

**From:** Kaster, Amanda  
**To:** [Bernhardt, David L.; D B](#)  
**Subject:** For Tomorrow: Schedule, Memos, and Profiles  
**Date:** Monday, May 15, 2017 5:53:12 PM  
**Attachments:** [Cantwell correspondence.pdf](#)  
[David Bernhardt Courtesy - Meeting Memo Franken final.docx](#)  
[David Bernhardt Courtesy Meeting Memo Cantwell final \(1\).docx](#)  
[David Bernhardt Courtesy - Meeting Memo Risch final \(1\).docx](#)  
[David Bernhardt Courtesy Meeting Memo - Wyden final \(1\).docx](#)  
[franken correspondence \(1\).pdf](#)  
[King correspondence \(1\).pdf](#)  
[Wyden correspondence.pdf](#)  
[David Bernhardt Courtesy Meeting Memo King final \(2\).docx](#)

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Please see below and attached

Tuesday May 16

**9:00-9:30am: Senator Angus King (I-ME), 133 Hart Senate Office Building**

- Staff Lead Morgan Cashwell
- Scheduler Matthew Liscovitz

---Your 10 30am is in 306 Hart---

**12:00-12:30pm: Senator Ron Wyden (D-OR), 221 Dirksen Senate Office Building**

- Staff Lead Wesley Look
- Scheduler Montana Judd

**2:30-3:00pm: Senator Al Franken (D-MN), 309 Hart Senate Office Building**

- Staff Lead Blaise Sheridan
- Scheduler Brynna Schmidt

**4:00-4:30pm: Senator Maria Cantwell (D-WA), 511 Hart Senate Office Building**

- Staff Leads Sam Fowler and Angela Becker-Dippmann
- Scheduler Christian Chiles

**5:00-5:30pm: Senator James Risch (R-ID), 438 Russell Senate Office Building**

- Staff Lead Tim Petty
- Scheduler Rachel Burkett

--

Amanda Kaster-Averill  
Special Assistant  
Office of Congressional and Legislative Affairs  
U.S. Department of the Interior  
(202) 208-3337  
[amanda\\_kaster@ios.doi.gov](mailto:amanda_kaster@ios.doi.gov)

# United States Senate

WASHINGTON, DC 20510

005050

RECEIVED

2017 MAY 11 PM 4:5

OFFICE OF THE  
EXECUTIVE SECRETARY

May 11, 2017

Secretary Ryan Zinke  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Secretary Zinke,

We write to express our deep concern over recent reports regarding the suspension of meetings and activities of committees and advisory boards, including Resource Advisory Councils and Resource Advisory Committees.

Resource Advisory Councils (RACs) were created by the Department of the Interior (DOI) in 1995 as a way for the DOI to get diverse community input on public land management issues. RACs have helped inform decisions on issues related to recreation, land use planning, grazing, oil and gas exploration, and wildfire management.

As you know, public land management issues can be very contentious, particularly in the west, as agencies and stakeholders navigate projects that can impact the health of the environment and the longevity of the local economy. Balancing these interests is challenging, which is why RACs were created. By working through difficult land management issues and getting local input from the beginning, projects are more likely to succeed. Without this tool, many good land management projects would never be completed.

Recently, many of us heard from members of RACs in our states that all meetings for those RACs were postponed until September 2017 because the DOI is conducting a review of all advisory boards and committees. Our offices did not receive notice of the postponements and little information was provided to the members of the RACs explaining the reason behind this action. We are very concerned about this news and would like an answer as to why the RAC meetings were postponed during the BLM's review of all advisory boards and committees, and how the BLM will continue to support local collaborative efforts, including RACs, going forward so that they can continue to make real progress for our public lands.

An additional concern arises in Oregon, where Resource Advisory Committees operated by the Bureau of Land Management were created by the Secure Rural Schools and Community Self Determination Act of 2000 (SRS) to help develop and carry out forest management projects. The DOI review also halts these Resource Advisory Committee meetings. SRS Resource Advisory Committees initiate projects on BLM forests that improve forest health, create local jobs, and achieve forest management goals. These projects are funded under Title II of SRS, and Resource Advisory Committees must select and initiate their projects by September 30, 2017. If RAC meetings are postponed until September and SRS Committees do not have enough time to meet and initiate projects, they will lose their Title II funding. This delay could cause counties in Oregon to lose federal funds that could have gone to improve the health of their forests and create local jobs.

During your confirmation hearing, you stressed the importance of local input and collaboration on public land management issues. This is exactly what RACs were formed to do and there are examples of RACs across the country contributing to successful projects that improve the quality of our public lands. Postponing their progress is a detriment to public land and forest management goals, to jobs and local economies, and to public confidence in federal government. It is critical that local voices, including RACs, have the opportunity to provide input and take part in the process at all times, not just when those local voices align with the Administration or a large special interest.

We urge you to allow RACs and SRS Resource Advisory Committees to continue their regular meetings and advance the important work Congress directed them to do. We look forward to your response.

Sincerely,

  
Ron Wyden  
United States Senator  
Tom Udall  
United States Senator  
Martin Heinrich  
United States Senator  
Jeffrey A. Merkley  
United States Senator  
Patty Murray  
United States Senator  
Maria Cantwell  
United States Senator  
Dianne Feinstein  
United States Senator  
Michael F. Bennet  
United States Senator

# United States Senate

COMMITTEE ON  
ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-6150

WWW.ENRGY.SENATE.GOV

April 27, 2017

The Honorable Ryan Zinke  
Secretary  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Secretary Zinke:

We write to request that the Department of the Interior extend from 30 to 90 days, until July 3, 2017, the comment periods on both the proposed rule to repeal the Consolidated Federal Oil and Gas and Federal and Indian Coal Valuation Reform (the 2017 Valuation Rule) and the advanced notice of proposed rulemaking on whether to revise the Department's regulations governing the valuation, for royalty purpose, oil and gas produced from Federal onshore and offshore leases and coal produced from Federal and Indian leases. We do not believe that the Department's 30-day comment periods afford the public a meaningful opportunity to comment on these two important rulemakings.

While section 553(c) of the Administrative Procedure Act does not mandate a minimum time for which an agency is required to accept comments in reviewing an agency rulemaking, Executive Orders 12866 and 13563 encourage agencies to provide at least 60 days for public comment to the extent feasible and permitted by law. It is worth noting that the Department provided a more extensive comment period in the original valuation rule-making process. During that time, the Department received more than 1,000 pages of written comments from hundreds of stakeholders and over 190,000 petition signatures, including those from industry, states, local governments, tribes, and other citizens. The Department also held 6 public workshops in order to ensure engagement of all stakeholders.

We are disappointed that this request comes in the absence of a response to a letter about the Department's unlawful postponement of the 2017 Valuation Rule on February 27, 2017. As that correspondence noted, the Department's action exceeded its authority under section 705 of the Administrative Procedure Act. The current postponement of the rule remains unlawful.

EXECUTIVE SECRETARIAT

OFFICE OF THE

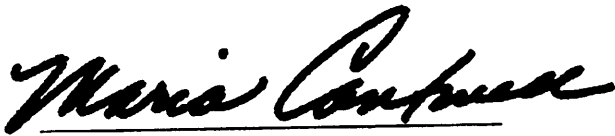
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During your confirmation hearing before the Senate Committee on Energy and Natural Resources, and in your written responses to questions submitted for the record, you claimed to support the most basic tenets of public land law. You stated that you are "committed to ensuring that the American taxpayers get a fair return on all natural resource development on federal lands." The series of actions by your agency with respect to the 2017 Valuation Rule run contrary to your commitment.

Given the importance of this review, we urge the Department to extend the 30-day comment periods on the two rulemakings for an additional 60 days. Thank you for your prompt consideration.

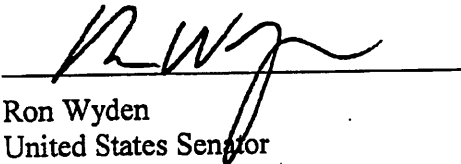
Sincerely,



Maria Cantwell  
United States Senator



Mazie K. Hirono  
United States Senator



Ron Wyden  
United States Senator

# United States Senate

WASHINGTON, DC 20510

April 27, 2017

The Honorable Ryan Zinke  
Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

Dear Secretary Zinke:

We write to urge you not to revise the 2017-2022 Outer Continental Shelf Oil and Gas Leasing Program (Five-Year Plan) to eliminate protections for the East and West Coasts and for the sensitive marine ecosystems in the Arctic Ocean. Keeping the protections from offshore drilling in place for the Atlantic, Pacific and Arctic Oceans and the Eastern Gulf of Mexico in the Five-Year Plan is essential to protect key industries for our states, such as fishing and tourism, our environment and our climate.

The Five-Year Plan for offshore drilling on the Outer Continental Shelf (OCS) that was finalized in November 2016 already makes available more than 45 billion barrels of oil for drilling. It makes available more than half of all known oil and natural gas resources on federal lands offshore. Extracting and burning even these fossil resources would already be disastrous for our climate. But when oil companies are currently holding and warehousing leases in the Gulf of Mexico that comprise an area nearly the size of Kentucky, we should first ensure that they are taking full advantage of the areas that are already available before contemplating opening any new areas to oil drilling and the threat of a spill. The existing Five-Year Plan includes protections for the East and West Coasts and the Arctic Ocean. We urge you to keep these protections in place.

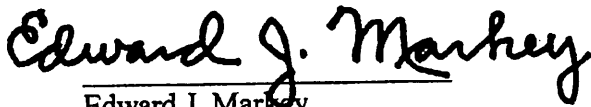
During your confirmation process, you said that you would seek to incorporate local input as you managed our nation's public lands. Allowing drilling anywhere on the East or West Coasts would threaten key economic drivers for these states such as fishing and tourism with the risk of an oil spill. For instance, fishing off East Coast states produces roughly \$1.75 billion in direct value for these states and more than \$4 billion in total economic activity each year. Tourism on the East Coast generates hundreds of billions of dollars in additional economic activity and supports an estimated 800,000 jobs. Offshore oil spills don't respect state boundaries and a spill off the coast of one state could easily affect another.

In the harsh and fragile ecosystem of the Arctic Ocean, the oil industry has had numerous safety lapses and mishaps during efforts to drill offshore. Oil companies have now relinquished the bulk of leases held in the Arctic Ocean, demonstrating a lack of industry interest in drilling in this area.

We urge you to keep the current five-year offshore drilling plan in place and not revise the program to remove protections against drilling off the East and West Coasts and in the Arctic Ocean. Keeping these protections against offshore drilling in place is essential for vital industries in our states and to ensure that we protect our beaches and our climate.

Thank you for your attention to this request.

Sincerely,



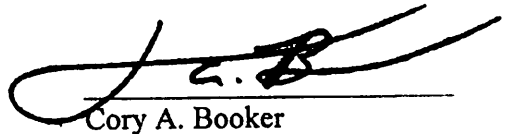
Edward J. Markey  
U.S. Senator



Robert Menendez  
U.S. Senator



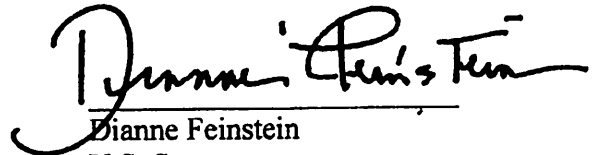
Sheldon Whitehouse  
U.S. Senator



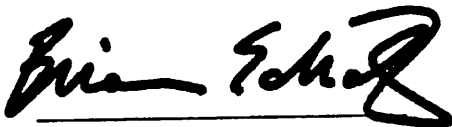
Cory A. Booker  
U.S. Senator



Richard Blumenthal  
U.S. Senator



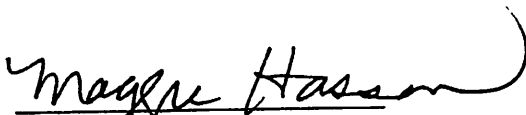
Dianne Feinstein  
U.S. Senator



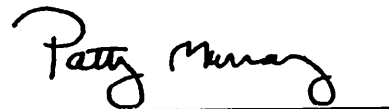
Brian Schatz  
U.S. Senator



Bernard Sanders  
U.S. Senator



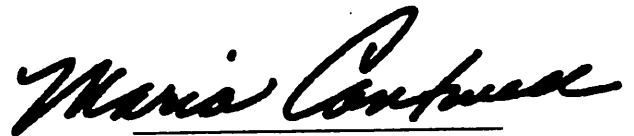
Maggie Hassan  
U.S. Senator



Patty Murray  
U.S. Senator



Thomas R. Carper  
U.S. Senator



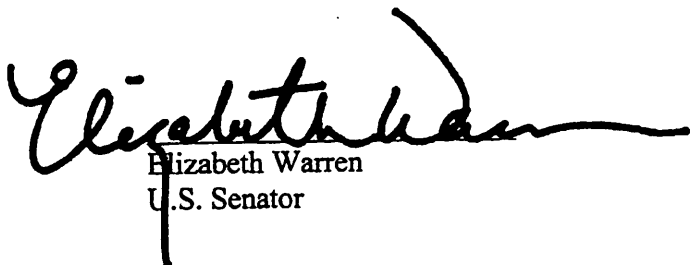
Maria Cantwell  
U.S. Senator



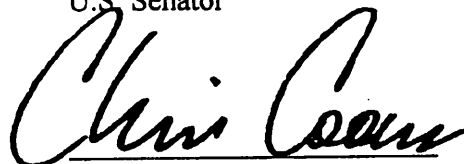
Al Franken  
U.S. Senator



Jeanne Shaheen  
U.S. Senator



Elizabeth Warren  
U.S. Senator



Christopher A. Coons  
U.S. Senator



Benjamin L. Cardin  
U.S. Senator



Kirsten Gillibrand  
U.S. Senator



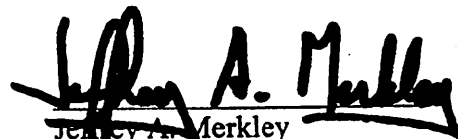
Bill Nelson  
U.S. Senator



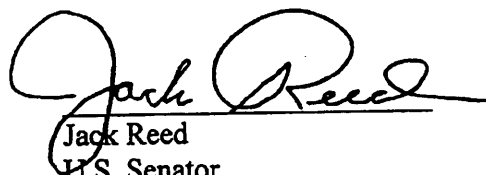
Ron Wyden  
U.S. Senator



Richard J. Durbin  
U.S. Senator



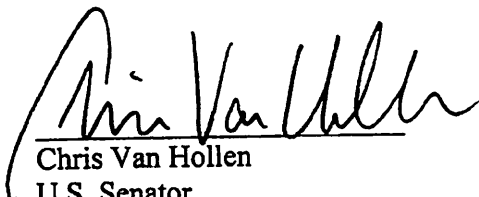
Jerry A. Merkley  
U.S. Senator



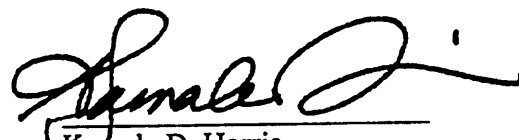
Jack Reed  
U.S. Senator



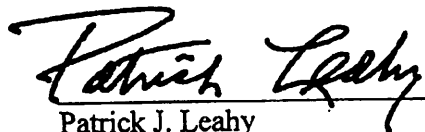
Gary Peters  
U.S. Senator



Chris Van Hollen  
U.S. Senator



Kamala D. Harris  
U.S. Senator



Patrick J. Leahy  
U.S. Senator



# United States Senate

WASHINGTON, DC 20510

003733

April 26, 2017

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2017 MAY -2 AM 10:54

OFFICE OF THE  
EXECUTIVE SECRETARIAT

President Donald Trump  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500

Dear Mr. President,

We are writing you to express our deep concern with your Executive Order directing the Department of the Interior to review prior national monument designations and propose changes to modify or retract protection of these lands. Sixteen presidents from both parties have used the authority under the Antiquities Act to protect iconic landscapes across the United States and preserve the natural, cultural, historical, and scientific values for the benefit of all Americans and future generations. During your campaign and during Secretary Zinke's confirmation hearing, your administration promised to emulate President Teddy Roosevelt and his vision for conserving public lands. We urge you to honor your promises and not alter the protections that previous presidents have put in place to safeguard these national monuments.

