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**To:** [Cardinale, Richard](#); [Katharine Macgregor](#); [Jill Moran](#); [Satrina Lord](#); [Lacko, Kathleen](#)  
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**Subject:** 5 Issues  
**Date:** Wednesday, February 22, 2017 5:35:55 PM  
**Attachments:** [Bears Ears Meetings\\_Final.docx](#)  
[Gateway West NOA Publication\\_Final.docx](#)  
[Recapture Canyon\\_Final.docx](#)  
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[SuperiorNF\\_02.22.17\\_Final.docx](#)  
[Torpedo Well\\_Final.docx](#)

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Rich and Kate,

Attached per your request are the one-pagers with narratives on the top 7 BLM issues requiring rapid decisions. Thank you!

Lara

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## **Bears Ears National Monument Public Meetings**

Following the December 28, 2016, designation of the Bears Ears National Monument the former Secretaries of the Interior and Agriculture, which have joint jurisdiction over the unit, announced that their agencies (the BLM and USFS respectively) would conduct open house meetings in begin engaging with the public and to answer questions from permittees and other interested stakeholders. Following designation, the BLM and USFS met with the tribes identified in the designation that will comprise the Bears Ears Commission to advise on the development and implementation of management plans, and with key county and State partners. In response to questions, the BLM and the USFS also planned public meetings to provide accurate information on the designation, listen to concerns, and inform the public about opportunities for their future involvement, including participation in an advisory committee of interested stakeholders that is required by the proclamation. A joint BLM and USFS news release issued January 18, 2017, announced the meetings for late February, but due to scheduling difficulties the BLM and the USFS now propose holding the meetings March 13-17. The meetings would use an open house format where the public can get factual information on programs, including motorized vehicle use, hunting, camping, visiting cultural heritage sites, wilderness study areas, livestock grazing, wood collection, and land use planning, at information stations managed by appropriate staff.

**Decision Point:** The Secretary Designate has said he would visit Utah and talk to the people affected by the monument designation. The decision on whether and when to hold the public meetings, currently planned for the week of March 13-17 is pending. The BLM and the USFS need a decision sufficiently in advance of those dates to prepare and provide notice. A two-week notice period would require a decision no later than Friday, February 24. Delay in holding the open houses is likely to undermine agency credibility and lead to speculation and rumor by members of the general public.


**Jobs:** The meetings have no direct relation to jobs, but members of the public who depend on traditional collection of plants and firewood, hunting and fishing, and grazing may have questions and need timely accurate information.

**Stakeholders Positions:** While the formation of the monument itself was controversial, the public meetings do not appear to be.

## Gateway West Segments 8 and 9 ROD NOA Publication

In November 2013, the BLM Wyoming State Director issued a Record of Decision (ROD) approving right-of-way (ROW) grants on BLM-managed lands for Segments 1-7 and 10 of the roughly 1,000-mile Gateway West transmission line from central Wyoming to southwestern Idaho. The 2013 ROD elected to defer a decision for Segments 8 and 9 in Idaho to provide additional time to analyze and conduct public outreach with respect to those segments. Key issues included the proposed crossing of private lands in Owyhee County and near the city of Kuna, Idaho, and of the Morley Nelson Snake River Birds of Prey National Conservation Area (NCA), which is managed by BLM. On January 19, 2017, the BLM issued the ROD authorizing ROW grants for Segments 8 and 9 and approving associated land use plan amendments. As a result, the BLM can now issue the ROW grant to the project proponent and otherwise implement the decision. NEPA regulations direct Federal agencies to publish a Notice of Availability (NOA) in the Federal Register for an environmental document associated with a proposed action with effects of national concern, which includes RODs issued by the BLM. Under longstanding planning regulations, the BLM must also publish a Federal Register notice of its response to Governor Otter's appeal of the land use plan amendments associated with the ROW authorization. This response may be combined with the NOA of the ROD, or it may be published separately.

**Decision Point:** There are no deadlines associated with publishing the NOA of the ROD, but the BLM believes (b) (5) DPP



**Jobs:** The BLM estimates that 1,564 jobs will be supported in Idaho during the three-year construction period for Segments 8 and 9. The 10-segment Gateway West project is expected to support 3,083 jobs in Wyoming and Idaho during construction (over 6 years).

