.

Steed is now listed as "deputy director of policy and programs" on the BLM's website alongside the qualifier of "exercising authority of the director."

But Paul Light, a public policy professor at New York University, said the Federal Vacancies Reform Act is the "exclusive means for temporarily authorizing an acting official to perform the functions and duties" of all advise-and-consent positions unless otherwise expressly provided in law or unless President Trump uses his recess appointment authority.

"The Department appears to invite legal action on any and all decisions made under this decision," Light said in an email. "Good luck on that."

*Reporter Christa Marshall contributed.*

<https://goo.gl/DNGRq3>