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MEMORANDUM FOR THE WHITE HOUSE STAFF SECRETARY AND CABINET SECRETARY
November 7, 2017

FROM: Scott Hommel, Chief of Staff, U.S. Department of the Interior

SUBJECT: Interior Department Weekly Update for the Week of November 6, 2017

DOI 30-Day Policy Look Ahead

Presidential Initiatives and Awareness

- 1. CRITICAL MINERALS REPORT:** USGS will release a new report presenting resource and geologic information for 23 critical mineral commodities important to our national economy and national security, many of which are sourced entirely outside of the United States. This is the first update since the last assessment undertaken in 1973. Staff Secretary has circulated a draft Executive Order (EO) directing Interior to help coordinate the appropriate agencies to undertake a government-wide approach to facilitate the domestic mining and processing of critical minerals. The Department is continuing to hold the release of the study to be issued in conjunction with the EO. DOI is awaiting the scheduling of the EO issuance and is preparing communications materials.
Timing: November 2017
Contact: Jim Cason, Associate Deputy Secretary
- 2. MEMORIAL BRIDGE PROJECT AND REBUILD THE PARKS INITIATIVE:** The Secretary has worked with NEC and OMB on legislative language to create an account funded by energy revenues that would address the \$11.5 billion in backlog in the National Park Service and Fish and Wildlife Service Refuge maintenance. NEC has agreed to include this language in the infrastructure bill. The Secretary believes POTUS or VPOTUS should call on Congress separately to address the backlog. Senator Alexander has tentatively agreed to introduce legislation after this occurs. We will submit a request that POTUS or VPOTUS announce this initiative with the Arlington Memorial Bridge as the backdrop. The National Park Service (NPS) is ready to award the contract for the bridge by November 17. NPS has secured all funding (\$227 million) for a complete rehabilitation under budget and in a single phase rather than multi-phase. This would be an ideal backdrop to show the Trump Administration is doing all it can to fix America's infrastructure, but that Congress needs to do its part to restore and rebuild the parks. We have submitted a scheduling request to Cabinet Affairs offering the week of November 13.
Timing: November 14-17, 2017
Contact: Jason Larabee, Acting Assistant Secretary for Fish and Wildlife and Parks
- 3. BOEM DRAFT PROPOSED PLAN:** On November 17, BOEM aims to publish the Draft Proposed Program (DPP) for the new National Outer Continental Shelf Oil & Gas Program. Publication of the DPP is the first opportunity for the Administration to share proposed leasing areas with the public. Publication of the DPP follows the Request for Information that was published on July 3, in response to which BOEM received over 815,000 comments.
Timing: November 17, 2017
Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

4. **INTERIOR DISASTER RELIEF PROPOSAL:** Interior has submitted a proposal for the President's consideration to call on Congress to give him the authority to lift environmental restrictions on resource-abundant lands to help develop construction materials to rebuild after a Presidentially-declared disaster. This proposal was submitted as a part of the National Security Council request for proposals. Interior also submitted the legislative language to OMB for consideration in the next supplemental appropriations bill.
Timing: Ongoing
Contact: Downey Magallanes, Acting Deputy Chief of Staff
5. **MONUMENTS REQUEST:** Interior has submitted the final draft monuments report to Staff Secretary. Secretary Zinke plans to send the final report this week. Interior has also submitted specific monument recommendations for Bears Ears National Monument (BENM) and the Grand Staircase Escalante National Monument (GSENM) to OLC for the form and legality review. Finally, Interior has submitted a scheduling request that POTUS travel to Utah to sign the proclamations for the BENM and GSENM. The Secretary has discussed this with the President.
Timing: Early December 2017
Contact: Downey Magallanes, Acting Deputy Chief of Staff
6. **KING COVE LAND EXCHANGE:** Interior plans to exchange a 500-acre corridor through Izembek National Wildlife Refuge with the King Cove Corporation, an Alaska Native corporation. Through a separate agreement with the state, this will result in a road connecting the fishing community of King Cove with an airport capable of handling jet aircraft used for medical evacuations, which will improve the health, safety, and quality of life for residents. This is a critical issue to Senator Murkowski, Senator Sullivan, and Congressman Don Young. DOI is awaiting White House guidance on when to execute the exchange.
Timing: Ongoing
Contact: Jim Cason, Associate Deputy Secretary

