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Published: Thursday, December 14, 2017

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<https://goo.gl/VPC6NQ>

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<https://goo.gl/VG4r4A>

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<https://goo.gl/kwNbri>

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<https://goo.gl/iBPsf>

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<https://goo.gl/3nzZy9>

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Scott Streater, E&E News reporter

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A coalition of mostly environmental groups claims in a new report that federal regulators in the past decade ignored the best available science in deciding not to extend the appropriate level of Endangered Species Act protections to 10 species.

<https://goo.gl/wSnBko>

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### **1. Survey finds widespread harassment across department**

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Published: Thursday, December 14, 2017

More than one-third of Interior Department employees surveyed report having been harassed or discriminated against over the past year, a sobering new report shows.

In what amounts to a wake-up call for top Interior officials, 35 percent of workers responding to the survey between Jan. 9 and March 5 reported being harassed during the prior year. That amounts to more than 21,000 harassed workers overall, if the large survey sample reflects departmentwide experience.

"From day one, I made it clear that I have zero tolerance for any type of workplace harassment, and I have directed leadership across the entire department to move rapidly to improve accountability and transparency with regard to this absolutely intolerable behavior," Interior Secretary Ryan Zinke said in a statement today.

The reported harassment in question targeted everything from age and gender to sexual orientation and disability status. Age-related harassment was the most commonly reported problem, noted by 20.5 percent of employees.

Gender-based harassment was the second most commonly reported, with 16.5 percent of the workers surveyed saying they had experienced it.

Outright sexual assault was reported by 0.7 percent of workers surveyed. If that extends departmentwide, it means an estimated 452 Interior employees believe they were sexually assaulted over the past year.

"The previous administration failed to aggressively address these problems, and it shows," Deputy Interior Secretary David Bernhardt said, adding that "the culture across the department will change."

The problems appear especially pronounced at some Interior agencies, according to the [Work Environment Survey](#) conducted by the Federal Consulting Group and the CFI Group.

Notably, 40 percent of Bureau of Indian Affairs employees surveyed and 38 percent of National Park Service workers reported harassment, compared with 31 percent at the Fish and Wildlife Service and 28 percent at the U.S. Geological Survey.

The numbers, in turn, flesh out the firsthand accounts of alleged harassment and discrimination that have already captured congressional attention and caused some management shakeups.

"In Yosemite National Park today, dozens of people, the majority of whom are women, are being bullied, belittled, disenfranchised and marginalized from their roles as dedicated professionals," Kelly Martin, chief of Yosemite's fire and aviation branch, told a House panel last year.

Myriad complaints led eventually to the retirement last year of Yosemite's then-superintendent, Don Neubacher.

Another National Park Service employee, fisheries expert Brian Healy, likewise **told** the House Oversight and Government Reform Committee last year about a "culture of harassment and bullying" that had developed at Grand Canyon National Park. Amid complaints, Grand Canyon's former superintendent, Dave Uberuaga, retired last year as well.

"These survey results don't illustrate a new problem, but they will help us target where we must dedicate efforts and resources to fix a problem that has festered for years," Zinke said.

Underscoring the seemingly systemic nature of the problem, only one-quarter of the employees who said they were harassed said they reported the behavior at the time. The complaints that were made were often unavailing, as 38.7 percent of those who said they complained said they were encouraged to drop the issue.

Three-quarters of the reported problems occurred during work hours, while about 9 percent occurred while employees were traveling.

Nearly 60 percent of the alleged harassers or perpetrators were men.

Interior has already revised the performance standards for managers and supervisors, to reflect their success or failure in holding employees accountable for harassing conduct. A new department policy now in draft form will implement a mandatory reporting process for harassing conduct.

A new Park Service anti-harassment policy defines more broadly what is prohibited harassing conduct, and Interior officials said they have trained close to 100 employee relations and employment law practitioners on investigating alleged misconduct.

Interior released a report in October specific to harassment in the Park Service (*Greenwire*, Oct. 13).

<https://goo.gl/VPC6NQ>

## 2. Group launches \$1M ad campaign aimed at 3 Republicans

Jennifer Yachnin, E&E News reporter

Published: Thursday, December 14, 2017

A Montana-based conservation group is spending \$1 million on an ad campaign urging Republican lawmakers in a trio of Western states to oppose additional changes to national monuments.

The Western Values Project today released television and radio ads targeting Oregon Rep. Greg Walden (R), Washington Rep. Jaime Herrera Beutler (R) and Arizona Rep. Martha McSally (R).

"If members of Congress follow the Trump agenda when public lands legislation comes before them, they will be on the wrong side of their constituents," WVP Executive Director Chris Saeger said in a press call today. "It is time for every member of Congress ... to reject the Trump administration's attack on public lands."

