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Attached is the daily news report for August 17.

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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – AUGUST 17, 2017

1. **350 outdoor business leaders urge Zinke to keep national monuments intact**

The Denver Post, Aug. 16 | Jason Blevins

In one of the strongest displays of solidarity in the outdoor industry, more than 350 American outdoor businesses large and small have sent a letter to Interior Secretary Ryan Zinke urging him to keep the country's national monuments unchanged and intact.

2. **USU display roofs educate on science of water runoff**

The Herald Journal, Aug. 17 | Kevin Opsahl

When McKenna Drew was a student at Utah State University, she was actively involved in educating members of the public about water through USU Extension. She remembers using a cookie sheet to show youth how materials like asphalt can't effectively let water infiltrate into the ground.

3. **Lawsuit filed over Kane, Garfield commissions' meetings with Zinke**

The Salt Lake Tribune, Aug. 16 | Brian Maffly

During his May swing through Utah to review national monuments, Interior Secretary Ryan Zinke had private meetings with three county commissions whose counties host two of the most controversial monuments under scrutiny — Bears Ears and Grand Staircase-Escalante.

4. **Mill Creek beaver dams wiped out**

The Moab Sun News, Aug. 17 | Rudy Herndon

Sara Melnicoff sees constant threats to Mill Creek Canyon's fragile desert and riparian ecosystems, from intentionally set fires to growing numbers of visitors who trample cryptobiotic soils and vegetation along the trail to a popular recreational area.



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5. Stewart introduces bill to protect sage-grouse and mule deer habitat

St. George News, Aug. 17 | Written by or for St. George News

DISTRICT OF COLUMBIA — U.S. Reps. Chris Stewart, Utah, and Scott Tipton, Colorado, have introduced the Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act, a bill that would streamline the approval process for vegetation management projects to protect or restore the habitat of the sage-grouse and mule deer.

6. Fire restrictions lifted throughout southern Utah

The (St George) Spectrum, Aug. 17 | Bree Burkitt

The enhanced fire restrictions will be lifted throughout much of southern Utah Friday.

The restrictions will be retracted on unincorporated private and state lands in addition to on Bureau of Land Management lands throughout the state, including Washington, Iron and Garfield counties on Aug. 18.

E&E/NATIONAL NEWS – TOP STORIES

1. SAGE GROUSE: Interior panel echoed industry wish list in revising plans

E & E News, Aug. 17 | Scott Streater

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.

2. NATIONAL MONUMENTS: Outdoor recreation company CEOs urge Zinke to maintain sites

E & E News, Aug. 17 | Kellie Lunney

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.



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3. NATIONAL MONUMENTS: Greens fault Zinke for overseas trip as report deadline looms

E & E News, Aug. 17 | Jennifer Yachnin

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.

4. INTERIOR: Climate advisory group died quietly

E & E News, Aug. 17 | Michael Doyle and Brittany Patterson

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.

5. HYDRAULIC FRACTURING: Small producer wins verdict against Devon in 'frack hit' case

E & E News, Aug. 17 | Mike Soraghan

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

6. NATIONAL PARKS: Obama-era ban on bottled water overturned

E & E News, Aug. 17 | Scott Streater

The National Park Service has ended a controversial Obama-era policy that encouraged national parks to ban the sale of plastic water bottles in the name of reducing litter and trash.

7. RAIL: Campaign targets bid to regulate Spokane oil, coal trains

E & E News, Aug. 17 | Nick Sobczyk

The fight is heating up over a ballot measure in Spokane, Wash., that would regulate trains transporting oil and coal through the city.



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8. **NATIONAL PARKS: NPS reconsiders permit for right-wing rally**

E & E News, Aug. 17 | Jeremy P. Jacobs

Facing pressure from federal and state officials, the National Park Service yesterday said it is re-evaluating a permit given to a right-wing group to hold a rally in San Francisco.

9. **Federal Workforce: Interior senior executives left in the dark amid reorg. reassignments**

Federal News Radio, Aug. 17 | Nicole Ogrysko

Some of the Interior Department's longest-tenured and most experienced career executives say they're feeling undervalued and overlooked as the agency begins a major effort to restructure and reorganize.



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UTAH – FULL STORY

1. **350 outdoor business leaders urge Zinke to keep national monuments intact**

The Denver Post, Aug. 16 | Jason Blevins

In one of the strongest displays of solidarity in the outdoor industry, more than 350 American outdoor businesses large and small have sent a letter to Interior Secretary Ryan Zinke urging him to keep the country's national monuments unchanged and intact.

The fight to protect public lands has galvanized the outdoor industry, which employs 7.6 million Americans and stirs \$887 billion in annual spending, generating \$125 billion in local, state and federal taxes.

Bolstered by its economic strength, the industry has rallied around the push to keep public lands public. The fight has grown as the Trump Administration directs Zinke's review of 27 national monuments. Zinke's interim report issued in June supported the downsizing of Utah's Bear Ears National Monument, riling outdoor entrepreneurs and innovators who count public lands as the fonts of inspiration and economic growth that fuel their swelling industry.

"These places and experiences can't be exported or commoditized. They 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," reads the letter, which was signed by executives from the largest and most influential outdoor recreation companies in the country, including REI, Burton, Columbia, Patagonia, The North Face and more than two dozen Colorado-based recreation companies.

