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### **1. BLM to study strategies to cut wildfire risk in Great Basin**

Scott Streater, E&E News reporter

Published: Thursday, December 21, 2017

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<https://goo.gl/i4pqno>

### **2. 2017 in court: Regulations, pipelines and public lands**

Ellen M. Gilmer, E&E News reporter

Published: Thursday, December 21, 2017

It's been a litigious year in the oil and gas regulatory world, to say the least.

<https://goo.gl/oqxb81>

### **3. 2018 could be a busy year for lands, wildlife and energy bills**

Kellie Lunney, E&E News reporter

Published: Thursday, December 21, 2017

A full slate of bills related to public lands, energy development and wildlife management are teed up for action when lawmakers return to Capitol Hill in 2018, and some of those bills may get taken up early in the year.

<https://goo.gl/7DJ2Mq>

#### **4. Dems press Forest Service on bird protection plans**

Marc Heller, E&E News reporter

Published: Thursday, December 21, 2017

Senate Agriculture Committee ranking member Debbie Stabenow (D-Mich.) and 12 Democratic colleagues pressed the Forest Service yesterday for details on its role in crafting a Trump administration proposal to review protections for the greater sage grouse.

<https://goo.gl/JQBm1T>

#### **5. Bernhardt's schedules reveal his wide-ranging portfolio**

Michael Doyle, E&E News reporter

Published: Thursday, December 21, 2017

The sage grouse debate captivated Interior Deputy Secretary David Bernhardt from his earliest days in office, and newly obtained schedules show how it lingered atop his agenda.

<https://goo.gl/B3ocD8>

#### **6. Bald eagle count hits record at annual gathering**

Published: Thursday, December 21, 2017

The Bureau of Land Management counted a record number of bald eagles yesterday during the birds' annual migration to Lake Coeur d'Alene in Idaho.

<https://goo.gl/Mro7z7>

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## 1. BLM to study strategies to cut wildfire risk in Great Basin

[Scott Streater](#), E&E News reporter

Published: Thursday, December 21, 2017

The Bureau of Land Management is undertaking a sweeping effort to address devastating wildfires across the Great Basin by analyzing the merits of installing man-made fuel breaks and streamlining the removal of invasive vegetation that helps spread blazes.

BLM will conduct two programmatic environmental impact statements covering millions of acres of agency-managed lands in parts of Idaho, Oregon, Nevada, California, Utah and Washington state, according to an advance [notice](#) in today's *Federal Register*.

The first programmatic EIS will analyze installing so-called fire breaks on vulnerable rangelands in the six-state region. The EIS would explore not only best locations for fire breaks, but also the best methods for installing these breaks, most likely by mowing or treating grasses and vegetation on either side of an existing road.

The second programmatic EIS will focus on analyzing rangeland improvements, particularly reducing invasive plants and overgrown vegetation that fuel wildfires. This EIS will also study ways to restore areas overgrown with cheatgrass, which is highly flammable, and other invasive species.

The goal of both programmatic EISs is to safeguard millions of acres of rangelands that support hundreds of wildlife species, as well as working ranchlands and the homes of thousands of people.

Another goal is to protect the years of work and millions of dollars already spent to restore these rangelands that are harmed by wildfires, said Jonathan Beck, BLM Idaho's regional support team lead for the two programmatic EISs.

"The emphasis is on restoring habitat," Beck said in a brief interview. "If you have a system of fuel breaks in place, you can protect your investment in the habitat restoration."

Another potential benefit is speeding the process to conduct these projects, because much of the environmental impacts that the National Environmental Policy Act mandates be evaluated will already have been addressed, he said.

"Much of the analysis will already have been done in the programmatic EIS, so when the field office has a project they want to do, they can use the analysis in the programmatic EIS," Beck said. "And if the issues are the same, then they may not have to do a new analysis. Or only a very site-specific, issues-focused [environmental assessment] that's specific to the field office they are in."

He added: "It provides NEPA efficiency. Literally, they do not have to reinvent the wheel."

But some critics who have reviewed the advance notice are concerned about aspects that call for providing "a mechanism for the BLM to streamline" the environmental review process for projects designed to reduce "fuel loads," such as dead or already burned vegetation that can help spread and intensify wildfires.

The notice, which will be formally published in tomorrow's *Register*, will be open for a 60-day public scoping period running through Feb. 19.

