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Attached is the weekly report from the Bureaus, Assistant Secretary Offices, and other Department Offices. I'm limiting distribution to this group this week, as we briefly discussed yesterday. I have also left it in Word format - I understand that ordinarily it would be converted to a pdf document.

## **WEEKLY REPORT TO THE SECRETARY DEPARTMENT OF THE INTERIOR**

**January 27, 2017**

### **Office of the Solicitor**

#### **Week Ahead Schedule of Meetings, Congressional Hearings, and Travel**

Nothing to report.

#### **Week Ahead Announcements and Actions**

### **SIGNIFICANT LITIGATION DEADLINES FOR NEXT TWO WEEKS SEPARATELY REPORTED**

#### **NEW CASES:**

##### **Benjamin Christopher Carraway v. John Doe MPD Officers, et al. (D.D.C.)**

This is a Class Action Bivens lawsuit alleging United States Park Police (USPP) violated Plaintiffs' Fourth Amendment through false arrest and excessive force. Although service has not yet been perfected, on January 20, 2017, USPP received a copy of the complaint. The complaint alleges that some of the USPP's law enforcement actions and those of the Metropolitan Police Department, during the 2017 Inauguration, were unlawful. Unnamed officers are being sued in their individual capacities. The US Attorney's Office, Division of Parks and Wildlife, and Division of General Law are aware of the complaint and are working collaboratively to respond.

##### **Persimmon Ridge, LLC. v. Jewell, et al. (N. D. Okla. )**

This is the latest in a recent string of lawsuits filed by non-Indian Osage Mineral Estate surface owners challenging BIA approvals of oil and gas leases and drilling permits. The Complaint alleges that the BIA failed to properly comply with the National Environmental Policy Act in approving the leases and drilling permits.

##### **Audubon Society of Portland v. Jewell (D. Or.)**

Complaint by environmental NGO's alleging various substantive and procedural defects in the US Fish and Wildlife Service's (FWS) finalization of a Comprehensive Conservation Plan for the Klamath Basin National Wildlife Refuge Complex, which was issued the same date the complaint was filed. Central to the complaint is the FWS's continued provision of agriculture within the KBNWR. Plaintiffs are seeking declaratory and injunctive relief, requesting that court remand the CCP for further consideration and that the Secretary be enjoined from renewing or extending existing agricultural leases during the remand.

### **Center for Biological Diversity v. BLM (Administrative Appeal – IBLA)**

On January 13, 2017, the CBD served a 54-page appeal of a BLM decision denying their protest of an oil and gas lease sale on December 13, 2016, of 17 parcels totaling 719 acres in the Wayne National Forest in Ohio. CBD asserts, among other things, that the environmental assessment failed to disclose the impacts of private mineral extraction and new pipelines, failed to address a host of environmental impacts related to fracking, as well as failing to adequately address climate change and potential impacts to threatened and endangered species. CBD also petitioned for a stay of the implementation of the decision record.

### **SIGNIFICANT DECISIONS:**

#### **Wyodak Res. Dev. Corp. v. United States (Fed. Cl.)**

On January 23, 2017, after a trial, post-trial briefing, and closing arguments, the court issued a decision in favor of the government. Wyodak is seeking a refund of abandoned mine land reclamation (AML) fees it paid to OSMRE pursuant to SMCRA. Wyodak claims that a portion of the coal it has produced (and continues to produce) is lignite coal, which is subject to a lower AML fee than all other types of coal. In a 2013 appellate decision adverse to the government, the Federal Circuit remanded the case to the trial court but directed that Wyodak had “to produce satisfactory evidence, pursuant to reliable methods of testing and ranking, showing that the coal extracted from its mine contains an appreciable quantity of lignite.” In its January 23, 2017, decision, the trial court held that Wyodak is not entitled to the refund it seeks because it has not presented satisfactory evidence that lignite is present in its mine.

#### **Center for Env’tl Law & Policy v. U.S. Fish & Wildlife Service (E.D. Wash)**

On January 9, 2017, the court issued a ruling in this Clean Water Act challenge to operation of the Leavenworth National Fish Hatchery. The court ruled that the hatchery was discharging pollutants without an NPDES permit (the prior permit had expired in 1979). The court ruled against the United States on procedural defenses, but issued no ruling yet on remedy.

### **OTHER LITIGATION MATTERS:**

#### **Westlands Water District v. U.S.; Firebaugh v. U.S. (Drainage Settlement) (E.D. Cal.)**

Reclamation is under a 2000 injunction to provide drainage service to the San Luis Unit of the Central Valley Project in California, at a projected cost of \$3.8 billion. A settlement agreement with Westlands Water District was signed on September 15, 2015 that resolved over 25 years of contentious litigation and contemplated federal legislation to relieve the United States of its statutory obligation to provide drainage service to lands in the San Luis Unit of the Central Valley Project. The settlement also provided a path forward for settling the Fifth Amendment Takings claims alleged by plaintiffs in *Etchegoinberry v. U.S.*, originally filed September 11, 2011. Negotiations with several smaller districts in the “Northerly Area” of the San Luis Unit also made substantial progress. The injunction was partially stayed to allow congressional consideration of the settlement, but the stay expired on January 15, 2017. On January 20, 2017,

the settling parties filed a joint motion to renew the partial stay for another year, to allow Congress additional time to consider the settlement.

### **Bryce Canyon National Park Water Rights Agreement**

On January 18, 2017, representatives of the United States and the State of Utah signed the Bryce Canyon National Park Water Rights Agreement, which recognizes and quantifies the United States' federal reserved water right for the park, located in Garfield and Kane Counties, Utah, and provides how the right shall be administered. The agreement is the result of long-term negotiations among the National Park Service, the Office of the Solicitor, the Department of Justice, and the State of Utah. It continues the cooperative efforts between the State and the United States concerning federal reserved and appropriative water rights claims for national park, national monument, and national forest units in Utah.

### **In re adjudication of water rights in Basin 43P (Montana Supreme Court-appeal pending)**

Scott Ranch LLC – a party that purchased lands allotted to an individual member of the Crow Tribe – filed water right claims based on federal law (*Walton*) in the Montana statewide general stream adjudication. In December 2016, the Montana Water Court denied Scott Ranch's petition for adjudication and motion for reconsideration, concluding that Scott Ranch had "no independent claim to a separate water right" but rather could only claim a just and equal share of the Tribal water right recognized in the Crow-Montana water compact ratified by the State in 1999 and approved by Congress in 2010. Scott Ranch appealed to the Montana Supreme Court. Although the United States did not participate as a party, DOJ has requested a recommendation regarding potential amicus participation on appeal to address the issues related to the Crow water compact and settlement. Justice is seeking Solicitor's Office recommendation by the week of February 6, but no deadlines have yet been fixed by the Court.

### **NON-LITIGATION MATTERS:**

#### **DPW provided legal advice to United States Park Police (USPP) and the NPS' National Capital Region (NCR) for the 2017 Inauguration and Women's March on Washington.**

On Inaugural Day, attorneys from the Branch of National Parks were on the parade route and at nearby parks to provide legal advice to the USPP and NCR. Attorneys provided guidance on applicable NPS regulations and USPP policy. The following day, similar advice was provided to USPP and NCR for the Women's March on Washington. The advice was critical to ensuring that no activity on parkland was curtailed in a manner inconsistent with the First and Fourth Amendments.

### **30-60 Day Look-Ahead**

Significant Litigation Deadlines reported separately in 100-day report.

## **Assistant Secretary for Fish and Wildlife and Parks**

### **Week Ahead Schedule of Meetings, Hearings, and Travel**

No meetings, hearings, or travel scheduled for Maureen Foster or Virginia Johnson.

### **Week Ahead Announcements and Actions**

On or about January 23, Yellowstone National Park will begin processing and shipping bison to slaughter as part of the Interagency Bison Management Plan (IBMP) which calls for the reduction of the park's current population of 5,500 bison (900 to 1,300 animals are targeted for removal). The park continues to hold 40 bison from last March for potential transfer under a proposed quarantine program. The park is negotiating the transfer of these animals with the state of Montana and the Animal and Plant Health Inspection Service (APHIS). State and tribal hunters are actively hunting bison outside the park in Gardiner and West Yellowstone.

On January 26, the FWS will announce awarding \$283,000 in white-nose syndrome grants administered by the Wildlife Management Institute to eight projects for white-nose syndrome research and communication. Outreach is planned.

On February 1, National Mall and Memorial Parks will resume interpretative tours at the Old Post Office Tower. Tours were suspended in 2014 during the renovation to convert the Old Post Office building into Trump International Hotel.

### **30-60 Day Look-Ahead**

In early to mid-February, the NPS will jointly announce with the U.S. Maritime Administration the award of \$1,752,073 in National Maritime Heritage Grants for maritime preservation and education projects in 13 states and the District of Columbia. Grants may be used for a broad range of activities that promote understanding of the maritime heritage of the United States, such as curation and interpretation of maritime heritage collections, and preservation, rehabilitation, reconstruction or restoration of historic maritime properties.

On or around February 24, the NPS will announce the award \$1,631,578 in Japanese American Confinement Sites grants to fund preservation, restoration, and education projects. The 14 projects in four states and the District of Columbia will be used to help preserve and interpret the World War II confinement sites of Japanese Americans.