In nearly identical 30-second [television ads](#), viewers are shown images of a sprawling desert landscape and then a family in blaze orange hunting vests as a narrator says that "American heritage" is being sold off.

"In the heart of the West, 2 million acres of protected public lands just got wiped off the map," a narrator says, in reference to President Trump's decision earlier this month to strike more than 2 million acres of land from a pair of national monuments in Utah ([E&E News PM](#), Dec. 4).

"Now elites in Washington have their sights set on Oregon," the narrator continues, as a photo of Interior Secretary Ryan Zinke appears on screen. "Congress could even cut protections for monuments and parks. And Greg Walden may be the deciding vote. Tell Congressman Walden to stop the attacks on public lands, because your American birthright is not for sale."

A one-minute radio [spot](#) offers a similar message.

Following a review of dozens of monuments this summer, Zinke urged Trump to reduce the acreage of two monuments in Utah, as well as the Cascade-Siskiyou National Monument that straddles Oregon and California and the Gold Butte National Monument in Nevada.

The [ads](#) targeting McSally — the only one of the lawmakers who faces a competitive re-election bid in the 2018 cycle — also mention the potential for uranium mining outside Grand Canyon National Park.

The Trump administration has indicated it wants to revise the 20-year ban on mining near the Grand Canyon ([E&E News PM](#), Nov. 1).

The Western Values Project also sponsored a series of polls, conducted by Global Strategy Group, in each of the districts it targeted showing support for the preservation of public lands. The surveys also found majorities in each district opposed reductions to the Bears Ears and Grand Staircase-Escalante national monuments.

<https://goo.gl/VG4r4A>

### 3. Bill to let locals make plans for Utah sites draws fire

[Jennifer Yachnin](#), E&E News reporter

Published: Thursday, December 14, 2017

House Natural Resources Chairman Rob Bishop (R) today rejected suggestions that legislation to create a new national park and trio of monuments in his home state of Utah amounts to a de facto transfer of federal lands to local officials, who would develop management plans for the sites.

He emphasized that federal agencies would be responsible for day-to-day management of the areas.

Bishop's remarks came during a subcommittee hearing on Rep. Chris Stewart's (R-Utah) proposal, which would codify reductions President Trump made to Grand Staircase-Escalante National Monument earlier this month and establish a sixth national park in the state (*E&E News PM*, Dec. 4).

Democrats and environmental advocates have criticized the legislation, the "Grand Staircase Escalante Enhancement Act" (*H.R. 4558*), for establishing a seven-member "management council" dominated by state and local officials.

"That just flies in the face of the way any federal public lands have been managed to date in this country," National Wildlife Federation Associate Vice President for Public Lands Tracy Stone-Manning told E&E News ahead of the hearing. "The feds would be beholden to whatever management plans would be created by this council. Trump stood in the Statehouse in Salt Lake and said, 'You're going to get your land back,' and he wasn't kidding."

She added, "They may as well turn the deed over to the state of Utah. This would become federal land in name only."

Under Stewart's proposal, the council would be charged with developing and implementing management plans for the new Escalante Canyons National Park and Preserve, as well as the Grand Staircase National Monument, Kaiparowits National Monument and Escalante Canyons National Monument.

That council would be dominated by five local and state officials — including two Garfield County and two Kane County commissioners and one state legislator representing those counties — and would also include one Interior Department representative and one nonfederal "at-large representative."

The legislation also would require federal land managers to "adhere to the management plans created by the Management Council."

Bishop criticized suggestions that local officials would effectively be in charge of the new park and monuments, arguing that day-to-day operations and funding still reside with the federal government.

"You're using the same word, but you're using it with different definitions," Bishop said, referring to arguments over the term "management."

"When you're talking about [the] management plan, you're talking about coming up with the rules of engagement of how the monument will be run; you won't actually be running it," Bishop said to Garfield County Commissioner Leland Pollock, who testified before the Subcommittee on Federal Lands. "The federal government will still be running it, and the federal government will still be paying for it."



Garfield County, Utah, Commission Chairman Leland Pollock testified today at a hearing on Grand Staircase-Escalante National Monument legislation. [House Committee on Natural Resources](#)

A Natural Resources spokeswoman noted that the legislation would still require the Bureau of Land Management and the National Park Service to implement the management plan.

In a verbal spat with Arizona Rep. Ruben Gallego (D), Pollock disputed the idea that the management council would control the federal lands, because BLM would continue to "bear the burdens of the cost."

"We will not be managing those lands. ... The government's BLM and the Park Service would be managing them. The county wouldn't be managing the lands," Pollock said. "You want to transfer me that land? Do it right now. Transfer me that land and I'll manage it, I'll tax it."

Gallego criticized the proposed management council, asking Pollock about the funding the county had designated for management activities as well as whether he possessed the "skills ... to manage a national park."

