

**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\_WO\_610@blm.gov]; Peter Mali[pmali@blm.gov]; Stephen Clutter[sclutter@blm.gov]; Wilkinson, Patrick[p2wilkin@blm.gov]; Jill Ralston[jralston@blm.gov]; Lola Bird[lbird@blm.gov]; Marjorie Chiles[mdchiles@blm.gov]  
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Scott Streater, E&E News reporter

Published: Thursday, August 17, 2017

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<http://bit.ly/2w62S6w>

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Published: Thursday, August 17, 2017

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<http://bit.ly/2wU22r9>

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Kellie Lunney, E&E News reporter

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<http://bit.ly/2fPyh6C>

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Missouri regulators for a second time denied a developer's petition to build a \$2.8 billion transmission line across the state. But unlike two years ago, they did so this time only because a recent court ruling blocked them from approving the project.

<http://bit.ly/2uMH1RW>

### **8. Climate advisory group died quietly**

Michael Doyle and Brittany Patterson, E&E News reporters

Published: Thursday, August 17, 2017

A climate change science advisory group assembled by the Obama-era Interior Department is dead for now. If it's revived by the Trump administration, it will likely have a new mission.

<http://bit.ly/2fPyO8C>

### **9. Gore to headline Reid's clean energy extravaganza**

Geof Koss, E&E News reporter

Published: Thursday, August 17, 2017

Former Vice President Al Gore will deliver the keynote address at former Sen. Harry Reid's annual Clean Energy Summit in Las Vegas in October.

<http://bit.ly/2w6ijff>

### **10. Fire officials fret as tourists gather for eclipse**

Published: Thursday, August 17, 2017

Tourists hoping to see next week's eclipse are set to descend on the American West during the height of fire season, straining infrastructure and putting fire managers on alert.

<http://bit.ly/2w6eVkl>

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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

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### 1. Interior panel echoed industry wish list in revising plans

*Scott Streater*, E&E News reporter

Published: Thursday, August 17, 2017

An Interior Department review panel recommended amending federal greater sage grouse conservation plans to address almost every concern highlighted by an oil and gas industry trade group, according to documents being circulated this week by a government watchdog group.

The industry's concerns with the Obama-era plans were laid out in a July 19 [letter](#) from the Western Energy Alliance to the members of the sage grouse review team established by Interior Secretary Ryan Zinke in June. Zinke directed the team to evaluate the grouse conservation plans and, among other things, identify where they interfere with energy development and other uses of public lands and suggest changes. The review team's report submitted to Zinke proposed significant changes, which would adopt most of the trade group's recommendations ([Greenwire](#), Aug. 7).

Among the changes suggested by WEA are revisions to buffers around grouse breeding grounds, called leks, and revisions to the boundaries of formally designated priority sage grouse habitat.

Zinke has issued a [memorandum](#) directing his deputy secretary and the Bureau of Land Management to "immediately begin implementing" the recommendations.

The Western Values Project said the letter shows that the oil and gas industry had a large influence on the efforts of the review team, which conducted its work mostly in closed-door meetings.

"I counted 15 bullet points they requested in their letter, and I think they got 13," said Jayson O'Neill, the group's deputy director. "If we were playing baseball, I'd say that's an All-Star batting average."

The Interior Department did not respond to a request for comment on this story.

But Kathleen Sgamma, WEA's executive director and the author of the four-page letter to the review team, said there was nothing in the letter that the alliance had not already discussed publicly.

"The letter was simply a summary provided after the sage grouse review team was publicly announced," said Sgamma, who would have liked to see more aggressive steps in the final report to use land-use plan amendments to change some of the broader components of the federal plans finalized in September 2015.

"As with other stakeholders, some suggestions were reflected in the review team's report, and some, like amending the plans, did not," she said.

The Obama-era federal sage grouse plans, developed over several years, focus on habitat conservation; establishing primary habitat management areas; and amending 98 BLM and Forest Service land-use documents to incorporate conservation measures in grouse habitat, including no-surface-occupancy requirements and caps on development density.

WEA's letter targeted many of these measures, saying the "oil and gas specific restrictions" in the plans "result in increased costs due to limitations on activities, and reduce new oil and gas development."

The "primary restrictions of concern" in the WEA letter that are addressed in the review team's recommendations include:

- "Overly expansive and burdensome" buffers around leks, which in some cases restrict development activity within 3.1 miles of an identified breeding area.
- "Inconsistent" and burdensome density and disturbance caps, which limit activity in priority sage grouse habitat to no more than 3 percent in many states, and 5 percent in Wyoming.
- No-surface-occupancy requirements and controlled surface uses in sage grouse habitat.
- Implementation of "unlawful and overly broad compensatory mitigation" requirements.
- The "unsupported and overly broad designations of priority habitat management areas" in the plans.

