

To: Martha Maciel[mmaciel@blm.gov]
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CALIFORNIA

[Connelly: Trump to sign 'review' order aimed at axing America's new national monuments](#)

Seattle pi, April 24

President Trump is set to sign an executive order on Wednesday that will order a "review" of national monuments protected by his predecessors, with the aim of eliminating two big monuments in southern Utah. While the new Bears Ears National Monument, and 1.7 million-acre Grand Staircase-Escalante National Monuments may be the direct target, Presidents Obama and Clinton used the 1906 Antiquities Act to preserve public lands in Washington, Oregon, California, Nevada, Idaho, Montana and New Mexico.

[Sierra Designs Expands Packing It Out Partnership](#)

SGB Media, April 24

Between 2015 and 2016, the Packing It Out crew thru-hiked the Appalachian and Pacific Crest Trails, removing more than 1,820 pounds of trash while encouraging those they met to take greater responsibility for the wild places we all enjoy...Along the way, they will be hosting speaking engagements and clean-ups in National Parks and scenic areas, eventually wrapping up on Washington's Olympic Peninsula this fall.

[Groups Submit Comments to BLM's Request for Public Review of Oil and Gas Leasing and Development on Federal Lands](#)

Indybay.org, April 24

On April 6, the Center for Biological Diversity (CBD) and Sierra Club submitted nearly 100 pages of comments (see PDF) on the Draft Resource Management Plan Amendment/Draft Environmental Impact Statement ("RMP"/"DEIS") for the Bureau of Land Management ("BLM") Central Coast Field Office in Hollister.

NATIONAL

[Feds stumble again with split verdict in Bundy standoff case](#)

Philly.com, The Associated Press, April 24

Government prosecutors stumbled again Monday in a bid to gain convictions of armed protesters in a case arising from skirmishes in a decades-old battle over control of public lands in the western United States. A federal jury in Las Vegas found two gunmen guilty of some charges in a 2014 armed standoff that stopped federal agents from enforcing court orders and confiscating cows belonging to Cliven Bundy from public rangeland near his Nevada ranch and melon farm. But the same jury deadlocked on charges against four other defendants, prompting the judge to declare a mistrial and schedule a new trial June 26 - the same day 70-year-old Cliven Bundy, sons Ammon and Ryan Bundy, and two other alleged conspiracy leaders are set to be tried.

First Nevada Standoff Trial Ends in Partial Mistrial

Courthouse News Service, April 24

After 27 days of trial and several more of deliberations, a hung jury forced a mistrial in the first of three federal trials involving rancher Cliven Bundy and his supporters. Federal prosecutors scored only partial success Monday as a jury convicted two of six defendants on several counts of conspiring to intimidate federal law enforcement during an armed standoff in April 2014. Co-defendants Richard Burleson and Todd Engel face lengthy prison sentences. They also face potential convictions on other counts during an upcoming retrial. Each of six defendants currently on trial is accused of 10 felony counts of conspiring to intimidate the Bureau of Land Management and federal law enforcement into releasing about 400 head of cattle owned Nevada rancher Cliven Bundy on April 12, 2014.

Ex-Koch operative tapped to lead rule-cutting task force

E&E News, April 24

Interior Secretary Ryan Zinke has selected Daniel Jorjani, an adviser to various Koch brothers organizations, and veteran government official James Cason to lead a task force for cutting regulations. Jorjani, a conservative attorney and holdover from the Trump landing team at Interior, will serve as the policy officer, while Cason, current associate deputy secretary, will take the reform officer post, according to an Interior spokeswoman. *See PDF for full story.*

Trump: Border wall funding could wait until September

The Washington Times, The Associated Press, April 24

President Trump appears to be backing off his demand that funding for his Southern border wall be included in a bill to prevent a government shutdown at the end of the week. Trump told a gathering of around 20 conservative media reporters Monday evening that he would be willing to return to the funding issue in September. That's according to two people who were in the room.

The government will run out of money this coming Saturday unless lawmakers pass legislation financing federal agencies.

Trump acts fast to strike rules — but what's the long-term impact?

