

To: blm_elt@blm.gov[blm_elt@blm.gov]; blm_field_comm@blm.gov[blm_field_comm@blm.gov]; BLM_All_Managers@blm.gov[BLM_All_Managers@blm.gov]; BLM_WO_100@blm.gov[BLM_WO_100@blm.gov]; Lesli Ellis-Wouters[lellis@blm.gov]; Amber Cargile[acargile@blm.gov]; Martha Maciel[mmaciel@blm.gov]; Donna Hummel[dhummel@blm.gov]; Ronald (Rudy) Evenson[revenson@blm.gov]; Jody Weil[jweil@blm.gov]; Megan Crandall[mcrandal@blm.gov]; Kristen Lenhardt[klenhard@blm.gov]; BLM_WO_610@blm.gov[BLM_WO_610@blm.gov]; Peter Mali[pмали@blm.gov]; Stephen Clutter[sclutter@blm.gov]; Wilkinson, Patrick[p2wilkin@blm.gov]; Jill Ralston[jralston@blm.gov]; Lola Bird[lbird@blm.gov]
From: Black, Meredith
Sent: 2017-06-07T16:42:37-04:00
Importance: Normal
Subject: E&E News Clips—June 7, 2017
Received: 2017-06-07T16:42:47-04:00
[ee06.7.17.docx](#)

E&E News Clips June 7, 2017
Contents

1. Utah lands transfer advocate: Don't expect Bears Ears repeal
2. BLM approves flaring mitigation steps
3. Would-be No. 2 vague on energy ahead of Senate confirmation
4. Democrats slam Justice Dept. opinion on info requests
5. Pruitt says coal losses make the grid vulnerable. Not really
6. Zinke, Perdue embrace status quo on fire policy
7. Bipartisan lawmakers plead for climate research funds
8. Energy production could affect 7 sites — report
9. Justice Dept. moves to dump suit over mine near Boundary Waters
10. Trump touts Pruitt, Dakota Access, coal in Ohio River speech

1. Utah lands transfer advocate: Don't expect Bears Ears repeal

Jennifer Yachnin, E&E News reporter

Published: Wednesday, June 7, 2017

Utah state Rep. Mike Noel (R), a leading opponent of federal land ownership, said he expects the Interior Department will propose reductions to the boundaries of Bears Ears National Monument but won't seek to revoke the site's status outright because of "legal issues."

<http://bit.ly/2s4Tv1R>

2. BLM approves flaring mitigation steps

Pamela King, E&E News reporter

Published: Wednesday, June 7, 2017

The Bureau of Land Management yesterday imposed new flaring requirements on the oil wells it administers in western North Dakota.

<http://bit.ly/2rVZvfR>

3. Would-be No. 2 vague on energy ahead of Senate confirmation

Pamela King, E&E News reporter

Published: Wednesday, June 7, 2017

President Trump's pick to lead the Interior Department's daily operations has committed to reviewing the agency's oil and gas programs but offered few details on actions he would take to change the way energy is developed on federal land.

<http://bit.ly/2rBPLHg>

4. Democrats slam Justice Dept. opinion on info requests

Geof Koss, E&E News reporter

Published: Wednesday, June 7, 2017

Congressional Democrats are continuing to press the Trump administration to turn over information on policies and practices at federal agencies, despite a controversial Justice Department legal opinion that concluded the executive branch has wide latitude to ignore such requests from the minority party.

<http://bit.ly/2qXq8xD>

5. Pruitt says coal losses make the grid vulnerable. Not really

Emily Holden, E&E News reporter

Published: Wednesday, June 7, 2017

U.S. EPA chief Scott Pruitt and President Trump have appeared on national television to warn Americans that if coal power continues to decline, the lights could go out.

<http://bit.ly/2sEikCr>

6. Zinke, Perdue embrace status quo on fire policy

Brittany Patterson, E&E News reporter

Published: Wednesday, June 7, 2017

Leaders of the Interior and Agriculture departments have called for continued cooperation in the fight against wildfires, parroting language and policies endorsed by the previous administration.

<http://bit.ly/2rVY810>

7. Bipartisan lawmakers plead for climate research funds

Kellie Lunney, E&E News reporter

Published: Wednesday, June 7, 2017

Nineteen House Democrats and Republicans are urging appropriators to reject a Trump administration budget proposal to slash funding for an Interior research program that studies climate change.

<http://bit.ly/2sgq2VU>

8. Energy production could affect 7 sites — report

Jennifer Yachnin, E&E News reporter

Published: Wednesday, June 7, 2017

Plans by the Trump administration to expand energy production on public lands could affect areas in close proximity to at least seven national parks, according to an analysis released today by the National Parks Conservation Association.

<http://bit.ly/2s4J81H>

9. Justice Dept. moves to dump suit over mine near Boundary Waters

Nick Bowlin, E&E News reporter

Published: Wednesday, June 7, 2017

The Justice Department moved late Monday to dismiss a lawsuit against an Obama-era decision that rejected renewal of mineral rights leases for a proposed northeastern Minnesota copper-nickel mine.

<http://bit.ly/2sgHpWH>

10. Trump touts Pruitt, Dakota Access, coal in Ohio River speech

Ariel Wittenberg, E&E News reporter

Published: Wednesday, June 7, 2017

President Trump declared his support for U.S. EPA Administrator Scott Pruitt and the coal and oil industries this afternoon during a speech along the Ohio River in Cincinnati.