When cleared, the FWS will send to the *Federal Register* a notice that it will be preparing an Environmental Impact Statement in conjunction with a proposed rule to revise the existing nonessential experimental population designation of red wolves in North Carolina. This notice announces the initiation of a public scoping process to identify issues and concerns, potential impacts, and possible alternatives to the proposed action. Controversial. Outreach is planned upon Reading Room publication.

## U.S. FISH AND WILDLIFE SERVICE

### Week Ahead Schedule of Meetings, Hearings, and Travel

NEW: On January 26, FWS Southwest Regional Director Dr. Benjamin Tuggle, will travel to Lake Havasu City, Arizona, to meet with community leaders and partners regarding Havasu NWR. R2

NEW: On January 26, FWS David Hoskins (Assistant Director, Fish and Aquatic Conservation), Taylor Pool (CLA), and a staff person from Division of Budget will meet with *staff for Senators Maria Cantwell (D-WA), Patty Murray (D-WA), Dick Durbin (D-IL), Jeff Merkley (D-WA), and Debbie Stabenow (D-MI)*, to discuss mass-marking of hatchery fish. The meeting is scheduled for 11:00 a.m. in 511 Hart Senate Office Building.

### Week Ahead Announcements and Actions

WNS grants (UPDATE): On January 26, FWS will announce awarding \$283,000 in white-nose syndrome grants administered by the Wildlife Management Institute to eight projects for white-nose syndrome research and communication. Outreach planned. R5

Release of Bi-National Grass Carp Ecological Risk Assessment (NEW): On January 26, the Department of Fisheries and Oceans-Canada (DFO), along with the Great Lakes Fishery Commission (GLFC) will release the Bi-National Grass Carp Ecological Risk Assessment to the public. Though FWS was a partial author, rules under the Canadian Science Advisory Secretariat do not allow any management agencies to review document content before it is released to the public. DFO and GLFC will handle all media calls related to the assessment until management agencies have been able to fully read and respond to anything included in the report. R3

Don Edwards San Francisco Bay NWR briefing (NEW): On January 26, district staff for newly elected U.S. Rep. Ro Khanna (D-CA-17) will be given a general briefing on local refuge issues by leadership of Don Edwards San Francisco Bay NWR. R8

Rainbow trout stocking (NEW): On February 3, FWS will begin weekly stocking of rainbow trout immediately downstream of Willow Beach NFH. This weekly stocking schedule will continue the year round. FWS developed a Rainbow Trout Stocking Plan to meet tribal trust obligations and recreational sport fishing demands in Arizona. R2

Revised Southern Selkirk Mountains Population of Woodland Caribou DPS (REPEAT): Once cleared, FWS will send to the *Federal Register* a revision to the current listing of the southern Selkirk Mountains population of woodland caribou to include the entire Southern Mountain Caribou population as a Distinct Population Segment (DPS). The revised DPS includes the currently listed southern Selkirk Mountains population of woodland caribou, which is a transboundary species between British Columbia, Canada, and northern Idaho and northeastern Washington. The revised DPS would remain listed as endangered under the ESA. Outreach planned upon Reading Room publication. R1

Red wolf notice (REPEAT): Once cleared, FWS will send to the *Federal Register* a notice that it will be preparing an Environmental Impact Statement in conjunction with a proposed rule to revise the existing nonessential experimental population designation of red wolves in North Carolina. This notice announces the initiation of a public scoping process to identify issues and concerns, potential impacts, and possible alternatives to the proposed action. Controversial. Outreach planned upon Reading Room publication. R4

## **TBD**

Migratory bird hunting season proposal: FWS is proposing regulatory frameworks for the 2017-18 migratory game bird hunting season lengths, dates and bag limits. Restrictions within the overall daily bag limit for most duck species will stay the same as those in the 2016-17 season except that the daily bag limit for black ducks will increased from one to two birds in the Atlantic and Mississippi Flyways, and the daily bag limit for pintails will decrease from two birds to one bird nationwide. Each year, FWS works in partnership with states from the four Flyway Councils (Pacific, Central, Mississippi and Atlantic) to establish regulatory frameworks for hunting season lengths, dates and bag limits. Beginning with the 2016-17 hunting seasons, the previous two-cycle regulatory practice was compressed into a single annual process. HQ

Tribal land transfer (REPEAT): In January, FWS will meet with the Arizona Game and Fish Department (AGFD), The Archaeological Conservancy (TAC) and tribal representatives to continue discussions about the proposed transfer of culturally significant state lands in Lee Valley, Arizona to TAC. This is part of a Memorandum of Agreement for Amity Pueblo/Eager Pond among FWS, the Advisory Council on Historic Preservation, AGFD, the Pueblo of Zuni and others. R2

## **30-60 Day Look-Ahead**

Eastern Cougar final delist – FWS will remove the eastern cougar (historically known to exist in southeastern Ontario, southern Quebec, and New Brunswick in Canada, and a region bounded from Maine to Michigan, Illinois, Kentucky, and South Carolina in the eastern United States) from the Federal List of Endangered and Threatened Wildlife due to extinction. Target date for submitting to the *Federal Register* is February 24, 2017.

Slickspot Peppergrass Revised Proposed Critical Habitat – FWS will amend the April 5, 2014 revised proposed critical habitat rule, as a result of new information available, and will request new information regarding population status, trends, or threats, and on additional areas that meet our criteria for critical habitat. Target date for submitting to the *Federal Register* is February 24, 2017.

Sonoyta Mud Turtle – FWS will propose 12.28 acres in one unit as critical habitat for the Sonoyta mud turtle in Arizona. Target date for submitting to the *Federal Register* is February 24, 2017.

Bone Cave harvestman – FWS will publish a revised 90-day finding on a petition to delist the Bone Cave harvestman found in Texas. In June 2015 we published a not-substantial 90-day

finding on the petition to delist the Bone Cane harvestman. A disc of supplemental information submitted with the petition was overlooked and not considered in that finding. This revised finding results from a voluntary court-ordered remand and settlement agreement. Target date for submitting to the *Federal Register* is February 28, 2017.

Black Pine Snake – FWS will reopen the comment period on the proposed critical habitat for black pine snake in Mississippi and Alabama. Target date for submitting to the *Federal Register* is February 28, 2017.

Florida Bristle Fern – FWS will propose critical habitat for the Florida bristle fern in Florida. The proposed designation includes approximately 10,937 acres. Target date for submitting to the *Federal Register* is February 28, 2017.

Island Marble Butterfly – FWS will propose to list the island marble butterfly as an endangered species. Target date for submitting to the *Federal Register* is February 28, 2017.

Proposed Rule to Delist Deseret Milkvetch – FWS will propose to delist the Deseret milkvetch, found in of Utah, due to recovery. Target date for submitting to the *Federal Register* is March 3, 2017.

Giant garter snake recovery plan (NEW): In February, the Notice of Availability for the second revised draft recovery plan for the giant garter snake is expected to publish in the *Federal Register*. Outreach planned. R8

Australian parrots delisting (UPDATE): On February 10, FWS will send to the *Federal Register* a final rule to remove the scarlet-chested parakeet and turquoise parrot, native to Australia, from the Federal List of Threatened and Endangered Wildlife due to recovery. Outreach planned. HQ

Marine Mammal stock assessment reports for polar bears (UPDATE): On February 10, FWS will send to the *Federal Register* draft population assessment reports for the Southern Beaufort Sea and Chukchi-Bering seas populations of polar bear and open a 90-day public comment period. Outreach planned. R7

Final Delisting of the Hualapai Mexican vole – FWS will remove the Hualapai Mexican vole, located in Arizona, from the list of endangered and threatened species due to the fact that the original classification is no longer appropriate. Target date for submitting to the *Federal Register* is March 15, 2017. [THIS WAS IN LAST WEEK'S REPORT]

Lower Colorado River Fishes– FWS will make a final listing determination on the Headwater Chub and Roundtail Chub, both native to Arizona and New Mexico. Target date for submitting to the *Federal Register* is March 23, 2017.