"The above provisions should be removed and the land use plans revised so that a proper balance is struck between recognizing and utilizing state conservation plans for the species and continued economic development and growth to ensure American energy independence and dominance," the WEA letter says.

To be clear, some of the same suggestions for change were almost certainly submitted to the review team by individual states or other groups.

But it's obvious the industry's concerns carried weight with the review team in its final report to Zinke.

WEA also requested the revocation of an instructional memorandum (IM) directing BLM to prioritize energy development outside of priority grouse habitat.

The review team report recommends rescinding the IM and developing "BLM State-specific IMs that include all habitat types are open for leasing and other State-specific concerns."

The review team report also calls for addressing lek buffers that are "incompatible" with buffers in individual state sage grouse management plans by evaluating the plans "to ensure adequate flexibility to address project-specific information is available." The report also suggests pursuing land-use plan amendments "adjusting lek buffers based on new science and high quality information."

The review team discussed working with the states to "explore the potential to develop a density and disturbance process that recognizes State-specific issues and needed flexibilities."

And it suggested "investigating opportunities to provide additional waivers, modifications, and exceptions" to density and disturbance caps "through policy or potential plan amendments, while adequately addressing the threats in the area, avoiding habitat loss or fragmentation, and ensuring effective and durable conservation, while providing for economic development."

<http://bit.ly/2w62S6w>

## 2. Greens fault Zinke for overseas trip as report deadline looms

Jennifer Yachnin, E&E News reporter

Published: Thursday, August 17, 2017

Conservationists slammed Interior Secretary Ryan Zinke today for traveling overseas ahead of the deadline for his review of dozens of national monuments, noting that the Trump administration official has visited less than a third of the sites under evaluation.

The Center for Western Priorities pointed to a **photograph** published today by Zinke's wife, Lola Zinke, on her Twitter account, which shows the couple at sunrise along Turkey's Bosphorus.

Several hours later, Lola Zinke published another photo of herself with the tags "Happiness #Mykonos," possibly referring to the Greek island in the Aegean Sea.

The Interior Department did not immediately respond to a request for comment on Zinke's whereabouts, although a spokeswoman stated last week that the secretary could not be reached at that time as he celebrated his 25th wedding anniversary.

Zinke is scheduled to submit his final recommendations for potential reductions or even elimination of dozens of national monuments to President Trump next week.

The president ordered an assessment in late April of all national monuments created since 1996 that encompass more than 100,000 acres of land or sea.

"Our national monuments are full of beautiful places to take a summer trip. Secretary Zinke promised a rigorous analysis of national monuments, but what the American public got was a sham review and a foreign vacation," Center for Western Priorities Deputy Director Greg Zimmerman said.

He added, "If he bothered to listen, Secretary Zinke would have found that national monuments are cornerstones of Western economies, that they protect exceptional and unique lands, and, most of all, that virtually no Americans support eliminating national monuments. I worry, instead, he's moving to permanently shut down national monuments."

While Zinke has granted reprieves to six monuments to date — announcing yesterday that California's Sand to Snow National Monument would remain unchanged — and called for significant reductions to Utah's Bears

Ears National Monument, he has yet to comment on the other 20 monuments under review (*E&E News PM*, Aug. 16).

Although the secretary has traveled across the country during the 3½ month review, he has visited eight of the 27 monuments included in his assessment. His stops have included Utah's Bears Ears and Grand Staircase-Escalante, Nevada's Gold Butte and Basin and Range, New Mexico's Organ Mountains-Desert Peaks, Maine's Katahdin Woods and Waters, Oregon's Cascade-Siskiyou, and the Atlantic Ocean's Northeast Canyons and Seamounts Marine national monuments.

Notably, he has not made official visits to any of the sites he has excused from the review to date, although his staff notes that he was familiar with the Upper Missouri River Breaks National Monument in Montana as a native and a former House lawmaker of the state.

<http://bit.ly/2wU22r9>

### 3. Outdoor recreation company CEOs urge Zinke to maintain sites

*Kellie Lunney*, E&E News reporter

Published: Thursday, August 17, 2017

The Interior Department's three-month review of 27 national monuments to assess whether to reduce or revoke any designations has rendered the outdoor recreation industry "a little speechless," said Jerry Stritzke, REI's CEO and president.