<http://bit.ly/2sEm8U7>

--

Meredith C. Black
U.S. Department of the Interior
Division of Public Affairs, Washington Office
Bureau of Land Management
M Street Southeast Washington, D.C.
20003

Contents

- 1. **Utah lands transfer advocate: Don't expect Bears Ears repeal**.....1
 - Conservative groups laud review2
 - NPS retirees bash review.....3
- 2. **BLM approves flaring mitigation steps**.....3
- 3. **Would-be No. 2 vague on energy ahead of Senate confirmation**.....4
 - Following Zinke4
 - BLM4
- 4. **Democrats slam Justice Dept. opinion on info requests**.....5
- 5. **Pruitt says coal losses make the grid vulnerable. Not really**7
 - 'Unreliable' power?7
 - Coal is 'irrelevant'8
- 6. **Zinke, Perdue embrace status quo on fire policy**9
 - 58M acres at risk10
 - But the budget?10
- 7. **Bipartisan lawmakers plead for climate research funds**.....11
- 8. **Energy production could affect 7 sites — report**12
- 9. **Justice Dept. moves to dump suit over mine near Boundary Waters**.....13
- 10. **Trump touts Pruitt, Dakota Access, coal in Ohio River speech**14
 - Waterways15

1. Utah lands transfer advocate: Don't expect Bears Ears repeal

Jennifer Yachnin, E&E News reporter

Published: Wednesday, June 7, 2017

Utah state Rep. Mike Noel (R), a leading opponent of federal land ownership, said he expects the Interior Department will propose reductions to the boundaries of Bears Ears National Monument but won't seek to revoke the site's status outright because of "legal issues."

Noel, who met with Interior Secretary Ryan Zinke during his visit to the state last month, yesterday told the website UtahPolicy.com that opponents of the monument should not expect the Trump administration to attempt to eliminate the 1.35-million-acre monument.

"I think it will be reduced, most likely," Noel told the outlet. "It could be rescinded, but that is less likely."

President Trump in late April ordered a review of dozens of national monuments, including all sites created since 1996 that include over 100,000 acres.

The assessment is bookended by a pair of controversial Utah sites: the Bears Ears monument created by President Obama in the final weeks of his term, and the Grand Staircase-Escalante National Monument created by President Clinton in 1996.

The order requires an interim report by June 10, including specific recommendations on the Bears Ears site. Zinke is tasked with producing a final report that could recommend boundary changes, revocations or amendments to management plans by late August.

Noel, who has repeatedly expressed his interest in becoming the next director of the Bureau of Land Management, said he did not possess "inside information" on the decision, although he told the website that various "legal issues" would make rescinding the monument difficult.

Congressional Democrats, conservationists and legal experts have repeatedly asserted that the Trump administration will face legal challenges if the president attempts to either reduce or rescind any monuments without Congress' approval.

Presidents are permitted to establish monuments to protect federal lands with cultural, historic or scientific importance under the Antiquities Act of 1906, but no president has ever sought to undo the designations made by one of his predecessors.

Although presidents have previously reduced the size of monuments, no commander in chief has done so since the enactment of the Federal Land Policy and Management Act of 1976 (FLPMA), and legal scholars assert that such changes are no longer allowable.

But Noel, who authored a resolution approved by the Utah Legislature earlier this year endorsing a reduction in the size of the Grand Staircase-Escalante monument, asserted that Bears Ears' boundaries could be amended.

"I believe we could downsize to the smallest area," he said.

San Juan County commissioners also made a return visit to Washington, D.C., this week to meet with Interior Department officials about the review.

The local elected officials, who opposed the creation of the Bears Ears monument, previously met with Zinke in both D.C. and Utah during his visit to the state.

"We know how special it is to be invited back there and asked to give our input, so trust me, we are taking it very seriously. I think [Zinke] is trying to make a decision based on the facts," San Juan County Commissioner Bruce Adams told the *Deseret News* yesterday. Adams told the newspaper that the commissioners were asked to provide additional information on the Bears Ears monument.

Conservative groups laud review

More than two dozen conservative organizations sent Trump a **letter** last week praising his order to review the monuments and urging the administration to "set a precedent" to show that monument designations can be subject to repeal.

"We applaud your decision to review the national monuments designated over the past 21 years and check years of executive overreach related to federal lands. This action is welcome news for locals whose voices have been drowned out by environmental groups, corporate interests and other special interests," said the letter organized by the Sutherland Institute.

It was signed by 28 other organizations including the Coalition for Self-Government in the West, the Competitive Enterprise Institute, the American Energy Alliance, the American Lands Council, Stewards of San Juan County, Freedomworks, the American Legislative Exchange Council, Americans for Prosperity, Citizens Against Government Waste and the Utah Farm Bureau.

The letter also criticizes the Antiquities Act, which past presidents have used to create more than 150 monuments, as an "executive bludgeon."

"Expansive national monuments restrict access, weaken local economies, corrode rural communities and put the very archaeological resources they are supposed to protect at increased risk. Our communities, our country, and our national treasures deserve better," the June 1 letter said.