Fever tick: In late February, FWS Southwest Regional Director Benjamin Tuggle is tentatively set to meet with Senator John Cornyn (R-TX) on the fever tick issue in South Texas. The fever tick is detrimental to the Texas cattle industry. It can be spread by cattle and deer, but also potentially by an invasive exotic species (the nilgai, an Asian antelope). Currently the Laguna



Atascosa NWR is under quarantine for the fever tick because the nilgai is present on the refuge. FWS is consulting with USDA on potential effects on ocelots, jaguarundis, and aplomado falcons from use of Ivermectin-laced corn in deer feeders to treat ticks on deer on private property. FWS continues to work with USDA to develop a biological opinion on the use of Ivermectin-laced corn. Local media interest is high. R2

Final determination on proposed rule to downlist the West Indian manatee (UPDATE): By March 8, FWS will send to the *Federal Register* a final determination on a proposed rule to downlist the West Indian manatee from endangered to threatened under the ESA. A notice of intent to sue was recently filed by the Pacific Legal Foundation on January 9 for failure to finalize the proposal to reclassify the manatee. To avoid litigation, the rule should be delivered to the *Federal Register* by March 8. Outreach planned. R4

Final conservation strategy on the monarch butterfly (UPDATE): In early March, FWS will release the conservation strategy on the monarch butterfly. The conservation strategy is separate from the ongoing species status assessment for the monarch, which will inform the Service's determination on whether to propose the monarch for listing under the ESA. The strategy includes target acreages for habitat needed to reverse the downward trend in monarch numbers for eastern and western populations. The strategy's preliminary estimate for suitable new or restored habitat needed to reverse the decline of monarchs is 29 million acres in the eastern population. It also defines monarch habitat, which includes overwintering habitat in Mexico and California. A draft version of the plan was presented at a January 18 meeting of state natural resource agencies working on a Monarch Mid-continental Flyway Plan, attended by states in the flyway along with Georgia, Texas, and some NGO and agriculture interest groups. Outreach planned. R3

The following endangered species actions are scheduled to be sent to the *Federal Register* between February 6 and March 24. Most announcements will coincide with the dates each notice appears in the reading room:

- Australian parrots delisting–February 10, HQ
- Marine Mammal Stock Assessment Reports for Polar Bears, February 10, R7
- Eastern Cougar – Final Delisting, February 24, R5
- Slickspot Peppergrass – Revised Proposed Critical Habitat, February 24, R1
- Sonoyta Mud Turtle – Proposed Critical Habitat, February 24, R2
- Bone Cave Harvestman – 90-day finding on petition to delist, February 28, R2
- Black Pine Snake – Final Critical Habitat, February 28, R4
- Florida Bristle Fern – Proposed critical habitat, February 28, R4
- Island Marble Butterfly – proposed listing, February 28, R1
- West Indian Manatee - Final determination on a proposed rule to downlist, March 8, R4
- Desert Milkvetch – Proposed Delisting, March 3, R6
- West Indian Manatee - Final determination on a proposed rule to downlist, March 8, R4
- Hualapai Mexican Vole – Final Delisting, March 15, R2
- Lower Colorado River Fishes– Final listing determinations, March 23, R2

## **National Park Service**

### **Week Ahead Schedule of Meetings, Hearings, and Travel**

On January 31- February 1, Acting Director Mike Reynolds will travel to Philadelphia, PA and Boston, MA for employee meetings with NPS Regional Office staff. These meetings are not public and closed to the press.

### **Week Ahead Announcements and Actions**

On January 14, a false killer whale stranding occurred at Everglades National Park in a remote area of the park's Gulf Coast District that despite valiant efforts, left over 80 false killer whales dead. The National Oceanic and Atmospheric Administration (NOAA) is the lead for the incident. The NPS has reduced the original closure of the affected area to allow closer access for media as requested, yet still afford resource protection and protection for human health and safety. The closure is anticipated to be in place until February 14, but may be lifted sooner if resource and public safety issues can be addressed.

On or about January 23, Yellowstone National Park will begin processing and shipping bison to slaughter as part of the Interagency Bison Management Plan (IBMP) which calls for the reduction of the park's current population of 5,500 bison (900 to 1,300 animals are targeted for removal). The park continues to hold 40 bison from last March for potential transfer under a proposed quarantine program. The park is negotiating the transfer of these animals with the state of Montana and the Animal and Plant Health Inspection Service (APHIS). State and tribal hunters are actively hunting bison outside the park in Gardiner and West Yellowstone. January 23 - 26, 2017, NPS is holding public scoping meetings on the California condor restoration plan/EA, together with US Fish and Wildlife Service, and the Yurok Tribe. Meetings will be held in Sacramento, CA; Eureka, CA; Klamath, OR; Medford, OR; and Portland, OR.

On January 26, the Fort Monroe Authority, a subdivision of the Commonwealth of Virginia and partner of Fort Monroe National Monument, will hold the first public information session on plans for the Fort Monroe Visitor Center. The meeting will include a presentation on the history of the building, an architect evaluation, and an opportunity for questions from the public.

On January 26, Alabama Governor Robert J. Bentley will participate in a meeting hosted by the Macon County Economic Development Association at the Tuskegee Airmen National Historic Site for the benefit of international businessmen development in region. NPS staff will welcome and provide interpretive information about the site to the visiting delegations.

On January 26 - 29 John Day Fossil Beds National Monument will operate with reduced visitor services. On January 28 a meeting is planned in John Day, OR marking the one-year anniversary of the arrests associated with the Malheur National Wildlife Refuge occupation and shooting of LaVoy Finicum. In an abundance of caution for the safety of park employees, the Thomas Condon Paleontology Center (the park's visitor center) will be closed to the public. Trails will remain open to the public. There will be no public or media announcement of these reduced services.

On January 27, March for Life Education and Defense Fund has been issued a permit to hold the annual March for Life on the Washington Monument grounds. The march marks the anniversary of the *Roe V. Wade* Supreme Court decision. The organizers predict that 50,000 people will attend.

On January 31, the NPS will hold a public meeting to discuss a special resource study for the Prison Ship Martyrs' Monument in Brooklyn, New York, a unit of the National Parks of New York Harbor. The study, requested by Representative Hakeem Jeffries and authorized by the United States Congress as part of Public Law 113-291, will help determine whether the resources related to the Monument would meet criteria for congressional designation as a unit of the national park system.

In late January, the NPS will distribute the Grand Canyon National Park Bison Environmental Assessment to cooperating partners -- the Arizona Game and Fish Department, Bureau of Land Management, US Forest Service, and the InterTribal Bison Council. This is not a public announcement. The draft EA considers options - including capture/removal, localized fencing of sensitive resources, and sharpshooting by skilled volunteers in conjunction with AGFD - for reduction in the size of the bison herd on the North Rim of the Grand Canyon causing damage to sensitive natural and cultural resources. Following feedback from cooperating partners, the NPS will update the draft EA and release for public comment in the spring.

On February 1, National Mall and Memorial Parks will resume interpretative tours at the Old Post Office Tower. Tours were suspended in 2014 during the renovation to convert the Old Post Office building into Trump International Hotel.

On or about February 1, Sequoia and Kings Canyon National Parks will announce new procedures for film permits. This includes a page for information, forms, contact, and the future use of Pay.gov. A change in staffing is the reason for upgrading the program.

On February 2 - 3, the National Park Service will be holding informational meetings to update the public on planning projects at Pullman National Monument. The site plan and Environmental Assessment (EA) for the Pullman Factory Site is being developed in partnership with the Illinois Historic Preservation Agency. The EA will be released for a 30-day public review and comment period following these meetings.

### **30-60 Day Look-Ahead**

On February 7 - 8, San Francisco Maritime National Historical Park will host San Francisco-area public meetings on a project to improve accessibility on the museum ship *Balclutha*. Possibilities include a new gangway, lifts to multiple decks, audio descriptive tours and tactile models.

In early February 2017, Lake Roosevelt National Recreation Area will announce that it will not award a new concession contract at Kettle Falls Marina to replace the existing one expiring in April 2017. The NPS did not receive a responsive offer in response to the prospectus.

Congressional and media interest is expected to be high due to the contentious history between the NPS and the incumbent operator.

In early February 2017, escrow is set to close on 96 tracts of vacant land, totaling 3,065 acres, at Mojave National Preserve. A Land and Water Conservation Fund appropriation in FY 2015 is being used to purchase the land from the Mojave Desert Land Trust. The proceeds of the sale will be used by the Trust to acquire additional conservation lands within the Preserve.

On February 11, Jimmy Carter National Historic Site's non-profit partner group will host a visit by Clyde C. Tuggle, Senior VP, Chief Public Affairs and Communications Officer, and Kirk Glaze, Director Community Partnerships of The Coca Cola Company on Saturday. The visit is a result of ongoing fundraising efforts by the park's non-profit partner.

On February 13 and 14, Grand Canyon National Park will hold public meetings in Flagstaff, AZ regarding planning for the park's communication infrastructure. The communication infrastructure plan will guide decision making and management of cellular telephone and internet communications infrastructure for the foreseeable future. Half hour time slots will be available for current right-of-way holders and past applicants to present infrastructure needs to the plan's developers.

On February 12 -15, The Corps Network, a coalition of over 130 Service and Conservation Corps youth employment organizations across the country, will be hosting their 2017 national conference in Washington, DC. Donald Trump Jr., Rep. Ryan Zinke, Doug Domenech are invited speakers, but are not confirmed. Panel discussions will explore the importance of public-private partnerships, public lands stewardship, and engaging the next generation of outdoor enthusiasts.

On February 14 - 15, Isle Royale National Park will be hosting public meetings about the draft Isle Royale Wolf Management Plan/Draft Environmental Impact Statement. The document was published in the Federal Register on Dec 16, 2016, and is available for public review until March 15, 2017.

In early to mid-February, the NPS will jointly announce with the U.S. Maritime Administration the award of \$1,752,073 in National Maritime Heritage Grants for maritime preservation and education projects in 13 states and the District of Columbia. Grants may be used for a broad range of activities that promote understanding of the maritime heritage of the United States, such as curation and interpretation of maritime heritage collections, and preservation, rehabilitation, reconstruction or restoration of historic maritime properties.