E&E News, April 25

Almost 100 days in office and President Trump has taken a number of steps to make good on his promise to roll back regulations that conservatives say are choking the American economy. Trump has issued a number of executive orders prompting federal agencies to limit regulatory actions and focus more on deregulation. And he's deployed the formerly rare Congressional Review Act to overturn a dozen Obama-era rules, many of which were intended to protect the environment and make energy production cleaner. Though Trump's deregulatory agenda is clear, the question is whether the measures will have a lasting impact, experts say. *See PDF for full story.*

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NATIONAL

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A former general counsel to Freedom Partners, Jorjani was one of the highest-paid employees at both the Charles Koch Institute and the Charles Koch Foundation, according to a 2011 IRS filing obtained by the Center for Media and Democracy.

Cason is a George W. Bush-era official who served as Interior associate deputy secretary from 2001 to 2009. He also served stints at Interior under Republican Presidents Reagan and George H.W. Bush.

He has previously received pushback from environmental groups and Democrats. In 1989, President George H.W. Bush sought to elevate Cason to assistant secretary of Agriculture for natural resources and environment, but his nomination was withdrawn in the face of objections from the Senate and environmental groups (Greenwire, Jan. 23).

The panel follows President Trump's February executive order on regulations, which requires agencies to set up deregulatory bodies with members who include a designated policy officer and separate regulatory reform officer. Today is the deadline for federal agencies to form their respective task forces.

Four other Interior staff members will serve on the task force: Amy Holley, principal deputy assistant secretary of policy management and budget; Katharine MacGregor, deputy assistant secretary for land and minerals management and former senior staffer of the House Natural Resources Subcommittee on Energy and Mineral Resources; Scott Cameron, a landing team holdover who served as deputy assistant Interior secretary for performance, accountability and human resources during the Bush administration; and Virginia Johnson, who is serving as acting secretary for fish and wildlife and parks, according to an internal email *E&E News* obtained earlier this year. But her background is not known (Greenwire, March 30).

The task force, as laid out in Trump's order, is charged with identifying regulations that should be repealed, replaced or modified. The panel is part of Trump's broader deregulatory agenda and is intended to expand on a previous executive order, which requires agencies to identify two rules for repeal before issuing a new one.

U.S. EPA Administrator Scott Pruitt announced his agency's task force earlier this month. Clean Power Plan foe Samantha Dravis is leading the charge (Greenwire, April 4).

Despite today's deadline, Secretary of Energy Rick Perry and his staff did not confirm by press time whether his agency has established a task force or chosen its members.

The Department of Agriculture also could not be reached for comment by press time.

Pruitt set a May 15 deadline for a number of EPA divisions to recommend rules to toss out or alter, including the offices of Air and Radiation, Land and Emergency Management, Chemical Safety and Pollution Prevention, Water, Environmental Information, Congressional and Intergovernmental Relations, and Small and Disadvantaged Business Utilization.

Pruitt noted that Trump's order requires task force officials to gather input from "entities significantly affected" by EPA rules, directing offices to consult with state, local and tribal governments; small businesses; and other stakeholders before making recommendations.

EPA officials today conducted two teleconferences on the order: The Office of Air and Radiation held a call for members of the public to recommend air and radiation rules to rescind, and the Office of International and Tribal Affairs hosted a call with tribal representatives.

On both calls, many voiced opposition to repealing any rules intended to protect the environment and human health.

The EPA Office of Small and Disadvantaged Business Utilization is planning to hold a public meeting on the order tomorrow at EPA headquarters in Washington.

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Trump has issued a number of executive orders prompting federal agencies to limit regulatory actions and focus more on deregulation. And he's deployed the formerly rare Congressional

Review Act to overturn a dozen Obama-era rules, many of which were intended to protect the environment and make energy production cleaner.

Though Trump's deregulatory agenda is clear, the question is whether the measures will have a lasting impact, experts say.

"Hard to tell what these [deregulatory efforts] will amount to," H.W. Brands, a historian at the University of Texas, Austin, wrote in an email.

Still, deregulating the energy sector is one area where Trump has been very "consistent" and "clear-eyed," according to Meg Jacobs, energy policy expert at Princeton University's Woodrow Wilson School.

"Trump came into office with a clear agenda on energy and environment," she said. "Rather than defining 100 days by legislative success, he's hoping to have success in deregulating in the areas of energy and environment."

