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### **1. Possible director pick holds ties to methane rule litigation**

Pamela King, E&E News reporter

Published: Tuesday, December 12, 2017

President Trump's possible pick to manage the nation's public lands would carry a well-documented, if controversial, record on landowner rights advocacy to the post.

<https://goo.gl/FGoyZ3>

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Michael Doyle, E&E News reporter

Published: Tuesday, December 12, 2017

Interior Secretary Ryan Zinke's defense of his helicopter travel raises questions about a big Virginia power line project and about what he meant by his explanation of a flight.

<https://goo.gl/pf6Pa9>

### **3. More senior executive moves expected — memo**

Kellie Lunney, E&E News reporter

Published: Tuesday, December 12, 2017

Interior Secretary Ryan Zinke's reorganization plan is still under wraps, but a new memo from the department's second in command about senior executives indicates the Trump officials are looking to an unlikely source for inspiration: the Obama administration.

<https://goo.gl/pcR4E8>

### **4. Senator's bill would remove 450k acres of wilderness study areas**

Scott Streater, E&E News reporter

Published: Tuesday, December 12, 2017

Sen. Steve Daines is sponsoring legislation that would remove nearly 450,000 acres of wilderness study areas the Montana Republican says impede recreational opportunities on Forest Service lands in his home state.

<https://goo.gl/wXwwuj>

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Marc Heller, E&E News reporter

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### **6. BLM contractor tallying comments on amending Obama-era plans**

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Published: Tuesday, December 12, 2017

The Bureau of Land Management will decide by early next year whether to pursue formally amending sweeping federal greater sage grouse conservation plans after it reviews tens of thousands of public comments it received for and against altering them.

<https://goo.gl/xRke8p>

## **7. Tribes reject Trump's co-management plan**

Published: Tuesday, December 12, 2017

A measure tucked away in President Trump's decision to break up Bears Ears National Monument last week has some Native American tribes angry.

<https://goo.gl/V6VXMa>

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### 1. Possible director pick holds ties to methane rule litigation

Pamela King, E&E News reporter

Published: Tuesday, December 12, 2017

President Trump's possible pick to manage the nation's public lands would carry a well-documented, if controversial, record on landowner rights advocacy to the post.

Karen Budd-Falen's past work on oil and gas issues — a major Bureau of Land Management priority, particularly in the age of "energy dominance" — is much less robust.

Budd-Falen Law Offices LLC, which Budd-Falen owns with her husband, Frank Falen, has negotiated over 30 oil and gas leases, according to the firm's website.

"It is our belief that a landowner should not have to sacrifice his or her piece [sic] of mind to benefit from clean energy and natural resources development," the firm's "Energy Development" webpage says.

Budd-Falen has said little about what protections could or should be in place when the federal government — and the American taxpayer — serves as the landowner.

The Wyoming-based attorney did not respond to requests for comment for this story. She has previously confirmed to E&E News that she has met with Interior Secretary Ryan Zinke to discuss the BLM directorship (*Greenwire*, Nov. 29).

On one of BLM's top regulatory questions, Budd-Falen's firm has played a limited part. Brandon Lee Jensen, a senior associate with the law office, serves as local counsel for Montana in a state-led lawsuit fighting the bureau's 2016 Methane and Waste Prevention Rule.

Because Montana defers to Wyoming, which in turn defers to North Dakota, the Budd-Falen law firm's role in the case is restricted, said Kathleen Sgamma, whose Western Energy Alliance is also fighting the Obama-era regulation in court.

"Since about May, Wyoming has really stepped back from an active role in the litigation, and really North Dakota has been driving all the briefing and activity for the states," she said.

The fact that the law office has any involvement in the litigation has attracted the attention of groups that oppose Budd-Falen's potential appointment to lead BLM.

"Her career representing landowners has always been about asserting private ownership over public access," said Jayson O'Neill, deputy director for the Western Values Project. "It's no surprise that this is the kind of leadership Zinke would bring to Interior, given his well-established record of doing favors for the oil and gas industry.

"Budd-Falen will be a great pick for special interests looking for more handouts, but bad news for anyone who cares about protecting our public lands."

The Western Values Project has closely tracked Budd-Falen's public statements on federal lands policy.