On February 17-18, the first board meeting of the Route 66: The Road Ahead Partnership will take place in Albuquerque, NM. This organization formed in response to the legislated authority of the NPS Route 66 Corridor Preservation Program to assist states in establishing a non-federal entity to carry on the functions of the NPS Route 66 Program after its scheduled sunset in 2019. The mission of the Road Ahead Partnership is to revitalize Route 66 through collaborative nation-wide partnerships. The board meeting will include an update from its National Historic

Trail Task Force, which is pursuing congressional designation of Route 66 as a National Historic Trail.

On February 23, Golden Gate National Recreation Area will open the new Presidio Visitor Center in partnership with the Presidio Trust and the Golden Gate National Parks Conservancy. Rep. Nancy Pelosi has tentatively accepted an invitation from the Presidio Trust to speak at the ribbon-cutting event.

On February 23, unless otherwise extended, Golden Gate National Recreation Area expects a Record of Decision to be signed for Alcatraz Ferry Embarkation. The Final EIS preferred alternative for long-term ferry embarkation to Alcatraz Island is Pier 31 1/2, and the Port of San Francisco is a cooperating agency for the EIS.

On February 24, fifth grade students from the District of Columbia Watkins Elementary School will take turns reciting a portion of Dr. King's "I Have a Dream" speech at the Lincoln Memorial. This annual program is associated with Dr. Martin Luther King, Jr.'s birthday.

On or around February 24, the NPS will announce the award \$1,631,578 in Japanese American Confinement Sites grants to fund preservation, restoration, and education projects. The 14 projects in four states and the District of Columbia will be used to help preserve and interpret the World War II confinement sites of Japanese Americans.

On February 26, Denali National Park will mark its 100th anniversary. Events will be held throughout the year, and statewide media coverage is anticipated. The Alaska Congressional Delegation and media are being kept apprised of events and opportunities for participation.

In February or March, Cape Lookout National Seashore anticipates publishing a Final Rule for Off-Road Vehicle Use in the Federal Register. The park's Off-Road Vehicle Use Management Plan Record of Decision was signed on January 10.

On March 6, Golden Gate National Recreation Area will begin repairs to the Crissy Field Promenade, one of the most highly-trafficked trails in the State of California. The \$5 million project will close sections of the waterfront trail in phases over six months. This project uses both federal and non-federal philanthropic matching funds.

On March 10, the NPS and partners will hold the grand opening of the Harriet Tubman Underground Railroad Visitor Center in Church Creek, MD. The event will be public and open to media. The Maryland Congressional Delegation, leaders in the African American community, Department of the Interior leadership and many partners will be invited.

In early or mid-March, the NPS anticipates the announcement of the \$26.9 million in available Historic Preservation Fund (HPF) grant funding to States and Territory Historic Preservation Offices. Grants will be used to support State led programs such as historic resource surveys and inventories, and local bricks and mortar preservation efforts.

In early or mid-March, the NPS anticipates the announcement of the \$5.7 million in available Historic Preservation Fund (HPF) grant funding to Tribal Historic Preservation Offices. Grants

will be used to support Tribal led programs such as cultural resource surveys and inventories, and Tribal preservation efforts.

In March 2017, the NPS anticipates starting a pilot reservation program for backcountry camping permits for a percentage of the campsites in some of the most popular areas of the North Cascades National Park Service Complex. The permit reservation system, which was proposed in the 2012 Ross Lake General Management Plan, is in response to increased visitation and visitor requests for a reservation system. A cost recovery application fee of \$20 will be charged for the permit reservation application. Public engagement on the reservation system was conducted as part of the GMP planning process.

## **ASSISTANT SECRETARY–INDIAN AFFAIRS AND THE BUREAUS OF INDIAN AFFAIRS AND INDIAN EDUCATION**

### **Week Ahead Schedule of Meetings, Hearings, and Travel**

On January 26, Acting AS-IA Black, BIA Director Loudermilk, and BIE Director Dearman will provide the Indian Affairs update at the Self-Governance Advisory Committee (SGAC) in Washington, DC.

### **Week Ahead Announcements and Actions**

Indian Affairs is preparing to make selections for the 2017 Indian Affairs Student Leadership Summer Institute. Launched in summer 2016, the 10 week paid internship placed 17 Native undergraduate and graduate students in leadership offices across Indian Affairs. The program's mission is to engage and support the next generation of Native leaders in the federal government through an introduction to the government-to-government relationship between tribal nations and the United States. Indian Affairs received more than 60 applications for summer 2017. Hiring of the interns is currently on hold during the hiring freeze.

### **30-60 Day Look-Ahead**

On February 6-9, the United South and Eastern Tribes (USET) and the USET Sovereignty Protection Fund Impact Week Meeting will take place in Arlington, VA.

On February 13-16, the National Congress of American Indians (NCAI) will hold its 2017 Executive Council Winter Session in Washington, DC.

On February 16, 2017, the Tribal Interior Budget Council (TIBC) meeting will be held in Washington, DC 20036. TIBC provides a forum and process for tribes and federal officials to work together in developing annual budget requests for Indian programs in the Department of the Interior.

On March 21-24, the Midwest Alliance of Sovereign Tribes (MAST) Impact Week Meeting will be held in Washington, DC.

**BIE Leasing and Fundraising (25 CFR 48):** This final rule would implement authority for the Director of BIE to enter into agreements with third parties to lease the land or facilities of a Bureau-operated school in exchange for funding that benefits the school. The comment period on this proposed rule ended August 22; the Office of Regulatory Affairs and Collaborative Action (RACA) is continuing to work with Solicitors Office (SOL) and BIE on the necessary Privacy Act documentation in preparation for publication of the final rule.

**Appraisals and Valuations Regulation (CFR part TBD):** This rule establishes minimum qualifications for appraisers of Indian trust property, as required by the Indian Trust Asset Reform Act of 2016 (ITARA). The comment period on the proposed rule ended on November

21, 2016. RACA continues to host workgroup sessions to review the comments and prepare the final rule.

**Indian Electric Power Utilities (25 CFR 175):** This proposed rule would not make any substantive changes to the regulations, but would revise the regulations to be in plain language. The regulations affect only a limited number of Tribes because there are only three BIA electric power utilities: Colorado River (serving the Colorado River Indian Tribes Reservation), Mission Valley Power (serving the Salish & Kootenai Tribes, Flathead Indian Reservation), and San Carlos Irrigation Project (serving Gila River Indian Community). The proposed rule is awaiting AS-IA signature.

**Indian Trader Regulations (25 CFR 140):** This rule would comprehensively update Part 140 to modernize the implementation of the Indian Trader statutes consistent with the Federal policies of Tribal self-determination and self-governance. The advance notice of proposed rulemaking to solicit comments on potential regulatory revisions and announcing consultation for February and March 2017 published on Friday, December 9. A notice with details on the venues for Tribal consultations is in surname.

**School Facilities Design Handbook Updates (25 CFR 36):** The IA Office of Facilities Property and Safety Management (OFPSM) will be conducting four consultation sessions to obtain comments on the revision of the “School Facilities Design Handbook,” dated March 30, 2007, which has been incorporated by reference into 25 CFR 36. This proposed rule would update the incorporation by reference and allow for the 120-day comment period. The handbook updates are highly technical as they merely bring design standards to current industry standards. A proposed rule to incorporate the new Handbook version by reference is in surname. The Federal Register document also announces four Tribal consultation on the Handbook updates to be held across the country.

**Revisions to Leasing of Osage Lands for Oil & Gas Mining (25 CFR 226):** BIA published a final rule in 2015 that it voluntarily withdrew pending completion of a Regulatory Impact Analysis as a result of litigation. BIA is currently undertaking a Regulatory Impact Analysis at this time in anticipation of proposing revisions to this regulation. A Tribal consultation was held October 27 in Oklahoma regarding whether to revise the regulations; BIA will work on an initial draft of the regulations for distribution to the Osage Nation.

**Potential Revisions to Probate Regulations (25 CFR 15, 25 CFR 40):** BIA and SOL identified some discrete revisions to probate regulations that may help streamline processes. Consultation on these revisions were completed in August. The comment period ended on January 4, 2017. BIA and SOL are examining whether a proposed rule is appropriate.

**WIIN Act – Dam Safety; Announcement of consultation locations and public webinar for dam safety provisions of WIIN Act (statutory requirement):** The Water Infrastructure Improvements for the Nation (WIIN) Act became law on December 16, 2016. The law requires Tribal consultation within 60 days of passage, outreach to landowners, and reports to Congress by April 14, 2017. The consultation and webinar will discuss programmatic goals to address the deferred maintenance needs of Indian dams and funding prioritization criteria for distributing



funds from the High-Hazard Indian Dam Safety Deferred Maintenance Fund and the Low-Hazard Indian Dam Safety Deferred Maintenance Fund. There is also a Dear Tribal Leader letter in the package for distribution. The Federal Register notice and Dear Tribal Leader letter are with Exec Sec pending AS-IA signature.

