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### 1. Zinke's opponents, lacking gavels, turn to complaints

Michael Doyle, E&E News reporter

Published: Thursday, October 12, 2017

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<http://bit.ly/2xBMkA4>

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Published: Thursday, October 12, 2017

The House Natural Resources Committee last night voted in favor of legislation that would overhaul the Antiquities Act for the first time since its enactment more than a century ago,

approving reforms that would sharply reduce the size of future monuments and create a formal process for reductions.

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

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Scott Streater, E&E News reporter

Published: Thursday, October 12, 2017

Recent moves by the Trump administration and Congress to shrink the size of presidentially designated national monuments has placed the Antiquities Act at risk of being significantly weakened, according to a report today from a nonprofit group that works to promote and protect culturally important sites.

<http://bit.ly/2yjY10u>

### **4. Enviro law firm sues for review documents**

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Published: Thursday, October 12, 2017

An Idaho-based environmental law firm sued the Trump administration in federal court today, alleging the Department of Justice is withholding a dozen documents that discuss whether President Trump has the authority to reduce or rescind national monuments under the Antiquities Act of 1906.

<http://bit.ly/2g4YVp0>

### **5. BLM halts wild horse roundup as advocates dispute numbers**

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

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Lawmakers yesterday defended legislation from Rep. Paul Gosar (R-Ariz.) that would facilitate a land transfer to La Paz County, Ariz., to create a solar farm.

<http://bit.ly/2zie7Yr>

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Published: Thursday, October 12, 2017

House lawmakers yesterday advanced legislation that would exempt home security systems from federal energy efficiency standards.

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

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### **1. Zinke's opponents, lacking gavels, turn to complaints**

Michael Doyle, E&E News reporter

Published: Thursday, October 12, 2017

Opponents of Interior Secretary Ryan Zinke are leaning on ethics complaints and requests for watchdog investigations, with the latest accusation targeting a political fundraising company's use of praise Zinke once offered for the company's work.

The Campaign for Accountability, a self-described "nonpartisan watchdog organization," contends Zinke's quote could have violated the federal ethics rule that prohibits government officials from making commercial endorsements.

On its face, the undated quote did not, in fact, appear to run afoul of ethics rules. It did not identify Zinke as Interior secretary and did not state or suggest an executive agency endorsement. It has also been removed from the company's website within the last 24 hours.

By publicly seeking an Office of Government Ethics investigation yesterday, though, the Campaign for Accountability underscored how ethics complaints have become both commonplace and weaponized.

"What we've learned this week is that Secretary Zinke thinks the rules don't apply to him," Campaign for Accountability Executive Director Daniel Stevens said in an initial statement.

Tellingly, as part of what might be called the drumbeat effect, the Campaign for Accountability fit the latest complaint into what Stevens called in an interview today a "larger perspective" concerning Zinke's behavior. When such narratives take hold, they can assume political momentum, color an official's reputation and undercut the official's power.

Requesting outside investigations can also be a workaround for advocates and members of the Capitol Hill minority who can't convene oversight hearings like the ones Republicans conducted during the Obama administration and Democrats conducted during the Bush years.

"Whether we're in the majority or the minority, we have the same standing to get information," said Rep. Raúl Grijalva of Arizona, the senior Democrat on the House Natural Resources Committee. "I think we have to assert the fact that we have standing in this Congress."

In the majority, Grijalva acknowledged, Democrats would wield other powers to pierce what he called Zinke's lack of transparency.

"We'd have subpoena power," Grijalva said, with a chuckle.

Instead, prompted by congressional Democrats, U.S. EPA's inspector general is examining Administrator Scott Pruitt's travel, while the Office of Special Counsel was asked by a Senate Democrat to look at Pruitt's political activity (*E&E News PM*, Oct. 6).

Last week, the Campaign for Accountability called on the Office of Special Counsel and Interior's inspector general to investigate whether Zinke violated conflict-of-interest laws and the Hatch Act by speaking before a National Hockey League team in Las Vegas.

The Hatch Act restricts political activities by federal employees.

Urged on by House Democrats, the IG is already examining Zinke's travels by chartered aircraft as well as his reassignments of dozens of Senior Executive Service employees (*Greenwire*, Sept. 11).

Democrats also sought an IG inquiry into Zinke's alleged political pressure on Sen. Lisa Murkowski (R-Alaska) during the failed GOP effort to repeal and replace the Affordable Care Act. The IG subsequently dropped its examination after Murkowski declined to participate.

