From:	Sarah Greenberger
To:	Harding, Stephenne
Cc:	Boling, Edward; Benjamin Gruber; Bean, Michael; Dan Ashe; Dominic Maione; Neil Kornze; James Lyons; Megan Kelhart; Katherine Kelly
Subject:	Re: Can we get your comments on the NDAA rider ASAP?
Date:	Monday, April 27, 2015 7:17:41 PM

I will have some feedback tonight. Thx!

Sent from my iPhone

On Apr 27, 2015, at 6:11 PM, "Harding, Stephenne" <stephenne_harding@ios.doi.gov> wrote:

From all the input we received late today, this is what OCL is proposing to use to communicate on the NDAA tomorrow to the hill. Please let me know if you have any edits by 9 am tomorrow.

Thank you!

Stephenne

The Administration strongly opposes this amendment. This language is beyond the scope of the NDAA, legally ambiguous and poses significant policy challenges.

The amendment would ignore existing law and upend well-established public land management policy by requiring that the BLM an USFS manage their lands consistent with state-approved management plans that these agencies would have no authority to review, modify or reject. These plans would not be required to meet any defined scientific standards and would remain in place for a period of at least five years and potentially indefinitely. It would prevent the FWS from implementing key components of the ESA by halting its ongoing collaborative efforts to determine whether the sage grouse warrants protection under the ESA until 2025. This would result in increased costs to the taxpayer, further delays and greater threats to the sage grouse.

This isn t just a delay, it is a false solution that undercuts science and the unprecedented land-use planning progress that is happening throughout the West to provide regulatory certainty that could prevent the listing of the greater sage grouse. It adds politics to this process, creating uncertainty and encouraging conflict, and undermines collaborative, science-driven decision-making.

In April, the U.S. Fish and Wildlife Service determined that the Bi-State population of sage-grouse no longer requires the protection of the ESA. This is a clear indication that if states, localities and federal land managers continue to work together with urgency to put durable conservation measures in place, we can conserve sagebrush habitat across the West while encouraging sustainable economic development and achieve our shared goal of a "not warranted" determination by the end of the fiscal year.

Finally, the amendment raises Constitutional concerns by preventing judicial review of any decisions made pursuant to it. This onerous provision would deny the public an opportunity to ensure that these decisions sound and based on science.

On Mon, Apr 27, 2015 at 5:38 PM, Boling, Edward <ted.boling@sol.doi.gov>

wrote:

(b) (5) [redacted].

Ted Boling
Deputy Solicitor -- Parks & Wildlife
U.S Department of the Interior
1849 C Street NW
Washington, DC 20240
202-208-4423 (main)
202-208-3125 (direct)
202-208-5584 (fax)
Ted.Boling@sol.doi.gov

On Mon, Apr 27, 2015 at 5:29 PM, Bean, Michael <michael_bean@ios.doi.gov> wrote:

The rider effectively divests the federal government (BLM and USFS) from control over a significant portion of its lands without transferring ownership thereof. It does so by requiring that BLM and USFS manage their lands consistent with state-approved management plans for which BLM and USFS have no power to review, modify, or reject..

The state-approved management plans that effectively displace federal authority over federal lands do not have to meet any standards or criteria, and can remain in place for as long as a Governor specifies (but for at least five years). Although FWS cannot revisit the issue of whether the sage grouse warrants protection under the ESA until 2025, BLM and USFS must continue to manage their lands in accordance with state-approved plans for as long as the Governor specifies, including well beyond 2025.

The rider does not require that state-approved plans be based on the best available science (or, indeed, any science at all), nor does it require that BLM and USFS lands be managed for sustained yield of renewable resources.

On Mon, Apr 27, 2015 at 3:55 PM, Harding, Stephenne <stephenne_harding@ios.doi.gov> wrote:

We'd like to get talking points together and out this afternoon, but haven't heard from any of your offices at this point.
Thanks,
Stephenne

--
Stephenne Harding
Deputy Director
Congressional and Legislative Affairs
Department of the Interior
Stephenne_Harding@ios.doi.gov

> 202-208-6174 (desk)
> 202-341-8080 (cell)

--

Michael J. Bean

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks

Room 7257, Department of the Interior

Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov

--
Stephenne Harding
Deputy Director
Congressional and Legislative Affairs
Department of the Interior
Stephenne_Harding@ios.doi.gov
202-208-6174 (desk)
202-341-8080 (cell)