These monuments are built upon the support of local communities and are economic drivers across the United States. Just yesterday, the Outdoor Industry Association (OIA) issued the latest economic numbers detailing how the outdoor industry is helping drive our economy. It found that the industry contributes \$887 billion in consumer spending, produces 7.6 million jobs, and creates \$65.3 billion in federal tax revenue and \$59.2 billion in local and state tax revenue. All of these figures have increased since OIA's last study in 2012 and are critical indicators of the value of America's protected public lands. In 2016, National Parks alone saw a record 331 million visits, contributing almost \$35 billion to the U.S. economy. In addition, regions surrounding national monuments have seen continued growth or improvement in employment, personal income and increased per-capita income, and rural counties in the West with more than 30 percent protected public lands saw jobs increase by 345 percent compared to regions without protected lands. Weakening protections, modifying, or rescinding national monuments could damage the economy of local communities.

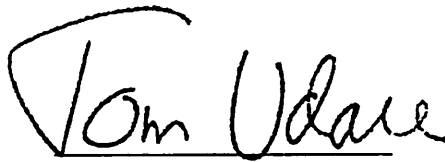
In addition, despite claims to the contrary, all the national monuments designated during the past eight years were designated after public meetings were held and input was gathered from local communities, and each of these monuments had broad local support. The people who enjoy these lands have actively participated in the public process leading to their designation. Outdoor recreationists, local organizations, scientists, and tribes with ancestral ties to these lands all

worked with prior administrations to ensure these lands are protected at the scale necessary to preserve its special values. The public has shown strong support for national monuments. A Colorado College poll in 2017 reports 80% of western voters supported keeping protections for existing national monuments. Recently, OIA announced it would pull its trade show out of Salt Lake City because of efforts to rescind the Bears Ears National Monument. Americans care deeply about national monuments and their voices should be considered if you proceed with any potential changes to the monument designations.

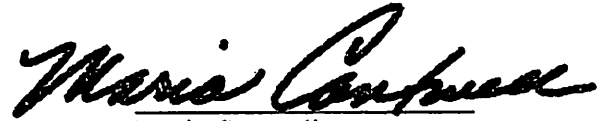
Thus, we request that any process evaluating national monuments designated under the Antiquities Act should be conducted through an open, transparent and public process in which all Americans can participate and provide their information and insight. In particular, it is important that government to government relationships with federally recognized Indian tribes be maintained through meaningful consultation.

Thank you for your consideration.

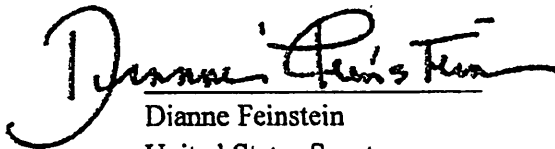
Sincerely,



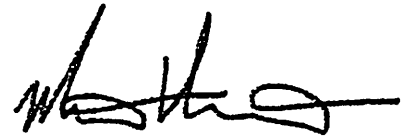
Tom Udall  
United States Senator



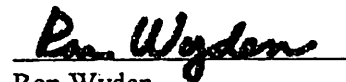
Maria Cantwell  
United States Senator



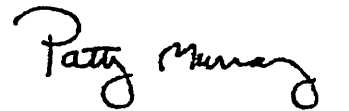
Dianne Feinstein  
United States Senator



Martin Heinrich  
United States Senator



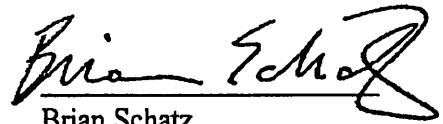
Ron Wyden  
United States Senator



Patty Murray  
United States Senator



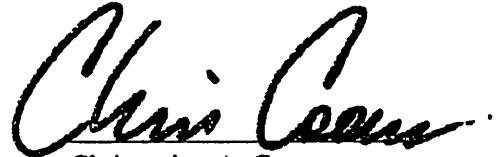
Al Franken  
United States Senator



Brian Schatz  
United States Senator



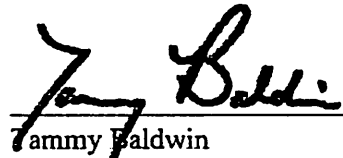
Richard J. Durbin  
United States Senator



Christopher A. Coons  
United States Senator



Kirsten Gillibrand  
United States Senator



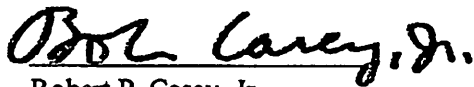
Tammy Baldwin  
United States Senator



Mazie Hirono  
United States Senator



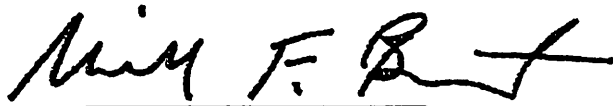
Sherrod Brown  
United States Senator



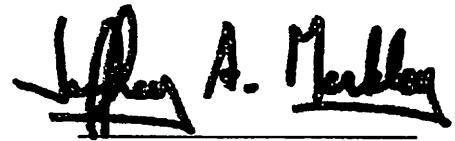
Robert P. Casey, Jr.  
United States Senator



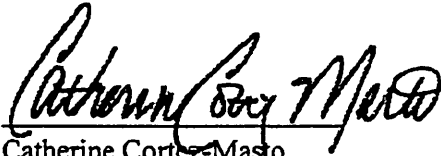
Ben Cardin  
United States Senator



Michael F. Bennet  
United States Senator



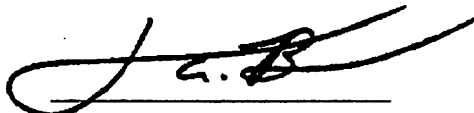
Jeffrey A. Merkley  
United States Senator



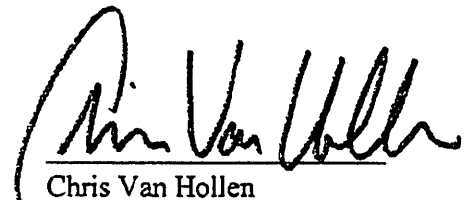
Catherine Cortez-Masto  
United States Senator



Richard Blumenthal  
United States Senator



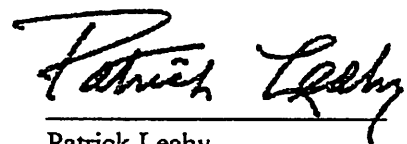
Cory A. Booker  
United States Senator



Chris Van Hollen  
United States Senator



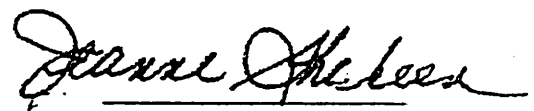
Kamala D. Harris  
United States Senator



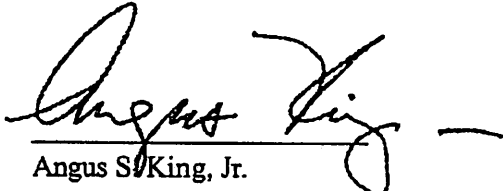
Patrick Leahy  
United States Senator

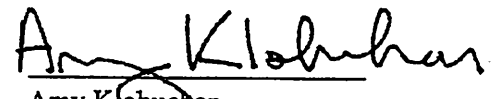


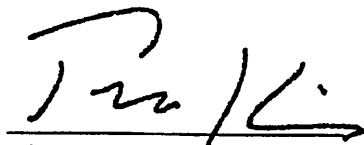
Tom Carper  
United States Senator




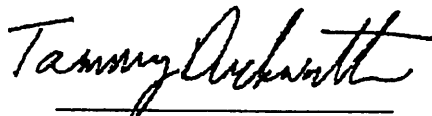
Jeanne Shaheen  
United States Senator

  
Angus S. King, Jr.  
United States Senator

  
Amy Klobuchar  
United States Senator

  
Tim Kaine  
United States Senator

  
Mark Warner  
United States Senator

  
Tammy Duckworth  
United States Senator

Cc: The Honorable Ryan Zinke, Secretary of the Interior  
Michael Young, Acting Secretary of Agriculture

# United States Senate

WASHINGTON, DC 20510-4705

March 29, 2017

The Honorable Ryan Zinke  
Secretary  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Secretary Zinke:

I am writing to follow-up on our conversation during the hearing of the U.S. Senate Committee on Indian Affairs on March 9, 2017. During the hearing, we discussed your agencies' response to the wildfires that have caused unprecedented damage throughout the Pacific Northwest during the summers of 2014 and 2015. These fires have cost lives, destroyed homes, threatened communities, and jeopardized the livelihood of thousands. We urge you to use your Department's response programs, particularly the Burned Area Rehabilitation (BAR) program, to fund the short-term and long-term post-fire recovery needs of the Pacific Northwest Tribal communities.

The historic number of large fires has resulted in a catastrophic loss of vegetation that has exposed hundreds of thousands of acres to soil erosion. As rain has returned to the Pacific Northwest after these fires, runoff from burned areas has sent damaging amounts of sediment into streams, rivers, and reservoirs. The runoff also continues to cause flooding that threatens homes, communities, and water infrastructure.

A specific concern that has been raised by the Tribal community is securing and restoring the economic value of those lands held in trust for them that have recently burned. For example, the Colville Tribes have 660,000 acres of land in Washington that are managed for commercial timber. Of those 660,000 acres, 130,000 acres burned in 2015's devastating Tunk and North Star fires. These areas for decades have been managed for regular timber yields, which provide a major stream of revenue for the Tribes. This revenue supports vital services for the Tribes. Unfortunately, the Bureau of Indian Affairs (BIA) has relayed to the Tribes of the Pacific Northwest that its programs do not have sufficient resources to respond to the need brought about by recent extreme fire years. This is unacceptable.

The BAR program is specifically in place to help communities address this concern. Post-fire teams at the Department of the Interior and the Department of Agriculture have conducted assessments of the areas that were impacted by these fires and have prescribed emergency stabilization treatments to mitigate the threat of erosion, deforestation, and general degradation of the natural environment.

COMMITTEES:  
COMMERCE, SCIENCE, AND  
TRANSPORTATION  
ENERGY AND NATURAL  
RESOURCES  
FINANCE  
INDIAN AFFAIRS  
INTERNAL SECURITY  
JUDICIARY  
LABOR AND HUMAN RESOURCES  
LEGISLATION AND GOVERNMENT  
OPERATIONS  
PUBLIC WORKS  
SMALL BUSINESS

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2017 MAR 31 PM 1:11  
OFFICE OF THE  
EXECUTIVE SECRETARY

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Fax: (253) 572-5579

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First Floor  
Vancouver, WA 98661  
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Fax: (360) 696-7844

WASHINGTON, DC  
311 Hart Senate Office Building  
Washington, DC 20510-4705  
(202) 224-3441  
Fax: (202) 228-0514

I understand that the BAR program currently maintains a carryover balance of about \$11 million. Given the needs for reforestation, soil stabilization, and other post-fire rehabilitation practices on Pacific Northwest Tribal lands and because of our Trust responsibility, which requires us to assist Tribes in these efforts, I am requesting that you prioritize the remaining BAR program funds for Northwest Tribes. We have long underfunded Tribal forestry, and the Tribes are now suffering from the results of those decisions. We should give priority to supporting the Tribes as they work to recover from the impacts of wildfire and uphold our obligations.

The carryover funding should be used first to assist Tribes. Congress has provided you authority in its appropriations to make that decision and allocate the remaining BAR funding in that manner. If the carryover BAR funds are not spent directly on assisting Tribes, I would like to know on what else they are spent. Please provide me with the amount of carryover balance in the BAR program (across your Bureaus) as of the date of this letter. Also, please provide me with a table listing all of the Department's obligations incurred using the carryover BAR funding since the date of this letter, accompanied by your rationale as to why each of these obligations was more important than funding restoration work on the resources you hold in Trust for Federally-recognized Tribes.

I have long warned about risks of wildfire to our communities and to the land management agencies. The dangers that these fires pose continue beyond their extinguishment. I am deeply concerned about the future livelihood of the communities affected by these fires. We must make sure we have the resources necessary to restore our forests and lands and protect our people and communities.

Thank you for your attention to this matter.

Sincerely,



Maria Cantwell  
United States Senator

cc:

Mr. Michael S. Black  
Acting Assistant Secretary for Indian Affairs  
Department of the Interior

Mr. Bryan Rice  
Director  
Office of Wildland Fire

Mr. James Bowmer  
Deputy Division Chief  
Forest, Rangeland, Riparian & Plant  
Conservation  
Bureau of Land Management

Mr. Myron Hotinger  
National Coordinator  
Burned Area Emergency Response  
Bureau of Indian Affairs

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# United States Senate

COMMITTEE ON  
 ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-6150

WWW.ENERGY.SENATE.GOV

March 7, 2017

001237

RECEIVED  
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 OFFICE OF THE  
 EXECUTIVE SECRETARIAT

The Honorable Ryan Zinke  
 Secretary of the Interior  
 1849 C Street, N.W.  
 Washington, D.C. 20240

Dear Mr. Secretary:

One of the fundamental tenets of public land law is that the American people should receive fair market value for the natural resources taken from the public lands.<sup>1</sup> You assured me, at your confirmation hearing, that you supported this important principle and agreed that “taxpayers should always get a fair value” for the resources extracted from the public lands.<sup>2</sup>

Consistent with this principle, last July, the Department of the Interior amended its regulations governing the valuation of oil and gas produced from federal onshore and offshore leases and coal produced from federal and Indian leases. One of the stated purposes of the amendments was to ensure that mining “companies have paid every dollar due” to the American people.<sup>3</sup> The new valuation rule went into effect over two months ago, on January 1, 2017.