During a Nov. 18 forum in Hamilton, Mont., Budd-Falen said she supports the Trump administration's approach to BLM's "multiple use" mission, according to transcripts the Western Values Project provided E&E News.

"I think you can do oil and gas, I think you can do grazing, I think you can cut timber," she said. "I think there is absolutely enough room if you, if in your heart what you want is multiple use of the public lands. And I think that's the direction we need to go.

"I don't think the last administration was going that direction," she added. "I think they were much more looking at single-use, preferential management. When I read the federal statute, it says 'multiple use.'"

### **A blank slate?**

An information sheet posted on Budd-Falen Law Offices' website and a 2004 lawsuit offer some clues about Budd-Falen's background on oil and gas issues.

A 2011 document titled "Oil and Gas Leases: Joy or Heartache for Surface and Mineral Owners" on the firm's website provides a nuanced look at the benefits and drawbacks for landowners considering leasing their mineral estate.



Karen Budd Falen. Budd-Falen Law Offices LLC

Frank Falen and co-author Abigail Jones advise individuals in this position to ensure they receive additional compensation if a developer does not begin activity within a specified amount of time, to secure a large enough royalty to offset losses from a shut-in well and to stay wary of attempts by operators to tie up their land without any production on their tract.

"The landowner should reserve the right to terminate the agreement if the oil or gas developer fails to pay, fails to maintain adequate insurance, commits abandonment, fails to pay taxes, goes bankrupt, or fails or neglects to perform any obligation set forth under the lease," the document says.

The authors conclude that production can help supplement families' income but that landowners should be aware of potential risks.

Their arguments echo those of groups and individuals who seek to limit or stop oil and gas production on public lands.

More than a decade ago, Budd-Falen took on the case of New Mexico ranchers Linn and Treciafaye "Tweeti" Blancett, who sued BLM for allegedly failing to protect their land from the impacts of oil and gas activity.

"I totally believe she thought that we were totally right in what we wanted to do to protect the land, that BLM was in violation, that they were letting oil and gas do whatever they want to do," Tweeti Blancett, who served as a local campaign coordinator for former President George W. Bush, said of Budd-Falen. "She was totally in our corner on that."

The Blancetts ultimately lost the case, after a judge ruled that the court could not force BLM to act.

If Budd-Falen is named to the BLM post, Blancett expects she would continue to hold the same principles she fought for in the lawsuit. But she wondered if that would disqualify Budd-Falen from the position.

"She comes from a farm and ranch background. That's part of her persona. That's one of the reasons I think she wouldn't be selected," Blancett said. "She is a strong Republican in a strong Republican state, but I just can't imagine them having a director that's been a lawyer for cattle growers."

Because Budd-Falen's legal record on oil and gas issues is largely a blank slate, Center for Western Priorities spokesman Aaron Weiss expects she will absorb the administration's stances on "energy dominance" if she is selected for the BLM position.

"It's unlikely President Trump or Secretary Zinke would nominate anyone that wasn't entirely on board with their agenda," Weiss said.

## Nomination

To serve as BLM's director, Budd-Falen would require presidential nomination and Senate confirmation.

If Budd-Falen faces congressional inquiry, Kate Kelly, public lands director for the left-leaning Center for American Progress, offered a few potential questions.

"It would be most critical for senators to dig into her deeply held anti-public lands views and her history of suing BLM employees, but it would also be incumbent upon them to understand her potential approach to energy development," Kelly said.

"What does she believe oil and gas companies owe the American public by way of disclosure before pumping chemicals into the ground during hydraulic fracturing?" Kelly asked. "What does she think is the appropriate role for the BLM in ensuring that states get paid royalties for the venting and flaring of natural gas?"

With many of its other nominees tied up in the Senate, Interior last month appointed Brian Steed as acting BLM director, replacing Mike Nedd, who had held the role since March. Steed is currently listed as the bureau's "deputy director for programs and policy, exercising authority of the director" (*Greenwire*, Nov. 27). Joseph Balash, Interior's nominee to oversee BLM as assistant secretary of land and minerals management, was confirmed last week (*Greenwire*, Dec. 7).