**WIIN Act - Irrigation; Announcement of consultation locations for irrigation provisions of WIIN Act (statutory requirement):** The Water Infrastructure Improvements for the Nation (WIIN) Act became law on December 16, 2016. The law requires Tribal consultation within 60 days of passage and reports to Congress by April 14, 2017. The consultation will discuss programmatic goals to address the deferred maintenance needs and water storage needs of certain Indian irrigation projects and funding prioritization criteria for distributing funds from the Indian Irrigation Fund. The following Indian Irrigation Projects meet the Act's eligibility requirements: Blackfeet, Colorado River, Crow, Duck Valley, Flathead, Ft Belknap, Ft Hall, Ft Peck, Navajo Indian Irrigation Project (NIIP), Pine River, Pyramid Lake, San Carlos Irrigation Project (SCIP)-IW, SCIP-JW, Uintah, Walker River, Wapato, and Wind River. Note: There is no Federal Register notice for this action—only a Dear Tribal Leader letter that is directed specifically to the handful of affected Tribes. The Federal Register notice and Dear Tribal Leader letter are with Exec Sec pending AS-IA signature.

**Update to O&M Formula for School Facilities:** The current allocation formula for O&M funding was implemented in 1990 and relies upon very granular, up-to-date and accurate inventory for each site, but many sites have not had resources to update their data. This update would instead rely on accepted industry standard benchmarks to allocate O&M funds across all sites and buildings based on actual functional use and program needs. The IA Office of Facilities Property and Safety Management (OFPSM) will be conducting four consultation sessions to obtain comments on the new O&M Formula in conjunction with consultations on the School Facilities Design Handbook revisions. A Federal Register notice announcing the consultation is in surname.

February 17, 2017 is the deadline for nominations and comments on proposed tribal nominees to the Bureau of Indian Education's Accountability Negotiated Rulemaking Committee under the Every Student Succeeds Act (ESSA), per the Federal Register notice dated 1/18/17.

On February 23, 2017, the Interior Department will hold the first of seven tribal consultation sessions on its advanced notice of proposed rulemaking (ANPRM) to solicit oral and written comments on whether to propose an administrative rule that would comprehensively update 25 CFR Part 140 (Licensed Indian Traders), 8:30 a.m. – 12:00 p.m. PST, Seattle area, WA [*location TBA*], per the Federal Register notice dated 12/9/16.

The Bureau's Climate Change Program will work with the American Indian Higher Education Consortium, Conservation Legacy, and the Corporation for National and Community Service (CNCS) to place approximately 34 VISTA volunteers in 34 tribal communities and organizations to work on climate resilience topics.

## **OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS (OST)**

### **Week Ahead Schedule of Meetings, Hearings, and Travel**

- Who: Deb DuMontier, Acting Special Trustee
- What: Providing executive leadership for the new transitions, setting priorities and following up on strategic initiatives
- When: January 30 – February 1, 2017; February 2-3, 2017
- Where: DOI Main Interior, Washington DC & Albuquerque, NM
- Press: closed
- Topic: The Acting Special Trustee is attending meetings for Investment Review Board (IRB) to implement FITARA and general meetings for strategic planning.
- Hearings: n/a

### **Week Ahead Announcements - Presidential and Department/Agency Priorities**

- Nothing to report

### **30-60 Day Look-Ahead**

- Nothing to report

## **ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT**

### **Week Ahead Schedule of Meetings, Hearings, and Travel**

On January 28-30, BLM Acting Director Kristin Bail will speak at the National Association of Conservation Districts (NACD) meeting in Denver, Colorado. The Acting Director has been invited to speak on issues of interest to the NACD, which include Planning 2.0 and the National Seed Strategy, and will also participate in a Wild Horse and Burrow panel discussion. The meeting is open to the press.

### **Week Ahead Announcements and Actions**

On December 23, 2016, the U.S. District Court for the Western District of Louisiana issued a ruling in *Island Operating Co. v. Jewell et al.* (W.D. La. Dec. 23, 2016) overturning an Interior Board of Land Appeals (IBLA) decision that upheld the Bureau of Safety and Environmental Enforcement's (BSEE) regulatory jurisdiction over offshore contractors and, instead, found that BSEE has statutory authority under the Outer Continental Shelf Lands Act (OCSLA) only over holders of a lease or permit. BSEE and SOL are reviewing the decision.

In January, the Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE) will complete a guidance memo detailing actions that the bureaus will take to transfer the inspection and enforcement responsibilities under Title 30 that are related to offshore wind facilities from BOEM to BSEE and outlining activities that will be undertaken to assure the regulated community and stakeholders that the Department is committed to ensuring efficiency, consistency, and clarity in the regulatory process.

Upon review and approval by the Department, the Office of Surface Mining Reclamation and Enforcement (OSMRE) plans to provide a report to Congress on the results of the Abandoned Mine Land Economic Revitalization (AMLER) Pilot Projects. OSMRE made \$30 million available each to KY, PA and WV to use for pilot projects designed to help develop local economies while also reclaiming abandoned mine lands. OSMRE has been assisting the states and monitoring their progress. Congress provided the AMLER Pilot Project funding and required the development of information to help inform future policy decisions. Upon approval, OSMRE would issue a press release and post the report on the pilot projects on its website.

Upon review and approval by the Department, BOEM plans to publish a *Federal Register* Notice announcing three revised Supplemental Official Block Diagrams along with the two associated revised Official Protraction Diagrams that reflect the lateral boundaries through state waters that divide the Commonwealth of Virginia from North Carolina and Maryland. Publication in the *Federal Register* would announce the agreement signed on December 12, 2016, with Virginia and further facilitate efforts to fix the Submerged Lands Act Boundary in the Atlantic offshore Virginia.

On January 25 and 26, the BLM will attend the Fort Berthold Federal Partners Meeting in West Denver, Colorado. The meeting will address issues associated with the development of oil and gas on the Fort Berthold Indian Reservation and is not open to the public.

On January 26, BLM Assistant Director for National Conservation Lands & Community Partnerships Chris McAlear and BLM Budget Officer Linda Smith will meet with Senate Appropriations Majority staff regarding BLM-managed National Monuments.

On January 27, BLM Deputy Assistant Director for Resources, Karen Kelleher, Assistant Director for Fire and Aviation, Ron Dunton, and Senior Advisor for Sage-Grouse Strategy and Implementation, Gordon Toevs, will meet with House Natural Resources majority staff at the Committee staff's request to discuss sage-grouse plan implementation and wildfire issues.

On January 28, the BLM-AK State Director and BLM Arctic Office Manager will meet with the North Slope Borough Mayor in Utqiagvik to discuss projects involving the North Slope Borough and the NPR-A, including the Regional Mitigation Strategy, development of the Greater Mooses Tooth 2 oil and gas project, and the Legacy Wells program.

On January 29 (tentative), BLM-Nevada plans to gather up to 135 wild horses from the Reveille Herd Management Area (HMA) and surrounding Reveille Allotment. Eighty wild horses will be removed and transported to a BLM adoption facility while approximately 55 horses will be released back to the HMA and treated with fertility control for a post-gather population of 93.

On January 30, OSMRE plans to award FY 2017 Abandoned Mine Land (AML) program grants to Arkansas, Louisiana, and Oklahoma. OSMRE gives these grants to enable eligible states and tribes to reclaim lands and water affected by past mining. These awards are customary and occur throughout the year.

On January 30, BLM-AK leadership and project staff will meet with ConocoPhillips Alaska, Inc. (CPAI) to provide an update on permitting for the Greater Mooses Tooth 2 (GMT2) project. GMT2 is a development project within the National Petroleum Reserve-Alaska (NPR-A). The BLM Alaska received an application for permit to drill for GMT2 on August 25, 2015. The GMT2 project would be a continuation of the development within the Federal Oil and Gas Greater Mooses Tooth Unit (GMTU). The proposed project would include a 14-acre pad and up to 48 wells. CPAI would like to begin construction of GMT2 during the winter of 2018-2019.

On January 30, the BLM and Forest Service will announce the annual adjusted grazing fee for public lands.

On January 30, the BLM will meet with representatives from 22 countries to discuss climate change-related mitigation measures and clean energy at the Main Interior building.

On January 31, BOEM plans to hold a workshop to discuss the evaluation criteria for third-party guarantees. The workshop follows 113 letters that were sent to interest holders in sole liability properties on December 30, 2016, notifying them of the requirement to provide additional security. On January 6, 2017, BOEM announced that it will extend the timeline for implementation of other aspects of the Financial Assurance Notice to Lessees (NTL) issued in July 2016 by six months. In the interim, BOEM plans to implement an interactive process to gather additional input from all interested parties. The Bureau has posted the evaluation criteria on its website and is planning a second workshop in New Orleans on a date to be determined.

In late January, the BLM-CO Uncompahgre Field Office and the Grand Mesa, Uncompahgre and Gunnison National Forests will announce a public scoping on a natural gas development proposal about 12 miles north of Paonia, CO.

In late January, the BLM-UT Moab FO will release for public review an Environmental Assessment (EA) for the Needles and Anticline Overlook (Canyon Rims) Road Improvement Project to improve public access and safety. The area is near the Bears Ears National Monument.

Beginning the week of February 26, the BLM-ID Challis Field Office plans to capture up to 150 wild horses through bait trapping and remove up to 50 within the Challis Herd Management Area (HMA) to reach the Appropriate Management Level (AML) of 185-253. The current population estimate is 285. The gather is expected to be completed by mid-April.

On February 2-3, the BLM-AK Resource Advisory Council (RAC) will meet in Fairbanks. Agenda items include a report from the RAC's placer mining subcommittee with recommendations on revegetation. RAC members also will present reports on public land order withdrawals, re-vegetation, the National Petroleum Reserve, the BLM Planning rule, and receive general updates from the BLM-AK State Director.