National Parks Conservation Association Director of Legislation and Policy Ani Kame'enui told E&E News that Stewart's proposal would establish a new kind of management structure, particularly in the case of NPS lands.

"We're certainly concerned about the precedent it sets and the message it sends," Kame'enui said. She also noted that while the management council would set policy for both BLM and NPS lands — which have distinct missions — the legislation would allow for only one federal representative, possibly excluding one of the agencies.

"It's very discouraging to see Mr. Stewart deviating from the expertise we find reassuring in our National Park Service," she added.

## Hole in the Rock

Hawaii Rep. Colleen Hanabusa, the subcommittee's top Democrat, also took aim at a provision in Stewart's bill to transfer ownership to Utah of the Hole-in-the-Rock Road, a 55.5-mile historic road constructed by Mormon settlers migrating to the state in the 19th century.



Hanabusa said the measure would further advance "the deeply unpopular federal lands transfer movement," in which opponents of public lands would like to see the federal estate dispersed to state ownership.

Southern Utah Wilderness Alliance Executive Director Scott Groene also criticized the Hole-in-the-Rock Road proposal, asserting that the provision would eliminate "public involvement on decisions affecting this corridor through the heart of the monument."

"In addition to tearing apart the Grand Staircase, this legislation is also a giant step as precedent towards surrendering America's public lands to local parochial interests determined to drill and mine," Groene told E&E News.

<https://goo.gl/kwNbri>

## 4. Mining company downplays role in Bears Ears decision

Dylan Brown, E&E News reporter

Published: Thursday, December 14, 2017

A uranium mining company yesterday tried to minimize its role in the shrinking of Bears Ears National Monument.

Energy Fuels Inc. President Mark Chalmers penned a *Denver Post* [op-ed](#) yesterday giving the company's version of events leading up to President Trump's contentious decision to trim Bears Ears.

*The Washington Post* reported last week on documents detailing the Canadian company's "concerted lobbying campaign to scale back Bears Ears," including \$30,000 paid to Faegre Baker Daniels LLP for a team of lobbyists led by Andrew Wheeler, the nominee to be the next U.S. EPA deputy secretary.

Before Trump cut the national monument by 85 percent, the boundaries abutted Energy Fuels' White Mesa Mill — the nation's last uranium processing facility — and came within a few miles of the dormant Daneros mine ([Greenwire](#), Dec. 11).

Chalmers said the *Post* story and subsequent media coverage left "a wildly exaggerated impression that we may have somehow played a significant role in the decision."

"We were only one voice among many," Chalmers wrote.

The company did offer two boundary alternatives "very early in the administration's monument review process."

"Those adjustments would have affected only about 1 percent to 2.5 percent of the monument's total land area," Chalmers wrote. "It didn't seem to make sense to place a national monument adjacent to active uranium production operations."

Energy Fuels also submitted a two-page letter to the Interior Department, one of about 2.8 million comments the department received. Chalmers said that "upon advice from the local Bureau of Land Management office," the company had a 30-minute meeting with Interior officials in Washington.

"We discussed many issues, including clarifying our comments on the monument," Chalmers wrote. "That's it."

He added that the company is not opposed to creating national monuments to protect unique cultural, scientific and environmental resources.

"National monuments, in addition to other policy tools, can be an effective means in achieving these values," he wrote.

<https://goo.gl/iBPsf>

## **5. Democrats lift hold on Interior pick, keep block on another**

Kellie Lunney and George Cahlink, E&E News reporters

Published: Thursday, December 14, 2017

Senate Minority Whip Dick Durbin said yesterday he removed his hold on an Interior assistant secretary nominee but hasn't relinquished his lock on the department solicitor pick yet.

"I am down to one [hold]," Durbin told E&E News, referring to Ryan Nelson, the president's choice for Interior's top lawyer.



Susan Combs. Gage Skidmore/Wikipedia

The Illinois Democrat confirmed he had lifted his hold on Susan Combs, nominated to serve as Interior's assistant secretary for policy, management and budget.

Asked why he hasn't discarded the hold on Nelson, Durbin said he was waiting for the department to provide more information about the protection of historic and archaeological sites, and surveys within the Bears Ears and Grand Staircase-Escalante national monuments in Utah.

"We are hoping to get that information soon," Durbin said, adding that he also is "trying to make sure we have a working relationship with the secretary of Interior."

Interior press secretary Heather Swift said she didn't know what Durbin was seeking, in response to questions on the nomination hold and the Democrat's request for more information on Bears Ears and Grand Staircase-Escalante.

"All documents containing maps, proclamations, including historic resources, etc., have been provided to the senator and his staff," Swift said.

Earlier this month, President Trump issued two proclamations significantly shrinking the acreage of those two monuments.