One concern is that the notice concedes that installing fire breaks and improving existing roads for firefighter access could increase the introduction of "noxious and invasive weeds and increase the incidence of human-caused wildfires," it says.

It also notes that constructing fuel breaks "could remove or alter sagebrush habitat, rendering it unusable for some species."

"This notice is formally kicking off a process to analyze creation of fuel breaks and support restoration projects in the sagebrush landscape of the Great Basin," Nada Culver, senior counsel and director of the Wilderness Society's BLM Action Center, said in an emailed statement. "Those efforts necessarily involve removing existing vegetation and creating new landforms and plantings, which, as the notice acknowledges can have many harmful consequences for species that depend on those lands and can even cause more loss of wildlife and more wildfires."

There is also concern that the notice states the restoration programmatic EIS will "provide a mechanism for the BLM to streamline any future NEPA processes pertaining to fuel breaks, fuels reduction, and rangeland restoration proposals in the Great Basin region."

"What would not be useful or beneficial in the long run would be using these genuine management needs as an excuse to destroy important habitat and wilderness," Culver wrote.

She added, "We would have more confidence in the intent and execution of these efforts if they were not in the same landscape the Department of [the] Interior and BLM are currently working to put at more risk through undermining the current plans governing management for the greater sage grouse."

Interior and BLM since last spring have been reviewing possibly significant changes to Obama-era greater sage grouse conservation plans finalized in 2015. Much of the sage grouse habitat across the West is in the sagebrush steppe ecosystem in the Great Basin.

Beck said the dual EISs and the need to address rangeland fire issues are completely separate from the ongoing review of the federal sage grouse plans.

"In the Great Basin, the risk of wildfire is the greatest threat we have to the sagebrush-steppe ecosystem," he said. "With wildfires and invasives taking over the West, we know we need to do something to protect these iconic landscapes."

<https://goo.gl/i4pqno>

## **2. 2017 in court: Regulations, pipelines and public lands**

Ellen M. Gilmer, E&E News reporter

Published: Thursday, December 21, 2017

It's been a litigious year in the oil and gas regulatory world, to say the least.

Battles between the Trump administration and its detractors dominated court dockets across the country. Top on the president's agenda over the past 12 months: regulatory rollbacks that sparked a legal frenzy.

Environmental groups boasted dozens of new lawsuits against agencies in 2017, while the oil and gas industry dusted off its old playbook for sympathetic leadership in Washington.

"It's hard to keep up with the drama of these things," said Kate Konschnik, who heads the climate and energy program at Duke University's Nicholas Institute for Environmental Policy Solutions.

Indeed, former President Obama's attempts to cut methane emissions, update royalties rules, and introduce new safety measures for oil and gas production have been targeted by a series of rollback efforts — some successful, some not.

Rivaling the deregulatory effort in complexity is the ballooning litigation over oil and gas infrastructure across the country. Courts are fielding countless complaints over pipeline build-outs, and litigants are making slow but notable progress in their efforts to force agencies to more closely consider impacts to the environment and property owners.

Meanwhile, many public lands skirmishes among the government, industry and environmentalists that started before President Trump took office have plodded ahead in the courts this year with heightened acrimony.

Big holdover battles include fights over how and when the government leases public lands for development, and whether certain areas should be kept off-limits.

Finally, a few sleeper cases are moving through the courts, drawing little attention now but promising high-stakes action in the coming year.

### **Regulations**

The Trump administration's efforts to slash regulations seen as stifling fossil fuel development overshadowed most other legal fights affecting oil and gas in 2017.

The biggest battles centered on rule rollbacks for methane emissions, hydraulic fracturing and royalty reform. The deregulatory efforts played out in stages, prompting layers of litigation along the way.

Environmentalists count their defense of Obama-era methane restrictions among their biggest victories of the year. Coalitions of environmental groups and supportive states were successful in defeating two preliminary attempts from the Trump administration to freeze or delay measures.

"We've been pleased to see courts rejecting Trump administration efforts to stay or repeal rules without going through the process they have to follow and defend their decisions to reverse these reasonable rules," Earthjustice attorney Mike Freeman said.

After U.S. EPA used a Clean Air Act reconsideration process to sideline standards for new oil and gas operations, the U.S. Court of Appeals for the District of Columbia Circuit rebuked the agency and reinstated the requirements. EPA is now going through a longer public process to rethink the rule.

Meanwhile, a district court in California reversed BLM's attempt to use a provision of the Administrative Procedure Act — Section 705 — to stall measures to cut methane waste on public and tribal lands.