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2. **USU display roofs educate on science of water runoff**

The Herald Journal, Aug. 17 | Kevin Opsahl

When McKenna Drew was a student at Utah State University, she was actively involved in educating members of the public about water through USU Extension. She remembers using a cookie sheet to show youth how materials like asphalt can't effectively let water infiltrate into the ground.



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It was experiences like that which led Drew to collaborate with her USU professors and secure funding for a display of two different demonstration rooftops. Now a USU alumna and intern with the Bureau of Land Management, Drew's display still sits outside the Quinney College of Natural Resources building for everyone to see.

"I hope people ... can learn about what impervious surfaces are or they can learn about green infrastructure, best management practices, just different ways we can all work toward smart development," she said.

The display of two roof types offers a sign explaining how when water soaks into the ground, it flows back to rivers and streams naturally. Whereas when water touches an impervious surface — like a shingled roof or roadway — it quickly runs off into streams and rivers, leading to flooding and polluted water ways.

The display on USU campus emulates these two kinds of water runoff: half is a shingled roof and half is a garden roof. The display automatically sprays out water, which runs down the roof types and into two containers so USU students and professors can measure the amount of water runoff.

Nancy Mesner, USU professor and a specialist with the Water Quality Extension, calls the roof display "a great opportunity to pique people's interest and sort of show them with real data how effective this (a green roof) could be."

Green rooftops can be an effective tool to prevent disastrous water runoff, Mesner said.

"The idea is not only that green roofs can slow down the flow of water coming off of a roof and protect streams from get too-intense flows too fast, they also cool buildings," Mesner said. "They don't heat up as fast as a standard roof does."

Just because green roofs are more common in urban areas than rural doesn't mean the Cache Valley population can't learn something about the harmful potential impacts of storm water runoff, she said.

"We're hoping that people will think about how we waste water by letting it rush off rather than soaking in in areas that are developing — and I think you'll agree Cache Valley is developing quite fast," Mesner said. "We are in a perfect position here in Cache Valley to avoid some of the problems seen in other areas."



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In building the half-shingle, half-garden roof display, Drew, Mesner and Mark Brunson, USU professor of environment and society, seek to use it as an educational tool.

Earlier this year, middle school students and teachers from the USU STARS! GEAR UP program viewed the display.

Brunson said iUTAH (innovative Urban Transitions and Aridregion Hydro-sustainability) played some role in making the display possible.

“iUTAH has helped create water education facilities and programs from Logan to Cedar City and Monticello in an effort to help adults and children learn more what they can do to sustain Utah’s water future,” he wrote in an email. “The green roof demonstration display is one of those.”

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3. **Lawsuit filed over Kane, Garfield commissions' meetings with Zinke**

The Salt Lake Tribune, Aug. 16 | Brian Maffly

During his May swing through Utah to review national monuments, Interior Secretary Ryan Zinke had private meetings with three county commissions whose counties host two of the most controversial monuments under scrutiny — Bears Ears and Grand Staircase-Escalante.

Now the Southern Utah Wilderness Alliance has sued, alleging Kane and Garfield commissions’ May 10 meetings were illegal because they were not posted as required under Utah’s Open and Public Meetings Act.

“The closed meetings flagrantly violated multiple provisions of the act and, if left unchecked, would shield defendants’ activities on important public policy matters from the light of day,” says the lawsuit, filed Tuesday in Utah’s 3rd District Court.

Garfield County Commission Chairman Leland Pollock dismissed the allegation as “frivolous.”

“I know it is. We didn’t violate it,” Pollock said. “We didn’t do anything wrong, so I’m not worried.

He declined to discuss the meetings further, citing advice from counsel. His Kane counterpart Dirk Clayson also rejected the suit’s contentions.



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"We understand the open meeting obligations the county has and deny any wrongdoing under the act," Clayson said. "There are a whole bunch of reasons we won't go into it. We think it unfortunate that SUWA has filed another lawsuit rather than engage in meaningful dialogue."

SUWA claims it had sought dialogue with the counties on the matter, but their commissioners did not respond to the group's June 13 request.

"Governmental bodies are not entitled to operate and conduct policy discussions in secret, particularly when they are meeting with high-level government officials and discussing matters that would affect thousands of citizens of this state," wrote SUWA's outside lawyer David Reymann, in letters to Pollock and Clayson.

"The reasons for proper closure of a meeting are limited and narrow," Reymann's letter said, "and none of them apply here."

The Garfield and Kane commissions have both passed resolutions insisting on big reductions to the 1.9-million-acre monument straddling their shared border.

During his visit to Kanab while touring Grand Staircase, Zinke drew criticism for not meeting with pro-monument groups, including the Escalante and Boulder Chamber of Commerce, while hearing almost exclusively from local anti-monument leaders and ranchers.

Zinke is scheduled to release his recommendations for two dozen large monuments by the end of next week.

SUWA sent a similar pre-litigation letter to San Juan County, whose commissioners met twice with Zinke to convey their hope that President Donald Trump will rescind the recently designated Bears Ears. None of the counties responded to the letters.

The suit filed this week does not name San Juan County, whose alleged violations are being handled separately, according to SUWA staff attorney Laura Peterson.

After the San Juan commission met with Zinke in Washington on May 2, Commissioner Bruce Adams told The Salt Lake Tribune that the open-meeting law did not apply because the three commissioners were not gathering to make a decision.

That's a misconception of the law, according to Peterson.



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"The law is pretty clear that it doesn't just apply when there is an official action," Peterson said. "It includes convening to discuss a public matter."

"It undermines public trust of government because decisions aren't being made in open, but behind closed doors," she said. "The future of national monuments is something that should be discussed publicly."

