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Pamela King, E&E News reporter

Published: Tuesday, October 10, 2017

Landowner advocates are calling on state and federal regulators to provide more information about well plugging and abandonment activities in Pavillion, Wyo.

<http://bit.ly/2xwCrIG>

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Scott Streater, E&E News reporter

Published: Tuesday, October 10, 2017

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<http://bit.ly/2gaNpwa>

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Brittany Patterson, E&E News reporter

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<http://bit.ly/2yec0WU>

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<http://bit.ly/2yDfp2W>

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House lawmakers this week will take up legislation aimed at preventing federal employees from being fired for pointing out wrongdoing by their superiors.

<http://bit.ly/2xxlPM2>

8. Obama secretaries took nearly \$1M in noncommercial flights

Michael Doyle, E&E News reporter

Published: Tuesday, October 10, 2017

The Obama administration's two Interior secretaries racked up close to a million dollars in noncommercial travel expenses during their years in office, newly released documents show.

<http://bit.ly/2gtEDGi>

9. Bob Murray says Trump's at work on industry 'action plan'

Hannah Northey, E&E News reporter

Published: Tuesday, October 10, 2017

Coal company CEO Bob Murray handed the newly inaugurated President Trump with an "action plan" last January for reviving his slumping industry.

<http://bit.ly/2hA8T22>

10. Ethics chief 'deeply concerned' by leaders' actions

Kevin Bogardus, E&E News reporter

Published: Tuesday, October 10, 2017

The federal government's top ethics official warned agency leaders that their own ethical conduct sets the tone for their employees — and at times, some have already fallen short.

<http://bit.ly/2yDCF0N>

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1. Landowners call on BLM to probe well plugging

Pamela King, E&E News reporter

Published: Tuesday, October 10, 2017

Landowner advocates are calling on state and federal regulators to provide more information about well plugging and abandonment activities in Pavillion, Wyo.

Evidence of corroded casings in the Pavillion gas field sparked concerns as to whether Encana Corp. wells are releasing gas into nearby drinking water supplies, said John Fenton, chairman of Pavillion Area Concerned Citizens.

"The surface casing I witnessed that was removed from a wellhead on our property was completely rusted through," he said.

In a Sept. 22 letter to the Bureau of Land Management, Fenton and Jill Morrison, director of the Powder River Basin Resource Council, asked regulators for an update on Encana's plugging activities and for information on any additional federal investigations on contamination in Pavillion.

"Natural gas can occur under high hydraulic pressure in the subsurface," said hydrogeology consultant Mike Wireman. "This is due to the often very thick sequence of rocks that overlie the gas deposits. Gas that occurs in deposits under high pressure will move readily along any available subsurface pathway."

Wyoming environmental regulators found last year that gas wells in the region had not contaminated the water supply (*E&E News PM*, Nov. 10, 2016).

The Wyoming Department of Environmental Quality report was widely criticized by environmental groups and local residents.

In response to a separate letter from Fenton and Morrison, Wyoming Oil and Gas Conservation Commission Supervisor Mark Watson wrote that he would investigate the groups' concerns.

Ben Kniola, assistant field manager of minerals and lands for BLM's Lander Field Office, said the agency is working on a response to the organizations' request.

<http://bit.ly/2xwCrIG>

2. Hearing to focus on bill to curb regs, boost drilling

Scott Streater, E&E News reporter

Published: Tuesday, October 10, 2017

A House National Resources subcommittee this week will hold a hearing to discuss a sweeping piece of draft legislation designed to reduce federal regulatory requirements on oil and gas development in an effort to "achieve domestic energy independence."

The Subcommittee on Energy and Mineral Resources hearing on Friday will center on the merits of a **discussion draft** that takes aim at restrictions on drilling in the National Petroleum Reserve-Alaska, hydraulic fracturing and federal oversight of drilling activity in general.

The draft of the "Opportunities for the Nation and States to Harness Onshore Resources Act" also combines aspects of other pending bills related to oil and gas regulation.

For example, the draft bill would establish "state primacy in oil and gas permitting on available federal land." It would do so by authorizing the Interior secretary to delegate permitting authority to states that submit an approved regulatory program.

That's roughly the same language found in **H.R. 3565**, sponsored by House Budget Chairwoman Diane Black (R-Tenn.).

But the wide-ranging draft bill goes well beyond that, paving the way to open tens of millions of acres of federal lands to oil and gas production, and is certain to draw heavy criticism from Democrats.

The draft bill includes sections that would reduce regulations for oil and gas drilling, and increase revenues from such activities to states.

In addition, it would require the Interior Department to review a 2012 "integrated activity plan" that placed much of the NPR-A off-limits to drilling, and to identify areas within the NPR-A that "should be made available for oil and gas leasing."

The Trump administration has vowed to open energy development across vast sections of the NPR-A.