February 3-11: The 2017 King of the Hammers Ultra Race will be held at the Johnson Valley OHV Area in San Bernardino County. This event, authorized under a BLM special recreation permit, draws thousands of participants and spectators and has received national and international attention for its unique OHV and rock crawling competitions.

### **30-60 Day Look-Ahead**

Majority Staff of the House Natural Resources Committee requested a meeting with the BLM to discuss infrastructure project priorities. A date and BLM participation have not yet been determined.

In early 2017, BOEM plans to sign a Memorandum of Agreement (MOA) with the Army Corps of Engineers (USACE) authorizing the use of Outer Continental Shelf (OCS) sand for the Mississippi Coastal Improvements Program Comprehensive Barrier Island Restoration Project (MsCIP) in the Gulf of Mexico. BOEM was a cooperating agency during the preparation of the 2009 Programmatic EIS and the 2016 Supplemental EIS. BOEM independently reviewed the SEIS and found that it adequately evaluates the environmental effects of the proposed action. The signing of the lease authorizing the use of OCS sand will occur in the form of an MOA. BOEM is in the process of coordinating a joint press release with USACE and a signing ceremony that may occur in connection with the American Shore & Beach Preservation Association Summit in Washington, D.C. on March 1.

On February 7, BLM-WY will hold an in-person Oil and Gas lease sale, offering 283 parcels totaling 184,784.25 acres located in Campbell, Carbon, Converse, Crook, Fremont, Johnson, Natrona, Niobrara, Sheridan, and Weston Counties. Forty-one of the parcels are located within

greater sage-grouse Priority Habitat Management Area (PHMA) and the remaining parcels are within Greater sage-grouse General Habitat Management Area (GHMA). Three protests have been received. The BLM is working to respond to the protests.

On February 7 – 8, the Wildlife and Hunting Heritage Conservation Council meeting will be held at DOI-Main Interior Building (MIB).

On February 8, a hearing will take place in DC Federal District Court to consider a Motion for Preliminary Injunction filed last month by commercial fisheries-related entities following BOEM's sixth commercial offshore wind lease sale. The Plaintiffs challenge the decision to lease the New York Wind Energy Area and seek injunctive relief to prevent BOEM from executing the lease. The Plaintiffs agreed to drop their Temporary Restraining Order in exchange for BOEM agreeing to give the court at least 14-days' notice prior to executing the lease.

On or about February 8, BLM-UT will begin helicopter gather operations in the Cedar Mountain HMA to gather 700 wild horses, remove 300, treat 150 with fertility control and release treated mares with remaining stallions back to the HMA.

On February 13 – 25, the Mineral Resources Report of the Sagebrush Focal Areas in ID, MT, NV, OR, UT, and WY will be available. BLM received 600 copies of the report from the USGS, and plans to distribute the report at eight public meetings in February. During the week of February 13, BOEM and the State of California tentatively plan to hold a meeting with tribes along the Central Coast of California regarding offshore wind development. This is part of an effort by BOEM and the State to hold a series of regional outreach meetings. Additional stakeholder outreach being organized by BOEM and the California Energy Commission (CEC) will consist of monthly stakeholder sub-teams to coordinate outreach related to data collection and science, fishing, and coastal communities. BOEM also plans to attend a public meeting conducted by the CEC with the San Luis Obispo Council of Governments in March 2017.

On February 15, BLM-OR/WA will hold the Blue Mule Timber Sale, which will make available 5,500 MBF of thinning harvest on 324 acres. The BLM will also hold the Quarry 5 Timber Sale, which will make available 7,358 MBF of regeneration and thinning harvest on 283 acres.

On February 17, BLM-OR/WA will hold the Six One Timber Sale, which will make available 68 acres of regeneration harvest and one acre of right-of-way clearing. This project is expected to be controversial as it is a regeneration harvest.

On February 23, staff from the office of Rep. Doug LaMalfa (R-CA) will meet with the BLM, U.S. Forest Service and the U.S. Fish and Wildlife Service to discuss efforts to combat illegal marijuana cultivation on public lands. This meeting follows a request from Rep. LaMalfa for detailed budget information about illegal marijuana eradication, enforcement and environmental cleanup on public lands.

In late February, BLM-NV plans to issue the final Dixie Meadows Geothermal Project

Environmental Assessment (EA) and Finding of No Significant Impact (FONSI). The project area consists of approximately 22,021 acres of public land. The project proponent, Ormat, seeks approval to drill temperature gradient wells, test observation wells, and production wells at up to 20 specific locations.

By February 28, the BLM-UT Price Field Office will release for public review an EA analyzing a recreation management plan for the Joe's Valley Bouldering Area. The Joe's Valley Extensive Resource Management Area (ERMA) encompasses 24,930 acres located in north-central Emery County, Utah). Over one million people live within driving distance of Joe's Valley, and the area receives many visitors.

During the week of March 6, BLM-UT State Director, Ed Roberson, will meet with Sen. Hatch in his Washington, D.C. office. This is general meeting, with no specific topics, at the request of the Senator.

On March 9, BLM-CO will hold an on-line oil and gas lease sale. BLM-CO will offer 16,449.68 acres in the Archuleta, Dolores, Montezuma, and San Miguel counties (SW Colorado).

On March 14, BLM-NV will hold an on-line oil and gas lease sale. BLM-NV will offer 67 parcels totaling almost 116,000 acres in the Elko District.

On March 16, BOEM will hold a commercial wind lease sale offshore NC. Nine companies have qualified to participate in the auction. The lease sale area is 24 nautical miles (nm) offshore Kitty Hawk, NC and extends 25.7 nm in a southeasterly direction. BOEM announced the publication of the Final Sale Notice on January 17; a mock auction will be held on March 14.

On or before March 17, Congress may respond to a proposed donation of private land to a BLM wilderness area in NM. On January 17, then-ASLM Janice M. Schneider signed letters notifying Senate and House leadership that DOI intends to accept a gift of approximately 3,590 acres from The Wilderness Land Trust and add those acres to the adjacent Sabinoso Wilderness, consistent with Section 6 of the Wilderness Act.

On March 23, BLM-Eastern States Office (ESO) and UT will hold an on-line oil and gas lease sale. BLM-ESO will offer 1,186.06 acres in Monroe County (within the Wayne National Forest) and BLM-UT will offer 4,174.46 acres in San Juan County.

In March, the BLM plans to issue the Boardman to Hemingway Record of Decision (ROD). The Biological Opinion (BO), which is being drafted by the National Marine Fisheries Service, is a necessary precursor to the ROD. The BO is targeted for completion on February 28. Oregon Plan amendments are being handled concurrently and that decision will be issued simultaneously with the ROD for the Environmental Impact Statement (EIS) and Approval to issue a grant.

## **ASSISTANT SECRETARY POLICY, MANAGEMENT AND BUDGET**

### **Week Ahead Schedule of Meetings, Hearings, and Travel**

#### Monday, January 30

- Who: Office of Natural Resources Revenue (ONRR)
- What: External Meeting – US Extractive Industries Transparency Initiative (USEITI) Multi-Stakeholder Group Meeting
- When: Week of January 30, 2017
- Where: Washington, DC
- Press: Open
- Topic: First multi-steering group meeting of 2017
- Hearings: N/A

#### Wednesday, February 1

- Who: Office of Wildland Fire (OWF)/Director Bryan Rice
- What: Event - Thermal Imaging Summit
- When: February 1, 2017
- Where: Chantilly, VA
- Press: Closed
- Topic: Director Bryan Rice to deliver keynote address
- Hearings: N/A
  
- Who: Office of Wildland Fire (OWF)/Director Bryan Rice
- What: External Meeting - International Liaison Committee Meeting, hosted by U.S. Forest Service International Programs office
- When: February 1-2, 2017
- Where: Washington, DC
- Press: Closed
- Hearings: N/A

#### Thursday, February 2

- Who: Regional Environmental Officer (REO) Anchorage
- What: External Meeting - Southeast Alaska state/federal transboundary mining and water quality issues, hosted by the Environmental Protection Agency and the State of Alaska
- When: February 2, 2017
- Where: Anchorage, Alaska
- Press: Closed
- Topic: Agencies will provide status updates on completed or planned work as well as discuss potential future collaborative opportunities as a means to ensure information sharing and leveraging resources.
- Hearings: N/A

#### Monday, February 6



- Who: Office of Environmental Policy and Compliance (OEPC) Director and Regional Environmental Officer (REO) and Regional Environmental Assistant (REA) Anchorage
- What: Events – 2017 Alaska Forum on the Environment (AFE) Conference
- When: February 6-10, 2017
- Where: Anchorage, AK
- Press: (awaiting confirmation)
- Topic: Annual conference with regularly 1,800 attendees; agenda includes sessions on energy, sustainability, oil spill prevention and response, contaminated sites, mining, rural and tribal issues, and fish, wildlife, and habitat
- Hearings: N/A

### **Week Ahead Announcements and Actions**

**U.S.-Australia Wildfire Cooperation.** On January 24, 2017, in Canberra (Monday evening, January 23 in Washington, DC), the U.S. and Canada renewed an arrangement that facilitates cooperation on wildland fire management which is especially critical given the urgent nature and high resource demands of managing wildland fires. Since the U.S. and Australia have opposite fire seasons, and use interchangeable methods and doctrine, the two countries established a mechanism for quickly sharing trained personnel and critical resources in a mutually beneficial way that has been in effect since 2002. This renewed arrangement includes updates that cover pre-suppression activities and reflect current coordinating mechanisms within Australia. The Office of Wildland Fire (OWF), the Office of International Affairs (OIA) and the Office of the Solicitor (SOL) have worked closely with the State Department, the U.S. Department of Agriculture and Australian counterparts to update this arrangement, and can provide additional background if further information or public outreach is desired.