The groups asserted that by altering or eliminating monuments, Trump could "set a precedent that the designations of future presidents will be subject to review."

NPS retirees bash review

But an organization representing former National Park Service employees today urged Zinke in its own **letter** to refrain from making any alterations to the monuments, calling the review a "poor use of time and money."

The Coalition to Protect America's National Parks also highlighted those monuments under NPS's authority that are included in the Interior review, including the Grand Canyon-Parashant in Arizona, Craters of the Moon in Idaho, and Katahdin Woods and Waters in Maine.

"President Theodore Roosevelt signed the Antiquities Act into law and used it to protect places large and small for future generations," the coalition wrote. "He well understood that waiting for Congressional action could lead to exploitation of extraordinary resources for private gain and irreversible damage to special places that should be protected for all Americans."

<http://bit.ly/2s4TvIR>

2. BLM approves flaring mitigation steps

Pamela King, E&E News reporter

Published: Wednesday, June 7, 2017

The Bureau of Land Management yesterday imposed new flaring requirements on the oil wells it administers in western North Dakota.

BLM has signed an environmental assessment calling for capture of gas associated with oil-producing wells in the Bakken Shale, blending energy infrastructure into the surrounding landscape and consultation with local tribes.

The decision applies to future applications for permits to drill where a site would introduce visual, atmospheric or audible impacts on cultural or historical resources.

As part of that action, BLM would analyze 1,770 pending Sundry Notice requests.

Royalty determinations — calculations of the fees companies pay on the hydrocarbons they produce — will be made separately from each request to flare.

<http://bit.ly/2rVZvfR>

3. Would-be No. 2 vague on energy ahead of Senate confirmation

Pamela King, E&E News reporter

Published: Wednesday, June 7, 2017

President Trump's pick to lead the Interior Department's daily operations has committed to reviewing the agency's oil and gas programs but offered few details on actions he would take to change the way energy is developed on federal land.

Democrats and green groups have questioned David Bernhardt's ties to the oil and gas companies he would be charged with regulating as Interior's deputy secretary. Bernhardt is chairman of Brownstein Hyatt Farber Schreck LLP's natural resources practice, whose clients include the Colorado Oil and Gas Association, Noble Energy Inc., and WPX Energy Inc.

"Bernhardt is a consummate insider who will turn America's public lands into an industrial zone for fracking, mining and drilling, harming wildlife and waters to benefit billionaire corporate polluters," Randi Spivak, the Center for Biological Diversity's public lands program coordinator, said in a statement yesterday.

Republicans have pointed to Bernhardt's Western roots and prior Interior experience as critical qualifications. In 2001, he left his position as a Brownstein associate to serve as Interior solicitor under President George W. Bush.

"I believe Mr. Bernhardt is an excellent choice for Deputy Secretary," Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska) said in a May 18 statement. "He grew up in the West, and during his previous time at Interior, he gained significant expertise about a range of Alaska and western issues. I am confident he understands how critically important Alaska is to the Department, and how consequential the Department's decisions are to my home state."

Murkowski's panel yesterday approved Bernhardt's nomination ([Greenwire](#), June 6). He awaits confirmation from the full Senate.

Following Zinke

In response to questions from the committee, Bernhardt committed to review Interior's environmental oversight and revenue collection.

As for how he will carry out those goals, Bernhardt mostly deferred to the vision of Interior Secretary Ryan Zinke.

"If confirmed as deputy secretary, I would support the secretary's efforts to foster responsible development of coal, oil, gas, and renewable energy on federal and tribal lands," Bernhardt wrote in response to an inquiry from Sen. Al Franken (D-Minn.) as to whether Interior should open additional land for production.

After a string of questions from Sen. Bernie Sanders (I-Vt.) in which he acknowledged that man — and the oil and gas industry — has an influence on climate change, Bernhardt said he is "not aware that Congress has ever provided" direction to Interior to reduce fossil fuel extraction.

He wrote that the United States needs to produce renewable energy, even as the Trump administration proposed cutting Interior's renewables program in fiscal 2018.

Bernhardt stopped short of committing to publicizing data from the U.S. Geological Survey, which has played a leading role in federal studies of hydraulic fracturing.

"Will you commit to maintaining the integrity and public accessibility of data sets produced by Interior staff?" asked Sen. Martin Heinrich (D-N.M.).

"The integrity of scientific data and its application in decision making on behalf of the public are of paramount importance to me," Bernhardt wrote in reply. "Should I be confirmed, I commit to continuing this commitment and applying it to policy recommendations."

BLM

When pressed by Heinrich to address staffing shortages in the Bureau of Land Management's New Mexico field offices, Bernhardt said he was not aware of job vacancies or efforts to fill open positions but reiterated Zinke's priorities to equip the bureau with the necessary tools and resources to conduct its jobs.

Trump's budget proposes reducing BLM staff by 1,062 positions.

Bernhardt pledged to review Government Accountability Office recommendations to rectify insufficiencies in BLM's regulatory practices for oil and gas operators.

Those recommendations would be incorporated "as appropriate," he said in response to questions from the Energy and Natural Resources Committee's ranking Democrat, Maria Cantwell of Washington.

Bernhardt indicated to Sen. John Barrasso (R-Wyo.) that he would support an overhaul of BLM's Methane and Waste Prevention Rule, which Congress failed to kill this year under the Congressional Review Act.