Fracking

The draft legislation would forbid Interior from enforcing any federal "regulation, guidance, or permit requirement regarding hydraulic fracturing" in any state "that has regulations, guidance, or permit requirements for that activity."

That's a potentially major provision, given the Trump administration's attempts to rescind an Obama-era rule that would authorize Interior to regulate fracking on public and tribal lands.

The draft bill also includes a section exempting "oil and gas operations" on state and other nonfederal lands from being required to obtain a Bureau of Land Management permit, and other National Environmental Policy Act requirements, when the federal government "holds an ownership interest" in the subsurface minerals.

The measure would require Interior to update land-use plans to identify "preferred oil and gas leasing areas." And it includes a section to allow states, at their request, to receive directly the revenues from "sales, bonuses, royalties (including interest charges), and rentals from all public land or deposits" in that particular state.

This section mirrors the intent, if not the exact wording, of Rep. Liz Cheney's (R-Wyo.) bipartisan [H.R. 2661](#), which would eliminate a federal collection fee that amounts to about \$40 million per year, allowing states to instead collect their share of mineral royalties directly from producers.

Schedule: The hearing is Friday, Oct. 13, at 9 a.m. in 1334 Longworth.

Witnesses: TBA.

<http://bit.ly/2gaNpwa>

3. Zinke talks horses with Lara Trump, rides one with Pence

[Brittany Patterson](#), E&E News reporter

Published: Tuesday, October 10, 2017

Interior Secretary Ryan Zinke met with project developers and campaign contributors in July, continuing a pattern set early in his tenure at the agency, according to his public [secretarial calendar](#).

Zinke split his time between Washington and the sprawling public land managed by the Interior Department, accounting for about 20 percent of the United States. He toured Antietam National Battlefield in Maryland and visited sites in Nevada and Oregon as part of a monthslong review of dozens of monuments.

He also lunched with a real estate developer and campaign donor and met with Lara Trump, the wife of Eric Trump, the president's son, to discuss wild horses. Striking closer to his home of Montana, Zinke put in a call to Russ Fagg, a former judge and possible candidate in the crowded 2018 Senate race in Montana.

The Cabinet secretary also found the time to appear at President Trump's side during multiple events, including one where he got to don his Boy Scout uniform. His Western roots not forsaken, Zinke also hopped into a saddle for an hourlong sojourn on horseback with Vice President Mike Pence.

Here's a look at some of the interesting meetings on Zinke's calendar.

'General animal welfare' with Lara Trump

Prior to jetting off to Denver to address the American Legislative Exchange Council and Western Conservative Summit on July 20, Zinke squeezed in a 30-minute meeting with Lara Trump. She was accompanied by Blair

Brandt, a real estate entrepreneur, reality TV star and self-proclaimed "pet welfare activist/advocate," according to his Instagram account.

The calendar entry said the two wanted to discuss "wild horses; DOI's Doggy Days policy; improving animal welfare."

Lara Trump is an ardent supporter of animal adoption from rescue organizations, and her Instagram account features many photos of the couple's two rescue dogs, Charlie and Ben, as well as a link to donate to the Humane Society of the United States. Earlier this year, she told *Politico* she was trying to convince the Pences to adopt a dog, adding that "it'd be a dream" to get a rescue pup into the White House.

Over Labor Day weekend, Lara Trump, who recently gave birth to a baby boy, posted a photo from a year ago of herself on horseback with the caption, "Countdown is on until I can ride again!!! Come on baby!"

The Bureau of Land Management is responsible for the care and management of an estimated 73,000 wild horses and burros roaming federal lands across the West. The agency says it cannot handle the escalating costs of caring for and feeding the nearly 50,000 additional animals it has already rounded up in holding pens and corrals. How the agency should deal with the animals — through sale or euthanasia — is a sharply divisive issue. It is unclear where Lara Trump comes down on the issue.

A request to the Trump Organization for more information regarding her position on wild horses was not answered. A White House spokeswoman referred a request for comment to the Interior Department, which did not respond.

Oil executives and donors

Despite his packed schedule, Zinke also took time to meet with companies and individuals proposing projects on federal lands, a practice that former administration officials said is not unheard of.

On July 19, Zinke and other top Interior officials had a 30-minute meeting with Rep. Kevin Cramer (R-N.D.) and executives from oil field services company Select Energy Services Inc. to discuss "an energy development project in SE New Mexico that 85% of development falls within the jurisdiction of BLM."

In the lengthy meeting description, the project, outlined as currently in the process of receiving multiple federal approvals, is described as the installation of 50 miles of water pipeline and storage reservoirs near the Delaware Basin, an oil play stretching from West Texas to southern New Mexico. The company said it wanted to go over the plans for the project at a "high level" with the secretary, adding, "it will be phenomenal to have you and your office there to help extol the success of our projects and the complete federal compliance we have done."