**Year 2017 Small Business Accomplishments to Date:** As of January 17, 2017, the Department has awarded 57.03% of its contract award dollars to small businesses. The Department-wide small business goal, which was negotiated with the Small Business Administration, is 53.5%. The Department awarded 23.72% of its contract award dollars to small disadvantaged businesses and 16.31% of its contract award dollars to women-owned small businesses, exceeding the statutory goal of 5% for each. The Department awarded 3.05% of its contract award dollars to historically underutilized business zone small businesses and 3.01% of its contract award dollars to service-disabled veteran-owned small businesses. The statutory goal is 3% for each of these categories.

**Dispersant Use Avoidance Areas in Alaska.** On February 1, 2017, the Office of Environmental Policy and Compliance (OEPC) Regional Environmental Office (REO) of Anchorage will lead a technical committee meeting with federal and state natural resource trustee agencies to plan for the identification of dispersant use Avoidance Areas within the dispersant Preauthorization Area of Alaska. This group will collect scientific data, review public comments and input, and provide recommendations to the U.S. Coast Guard, Environmental Protection Agency, and State of Alaska for approval.

**GAO: Border Patrol's Use of Other Federal, State, Local, Tribal, and Private Roads and Land (Job Code 101144).** On January 18, GAO held an entrance conference with the

Department for its engagement on the U.S. Border Patrol's use of Federal, State, local, Tribal and private roads. The engagement was initiated at the request of the Chair, Senate Homeland Security and Governmental Affairs Committee. GAO is evaluating (1) the availability of information on the U.S. Border Patrol's use of other Federal, State, local, Tribal, and private roads and land; 2) the extent to which the U.S. Border Patrol maintains other Federal, State, local, Tribal, and private roads and land it uses for its border security operations; and 3) the extent to which select Federal agencies address maintenance of other Federal, state, local, tribal, and private roads and land they use for Federal activities, and the processes and funding used to identify and assess the costs incurred.

**GAO: Trafficking of Native American Cultural Artifacts (Job Code 101290).** At the request of the Chairman of the House Judiciary Committee; the Chairman of the House Subcommittee on Crime, Terrorism, Homeland Security, and Investigations; and Congressman Pearce, GAO will evaluate:

- Actions the Federal Government has taken or could it take to help prevent the excavation and removal of Native American cultural items from Federal and Tribal land and illegal trafficking of Native American cultural items;
- The status of agency efforts to repatriate Native American cultural items under the Native American Graves Protection and Repatriation Act, and the actions the Federal Government has taken to secure the return of Native American cultural items;
- The results of enforcement actions over the past 10 years taken under the Archeological Resources and Protection Act and Native American Graves Protection and Repatriation Act involving crimes related to the illegal possession, sale, excavation and removal and trafficking of Native American cultural items; and
- Where have cultural items been illegally obtained, how were they marketed for sale, and who were the primary customers?

An entrance conference will be scheduled in the near future.

**New GAO Audits: Compliance with Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Spending and Certain Requirements for FY 2015 (Job Code 101004).** Section 5136 (a) of Public Law 112-81, Dec. 31, 2011, the National Defense Authorization Act for Fiscal Year 2012, mandated a study on compliance with SBIR and STTR to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives. GAO will review: 1) extent to which participating agencies comply with the SBIR and STTR spending requirements for Fiscal Year (FY) 2015; 2) extent to which the participating agencies and the Small Business Administration complied with reporting requirements in FY 2015; 3) amount participating agencies spent to administer the SBIR and STTR programs in FY 2015; and 4) potential effects of basing the FY 2015 spending requirements for the SBIR and STTR programs on an agency's total research or research and development (R&D) budget rather than its extramural R&D budget. The entrance conference has not been scheduled.

**Recent Draft GAO Report (Per GAO, distribution is highly restricted): Environmental Litigation: Information on Endangered Species Act Deadline Suits (GAO-17-304).** Per response to a request from Ranking Member Grijalva of the House Committee on Natural

Resources, the Government Accountability Office (GAO) examined the number and scope of deadline suits filed against the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for alleged failure to take actions within statutory deadlines under Section 4 of the Endangered Species Act, during FY 2005 through FY 2015. GAO issued the final report without recommendations and no further action is required.

**Recent Final GAO Reports: Financial Assurances for Reclamation: Federal Regulations and Policies for Selected Mining and Energy Development Activities (GAO-17-207R).** Per response to a request from Senator Cantwell, Ranking Member, Senate Committee on Energy and Natural Resources; Senator Durbin; Representative Grijalva, Ranking Member of the House Committee on Natural Resources; Representative Lowenthal, Ranking Member, Subcommittee on Energy and Mineral Resources; Representative Dingell, Ranking Member, Subcommittee on Oversight and Investigations; and Representative Cartwright, the Government Accountability Office (GAO) reviewed financial assurance requirements for coal mining and how these requirements compare with those for other mining and energy development activities. GAO issued the final report without recommendations and no further action is required.

### **30-60 Day Look-Ahead**

**ONRR Civil Penalties.** The Office of Natural Resources Revenue (ONRR) anticipates issuing a civil penalty of about \$142,800.00 to Tessera Energy, Inc. (Tessera). ONRR investigated Tessera's failure to resolve volume variances and found 84 violations on multiple Federal leases for production months of February 2013 through December 2015. ONRR issued a Notice of Noncompliance (NONC) to Tessera detailing the outstanding reports and provided a 30-day cure period to correct the violations. Tessera failed to comply during the cure period. Since Tessera is a very small company with no prior violations, OE computed the civil penalty assessment using the standard rates of \$5 per day, per violation for the first 40 days and \$10 per day, per violation thereafter. ONRR will prepare a press release and forward it to the Office of Communication.

**Internal Control and Audit Follow-up.** As of January 20, 2017, the Department has closed 14 percent of open audit recommendations scheduled for closure in FY 2017. The Department has an *annual* goal of closing 85% of corrective actions scheduled for closure to address issues raised in Office of Inspector General (OIG) and Government Accountability Office (GAO) engagements.

**FY 2018 Budget Formulation.** In anticipation of FY 2018 budget formulation, the Office of Budget (POB) is working to develop revised fixed cost estimates for FY 2017 and FY 2018 to reflect the OMB baseline assumption of a year-long continuing resolution (CR) for FY 2017.

**Hiring Freeze.** The Department is working with the Office of Management and Budget to provide data for DOI positions that may be granted exceptions from the Hiring Freeze.

**Work Environment Survey.** The Department is conducting a Work Environment Survey as part of the effort to understand employee attitudes and harassment experiences within our workforce. 63,846 surveys have been sent to employees. The current participation rate is 34.76%. The survey is scheduled to close on February 15, 2017.

February 8-10, 2017, Border Coordinator Jon Andrew will attend the Good Neighbor Environmental Board (a Federal Advisory Committee Act Board) meeting in San Diego, CA. The meeting will begin work on a report dealing with border security and the environment. February 10, 2017 is OMB's due date for DOI to update the Agency Priority (Performance) Goals on [www.performance.gov](http://www.performance.gov), with DOI's status of achieving FY 2016-2017 goals through the 1<sup>st</sup> quarter of FY 2017. Internally, bureaus and offices were requested to provide their reports by January 24, 2017.

February 13-14, 2017, the ESRI Federal Geographic Information Systems (GIS) Conference will be held in Washington, D.C., with DOI attendees to include Office of Wildland Fire (OWF) and others.

February 21-23, 2017, the DOI Office of Policy Analysis (PPA) and the National Oceanic and Atmospheric Administration (NOAA) Coral Reef Conservation Program are coordinating the U.S. Coral Reef Task Force biannual meeting at the Main Interior Building in Washington, D.C..

A public business meeting will be held on February 23. The meeting will focus on the key benefits of coral reefs, including the role of coral reefs in reducing coastal hazards. February 27-March 3, 2017, the National Invasive Species Council (NISC) Secretariat will participate in the National Invasive Species Awareness Week (NISAW). NISC will provide an informational booth and event speakers during the Congressional Fair on March 1.

March 7-9, 2017, the last meeting of the Arctic Council's Senior Arctic Officials (SAO) under the U.S. Chairmanship, will take place in Juneau, Alaska. Several U.S. Chairmanship deliverables will be put forth for approval, including the Arctic Resilience Action Framework.

April 5-7, 2017, the DOI Economics Conference, organized by the Office of Policy Analysis (PPA) and held at the South Interior Building (SIB), will provide an opportunity for the Interior economics community to convene on current issues of interest, collaborate across bureaus, identify key economics research challenges that are important to DOI's programs and activities, and build community.