Those decisions were based on Interior Secretary Ryan Zinke's recommendations as part of a larger review of national monuments (*Greenwire*, Dec. 4).

Durbin previously had a hold on the nomination of Alaskan Joe Balash, whom the Senate last week confirmed as Interior's assistant secretary for land and minerals management (*Greenwire*, Dec. 7).

The Democrat lifted his hold though in November after working with Republican Sen. Dan Sullivan of Alaska to secure a meeting with Zinke and other Democrats about the department's controversial national monuments review.

Sullivan said he worked with Durbin to broker the meeting with Zinke, and the minority whip "in good faith" agreed to move on Balash.

Durbin also said yesterday that it was "entirely possible" that the impasse over the Interior nomination is resolved by the end of the year.

Sen. Lisa Murkowski (R-Alaska), chairwoman of the Energy and Natural Resources Committee, earlier this week said she wanted to get the five pending nominations cleared by her committee, including Combs and Nelson, included in any year-end nominations deal (*E&E Daily*, Dec. 13).

## **EPA, NRC**

Separately yesterday, the chairman and ranking member of the Senate Environment and Public Works Committee said they were working together on a deal to allow two U.S. EPA nominees — David Ross, tapped to lead EPA's water office, and Matt Leopold, Trump's pick for the agency's general counsel — to move forward quickly (*E&E News PM*, Dec. 13).

Chairman John Barrasso (R-Wyo.) and ranking member Tom Carper (D-Del.) also are working on moving Trump's picks to join the Nuclear Regulatory Commission — Annie Caputo and David Wright, along with Jeff Baran, a current member who was renominated for a new term starting next year.

Carper had recently said his side was willing to be more open to administration picks if Republicans would give up on EPA chemicals nominee Michael Dourson. He withdrew yesterday (*Greenwire*, Dec. 13).

<https://goo.gl/3nzZy9>

## **6. Science ignored in key ESA decisions — report**

Scott Streater, E&E News reporter

Published: Thursday, December 14, 2017

A coalition of mostly environmental groups claims in a new report that federal regulators in the past decade ignored the best available science in deciding not to extend the appropriate level of Endangered Species Act protections to 10 species.

And the problem will only get worse under President Trump, they argue.

The 10 species denied strong federal protection include the Mexican gray wolf and the greater sage grouse, according to the [report](#) released today by the Endangered Species Coalition.

"Science has been subverted to please special interests — from extractive industries to states — for these vulnerable species," said the report, which was signed by 10 of the coalition's member groups, including the Union of Concerned Scientists, the Natural Resources Defense Council and Defenders of Wildlife.

"What these species need is quick action to get their recovery back on track," it adds.

Representatives with the Fish and Wildlife Service, which administers ESA protections, said they had not had time to read the report and could not comment.

For each of the 10 species, the report shows what the Endangered Species Coalition says are concrete recommendations for each from scientists with Fish and Wildlife and academic institutions, and contrasts them with the final plans or actions taken for each species.

Those final plans, the report says, don't follow some of the basic recommendations from scientists and other experts.

For the Mexican wolf, for example, FWS recovery teams in 2003 and 2010 recommended that recovery of the wolves requires establishing three interconnected populations in the U.S., "each with at least 250 wolves for a minimum total of 750 animals," report says.

But a recovery plan approved last month by Fish and Wildlife calls for ensuring an average of 320 wolves in the wild over an eight-year period before removing the creatures from the endangered species list ([E&E News PM](#), Nov. 29).

For the sage grouse, the bird "should have been listed as endangered under the Endangered Species Act," the report says.

Instead, the Obama administration launched a sweeping effort with states and other stakeholders to keep the bird off the list of endangered or threatened species. The resulting plan, approved in 2015, resulted in land-use plan amendments incorporating grouse protection measures across nearly 70 million acres of federal lands in 10 Western states.

Two of the groups that signed the report released today — the Western Watersheds Project and the Center for Biological Diversity — were among a coalition that last year sued the Interior Department, claiming the federal plans are riddled with loopholes, scientific flaws and "political compromises" and won't protect the bird or its habitat ([Greenwire](#), Feb. 25, 2016).

The plans were strong enough to convince FWS in 2015 not to list the bird for ESA protection.

The Trump administration has reopened the federal plans, however, and has already taken steps to dismantle some of the provisions in them. Interior may also seek to amend the plans.

Doing so will likely result in the grouse being listed under ESA, the report says.

"Our native fish, plants and wildlife aren't just a critically valuable part of the legacy we leave for future generations of Americans, they're key to providing a good quality of life for all humans right now," said Leda Huta, executive director of the Endangered Species Coalition, in a statement.

"But we are concerned that the prevalence of special interest, industry representatives inside the Trump Administration is intensifying the suppression of science in endangered species decisions," Huta added.

<https://goo.gl/wSnBko>