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4. **Mill Creek beaver dams wiped out**

The Moab Sun News, Aug. 17 | Rudy Herndon

Sara Melnicoff sees constant threats to Mill Creek Canyon's fragile desert and riparian ecosystems, from intentionally set fires to growing numbers of visitors who trample cryptobiotic soils and vegetation along the trail to a popular recreational area.

Perhaps no sight has been more distressing, though, than the one that the Mill Creek Partnership leader saw last month: the remnants of 11 beaver dams at various points below the creek's left- and right-hand forks that were wiped out after an incident of suspected vandalism.

Up until that point, Melnicoff had been feeling upbeat about the signs of beaver recovery along the much-loved – and often-abused – waterway.

"It just gave me so much joy, and then – boom," Melnicoff said.

The suspected vandalism is believed to have occurred in mid-July, when a federal employee who is new to the area reported that she spotted a man who was standing in the middle of the stream, removing wood from the dams by hand.

Powerhouse Lane resident Brian Murdock, who works for the U.S. Forest Service, said the employee told him that she assumed the man worked for another federal agency, so she didn't think any more of the sight.

But when Murdock went for a hike up the canyon on Sunday, July 16, it was clear to him that something was wrong: Four or five of the biggest beaver dams that are visible from the main trail through the canyon showed obvious signs of vandalism, he said.



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“(Someone) had gone and ripped all of the wood out,” Murdock said. “It was a notch, basically.”

Just over one week later, floodwaters from heavy monsoonal rains swept through the canyon, wiping out the damaged remains of all 11 dams – some of which were less visible from the trail. And while Murdock said it’s conceivable that the floodwaters could have destroyed the dams in any event, he’s certain that the initial damage was not a natural phenomenon.

“It was obviously human-caused vandalism,” Murdock said. “A flood would have probably ripped them out, but (the signs of damage were) just a straight line through the dams.”

Melnicoff said she has photographic evidence of the suspicious person who was standing in the middle of the creek, which she’s forwarded on to the Utah Division of Wildlife Resources (DWR). The division’s investigation into the report is ongoing, according to DWR Conservation Officer Adam Wallerstein, who had no further comment on the issue.

The U.S. Bureau of Land Management (BLM) administers lands within the canyon. But since the DWR has jurisdiction over wildlife in Utah, BLM Moab Field Manager Christina Price is encouraging anyone else who may have seen anything unusual to report the incident to that agency.

“BLM appreciates individuals coming forward to report incidents of suspected vandalism,” Price said. “In this case, since wildlife is involved, we reached out to the Utah Division of Wildlife Resources and BLM will continue to coordinate with them as they look into the reported incidents.”

Mill Creek Partnership volunteer Mary O’Brien said it was obvious that something was amiss the first time she approached the old Powerhouse Dam after the damage and noticed brown water spilling over it.

“I thought, ‘We’re in trouble here,’ because the water is usually clear unless it’s after a storm,” she said.

O’Brien, who also works as a staff scientist and Utah forests program director with Grand Canyon Trust, said the Mill Creek Canyon beaver population likely included members of one family.



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The species are migratory, so if they didn't die in the floods, O'Brien said they're somewhere in the area – perhaps the Colorado River.

"Beavers do come and go, particularly in the Southwest," she said.

O'Brien said that beaver have occupied Mill Creek on and off for years, although they'd never developed a system like the one that existed until last month – at least not in the time that she's lived in Grand County.

"This was the first time in 14 years that I'd seen such a complete set (of dams)," she said.

Mill Creek Partnership sees growing signs of visitor abuse

Melnicoff has been patrolling the canyon just about every day since 2003, cleaning up after human visitors and their dogs, greeting visitors and working to raise environmental awareness about the area and its unique ecosystems.

Fourteen or so years later, Melnicoff still never tires of her surroundings: Every time that she walks up and down the main trail – or ventures off on a side path – she'll see something new.

"It's never the same place," she said. "The light's different; the water levels are different; the plants are different."

But visitor use patterns have also changed – increasing year after year – and Melnicoff said the place that she loves so much is under "constant assault."

The spring visitor season, in particular, is the worst time of year in terms of impacts to the canyon, she said: Even local residents who once flocked there to party now shy away from it.

"It's weird," she said. "It's shifted from intentional partying and leaving trash behind to tourists not knowing where the trail is and trampling everything. But it's always a matter of (visitor) numbers."

The BLM does not actively promote visitation to the area, but with the advent and rise of the Internet, word of the canyon and its beauty got out.

In many cases, Melnicoff said, visitors are unfamiliar with their surroundings, and they don't take care to watch where they step.



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“People just don’t realize, especially a lot of visitors who come, what a fragile desert ecosystem this is, and the impact of their feet (on the soils),” she said.

In spite of the growing visitor numbers, the beavers appeared to be thriving in the creek, expanding their network of dams until last month.

“I had been pleased that there were so many people who came up Mill Creek every day, and no one was bothering any of the dams,” Melnicoff said.

Tens of millions of beaver once occupied streams and other riparian areas across the vast region, but trappers decimated their numbers in the 19th Century. The species’ population across North America has since rebounded to an estimated 10 to 15 million individuals.

Beaver tend to be shy around humans, and while they were a rare sight even when they were swimming around their dams in Mill Creek, their absence is weighing on regular visitors like Melnicoff and O’Brien.