At the request of two Democrats, the Government Accountability Office is examining Zinke's lobbying of Murkowski (*E&E News PM*, Sept. 8).

"I think there are sincere motivations," Rep. Jim Costa (D-Calif.), a centrist member of the House Natural Resources Committee, said of the various requests for inquiries, adding that "it's one way" to get information.

An Interior Department spokesperson could not be reached to comment.

Litigation, too, provides a weapon for challenging Zinke's leadership. So far, at least 83 lawsuits have identified Zinke as a defendant since Jan. 20, according to the PACER database. This is common. During a comparable period in 2009, the Obama administration's first Interior secretary, Ken Salazar, was named in 113 lawsuits.

The latest complaint about Zinke, not filed in court, involved **ForthRight Strategy**, a marketing and fundraising firm that says it will "deliver results" for conservative candidates and causes.

The firm's home page as late as yesterday featured a slide show of quotes from satisfied clients. They included Zinke, who used the company for his 2014 and 2016 House campaigns.

"You guys are in large part why I had the money and support that afforded me the opportunity to become a Congressman for the at-large seat in Montana," the Zinke quote stated in part. "Your results and personal commitment to Team Zinke were bar none!"

The website has since dropped the quotes from Zinke and others.

"The Zinke testimonial was placed on our website two years ago," Forthright Strategy CEO Kimberly Bellissimo said in an email today. "It has since been removed."

Bellissimo added, in the email first reported by the conservative *Daily Caller*, that "we are proud of our service to then Congressman Zinke and are proud of Secretary Zinke's service to our country."

Even had it stayed, the Zinke quote might have been a weak reed upon which to hang a formal complaint.

Unlike Zinke's congressional focus, the Office of Government Ethics places its emphasis on avoiding endorsements that imply agency backing.

"Executive branch employees may not use their Government positions to suggest that the agency or any part of the executive branch endorses an organization (including a nonprofit organization), product, service, or person," the OGE states on its website.

In one legal advisory, the OGE elaborated that a key question is "whether a reasonable person would construe a reference to an employee's title, position, agency, or government affiliation as implying government sanction or endorsement."

For instance, the ethics office stated in February that "there is strong reason to believe" that White House senior adviser Kellyanne Conway violated the rules when she touted Ivanka Trump's fashion line in an interview from the White House Briefing Room.

Conway was flanked by a White House sign and an American flag when she said, "Go buy Ivanka's stuff." The White House subsequently described her actions as inadvertent, with then-spokesman Sean Spicer saying Conway had been "counseled." He did not explain what that meant.

The OGE cites, by contrast, as an example of permissible behavior, an EPA administrator writing to a company to say its operations complied with federal law "even though he knows that the company routinely displays letters of this type in TV commercials."

<http://bit.ly/2xBMkA4>

## 2. Antiquities Act revision advances

Jennifer Yachnin, E&E News reporter

Published: Thursday, October 12, 2017

The House Natural Resources Committee last night voted in favor of legislation that would overhaul the Antiquities Act for the first time since its enactment more than a century ago, approving reforms that would sharply reduce the size of future monuments and create a formal process for reductions.

Lawmakers passed the measure sponsored by Chairman Rob Bishop (R-Utah) on a party-line vote, 23 to 17.

"The only path to transparency and to accountability that we all claim to be seeking, no matter which party controls the White House, is to amend the act itself," Bishop said in his opening remarks.

The Utah lawmaker's legislation, **H.R. 3990**, the "National Monument Creation and Protection Act," would limit the size of new monuments to a maximum of 85,000 acres and require approval from local and state lawmakers and governors, as well as review under the National Environmental Policy Act.

The measure, also known as the "CAP Act," would also limit designations to protect areas with relics, cultural artifacts and fossils, while eliminating the inclusion of "vast landscape domains."

As the law stands now, a president may designate existing public lands as a monument to protect areas of cultural, scientific or historical value, without any restrictions on acreage.

During the committee's markup, Bishop noted the legislation would refocus the law on its original intent of protecting man-made relics, and that requirements for NEPA review and state or local input would provide a formal decisionmaking process for new monuments.

"It establishes a process to get information before the designation, not afterward," Bishop said. He criticized unspecified monuments created in recent years as designations made "not on scientific or archaeological" basis "but for political purposes."