The decision mirrored a previous ruling from that court that struck down the Interior Department's similar effort to sideline an Obama-era fossil fuels valuation rule using APA 705.

BakerHostetler attorney Mark Barron, who represents the oil and gas industry in various litigation, said the agency's losses on APA 705 are the most significant rulings of the year.

"Not necessarily because the rules that they address are so critical," he said, "but I think that the court took a tool out of agencies' toolboxes."

Barron supported the application of APA 705 for the rules, arguing that it's important for Interior to have the flexibility to freeze a rule after challengers have filed suit and the agency sees merit in their claims.

"Let's say somebody files a claim like a week after a rule goes into effect, where the agency says: 'You know what, that is a good point. We didn't think of that. We should put this plan on hold while the litigation is pending,'" he said.

Interior appealed the methane decision to the 9th U.S. Circuit Court of Appeals. Meanwhile, it has finalized a broader suspension of the rule, which sparked new lawsuits from environmentalists and states just this week.

Another big and confusing legal fight this year focused on Obama's 2015 rule for fracking on public and tribal lands. The long-running litigation took a sharp turn in the spring when the Trump administration announced plans to review the regulation.

Duke's Konschnik called it one of the most interesting cases of the year, highlighting "extreme views" from some Western states and other critics about the federal government's authority to regulate federal lands.

"That one encapsulates this real push to either privatize public lands or to really minimize the government's oversight of the use of those lands," she said.

The Trump administration has walked a fine line, backing away from the Obama rule but maintaining its position that BLM has authority to regulate fracking if it wants to.

In the fall, the 10th U.S. Circuit Court of Appeals made the case even murkier with a procedural ruling that sidestepped the meat of the litigation but put the long-frozen regulation back in play.

The Trump administration is expected to finalize its repeal of the fracking rule next month, and — you guessed it — a new round of litigation will follow.

## **Pipelines**

The year in oil and gas litigation was also dominated by midstream battles over pipelines.

For once, news about oil pipelines largely took a back seat to gas pipeline fights. As natural gas infrastructure spreads, opponents are becoming more sophisticated and creative in their opposition.

In assorted East Coast battles, for example, environmentalists have challenged the Federal Energy Regulatory Commission's pipeline reviews, landowners have taken aim at eminent domain issues and Pennsylvania nuns have alleged religious freedom violations.

The result? Still not a lot of wins for pipeline opponents, but a growing understanding by FERC and pipeline builders that every step in the approval process will face scrutiny.

Gas pipeline opponents' biggest win came in a D.C. Circuit ruling in August that required regulators to more closely consider the climate impacts of a project in the Southeast.

Oil infrastructure also remains contentious, but the battles have moved more slowly.

The Dakota Access pipeline, for example, has been the subject of several significant court decisions in 2017. Federal judges earlier this year allowed the pipeline to be completed and stay in service but also cracked down on regulators.

In June, the U.S. District Court for the District of Columbia ruled that the Army Corps of Engineers had flubbed three areas of its environmental review for the project. Earlier this month, the court ordered pipeline backer Energy Transfer Partners LP to comply with added safety conditions while the Army Corps fixes its review.

Litigation over the similarly divisive Keystone XL pipeline is about to heat up. A district court in Montana last month rejected the Trump administration's requests to dismiss environmental challenges to the presidential approval of the project.

That means the State Department's environmental review will likely go under the microscope in the courtroom. Groups are also planning to challenge a new route approved by Nebraska regulators in November.

## **Public lands**

In addition to the battles affecting public lands regulations, court dockets have featured a steady stream of litigation over oil and gas leasing.

"Obviously it's been a dramatic year in public lands litigation," Center for Biological Diversity attorney Michael Saul said. "Although in some ways, the everyday flow of leasing and permitting actions and ensuing litigation has sort of remained the same, the big difference is obviously you see an administration totally and explicitly committed to fossil fuel development on public lands at all costs and dismantling every possible impediment to that."

The oil and gas industry, of course, frames it differently, celebrating the steady fall of what drillers consider to be red tape hamstringing development.

Some of 2017's cases are holdovers from previous years, including dueling battles over how the Interior Department conducts leasing.

The industry is pushing the government to make sure it is conducting quarterly sales, as required by the Mineral Leasing Act. The case has been on hold this year while environmentalists jockeyed for a spot in the litigation. A judge granted their request this week, and now the case will continue in New Mexico.