The head of the major American outdoor recreation retailer is one of more than 350 business leaders across the country urging Secretary Ryan Zinke to maintain the status of the national monuments under review, which are crucial to the \$887 billion outdoor recreation economy.

"These monuments create jobs in rural areas that need these jobs the most," Stritzke said in an interview with E&E News today.

Stritzke and other business leaders including the North Face President Arne Arens and Orvis CEO Perk Perkins, sent Zinke a letter today asking him to "maintain the national treasures presidents of both parties have protected, to defend the integrity of the monument-making process and to assure these majestic places remain accessible for all Americans, sustaining healthy communities and a healthy economy."

Such places, the leaders said, "are a national competitive advantage. We ask you to not erode that potential but create certainty for our businesses and for the communities that often need it most."

Stritzke said the monument review underway was "arbitrary" and that it seemed like a "knee-jerk reaction" to revisit "decades of work" and input on designations, especially given the truncated time frame. "This idea of retrospectively removing protections ... is quite an emotional issue," said the native Oklahoman.

President Trump issued an executive order in late April mandating a review of the status of 27 land and marine national monuments created since 1996 that encompass more than 100,000 acres. The order required a June 10 interim report with specific recommendations for Bears Ears National Monument, the 1.35-million-acre monument in southeastern Utah. In that report, Zinke recommended shrinking Bears Ears but hasn't specified by how much yet.

The secretary's final report on all the monuments is due Aug. 24.

So far, Zinke has said he will not seek changes to six monuments under review: California's Sand to Snow National Monument, the Craters of the Moon National Monument and Preserve in Idaho, Hanford Reach

National Monument in Washington state, Canyons of the Ancients National Monument in Colorado, Upper Missouri River Breaks National Monument in Montana and Grand Canyon-Parashant National Monument in Arizona (*E&E News PM*, Aug. 16).

"We have our fingers crossed that Secretary Zinke will skew more toward protecting public lands," Stritzke said, adding that he hopes the Interior chief will follow "the letter of law" and that any recommendations he makes are to Congress, because there is "enormous bipartisan support" on Capitol Hill for preserving monument designations.

The letter from the outdoor recreation industry leaders said Zinke's interim report on Bears Ears concerned them. "Your recommendation to reduce and potentially break up the monument and the protection it provides into sub-divisions would, we believe, violate the goal of the Antiquities Act," they wrote. "Any such resizing would potentially leave unprotected the recreational assets — the outdoor places that families across America love."

Stritzke said he thought the two monuments under review in Utah — Bears Ears and Grand Staircase-Escalante National Monument — played a large role in the decision to launch the larger review. "The Utah congressional and state delegation is an outlier on this issue," said Stritzke. Utah federal and state lawmakers have criticized former President Obama's designation of Bears Ears and have urged the Trump administration to significantly reduce the monument or even revoke its status.

The REI CEO said the national monument designation review has united the outdoor recreation industry. "It's been heartening to see alignment between hunting and fishing and the traditional outdoor recreation community," Stritzke said.

The industry plans to wait and see what the secretary's recommendations are at the end of the month and go from there, he said, adding: "It's uncharted waters."

<http://bit.ly/2x8yPIg>

#### **4. Enviros sue Utah county commissions over Zinke meetings**

Published: Thursday, August 17, 2017

An environmental group has filed a lawsuit against Utah county commissions that held closed-door meetings with Interior Secretary Ryan Zinke.

The Southern Utah Wilderness Alliance this week filed the suit against the Garfield and Kane county commissions in Utah's 3rd District Court.

The suit alleges that the commissions' meetings were illegal because they were not posted in compliance with the state's Open and Public Meetings Act.

The meetings occurred during Zinke's May trip to Utah.

That trip also brought Zinke to the controversial 1.35-million-acre Bears Ears National Monument, which is under Interior review (*Greenwire*, May 10).

Garfield and Kane counties are home to both Bears Ears and Grand Staircase-Escalante, another monument under scrutiny (Brian Maffly, *Salt Lake Tribune*, Aug. 16). — **MJ**

<http://bit.ly/2fPyh6C>

## 5. Small producer wins verdict against Devon in 'frack hit' case

[Mike Soraghan](#), E&E News reporter

Published: Thursday, August 17, 2017

An Oklahoma jury has awarded \$220,000 to a company that says hydraulic fracturing of a horizontal oil well damaged its conventional oil well.

Advocates for vertical well owners called the verdict against Devon Energy Corp. a significant victory in the bitter fight between small producers and large independents in the state.

"This might just open the floodgates of justice for producers who have lost wells to horizontal fracking," said Mike Cantrell, legislative director and board member of the small producers' group, called the Oklahoma Energy Producers Alliance.