May 18-19, 2017, UCLA will host an Indian Data Governance Workshop to address Indian data issues. The Office of Policy Analysis (PPA) is working with UCLA and other stakeholders to develop the agenda and invitation list.

## ASSISTANT SECRETARY - WATER & SCIENCE

### Week Ahead Schedule of Meetings, Hearings, and Travel

**Kerry Rae** - Acting Principal Deputy Assistant Secretary Kerry Rae will be in Washington, DC, and participating in routine internal briefings, and transition-related meetings. In addition, several Reclamation water user and stakeholder groups will be in DC to meet with the PDAS/WS and Reclamation.

**Scott Cameron** - Special Assistant to the Secretary Scott Cameron will be in Washington, DC, and participating in routine internal briefings, and transition-related meetings.

**David Murillo** – Acting Commissioner for Bureau of Reclamation will be in Washington, DC, participating in routine meetings.

**Bill Werkheiser** – Acting Director for U.S. Geological Survey will host a Town Hall Meeting on January 30 with USGS employees at the Denver Federal Center to discuss a range of topics important to USGS employees. (Denver, Colorado)

### Week Ahead Announcements and Actions

On January 25 or 26, an article will be published in American Geophysical Union's Water Research Journal, entitled *The Future Role of Dams in the United States of America*. One of the seven authors of the journal article, submitted months ago, is Reclamation Science Advisor David Raff. Media interest is unknown.

On January 26, Reclamation is planning to launch the Estimating Reservoir Water Storage Capacity prize challenge that seeks new methods to indirectly and cost effectively estimate storage capacity and/or sedimentation volume of reservoirs managed by Reclamation and the U.S. Army Corps of Engineers. The prize purse for this challenge is \$50,000.

On January 27, a hearing will be held before United States District Court, Northern District of California, San Francisco Division in the matter of the *Hoopa Valley Tribe and Yurok vs. Reclamation/National Marine Fisheries Service* lawsuits. The decisions pending before the court are: 1) Federal Defendants motion to dismiss all claims or to stay litigation until reinitiation is complete; 2) Plaintiffs' motions for summary judgment on the first claim - failure to reinitiate - and request for injunctive relief. Both Federal Defendants and Project water user intervenors have opposed plaintiffs' motions. Reclamation is coordinating with the Department of Justice and the Solicitor's Office in preparation of the hearing. Media interest is expected.

Tentatively during the week of January 30, Reclamation will release the Final Environmental Impact Statement (EIS) for the Long-Term Plan to protect adult salmon in the Lower Klamath River. The Final EIS describes the potential environmental effects of the No-Action and Action Alternatives to augment flows in the Lower Klamath River to reduce the likelihood and the severity of any *Ich* epizootic event that could lead to an associated fish die-off in future years. Local media interest is expected.

During the week of January 30, USGS will announce a new scientific approach that can provide regional assessments of land recovery following oil and gas drilling activities. This USGS study focuses on oil and gas well pad sites, where vegetation and soil are removed to level an area for drilling and extraction, and examines the longevity and recovery patterns after the well pads are plugged and abandoned in order to help resource managers make informed decisions for future development. Significant differences found in well pad recovery among land ownership groups suggest there is a role of land management in promoting or hampering pad recovery. The results may assist land managers in deciding what areas might be best utilized for energy development while also having a minimal impact on the environment. The paper will be published in *Science of the Total Environment* and a news release is planned.

On January 30, the trial will begin in the U.S. Court of Federal Claims in Washington D.C. in the matter of *Klamath Irrigation District v United States*, a Klamath takings case. The case stems from the 2001 water shutoff on the Klamath Project, when Reclamation initially decided that no irrigation deliveries could be made from the Project's main reservoir, Upper Klamath Lake, in order to remain in compliance with the Federal Endangered Species Act. This decision ignited an uproar which included the famous Bucket Brigade, and demonstrations including a farmer's body outline painted on the asphalt of the Klamath Basin Area Office parking lot. Following the 2001 irrigation season, the Klamath Irrigation District and eventually individual landowners sued the United States government, claiming in part that the shutoff constituted a taking of their water rights without just compensation in violation of the Fifth Amendment of the U.S. Constitution. The case has previously been heard by U.S. Court of Federal Claims, the U.S. Court of Appeals for the Federal Circuit, and Oregon State Supreme Court. Water users from the Klamath Basin will begin the trial with testimony about impacts from the shutoff with Reclamation giving testimony on behalf of the agency on or around February 6. Media interest is expected.

On January 30, Reclamation plans to issue the Final Environmental Assessment and Finding of No Significant Impact for the Lewiston Orchards Project Water Exchange and Title Transfer. The Lewiston Orchards Project provides irrigation water to the Lewiston Orchards Irrigation District. A news release will also be issued. Local media interest is expected.

On January 31, USGS will announce the 40th edition of the Mineral Commodity Summaries. This edition serves as the earliest comprehensive source of 2016 mineral production data for the world. More than 90 individual minerals and materials are covered by two-page synopses. Each chapter includes information on events, trends, and issues for each mineral commodity as well as discussions and tabular presentations on domestic industry structure, Government programs, tariffs, 5-year salient statistics, and world production and resources. A news release is planned.

On January 31, the DC Building Industry Association, Water & Science, FWS, the University of the District of Columbia, American Forests, and local community representatives will meet to discuss next steps for a Washington, DC, green infrastructure project--the East Capitol Urban Farm--that was established under the Anacostia Urban Waters Federal Partnership. The Urban Waters Federal Partnership is a coalition of 14 federal agencies working collaboratively with local communities in 19 cities across the country on environmental and economic revitalization. The Anacostia Urban Waters project--a three-acre farm and aquaponics facility--was established

in 2016. Private and public sector meeting attendees will discuss metrics of success and identify potential adaptation strategies to ensure the project continues to thrive.

On February 3, Reclamation and the California Department of Water Resources expect to release a public draft Initial Study/Environmental Assessment for the Fremont Weir Adult Fish Passage Modification Project. The project is a requirement of the 2009 National Marine Fisheries Service (NMFS) Biological Opinion and is being pursued as part of California Eco Restore to improve adult fish passage in the Yolo Bypass. Media interest is possible.

### **30-60 Day Look-Ahead**

On February 7, USGS will announce a new USGS Circular titled, “Restoration Handbook for Sagebrush Steppe Ecosystems with Emphasis on Greater Sage-Grouse Habitat—Part 3. Site Level Restoration Decisions.” Part 3 of the handbook introduces habitat managers and restoration practitioners to a site-specific restoration decision tool to assist them in selecting sites and matching techniques to meet project objectives and improve the potential for restoration success. Part 1 of the handbook, published October 26, 2015, introduced basic concepts about sagebrush ecosystems, landscape ecology and restoration science. Part 2, published December 7, 2015, helps guide selection of potential sites for restoration from a landscape perspective. Part three helps guide restoration decisions at a selected site.

On February 22-24, a meeting of the Glen Canyon Dam Adaptive Management Work Group federal advisory committee is planned in Tempe, AZ. Major topics will include the Long-Term Experimental and Management Plan Record of Decision and implementation; current basin hydrology, operations, and the 2018 hydrograph; progress in revitalizing the Science Advisors Program; science results from USGS Grand Canyon Monitoring and Research Center staff; and progress on the Fiscal Year 2018-20 Budget and Work Plan.

In the coming weeks, the USGS will release a paper about the potential release of mercury into the environment from thawing permafrost. The embargoed paper will be published in the journal *Nature*, and a news release is planned. *Nature* may also issue a news release about the paper.

In late-January, Reclamation and Sites Project Authority anticipate releasing a press release recognizing Sites Project Authority as the new partner for the North-of-the-Delta Offstream Storage (NODOS) Investigation. The press release will also announce Sites Project Authority’s Notice of Preparation and upcoming scoping meetings to be conducted in February. Reclamation issued a 2013 Progress Report, but will not issue a new Notice of Intent, and will be present at the scoping meetings to inform the public of Reclamation’s role in the NODOS Investigation. Media interest is anticipated.

In the coming weeks, USGS will announce a new study examining the effects of the 2010 Deepwater Horizon oil spill on marine invertebrate animals in sediments near deep sea corals in the Gulf of Mexico. The results show a complex pattern of changes consistent with known biological effects of exposure to oil. The study is the first to look at the effects of Deepwater Horizon oil in sediments at multiple sites near deep coral reefs. The paper will be published in *Marine Ecology Progress Series* and a news release is planned.

In the coming weeks, USGS will announce a new Scientific Investigation Report which explores drought frequency and intensity in the U.S. over the past half century. Responding to concerns that climate change will lead to deeper or longer droughts, and perceptions of worsening droughts in the Western U.S., scientists compared streamgage data from 1951-1982 with data from the same gages over the period from 1983-2014. Nationwide, they found few changes in drought frequency, duration or severity. However, the lack of change in the national average masks changes in 4 of 9 ecoregions. Parts of the Southeastern U.S., Texas and California had more frequent droughts from the 1980s onward, while the Central Plains and the Northeast had less frequent droughts. A news release is planned.

On March 23, a meeting of the Federal Geographic Data Committee Steering Committee is planned at Main Interior.