"We firmly believe (just like our massive North Dakota projects) that these will be a huge benefit to the environment (millions of water truck trips will be eliminated) and the BLM economics (helping producers drive down costs to complete more wells)," the description states.



Zinke and his dog Ragnar. Zinke met with Lara Trump to talk about dogs and wild horses. Department of the Interior

Don Barry, who served under the Ford, Nixon, Carter and Clinton administrations at Interior, said meetings like this are fairly common. However, in the case of this administration, he said, access to the secretary appears to be one-sided.

"I would make myself available to entities that had very high-value dollar proposed developments on the table," Barry said, in reference to his role as assistant Interior secretary for fish and wildlife and parks during the Clinton administration. "I'd make myself available to them and to the conservation community, as well. That's what's missing here. It's a one-way street, with lobbyists and developers going into the Interior Department."

Select Energy Services did not respond to multiple requests for comment about the nature of the meeting.

Other companies with big oil and gas projects on federal lands have also had meetings with Zinke in the past. According to his May calendar, Zinke had a 30-minute meeting with Newfield Exploration Co., an oil and gas exploration company headquartered in Houston. According to its website, Newfield has rigs in the Anadarko and Arkoma basins of Oklahoma, the Williston Basin of North Dakota and the Uinta Basin of Utah. In 2016, BLM greenlighted a plan by the company to build 5,750 new wells across almost 120,000 acres in Utah. A coalition of environmental groups is challenging the project, called the Monument Butte Oil and Gas Development Project, in court.

"The secretary has got a busy plate and can't be managing every developer's demands and proposals," said Jeremy Nichols, climate and energy program director with WildEarth Guardians. "It's pretty clear that the goal of these industries and companies is to go to the top and make it happen from the top down."

Zinke's calendar has previously been tipped toward meetings with oil and gas industry representatives and executives. He met more than half a dozen times with officials from over 20 oil and gas companies or trade groups in March and April, documents show. He also had several conversations with industrial water users, as

well as individuals and groups that donated to his congressional campaigns and helped elect President Trump (*Greenwire*, May 19).

Similarly, on July 25, Zinke had lunch with real estate developer and campaign donor Robert Pence at Trump International Hotel. In 2015, Pence donated \$5,400 to Zinke when he was running for re-election to the House.

The Interior Department did not respond to a request for comment.

Talking with top White House brass

Zinke fielded multiple calls and meetings with top leaders at the White House in July, including a 30-minute sit-down in the West Wing with then-White House chief of staff Reince Priebus on July 6. Days later, Zinke had a 25-minute call with then-Secretary of Homeland Security John Kelly. Kelly is now the White House chief of staff.

On July 26, Zinke had a 45-minute sit-down with White House energy adviser Mike Catanzaro, followed by a one-hour meeting with then-White House chief strategist Steve Bannon. He capped his White House speaking tour that day with a 15-minute call with Vice President Pence.

Seeking outside counsel on Interior priorities

Zinke moved forward on agency reorganization and regulatory reform, two issues central to his agenda, in July.

On July 11, Zinke had a 30-minute call with former Army Lt. Gen. Thomas Spoehr, director of the Center for National Defense at the Heritage Foundation, regarding "how joint/combatant commands are organized."

Since his confirmation, Zinke has pushed for an agencywide reorganization, with the goal of shifting the power center away from Washington.

Similarly, on July 25, Zinke spent an hour with Philip Howard, senior counsel with Covington & Burling LLP, to discuss deregulation. According to his biography on the firm's website, Howard was a member of Trump's now-defunct Strategic and Policy Forum and "is one of America's leading authorities on government simplification, streamlining regulations, and legal reform, and works closely with public officials, corporate executives, academics, and judges across the country."

Earlier in the month, Zinke met with officials at the Office of Management and Budget to discuss the agency's reform plan. As stipulated in Trump's "energy independence" executive order signed in March, a list of all rules, orders and agency actions that "potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources" was due Sept. 24, but it has not yet been released.

<http://bit.ly/2yec0WU>

4. Committee to advance bill limiting new designations

Jennifer Yachnin, E&E News reporter

Published: Tuesday, October 10, 2017

The House Natural Resources Committee this week will vote on a bill to overhaul the Antiquities Act of 1906, putting strict limits on the size of future national monuments while also reining in the law to prohibit new designations to protect "geographic features" or submerged lands or water.

The bill was introduced yesterday by Chairman Rob Bishop (R-Utah), a vocal critic of the 111-year-old law that allows presidents to designate public lands as monuments to protect areas of historic, scientific or cultural importance. In particular, he has blasted a pair of monuments in his home state that each covers more than 1 million acres (*Greenwire*, Oct. 4).