On February 22, 2017, however, the Director of the Department’s Office of Natural Resources Revenue “postponed the effectiveness” of the new rule, even though it had already been in effect for 53 days.<sup>4</sup> He cited section 705 of the Administrative Procedure Act as giving him that authority. Section 705 provides that “[w]hen an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review.”<sup>5</sup> The American Petroleum Institute and others have filed suits challenging the new rule. The Director reasoned that “justice requires postponing the effectiveness of the 2017 Valuation Rule until the litigation is resolved.”<sup>6</sup>

<sup>1</sup> Federal Land Policy and Management Act, § 102(9), 43 U.S.C. § 1701(9).

<sup>2</sup> Hearing Transcript at 37-38 and 132-133.

<sup>3</sup> Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform, 81 Fed. Reg. 43338 (July 1, 2016).

<sup>4</sup> Postponement of Effectiveness of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform 2017 Valuation Rule, 82 Fed. Reg. 11823 (Feb. 27, 2017).

<sup>5</sup> 5 U.S.C. § 705.

<sup>6</sup> 82 Fed. Reg. at 11824.



There are two major reasons why section 705 does not give the Department the authority the Director claims and why his attempt to postpone the effectiveness of the rule is contrary to law.

First, as the courts have said, section 705 “permits an agency to postpone the effective date of a not yet effective rule, pending judicial review. It does not permit the agency to suspend without notice and comment a promulgated rule....”<sup>7</sup> The operative verb in the statute is “to postpone.” “According to the dictionary, to ‘postpone’ means ‘to put off until a future time.’ It is implicit in this definition that one can only postpone something that has not yet occurred. If a wedding occurs on September 2, one cannot ‘postpone’ the wedding until September 30 on September 5.”<sup>8</sup> By the same token, the Department cannot “postpone” on February 22 the effectiveness of a rule that went into effect more than seven weeks before, on January 1.

Second, even if section 705 were to allow the Department to “postpone” that which has already occurred, the courts have made it clear that section 705 does not allow agencies to grant stays based upon their own notions of what may constitute “justice.” The Department may only grant stays under section 705 upon consideration of the four-part test the courts use to determine whether to grant preliminary injunctions.<sup>9</sup> The Supreme Court has said that the proponent of a preliminary injunction “must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.”<sup>10</sup> The Director failed to apply—or even mention—this four-part test when he postponed the effective date of the new rule. His failure to do was arbitrary and capricious, and his decision to postpone the effective date must be set aside as unlawful.

We know this to be true because this is not the first time an agency has abused section 705 in this manner. In 2011, the Environmental Protection Agency issued a “Delay Notice,” staying the effective date of two air pollution rules on the basis of section 705.<sup>11</sup> But the Agency found that “justice requires a stay, according to its broad, discretionary determination of what constitutes justice.” It “neither employed nor mentioned the four-part test in its Delay Notice.”<sup>12</sup>

<sup>7</sup> *Safety-Kleen Corp. v. Environmental Protection Agency*, 1996 U.S. App. LEXIS 2324 (D.C. Cir. 1996).

<sup>8</sup> *Merriweather v. Sherwood*, 235 F. Supp. 2d 339, 342 (S.D. N.Y. 2002) (construing authority to “postpone the effective date of an automatic stay” under the Prison Litigation Reform Act).

<sup>9</sup> *Sierra Club v. Jackson*, 833 F. Supp. 2d 11, 30 (D.D.C. 2012).

<sup>10</sup> *Winter v. Natural Resources Defense Council*, 555 U.S. 7, 20 (2008).

<sup>11</sup> *Sierra Club v. Jackson*, 833 F. Supp. 2d 11 (D.D.C. 2012). Unlike the Department’s stay of the valuation rule, EPA tried to postpone the effective date of its rules before they went into effect, not after they were already in effect. *Id.* at 15.

<sup>12</sup> *Id.* at 30-31.

The court said that an agency “must set forth its consideration of the [four] factors and its attendant conclusions of law.” The court held that “the failure to do so ... is arbitrary and capricious,”<sup>13</sup> and set aside EPA’s attempt to postpone the effective date of its two air pollution rules.<sup>14</sup>

The Department has plainly failed to show sufficient grounds for staying the effective date of the valuation rule’s effective date under the four-part test. The first test is whether the plaintiffs in the lawsuits challenging the rule have “made a strong showing” that they are “likely to prevail on the merits” in the litigation. The Department’s notice announcing the postponement suggests just the opposite. It states that the Office of Natural Resources Revenue “believes the 2017 Valuation Rule was properly promulgated,” rather than fatally flawed.

The second test is whether the plaintiffs challenging the rule are “likely to suffer irreparable harm” if the effective date of the rule is not postponed. The Department asserts that its lessees may “incur the unreimbursable costs of reverting back to the old system” and “of correcting its reports and royalty payments” if they pay royalties under the new rule and the courts ultimately find the new rule to be invalid. The Department contends that incurring these costs constitute “potentially irreparable harm.”<sup>15</sup>

There are two problems with the Department’s reasoning on the second test. The first is that the courts have held that “[m]ere injuries, however substantial, in terms of money, time and energy necessarily expended [complying with a regulation] in the absence of a stay, are not enough.”<sup>16</sup> “Purely economic harm is not considered sufficiently grave under this standard unless it will ‘cause extreme hardship to the business, or even threaten destruction of the business.’”<sup>17</sup>

The Department’s rulemaking record simply does not support the claim that the lessees will suffer “irreparable harm” if the rule goes into effect and is later overturned. While the new rule is expected to result in the Department’s lessees paying more royalties,<sup>18</sup> the additional royalties can be reimbursed if the courts later overturn the rule. Payment of reimbursable royalties does not constitute “irreparable harm.”

<sup>13</sup> *Id.* at 31, citing *Gordon v. Holder*, 632 F.3d 722, 724 (D.C. Cir. 2011).

<sup>14</sup> *Id.* at 35-36.

<sup>15</sup> 82 Fed. Reg. at 11824.

<sup>16</sup> *Virginia Petroleum Jobbers Association v. Federal Power Commission*, 259 F.2d 921, 925 (D.C. Cir. 1958).

<sup>17</sup> *Affinity Healthcare Services, Inc. v. Sebelius*, 720 F. Supp. 2d 12, 17 (D.D.C. 2010), quoting *Gulf Oil Corp. v. Department of Energy*, 514 F. Supp. 1019, 1025 (D.D.C. 1981) (holding “irretrievable monetary loss” alone “is not enough” to establish “irreparable injury”). *See also Mexichem Specialty Resins, Inc. v. Environmental Protection Agency*, 787 F.3d 544, 555 (D.C. Cir. 2015), quoting *Wisconsin Gas Co. v. Federal Energy Regulatory Commission*, 758 F.2d 669, 674 (D.C. Cir. 1985).

<sup>18</sup> 81 Fed. Reg. 43359-43360 (estimating increased royalty collections of \$71.9 million to \$84.9 million).

Perhaps recognizing this, the Department contends that it is not the additional royalties, but the administrative costs the industry will bear “reverting back to the old” royalty system and “correcting its reports and royalty payments,” if the new rule is overturned, which constitute “irreparable harm.” But according to the rule’s preamble, the Department estimates that the new rule will actually save the industry \$3.61 million in administrative costs each year compared to the old system.<sup>19</sup> Allowing the new rule to go into effect will reduce the industry’s administrative costs. The industry will reap these savings if the rule is upheld. Staying the new rule’s effective date will deprive the industry of these savings. Plainly, then, allowing the new rule to go into effect plainly will not cause the industry “irreparable harm.”

The other problem with the Department’s reasoning on the second test is that the most the Department claims is “*potentially* irreparable harm.” But the Supreme Court has said that is not enough to support a stay. It has made it clear that the four-part test requires a showing that “irreparable harm is *likely*.”<sup>20</sup> The “possibility” of irreparable harm simply is not enough.

The third part of the four-part test requires the Department to consider whether postponing the effective date of the rule will “substantially harm other parties,”<sup>21</sup> and whether the “balance of equities” between the harm done to the industry from not postponing the effective date and the harm done to other parties by postponing it, “tips in ... favor” of the industry. In its preamble to the new rule, the Department estimated the new rule will increase royalty collections by over \$78 million, of which over \$18 million would be paid to states and \$60 million would be retained by the Federal Government.<sup>22</sup> But in its notice announcing the postponement of the effective date of the rule, the Department simply dismissed the loss of these royalties as insignificant. It declared that “[t]he United States will suffer no significant harm from postponing the effectiveness” of the rule because “the Rule is not expected to have a significant impact on the economy.”<sup>23</sup> It made no effort to balance the equities between the loss of \$78 million in additional royalties to the federal and state governments and the cost to the industry of “reverting back to the old system” and “correcting its reports and royalty payments.”

Moreover, the Department did not consider the substantial harm to the lessees that have already converted their accounting systems to comply with the new rule, and must now recover their systems in order to report and pay royalties under the old rule. Nor did it balance the equities between those lessees who are willing to pay what is due and have already incurred the administrative costs of complying with the new rule and those lessees who are challenging the new rule in order to avoid the paying royalties on the fair value of their production. The Department ignored the harm postponement causes the former and considered only the potential harm not postponing the effective date may cause the latter.

<sup>19</sup> 81 Fed. Reg. at 43359.

<sup>20</sup> *Winter v. United States*, 555 U.S. at 22 (emphasis in original).

<sup>21</sup> *Virginia Petroleum Jobbers Association v. Federal Power Commission*, 259 F.2d at 925.

<sup>22</sup> 81 Fed. Reg. at 43367.

<sup>23</sup> 82 Fed. Reg. at 11823-11824.

The final part of the four-part test requires the Department to determine if staying the rule is in the public interest. Here, the Department simply declares, without explanation, that “the public interest ... requires postponing the effectiveness” of the new rule. In the absence of any analysis of the public interest, the Department’s conclusion is unconvincing.<sup>24</sup> “By summarily citing to the public’s interest without elaboration,” the Department “abdicated its responsibility to fully analyze” the fourth factor in the four-part test.<sup>25</sup>

In sum, the Department’s action in postponing the effective date of the new royalty valuation rule, which had already taken effect, exceeded the Department’s authority under section 705 of the Administrative Procedure Act and does not meet the standards the courts have long required agencies to apply when they seek to use their authority under that section.<sup>26</sup> Postponing the effective date of the new rule in this manner was plainly contrary to law.

You testified at your confirmation hearing that you “will follow the law.”<sup>27</sup> This may be a good place to start. You should lift the stay and let the royalty valuation rule go back into effect.

Sincerely,



Maria Cantwell  
Ranking Member

<sup>24</sup> *Winter v. United States*, 555 U.S. at 26 (finding that a district court had not given “serious consideration to the public interest factor,” where it addressed this consideration “in only a cursory fashion,” despite its importance).

<sup>25</sup> *Gordon v. Holder*, 632 F.3d 722, 725 (D.C. Cir. 2011) (finding a “district court erred by addressing” the public interest factor “in conclusory fashion”).

<sup>26</sup> *Sierra Club v. Jackson*, 833 F. Supp. 2d at 30 (“the standard for a stay [under section 705] at the agency level is the same as the standard for a stay at the judicial level: each is governed by the four-part preliminary injunction test”), citing *Cuomo v. Nuclear Regulatory Commission*, 772 F.2d 972, 974 (D.C. Cir. 1985); *Virginia Petroleum Jobbers Association v. Federal Power Commission*, 259 F.2d 921, 925 (D.C. Cir. 1958).

<sup>27</sup> Hearing Transcript at 107.

# United States Senate

WASHINGTON, DC 20510

February 1, 2017

003599

The Honorable Donald Trump  
President of the United States of America  
The White House  
1600 Pennsylvania Ave, NW  
Washington, DC 20500

Dear President Trump:

As the former Chairs, and current Ranking Member, of the United States Senate Committee on Indian Affairs, we write to express our concern about the Presidential Memorandum issued on January 24, 2017 and reports that the Army Corps of Engineers intends to grant a final easement allowing construction of the Dakota Access Pipeline without appropriate consultation with the Standing Rock Sioux Tribe and due process.

This project would carry more than 500,000 barrels of oil each day while crossing underneath the Missouri River (at Lake Oahu) less than one-half mile north of the Standing Rock Sioux Reservation. This body of water is vital to the Tribe as well as the region. It provides drinking water, habitat for fish, wildlife and plants that sustain the Tribe, and is critical for sacred ceremonies.

It is for these reasons that the United States Department of the Army (through the Army Corps of Engineers) made the determination that an Environmental Impact Statement (EIS) is necessary to assess the impact that granting an easement at this location would have on the Tribe, the environment, and all those who rely on the Missouri River for their livelihood. This process has started, with the Army soliciting comments on the scope of an EIS.

It appears that your memorandum and the reported decision to grant the easement, seeks to truncate and override the EIS process and predetermine an outcome. This causes us a great deal of concern. Long standing legal precedent requires the United States to uphold its trust responsibility to tribes and protect the lands and resources that were guaranteed to them by treaty. By "expediting" this process and proceeding without appropriate consultation and pushing for a predetermined outcome, the United States would be turning its back on its most solemn trust responsibility to the Tribe. We are deeply concerned and believe the United States must uphold its trust and treaty obligations to the Tribe and respect the self-determination and wishes of all tribal nations.

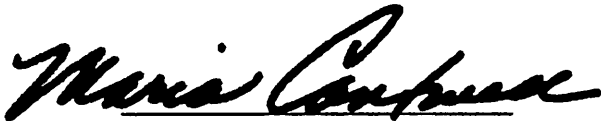
For the last forty years federal policy, with respect to American Indian affairs, has recognized the federal government's responsibility to support tribal sovereignty and self-determination, a policy that was heralded by President Nixon and furthered under President Reagan. This policy requires the United States to engage with tribal governments on a government-to-government basis. Your January 24th memorandum was issued without any consultation by you or your staff with the Standing Rock Sioux Tribe.

Your January 24th memorandum requires that the Army Corps of Engineers carry out your directive to "the extent permitted by law." We believe existing law requires the Army to complete the already published EIS process, including notice and comment, and appropriate consultation with impacted parties. To do anything less, would undermine the rule of law and U.S. responsibilities to the Tribe.

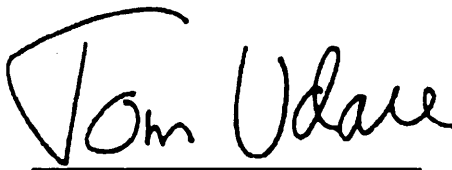
We ask that you uphold the United States' legal and moral responsibility to meaningfully consult with the Standing Rock Sioux Tribe before taking any further action with respect to the Dakota Access Pipeline. All federal agencies involved in the project should meaningfully consult with the Tribe before proceeding, and the U.S. Department of the Army should complete the EIS process with meaningful consultation with the Tribe. It is extremely important to fully understand the cumulative environmental and social impacts of a project of this scale. A full assessment of this project and possible alternatives must continue, and we would like to request updates on its progress.

We look forward to your response.

