

From: Bail, Kristin
To: [Richard Cardinale](#); [Katharine Macgregor](#)
Subject: Fwd: BLM-Related Notes: SENR Confirmation Hearing for Rep. Zinke to be DOI Secretary
Date: Monday, February 13, 2017 11:56:53 AM
Attachments: [SENR Confirmation Hearing - Zinke 1-17-2017_clean.docx](#)

Per your question, I looked at the QFRs and hearing readout to determine what Congressman Zinke has said regarding Bears Ears. This is all that I found. The first item is from the 55 page QFR document. The second is a forwarded email which summarized the hearing that was held. --K

From Post-hearing QFRs:

Question 8: You have talked about working with states on Antiquities Act monument proclamations and policies, but you have not mentioned collaboration with affected tribes. Will you commit to meeting with and working with tribes and tribal communities whose ancestral lands and sacred sites are protected by Antiquities Act proclamations before making any decisions about them?

Response: Yes, if confirmed.

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

From: **Wilkinson, Patrick** <p2wilkin@blm.gov>
Date: Thu, Jan 19, 2017 at 4:26 PM
Subject: BLM-Related Notes: SENR Confirmation Hearing for Rep. Zinke to be DOI Secretary
To: BLM_WO_100_POLICY <blm_wo_100_policy@blm.gov>, Kristin Bail <kbail@blm.gov>, Jerome Perez <jperez@blm.gov>
Cc: Jenna Whitlock <jwhitloc@blm.gov>, Michael D Nedd <mnedd@blm.gov>, Larry Claypool <lclaypoo@blm.gov>, Matthew Allen <mrallen@blm.gov>, Craig S Leff <cleff@blm.gov>, Karen Kelleher <kkelleh@blm.gov>, Steve Tryon <stryon@blm.gov>, Christopher McAlear <cmcalear@blm.gov>, Nikki Moore <nmoore@blm.gov>, Janine Velasco <jvelasco@blm.gov>, Ann DeBlasi <amdeblas@blm.gov>, Linda Smith <lhsmith@blm.gov>, Adrienne Dicerbo <adicerbo@blm.gov>, "Andrea Nelson (work)" <anelson@blm.gov>, Jamie Pool <jpool@blm.gov>, Jill Moran <jcmoran@blm.gov>, Jill Ralston <jralston@blm.gov>, Mark Brown <m3brown@blm.gov>, Matthew Varner <mvarner@blm.gov>, Meagan Gins <mgins@blm.gov>, Salvatore Lauro <slauro@blm.gov>, Jeff Krauss <jkrauss@blm.gov>, Beverly S Winston <BWinston@blm.gov>, Amy L Krause <alkrause@blm.gov>

FYI - Attached and pasted below are overview notes of BLM issues discussed at Rep. Zinke's Senate confirmation hearing.

Summary

BLM-Related Questions/Answers

Senate Energy & Natural Resources Committee

Nomination Hearing of the Honorable Ryan Zinke
to be the Secretary of the Interior
January 17, 2017

- All but one member of the SENR Committee attended, including the Chairman and Ranking Member.

- These members included: Chairman Murkowski (R-AK), Ranking Member Cantwell (D-WA), and Sens. Barrasso (R-WY), Risch (R-ID), Lee (R-UT), Flake (R-AZ), Daines (R-MT), Gardner (R-CO), Alexander (R-TN), Hoeven (R-ND), Cassidy (R-LA), Portman (R-OH), Wyden (D-OR), Sanders (I-VT), Stabenow (D-MI), Franken (D-MN), Heinrich (D-NM), Manchin (D-WV), Hirono (D-HI), King (D-ME), Duckworth (D-IL), and Cortez Masto (D-NV). Sen. Sessions (R-AL) did not attend the hearing.

The hearing lasted nearly four hours and consisted largely of cordial questioning. Primary BLM-related topics included the following:

(Excerpt follows):

Antiquities Act

- Sens. Heinrich, Lee, Gardner, and Risch asked questions regarding the President's use of the Antiquities Act, and Sen. Cortez-Masto made a passing reference to recently designated National Monuments in Nevada.