Small companies operating vertical wells have filed numerous lawsuits in Oklahoma against larger independent producers that drill long horizontal wells nearby. The small companies say their wells have been damaged by the high-pressure fracture treatments performed on the horizontal wells. The fight has also spilled into the state Legislature.

Devon, based in Oklahoma City, declined comment on the verdict, first reported by OK Energy Today.

The jury sided with H&S Equipment Inc. of Oklahoma City on private nuisance and "subsurface trespass" claims but with Devon on claims of negligence. H&S had said it suffered \$2.5 million in damage for the profits it would have made from the damaged well and the costs of plugging the well and drilling a new one.

H&S had a conventional vertical well in Blaine County, Okla., that had been producing oil since 1981. In August 2015, Felix Energy of Denver fracked a well nearby. Devon bought Felix assets in the area in a deal announced in 2015.

In fracturing, water, sand and chemicals are pumped at high pressure into a well to crack open rock and release oil and gas. H&S alleges the frack fluid shot past the area where Felix was to produce and toward the H&S production area.

The day after, the frack fluid started erupting from the well into the air, H&S alleged, as a result of what's called a "frack hit."

The frack hit caused serious damage, H&S claimed in the suit, "ruining the well and rendering it incapable of producing oil and gas." H&S alleged that Felix had fracked "recklessly."

Devon attorneys argued that Felix had "fully complied" with the rules of the state oil and gas regulators at the Oklahoma Corporation Commission.

They also argued that Felix had not been reckless.

"If a 'frack hit' occurred, it was at most inadvertent, and Felix's engineers did not consciously disregard the risk," Devon attorneys wrote in a motion, saying fracking fissures are hard to control.

They cited a previous ruling that the cracks created by fracking are "of immeasurable length and uncontrollable direction."

<http://bit.ly/2wk33ep>

## 6. Review of Okla. agency has change in the air

Edward Klump, E&E News reporter

Published: Thursday, August 17, 2017

No one is debating just how crucial the Oklahoma Corporation Commission is to the state's energy business.

The question instead is: How might Oklahoma try to change this far-reaching agency?

Gov. Mary Fallin (R) issued an executive **order** Aug. 7 to create a task force to examine the commission, or OCC. That stirred questions about everything from its funding and workload to its oversight of earthquakes and electric rates.

"If you're going to regulate as much of the economy as what the Corporation Commission does for Oklahoma, then you need to make sure that you stay as current and make yourself the best agency that you can be," Michael Teague, Oklahoma's secretary of energy and environment, said in an interview this week.

Fallin's order calls for a five-person task force, with Teague slated to be chairman. Other spots are reserved for the attorney general or his designate, an OCC commissioner, a senator appointed by the state Senate president pro tempore and a state representative appointed by the speaker of the House.



Michael Teague. Oklahoma Office of the Secretary of Energy & Environment

The analysis of the OCC is focused on a minimum of five areas — assessing its stated mission, performance, staffing, funding and structure. Findings and recommendations are expected no later than Nov. 15, 2018. The reasons for the review are tangled up in politics and industry concerns, and not everyone is convinced the process will result in real or beneficial change.

But the task force is expected to hold public meetings and seek outside input that may shed light on where it's heading.

"As I understand it, really all issues are on the table in terms of the organizational structure, the workload issues, the budget necessary to improve efficiency," said Jim Roth, a former OCC member.

The OCC has three elected members — Dana Murphy, Todd Hiatt and Bob Anthony. In a recent **opinion piece**, the commissioners outlined changes already being made at the agency.

They cited Will Rogers, the late humorist and Oklahoma icon, in saying, "Even if you're on the right track, you'll get run over if you just sit there."

The commission has worked on a new strategic plan and looked at efficiencies, the members wrote, and adjustments are "part of an ongoing process" to address economic and environmental changes. For example, the commissioners said the number of OCC divisions is down to five from eight.

They also noted a workload that stretches beyond energy into areas such as limousines and taxis. The OCC's budget for fiscal 2018 has climbed to more than \$57 million. But the general revenue support for that is projected at less than \$8 million, compared with over \$11 million in fiscal 2014.

There are about 500 authorized positions at the agency, though not all are filled.

"We are proud of a staff willing to do whatever it takes to move forward, even when it means doubling up on job responsibilities," the commissioners wrote.

Besides Teague, known task force members include Hiett (R) and state Sen. Mark Allen (R).