<https://goo.gl/FGoyZ3>

## 2. Questions hover over Zinke's defense of helicopter trip

Michael Doyle, E&E News reporter

Published: Tuesday, December 12, 2017

Interior Secretary Ryan Zinke's defense of his helicopter travel raises questions about a big Virginia power line project and about what he meant by his explanation of a flight.

In a combative Saturday statement posted on Twitter, Zinke justified his helicopter usage that included, he wrote, an "aerial survey of power line project which was under scrutiny for possible compensation mitigation corruption from the previous administration."

Zinke's statement, while making a mistyped reference to the Obama administration, did not elaborate on the power project overflight or what was meant by a "possible compensation mitigation corruption" inquiry.

The Interior Department did not provide an explanation, despite multiple follow-up questions yesterday and today.

The ambiguity comes as Zinke faces scrutiny over travel reports that have seemingly accelerated in recent days.



Secretary Ryan Zinke  
@SecretaryZinke

Follow

Here are the #facts the DC media refuses to print.

*"Recent articles about official Interior Department helicopter usage are total fabrications and a wild departure from reality. On these instances, I conducted an aerial survey of a million acres of federal monument lands, an aerial survey of power line project which was under scrutiny for possible compensatory mitigation corruption from the previous administration, and a national command authority directed emergency response exercise. All of these instances were thoroughly vetted and scrutinized before being approved by the Department's career ethics officers and solicitors. Since I took the helm at Interior, the Office of the Secretary reduced the annual cost of noncommercial airfare compared to the previous two secretaries and we will continue to use government resources efficiently." - Secretary Ryan Zinke*

3:52 PM · 9 Dec 2017

@SecretaryZinke/Twitter

The specific trip and secretarial explanation in question relate to Dominion Energy's plans to construct a power line across a 4.1-mile section of the James River, as part of a larger project ([Greenwire](#), July 25).

On July 6, the Army Corps of Engineers issued a permit for the Surry-Skiffes Creek Transmission Line. The permit includes mitigation designed to protect James River shorelines, water quality and area views, with the company providing about \$90 million for the work.

"We received all the permits and have begun building this urgently needed transmission project in the best interest of bringing cleaner, more reliable energy to the Peninsula and the people who depend on it," Dominion Energy spokeswoman Bonita Billingsley Harris said in an email yesterday.

The National Parks Conservation Association and other groups have sued the Army Corps to block the project, citing its potential impact on historic sites including Jamestown and the Yorktown battlefield. Both are part of the Colonial National Historical Park.

In a December 2015 [letter](#), the then-head of the National Park Service warned that the project would "seriously impact irreplaceable, nationally significant resources" and added that "no amount of mitigation" could offset the harm.

Neither supporters nor opponents of the project, however, would venture an opinion yesterday as to what Zinke's reference to "possible compensation mitigation corruption" might mean. Interior's Office of Inspector General said today it is not aware of any inquiry related to the project.

Instead of providing details, Zinke in his Saturday statement cast his July 7 power project overflight as one of several helicopter trips that he said were "thoroughly vetted and scrutinized before being approved by the Department's career ethics officers and solicitors."

"Recent articles about official Interior Department usage are total fabrications and a wild departure from reality," Zinke wrote.



Reports by *Politico* and the Associated Press, citing documents obtained under the Freedom of Information Act, first revealed that Zinke took three helicopter trips last summer at a cost of more than \$53,000.

The reported travel expenses included more than \$39,000 for a helicopter tour above two national monuments in Nevada, about \$8,000 for a round trip to an emergency management exercise in West Virginia and \$6,200 for the round trip to Yorktown, Va., that included the power project overflight.

"We were informed about Secretary Zinke's helicopter tour over the Surry-Skiffes Creek transmission line project as a courtesy, but we were not involved in coordinating the visit," Billingsley Harris, the Dominion Energy spokeswoman, said yesterday.

Zinke's statement did not itemize any inaccuracies in the news accounts. Rather, his rebuttal appeared as more a general rejection of a broader news narrative concerning his official travel practices.

That potential Zinke narrative continued yesterday, with a *Washington Post* report that Zinke's decision in April to change his travel plans for a fact-finding trip to Channel Islands National Park in California added nearly \$2,000 in costs when he left from Santa Barbara, Calif., where his wife owns a second home. The *Post's* account was based on Interior Department emails, obtained by the Western Values Project under the Freedom of Information Act and provided to the paper.