Bishop has been a longtime critic of the Antiquities Act, specifically with sites in his home state including the Bears Ears National Monument created by President Obama in late 2016 and the Grand Staircase-Escalante National Monument created by President Clinton in 1996.

Arizona Rep. Raúl Grijalva, the committee's top Democrat, slammed Bishop's proposal, which he said "essentially destroys the Antiquities Act."

"We need additional national monuments, not fewer. Our national monuments should be larger, not smaller," he later added.

Democratic lawmakers and conservation groups also criticized Bishop's bill ahead of the hearing, arguing its passage would lead to fewer national parks in the future.

About one-third of national monuments created under the Antiquities Act have been converted to national parks, historic parks or sites, national preserves, or other properties controlled by the National Park Service, according to data provided by the Wilderness Society.

But Bishop rebutted those claims as "misinformation" intended to create opposition to his legislation. "With all due respect, Trump Tower could not be made a national monument because that's private property," Bishop noted wryly.

He later added: "The idea that Grand Canyon or Zion National Park would never have been created without this is misinformation. Those are national parks that can only be made by Congress. The idea that this stops the process is simply one of those things you throw out there that is a nice argument, but it's not a real argument."

Democrats did praise provisions in Bishop's bill that would prohibit presidents from reducing a monument by more than 85,000 without agreement of local and state officials.

Opponents have argued presidents do not have authority to reduce monuments under the Antiquities Act and have vowed to challenge the Trump administration in court if it attempts to do so.

Although presidents have previously reduced the size of some monuments, none of those cases has ever been tested in federal court. President Kennedy was the last to do so when he modified the Bandelier National Monument in New Mexico.

"There is something good about this bill," said Virginia Rep. Don McEachin (D). "And that is that it points out that the president has no authority to unilaterally shrink or undesignate a national monument under current law. This admission is useful because the president may soon try to invoke that nonexistent power to the lasting detriment of our country."

Earlier in the day Bishop said that such interpretations are incorrect, stating the bill does not create a "new power" but defines one that already exists (*E&E News PM*, Oct. 11).

#### Democratic resolution

During the meeting, lawmakers also voted on a resolution of inquiry sponsored by Grijalva that aimed to force the Trump administration to disclose the details of its recent review of more than two dozen national monuments.

In a private report to President Trump in late August, which leaked to the media last month, Interior Secretary Ryan Zinke recommended reducing the boundaries of six monuments and altering the management plans of a handful more (*Greenwire*, Sept. 18).

Neither the White House nor the Interior Department has commented on that report, which has not been finalized. Noting the Trump administration conducted an "extensive review," Grijalva said Democrats were attempting to force a formal disclosure of the recommendations.

"We would like to read that report," he said. "We would like to see the information that was gathered during the review process so we can make informed decisions regarding the value of the report."

The committee voted along party lines, 23-17, to report the resolution unfavorably to the House, effectively killing the measure.

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

### 3. Cultural foundation lists Antiquities Act as most 'at-risk' site

*Scott Streater*, E&E News reporter

Published: Thursday, October 12, 2017

Recent moves by the Trump administration and Congress to shrink the size of presidentially designated national monuments has placed the Antiquities Act at risk of being significantly weakened, according to a report today from a nonprofit group that works to promote and protect culturally important sites.

While the Cultural Landscape Foundation's annual **report** listing "nationally significant landscapes threatened and at-risk" includes several urban parks, a California canyon and the James River in Virginia, the Antiquities Act tops the list.

Presidents from Theodore Roosevelt to Barack Obama have used the 1906 law to protect millions of acres of culturally, historically and environmentally sensitive landscapes, including the Statue of Liberty National Monument.

But the Cultural Landscape Foundation lists Interior Secretary Ryan Zinke's review of 27 national monuments designated by Presidents Clinton, George W. Bush and Obama as a real threat to the more-than-century-old law.

Zinke in August submitted a list of his recommendations to President Trump, but that report has never been formally released to the public. A leaked copy of the report, however, revealed Zinke suggested Trump reduce the boundaries of six monuments and alter the management plans of others (*Greenwire*, Sept. 18).

"The move could open up the nationally significant monuments to logging, mining, and other uses that could prove damaging," the Cultural Landscape Foundation report says.

The foundation's report, titled "Landslide 2017: Open Season on Open Space," also notes legislation sponsored by House Natural Resources Chairman Rob Bishop (R-Utah) that, among other things, would restrict the size of national monuments designated by presidents under the Antiquities Act. The legislation "would significantly change" the law.