Seeking an 'in-depth look'

OGE Energy Corp., the parent of Oklahoma Gas and Electric Co., has made no secret of its disappointment at times with OCC decisions. OGE and the State Chamber of Oklahoma were involved in a legislative effort to review the OCC, though a bill to do that didn't make it to the governor this year. Fallin followed up with an executive order instead.

Brian Alford, an OGE spokesman, said the company saw cases taking "a significant amount of time" and wanted an examination of the OCC and how it affects business. Ratings agencies also have noted issues with regulation in Oklahoma (*Energywire*, July 6).

"We're hopeful that this task force will take a very in-depth look at what the commission has been entrusted to do and to make the appropriate recommendations to the Legislature," Alford said.

He said OGE doesn't have a preconceived idea of the outcome, describing the company's working relationship with the commission as good. Alford said the review could strengthen the OCC.

Teague said the idea isn't for the task force to look back at a particular decision, whether that's around seismicity or a rate case. But skeptics have surfaced over what the task force may do.

Arnold Hamilton, editor of *The Oklahoma Observer*, outlined some of his concerns in a guest column displayed on *The Journal Record's* website.

He described damage from earthquakes in the state and said lawsuits are "in the works," making it a good time to appear to modernize the agency.

"Will it result in real reform?" Hamilton asked in the column. "Or will it prioritize the interests of regulated interests over rank-and-file taxpayers?"

Hamilton seemed to offer a way to observe people handling the review: "Watch what they do, not what they say."

Johnson Bridgwater, director of the Oklahoma chapter of the Sierra Club, said there needs to be consideration of how solar, wind and batteries will affect the state in the future.

"If they're going to take the time, money and energy to do this task force right now, to us the focus should be what's changing in energy and what do we need to do to be ready for what's going to be there as commonplace in 25 years," he said.

On the matter of earthquakes, Bridgwater said past actions at the OCC appeared "geared to minimize disruption to business whereas we think their focus should be maximizing public well-being."

Through July of this year, Oklahoma saw fewer earthquakes with a magnitude of at least 3.0 than in the comparable period last year, according to Oklahoma Geological Survey data. The OCC has investigated oil and gas wastewater disposal wells, and it imposed certain injection volume restrictions in earthquake-prone areas.

Still, shaking was reported recently near Oklahoma City (*Energywire*, Aug. 4).

Matt Skinner, an OCC spokesman, said that even lower earthquake rates are "still obviously unacceptable." He said that "more work needs to be done" and "we are going to move forward with that work."

Teague noted internal changes at the OCC and said the task force will include external perspectives. He said he expects to use a consultant, while input could come from stakeholders as the task force moves ahead.

Starting the process

The review also may touch on work from groups such as the National Governors Association, National Association of Regulatory Utility Commissioners, Interstate Oil and Gas Compact Commission, and Groundwater Protection Council, according to Teague.

The task force could hold a meeting in September or October. Teague said some recommendations for the OCC may be internal, while others may involve the Legislature or the governor. The commission is a constitutional agency, meaning some changes could be time-consuming to pursue.

Teague said the agency's diversity will be looked at, but he declined to say "here's what the decision needs to be" before there's an examination.

Hiatt, in an interview this week, said the commission didn't ask for the task force. But he said "it never hurts to take a look" at a complex organization.

He said he'll be looking at what can be done from a process standpoint that would make the OCC more efficient. And he expressed hope that Teague could keep the task force process focused, though that may be difficult.

It could turn into "many random complaints from different affected parties," Hiatt said, adding later, "I think there's room for all sides to improve."

The commissioner said he's heard talk of moving to a five-member body or splitting oil and gas off from the commission, though he wasn't sure why those would happen. Hiatt said he'd analyze anything he might hear.

Chad Warmington, president of the Oklahoma Oil & Gas Association, said he thinks the OCC does "a pretty good job with pretty limited resources." He was concerned legislation discussed earlier this year might have resulted in a "witch hunt at the OCC."

But Warmington praised Teague, saying he's a fair, tough and persistent person who wants to address issues while handling the commission with respect.

"When times of drilling and exploration are at heightened levels like they are now, the commission gets bogged down," Warmington said, suggesting it would be good to help the OCC better utilize resources or find areas where it needs more resources.

Warmington said a push to look at the OCC was "definitely not driven by the oil and gas industry."

Yet a recent post on Facebook from the Oklahoma Energy Producers Alliance, which represents conventional vertical producers, referred to Big Oil. The alliance said it was afraid a motivation is to have an OCC "that is even easier for big companies to manipulate against the interest of others."