The internal documents depict National Park Service officials scrambling to accommodate Zinke during the two-day trip. Interior spokeswoman Heather Swift countered in a statement to the paper that "no costs were incurred due to Mrs. Zinke's presence" on the trip.

"Having been a subject of #fake news frequently, I don't think I can ever trust #CNN & #FakeNewsMedia," Zinke's wife, Lolita Zinke, wrote on Twitter yesterday, while retweeting criticism of CNN's coverage of other issues.

The Interior Department's IG is currently reviewing Ryan Zinke's travel (*Greenwire*, Nov. 21). Democrats have asked that the examination include the helicopter trips.

Nancy DiPaolo, a spokeswoman for the IG's office, said yesterday that she is "unable to comment on an ongoing investigation."

<https://goo.gl/pf6Pa9>

### 3. More senior executive moves expected      memo

Kellie Lunney, E&E News reporter

Published: Tuesday, December 12, 2017

Interior Secretary Ryan Zinke's reorganization plan is still under wraps, but a new memo from the department's second in command about senior executives indicates the Trump officials are looking to an unlikely source for inspiration: the Obama administration.

David Bernhardt told senior executives in a **Dec. 4 memo** that more rotations within the management corps "from bureaus to headquarters, from headquarters to the field, and across different functional areas and disciplines" can enhance collaboration and innovation across the department.

It's a sign there are more reassignments of top career management officials to come after this spring's transfer of dozens of senior executives working at Interior, including at the Bureau of Land Management.

The deputy secretary specifically cited as a model a **2015 Obama executive order** that established a governmentwide goal of rotating 15 percent of the Senior Executive Service corps for a minimum of 120 days

to different agencies beginning in fiscal 2017 "to ensure the mobility of the corps while also maintaining stability of operations."

"Going forward, I will seek to strike a balance between leadership continuity and achieving fresh perspective by reassigning SES employees across bureaus and offices," Bernhardt wrote, echoing the goals in the Obama executive order.

He noted that there were 140 SES reassignments at Interior during the eight-year Obama administration, "albeit with very modest mobility of the SES across bureaus." The lack of mobility, he said, can contribute to stagnancy and entrenched bureaucracy.

Bernhardt also said in the memo that he plans to focus on "strengthening executive accountability" within the SES but did not elaborate on what that would entail.

There are roughly 7,000 career senior executives working throughout the government, including approximately 225 officials at Interior.

Federal agencies were supposed to submit their reorganization plans to the White House Office of Management and Budget this fall, but details so far have been scant. OMB has said the workforce plans will be made public with the release of the administration's fiscal 2019 budget proposal, presumably in February 2018.

Asked if he had any updates from Interior on reorganization plans, House Natural Resources Chairman Rob Bishop (R-Utah) said last week "not officially," adding that the department was "still talking conceptually, and that's what we are doing."

The part of Zinke's reorganization plan that so far has attracted the most attention was the reassignment of dozens of BLM senior executives in late spring. A second round of reassignment notifications for other senior executives at BLM and the National Park Service was expected in the summer and fall, but to date, things have been quiet. Some attribute the lack of movement to the ongoing inspector general probe of the BLM senior executive reassignments, a review that began in September (*Greenwire*, Sept. 11).

By statute, agencies can reassign senior executives, provided they comply with the proper notification process. Senior executives know when they enter the SES that they are subject to involuntary reassignments.

But the BLM reassignments earlier this year, which included agency state directors in Colorado, Alaska and New Mexico, as well as former climate policy adviser Joel Clement, were controversial. While the department hewed to senior executive notification rules, some employees and lawmakers viewed the reassignments as hasty, not particularly transparent and politically motivated.

It's not clear when the inspector general will finish its investigation, but the office sent department senior executives an email in October asking them to contact the Office of Inspector General by Nov. 10 with any "pertinent information" related to the review.

## **Lawsuit filed**

One former SES member, former Bureau of Land Management Communications Director Matthew Allen, filed a Freedom of Information Act lawsuit today in an effort to obtain documents about his reassignment.