On the other side, environmentalists are still pushing an ambitious case that challenges the agency to consider broad, cumulative climate impacts of leasing decisions.

Their cause may be helped by some big court decisions dealing with another fossil fuel this year. In August, a district court in Montana ruled that federal regulators needed to look at broad impacts from coal development plans. And in September, the 10th Circuit slammed BLM for its "irrational" National Environmental Policy Act consideration of climate impacts from coal.

"Stepping back a little bit, those cases are part of a real shift in the NEPA law to acknowledge that climate change is not the frontiers of science," Saul said. "It's widely accepted science and reality."

Saul noted that some under-the-radar cases will put further pressure on the Trump administration in the coming year. In Nevada, for example, CBD and others are challenging BLM's decisions to lease wide swaths of public lands without considering specific impacts of fracking on the state's shallow aquifers and springs.

Another sleeper case for NEPA review of oil and gas development: litigation over offshore drilling in the Pacific Ocean. Environmental groups say Interior hasn't closely considered fracking's impacts on Pacific waters and species. The case has been moving slowly through preliminary stages this year and will likely heat up in 2018.

Freeman, the Earthjustice attorney, vowed that environmental action in the courtroom is not likely to slow down.

"The American public doesn't want our natural heritage given over to the oil and gas industry," he said. "I think we expected these fights, and we anticipate these battles will continue next year."

<https://goo.gl/oqxb81>

### **3. 2018 could be a busy year for lands, wildlife and energy bills**

Kellie Lunney, E&E News reporter

Published: Thursday, December 21, 2017

A full slate of bills related to public lands, energy development and wildlife management are teed up for action when lawmakers return to Capitol Hill in 2018, and some of those bills may get taken up early in the year.

Tax reform, efforts to repeal the Patient Protection and Affordable Care Act, appropriations negotiations, and confirmation votes on President Trump's nominees have dominated Congress' attention this year.

But an impressive amount of work from the House and Senate panels handling natural resources and energy issues also emerged throughout 2017.

The House, especially, is poised to turn some of its focus to several bills related to national monuments, onshore and offshore drilling, and a landmark fisheries management law as the second session of the 115th Congress gets underway.

"Are my wrists slit?" House Natural Resources Chairman Rob Bishop (R-Utah) joked to reporters Tuesday, when asked about the floor prospects for several bills he shepherded through his panel this year.

Presenting his non-slit wrists to reporters, he added with a chuckle: "Then I have optimism."

Two bills in particular could emerge for floor consideration in early 2018 — the "Strengthening the Economy With Critical Untapped Resources to Expand (SECURE) American Energy Act," **H.R. 4239**, and the "Sportsmen's Heritage and Recreational Enhancement (SHARE) Act," **H.R. 3668**.

The "SECURE Act" is bipartisan legislation that would increase energy development on public lands and waters by reducing federal regulations, streamlining the permitting process and creating a revenue-sharing partnership with coastal states.

Lawmakers fast-tracked the bill, which is co-sponsored by House Majority Whip Steve Scalise (R-La.), this fall, and Bishop's committee approved it in November (*Greenwire*, Nov. 8).

Supporters say the bill would help create jobs and strengthen national security, ostensibly through less reliance on foreign oil.

"This is a chance to have an energy package that actually produces some energy," Bishop told reporters in a pen-and-pad briefing last month.

But opponents, including all of the panel's Democrats, are concerned that it would undercut bedrock environmental laws like the Marine Mammal Protection Act, Endangered Species Act and National Environmental Policy Act.

The "SHARE Act" is a broad sportsmen's package aimed at enhancing access to and recreation on public lands, but it also contains some controversial gun provisions.

The legislation, which Bishop's panel reported out in September, would make it easier to buy silencers, also called suppressors, for firearms to protect hunters' hearing by making them subject to the same background checks required to purchase handguns.

After October's mass shooting in Las Vegas that killed at least 59 people and injured more than 500, gun control advocates and many Democrats said the silencer provisions in the "SHARE Act" would make it harder for potential victims to hear gunshots and for law enforcement to quickly respond in such crises.

Some House Republicans, including Rep. Jeff Duncan of South Carolina, the sponsor of the bill and a co-chairman of the Congressional Sportsmen's Caucus, acknowledged in late October that they were eyeing possible changes to the gun provisions in the "SHARE Act" with the hopes of reviving it.