"I have not yet had any substantive interaction with the department on implementing the president's America First Energy Plan," Bernhardt said. "However, closely examining regulations to eliminate those that are duplicative and burdensome will be a start."

<http://bit.ly/2rBPLHg>

4. Democrats slam Justice Dept. opinion on info requests

Geof Koss, E&E News reporter

Published: Wednesday, June 7, 2017

Congressional Democrats are continuing to press the Trump administration to turn over information on policies and practices at federal agencies, despite a controversial Justice Department legal opinion that concluded the executive branch has wide latitude to ignore such requests from the minority party.

Democrats in both chambers this week renewed their pleas to the General Services Administration for details of its determination that the Trump International Hotel, located in the Old Post Office building in Washington, complies with conflict-of-interest requirements barring elected officials from being part of the lease.

Senate Environment and Public Works ranking member Tom Carper (D-Del.) on Monday sent his fifth **request** for information on the lease to GSA acting Administrator Timothy Horne, calling the past responses "unresponsive."

Carper's letter follows the release of a DOJ opinion — submitted to the White House — that found federal agencies are free to ignore information requests from lawmakers unless they come from the chairman of a committee or subcommittee (*Greenwire*, June 2).

Carper yesterday told E&E News the DOJ opinion is "hogwash."

"If the shoe were on the other foot and our Republican friends were in the minority, they'd be closing the place down," he said. "This is absurd."

In a bid to seek unredacted copies of documents related to the Trump hotel lease, Democrats on the House Oversight and Government Reform Committee countered the DOJ opinion with a letter of their own to Horne that argues they have a legal right to the information via an obscure 1928 statute.

The so-called Seven Member Rule hands them "unique authority" conveyed by the House and Senate and signed by the president delegating authority for any seven members of the Oversight panel to require any executive agency to "submit any information requested of it relating to any matter within the jurisdiction of the committee."

The DOJ opinion "is flawed in many ways, but even taking it at face value, GSA must comply with requests submitted under the statutory Seven Member Rule," wrote the members.

"The Seven Member Rule is not a regulation or guideline, but a statute that was passed by both houses of Congress and signed by the President. Although you may wish to limit oversight from Democratic Members of Congress through a misguided policy that responds only to Republican Chairmen, compliance with federal law is not an optional exercise that may be overridden by a new Trump Administration policy."

The letter notes that the Obama administration had responded to earlier information requests on the lease requested under the rule, and notes that in the early weeks of the Trump administration, GSA acknowledged its existence and said it would review any requests made under its authority.

The Democrats also notes that a federal judge ruled in favor of 16 of its committee members during the George W. Bush administration in a case that sought to enforce the rule, forcing the Commerce Department to hand over information requested by former Chairman Henry Waxman (D-Calif.) related to the 2000 census.

Also this week, members of the New Democrat Coalition Cybersecurity Task Force wrote to the acting director of the Office of Personnel Management, as well as the agency's acting inspector general, seeking information on the office's policies for responding to information requests.

According to a statement from Reps. Kathleen Rice (D-N.Y.) and Derek Kilmer (D-Wash.), an OPM official told a Rice staffer last month the office would not respond to the pair's earlier information request because it was not signed by a committee chairman.

"While we are not members of the President's political party, we have a responsibility to work with this administration — as we would with any administration — on issues where we can find common ground, and we believe cybersecurity is such an issue," the pair wrote. "If this administration is categorically prohibiting basic communication with Democrats, then they are prioritizing politics and loyalty over national security and common sense, and making it nearly impossible for members of Congress to do our jobs."

Sen. Maria Cantwell (D-Wash.), the ranking member on the Energy and Natural Resources Committee, said yesterday that she disagreed with the DOJ opinion. "We'll see about that," Cantwell said, noting that there are "lots of different ways" for Democrats to get information they are seeking.

"Those are things we'll have to work on," she said.

<http://bit.ly/2qXq8xD>

5. Pruitt says coal losses make the grid vulnerable. Not really

Emily Holden, E&E News reporter Published: Wednesday, June 7, 2017

U.S. EPA chief Scott Pruitt and President Trump have appeared on national television to warn Americans that if coal power continues to decline, the lights could go out.

But real-life examples and an expansive body of research by grid operators, engineers, nongovernmental organizations and scientists suggest that's an exaggeration. Yesterday, Pruitt said if the share of coal use falls below 30 percent nationally, it could expose the United States to terrorist attacks.

"When we're at less than 30 percent or right at 30 percent today, that creates vulnerabilities to attacks on infrastructure," Pruitt said yesterday on MSNBC's "Morning Joe," without specifying what kind of threats he meant.

"As we generate electricity in this country, it is not a wise thing to limit the number of resources. It creates vulnerabilities. We need more diversity from coal, natural gas, oil, hydro, nuclear, across the board," he continued.

Trump, in his announcement that the United States would exit the Paris Agreement, said renewable growth could put the country "at grave risk of brownouts and blackouts" (*Climatewire*, June 2).

EPA did not respond to requests to provide Pruitt's sources on this issue. But both statements align with a broader theme from the administration and an upcoming Department of Energy study about whether renewable power is causing problems for coal and nuclear and jeopardizing grid reliability.