"The 1906 Antiquities Act was originally intended as an executive tool to protect historical and archeological artifacts and structures under threat," Bishop said in a statement. "Regrettably, this worthy goal has been manipulated for ulterior political purposes. Today the Act is too often used as an excuse for presidents to unilaterally lock up vast tracts of public land without any mechanism for people to provide input or voice concerns. This is wrong."

Under **H.R. 3990**, the "National Monument Creation and Protection Act," Bishop would curtail the use of the Antiquities Act by putting specific limits on the size of new monuments.

To date, presidents have faced no acreage restrictions when designating new monuments, with the exception of Wyoming, which is excluded from the Antiquities Act, and Alaska, where Congress must approve new monuments that would cover more than 5,000 acres. President Obama, for example, created the 1.35-million-acre Bears Ears National Monument in Utah in late 2016.

In Bishop's reformed version of the law, presidents could only designate monuments of up to 640 acres without additional input.

In order to establish larger monuments of up to 5,000 acres, a president would need to first seek a National Environmental Policy Act review. Monuments up to 10,000 acres would also need an environmental assessment (EA) or environmental impact statement (EIS).

The maximum size for new monuments would top out at 85,000 acres, which would require a president to order an NEPA review and EA or EIS, as well as seek approval by county governments, state legislators and governors in the impacted area.

One exception would allow a president to declare an "emergency national monument" for a period of up to one year without a limitation on size.

"This legislation provides for accountability in the Act's uses," Bishop said. "It modernizes the law to restore its intent, allowing for the protection of actual antiquities without disenfranchisement of local voices and perspectives."

The legislation would also strictly limit what objects a president could site when designating public lands under monument protections.

While presidents have protected archaeological sites, monuments have also been established to conserve geologic formations like the Grand Canyon and the Devils Tower, as well as for biodiversity with the Cascade-Siskiyou National Monument that straddles southern Oregon and Northern California.

But Bishop's bill would reduce that power by reserving antiquities designations for "relics," "artifacts," "human or animal skeletal remains," "fossils (other than fossil fuels)," and "certain buildings constructed before the date of the enactment of this subsection."

The bill would expressly prohibit "natural geographic features" and "objects not made by humans" from protection, as well as submerged lands and waters. The latter would bar the creation of future marine monuments, which the Trump administration has criticized.

The measure also seeks to protect state and private landowners with inholdings within public lands. Bishop would require the White House to seek "express written consent" for new monuments when states or individuals would see their land wholly included in a monument's boundaries.

The legislation would also codify the president's powers to reduce the size of monuments — a point of contention between Republican and Democratic lawmakers who have disagreed over whether the commander in chief has the authority to do so.

Under Bishop's bill, the president would be permitted to reduce any national monument by 85,000 acres or less without congressional approval.

The president could reduce a monument by more than that limit if he first received approval from the county government, state legislature and state governor where the site is located, and conducts an NEPA review.

"If my colleagues are serious about their calls for accountability under this Act — no matter which party controls the White House — they will support this bill," Bishop said.

But conservation groups including the Center for Western Priorities and the Southern Utah Wilderness Alliance disparaged Bishop's reforms, noting that such language would have prevented the creation of numerous national monuments that were later converted to national parks by Congress.

"If the rules proposed in this bill would have been in place in the original Antiquities Act, Americans would not be lucky enough to have [Utah's] Arches, Zion, Bryce Canyon or Capitol Reef national parks today — all of which were first protected as national monuments," said SUWA Legislative Director Jen Ujifusa. "This is another extreme attack against our public lands from the very congressional delegation that should instead be taking pride in protecting them."

Ujifusa also contended that the legislation counters Bishop's own arguments that a president may reduce a monument without congressional action.

"By putting forth this legislation, Congressman Bishop has conceded that President Trump currently has no authority to shrink national monuments," she said.

Resolution of inquiry

At that time, the committee will also review a **resolution** of inquiry filed last week by Arizona Rep. Raúl Grijalva, the panel's top Democrat (*E&E News PM*, Oct. 4).

The resolution is aimed at forcing the Trump administration to fully disclose the details of its review of dozens of national monuments that ended with Interior Secretary Ryan Zinke's call to reduce or otherwise modify 10 sites.

In the resolution, Grijalva also sought to obtain an official copy of the report Zinke submitted to Trump in late August. The report was leaked to the media, but the White House has yet to issue any statement on its contents (*Greenwire*, Sept. 18).

Under House rules, the resolution of inquiry, H.R. 555, which is co-sponsored by 25 Democrats, must be considered by the House Natural Resources panel within 14 legislative days. At that time, Grijalva could use a privileged motion to discharge the bill from committee and force its consideration on the House floor.

Schedule: The markup is Wednesday, Oct. 11, at 4 p.m. in 1334 Longworth.