Roth, the former OCC member who's chairman of the clean energy practice group at the Phillips Murrah PC law firm, said he's always impressed by the amount of work the OCC does given its funding. He expressed hope an analysis would help reveal an appropriate level of funding to help move regulation more quickly.

Roth expressed interest in a discussion of ideas such as possibly adding more commissioners and appointing at least some of them.

Teague, in explaining why Oklahoma decided to review the OCC, spoke of looking for ways to improve the agency.

"I think it was, 'Here's an agency that does a ton with pretty limited resources and has a huge impact on the Oklahoma economy across the board, so let's see how we can help them do it better,'" Teague said.

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

## **7. Hands tied by courts, PSC rejects \$2.8B Clean Line project**

*Jeffrey Tomich*, E&E News reporter

Published: Thursday, August 17, 2017

Missouri regulators for a second time denied a developer's petition to build a \$2.8 billion transmission line across the state. But unlike two years ago, they did so this time only because a recent court ruling blocked them from approving the project.

Four of five members of the Public Service Commission — including two members who rejected the project in 2015 — said Clean Line Energy Partners LP met the burden for approving the Grain Belt Express line but for the legal impediment.

Instead, the commission reluctantly said an appeals court decision this spring involving Ameren Transmission Co.'s 100-mile Mark Twain line in northeast Missouri left it no choice but to deny a certificate to build the project.

"The courts got this one wrong, and this is going to have big policy implications," Commissioner Scott Rupp said in casting his vote against the transmission line.

In the Ameren case, the Court of Appeals for the Western District of Missouri ruled that the PSC had erred by granting approval for the project on the condition that the developer get assents from each county crossed by the project before beginning construction.

The court said county approvals are a prerequisite for a certificate to construct a transmission line. And while Clean Line initially obtained assents from all eight counties to be crossed by the Grain Belt Express, one of the approvals was invalidated, and some other counties rescinded approvals.

Clean Line, citing decades of precedent, argued that the Grain Belt Express application was submitted under a different subsection of Missouri statute that didn't require local approvals before getting PSC approval.

Throwing projects in doubt

But regulators disagreed with the distinction and said their hands were tied by the court.

"There are no material factual distinctions between Ameren Transmission Co. and this [Grain Belt Express] case that would permit the commission to reach a different result," the commission said in a 16-page order. In a concurring opinion, four of five commissioners said they disagreed with the court's interpretation of Missouri statute. But because the state Supreme Court declined to take the case, the PSC was left with no choice.

The PSC concurrence also made clear that Clean Line met the criteria for approval of the transmission line, including proving a need for the project and demonstrating that it would serve the public interest.

"It is very clear that there is a worldwide, comprehensive trend toward renewable energy, including wind energy," PSC Chairman Daniel Hall said. "And that is because it is cheap, it is green, it is reliable and it is safe.

"To me, this project would facilitate that worldwide trend in renewables in this region and in Missouri."

Yesterday's decision throws into doubt the future of the Grain Belt Express, a merchant transmission line that already has approval from the other three states the line would cross. It also raises broader questions about the future of electric transmission development in the Show-Me State, which shares borders with two of the biggest wind energy states, Iowa and Kansas.

The 780-mile Grain Belt Express line would be an electron superhighway delivering wind energy from remote southwest Kansas to Indiana to serve more populous areas in the East. The line would have 4,000 megawatts of capacity, with 3,500 MW sent to the PJM Interconnection grid and 500 MW delivered to eastern Missouri, part of the Midcontinent Independent System Operator's grid.

The project was denied by the PSC in the summer of 2015 (Energywire, July 2, 2015). But Hall encouraged Clean Line to address the commission's concerns and reapply for a certificate to build the project.

This week's PSC order gives Clean Line a few possible paths forward. The company can appeal the commission's order in court. The company could re-seek approvals from the counties the project would cross and then reapply to the PSC, or even seek a legislative solution.

Mark Lawlor, director of development for the Grain Belt Express, said in an interview that Clean Line is disappointed by the PSC's decision and that both the company and Missouri will lose out if the transmission line isn't built.

Clean Line has estimated that the project would create 1,500 construction jobs across the state, and a group of municipal utilities with an option to purchase up to 100 MW of Kansas wind energy to be delivered through the Grain Belt Express line would save an estimated \$10 million annually on energy costs (Energywire, Jan. 31).

"As the chairman said, there is a global shift in the energy space, and I don't think Missouri wants to be left behind," Lawlor said.

'A gaping hole'

Clean Line, like the PSC, disagreed with the court's interpretation of the law as it relates to certificates needed to build electric transmission projects. But the company disagreed with how the commission applied the court opinion to its application.