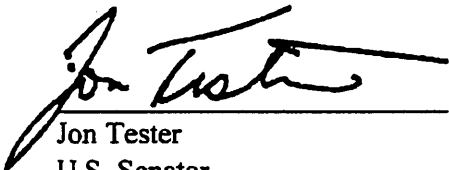
Sincerely,



Maria Cantwell  
U.S. Senator



Tom Udall  
U.S. Senator



Jon Tester  
U.S. Senator

**David Bernhardt Courtesy Meeting Memo  
Senator Al Franken (D- Minnesota)**



**Education:** Harvard U., A.B. 1973 (general studies)

**Career:** Author; radio talk show host; screenwriter; comedian

**Committees:** Energy and Natural Resources; Indian Affairs; Health, Education, Labor and Pensions (HELP); Judiciary

**CORRESPONDENCE**

April 27, 2017 – Cosigned letter to Secretary urging no revision to 2017-2022 Five-Year Plan.

April 26, 2017 – Cosigned letter to President Trump expressing concern with his memorandum on review of national monument designations.

**KEY ISSUES**

**Overview:** Senator Franken has consistently raised with DOI witnesses the issues of funding for the Lewis and Clark rural water project, funding for BIE schools, and renewable energy development. He is also concerned with the intrusion of invasive Asian Carp in the Great Lakes and into local bodies of water. He is an active member of the Senate Committee on Indian Affairs, where he has focused on Indian education issues related to Minnesota. He is also interested in expanding renewable energy development with tribal partners with an emphasis on access to such renewable energy development and transmission of such energy to tribes located in rural areas (small scale development/transmission).

At his confirmation hearing, the Secretary and Sen. Franken had a dialogue about climate change. Sen. Franken raised support for LWCF, the Lewis and Clark rural water project, the NPS maintenance backlog, BLM's oil and gas leasing program, the future of coal, NPS sexual harassment claims, wildfire policy, renewable energy and Invasive species. He stressed support for Native American programs, including clean energy development and the Tribal Energy Loan Guarantee Program.

**Indian Education:** Indian school construction/education issues: he has in the past been critical of past budgets on school construction and general plans to improve Indian education. He was quoted in a series of articles in the Minneapolis Star Tribune over concern of the dilapidated conditions of BIE schools.

**Rural Water:** He is an outspoken advocate for the Lewis and Clark Rural Water project, authorized in 2000. The total project cost share is 80 percent federal and 20 percent non-federal, and the federal portion is over 50% complete with 100% of the non-Federal cost share complete.

**Asian Carp:** He is concerned with the intrusion of invasive Asian Carp in the Great Lakes and into local bodies of water, and has called for FWS to take a more active role to slow the spread of Asian carp in the Upper Mississippi and Ohio River Basins.

**Climate Change and Clean Power:** Sen. Franken is one of Congress' most vocal advocates for addressing climate change in a comprehensive way. Last year, as the Obama Administration was working on finalizing a draft of the Clean Power Plan, Sen. Franken called on President Obama to make sure that the final rule provided flexibility for states like Minnesota that are already taking action to reduce emissions.

#### SPONSORED LEGISLATION

To modify the boundary of Voyageurs National Park (S.502) – Modifies the boundary of Voyageurs National Park in the State of Minnesota. Recently reported out of the Senate Energy and Natural Resources Committee.

#### FAST FACTS ON MINNESOTA

- 12 tribes and 4 BIE schools
- 20 National Wildlife Refuges
- 5 Units of the National Park System, including Voyageurs National Park
- 1,400 acres of BLM-administered surface land



**David Bernhardt Courtesy Meeting Memo  
Senator Maria Cantwell (D - Washington)**



**Education:** Miami U. (Ohio), B.A., 1980 (public policy)

**Career:** Internet audio company executive; public relations consultant

**Committees:** Energy & Natural Resources (Ranking Member); Indian Affairs; Commerce, Science and Transportation; Finance; Small Business and Entrepreneurship.

**Meeting Date/Time:**

**Location:**

**Scheduler:**

**Phone:**

**Staff:**

**CORRESPONDENCE**

May 11, 2017 – Letter to Nominee for Deputy Secretary seeking additional information from the nominee for the Committee.

May 11, 2017 – Cosigned letter, with other western Democrats, to Secretary urging that RACs and other advisory councils be allowed to continue regular meetings.

April 27, 2017 – Cosigned letter to Secretary requesting extension of comment period (from 30 to 90 days to July 3) on proposed rule repealing the Consolidated Federal Oil and Gas and Federal and Indian Coal Valuation Rule and ANPR on whether to revise regulations.

April 27, 2017 – Cosigned letter to Secretary urging no revision to 2017-2022 Five-Year Plan.

April 26, 2017 – Cosigned letter to President Trump expressing concern with his memorandum on review of national monument designations.

March 29, 2017 – Urging the use of the Burned Area Rehabilitation program to fund post-wildfire recovery needs of the tribal communities in the Pacific Northwest.

March 7, 2017 – Letter to Secretary urging that the royalty valuation rules the effective date of which had been postponed by the Department should be put back in effect.

February 1, 2017 – Cosigned letter to President Trump expressing concern about his memorandum on construction of the Dakota Access Pipeline without appropriate consultation with the Standing Rock Sioux Tribe.

**KEY ISSUES**

**Overview:** Senator Cantwell advocates for greater support for renewable energy sources and has called for a ban on West coast offshore drilling. She champions reforms to federal coal lease management. She has spoken out against the Pebble Mine Development.

She has led efforts to change wildfire management and supports treated the worst fires as disasters to be paid for by FEMA.

At the Secretary's confirmation, two major areas of focus were the coal program, i.e. valuation and self-bonding and wildland fire funding. She also urged DOI's continued support for BORs Yakima Basin project, increased USGS LiDAR funding for landslides, and support for the Spokane dam construction settlement.

She noted her interest in addressing the NPS maintenance backlog, LWCF, and tribal sovereignty, energy development oversight and regulation, climate change, drought, water policy and reauthorization of the Columbia River Treaty.

**Monuments and Parks:** Sen. Cantwell is a strong supporter of the National Parks, particularly those in her home state, and is also a strong supporter of the use of the Antiquities Act to designate national monuments.

**Offshore oil and gas:** She is a consistent opponent of offshore oil and gas development on the west coast and has cosponsored legislation in the past to permanently prohibit drilling on the OCS off California, Oregon, and Washington. She has also raised concerns with impacts of Geological and Geophysical activities related to oil and gas exploration on marine life.

**Wildfire:** Washington State has been hit hard by wildfires in recent years. She has been vocal in seeking aid for the State and in developing legislative language to address fire funding shortfalls, similar in many ways to the past Administration proposals that would fund wildfire activities like disasters.

**Volcano monitoring:** Strong proponent, along with Chairman Murkowski, of establishing a volcano early warning and monitoring system to monitor, warn, and protect citizens from avoidable harm from volcanic activity.

## SPONSORED LEGISLATION

Spokane Tribe of Indians of the Spokane Reservation Equitable Compensation Act (S.995) - provides for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam.

A bill to protect taxpayers from liability associated with the reclamation of surface coal mining operations (S.800) - amends the SMACRA to prohibit OSM and state regulatory authorities from accepting new self-bonds for coal reclamation, among other provisions.

Mountains to Sound Greenway National Heritage Area Act (S.713) establishes the Mountains to Sound Greenway National Heritage Area in the state of Washington. The bill was reported out of Committee on March 30, 2017.

Yakima River Basin Water Enhancement Project Phase III Act (S.714) authorizes Phase III of the Yakima River Basin Water Basin Water Enhancement Project for the purposes of improving water management in the Yakima River basin, among other provisions. The bill was reported out of Committee on March 30, 2017.

Maritime Washington National Heritage Area Act (S. 627) establishes the Maritime Washington Heritage Area in the State of Washington.

Land and Water Conservation Authorization and Funding Act (S.569) amends the LWCF Act of 1965 to make permanent the authorization for the Fund. Funds deposited into the LWCF may be spent without being subject to the appropriations process. These funds are in addition to amounts made available GOMESA or otherwise

appropriated from the LWCF. Congress may provide for alternate allocations using specified procedures. At least 1.5% of the annual authorized funds shall be used for projects that secure recreational public access to existing federal public land for hunting, fishing, and other recreational purposes.

#### FAST FACTS ON WASHINGTON

29 tribes and 7 BIE schools

23 National Wildlife Refuges

15 Units of the National Park System, including Mount Rainier National Park

13 million acres of BLM-administered mineral estate

400,000 acres of BLM-administered surface land:

- 1 National Monument

- 1 Wilderness Area

- 1 Wilderness Study Area

2 million acres of BLM-administered Indian trust mineral estate

**David Bernhardt Courtesy Meeting Memo  
Senator James Risch (R- Idaho)**



**Education:** U. of Wisconsin, Milwaukee, attended 1961-63; U. of Idaho, B.S. 1965 (forest resources management), J.D. 1968

**Career:** Lawyer; rancher; trailer company owner; property management company owner; college instructor

**Committees:** Energy and Natural Resources; Foreign Relations; Small Business and Entrepreneurship; Select Ethics; Select Intelligence

**Meeting Date/Time:**

**Location:**

**Scheduler:**

**Phone:**

**Staff:**

CORRESPONDENCE

N/A

KEY ISSUES

**Overview:** Senator Risch strongly supports multiple use for public lands, particularly for economic activities such as oil/gas/mineral development, grazing and timber, and siting of power lines and pipelines. He is a co-chair of the Congressional Sportsmen's Caucus.

**PILT and SRS:** Senator Risch is concerned about the critical role that the Payment in Lieu of Taxes program plays in many rural county budgets in Idaho, and is a vocal proponent of fully funding the PILT program. On PILT, Risch has stated that it "provides payments to counties to help offset losses in property taxes due to nontaxable federal land within their boundaries. Reauthorizing PILT is necessary to avoid severe cuts in our county budgets." He is advocating reauthorization of the now-expired Secure Rural Schools and Community Self-Determination Act (SRS) payment program, principally overseen by the United States Forest Service.

**Forestry Issues:** Inaugural member of the Senate Working Forests Caucus, which is intended to serve as a forum to discuss policies that promote and preserve America's working forests.

**Hunting and Fishing on Public Lands:** Sen. Risch has in past congresses sponsored legislation to ensure that hunting and fishing are allowed on public lands, and is a co-sponsor of the Sportsmen's Act. He is co-chair, with Senator Manchin, of the Congressional Sportmen's Caucus.

**Renewable Energy:** Senator Risch is an advocate of a broad, all-of-the-above domestic energy supply; he believes in putting renewable energy under a similar framework as conventional energy, and requiring royalty payments on renewable energy to benefit the counties and states where renewable energy projects are located.

#### SPONSORED LEGISLATION

A bill to extend the Secure Rural Schools and Community Self-Determination Act of 2000 (S. 1027) – Would reauthorize the SRS payment program and extend it to FY 2019.

Sportsmen’s Act (S. 733) – Provides congressional direction to federal agencies to facilitate expansion and enhancement of hunting, fishing, and recreational shooting opportunities on federal lands. Reported by the Senate Energy Committee at the end of March.

#### FAST FACTS ON IDAHO

- 4 tribes and 2 BIE schools
- 7 National Wildlife Refuges
- 6 units of the National Park System, including Craters of the Moon National Monument
- 37 million acres of BLM-administered mineral estate
- 12 million acres of BLM-administered surface land:
  - 1 National Conservation Area
  - 1 National Monument
  - 9 Wilderness Areas
  - 40 Wilderness Study Areas
  - 16 Wild and Scenic Rivers
  - 4 National Historic Trails
  - 1 National Scenic Trail
- 1 million acres of BLM-administered Indian trust mineral estate

**David Bernhardt Courtesy Meeting Memo  
Senator Ron Wyden (D-Oregon)**



**Education:** U. of California, Santa Barbara, attended 1967-69; Stanford U A.B. 1971 (political science); U. of Oregon, J.D. 1974

**Career:** Lawyer; professor; senior citizen advocacy group state director

**Committees:** Energy and Natural Resources; Budget; Finance; Select Intelligence;

**Meeting Date/Time:**

**Location:** 221 Dirksen

**Scheduler:**

**CORRESPONDENCE**

May 11, 2017 – Cosigned letter, with other western Democrats, to Secretary urging that RACs and other advisory councils be allowed to continue regular meetings.

April 27, 2017 – Cosigned letter to Secretary requesting extension of comment period (from 30 to 90 days to July 3) on proposed rule repealing the Consolidated Federal Oil and Gas and Federal and Indian Coal Valuation Rule and ANPR on whether to revise regulations.

April 27, 2017 – Cosigned letter to Secretary urging no revision to 2017-2022 Five-Year Plan.

April 26, 2017 – Cosigned letter to President Trump expressing concern with his memorandum on review of national monument designations.

March 29, 2017 – Letter to Secretary supporting BLM use of LWCF funds to acquire inholding along John Day River in support of recreational access.

February 13, 2017 – Letter to Acting Secretary Haugrud expressing concerns about impact of hiring freeze on wildfire fighting capabilities.

**KEY ISSUES**

**Overview:** Senator Wyden previously served as Chairman of SENR before moving on to Chair the Committee on Finance, where he currently serves as Ranking Member. He supports renewable energy, such as wind development in Oregon. He is a strong proponent of addressing a compromise solution to the issues that have plagued timber development in Oregon. He has lately been interested in finding a solution to the National Park Service's \$12 billion operations and maintenance backlog. He is has been working with Senator Merkley (D-OR) to find a comprehensive solution for water, fishery, and power issues in the Klamath Basin. He regularly

supports legislation to extend the Secure Rural Schools program and PILT.

**Wildfire Budgeting.** Senator Wyden previously co-sponsored the Wildfire Disaster Funding Act, which would allow Interior and the Forest Service to access additional new budget authority for wildland fire suppression, ending the budgetary practice of “borrowing”, whereby Interior and USFS borrow from non-fire accounts when fire suppression costs exceed the budget.

**Western Oregon Forestry:** Senator Wyden remains committed to resolve the longstanding issue of development of timber on O&C Lands. Previous legislation authored by Sen. Wyden aimed to create jobs, protect clean water sources, old growth trees and habitats, and establish a permanent and stable source of revenue for O&C counties. This bill would have designated a portion of the O&C lands for sustainable timber harvests while setting aside a roughly equivalent amount of land for permanent conservation. It would also address checkerboard ownership through promoting land exchanges.

**Secure Rural Schools and PILT.** Senator Wyden has played an active role in seeking short-term extensions to the Secure Rural Schools and PILT programs, while introducing legislation for long-term extensions. Wyden has stated that these programs provide a critical lifeline to resource dependent, rural communities that are located in close proximity to federal lands. The Secure Rural Schools program, which provides funding to counties supplementing Oregon and California Lands Act funding, expired in 2015, while PILT has been extended over the last decade through a series of short-term bills. He has co-sponsored legislation related to both issues.