The FOIA request, submitted Tuesday, Oct. 10, seeks documents related to Allen's late September removal from BLM and subsequent reassignment to a nonspecific public affairs role at the Bureau of Safety and Environmental Enforcement.

"My client's demotion reeks of reprisal, and these documents will provide us the tools we require to prove that," attorney Katherine Atkinson said. "We look forward to uncovering what they are trying to hide."

*Reporter Michael Doyle contributed.*

<https://goo.gl/pcR4E8>

#### **4. Senator's bill would remove 450k acres of wilderness study areas**

Scott Streater, E&E News reporter

Published: Tuesday, December 12, 2017

Sen. Steve Daines is sponsoring legislation that would remove nearly 450,000 acres of wilderness study areas the Montana Republican says impede recreational opportunities on Forest Service lands in his home state.

Daines' bill, S. 2206, targets five wilderness study areas in Montana that are managed by the Forest Service.

In all five cases, the Forest Service decades ago recommended that Congress not designate the wilderness study areas (WSAs) as formal wilderness, according to the text of the "Protect Public Use of Public Lands Act."

Daines' office said in a press statement that allowing hunters, anglers, snowmobilers, mountain bikers and off-road vehicle users access to these national forestlands would bolster Montana's \$6 billion outdoor recreation economy.

"As a fifth-generation Montanan and an avid outdoorsman, I know how important public use of our public lands is to Montanans," Daines said in a statement.

"Forty years of [Washington] D.C. paralysis has frozen our access and use of public lands," he added. "It's time to keep public lands in public hands."

Interior Secretary Ryan Zinke, a former Republican congressman from Montana, has made increasing public access to federal lands a top priority.

The bill, however, has drawn firm opposition from conservation groups, including the Greater Yellowstone Coalition, Montana Wilderness Association and Wilderness Society.

John Todd, the Montana Wilderness Association's conservation director, wrote in a blog post on the group's website that any change in management of the WSAs in question "must involve a diverse group of stakeholders working together at the local level towards agreement and mutual benefit. But if Senator Daines has his way, these five areas totaling nearly a half-million acres would be forever altered — without a single public meeting."

In that way, the bill undermines the state's "outdoor legacy" of embracing an inclusive, collaborative process to managing public lands, said Scott Brennan, the Wilderness Society's Montana state director.

"Senator Daines' bill completely ignores these interests and Montana's proven ability to collaboratively develop public lands management solutions," Brennan said.

Congressionally designated lands placed into the National Wilderness Preservation System are afforded the highest levels of protection and are generally off-limits to all human activities except hiking, canoeing and some hunting and fishing. WSAs are managed as wilderness until Congress takes action.

In total, Montana has nine WSAs covering nearly 1 million acres that were designated as study areas in the Montana Wilderness Study Act of 1977. The law gave the Agriculture Department five years to complete the evaluation of the sites, which the Forest Service completed in 1986, according to the text of the bill.

The Forest Service determined that the majority of the WSAs were "unsuitable for inclusion in the National Wilderness Preservation System," the bill says. Congress has since designated two of the nine WSAs as formal wilderness lands.

But "Congress has failed to act on the recommendations of the Chief of the Forest Service" on the other seven WSAs, which will "remain as wilderness study areas until Congress acts," the bill says.

The Montana Legislature last summer approved a resolution asking Congress to address the five WSAs in Daines' bill — and two others not included in the legislation.

The lands discussed in Daines' bill include:

- The West Pioneer WSA, covering 151,000 acres in the Beaverhead-Deerlodge National Forest just east of Wisdom, Mont.
- The Sapphire WSA, covering about 94,000 acres in the Bitterroot National Forest and parts of the Beaverhead-Deerlodge National Forest.
- The Middle Fork Judith River WSA, comprising about 81,000 acres in the Lewis and Clark National Forest just south of Stanford, Mont.
- The Big Snowies WSA, covering about 91,000 acres in the Lewis and Clark National Forest south of Lewistown, Mont.
- The Blue Joint WSA, comprising about 61,000 acres in the Bitterroot National Forest. Daines' bill would remove the WSA designation from 32,500 acres. The Forest Service in 1987 recommended adding the remaining 28,500 acres to the Frank Church-River of No Return Wilderness Area.