"There's a gaping hole in that order, and the PSC could drive through that hole and maintain jurisdiction," Lawlor said.

Lawlor said the company will need more time to decide how to move forward.

In the meantime, landowners who spent years battling Clean Line celebrated yesterday's decision and said they stand ready to pick up the fight when necessary.

"We're celebrating this victory of landowners' rights," said Jennifer Gatrel, a spokeswoman for Block Grain Belt Express, a landowners group that opposed the project. "This has been an immense amount of work and worry and time and money for the rural people of the state."

While Clean Line is optimistic that it will be able to get necessary county approvals, landowner opponents said the company's reputation with landowners and many local officials has been tarnished.

"Their name is just mud, as we say here in Missouri," Gatrel said.

Duncan Kincheloe, president of the Missouri Public Utility Alliance, the parent organization of the municipal utilities that have an option to purchase transmission service on the Grain Belt Express, plans to meet with Clean Line officials before deciding on a next step.

A former PSC commissioner, Kincheloe said the group of utilities remains hopeful that the Grain Belt Express will ultimately be built.

"Our opportunities are still there if they can move ahead," he said.

Lawlor, with the Grain Belt Express, didn't specify whether Clean Line faces any deadline for advancing the project. While any wind project in Kansas that would supply energy for the Grain Belt Express faces a step down in the federal production tax credit at the end of the year, it won't affect the cost-effectiveness or need for the line to supply energy to PJM, he said.

The increasing appetite for clean energy in the eastern United States driven by state renewable standards and corporate demand will demand large-scale wind developments that make projects like Grain Belt Express necessary, Lawlor said.

"To get where you want to go, you can't not build transmission," he said.

<http://bit.ly/2uMH1RW>

## **8. Climate advisory group died quietly**

[Michael Doyle](#) and [Brittany Patterson](#), E&E News reporters

Published: Thursday, August 17, 2017

A climate change science advisory group assembled by the Obama-era Interior Department is dead for now. If it's revived by the Trump administration, it will likely have a new mission.

The Advisory Committee on Climate Change and Natural Resource Science was established in 2013 to offer advice to the Interior secretary about climate change. Its 25 members included federal scientists, state experts, environmentalists and business representatives.

But that group is now in limbo. A scheduled meeting planned for April was canceled. The panel's charter was allowed to quietly expire in June. And the committee's website refers to the group in past tense.

Interior officials say the panel has been stalled as the new administration considers what to do with advisory groups more broadly. If it's revived, Interior officials signaled it will have fewer members and a different objective.

The committee's charter was slated to expire two years after its inception on June 17, 2015, unless it was renewed.

After Trump's November election, some members wondered about the fate of the group, but they were hopeful it would survive.

At the group's last meeting, held right after the election, members generally thought the committee and its efforts to inform Interior's Climate Science Centers would continue.

Some former participants recalled being told there was "no doubt" their individual two- or three-year terms would be reauthorized.

"We recognized that climate change mitigation might not be a big priority with the administration, but we thought there might be an interest in climate change adaptation," said Aimee Delach, a senior policy analyst for Defenders of Wildlife and former committee member. "Unfortunately, I think that is not proving to be the case."

The panel had prepared an extensive action plan for 2017 and beyond and had a meeting on the books for April of this year.

"After the election, they said, 'Hold off, we don't know what's going to happen. Don't buy any tickets yet,'" said Paul Beier, a professor with the School of Forestry at Northern Arizona University and former committee member.

But two weeks before the scheduled meeting date, Beier said, members were told to go ahead and buy tickets. Days later, in April, an email advised members the meeting was canceled.

After the cancellation, T. Douglas Beard, then chief of the National Climate Change and Wildlife Science Center, told committee members that Interior "would like us to redevelop a charter with a slightly different tasks and a reduced membership that brings more professional societies onto the committee."

"The revised committee will focus its efforts on science priority development, stakeholder and partner engagement and operation as network," he said in an email sent April 28.

Then in July, Beier and others abruptly received a letter thanking them for their service.

"It raised some concerns that the committee was being particularly singled out," former Chairman Bruce Stein, the chief scientist for the National Wildlife Federation, said in an interview.

Revival possible?

Interior Department officials say the move came as part of a broader departmental review of its 200-plus advisory committees.

"Final decision on the boards will not be made until we thoroughly review each board and conclude the review period in September or thereafter," Interior spokeswoman Heather Swift said.

Stein said he believes "there is still support within the Interior Department for reconstituting the committee," adding that he hopes it happens because "it's been really helpful."