Bishop also said at the time that when he was "given a list of issues that they wanted to have done before Christmas, that was on the list." While it didn't end up making the floor list by the end of this year, it's likely to come up in 2018 given its strong Republican support.

Democrats have introduced alternatives to both the "SECURE" and "SHARE" acts. Their sportsmen's package, introduced by Natural Resources Committee ranking member Raúl Grijalva (D-Ariz.), would, among other things, permanently reauthorize the popular Land and Water Conservation Fund (*E&E Daily*, Dec. 1). Their version of the "SECURE Act," also shepherded by Grijalva, would promote renewable sources, prohibit oil and gas drilling in the Arctic National Wildlife Refuge, and strengthen environmental protections and safety standards related to development on public lands and waters (*Greenwire*, Nov. 16).

Asked earlier this week about his legislation's prospects in 2018, Grijalva was blunt: "I don't even think we will get a hearing." But, he said Democrats were "setting a template" for how they would govern by providing different policy options.

"I think when we go and talk to constituents, and the people that care about these issues, it's important for us to not just be a 'no' vote, [but rather] that we have an alternative, we have a template that we think we should move on," the Arizona Democrat said.

He also said he anticipates introducing amendments to oppose parts of the "SECURE" and "SHARE" acts should they hit the floor next year.

## Momentum behind Senate energy bill

Things typically move a lot more slowly on the other side of the Capitol; legislation related to energy and public lands is no exception.

The bipartisan energy reform bill that Sens. Lisa Murkowski (R-Alaska) and Maria Cantwell (D-Wash.) tried unsuccessfully to get across the finish line in 2016 likely will make a reappearance in 2018 (*see related story*).

This past summer, Senate Majority Leader Mitch McConnell (R-Ky.) bypassed the committee process and placed a revised version of the bill on the Senate calendar, allowing him to bring it up at any time.

The revised legislation, **S. 1460**, largely reflects the core areas addressed in the last session of Congress, including efficiency, infrastructure, research and natural resources issues.

The Senate bill, however, does not include gun silencer provisions of the House "SHARE Act." Murkowski earlier this year told E&E News she was concerned the issue could once again trip up efforts to get her legislation enacted.

"We have tried for three Congresses now to advance a sportsmen's bill," she said this summer. "And for me, it's really about access to our lands, to allow for more hunting, fishing, use of our public lands."

The package "should not be viewed as a vehicle for the gun control debate," the Alaskan said at the time. "I think that is what has sidelined it in years past. And my hope is that we'll be able to avoid that. We shall see."

## Antiquities Act reform

Among Bishop's top priorities is legislation that would overhaul the "damn" Antiquities Act, as he's called it.

The 1906 law has generated a lot of controversy this year, in part because of the Trump administration's review of several national monuments.

That review resulted in Trump earlier this month issuing two proclamations — already the subject of lawsuits — to significantly reduce the boundaries of the Bears Ears and Grand Staircase-Escalante national monuments, both in Utah (*Greenwire*, Dec. 4).

"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 October during the committee markup that advanced the legislation 23-17 in a party-line vote.

The bill would sharply reduce the size of future monuments and create a formal process for reductions. The legislation faces major opposition from several conservation groups, as well as members of the outdoor industry community.

A companion bill in the Senate, introduced in January by Murkowski, has broad Republican support but so far hasn't gone anywhere in the upper chamber.

## Changes to Magnuson-Stevens law

Congress hasn't updated the law regulating fishing in federal waters since 2006, but that could change in 2018.

The House Natural Resources Committee in mid-December advanced legislation that would overhaul the 1976 Magnuson-Stevens Fishery Conservation and Management Act, providing greater flexibility for fishermen in part by modifying the framework for determining annual catch limits (*Greenwire*, Dec. 13).

The bill includes more public feedback in the development of science and fishery management plans and would elevate the role of regional marine fishery management councils.

Opponents of **H.R. 200**, including restaurant chefs from across the country, fear it would lead to overfishing and reduce the quality of science used in management decisions.

Supporters of the current law say quotas have helped prevent overfishing. Critics say it has become too bureaucratic and is keeping too many fishermen off the water.

"I realize this legislation isn't perfect yet, and we will continue to work with those" who want to improve it, said the bill's sponsor, Rep. Don Young (R-Alaska). Young, the dean of the House, helped write the original law in the mid-1970s.