<http://bit.ly/2yDfp2W>

5. More North Slope lands come up for grabs

Margaret Kriz Hobson, E&E News reporter

Published: Tuesday, October 10, 2017

Potentially oil-rich lands in northern Alaska will be up for auction in December as the state Division of Oil and Gas holds its annual lease sale for territory in the Beaufort Sea and on the North Slope and North Slope Foothills.

The Bureau of Land Management has not yet announced plans for its annual lease sale in the National Petroleum Reserve-Alaska, which has traditionally been held on the same day as the Alaska auction.

Alaska's North Slope has been the subject of a series of substantial oil discoveries by independent oil companies Armstrong Energy, ConocoPhillips Alaska and Caelus Energy. ConocoPhillips and Armstrong Energy are the top two leaseholders in northern Alaska.

The Alaska Division of Oil and Gas set a Dec. 4 **deadline** for receiving sealed bids on the state-owned lands. Those offers will be opened two days later in Anchorage.

The state is auctioning 591 tracts of offshore lands in the Beaufort Sea, located between the Canadian border and Point Barrow.

On the North Slope, the state is auctioning 3,137 tracts situated between the Canning River and the Arctic National Wildlife Refuge on the east and the Colville River and NPR-A on the west. The state is also selling 1,347 tracts in the North Slope Foothills, which are located just south of the North Slope region.

During last year's Alaska oil and gas lease sales, the state received \$17.8 million in winning bids for state lands in northern Alaska, and BLM generated \$18.8 million in sales in its NPR-A auction.

U.S. Geological Survey geologists are assessing the oil and gas potential of Alaska's northern state lands and the NPR-A. USGS recently announced plans to hold a public geology review meeting on the region in November in Anchorage.

Federal regulators began taking a new look at the oil potential of the North Slope after Armstrong Energy discovered at least 1.2 billion barrels of recoverable oil at its Nanushuk leases west of the petroleum reserve. At around the same time, ConocoPhillips found more than 300 million barrels of oil on its NPR-A leases.

Meanwhile, Caelus estimates it discovered 6 billion barrels of oil at its Smith Bay leases in offshore state lands just north of the petroleum reserve. But the company has not independently verified that finding and has halted work on the site due to financial issues.

The Alaska lease sale comes at a time when the Interior Department has asked for public comment on which NPR-A lands should be open for oil and gas development, and explicitly included regions that are now off-limits to drilling under the reserve's integrated activity plan finalized under the Obama administration.

That plan set aside almost half of NPR-A's 22.8 million acres for the protection of wildlife habitat and sensitive coastal resources, including the 3.65-million-acre Teshekpuk Lake Special Area. Environmentalists say the region provides critical habitat for migrating birds and local populations of caribou and polar bears, and provides subsistence hunting grounds for Alaska's Native villages.

But ConocoPhillips and other oil companies are seeking access to parts of the Teshekpuk Lake protected area. Over the last several years, ConocoPhillips bought up most of the NPR-A leases located to the east of that region.

<http://bit.ly/2zdDXwl>

6. Panel to consider bill to expand Western renewables

[Cecelia Smith Schoenwalder](#), E&E News reporter

Published: Tuesday, October 10, 2017

A House Natural Resources subcommittee will hear four bills this week on public land issues, including one that would facilitate renewable energy and promote economic development in the West.

H.R. 2630, from Rep. Paul Gosar (R-Ariz.), would authorize the Interior secretary to convey about 8,000 acres of Bureau of Land Management land to La Paz County, Ariz., a move that would allow the county to "take advantage of one of their best assets, sunshine," according to Gosar.

"The County can put this otherwise under-utilized land to more effective use by partnering with private renewable energy developers to create good-paying local jobs and build a diverse tax base to support basic public services," Gosar said in a statement.

Federal land ownership leaves 6 percent of the county's land available for taxable use, Gosar said.

The Subcommittee on Federal Lands will hear testimony on three other bills:

- **H.R. 219**, from Rep. Don Young (R-Alaska), to correct the Swan Lake hydroelectric project survey boundary and to convey the remaining land within the corrected boundary to Alaska.
- **H.R. 3373**, from Del. Eleanor Holmes Norton (D-D.C.), to amend the District of Columbia Stadium Act of 1957 to add 50 years under the lease that allows D.C. to use the parking facilities and underground area of the Robert F. Kennedy Memorial Stadium.
- **H.R. 3607**, from Rep. Tom McClintock (R-Calif.), to authorize the Interior secretary to establish fees for medical services provided in units of the National Park System.

Schedule: The hearing is Wednesday, Oct. 11, at 10 a.m. in 1334 Longworth.

Witnesses: TBA.

<http://bit.ly/2yDcrf7>

7. Whistleblower protection, efficiency bill votes on tap

[Nick Sobczyk](#), E&E News reporter

Published: Tuesday, October 10, 2017

House lawmakers this week will take up legislation aimed at preventing federal employees from being fired for pointing out wrongdoing by their superiors.