Some former committee members are worried about how an overhauled panel would be structured under the new administration.

"Obviously, this administration has been, among other things, exceptionally slow in addressing all manner of issues related to science and informing policy and federal agencies," said former committee member Peter Frumhoff.

Frumhoff, who's now director of science and policy at the Union of Concerned Scientists, said officials may be "undermining the straightforward way in which climate science might inform public lands and public policy."

Some of the anxiety seems to stem from the Trump administration's proposed budget cuts to Interior's Climate Science Centers. In the fiscal 2018 budget, the White House slashed their budget by 34 percent and proposed eliminating half the facilities.

The 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 ([Greenwire](#), June 7).

Former committee member Beier said that in his mind, it's clear the disbandment of the advisory committee is directly tied to the Trump administration's stance on climate change. Otherwise, he asked, why dissolve a working group that costs basically nothing?

"A few airplane tickets to get 20 smart people working for you — what a deal," he said.

Many of the Interior Department panels under review deal with parochial and low-profile issues, like the Captain John Smith Chesapeake National Historic Trail Advisory Council. The climate change and science panel, with its authorized 25 members, was different. It could find itself immersed in high-profile scientific and political issues.

Officials, for instance, made what former committee member Kyle Powys Whyte, a professor of philosophy and community sustainability at Michigan State University, said was a "concerted effort to have at least two members who represent and can speak to tribal interests regarding climate science."

"This led to some very compelling sections of reports and documents ... that improved the way in which tribes can exercise their voices in actionable science and have better access to the benefits of climate science," Whyte said.

The committee advised the Interior secretary on the U.S. Geological Survey National Climate Change and Wildlife Science Center and on Interior's eight Climate Science Centers. Its last three-page charter, adopted in 2015, stated as its first priority: "Advising on the contents of a national strategy identifying key science priorities to advance the management of natural resources in the face of climate change."

Its 2015 recommendations — the first deliverable the group was tasked with — included suggestions for boosting communication across Interior agencies on climate change, supporting tribes in their efforts to adopt science-based adaptive strategies and prioritizing the production of actionable science that would be useful to land managers on the ground.

The advisory committee was also gearing up to develop a detailed science agenda, with a focus on providing resource managers with concrete adaptive strategies, according to a strategic planning update the committee posted from its November 2016 meeting.

<http://bit.ly/2fPyO8C>

## **9. Gore to headline Reid's clean energy extravaganza**

Geof Koss, E&E News reporter

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Former Vice President Al Gore will deliver the keynote address at former Sen. Harry Reid's annual Clean Energy Summit in Las Vegas in October.

The Nevada Democrat, who retired from Congress last year, hailed the recipient of the 2007 Nobel Peace Prize for his efforts to fight climate change.

"Vice President Gore is the most prominent environmental activist in the world today, and I am pleased my friend is coming to Nevada for the national Clean Energy Summit," Reid said of Gore, with whom he served in the House 35 years ago. "He has dedicated his post-political career to solving the climate crisis, and I look forward to welcoming him to Nevada to continue the clean energy conversation."

This year's event, the ninth of the annual conferences launched by Reid to promote a favorite cause, will be held Oct. 13 at the Bellagio Las Vegas.

Nevada Republican Gov. Brian Sandoval will serve as a co-host for the conference. Like Reid, Sandoval has been an enthusiastic booster of renewables in the Silver State.

Sandoval last month assumed the chairmanship of the National Governors Association and has said he will make energy a focus of his tenure (*E&E Daily*, July 26).

He will moderate a panel of governors focused on "how state and local governments have led the way on clean energy solutions to benefit the public," according to an advisory.

High-profile headliners who have previously keynoted the summit include former Presidents Clinton and Obama, former Secretary of State and Democratic presidential candidate Hillary Clinton, and top Cabinet officials from the Obama administration.

<http://bit.ly/2w6ijff>

## **10. Fire officials fret as tourists gather for eclipse**

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Tourists hoping to see next week's eclipse are set to descend on the American West during the height of fire season, straining infrastructure and putting fire managers on alert.

Expected bumper-to-bumper traffic and additional risk from campfires and discarded cigarettes will create an unprecedented challenge for authorities in a region covered in tinder-dry vegetation.

And fire officials are already working against four blazes burning in central Oregon, which could put a damper on the viewing experience for people visiting the region (*Greenwire*, Aug. 16). "It's all hands on deck," said Forest Service ranger Kurt Nelson, who works in Idaho's Sawtooth National Forest (Laura Zuckerman, *Reuters*, Aug. 17). — NS

<http://bit.ly/2w6eVkl>