Reports to Congress and Congressional Testimony

1. **UPCOMING SCIA HEARING:** The Senate Committee on Indian Affairs is hosting a legislative hearing on S. 1400 (Sen. Heinrich), the Safeguarding Tribal Objects of Patrimony Act of 2017 and S. 465 (Sen. Rounds), the Independent Outside Audit of the Indian Health Service Act of 2017. The Department will only be providing testimony on S.1400. Witness will be John Tahsuda, Acting Asst. Secretary for Indian Affairs.
Timing: November 8, 2017
Contact: Amanda Kaster, Policy Adviser, Congressional Affairs
2. **UPCOMING SCIA ROUNDTABLE:** The Senate Committee on Indian Affairs is holding a roundtable entitled "Confronting the Crisis: the Opioid Epidemic in Indian Country." DOI intends to send Charlie Addington, Deputy Associate Director, Office of Justice Services to participate.
Timing: November 9, 2017
Contact: Amanda Kaster, Policy Adviser, Congressional Affairs

3. **UPCOMING HNRC HEARING:** The House Natural Resources Subcommittee on Indian Affairs is holding a legislating hearing on the following bills: H.R. 212 (Young of AK), expediting Congressional review of tribal funding agreement under ISDEAA; H.R. 2320 (Larsen), land into trust for Samish Indian Nation; and H.R. 3225 (DeFazio), allow certain OR tribes to lease or transfer land. Witness is pending.
Timing: November 15, 2017
Contact: Amanda Kaster, Policy Adviser, Congressional Affairs
4. **LETTER TO SENATE LEADERSHIP:** Sec. Zinke will be sending a letter to leaders McConnell and Schumer asking for action on DOI nominees. DOI nominees are facing unprecedented delays, particularly for noncontroversial nominees. The letter will likely garner press attention. WH OCL and Communications offices have signed off.
Timing: TBD
Contact: Micah Chambers, Deputy Director, Congressional Affairs
5. **DOI NOMINEES IN PROGRESS:** Brenda Burman (BOR) and Susan Combs (A/S PMB) were passed out of committee August 3, 2017. Joe Balash (Assistant Secretary, Land & Minerals) and Ryan Nelson (Solicitor) appeared before the SENR committee on September 7, 2017. Both passed and now await full Senate approval. DOI OCL is working with OGE and the White House to get final approval for Asst. Sec. Indian Affairs nominee, Tara Sweeney before submitting her paperwork to the Senate. The White House nominated Steve Gardner for OSM. His Senate questionnaire is currently under review. In addition, Sec. Zinke will be sending a letter to Leaders McConnell and Schumer, urging them to move forward on DOI nominees.
Contact: Micah Chambers, Deputy Director, Congressional Affairs.
6. **PENDING COLORADO ANNOUNCEMENT:** Sec. Zinke and Dep. Sec. Bernhardt have been working with Sen. Gardner and Rep. Tipton on a resolution to a long-standing issue in Western Colorado regarding the release of funds related to an old mine. This money would go to the state and counties. The previous administration did not act on the issue for the last eight years. DOI is working with the delegation on releasing these funds. It will be big news for the Senator, Congressman and rural Colorado.
Timing: TBD
Contact: Micah Chambers, Deputy Director, Congressional Affairs

Other/Awareness Only

1. **ACTION ON ADVISORY BOARDS:** This week, the Department announced the creation of two new advisory boards, the "Made in America" Recreation Advisory Committee and the International Wildlife Conservation Council. The first board will advise on using public-private partnerships to enhance outdoor recreation. The second board will advise on responsible regulations and policies affecting international wildlife conservation efforts and sportsmen activities.
Timing: Week of November 6, 2017

Contact: Lori Mashburn, White House Liaison

- 2. COAL MINING ACTIONS:** Throughout October, the Office of Surface Mining Reclamation and Enforcement will submit mining decisions and a notice of availability.
- **Belle Ayr Mine Plan Decision:** OSMRE anticipates forwarding a mining plan decision document with a recommendation for the Belle Ayr Mine Mining plan modification in early November 2017. The mine employs 259 people and produces approximately 20 million tons of coal per year.
 - **Cordero Rojo Mine.** The draft Environmental Assessment (EA) prepared for Cordero Mine mining plan modification was published on July 6, 2017, and comments were accepted for 30 days. The bureau will forward a mining plan decision document with a recommendation in late November 2017. The mine employs 383 people and produces approximately 20 million tons of coal per year.
 - **King II Mine Modification:** In mid- to late fall, BLM-CO expects to issue a decision on whether to modify GCC Energy's King II Mine in Montezuma County in southwest Colorado by 951 acres. The modification would allow GCC to access an estimated 4.66 million tons of recoverable Federal coal reserves for an additional 6.5 years of mining. Montezuma County supports the modification, noting Federal mineral development's positive impacts on the region through jobs and tax revenue.