The "Dr. Chris Kirkpatrick Whistleblower Protection Act," **S. 585**, would strengthen penalties for federal officials who retaliate against whistleblowers. The bill, offered by Sens. Ron Johnson (R-Wis.) and Joni Ernst (R-Iowa), would also require agencies to more thoroughly inform employees of legal protections for whistleblowers.

Johnson introduced the bill last year, when it unanimously cleared the Senate Homeland Security and Governmental Affairs Committee but later died out before it was approved by the full Congress.

This year's iteration passed the Senate in May. The House Rules Committee will meet today to decide on debate procedures before the bill moves to the floor.

The legislation takes its name from Dr. Chris Kirkpatrick, an employee at a Department of Veterans Affairs medical center in Wisconsin who was fired for questioning prescription practices and subsequently killed himself, Johnson said.

"Individuals who expose wrongdoing at VA medical facilities should be thanked and listened to, not silenced and subject to mistreatment," Johnson said in a statement earlier this year.

House lawmakers will also take up several bills under fast-track procedure this week, including:

- **H.R. 2229**, from Rep. Elijah Cummings (D-Md.), to extend judicial review of whistleblower-related decisions by the Merit Systems Protection Board.
 - **S. 190**, the "Power and Security Systems Act," from Sen. Cory Gardner (R-Colo.), to extend current exemptions for external power supplies or safety systems from conservation standards. The Senate already passed the bill.
 - **H.R. 378**, from Rep. Chuck Fleischmann (R-Tenn.), to provide monetary rewards to federal employees who find ways to cut spending.
 - **H.R. 3031**, also from Cummings, to add flexibility for withdrawals from the federal Thrift Savings Plan.
- Schedule:** The Rules meeting is Tuesday, Oct. 10, at 5 p.m. in H-313 Capitol.

<http://bit.ly/2xxlPM2>

8. Obama secretaries took nearly \$1M in noncommercial flights

Michael Doyle, E&E News reporter

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The Obama administration's two Interior secretaries racked up close to a million dollars in noncommercial travel expenses during their years in office, newly released documents show.

Former Interior Secretary Ken Salazar, the first to hold the position in the Obama era, took 48 noncommercial trips costing a total of \$586,196 between 2010 and 2012, the records show.

Sally Jewell, Salazar's successor, made 33 trips on noncommercial aircraft at a cost of \$385,438 between 2013 and 2016, according to the records.

The records were provided to the House Oversight and Government Reform Committee and made available to E&E News. They were first reported by CNN.

The prior travel costs put into perspective the more recent travel undertaken by current Interior Secretary Ryan Zinke. The noncommercial travel for Zinke has cost \$72,849 since he took office in March, according to the records.

"This data show that Secretary Zinke's flight have been on par, if not below the average amount of money spent on noncommercial airline flights," said Molly Block, a spokeswoman for the House Natural Resources Committee, which also obtained the travel figures.

Trump administration officials, including Zinke, have come under heightened scrutiny over their use of private chartered aircraft in the wake of former Health and Human Services Secretary Tom Price's resignation (*Greenwire*, Sept. 27).

While Interior's Office of Inspector General conducts one inquiry into Zinke's travel, several congressional committees have sought information as well.

In late September, House Oversight and Government Reform Chairman Trey Gowdy (R-S.C.) and ranking member Elijah Cummings (D-Md.) sent letters to the White House and 24 federal agencies asking about their political appointees' use of military and private jets.

"Official travel on the part of federal employees must be 'by the most expeditious means of transportation practicable' and 'commensurate with the nature and purpose of the [employee's] duties,' and by no means should include personal use," the lawmakers wrote.

House Natural Resources Committee leaders followed up in early October, seeking documents on Interior's overall travel policies, as well as the particulars on Zinke's use of private chartered aircraft.

Natural Resources Chairman Rob Bishop (R-Utah) and Arkansas Republican Rep. Bruce Westerman, who leads the Subcommittee on Oversight and Investigations, also sought documents related to travel by Interior secretaries since Jan. 20, 2009 (*Greenwire*, Oct. 4).

"When violations occur, the public deserves to know," Bishop said in a statement. "When willful violations occur, there should be consequences. When partisan opportunists conflate diligent conformance to scandal, no one wins. Let's get all facts on the table, ensure taxpayers are protected and proceed with the peoples' business."

Zinke told a Heritage Foundation audience in late September that he's taken three private charters as secretary. One took him from Las Vegas to Montana, one took him between St. Croix and St. Thomas in the U.S. Virgin Islands, and one involved a bipartisan group from the Senate Energy and Natural Resources Committee visiting the Arctic Circle.

The two-page summary provided to the House Oversight panel notes six trips since Zinke took office but does not include trip participants or other specific details.