“The creek is feeling a little lonelier for not having the beaver in it,” O’Brien said. “It’s like you had a partner in Mill Creek, and that partnership is gone for now – but not forever.”

If there’s an upside, it may be that land managers and wildlife officials can use the incident as a teaching tool to educate the public about a species that enhances one of the West’s most precious resources: riparian areas.

They build their dams because they need at least 2.5 feet of water to access food without having to wander around on land. In doing so, they expand riparian areas by piling up sediment behind their dams, O’Brien said, which raises the floors of the streams.

“When the water system is up, then it’s raising that water table and it’s accessible farther out,” O’Brien said.

The widened streams and riparian areas they foster attract all kinds of wildlife, from water voles, river otters and muskrats to fish and cavity-nesting birds.

“There’s a whole complex of species that comes with beaver,” O’Brien said.

The dams also slow the effects of streambank erosion from gouging.



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“In the absence of these dams, the water just shoots down,” she said. “It has some meanders, but it’s a more gouging force.”

Melnicoff said the dams were crucial in slowing and containing floodwaters that rush down toward Moab from the creek’s upper watershed.

“When they were this close together, that’s when they really start acting like speedbumps,” Melnicoff said.

Now that they appear to have vanished from the creek, O’Brien said it’s unlikely that the beavers will rebuild their dams anytime soon.

“It could be years before we see a dam or two here again,” she said.

But she is confident that they’ll eventually return.

“They’ve still got vegetation here,” she said.

Melnicoff said that visitors who have complaints or concerns about other issues in the canyon, such as poison ivy along the trails, should contact her – or land managers – instead of taking matters into their own hands.

“If anyone has a complaint about an issue, definitely call the partnership of the BLM, and we’ll try to address it right away,” she said.

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5. **Stewart introduces bill to protect sage-grouse and mule deer habitat**

St. George News, Aug. 17 | Written by or for St. George News

DISTRICT OF COLUMBIA — U.S. Reps. Chris Stewart, Utah, and Scott Tipton, Colorado, have introduced the Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act, a bill that would streamline the approval process for vegetation management projects to protect or restore the habitat of the sage-grouse and mule deer.

In recent years, the rapid encroachment of invasive Piña and Juniper trees on sagebrush habitat has threatened sage-grouse and mule deer populations and created dangerous wildfire conditions.



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According to a news release from Stewart's office, his Conservation and Restoration Act, if passed, will allow the Bureau of Land Management to quickly engage in habitat restoration and proactive vegetation management projects to protect the species and improve ecological conditions.

Stewart said:

In order to protect mule deer and sage-grouse populations in Utah and across the West, we must protect their habitat. The review process for vegetation management has become too cumbersome and time consuming. This legislation removes bureaucratic red tape and gives land managers the tools needed to protect and preserve this precious habitat.

Tiptin agrees. He said:

The current vegetation management process isn't allowing Western states to keep up with the rapid growth of invasive species in sagebrush habitat. To combat invasive species effectively, we must streamline the process through which BLM must go to protect and restore threatened habitats and address potential areas of concern. Our bill cuts through the unnecessary red tape that has prevented BLM from acting quickly in the past.

The Mule Deer Foundation applauds the efforts of Stewart and Tipton.

"The Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act will allow conservation partners to move quickly on landscape habitat restoration projects that are proving to have a tremendous impact for mule deer, sage-grouse and other species dependent on sagebrush rangelands. This is good for wildlife conservation as well as western big game hunters," MDF President and CEO Miles Moretti said. "The Mule Deer Foundation greatly appreciates Congressmen Tipton and Stewart for working together to introduce this important legislation in the House. With bills now in both chambers of Congress, we are optimistic about moving this issue forward in this Congress."

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6. Fire restrictions lifted throughout southern Utah

The (St George) Spectrum, Aug. 17 | Bree Burkitt

The enhanced fire restrictions will be lifted throughout much of southern Utah Friday.

The restrictions will be retracted on unincorporated private and state lands in addition to on Bureau of Land Management lands throughout the state, including Washington, Iron and Garfield counties on Aug. 18.

Officials said the abundant rainfall and high humidity in recent weeks led to the decision to rescind the restrictions, according to a release from the Division of Forestry, Fire and State Lands.

The restrictions were implemented following an abnormally busy wildfire season in June. Multiple human caused wildfires devastated Iron County, including the 71,000-acre Brian Head fire. The massive wildfire destroyed 13 homes and led to the evacuation of more than 1,500 residents in Iron and Garfield counties. Officials believe the blaze started after 61-year-old Robert Lyman of Taylorsville allegedly used a weed torch to clear his Brian Head property in dry conditions.

"Weather conditions being hot, dry and windy contributed to many of these fires growing rapidly," Mike Melton, Fire Management Officer with the Division of Forestry, Fire and State Lands, said. "Illegal debris burning was one of the leading causes of many wildfires in W Utah this fire season."

All open fires remain prohibited within Cedar City limits.

Campfires are also now allowed in Dixie National Forest and the national parks in the southwestern portion of the state, including Zion National Park and Cedar Breaks National Monument.

Regardless of the restriction status, permits for debris burning are required from Iron County authorities.

As hunters and campers prepare for the upcoming season, Tooter Burdick, fire management officer with the Bureau of Land Management, urged outdoor enthusiasts to remember escaped campfires are the leading cause of man-made wildfires. As of July, 75 of the 80 fires reported to



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Color Country Interagency Fire in 2017 in the five county area were determined to be human caused.