In the Senate, Alaska Republican Dan Sullivan has held multiple hearings this year on revising Magnuson-Stevens, but there isn't a companion bill yet in the upper chamber.

### **'Recreation Not Red-Tape Act'**

This bipartisan bill, from Bishop and Sen. Ron Wyden (D-Ore.), aims to cut red tape to enhance outdoor recreation on federal land. It was scheduled to be considered in committee in mid-December, but Bishop said he was working with Wyden on a few minor changes and so postponed it.

But look for the House committee to mark up this bill, which has the support of the Outdoor Industry Association, as early as January. It likely will receive a favorable reception in both chambers because of its bipartisan nature.

The legislation seeks to ease permitting for tour guides, including expediting permits issued by the Forest Service and Bureau of Land Management. It also would simplify permitting for trips that include travel from one federal agency's jurisdiction into another, and mandate that all passes or permits required for outfitters and guides be made available online.

Jessica Wahl, OIA's government affairs manager, called the bill "a shining example of bipartisan collaboration" that the "entire recreation community and industry is excited about."

### **Environmental riders**

Both parties are fond of trying to insert provisions affecting public lands, wildlife and energy development into broader spending packages.

Congress still has to negotiate an omnibus package for fiscal 2018 once a short-term spending bill expires, likely in January or February. So, keep an eye out for provisions affecting the populations of animals like sage grouse and wild horses on public lands.

Other riders could prevent the Bureau of Land Management from regulating the capture of methane on federal lands, along with other oil and gas drilling restrictions that some view as too burdensome on industry.

The debate over the exploding population of wild horses and burros on public lands — which often crops up during spending negotiations — is a good example of an issue that not only elicits strong emotions on both sides but also illustrates the limits of policymaking within parties and between the congressional chambers.

The House's fiscal 2018 Interior appropriations legislation contains a section that would lift restrictions on BLM to sell or, in specific circumstances, euthanize excess animals. The House Appropriations Committee

approved the amendment from Rep. Chris Stewart (R-Utah), which would also prohibit the horses from being used for human consumption.

The provision generated robust debate earlier this year between Republicans, who supported it, and Democrats, who argued for a greater use of contraception to cull the population; ultimately, it remained in the omnibus the House passed in September.

But Senate appropriators later this fall opted to retain traditional language in their new Interior Department spending bill protecting wild horses and burros from being killed or sold, setting up a debate with the House over the controversy.

Stewart earlier this week told E&E News that the absence of his language in the Senate bill was "very frustrating." He said he'd spent time talking to his House Democratic colleagues to help them understand his point of view, which is that the animals are starving to death because the population is more than the government can handle.

There are more than 70,000 wild horses and burros on federal lands, nearly three times the number BLM says it can properly manage.

Stewart said he tried to engage senators on the issue, but "they wouldn't talk to me" because it's controversial. "[The Senate] can't be intellectually lazy on this and not make the effort to really understand it," the Utah Republican said, adding that he grew up ranching and "loves horses."

Stewart said Interior cannot solve the problem alone and needs congressional action. "Their hands are tied, which is why we need the Senate to understand this," the Republican said.

<https://goo.gl/7DJ2Mq>

#### **4. Dems press Forest Service on bird protection plans**

Marc Heller, E&E News reporter

Published: Thursday, December 21, 2017

Senate Agriculture Committee ranking member Debbie Stabenow (D-Mich.) and 12 Democratic colleagues pressed the Forest Service yesterday for details on its role in crafting a Trump administration proposal to review protections for the greater sage grouse.

In addition, the lawmakers sought a 45-day extension of the already-ended public comment period for the proposal, which they worry may undermine safeguards for the declining birds.

The letter comes on the heels of efforts by Sen. Michael Bennet (D-Colo.) to push back against the review, initiated by the Bureau of Land Management (*E&E News PM*, Nov. 30). The comment period ended Dec. 1, and BLM has said it will make a decision by early next year.

In their letter to Forest Service Chief Tony Tooke, senators said the administration's moves could undermine a broad approach to sage grouse protection that's grown out of collaboration among environmental, wildlife and conservation groups, and led to a federal plan in 2015.

The lawmakers cited "profound economic and cultural implications of upending this range-wide solution" and listed 10 questions they want answered by Jan. 12.

Among other impacts, a potential listing of the sage grouse under the Endangered Species Act — averted by the 2015 plan — could come back into play. The sage grouse population was once 16 million and has been reduced to between 200,000 and 500,000, the senators said.