**Klamath Basin Restoration Agreement:** Senator Wyden advocated congressional authorization of the Klamath Basin Restoration Agreement, which, along with the Klamath Hydroelectric Settlement Agreement aimed to resolve long-standing water rights disputes, facilitate fish habitat restoration actions, resolve outstanding water user debt, provide a means for water conservation in the Klamath Project and the development of sources of power for project beneficiaries. The KBRA terminated at the end of 2016 due to lack of congressional authorization. Senator Wyden has been actively involved in advancing the development of the 2014 Upper Klamath Basin Comprehensive Agreement, an amended KHSA and 2016 Klamath Power and Facilities Agreement. He now seeks authorization of the amended KHSA and power agreement.

#### KEY INTRODUCED LEGISLATION

A bill Amending the Internal Revenue Code of 1986 to provide tax incentives for increased investment in clean energy (S. 1068)

Marine Energy Act (S. 1036) - A bill to promote research, development, and demonstration of marine and hydrokinetic renewable energy technologies, and for other purposes

A bill to prohibit the Secretary of the Interior from revising the approved oil and gas leasing program for fiscal years 2017 through 2022 [Co-sponsor] (S. 985)

Land and Water Conservation Authorization and Funding Act [Co-sponsor] (S. 569)

American Soda Ash Competitiveness Act [Co-sponsor] (S. 546)

Western Oregon Tribal Fairness Act (S. 508) – Places thousands of acres of BLM-managed land in trust to benefit the Cow Creek Band of Umpqua Tribe of Indians and the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, and amends the Coquille Restoration Act to require DOI management of the tribe’s lands in the same way as other tribal forest lands. Reported by the Senate Energy Committee at the end of March.

Southwestern Oregon Watershed and Salmon Protection Act of 2017 (S. 192) – Withdraws specified BLM lands in Oregon from entry, appropriation, disposal, etc., and amends the Wild and Scenic Rivers Act to revise the segment designations for the Chetco River in Oregon.

#### FAST FACTS ON OREGON

- Has 9 Tribes, 21 National Wildlife Refuges and 6 National Parks including Crater Lake National Park



# United States Senate

WASHINGTON, DC 20510

April 27, 2017

The Honorable Ryan Zinke  
Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

Dear Secretary Zinke:

We write to urge you not to revise the 2017-2022 Outer Continental Shelf Oil and Gas Leasing Program (Five-Year Plan) to eliminate protections for the East and West Coasts and for the sensitive marine ecosystems in the Arctic Ocean. Keeping the protections from offshore drilling in place for the Atlantic, Pacific and Arctic Oceans and the Eastern Gulf of Mexico in the Five-Year Plan is essential to protect key industries for our states, such as fishing and tourism, our environment and our climate.

The Five-Year Plan for offshore drilling on the Outer Continental Shelf (OCS) that was finalized in November 2016 already makes available more than 45 billion barrels of oil for drilling. It makes available more than half of all known oil and natural gas resources on federal lands offshore. Extracting and burning even these fossil resources would already be disastrous for our climate. But when oil companies are currently holding and warehousing leases in the Gulf of Mexico that comprise an area nearly the size of Kentucky, we should first ensure that they are taking full advantage of the areas that are already available before contemplating opening any new areas to oil drilling and the threat of a spill. The existing Five-Year Plan includes protections for the East and West Coasts and the Arctic Ocean. We urge you to keep these protections in place.

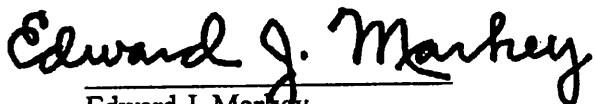
During your confirmation process, you said that you would seek to incorporate local input as you managed our nation's public lands. Allowing drilling anywhere on the East or West Coasts would threaten key economic drivers for these states such as fishing and tourism with the risk of an oil spill. For instance, fishing off East Coast states produces roughly \$1.75 billion in direct value for these states and more than \$4 billion in total economic activity each year. Tourism on the East Coast generates hundreds of billions of dollars in additional economic activity and supports an estimated 800,000 jobs. Offshore oil spills don't respect state boundaries and a spill off the coast of one state could easily affect another.

In the harsh and fragile ecosystem of the Arctic Ocean, the oil industry has had numerous safety lapses and mishaps during efforts to drill offshore. Oil companies have now relinquished the bulk of leases held in the Arctic Ocean, demonstrating a lack of industry interest in drilling in this area.

We urge you to keep the current five-year offshore drilling plan in place and not revise the program to remove protections against drilling off the East and West Coasts and in the Arctic Ocean. Keeping these protections against offshore drilling in place is essential for vital industries in our states and to ensure that we protect our beaches and our climate.

Thank you for your attention to this request.

Sincerely,



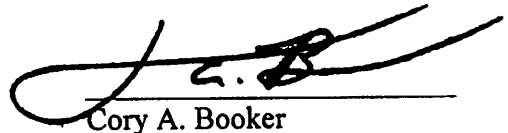
Edward J. Markey  
U.S. Senator



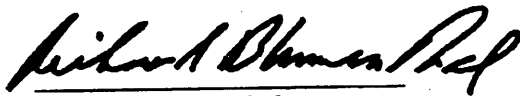
Robert Menendez  
U.S. Senator



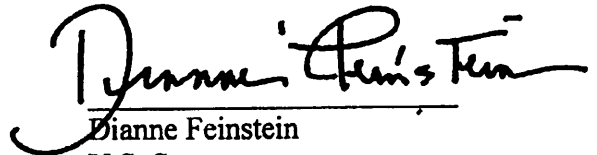
Sheldon Whitehouse  
U.S. Senator



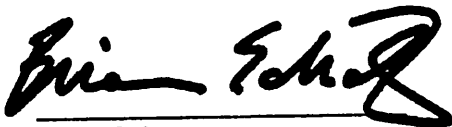
Cory A. Booker  
U.S. Senator



Richard Blumenthal  
U.S. Senator



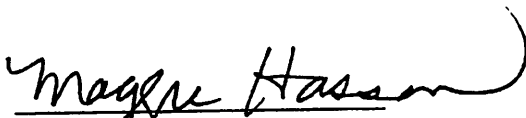
Dianne Feinstein  
U.S. Senator



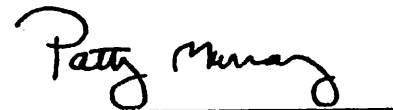
Brian Schatz  
U.S. Senator



Bernard Sanders  
U.S. Senator



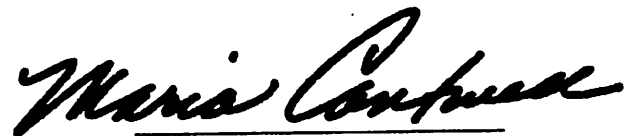
Maggie Hassan  
U.S. Senator



Patty Murray  
U.S. Senator



Thomas R. Carper  
U.S. Senator



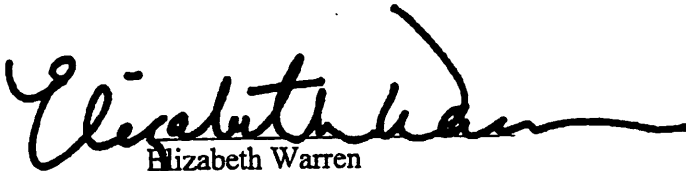
Maria Cantwell  
U.S. Senator



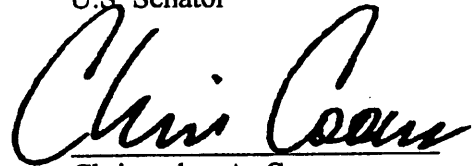
Al Franken  
U.S. Senator




Jeanne Shaheen  
U.S. Senator



Elizabeth Warren  
U.S. Senator



Christopher A. Coons  
U.S. Senator



Benjamin L. Cardin  
U.S. Senator



Kirsten Gillibrand  
U.S. Senator



Bill Nelson  
U.S. Senator



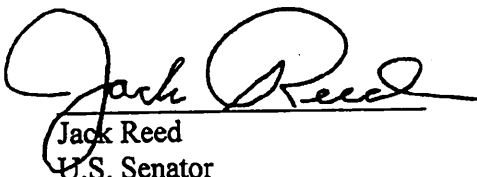
Ron Wyden  
U.S. Senator



Richard J. Durbin  
U.S. Senator



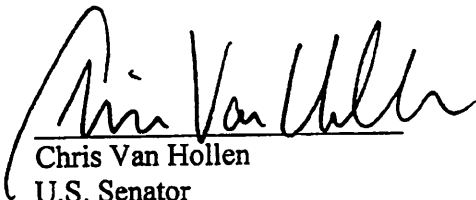
Jeffery A. Merkley  
U.S. Senator



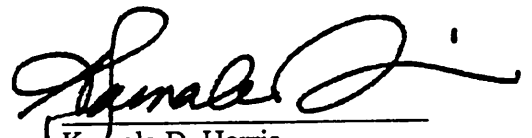
Jack Reed  
U.S. Senator



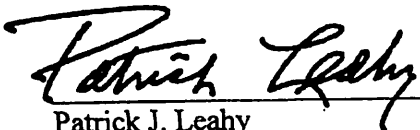
Gary Peters  
U.S. Senator



Chris Van Hollen  
U.S. Senator



Kamala D. Harris  
U.S. Senator



Patrick J. Leahy  
U.S. Senator

# United States Senate

WASHINGTON, DC 20510

003733

April 26, 2017

RECEIVED

2017 MAY -2 AM 10:54

OFFICE OF THE  
EXECUTIVE SECRETARIAT

President Donald Trump  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500

Dear Mr. President,

We are writing you to express our deep concern with your Executive Order directing the Department of the Interior to review prior national monument designations and propose changes to modify or retract protection of these lands. Sixteen presidents from both parties have used the authority under the Antiquities Act to protect iconic landscapes across the United States and preserve the natural, cultural, historical, and scientific values for the benefit of all Americans and future generations. During your campaign and during Secretary Zinke's confirmation hearing, your administration promised to emulate President Teddy Roosevelt and his vision for conserving public lands. We urge you to honor your promises and not alter the protections that previous presidents have put in place to safeguard these national monuments.

These monuments are built upon the support of local communities and are economic drivers across the United States. Just yesterday, the Outdoor Industry Association (OIA) issued the latest economic numbers detailing how the outdoor industry is helping drive our economy. It found that the industry contributes \$887 billion in consumer spending, produces 7.6 million jobs, and creates \$65.3 billion in federal tax revenue and \$59.2 billion in local and state tax revenue. All of these figures have increased since OIA's last study in 2012 and are critical indicators of the value of America's protected public lands. In 2016, National Parks alone saw a record 331 million visits, contributing almost \$35 billion to the U.S. economy. In addition, regions surrounding national monuments have seen continued growth or improvement in employment, personal income and increased per-capita income, and rural counties in the West with more than 30 percent protected public lands saw jobs increase by 345 percent compared to regions without protected lands. Weakening protections, modifying, or rescinding national monuments could damage the economy of local communities.

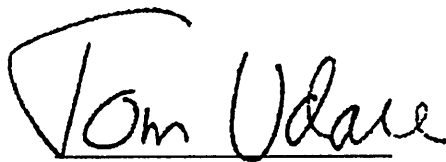
In addition, despite claims to the contrary, all the national monuments designated during the past eight years were designated after public meetings were held and input was gathered from local communities, and each of these monuments had broad local support. The people who enjoy these lands have actively participated in the public process leading to their designation. Outdoor recreationists, local organizations, scientists, and tribes with ancestral ties to these lands all

worked with prior administrations to ensure these lands are protected at the scale necessary to preserve its special values. The public has shown strong support for national monuments. A Colorado College poll in 2017 reports 80% of western voters supported keeping protections for existing national monuments. Recently, OIA announced it would pull its trade show out of Salt Lake City because of efforts to rescind the Bears Ears National Monument. Americans care deeply about national monuments and their voices should be considered if you proceed with any potential changes to the monument designations.

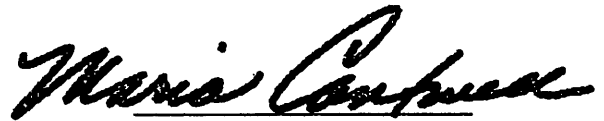
Thus, we request that any process evaluating national monuments designated under the Antiquities Act should be conducted through an open, transparent and public process in which all Americans can participate and provide their information and insight. In particular, it is important that government to government relationships with federally recognized Indian tribes be maintained through meaningful consultation.

Thank you for your consideration.

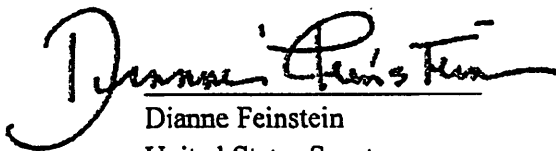
Sincerely,



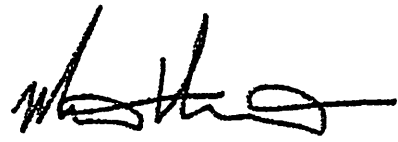
Tom Udall  
United States Senator



Maria Cantwell  
United States Senator



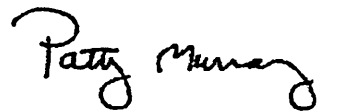
Dianne Feinstein  
United States Senator



Martin Heinrich  
United States Senator



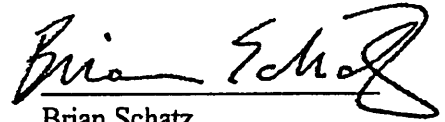
Ron Wyden  
United States Senator



Patty Murray  
United States Senator



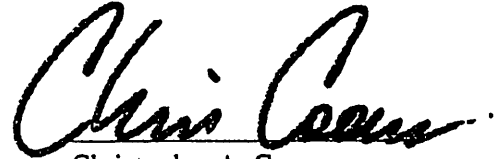
Al Franken  
United States Senator



Brian Schatz  
United States Senator



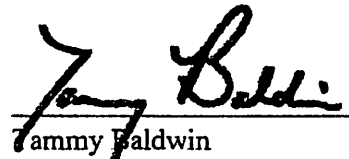
Richard J. Durbin  
United States Senator



Christopher A. Coons  
United States Senator



Kirsten Gillibrand  
United States Senator



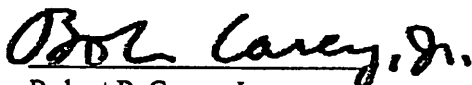
Tammy Baldwin  
United States Senator



Mazie Hirono  
United States Senator



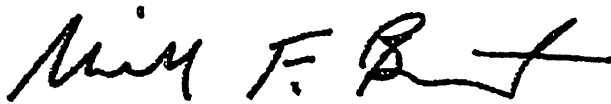
Sherrod Brown  
United States Senator



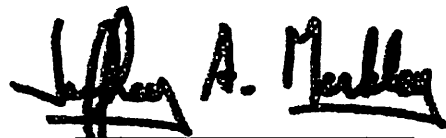
Robert P. Casey, Jr.  
United States Senator