- Sen. Heinrich specifically asked Rep. Zinke about whether the President had the authority to abolish existing National Monuments designated under the Act. Rep. Zinke seemed open to the idea but also said it would be an untested use of the Antiquities Act and speculated that it could leave the Department open to extensive litigation.

- Sens. Lee, Gardner, and Risch expressed frustration with designations without Congressional input. Rep. Zinke indicated that "states should get a say" in a designation. He implied that he would support legislation limiting use of the Antiquities Act without approval by State legislatures or Congress but did not specifically commit to one approach over the other.

- Sen. Cortez-Masto said that the majority of Nevadans loved the new monuments, and she encouraged Rep. Zinke to visit the Nevada monuments to understand why protecting those places was important.

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Patrick Wilkinson
U.S. Department of the Interior
Bureau of Land Management
Legislative Affairs Division (WO 620)
Phone: (202) 912-7429
Fax: (202) 245-0050

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Federal Coal Program

- Sen. Cantwell questioned Rep. Zinke’s support for the Department of the Interior’s (Department’s, DOI’s) Coal Programmatic Environmental Impact Statement (PEIS) asking whether he believed the Federal coal program needed to be updated and, if confirmed, whether he would stop the current program review. Sen. Cantwell also pointed to the recently released GAO report related to the industry’s practice of self-bonding. Rep. Zinke responded that he thinks the review of the Federal coal program is “fine,” but that he was unaware of the specifics of the GAO report. Near the end of the hearing, Sen. Cantwell brought out a chart displaying the effects of market forces since 2009 on production of natural gas and production of coal.
- Sen. Barrasso asked Rep. Zinke if he would commit to ending what he called a “war on coal.” Rep. Zinke acknowledged the importance of the coal industry and stated that the [Department’s] moratorium was an example of a “one size fits all” stemming from Washington rather than the states. He expressed his support for an “all-of-the-above” approach, as well as investment in R&D for coal to make it “cleaner and better.”

Climate Change

- Sens. Sanders and Franken both questioned Rep. Zinke on his position towards climate change, specifically asking if his position deviates from that of the President-Elect. Rep. Zinke responded that the “climate is changing, man is influencing it,” but stated that he had remaining questions about how much humans are influencing and what to do about it. He also stated that he doesn’t believe it is a hoax.

Federal vs. State Management

- A number of members expressed concern that too many decisions are made in Washington, and as they put it, “largely ignored input from local communities.” A few members questioned whether it was appropriate to move the BLM’s Washington D.C. headquarters out west. Rep. Zinke acknowledged the importance of enhancing engagement between local communities and land managers and vowed to “regain the public's trust” in areas most impacted.

Forest Management

- Rep. Zinke said he believed a “preponderance” of forested federal lands should be managed under the “Pinchot model” [forests as tree plantations with timber as a crop under USDA crop management principles]. Sen. Barrasso asked what steps Rep. Zinke would take to promote forest health. Rep. Zinke mentioned he had a friendly relationship with USFS Chief Tidwell. Rep. Zinke suggested that the Department should reevaluate management of forested areas in the checkerboard and, as part of the Secretary’s job to restore trust, consider who is in the best position to manage federal forests. Rep. Zinke said that current federal forest management policy is fire, and he believes active management is preferable. He said the current way is not the only way and mentioned forest practice regimes in Germany and Canada.

Alaska

- Sen. Murkowski drew Rep. Zinke’s attention to unique aspects of land management in Alaska, including such issues as assuring a consistent (and higher) level of oil flowing through the Trans Alaska Pipeline System; Alaska’s inability to secure a viable timber industry in the largest national forest; federal management of fish and game; and, although not applicable to BLM, Sen. Murkowski offered to take Rep. Zinke to King Cove when they open the road.
- Rep. Zinke expressed his support for Sen. Murkowski’s efforts to amend ANCSA to allow any Alaska Native Vietnam-era veteran, who has not yet received a Native allotment, to select vacant Federal land in Alaska.