"Using tax dollars wisely and ethically is a great responsibility and is at the good heart of good government," Zinke said, adding that "there are times, however, we have to utilize charter services because we often travel in areas and under circumstances that we don't have other flight options."

In his Heritage speech, Zinke said each of his trips had been approved by the department's ethics officers.

A conservative news site, *The Daily Caller*, previously reported on some details of prior travel by the Obama administration's Interior secretaries.

<http://bit.ly/2gtEDGi>

9. Bob Murray says Trump's at work on industry 'action plan'

Hannah Northey, E&E News reporter

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Coal company CEO Bob Murray handed the newly inaugurated President Trump with an "action plan" last January for reviving his slumping industry.

Nine months later, the Trump White House has worked its way through almost half of Murray's wish list.

"[President Trump has] gone down that action plan, not because of me but because of what they wanted to do," Murray said in a phone interview yesterday. "Cleaned up about a page and a half of those first 3 ½ pages."

The 77-year-old Murray Energy Corp. CEO declined to provide a copy of his action plan, but he highlighted a dozen or so policies he wants axed or whittled down. He expressed hope that the U.S. EPA endangerment finding on climate change is next on the administration's chopping block.

EPA Administrator Scott Pruitt — whom Murray calls a "star" — is poised to fulfill one of the coal executive's wishes today by moving to dismantle President Obama's Clean Power Plan. Murray said he doesn't want a replacement for the plan.

Murray also praises Energy Secretary Rick Perry, who recently asked the Federal Energy Regulatory Commission to impose energy market reforms to make stockpiling and burning fossil fuels more profitable. Perry's proposal, Murray said, is the strongest lifeline for coal mines and fossil plants.

"It's the single greatest action that has been taken in decades to support low-cost reliable electric power in the United States," he said. "It has to happen."

After declining to say whether he weighed in on Perry's proposal, Murray said FERC "will" act given the nation's grid-reliability crisis in the face of severe cold snaps like the 2014 polar vortex.

But Perry's request faces fierce opposition.

FERC's newest member, Republican Robert Powelson, a former regulator from the gas-rich state of Pennsylvania, said last week he would refuse to "blow up the markets" by implementing Perry's proposal. And former FERC Chairwoman Cheryl LaFleur, the panel's lone Democrat, welcomed his remarks.

Murray is putting his faith in FERC's new Republican chairman, Neil Chatterjee. Murray said he has a relationship with Chatterjee stemming from the new chairman's days as an aide to Senate Majority Leader Mitch McConnell, a Republican from the coal-heavy state of Kentucky.

"Let's hope [Chatterjee] supports the coal industry. He's indicated that he will," Murray said. "What we're asking them to do is get a reliable, resilient power grid, not blow up anything."

'Coal to him is working people'

Murray first met Trump at Trump Tower in May 2016, a few days after *The New York Times* ran a feature about the former coal boss, "A Crusader in the Coal Mine, Taking on President Obama."

- Invoke emergency authority under the Federal Power Act to prevent coal fired power plants from permanently closing.
- Overturn the endangerment finding.
- Eliminate the coal combustion residuals rule.
- Bar additional taxes on the mining and use of coal.
- Eliminate tax credits for wind and solar.
- Get coal severance tax reductions in West Virginia.
- Obtain legislation to fund retiree liabilities for coal miners.
- End Mercury and Air Toxics Standards and ozone rules.
- Overhaul the "bloated" federal Mine Safety and Health Administration.

- Overturn or modify the recently enacted Cross State Air Pollution Rule.
- Develop "clean coal combustion technologies" but not carbon capture and sequestration, which is "neither practical nor economic."
- Revise MSHA's "arbitrary" coal mine dust regulation.
- Eliminate the Fair Labor Standards Act overtime rule.
- Continue to appoint justices to the Supreme Court such as Judge Neil Gorsuch who will follow the Constitution "rather than attempt to redefine them as have the Obama appointed justices."

Murray Energy Corp.

"When I walked into his office, he picked up that paper and said, 'That's you,'" Murray recalled. "We had a 50-minute talk and have talked a lot since then."

Up to that point, Murray said he had supported Sen. Ted Cruz of Texas in the Republican presidential primary race but soon was swayed by Trump's focus on "working people," which included coal miners.

"Coal to him is working people," Murray said.

Trump indeed has taken on the woes of the coal industry — in both campaign promises and now his policy goals.

In addition to scrapping carbon regulations, lifting a ban on new federal coal leasing and dismantling a rule seeking to prevent polluted water from coal mines flowing into streams, Trump has also tapped Murray's longtime former lobbyist, Andrew Wheeler, to serve as No. 2 at EPA.