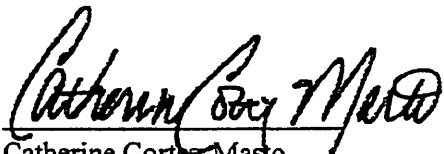
Ben Cardin  
United States Senator



Michael F. Bennet  
United States Senator



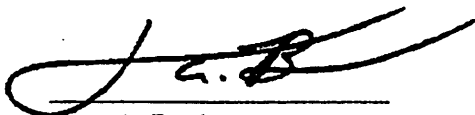
Jeffrey A. Merkley  
United States Senator



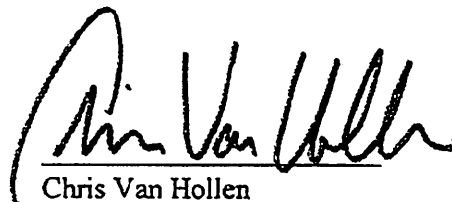
Catherine Cortez-Masto  
United States Senator



Richard Blumenthal  
United States Senator



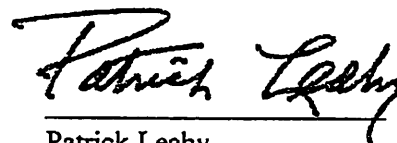
Cory A. Booker  
United States Senator



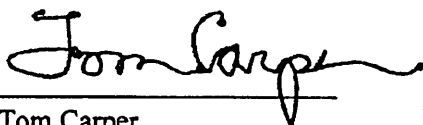
Chris Van Hollen  
United States Senator



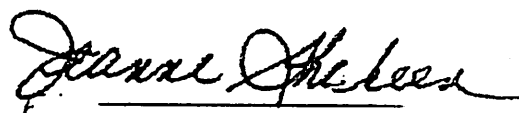
Kamala D. Harris  
United States Senator



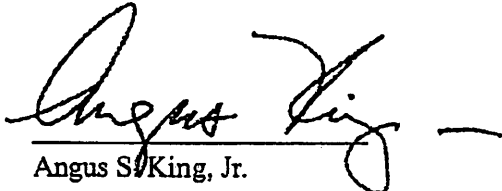
Patrick Leahy  
United States Senator

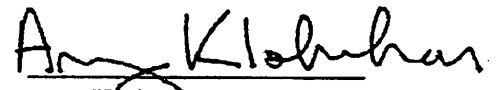


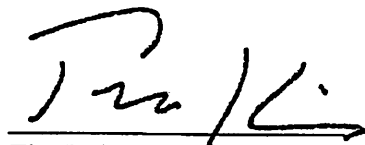
Tom Carper  
United States Senator




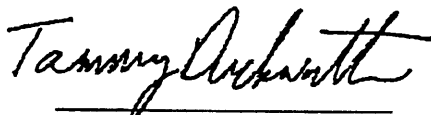
Jeanne Shaheen  
United States Senator

  
Angus S. King, Jr.  
United States Senator

  
Amy Klobuchar  
United States Senator

  
Tim Kaine  
United States Senator

  
Mark Warner  
United States Senator

  
Tammy Duckworth  
United States Senator

Cc: The Honorable Ryan Zinke, Secretary of the Interior  
Michael Young, Acting Secretary of Agriculture



# United States Senate

WASHINGTON, DC 20510

003733

April 26, 2017

RECEIVED

2017 MAY -2 AM 10:54

OFFICE OF THE  
EXECUTIVE SECRETARIAT

President Donald Trump  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500

Dear Mr. President,

We are writing you to express our deep concern with your Executive Order directing the Department of the Interior to review prior national monument designations and propose changes to modify or retract protection of these lands. Sixteen presidents from both parties have used the authority under the Antiquities Act to protect iconic landscapes across the United States and preserve the natural, cultural, historical, and scientific values for the benefit of all Americans and future generations. During your campaign and during Secretary Zinke's confirmation hearing, your administration promised to emulate President Teddy Roosevelt and his vision for conserving public lands. We urge you to honor your promises and not alter the protections that previous presidents have put in place to safeguard these national monuments.

These monuments are built upon the support of local communities and are economic drivers across the United States. Just yesterday, the Outdoor Industry Association (OIA) issued the latest economic numbers detailing how the outdoor industry is helping drive our economy. It found that the industry contributes \$887 billion in consumer spending, produces 7.6 million jobs, and creates \$65.3 billion in federal tax revenue and \$59.2 billion in local and state tax revenue. All of these figures have increased since OIA's last study in 2012 and are critical indicators of the value of America's protected public lands. In 2016, National Parks alone saw a record 331 million visits, contributing almost \$35 billion to the U.S. economy. In addition, regions surrounding national monuments have seen continued growth or improvement in employment, personal income and increased per-capita income, and rural counties in the West with more than 30 percent protected public lands saw jobs increase by 345 percent compared to regions without protected lands. Weakening protections, modifying, or rescinding national monuments could damage the economy of local communities.

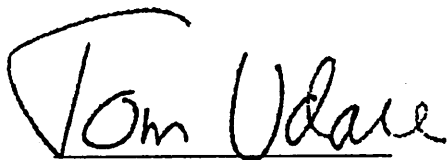
In addition, despite claims to the contrary, all the national monuments designated during the past eight years were designated after public meetings were held and input was gathered from local communities, and each of these monuments had broad local support. The people who enjoy these lands have actively participated in the public process leading to their designation. Outdoor recreationists, local organizations, scientists, and tribes with ancestral ties to these lands all

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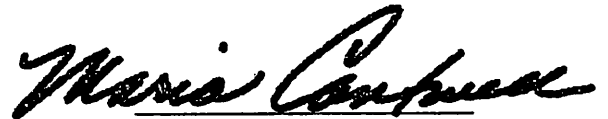
Thus, we request that any process evaluating national monuments designated under the Antiquities Act should be conducted through an open, transparent and public process in which all Americans can participate and provide their information and insight. In particular, it is important that government to government relationships with federally recognized Indian tribes be maintained through meaningful consultation.

Thank you for your consideration.

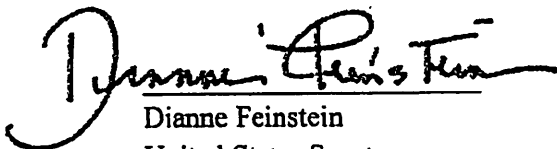
Sincerely,



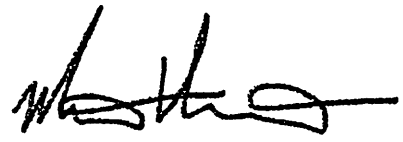
Tom Udall  
United States Senator



Maria Cantwell  
United States Senator



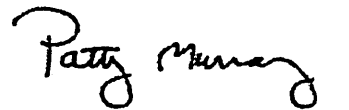
Dianne Feinstein  
United States Senator



Martin Heinrich  
United States Senator



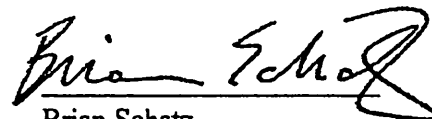
Ron Wyden  
United States Senator



Patty Murray  
United States Senator



Al Franken  
United States Senator



Brian Schatz  
United States Senator



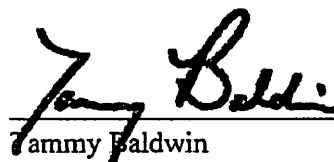
Richard J. Durbin  
United States Senator



Christopher A. Coons  
United States Senator



Kirsten Gillibrand  
United States Senator



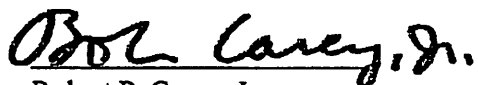
Tammy Baldwin  
United States Senator



Mazie Hirono  
United States Senator



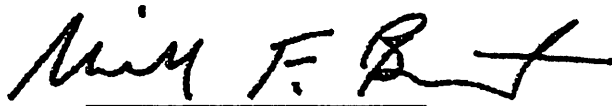
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United States Senator



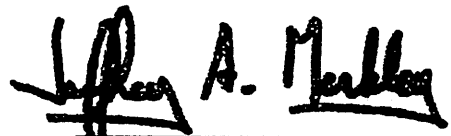
Robert P. Casey, Jr.  
United States Senator



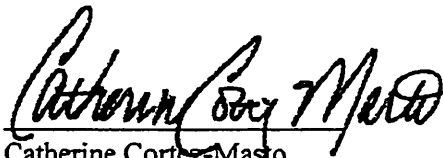
Ben Cardin  
United States Senator



Michael F. Bennet  
United States Senator



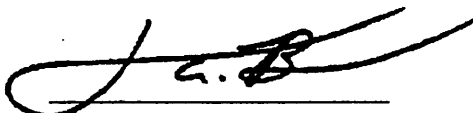
Jeffrey A. Merkley  
United States Senator



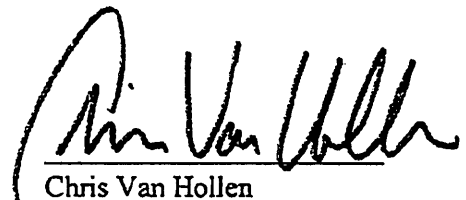
Catherine Cortez-Masto  
United States Senator



Richard Blumenthal  
United States Senator



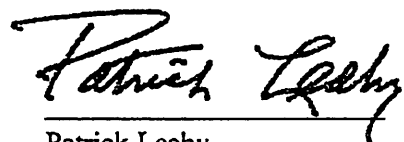
Cory A. Booker  
United States Senator



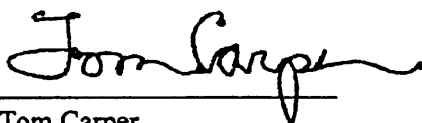
Chris Van Hollen  
United States Senator



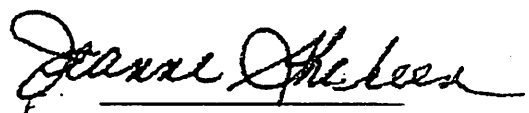
Kamala D. Harris  
United States Senator



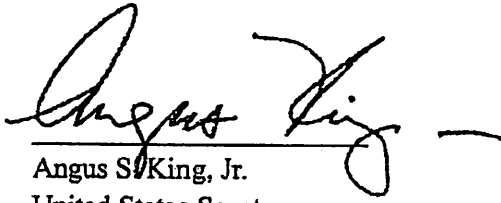
Patrick Leahy  
United States Senator

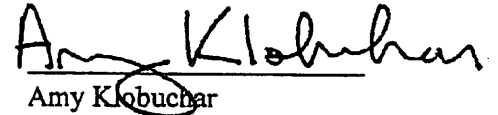


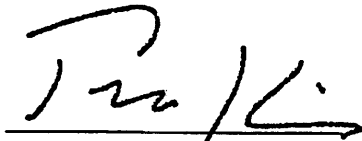
Tom Carper  
United States Senator




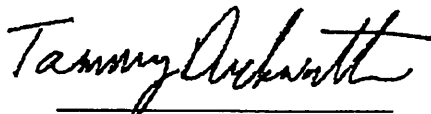
Jeanne Shaheen  
United States Senator

  
Angus S. King, Jr.  
United States Senator

  
Amy Klobuchar  
United States Senator

  
Tim Kaine  
United States Senator

  
Mark Warner  
United States Senator

  
Tammy Duckworth  
United States Senator

Cc: The Honorable Ryan Zinke, Secretary of the Interior  
Michael Young, Acting Secretary of Agriculture

# United States Senate

WASHINGTON, DC 20510

February 2, 2017

Ms. Abigail Ross Hopper  
Director  
Bureau of Ocean Energy Management  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

RE: Solicitation #: M17PS00003

Dear Director Hopper:

We write to bring to your attention the application submitted by the Biodiversity Research Institute (BRI) entitled "Ecological Baseline Studies of the U.S. Outer Continental Shelf" to the Bureau of Ocean Energy Management's (BOEM) Outer Continental Shelf (OCS) Renewable Energy Program, in response to the Request for Quote issued by BOEM. BRI, if selected, would design and conduct marine wildlife baseline surveys in order to better understand current distributions of seabirds, marine mammals, and sea turtles on the OCS.

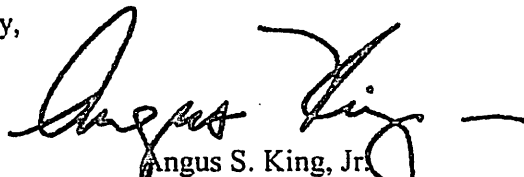
Based in Portland, Maine, BRI assesses emerging threats to wildlife and ecosystems through collaborative research. If selected for the RFQ, BRI would partner with field experts from across the U.S. and Europe, including a well-known offshore wind energy surveyor, an experienced survey vessel captain, and multiple marine wildlife researchers, to collect and analyze survey data that would provide BOEM and developers with information to help guide offshore activities in the South Atlantic Bight portion of the U.S. coastal waters.

We encourage BOEM's careful consideration of the application submitted by the Biodiversity Research Institute, subject to all applicable laws and regulations, and ask that you please notify Katie Seelen (Collins) at (202) 224-2523 and Adam Lachman (King) at (202) 224-5344 when a final decision has been made.

Sincerely,



Susan M. Collins  
United States Senator



Angus S. King, Jr.  
United States Senator



# United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT

WASHINGTON, DC 20240-0001

MAR 21 2017

The Honorable Angus S. King Jr.  
United States Senate  
Washington, D.C. 20510

Dear Senator King:

Thank you for your letter dated February 2, 2017, co-signed by Senator Susan Collins, regarding the application submitted by the Biodiversity Research Institute (BRI) in response to the Bureau of Ocean Energy Management's (BOEM) Request for Quote for "Ecological Baseline Studies of the U.S. Outer Continental Shelf." Director Abigail Ross Hopper is no longer with BOEM, so I am responding as BOEM's Acting Director.

BOEM is considering all applications received in response to the solicitation, in accordance with Federal Acquisition Regulation, Part 15, Contracting by Negotiation. BOEM is assessing the merits of each application to determine which will best meet the requirements set forth in the solicitation.

I appreciate you sharing your perspectives on BRI's applications as well as your continued interest in the development of renewable energy resources on the Outer Continental Shelf. If I can be of further assistance, please do not hesitate to call me at (202) 208-6300 or call Mr. Lee Tilton, Chief, BOEM, Office of Congressional Affairs, at (202) 208-3502. A similar response to your letter has been sent to Senator Collins.

Sincerely,

Walter D. Cruickshank  
Acting Director

# United States Senate

WASHINGTON, DC 20510

005050

RECEIVED

2017 MAY 11 PM 4:5

OFFICE OF THE  
EXECUTIVE SECRETARY

May 11, 2017

Secretary Ryan Zinke  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Secretary Zinke,

We write to express our deep concern over recent reports regarding the suspension of meetings and activities of committees and advisory boards, including Resource Advisory Councils and Resource Advisory Committees.