**Stakeholder Positions:** The shortest route for segments 8 and 9 – which would have resulted in the most acreage within the NCA – was supported by the project applicants (Rocky Mountain Power/PacifiCorp and Idaho Power Company), some conservation groups, and the State of Idaho. The selected route was supported by some conservation groups and the Shoshone-Paiute Tribes of Duck Valley, which opposed lines crossing the NCA. Routes that avoided private lands were supported by the City of Kuna and Owyhee County.

## Recapture Canyon – Record of Decision

On September 9, 2016, the BLM released, for public review and comment, an Environmental Assessment (EA) analyzing a proposed trail system for Recapture Canyon near Blanding, Utah. The EA was in response to San Juan County's application for a right-of-way that would provide additional off-road, motorized travel opportunities in the Recapture Canyon area, including approximately 14.3 miles of all-terrain vehicle (ATV) trails. After reviewing all of the public comments, the BLM has prepared a Record of Decision (ROD), which is currently under review with ASLM. The EA analyzed six alternatives considering a broad range of possible recreational opportunities, including hiking, mountain biking, horseback riding, dispersed camping, and off-highway vehicle use. The selected alternative would represent a balance between allowing some motorized access down into the canyon and protecting important riparian and cultural areas south of the Canyon Bottom Trailhead. This alternative would approve the construction of a trail system providing a wide range of recreational opportunities, including trails for all-terrain and full-size vehicles, horseback riding, hiking, and viewing and visiting cultural sites. At the north end of the canyon and on the its western rim, 6.8 miles of motorized trail would be designated. Following required restoration work on cultural resource sites, the ROD would lift the 1,871-acre closure order in Recapture Canyon, which was closed to motorized access in September 2007 to protect cultural resources that were damaged by unauthorized trail construction and off-highway vehicles. The ROD would also permit continued use of a pipeline maintenance road by the San Juan County Water Conservancy District.

**Decision Point:** There is no deadline associated with the signing of the ROD (b) (5) DPP

**Jobs:** The ROD would approve construction of the trail system. Archaeological restoration work would need to be completed prior to construction, and then the BLM would hire a contractor to complete the trail construction. This would result in a small number of temporary construction jobs.

**Stakeholder Positions:** San Juan County has previously expressed strong interest in a decision on its application, which it initially submitted in 2006 and amended in 2012. The BLM notes, however, that the county may assert a R.S. 2477 claim for a right-of-way on the trail through Recapture Canyon, including the pipeline maintenance road. Tribes and other stakeholders have expressed concern about permitting motorized use within the canyon because it would reward those involved in the illegal trail construction and could result in damage to additional sensitive cultural resources.

## Sagebrush Focal Areas EIS

As part of the BLM's efforts to conserve Greater Sage-Grouse and its habitat and prevent listing under the Endangered Species Act, the BLM prepared a series of Environmental Impact Statements (EISs) that establish proposed protective management practices through land use plan amendments. Among the habitat conservation measures included as part of these EISs was the withdrawal from mineral entry of areas identified as Sagebrush Focal Areas (SFAs). The BLM is the lead agency preparing an EIS to analyze and disclose the potential effects of the proposed withdrawal of SFAs, for a period up to 20 years, from the mining laws, subject to valid existing rights. All of the lands will remain open to the public land laws and open to leasing (under the mineral and geothermal leasing laws) and disposal (under the mineral material sales laws) as specified in individual BLM and USFS land use plans. The areas proposed for withdrawal are located in Idaho, Montana, Nevada, Oregon, Utah, and Wyoming. After review of more than 1,100 comments, the BLM released a Draft EIS to the public on December 30, 2016, for a 90-day comment period. Upon evaluation of public comments and completion of the Final EIS, the Secretary of the Interior, or other authorized official, will decide whether to withdraw all, some, or none of the lands proposed for withdrawal up to a 20-year period. The BLM worked with the USGS to release reference documents and draft portions of the EIS as early as possible throughout the process to provide additional review time. In addition, the BLM held eight public meetings on the Draft EIS in six states from February 13-24, 2017.

**Decision Point:** The 90-day comment period on the draft EIS will end on March 30, 2017. Idaho Governor Butch Otter has requested a 120-day extension to the comment period (to the end of July 2017). In order to extend it, a Federal Register notice would need to publish before March 30. If the comment period is extended, there may not be sufficient time for the BLM to complete the EIS and allow the Secretary to make an informed decision before the 2-year segregation expires.