The Natural Resources Committee advanced Bishop's bill yesterday, passing the measure by a 23-17 vote along party lines (*E&E Daily*, Oct. 12).

The foundation encourages people to contact Zinke "and urge him not to endorse loosening protections for national monuments."

Other notable entries on the list include sites with historical value.

Perhaps none more than the James River, where Dominion Energy Inc. has proposed building a 17-mile-long transmission line that would cross a section of the river and, critics say, would be visible from Colonial National Historical Park and other historic sites.

The Army Corps of Engineers approved a permit last summer that allows the company to build the line across a 4.1-mile section of the James River.

"The high-voltage transmission line's tallest towers would reach 295 feet, nearly the height of the Statue of Liberty, and would be illuminated," the report says. "The project ... would affect historic Jamestown, Colonial National Historical Park, the Colonial Parkway, and the Captain John Smith Chesapeake National Historic Trail."

Several groups, including the National Parks Conservation Association, National Trust for Historic Preservation and Association for the Preservation of Virginia Antiquities, have filed federal lawsuits challenging the Army Corps' permit (*Greenwire*, Aug. 4).

Charles Birnbaum, the Cultural Landscape Foundation's president and CEO, said the 13 sites listed in the report are emblematic of a greater problem facing public lands nationwide.

"Open space is too often treated as a void, absent any cultural significance and waiting to be filled," Birnbaum said in a statement. "This can lead to incompatible uses ranging from resource extraction to development, and outright confiscation of parkland held in public trust, which threatens park equity and equal access for all."

To that point, the report lists parks that "are coming under pressure to generate revenue, whether through private commercial development in urban settings or resource extraction, such as mining, in national monuments and wilderness areas."

Among them is New Orleans' parks and "open space system," which has been "underfunded," the report says.

"Consequently, stewards of individual parks are allowing for-profit enterprises to confiscate and privatize sections of the city's parks," it says. "Significantly, there is effectively no meaningful public oversight or input into the city's management of its parks."

Another site on the list is Coyote Valley in California, which is "the largest undeveloped landscape overlaying Silicon Valley's groundwater aquifer and provides 2,500 acres of floodplain to mitigate flooding," according to the report.

San Jose, however, has a long-term plan for the region that "calls for the northern portion of Coyote Valley, the most important in terms of water resources and wildlife, to be developed," the report says.

<http://bit.ly/2yjYl0u>

#### 4. Enviro law firm sues for review documents

Jennifer Yachnin, E&E News reporter

Published: Thursday, October 12, 2017

An Idaho-based environmental law firm sued the Trump administration in federal court today, alleging the Department of Justice is withholding a dozen documents that discuss whether President Trump has the authority to reduce or rescind national monuments under the Antiquities Act of 1906.

In an eight-page **complaint** filed in the U.S. District Court for the District of Idaho, Advocates for the West asserts that DOJ has failed to produce documents identified under a Freedom of Information Act request.

"The Department of Justice is providing cover for President Trump and [Interior] Secretary [Ryan] Zinke's unprecedented attack on national monuments by unlawfully withholding public documents that establish that President Trump and Secretary Zinke lack authority to eliminate or shrink any national monument," said the firm's senior attorney Todd Tucci.

"This lawsuit is intended to force public disclosure of these documents," Tucci said in a statement.

The administration is currently contemplating the reduction of a half-dozen national monuments — including Utah's Grand Staircase-Escalante and Bear Ears sites, and Oregon and California's Cascade-Siskiyou site — and management changes to others.

The changes may be based on recommendations Zinke made following a review this summer. The White House has not indicated whether it plans to pursue those recommendations.

Congressional lawmakers, however, have sparred for months over whether the president has the authority to alter monuments under the Antiquities Act.

House Natural Resources Chairman Rob Bishop (R-Utah) contends that a president not only may reduce a monument but can also rescind sites, something no president has ever attempted.

Arizona Rep. Raúl Grijalva, the panel's top Democrat, argues that the 1906 law only permits presidents to set aside public lands with historic, cultural or scientific value. Once such sites are established, he contends, only Congress may make boundary changes.

Although presidents have previously reduced the size of some monuments, no one has attempted to do so since President Kennedy modified the Bandelier National Monument in New Mexico in 1963. None of those past changes has ever faced a challenge in federal court.

The White House did not respond to a request for comment before publication over whether the president has sought an opinion from the Justice Department's Office of Legal Counsel on his ability to alter monuments. A DOJ spokesman declined to comment for this article.