Resource Advisory Councils (RACs) were created by the Department of the Interior (DOI) in 1995 as a way for the DOI to get diverse community input on public land management issues. RACs have helped inform decisions on issues related to recreation, land use planning, grazing, oil and gas exploration, and wildfire management.

As you know, public land management issues can be very contentious, particularly in the west, as agencies and stakeholders navigate projects that can impact the health of the environment and the longevity of the local economy. Balancing these interests is challenging, which is why RACs were created. By working through difficult land management issues and getting local input from the beginning, projects are more likely to succeed. Without this tool, many good land management projects would never be completed.

Recently, many of us heard from members of RACs in our states that all meetings for those RACs were postponed until September 2017 because the DOI is conducting a review of all advisory boards and committees. Our offices did not receive notice of the postponements and little information was provided to the members of the RACs explaining the reason behind this action. We are very concerned about this news and would like an answer as to why the RAC meetings were postponed during the BLM's review of all advisory boards and committees, and how the BLM will continue to support local collaborative efforts, including RACs, going forward so that they can continue to make real progress for our public lands.

An additional concern arises in Oregon, where Resource Advisory Committees operated by the Bureau of Land Management were created by the Secure Rural Schools and Community Self Determination Act of 2000 (SRS) to help develop and carry out forest management projects. The DOI review also halts these Resource Advisory Committee meetings. SRS Resource Advisory Committees initiate projects on BLM forests that improve forest health, create local jobs, and achieve forest management goals. These projects are funded under Title II of SRS, and Resource Advisory Committees must select and initiate their projects by September 30, 2017. If RAC meetings are postponed until September and SRS Committees do not have enough time to meet and initiate projects, they will lose their Title II funding. This delay could cause counties in Oregon to lose federal funds that could have gone to improve the health of their forests and create local jobs.



During your confirmation hearing, you stressed the importance of local input and collaboration on public land management issues. This is exactly what RACs were formed to do and there are examples of RACs across the country contributing to successful projects that improve the quality of our public lands. Postponing their progress is a detriment to public land and forest management goals, to jobs and local economies, and to public confidence in federal government. It is critical that local voices, including RACs, have the opportunity to provide input and take part in the process at all times, not just when those local voices align with the Administration or a large special interest.

We urge you to allow RACs and SRS Resource Advisory Committees to continue their regular meetings and advance the important work Congress directed them to do. We look forward to your response.

Sincerely,

  
Ron Wyden  
United States Senator  
Tom Udall  
United States Senator  
Martin Heinrich  
United States Senator  
Jeffery A. Merkley  
United States Senator  
Patty Murray  
United States Senator  
Maria Cantwell  
United States Senator  
Dianne Feinstein  
United States Senator  
Michael F. Bennet  
United States Senator

# United States Senate

COMMITTEE ON  
ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-6150

WWW.ENRGY.SENATE.GOV

April 27, 2017

The Honorable Ryan Zinke  
Secretary  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Secretary Zinke:

We write to request that the Department of the Interior extend from 30 to 90 days, until July 3, 2017, the comment periods on both the proposed rule to repeal the Consolidated Federal Oil and Gas and Federal and Indian Coal Valuation Reform (the 2017 Valuation Rule) and the advanced notice of proposed rulemaking on whether to revise the Department's regulations governing the valuation, for royalty purpose, oil and gas produced from Federal onshore and offshore leases and coal produced from Federal and Indian leases. We do not believe that the Department's 30-day comment periods afford the public a meaningful opportunity to comment on these two important rulemakings.

While section 553(c) of the Administrative Procedure Act does not mandate a minimum time for which an agency is required to accept comments in reviewing an agency rulemaking, Executive Orders 12866 and 13563 encourage agencies to provide at least 60 days for public comment to the extent feasible and permitted by law. It is worth noting that the Department provided a more extensive comment period in the original valuation rule-making process. During that time, the Department received more than 1,000 pages of written comments from hundreds of stakeholders and over 190,000 petition signatures, including those from industry, states, local governments, tribes, and other citizens. The Department also held 6 public workshops in order to ensure engagement of all stakeholders.

We are disappointed that this request comes in the absence of a response to a letter about the Department's unlawful postponement of the 2017 Valuation Rule on February 27, 2017. As that correspondence noted, the Department's action exceeded its authority under section 705 of the Administrative Procedure Act. The current postponement of the rule remains unlawful.

EXECUTIVE SECRETARIAT  
OFFICE OF THE

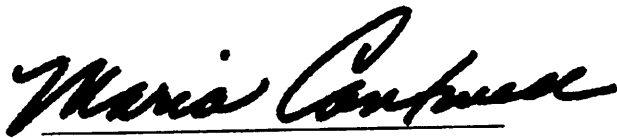
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During your confirmation hearing before the Senate Committee on Energy and Natural Resources, and in your written responses to questions submitted for the record, you claimed to support the most basic tenets of public land law. You stated that you are "committed to ensuring that the American taxpayers get a fair return on all natural resource development on federal lands." The series of actions by your agency with respect to the 2017 Valuation Rule run contrary to your commitment.

Given the importance of this review, we urge the Department to extend the 30-day comment periods on the two rulemakings for an additional 60 days. Thank you for your prompt consideration.

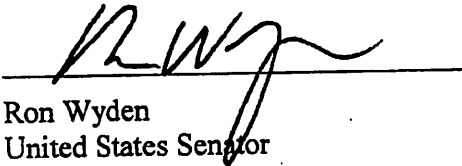
Sincerely,



Maria Cantwell  
United States Senator



Mazie K. Hirono  
United States Senator



Ron Wyden  
United States Senator

# United States Senate

WASHINGTON, DC 20510

April 27, 2017

The Honorable Ryan Zinke  
Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

Dear Secretary Zinke:

We write to urge you not to revise the 2017-2022 Outer Continental Shelf Oil and Gas Leasing Program (Five-Year Plan) to eliminate protections for the East and West Coasts and for the sensitive marine ecosystems in the Arctic Ocean. Keeping the protections from offshore drilling in place for the Atlantic, Pacific and Arctic Oceans and the Eastern Gulf of Mexico in the Five-Year Plan is essential to protect key industries for our states, such as fishing and tourism, our environment and our climate.

The Five-Year Plan for offshore drilling on the Outer Continental Shelf (OCS) that was finalized in November 2016 already makes available more than 45 billion barrels of oil for drilling. It makes available more than half of all known oil and natural gas resources on federal lands offshore. Extracting and burning even these fossil resources would already be disastrous for our climate. But when oil companies are currently holding and warehousing leases in the Gulf of Mexico that comprise an area nearly the size of Kentucky, we should first ensure that they are taking full advantage of the areas that are already available before contemplating opening any new areas to oil drilling and the threat of a spill. The existing Five-Year Plan includes protections for the East and West Coasts and the Arctic Ocean. We urge you to keep these protections in place.

During your confirmation process, you said that you would seek to incorporate local input as you managed our nation's public lands. Allowing drilling anywhere on the East or West Coasts would threaten key economic drivers for these states such as fishing and tourism with the risk of an oil spill. For instance, fishing off East Coast states produces roughly \$1.75 billion in direct value for these states and more than \$4 billion in total economic activity each year. Tourism on the East Coast generates hundreds of billions of dollars in additional economic activity and supports an estimated 800,000 jobs. Offshore oil spills don't respect state boundaries and a spill off the coast of one state could easily affect another.

In the harsh and fragile ecosystem of the Arctic Ocean, the oil industry has had numerous safety lapses and mishaps during efforts to drill offshore. Oil companies have now relinquished the bulk of leases held in the Arctic Ocean, demonstrating a lack of industry interest in drilling in this area.

EXECUTIVE SECRETARIAT  
MAY 30 2017

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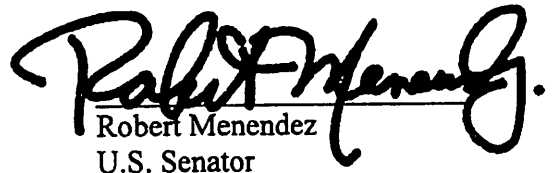
We urge you to keep the current five-year offshore drilling plan in place and not revise the program to remove protections against drilling off the East and West Coasts and in the Arctic Ocean. Keeping these protections against offshore drilling in place is essential for vital industries in our states and to ensure that we protect our beaches and our climate.

Thank you for your attention to this request.

Sincerely,



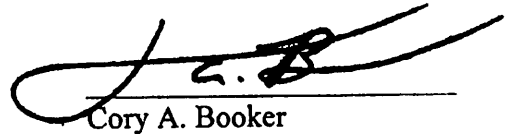
Edward J. Markey  
U.S. Senator



Robert Menendez  
U.S. Senator



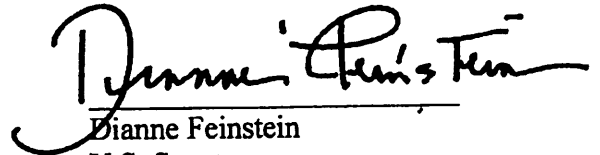
Sheldon Whitehouse  
U.S. Senator



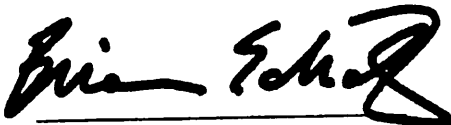
Cory A. Booker  
U.S. Senator



Richard Blumenthal  
U.S. Senator



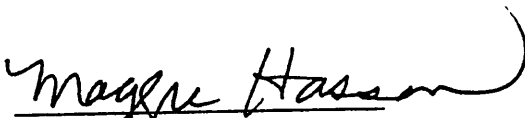
Dianne Feinstein  
U.S. Senator



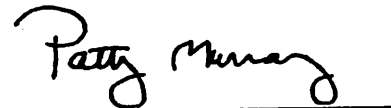
Brian Schatz  
U.S. Senator



Bernard Sanders  
U.S. Senator



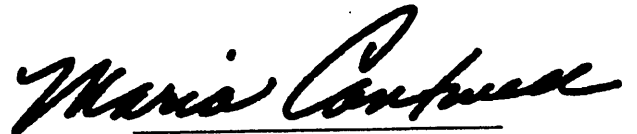
Maggie Hassan  
U.S. Senator



Patty Murray  
U.S. Senator



Thomas R. Carper  
U.S. Senator



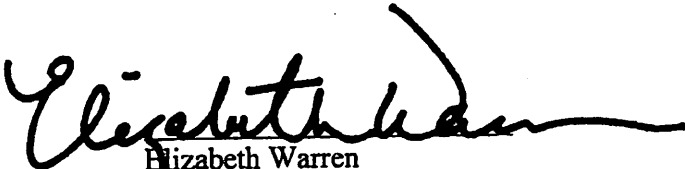
Maria Cantwell  
U.S. Senator



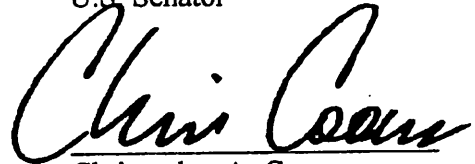
Al Franken  
U.S. Senator



Jeanne Shaheen  
U.S. Senator



Elizabeth Warren  
U.S. Senator



Christopher A. Coons  
U.S. Senator



Benjamin L. Cardin  
U.S. Senator



Kirsten Gillibrand  
U.S. Senator



Bill Nelson  
U.S. Senator



Ron Wyden  
U.S. Senator



Richard J. Durbin  
U.S. Senator



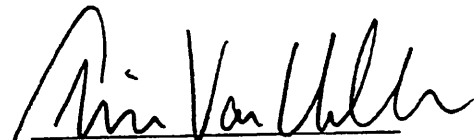
Jerry A. Merkley  
U.S. Senator



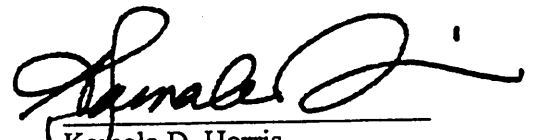
Jack Reed  
U.S. Senator



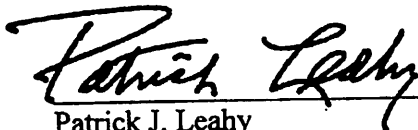
Gary Peters  
U.S. Senator



Chris Van Hollen  
U.S. Senator



Kamala D. Harris  
U.S. Senator



Patrick J. Leahy  
U.S. Senator

United States Senate

WASHINGTON, DC 20510

003733

April 26, 2017

RECEIVED

2017 MAY -2 AM 10:54

OFFICE OF THE  
EXECUTIVE SECRETARIAT

President Donald Trump  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500

Dear Mr. President,

We are writing you to express our deep concern with your Executive Order directing the Department of the Interior to review prior national monument designations and propose changes to modify or retract protection of these lands. Sixteen presidents from both parties have used the authority under the Antiquities Act to protect iconic landscapes across the United States and preserve the natural, cultural, historical, and scientific values for the benefit of all Americans and future generations. During your campaign and during Secretary Zinke's confirmation hearing, your administration promised to emulate President Teddy Roosevelt and his vision for conserving public lands. We urge you to honor your promises and not alter the protections that previous presidents have put in place to safeguard these national monuments.

These monuments are built upon the support of local communities and are economic drivers across the United States. Just yesterday, the Outdoor Industry Association (OIA) issued the latest economic numbers detailing how the outdoor industry is helping drive our economy. It found that the industry contributes \$887 billion in consumer spending, produces 7.6 million jobs, and creates \$65.3 billion in federal tax revenue and \$59.2 billion in local and state tax revenue. All of these figures have increased since OIA's last study in 2012 and are critical indicators of the value of America's protected public lands. In 2016, National Parks alone saw a record 331 million visits, contributing almost \$35 billion to the U.S. economy. In addition, regions surrounding national monuments have seen continued growth or improvement in employment, personal income and increased per-capita income, and rural counties in the West with more than 30 percent protected public lands saw jobs increase by 345 percent compared to regions without protected lands. Weakening protections, modifying, or rescinding national monuments could damage the economy of local communities.

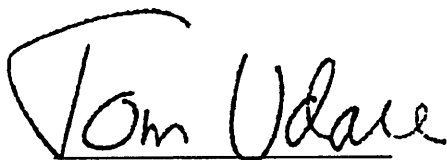
In addition, despite claims to the contrary, all the national monuments designated during the past eight years were designated after public meetings were held and input was gathered from local communities, and each of these monuments had broad local support. The people who enjoy these lands have actively participated in the public process leading to their designation. Outdoor recreationists, local organizations, scientists, and tribes with ancestral ties to these lands all

worked with prior administrations to ensure these lands are protected at the scale necessary to preserve its special values. The public has shown strong support for national monuments. A Colorado College poll in 2017 reports 80% of western voters supported keeping protections for existing national monuments. Recently, OIA announced it would pull its trade show out of Salt Lake City because of efforts to rescind the Bears Ears National Monument. Americans care deeply about national monuments and their voices should be considered if you proceed with any potential changes to the monument designations.