**Jobs:** The proposed withdrawal would not prohibit ongoing or future mining exploration or extraction operations on valid pre-existing mining claims or any other authorized uses on these lands. Therefore, (b) (5) DP

**Stakeholder Position:** Some stakeholders have questioned the necessity of the withdrawal, and others have expressed concern about the amount of time provided to review the analysis. Conservation groups have expressed support for the proposed withdrawal. The State of Nevada has proposed substituting high value habitat adjacent to SFAs for lands with high mineral potential within the proposed withdrawal area. The State of Idaho has proposed to remove acres of high and moderate mineral potential, including a buffer to simplify geographic and administrative boundaries, from the proposed withdrawal.

## Soda Fire Fuel Breaks Environmental Assessment

The 2015 Soda Fire burned approximately 280,000 acres in southwest Idaho and southeastern Oregon. The fire, which was the largest wildfire recorded in southwestern Idaho, burned dozens of grazing allotments, destroyed private and public infrastructure, threatened multiple communities, and consumed valuable habitat for wildlife, including the Greater Sage-Grouse. An interagency team convened immediately after the fire to develop an “all-hands, all-lands” approach to emergency stabilization and restoration. The BLM has undertaken massive rehabilitation efforts to repair damage, restore the land to its pre-fire condition where possible, and reduce the spread of invasive annual grasses. To reduce the risk that resources will be further damaged by another large fire, the BLM has proposed a system of integrated fuel breaks designed along existing roadways to provide an efficient and cost-effective tool to allow firefighters to safely engage fires in and around the burned area. The fuel break proposal includes the use of mowing, seeding, herbicide application, and hand thinning of hazardous fuels. This proposal would also employ the strategic use of targeted grazing for fuel reduction in the fuel breaks, in partnership with local ranchers. The BLM received many comments expressing concerns about road improvements increasing public access and leading to the dispersal of weeds, concerns about the use of (non-native) prostrate kochia in seeded fuel breaks, and concerns about the use of targeted grazing, and the BLM significantly reduced the number of miles of road work proposed (from approximately 200 to 14) and of total fuel breaks to be developed (from 445 to 271) to address these concerns.

**Decision Point:** Field managers are ready to sign a decision as soon as permission is given. Spring targeted grazing needs to be implemented by mid-March to take advantage of the time period when cheatgrass is green and will be consumed by cattle, and the BLM must wait 31 days after a decision is signed to implement the project. Delaying a decision will result in missing the window for targeted grazing implementation in 2017.

**Jobs:** On-the-ground work will be contracted, providing some local jobs over the short term. The economies of Owyhee and Malheur Counties rely on livestock grazing; another large fire in this area could keep ranchers off of grazing allotments for many years, impacting at least 30 ranching families.

**Stakeholder Positions:** Idaho Department of Agriculture, Idaho Office of Species Conservation, Idaho Office of Fish and Game, and U.S. Fish & Wildlife Service have assisted the BLM in planning the project. Owyhee County generally supports fuel breaks and made recommendations that the BLM accepted for the design of the project. (b) (5) DPP

The Shoshone-Paiute Tribes oppose fuel break projects.



## **Superior National Forest – Denial of Lease Renewals and Proposed Land Withdrawal**

On December 15, 2016, the BLM denied a lease renewal application for two Federal hardrock mineral leases (MNES 1352 and 1353) held by Franconia Minerals/Twin Metals Minnesota (part of Antofagasta PLC) located within the Superior National Forest in northern Minnesota. The decision followed a March 8, 2016, Interior Department Solicitor's M-Opinion advising the BLM that it had discretion to grant or deny the application and a determination by the U.S. Forest Service's to withhold consent for mineral leasing. The two undeveloped leases, originally issued in 1966, have previously been renewed twice (in 1989 and 2004). When the Forest Service denied consent for the leases late last year, it also submitted an application to the BLM to withdraw approximately 234,328 acres of Forest Service lands, including the area where the leases are located, from the hardrock mineral and geothermal leasing laws. The BLM and published a Federal Register Notice to temporarily segregate the lands for two years and allow time to study the potential impacts of the requested withdrawal and the potential for additional mining in the area. The Superior National Forest lands subject to study include part of the Duluth Complex, a geologic complex that contains ore rich in copper, nickel, palladium, platinum, gold, and silver. These lands are also within the Rainy River Watershed, which includes the nearby Boundary Waters Canoe Area Wilderness (BWCAW), the only large lake-land wilderness in the National Wilderness Preservation System. The reason for the denial of consent and the requested withdrawal is to protect the watershed and other natural resources that might be harmed by mining.