“The fall of the year we can have cold nights and very warm, dry and windy days,” Burdick. “An abandoned campfire can escape under these conditions and cause problems. Campers need to be prepared to completely extinguish their campfires by having plenty of water to drown the fire and stir it until it is cold to the touch before leaving it.”

For more information on the current restrictions in place, visit www.utahfireinfo.gov.

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E&E/NATIONAL NEWS – FULL STORY

1. **SAGE GROUSE: Interior panel echoed industry wish list in revising plans**

E & E News, Aug. 17 | Scott Streater

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.



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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.



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- "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."



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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."

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2. NATIONAL MONUMENTS: Outdoor recreation company CEOs urge Zinke to maintain sites

High Country News, Aug. 15 | James Lyons

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.



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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.



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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."

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3. NATIONAL MONUMENTS: Greens fault Zinke for overseas trip as report deadline looms

E & E News, Aug. 17 | Jennifer Yachnin

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.



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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.

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4. **INTERIOR: Climate advisory group died quietly**

E & E News, Aug. 17 | Michael Doyle and Brittany Patterson

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.



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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



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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."



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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."



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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.

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5. **HYDRAULIC FRACTURING: Small producer wins verdict against Devon in 'frack hit' case**

E & E News, Aug. 17 | Mike Soraghan

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



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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."

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6. **NATIONAL PARKS: Obama-era ban on bottled water overturned**

E & E News, Aug. 17 | Scott Streater

The National Park Service has ended a controversial Obama-era policy that encouraged national parks to ban the sale of plastic water bottles in the name of reducing litter and trash.



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The announcement late yesterday will affect 23 national parks, including Grand Canyon, that have implemented bans on plastic water bottles since the policy encouraging the use of refillable water bottles went into effect in 2011.

NPS said in a statement that rescinding the ban is part of its "commitment to providing a safe and world-class visitor experience." Allowing the sale of disposable water bottles at park sites will "expand hydration options for recreationalists, hikers, and other visitors to national parks," the Park Service said.

The statement noted that bottled water bans at the 23 park sites "removed the healthiest beverage choice at a variety of parks while still allowing sales of bottled sweetened drinks," particularly sodas.

"While we will continue to encourage the use of free water bottle filling stations as appropriate, ultimately it should be up to our visitors to decide how best to keep themselves and their families hydrated during a visit to a national park, particularly during hot summer visitation periods," Michael Reynolds, NPS's acting director, said in a statement.

The water beverage industry, which has long argued that bottled water does not deserve to be singled out, said axing the policy was long overdue.

"The rescinded policy was seriously flawed," said Jill Culora, a spokeswoman for the International Bottled Water Association, a trade group that counts some of the largest bottled water makers as members.

"It was established to reduce waste left behind by park visitors, but people coming to the parks that banned the sale of bottled water were still allowed to buy other less healthy beverages — including carbonated soft drinks, sports drinks, teas, milk, beer and wine — that are packaged in much heavier plastic, glass, cans and cardboard containers," she added.

Rescinding the policy "recognizes the importance of making safe, healthy, convenient bottled water available to the millions of people from around the world who want to stay well-hydrated while visiting national parks. Consumption of water in all forms — tap, filtered and bottled — should always be encouraged," Culora said.

It's the latest Obama-era policy to be cut by the Trump administration.



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The push to encourage national parks to ban water bottles was part of President Obama's Green Parks Plan, which focused mostly on NPS reducing emissions of gases linked to climate warming. But the plan also originally called for 75 percent of national parks to go bottled-water-free by 2016 — a goal the Park Service later scaled back.

A water bottle ban initiated in 2012 at Grand Canyon National Park was controversial but necessary, according to the Park Service, which estimated at the time that plastic water bottles accounted for as much as 30 percent of the park's trash.

Greens decry lobbying interests behind rollback

Environmental groups are blasting the reversal and are denouncing lobbying interests they say were behind the move.

"Actions that rollback protections on our National Parks and public lands only move our country backward — putting the importance of local economies, wildlife and communities on the back burner," Athan Manuel, the Sierra Club's public lands policy director, said in a statement. "The reversal is but a symbol for this administration's larger attacks on environmental safeguards and protection of public lands."

Rescinding the ban is another example of the Trump administration bending policies to benefit corporate interests, said Jesse Bragg, a spokesman for Corporate Accountability International.

"This policy was a win-win for everyone except for the bottled water industry," Bragg said. "Not only did this policy reduce the waste stream, which was the goal of the Park Service, but it also provided for an opportunity to invest in universal access for water at parks via hydration stations."

Bragg said the lobbying arm of Deputy Interior Secretary David Bernhardt's former law firm, Brownstein Hyatt Farber Schreck LLP, lobbied on behalf of Nestlé Waters North America, a major bottled water producer and distributor of such brands as Arrowhead, Deer Park and Ozarka.

"The only argument against this policy is the profits for the bottled water industry, and that kind of argument works in the Trump administration," he said.



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The International Bottled Water Association spent hundreds of thousands of dollars since 2011 to lobby members of Congress to change the policy (Greenwire, July 13, 2015).

Congress attempted in 2015 and 2016 to insert language in spending bills for U.S. EPA and the Interior Department that would prohibit NPS from banning bottled water sales.

Now that the policy has been rescinded, NPS says parks will continue to promote recycling of disposable plastic water bottles. Many parks, NPS said, have already worked with partners to provide free potable water in bottle filling stations located at visitor centers and near trailheads.