"The impression I got was that he's using exactly the same language about vulnerability for plants that don't have on-site fuel, and that we're somehow losing diversity," said Sue Tierney, a senior adviser with the Analysis Group and a former assistant secretary for policy at DOE. "Ironically, of course, the system is getting so much *more* diverse."

Nonpartisan grid professionals acknowledge that there are important conversations to have about securing the grid from external threats unrelated to the fuel mix and about controlling costs and handling more complex generation schedules while transitioning to greener power.

They aren't as worried about having enough power as the country moves away from coal. They say their extensive planning processes will ensure against outages.

'Unreliable' power?

Coal power has been on the wane, falling to about 30 percent of U.S. electricity last year, down from closer to 44 percent half a decade ago. Experts widely agree coal plants have closed mostly because natural gas has been so cheap.

Pruitt, however, thinks the downturn is a problem for the grid.

He argues coal is good because plants can keep stockpiles on-site. During extremely cold weather, natural gas generators in some regions have had trouble getting fuel because they didn't have steady contracts. But coal trains have also been unable to deliver in similar situations.

Renewables, on the other hand, don't pose fuel transportation problems. It's true that they can't generate all day, every day, but grid organizers are finding new ways to integrate higher amounts of them anyway.

When coal plants shut down, utilities and grid operators make plans to replace their power.

Some of them have also looked at expanding their markets so that if they face shortages, they can acquire power from neighbors.

Mike Jacobs, a senior energy analyst with the Union of Concerned Scientists, explained that when power providers can buy from a larger pool, they don't have to keep as many facilities waiting at the ready in case of an emergency.

"The guys who are making the statements that you can't do it without the old ways aren't in the business of figuring out how to do it," he said.

Power outages most often occur because of bad weather or power line failures, not plant closures, Jacobs pointed out in a [blog post](#).

Conservative interest groups contend that renewables, and declining coal use, pose risks.

The Institute for Energy Research's Travis Fisher, in a [report](#) in 2015, argued that renewables are pushing traditional fuels, which he said were more reliable, offline. Fisher is now leading the study at DOE.

IER highlighted that "access to reliable electricity is a fundamental part of American life."

"We may take it for granted, but when the power goes out, everything grinds to a halt," Fisher's report said. "Inside the house, we lose everything, from the lights, heat pump, refrigerator, television and Internet to chargers for phones and computers. Outside, the stoplights and streetlights stop working. It's impossible to get any work done inside offices and in factories. In short, our daily lives depend on a reliable source of electricity."

As he explained, grid planners "go to great lengths to make sure the grid's delicate supply/demand balance is stable, not just minute to minute, but also five and 10 years into the future."

At the same time, he argued that the biggest threats to the grid are not natural disturbances or human attacks, but policies that "are shuttering unprecedented amounts of reliable power sources while simultaneously forcing increasing amounts of intermittent, unreliable power onto the grid."

Coal is 'irrelevant'

Several regions are already making life work with very little coal.

Within the New England Independent System Operator, coal accounted for 2 percent of power generation in 2016.

"Coal is now largely irrelevant in New England," said Gordon van Welie, president and CEO of ISO New England. "How do we maintain resilience in New England if we don't have coal and everyone else says we need coal to maintain resilience? That just doesn't compute for me. So, for us, though, is the issue is we have enough resources to produce electricity whenever we need it. That's the market design objective. It's electricity on call."

The New York and California grids also generate close to no coal power, although they consume some.

In the Texas grid, operated by the Electric Reliability Council of Texas, a study by Brattle Group analysts found that continued coal plant closures wouldn't be a problem.

The National Renewable Energy Laboratory found that wind and solar could power 30 percent of the Eastern grid without reliability concerns (*Greenwire*, Aug. 31, 2016). Another NREL study discovered that the Western grid could reach 35 percent wind and solar if utilities coordinate better over bigger geographic areas and schedule power closer to real time.

California is hoping to get half of its power from renewables by 2030, meaning an additional 15,000 megawatts of renewable power, according to the California grid operator. The California Independent System Operator says rapid penetration of renewables is changing the way it operates but is manageable. A recent California ISO study argued that large-scale solar plants with the right technology can "mitigate the impact of its variability on the grid, and contribute to important system requirements more like traditional generators." PJM Interconnection, the grid operator for the Mid-Atlantic and Midwest, said in a recent report that it could eliminate coal use without any reliability problems. The organization is not suggesting that would happen, however, and is continuing to explore what the implications would be for power costs.

When states were figuring out how to handle the Obama administration's climate standards for power plants, the Federal Energy Regulatory Commission also took an exhaustive look at the potential for outages under the regulation.

FERC essentially determined that the existing processes for ensuring reliability would be enough to avoid brownouts or blackouts.

Regulators said the Energy Department would also have authority under the Federal Power Act to give plants some leeway in the rare exception that they needed to stay online.

Just a few weeks ago, DOE used that authority to stall closing one unit at a coal plant in Oklahoma. John Moore, energy director at the Natural Resources Defense Council's Sustainable FERC project, called that "a perfect example of how, in a very narrow case, the existing law worked."

"Coal supporters are again returning to playing the reliability card because they don't have much left," Moore added.