To be sure, Murray was dealt a blow earlier this year after the Trump administration declined a request he and FirstEnergy Corp. CEO Chuck Jones made to obtain a Department of Energy designation to stave off the closure of several FirstEnergy coal plants.

Murray Energy repeatedly warned White House officials it would go bankrupt without those plants, which sustain many of its mines in Appalachia.

But Murray now says Perry's FERC request would achieve the same result.

The coal executive expects a direct boost for his 13 mines when utilities like FirstEnergy that burn his fuel are compensated for storing 90 days' worth of fuel in barges, at mines and even on-site at the plants — all in the name of withstanding extreme weather events.

"Some say it would be hard to have 90 days, but no, it's easy. You can store it in barges, you can store it at the mines, you can store it at the plants," Murray said. "It's an excuse when they say you can't do it. It's just an argument, an excuse."

Obama officials 'were outlaws'

A public critic of climate science, Murray rejects the finding that carbon dioxide is a pollutant.

As far as the father of three is concerned, humans aren't affecting the climate or hurricanes. Climate change, as he sees it, is more about politics and less about science.

For that reason, Murray says the Clean Power Plan should be scrapped with no replacement and the endangerment finding repealed.

Congress, he insist, never intended for CO2 to be regulated under the Clean Air Act and blames Supreme Court Justice Anthony Kennedy for enabling the regulation in 2007's *Massachusetts v. EPA*.

Although Murray's name appears on Pruitt's private calendar in March, the coal executive said he couldn't remember what they discussed and declined to provide details.

Murray was in attendance last week at the Trump International Hotel Washington D.C. where Perry spoke to the National Mining Association's board of directors meeting (*Greenwire*, Oct. 9).

Asked whether the Trump administration would move to reverse the endangerment finding, Murray said Pruitt in the past has signaled an openness to the idea.

"What he said was it's something that could be or should be reviewed, but he never told me with certainty what he was going to do," Murray said. "Never."

Murray said he's on board with Pruitt's desire to hold a televised debate on climate science with two teams of scientists, an effort that has yet to materialize.

Such debates, he said, could shed more light on the "science of so-called climate change" that Democrats claim is settled.

What doesn't fuel his interest is having an Obama-era Energy Department official, Steve Koonin, lead the effort, as some former transition officials have urged (*Climatewire*, Aug. 7).

"I'm skittish about anyone from the Obama administration. ... They were outlaws," Murray said. "Putting anyone from the Obama administration in charge of anything is still a scary specter."

Reporter Dylan Brown contributed.

<http://bit.ly/2hA8T22>

10. Ethics chief 'deeply concerned' by leaders' actions

Kevin Bogardus, E&E News reporter

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The federal government's top ethics official warned agency leaders that their own ethical conduct sets the tone for their employees — and at times, some have already fallen short.

David Apol, acting director and general counsel of the Office of Government Ethics, sent a memo Thursday to agency chiefs on how they can promote an ethical culture.

"You are ultimately responsible for the ethical culture within your organization," Apol said.



David Apol. Office of Government Ethics

"The priorities that you set, the messages that you deliver, and the actions that you take demonstrate your level of commitment to ethics in Government. Your personal conduct sets a powerful example for the employees in your organization."

Apol took on the top job at OGE in July after his predecessor, Walter Shaub, resigned. Shaub had butted heads with the White House after encouraging President Trump to avoid conflicts of interest while in office by selling off his business holdings, which Trump decided not to do, as well as pushing for the release of waivers of the president's ethics pledge awarded to lobbyists serving in his administration.

The friction between OGE and the incoming Trump administration began during the transition. In a **report** released today, the Government Accountability Office found that Trump's transition team didn't follow all of OGE's recommendations, including working with the ethics agency to resolve the president's potential conflicts of interest.

In his memo, Apol said he was "grateful" to agency bosses who have shown a commitment to ethics, but he remained troubled by the actions of others in leadership.

"At the same time, I am deeply concerned that the actions of some in Government leadership have harmed perceptions about the importance of ethics and what conduct is, and is not, permissible," Apol said.

Some senior Trump administration officials have already fallen under scrutiny for their behavior.

Inspectors general have launched probes of travel, including the use of charter flights, by U.S. EPA Administrator Scott Pruitt and Interior Secretary Ryan Zinke. Last month, Tom Price resigned as Health and Human Services secretary after it was found that he frequently took trips on chartered jets.

Apol encouraged agency leaders to "re-double [their] commitment to ethics in Government." He shared examples of how to promote ethical service in government, including having ethics officials present in meetings, having a safe culture for whistleblowing and demonstrating "personal ethical behavior" by having a "Should I do it?" instead of a "Can I do it?" mentality.

"The citizens we serve deserve to have confidence in the integrity of their Government," Apol said.

"The public's trust is not guaranteed. We must earn that trust every day, because the loss of that trust is catastrophic."

<http://bit.ly/2yDCF0N>