Opponents of the Trump administration's anticipated monument changes have pointed to a 1938 opinion issued by then-Attorney General Homer Cummings to President Franklin Roosevelt.

But in that opinion, Cummings only rejected Roosevelt's request to abolish a monument created by President Coolidge and did not address boundary changes. Cummings wrote that because designations are equivalent to an act of Congress, only lawmakers could abolish them ([Greenwire](#), July 28).

<http://bit.ly/2g4YVp0>

## 5. BLM halts wild horse roundup as advocates dispute numbers

Published: Thursday, October 12, 2017

The Bureau of Land Management is stopping a wild horse roundup in Wyoming after a spat with wild horse advocates over whether the agency should include foals in its quotas.

In a court filing Tuesday, BLM and opponents at the American Wild Horse Preservation Campaign agreed that the roundup would end at 1,560 horses of all ages. The agency was poised to reach that quota yesterday.

A lawsuit by opponents is still pending, however, and U.S. District Judge Nancy Freudenthal will rule in the coming days whether to allow the roundup to continue.

BLM had previously included only adult horses in the tally, saying it generally does not add foals to the count until the first day of the year after their birth. But advocates sued and argued that the practice allowed the agency to exceed the quota set by a previous court ruling and remove close to 2,000 animals (*Greenwire*, Oct. 9).

"If they had just stuck to the number of horses they had determined to be excess, there would be no lawsuit," said William Eubanks, an attorney for the wild horse advocates.

"We would have left this alone," he added. "But they decided to try to push it" (*AP/Billings Gazette*, Oct. 11). — NS

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

## 6. Bill would let states access FEMA money for wildfires

*Marc Heller*, E&E News reporter

Published: Thursday, October 12, 2017

Newly proposed legislation to provide emergency wildfire funds to states could help reduce the threat of blazes where development borders forests, a bipartisan group of sponsors said yesterday.

Five Western senators introduced a bill, the "Wildfire Mitigation Assistance Act," *S. 1932*, that would allow states to tap into funds from the Federal Emergency Management Agency to lessen the effects of wildfires and prevent future blazes. Sen. Michael Bennet (D-Colo.) took the lead, joined by Sens. Mike Crapo (R-Idaho), Ron Wyden (D-Ore.), Jim Risch (R-Idaho) and Jon Tester (D-Mont.).

In a news release, Bennet said, "Wildfires have catastrophic effects across the West. We can dramatically reduce the severity and damage from these wildfires through mitigation work that minimizes the risk of flooding, erosion, and future fires."

The latest version of legislation the lawmakers introduced in the last session of Congress, the bill isn't tied to the latest fires in California wine country but could help protect regions that border fire-prone lands, such as the wildland-urban interface, said a spokesman for Crapo.

Among other activities, the bill would support clearing of underbrush in fire-affected areas, which can contribute to subsequent wildfires. Work could also reduce risks of flooding and erosion, said the lawmakers' offices.

The bill would allow FEMA to provide emergency funds through its Hazard Mitigation Grant Program, which is currently limited to presidentially declared disaster areas — a designation that generally applies to hurricanes, tornadoes and earthquakes, for instance.

This week, however, the administration did declare a disaster in California, where wildfires have destroyed homes and damaged wineries.

Use of FEMA funds for wildfire assistance hasn't been the most promising route. The Trump administration initially declined an appeal for FEMA money to help Montana recover from wildfires this summer, then reversed after the state's governor and congressional delegation appealed.

Agriculture Secretary Sonny Perdue told Western senators at a meeting at the Forest Service headquarters recently that the administration doesn't appear likely to embrace FEMA as a long-term source of funding for wildfire assistance but agrees that a new funding mechanism is needed (*E&E Daily*, Sept. 27).

The California Forestry Association believes wildfires need to be funded like other disasters, a spokeswoman said. "We must treat wildfires like other natural disasters — flood, tornadoes, hurricanes, earthquakes — which get their funding from FEMA," said the spokeswoman, Lindsay VanLaningham.

The legislation is the latest in a series of bills introduced in Congress to change the way the government pays for wildfire assistance and manages fire risk. Separately, Western lawmakers have called for a budget fix that would end the Forest Service's practice of borrowing funds from non-fire-related accounts to cover rising wildfire suppression costs.