<http://bit.ly/2sEikCr>

6. Zinke, Perdue embrace status quo on fire policy

Brittany Patterson, E&E News reporter

Published: Wednesday, June 7, 2017

Leaders of the Interior and Agriculture departments have called for continued cooperation in the fight against wildfires, parroting language and policies endorsed by the previous administration.

Following a tour of the National Interagency Fire Center in Boise, Idaho, Interior Secretary Ryan Zinke and Agriculture Secretary Sonny Perdue last week signed a memorandum outlining the importance of cooperation between the two agencies in order to protect firefighters and communities during the 2017 wildfire season.

"We look forward to working with leaders in both Agencies along with our state and local partners to explore opportunities to improve our operational efficiency and take advantage of the firefighting infrastructure and assets that are currently in place," states the memo, which was sent to wildland fire leadership.

The move signals that the new administration plans to keep fire policy fairly stable, said Chris Topik, director of the Nature Conservancy's Restoring America's Forests program.

"Compared to some of the things we're hearing from other parts of the administration, it's a positive statement to say that there are strong existing partnerships out there in the forest and fire world and to build on them," he said.

While the memo focuses on continuing cooperation among fire officials, healthy forests are crucial for reducing levels of catastrophic wildfire and reducing the instances when wildfires burn so out of control that they threaten or take the lives of firefighters.

TNC and other conservation groups are warning that federally funded collaborative programs with a track record of making U.S. forests more resilient are targeted by the White House's recent budget request and could undermine efforts to reduce catastrophic fire.

58M acres at risk

Firefighting activities would be boosted under the fiscal 2018 proposal, but funding for state and private forestry programs — many of which facilitate forest thinning and prescribed burns that reduce the likelihood of catastrophic wildfire — would be gutted by 50 percent. One bipartisan program, in particular, has shown impressive results, but its budget is zeroed out under Trump's proposal.

"The Collaborative Forest Landscape Restoration program is one of the most premier programs," said Dylan Kruse, policy director for Oregon-based nonprofit, Sustainable Northwest. "We definitely understand budget constraints, but with the stakeholders the program has brought together, the amount of work it's accomplishing — this is the kind of innovative program we should have in these agencies because it makes the dollars stretch farther."

Created by Congress in 2009, the CFLR program has racked up about 200 partners that have brought \$100 million of private funding to the table. Since its implementation, the 23 projects under the program have treated more than 2 million acres of forest in landscapes the Forest Service deems highest-priority.

Studies show that treated forests are able to better withstand the stresses of drought, climate change and wildfire.

Since the program began, at a cost of \$40 million a year, CFLR projects have collectively reduced hazardous fuels across 2 million acres of forests, restored wildlife habitat across 1.76 million acres and produced nearly 1.3 billion board feet of timber.

To put that in perspective, in 2014, the entire Forest Service treated more than 4.6 million acres and harvested 2.8 billion board feet of timber with access to significantly more resources.

The agency estimates 58 million acres of national forests are at high or very high risk of severe wildfire.

But the budget?

Going beyond the numbers, Mike Anderson, a senior policy analyst with the Wilderness Society, said his experience with the CFLR program has shown it is able to bring parties together that not long ago were at odds.

In south-central Oregon, he noted, a timber company, environmental groups and local county commissioners treated 100,000 acres under the Lakeview CFLR project.

But not every CFLR project has been smooth sailing. The Four Forest Restoration Initiative, or 4FRI, is a massive public-private forest restoration effort to thin more than 2.1 million acres of forest in northern Arizona between the Forest Service and private business partners.

The company running the job has faced criticism of its business plan by some 4FRI stakeholders and disputes with competing timber companies, further slowing its effort to rebuild the region's forest industry (*Climatewire*, July 9, 2015).

In response to a request for comment regarding why the CFLR program was zeroed out under the budget proposal, the USDA press office said the final numbers will be decided by appropriators in Congress, "so it is premature to comment on the specific impacts it may have on any USDA program."

<http://bit.ly/2rVY810>

7. Bipartisan lawmakers plead for climate research funds

Kellie Lunney, E&E News reporter

Published: Wednesday, June 7, 2017

Nineteen House Democrats and Republicans are urging appropriators to reject a Trump administration budget proposal to slash funding for an Interior research program that studies climate change.

The lawmakers, who hail from Alaska to Vermont, want their colleagues to support and fully fund the "reputable" and "important work" of eight regional climate adaptation centers located throughout the country and housed within the U.S. Geological Survey.

The Trump administration is requesting **\$17.4 million** for the "National and Regional Climate Adaptation Science Centers" in fiscal 2018, about \$8 million less than what the hubs received for fiscal 2017. The fiscal 2016 enacted funding level for the climate science centers was \$26.4 million, which the April omnibus reduced to \$25.3 million.

"These CSCs [climate science centers] have helped natural and cultural resource managers assess climate-related vulnerabilities in their local jurisdictions as a first step in enhancing preparedness," wrote the members, who included Reps. Jared Polis (D-Colo.) and Don Young (R-Alaska), in a **letter** yesterday to House Interior Appropriations Subcommittee Chairman Ken Calvert (R-Calif.) and ranking member Betty McCollum (D-Minn.).

"Those decisionmakers are already using information developed in partnership with the CSCs to reduce the impacts of wildfire, nuisance flooding and flash flooding, ecosystem stresses, reductions in water supply, and changes in hunting and fishing patterns on their communities." Research universities in both Colorado and Alaska have CSCs.

