

**To:** Ann Navaro[ann.navaro@sol.doi.gov]  
**From:** Jesup, Benjamin  
**Sent:** 2017-03-30T15:07:25-04:00  
**Importance:** Normal  
**Subject:** Fwd: Report to the Solicitor - March 29, 2017  
**Received:** 2017-03-30T15:07:47-04:00  
032917 WEEKLY REPORT TO THE SOLICITOR.docx

FYI, Lynn didn't actually copy you.

Ben

----- Forwarded message -----

**From:** **Peterson, Lynn** <lynn.peterson@sol.doi.gov>  
**Date:** Thu, Mar 30, 2017 at 2:53 PM  
**Subject:** Fwd: Report to the Solicitor - March 29, 2017  
**To:** "Diane K. Hoobler" <Diane.Hoobler@sol.doi.gov>, "Frank S. Wilson" <Frank.Wilson@sol.doi.gov>  
**Cc:** Benjamin Jesup <benjamin.jesup@sol.doi.gov>

Hi Diane,

I am sharing with you and Frank a Report that MG just shared with me. It goes to Acting Solicitor and seems essentially to be a compilation of our Week Ahead Reports. (b)(5) ACP

[REDACTED]

Thanks,  
Lynn

Lynn Peterson  
Regional Solicitor  
PNW Region  
Department of the Interior  
805 SW Broadway, Suite 600  
Portland, OR 97205  
(503) 231-2125

----- Forwarded message -----

**From:** **Edwards, Kimberly** <kimberly.edwards@sol.doi.gov>  
**Date:** Thu, Mar 30, 2017 at 7:11 AM  
**Subject:** Report to the Solicitor - March 29, 2017  
**To:** SOL-Associate & Regional Solicitors <sol-associateregionalsolicitors@sol.doi.gov>, SOL-Assistant & Field Solicitors <sol-assistantfieldsolicitors@sol.doi.gov>, Jack Haugrud <jack.haugrud@sol.doi.gov>, Edward T Keable <edward.keable@sol.doi.gov>, James Schindler <james\_schindler@ios.doi.gov>, Downey Magallanes <downey\_magallanes@ios.doi.gov>, Daniel Jorjani <daniel\_jorjani@ios.doi.gov>  
**Cc:** Marigrace Caminiti <marigrace.caminiti@sol.doi.gov>

Attached. Thank You

Kim Edwards

Staff Assistant, Office of the Solicitor  
US Department of the Interior  
main line: 202-208-4423  
[kimberly.edwards@sol.doi.gov](mailto:kimberly.edwards@sol.doi.gov)

*"Be kind whenever possible. It is always possible." Dalai Lama*

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you receive this Message in error, please notify the sender immediately and destroy all copies.

—

Ben Jesup  
Assistant Solicitor for Fish and Wildlife  
Solicitor's Office  
Department of the Interior  
202-208-3170

NOTICE: This email message (including any attachments) is intended for the use of the individual(s) or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you receive this message in error, please notify the sender immediately and destroy all copies.

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

**March 29, 2017**

### **Office of the Solicitor**

#### **Week Ahead Schedule Of Meetings, Congressional Hearings, And Travel**

On March 28, Atlanta & Knoxville office attorneys will meet with National Park Service (NPS) regional managers in a retreat to discuss, among other things, improving working relations, improving work efficiencies (streamlining and consolidation of work processes/functions, staffing updates and service level standards). An initial retreat of this type was held last year and it was agreed that an annual gathering would be beneficial to both client and the Solicitor's Southeast Region. (Horace Clark, 404- )

On March 30, the Division of Parks and Wildlife (DPW), Environmental Restoration Branch attorneys will be briefing Office of the Secretary, the Acting Solicitor and the Assistant Secretary - Parks and Wildlife beachhead teams on the Deepwater Horizon Natural Resources Damage Assessment and Restoration Program (NRDAR) settlement. (John Carlucci (202) 208-4145)

On April 3, the Bureau of Land Management (BLM) and Solicitor's Office attorneys from the Division of Land Resources and the Pacific Northwest Region are briefing Assistant Secretary for Land and Minerals Management and BLM beachhead teams on BLM's Western Oregon plans and associated litigation. (Brian Perron, 503.231-6298; and Laura Damm, DLR, 202.208-5431)

Kathy Benedetto requested that BLM, the Office of Natural Resources Revenue (ONRR), and the Solicitor's Office meet with her to discuss the Leonardite Products, LLC Federal coal lease. The meeting will be held on Wednesday, April 5. The Division of Mineral Resources (DMR) has reviewed the BLM drafted briefing paper and will attend the briefing. (Lauren Bachtel, 202-208-6420; Briana Collier, 202-208-4853).