Timing: November 2017

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

- 3. NON-SUBSISTENCE TAKE RULE TO BE NULLIFIED:** Under the Congressional Review Act (CRA), Congress passed, and the President signed, a resolution of disapproval of the U.S. Fish and Wildlife Service rule titled "Non-subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska" (non-subsistence take of wildlife rule). By operation of the CRA, the non-subsistence take of wildlife rule shall be treated as if it had never taken effect. However, because the CRA does not direct the Office of the Federal Register to remove the voided regulatory text and reissue the pre-existing regulatory text, the U.S. Fish and Wildlife Service is issuing a notice to effect the removal of any amendments, deletions, or other modifications made by the nullified rule and the reversion to the text of the regulations in effect immediately prior to the effective date of the non-subsistence take of wildlife rule.

Timing: November 8, 2017

Contact: Jason Larrabee, Acting Assistant Secretary for Fish and Wildlife and Parks

- 4. STREAM PROTECTION RULE TO BE NULLIFIED:** Under the Congressional Review Act (CRA), Congress passed, and the President signed, a resolution of disapproval of the U.S. Fish and Wildlife Service rule titled "Non-subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska" (non-subsistence take of wildlife rule). By operation of the CRA, the non-subsistence take of wildlife rule shall be treated as if it had never taken effect. However, because the CRA does not direct the Office of the Federal Register to remove the voided regulatory text and reissue the pre-existing regulatory text, the U.S. Fish and Wildlife Service is issuing a notice to effect the removal of any amendments, deletions, or other modifications made by the nullified rule and the reversion to the text of the

regulations in effect immediately prior to the effective date of the non-subsistence take of wildlife rule.

Timing: November 2017

Contact: Kate MacGregor Acting Assistant Secretary for Land and Minerals

- 5. NATIONAL PARK SERVICE CONSIDERING HUNTING AND FISHING CHANGES IN ALASKA:** The NPS intends to initiate a rulemaking process that will consider changes to regulations for sport hunting and trapping in national preserves in Alaska (80 FR 65325) (promulgated in October 2015 and effective on November 23, 2015). Throughout this process, the NPS will consider the purpose of Secretarial Order 3347 (“Conservation Stewardship and Outdoor Recreation”) to advance conservation stewardship and increase outdoor recreation opportunities, including hunting and fishing, for all Americans. The NPS will also identify ways to improve recreational hunting and fishing cooperation, consultation, and communication with State of Alaska wildlife managers. The NPS will comply with all applicable laws governing the rulemaking process, including the requirement to provide an opportunity for public comment on any proposed regulatory changes under 5 U.S.C. 553. The NPS is not accepting comments on this announcement. The public will have an opportunity to comment when a proposed rule is published in the Federal Register.

Timing: November 2017

Contact: Jason Larrabee, Acting Assistant Secretary for Fish and Wildlife and Parks

- 6. FISH AND WILDLIFE SERVICE INCREASING ACCESS FOR HUNTERS AND ANGLERS:** FWS will publish a final rule on the 2017-18 Refuge-Specific Hunting and Sport Fishing Regulations. The final rule will open various national wildlife refuges to hunting and/or sport fishing for the first time (new hunts) and expand hunting and fishing opportunities at others. Outreach is planned to include a national news release when the Federal Register notice is published and notifications to members of Congress in affected districts, with some stakeholder outreach.

Timing: November 2017

Contact: Jason Larrabee, Acting Assistant Secretary for Fish and Wildlife and Parks

- 7. ATLANTIC COAST AND MOUNTAIN VALLEY PIPELINES:** Environmental compliance and signing required right-of-way and construction permits anticipated. Approval by the NPS is one of several steps necessary for the larger projects to move forward. Both pipelines would traverse the Blue Ridge Parkway and the Appalachian National Scenic Trail, and are currently under environmental review and consideration by the Federal Energy Regulatory Commission (FERC) with final decisions by FERC, and a number of other state and federal agencies, anticipated later in 2017.

Timing: November 2017

Contact: Jason Larrabee, Acting Assistant Secretary for Fish and Wildlife, and Parks

- 8. ATLANTIC OFFSHORE RENEWABLE RFF:** In late November, BOEM plans to publish a Request for Feedback (RFF) in the Federal Register seeking input on a proposed path forward for renewable energy leasing offshore the Atlantic Coast. The RFF describes the process and

factors used by BOEM to identify and forecast areas along the Atlantic Coast where future development is most likely and leasing should be focused.