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7. RAIL: Campaign targets bid to regulate Spokane oil, coal trains

E & E News, Aug. 17 | Nick Sobczyk

The fight is heating up over a ballot measure in Spokane, Wash., that would regulate trains transporting oil and coal through the city.

Industry leaders and city officials today launched the Committee to Protect Spokane's Economy to campaign against the measure, known as Proposition 2.

The ballot measure, which would fine owners of rail cars carrying uncovered coal or oil that hasn't been treated to reduce flammability, has galvanized groups on both sides (Greenwire, June 15).

Spokane is a major juncture between coal mines and Bakken oil rigs in the West and export terminals along the Pacific coast. Foes of the initiative say it would cripple the city's economy.

The measure would fine rail car owners \$261 per car for transporting uncovered coal and untreated oil, costing shippers thousands of dollars every time they route a train through Spokane, said Michael Cathcart, president of the business group Better Spokane.

"Such a fine would effectively ban the transportation of fossil fuels through the city," Cathcart said during a press call today. "The impact to the Spokane economy would be dire."



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But Safer Spokane, the group that submitted petitions that put the proposal on the ballot, says railroads would not be hurt financially, as the measure imposes fines on the owner of the car, often the oil or coal company, rather than the company operating the train.

Should Spokane voters approve the measure, there could be legal issues as well. The federal government has broad legal control of rail transport under the Constitution's commerce clause and the Interstate Commerce Commission Termination Act.

The city dropped a similar proposal last year after warnings from legal experts.

Spokane County Sheriff Ozzie Knezovich said today railroads are almost certain to seek an injunction against the city if the initiative passes.

Still, supporters of the ballot initiative have pushed forward with their campaign.

The new ballot measure attempts to remedy legal hurdles by focusing on the Federal Railroad Safety Act, which allows states to make regulations until the federal government steps in.

With railroads transporting coal and oil through the heart of the city, Safer Spokane says public safety is at stake.

"Crude oil and coal shipments provide zero jobs in Spokane, yet we take on all of the public safety, health, environmental and economic risks and costs," the group says on its website.

And environmentalists this week pointed to a coal train derailment in Montana last weekend as reason to curb rail transport of fossil fuels to export facilities on the coast (Greenwire, Aug. 15).

No one was injured in the Montana accident, but the train spilled coal into the Cabinet Gorge Reservoir of the Clark Fork River.

"Despite many track upgrades through Montana, coal trains still derail, and they still discharge their loads into our rivers and countryside when they crash," said Beth Kaeding, a spokeswoman for Northern Plains Resource Council. "Shipping coal to Asia comes with a high price that all of us must pay."

Cathcart, however, said that safety concerns are overblown and that trains are the safest way to transport fossil fuels. Safer Spokane, he said, is concerned with political environmental debates, rather than safety.



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"Nothing about this measure has to do with safety," Cathcart said. "It just puts our community at risk for very expensive and avoidable lawsuits."

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8. **NATIONAL PARKS: NPS reconsiders permit for right-wing rally**

E & E News, Aug. 17 | Jeremy P. Jacobs

Facing pressure from federal and state officials, the National Park Service yesterday said it is re-evaluating a permit given to a right-wing group to hold a rally in San Francisco.

NPS had granted a permit to the Portland, Ore.-based Patriot Prayer to hold an Aug. 26 event at Crissy Field within the Golden Gate National Recreation Area.

In the wake of last weekend's violence in Charlottesville, Va., Superintendent Cicely Muldoon said yesterday that the park is now taking new public comment on the permit and will issue a decision in seven days — just before the scheduled demonstration.

"Golden Gate National Recreation Area and the U.S. Park Police are closely coordinating with other federal, state and local agencies to ensure a robust plan is in place before we issue a final permit," Muldoon said. "Our highest priority is to ensure public safety, while honoring our obligation to uphold one of our nation's most cherished constitutional rights, the First Amendment right to freedom of speech."

San Francisco Mayor Ed Lee, Sen. Dianne Feinstein (D-Calif.), House Minority Leader Nancy Pelosi (D-Calif.) and others called on NPS to re-evaluate the permit this week.

"I am alarmed at the prospect that Crissy Field will be used as a venue for Patriot Prayer's incitement, hate, and intimidation," Feinstein said in a [letter](#) earlier this week.

It is unclear whether NPS can legally revoke the permit.

The nonprofit Southern Poverty Law Center classifies Patriot Prayer as a group that provokes conflicts with left-wing counterprotesters.

Patriot Prayer held a rally in Seattle this week, a day after the violence in Charlottesville that killed one woman and injured 35.



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At the Seattle demonstration, Patriot Prayer leader Joey Gibson condemned the violence in Charlottesville, as well as neo-Nazi and white supremacist groups.

On Tucker Carlson's Fox News show earlier this week, Gibson said he is "absolutely not" a white supremacist. He noted that several speakers at his rally are minorities. And he sharply criticized Pelosi, saying her claims to the contrary were "making it more dangerous for San Francisco" and "trying to rile up her citizens so they will come down there." As a result, Gibson said, there could be "more violence" and "more people in danger."

That message, however, appeared to at least somewhat contradict what occurred a week earlier in Portland, where brawls broke out between Patriot Prayer supporters — wearing attire from President Trump's campaign — and counterprotesters. Leaders of white supremacist groups, including Identity Evropa, were also visible at that rally. Multiple people were arrested.

"Events in Charlottesville and Seattle," Lee wrote in a [letter](#) to Muldoon earlier this week, "are proof that rallies such as these attract extreme and racist fringe groups who only want to provoke malice and incite brutality."