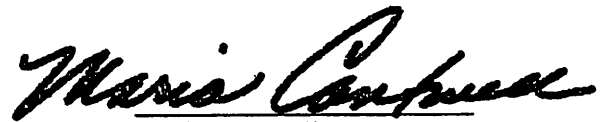
Thus, we request that any process evaluating national monuments designated under the Antiquities Act should be conducted through an open, transparent and public process in which all Americans can participate and provide their information and insight. In particular, it is important that government to government relationships with federally recognized Indian tribes be maintained through meaningful consultation.

Thank you for your consideration.

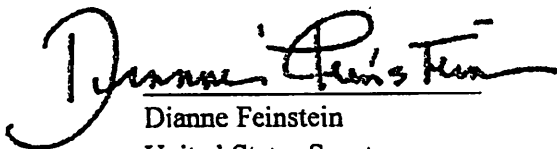
Sincerely,



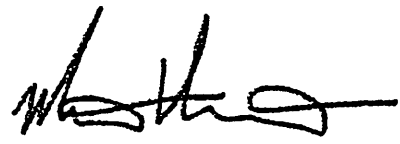
Tom Udall  
United States Senator



Maria Cantwell  
United States Senator



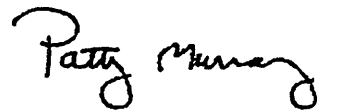
Dianne Feinstein  
United States Senator



Martin Heinrich  
United States Senator



Ron Wyden  
United States Senator

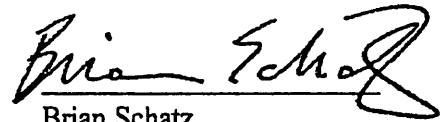


Patty Murray  
United States Senator





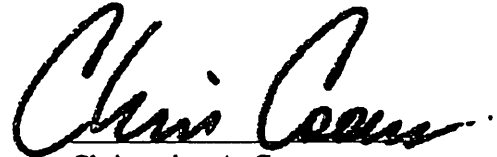
Al Franken  
United States Senator



Brian Schatz  
United States Senator



Richard J. Durbin  
United States Senator



Christopher A. Coons  
United States Senator



Kirsten Gillibrand  
United States Senator



Tammy Baldwin  
United States Senator



Mazie Hirono  
United States Senator



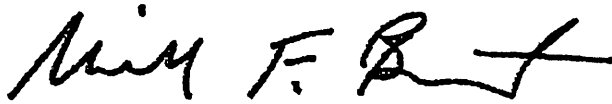
Sherrod Brown  
United States Senator



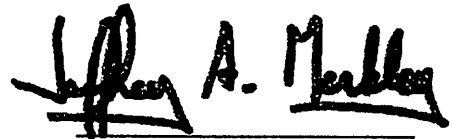
Robert P. Casey, Jr.  
United States Senator



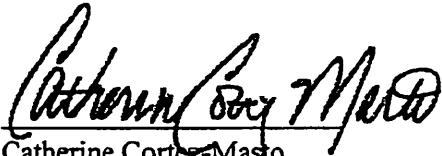
Ben Cardin  
United States Senator



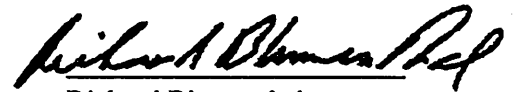
Michael F. Bennet  
United States Senator



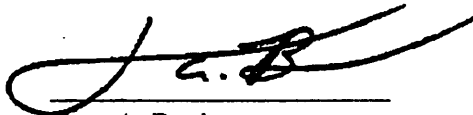
Jeffrey A. Merkley  
United States Senator



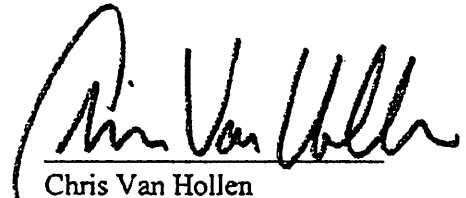
Catherine Cortez-Masto  
United States Senator



Richard Blumenthal  
United States Senator



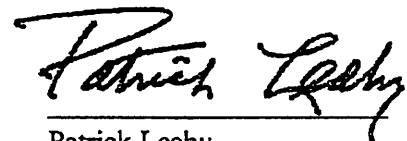
Cory A. Booker  
United States Senator



Chris Van Hollen  
United States Senator



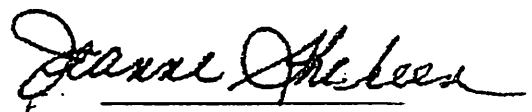
Kamala D. Harris  
United States Senator



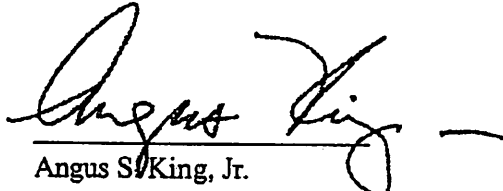
Patrick Leahy  
United States Senator

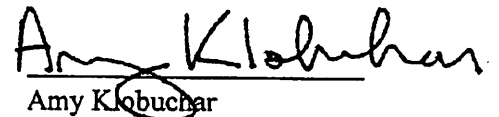


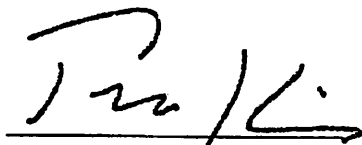
Tom Carper  
United States Senator

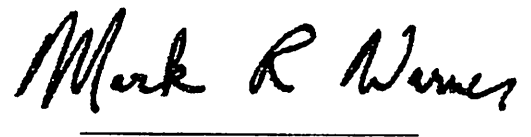


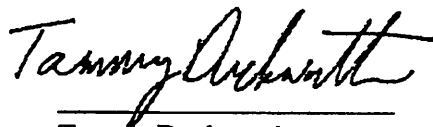
Jeanne Shaheen  
United States Senator

  
Angus S. King, Jr.  
United States Senator

  
Amy Klobuchar  
United States Senator

  
Tim Kaine  
United States Senator

  
Mark Warner  
United States Senator

  
Tammy Duckworth  
United States Senator

Cc: The Honorable Ryan Zinke, Secretary of the Interior  
Michael Young, Acting Secretary of Agriculture

# United States Senate

WASHINGTON, DC 20510

March 29, 2017

The Honorable Ryan Zinke  
Secretary, U.S. Department of the Interior  
1849 C Street, NW  
Washington, D.C. 20240

Dear Secretary Zinke:

We are writing to seek your support for the Bureau of Land Management to utilize the Land and Water Conservation Fund to seize a unique opportunity to acquire a nationally important property along Oregon's John Day River.

The 8,100-acre inholding lies mid-canyon along the John Day's 148-mile Wild & Scenic River section. This world-renowned section of the John Day draws steelhead anglers from across the nation and Canada because of its world-class fishing, extraordinary landscapes and scenery. BLM's acquisition of the property would create the only public access point midway along the canyon. In addition to enhancing law enforcement and administrative continuity, the access would also make this exceptional resource available to many individuals who are able to commit to a 5-day trip but not a more challenging 9-10 day trip.

In addition, the acquisition would significantly increase hunter access for sheep, deer and elk in the early fall—both on the property and along the riparian area of the river. The acquisition also includes four miles of Thirtymile Creek, a key spawning tributary to the John Day River that would provide permanent protections to Chinook and Steelhead.

Importantly, the project enjoys the strong support of the local community, guide shops, and the BLM. In addition to creating more recreational tourism for the local economy, this project also seeks to balance traditional uses such as farming and grazing.

We support the Department of Interior funding the project out of the FY17 "Recreational Access" line under LWCF and believe this project would be a sound investment of those funds. We appreciate your consideration of this opportunity to significantly increase the public's recreational access to federal lands while also conserving and preserving important wildlife species and habitat.

Sincerely,

  
Ron Wyden  
United States Senator

  
Jennifer A. Merkley  
United States Senator

RON WYDEN  
OREGON

RANKING MEMBER OF COMMITTEE ON  
FINANCE

221 DIRKSEN SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-5244

United States Senate  
WASHINGTON, DC 20510-3703

February 13, 2017

COMMITTEES:

COMMITTEE ON FINANCE  
COMMITTEE ON BUDGET  
COMMITTEE ON ENERGY AND NATURAL RESOURCES  
SELECT COMMITTEE ON INTELLIGENCE  
JOINT COMMITTEE ON TAXATION

000524

Kevin Haugrud  
Acting Secretary  
Department of the Interior  
1849 C Street N.W.  
Washington, DC 20240

Dear Acting Secretary Haugrud:

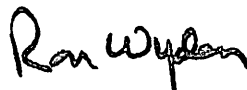
I write to express my concerns about the federal hiring freeze and its impacts on important work in Oregon's forests and rangeland. I joined my Oregon colleagues in a recent letter outlining our concerns about the federal hiring freeze and potential negative effects on wildland firefighting for the 2017 season. I have heard informally from United States Forest Service staff that hiring has resumed. But the Bureau of Land Management has been given no such assurance, which negatively impacts its ability to fight wildland fires. The White House has yet to send an official response to our letter.

Failure to have a robust and well-trained permanent and seasonal wildfire team is crucial to protecting public lands and communities in the rural West. Whether it is the O&C forests in Western Oregon or protecting the sage grouse and ranchers' livelihoods in Southeastern Oregon, hiring adequate personnel is of paramount concern.

My office has received many calls from Oregonians concerned about whether temporary or seasonal employees, particularly those hired to fight wildfires, qualify for these public safety exemptions. When looking for clarification, my staff has had multiple and somewhat conflicting responses to verbal inquiries with your agency. I would appreciate a swift response that includes the plans for hiring these much-needed positions.

Thank you for your dedication to our public lands and rural communities. I appreciate your recognition of the seriousness of this situation and the importance of getting these people ready to work.

Sincerely,



Ron Wyden  
United States Senator

RECEIVED

2017 FEB 15 11:57 AM  
EXECUTIVE SECRETARIAT  
OFFICE OF THE CLERK

911 NE 11TH AVENUE  
SUITE 130  
PORTLAND, OR 97232  
(503) 226-7525

405 EAST 8TH AVE.  
SUITE 2020  
EUGENE, OR 97401  
(541) 431-0229

SAC ANNEX BUILDING  
105 FR ST  
SUITE 201  
LA GRANDE, OR 97850  
(541) 962-7691

U.S. COURTHOUSE  
310 WEST 6TH ST  
ROOM 118  
MEDFORD, OR 97501  
(541) 855-5122

THE CAMDEN LODGING  
1-1100 HWY 70 NINE AVE  
SUITE 102  
SEASIDE, OR 97138  
(503) 738-9122

707 13TH ST SE  
SUITE 250  
SALMON, OR 97301  
(503) 589-4555

[HTTP://WYDEN.SENATE.GOV](http://wyden.senate.gov)  
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## Senator Angus King (I-ME)



**Education:** Dartmouth College, A.B. 1966 (government); U. of Virginia, J.D. 1969

**Career:** Governor; Management consultant; alternative energy company executive; energy conservation company owner; television program host; lawyer; congressional aide

**Committees:** Armed Services; Budget; Energy & Natural Resources (Ranking Member, Water and Power Subcommittee); Rules & Administration; Select Intelligence

**Meeting Date/Time:**

**Location:**

**Scheduler:**

**Phone:**

**Staff:**

### CORRESPONDENCE

April 26, 2017 - Cosigned letter to President Trump (31 Senators) expressing concern with the Executive Order directing DOI review of national monument designations

February 2, 2017- Letter in support of Biodiversity Research Institute application to provide ecological baseline studies of the OCS.

### KEY ISSUES

**Overview:** King supported Secretary Zinke's nomination, noting that although he does not agree with all positions held by the Secretary, he believes that the Secretary is "committed to working with me in good faith on issues important to Maine." He stated that he appreciated the Secretary's "strong record of defending public lands, even when it was unpopular among others in his party, as well as his commitment to supporting the Land and Water Conservation Fund."

On energy, King supports a "Made in America" strategy that includes improved efficiency, smarter use of fuels, and increased domestic oil production, gas and renewables. He is a supporter of hydroelectric production and tidal power production, as well as other renewables. King is a member of the Senate Climate Action Task Force, a co-founding chairman of the Senate Arctic Caucus, and a member of the Congressional Sportsmen's Caucus. He is also a Member of the Campobello International Park Commission (which manages under a treaty FDR's summer retreat on Campobello Island in Canada)

**Katahdin Woods and Waters National Monument:** In response to the announcement of the Secretary's review on Monument designations, King released a statement supporting Katahdin Woods NM designation, stating "I believe this review is unnecessary and only reignites controversy in a region that was beginning to heal and move forward. The designation was made following substantial public input that spanned the course of several years – all of which helped

to create a monument that was specifically tailored to honor Maine traditions, which is why recreational activities such as hunting, fishing, and snowmobiling were all permitted.” He also stated that the Monument has already begun to yield real economic benefits to the region, and that the monument serves as one important part of a multifaceted economic revitalization strategy for the region.

**Land and Water Conservation Fund:** King is a strong supporter of full funding of the LWCF. He also has supported funding under LWCF for Collaborative Landscape Planning (Northern Forest and Waters of New England).

**National Park Access Pass:** King is interested in ensuring that NPS uses up-to-date technology, including for park passes. In response to King’s past inquiries, NPS implemented a pilot test of electronic passes (allowing purchase and use of passes electronically), with Acadia NP as one of the pilot locations.

**Arctic Issues/Climate Change:** Co-founding chairman of the Senate Arctic Caucus, believes that climate change is altering the Arctic environment and that the U.S. must be prepared to address the evolving dynamics in the region. He has previously requested that BOEM consider black carbon pollution when analyzing impacts of offshore drilling. He also cosponsored an amendment to the FY16 National Defense Authorization Act that required DoD to provide an updated military strategy in the Arctic region; DoD released the report in February 2017.

**Acadia NP:** King has introduced legislation (S. 257) related to Acadia NP which legislatively recognizes the 2015 acceptance of the NPS of the Schoodic Woods land and boundary change to the park, while making clear that no additional boundary modifications will be made. It also ensures that traditional uses of the intertidal zone are protected and that that harvesters’ rights (worming and clamming) are upheld. During his confirmation, Secretary Zinke has committed to the Senator that the Department/NPS will work towards a resolution of the harvesting dispute (worming and clamming) at Acadia.

**LNG Exports:** Senator King has repeatedly spoken out against increasing exports of LNG when more natural gas is desperately needed in Maine and across New England to help lower energy prices.

#### SPONSORED LEGISLATION

Acadia National Park Boundary Clarification Act (S. 257) - a bill to clarify the boundary of Acadia National Park, reestablish the Acadia NP advisory commission, allow for the continuation of traditional harvesting (clams, worms, mussels, etc), and convey certain property to the town of Bar Harbor, Maine.

#### FAST FACTS ON MAINE

- 4 tribes and 3 BIE schools
- 10 National Wildlife Refuges
- 4 Units of the National Park System, including Acadia National Park and Katat