Timing: Late November 2017

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

- 9. NAVAJO GENERATING STATION:** On July 2nd, the Navajo government approved a two-year lease extension for continuing operation of the Navajo Generating Station (NGS) through 2019. The Department's Bureau of Reclamation has a participation interest in the power generated by the plant and thus the Administration has a role in decisions associated with the plant. Interior is facilitating a process being led by Peabody Energy and Lazard (investment banking) to identify a possible future owner(s) to keep the plant generating power post-2019, since the current utility owners will exit the plant at the end of 2019. The comment period for the NGS Extension Lease Environmental Assessment ended on Friday, November 3. Reclamation and the Bureau of Indian Affairs are currently considering any relevant comments received during the comment period and anticipate issuing a Finding of No Significant Impact (FONSI) by December 1.

Timing: December 2017

Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science

10. RESOURCE ASSESSMENTS IN THE NATIONAL PETROLEUM RESERVE IN

ALASKA: The USGS currently is making pre-assessment public presentations in preparation for conducting resource assessments in response to Secretarial Order 3352, which directs the USGS to update assessments of the Alaska North Slope with emphasis on National Petroleum Reserve in Alaska (NPRA), the coastal plain of the Arctic National Wildlife Refuge (ANWR), and State lands and waters. The content of the presentations will include descriptions of why the assessment is being done, what methods are being used, and specific documentation of the geological interpretations that form the foundation of the assessment. Meetings currently in progress focus on two geological formations in which significant oil discoveries have been announced in the past two years: the Nanushuk and Torok Formations. The Nanushuk Formation hosts two new discoveries, Pikka–Horseshoe and Willow. The assessment is tentatively scheduled for December 2017.

Timing: December 2017

Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science

- 11. HURRICANE IRMA AND MARIA RESPONSE/RECOVERY OPERATIONS:** Fourteen employees from DOI bureaus and offices are currently deployed supporting the FEMA Surge Capacity Force. FEMA has determined that no additional DOI employees will be deployed as part of the Surge Capacity Force. In total, DOI successfully deployed 35 employees to support this effort. In addition, DOI has 33 employees supporting SBA activities. DOI personnel are assisting FEMA and SBA in Puerto Rico, Texas, the U.S. Virgin Islands, Nevada, Florida, New York, California, Virginia, and Washington, D.C. DOI also continues to transition to long-term response and recovery operations on Puerto Rico (including Vieques and Culebra) and the U.S. Virgin Islands (St. Thomas, St. Croix and St. John). DOI personnel are providing technical expertise to interagency partners at the FEMA Puerto Rico Initial Operating Facility pertaining to natural and cultural resource protection, the safe removal of stranded vessels in the Caribbean, protection of critical habitats during response and recovery efforts, and analysis of landslide

occurrences and threats in Puerto Rico. While recovery functions remain largely in the planning stages due to ongoing response efforts, DOI remains engaged with the lead agencies for the Recovery Support Functions including the Department of Commerce, Health and Human Services, and FEMA. DOI's Deputy Secretary has been participating in the White House Principals Committee meetings on the hurricane recovery framework. The Department has assigned an Assistant Secretary to participate in the FEMA Recovery Support Function Leadership Group.

Timing: Ongoing

Contact: Doug Domenech, Assistant Secretary for Insular Affairs

- 12. WEST ELK MINE ROYALTY RATE REDUCTION:** In early December, BLM-CO expects to issue a decision on whether to grant a royalty rate reduction for the West Elk Mine. The BLM proposes to approve Mountain Coal Company, LLC's application for a royalty rate reduction from 8 percent to 5 percent for 10.3 million tons of coal in the West Elk Mine in southwest Colorado's North Fork Valley. Colorado Governor John Hickenlooper expressed support for the royalty rate reduction, contingent on Mountain Coal Company exploring methane capture at the mine.

Timing: December 1-2, 2017

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

- 13. NPR-A LEASE SALE:** On December 6, BLM-AK will hold an oil and gas lease sale for 900 tracts covering 10.3 million acres in the NPR-A. This lease sale, the 13th since 1999, will be the first NPR-A oil and gas lease sale to occur via livestream video. This is the first time that all available tracts will be offered for lease, which is a potential source of controversy. Further controversy is expected if BLM-AK modifies the Integrated Activity Plan prior to the sale. Bidding is expected to be moderate.