Appointing U.S. EPA Administrator Scott Pruitt and Secretary of State Rex Tillerson sent a message early on, Jacobs said.

"He hopes to undo a lot of the regulatory rules under President Obama, like scaling back the Clean Power Plan; and if not to do away with it, then to gut it from the inside," she said.

The trouble with executive orders, Jacobs pointed out, is they can easily be reversed by subsequent administrations.

James Goodwin, senior policy analyst with the Center for Progressive Reform, said the first 100 days has seemed to him more like an extension of Trump's campaign trail rhetoric.

"Attacking regulations, attacking safeguards, attacking agencies, attacking the process by which safeguards are enforced and implemented," he said. "Underlying all that campaign rhetoric is the challenge they're facing in coming to grips with translating that rhetoric into action and quickly finding these issues are not as simple as a tweet or stump speech."

He added: "The first 100 days have been a slow coming to grips with a big dose of reality in trying to translate their ideas about the regulatory system into actionable policy, and it's going to be a rude awakening over the several months."

Still, agency operations and judicial review of related actions will likely have dramatic consequences, according to William Buzbee, environmental law professor at Georgetown University.

For example, Trump's executive order requiring agencies to toss at least two rules for every new one could spur a number of lawsuits.

"All regulations have to surmount cost-benefit analysis and found to not be arbitrary and capricious," Buzbee said. "The courts may be very skeptical of such regulatory reversals."

The process to repeal rules can take years, as it requires a full notice and comment process. Agency heads are required to put forth strong evidence that a rule should be repealed, which means making a compelling argument rooted in science and facts, he said.

"Agencies are going to find themselves in a very tough position because they don't want to go to court and be rejected, and on the other hand the president has asked these political appointees to take actions that are vulnerable to challenge," Buzbee said.

"This will set in motion big heated regulatory battles."

Trump has been criticized for not passing any major legislation in his first 100 days. But the White House is stressing the passage of Congressional Review Act resolutions as a major legislative accomplishment (Greenwire, April 5).

White House press secretary Sean Spicer last week reiterated the point.

"As I've mentioned here, we're now at a dozen Congressional Review Act pieces of legislation that have been signed that have had, I think, a very positive impact and will have a very positive impact on job creation," he said at a daily briefing with reporters.

"When you — and I've noted before to you that only one had ever seen signed in history before — that's a pretty significant achievement for this president."

'Keep things in perspective'

Jerry Ellig, a senior research fellow with the Mercatus Center at George Mason University, praised Trump's use of the CRA and his regulatory executive orders but questioned the extent of their impact.

"On the other hand, these aren't the things that really fundamentally change the way the regulatory system works, that would require changes to the Administrative Procedure Act," he said.

"The people who love these developments and the people who hate them should both keep things in perspective."

Ellig said he judges a presidential action as significant or important if it affects the entire regulatory system rather than a few regulations and whether the action will last.

"The administration has the opportunity for a much greater accomplishment if senators can agree on some type of a compromise on regulatory reform," he said.

While changes to the regulatory process are a top priority for many Republican lawmakers like Sens. James Lankford of Oklahoma and Rob Portman of Ohio, fewer Democrats focus on the issue — though moderate Sens. Heidi Heitkamp (D-N.D.) and Claire McCaskill (D-Mo.) are working to find a compromise (Greenwire, Feb. 21).

Ellig said the president who likely did the most to change the regulatory system in his first 100 days was Ronald Reagan.

"He required agencies to conduct regulatory impact analysis, analyze problems they're trying to solve, and look at the costs and benefits of alternatives," he said. "And that approach has been durable as evidenced by the fact that it was largely kept in place by Clinton."

Ellig called Trump's two-for-one order a "heck of a surprise." He said if it withstands the test of time, it would be "quite an accomplishment."

Patrick Maney, a professor of history at Boston College, said Trump has used executive orders to attempt to change the regulatory process more than many previous presidents. But he suggested Trump's executive orders pale in comparison to many of his predecessors'.

"Jefferson's Louisiana Purchase, Lincoln's Emancipation Proclamation, Truman's desegregation of armed forces, Roosevelt's 1942 Japanese internment camps — these were all done through executive orders," he said.