At the end of May, Rocky Mountain Region and the Fish and Wildlife Service (FWS) will be coordinating with Army and the Department of Justice (DOJ) on how to address a draft Federal Facilities Agreement and Compliance Order issued by the State of Colorado to address jurisdictional and other issues at the Rocky Mountain Arsenal. Colorado can issue a final compliance order at the end of May on its own if the agencies cannot come to an agreement on language contained in a draft document. On April 11, Rocky Mountain Region attorneys representing all parties will be meeting to determine if there is a way to resolve the issue without issuance of a unilateral document. And on April 13, the Rocky Mountain Region will attend a meeting with high level FWS, Army, and State staff.

### **Navajo Generating Station (NGS)**

The attendees at the March 1 NGS meeting have scheduled a follow-up meeting for April 12 in Washington, D.C. Participants will continue discussions on the economics of NGS and on extending operations through December 2019. (Carter Brown (208-6003); Rodney Smith (801-239-0550))

## Upcoming Reports to Congress Pursuant to the WIIN Act:

The Bureau of Indian Affairs (BIA) met on March 27 to brief the Acting Assistant Secretary and BIA Director on the following draft reports to Congress. The Water Infrastructure Improvements for the Nation Act (WIIN Act) took effect in mid-December 2016. Title III established funding to address deferred maintenance of BIA irrigation systems and dams. The Act also directed the Secretary to report to Congress within 120 days (*i.e.* April 15), after consultation with tribes and affected interests, regarding programmatic goals and funding priorities for its infrastructure. BIA held consultations in early February, and they are currently drafting reports responsive to the provisions of the WIIN Act. (Scott Bergstrom (202-208-5928); Katie Carey; Sarah Foley)

### Week Ahead Announcements And Actions

## SIGNIFICANT LITIGATION DEADLINES FOR NEXT TWO WEEKS SEPARATELY REPORTED

## NEW CASES

[illegible]

(b)(5) ACP [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

**OTHER LITIGATION MATTERS:**

(b) (5) - ACP [Redacted]

(b) (5) - ACP  
[Redacted text block]

[Redacted text line]

[Redacted text block]

[Redacted text line]

[Redacted text block]

[Redacted text line]

[Redacted text block]

(b) (5) - ACP  
[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

(b) (5) - ACP [Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]



(b) (5) - ACP [Redacted text block]

[Redacted text line]

[Redacted text block]

[Redacted text line]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

(b) (5) - ACP [Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]

[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

**NON-LITIGATION MATTERS:**

(b) (5) - ACP [Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

(b) (5) - ACP [Redacted]

[Redacted]

[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

(b) (5) - ACP

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5) - ACP [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) - ACP  
[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

(b) (5) - ACP

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### Upcoming ESA Listing Actions from March 20, 2017 - May 26, 2017

The dates in the “Deadline” column are FWS’s internal targets for delivery to the Federal Register. If there are statutory deadlines (“Stat.”), or deadlines required by court orders or court-approved settlement agreements (“CO”), they are indicated in parentheses after the species name.

#### Pending Clearance by the Department

<u>Deadline</u>	<u>Species</u>	<u>Action</u>
Feb. 22	2 Stoneflies (Western Glacier and Lenian) (asap)	Proposed Critical Habitat and Reopening Comment on Proposed Listing

Mar. 24	West Indian Manatee (1/8, Stat.)	Final Determination on Proposal to Downlist to Threatened
Mar. 30	2 Australian Parrots (Scarlet-Chested Parakeet, Turquoise Parrot) (asap, Stat.)	Final Delisting Determination
Mar. 31	Bone Cave Harvestman (3/31, CO) (seeking extension)	90-Day Finding on Petition to Delist
Mar. 31	Yellow Lance and Atlantic Pigtoe (3/31, CO)	12-Month Finding
April 1	Beaver Pond Marstonia (4/1, CO) (seeking extension)	12-Month Finding

**At FWS**

<u>Deadline</u>	<u>Species</u>	<u>Action</u>
April 1	San Felipe Gambusia	12-Month Finding
April 7	Headwaters and Roundtail Chubs (4/7, CO)	Final Listing Determination
April 14	Black Pine Snake (asap, Stat.)	Reopening CH Comment Period
April 14	5 Species (desert tortoise, Florida black bear, sturgeon chub, sicklefin chub, tricolored bat)	Batch of 90-Day Findings
April 21	Island Marble Butterfly	Proposed Listing
April 21	4 Species (Guadalupe fescue, Tobusch fishhook and Kuenzler hedgehog cacti, gypsum wild-buckwheat)	Reopening Comment Period for Listing/CH (fescue), Downlisting (both cacti) & Delisting (buckwheat)
April 28	I'iwi (9/20, CO)	Final Listing Determination
April 28	Slickspot Peppergrass	Amend Revised Proposed CH
May 12	Texas Hornshell (NM and TX)	Proposed Critical Habitat
May 12	Sonoyta Mud Turtle	Proposed Critical Habitat

(Joan Goldfarb, 202-208-6620)

**30-60 Day Look-Ahead**



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