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9. Federal Workforce: Interior senior executives left in the dark amid reorg, reassignments

Federal News Radio, Aug. 17 | Nicole Ogrysko

Some of the Interior Department's longest-tenured and most experienced career executives say they're feeling undervalued and overlooked as the agency begins a major effort to restructure and reorganize.

Their criticisms come as Interior political leadership charges forward with a major reorganization effort that includes the reassignment of 30-to-50 senior executives back in June and another round of job transfers expected in the next few weeks.

Multiple sources say the new reassignments are expected to focus on filling current position gaps in the department.



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One reason for the timing of the second round may be related to the arrival of David Bernhardt, who now is serving as Interior's deputy secretary, several sources said. The Senate confirmed Bernhardt July 24.

But for several members of Interior's Senior Executive Service, the reassignments themselves sting less than how the department is going about its decisions.

Several Interior sources told Federal News Radio that the most recent round of reassignments created a "chilling effect" in the department, and they fear how the reorganization effort will impact the workforce when the department's executive cadre has had "absolutely no involvement whatsoever" in crafting the agency's plans.

"[Secretary Ryan Zinke's career] executive team, his folks that are running his bureaus, have had no input, no review and no consultation," said one executive on the West Coast who received and accepted a reassignment and requested anonymity because the executive didn't get permission to speak to the press.

There's been "complete radio silence" from Interior leadership about its plans for the reorganization, said Joel Clement, who filed an official complaint to the Office of Special Counsel about his reassignment from the director of the Office of Policy Analysis to a senior adviser position at the Office of Natural Resources Revenue.

The West Coast executive said the White House received and approved Interior's draft reorganization plan from June. All agencies have a September deadline to submit final versions of those plans, along with their fiscal 2019 budget requests.

The Interior Department declined to comment specifically on the executives' criticisms and wouldn't confirm or deny a second round of reassignments.

"The President signed an executive order to reorganize the federal government for the future and the secretary has been absolutely out front on that issue," Interior spokeswoman Heather Swift wrote in an email to Federal News Radio. "In fact, he mentioned a departmentwide, front lines-focused reorganization on his first day address to all employees."

But some senior executives say the lack of communication about Interior reorganization — coupled with the department's recent round of SES reassignments — has them feeling demoralized.



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“It’s like a morgue going into that building,” Clement said. “Everyone’s watching their back.”

Zinke has spoken of his desire to improve Interior’s results on the annual Federal Employee Viewpoint Survey and its rank on the Partnership for Public Service’s Best Places to Work list. Interior improved its employee engagement score slightly from 62 to 63 percent on the 2016 FEVS, and the department ranked 11th out of 18 large agencies on last year’s Best Places to Work index.

“No matter what we do, we have to subscribe and dedicate ourselves to be number one,” Zinke said, during a March 3 speech to employees. “I don’t want to be number two. As a SEAL, I try not to lose any battles, and I haven’t lost any. And I expect all of us not to lose.”

But the executives and experts say they doubt the department can achieve those goals in the current environment.

“When we don’t get involved in the decision-making, we get detailed, they seem to have no regard for our personal lives and our families,” the West Coast executive said. “[The secretary] talks about what he wants out of this organization, and I’m just like, ‘You are not going to get there, sir, when this is how you treat your employees’ and cause this kind of disruption and chaos within the federal ranks.”

The federal government, by its nature, is a collaborative process, said Jeri Buchholz, an independent consultant and former chief human capital officer for NASA. In her experience, new political leaders can often struggle to understand and promote a collaborative culture.

Strong political leaders find ways to include their career executives and use their ideas to achieve the administration’s priorities and projects. Others, she said, take a different approach.

“The executive gets told for all practical purposes, if not in reality, ‘Sit down and shut up,’” Buchholz said. “The executive’s response ... is ‘OK, I can follow that order.’ They will take two steps back and they will be quiet. They won’t be counterproductive. They won’t be undermining the authority of the executive; they will simply be quiet. Decisions will get made and they won’t be speak up, because they have been told not to speak up. That’s where it gets difficult.”

Questions about SES reassignments



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Both the West-Coast executive and Clement accepted their recent reassignments to other positions in other offices and bureaus. Like many other reassigned executives, their new roles vastly differ from the positions they once held and span other fields and areas of expertise.

Other executives received reassignments to new geographic locations. One senior executive, for example, was asked to move from a position in Washington, D.C. to another in Alaska.

Clement said the supervisors in his new office were just as surprised as he was to learn of his reassignment. He said he has hundreds of hours of training and staff time ahead of him in order to learn the ropes of his new job. It's a costly and time-consuming process that will require a few trips to Denver, he added.

Clement hasn't heard from Interior leadership or OSC about his official complaint.

Nor has he heard from Interior's inspector general, after Senate Energy and Natural Resources Committee Ranking Member Maria Cantwell (D-Wash.) and seven others asked the IG to investigate the reassignments.

"Any suggestion that the department is reassigning SES employees to force them to resign, to silence their voices or to punish them for the conscientious performance of their public duties is extremely troubling and calls for the closest examination," the senators wrote in a July 24 letter to Deputy IG Mary Kendall.

By design, the SES workforce is supposed to be a mobile corps of highly-experienced leaders.