**Litigation:** TMM filed suit against DOI in the U.S. District Court for the District of Minnesota on September 12, 2016, challenging the 2016 M-Opinion. (b) (5) DPP

On February 21, 2016, TMM filed an amended complaint challenging the Forest Service's non-consent and BLM's decision rejecting the lease renewals. On the same date, the court allowed Northeastern Minnesotans for Wilderness to intervene in the case.

**Decision Points:** The BLM issued a letter after canceling the leases notifying Twin Metals Minnesota (TMM) that they have 180 days to remove their equipment and remediate the project under the lease terms. (b) (5) ACP, (b) (5) DPP

. In addition, the Forest Service is scheduled to host a meeting on March 16, 2017, in Duluth, Minnesota, to take public comments on the proposed withdrawal. The BLM will participate in the meeting.

**Jobs:** Number of potential jobs affected would be addressed in a future analysis. Approximately 150,000 people visit the Boundary Waters Canoe Area annually, supporting service industries in this part of northern Minnesota. There is high industry interest in developing these minerals.

**Positions of Stakeholders:** Groups such as the Campaign to Save the Boundary Waters, Northeastern Minnesotans for Wilderness, Friends of the Boundary Waters Wilderness, and Center for Biological Diversity generally support the withdrawal and oppose the lease renewal. Minnesota Governor Mark Dayton sent TMM a letter stating he had "directed the state Department of Natural Resources not to authorize or enter into any new state access agreements or lease agreements for mining operations" on lands in close proximity to the BWCA. Some tribes have expressed concern about the mineral leases including the Bois Forte, Grand Portage, and Fond du Lac Bands of the Minnesota Chippewa Tribe. Members of Congress have expressed concerns about the withdrawal, including Reps. Betty McCollum (D-MN) and Rick Nolan (D-MN) as well as Senators Amy Klobuchar (D-MN) and Al Franken (D-MN). On January 11, 2017, the Minnesota State Legislature sent a letter to the Interior and Agriculture Departments, opposing the recent decisions by the Forest Service and the BLM related to the TMM leases and the Forest Service request for a mineral withdrawal on the Superior National Forest.

## **Slawson/Torpedo Well APDs**

Slawson Exploration Company holds several mineral leases beneath Lake Sakakawea, a reservoir located on the Missouri River in western North Dakota. They have submitted an APD for 11 oil and gas wells that would be drilled from a newly constructed 12-acre well pad. The well pad is on privately owned land within the boundary of the Fort Berthold Indian Reservation. It is within 1,000 feet of the lake shore and is close to an intake that provides drinking water to the nearby community. It is also near a popular resort and boat ramp. Mineral ownership within the leases involves private, state and Federal minerals. No tribal minerals are involved. After a December 2012 well blowout resulted in oil spilled on the frozen ground near the lake, the Three Affiliated Tribes (Mandan, Hidatsa, and Arikara Nation) enacted a resolution requiring either a half-mile setback from the lake or a tribal variance for any project within the boundaries of the reservation. The Three Affiliated Tribes believe Slawson needs to apply for and receive a variance to develop this site, since the proposed well pad is within a half-mile of the lake. Slawson has told the BLM that it does not recognize the tribe's authority since the well pad is on private land and the minerals are not tribal minerals. It is not the place of the BLM to determine tribal jurisdiction in this matter. Slawson has sole responsibility to obtain all necessary state and local permits prior to building the well pad and drilling the 11 proposed wells. The BLM does not specify which permits are necessary. The BLM has conducted extensive tribal consultation and worked to enhance the mitigation requirements in the environmental analysis to meet or exceed what would be required with a variance. The BLM has coordinated with the Department of the Interior Solicitor's Office on this issue.

**Decision Point:** The BLM has all the information needed to make a decision on these APDs, and the field office is required to make a decision. The North Dakota Field Office is prepared to approve Slawson's APDs, which would include issuing the EA, a Decision Record (DR), and a Finding of No Significant Impact (FONSI).

**Jobs:** Moving forward with the APDs would result in approximately 220 temporary construction and potentially monitoring/maintenance jobs.

**Stakeholder Positions:** Slawson is interested in moving forward with its APDs. Lake Sakakawea is an important resource and is culturally significant to the Three Affiliated Tribes. (b) (5) DPP