Other lawmakers who signed the letter included Reps. Peter Welch (D-Vt.); Mia Love (R-Utah); Mike Simpson (R-Idaho); and Raúl Grijalva of Arizona, the top Democrat on the House Natural Resources Committee.

The National Climate Change and Wildlife Science Center was created in 2008 during the George W. Bush administration; former Obama Interior Secretary Ken Salazar in 2010 renamed the eight regional hubs the department's CSCs. The Trump budget, which also would reduce the eight existing hubs to four, refers to them as the National and Regional Climate Adaptation Centers.

The centers work closely with research universities and American Indian tribes to provide science to help natural resources and wildlife managers prepare for and reduce the adverse effects of climate change.

House Natural Resources Chairman Rob Bishop (R-Utah) was pleased with the administration's proposal to cut the CSC budget; his spokeswoman called it "a good start" late last month (*Greenwire*, May 30).

Bishop and Rep. Raúl Labrador (R-Idaho), chairman of the Subcommittee on Oversight and Investigations, asked Interior in early May to provide data on both its climate science centers and its landscape conservation cooperatives, which the Fish and Wildlife Service oversees.

"Despite a significant federal investment of at least \$149 million, their effectiveness, management, and levels of oversight remain serious concerns to the Committee," the Republican lawmakers **wrote**.

Yesterday's letter from Democrats and Republicans said the CSCs have seen "dramatic growth" recently in "requests for their scientific guidance and products" from Interior managers, tribes, nonprofits and state agencies, among others.

<http://bit.ly/2sgq2VU>

8. Energy production could affect 7 sites report

Jennifer Yachnin, E&E News reporter

Published: Wednesday, June 7, 2017

Plans by the Trump administration to expand energy production on public lands could affect areas in close proximity to at least seven national parks, according to an analysis released today by the National Parks Conservation Association.

The report comes in the wake of the Bureau of Land Management's decision earlier this month to pull two parcels near Zion National Park from an upcoming oil and gas lease sale in response to public opposition (*E&E News PM*, June 2).

The NPCA's analysis, "Out of Balance: National Parks and the Threat of Oil and Gas Development," examined BLM land adjacent to national parks in Colorado, New Mexico and Utah.

"The Southwest's national parks are among the most visited in the country, drawing millions of people each year with their jaw-dropping scenic wonders and recreational opportunities and supporting strong tourism economies and local jobs," said NPCA's senior manager for the Landscape Conservation Program, Nicholas Lund, in a statement. "Risks to these spectacular desert parks and tourism industries they support must be considered alongside proposals for oil and gas drilling right at these parks' doorsteps."

According to Lund's analysis, new oil and gas development could affect lands near Zion National Park as well as Capitol Reef National Park, Canyonlands National Park, Dinosaur National Monument, Mesa Verde National Park, Chaco Culture National Historical Park and Carlsbad Caverns National Park.

The report points to potential lease sales near the San Rafael Swell northwest of Canyonlands and northeast of Capitol Reef and the parcels near Zion.

While BLM removed the industry-nominated parcels near Zion from the September lease sale, the agency has yet to determine whether it will pull those parcels permanently or eventually put them up for auction.

"These are some of our most beloved national parks, and they're at risk from the harmful side-effects of nearby energy development planned without meaningful Park Service or public engagement. In order to ensure that wherever leasing occurs it is 'smart from the start,'" Lund wrote in the report.

Click here for the full report.

<http://bit.ly/2s4J81H>

9. Justice Dept. moves to dump suit over mine near Boundary Waters

Nick Bowlin, E&E News reporter

Published: Wednesday, June 7, 2017

The Justice Department moved late Monday to dismiss a lawsuit against an Obama-era decision that rejected renewal of mineral rights leases for a proposed northeastern Minnesota copper-nickel mine.

The government claims that the suit, brought by Twin Metals Minnesota LLC, cannot be filed in federal district court and must be moved to the Court of Federal Claims as a contract dispute.

The mineral leases in question are just a few miles outside the Boundary Waters Canoe Area Wilderness, near the town of Ely.

While the Justice Department's motion rests on legal propriety, the move could have policy implications. Plaintiffs can receive monetary damages in claims court but not "specific performance," the legal term for fulfilling contractual duty. Twin Metals was arguing that it had the right to renew the lease.

"It's more than a technicality. They can't bring the same claims to court of claims that they can in the regular district court," said Jane Reyer, the advocacy director for Friends of the Boundary Waters Wilderness. Reyer is not a licensed attorney.

In the months after the Obama administration's mineral lease rejection, mine opponents worried that the Trump administration would settle with Twin Metals.

"This signals that the government intends to keep fighting," said Aaron Klemz, communications director for the Minnesota Center for Environmental Advocacy. He noted that the move does not guarantee protective action for the wilderness area.

Reyer added that the hearing on the motion to dismiss is not until September. "We certainly hope that the government holds firm on their position," she said.

It is of note that the Justice Department recently settled a different mine lawsuit filed over Obama administration restrictions (*Greenwire*, May 12). U.S. EPA announced it would move to withdraw proposed restrictions and allow developers to proceed with the permitting process for the Pebble mine project in Alaska, rather than fight the suit.