Under Title 5 of the U.S. Code, agencies must give career SES a 15-day advance written notice for reassignments in the same commuting area and a 60-day advance notice for a move to a different geographic location. Senior executives cannot receive reassignments within the first 120 days of an agency head's appointment, which typically gives new department leaders time to get acquainted with their career leaders.

Interior spokeswoman Swift said SES moves are what's best for the department.

"Senior executives are the highest paid employees in the federal government and signed up for the SES knowing that they could be called upon to work in different positions at any time," Swift wrote. "Congress meant for the SES to be a mobile force that are capable of taking on different



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assignments to meet the needs of the agency. Personnel moves among the Senior Executive Service are being conducted to better serve the taxpayer and the department's operations."

Zinke told senators during a June 21 Appropriations Committee hearing that the move to reassign an undetermined number of senior executives to new positions wasn't nearly unprecedented.

"From what we can see, they followed the procedures," said Bill Valdez, president of the Senior Executives Association. "They gave notice. They allowed for the rights that SES has to accept or deny the reassignment. Could it have been handled better? Perhaps, but it's not something that is so unusual in the federal government."

Other agencies also are shuffling their career executives to new positions. As Federal News Radio reported, the Agriculture Department transferred its chief information officer to be the deputy procurement executive. The transition is part of USDA's major effort to reorganize management, including the deputy assistant secretary for management and possibly others in the CXO community.

Others are concerned the decision to move Interior SESers are

Sen. Tom Udall (D-N.M.) questioned whether Interior's reassignments had a disparate impact on executives close to retirement age.

Another Interior executive, who also received a reassignment letter and requested anonymity, said recent reassignments had a disparate impact on women and minorities in the department's SES corps.

By this executive's count, at least 29 of Interior's 223 SES members received reassignment notices from Interior leadership in June. Among them, 13 are men and 16 are women. Of the 13 men, six are minorities and seven are white, the executive said.

Yet the Interior SES cadre is roughly 34 percent female and 66 percent male, according to the most recent numbers from the Office of Personnel Management.

And of the 148 men in the Interior SES cadre, 31 percent have identified themselves as minorities, while 68 percent are non-minorities.



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Whether the moves were intentional or not, the executive said the reassignments sent the wrong message.

"It's making people afraid of even applying in an SES position and even being in the SES," the executive said.

Both reassigned Interior executives said they knew when they joined the SES that transitioning to new positions is often part of the job.

But one said the department's most recent round differed from previous direct reassignments.

The executive described a prior direct reassignment as a collaborative and transparent process. The executive discussed the new job with agency leadership and was given a trial period to act in the position.

"I just never really guessed that anything like this would happen, but you sign that form and that's exactly what it says," the source said. "You can be reassigned at any time for any reason with two weeks notice, and you sign that form. It's just that it's never happened like this before. I don't think anybody was really expecting this sort of level of movement."

Involvement in reorganization

Career leaders at some agencies have been involved in developing their organization's government reform plans, said Valdez, who described employee and leadership collaboration in the government reorganization process as a "mixed bag."

Valdez said the Small Business Administration and departments of Health and Human Services and Homeland Security were model agencies that solicited ideas and feedback from every corner of their workforces.

But other agencies, he said, have taken a different approach.

"We've heard from other agencies that [career executives] have been cut out, and that is unfortunate, because some agencies have reported to us that they've sent in information for the request of the senior political leadership, in terms of budget plans and other kinds of documents, but have received no feedback [and] no understanding of whether or not recommendations were accepted," he said.



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Organizations that fail to gather feedback from top executives and their employees during a major restructuring are more likely to set themselves up for failure, said Joe Abusamra, vice president of product marketing of Acendire, a talent management company.

“These people know the inner-workings, they know how things operate, they know what can be done, what can be done quickly [and] what might take more time,” he said. “If you’re not getting that input, it’s really going to be a challenge to have something be successful.”

Organizations in the middle of a major restructuring should be as open and transparent as possible to their employees about what they know — and what they don’t know — about their reorganization plans, Abusamra said. With little to no communication, rumors start flying, he added.

“If people think or know ... that there’s going to be restructuring, that just takes so much energy and oxygen from the workings of the organization,” Abusamra said. “People start to think about what might happen, what will happen and they’ll spend a good time worrying about that and talking about that and discussing that among themselves.”

Clement said he feels different now that he’s spoken out and filed a complaint with OSC. He said he hopes his disclosure will encourage others to speak up.

“We need to find that voice again,” he said. “The civil service has been silent for far too long.”

Yet for the SES, voicing personal opinions isn’t typically part of the game, Buchholz said.

“When you are a part of the executive team, whether you feel welcome in that team, whether you agree with the decision that has been made, whether you are heard or not, when it is your job to execute a decision that has been made, you do not voice your personal opinion about that decision,” she said. “If you feel that you can no longer serve because what you’re being asked to do is so contrary to how you feel about a particular issue personally, then it’s time for you to rethink your role in the organization.”

Both reassigned senior executives, who have decades of government experience and several years in the SES, acknowledged they have a limited voice. Both accepted their reassignments; they chose not to resign.



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“We’re all good soldiers and we will do what the new administration asks us to do,” one of the reassigned executives said. “We will stand up and salute and get it done, and that’s our job. Even more importantly as executives, our job is to carry that message from the White House, from the secretary and make sure it happens on the ground. They want to see efficiency and effectiveness and cost savings to the taxpayers, but you don’t do that by yanking your senior leadership around like this. We’re the ones that you want to be the most loyal. We’re the ones that are going to make sure that your agenda happens on the ground, and I just don’t think they get that.”

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