LWCF

- Sens. Cantwell, Gardner, and King asked Rep. Zinke whether he supported permanent authorization of LWCF. Rep. Zinke is on record supporting the permanent authorization of LWCF at full funding. Rep. Zinke went on to say that while he supports LWCF, it may be unfair that none of the funds are spent in coastal states even though all LWCF revenues are derived from offshore leasing.

Wild Horse & Burro Program

- Sen. Cortez-Masto asked how the BLM, under Rep. Zinke’s direction, would humanely handle the wild horse and burro population in Nevada, which is over 31,000 animals. Rep. Zinke committed to working with the delegations and stated that the “present policy is a disaster.” Rep Zinke further said that “we are a great nation and we can fix the problem.”

AML

- Sen. Manchin asked Rep. Zinke whether it is appropriate for funds that are dedicated to coal reclamation under the Surface Mining Control and Reclamation Act be appropriated for non-coal use in another state. Rep. Zinke said that Montana had hundreds of abandoned mines that were on the reclamation list, and that the fund had been used for mine cleanup in Montana and Nevada.

Access to Public Lands

- Sen. Heinrich said he was concerned that public land hunting and fishing could become elite-only activities as public lands are closed to public access. Sen. Heinrich mentioned his HUNT legislation; Rep. Zinke agreed that Americans should not be locked out of their national treasures.

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- Sens. Lee, Gardner, and Risch expressed frustration with designations without Congressional input. Rep. Zinke indicated that “states should get a say” in a designation. He implied that he would support legislation limiting use of the Antiquities Act without approval by State legislatures or Congress but did not specifically commit to one approach over the other.
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Greater Sage-Grouse/Endangered Species Act

- Sens. Barrasso, Wyden, and Risch asked questions regarding the BLM’s Greater Sage-Grouse plans. Sen. Barrasso said that Administration ignored key input from western stakeholders and governors in federal plan development and implementation and asked

Rep. Zinke to commit to returning conservation and management authority for sage-grouse to the states and preventing top down management like the plans in the future. Rep. Zinke said that the “sage-grouse decision is going to come before the DOI in March” and that there would be a number of options and proposed alternatives then. He committed to working with members. Rep. Zinke also expressed concern that there was no “target number” for the species.

- Sen. Wyden said that there would have to be federal-state-local collaboration and recommended setting a target number. Rep. Zinke said that you have to reward/incentivize such collaboration.
- Sen. Risch expressed dissatisfaction with the federal plans and inconsistency within DOI. Sen. Risch contrasted FWS participation and support of Idaho’s planning effort with the BLM’s determination that the Idaho plan was insufficient. Sen. Risch concluded by suggesting that if the BLM’s decisions trump those by FWS, then the FWS is a redundant agency and should be eliminated. Rep. Zinke was not given an opportunity to respond due to time constraints.

Invasive Species

- Sen. Stabenow asked about water quality and invasive species. Specifically, she asked Rep. Zinke whether he would support requesting sufficient/increased funding for the Department’s invasive species programs. Rep. Zinke said that part of the President’s infrastructure bill consider the issue of invasive species along with ensuring clean water.

Oil and Gas

- Sen. Barrasso asked Rep. Zinke if he would support the Senator’s effort to rescind the methane and waste reduction (“venting and flaring”) rule under the Congressional Review Act. Rep. Zinke responded yes but also stated his concerns regarding the waste of resource that occurs from oil and gas sites on public lands, citing the significant amount of venting happening in North Dakota. He noted that much of the waste could be avoided with better infrastructure, including pipelines to transport excess gas.

Fire:

- Sens. Wyden and Risch discussed fire, albeit briefly. Sen. Wyden expressed frustration with “fire borrowing” practices affecting the USFS, and Sen. Risch praised the good work being done by NIFC. Rep. Zinke acknowledged the importance of the DOI’s fire response efforts.