Reyer said about the administration's move on Twin Metals, "It is encouraging. I don't think it's the end of the matter."

The motion to dismiss follows a statement two weeks ago from Agriculture Secretary Sonny Perdue that an environmental impact study will proceed on the Twin Metals mine site, which sits in the same watershed as the Boundary Waters Canoe Area Wilderness (*E&E News PM*, May 25).

Mine opponents feared that the Trump administration would cancel the study, which places a two-year moratorium on mineral development while it is underway.

The study was commissioned in the same order that rejected the mineral leases. Made in tandem by the Forest Service and Interior Department, the order includes the possibility for a two-decade mining ban on 234,000 acres in Superior National Forest, whose watershed drains into the Boundary Waters wilderness. The ban depends on the EIS results.

The agencies have extended the ongoing public comment period on the project by 120 days to Aug. 17. At least one more public hearing on the proposal is planned.

Twin Metals would be the first copper-nickel operation in Minnesota, once a hub of iron-taconite mining in the northeastern Iron Range. Copper-nickel mining requires processing sulfide ore, which creates sulfuric acid runoff and heavy metal waste when exposed to air and water.

<http://bit.ly/2sgHpWH>

10. Trump touts Pruitt, Dakota Access, coal in Ohio River speech

Ariel Wittenberg, E&E News reporter

Published: Wednesday, June 7, 2017

President Trump declared his support for U.S. EPA Administrator Scott Pruitt and the coal and oil industries this afternoon during a speech along the Ohio River in Cincinnati.

In a freewheeling talk intended to showcase the infrastructure needs of inland waterways, Trump described his administration's success at expediting projects like the contentious Dakota Access pipeline.

"Nobody thought any politician would have the guts to approve that final leg, and I just closed my eyes and said, 'Do it,'" he said.

Trump's trip to Cincinnati was part of his administration's efforts to promote its planned \$1 trillion infrastructure development push as Washington prepared for fired FBI Director James Comey's scheduled appearance before Congress tomorrow.

Trump praised the start of commercial service last week on the 1,170-mile pipeline.

"Think of it from a company standpoint: They build a massive pipeline, going for miles, and then they have to hook it up at a little section and are stopped. And I said, that is not fair," he said.

The president also said he had not taken "heat" for pushing the project through, over protesters concerned the pipeline could endanger water supplies as it crossed a section of the Missouri River called Lake Oahe.

"And, you know, when I approved it, it's up, it's running, it's great," he said. "The sun is still shining, the water is clean."

Throughout his speech, Trump framed the importance of transportation infrastructure and waterways through their significance to the energy industry, and frequently described his administration's other efforts to boost those industries.

"By the way, the coal miners are happy," he said. "They like Trump. Same with steel workers and oil workers."

Trump noted that the new Acosta Deep mine will open in southwestern Pennsylvania next week to mine metallurgical coal used in steel production. Industry analysts have said metallurgical coal trends are not representative of the industry at large. It makes up less than 10 percent of U.S. coal production (*Climatewire*, June 2).

Trump credited the mine's opening to his administration's efforts to weaken environmental regulations, saying it's "taken those restrictions and horrible regulations off your companies."

"We are going to have clean, beautiful air, clean, beautiful, crystal water, but you are going to have your jobs also," he said. "You are going to have your jobs, maybe more than ever before."

To that end, Trump praised Pruitt for "doing an amazing job."

"It hasn't been easy for him, has it, Scott? But he likes to see people go back to work, and he likes to make sure the environment is perfectly clean, I want to add that, too," he said.

Waterways

Trump promised the federal government would invest "at least" \$200 billion in the nation's infrastructure, with the rest of the funding coming from private financing.

The president said the lack of infrastructure funding represented a "major promise Washington has repeatedly broken," on par with what he described as the failure of the Affordable Care Act, which is commonly called Obamacare.

"I am calling on all Democrats and all Republicans to join together, if that's possible, in the great rebuilding of American," he said. "Countless American industries, businesses and jobs depend on rivers, runways, roads and rails that are in dire and even desperate conditions."

Trump's speech represented one of his first public acknowledgements that his administration would try to include inland waterways and drinking water projects in his infrastructure financing push. He said that "millions of American families rely on their water in pipes and pumps that are on the verge of total failure and collapse."

The talk came one week after the leader of the trade group Waterways Council Inc. said he wasn't optimistic Trump's infrastructure plan would help his industry.

WCI President Mike Toohey noted that while the administration's plan relies on public-private partnerships, his industry already pays into the Inland Waterways Trust Fund to help pay for capital improvements.

He said the president's budget, which would generate \$108 million in new revenue from the industry but invest just \$26.25 million on infrastructure, made him doubt the administration's commitment to the industry (*Greenwire*, June 1).

Democrats, who have argued that Trump's infrastructure plan would result in increased tolls and user fees in order to make infrastructure projects profitable for private partners, were also quick to criticize Trump's speech.

Rep. Jamie Raskin (D-Md.) noted that many of the projects Trump said he was inspired by in his speech, like the Hoover Dam and Transcontinental Railroad, "were all real infrastructure investments."

Trump's financing plan, Raskin said, "is just a private moneymaking operation for the big business buddies of the president."

<http://bit.ly/2sEm8U7>