A large group of local government leaders and special-interest groups — including the Montana Farm Bureau Federation, Great Falls Trail Bike Riders Association and Montana Snowmobile Association — support removing the WSA designations from these lands.

Montana Senate Majority Leader Fred Thomas (R) said in a statement that removing the WSA designations would bring "certainty to lands that have been in limbo since their analysis nearly 40 years ago."

Austin Knudsen (R), speaker of the Montana House of Representatives, added that "it's high time to ensure that lands currently designated as WSAs unnecessarily are removed."

<https://goo.gl/wXwwwuj>

## **5. Zinke, Perdue discuss reform with lawmakers, industry groups**

Marc Heller, E&E News reporter

Published: Tuesday, December 12, 2017

Lawmakers and the Trump administration are continuing to work toward comprehensive changes in the way the federal government combats wildfire, House Natural Resources Chairman Rob Bishop (R-Utah) said yesterday.

Bishop and Rep. Bruce Westerman (R-Ark.) participated in a roundtable discussion yesterday with Agriculture Secretary Sonny Perdue, Interior Secretary Ryan Zinke and forest policy stakeholder groups. The administration hosted the two-hour session, which wasn't advertised to reporters.

Bishop told E&E News that attendees agreed that changes in how the government pays for wildfire suppression should be combined with new approaches to forest management — a consensus he said surprised him — although lawmakers and groups most opposed to some of those approaches weren't represented.

And while more forest thinning seems critical to any bill's passage in the House, Bishop said an incremental approach to active forest management might work.

"I think the idea of having a fire funding solution with forestry reform was extremely popular with everyone that was in that room," Bishop said.

He added, "But there were no senators there, so who knows?"

At issue is how to end the Forest Service's practice of borrowing money from non-fire-related accounts to pay for the escalating cost of wildfires, which now take up more than half of the agency's budget.

Many environmental groups and Democratic lawmakers say Congress should set up a disaster fund and treat forest fires like hurricanes or other natural disasters — and stop there.

Many Republican lawmakers, sportsmen's groups and timber companies say that's not enough and that wildfires will only increase if Congress doesn't speed up the process for thinning trees and brush on federal lands, harvesting more timber in the process.

The Trump administration has supported a more active approach, but Perdue and Forest Service Chief Tony Tooke have lately emphasized the funding fix. Perdue told reporters earlier this year that the department may be able to make more use of programs it already has, rather than relying on Congress to expand USDA authority.

Groups attending the meeting included the National Association of State Foresters and the American Forest Foundation.

Forest Foundation President and CEO Tom Martin said in a statement that policymakers should embrace a wide range of responses to wildfire, including boosting programs for state and private forestry.

"The wildfire challenge also requires an approach that significantly increases land treatment, using all the tools foresters have available, from mechanical thinning to prescribed fire to letting wildfires burn where it can be done safely and appropriately," Martin said.

The National Association of State Foresters pressed a similar point, policy director Gary Schiff said today.

"We absolutely need to fix the funding system for wildfire suppression, or there will soon be no funding left to create resilient forests — either on public or state and private land," Schiff said.

Divided over how much forest management reform should be included in any broader legislation, Congress may pick pieces of bills that have been simmering for months or longer. Bishop said elements of Westerman's "Resilient Federal Forests Act," **H.R. 2936**, could move in staggered fashion. That bill, which has passed the House, provides disaster funding, while also easing environmental reviews of forest-thinning projects and discouraging lawsuits related to such projects. Environmental groups and congressional Democrats say it goes too far in limiting the National Environmental Policy Act (*E&E Daily*, Nov. 2).

Asked whether the Westerman measure has to be part of the funding fix, Bishop said, "Not all of the bill."

"If you're going to actually fix the forest, that bill all has to be there eventually," he said. "It doesn't necessarily have to all be here right now, but significant portions of it need to be there."

Bishop said a bill without any of Westerman's approach probably can't pass the House, and that House Speaker Paul Ryan (R-Wis.) is firm on the point.

"Ryan is pretty adamant that there has to be reform, if there's going to be the extra money going along with it," Bishop said.