Timing: December 6, 2017

- 14. DOI ENERGY SUMMIT:** In support of the President's energy dominance agenda, Secretary Zinke will be hosting an all-day energy summit at DOI HQ. The event was originally planned for December however; Interior is considering pushing this date until January or February after consultation with WH External Affairs. The summit will broadcast all aspects of the DOI's energy portfolio, including the economic benefits for the American taxpayer. The summit will definitively set forth the Administration's energy priorities. Participants will also include cabinet principles, members of congress, industry and NGO representatives.

Timing: December 2017 (tentative)

Contact: Vincent DeVito, Counselor to the Secretary for Energy Policy

Other Significant Rulemakings and Actions

1. **BOARDMAN TO HEMINGWAY TRANSMISSION LINE:** The BLM will announce the Notice of Availability for the Record of Decision approving the Boardman to Hemingway Transmission Line Project. This is a 294-mile high voltage transmission line that will run from northeastern Oregon to southwestern Idaho, which will be operated by Idaho Power Company. Approval of the line will create 494 jobs during the 3-year construction period.

Timing: Week of November 13

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

2. **US FISH & WILDLIFE SERVICE CORMORANT ISSUE:** USFWS is planning to release a draft environmental assessment that could give some authority for local residents to kill cormorants in select circumstances. The birds, currently protected by the Migratory Bird Treaty Act, are being blamed for waning fish populations in the Finger Lakes region of New York and significant depredation throughout the eastern United States.

Timing: November 2017

Contact: Jason Larabee, Acting Assistant Secretary for Fish and Wildlife and Parks

3. **IMPORTS OF AFRICAN ELEPHANT TROPHIES FROM ZIMBABWE:** The Fish and Wildlife Service (FWS) plans to publish in the Federal Register a change to the permitting status for imports of African elephant trophies from Zimbabwe. After receiving information from Zimbabwe on a number of substantial improvements to their management program and elephant conservation efforts, FWS has determined that taking of African elephant trophy animals in Zimbabwe on or after January 21, 2016 (the date that Zimbabwe's new management plan was officially adopted) through 2017 would enhance the survival of African elephants, and import permits can be issued for these trophies.

Timing: November 2017

Contact: Jason Larabee, Acting Assistant Secretary for Fish, Wildlife and Parks

4. **GRIZZLY BEAR DELISTING PUBLIC COMMENT:** In January, the Department announced a final rule delisting the Greater Yellowstone Ecosystem (GYW) grizzly bear Distinct Populations Segment (DPS). An August 2017 the D.C. Circuit overturned the Western Great Lakes wolf Distinct Population Segment (DPS) delisting. The FWS will put out a notice announcing a 30-day public comment period seeking input on whether the ruling affects the June 30 delisting. FWS will also describe the strategy to recover grizzly bears in the lower 48 states of the United States and provide a brief recovery update for each ecosystem.

Timing: November 2017

Contact: Jason Larabee, Acting Assistant Secretary for Fish, Wildlife, and Parks.

Release of High-Profile Grants

1. **URBAN PARTNERSHIP GRANTS:** National Fish and Wildlife Foundation (NFWF) in cooperation with US Fish & Wildlife, will award over \$2 million in grants under their Five Star and Urban Waters Restoration Program. The grants fund multiple federal initiatives, including new and existing Urban Wildlife Refuge Partnerships and Urban Bird Treaty cities. NFWF will make its initial announcement and FWS will follow the next day.

Timing: Ongoing

Contact: Jason Larabee, Acting Assistant Secretary for Fish and Wildlife and Parks

2. **CENTENNIAL CHALLENGE PROJECTS:** The NPS will announce the award of \$18 million in Centennial Challenge projects. Many of the projects accomplish deferred

maintenance projects, and all represent public-private partnerships, since each project requires a minimum 50/50 match with non-Federal funds.

Timing: Ongoing

Contact: Jason Larabee, Acting Assistant Secretary for Fish and Wildlife and Parks

Key Events for Upcoming 30-Days

Travel by Secretary

- | | |
|----------------|--|
| November 10 | Secretary Zinke traveling to Virginia to tour Manassas National Battlefield Park in advance of Veterans Day to interact with Boy Scouts and veteran volunteers. |
| November 21-28 | Secretary Zinke will be on personal leave for the Thanksgiving holiday. |
| December 1-3 | Secretary Zinke is visiting Louisiana to do a coastal tour with Senator Bill Cassidy (LA) |