<http://bit.ly/2wQhg7v>

## **7. Despite pushback, lawmakers support Ariz. land transfer bill**

*Cecelia Smith Schoenwalder, E&E News reporter*

Published: Thursday, October 12, 2017

Lawmakers yesterday defended legislation from Rep. Paul Gosar (R-Ariz.) that would facilitate a land transfer to La Paz County, Ariz., to create a solar farm.

Gosar and House Natural Resources Subcommittee on Federal Lands Chairman Tom McClintock (R-Calif.) supported **H.R. 2630** and dismissed statements from the Center for Biological Diversity, which called the measure a "shady land giveaway" that "looks a lot like a gift to special interests."

Brett Hartl, government affairs director at CBD, also called the proposal "irresponsible and reckless" for not having public input or an environmental review.

But D.L. Wilson, chairman of the board of supervisors for La Paz County, said there have been no endangered species or cultural resources detected on the 8,000-acre plot, which he said already has a significant level of surface disturbance.

Wilson also said the project would have to go through the National Environmental Policy Act process if Congress clears the land deal.

Still, Hartl said the bill would "fleece Arizona taxpayers and set a terrible precedent." He also said the developer should pay market value for the land.

McClintock asked Wilson if the law requires fair payment for the land. It does, said Wilson. "That doesn't sound like a giveaway to me," McClintock said.

D.C. stadium bill

Rep. Don Young (R-Alaska) and full committee Chairman Rob Bishop (R-Utah) questioned [H.R. 3373](#), from Del. Eleanor Holmes Norton (D-D.C.), which would add 50 years to Washington's lease on the Robert F. Kennedy Memorial Stadium.

D.C. United, which currently uses the stadium, is set to leave in 2018. McClintock expressed concern about the site becoming an "eyesore" after the soccer team's departure.

Bob Vogel, acting deputy director for operations of the National Park Service, supported enhancing the property but also said the Interior Department wants to review the duration of the lease and look into other future options for the facility.

Young suggested transferring full ownership to the District of Columbia so city leaders could maintain the aging property and make revenue off it.

"I'm not really fond of the Park Service," Young said, noting that NPS has too much land and doesn't take advantage of it.

Bishop supported a similar idea and asked if the city could purchase the property so NPS could apply the funds to the "crumbling" Arlington Memorial Bridge on the other side of the city.

The chairman also said the process would help avoid time spent on getting federal permits for every project planned for the stadium.

"There is no reason for the Park Service to have a rotting stadium," Bishop said.

The subcommittee heard testimony on two other bills:

- [H.R. 219](#), from Young, to correct the Swan Lake hydroelectric project survey boundary and to convey the remaining land within the corrected boundary to Alaska.
- [H.R. 3607](#), from McClintock, to authorize the Interior secretary to establish fees for medical services provided in units of the National Park System. Interior supported the bill with amendments.

<http://bit.ly/2zie7Yr>

## **8. Energy efficiency, whistleblower bills passed by lawmakers**

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

Published: Thursday, October 12, 2017

House lawmakers yesterday advanced legislation that would exempt home security systems from federal energy efficiency standards.

The House passed Colorado Republican Sen. Cory Gardner's [S. 190](#) by voice vote under fast-track procedure. The uncontroversial bill passed the Senate in August without fanfare.

The measure would exempt external power supplies for safety systems, like smoke alarms, from federal energy conservation standards until 2023. Congress had already excluded safety devices from the standards, but the exemption ended in July.

"External power supplies are used for all sorts of devices," Rep. Pete Olson (R-Texas) said on the floor yesterday. "And we've learned from experience that the federal energy efficiency standards sometimes don't work the way we want them to."

The House also passed several other bills by voice vote yesterday, including measures aimed at the federal workforce:

- **H.R. 378**, from Rep. Chuck Fleischmann (R-Tenn.), to allow agency heads to pay a cash reward to federal employees who identify unnecessary government expenses.
- **H.R. 2196**, from Rep. Steve Russell (R-Okla.), to expand the Office of Special Counsel's reach to protect all disclosures by whistleblowers in agencies the office covers.
- **H.R. 2229**, offered by Rep. Elijah Cummings (D-Md.), to make permanent a pilot program allowing whistleblowers to contest retaliation rulings in any appeals court.
- **H.R. 3031**, also from Cummings, to add flexibility for withdrawals from the federal Thrift Savings Plan.

Pending is a vote on the "Dr. Chris Kirkpatrick Whistleblower Protection Act," S. 585, to strengthen penalties for federal officials who retaliate against whistleblowers.

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