<https://goo.gl/cNhdPQ>

## 6. BLM contractor tallying comments on amending Obama-era plans

Scott Streater, E&E News reporter

Published: Tuesday, December 12, 2017

The Bureau of Land Management will decide by early next year whether to pursue formally amending sweeping federal greater sage grouse conservation plans after it reviews tens of thousands of public comments it received for and against altering them.

BLM in October formally published a **notice of intent** in the *Federal Register* reopening the plans finalized by the Obama administration in 2015 to public review, with the expected outcome that they will be significantly altered (*E&E News PM*, Oct. 5).

The public comment period ended Dec. 1.

BLM has hired a private contractor to review the estimated 45,000 substantive public comments and submit a scoping report identifying the public's main issues and concerns to the agency by the end of the month, said Don Smurthwaite, a BLM spokesman.

The Obama-era protection measures were strong enough to convince the Fish and Wildlife Service not to list the bird for federal protection under the Endangered Species Act.

"Sometime after the first of the year, we expect to make a decision regarding whether BLM will proceed with plan amendments," Smurthwaite said in an emailed response to questions from E&E News.

Any decision to begin the land-use plan amendment process, which could take years to complete, would be made by BLM in "concurrence" with the Interior Department, he said.

The oil and gas industry, as well as mining and ranching interests, has asked BLM to make substantial changes to the federal blueprint, which included amending 98 BLM and Forest Service land-use plans covering nearly 70 million acres in 10 Western states.

"The 2015 Land Use Plan Amendments disregarded successful, ongoing state management and imposed one-size-fits-all standards that are proving to be as detrimental to the bird as they are to local economies," Ethan Lane, executive director of the Public Lands Council and of federal lands for the National Cattlemen's Beef Association, said in a recent statement.

Democrats such as Colorado Sen. Michael Bennet, as well as some governors, including Wyoming Gov. Matt Mead (R) and Colorado Gov. John Hickenlooper (D), have asked the Trump administration not to make wholesale changes to the plans.

BLM's decision to reopen the sage grouse plans followed a report recommending changes that was conducted by a team of mostly federal regulators who were directed by Interior Secretary Ryan Zinke to review them.

Conservation groups, which have sharply criticized the decision to reopen the plans, questioned BLM's estimate that they received 45,000 public comments.

"Our conservative estimate of comments submitted now exceeds 250,000," said Nada Culver, senior counsel and director of the Wilderness Society's BLM Action Center in Denver.

Smurthwaite said the discrepancy has to do with the way comments are counted.

"Many of the comments came as form letters," Smurthwaite said in the email.

He said that form letters and emails, "if they all say the same thing," are usually "tabulated as just one substantive comment."

"The substantive comments, which are the highest value to us, haven't been analyzed, since we don't yet have the scoping report" from the contractor, he said. "So it is premature to judge how many are for, against, or neutral regarding sage-steppe management changes."

Culver said she worries that BLM will discount the sheer volume of comments against changing the plans.

"We hope that the administration will actually acknowledge the efforts so many people made to attend public meetings and submit comments urging the BLM to keep these plans in place and intact," she said.

<https://goo.gl/xRke8p>

## **7. Tribes reject Trump's co-management plan**

Published: Tuesday, December 12, 2017

A measure tucked away in President Trump's decision to break up Bears Ears National Monument last week has some Native American tribes angry.

The declaration changes the tribal advisory commission for the Bears Ears site, which contains tens of thousands of culturally significant areas.

The president added a county commissioner to the panel who is one of the few Navajos to support the repeal of national monument protections.

The new commissioner will have the same power as the commission's five other members.

Also last week, Utah Rep. John Curtis (R) introduced legislation to create tribal co-management councils. Republicans say the plan would offer the tribes more local control.

The measure excludes tribes outside of Utah and would allow the president to pick most of the members, tribes say.

"Don't try to appease us by giving us something you think we want or you think will make us happy," said Katherine Belzowski, an attorney with the Navajo Nation Department of Justice. "This is a slap in the face."

Tribes hailed President Obama's designation of Bears Ears as a national monument, which set up the original advisory panel. It is made up of elected officials from the Hopi, Navajo, Ute Mountain Ute, Ute and Zuni tribes (Felicia Fonseca, [Associated Press](#), Dec. 11). — **NB**

<https://goo.gl/V6VXMa>