Lawmakers asked for information about the Forest Service's role and coordination with BLM, and they asked whether service officials had visited any of the 11 affected Western states to consult with state and local people affected.

In addition, they said, BLM, the Fish and Wildlife Service, the U.S. Geological Survey and the Western Association of Fish and Wildlife Agencies had agreed on the 2015 plan.

"With such strong support for the structure of the 2015 plans from the relevant federal science community, please explain why major changes to the 2015 plans are being contemplated," the senators said.

The letter responds to a Nov. 21 notice in the *Federal Register*, which involves 15 national grasslands and forests across the 11 Western states.

Lawmakers asked the Forest Service to produce maps showing which areas would potentially be affected, citing "vast acreage" and complexity of the plans.

The agency didn't have any immediate comment on the letter, which Stabenow's office released late yesterday afternoon.

Mining and drilling interests have been critical of the Obama-era actions to protect the sage grouse, calling them overly restrictive.

<https://goo.gl/JQBm1T>

## 5. Bernhardt's schedules reveal his wide-ranging portfolio

Michael Doyle, E&E News reporter

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The sage grouse debate captivated Interior Deputy Secretary David Bernhardt from his earliest days in office, and newly obtained schedules show how it lingered atop his agenda.

Sworn in on Aug. 1, Bernhardt had his first sage grouse meeting on the morning of Aug. 3, schedules obtained by E&E News under the Freedom of Information Act show. The hourlong meeting in Interior Secretary Ryan Zinke's office included half a dozen other staffers.

The gathering was one of the first substantive policy sessions for Bernhardt, after a round of largely administrative obligations that included a briefing on ethics, the setting up of his computer and the picking up of his security card.

A month later, on Sept. 1, Bernhardt's schedules show the sage grouse popped up again, as the topic of a half-hour meeting involving a half-dozen others.

The meetings occurred as the Interior Department was working on controversial revisions to sage grouse protections (*E&E News PM*, Sept. 28).

A review team established by Zinke to analyze the federal grouse plans recommended some fundamental changes, including moving away from focusing on habitat protection and instead allowing states to develop "appropriate population objectives" for complying with the plans.

Zinke subsequently directed Bernhardt "to ensure implementation of the recommendations" and to order the Bureau of Land Management to work to "immediately begin implementing" the series of short- and long-term recommendations (*E&E News PM*, Aug. 7).

The behind-the-scenes, hour-by-hour details illuminated in Bernhardt's newly released documents, though omitting any descriptions of what was said, mark the first time his packed schedules have been made public. Zinke's schedules have previously been released.

The schedules also show the dizzying array of topics that take up the time of Interior's No. 2 official.

Immediately after the late-afternoon Sept. 1 meeting on the sage grouse, for instance, Bernhardt was scheduled for a half-hour meeting with National Park Service officials about new Interior Department uniforms.

"I was a couple steps behind the secretary in recognizing that it is time for the uniforms to be updated," Bernhardt subsequently advised Interior employees in a September memo, adding that "your comments have reinforced the very real need of doing so."

In October, the department again selected VF Imagewear to provide updated uniforms for seven Interior agencies and the Army Corps of Engineers (*Greenwire*, Oct. 16).

The schedules show, as well, the outside advocacy groups and assorted individuals who have secured face time with Bernhardt in his sixth-floor Interior Department office, which visitors enter by passing next to a large stuffed polar bear.

The schedules show a variety of meetings, as with his Sept. 12 get-together with senior executives from the National Alliance of Forest Owners or his half-hour Sept. 26 meeting with senior executives of Exxon Mobil Corp.

[Click here](#) for Bernhardt's August 2017 schedule.

[Click here](#) for his September 2017 schedule.

<https://goo.gl/B3ocD8>

## **6. Bald eagle count hits record at annual gathering**

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The Bureau of Land Management counted a record number of bald eagles yesterday during the birds' annual migration to Lake Coeur d'Alene in Idaho.

BLM biologist Carrie Hugo counted 383 bald eagles in the Wolf Lodge Bay area, up from the 314 tallied just a few weeks ago in late November.

The eagles flock to the region every year between November and January to feed on kokanee, a landlocked variety of salmon that come to the bay to spawn and die.

Before this year's counts topped out over 300, the previous record was 273 eagles, set in December 2011, Hugo said (Rich Landers, *Spokane Spokesman-Review*, Dec. 20). — NS

<https://goo.gl/Mro7z7>